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OF THE

FIRST SESSION

OF THE

SIXTY-FOURTH CONGRESS

OF

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SIXTY-FOURTH CONGRESS,
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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 9, 1916.*

The House met at 11 o'clock a. m.

Rev. James F. Mackin, of St. Paul's Church, Washington, D. C., offered the following prayer:

In the name of the Father, the Son, and the Holy Ghost. Amen. We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws are enacted, and judgments decreed, assist with Thy holy spirit of counsel and fortitude the President of these United States, that his administration may be conducted in justice and righteousness and be eminently useful to Thy people over whom he presides.

Let the light of Thy divine wisdom direct the deliberations of Congress and shine forth in all the proceedings and laws framed for our rule and benefit, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge, and that they may perpetuate to us the blessings of equal liberty.

We pray Thee, O God of mercy and love, to bring peace to the warring nations of this world, that they may have that peace which the world can not give. Give to Thy servants disposition to keep Thy commandments, so that the fear of our enemies may be removed and our days with Thy protection may be spent in peace. Through Jesus Christ our Lord.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, under the general rules of the House this is pension day. The pension bills are a part of the Private Calendar. On yesterday, I believe, or the day before, an order was made to take up the Private Calendar to-day, but I do not understand that the intention was to displace the right of the Pension Committee. However, I ask unanimous consent that the two pension bills, H. R. 16290 and S. 5911, be taken up and considered at this time.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the bill H. R. 16290, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri calls up a pension bill and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent that the first reading of the bill may be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. Mr. Speaker, this bill will in all probability be the last omnibus pension bill considered by the House at this session of Congress, on account of the appropriation bills and other very important measures that must be passed before adjournment, which all of us hope will not be delayed many weeks.

With the passage of this bill the House will have passed at this session 10 omnibus bills which contain 2,120 individual bills for pensions or increases of pensions for that many soldiers, or their widows and children. This is an average of about five for each congressional district represented in this House, but in many districts, especially in the South, there are but few soldiers and but few requests for special bills, and this has enabled those of us who have a great number of soldiers and many meritorious applications for increases to secure a much more liberal share than the average would indicate.

I am a member of three other committees, namely, the Committee on Flood Control, Insular Affairs, and Elections. All of these are important, and I take an active part and feel a deep interest in the work before them, but I have also taken not only an active but a leading part in the work of this, the Invalid Pensions Committee. I was first placed upon this committee about nine years ago by Hon. JOSEPH G. CANNON, while he was Speaker of the House, and following the invariable rule and custom was, of course, placed at the foot of the list of 16 members. By reason of the death or retirement of Members who were then above me, I am now second upon that committee, and at the request of Gen. SHERWOOD, the chairman, I am to-day and usually have been the acting chairman of the committee, which has put me in position to render great assistance to many of the old soldiers and their widows in all parts of the country, but especially in my own district.

During my service I introduced and succeeded in getting passed a bill providing for an automatic increase for all soldiers when they reach the higher age that entitles them to such increase. Under the old law they had to file a new application on reaching the higher age and frequently at great expense and inconvenience, and the increase did not begin until the new application was filed, which was oftentimes overlooked and delayed. Now, under my bill, no new application is necessary and the increase begins the day the soldier reaches the higher age.

I also actively assisted in securing the passage of the law providing for payment to the soldiers by checks promptly forwarded to them at the end of each quarter without the requirement of vouchers as formerly, which caused considerable trouble and sometimes expense and delay. Under this law the soldiers get their money sooner and with less trouble and expense.

I also actively assisted in the enactment of the Sherwood law that has increased the pension of every soldier in my district and in the country. Gen. SHERWOOD, at the time the bill was passed, wrote me a letter thanking me for the assistance I gave him in securing the passage of that bill.

I have also introduced, and hope before my service in Congress ends to get passed, a bill providing for the payment of all pensions monthly instead of quarterly. Many of the old soldiers and their widows are poor and need their pensions to obtain the necessaries of life, and could no doubt obtain them to better advantage and at less cost for cash than when required to buy them upon a credit of three months' time, as many of them now are forced to do.

I have also made a hard fight in trying to secure pensions for the Missouri State Militia, many of whom fought side by side with the Regular troops and rendered the same service in defense of the Union. I once succeeded in getting a favorable report upon this bill from the committee, of which I am a member, but was not able to get consideration of it at that session of Congress, and soon afterwards the European war came up and so reduced the revenues of the Government that it became necessary to levy a war tax to pay current expenses. On that account it has since been impossible to get this bill favorably considered either by the committee or the House. However, I still hope that when the European war is over and the finances of the Government again become normal that I may be able to get this just measure considered and passed.

Mr. Speaker, I have always contended and believe now that this Government owes a debt of gratitude to the Union soldiers of the Civil War that it can never adequately pay. They left the comforts, the pleasures, and the safety of home, and assumed the hardships, the trials, and the dangers of war to fight for the preservation of the Union. By their bravery and heroism their cause was won. Money will not now fully repay them for their suffering or their valor, but a grateful country can and should see to it that no one of the faithful and brave old soldiers whose services contributed to the victory should ever suffer either for the necessaries or the comforts of life.

Every morning when this House opens its session we are forcibly reminded of the great personal sacrifice made, and of the suffering endured, by many of those who participated in the struggles of the Civil War. The beautiful and impressive daily prayers of our popular blind Chaplain, Rev. Henry N. Couden, uttered with so much fervency and devotion, fall upon our attentive ears with a sort of a feeling on our part that they must be inspired from above. He was a brave Union soldier and lost his eyes in the bloody battle of Franklin, Tenn., on account of the premature explosion of a cannon. Rev. Dr. Couden is a Republican in politics, but to the credit of the Democratic Members of the House in this and the two preceding Congresses, he has been nominated as Chaplain by three Democratic caucuses and unanimously elected by the House. We love to honor him, and feel that in doing so we honor ourselves.

The soldiers of the Civil War are rapidly passing away, usually at the rate of more than a hundred per day, and whatever is to be done for their relief or comfort by a grateful Government this side of the grave must be extended within the next few years.

My eldest brother fought on the side of the South as a natural result of the environments that surrounded him. I honor his memory and commend his valor, as I do all of those who stood with him in that great conflict fighting for what they believed was right, but I am glad to-day that the Union was preserved, and that we now have one country, one people, and one flag. I am glad that I have been in a position to assist many of the noble and deserving old veterans of that great war, to whom we are all indebted for the services they rendered in the great battles for the preservation of the Union. I will continue to do what I can for their comfort and pleasure as long as I remain in public life.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Kate M. Bailey, widow of Eli Bailey, late of Company K, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of James C. Vance, late of Company E, Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clayborn Clements, late of Company B, Twentieth Regiment, and Company E, Fourteenth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Philip W. Brown, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clark Sturdevant, late of Company E, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Miller, widow of Henry Miller, late of Company E, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Richard H. Vanderhoof, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elbridge Lufkin, late of Company G, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Tyler, former widow of John J. Lutz, late of Company A, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $12 per month.

The name of Daniel J. O'Harra, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Overton L. Dimmett, late of Company D, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emily Lett, widow of Sylvester D. Lett, late of Company H, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elliot R. Lett, helpless and dependent child of said Sylvester D. Lett, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emily Lett, the name of said Elliot R. Lett shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emily Lett.

The name of Clinton S. Lamb, late of Company C, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dorcas M. Watkins, widow of Charles A. Watkins, late of Company F, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles S. Robbins, late a landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar Hoce, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Brock, late of Company L, Fourth Regiment West Virginia Volunteer Cavalry, and Company I, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Flora A. Williams, widow of Adelbert O. Williams, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Catharine J. Warren, widow of William S. Warren, late of Companies C and F, Forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Sawyer, former widow of Freeman Parker, late of Companies F and E, Seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Dudley G. Allen, late of Company G, Thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of David P. Boyd, late of Company K, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eugenie B. Ballou, widow of Walter Ballou, late of Company D, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The name of Catharine M. Grim, widow of Frederick Grim, late of Companies A and E, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza J. Dawley, widow of George W. Dawley, late of Company C, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Timothy P. Russell, late of Company C, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Lycurgus J. Bosworth, late of Company F, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Forgy, late of Company F, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Powhatan Crawley, late of Company F, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Smith, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Sullivan, late ordinary seaman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Wickersham, widow of Christopher C. Wickersham, late of First Independent Battery, Indiana Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Joseph David, late of Company E, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mathew H. McCreight, late of Company K, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Lyon, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lindley Thornburg, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel McMillian, late of Company H, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph A. Ellis, late of Company C, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philomena Heintz, widow of Adolph Heintz, alias Adam Heintz, late of Company A, Fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Rech, late of Companies H and G, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eunice Peck, widow of John W. Peck, late of Company I, Tenth Regiment Minnesota Volunteer Infantry, and Company F, Sixty-eighth Regiment United States Colored Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of George Moore, late of Company C, Thirty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $19 per month.

The name of Charles Stone, late of Company G, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George White, late of Company G, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace Mudge, late of Company K, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard A. Wood, late of Company I, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet E. Baird, widow of George W. Baird, late of Company B, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel M. Little, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Brower, late of Company C, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Dinwiddie, late of Company E, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Levline, late of Company E, Ninth Regiment, and Company F, One hundred and sixty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Belle Shroyer, former widow of Benjamin Jones, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert L. Boseley, late of Company E, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cornelia Bronaugh, widow of Toliver Bronaugh, late of Company E, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary K. Chadwick, widow of Edmond B. Chadwick, late of Company K, Tenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alexander McCoy, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis T. Powell, late a landsman, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Stella H. Waggoner, widow of Lewis S. Waggoner, late of Company I, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David Kilgore, late of Company C, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George H. Stowell, late of Company B, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Poorman, late of Company E, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lovina B. Chase, former widow of William S. Shideler, late of Company G, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James Stewart, late of Company K, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac Miller, late of Company C, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Schill, late of Company E, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Myra Shine, widow of William Shine, late of the United States Navy, and pay her a pension at the rate of $12 per month.

The name of John A. Foster, alias John A. Bump, late of Company H, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Noah Poorman, late of Company B, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Winfield, late of Company H, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Ashford E. Fortney, late of Company E, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Cochran, late of Company F, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Worley, late of Company D, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Gaylord, widow of John A. Gaylord, late of Company C, Fifth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Louisa Tincher, widow of Thomas B. Tincher, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Stepp, late of Company F, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rachel E. Laughlin, widow of James W. Laughlin, late of Company I, Thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Logston, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah E. Holton, widow of Noble Holton, late of Company B, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Isaac L. Griswold, late of Company D, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary A. Tilton, widow of John M. Tilton, late of Company A, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Albert G. Ingraham, late of Company A, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lydia A. Mason, widow of Theophilus Mason, late of Company K, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bertha Mason, helpless and dependent child of said Theophilus Mason, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Lydia A. Mason, the name of said Bertha Mason shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Lydia A. Mason.

The name of Alanson D. Simpson, late of Company A, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nancy C. Cooley, widow of Daniel W. Cooley, late of Company I, Forty-second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Grover, late of Company I, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles J. Chick, late of Company F, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ezra Deeren, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Buettner, late of Company G, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Hughes, widow of Samuel B. Hughes, late of Company C, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel Sigman, late of Company K, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James A. Buck, late of Company D, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Bent, late of Company F, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah Belle Warner, former widow of Philander C. Holmes, late of Company K, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Stephen N. Pierce, late of Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Blevins, late of Company I, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet Ross, widow of Samuel Ross, late of Company E, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Laura R. Warner, widow of Andrew J. Warner, late of Company F, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nathan Vaughn, late of Company A, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucinda Goodall, widow of Richard Goodall, late of Company E, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hugh McNulty, late of Company C, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert J. Diefenderfer, late of Company F, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jackson Gellinger, late of Company E, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William F. Wilson, late of Company F, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary C. Banks, widow of Absalom Banks, late of Company H, One hundred and thirtieth Regiment and Company B, Seventy-seventh Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Achilles M. Williams, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jonas Reichards, late of Company H, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Olive Sanders, helpless and dependent child of Hiram Sanders, late of Company I, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Caroline G. Yockel, widow of George Yockel, late of Company F, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William Lepper, late of Company G, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachariah Minnear, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa J. Kimball, widow of Thomas C. Kimball, late of Company I, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eleanora Taylor, widow of Thomas Taylor, late of Company A, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Commodore P. Burchfield, late of Company I, Seventeenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David Leverett, late of Companies K and E, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph Herndon, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alexander Morrison, late of Company E, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John M. Pannick, late of Company D, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Malinda Honeywell, former widow of Benjamin Honeywell, late of Company D, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Buford P. Moss, late of Company A, Thirtieth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Illingworth, late of Company D, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Miller, late of Company D, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma Steinmetz, widow of William Steinmetz, late of Company G, Eighty-third Regiment Indiana Volunteer Infantry, and Ninety-seventh Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William W. Ong, late of Company G, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leander Futhey, late of Company F, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Toothman, late of Company A, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Jackman, late of Company E, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Carrie Atkins Coddington, widow of Charles Coddington, late of Company A, Eleventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Craven, late of Company A, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William F. Daly, late of Company K, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harry A. P. Mayville, late of Company C, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Justus H. Lyon, late of Company G, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Sarah Dotson, widow of John Dotson, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harlow B. Elliott, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and Company C, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria C. Sinclair, widow of Sidney F. Sinclair, late of Company G, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Calvin D. Lenman, late of Company A, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clara Daughters, helpless and dependent child of Henry Daughters, late of Company D, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Caroline Lincoln, former widow of George Demerest, late of Company B, First Regiment Michigan Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas J. Raybell, late of Company H, One hundred and eighteenth Regiment, and Company A, One hundred and thirty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph McNeight, late of Company K, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel McManawa, late of Company I, One hundred and thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Winsor, late of Company B, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Steffen, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Benkelman, late of Company D, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Whitaker, late of Company H, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David W. Bogard, late of Company H, Sixteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William A. Greene, late of Company D, Louisville Provisional Guards, Kentucky Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Elmira Goshen, widow of Martin V. B. Goshen, late of Company B, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mahala Lee Claflin, former widow of John H. Lee, alias John H. Williams, late of Company H, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alester D. Sly, late of Company A, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Wildermuth, late of Company K, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin Diggs, dependent father of William H. Diggs, late of Company D, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Admire, late of Company B, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Chapman, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Etta E. Vinn, widow of John Vinn, late of Company D, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Reuben Clark, late of Company I, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac Kitts, late of Company A, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Stubbs, late of Company H, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin C. Albertson, late of Company B, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hannah Heath, widow of Charles E. Heath, late of Company G, Fifth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James M. Beggs, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seymour H. Reynolds, late of Company A, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harriet E. Hallenbeck, widow of George Hallenbeck, late of Company D, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rodney W. Anderson, late acting assistant surgeon, United States Army, and of Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane Shaw, widow of Almond Shaw, late of Company C, One hundred and second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of James W. Campbell, late of Company K, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary H. Atkinson, widow of John M. Atkinson, late of Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William A. M. Streeter, alias Henry Stanley, late of the United States Revenue-Cutter Service, and pay him a pension at the rate of $22.50 per month.

The name of Orlando D. Rowe, late of Company B, Third Regiment Michigan Volunteer Infantry, and Battery K, First United States Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Fields, late of Company D, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret Good, widow of Solomon Good, late of Company E, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Burnett, late of Company H, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert E. Sherman, late of Company E, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Armstrong, late of Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Florence W. Ball, widow of George E. Ball, late of Company B, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Leonard H. Washburn, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Williiam A. Miller, late of Company M, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret Mallery, widow of Henry W. Mallery, late of Company F, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay here a pension at the rate of $12 per month.

The name of Elizabeth White Orr, former widow of John H. White, late of Company D, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles W. Noyes, alias Charles W. Benton, late of Company D, First Battalion Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hickman, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and Company E, Twenty-fourth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William B. Clark, late of Company H, Forty-sixth Regiment, and Company B, Thirty-fifth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles B. Smith, late of Company F, Forty-seventh Regiment New York State Militia Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James Ratchford, late of Company I, Thirty-fifth Regiment New York Volunteer Infantry, and Company M, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Albert Schouten, late of Company H, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Guy W. Johnson, helpless and dependent child of Henry Johnson, late assistant surgeon, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of George J. Richards, late of Company D, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Silas H. Avery, late of Company E, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie McCaw, widow of Samuel M. McCaw, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Koffman, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John R. Roe, late of Company B, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lorenzo Harris, late of Company F, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriet Francis, widow of Elijah Francis, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William W. Blair, late of Company B, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Miller, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rose A. Rowell, former widow of Martin P. Rowell, late of Company E, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Davis, late of Company F, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David T. Manor, late of Company D, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah L. Robinson, widow of Thomas Robinson, late of Company K, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alexander Hensley, late of Company I, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret D. Hohn, widow of Louis Hohn, late of Company C, Eighty-seventh Regiment New York Volunteer Infantry, and Company E, Tenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Augustus G. Cary, late of United States Revenue-Cutter Service, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaphene Finch, widow of Jesse R. Finch, late of Company G, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Carrie A. Ashby, widow of Joseph T. Ashby, late of Company D, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Louise C. Kimberly, widow of Robert L. Kimberly, late colonel One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Washington G. Marshall, late of Company D, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucy J. Lyon, widow of Thomas C. Lyon, late of Company F, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Goodwin, late of Company L, Fifth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samantha Taylor, former widow of John Scott, late of Company H, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The name of Mildred J. Stolp, widow of Edwin A. Stolp, late of Company E, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Anna Kirk, widow of Charles P. Kirk, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David Krouse, late of Company G, One hundred and seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leonard T. Butler, late of Company H, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Welsh, late of Company B, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The name of Silas Rippee, late of Company F, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Olodyine Higgins, widow of John Higgins, late of Company M, Fifteenth Regiment New York Volunteer Cavalry, and Company M, Third Regiment New York Provisional Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William A. Reames, late of Company B, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ann Killoy, widow of Michael Killoy, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Rose, late of Company G, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James King, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper Tilbery, late of Company B, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Malvina Wilson, widow of Thomas R. Wilson, late of Company L, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles W. Stowe, late of Company D, Thirtieth Regiment, and Company I, One hundred and twenty-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Brenner, late of Company D, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rebecca Roszell, helpless and dependent child of Charles M. Roszell, late of Company B, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Phillip H. Leach, late of Company I, Eleventh Regiment, and Company C, Twelfth Regiment, Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jeduthian Weller, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Preston Campbell, late of Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William P. Brooks, late of Griffith's Independent company, Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Silas Buswell, late of Company D, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John H. Baker, late of Company G, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Story, late of Company D, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Saylor, late of Company A, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Syfer, late of Company B, Second Regiment New Jersey Veteran Volunteer Infantry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of Alice M. Baker, former widow of James F. Wasson, late of Company D, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Nancy E. Dermit, widow of William Dermit, late of Company D, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of George W. Statler, late of Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget Conboy, widow of Thomas J. Conboy, late of Company A, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alphonso T. Gould, late of Company D, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Adam Crawshaw, late of Company G, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Ford, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaiah Higdon, late of Company H, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Hager, late of Company H, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Orville Dunnington, late of Company G, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Phyllis Channels, widow of Sidney Channels, alias Wilmott, late of Companies I and B, Sixty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel F. Leard, late of Company B, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna R. Burket, widow of John Burket, late of Company D, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Heckler, late of Company G, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John E. Clark, late of Company G, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Henry Stover, late of Company C, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Louisa Price, former widow of William E. Trim, late of Company K, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Loretta E. Cadwallader, former widow of Francis W. Brown, late of Company H, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of George Athey, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Wood, late of Company I, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Isaac J. Knight, late of Company D, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Rollins, alias George Gorgan, late of Company H, Twentieth Regiment, and Company I, Fifth Regiment, Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marion N. Purdy, late of Company E, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George G. Richle, late of Company H, Fifty-eighth Regiment Pennsylvania Militia Infantry, and pay him a pension at the rate of $20 per month.

The name of Lewis B. Rex, late of Company E, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah E. Roberts, widow of Jonathan Roberts, late of Company F, Seventh Regiment, and Company I, First Regiment, Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marion A. Hey, widow of James S. Hey, late of Company K, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henderson Morgan, late of Company D, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Barton, late of Company A, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dalton Hinchman, alias Samuel McBurson, late of Company I, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lorana A. Weaver, widow of Henry Weaver, late of Company F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel A. Kelce, late of Company A, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Fanny Reid, widow of Alexander Reid, late of Company F, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Patience B. Nicholas, widow of Lafayette G. Nicholas, late of Battery B, First Rhode Island Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah C. Daisey, former widow of Charles W. Derrickson, late of Company E, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Laura Liming, widow of George W. Liming, alias Lyman, late of Company C, Second Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Bridget McAndrew, widow of Patrick McAndrew, late of Company C, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Richard H. Crone, late of Company H, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Snyder, late of Company C, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Capp, late of Company I, One hundred and seventy-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Hertzer, late of Company F, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Madison B. Mann, late of Company L, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret A. Bass, widow of Brooks A. Bass, late of Company I, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henrietta Steinmetz, widow of George Steinmetz, late of Company I, Eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Showalter, late of Company F, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frances W. Graves, widow of Edward P. Graves, late captain and assistant quartermaster United States Volunteers, and regimental quartermaster One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William J. Culp, late of Company A, First Regiment Michigan Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Tyhurst McAlevy, former widow of Alfred Tyhurst, late of Company B, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Louisa J. Kottkamp, widow of Casper H. Kottkamp, late of Company H, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Stoors, late of Company A, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Couch, late of Company E, Second Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Simeon A. Freer, late of Company D, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jesse B. Rich, late of Company G, Sixtieth Regiment Illinois Volunteer Infantry, and Company A, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram Baer, late of Company C, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Howard Forster, late of Company E, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ingersoll White, late of Company K, One hundred and Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Blanden, late of Company E, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilbur F. Wheadon, late of Company I, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry W. Higley, late of Company G, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. Jamison, late of Company F, One hundred and twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget Trainor, widow of Michael Trainor, late of Company F, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Crawford, late of Company B, Eighth Regiment, and Company A, Sixteenth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Hopkins, late of Company E, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Schaffer, late of Company A, One hundred and seventy-third Regiment Pennsylvania Drafted Militia Infantry, and Company H, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles E. Bemis, late of Company D, One hundred and thirty-eighth Regiment, and Company A, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Christian, late of Company H, Sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Pomeroy, late of Company E, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Addie P. Shoffner, widow of Michael R. Shoffner, late of Company A, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Winsor, widow of Albert C. Winsor, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert Flanagan, late of Company C, Third Regiment Pennsylvania Reserve Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward J. Harshman, late of Company G, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nina H. Love, widow of David F. Love, late of Company D, Eighteenth Regiment Indiana Volunteer Infantry, and Company F, Fifth Regiment United States Veteran Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel N. Gibbs, late of Company E, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth Cole, widow of John Cole, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frederick H. Ferris, late of Company H, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cutler D. Sanborn, late of Second Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Stanbery Jenkins, late of Company E, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard N. Solomon, late of Company L, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Juliann Bloom, widow of John H. Bloom, late of Company E, Thirteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary M. Baugher, widow of William H. Baugher, late of Companies I and B, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Ida M. Satterfield, widow of Sidney W. Satterfield, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Waldo F. Raynsford, late of Company D, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary Elizabeth Martin, former widow of Sampson M. Archer, late of Company C, and lieutenant colonel, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary O. Horton, widow of William H. Horton, late first lieutenant and adjutant, First Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William Murphy, late of Company D, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Annie E. Welch, widow of John H. Welch, late of Battery B, Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, as dependent mother of John R. Welch, Company M, Sixteenth United States Infantry, War with Spain.

The name of Elizabeth Botinier, widow of William Botinier, late of Company C, Thirteenth Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of James Jeffers, late of Company C, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William N. Grimes, late of Company F, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calista E. Wright, widow of Henry O. Wright, late of Company C, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Sarah D. Wood, widow of Jonathan E. Wood, late of Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William H. Park, late of Company F, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ellen Davenport, widow of Edwin L. Davenport, late of Company F, and first lieutenant and adjutant, Fifty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John S. Prior, late of Company I, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Clapper, former widow of Marshall G. Hardy, late of Company I, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elizabeth N. Stafford, widow of David M. Stafford, late of Company E, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Nancy S. H. Goodwin, widow of Richard Goodwin, late of Company C, Thirtieth Regiment, and Company B, Consolidated Battalion, Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eli Hovis, late of Company K, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Buskirk, late of Company F, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Melissa Elliott, former widow of Paul Sisley, late of Companies K and A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah Katharine Dodge, divorced wife of Edmond H. Dodge, late of Company B, Forty-seventh Regiment, Ohio Volunteer Infantry, and Company D Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Catharine A. Mell, widow of John Mell, late of Company F, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Dunn, late of Company H, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henrietta Schmidt, former widow of Peter Eberle, late of Company B, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Amanda McHenry, widow of John N. McHenry, late of Company I, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Washington E. Carothers, late sergeant major, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Emil B. King, alias Emil B. Koenig, late of Company D, Seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Martin, late of Company H, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Phebe A. Talcott, widow of Israel Talcott, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel A. Pye, late of Company K, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel Hoover, late of Company E, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Amberg, late of Companies I and C, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Susannah E. Martin, former widow of Joseph W. Blair, late of Company H, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Andrew Rambo, late of Company G, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Martha Bell, former widow of George W. Fullhart, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Roderick Schoonover, late of Companies C and B, Second Regiment Missouri State Militia Cavalry, and Company K, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin W. Skelton, late of Company F, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Augustus F. Woltman, late of Company E, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Walton, late of Company H, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Platts, late of Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary R. Ramsey, widow of William R. Ramsey, late of Company G, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hattie S. Swift, former widow of Asahel H. Hewett, late of Company E, Fifth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Ernestine W. Shetrone, widow of Martin H. Shetrone, late of Company B, First Battalion, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Swartz, late of Company G, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Laura V. Croll, widow of William H. Croll, late of Company I, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah A. Parker, widow of Henry G. Parker, late of Company K, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary S. Lovejoy, widow of Stephen Lovejoy, late of Company D, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Nora Dickerson, widow of Lyman W. Dickerson, late of Company F, Sixth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Ella M. Robards, widow of Franklin E. Robards, late of Company C, Fourth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hezekiah Allen, late of Company E, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lois F. Eaton, widow of John L. Eaton, late of Company I, First Regiment Rhode Island Cavalry, and Twelfth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Josephine P. Ham, widow of Charles F. Ham, late of Company I, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Toombs, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Davis, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac Koon, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Binnix, late of Company C, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Payton, late of Company I, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The name of John M. Gilbert, late of Company F, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Matilda E. Cole, widow of Joseph S. B. Cole, late of Ninth Independent Company, Ohio Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Merritt, widow of Walter E. Hall, alias Walter E. Merritt, late ordinary seaman, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Elijah J. Freeman, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Gilbert, late of Company D, One hundred and eleventh Regiment United States Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas Garrison, late of Company F, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James D. McBridge, late major, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alexander Gudg[illegible], late of Company F, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Emily E. Smith, widow of A. B. Cooley Smith, late of Company H, Thirty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charlotte H. Moore, widow of George Moore, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry H. Howes, late of Company B, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John F. Hitchcock, late of Company L, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James T. Clark, late of Company H, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward C. Eubank, late of Company G, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia V. White, widow of Fred W. White, late of Company D, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lemon McGrew, late of Company F, One hundred and tenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel Stevenson, late of Company F, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. White, late of Company G, Nineteenth Regiment, and Company H, Fifty-eighth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Harbaugh, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob Green, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachariah Camp, late of the United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary E. English, widow of Edward English, late of Company G, Third Regiment Ohio Volunteer Infantry, and pay her a

pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Louise H. Thayer, former widow of Charles D. Humphrey, late of Company F, Eighth Regiment New York Heavy Artillery, and of United States Navy, and pay her a pension at the rate of $12 per month.

The name of Clara L. Presley, widow of Charles R. Presley, late a landsman, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marcilla Dusseau, widow of Oliver Dusseau, late of Company H, Fifteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Dewrose, late of Company C, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret C. Shotwell, widow of William H. Shotwell, late of Company B, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H G. Murray, alias Henry Gordon, late of United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lois F. Godwin, widow of Orin M. Godwin, late of Company C, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph L. Bostwick, late of Company L, Ninth Regiment, and Company M, Second Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. RUSSELL of Missouri. Mr. Speaker, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of the bill the following new paragraph:

"The name of Artemas C. Barclay, late of the United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

Mr. RUSSELL of Missouri. Mr. Speaker, I present the following information in support of the foregoing amendment:

H. R. 8886, Artemas C. Barclay, aged 65 years, late first-class boy, United States Navy, from February 6, 1864, to August 5, 1865; August 30, 1870, to February 7, 1872; length of service in Civil War, one year six months, and is now pensioned under certificate No. 11583 at the rate of $16.50 per month.

The claimant was formerly pensioned under the act of June 27, 1890, at the rate of $12 for double inguinal hernia, left varicocele, and fracture of left tibia; increased to $14.50 and to $16.50, the latter rate commencing August 4, 1914.

Medical testimony presented this committee indicates that claimant is totally unfitted for manual labor by reason of the disabilities above enumerated, arteriosclerosis, piles, rheumatism, and impaired vision.

Further testimony indicates that he has no income from any source except his pension, which it is recommended be increased to $36 per month.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RUSSELL of Missouri. Mr. Speaker, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the bill insert the following:

"The name of Catherine R. Reader, widow of W. A. Reader, late of Company G, Sixth Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1026. Kate M. Bailey.
H. R. 1043. James C. Vance.
H. R. 1295. Clayborn Clements.
H. R. 1391. Philip W. Brown.
H. R. 1424. Clark Sturdevant.
H. R. 1474. Mary L. Miller.
H. R. 1479. Richard H. Vanderhoof.
H. R. 1509. Elbridge Lufkin.
H. R. 1700. Mary E. Tyler.
H. R. 1757. Daniel J. O'Harra.
H. R. 1816. Overton L. Dimmett.
H. R. 1825. Emily Lett.
H. R. 1866. Clinton S. Lamb.
H. R. 1881. Dorcas M Watkins.
H. R. 1888. Charles S. Robbins.
H. R. 2039. Oscar Hoce.
H. R. 2067. Jacob Brock.
H. R. 2165. Flora A. Williams.
H. R. 2167. Catharine J. Warren.
H. R. 2189. Elizabeth Sawyer.
H. R. 2225. Dudley G. Allen.
H. R. 2500. David P. Boyd.
H. R. 2576. Eugenia B. Ballou.
H. R. 2627. Catharine M. Grim.
H. R. 2656. Eliza J. Dawley.
H. R. 2748. Timothy P. Russell.
H. R. 2809. Lycurgus J Bosworth.
H. R. 2894. William Forgy.
H. R 2897. Powhattan Crawley.
H. R. 2908. William H. Smith.
H. R. 2998. John H. Sullivan.
H. R. 3002. Mary J. Wickersham.
H. R. 3129. Joseph David.
H. R. 3172. Mathew H. McCreight.
H. R. 3232. John C. Lyon.
H. R. 3728. Linley Thornburg.
H. R. 3731. Samuel McMillian.
H. R. 3738. Joseph A. Ellis.
H. R. 3742. Philomena Heintz.
H. R. 3758. William Rech.
H. R. 3781. Eunice Peck.
H. R. 3796. George Moore.
H. R. 3826. Charles Stone.
H. R. 3868. George White.
H. R. 3872. Horace Mudge.
H. R. 3885. Richard A. Wood.
H. R. 3940. Harriet E. Baird.
H. R. 3971. Samuel M. Little.
H. R. 4003. William H. Brower.
H. R. 4067. James M. Dinwiddie.
H. R. 4071. George Levline.
H. R. 4406. Belle Shroyer.
H. R. 4410. Robert L. Boseley.
H. R. 4445. Cornelia Bronaugh.
H. R. 4513. Mary K. Chadwick.
H. R. 4550. Alexander McCoy.
H. R. 4560. Francis T. Powell.
H. R. 4611. Stella H. Waggoner.
H. R. 4837. David Kilgore.
H. R. 4844. George H. Stowell.
H. R. 4846. George W. Poorman.
H. R. 4850. Lovina B. Chase.
H. R. 4879. James Stewart.
H. R. 4933. Isaac Miller.
H. R. 4978. Myra Shine.
H. R. 4981. Joseph Schill.
H. R. 5065. John A. Foster, alias John A. Bump.
H. R. 5110. Noah Poorman.
H. R. 5127. George W. Winfield.
H. R. 5169. Ashford E Fortney.
H. R. 5171. Thomas Cochran.
H. R. 5248. William M. Werley.
H. R. 5249. Mary E. Gaylord.
H. R. 5328. Louisa Tincher.
H. R. 5337. John Stepp.
H. R. 5377. Rachel E. Laughlin.
H. R. 5430. James Logston.
H. R. 5449. Sarah E. Holton.
H. R. 5475. Isaac L. Griswold.
H. R. 5593. Mary A. Tilton
H. R. 5667. Albert G. Ingraham.
H. R. 5706. Lydia A. Mason.
H. R. 5964. Alanson D. Simpson.
H. R. 5974. Nancy C. Cooley.
H. R. 5995. John W. Grover.
H. R. 5996. Charles J. Chick.
H. R. 6106. Ezra Deeren.
H. R. 6108. John Buettner.
H. R. 6131. Sarah Hughes.
H. R. 6274. Samuel Sigman
H. R. 6314. James A. Buck.
H. R. 6322. William Bent.
H. R. 6657. Sarah Belle Warner.
H. R. 6679. Stephen N. Pierce.
H. R. 6720. George W. Blevins.
H. R. 6959. Harriet Ross.
H. R. 7027. Laura R. Warner.
H. R. 7038. Nathan Vaughn.
H. R. 7040. Lucinda Goodall.
H. R. 7041. Hugh McNulty.
H. R. 7055. Robert J. Diefenderfer.
H. R. 7081. Jackson Gellinger.
H. R. 7102. William F. Wilson.
H. R. 7105. Mary C. Banks
H. R. 7194. Achilles M. Williams.
H. R. 7217. Jonas Reichards.
H. R. 7219. Olive Sanders.
H. R. 7221. Caroline G. Yockel.
H. R. 7242. William Lepper.
H. R. 7297. Zachariah Minnear.
H. R. 7348. Louisa J. Kimball.
H. R. 7373. Eleanora Taylor.
H. R. 7382. Commodore P. Burchfield.
H. R. 7388. David Leverett.
H. R. 7389. Joseph Herndon.
H. R. 7409. Alexander Morrison.
H. R. 7766. John M. Panick.
H. R. 7849. Malinda Honeywell.
H. R. 7864. Buford P. Moss.
H. R. 7870. William Illingworth.
H. R. 7880. Jacob Miller.
H. R. 7907. Emma Steinmetz.
H. R. 7991. William W. Ong.
H. R. 7998. Leander Futney.
H. R. 8052. John Toothman.
H. R. 8086. John M. Jackman.
H. R. 8142. Carrie Atkins Coddington.
H. R. 8146. William H. Craven.
H. R. 8157. William F. Daly.
H. R. 8171. Harry A. P. Mayville.
H. R. 8296. Justus H. Lyon.
H. R. 8299. Sarah Dotson.
H. R. 8386. Harlow B Elliott.
H. R. 8461. Maria C. Sinclair.
H. R. 8526. Calvin D. Lenman.
H. R. 8540. Clara Daughters.
H. R. 8561. Caroline Lincoln.
H. R. 8562. Thomas J. Raybell.
H. R. 8724. Joseph McNeight.
H. R. 8752. Daniel McManawa.
H. R. 8783. David Winsor.
H. R. 8842. John Steffen.
H. R. 8843. John Benkelman.
H. R. 8992. John W. Whitaker.
H. R. 9000. David W. Bogard.
H. R. 9066. William A. Greene.
H. R. 9161. Elmira Goshen.
H. R. 9268. Mahala Lee Claflin.
H. R. 9392. Alester D Sly
H. R. 9554. William Wildermuth.
H. R. 9588. Benjamin Diggs.
H. R. 9639. John H. Admire
H. R. 9741. William A. Chapman.
H. R. 9744. Etta E. Vinn.
H. R. 9764. Reuben Clark.
H. R. 9772. Isaac Kitts.
H. R. 9830. Thomas Stubbs.
H. R. 9833. Edwin C. Albertson.
H. R. 9834. Hannah Heath.
H. R. 9883. James M. Beggs.
H. R. 9944. Seymour H. Reynolds.
H. R. 9950. Harriet E. Hallenbeck.
H. R. 10175. Rodney W. Anderson.
H. R. 10443. James W. Campbell.
H. R. 10444. Jane Shaw.
H. R. 10448. Mary H. Atkinson.
H. R. 10458. William A. M. Streeter.
H. R. 10467. Orlando D. Rowe.
H. R. 10483. Joseph Fields.
H. R. 10529. Margaret Good.
H. R. 10539. John H. Burnett.
H. R. 10551. Albert E. Sherman.
H. R. 10610. John B. Armstrong.
H. R. 10613. Florence W. Ball.
H. R. 10614. Leonard H. Washburn.
H. R. 10627. William A. Miner.
H. R. 10728. Margaret Mallery.
H. R. 10730. Elizabeth White Orr.
H. R. 10731. Charles W. Noyes, alias Charles W. Benton.
H. R. 10734. James Hickman.
H. R. 10785. William B. Clark.
H. R. 10794. Charles B. Smith.
H. R. 10796. James Ratchford.
H. R. 10893. Albert Schouten.
H. R. 10937. Guy W. Johnson.
H. R. 10953. George J. Richards.
H. R. 10979. Silas H. Avery
H. R. 11009. Annie McCaw.
H. R. 11015. William H. Koffman.
H. R. 11062. John R. Roe.
H. R. 11128. Lorenzo Harris.
H. R. 11225. Harriet Francis.
H. R. 11369. William W. Blair.
H. R. 11464. John Miller.
H. R. 11490. Rose A. Rowell.
H. R. 11564. John Davis.
H. R. 11592. David T. Manor.
H. R. 11604. Sarah L. Robinson.
H. R. 11649. Alexander Hensley.
H. R. 11654. Margaret D. Hohn.
H. R. 11774. Augustus G. Cary.
H. R. 11830. Isaphene Finch.
H. R. 11900. Carrie A. Ashby.
H. R. 11921. Louise C. Kimberly.
H. R. 11976. Wasnington G. Marshall.
H. R. 12050. Lucy J. Lyon
H. R. 12086. William Goodwin.
H. R. 12093. Samantha Taylor.
H. R. 12137. Mildred J. Stolp.
H. R. 12212. Anna Kirk.
H. R. 12216. David Krouse.
H. R. 12314. Leonard T. Butler.
H. R. 12373. William Welsh.
H. R. 12400. Silas Rippee.
H. R. 12440. Olodvine Higgins.
H. R. 12470. William A. Reames.
H. R. 12509. Ann Kilroy.
H. R. 12549. John Rose.
H. R. 12577. James King.
H. R. 12603. Jasper Tillbery.
H. R. 12687. Malvina Wilson.
H. R. 12740. Charles W. Stowe.
H. R. 12741. Jacob Brenner.
H. R. 12784. Rebecca Roszell.
H. R. 12788. Phillip H. Leach.
H. R. 12790. Jeduthian Weller.
H. R. 12812. Preston Campbell.
H. R. 12847. William P. Brooks.
H. R. 12848. Silas Buswell.
H. R. 12924. John H. Baker.
H. R. 12930. George W. Story.
H. R. 12931. John W. Saylor.
H. R. 12960. William Syfer.
H. R. 13030. Alice M. Baker.
H. R. 13036. Nancy E. Dermit.
H. R. 13055. George W. Statler.
H. R. 13121. Bridget Conboy.
H. R. 13134. Alphonso T. Gould.
H. R. 13204. Adam Crawshaw.
H. R. 13237. Thomas W. Ford.
H. R. 13239. Isaiah Higdon.
H. R. 13267. James W. Hager.
H. R. 13269. Orville Dunnington.
H. R. 13305. Phyllis Channels.
H. R. 13415. Samuel F. Leard.
H. R. 13431. Anna R. Burket.
H. R. 13447. Henry Heckler.
H. R. 13438. John E. Clark.
H. R. 13490. Henry Stover.
H. R. 13581. Louisa Price.
H. R. 13605. Loretta E. Cadwallader.
H. R. 13653. George Athey.
H. R. 13679. John W. Wood.
H. R. 13697. Isaac J Knight.
H. R. 13757. Albert Rollins, alias George Gorgan.
H. R. 13815. Marion N. Purdy.
H. R. 13871. George G. Richie.
H. R. 13874. Lewis B. Rex.
H. R. 13884. Sarah E. Roberts.
H. R. 13903. Marion A. Hey.
H. R. 14017. Henderson Morgan.
H. R. 14061. James W. Barton.
H. R. 14153. Dalton Hinchman, alias Samuel McBurson.
H. R. 14197. Lorana A. Weaver.
H. R. 14208. Samuel A. Kelce.
H. R. 14287. Fanny Reid.
H. R. 14288. Patience B. Nicholas.
H. R. 14314. Sarah C. Daisey.

H. R. 14334. Laura Liming.
H. R. 14355. Bridget McAndrew.
H. R. 14361. Richard H. Crone.
H. R. 14364. Adam Snyder.
H. R. 14372. Peter Capp.
H. R. 14416. Henry Hertzer.
H. R. 14417. Madison B. Mann.
H. R. 14439. Margaret A. Bass.
H. R. 14440. Henrietta Steinmetz.
H. R. 14494. John Showalter.
H. R. 14518. Frances W. Graves.
H. R. 14548. William J. Culp.
H. R. 14552. Margaret Tyhurst McAlevy.
H. R. 14558. Louisa J. Kottkamp.
H. R. 14586. George W. Stoors.
H. R. 14612. James H. Couch.
H. R. 14634. Simeon A. Freer.
H. R. 14636. Jesse B. Rich.
H. R. 14675. Hiram Baer.
H. R. 14719. Howard Forster.
H. R. 14749. Ingersoll White.
H. R. 14765. George Blanden.
H. R. 14781. Wilbur F. Wheadon.
H. R. 14783. Henry W. Higley.
H. R. 14791. John C. Jamison.
H. R. 14809. Bridget Trainor.
H. R. 14838. William H. Crawford.
H. R. 14843. James H. Hopkins.
H. R. 14851. Henry Schaffer.
H. R. 14877. Charles E. Bemis.
H. R. 14880. Charles Christian.
H. R. 14898. Charles H. Pomeroy.
H. R. 14914. Addie P. Shoffner.
H. R. 14926. Mary A. Winsor.
H. R. 14981. Albert Flanagan.
H. R. 14987. Edward J. Harshman.
H. R. 14989. Nina H. Love.
H. R. 14996. Samuel N. Gibbs.
H. R. 15009. Elizabeth Cole.
H. R. 15029. Frederick H. Ferris.
H. R. 15057. Cutler D. Sanborn.
H. R. 15103. Stanbery Jenkins.
H. R. 15106. Richard N. Solomon.
H. R. 15124. Juliann Bloom.
H. R. 15127. Mary M. Baugher.
H. R. 15129. Ida M. Satterfield.
H. R. 15149. Waldo F. Raynsford.
H. R. 15164. Mary Elizabeth Martin.
H. R. 15187. Mary O. Horton.
H. R. 15190. William Murphy.
H. R. 15191. Annie E. Welch.
H. R. 15201. Elizabeth Botinier.
H. R. 15231. James Jeffers.
H. R. 15255. William N. Grimes.
H. R. 15261 Calista E. Wright.
H. R. 15271. Sarah D. Wood.
H. R. 15276. William H. Park.
H. R. 15277. Ellen Davenport.
H. R. 15278. John S. Prior.
H. R. 15293. Mary Clapper.
H. R. 15298. Elizabeth N. Stafford.
H. R. 15325. Nancy S. H. Goodwin.
H. R. 15343. Eli Hovis.
H. R. 15357. John W. Buskirk.
H. R. 15359. Melissa Elliott.
H. R. 15370. Sarah Katharine Dodge.
H. R. 15410. Catharine A. Mell.
H. R. 15424. James Dunn.
H. R. 15427. Henrietta Schmidt.
H. R. 15433. Amanda McHenry.
H. R. 15442. Washington E. Carothers.
H. R. 15450. Emil B. King, alias Emil B. Koenig.
H. R. 15452. James P. Martin.
H. R. 15468. Phebe A. Talcott.
H. R. 15473. Samuel A. Pye.
H. R. 15488. Samuel Hoover.
H. R. 15497. John Amberg.
H. R. 15510. Susannah E. Martin.
H. R. 15513. Andrew Rambo.
H. R. 15528. Martha Bell.
H. R. 15530. Roderick Schoonover.
H. R. 15534. Benjamin W. Skelton.
H. R. 15542. Augustus F. Woltman.
H. R. 15543. Joseph Walton.
H. R. 15555. Samuel Platts.
H. R. 15560 Mary R. Ramsey.
H. R. 15564. Hattie S. Swift.
H. R. 15565. Ernestine W. Shetrone.
H. R. 15568 William H. Swartz.
H. R. 15569. Laura V. Croll.
H. R. 15592. Sarah A. Parker.
H. R. 15593 Mary S. Lovejoy.
H. R. 15601. Nora Dickerson.
H. R. 15605. Ella M. Robards.
H. R. 15606. Hezekiah Allen.
H. R. 15608. Lois F. Eaton.
H. R. 15609. Josephine P. Ham.
H. R. 15610. John C. Toombs.
H. R. 15611. Charles S. Davis.
H. R. 15623. Isaac Koon.
H. R. 15627. George Binuix.
H. R. 15629. George Payton.
H. R. 15666 John M. Gilbert.
H. R. 15674. Matilda E. Cole.
H. R. 15685. Ellen Merritt.
H. R. 15688. Elijah J. Freeman.
H. R. 15702. David Gilbert.
H. R. 15717 Silas Garrison.
H. R. 15724. James D. McBride.
H. R. 15748. Alexander Gudgel.
H. R. 15780. Emily E. Smith.
H. R. 15789. Charlotte H. Moore.
H. R. 15809. Henry H. Howes.
H. R. 15812. John F. Hitchcock.
H. R. 15831. James T. Clark.
H. R. 15855. Edward C. Eubank.
H. R. 15869. Julia V. White.
H. R. 15899. Lemon McGrew.
H. R. 15905. Daniel Stevenson.
H. R. 15913. John A. White.
H. R. 15940. Thomas J. Harbaugh.
H. R. 16002. Jacob Green.
H. R. 16013. Louise H. Thayer.
H. R. 16029. Clara L. Presly.
H. R. 16071. Marcilla Dusseau.
H. R. 16086 John W. Dewrose.
H. R. 16108. Zachariah Camp.
H. R. 16109. Mary E. English.
H. R. 16117. Margaret C. Shotwell.
H. R. 16140. William H. G. Murray, alias Henry Gordon.
H. R. 16163. Lois F. Godwin.
H. R. 16236. Joseph L. Bostwick.

Mr. RUSSELL of Missouri. Mr. Speaker, I now call up the bill (S. 5011) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which I send to the desk and ask to have read, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman calls up a pension bill and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Nellie M. Leonard, widow of Willard R. Lemon, known as William L. Leonard, late of Company D, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Bowman C. McEwen, late of Company B, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Burnum W. Francis, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth R. Frink, widow of Rufus S. Frink, late of Company G, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anna M. Holt, widow of Thomas Holt, late major and lieutenant colonel Seventieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Fitzhugh S. Hoag, late of Company K, Forty-sixth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ella P. Hines, widow of Thomas J. Hines, late chief musician, Fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah L. Lunt, widow of Albert C. Lunt, late of Companies I and F, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Bishop, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hatch Chamberlin, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Kelly, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace Berlew, late of Company B, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $14 per month.

The name of Irvin E. Scott, late of Company B, Twenty-eighth Regiment Pennsylvania Militia Infantry, and Company D, First Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Way, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Comstock, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George H. French, late of Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of David Devore, late of Company C, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Storm T. Roberts, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horatio N. Washburn, late of Company F, Fourth Regiment, and Company F, Nineteenth Regiment, Maine Volunteer Infantry, and Twenty-third Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Wedge, late of Company C, Thirty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary F. Fernald, helpless and dependent daughter of James L. Fernald, alias Francis Hamilton, late of Company G, Thirteenth Regiment Connecticut Volunteer Infantry, and Company H, Twentieth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Hiram R. Brackett, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet S. Crooks, widow of William Crooks, late colonel Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frances A. Hall, widow of Charles H. Hall, late of Company K, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elzie W. Grindle, late of Company F, Forty-second Regiment, Company E, Ninety-sixth Regiment, and Company A, Battalion Seventy-seven, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Celia E. Gibson, former widow of William Gibson, late of Vaughn's Independent Battery, Illinois Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Amanda Brewster, widow of Stephen G. Brewster, late unassigned, Thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Vanderpool, late of Company H, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles F. Cooken, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Orrin S. Williams, late of the Seventeenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary J. Holliday, widow of George W. Holliday, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel I. Scammon, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amanda M. Ricker, former widow of William E. Barrows, late of Company I, Nineteenth Regiment Maine Volunteer Infantry, and widow of Isaiah Ricker, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Stewart, late of Company K, Sixty-ninth Regiment, and Company I, One hundred and fortieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ivan S. Ford, late of Company F, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Miles Gary, late of Company I, Forty-seventh Regiment, and Company H, Twenty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Josephine Taylor, widow of Isaac Y. Taylor, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frances W. Wood, widow of George L. Wood, alias George Surgent, late of Company E, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Matthew Farley, late of Company C, Forty-ninth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles B. Sutton, late of Company G, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Harrigan, late of Troop F, Third Regiment United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Johnson White, late of Company H, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Stinson Books, late of Company K, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza E. Vose, widow of Charles S. Vose, late of Company H, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John T. Warburton, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Phebe J. Asher, widow of Charles Asher, late of Company D, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albertus Bowen, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Milton Rhodenbaugh, late of Company D, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Minnie Anderson, widow of Calvin Anderson, late of Company D, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Christian Howald, late of Company K, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Lucas, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jesse L. Pelton, late of Company H, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William E. Chappell, late of Company D, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Hathaway, widow of John F. Hathaway, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hiram Bender, late of Company H, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John P. Martin, late of Company C, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Orrin A. Johnson, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harriet A. Cady, widow of Stephen G. Cady, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia G. Hottel, widow of Martin V. Hottel, late captain Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edgar Thompson, late of Company A, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Webley, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harriet E. Vose, widow of Thatcher Vose, late of Company K, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles E. Sawtelle, late of Company F, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Richard Harmon, late of Company F, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Caroline Wannofsky, widow of Samuel Wannofsky, late of Company E, Third Regiment Maine Volunteer Infantry; Company F, Seventeenth Regiment Maine Volunteer Infantry; and One hundred and eighth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sylvanus H. Ward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, and Company E, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Rogers, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo J. Nevers, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary A. Holland, widow of John Holland, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Somerville, late of Company G, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard M. Johnson, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McNamara, late of Company A, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton Davis, late of Company I, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John J. Foraker, late of Company K, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Curtis, late of Company K, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry A. C. O'Connor, late of Company A, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon Jenson, late of Company G, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Wilson, late of Company E, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert R. Bratton, late of Company E, Twenty-seventh Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Quint, late of Company H, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Morrison Young, late of Company H, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank A. Colcord, late of Company K, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane McD. Johnston, widow of Francis Johnston, late of Troop K, Fourth Regiment United States Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abbie Sloggy, widow of Harrison Sloggy, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George M. Titus, late of Company E, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sarah A. Welliever, widow of Joseph S. Welliever, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Catherine Goodwin, widow of William H. Goodwin, late of Company I, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Harpham, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charlotte Randall, widow of William Randall, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cassius M. Jones, late of Company H, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Little, late of Company C, Thirty-fifth Regiment, and Company C, Twenty-ninth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marion D. Egbert, late of Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William R. Donaldson, late of Company E, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Runkle, late of Company K, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Brown, late of Company I, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Painter, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peleg N. Carson, late of Company I, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Solomon Keffer, late of Company B, Cass County, Mo., Home Guards, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Thompson, late of Company E, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Washburn, late of Company G, Second Regiment New York Volunteer Infantry, and Company B, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles H. Johnson, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles W. Sager, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. Hull, late of Company E, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Weatherby, late of Company G, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Messer, late of Company C, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Diantha K. Dickey, widow of Nahum B. Dickey, alias Hiram B. Dickerson, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Virginia R. Coates, widow of Darwin C. Coates, late of Company C, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Nancy R. Brady, widow of Thomas H. Brady, late of Company H, Twelfth Regiment, and Company K, Twenty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Allie A. Richey, widow of John Richey, late of Company C, One hundred and forty-first Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marget E. Schrieber, widow of Frederick W. Schrieber, late of Company L, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza Harrison, widow of William Harrison, late of Company I, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nannie P. Brown, widow of Charles C. Brown, late of Company I, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Tabitha Rask, former widow of Martin Tiffany, late of Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lewis C. Cleavinger, late of Company C, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ella Louise Collett, widow of John R. Collett, late of Company B, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Marie P. Collett, helpless and dependent child of said John R. Collett, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ella Louise Collett the name of the said Marie P. Collett shall be placed on the pension roll, subject to the provisions and limitations of the pensions laws, at the rate of $12 per month, from and after the date of death of said Ella Louise Collett.

The name of Ellen Collins, widow of John S. Collins, late of Company A, First Battalion Nevada Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Margaret L. Wood, widow of Samuel N. Wood, late captain Company I, Second Regiment Kansas Volunteer Infantry, and lieutenant colonel Sixth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Charles E. Cole, late of Company A, Third Regiment Maine Volunteer Infantry, and Company I, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles E. Low, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Banta, late of Sixteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Celestia M. Lull, former widow of Alonzo J. Sawyer, late of Company A, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John Murphy, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Lyman, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hamilton Rogers, late of Company D, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Roxalina Kinney, widow of Snoden S. Kinney, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Hapgood, widow of George W. Hapgood, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and Company B, Second Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Pullen, late of Company A, Thirty-fourth Regiment New Jersey Volunteer Infantry, and Company M, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Pugsley, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret L. Sexton, widow of Charles M. Sexton, late of Company C, Second Regiment Colorado Volunteer Infantry, and Company E, Veteran Battalion, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Amanda J. Johnson, widow of Edward P. Johnson, late of Companies H and A, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at he rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Zeimer, late of Company D, First Battalion Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George T. Conner, late of Company C, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Arcelia Trowbridge, widow of Ira Trowbridge, late of Company G, Tweny-third Regiment Wisconsin Voluneer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Chester C. Smith, late of Company K, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Harvey, widow of Thomas J. Harvey, late of Company B, Fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry W. Botsford, late unassigned, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza A. Reed, widow of John C. Reed, late of Company K, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Pemberton, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Antonio Armenta, late of Romero's independent Company A, New Mexico Militia Infantry, and pay him a pension at the rate of $21 per month.

The name of John J. Buckley, late of Company H, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Welsh, late of Company G, Fifteenth Regiment New Jersey Volunteer Infantry, and Company G, Second Veteran Battalion New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Ham, late of Company E, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Catherine E. Stamp, widow of Andrew H. Stamp, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and One hundredth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Catharine M. Dunham, widow of William Dunham, late of Company K, Seventeenth Regiment Michigan Volunteer Infantry, and Company B, Fourteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Luther D. Whitten, late of Company I, Sixty-sixth Regiment, and Company G, Fifty-ninth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hairiette H. Kelly, widow of Robert M. Kelly, late colonel Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank B. Stearns, late of the U. S. S. *North Carolina*, *Kansas*, and *Princeton*, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary E. Bradford, widow of William J. Bradford, late first lieutenant and adjutant Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Leafy J. Leavitt, widow of Edward N. Leavitt, late of Company C, Third Regiment Maine Volunteer Infantry, and Battery K, Third Regiment United States Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William A. Collins, late of Company B, Seventy-ninth Regiment, and Company E, Seventy-third Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nettie Lamprey, widow of Lyman H. Lamprey, late of Company H, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per motnh in lieu of that she is now receiving.

The name of Minnie L. Gould, widow of Arthur J. Gould, late of Company K, Eleventh Regiment New Hampshire Volunteer Infantry, and Eighty-seventh Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah S. Humiston, widow of John F. Humiston, late of Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, and former widow of Robert Emmet Dickens, late of Company D, Fifty-eighth Regiment New York National Guard Infantry, and pay her a pension at the rate of $12 per month.

The name of John Coffron, late of Company C, First Regiment Maine Volunteer Sharpshooters, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eleazer O. Addi on, late of Company K, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Harriet Aylward, widow of Lowell C. Aylward, late seaman U. S. S. *Sabine*, *New Hampshire*, and *Nipsic*, United States Navy, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mabel Aylward, helpless and dependent child of said Lowell C. Aylward, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Harriet Aylward the name of the said Mabel Aylward shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of the death of the said Harriet Aylward.

The name of Samuel E. Griffin, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving

The name of George S. Ayer, late of Company A, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin F. Witham, late of the Fifth Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Josephus Clark, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John A. Baird, late of the U. S. S. *Great Western* and *Juliet*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred H. Hulburt, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Stainbrook, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nicholas J. O'Brien, late captain Company F, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Adolphus W. Jones, late of Company K, Forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $22.50 per month in lieu of that he is now receiving.

The name of Victoria Fleischmann, widow of John B. Fleischmann, late of Company G, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Michael O'Brien late of the United States Marine Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles B Clark, late of Company B, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Matilda I. Nason, widow of Thomas C. Nason, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Webster A. Whiting, late captain Company B, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham J. Yoemans, late second lieutenant Company I, One hundred and thirty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah Denney, now Sinley, former widow of Theodore J. Denney, late of Company I, Fourth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary A. Flynn, widow of Patrick Flynn, late of Company F, One hundred and twelfth Regiment Illinois Volunteer Infantry, and Twenty-first Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Whitesides, former widow of Edwin Wentworth, late of Company I, Eighteenth Regiment Michigan Volunteer Infantry, and Eighty-third Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Nancy J Fleming, widow of Joseph T. Fleming, late captain Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rebecca McC. Laptad, widow of Henry Laptad, late of Company B, First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert Irvin Rea, late of Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rebecca Jane Thompson, widow of Jesse Thompson, late of Company E, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank B. Sargent, late of Company K, Ninth Regiment, and Company K, Sixth Regiment, New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Farquhar, late captain Company B, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert Nichols, late of Company D, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis B. Ainsworth, late of Company M, Sixth Regiment, and second lieutenant Company B, Sixth Regiment, New York Volunteer Heavy Artillery and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward H. Allison, alias Henry A. West, late of Company D, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucy M. Roach, widow of Jeremiah P. W. Roach, late of Company B, Battalion, Tenth Regiment, and Company C, Twenty-ninth Regiment, Maine Vounteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nicholas B. Langley, late of Company F, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emaline King, former widow of Robert Campbell, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Andrew Mitchell, late of Battery B, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alphonso E. Libby, late of Company F, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Walker, late of Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Uranus Stacy, late of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George S. Thing, late of Company I, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Allen T. Hodgkins, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abram Hall, late of Company K, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J Bradford, late of Company I, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Myra R. Daniels, widow of William H. Daniels, late of Company D, First Regiment District of Columbia Volunteer Cavalry, and Company F, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alonzo P. Hart, late of Company E, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred A. Bonney, late of Company E, Forty-seventh Regiment Wisconsin Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. White, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Melvan Tibbetts, late of Company H, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sallie Rigney, widow of Joab Rigney, late of Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry W. Crow, late of Company C, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George B. Van Pelt, late of Company K, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Allen, alias John McGuire, late of Company K, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah Maurer, widow of John A. Maurer, late of Company B, Eighth Regiment Kansas Volunteer Infantry, and Company D, First Regiment United States Veteran Volunteer Engineers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary I. Bradbury, widow of Eben H. C. Bradbury, late of Company K, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frances B. V. Kelley, widow of George H. Kelley, late of Company D, Sixty-second Regiment New York Volunteer Infantry, and Company H, Fourteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Mary Taylor Kain, widow of John L. Kain, late principal musician Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Valentine M. Hodgson, late first lieutenant Company K, Sixty-seventh Regiment New York Volunteer Infantry, and Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Florence Sanders, helpless and dependent child of John Q. Sanders, late of Company I, Twenty-second Regiment, and Company C, One hundred and fifty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James L. Boothe, late of Company D, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Howard Miller, late of Company F, One hundred and seventy-eighth Regiment, and Company E, One hundred and eighty-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper Reeder, late of Second Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harlow J. Greenfield, late of Company K, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Leffler, late of Company A, One hundred and Sixteenth Regiment, and Company G, Thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Galligan, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna Stanley, widow of William M. Stanley, late of Company E, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Edith A. Grover, widow of Benjamin P. Grover, late of Second Company Sharpshooters, attached to Twenty-second Regiment Massachusetts Volunteer Infantry, and Company G, Thirteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Terrence Dobson, late of Company C, Ninety-third Regiment New York National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen Conner, late of Company E, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver P. Gillson, late of Company L, Fifteenth Regiment New York Volunteer Cavalry, and Company L, Second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Loami E. Scherer, late of Company C, Eighth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John R. Kingman, late of Company M, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver Harding, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert A. Burleigh, late of Company M, First Regiment District of Columbia Volunteer Cavalry, and Company H, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charlotte Goding, widow of Harrison Goding, late of Company L, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Annie K. Ames, widow of Charles A. Ames, late quartermaster sergeant Thirteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth J. Beck, widow of Henry D. Beck, late of Company C, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah L. Chute, former widow of Samuel Chute, late of Company A, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of George W. Lukenbill, late of Company F, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas E. Niles, late of Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, and Tenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ira H. Fuller, late of Company B, One hundred and forty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Laban A. Fernald, late of Company B, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Simeon Noble, late of Company M, Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nellie A. Sanborn, widow of Augustus D. Sanborn, late captain Company G, Fifth Regiment New Hampshire Volunteer Infantry,

and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Delia L. Trask, widow of William A. Trask, late of Company B, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 13. Nellie M. Leonard.
S. 149. Bowman C. McEwen.
S. 333. Burnum W. Francis.
S. 334. Elizabeth R. Frink.
S. 350. Anna M. Holt.
S. 352. Fitzhugh S. Hoag.
S. 353. Ella P. Hines.
S. 373. Sarah L. Lunt.
S. 374. George H. Bishop.
S. 375. Hatch Chamberlin.
S. 523. Michael Kelly.
S. 689. Horace Berlew.
S. 759. Irvin E. Scott.
S. 947. John B. Way.
S. 1139. William Comstock.
S. 1189. George H. French.
S. 1213. David Devore.
S. 1214. Storm T. Roberts.
S. 1243. Horatio N. Washburn.
S. 1244. Peter Wedge.
S. 1248. Mary F. Fernald.
S. 1255. Hiram R. Brackett.
S. 1333. Harriet S. Crooks.
S. 1449. Frances A. Hall.
S. 1471. Elzie W. Grindle.
S. 1472. Celia E. Gibson.
S. 1485. Amanda Brewster.
S. 1649. Henry Vanderpool.
S. 1678. Charles F. Cooken.
S. 1759. Orrin S. Williams.
S. 1913. Mary J. Holliday.
S. 2255. Samuel I. Scammon.
S. 2264. Amanda M. Ricker.
S. 2347. Henry Stewart.
S. 2503. Ivan S. Ford.
S. 2551. Miles Gary.
S. 2578. Josephine Taylor.
S. 2594. Frances W. Wood.
S. 2598. Mathew Farley.
S. 2602. Charles B. Sutton.
S. 2640. John Harrigan.
S. 2656. Johnson White.
S. 2677. Stinson Books.
S. 2722. Eliza E. Vose.
S. 2736. John T. Warburton.
S. 2738. Phebe J. Asher.
S. 2811. Albertus Bowen.
S. 2832. Milton Rhodenbaugh.
S. 2882. Minnie Anderson.
S. 2891. Christian Howald.
S. 2892. George Lucas.
S. 2920. Jesse L. Pelton.
S. 2948. William E. Chappell.
S. 3030. Sarah E. Hathaway.
S. 3052. Hiram Bender.
S. 3110. John P. Martin.
S. 3142. Orrin A. Johnson.
S. 3215. Harriet A. Cady.
S. 3309. Julia G. Hottel.
S. 3310. Edgar Thompson.
S. 3360. Thomas H. Webley.
S. 3406. Harriet E. Vose.
S. 3407. Charles E. Sawtelle.
S. 3410. Richard Harmon.
S. 3417. Caroline Wannofsky.
S. 3473. Sylvanus H. Ward.
S. 3475. James Rogers.
S. 3476. Alonzo J. Nevers.
S. 3520. Mary A. Holland.
S. 3538. James Somerville.
S. 3599. Richard M. Johnson.
S. 3628. James McNamara.
S. 3630. Hamilton Davis.
S. 3631. John J. Foraker.
S. 3633. John Curtis.
S. 3634. Henry A. C. O'Connor.
S. 3635. Simon Jemson.
S. 3636. John Wilson.
S. 3678. Robert R. Bratton.
S. 3689. Henry Quint.
S. 3695. Morrison Young.
S. 3696. Frank A. Colcord.
S. 3763. Jane McD. Johnston.
S. 3782. Abbie Sloggy.
S. 3784. George M. Titus.
S. 3786. Sarah A. Wellever.
S. 3811. Catherine Goodwin.
S. 3812. Henry Harpham.
S. 3819. Charlotte Randall.
S. 3834. Cassius M. Jones.
S. 3835. John Little.
S. 3842. Marion D. Egbert.
S. 3843. William R. Donaldson.
S. 3847. Charles F. Runkle.
S. 3848. John Brown.
S. 3849. William Painter.
S. 3874. Peleg N. Carson.
S. 3880. Solomon Keffer.
S. 3882. Charles H. Thompson.
S. 3884. John Washburn.
S. 3938. Charles H. Johnson.
S. 3968. Charles W. Sager.
S. 4013. William J. Hull.
S. 4019. Benjamin Weatherby.
S. 4075. Andrew J. Messer.
S. 4090. Diantha K. Dickey.
S. 4091. Virginia R. Coates.
S. 4117. Nancy R. Brady.
S. 4121. Allie A. Richey.
S. 4122. Marget E. Schrieber.
S. 4123. Eliza Harrison.
S. 4124. Nannie P. Brown.
S. 4156. Tabitha Rask.
S. 4182. Lewis C. Cleavinger.
S. 4195. Ella Louise Collett.
S. 4199. Ellen Collins.
S. 4224. Margaret L. Wood.
S. 4232. Charles E. Cole.
S. 4233. Charles E. Low.
S. 4292. William Banta.
S. 4331. Celestia M. Lull.
S. 4333. John Murphy.
S. 4338. Joseph Lyman.
S. 4351. Hamilton Rogers.
S. 4366. Roxalina Kinney.
S. 4422. Mary A. Hapgood.
S. 4430. George Pullen.
S. 4453. John Pugsley.
S. 4464. Margaret L. Sexton.
S. 4496. Amanda J. Johnson.
S. 4523. Joseph Zeimer.
S. 4527. George T. Conner.
S. 4563. Arcelia Trowbridge.
S. 4584. Chester C. Smith.
S. 4609. Mary C. Harvey.
S. 4636. Henry W. Botsford.
S. 4641. Eliza A. Reed.
S. 4659. Thomas Pemberton.
S. 4675. Antonio Armenta.
S. 4684. John J. Buckley.
S. 4689. James Welsh.
S. 4690. David Ham.
S. 4692. Catherine E. Stamp.
S. 4697. Catharine M. Dunham.
S. 4704. Luther D. Whitten.
S. 4713. Harriette H. Kelly.
S. 4723. Frank B. Stearns.
S. 4729. Mary E. Bradford.
S. 4740. Leafy J. Leavitt.
S. 4743. William A. Collins.
S. 4744. Nettie Lamprey.
S. 4745. Minnie L. Gould.
S. 4756. Sarah S. Humiston.
S. 4773. John Coffron.
S. 4774. Eleazer O. Additon.
S. 4777. Harriet Aylward.
S. 4778. Samuel E. Griffin.
S. 4780. George S. Ayer.
S. 4781. Edwin F. Witham.
S. 4793. Josephus Clark.
S. 4804. John A. Baird.
S. 4808. Alfred H. Hulburt.
S. 4815. Samuel E. Stainbrook.
S. 4818. Nicholas J. O'Brien.
S. 4823. Adolphus W. Jones.
S. 4851. Victoria Fleischmann.
S. 4855. Michael O'Brien.
S. 4863. Charles B. Clark.
S. 4880. Matilda I. Nason.
S. 4883. Webster A. Whiting.
S. 4892. Abraham J. Yeomans.
S. 4907. Sarah Denney, now Sinley Denney.
S. 4908. Mary A. Flynn.
S. 4921. Mary Whitesides.
S. 4924. Nancy J. Fleming.
S. 4937. Rebecca McC. Laptad.
S. 4938. Robert Irvin Rea.
S. 4942. Rebecca Jane Thompson.
S. 4961. Frank B. Sargent.
S. 4962. John M. Farquhar.
S. 4963. Robert Nichols.
S. 4964. Francis B. Ainsworth.
S. 4976. Edward H. Alliston, alias Henry A. West.
S. 5018. Lucy M. Roach.
S. 5027. Nicholas B. Langley.
S. 5028. Emaline King.
S. 5038. Andrew Mitchell.
S. 5039. Alphonso E. Libby.
S. 5040. James F. Walker.
S. 5041. Uranus Stacy.
S. 5072. George S. Thing.
S. 5073. Allen T. Hodgkins.
S. 5083. Abram Hall.
S. 5094. William J. Bradford.
S. 5095. Myra R. Daniels.
S. 5110. Alonzo P. Hart.
S. 5114. Alfred A. Bonney.
S. 5124. George A. White.
S. 5127. Melvan Tibbetts.
S. 5182. Sallie Rigney.
S. 5185. Henry W. Crow.
S. 5192. George B. Van Pelt.
S. 5194. John Allen, alias John McGuire.
S. 5197. Sarah Maurer.
S. 5205. Mary I. Bradbury.
S. 5209. Frances B. V. Kelley.
S. 5227. Mary Taylor Kain.
S. 5232. Valentine M. Hodgson.
S. 5293. Florence Sanders.
S. 5300. James L. Boothe.
S. 5301. Howard Miller.
S. 5308. Jasper Reeder.
S. 5319. Harlow J. Greenfield.
S. 5341. Charles Leffler.
S. 5342. Michael Galligan.
S. 5343. Anna Stanley.
S. 5370. Edith A. Grover.
S. 5372. Terrence Dobson.
S. 5382. Allen Conner.
S. 5399. Oliver P. Gilison.
S. 5417. Loami E. Scherer.
S. 5420. John R. Kingman.
S. 5433. Oliver Harding.
S. 5434. Albert A. Burleigh.
S. 5436. Charlotte Goding.
S. 5465. Annie K. Ames.
S. 5472. Elizabeth J. Beck.
S. 5531. Sarah L. Chute.
S. 5624. George W. Lukenbill.
S. 5625. Thomas E. Niles.
S. 5633. Ira H. Fuller.
S. 5637. Laban A. Fernald.
S. 5679. Simeon Noble.
S. 5689. Nellie A. Sanborn.
S. 5782. Delia L. Trask.

SEALS ON PRIBILOF ISLANDS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 63, authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of House joint resolution 63. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, there is a similar Senate joint resolution, which has been passed by the Senate.

Mr. ALEXANDER. Yes. I ask unanimous consent to substitute Senate joint resolution 47 for House joint resolution 63.

The SPEAKER. The gentleman from Missouri asks unanimous consent to consider Senate joint resolution 47 in lieu of the House joint resolution 63. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 47) authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes.

Resolved, etc., That the Secretary of Commerce be, and he is hereby, authorized to sell all skins taken from seals killed on the Pribilof Islands for food purposes under section 11 of the act of August 24, 1912, in such market, at such times, and in such manner as he may deem most advantageous, and the proceeds of such sale or sales shall be paid into the Treasury of the United States.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

The SPEAKER. Without objection, House joint resolution 63 will lie on the table.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, the following letter from the Acting Secretary of Commerce is explanatory of the resolution:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 31, 1916.

MY DEAR JUDGE ALEXANDER: In response to your request for certain information regarding the Alaskan sealskins that have been sold or are to be sold in this country, I invite your attention to the following reference to this subject in my annual report for 1914:

"The annual shipment of sealskins was made in August, 1913, on the chartered vessel that carried supplies to the islands. Up to that year the sales of Alaska skins had always been made in London. The department, however, felt that economic and other considerations justified the attempt to establish an American market for this strictly American product, which is largely used by the American public. It was therefore decided to initiate the selling of the Government's fur-seal skins in this country, and satisfactory arrangements to this end were made with the firm of Funsten Bros. & Co., of St. Louis. The available skins numbered 2,296, of which 1,896 were sold at public auction in St. Louis on December 16, 1913. The remaining 400 skins were withdrawn from sale at the request of the chairman of the Committee on Expenditures in the Department of Commerce, House of Representatives, and these skins were unsold at the close of the fiscal year. The gross proceeds of the sale were $54,579, an average price of $28.786 per skin; the net proceeds were about $50,950. Taking into consideration the extremely unsettled condition of the general fur trade of the world and the rather poor quality of the skins as a whole, the outcome was regarded as satisfactory. The sale was attended by many buyers from Europe and America and attracted much attention."

In the fiscal year 1914–15, owing to the continued depression in the fur trade throughout the world, the department questioned the desirability of disposing of the skins taken for the food purposes of the natives during that year and took up the matter with Congress, with the result that by joint resolution approved February 24, 1915, the Secretary of Commerce was authorized to postpone the sale of all sealskins then in the possession of the Government until such time as, in his discretion, he deemed it advisable. Under this authority the skins in question have not been disposed of, and the take of skins of the year 1915 has since been received.

The skins now on hand awaiting sale are as follows:

1913 consignment (withheld from sale at request of House Committee on Expenditures in the Department of Commerce)	400
1914 consignment	2,896
1915 consignment	3,000
	6,296

Under the pending joint resolution authority is given to postpone the sale of the 1915 skins which otherwise must be disposed of by June 30, 1916, at a time when there is practically no market, when no grading and advertisement of the skins have been possible, and under conditions that necessarily involve a large financial sacrifice; and authority is given also to sell, at the discretion of the department, the skins that may hereafter be acquired.

It is strongly urged that this joint resolution, which passed the Senate a number of months ago, be adopted by the House at once, not only because of the money loss to the Government that will result from a sale at this time, but also because of another important consideration, namely, that the department has entered into an arrangement for establishing in this country a plant for the dressing and dyeing of seal (and other) skins, and some of the sealskins in question are now in various stages of dressing, unhairing, dyeing, etc., so that their sale in their present condition is wholly impracticable. The effect of this arrangement, whose success appears to be assured, is to put in American control the entire fur-seal industry, to bring to this country a highly specialized branch of trade that has heretofore been confined to London, and to save to our people a large amount of unnecessary expense which has hitherto been borne by them because of dependence upon a foreign market for the raw, dressed, and dyed product.

It is expected that the first sale of dressed and dyed sealskins will be held in the early fall of 1916, and that subsequent sales will occur at regular intervals, in accordance with the practice of the fur trade.

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

Hon. J. W. ALEXANDER,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives.

EXTENSION OF REMARKS.

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks by placing in the RECORD a speech made by Mr. William H. Lincoln, of Boston, Mass., and some preliminary remarks in connection with it.

The SPEAKER. What is it about?

Mr. HARDY. It is about the merchant marine. I would also ask to extend my remarks by placing in the RECORD a speech made by myself at Boston on the merchant marine.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks in the RECORD by printing a speech made by Mr. Lincoln, of Boston, on the merchant marine, and also some remarks of his own. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein the speech of Senator HARDING, chairman of the Republican convention.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks in the RECORD by including therein a speech made by Senator HARDING, of Ohio, as temporary chairman of the Republican convention at Chicago day before yesterday. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I also ask unanimous consent to extend my remarks in the RECORD by printing the platform adopted at the Republican convention.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing the Republican national platform adopted yesterday at Chicago. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the merchant marine.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the merchant marine. Is there objection? [After a pause.] The Chair hears none.

ENLISTMENTS IN THE ARMY AND NAVY.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for not more than two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, apparently there is something wrong with the enlistments in the Army and Navy of the country. We had some discussion of this matter while the Army reorganization bill and the naval bill were under consideration in the House; and because of the desire for information on that subject, I took pains to inquire of the two departments as to the number of men actually enlisted in the service. I want to lay the replies before the House.

We have had great preparedness parades, and the newspapers have been full of "preparedness" for a year past; indeed, the preparedness agitation has been at its height. It would appear, if there was any inducement for the young men of the country to enlist in their country's service, that inducement had been made. The returns, however, are surprisingly small, as appears from the statements which I shall submit. The returns from the large cities are not what might be expected of them, in view of all that has been said and done about preparedness.

As a matter of fact, the men offering themselves for service as enlisted men in the Navy are not much in excess of 8,000 for the whole country for the five months from January up to the end of May. The number of men separated from the service meanwhile leaves the net enlistments for the five months at only 1,743.

During two months of the present year over 4,000 men who enlisted for service in the Army separated themselves from the service, while during the four months from January to April, inclusive, only 8,164 offered themselves for service throughout the entire country. Now, it may be that men do not enlist because they are not getting enough money——

Mr. BORLAND. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I have but two minutes, but I will yield.

Mr. BORLAND. Does not the gentleman realize there is a great demand for men in the industries of the country on account of the prosperity in the country?

Mr. MOORE of Pennsylvania. That may be one reason why men are not enlisting for this patriotic service. It is rather anomalous that when appeals are made for men to enlist in the service of the country so very few respond. There must be a good reason for all this.

If the inducement is not sufficient, Congress should take some cognizance of it and find out what the trouble is. If I had my way about it, I would provide that no man in the service of the Army or Navy should receive less than $20 a month. [Applause.]

The figures which I propose to incorporate are authentic, coming from both departments, and I commend them to the attention of Members of the House.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The time of the gentleman has expired. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ARMAMENT AND MEN.

Mr. MOORE of Pennsylvania. Mr. Speaker, while the naval affairs appropriation bill was under consideration I criticized the rule which prevented a full discussion of the bill in detail, and particularly that feature of it which related to the pay of the enlisted man. I am of opinion that the $15 or $16 a month which we now pay to the enlisted man in the Navy—and he must be a pretty good specimen of physical manhood at that—is insufficient to induce many young men to waive their other opportunities in life. I feel the same way about the enlisted men of the Army and wish, while we were increasing the armament, we might also have been able to give more encouragement to the young men whom we ask to man our defenses. Congress, however, did not see fit in either instance to offer additional inducements to the type of men required for the Regular Service in the Army and Navy, so that it is not surprising that we are making little headway in inducing enlistments. I presume we will still have regiments short of their full quota, and battleships lacking full crews, until some other means is devised, apart from red fire and speeches, to induce the enlistment of fighting men.

INDUSTRIAL PREPAREDNESS IMPORTANT.

I do not intend to add very much to what I have already said on this subject. The country ought to be prepared against attack on land or sea. We should be industrially prepared as well, and the expenditures we are making for Government-controlled enterprises should be made with some regard to the peace and welfare of the people of the United States, even though Government ownership may have been unduly injected into both the Army and Navy bills.

If we are to be industrially prepared, we must encourage and enter upon such enterprises within the United States as will keep both capital and labor profitably employed. If we are to be prepared for war, which none of us seem to want, we must have a sufficient number of trained men in the Army and Navy to keep up with the equipment we are providing in both directions. For defensive purposes we need men who are trained for action and who are not "too proud to fight." It is obvious that such men are more important for defensive purposes than agitators or others of good-enough intentions who may not be available for service when the country needs men.

ENLISTMENTS ARE NOT HEAVY.

In this connection it is somewhat surprising that although the agitation for preparedness has filled the newspapers and public halls for over a year and Congress has been flooded with

petitions on the question, the actual number of enlistments in the Army and Navy since the 1st of January last has not been in keeping with even the limited preparedness provisions that have been made in the Army and Navy bills. If the great parades, which the newspapers tell us have included 150,000 men in each of the cities of Chicago and New York, are to be accepted as criterions, how are we to account for the cold fact that from the 1st of January to the 31st of May the total number of enlistments in the whole United States was only 1,743 men more than the number of men discharged from the service during the same period? Or how are we to understand that during the first two months of 1916 there were separated from the service in the Army more than half the total number of men enlisting for the four months of January, February, March, and April? These facts are not my own. They are taken from officials reports of the War and Navy Departments.

When the world is supposed to be afire, and the United States is aroused to its highest sense of interest, there must be some reason for the backwardness of enthusiastic patriots to come forward for real fighting service. It may be that better employment awaits the average American youth elsewhere. If his pay in the Army or Navy is too small it might be well to raise it. If my views should prevail, the enlisted man in either branch of the service would receive not less than $20 per month.

NAVY ENLISTMENTS, FIVE MONTHS, 8,333 MEN.

As showing the trend of enlistments, compared with discharges in the Navy, for the five months from January to May, inclusive, and while the preparedness agitation has been at its height, I append the following letter from the Secretary of the Navy:

NAVY DEPARTMENT,
Washington, June 3, 1916.

MY DEAR MR. MOORE: The department has received your letter of May 26, 1916, requesting information regarding the enlisted personnel of the Navy. The department will answer categorically the questions submitted:

First, from January 1, 1916, to May 31, 1916, the Navy Department has received the reports of the enlistment of 8,333 men.

Second, during this same period, 6,590 men have left the service by discharge or otherwise.

Third, the Philadelphia recruiting district includes the eastern part of Pennsylvania, west to and including Harrisburg and north to Reading, the southern half of New Jersey, and the northern part of Delaware. During the period referred to above there were enlisted at the Philadelphia recruiting station and substations 186 men, and on board the receiving ship at Philadelphia, 84—a total of 270.

Fourth, the following figures give the enlistments during the period referred to above at Boston, New York, and Baltimore:

Recruiting station, Boston	191
Receiving ship at Boston	117
	308
Recruiting station, New York	563
Receiving ship, New York	147
	710
Recruiting station, Baltimore, Md	160

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. J. HAMPTON MOORE, M. C.,
House of Representatives, Washington, D. C.

ARMY ENLISTMENTS, FOUR MONTHS, 8,164 MEN.

Enlistments in the Army have been computed in the War Department for the four months from January 1 to April 30, 1916, inclusive. In submitting data from The Adjutant General, I call attention particularly to the separation of enlisted men from the service for the two months of January and February. The figures herewith presented certainly do not show any abnormal increase in the number of young men offering their services to the country under existing conditions. The Adjutant General's memorandum follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, May 27, 1916.

1. The number of enlistments for the Army from January 1 to April 30, 1916, date of the latest report, is 8,164.

2. The total number of separations of enlisted men from the service for January and February, 1916, is approximately 4,421. The returns received since February are incomplete, and it is impossible to make even an approximate estimate of the separations since that time.

3. The areas of recruiting districts are not specifically defined. Besides the stations in the city of Philadelphia, that district has recruiting stations in Pottsville, Pa., Trenton, N. J., and Wilmington, Del. The urban and suburban country adjacent to those cities is canvassed by members of the Philadelphia party. The number of acceptances in that district from January 1 to April 30, 1916, is 237.

4. The number of acceptances within the same period in the districts named are as follows: Boston, 84; New York, 895; Baltimore, 116.

H. P. MCCAIN,
The Adjutant General.

Hon. J. HAMPTON MOORE,
House of Representatives.

PRIVATE CALENDAR.

Mr. STEPHENS of Mississippi. Mr. Speaker, we are about to take up bills on the Private Calendar, and I ask unanimous consent that each bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that bills on the Private Calendar be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the first bill.

CERTAIN CIVILIAN EMPLOYEES OF THE ENGINEER DEPARTMENT AT LARGE.

The first business on the Private Calendar was the bill (H. R. 5079) for the relief of certain civilian employees of the Engineer Department at Large, United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The bill goes over without prejudice.

OSCAR FROMMEL & BRO.

The next business on the Private Calendar was the bill (H. R. 2241) for the relief of Oscar Frommel & Bro.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. RUSSELL of Missouri). The gentleman from Illinois objects, and the bill goes over without prejudice.

CLAIMS OF CERTAIN SETTLERS, SHERMAN COUNTY, OREG.

The next business on the Private Calendar was the bill (H. R. 2534) to adjudicate the claims of certain settlers in Sherman County, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the following several sums of money to the respective claimants, their heirs, assigns, or legal representatives; the amount to be paid to each settler, his heirs, assigns, or legal representatives:

To Harry Hill, $1,255.
To Hiram E. Powell, deceased, $2,000.
To Otis B. Messinger, $2,000.
To David W. Huff, deceased, $1,440.
To Eliza J. Powell, $1,265.
To Luther B. Hill, $800.
To Alva B. Craft, $1,290.
To Benjamin E. Dougherty, $1,600.
To Theron S. Hill, deceased, $2,000.
To James H. Clements, $1,360.
To Absalom B. Allison, $1,375.
To Edgar Lewis, $1,180.
To Elizabeth A. Bates, $1,385.
To Lena Wegener, $1,280.
To Rufus H. King, $2,000.
To Charles K. Huff, $1,600.
To Grace T. Hill, $1,625.
To John B. Coon, $1,426.41.
To Merit F. S. Henton, $1,500.
To Robert L. Allison, $1,618.
To Clark E. Brown, $1,515.
To Reuben D. Allison, $1,450.
To Adolph Perrault, $2,000.
To Lester A. Heath, $1,830.
To Warren D. Marshall, $1,970.
To Anastasse Perrault, $1,460.
To John Willet, $1,190.
To John W. Willis, $800.
To Diedrich Patjens, deceased, $850.
To Ellen E. McLeod, now Ellen E. Somer, $800.
To George M. Simpson, $800.
To Henry Nachand, $800.
To Cascious W. Fairchild, $855.
To Frank Watkins, deceased, $560.
To William Daugherty, deceased, $1,039.
To Alice M. Coats, deceased, $570.
To Thomas J. Farra, deceased, $1,760.
To Edgar G. Messinger, $1,760.
To Louisa M. Clements, $1,600.
To George D. Clements, $1,605.
To William Krusow, $1,899.72.
To Thomas F. Cochran, $300.
To George Meader, $2,000.
To William H. Andrews, $2,000.
To Charlie W. Barzee, $1,900.
To Joel H. Reed, deceased, $1,370.
To John O. Powell, $1,400.
To Abrahan C. Huff, $1,400.
To John D. Wilcox, $1,200.
To Eugene W. Garlick, $1,400.
To Goodrich D. Boardman, $700.
To Elisha T. Vallandingham, $1,080.
To Frank A. Sayrs, $1,900.
To William S. Powell, as transferee of George W. Mark, $1,400.
To Thomas Macken, $1,120.
To James Macken, $1,200.
To Joeb M. Powell, deceased, $2,000.
To Leon V. Moore, $1,400.
To Fred Krusow, $1,255.
To Uriah Serviss, $2,000.
To Alexander Scott, $1,350.
To Thomas Walsh, deceased, $480.

To Johan Janssen, $1,550.
To Elmer F. Heath, $1,600.
To John Fulton, $1,200.
To Carl Peetz, $2,000.
To John W. Messinger, $2,000.

In all, $94,318.13, which amount is hereby appropriated, and the Secretary of the Interior is authorized and directed to make the payments to the claimants herein named and provided for by his warrant upon the Treasury of the United States: *Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall, directly or indirectly, receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection therewith an amount greater than 5 per cent of the amount allowed under this bill to the person for whom he has acted as agent or attorney: *Provided further*, That no purchaser or assignee of the claims of any of the said claimants shall receive therefor a greater amount than was paid to the claimant for his assignment.

The committee amendments were read, as follows:

Page 4, line 3, strike out "fourteen hundred" and insert "fifteen hundred and ninety"; line 7, strike out "fourteen hundred" and insert "fifteen hundred and forty"; and line 17, strike out "$94,318.13" and insert "$94,648.13."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FARMERS AND MERCHANTS' BANK, HEADLAND, ALA.

The next business on the Private Calendar was the bill (H. R. 10823) for the relief of the Farmers and Merchants' Bank of Headland, Ala.

The SPEAKER pro tempore. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $34.50 to the Farmers and Merchants' Bank of Headland, Ala., which sum was paid for internal-revenue stamps that were lost by the United States mail in transit from Birmingham, Ala., to Headland, Ala.

Also the following committee amendment was read:

Page 1, line 4, after the word "authorized," insert the words "and directed."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DOMMICK TAHENY AND JOHN W. MORTIMER.

The next business on the Private Calendar was the bill (H. R. 6167) for the relief of Dommick Taheny and John W. Mortimer.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

GEORGE T. LARKIN.

The next business on the Private Calendar was the bill (H. R. 947) for the relief of George T. Larkin.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES HOUYDE.

The next business on the Private Calendar was the bill (H. R. 3255) for the relief of James Houyde.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report it.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James Houyde, of Morton, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to compensate him for damages on account of the death of his son, Joseph Houyde, who was killed in the line of his duty while an employee of the United States Forest Service in the Rainier National Forest, and the said sum is hereby appropriated for the purpose above set forth.

Also the following committee amendment was read:

Page 1, line 6, strike out "$5,000" and insert "$1,000."

Mr. JOHNSON of Washington. Mr. Speaker, I have an amendment to offer as a substitute for the committee amendment.

The SPEAKER pro tempore. The Clerk will report the substitute.

The Clerk read as follows:

Strike out "$5,000" and insert "$858."

Mr. MANN. That is one year's pay.

The SPEAKER pro tempore. The question is on agreeing to the substitute to the amendment.

The question was taken, and the substitute was agreed to.

The SPEAKER pro tempore. The question is on the amendment as amended by the substitute.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ALLOTMENT OF DAVIE SKOOTAH.

The next business on the Private Calendar was the bill (H. R. 8203) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cancel the patent issued in the name of Davie Skootah, allottee No. 35, on the Lummi Reservation, Wash., and to reallot the lands, under the provisions of the general allotment laws, to unallotted members of the Lummi Tribe in areas of not exceeding 10 acres each.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MARTIN HUHN.

The next business on the Private Calendar was the bill (H. R. 1528) for the relief of Martin Huhn.

The SPEAKER pro tempore. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martin Huhn, who was permanently disabled while engaged in employment of the United States Government at Hoboken post office, in the State of New Jersey, on or about August 13, 1913, the sum of $7,500.

Also the following committee amendment was read:

Page 1, line 9, strike out "$7,500" and insert "$100."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I move to strike out, in line 6, the word "permanently."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 6, by striking out the word "permanently."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS, ETC., OF CHARLES JOHNSON AND KATE JOHNSON.

The next business on the Private Calendar was the bill (H. R. 9466) for the relief of the heirs or legal representative of Charles Johnson and Kate Johnson.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. MANN. I object.

Mr. HARRISON. Mr. Speaker, will the gentleman withhold his objection for just a moment?

Mr. MANN. Certainly.

Mr. HARRISON. May I ask the gentleman what his objection is to this bill? These people were in charge of this lighthouse during the storm that washed away everything on the island, and they lost their lives. The property originally inventoried at $1,200 and some odd. We have reduced that amount because there were certain things there like a graphophone, and similar articles, that we thought we ought not to put in.

Mr. MANN. Mr. Speaker, some time ago there was a great storm down at Apia, Samoan Islands——

Mr. HARRISON. This is Horn Island.

Mr. MANN. There was a great storm at Apia, Samoa, and there were some naval vessels driven out to sea, and I believe possibly one of them was lost. Congress passed a bill to reimburse the men and officers on that vessel for the loss of their personal belongings. It was a very exceptional case, and it appealed very strongly to the sympathies of everybody in the country. Congress having passed that bill, everybody in the Government service seemed to think that the Government of the United States was the insurer of their private belongings, and that if they met any loss it was our business to reimburse them.

I do not take that view of it at all. The Government does not insure this property. These people all have the right to insure it themselves. We just passed over one bill to reimburse a lot of men in the Engineer Corps of the Army, and there are

pending before the Committee on Claims quite a number of bills to do the same thing. I do not think that we insure them.

I will say to the gentleman that when I was a member or chairman—I have forgotten which—of the Committee on Interstate and Foreign Commerce I introduced a bill and urged its passage to reimburse a lot of people in the Lighthouse Service, the Lighthouse Service coming under the jurisdiction of that committee. We were carried away by sympathy for those people. But I have changed my opinion. I do not think that we are the insurers of private belongings, wholly personal in their nature, of people in the Government service; and while I have the greatest of sympathy for the lighthouse keeper who loses his belongings or for a man in the Army or the Navy or in any other branch of the Government service whose property is destroyed by storm or fire, still I do not think we insure for those men their property. If you pass this bill, you can not stop the others. That is the sole reason.

Mr. HARRISON. I think this is a little different from the other bills.

Mr. MANN. It has strong equities in it, but I do not see how you can draw the line.

Mr. HARRISON. If the gentleman will permit me, here are some islands about 10 miles from the land. No one except Government officials live there, and there are very few of those. This man was the keeper of a lighthouse, and he stayed there until the last.

Mr. MANN. I know what the case is.

Mr. HARRISON. It was the most violent storm ever known in that section of the country. The lighthouse was swept away. The man and his daughter were killed. The widow, who is to be benefited by the bill, had $1,200 worth of stuff, all in the world that they did have, and the bill only carries $600. The bill is really exceptional in its character.

Mr. MANN. I do not see how you can draw the line. The man and his wife both lost their lives and their property. We have a case here where we are asked to pay for chickens, lost by storm, belonging to a lighthouse keeper.

Mr. HARRISON. There are two of those bills. Both are in small amounts. I hope the gentleman, as chairman of the committee, did allow a bill of that kind.

Mr. MANN. I introduced a bill of that kind, but it did not go to my committee.

Mr. HARRISON. I hope the gentleman will not object.

Mr. MANN. I can not let it go by unanimous consent.

The SPEAKER pro tempore. The gentleman from Illinois objects.

RELIEF OF MAIL CONTRACTORS.

Mr. STEPHENS of Mississippi. Mr. Speaker, yesterday we passed a bill providing for the payment of claims for carrying the mails prior to the Civil War, the bill (H. R. 11150) for the relief of mail contractors. The next bill is a mail-contract bill. There are 40 such bills on the Private Calendar. I want to ask to be permitted to indicate to the Clerk those bills, and ask that they be stricken from the calendar. I ask unanimous consent that I may be permitted to indicate those bills to the Clerk.

Mr. MANN. If the gentleman wants to strike them from the calendar, would it not be better to recommit them to the committee?

Mr. STEPHENS of Mississippi. Suppose, then, Mr. Speaker, that we simply indicate them, and ask that all such bills be passed over and remain on the calendar. It will save time.

Mr. MANN. I am perfectly willing.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that he be permitted to indicate to the Clerk the claims for carrying mails prior to the Civil War.

Mr. MANN. Let him give the numbers to the Clerk and have them reported, so that the Clerk will have a record, and then ask unanimous consent that they be passed over.

Mr. STEPHENS of Mississippi. Very well.

The SPEAKER pro tempore. There is no necessity of reading the list.

Mr. MANN. Oh, yes; so that there will be a record.

The SPEAKER pro tempore. The Chair understood the Clerk would indicate them on the calendar.

Mr. MANN. The list can easily be read. They can be read by number.

The SPEAKER pro tempore. The Clerk will read the list.

The Clerk read as follows:

BILLS ON PRIVATE CALENDAR CONTAINED IN H. R. 11150, THE OMNIBUS BILL FOR THE RELIEF OF MAIL CONTRACTORS.

H. R. 9558, reported by Mr. MILLER of Delaware, No. 91.
H. R. 9148, reported by Mr. MILLER of Delaware, No. 92.
H. R. 10891, reported by Mr. MILLER of Delaware, No. 93.
H. R. 11092, reported by Mr. MILLER of Delaware, No. 94.
H. R. 9113, reported by Mr. STEPHENS of Mississippi, No. 95.
H. R. 11400, reported by Mr. RUSSELL of Ohio, No. 99.
H. R. 8622, reported by Mr. PRICE, No. 109.
H. R. 12553, reported by Mr. MILLER of Delaware, No. 110.
H. R. 12554, reported by Mr. MILLER of Delaware, No. 123.
H. R. 10992, reported by Mr. MILLER of Delaware, No. 124.
H. R. 11341, reported by Mr. MILLER of Delaware, No. 125.
H. R. 9783, reported by Mr. POU, No. 134.
H. R. 9175, reported by Mr. POU, No. 135.
H. R. 5416, reported by Mr. STEPHENS of Mississippi, No. 136.
H. R. 9455, reported by Mr. STEPHENS of Mississippi, No. 137.
H. R. 13100, reported by Mr. STEPHENS of Mississippi, No. 138.
H. R. 9463, reported by Mr. STEPHENS of Mississippi, No. 139.
H. R. 3835, reported by Mr. STEPHENS of Mississippi, No. 140.
H. R. 10054, reported by Mr. STEPHENS of Mississippi, No. 142.
H. R. 6225, reported by Mr. RUSSELL of Ohio, No. 145.
H. R. 11690, reported by Mr. MILLER of Delaware, No. 147.
H. R. 1442, reported by Mr. POU, No. 154.
H. R. 6009, reported by Mr. STEPHENS of Mississippi, No. 155.
H. R. 6010 reported by Mr. STEPHENS of Mississippi, No. 156.
H. R. 6011, reported by Mr. STEPHENS of Mississippi, No. 157.
H. R. 6012, reported by Mr. STEPHENS of Mississippi, No. 158.
H. R. 6013, reported by Mr. STEPHENS of Mississippi, No. 159.
H. R. 6014 reported by Mr. STEPHENS of Mississippi, No. 160.
H. R. 6015, reported by Mr. STEPHENS of Mississippi, No. 161.
H. R. 6016 reported by Mr. STEPHENS of Mississippi, No. 162.
H. R. 13308, reported by Mr. MILLER of Delaware, No. 170.
H. R. 8265, reported by Mr. MILLER of Delaware, No. 171.
H. R. 12798, reported by Mr. POU, No. 180.
H. R. 5501, reported by Mr. POU, No. 181.
H. R. 5502, reported by Mr. POU, No. 182.
H. R. 9181, reported by Mr. POU, No. 184.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. STEPHENS] asks unanimous consent that these bills be checked off by the Clerk and passed over without prejudice and remain on the calendar. Is there objection?

There was no objection.

ELLEN B. MONAHAN.

The next business on the Private Calendar was the bill (H. R. 6770) for the relief of Ellen B. Monahan.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next one.

PETER M'KAY.

The next business on the Private Calendar was the bill (S. 1376) for the relief of Peter McKay.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

DR. E. V. HAILMAN.

The next business on the Private Calendar was the bill (H. R. 3145) for the relief of Dr. E. V. Hailman.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

BERNARD A. SCHAAF.

The next business on the Private Calendar was the bill (H. R. 8267) to place Bernard A. Schaaf on the retired list of the Army.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from California [Mr. CHURCH] whether in his opinion this case is so exceptional in character that it will not be taken as a precedent?

Mr. CHURCH. I will say to the gentleman from Illinois that it seems to be a case of the very greatest importance viewed from a patriotic standpoint and from the standpoint of humanity. I think the gentleman understands the history of the case. Mr. Bernard Schaaf enlisted as a private in the United States Army——

Mr. MANN. I remember the case. Of course I am not trying to cross-examine the gentleman. He will understand that. But I would like to have his opinion as to whether he thinks that if we pass this bill it can be taken as a precedent by everybody else who wants to be put on the retired list with the rank, pay, and allowances of some noncommissioned officer.

Mr. CHURCH. I do not see why it should be taken as a precedent in any way. As the gentleman well knows, the conference-report provision on the military bill, section 26, covers almost all cases of this kind.

Mr. MANN. I do not think so at all.

Mr. CHURCH. I may be a little broad in that statement.

Mr. MANN. I do not think it covers a case like this at all, or it would not be necessary to pass this bill.

Mr. CHURCH. I will say to the gentleman that there is only a technical reason why that provision of the conference report does not cover this particular case.

Mr. MANN. Why, no; the provision of the conference report, as I recall it, does not cover a case like this at all; to put on the retired list a man who was a lieutenant in the Philippine Scouts, and who was not entitled to retirement, as a master signal electrician, which, of course, he never was.

Mr. CHURCH. There are three classes that are covered.

Mr. MANN. I wanted to get the gentleman to say whether he thought this bill if passed would make a precedent.

Mr. CHURCH. I do not think it will be taken as a precedent. I am quite sure it will not be.

Mr. SISSON. Reserving the right to object, Mr. Speaker, the report states that this case is not covered by any statute of retirement. What are the facts, other than those stated in the report, as to the service of this man?

Mr. CHURCH. Bernard Schaaf enlisted as a private in the United States Army away back in 1903. After he had served in that capacity he was sent to the Philippine Islands and was appointed a second lieutenant in the Philippine Scouts in 1908. He served in that capacity as a second lieutenant for a period of four years. On account of his efficient work he was promoted in 1912 to be a first lieutenant in the Philippine Scouts.

Mr. SISSON. What is his condition now?

Mr. CHURCH. While serving in that capacity he became insane. He was brought here and is now in St. Elizabeth's Hospital, and the doctors pronounce him incurably insane. He has a wife, and she works as a domestic over here in Maryland in order to support herself, and to carry to him—twice a week or oftener—some little necessities that she thinks he does not receive at the hospital.

Mr. SISSON. What is the salary of a master signal electrician?

Mr. CHURCH. I can not say exactly; but it is between $80 and $90.

Mr. SISSON. A month?

Mr. CHURCH. A month.

Mr. SISSON. I withdraw any objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to place Bernard A. Schaaf, formerly first sergeant of Company K, Eighth Regiment United States Infantry, and later a lieutenant of Philippine Scouts, on the retired list of the Army with the rank, pay, and allowance of a master signal electrician: *Provided*, That in computing the soldier's pay credit shall be given for all his continuous service in the Army.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

EVA M. BOWMAN.

The next business on the Private Calendar was the bill (S. 136) for the relief of Eva M. Bowman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Eva M. Bowman, widow of Robert L. Bowman, who was killed in the discharge of his duty as Indian agent.

With the following committee amendment:

Page 1, line 5, strike out the figures "$5,000" and insert in lieu thereof the figures "$1,460."

The committee amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

MRS. GEORGE A. MILLER.

The next business on the Private Calendar was the bill (S. 142) for the relief of Mrs. George A. Miller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $108.50 to Mrs. George A. Miller, on account of money expended by her husband in defending a suit brought against him growing out of his effort to enforce the law against selling liquor to Indians.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

MATHILDA P. HANSEN.

The next business on the Private Calendar was the bill (S. 67) for the relief of Mathilda P. Hansen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Mathilda P. Hansen, of Salt Lake City, Utah, widow of Christian Hansen, the sum of $500, for improvements made by Christian Hansen on lots Nos. 1, 2, 3, 4, and 5, section 12, township 21 north, range 11 east, Willamette meridian, North Yakima, Wash., land district.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

FRANK PAYNE SELBY.

The next business on the Private Calendar was the bill (S. 2720) for the relief of Frank Payne Selby.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

BARKHAUSEN COAL & DOCK CO.

The next business on the Private Calendar was the bill (H. R. 11293) for the relief of the Barkhausen Coal & Dock Co., of Green Bay, Wis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Barkhausen Coal & Dock Co., of Green Bay, Wis., out of any moneys in the Treasury not otherwise appropriated, the sum of $163.17, being the sum allowed to said company by the Secretary of the Interior to cover cost of coal and hauling charges thereon, for the Pine Ridge Indian School and Agency, S. Dak.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CHARLES L. MOORE.

The next business on the Private Calendar was the bill (H. R. 8452) for the relief of Charles L. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles L. Moore, of Pesotum, Ill., the sum of $26, the amount being due him for extra pay and disallowed October 9, 1901.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

THOMAS J. BYE.

The next business on the Private Calendar was the bill (H. R. 11377) for the relief of Thomas J. Bye.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas J. Bye, of Sault Ste. Marie, Mich., out of any money in the Treasury not otherwise appropriated, the sum of $500, in full settlement of his claim against the Government of the United States by reason of the loss of his team of horses through drowning while employed on Government work under the supervision of Government officials.

Mr. MONDELL. Reserving the right to object, although I shall not object, I want to call attention in this connection to the peculiar attitude of the committee in regard to matters of this sort. The committee in this case has allowed $500 for the loss of a team of horses because they were lost while employed on Government work under the supervision of Government officials. Now, I introduced a bill some time ago asking the very modest sum of $50 for the loss of a horse hired by the Government and killed while being used by the Government by falling from a mountain cliff on a very bad trail. An adverse report was made by the committee a few days ago because—and that is the only reason of the adverse report so far as I know—the department of the Government using the horse said there was no negligence on the part of any employee of the Government in the matter. It is not claimed that there was in this case.

Mr. MANN. Oh, yes.

Mr. MONDELL. Well, negligence of a sort. I was told that the committee did not feel justified in approving the $50 claim for the loss of a horse because the department had not recommended it. The department did not disapprove it; they simply said there was no negligence on the part of the Government. While it was not claimed that there was any special negligence, the horse was hired to the Government for

work in the mountains, using him in the mountains on the dangerous trails, and he slipped and was killed.

I have been unable to determine just what theory the committee followed in this case. I do not object to an adverse report in the case of a horse that was valued at $50 and the favorable report in the case of the team valued at $500, or to the favorable report in the case of another saddle horse valued at $75, if there is any essential difference in the cases; but I do not think there is any essential difference. The difference seems to be entirely in regard to the attitude of the bureau or department using the animal. If they are favorably disposed to the payment in one case, the committee follows their recommendation. If not favorably disposed, that settles it, as far as the committee is concerned. It does not occur to me that that is a proper attitude for a committee of this House to assume in regard to matters of this kind—to regularly follow the recommendations of the department.

Mr. MANN. Mr. Speaker, of course I know nothing of the particular merits of the gentleman's propositions which have not been before the House, but clearly they are differentiated from this bill, which is a case where a man was hauling stone for the Government at the canal in Michigan, and was directed to haul the stone over the canal in the wintertime when it was frozen, and was informed by a Government official that the ice was 9 inches or a foot thick, and that it was perfectly safe to travel on the ice. The Government official who gave the information was mistaken. The ice was not that thick; it was not safe to travel over; and the man lost his team and was in luck that he did not lose his life through the legal negligence on the part of an official of the Government.

If the gentleman from Wyoming has any such case, he will have no difficulty in getting the committee to report it.

Mr. MONDELL. It seems to me that if that constitutes negligence, the case I referred to constitutes negligence. In the case I referred to they were using this horse in a mountainous country making surveys. They thought that a certain trail was safe, as they thought that the ice in this other case was safe. As a matter of fact the trail was not safe; it gave way, taking the horse down the mountain side and killing him.

Mr. MANN. Even I, who do not live in a mountainous country, know that when I travel over a trail in a mountainous country I take chances, and when a man takes a horse over it he knows it, too. The man was taking no chances in hauling stone in a perfectly safe place—the situation is entirely different.

Mr. MONDELL. The man in this case knew he was hauling stone on the ice, and it was only a question how thick it was.

Mr. MANN. He was hauling stone and was directed to take this stone across the ice, where it was just as safe, if the statement was correct, and safer, probably, than it would have been on a rough road; certainly safer than traveling over a mountain trail.

Mr. MONDELL. I understand, then, that the difference is that the Government is responsible if it is ice and is not responsible if it is rock.

Mr. STEPHENS of Mississippi. Mr. Speaker, in response to what the gentleman has just said, I will state that my recollection is that the record shows that the Government authorities in charge of this work examined this ice, bored through it, and told this man that it was perfectly safe. He went on the ice under their instructions, following their orders, and his horse was lost. I think that the gentleman from Wyoming [Mr. MONDELL], in his statement a few moments ago, gave the real reason that impelled the committee to act as it did in regard to his matter, when he said that in the case in which he is interested there was no claim of negligence on the part of any Government official. That is why the committee refused to pass his bill, which has been referred to.

Mr. MONDELL. Mr. Speaker, I will say to my friend that I hope I have some legislative conscience, and I do not assert a claim that I do not think is clear and definite and properly based. My judgment is that when the Government hires a horse for a certain kind of use, whether in the mountains or on the ice, and the horse is used for that purpose, there is no negligence on the part of the Government if in the ordinary use of the animal he is injured or killed. If the committee takes the position that it only allows claims when gentlemen assert that there has been negligence, even though the facts do not bear out the claim, I fear those of us who do not want to assert claims not borne out by the facts will not have many of our bills reported.

Mr. STEPHENS of Mississippi. But the question of negligence might arise in regard to the use to which the horse was put.

Mr. MONDELL. I do not believe there is any negligence in the case we are now discussing—negligence in the sense that would make the Government legally responsible if the Government were a private individual. That is what I meant when I said I did not make the claim that the Government officials were negligent. I do not think they were negligent in this case to an extent that would have made an individual legally responsible. These cases are equity cases, purely, and the equity is just as strong, just as great in the case to which I have referred of the horse that was lost on the mountain trail, as in the case of the horse that was lost on the ice. The only difference is that in one case there was a department disposed to pay and in the other case there was a department absolutely indifferent. I have introduced two bills, one introduced at the request of the people who lost the horse, the other introduced at the request of the Geological Survey, both for a horse killed while in the use of the survey, one favorably reported and the other unfavorably reported, and as far as I can learn no reason for the difference in treatment except that in the one case the department for some reason or other was anxious to pay, and anxious to the extent of sending me a bill and having it introduced.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. MONDELL. Mr. Speaker, I ask for one minute more.

The SPEAKER pro tempore. The gentleman from Mississippi has the floor.

Mr. STEPHENS of Mississippi. Mr. Speaker, I will gladly yield to the gentleman from Wyoming.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, in the other case they were entirely indifferent in regard to it. In order that in the latter case there should not be any question about the payment, I advised the people to put the value of the animal very low. They insisted that it was worth $100. I introduced a bill for $50, believing that by being reasonable and more than reasonable I could get favorable consideration for a case that was certainly as good as the other case that was sent me with a request that I introduce the bill, which went through the committee without any difficulty at all, without any appearance or effort on my part.

Mr. STEPHENS of Mississippi. Mr. Speaker, the committee saw a great difference in the facts in the two cases and therefore reported one favorably and the other unfavorably.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GOTTLOB SCHLECT AND MAURICE D. HIGGINS.

The next business on the Private Calendar was the bill (H. R. 12742) for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Gottlob Schlect, $1,000; to Maurice D. Higgins, $1,000; to Margaret Krone, remarried widow of Valentine Brasch, $400; to Emily Brasch Kingsley, $200; to Charles Brasch, $200; and to Kate Brasch, $200: *Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall, directly or indirectly, receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Gottlob Schlect, $499.20; to Maurice D. Higgins, $499.20; to Margaret Krone, remarried widow of Valentine Brasch, $124.80; to Emily Brasch Kingsley, $124.80; to Charles Brasch, $124.80; and to Kate Brasch, $124.80: *Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall, directly or indirectly, receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 708. An act to make immediately available for the use of the State of Georgia in paying expenses incurred by said State

in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State; to the Committee on Military Affairs.

THOMAS M. JONES.

The next business on the Private Calendar was the bill (H. R. 1788) for the relief of Thomas M. Jones.

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I ask that the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and laws governing entrance to soldiers' homes Thomas M. Jones be held and considered to have been mustered into the United States service as a drummer in Company C, Independent Regiment Pennsylvania Volunteer Infantry, on September 8, 1862, and to have been honorably discharged on April 23, 1863: *Provided*, That no bounty, pay, or other allowance shall become due or payable by reason of the passage of this act.

With the following committee amendments:

Line 6, after the word "in," insert the word "Independent," and in line 7 strike out the words "Independent Regiment."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRESTON B. C. LUCAS.

The next business on the Private Calendar was the bill (H. R. 5091) for the relief of Preston B. C. Lucas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Preston B. C. Lucas the sum of $500, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. HAWLEY. Mr. Speaker, will the gentleman withhold his objection?

Mr. MANN. Oh, yes; I will withhold the objection.

Mr. Speaker, I reserve the right to object. I did not notice that the gentleman from Oregon was present.

Mr. HAWLEY. Mr. Speaker, the bill just read is to pay the claim of Preston B. C. Lucas, which claim arose in this way: He settled upon a quarter section of land, and after completing his term of residence on it and making the improvements prescribed by law, he obtained a patent to the land. Before he made his settlement he took extraordinary precautions to determine the boundaries of the piece of land, because on the northern portion of it there was a little strip of bottom land on which he wished to construct his buildings and improvements and make his clearing.

There had been in 1878 a survey of this tract of land, which survey had been accepted by the Government, but in the course of time the survey marks were obliterated and became uncertain. The Government ordered a resurvey of this tract of land in 1898, which was not uncommon, because some of the early surveys were erroneous—the early surveyors having made mistakes, and in other cases the blazes and corner marks became indistinguishable. I know of a number of instances where new surveys were made, and in such cases the new surveys have been adhered to, so far as my memory now serves.

The corners and boundaries under the new survey Mr. Lucas regarded as correct, and had no reason for thinking otherwise. The second survey was paid for by the Government, accepted, and approved, which indicated to the mind of anyone applying for land in that section that the original survey was held erroneous by the Government and the new survey was to be the true survey. Later an inspector went over the surveys, however, and decided that the former survey was the correct one, and so reported to the office here in Washington, which held that the former survey was the survey which should be followed in fixing the boundaries of the land. Now, this was after the land had been patented to Mr. Lucas.

When a man goes on a piece of land to make settlement he goes over the land and does not select a particular quarter section in a theoretical way on the map, but selects a quarter section as it is marked out on the ground by the Government survey. It has four corners definitely located by well-established marks, with blazed or marked lines connecting them.

He went over this land. He followed the Government's second survey. He decided this piece of land was the piece of land he wished as it was then on the Government plat and as it was then shown on the ground by the Government marks of the second survey. The change in the north line after patent had been issued to him caused him to lose all of his improvements. He tried the case in the local court and the court determined in his favor. In addition to his improvements he lost his clearing and several acres of land. His loss was much greater than the amount of money provided for in the bill.

I hope the gentleman from Illinois can see his way clear, in view of the fact that what he did was in perfect good faith, that he did everything a man could do or could be expected to do—because the Government issued him a patent—and he took the land as it was marked out on the surface of the earth with blaze marks through the woods and with the corners as clearly indicated by the second survey——

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, this is a hard case, and there are many of them. It might be possible when the House is full and considering a bill like this they would be able to differentiate it from an ordinary claim and allow it. I do not undertake to say. I can remember when I was a small boy one of my earliest recollections now is my father had a farm in McLean County, Ill., and somebody discovered the surveys on which all the farms were based were incorrect and everybody's farm was moved over, everybody in that locality.

Well, they had no claim against the Government. I have run into that character of cases in the city of Chicago where there is a discrepancy in the survey, sometimes based on the original Government survey. The Government does not assume the responsibility of locating a man upon the piece of property, especially where it gives it to him, and of being sure that he puts his improvements upon the location which he made——

Mr. HAWLEY. If the gentleman will permit——

Mr. MANN. And I am not willing to start in by proceeding by unanimous consent to pay these claims.

Mr. HAWLEY. Will the gentleman yield on that particular point he mentioned a moment ago?

Mr. MANN. Certainly.

Mr. HAWLEY. In every case where a settler makes settlement on a piece of land the four corners are marked, and the corners are connected by blazed lines, if it is in a wooded country like this is. That is what the Government says that quarter section consists of. He took it upon the marks that the Government had made on the surface of the earth as indicating that particular quarter section, and he put his improvements well within the line that the second survey marked out, and through no fault of his the lines were changed and his improvements were transferred to another party. If he had known the possibility of this in the beginning, without doubt he would not have taken that piece of land, but would have taken the quarter section just north, because on that area was a few acres of bottom land which he desired for his house, barn, and so forth, and first clearing. Therefore he took that particular tract. He has also lost his right to make a homestead entry. He was misled by the Government surveyor. His work, his toil of years, his money that he expended on improving the farm, are all gone to another man, given by the Government without any compensation to him.

Mr. MANN. Oh, his work did not amount to very much; he only asked $500.

Mr. HAWLEY. It amounted to much more than that, but that is all now asked.

Mr. MANN. There was an original Government survey that established the line. Those were the real ones. Subsequently there was a resurvey made on the application of the agent out there, and the resurvey was erroneous.

Mr. HAWLEY. How was he to know that the resurvey was erroneous, and how could the Government say that the first survey was better than the other survey?

Mr. MANN. I do not know that he could know; but his neighbor got a competent surveyor. The Government surveyor, who surveyed under contract, was not.

Mr. HAWLEY. Mr. Lucas was not responsible for the second Government survey, but he had a right to believe this survey to be the correct one.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired. The gentleman from Illinois [Mr. MANN] objects.

Mr. MONDELL. I hope the gentleman will withhold his objection.

Mr. MANN. I will not.

The SPEAKER pro tempore. The Clerk will report the next bill.

EVERETT H. CORSON.

The next bill on the Private Calendar was the bill (H. R. 1358) for the relief of Everett H. Corson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Everett H. Corson, an employee of the Department of the Interior, General Land Office, the sum of $2,000, as full compensation for permanent injuries and damages received by the said Corson in an accident caused by a runaway, without any contributory negligence and while in the discharge of his official duties, on the 23d day of August, 1906; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Also, the following committee amendment was read:

Page 1, line 6, strike out "$2,000" and insert "$1,237."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. Mr. Speaker, I would like to have the chairman of the committee give us some explanation of this bill. From the reading of it, clearly there seems to be no liability of the Government; but if the statement of the facts will bring it within any of the rules of liability I will be pleased to hear what the chairman has to say as to the facts in the case.

Mr. STEPHENS of Mississippi. Mr. Speaker, the committee has not always held itself down to the strict rules of law in regard to matters of this kind. The gentleman will recall that there are many classes of employees that are entitled to compensation where they are injured while in the employ of the Government, and the question of how the accident occurred does not enter very largely into matters of that kind. Looking to the facts in this case, we found that this man, Mr. Corson, was an employee of the Government; he was actually engaged in his work, and he was very seriously injured while so engaged, in fact, so seriously injured that he suffered for a long, long time and was put to a great deal of expense, amounting to about $750, in doctor bills, and so on. But the purpose of this bill is not to reimburse him for that expense, but simply to allow him the salary that he would have received if he had not been injured but had remained at his post of duty and at work.

Mr. CULLOP. Now, Mr. Speaker, here is an individual who was injured through no fault of the Government so far as the facts disclosed by the distinguished chairman are concerned, but he was injured outside of his employment by an accident that occured to him, and he comes here and asks an appropriation to be made simply because he was an employee of the Government, without any liability of any character whatever attached to the Government for his injury. Just as well might some one who is riding upon a railroad train where a collision would occur come to Congress and ask for an appropriation to reimburse him for an injury that he might sustain while a passenger on the railroad.

Mr. STEPHENS of Mississippi. Now, Mr. Speaker, if the gentleman will permit——

Mr. CULLOP. I will be glad to yield.

Mr. STEPHENS of Mississippi. I think there is a very clear distinction between the illustration the gentleman made and the facts in this case, when he refers to a man riding on a railroad train. Now, it is clearly set out here that this man was injured, using the very language of the report—and this was an affidavit from the party—"while engaged in the line of duty."

Now, he was actually engaged in his line of work at the time he was injured, which is very different——

Mr. CULLOP. Who owned the team or the instrument by which he was injured?

Mr. STEPHENS of Mississippi. He was working for the Government, but I do not believe the Government owned the team. I do not know about that.

Mr. CULLOP. Was the person using the team by which he was injured in the employ of the Government?

Mr. STEPHENS of Mississippi. Yes, sir; that is my understanding of it. And this man was going out at the very time, pursuing his regular line of work, and was so injured while going to his work.

Mr. CULLOP. All that might be true and still there would be no liability on the Government. If he has any claim for damages, so far as the statement is made here, his claim is against the man who was driving the team and not against the Government of the United States. Surely it would not be held in any court that the Government of the United States ought to reimburse this man for the injury sustained, however great the injury may be, and however much we all may sympathize with him. But when a precedent of this kind is set that any person injured without the cause being attributed to the Government, but simply because he was an employee and engaged in work, that the Government must pay for the injury, these claims will pile up here from time to time and grow from year to year.

Now, there is no liability of the Government in this matter. This gentleman did not have to work for the Government. He could have taken private employment. He was not compelled to work for the Government, but he remained in its employ, and he was injured outside of any fault of the Government whatever, and it would be manifestly unfair to the people to allow the claim. He should proceed otherwise to recover for his injury.

The SPEAKER pro tempore. The time of the gentleman has expired. Is there objection?

Mr. CULLOP. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOSEPH J. SCOTT.

The next business on the Private Calendar was the joint resolution (H. J. Res. 158) authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of $300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of $300, being the representative value of certain internal-revenue bowling alley and billiard table special-tax stamps which were lost from the office of said collector during the rush of business incident to the collection of the special taxes imposed by the act of Congress dated October 22, 1914, it having been definitely ascertained that the same have never been issued.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

RELIEF OF A. J., T. W., AND P. C. HODGES.

The next business on the Private Calendar was the bill (H. R. 10421) for the relief of A. J. Hodges, T. W. Hodges, and P. C. Hodges.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

WILLIAM ENGLUND.

The next business on the Private Calendar was the bill (H. R. 11499) for the relief of William Englund.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

E. A. SWIFT.

The next business on the Private Calendar was the bill (H. R. 8426) for the relief of E. A. Swift.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

H. L. CORBIN.

The next business on the Private Calendar was the bill (S. 17) permitting H. L. Corbin to purchase certain public lands.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I find in the report, which relates to land under the Department of Agriculture, this information in a letter from the Secretary of Agriculture:

As soon as this information is received, formal report of the department will be sent to you.

It has not been sent; at least it is not here. I think we ought to wait until we get the information. So for the present, I object.

Mr. STEPHENS of Mississippi. This bill does not come from our committee. I do not know anything about it myself.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ELISHA A. CRANDALL.

The next business on the Private Calendar was the bill (H. R. 7419) granting a patent to a certain strip of land to Elisha A. Crandall.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Elisha A. Crandall a patent to a strip of land formerly occupied by the Northern Pacific Railroad Co. as a right of way and embraced within the homestead entry of the said Elisha A. Crandall to the east half of the southwest quarter and lots 6 and 7, section 6, township 56 north, range 2 east, Boise meridian, for which patent was issued to entryman on October 16, 1903, the said strip of land having been abandoned by the said Northern Pacific Railroad Co.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

WILLIAM FOGLIO.

The next business on the Private Calendar was the bill (H. R. 7430) for the relief of William Foglio.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to William Foglio for the southwest quarter section 23, and the northwest quarter section 26, township 29 north, range 30 east, Montana: *Provided*, That no adverse right had accrued to said tract prior to January 1, 1915.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

JACKSON LAKE RESERVOIR, WYO.

The next business on the Private Calendar was the bill (H. R. 11606) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, I ask that this bill may go over for a few moments, so that I can search among the bills on the Speaker's table and ascertain whether there is a Senate bill of the same purport?

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the bill may be passed over for a few moments. Is there objection?

Mr. MONDELL. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman from Wyoming withdraws his request. The Clerk will report the bill.

The bill was read at length.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ELIZABETH M. DODGE.

The next business on the Private Calendar was the bill (H. R. 7423) for the relief of Elizabeth M. Dodge.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the United States Treasury not otherwise appropriated, the sum of $10,000 to Elizabeth M. Dodge, widow of Wallace Dodge, in full of all claims she may have against the Government for the death of said Wallace Dodge while employed by the United States as teamster in the Quartermaster's Department at the Presidio of Monterey, Cal., where on the 9th day of June, 1909, he was shot and killed by a stray bullet from the gun of some member of Troop D, Fourteenth Regiment United States Cavalry, at target practice.

With a committee amendment, as follows:

Amend, page 1, line 6, by striking out "$10,000" and inserting "$1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

VALIDATION OF CERTAIN ENTRIES OF PUBLIC LANDS.

The next business on the Private Calendar was the bill (H. R. 9912) validating certain applications for and entries of public lands.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read at length.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

ELLEN CURRAN.

The next business on the Private Calendar was the bill (H. R. 8141) for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representative of Ellen Curran, of Haverstraw, N. Y., the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties on the 4th day of November, 1903, at the United States naval magazine on Iona Island, in the Hudson River, N. Y., by the explosion of gunpowder and 13-inch shell, without his fault or negligence, the sum of $5,000: *Provided*, That in case of the death of the said Ellen Curran before payment is made the $5,000 shall be paid to the personal representative of and for the benefit of the next of kin.

With the following committee amendments:

Page 1, line 5, strike out the words "the legal representative of."

Page 1, line 4, strike out the figures "$5,000" and insert the figures "$624" and strike out the remainder of the bill.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

GEORGE T. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 8310) for the relief of George T. Hamilton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. Objection is made, and the Clerk will report the next bill.

LENA GARAGNON.

The next business on the Private Calendar was the bill (H. R. 2540) for the relief of Lena Garagnon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. SLAYDEN. Mr. Speaker, will the gentleman withhold his objection?

Mr. MANN. I will reserve the objection.

Mr. SLAYDEN. Mr. Speaker, I want to make a brief statement with reference to this case. Mrs. Garagnon was run over in the street by a battery of Artillery, which was presumably returning to Fort Sam Houston, its post. The vehicle in which Mrs. Garagnon was riding was smashed, and she was as badly crippled as any person whom I have ever seen. She is hopelessly crippled for life and goes on crutches. She has actually paid out and has receipts for more than $2,500 for doctors' bills, nurses, and hospital expenses. She was treated at home in San Antonio, and subsequently taken to Chicago, where she remained for some months in a hospital called the Mercy Hospital. The Secretary of War, the Surgeon General, and Maj. Reynolds, of the Medical Corps, and other medical officers have testified to the serious nature of her injuries, and the statements of the Secretary of War and others are printed in the report, which is a complete survey of the case. The Secretary of War states that the amount asked for in the bill is not excessive, but even that has been reduced by the committee. The woman has had to

borrow money. She owned a butcher's business. She was a widow, and I believe she inherited this business from her husband or her father. She has had to give up all attention to her business, which has been destroyed. She has actually made a cash outlay of $2,500. Other bills have passed here in the last half hour which, it seems to me, make no stronger appeals to justice than does this one. I hope the gentleman from Illinois will see his way clear to withdraw the objection.

Mr. MANN. Mr. Speaker, this is a very distressing case. Of course, there is no liability on the part of the Government. We have never allowed any such case as this since I have been in the House. One of the early bills which I introduced in the House grew out of the explosion of a battery during a strike at Chicago, in 1894, I believe. I secured the passage through the House of a bill to reimburse certain people for damage to their property. I introduced a bill covering personal injuries to individuals, some of the claims being for doctors' fees. Those were not allowed, and we never have allowed anything of the kind.

Mr. SLAYDEN. May I ask the gentleman a question?

Mr. MANN. In just a moment. If we start to allow hospital expenses, doctors' bills, and everything of that sort, which never are allowed, I can not see any limit at all to what we would be asked to pay. True, this is a distressing case——

Mr. SLAYDEN. I want to assure the gentleman that I have seen the woman. She is horribly crippled.

Mr. MANN. I have no doubt of that. I have read the report very carefully; but I am not willing that the House shall set a precedent—which, inside of 10 years, would probably cost the Government $10,000,000—unless the House deliberately, after consideration of the bill, determines to adopt that policy.

Mr. SLAYDEN. The gentleman is firm in his opposition to the consideration of the bill?

Mr. MANN. At present, by unanimous consent. I will have to object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

DUTIES ON ACETATE OF LIME.

The next business on the Private Calendar was the bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Standard Chemical Iron & Lumber Co., of Toronto, Canada, the sum of $881.30 and interest, being the amount illegally levied and collected on 391,719 pounds of acetate of lime.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

SAMUEL D. KINGSBURY.

The next business on the Private Calendar was the bill (H. R. 11679) for the relief of Samuel D. Kingsbury.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue a registered bond of the 3 per cent loan of 1908 to 1918, with interest from May 1, 1904, in favor of Samuel D. Kingsbury, a resident of Indianapolis, Ind., in lieu of United States 3 per cent coupon bond of said loan, for $500, No. 148931, the said bond with coupons attached dated August 1, 1904, to maturity, inclusive, having been stolen: *Provided*, That the said Samuel D. Kingsbury shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and the unpaid interest coupon of the said bond, in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the stolen bond hereinbefore described or the coupons belonging thereto.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ILLINOIS CENTRAL RAILROAD CO.

The next business on the Private Calendar was the bill (H. R. 10546) for the relief of the Illinois Central Railroad Co., and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Reserving the right to object, let the bill be read.

The Clerk read as follows:

Be it enacted, etc., That the sum of $100 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to reimburse the Illinois Central Railroad Co. for the payment by it of a fine of like amount levied and collected by the Secretary of the Treasury for failure on the part of the railroad company to clear a shipment of household goods originating in Habana, Cuba, and destined to Edmonton, Alberta, Canada, through the United States customs at Portal, N. Dak., it having been ascertained by the Secretary of the Treasury subsequent to the payment of the fine by the carrier that the shipment had been duly cleared through the United States customs at Noyes, Minn., and that no customs duties were due or collectible thereon.

Mr. CULLOP. Mr. Speaker, I would like to ask the chairman a question in reference to this bill.

Mr. MANN. The Illinois Central Railroad Co. undertook to transfer by freight household goods from Cuba by way of New Orleans, which were entitled to go through without payment of duty. They stated at New Orleans that the goods were to be exported through the office at Portal, N. Dak., which is not on their line. They were actually shipped through another port, the port of Noyes, Minn., which is not on their line. The goods went to Canada. Subsequently it was reported that the goods had not gone through Portal, and the company was fined $100 by the customs department under the law. They paid the fine, supposing that the goods had not been exported, when, as a matter of fact, they had gone right to Canada through another port.

Mr. CULLOP. And the Treasury Department discovered the mistake had been made and asked to refund.

Mr. MANN. I do not know whether the department discovered it or not, but the Illinois Central Railroad Co. has, and asks that the money be refunded.

Mr. CULLOP. I mean that this bill seeks to refund the money.

Mr. MANN. Yes.

Mr. CULLOP. I have no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

VILHELM TORKILDSEN.

The next business on the Private Calendar was the bill (S. 1326) for the relief of Vilhelm Torkildsen.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Vilhelm Torkildsen the sum of $13,561.88, as compensation for the injuries sustained by his vessel, the steamship *Henrik Ibsen*, while coaling war vessels of the United States of America in Panama Bay in December, 1908.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

COWDEN & COWDEN.

The next business on the Private Calendar was the bill (H. R. 1161) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cowden & Cowden, of Amory, Monroe County, Miss., the sum of $135, which amount is hereby appropriated in full payment for a horse that died while in use by employees of the Department of Agriculture.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I have no doubt that this is an excellent bill, and I have no objection to it, but I want to call attention to this bill and compare it with the matter I referred to a few moments ago. In this case it is true that in the committee report they say the death of the horse resulted from improper use and neglect of the Government official who was using it. But there is nothing in the report of the Department of Agriculture to indicate that. The report of the Department of Agriculture does not set forth that there was any negligence on the part of the officials of the Government. The horse was used in the ordinary way, developed a little colic on the very first day they had him. They used him for three or four days, and he died in harness. The owners are to be paid the sum of $135.

Now, the committee says that the use of the horse was improper, but there is nothing in the departmental report to indicate that.

Mr. STEPHENS of Mississippi. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Mississippi. While it is true Mr. Speaker, that the Secretary's letter does not say anything about what caused the death of the horse, yet the report itself does state certain facts, and that statement of facts was taken from the letter of Secretary Wilson and from the affidavit that accompanied the Secretary's report. Only a part of the letter is published in the report. In his letter he sets out the fact, and after doing so, says:

It therefore seems that under these circumstances the owners of the animal should be reimbursed in a reasonable amount in that the de-

partment, by reason of the fact that the horse was in the possession of its employee at the time it died, has a certain responsibility to assume, and the claim might very properly be allowed in whatever amount your committee may decide would represent the value of the animal at the time of its death.

The value of this horse is shown to have been $135.

He bases that statement on the fact that it had been set out in his letter and the affidavit.

Mr. CANDLER of Mississippi. Will the gentleman yield that I may read a sentence from the report?

Mr. MONDELL. Yes.

Mr. CANDLER of Mississippi. The gentlemen will find in the second letter written by the Secretary on February 24, 1912, to the chairman of the Committee on Claims, this language:

While a careful consideration of all the evidence at hand fails to convince me that the death of the horse was entirely due to the carelessness or negligence of the representative of this department who was using the horse at the time of its death, I appreciate the fact that Messrs. Cowden & Cowden were in no way culpable.

As the gentleman from Wyoming stated, it developed that the horse was attacked the very first day with colic and that no effort was made to relieve him and no veterinarian was called in, but they continued to use the horse for five continuous days without giving him any attention in the way of medical attendance, and the consequence was he was driven to death.

Mr. MONDELL. I understand that while the department does not hold that the representatives of the department were guilty of carelessness or negligence, the committee evidently allows the claim on the theory that "the owners of the horse were in nowise culpable." The owners of the horse in the case to which I referred were not culpable. They did not see the horse from the time they let him to the department.

Mr. MANN. Will the gentleman permit me to ask the gentleman from Mississippi a question?

Mr. MONDELL. Yes.

Mr. MANN. Do these farmers in the Agricultural Department who drive horses to death get disciplined for it?

Mr. CANDLER of Mississippi. I do not know whether they drove this horse to death, but after driving him several days he was taken sick and died.

Mr. MANN. They drove him 4 or 5 days after he was taken sick. Do they get disciplined by the department for killing horses?

Mr. CANDLER of Mississippi. I do not know about that. I do not know whether there was any disciplining of these men or not.

Mr. MANN. They ought to make them read some of the farmers' bulletins.

Mr. CANDLER of Mississippi. Well, if they had had the Horsebook along with them they might have doctored him and relieved him, but they did not have that among their implements.

Mr. MONDELL. Mr. Speaker, I have no doubt that this horse should be paid for, but I am endeavoring to get a little light on the attitude of the committee. I do not understand how they differentiate between cases, except that if the department can be persuaded or hornswoggled into making a report that is somewhat favorable the committee makes a favorable report. On the other hand, if the department does not feel disposed to make a favorable report, the committee does not.

Mr. STEPHENS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. In just a moment. In my case the owners of the horse reluctantly accepted, or said that they would accept, $50 as the value of the horse, being the amount carried in the bill I introduced. This is a $135 horse. I think I made a mistake in not having valued the other horse more highly. Possibly if I had valued him at $100 the committee would have allowed the claim; but it was too modest to be allowed, I suppose. Now I yield to the gentleman from Mississippi.

Mr. STEPHENS of Mississippi. Mr. Speaker, when the gentleman was speaking a few moments ago, as I recall, he stated that he had introduced two bills, one favorably reported and the other unfavorably reported.

Mr. MANN. That is a fifty-fifty proposition—more than most of us get.

Mr. MONDELL. One of these bills was introduced at the request of the department, on behalf of a man I had never heard of and I do not know where he lives. I paid no attention to the bill. It was favorably reported by the committee; but the bill that I knew all about, and which I introduced for my constituent believing that he was entitled to the payment, was adversely reported by the committee.

Mr. STEPHENS of Mississippi. Mr. Speaker, did the gentleman appear before the committee in regard to that bill?

Mr. MONDELL. I appeared before members of the subcommittee and talked with them.

Mr. MANN. The gentleman is in the position of counsel "cussing" the court.

Mr. MONDELL. I do not want to repeat any private conversations, but I gained the impression—it is not necessary to say how—that if the department had been at all favorable in their report everything would have been lovely. The department simply related the facts. They hired the horse and they took him over a mountain trail, and the mountain trail gave way and he fell down with his pack and was killed.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. They said there was no negligence on the part of the officers of the department, and left the matter right there. I gained the impression that if the department report had been a little different, the state of facts being the same, everything would have been lovely.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. STEPHENS of Mississippi. The committee does not always follow the recommendations of the department by any means.

Mr. MONDELL. I am glad to know that it does not, and I hope in the future it will follow them even less.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ETHEL FREDERICKSON AND DAUGHTER.

The next business on the Private Calendar was the bill (H. R. 2538) for the relief of Ethel Frederickson and daughter Ethel.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

JOHN ALEXANDER BESONEN.

The next business on the Private Calendar was the bill (S. 3436) for the relief of John Alexander Besonen.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Alexander Besonen, of the county of Marquette, State of Michigan, out of any money not otherwise appropriated, the sum of $297.27, in compliance with the findings of the Court of Claims, Senate Document No. 711, Sixtieth Congress, second session.

The bill was ordered to be read a third time, was read the third time, and passed.

PATENTS FOR CERTAIN LANDS TO DUCHESNE, UTAH.

Mr. MANN. Mr. Speaker, we passed a bill yesterday by unanimous consent, the bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah, with an amendment striking out the word "patents" in the body of the bill and inserting therefor the word "patent," but failed to amend the title. I ask unanimous consent that the title of the bill may be amended by striking out the word "patents" in the title and substituting therefor the word "patent."

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to amend the title to the bill S. 36 in the manner indicated. Is there objection?

There was no objection, and it was so ordered.

JOHN B. BOSTICK.

The next business on the Private Calendar was the bill (H. R. 9946) waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

HAROLD HOLST.

The next business on the Private Calendar was the bill (H. R. 9971) for the relief of Harold Holst.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Harold Holst, late of United States Marine Corps on the U. S. S. *Sabine*, United States Navy, shall be held and considered to have been honorably discharged from the United States Navy, to date from October 31, 1862.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DANIEL M. FROST.

The next business on the Private Calendar was the bill (S. 33) for the relief of Daniel M. Frost.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have the bill reported; it is very short.

The Clerk read as follows:

Be it enacted, etc., That Daniel M. Frost be authorized to make a homestead entry for an unappropriated quarter section of public land, subject to said entry, as though his former entry No. 6595, Larned, Kans., series, had not been made.

SEC. 2. That the Secretary of the Interior is authorized and directed to allow said Frost credit for the residence and cultivation had by him in connection with said Larned entry as though it were had on said second entry when proof is submitted on the latter.

Mr. MANN. Mr. Speaker, reserving the right to object, I will not object to the proposed bill so far as it relates to giving this man the right to make a homestead entry, but I think the circumstances connected with his original homestead application are very suspicious. I am not willing to pass section 2 of the bill so as to let him, after attempting to get land by what appears to be collusion, and losing out on that, that he shall now have the benefit of the time; and I would like to know how the gentleman himself would feel disposed if the House strikes out section 2 and the bill goes over to conference? Does the man really want the right to get a homestead entry and live there or is he trying to get a speculative right granted to him by which he can get a homestead entry, using the time heretofore spent upon another entry to which he was not entitled, and then use his entry, so that, in fact, he never will live on this land for a day?

Mr. MAYS. Mr. Speaker, I do not understand it was his fault that he used this time on the other entry without being entitled to use it. He supposed the land was open and subject to entry, and found afterwards it was not——

Mr. MANN. That may be.

Mr. MAYS. I am willing to accept a suggestion from the gentleman.

Mr. MANN. This is the statement of the department that is not in the report on the bill this year—I guess it is the same statement as was in the report of the bill two years ago:

It was charged that Frost made his entry by collusion with the register of the United States land office at Larned, who suggested to him the making of an entry for the land involved and accepted an application executed at Dodge City instead of at the local office. The fact that the application was so made and received is not denied, but the record does not show that there was actual collusion between Frost and the register with intent to defraud the public or the Government.

I think he knew enough to know that was not the place to make the entry and he is trying to put over something on the Government.

Mr. MAYS. This bill was not introduced by me.

Mr. MANN. I understand.

Mr. MAYS. But I am willing to strike out section 2, as the gentleman suggests, and have the bill considered.

Mr. MANN. I do not think there is any difficulty about striking it out; I do not want it to go back in. While, of course, I am not going to make the gentleman promise that it shall not go back in conference, I would not want it to go back at any rate if it can be helped, and certainly it will not without a fight, I will say that to the gentleman.

Mr. Speaker, I withdraw the right to object.

Mr. MAYS. Mr. Speaker, I move to amend by striking out section 2.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 2 of the bill.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

THOMAS L. GRIFFITHS.

The next business on the Private Calendar was the bill (S. 6) authorizing issuance of patent for certain lands to Thomas L. Griffiths.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Thomas L. Griffiths a patent for lot 3 of section 30 in township 29 south of range 8 west of the Salt Lake meridian, in the State of Utah: *Provided*, That he shall first have paid at the rate of $1.25 per acre therefor.

The bill was ordered to be read a third time, was read the third time, and passed.

JOHN L. SEVY.

The next business on the Private Calendar was the bill (S. 31) for the relief of John L. Sevy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue patent to John L. Sevy for the following-described lands: The south half of the northwest quarter of the southeast quarter of section 12, township 36 south, range 8 west; the north half of lot 1, section 18, township 36 south, range 7 west; the south half of lot 3, section 12, township 36 south, range 8 west; the west half of the southeast quarter of the southeast quarter of section 7, township 36 south, range 7 west; the southeast quarter of the southeast quarter of the southeast quarter, section 7; the west half of the northwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of the northwest quarter of section 17, township 36 south, range 7 west of Salt Lake meridian, situate in the Sevier National Forest, upon the transfer by the said John L. Sevy to the United States of the north half of the northeast quarter of the southwest quarter of section 12, township 36 south, range 8 west; the south half of lot 1 of section 13, township 36 south, range 8 west; the northeast quarter of the northeast quarter of section 25, township 35 south, range 4 west; the southeast quarter of the southwest quarter of section 17, township 36 south, range 3 west of Salt Lake meridian, situate in the Sevier and Powell National Forests: *Provided*, That upon the reconveyance of the surrendered lands they will become a part of the Sevier and Powell National Forests.

Mr. MANN. Mr. Speaker, I move to amend, page 2, line 6, by inserting after the word "of" the words "a valid title to."

The SPEAKER pro tempore. There are two "of's" in that line.

Mr. MANN. Where the first occurs.

The Clerk read as follows:

Page 2, line 6, after the word "of," where it first occurs, insert the words "a valid title to."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

SARAH E. ELLIOTT.

The next business on the Private Calendar was the bill (H. R. 3238) for the relief of Sarah E. Elliott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

WILLIAM E. HEFFNER.

The next business on the Private Calendar was the bill (H. R. 11984) for the relief of William E. Heffner.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as far as I can figure out, $525 is the utmost amount that should be allowed. If the gentleman is willing to accept an amendment reducing the sum from $675 to $525, I am willing to consider the bill.

Mr. STEPHENS of Mississippi. Mr. Speaker, I will say to the gentleman that I did not report this bill myself, and have no personal knowledge of the actual amount that is due.

Mr. MANN. Oh, the man claims $675 with interest, and he does not show any basis for anything but $525, which is composed of three items, $350, $75, and $100.

Mr. STEPHENS of Mississippi. If the gentleman is satisfied that is the amount actually due, of course I am willing to accept the amendment.

Mr. MANN. Oh, well, I do not think anything is due, but I think there is equity for that amount.

Mr. STEPHENS of Mississippi. If the gentleman thinks it ought to be $525, according to the equity in the case, I am willing to accept an amendment.

Mr. MANN. There is a very good claim for that amount.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William E. Heffner, out of any money in the Treasury not otherwise appropriated, the sum of $675 and interest from October 1, 1907, being the amount of money due said William E. Heffner for the construction of a barracks and bathhouse at West Lawn Cemetery, Canton, Ohio.

The committee amendment was read, as follows:

Lines 6 and 7, strike out the words "and interest from October 1, 1907."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, line 6, by striking out "$675" and inserting in lieu thereof "$525."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 6, by striking out "$675" and inserting in lieu thereof "$525."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLARA KANE.

The next business on the Private Calendar was the bill (H. R. 6406) granting the sum of $480 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as result of an accident at Philadelphia Navy Yard.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Mr. Chairman, reserving the right to object, I am unable to read any equity in this claim. The decedent was no relation at all to the proposed beneficiary. He was not even an adopted child. He lived with the family from the time he was 10 or 12 years old.

Mr. STEPHENS of Mississippi. From the time he was 10 months old.

Mr. COX. I do not see on what principle the Government could be held liable here at all. This claimant, the beneficiary proposed in this bill, could not have inherited from the deceased, nor if the deceased were living would he inherit from the proposed beneficiary. I do not see any liability or any equity in the claim. I think I shall object, Mr. Speaker.

Mr. STEPHENS of Mississippi. I would like to make one statement.

Mr. COX. I withhold the objection.

Mr. STEPHENS of Mississippi. It is true this young man was not related to Clara Kane, but had come into her home when he was only 10 months old, and he lived with her until his death at the age of 26 years. She was the only mother he ever knew, and he recognized her as such and contributed to her support during all these years. It is true she never adopted him. They were poor, ignorant people, and it is suggested that they knew nothing about the law in matters of that kind. So he was not adopted, but he was recognized by everyone as her son. She is a woman in very poor circumstances, and if he had been her child she would have received this amount of money from the Government. The committee felt that, owing to that fact and the fact, as I have just stated it, about her raising and taking care of him during his immature years, that really she stood in the relation of his mother, and we ought to allow her this sum. That is our reason for doing it.

Mr. COX. Now, Mr. Speaker, the case is one that appeals to me very strongly, but it does seem like going very far when, solely on grounds of sympathy, and not even upon the legal ground, much less than any legal right, we propose to pay this amount of money to this so-called adopted mother. I think I shall have to adhere to my objection.

The SPEAKER pro tempore. The gentleman objects, and the Clerk will report the next bill.

WILLIAM A. HUTSON.

The next business on the Private Calendar was the bill (H. R. 10858) for the relief of William A. Hutson.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read the bill as amended by the committee, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William A. Hutson, of Philadelphia, Pa., the sum of $720, in compensation for injuries received by him while an employee in the Bureau of Standards of the Department of Commerce and Labor in the year 1906.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Speaker, I move to amend the committee amendment by inserting on line 5, page 2, after the word "pay," the words "out of any money in the Treasury not otherwise appropriated."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 5, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I move to strike out the last word.

I have no doubt but that this is a claim that should be paid, and that the claimant is entitled to the $720 that the bill carries. Of course, there is no legal obligation on the part of the Government in a case of this kind. But again I am tempted to inquire as to the view and attitude of the committee with regard to claims of this character. This man lost his thumb. He gets $720. A young man in my State a few years ago lost his good right arm by a cave-in in a Reclamation Service tunnel in which he was working. That occurred about a year before the compensation law was applied to that service. Otherwise he would have received a year's pay.

I introduced a bill—and I have been pursuing it with a good deal of diligence before the committee—in which I ask not for a year's pay but for pay for some seven months, about $600, for the loss of this boy's arm. So far the committee has not been disposed to report the bill and has not reported it. I am not making any special complaint, except that I am wondering why the committee does report a bill granting $720 for the loss of a thumb and does not report a bill, which is before it, for the loss of an arm, with abundance of evidence and affidavits and statements from the department, and nothing about the case controverted at all, but with the facts patent and admitted by everybody. That bill has not yet been reported.

Mr. STEPHENS of Mississippi. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Mississippi. I would direct his attention to this fact: He states that this man lost a thumb. That is very true.

Mr. MONDELL. I think he also had an injury to an eye.

Mr. STEPHENS of Mississippi. He also lost his left eye; so he was very badly injured. It is not a case of slight injury.

Now, in regard to taking up his case, the gentleman very likely knows that the bills before this committee run into the thousands, and I will say to him that the committee works pretty hard. They meet from week to week and get rid of a thousand bills or two thousand bills all at once. I imagine that the gentlemans' bill will be reached in due course.

Mr. MONDELL. It has been before the committee, I will say to the gentleman, for three years, and I certainly have not been guilty of lack of diligence in bringing it to the attention of the committee.

Mr. STEPHENS of Mississippi. I do not charge that to the gentleman at all, but he must know that this committee was not in existence, so far as the present personnel is concerned, three years ago, because the committees are formed at each term of Congress.

Mr. MONDELL. I can not think of a clearer case than the one I have referred to, and the only reason I can assign for the case not having been reported is that, as in the case of the lost horse, to which I referred a moment ago, I have apparently been too modest. I have reduced the amount, on my own motion, down to less than the amount that the young man would have been entitled under the compensation act; to about two-thirds of the amount, in fact, in order that there might be no ground for opposition to it or criticism of it.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

ISAAC R. STROUSE.

The next business on the Private Calendar was the bill (H. R. 13027) authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of $14,570.42.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of $14,570.42, being the representative value of certain internal-revenue stamps which were taken by an act of burglary on the night of October 17, 1915, from the safe in which the same had been properly deposited while in the care and custody of said collector.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

BENJAMIN F. ROBINSON AND JOHN DOWS.

The next business on the Private Calendar was the bill (H. R. 11286) for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows.

The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The SPEAKER pro tempore. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be issued to Benjamin F. Robinson and John Dows a patent for lots 8, 9, 10, and 11, in section 22, township 99 north, range 32 west of the fifth principal meridian, Iowa: *Provided*, That within three months after the approval hereof they shall have presented their application thereof and made payment for said tract at the rate of $1.25 per acre: *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to the land or to any part thereof.

With a committee amendment, as follows:

Strike out, on page 1, line 9, the word "thereof" and insert in lieu thereof the word "therefor."

The SPEAKER pro tempore. The question is on agreeing to the amendment.
The amendment was agreed to.
Mr. MANN. Mr. Speaker, I move to amend, on line 8, by striking out the words "approval hereof" and inserting "the passage of this act," and, in line 10, by striking out the word "tract" and inserting the word "tracts," in the plural.
The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.
The Clerk read as follows:

On page 1, line 8, strike out the words "approval hereof" and insert the words "passage of this act," and, on page 1, line 10, strike out the word "tract" and insert the word "tracts."

The SPEAKER pro tempore. The question is on agreeing to the amendment.
The amendment was agreed to.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM G. WILLIAMS, SR.

The next business on the Private Calendar was the bill (S. 32) for the relief of William G. Williams, sr.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The SPEAKER pro tempore. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow William G. Williams, sr., to enter, under the homestead laws and subject to the terms, conditions, and limitations of the reclamation act and acts amendatory thereof, lot 1 of section 2 and lots 1 and 2 of section 3, township 8 south, range 1 east, Salt Lake meridian, Salt Lake City, Utah, land district: *Provided*, That the entry and patent therefor shall expressly reserve to the United States the right to take or use, without compensation to entrymen, patentee, or his assignees, any or all of the said land which may be actually needed for or in connection with the construction, maintenance, and operation of the Strawberry Valley reclamation project.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.
The Senate bill was ordered to be read a third time, was read the third time, and passed.
The SPEAKER pro tempore. The Clerk will report the next bill.

MISSION FARM CO., PETER VOLONDRA ET AL.

The next business on the Private Calendar was the bill (H. R. 10869) for the relief of the Mission Farm Co., Peter Volondra and others.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. I object.
The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

REFUND TO FREDERICK CITY, MD.

The next business on the Private Calendar was the bill (H. R. 4751) to refund to the corporate authorities of Frederick City, Md., the sum of $200,000, exacted of them by the Confederate Army under Gen. Jubal Early July 9, 1864, under penalty of burning said city.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. I object.
The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

MARYLAND TRUST CO., OF BALTIMORE, MD.

The next business on the Private Calendar was the bill (H. R. 6629) for the relief of the Maryland Trust Co., of Baltimore, Md.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. I object.
The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

FRANK MOGRIDGE.

The next business on the Private Calendar was the bill (H. R. 8089) for the relief of Frank Mogridge.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. I object.
The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

JACOB F. WEIDNER.

The next business on the Private Calendar was the bill (H. R. 8090) for the relief of Jacob F. Weidner.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. I object.
The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

A. S. WALKER.

The next business on the Private Calendar was the bill (H. R. 8697) for the relief of Internal Revenue Collector A. S. Walker.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The SPEAKER pro tempore. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit A. S. Walker, the collector of internal revenue of the State of Texas, and his accounts with the sum of $683.33⅓, being the value of internal-revenue stamps charged to him, stolen, lost, or accidentally destroyed at Austin, Tex., in the spring and winter of 1914.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.
The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EUGENE A. FREUND AND ALFRED F. ROEMMICH.

The next business on the Private Calendar was the bill (H. R. 4319) for the relief of Eugene A. Freund and Alfred F. Roemmich.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. I object.
The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

MRS. M. E. SITTERS.

The next business on the Private Calendar was the bill (H. R. 8200) for the relief of Mrs. M. E. Sitters.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. E. Sitters, widow of Joe Sitters, out of funds in the Treasury not otherwise appropriated, the sum of $2,000 as compensation to her for the loss of her husband, who, on the 24th day of May, 1915, while in discharge of his official duties as a mounted inspector of the United States customs service in Presidio County, Tex., was assassinated by Mexican bandits.

With the following committee amendment:

Page 1, line 6, strike out the figures "$2,000" and insert in lieu thereof the figures "$1,095."

The committee amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

EMMA J. SPEAR.

The next business on the Private Calendar was the bill (H. R. 12601) for the relief of Emma J. Spear.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The bill was read, as follows:

Be it enacted, etc., That Emma J. Spear, mother of Henry W. Spear, late of Troop M, Second Regiment United States Cavalry, shall be regarded as the duly designated beneficiary of the late Henry W. Spear under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

VALIDATION OF CERTAIN HOMESTEAD ENTRIES.

Mr. GANDY. Mr. Speaker, a short time ago the House passed H. R. 9912. I ask unanimous consent to vacate the proceedings by which that bill was passed and to take from the Speaker's table S. 3929, which is identical with the amended House bill.

Mr. MANN. What the gentleman wishes to do is to vacate the proceedings by which the House bill was passed, to discharge the Committee on the Public Lands from the further consideration of the Senate bill, and to consider that bill now?

Mr. GANDY. Yes.

Mr. MONDELL. Mr. Speaker, is the Senate bill on the Speaker's table?

Mr. MANN. It is in the hands of the Clerk.

The SPEAKER pro tempore. The gentleman from South Dakota [Mr. GANDY] asks unanimous consent to vacate the action by which the House passed H. R. 9912 and to discharge the Committee on the Public Lands from further consideration of the bill (S. 3929) validating certain applications for and entries of public lands and for the immediate consideration of that bill. Is there objection?

There was no objection.

The Clerk began the reading of the bill.

Mr. GANDY. Mr. Speaker, inasmuch as the House bill has been read, I ask unanimous consent that the reading of the Senate bill be dispensed with.

Mr. MANN. Oh, well, we can not pass a bill without reading it.

The SPEAKER pro tempore. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the entries hereinafter named be, and the same are hereby, validated, and the Secretary of the Interior authorized to issue patents thereon upon the submission of satisfactory proof of compliance with the laws under which such entries were allowed:

Homestead entry, Roswell, N. Mex., No. 028871, made by Roy G. Skinner on July 27, 1914, for the southwest quarter of the northwest quarter, west half of the southwest quarter, section 3, and the southeast quarter of the northeast quarter, section 4, township 9 south, range 13 east, New Mexico meridian, with a reservation of the coal thereunder to the United States under the act of June 22, 1910 (36 Stat. L., p. 583).

Homestead entry, San Francisco, Cal., No. 06596, made by Allen Harder Witherell on October 3, 1913, for the west half of the northeast quarter, northeast quarter of the northeast quarter, section 24, and the southeast quarter of the southeast quarter, section 13, township 11 north, range 13 west, Mount Diablo meridian.

Homestead entry, Bellefourche, S. Dak., No. 09053, made by George E. Brink on March 29, 1911, for the northwest quarter, section 22, township 7 north, range 11 east, Black Hills meridian.

Homestead entry, Las Cruces, N. Mex., No. 08804, made by Mahlon Brown on September 15, 1913, for the southwest quarter, section 15, township 28 south, range 7 west, New Mexico meridian.

Homestead entry, Havre, Mont., No. 0833, made by John Rieck on June 24, 1909, for the southwest quarter, section 17, township 32 north, range 6 east, Montana meridian.

Homestead entry, Glasgow, Mont., No. 028322, made by Magda Soffie Lundberg on June 17, 1914, for the southeast quarter of the northwest quarter, east half of the southwest quarter, and southwest quarter of the southeast quarter, section 35, township 31 north, range 34 east, Montana meridian.

Homestead entry, Roswell, N. Mex., No. 028280, made by Lorinda B. Spellman on March 2, 1914, for the east half of the southeast quarter, northwest quarter of the southeast quarter, and northeast quarter of the southwest quarter, section 18, township 8 south, range 11 east, New Mexico meridian.

Homestead entry, Santa Fe, N. Mex., No. 018056, made by Wilson Humphries on March 4, 1913, for the south half of the northwest quarter and north half of the southwest quarter, section 19, township 3 north, range 10 east, New Mexico meridian.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to allow the following applications to make entry:

Homestead application, Las Cruces, N. Mex., No. 09040, filed on December 1, 1913, by John N. Gordon for the east half of the southwest quarter, section 7, township 16 south, range 4 west, New Mexico meridian, subject to the terms, provisions, and limitations of the reclamation act.

Homestead application, Roseburg, Oreg., No. 010046, made by William E. Hosford on March 9, 1915, for 90.17 acres of land, described as lot 2, northwest quarter of the northeast quarter, north half of the southwest quarter of the northeast quarter, southwest quarter of the southeast quarter of the northeast quarter, southwest quarter of the northwest quarter of the southeast quarter of the northeast quarter, section 3, township 17 south, range 11 west, Willamette meridian, except two strips each 50 links wide within the exterior boundaries thereof, described as follows: First, beginning at a point 15.36 chains east of the quarter corner on the north line of section 3, township 17 south, range 11 west, extending thence 25 links on each side of the line running south 22 degrees east 2.29 chains; thence south 64 degrees west 3.88 chains; thence south 11 degrees west 1.30 chains; thence south 11 degrees east 2.99 chains; thence south 9 degrees west 2.56 chains; thence south 49 degrees east 1.53 chains; thence south 64 degrees east 4.08 chains; thence south 63 degrees east 2.25 chains; thence south 18 degrees east 1.50 chains to a point where the strip closes on the eastern boundary of the original tract; second, beginning at a point 15 chains west of the east quarter corner of section 3, township 17 south, range 11 west, extending thence 25 links on each side of a line running north 12 degrees west 1.05 chains; thence north 10 degrees east 1.73 chains; thence north 14 degrees east 2.14 chains; thence north 8 degrees west 1.70 chains; thence north 9 degrees east 2.74 chains; thence north 29 degrees east 1.24 chains to the point where the strip closes on the northern boundary of the original tract: *Provided*, That the said Hosford shall pay the sum of $2.50 per acre for said land within 30 days from receipt of notice from the register and receiver of the allowance of his said application.

Homestead application, Havre, Mont., No. 028158, filed by Edith A. Purdy, on December 28, 1914, for the west half, section 8, township 33 north, range 12 east, Montana meridian.

Homestead application, Fairbanks, Alaska, No. 0392, filed by George Kolde, on February 24, 1915, for lot 12, section 10, lots 1 and 6, section 15, and the south half of the northwest quarter, section 14, township 1 south, range 1 west, Fairbanks meridian.

Homestead application, Boise, Idaho, No. 012019, filed by Gertrude Kelley Gilbert, on January 4, 1912, for the south half of the northwest quarter of section 26, in township 3, north of range 4 west of the Boise meridian.

Allotment application, Glasgow, Mont., No. 014028, filed by Anna Campbell Valentine, for the east half southeast quarter section 7, the northeast quarter northeast quarter section 18, and northwest quarter northwest quarter section 17, township 34 north, range 35 east, Montana principal meridian.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named, upon which satisfactory proof of compliance with law has been filed:

Homestead entry, Dodge City, Kans., No. 09548, made by George H. Lowrey, on October 19, 1903, for the northwest quarter section 27, township 17 south, range 40 west.

Homestead entry, Little Rock, Ark., No. 01305, made by Glenn Edwards, on August 23, 1904, for the north half of the north half section 36, township 4 north, range 15 west, reserving to the United States the building stone on said land and the right to quarry and remove the same.

Homestead entry, Fort Sumner, N. Mex., No. 01389, made by Willie H. McDaniel, on January 4, 1909, for the west half of the southwest quarter section 16, township 2 north, range 37 east, New Mexico meridian, and in lieu of said tract the State of New Mexico shall have the right to select an equal area of public land of the character subject to selection under its school-indemnity grant.

Homestead entry, Salt Lake City, Utah, No. 07083, made by Lewis F. Koch, on April 4, 1911, for the southeast quarter of the northwest quarter and northeast quarter of the southwest quarter section 6, township 17 south, range 6 west, Salt Lake meridian.

Homestead entry, Havre, Mont., No. 12299, made by Hubert Schroeder, on June 10, 1901, for the south half of the southeast quarter of section 13 and the east half of the northeast quarter of section 24, township 32 north, range 21 east, Montana meridian.

Homestead entry, Pierre, S. Dak., No 012604, made by Frank Olsen, on May 5, 1910, for the northwest quarter of the southeast quarter of section 32, township 128 north, range 53 west.

SEC. 4. That the entries hereinafter named be, and the same are hereby, validated as though allowed after two and within five years from the opening of the lands to entry under the provisions of the act of Congress approved March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect":

Homestead entry, Lander, Wyo., No. 06826, filed by William E. Duncan, on February 17, 1915, for the south half of the northwest quarter, southwest quarter of the northeast quarter, and northeast quarter of the southwest quarter section 26, township 8 north, range 3 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 06907, filed by Ralph E. Kelly, on March 15, 1915, for the west half of the southeast quarter and southeast quarter of the southwest quarter section 36, township 8 north, range 3 east, and the northeast quarter of the northwest quarter section 1, township 7 north, range 3 east, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 06928, filed by Charles Granger on March 17, 1915, for the southeast quarter of the northeast quarter, section 5, township 6 north, range 1 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07185, filed by Jay K. Smith on June 18, 1915, for the northeast quarter of the northeast quarter, section 18, north half of the northwest quarter, and the northwest quarter of the northeast quarter, section 17, township 8 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07102, filed by Charles A. Clifton on May 12, 1915, for the southwest quarter of the northeast quarter, and the south half of the northwest quarter, section 20, and the southeast quarter of the northeast quarter, section 19, township 6 north, range 4 west, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 07103, filed by Ralph E. Allen on May 13, 1915, for the northeast quarter of the southwest quarter, section 30, township 1 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07104, filed by John E. Woodson on May 13, 1915, for lot 4 and the southeast quarter of the southwest quarter, section 30, township 1 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07120, filed by Mabelle G. Hays on May 24, 1915, for the southwest quarter of the southeast quarter, and the south half of the southwest quarter, section 1, and the northeast quarter of the northwest quarter, section 12, township 3 north, range 2 west, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 07129, filed by Morris M. Alexander on May 29, 1915, for the northeast quarter of the northeast quarter, section 29, township 5 north, range 4 west, Wind River meridian.

Homestead application, Lander, Wyo., No. 07113, made by Lawrence J. Kirch on May 15, 1915, for the northwest quarter, section 16, township 2 north, range 4 east, Wind River meridian.

SEC. 5. That the homestead claim of John Kehoe for unsurveyed lands near Tanana, Alaska, for which he recorded a location notice August 5, 1908, be, and the same is hereby, validated.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent, the bill H. R. 9912 was ordered to lie on the table.

JACKSON LAKE RESERVOIR, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which H. R. 11606 was passed a short time ago and to take from the Speaker's table the bill S. 5348, and for the present consideration of the Senate bill.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to vacate the proceedings by which the

House passed H. R. 11606 and to take from the Speaker's table the bill (S. 5348) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes, and to consider the Senate bill. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That upon delivery of deeds conveying to the United States good title to certain lands near the outlet of Jackson Lake, Wyo., needed by the United States in connection with the construction of the Jackson Lake Dam, and sought to be condemned and more particularly described in the complaint on file in the case of United States against B. D. Sheffield and others, now pending in the district court of the United States in and for the district of Wyoming, then in exchange for such lands so conveyed to the United States lot 10 of section 19, township 45 north, range 114 west, sixth principal meridian, in the State of Wyoming, containing approximately 21.38 acres, as shown on the amended plat of said section 19, approved by the Commissioner of the General Land Office on January 20, 1916, and filed in the United States Land Office, shall be granted and conveyed by the United States to said B. D. Sheffield, his heirs, executors, administrators, or assigns, and upon delivery of satisfactory evidence of title to the said lands to be conveyed to the United States and the delivery of deeds conveying the same to the United States patent to said lot 10 shall be issued to said B. D. Sheffield.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

JULIA KLAVINSKI.

The next business on the Private Calendar was the bill (H. R. 12859) for the relief of Julia Klavinski.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That Julia Klavinski, mother of August F. Klavinski, late of One hundred and seventieth Company Coast Artillery, shall be regarded as the duly designated beneficiary of the late August F. Klavinski, under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

REFUND OF DUTIES ON CERTAIN TOBACCO CUTTINGS.

The next business on the Private Calendar was the bill (H. R. 7256) providing for the refund of duties collected on certain tobacco cuttings.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Davis & Kershaw, of Ranier, Minn., the sum of $554.40, being the amount of duties collected at the port of Ranier, Minn., in August, 1915, on certain tobacco cuttings which were intended for exportation and erroneously entered for consumption.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

J. L. DA ROZA ESTATE.

The next business on the Private Calendar was the bill (H. R. 13728) for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the J. L. da Roza Estate (Inc.), of Elk Grove, Cal., the sum of $1,158, being the internal-revenue taxes paid on 20 barrels of grape brandy destroyed by fire on the evening of November 18, 1911, and while stored in the designated place of deposit on the distillery premises in the custody of an officer of internal revenue and before being stamped with special bonded warehouse stamps permitting removal to bonded warehouse.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CERTAIN CLAIMS UNDER THE NAVY DEPARTMENT.

The next business on the Private Calendar was the bill (S. 4208) to satisfy certain claims against the Government arising under the Navy Department.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, various departments of the Government have the authority to report to Congress claims arising out of collisions, and so forth. I am not sure whether the Navy Department has that authority or not. The Engineers Department has and the Lighthouse Service has. This is to pay claims of various descriptions, for small amounts which are entirely proper, arising out of collisions; but the bill contains one claim for personal effects.

Mr. STEPHENS of Mississippi. Which claim is that?

Mr. MANN. That is the first claim. Is the gentleman willing to strike that out and then keep it out?

Mr. STEPHENS of Mississippi. I think the committee reported a bill or two similar to this, but since then we have adopted the policy of cutting out matters of this kind.

Mr. MANN. That is what I understood.

Mr. STEPHENS of Mississippi. I am perfectly willing to have that item go out of the bill.

Mr. MANN. I hope it will stay out.

Mr. STEPHENS of Mississippi. I feel quite sure that it will.

Mr. MANN. I do not object.

The bill was read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claims arising under the Navy Department hereinafter stated, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of the respective claims, namely:

First. To reimburse James H. Boone, Frank J. Browning, Ernest Fischer, jr., John McCabe, James Plant, Millard C. Ray, and Charles H. Storer, then enlisted men of the Navy, for personal effects lost at the time of the boiler explosion on the U. S. S. *Aylwin* on April 6, 1914, $45.39.

Second. To reimburse the Seaboard Air Line Railway for the cost of repairs to Virginia & Southwestern steel gondola car No. 10569 for the cost of repairs to this car damaged at the navy yard, Norfolk, Va., on June 17, 1914, $46.62.

Third. To reimburse the owners of Washington Tug & Barge Co.'s scow, *No. 15* for damages suffered by this scow while discharging cargo at the navy yard, Puget Sound, Wash., on the night of November 20–21, 1914, $91.79.

Fourth. To reimburse the owners of the American schooner *William H. Sumner* for damages arising out of the collision between this schooner and the U. S. S. *North Dakota* off Cape Henry, Va., on November 21, 1914, $2,354.57.

Fifth. To reimburse the owners of scow *No. 8* for damages suffered by their boat as the result of a collision with the U. S. S. *Goldsborough* at Tacoma, Wash., on December 17, 1914, $674.22.

Mr. MANN. I move to amend by striking out the paragraph commencing on line 10, page 1.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the paragraph beginning with line 10, on page 1, and ending with line 4, on page 2.

The amendment was agreed to.

Mr. MANN. I move to amend further by striking out the word "second" and inserting the word "first"; striking out the word "third" and inserting the word "second"; striking out the word "fourth" and inserting the word "third"; and striking out the word "fifth" and inserting the word "fourth," where they occur at the heads of the respective paragraphs.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 2, by striking out "second," in line 5, and inserting "first"; striking out "third," in line 11, and inserting "second"; striking out "fourth," in line 17, and inserting "third"; and striking out "fifth," in line 22, and inserting "fourth."

The amendment was agreed to.

The SPEAKER. The Clerk calls the attention of the Chair to line 15 of this bill, on page 2, where there is a curious collocation of words—"November twentieth-twenty-first."

Mr. MANN. It was on the night of the twentieth-twenty-first. If it was before 12 o'clock, it was the twentieth, and if it was after 12 o'clock it was the twenty-first.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

TITLE TO LANDS IN ARKANSAS.

The next business on the Private Calendar was the bill (H. R. 14630) to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to each of the following lots and parcels of land lying and being in the county of Craighead and State of Arkansas to the party or parties whose name or names appear opposite the parcel or parcels of land, respectively; that is, tract No. 1 in J. H. Carter, tract No. 2 in G. W. Spencer, tract No. 3 in Annie B. Robertson, tract No. 4 in Robert C. Born, tracts Nos. 5 and 8 in C. L. Davis, tracts Nos. 6 and 7 in J. T. Williams, tract No. 9 in William Craddock and J. W. Purcell, tract No. 10 in William Craddock, tract No. 11 in Alonzo Durham and Oney Durham, tract No. 12 in J. T. Williams, tract No. 13 in C. L. Davis and A. E. McAlister, tract No. 14 in Samuel Bedwell, tract No. 15 in John Pace, tracts Nos. 21, 22, and 23 in Joseph Davis. All lands herein mentioned are situated in the county of Craighead, State of Arkansas, and are comprised in and form a part of lot 2 of the northeast quarter of the northeast quarter of section 27, township 14 north, range 6 east, containing 11.38 acres.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to issue a patent to the incorporated town of Lake City, in

Craighead County, Ark., to all that part of lot 2 of the northeast quarter of the northeast quarter of section 27, township 14 north, range 6 east, which heretofore by said town had been dedicated to the public use for the purpose of public streets and alleys.

SEC. 3. That no patent shall issue to either of the parties mentioned in section 1 of this act until it shall be made to appear to the satisfaction of the Secretary of the Interior that there is no adverse claimant to that part of said lands for which said patent is to issue.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MATHILDA HESTERMAN.

The next business on the Private Calendar was the bill (H. R. 11660) for the relief of Mathilda Hesterman.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mathilda Hesterman, widow of Herman Hesterman, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, on account of the death of said Herman Hesterman, which was caused by the negligence of employees of the United States Government at the Brooklyn Navy Yard, in the State of New York, on or about the 28th of February, 1913.

The following committee amendment was read:

On page 1, line 6, strike out the figures "$5,000" and insert "$1,248."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM S. ROTE.

The next business on the Private Calendar was the bill (H. R. 7182) for the relief of William S. Rote.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. FOCHT. Will not the gentleman reserve his objection?

Mr. MANN. I will reserve the objection.

Mr. FOCHT. I reported the bill out of the committee, and it was a unanimous report by the Committee on War Claims. It is to reimburse an officer of the Spanish-American War who was taken ill in that horrible Camp Alger and was sent to his home in Lock Haven because all of the hospitals were overcrowded and he could not be treated there. He was charged $44 for hospital care and treatment, and it seems to me that the Government might reimburse him for that small amount.

Mr. MANN. Mr. Speaker, there are a good many thousands of these cases. I was here when this occurred. I tried for quite a while to get Congress to pass an act providing for the payment of these hospital expenses—men who were not treated by the Government surgeons' department but went to private hospitals. I rather thought that the Government ought to do it, but that was not the opinion of men older in service in the House, and so such a bill was never passed, although it was pending for a number of years.

There are thousands of these cases. I am not willing to start in to pay them by private bills $40 or $50 at a clip. If the gentleman thinks that this man ought to be reimbursed he should endeavor to pass a general bill reimbursing all the people who went to private hospitals after the Spanish War. It ought not be done in this way.

Mr. FOCHT. I have no objection to that if the gentleman wants to introduce a bill of that kind. The gentleman admits the justice of this claim?

Mr. MANN. I decidedly object to the theory that the Government ought to pay the claim, amounting to $40 or $50, requiring the claimants to hire an attorney, pay him half of it, and then log around to support candidates for Congress in order to get it paid.

Mr. FOCHT. As it happens in this case this gentleman lives in another district and I do not even know him.

Mr. MANN. I am not speaking about this case, I am speaking about the result of the precedent.

Mr. FOCHT. The gentleman admits the justice of the claim; he does not deny that?

Mr. MANN. I neither admit nor deny anything.

The SPEAKER. Is there objection?

Mr. MANN. I object.

CHARLOTTE M. JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 7883) for the relief of Charlotte M. Johnston.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Charlotte M. Johnston, mother of Frank Volney Johnston, postmaster at Tecate, Cal., border line of Mexico, who was killed in the discharge of his duty.

The following committee amendment was read:

Page 1, line 5, strike out the figures "$2,000" and insert "$1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOE T. WHITE.

The next business on the Private Calendar was the bill (H. R. 1443) for the relief of Joe T. White.

The SPEAKER. Is there objection?

Mr. MANN. I object.

JOHN A. BINGHAM.

The next business on the Private Calendar was the bill (H. R. 9737) for the relief of John A. Bingham.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Bingham the sum of $500, the amount stolen from him while postmaster at Vandalia, Ill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES BOOKHAMER.

The next business on the Private Calendar was the bill (H. R. 4880) for the relief of James Bookhamer.

The SPEAKER. Is there objection?

Mr. MANN. I object.

GEORGE W. CROFT.

The next business on the Private Calendar was the bill (H. R. 6156) for the relief of the heirs of George W. Croft.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of George W. Croft, of Greenville County, S. C., or their legal representatives, the sum of $525, in full payment and satisfaction of all demands due and arising to them on account of the damage to property caused by the military forces of the United States during the War with Spain.

The following committee amendment was read:

Page 1, line 7, strike out the figures "$525" and insert "$520."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

D. M. CARMAN.

The next business on the Private Calendar was the bill (S. 1425) for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased.

The SPEAKER. Is there objection?

Mr. MANN. I object.

STEAMER "NORMANIA."

The next business on the Private Calendar was the bill (H. R. 12650) to authorize the change of name of the steamer *Normania* to *William F. Stifel.*

The SPEAKER. Is there objection?

There was no objection.

Mr. DALLINGER. Mr. Speaker, I call attention to the fact that No. 259 on the Private Calendar is a Senate bill of similar title.

Mr. MANN. Mr. Speaker, I ask unanimous consent that Senate bill 4760, Private Calendar No. 259, of similar title, which has passed the Senate, be considered in lieu of the House bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that a Senate bill of similar tenor be considered in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Ottawa Transit Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Normania*, official No. 205017, to the *William F. Stifel.*

The bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 12650 was laid on the table.

H. L. CORBIN.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to return to Calendar No. 174, S. 17, permitting H. L. Corbin to purchase certain public lands.

The SPEAKER. The gentleman from Colorado asks unanimous consent to return to No. 174 on the Private Calendar. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That H. L. Corbin be permitted to purchase the west half of the southwest quarter of section 35, township 8 south, range 70 west of the sixth principal meridian, containing 80 acres, at $1.25 per acre.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, when this bill was up awhile ago I asked to have it passed over, because the Secretary of Agriculture had written a letter to the chairman of the Committee on Public Lands in the Senate stating that he would furnish additional information, which did not appear in the report. The gentleman from Colorado [Mr. TAYLOR] informs me that he has the additional information.

Mr. TAYLOR of Colorado. Mr. Speaker, I will state that the committee waited awhile for the Agricultural Department to make that report, and I was rather anxious to get the bill on the calendar, as was also Senator THOMAS, of Colorado, and former Gov. Ammons of our State. However, since that time the Agricultural Department has written a letter, addressed to the chairman of the Committee on the Public Lands in the House, which letter is as follows:

APRIL 8, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. FERRIS: My attention has been called to the bill S. 17, "permitting H. L. Corbin to purchase certain public lands," which has passed the Senate and has also been reported out of your committee. From the records in this department it appears that H. L. Corbin purchased a tract of land now within the Pike National Forest from Messrs. Ammons and Dawson, who had acquired title from Theodore Metz. In obtaining title to the land Metz had purchased the tract from the Government under a military bounty land warrant. The tract was described as the E. ½ of the SW. ¼ of sec. 35, T. 8 S., R. 70 W., sixth principal meridian. Corbin settled upon what he believed to be the land described. Subsequently he learned that his home was established upon the W. ½ of the SW. ¼ of said section. This last-described tract was evidently the land believed by each of the claimants to be the tract called for in the original patent, since it contains the only bottom lands suitable for home-building purposes. Corbin is therefore occupying Government land, which he settled on under the belief that he had title to it. All of his ranch improvements are located on the land described in the bill and a good case for relief is undoubtedly presented.

The department has no objection to Corbin's acquiring the land he desires. Under the bill, however, he will secure title to the additional 80 acres and still retain title to the original 80 acres included in the patent, which are of little use to him and are desirable for national-forest use. In the opinion of the department, the relief sought should be obtained either by legislation authorizing the Secretary of the Interior to correct the records and patent by substituting the correct description of the land which the original patentee and the present owner have occupied and claimed or by an amendment of the patent under the act of February 24, 1909 (35 Stat., 645), provided such action is authorized, in the opinion of the Secretary of the Interior, to whom the committee may wish to refer the bill. Although the remedy is not presented in the form this department feels to be proper, if the above suggestions can not be adopted, no objection will be offered to the bill.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

In my report upon this bill I have set forth the report of the Interior Department and also an affidavit from Mr. Corbin and one from Gov. Ammons, which, because of their very clear statements of this situation, I will insert in the RECORD along with the report of the Agriculture Department, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1916.

Hon. H. L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: On January 6, 1916, I advised you that I would defer a report on S. 17, to permit H. L. Corbin to purchase a certain 80-acre tract in Colorado at $1.25 per acre, pending receipt of evidence to sustain his rights in the premises. Senator THOMAS, who introduced the bill, has now forwarded to this department three affidavits setting forth the facts in the case, and I now have the honor to report as follows:

On June 30, 1879, patent issued under a military bounty land warrant to one Theodore Metz, under whom the beneficiary of the proposed bill holds title, for E. ½ SW. ¼ sec. 35, T. 8 S., R. 70 W., sixth principal meridian; the testimony shows clearly that the intention had been to locate W. ½ SW. ¼ of said section, the tract named in the bill, the other being almost worthless; that Ammons and Dawson purchased Metz's title under the belief that they were acquiring the last-named tract; and that H. L. Corbin purchased from them under the same belief.

Upon a showing of mistake in describing the land located, amendment of a claim and issuance of new patent can ordinarily be secured by a transferee, under section 2372, Revised Statutes, as amended by the act of February 24, 1909 (35 Stat., 645). However, the lands here in question were, by proclamation of May 12, 1905, included in the Pike National Forest; moreover, all the lands in the township mentioned were, on March 3, 1915, suspended from entry by the General Land Office, pending a resurvey, in view of errors and uncertainties in the old one.

The preliminary field examination by which the necessity of a resurvey of the township was ascertained showed the position of most of the corners in the southern part thereof, including section 35, that no complications would be involved in identifying the subdivisions in said section, and that there would be no change in the lines there, but that same would merely have to be relocated. Therefore, notwithstanding the withdrawal mentioned, this department does not desire to interpose objection to the enactment of the proposed bill; but I suggest that a report on the subject be obtained by your committee from the Department of Agriculture, in view of the fact that the land lies within a national forest. By reason of its inclusion therein, no adverse right to the tract could be asserted, except by a person claiming settlement prior to January 1, 1906; and that department would doubtless be able to furnish information as to the possible existence of such settlement claim.

The papers submitted by Senator THOMAS are transmitted herewith.

Very truly, yours,

FRANKLIN K. LANE, *Secretary.*

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STATE OF TEXAS,
County of El Paso, ss:

Henry P. Corbin, being first duly sworn, upon oath deposes and says that this affiant was a resident of Jefferson County, Colo., from the spring of 1871 until the fall of 1914, at which time he became a resident of El Paso, Tex., having been appointed consulting engineer for the American section of the International Boundary Commission, United States and Mexico; that he is familiar with the land known as the Theodore Metz place, situated in sec. 35, T. 8 S., R. 70 W. of the sixth principal meridian, on the line between Jefferson and Douglas Counties, in the State of Colorado; that he has known this land since the early eighties, when it was sold by Mr. Metz to Dawson and Ammons, and became known as the Ox Yoke Ranch. The land on which Metz made entry and paid out is the E. ½ of the SW. ¼ of sec. 35, T. 8 S., R. 70 W. of the sixth principal meridian. The range rider for the Pikes Peak Forest Reserve made a survey by which it was discovered that the E. ½ of SW. ¼ sec. 35 lies east of the river and is hilly and rough and suitable only for grazing, while nearly all the land which was cultivated by Metz and has been in almost continuous cultivation since lies west of the river, being the W. ½ of SW. ¼ of sec. 35, T. 8 S., R. 70 W. of the sixth principal meridian. The buildings and the greater part of the fencing are on the west side of the river and on Government land. In the early part of the summer of 1913, at the request of Gov. Ammons and on the suggestion of Timothy O'Connor, then surveyor general for Colorado, the affiant made a survey of sec. 35, T. 8 S., R. 70 W. of the sixth principal meridian, and found that the land under cultivation is Government land and that covered by the patent is grazing land.

HENRY P. CORBIN.

Subscribed and sworn to before me this 18th day of January, A. D. 1916.

[SEAL.] JNO. D. MASON, *Notary Public.*

My commission expires June 1, 1917.

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STATE OF COLORADO,
City and county of Denver, ss:

Comes now Elias M. Ammons, of Denver, Colo., who, being duly sworn, deposes and says that he is well acquainted with the tract of land purchased by Theodore Metz on January 26, 1878, register and receiver's No. 49, Denver, Colo., land district; and paid for with military bounty land warrant No. 48247, act of 1850; the tract of land so purchased being described in the United States patent issued to the said Theodore Metz as the E. ½ SW. ¼ sec. 35, T. 8 S., R. 70 W., sixth principal meridian; that affiant has been well and intimately acquainted with the said tract of land since the date of its original purchase, and in the year 1885 affiant, jointly with Thomas F. Dawson, purchased the said tract of land of the said Theodore Metz, and he and the said Thomas F. Dawson continued in the joint ownership of said land until about 10 years since, at which time they conveyed the same to H. L. Corbin, the present owner; that the said tract of land as originally purchased from the Government by Metz and now owned by Corbin adjoins the South Fork of the South Platte River and covers all of the low ground along said stream at that point; that this particular tract of land has been continuously under cultivation from shortly after the date of its original purchase from the Government to the present time, and for a period of about 20 years affiant himself personally looked after the cultivation of same; that this particular tract of land has always been recognized as the land originally purchased by Metz, and its ownership was never brought into question until it was surveyed about three years ago by a United States forest officer, who found that this 80-acre tract which embraces the low ground along the river, which has been in cultivation for so many years, and which was intended to have been described by the United States patent issued to Theodore Metz, as aforesaid, is in fact correctly described as the W. ½ SW. ¼ sec. 35, T. 8 S., R. 70 W., sixth principal meridian, and the E. ½ SW. ¼ of said section 35 is rough and mountainous land lying away from the river and fit for no agricultural use except for the little pasture it may afford, and that upon becoming advised of this the present owner's son, who is a surveyor and civil engineer, made a careful survey of the land and found the facts to be just as alleged by the said Government officer, the land actually described in the said United States patent issued to Theodore Metz being very rough and mountainous and lying away from the river and altogether worthless for farming purposes, while the land lying along the river, which was originally intended to have been purchased by Metz and which has been farmed for so many years and always recognized as covered by the Metz patent, is in fact a part of the public domain and belongs to the Pike National Forest.

ELIAS M. AMMONS.

Subscribed and sworn to before me this 17th day of January, 1916.

[SEAL.] JOSEPHINE J. MINER,
Notary Public.

My commission expires October 14, 1917.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

By unanimous consent, Mr. WM. ELZA WILLIAMS was granted leave to extend his remarks in the RECORD on the subject of rural credits.

By unanimous consent, Mr. TAYLOR of Colorado was granted leave to extend his remarks in the RECORD.

BARKENTINE MABEL I. MEYERS.

The next business on the Private Calendar was the bill (H. R. 11129) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and the claim of the owners of the cargo of molasses late on board said barkentine in alleged collision with the U. S. S. *Nebraska* about 30 miles southeast of Cape Cod, Mass., on the 30th day of July, 1915, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine and by her master and crew, and by the owners of said cargo, may be submitted to the United States Court for the District of Massachusetts, the district nearest to which the collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty. And that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages, including interest, sustained by reason of said collision, if any shall be found to be due, either for or against the United States upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to the owners or master or crew of said barkentine, or any or either of them, or to the owners of said cargo, or either of them, the amount of the final decree or decrees therefor, including interest and costs, shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit or suits shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

With the following committee amendments:

Page 2, strike out the words "including interest."
Page 2, strike out all of section 2.
Page 2, line 23, strike out the figure "3" and insert the figure "2."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

E. W. ROHMELING.

The next business on the Private Calendar was the bill (H. R. 7504) for the relief of E. W. Rohmeling.

The SPEAKER. Is there objection?

Mr. MANN. I object.

HENRY S. ROYCE.

The next business on the Private Calendar was the bill (H. R. 1622) for the relief of Henry S. Royce.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. MANN. I will.

Mr. JOHNSON of Washington. Mr. Speaker, this is a bill for the relief of a citizen of Tacoma, Wash., for a loss sustained in the operation of the regulations for controlling the foot-and-mouth disease. I believe it is the first bill of that kind to come before the House. I understand that the objections to the bill are not against the merits of the bill, but because, if passed, it establishes a precedent. Mr. Royce, the claimant, is one of those energetic American citizens who tries always to do his duty. In this case he made not the slightest objection to the destruction of a herd of 102 blooded cattle, which he had just purchased and which were being shipped to him from Wisconsin. The herd contracted the disease in the railroad transfer yards near St. Paul. Without stopping to parley, he accepted the Government's offer to pay a part of the beef value of the herd, it being expected that the State would pay part. Now, the Bureau of Animal Industry says the herd should have been appraised at its dairy value, and recommends that Congress pay him a part of what he has lost. Now, Mr. Speaker, Mr. Royce, having done his full duty, expects the Member of Congress representing him to do the same. He is, like many others with claims, unable to see why a Member of Congress, after speaking to the leaders and arranging with the Speaker for recognition, can not rise in his place, move that a bill like this be passed, pass it, and then go down to the Treasury Department and get the three thousand and odd dollars, which would only partly reimburse him for the actual amount of money he is out—over $11,000, as a matter of fact.

Mr. Speaker, I can not criticize Congress or its committees or its leaders because they do not seem inclined to act, even on the favorable report which has been presented, and authorize the payment of the money due him, precedent or no precedent—for one reason, my own State of Washington has not paid to him the $2,025, which, through the governor of that State, it was agreed with the agents of the Government should be paid him. However, that portion will be paid, I am sure, and, as stated in the letter of the Secretary of Agriculture, which appears in the full and complete report made by the Committee on Claims in connection with the bill, Mr. Royce has a just and valid claim against the Government. It should be paid, and since we are working under an agreement for unanimous consent, I ask that the bill retain its place on the calendar.

Mr. MANN. Mr. Speaker, I would like to make a brief statement. Mr. Speaker, we appropriated last year, I believe, two and a half million dollars and will appropriate this year two and a half million dollars really to pay damages on account of the foot-and-mouth disease, and we have endeavored to limit the amount which should be paid. Last year it was, as far as the General Government was concerned, not to exceed 50 per cent of the value of the stock destroyed, relating to practically the meat value. We changed that a little in the act this year, or will change it before it becomes a law.

There are millions of dollars of property which have been destroyed in live stock which have not been paid for. The owners of fancy cattle, breeding cattle, worth hundreds and sometimes thousands of dollars, only had a claim for the meat value. There are a great many cases, running all along the line, which will amount to millions of dollars. I do not know whether or not Congress will ever be inclined to pay all these claims. I suppose there are more of them, probably, emanating in my State than in any other three or four States in the Union, because there was a large destruction on account of the foot-and-mouth disease there, and there were many herds of fancy cattle destroyed. I am not willing to let the Committee on Claims, which, with all due respect to the members of it, have not given any special attention to the subject of foot-and-mouth disease, determine by a private bill what the attitude of the Government shall be with respect to millions of dollars of claims.

If Congress should decide to pay these claims, in the end it ought to be by some general legislation, and really we ought to have the opinion of the Committee on Agriculture.

Now, the claim of the gentleman from Washington has strong equities in it. Many other parts of the country have claims which have strong equities in them, but to pass a bill of that sort by unanimous consent of the House I think would not be proper. And I will be very frank with my friend from Washington [Mr. JOHNSON]. I do not think it is possible to reach this bill for consideration on the Contested Calendar under any regular order, so I think that the gentleman who is the beneficiary under the bill will have to retain his patience for a time, hard as that may be to him and others who have similar claims.

Mr. JOHNSON of Washington. Mr. Speaker, I would like to state that what I have written my constituent is very much to that effect, and I also would like to state that the Bureau of Animal Industry, Department of Agriculture, has acted with great fairness in the matter as far as they could. The agents of that bureau paid Mr. Royce—paid their share—$2,025, according to the first agreement, within two months after the loss was sustained. I presume that the balance of his claim for the destruction of this rich dairy herd, worth ten or eleven thousand dollars, will remain before this and succeeding Congresses, and that ultimately it will be allowed.

The SPEAKER. Is there objection?

Mr. MANN. I object.

WALLACE L. BELL.

The next business on the Private Calendar was the bill (H. R. 12267) for the relief of Wallace L. Bell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Wallace L. Bell, out of any money in the Treasury not otherwise appropriated, the sum of $160, for 32 days' automobile hire for the use of the Government as special agent in collecting statistics for the Bureau of the Census in district No. 24, in Georgia, in March and April, 1914.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RELIEF OF CERTAIN HOMESTEAD ENTRYMEN, GLACIER NATIONAL PARK.

The next business on the Private Calendar was the bill (S. 1741) for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the homestead entries heretofore made by Howard E. Jones, Ernest R. Henthorn, Daniel C. Doverspike, Ora Reeves, Louis N. Fournier, Pat Doyle, Walter E. Barricklow, and Frank Kelly for lands within the limits of the Glacier National Park, in the Kalispell, Mont., land district, which entries were allowed under an order issued by the Secretary of the Interior on May 21, 1910, based upon lists approved by the Secretary of Agriculture prior to the passage of the act of May 11, 1910 (36 Stat. L., p. 354), creating the said Glacier National Park, be, and they are hereby, excepted from the force and effect of said act of May 11, 1910: *Provided*, That should said entries not be perfected as required by law the lands embraced therein shall revert to and become a part of the said Glacier National Park.

Mr. MANN. Mr. Speaker, I move to amend, in line 8, by striking out the word "an" and making the word "order" in the plural, and in line 9, after the word "twenty-first," insert the words "and twenty-fifth."

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 8, strike out the word "an" and change the word "order" to "orders"; and in line 9, page 1, after the word "twenty-first," insert "and twenty-fifth."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

GEORGE H. GRACE.

The next business on the Private Calendar was the bill (H. R. 3894) for the relief of George H. Grace.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,718.95, in full compensation for all claims, to George H. Grace, of Lead, S. Dak., being the sum paid by him to the Postmaster General on account of money-order funds embezzled by Raymond L. Shea, late money-order clerk in the post office at Lead, S. Dak.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS H. HALL.

The next business on the Private Calendar was the bill (H. R. 12582) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of the said Thomas H. Hall as such postmaster, be, and they are hereby, relieved of the payment of $544.73, together with the amount of the costs which may have accrued, on account of the United States bringing an action to enforce the payment of said sum, the said sum being the amount of cash and funds held by the Post Office Department to be due from said Hall's estate to the United States, for money misappropriated to his own use by a clerk in said post office while the proffered resignation of said Hall was pending in the Post Office Department and while the said clerk was acting as postmaster with the consent and acquiescence of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHOCTAW AND CHICKASAW NATIONS.

The next business on the Private Calendar was the bill (H. R. 10555) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER. Is there objection?

Mr. MANN. I object.

STUART, LEWIS, GORDON & RUTHERFORD.

The next business on the Private Calendar was the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation.

The SPEAKER. Is there objection?

Mr. MANN. I object, Mr. Speaker.

Mr. HASTINGS. Will the gentleman withhold his objection?

Mr. MANN. I reserve my objection.

Mr. HASTINGS. I want to say with reference to this bill that the firm of Stuart, Lewis, Gordon & Rutherford was employed by the Creek Nation under an act of the National Council of the Creek Nation approved January 7, 1898. When this firm was employed the Creek Council had authority to enact its own legislation. The Creek Nation had authority to employ its own attorney, and this firm of attorneys was employed. There was no question but that they rendered the services. Nobody doubts that; but before their services were concluded and before the Creek Council appropriated the money—if I can have the attention of the gentleman from Illinois.

Mr. MANN. I have read this report. I know all the gentleman has stated. He is not stating it for my benefit.

Mr. HASTINGS. I really was stating it, to be frank about it, for the benefit of the gentleman from Illinois.

Mr. MANN. I have read every line of this report and marked it up.

Mr. HASTINGS. I really believe if I could have his attention for a moment I could convince him of the justness of the bill.

Mr. MANN. The gentleman might be able to do that, but not by reading the report. I have read the report and am familiar with it.

Mr. HASTINGS. There is one point I wanted to emphasize, and that is this, namely, that they were employed under a contract that was made before the Curtis Act. After the passage of the Curtis Act all the acts of the Creek Council had to be approved by the President. Prior to that no act had to be approved. They could appropriate any amount of money that the Creek Council wanted to appropriate.

Mr. MANN. And the reason they passed the Curtis Act was because they were swindling too many of them down there.

Mr. HASTINGS. This firm of attorneys was employed under the act passed January 7, 1898, prior to the passage of the Curtis Act, under the act of the council that the council had a right to enact. They did render the service. Here is the report of the United States Indian inspector to that effect, and here is the report of the Commissioner of Indian Affairs to that effect, and the report of the Indian inspector states in one place that the Creek Council passed it unanimously. I find in another place the report states that the Creek Council after investigating this matter passed it in the senate 21 to 7 and in the house 72 to 1. Over on the other page I find the statement made that the act was unanimously passed. The point I am inviting the gentleman's attention to is that these services were rendered under a contract which they had a right to make. The services were rendered. It was not disputed by anybody who was on the ground at that time.

Mr. MANN. I do not think the services were rendered. There is nothing here to show that they were, except the statement of the men themselves.

Mr. HASTINGS. But here is the investigation of the Creek Council at the time that the services were rendered. Here is the statement of the Indian inspector at the time——

Mr. MANN. The statement of the Indian inspector does not state that the services were rendered.

Mr. HASTINGS. He says that they are anxious to pay them and that they investigated them at the time, and they were there upon the ground. The inspector lived in the city of Muskogee, in the Creek Nation, at the time.

Mr. MANN. He does not say whether the services were rendered or not.

Mr. HASTINGS. He says that they were investigated at the time. On the next page of this report the Commissioner of Indian Affairs says:

It may be proper, however, to add that the said beneficiaries have rendered services to the Creek Nation, and the Creek people appear to be anxious to pay for such service, and that, therefore, the act should, if no objection thereto appears, receive the approval of the President.

Now, the Secretary of the Interior did not have time then to investigate the claim. He says in his report to the President that the contract was not made in accordance with sections 2103 and 2104 of the Revised Statutes, when the fact of the matter is that none of the Five Civilized Tribes prior to the Curtis Act ever made any contract under section 2103. They had the right to appropriate any amount of money without the approval of the President of the United States for payment of services of this character. There is no question but what it was a legal contract. There is no question but what the claim was investigated by the Creek authorities at the time. Nobody questions but what these services were rendered at that time.

Mr. MANN. I question it decidedly. There is no evidence of it. President McKinley questioned it and Secretary Lane questions it.

Mr. HASTINGS. Secretary Lane only makes an adverse report on it because of the fact that it was recommended for disapproval by Secretary Hitchcock at that time, and Secretary Hitchcock, if you will notice in his adverse report, states not that the services were not rendered, but he says that the contract was not made in accordance with sections 2103 and 2104, and that was not required. This firm was legally employed, performed the services, the Creek Council tried at the time to

pay the same, the local Government officer—the inspector—recommended it, the commissioner recommended it, and the adverse report of Secretary Hitchcock was without any reason.

The SPEAKER pro tempore (Mr. MURRAY). The time of the gentleman has expired.

Mr. MANN. There is no such thing as "time has expired" on this. It is not for the Chair to call a speaker down. It is for some Member of the House.

Mr. HASTINGS. Those are really the facts about it.

Mr. MANN. No; the gentleman is mistaken.

Mr. HASTINGS. I invite the gentleman's attention to Secretary Hitchcock's letter.

Mr. MANN. I have read the thing entirely. The council had a claim before it and put it through. Now, if the gentleman will finish, I want to make a statement.

Mr. HASTINGS. Go ahead.

Mr. MANN. Under what circumstances it passed through the council I do not know, but it had to be submitted to the President. President McKinley disapproved it in 1900. That is a good while ago. They knew they had no claim, in my opinion. Nothing was done about it. Finally the bill was introduced, and this is what Secretary Lane says concerning it, and it does not go to the merits of the proposition, in one sense:

In view of the record of disapproval by the President on November 17, 1900, of the claim as then presented by said attorneys, and as 15 years have elapsed since the disapproval without any further action being taken by said attorneys to renew the claims, which seem to be without merit, and I recommend that no further action be had on H. R 10872.

It is nonsense to talk about passing such a bill by unanimous consent.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. MANN. No; I will not waste any more time on it. Other Members have bills pending. I will not give unanimous consent to pass such a bill. It may be that upon full presentation of the facts the gentleman could show the merits, but in view of the disapproval of the President and the Secretary of the Interior on matters right under their control, the gentleman should not expect us to pass upon a claim like this by unanimous consent.

Mr. CARTER of Oklahoma. I just wanted to state how, in my opinion, this disapproval by the President came about.

Mr. MANN. I expect I have as full information on that subject as the gentleman from Oklahoma, but if the gentleman will undertake to explain to the House how they managed to work this claim through that legislative body, that would be interesting, if he knows the facts and will tell them.

Mr. CARTER of Oklahoma. I do not know what information the Creek Council had, nor what information the gentleman may have. I was just going to speak about the record respecting this contract. When the contract was made there was no law requiring the approval by the President or any other officer of the Federal Government of such contract, but before the time this act was passed for the discharge of the obligation there was an act passed which required that all acts appropriating money by the tribal council should be approved by the President.

Mr. MANN. The gentleman's colleague [Mr. HASTINGS] has already made that statement.

Mr. STEPHENS of Mississippi. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. This is the regular order. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

CATHRINE GRACE.

The next business on the Private Calendar was the bill (H. R. 14570) for the relief of Cathrine Grace.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

R. L. JENNINGS.

The next business on the Private Calendar was the bill (H. R. 13636) for the relief of R. L. Jennings.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Well, this is one of the errors that the committee or the printing clerk made. This bill never was reported to the House at all. There was reported from the Committee on Claims a resolution which has never been printed in resolution form. If gentlemen want to pass a resolution referring these claims to the Court of Claims, I have no objection; but the bill never was reported favorably.

Mr. STEPHENS of Mississippi. That was the object, to have the matter reported to the Court of Claims.

Mr. MANN. If the clerk to the Committee on Claims would prepare these things in the proper shape this matter would not arise. They have gone on the theory that it is the business of the reading clerk to read a report through. It is not the business of the reading clerk to read a report of the committee to find out what is in it. I am perfectly willing to pass a resolution. That is what the committee referred to.

Mr. STEPHENS of Mississippi. Then I ask, Mr. Speaker, that the resolution be reported.

Mr. MANN. It is in the report.

The SPEAKER pro tempore. Will the gentleman from Mississippi please repeat his request?

Mr. STEPHENS of Mississippi. My request is that the resolution presented by the Committee on Claims be referred to the House.

Mr. MANN. Let the Clerk read the resolution.

The Clerk read as follows:

House resolution 259.

Resolved, That the bill (H. R. 13636) for the relief of R. L. Jennings, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The Clerk will report the next one.

P. H. AYLETT.

The next business on the Private Calendar was the bill (H. R. 14645) for the relief of the legal representative of P. H. Aylett.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, the Committee on Claims is just a trifle behind the times. So is the distinguished gentleman from Virginia, Gov. MONTAGUE.

This bill is a bill which relates to the payment of a claim to some one, I think, who was in the Confederate service. The report says:

An act making appropriation for its payment is now necessary by reason of the provisions of section 3480, United States Revised Statutes.

That section of the Revised Statutes was repealed some time ago.

Mr. STEPHENS of Mississippi. If the committee fell into error, it was done very largely because of an error by the Acting Secretary of the Treasury.

Mr. MANN. Yes; I know. The Acting Secretary of the Treasury did not know.

Mr. STEPHENS of Mississippi. Very likely not.

Mr. MANN. That is to say, he wrote a letter; I do not know at whose instance he wrote it.

Mr. STEPHENS of Mississippi. He wrote it at the instance of Senator BRYAN.

Mr. MANN. We have paid quite a number of claims in the deficiency appropriation acts, claims which have been allowed since the repeal of this section of the Revised Statutes.

Mr. STEPHENS of Mississippi. The statement in the report, however, does not affect the bill, as I see.

Mr. MANN. It is not necessary to pass such a bill.

Mr. STEPHENS of Mississippi. The Secretary of the Treasury seemed to think so, and the parties interested thought so.

Mr. MANN. If he has a claim he can have it audited and allowed and paid.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. MONTAGUE. Will the gentleman from Illinois tell me how it can be paid?

Mr. MANN. If a man has a legal claim against the Government, as this purports to be, he can send it to the Treasury and have it audited, and then it will be sent up here, and we will make an appropriation in a deficiency bill to pay it. We pay thousands of dollars of them every year.

Mr. MONTAGUE. The claimants have been trying to do it.

Mr. MANN. The gentleman is mistaken. They have not been trying to do it.

Mr. MONTAGUE. It has been due since 1861.

Mr. MANN. They have not been trying to collect it, and the reason why they have not been trying to collect it is because of

section 3480 of the Revised Statutes. It is safe to say the man has never made an effort to collect it.

Mr. MONTAGUE. The man has been dead for many years. He died about 1868. His descendants have made an effort to collect it.

Mr. MANN. No. The only effort they have made was to ask the gentleman from Virginia to introduce a bill in their behalf.

Mr. MONTAGUE. No; I have not been requested to introduce a bill by the claimants.

Mr. MANN. Then they have made no effort at all?

Mr. MONTAGUE. Oh, yes; they have.

Mr. MANN. I know what must have taken place.

Mr. MONTAGUE. I do not question that; I do not question the gentleman's omnipotent knowledge in that respect.

Mr. MANN. The gentleman need not get sarcastic.

Mr. MONTAGUE. I am not getting sarcastic.

Mr. MANN. Because I happen to know a thing that is not saying that I have omnipotent knowledge, although the gentleman did not know it.

Mr. MONTAGUE. But suppose that provision of the Revised Statutes does exist, that does not militate against the fact that these people have from time to time endeavored to secure the collection of their claim.

Mr. MANN. I dare say that they never tried to secure the payment at all until this bill was introduced.

Mr. MONTAGUE. The information I get is different. Of course the gentleman may have other and better information than I have about it. I understand, then, that the gentleman objects?

Mr. MANN. Why, certainly. These people can get their money, if they have a claim, by going and presenting their claim where it can be properly audited by people who know whether they have a claim. We do not know.

Mr. MONTAGUE. If the gentleman will permit me to say, my observation has been—and it has come under my practical experience as United States district attorney for four years—that to get anything that the United States Government owes you is a pretty difficult thing to do.

Mr. MANN. My experience is that there is no difficulty at all in getting anything from the United States if it is a legal claim.

Mr. MONTAGUE. Apparently there is great difficulty right now, which I can not surmount. With the gentleman's ability and experience and knowledge of this House—I hope he will not think I mean to be sarcastic; I desire to pay him a very sincere tribute—with his ability and knowledge of parliamentary procedure, we can not get anything if he objects to it.

Mr. MANN. When the gentleman is through, will he permit me to make an intelligent statement without interruption? If the gentleman himself——

Mr. MONTAGUE. Will the gentleman permit me one remark?

Mr. MANN. I know the gentleman will not permit me. He will interrupt every time. I hope the gentleman will proceed until he is through.

Mr. MONTAGUE. I was going to say to the gentleman that I thought I had the floor.

Mr. MANN. The gentleman did not have the floor. I had the floor. I am quite willing to yield it.

Mr. MONTAGUE. You see, we take issue again on a matter of fact. I thought I had the floor.

Mr. MANN. Well, the gentleman may have the floor.

Mr. MONTAGUE. If I have it, I yield it to the gentleman from Illinois.

The SPEAKER pro tempore (Mr. MURRAY). The gentleman from Illinois objects. The Clerk will report the next bill.

Mr. MANN. No; I reserved the right to object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has already objected.

Mr. MANN. I reserved the right to object.

Mr. ROUSE. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded.

Mr. MANN. This is not the State Legislature of Oklahoma.

Mr. MONTAGUE. If I have the floor, I yield it to the gentleman from Illinois.

Mr. ROUSE. Regular order!

The SPEAKER pro tempore. The gentleman claims he reserved the right to object. Let the gentleman from Illinois proceed.

Mr. MANN. If the gentleman demands the regular order, he has a right to do that.

Mr. ROUSE. I demand the regular order.

Mr. MONTAGUE. I do not demand the regular order.

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

THE FERRIES CO.

The next business on the Private Calendar was the bill (H. R. 13247) for the relief of The Ferries Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the claim of the Ferries Co., owner of the American ferry steamer *Winthrop*, injured in a collision with the U. S. tug *Hercules* in the Berkley ferry slip in the harbor of Norfolk, Va., on January 27, 1914, for and on account of damages to said steamer *Winthrop* by reason of said collision, may be submitted to the United States district court in and for the eastern district of Virginia, under and in compliance with the rules of said court in admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree against the United States for the amount of damages sustained by reason of said collision, if any shall be found due by it, upon the same principles and measures of liability, with costs as in like cases in admiralty between private parties, and with the same rights of appeal.

SEC. 2. That should damages be found to be due the said The Ferries Co., as owner of said American ferry steamer *Winthrop*, the amount of the final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That the suit authorized by this act shall be brought and commenced within six months from the passage of this act.

With the following committee amendment:

Beginning after the word "court," in line 11, page 1, strike out the remainder of the bill and insert the following: "Sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, and with the same right of appeal.

"SEC. 2. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled 'An act to provide for the bringing of suits against the United States.'"

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

HUDSON BROS.

The next business on the Private Calendar was the bill (H. R. 3253) for the relief of Hudson Bros., of Norfolk, Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

HIRAM P. GEASLIN.

The next business on the Private Calendar was the bill (H. R. 7396) for the relief of Hiram P. Geaslin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the accounts of or to pay, out of any money in the Treasury not otherwise appropriated, to Hiram P. Geaslin, of Hornersville, Mo., the sum of $81.71, being the value of stamps taken from his custody as postmaster at Hornersville, Mo., by burglars on the 6th day of April, 1915.

With the following committee amendment:

Page 1, line 7, after the words "value of," insert the word "documentary."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

JAMES C. HILTON.

The next business on the Private Calendar was the bill (S. 606) for the relief of James C. Hilton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

WILLIAM W. FINEREN.

The next business on the Private Calendar was the bill (H. R. 2601) for the relief of William W. Fineren.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

VICTOR A. ERMERINS.

The next business on the Private Calendar was the bill (S. 4581) for the relief of Victor A. Ermerins.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

DOUGLAS H. JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 12391) to reimburse Douglas H. Johnston.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

REIMBURSEMENT OF CITIZENS OF IDAHO.

The next business on the Private Calendar was the bill (H. R. 12472) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

J. W. DELLINGER.

The next business on the Private Calendar was the bill (H. R. 9621) for the relief of J. W. Dellinger.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to pay to J. W. Dellinger the sum of $47.50 from any funds in the Treasury not otherwise appropriated in payment for damages to his automobile done by a runaway team belonging to the Rainy Mountain Indian School.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JACKSON J. MASH.

The next business on the Private Calendar was the bill (H. R. 14889) for the relief of the estate of Jackson J. Mash, deceased.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, a few moments ago we had a special bill in which the distinguished gentleman from Virginia [Mr. MONTAGUE] was interested, that could not be paid for many years because of section 3480 of the Revised Statutes. I yielded to the gentleman to make an explanation of it but did not get a chance to make a further explanation because of what seemed to me the discourtesy of my friend the gentleman from Kentucky [Mr. ROUSE] demanding the regular order.

All of these claims which are for money due from the Government for salary were barred as long as section 3480 of the Revised Statutes was in effect, that section prohibiting the payment of these claims to people who were in the service of the Confederate States. But they now can be presented in due course to the department and admitted by the department. They are then transmitted to Congress as audited claims, and we pay them in the deficiency appropriation bill. Every year now we carry money to pay a large number of claims due the men who were in the Confederate service where the claims were formerly barred, while section 3480 of the Revised Statutes was in force. It is very likely that these men having these claims did not know that there had been any change in the law. I take it that Members of Congress who introduced the bill did not know that there had been a change, but there is no reason why the House should be burdened with the consideration of special bills for the payment of claims which can be audited and paid in the regular course of governmental business.

Mr. PARK. Is there any reason why the bills should not be expedited by allowing them to go through and be paid?

Mr. MANN. Yes. Suppose John Jones has a claim against the Government for salary. Should he be allowed to come and ask Congress to pass a special bill in his favor when all he has to do is to submit his claim to the department and have it audited?

Mr. PARK. These heirs have waited half a century for this money without interest, and it only amounts to about $150.

Mr. MANN. It seems incomprehensible to me that men do not understand the fairness of such a case—to take up our time for the purpose of considering a bill where all the parties have to do is to take the claim to the officials of the Government who have the information upon which they can secure the money. The only excuse that is given when the claims are presented is that they are barred by section 3480 of the Revised Statutes, which has been repealed for several years.

Mr. MONTAGUE. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. MONTAGUE. Is it not the duty of the debtor to pay rather than to compel the creditor to pursue the debtor?

Mr. MANN. I do not think it is the duty of the debtor to run around and hunt up the man to whom he owes money when he is ready to pay it at the office where the bill is due.

Mr. MONTAGUE. I am not speaking of the Government, I am speaking of the general rule of law.

Mr. MANN. I do not know what the gentleman's course is, but I wait until they send me the bill, and then I send them a check. I have never been in the habit of starting out on the 1st of the month, going around either on foot, street car, or automobile, to people with whom I deal, asking them how much I owe and paying them right then and there. I wait until they send me a bill.

Mr. MONTAGUE. Most of us do that way, but that does not change the rule of or the right under the law.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ALBERT T. HUSO.

The next business on the Private Calendar was the bill (H. R. 1571) for the relief of Albert T. Huso.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CHARLES AKERLUND.

The next business on the Private Calendar was the bill (H. R. 6518) for the relief of Charles Akerlund.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

WILLIAM E. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 13072) for the relief of William E. Johnson.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

DUTIES ON STEEL BLOOMS.

The next business on the Private Calendar was the bill (S. 4398) for the refund of excess duties on steel blooms.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., the sum of $65,792.53; Philadelphia & Reading Coal & Iron Co. the sum of $26,400.30; and the estate of Henry A. V. Post, deceased, the sum of $50,359.35, as a refund of import duties paid in excess of the duties imposed by law on steel blooms, as found by the Court of Claims.

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee something about the facts in connection with this bill. How is it that this matter has been delayed so long, and why is it that these duties are to be refunded?

Mr. STEPHENS of Mississippi. Mr. Speaker, I will state the facts briefly, as I understand them. Many years ago there was a considerable importation of what are called steel blooms. These importations were made by a great many individuals and firms. Officers of the Government claimed that there should be imposed a duty of 45 per cent. The importers claimed that they should pay only 30 per cent. While that dispute was in progress between the importers and the officers of the Government, the officials of the Government threatened that unless they paid 45 per cent duty without protest, a duty of 2¼ cents per pound, which amounted to 180 per cent, would be imposed, so the importers, rather than run the risk of having to pay such a large duty, did pay the 45 per cent, and later on these cases were taken into the Court of Claims.

Mr. CULLOP. Right there I would like to ask the gentleman if there is not a court constituted under the law for the purpose where there is a dispute about what the duty should be of determining what it is—a court for that purpose sitting in New York City, the functions of which are to determine all questions in reference to duties on articles imported into this country?

Mr. STEPHENS of Mississippi. That is probably true, but I will state to the gentleman that the Court of Claims held in this matter that these parties were, by duress, forced to pay 45 per cent instead of running the risk of paying 180 per cent.

Mr. DOOLITTLE. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. DOOLITTLE. Covering what time did these claims arise which we are now called upon to refund?

Mr. STEPHENS of Mississippi. I do not remember the exact date.

Mr. MANN. From 1879 to 1882.

Mr. STEPHENS of Mississippi. I will state further that there were claims of duty collected amounting to about $800,000. All of the parties have been refunded the amount of duties paid in excess of what they ought to have paid save these parties. If I am not mistaken, the amount of seven hundred and odd thousand dollars has been refunded. There was a bill passed providing for the refund of the duties, naming the importers in that bill. For some reason, I do not know why, the parties mentioned in this bill were left out. They were not included.

Mr. CULLOP. I would like to ask the chairman if this question was ever submitted to the court of appraisers sitting in New York which has jurisdiction in this matter to determine what the proper duty was?

Mr. STEPHENS of Mississippi. I do not think it was, but I have already stated to the gentleman that the officials of the Government threatened these parties and said if they did not pay the 45 per cent they would assess them 180 per cent, and the Court of Claims held that because of these threats these parties were forced to take the action they did and that these threats kept them from making a protest which the law required they should do.

Mr. CULLOP. Mr. Speaker, I do not think the excuse offered by these gentlemen is sufficient. They were full-grown men, actively engaged in business, and they knew of this court where they could settle that matter, and no Government official could create a right by asserting that if a person did not do so and so he would charge a higher duty. Such high-handed coercion on the part of the official was reprehensible, if true, and he ought to have been promptly removed. They had a right to complain against that official. They had a right to lodge a charge against him and have him removed, because there are courts of justice in this country to settle the controversies between men, and, therefore, they had their resort to it. This occurred something over 30 years ago, and coming in here now it seems to me that this is a pretty stale claim, and I think in view of this fact and the large amount involved it ought to be further investigated, and therefore I object.

Mr. EDMONDS. Mr. Speaker, will the gentleman yield for a moment?

Mr. CULLOP. I will reserve the objection for a moment, as I do not want to do or see an injustice done anyone.

Mr. STEPHENS of Mississippi. Mr. Speaker, I would like to make this statement in regard to what the gentleman has said about the failure of these people to take advantage of their fight and go into court. As I have already stated, they were threatened, and they ought not to be held down to the strict letter of the law because of these threats, and we ought to recognize the fact that the Government reached down into the pockets of these people and took money that did not belong to it. The gentleman says that it is a stale claim. It is an old claim, but these people have been making constant efforts to secure the money, and while it is an old claim, that simply means this, that the Government has had the use of this money unjustly and unlawfully for the 30 years and odd of which he speaks.

Mr. CULLOP. But as I understand the gentleman from Mississippi, this question in dispute has never been submitted to the proper tribunal, the court of appraisers, which was constituted for the purpose of determining disputes of this kind, to ascertain whether the duty which the Government charged was a proper duty.

As I understand, there is no contention with them in reference to the 45 per cent charge that the Government was undertaking to make a charge which was not required under the law then in force for that purpose, but what they claimed was that it was under a lower duty, and that the question was not submitted to the proper tribunal to determine who was right, the Government or the other party.

Mr. STEPHENS of Mississippi. Will the gentleman permit?

Mr. CULLOP. Certainly.

Mr. STEPHENS of Mississippi. I want to call the attention of the gentleman to the fact——

Mr. MANN. There is no use wasting time on this.

Mr. STEPHENS of Mississippi. I would like to make one statement. The gentleman says this matter was never submitted to a proper court.

Mr. CULLOP. I said I had no information.

Mr. STEPHENS of Mississippi. I will state to the gentleman that one of the firms did take the matter into court, Downing & Co., in their case against the Collector of Customs at the port of New York, and the United States Circuit Court for the Southern District of New York held the lawful rate of duty to be only 30 per cent ad valorem. The Treasury Department accepted that decision as final and adopted it as its rule. Now, they had the intimation that the time had passed and the only recourse they had was to come to us for relief.

Mr. CULLOP. They want back all the money and not even pay the Government anything.

Mr. STEPHENS of Mississippi. They only want the difference between 30 and 45 per cent. This bill is intended to refund only the 15 per cent that was charged in excess of the lawful duty. Two courts, the United States Circuit Court for the Southern District of New York and the Court of Claims, have passed upon this matter, and each court held that this amount was unlawfully collected.

The gentleman does not understand this matter, so I shall make the following brief statement of the facts regarding the H. A. V. Post estate portion of this bill, calling for a refund of $50,359.35, and the facts in the other items are very similar.

From July 1, 1879, to October 31, 1881, Col. Post—the firm of Clark, Post & Martin, New York—were large importers of "steel blooms."

The entries for a larger portion of these importations were made in the name of the firm Clark, Post & Martin, and the smaller portion by the firm as agents for the Springfield Iron Co.

The legal and proper duty on these steel blooms, as determined by the United States courts, was 30 per cent ad valorem. The Treasury officials demanded a duty amounting to 45 per cent, which, under threats and duress, as afterwards proven, was paid. This 15 per cent excess duty thus exacted amounted to the sum of $74,420.10.

The 45 per cent rate of duty exacted was understood at the time to be an illegal duty by the many importers who paid it, but they were repeatedly informed, to the extent of a threat, that if they protested against paying the 15 per cent excess rate the Treasury Department would reclassify these importations as "steel ingots" at $0.02¼ per pound, which rate would have been prohibitory, and rather than be ruined the unlawful excess 15 per cent rate was paid without protest. An importer brought suit—Dowing against Robertson, collector—where the United States circuit court, New York, held the lawful rate of duty to be 30 per cent, and the Supreme Court of the United States dismissed the appeal, and the Treasury Department, February 11, 1885, decided that there should be no further litigation on the subject.

There having been, for reasons stated, no protest in making the various entries on these steel blooms, a law was passed by Congress, first presented in 1886 and finally passed January 9, 1903, providing for the refund of all duties paid on these steel blooms in excess of the lawful 30 per cent. This refund under the act was made to all who had paid the excessive and illegal rate, excepting the present claim now before you of Col. Post, as the successor of Clark, Post & Martin; that of Walston H. Brown, and of the Philadelphia & Reading Coal & Iron Co., the Bates & Despard claim and that of the Illinois Steel Co. having been paid in 1905.

The amount—$50,359.35—since due Col. Post was not at that time—1903—repaid under that act simply and only from the fact of a clerical error in not having included the firm name—Clark, Post & Martin—in the act of January 9, 1903, individually, as well as the firm name as agents of the Springfield Iron Co. The overpayment of duty was in all respects precisely like the other cases where the refunds were all made under that act.

There never has been any question but what it was the intention in that act of Congress of 1903 to return all the illegally collected duty of 15 per cent as mentioned, and Col. Post was not aware until the findings of his claim were filed in court April 2, 1906, that he—under the act and in omission of his firm name individually—that the excess amount paid by the firm also was not included.

A bill to cover this defect was promptly introduced in Congress March, 1906, favorably reported by the Senate committee, and passed by the Senate April, 1906. The bill in the House, however, was not reported by the Committee on Claims. The bill was again introduced in the Sixtieth Congress (S. 763; H. R. 12575) and both referred to the Committee on Claims. The subcommittee of the House considered the bill favorably, but did not report.

Again the bill was introduced in the Sixty-first Congress (H. R. 16143), ordered printed, but not reported. Again introduced in the Sixty-second Congress, second session (S. 4266; H. R. 17323); no action. The bill was before the Senate Committee on Claims, and on February 13, 1912, was referred to the Court of Claims for findings of fact. The bill was thereupon reintroduced in form to be referred, and was referred for

findings February 22, 1912. The findings of the Court of Claims was on February 7, 1914, reported back to the Senate. On February 27, 1914, the bill was referred to Hon. JOSEPH T. ROBINSON by the Committee on Claims and soon afterwards favorably reported by him to the committee.

The bill for relief was again last year promptly introduced in the Senate and referred to the Committee on Claims. On March 3, 1915, a bill providing for the refund to the estate of Col. Post passed the Senate, but not in time for action by the House. On February 15, 1916, the present bill (S. 4398) was transferred from the Committee on Claims to the Senate Finance Committee, which committee reported March 9 in favor of the bill, as stated by Senator LA FOLLETTE, as per the printed memoranda of Senate proceedings of that date herewith. And on March 9, 1916, this bill (S. 4398) passed the Senate without objection or adverse vote.

The facts as above indicated, as also stated by Senator LA FOLLETTE before the Senate and fully elaborated and set forth in the Court of Claims' findings of fact in this case, clearly establish the fact that there can be no possible question of doubt whatever—

First. That Col. Post—Clark, Post & Martin—had paid into the Treasury in cash from 1879 to 1881 in excessive and illegally collected duties $74,420.10.

Second. That but $24,060.75 has yet been returned, and that $50,359.35 has been for all these years as honorably and justly due as any money to anyone has been or can possibly be due from the United States Government. And it seems incredible that the Government should retain such unlawfully obtained money, extorted by its own officials as determined by its own courts, and leave the victims, its own citizens, all these years helpless, without reimbursement, and thus far without remedial action by Congress. Even now the noncollectible interest has reached an amount nearly or quite equal to the principal originally extorted.

The findings of fact by the United States court and the Court of Claims also show clearly enough that there has been no delay on the part of Col. Post in his efforts to obtain redress; or can there be the slightest question from the findings of the Court of Claims—where the subject was thoroughly thrashed out by counsel on both sides—as to the intention of Congress to refund all this money paid for improper and illegal duties, nor why, under every principle of fair dealing, this injustice of nonpayment should have gone on for all this decade of years.

An examination of the decision of the United States court determining that 30 per cent was the lawful duty and the findings of the Court of Claims that the excess 15 per cent was paid under duress of the Treasury officials and that that was the reason that protests were not made at the time, clearly and unequivocably establishes the wrong and great injustice in deferring longer the repayment of this money, the Government having had the use of the amount due for so many years.

This bill (S. 4398) is not, therefore, in any sense an ordinary claim, but merely provides for the refund payment of money extorted and paid into the Treasury under the aggravating circumstances as here stated.

And in the conduct of any public or private business what can be more pressing as an honorable obligation than that money not belonging to the Government paid under the circumstances here related should be at the earliest possible moment returned to the rightful and lawful owner?

I also append a brief résumé of the matter prepared by a gentleman interested in the matter. It is a splendid statement of the facts of the case, and includes also a list of importers who were required under similar circumstances to pay excessive duties and who have been repaid by the Government:

First. This bill provides for refund of the 15 per cent excess duty exacted by the Government and paid into the Treasury regarding which excess duty the Court of Claims in its decision, Senate Document No. 406, Sixty-third Congress, second session, page 8, filed with the Senate February 9, 1914, found was paid under "circumstances amounting to duress," and in House Report No. 701, page 3, of the 17th instant, reference is also made to the fact that "the title to the money involved in these claims never passed from the claimants."

Second. The retention of this money thus exacted and the remaining portion of it yet held by the Treasury has therefore no justification either in fact or in equity, every dollar of the amount being a direct loss of the principal to those paying the excess amount, to say nothing of the loss of interest, as also stated in said findings of the Court of Claims, Senate Document No. 406, page 7.

Third. After the United States Court had determined that the 15 per cent excess duty was not the legal rate and thus admitted by the Government, Congress passed an act January 9, 1903, providing for the refund of this excess duty paid into the Treasury. That it was the intention in that act of Congress to return the amounts thus improperly paid into the Treasury has never been questioned, as found by the Court of Claims, Senate Document No. 406, aforesaid.

Fourth. The records show that due diligence and perseverance has been exercised to secure the refund of the amounts not already returned to the lawful owners as provided in the present bill (S. 4398), and one of the refunds as provided in the present bill, the H. A. V. Post Estate item, was expressly mentioned in the act of 1903, but was not paid in full under that act owing only and solely to a misdescription of the name by a clerical error.

Fifth. The Treasury Department has always favored repayments of this excess duty to the rightful owners. At a hearing before the subcommittee of the Committee on Claims of the House, Sixty-first Congress, second session, Mr. G. W. Ashworth, a representative of the Treasury Department, speaking of these particular "steel bloom" remaining duty refunds, expressly stated, and that he felt perfectly justified in stating, that the Treasury Department "recommended" the passage of the bill providing for such refund payments.

Sixth. It may be stated without fear of contradiction that every Member of Congress and every fair-minded person in or out of Congress who has ever looked into the merits of this question concurs in this opinion of Mr. Ashworth in favoring the return of this money exacted from citizens which does not belong and never did belong, as found by the Court of Claims, to the Government.

Seventh. Under the acts of Congress of January 9, 1903 (32 Stat. L., 764), and of February 24, 1905 (33 Stat. L., 809) (see 40 C. C. Rep., 539; 41 C. C. Rep., 413 et seq.; 42 C. C. Rep., 541; 43 C. C. Rep., 596), refunds of this 15 per cent excess duty have already been made, as follows:

J. F. Bailey & Co	$77,462.55
H. E. Collins & Co	12,399.60
Carnegie Bros. & Co. (Ltd.)	29,737.20
Albany & Rensselaer Iron & Steel Co	2,259.30
Joliet Steel Co	138,878.25
Cleveland Rolling Mill Co	18,472.65
O. L. Garrison, for Vulcan Steel Co. and St. Louis Ore & Steel Co	19,338.90
A. E. Godeffroy & Co	30,895.80
Springfield Iron Co., of Springfield, Ill. (this included claim of Clarke, Post & Martin, agents, etc., for $18,045.57)	45,936.64
Henry A. V. Post	6,015.18
Charles W. Matthews	23,106.75
Henry W. Oliver, jr	8,646.75
Schrader & Ellery	6,957.30
Diamond State Iron Co	23,278.95
Interstate Improvement & Construction Co	31,511.55
Charles H. & Eugene Odell, agents for Sandusky Rolling Mill & Manufacturing Co. and Northern Pacific Railroad Co	65,983.35
Northern Pacific Railroad Co	38,079.45
Edgemore Iron Co	8,222.10
Edward C. Smith	43,266.75
William Selfridge	12,627.75
Sam. E. Merwin, jr	20,400.56
Bates & Despard	1,247.10
Estate of Charles L. Perkins, liquidating partner of Perkins & Choate	18,894.75
Illinois Steel Co. as assignee	23,483.10

Eighth. The Treasury Department states that the amount already paid out in refunds under these two acts is $713,518.

Ninth. The three refunds embodied in the present bill (S. 4398) before the House being of exactly the same character are the only refunds remaining unpaid. Why, then, under every principle of fair and just dealing between the Government and its citizens should not the remaining refunds, as provided in Senate bill 4398, now before the House, be made without further delay?

Full particulars regarding the facts as above stated will be found in the RECORDS of Congress, the Court of Claims findings, and as concisely stated in House Report No. 701, May 17, 1916, from the Committee on Claims above mentioned.

I feel, Mr. Speaker, that these importers were held up by the officials of the Government. They were made to stand and deliver, just as much so as any band of highwaymen ever robbed a victim. The court practically said as much when it held that these parties were forced by threats and intimidation to waive their rights to make protest. Surely this Government can not afford to sanction such a wrong to her citizens.

Mr. CARTER of Oklahoma. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, I object.

GRANT OF CERTAIN RIGHTS OF EASEMENT FOR RAILROAD PURPOSES.

Mr. IGOE. Mr. Speaker, I want to ask unanimous consent to take up, at this time, 291 on the Private Calendar.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take up at this time No. 291 on the Private Calendar. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9856) granting to the St. Louis, Iron Mountain & Southern Railway Co., and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Bush Brewing Association, respectively.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, what does this do?

Mr. IGOE. Mr. Speaker, the only purpose of the bill, I will say to the gentleman, is to grant the permission of the Government to an exchange of certain parts of the rights of way provided in the grant by the Government, and it does not provide for the granting of any additional land.

This was part of the old arsenal grounds in the city of St. Louis. The Iron Mountain road was given a right of way through this property many years ago, and the Manufacturers' Railroad Co. operate some tracks on a part of this right of way. The Anheuser-Busch Brewing Association, through permit granted by Congress, received a permission to use or put certain tracks upon this ground.

Mr. MANN. The gentleman can make it short by saying these companies have authority to run railroad tracks over this ground, being specified. They want to rearrange their tracks, and this is a permission to rearrange the tracks which the Government officials say will be in the interest of the Government, as far as the rearrangement is concerned, and in the interest of the other people. The tracks are on the wrong side of each other, I will say to the gentleman.

Mr. IGOE. The Board of Engineers of the War Department have approved of it, and they feel this special permission by Congress is necessary because of the original permission.

Mr. RAGSDALE. Mr. Speaker, reserving the right to object, does it give away any authority now vested in the Government or make any further grant of any kind?

Mr. IGOE. Not at all.

Mr. RAGSDALE. It is just a transfer?

Mr. IGOE. It is simply a rearrangement to meet——

Mr. MANN. To give authority to shift the tracks.

Mr. IGOE. That is all it does, and the engineers say it will benefit the Government as well as the railroad companies.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The Clerk read as follows:

Whereas the United States of America, heretofore by act of Congress, approved February 14, 1853, granted to the St. Louis & Iron Mountain Railroad Co. a right of way, 60 feet wide, over and across land owned or reserved for use by the United States in the city of St. Louis, State of Missouri, being the land constituting the United States Arsenal Grounds, on which the St. Louis Arsenal was located, which said right of way is being used by the St. Louis, Iron Mountain & Southern Railway Co. as lawful successor to and of said St. Louis & Iron Mountain Railroad Co. for and in maintaining and operating thereon various railroad tracks, with one of which tracks it serves the United States Engineers' depot located on that part of said St. Louis Arsenal property, which lies east of said right-of-way strip; and

Whereas the United States of America, heretofore by joint resolution of Congress, approved April 28, 1904, authorized the Secretary of War to, and he did thereupon, by grant dated August 3, 1904, grant or allow to the Anheuser-Busch Brewing Association a right of way for railroad purposes 40 feet in width, over and across said United States Arsenal Grounds in the city of St. Louis, Mo., said right of way lying west of and abutting the said right of way above referred to as that granted to the St. Louis & Iron Mountain Railroad Co., upon which 40-foot strip there have been built certain railroad tracks now operated by the Manufacturers' Railway Co. under lease or permit from said Anheuser-Busch Brewing Association; and

Whereas said Anheuser-Busch Brewing Association is not engaged in the railroad business, but is served as a shipper and receiver of freight by said Manufacturers' Railway Co., which is a railroad corporation organized under the laws of the State of Missouri, and engaged as a common carrier in the transportation of freight moving in interstate commerce, on behalf of many others of the shipping public in the city of St. Louis, as well as on behalf of said brewing association; and

Whereas said Anheuser-Busch Brewing Association, St. Louis, Iron Mountain & Southern Railway Co., and Manufacturers' Railway Co., for the purpose of improving the track and traffic facilities used by each of said railways in its service of the public, have mutually agreed to sell and exchange certain strips of land or rights of way now used by said railways for railroad purposes, and to that end now desire the consent of the United States of America to the transfer of certain portions of each of said rights of way heretofore granted by the United States, as above recited: Now therefore

Be it enacted, etc., That permission is hereby granted to the Anheuser-Busch Brewing Association to transfer by sale or lease to the Manufacturers' Railway Co., its successors or assigns, all of the said title, rights, and easement heretofore granted or permitted to said Anheuser-Busch Brewing Association, by or pursuant to said joint resolution of Congress approved April 28, 1904, and by grant of the Secretary of War, dated August 3, 1904, pursuant to said joint resolution.

SEC. 2. That permission is hereby granted to said Manufacturers' Railway Co., its successors or assigns, thereupon to transfer to the St. Louis, Iron Mountain & Southern Railway Co., its successors or assigns, that part of the said title, rights, and easements so to be acquired by said Manufacturers' Railway Co. under the last preceding paragraph hereof, which part relates to or affects the eastern 11½ feet of the said 40-foot right-of-way strip, thereby joining said 11½ feet to the said right of way of said St. Louis, Iron Mountain & Southern Railway Co.

SEC. 3. That permission is hereby granted to said St. Louis, Iron Mountain & Southern Railway Co., its successors or assigns, to transfer to the Manufacturers' Railway Co., its successors or assigns, that part of the said title, rights, and easement granted by said act of Congress approved February 14, 1853, which part relates to or affects the eastern portion of the said 60-foot right-of-way strip, said eastern portion being a tract varying in width from a minimum of 15 feet to a maximum of 16 feet 1½ inches, thereby enabling said Manufacturers' Railway Co. to operate over said tract a railroad track as a part of its facilities.

SEC. 4. That the respective permits hereby granted by the above sections 2 and 3 shall not be availed of unless or until the written agreement hereinafter prescribed shall have been entered into by the Manufacturers' Railway Co., to the end that the freight service heretofore rendered to said United States Engineers' depot, from said track located upon said tract or eastern portion of said 60-foot right-of-way strip, may and shall hereafter be rendered from a switch track to be constructed by said Manufacturers' Railway Co., at its expense, into said United States Engineers' yard, for the exclusive service of the United States, namely: Said Manufacturers' Railway Co. shall enter into a written agreement with or for the benefit of the United States, in such form as shall be approved by the Secretary of War, obligating the Manufacturers' Railway Co., within such reasonable time as the Secretary of War may approve, to construct at its own cost and expense, and for the exclusive ownership and service of the United States, a switch track into or through said United States Engineers' depot property, along such line therein as shall be approved by the Secretary of War; also to build and maintain thereafter a track or tracks connecting with said switch track and extending from the said Engineers' depot property, to reasonably accessible points of connection with the tracks of, and for the free use of, the St. Louis, Iron Mountain & Southern Railway Co. and of the Manufacturers' Railway Co.; also to erect at its own expense, on the south side of said United States Engineers' depot grounds, such reasonable gate or gates as shall be approved by the Secretary of War, if the latter shall request the construction of such gates, and to pay and protect the United States against all other expenses caused by the removal and rebuilding of the paint and oil house used by the United States and now located at or near Utah Street; all of said work to be done in a manner which shall be approved by the Secretary of War.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

The SPEAKER. The question is on agreeing to the preamble.

The question was taken, and the preamble was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SLAYDEN was granted leave of absence, indefinitely, on account of important business.

MEREDITH G. CORLETT.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent at this time to consider Calendar No. 280 (H. R. 12463).

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12463) for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.

The SPEAKER. Is there objection?

Mr. CANTRILL. Mr. Speaker, I want to say to the gentleman from Tennessee I notice this is a private bill, and several of us have been waiting all day patiently to have these bills taken up in their order. I have a bill here just as important as that of the gentleman from Tennessee, and I do not want——

Mr. PADGETT. The gentleman can call up his bill next. I do not think the House will object to it.

The SPEAKER. Is there objection?

Mr. CANTRILL. I hardly think it is fair.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Meredith G. Corlett, of Williamson County, Tenn., the sum of $62.80, for and on account of excess payment made by him to the collector of internal revenue of the United States for the fifth district of Tennessee, as surety on the internal-revenue bond of J. W. Corlett.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

C. HORATIO SCOTT.

Mr. SCOTT of Michigan. Mr. Speaker, I ask for the consideration of the bill designated on the Private Calendar as No. 271.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take up the bill numbered 271 on the Private Calendar. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 4559) for the relief of C. Horatio Scott.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of C. Horatio Scott, postmaster at Sault Ste. Marie, Mich., in the sum of $596.52, paid to the United States on account of funds embezzled by Frank Higgins, a post-office clerk in the post office at Sault Ste. Marie, Mich.; and the sum of $596.52 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

Also the following committee amendments were read:

Page 1, line 3, strike out the words "Postmaster General" and insert "Secretary of the Treasury."

Page 1, line 4, strike out the words "credit the accounts of" and insert the words "pay to."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MRS. JOHN A. FOX.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent to take up the bill Calendar No. 272 and put it on its passage. This is a similar bill to Calendar No. 230, that passed the House a moment ago.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take up the bill Calendar No. 272 for present consideration. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14952) for the relief of Mrs. John A. Fox.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Mrs. John A. Fox, widow of John A. Fox, postmaster at Glenarm, Oldham County, Ky., who was killed in the discharge of his duty.

Also the following committee amendment was read:

Page 1, line 5, strike out "$2,000" and insert "$1,000."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that on to-morrow we take up the Unanimous Consent Calendar and begin where we left off the other day.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that to-morrow the House take up the Unanimous Consent Calendar where we left off yesterday. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

MAINE CENTRAL RAILROAD CO.

Mr. GUERNSEY. Mr. Speaker, I ask unanimous consent to take up the bill S. 3405, Calendar No. 277, and put it on its passage.

Mr. MANN. Oh, no; not to-night. We will probably reach it soon. It may be that we can take up some of the Private Calendar bills to-morrow by unanimous consent after we get through the Unanimous Consent Calendar.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Saturday, June 10, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the acting president of the Board of Commissioners of the District of Columbia submitting supplemental estimates of appropriations required for the militia of the District of Columbia for the fiscal year ending June 30, 1917 (H. Doc. No. 1196); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of Labor submitting estimates of deficiency appropriations required for the services of the Department of Labor (H. Doc. No. 1197); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DANFORTH, from the Committee on the Judiciary, to which was referred the bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts, reported the same without amendment, accompanied by a report (No. 813), which said bill and report were referred to the House Calendar.

Mr. STEELE of Iowa, from the Committee on Agriculture, to which was referred the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, reported the same with amendment, accompanied by a report (No. 814), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. DICKINSON: A bill (H. R. 16350) for the purchase of a site for a public building at Eldorado Springs, Cedar County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16351) for the purchase of a site for a public building at Rich Hill, Bates County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16352) for the purchase of a site for a public building at Windsor, Henry County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. CHIPERFIELD: A bill (H. R. 16353) authorizing the Secretary of War to donate to the town of Farmington, Fulton County, Ill., one bronze or brass cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 16354) authorizing the Secretary of War to donate to the town of Vermont, Fulton County, Ill., one bronze or brass cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. BEAKES: A bill (H. R. 16355) to amend section 10 of an act for making further and more effectual provision for the national defense, and for other purposes, approved June 3, 1916; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 16356) for the purchase of a site for a public building at Holden, Johnson County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16357) for the purchase of a site for a public building at Pleasant Hill, Cass County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. CASEY: A bill (H. R. 16358) to establish in the Department of Labor a division to be known as a woman's division; to the Committee on Labor.

By Mr. GLASS: A bill (H. R. 16359) to extend the corporate powers of national banks located in places with not exceeding 3,000 population; to the Committee on Banking and Currency.

By Mr. RAINEY: A bill (H. R. 16377) to increase the efficiency of the United States Cavalry and Artillery; to the Committee on Agriculture.

By Mr. SHERLEY: A resolution (H. Res. 260) making in order certain provisions in the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16360) granting an increase of pension to George N. Stevens; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16361) granting an increase of pension to Louisa D. Denton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16362) granting an increase of pension to Mary V. Dixon; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 16363) granting a pension to George Thompson; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 16364) granting a pension to George W. Sanders; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 16365) granting an increase of pension to John Mallett; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 16366) for the relief of C. W. Struckmeyer; to the Committee on Claims.

By Mr. PARKER of New York: A bill (H. R. 16367) granting an increase of pension to Oliver Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16368) granting an increase of pension to Elizabeth Weiss; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 16369) granting an increase of pension to Albert O. McNulty; to the Committee on Pensions.

By Mr. REILLY: A bill (H. R. 16370) granting a pension to John F. Chamberlain; to the Committee on Pensions.

My Mr. STINESS: A bill (H. R. 16371) for the relief of Roy S. Shepard; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 16372) granting a pension to Catherine J. Stephenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16373) for the relief of Jesse S. Fairleigh; to the Committee on Claims.

Also, a bill (H. R. 16374) granting an increase of pension to Francis M. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16375) granting an increase of pension to Sarah C. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16376) granting a pension to Robert Cook; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 16378) granting a pension to Harry L. Peebles; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Memorial of Mansfield (Ohio) Council, No. 13, of United Commercial Travelers, favoring investigation of dairy products; to the Committee on Agriculture.

Also, evidence to accompany H. R. 16329, for relief of Luther Sealey; to the Committee on Invalid Pensions.

By Mr. BAILEY: Protest of Mollie Dalison Buxton, Conrad H. Gerhardt, Mrs. G. W. Duncan, Mrs. C. C. Johns, Mrs. Joseph Miller, Ivy May, Annia Zobel, Edna Mulhollen, John Davis, M. A. Broderick, Mae Stenger, Mrs. J. J. Stenger, Mrs. William H. Thiele, Mrs. W. H. Long, Mrs. D. R. Johns, all of Johnstown, Pa.; Mrs. George Mardis, of Expedit, Pa.; A. H. Strouse, of New York City; Mrs. H. C. Cinniolli, Mrs. F. M. Shaffer, Mrs. George Buxton, Mrs. A. R. Byers, and Mrs. E. W. Dennison, of Johnstown; G. W. G. Snyder, of Pittsburgh; and Mrs. George Jacoby, of Johnstown, against the passage of H. R. 9671, a bill to legalize price control; to the Committee on the Judiciary.

By Mr. CALDWELL: Petitions of members of the Holy Name Societies of Brooklyn, N. Y., favoring bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Petition of Schenectady (N. Y.) Board of Trade, favoring the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Memorial of Good Roads Association of Wisconsin, urging system of national highways; to the Committee on Roads.

Also, petition of Beavers' Reserve Fund Fraternity, Madison, Wis., relative to filing bills of interpleader by insurance companies; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of merchants and other citizens of New York, relative to turning the clock ahead an hour all over the country during the summer months; to the Committee on Interstate and Foreign Commerce.

Also, petition of R. Virginia Jones, favoring the woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. MAPES: Petition of 30 citizens of Pierson, Sand Lake, and Howard City, Mich., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of William Sheafe Chase, of Brooklyn, N. Y., indorsing Senate bill 3253; to the Committee on Interstate and Foreign Commerce.

Also, memorials of National Association of Stationary Engineers, Rhode Island, Nos. 1 and 5, of Providence, R. I., indorsing Senate bill 4874; to the Committee on Labor.

Also, petitions of Patrick J. Lyons and Gustaf Loderman, of Newport, R. I., indorsing House bill 112; to the Committee on the District of Columbia.

Also, memorial of National Association of Vicksburg Veterans, favoring House bill 11874, relative to reunion of soldiers at Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of citizens of Rhode Island, favoring House bill 15731, relative to compensation of commissioned warrant officers of United States Navy; to the Committee on Naval Affairs.

Also, petition of employees of the United States Government at naval torpedo station, Newport, R. I., favoring House bill 11876, Nolan bill; to the Committee on Labor.

By Mr. STEPHENS of Texas: Memorial of Union and Confederate Veterans of the Civil War, relative to reunion at Vicksburg; to the Committee on Military Affairs.

SENATE.

SATURDAY, *June 10, 1916.*

Rev. Boyd V. Switzer, of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, we thank Thee that through all of the years of our national life Thy great spirit has overshadowed us. We rejoice that Thou hast made us, and hast made us become a great people. To Thee, and to Thee alone, we give praise for all that we have wrought and for all that we have become. Thou, and Thou alone, art the One to whom we lift our hearts in praise and thanksgiving; and yet, our Father, Thou hast led us in these days face to face with great problems to be solved, and hast imposed upon us tremendous responsibilities. We realize that mere human ability is inadequate to cope with these things, but, O Lord, Thou who art the God of our fathers art our God also, and Thou wilt not fail us nor be deaf to the cry of our hearts.

Continue, we pray Thee, to inspire us with Thy spirit, and constantly, we pray Thee, give wisdom and courage and strength to all of Thy servants in authority in these United States, that they may be colaborers together with Thee in the fulfillment of Thy eternal plans for humanity, that this Nation in the highest sense may be a servant of the whole world, and disseminate and establish universal righteousness among all the nations, and so fulfill and complete the purpose of Him who is all and in all, lifting the whole world up to God. We ask it in Jesus' name. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE,
Washington, D. C.

To the Senate:

The Vice President being absent from the Senate, and the undersigned being also necessarily absent therefrom, he, as President pro tempore of the Senate, hereby names the Senator from Alabama, Mr. JOHN H. BANKHEAD, to perform the duties of the Chair on the 10th day of June, 1916; this substitution not to extend beyond an adjournment.

JAMES P. CLARKE,
President pro tempore of the Senate.

Mr. BANKHEAD thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of the proceedings of Thursday last.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

S. 6. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths;

S. 17. An act permitting H. L. Corbin to purchase certain public lands;

S. 32. An act for the relief of William G. Williams, sr.;

S. 67. An act for the relief of Mathilda P. Hansen;

S. 142. An act for the relief of Mrs. George A. Miller;

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.;

S. 1326. An act for the relief of Vilhelm Torkildsen;

S. 3423. An act to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla.;

S. 3436. An act for the relief of John Alexander Besonen;

S. 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907;

S. 3929. An act validating certain applications for and entries of public lands;

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals;

S. 4550. An act granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.;

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel;*

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank;

S. 5348. An act to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes;

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.;

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia;

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River, at or near Pascagoula, Miss.; and

S. J. Res. 47. Joint resolution authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes.

The message also announced that the House had passed the bill (S. 31) for the relief of John L. Sevy with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 33) for the relief of Daniel M. Frost with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 733) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 136) for the relief of Eva M. Bowman with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1741) for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4026) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3203) granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4268) to satisfy certain claims against the Government arising under the Navy Department with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5910) authorizing the sale of the lighthouse reservation at Scituate, Mass., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section, to be known as section 7, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 217. An act to authorize the sale of school property in the city of Denver, Colo., and for other purposes;

H. R. 393. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes;

H. R. 465. An act to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States;

H. R. 486. An act authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa.;

H. R. 549. An act to regulate the interstate transportation of immature calves;

H. R. 721. An act to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service;

H. R. 3690. An act repealing certain sections contained in the urgent deficiency act approved December 22, 1911;

H. R. 6923. An act to authorize the construction, maintenance, and operation of a bridge across Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river;

H. R. 9542. An act to amend the second paragraph of section 3264 of the Revised Statutes of the United States as amended by section 5 of the act of March 1, 1879, and as further amended by the act of Congress approved June 22, 1910;

H. R. 10251. An act authorizing the Kansas City & Memphis Railway & Bridge Co. to make settlement with Crittenden County, Ark., and for other purposes;

H. R. 10849. An act granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 10925. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 11150. An act for the relief of mail contractors;

H. R. 11878. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary;

H. R. 11958. An act to provide for the sale of certain Indian lands in Oklahoma, and for other purposes;

H. R. 12030. An act to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914;

H. R. 12123. An act to appropriate money to build and maintain roads on the Spokane Indian Reservation;

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 12208. An act adding certain lands to the Teton National Forest, Wyo.;

H. R. 12362. An act granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas;

H. R. 12455. An act authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia;

H. R. 13233. An act authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange;

H. R. 13298. An act authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota;

H. R. 13669. An act to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River at the city of Wabash, Ind.;

H. R. 13715. An act granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.;

H. R. 13835. An act to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian;

H. R. 13982. An act to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens;

H. R. 13984. An act granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa.;

H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905;

H. R. 14471. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary";

H. R. 14483. An act to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.;

H. R. 14533. An act to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota;

H. R. 14534. An act granting the consent of Congress to the Missouri River Transportation Co. and its successors and assigns to construct, maintain, and operate a bridge and approaches across the Missouri River;

H. R. 14725. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes;

H. R. 14823. An act to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

H. R. 15006. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River in the State of Indiana;

H. R. 15007. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River in the State of Indiana;

H. R. 15287. An act authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo.;

H. R. 15314. An act to punish persons who make threats against the President of the United States;

H. R. 15318. An act granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 15322. An act granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North; and

H. R. 16290. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present a resolution of Brooks Local, American Society of Equity, of Brooks, Mont., in favor of certain legislation in behalf of homesteaders on the Fort Peck Indian Reservation, in Montana. I ask that the resolution be printed in the RECORD, together with the signatures, and referred to the Committee on Indian Affairs.

There being no objection, the resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Resolution of the Brooks Local of American Society of Equity, Brooks, Fergus County, Mont., and indorsed by the State Union.

Whereas the cooperative farmers of Montana, known as the American Society of Equity, realize that our country now stands in the midst of difficulties and deem it necessary that all farmers should be induced to raise all food possible; and

Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited, on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments; that said law is keeping actual settlers from this land: Therefore be it

Resolved, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry.

We also ask that said law be made to cover all payments that have been made, with the exception of commitments, so that the actual settler who is on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead.

Whereas we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible, as the planting time is near at hand, and through this law not only our States but our Government would be greatly benefited, as this is one of our greatest wheat belts.

JOSEPH F. VANEK, *President*,
Mrs. JULIA WILKERSON, *Secretary*,
Brooks Local of American Society of Equity.

Mr. MYERS. I present a petition from the Methodist Episcopal Sunday School of East Helena, Mont., which I ask may be printed in the RECORD, together with the signature, and referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

TO UNITED STATES SENATE,
Care of Senator MYERS, *Washington, D. C.:*

Undersigned earnestly petition for the passage of Kenyon-Sims bill, or some other that will prevent the nullification of State antigambling laws by prohibiting the sending of race-gambling odds and bets from or into any State, Territory, District, or possession of the United States.

Above petition was adopted by vote in the town of East Helena, State of Montana, by Methodist Episcopal Sunday School, and undersigned was authorized to so attest.

FLORENCE J. MADDRELL,
Superintendent Presiding.

Mr. VARDAMAN. I have received a letter in the nature of a memorial from C. S. Butterfield, a very prominent banker in Mississippi and president of the First National Bank of Brookhaven, Miss., calling attention to some of the defects in our banking laws and to the clause of the reserve act requiring all banks to clear at par through the reserve bank. I ask that the communication be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the communication was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

FIRST NATIONAL BANK,
Brookhaven, Miss., June 8, 1916.

Hon. JAMES K. VARDAMAN,
Washington, D. C.

DEAR SIR: In reference to the clause of the reserve act requiring all banks to clear at par through the reserve bank.

You have, undoubtedly, heard something of the discussion in regard to this matter, and I desire to call your attention to the injustice of this proposition.

We first received a notice that this would be put in effect on June 15, but it has now been postponed until July 15. If this clause of the reserve act is enforced, it will wipe out all, or practically all, of the exchange, which the country banks are now collecting, and will be an irreparable loss, and I fear, will put many small country banks out of business.

The par clearance of checks through the reserve bank is not a fair nor equitable proposition. We are entitled to a reasonable charge for this service, and we trust that you will do what you can to prevent the enforcement of this clause of the act by securing an indefinite postponement of the matter.

Very truly, yours,

FIRST NATIONAL BANK OF BROOKHAVEN,
C. S. BUTTERFIELD, *President.*

Mr. SHAFROTH presented petitions of sundry citizens of New Jersey, praying for prohibition in the island of Porto Rico, which were referred to the Committee on Pacific Islands and Porto Rico.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS:

A bill (S. 6330) conveying title to certain lands in the State of Colorado to E. M. Palmer (with accompanying papers); and

A bill (S. 6331) authorizing the Secretary of the Interior to issue patent to William H. Ingle for homestead entry in Colorado (with accompanying papers); to the Committee on Public Lands.

By Mr. SAULSBURY:

A bill (S. 6332) to include Rock Creek Park and the Piney Branch Parkway in the park system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. LANE:

A bill (S. 6333) granting an increase of pension to Robert Starkey; to the Committee on Pensions.

By Mr. LANE (for Mr. TAGGART):

A bill (S. 6334) granting an increase of pension to Azupah J. Batman (with accompanying papers);

A bill (S. 6335) granting an increase of pension to Charles H. Tucker;

A bill (S. 6336) granting an increase of pension to Frank Hall; and

A bill (S. 6337) granting an increase of pension to Jonathan Paulus; to the Committee on Pensions.

By Mr. JONES (for Mr. COLT):

A bill (S. 6338) granting an increase of pension to Hannah Dowd; and

A bill (S. 6339) granting an increase of pension to Eaton Ferrin (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey (for Mr. JOHNSON of Maine):

A bill (S. 6340) granting an increase of pension to George G. Tuell (with accompanying papers); and

A bill (S. 6341) granting an increase of pension to Matilda A. Bickford (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6342) to authorize and provide for the manufacture, maintenance, distribution, and supply of gas in the district of South Hilo, county of Hawaii, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. CHAMBERLAIN:

A bill (S. 6343) granting a pension to Joseph W. Hicks; to the Committee on Pensions.

By Mr. REED:

A bill (S. 6344) granting a pension to Louise Brown (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey (for Mr. JOHNSON of Maine):

A bill (S. 6345) granting an increase of pension to Bailey Mitchell (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $140,920 for the purchase, propagation, testing, and distribution of new and rare seeds, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to appropriate $284,970 for all necessary expenses for investigations and experiments in dairy industry, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to appropriate $221,820 for all necessary expenses for investigations and experiments in animal husbandry, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

SPEECH OF REAR ADMIRAL WILLIAM S. BENSON.

Mr. THOMAS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech of Rear Admiral William S. Benson, United States Navy, Chief of Naval Operations, delivered in response to the toast, "The Navy," at a dinner to the alumni given by the Naval Academy Graduates' Association Tuesday evening, June 1, 1916.

The PRESIDING OFFICER. Without objection, it is so ordered.

MANUFACTURE OF NITRATES.

Mr. MARTINE of New Jersey. Mr. President, in view of the voluminous discussion in which this body recently indulged during the consideration of the military reorganization bill, with reference to the establishment of a plant for the purpose of extracting nitrogen from the air, I desire to say that I have here in my hand an extract from the report of the proceedings of the Eighteenth Ordinary General Meeting, held within the Mechanics' Institute, Bridge Street, Bradford, England, Monday, the 28th of February, 1916, by the Bradford Dyers' Association (Ltd.), touching the matter of dyestuffs and high explosives. I think the report will be of infinite interest to the people of the United States, and as it is short, I ask that it may be printed as a public document without reading.

The PRESIDING OFFICER. Without objection, such will be the order.

ADDRESS BY HON. JOHN SKELTON WILLIAMS.

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD a very admirable address delivered by the Comptroller of the Currency, Hon. John Skelton Williams, before the annual convention of the Tennessee Bankers' Association at Chattanooga, Tenn., May 19, 1916.

The PRESIDING OFFICER. Such will be the order, without objection.

Mr. PAGE. Mr. President, the purpose of those few of us who are present this morning seems to be to fill the RECORD with speeches from the outside. I dislike to object to the printing of anything which has been offered here to-day, but I saw my good friend from Florida [Mr. FLETCHER] rise and heard him ask to have printed in the RECORD a pamphlet which I judge may occupy pages, though I do not know about it. I merely wish to protest against this kind of business at this time, and to say that if there be any further similar requests I hope we shall have a little debate upon them, for we can not spend time any better than in discussing the reasons for putting these matters into the RECORD.

Mr. THOMAS. Mr. President, do I understand the Senator from Vermont to intimate that this course of business would in any wise interfere with or trespass upon the unanimous-consent agreement heretofore made by the Senate?

Mr. PAGE. Not at all. I simply say that we are a few gathered together here, and we seem to be determined to present and ask unanimous consent to have published in the RECORD a large amount of matter which it seems to me ought not to be printed in the RECORD.

Mr. THOMAS. Mr. President, it seems to me that if the Senator from Vermont is so anxious for debate he might satisfy himself entirely by reading the proceedings, if he can secure them, of the night sessions of the peace conference between the two conventions now in session in Chicago.

Mr. FLETCHER. Mr. President, with reference to the comment made by the Senator from Vermont [Mr. PAGE] in regard to the matter I presented and asked to have printed in the RECORD, I will say to the Senator that I have only followed the precedent set by other Members of the Senate. I do not know why the Senator should have singled me out as he has, for I have only made the request for the printing of a pamphlet which contains a very excellent address, and one which I am sure the Senator from Vermont will be interested in reading.

Mr. WORKS. Mr. President, I question very much whether this sort of proceeding is not in violation of the unanimous-consent agreement respecting the business of the Senate. I do not just now recall the terms of that unanimous-consent agreement——

Mr. THOMAS. I will read it to the Senator, if he desires.

Mr. WORKS. But it seems to me that any matter which calls for action on the part of the Senate, although it may be by unanimous consent, ought not to be brought before the Senate at this time.

Mr. THOMAS. Mr. President, the unanimous-consent agreement reads, in part, as follows:

That between the said dates of June 3 and June 19 there shall be no action by the Senate on any pending measure, nor shall business of any kind be transacted other than the introduction of bills and resolutions, the presentation of petitions, and the reception of communications from the President and House of Representatives.

If the Senator feels that asking for the printing in the RECORD of the document which I offered, which consists of a speech, and, I think, a very important one, made at a dinner to the alumni given by the Naval Academy graduates by Admiral Benson, who is now the Chief of Naval Operations, is even indirectly a disregard of that unanimous-consent agreement, I desire to withdraw the request.

Mr. WORKS. I suggest to the Senator whether that is not so. Of course, the presentation of petitions calls for no action on the part of the Senate; the same thing is true with respect to bills; nobody could object to that; but when it is proposed to print something in the RECORD, that request does call for action on the part of the Senate.

Mr. THOMAS. Then, Mr. President, I ask leave to withdraw the request which I made, because I do not want even to seem to disregard or violate the spirit, to say nothing of the letter, of the unanimous-consent agreement.

Mr. SMITH of Georgia. Mr. President, I should like to suggest to the Senator from California that the presentation of petitions always involves the question of consent to print those petitions in the RECORD, and that it would seem, therefore, that the reservation of the right to present petitions was inended to carry with it the privilege, if the Senate sees fit, to print the matter so presented.

Mr. WORKS. That may be so; but I have my doubt about it. I wish to say to the Senator from Colorado that I am not saying this because I have any objection to the matter which he presented.

Mr. THOMAS. I understand that perfectly.

Mr. WORKS. It only occurred to my mind that we were probably trespassing upon the unanimous-consent agreement.

Mr. THOMAS. I have too much respect for the Senator's views on any subject to attribute his action to any other than proper motives; but, on the other hand, I do not want even to seem to disregard or trespass upon the spirit of the unanimous-consent agreement. There is no haste about the printing of the speech which I presented, and, with the consent of the Senate and of the Chair, I shall withdraw it.

Mr. JONES. Mr. President, regarding the suggestion of the Senator from Georgia [Mr. SMITH] with reference to the presentation of petitions——

The PRESIDING OFFICER. One moment. After reading the unanimous-consent agreement the Chair is of the opinion that the publication of speeches and other matters of such character in the RECORD was not contemplated by the Senate when the unanimous-consent agreement was entered into. Of course the Chair has no control over the matter. As to questions of this character, it is for the Senate to decide on objection of any Senator. The Chair can not control the action of the Senate, but he feels constrained to say that, in his opinion, the Senate did not contemplate the publication of speeches. For

instance, here is a speech which the Senator from Florida has sent up and which is quite lengthy.

Mr. WORKS. In view of what I have stated, I shall enter an objection, not because I have objection to any of the different documents which have been offered, for they may be entirely proper matter to go into the RECORD, but I make the objection on the ground I have stated.

The PRESIDING OFFICER. To what does the Senator from California object?

Mr. WORKS. I object to the printing in the RECORD of any of the documents which have been presented, as that action calls for unanimous consent.

Mr. THOMAS. Then, Mr. President, I assume the permission granted will be withdrawn?

The PRESIDING OFFICER. Yes.

Mr. MARTINE of New Jersey. Mr. President, the little matter which I presented was not in any sense an address or a speech of anyone, but was an extract from the report of the proceedings of a convention held in Bradford, England, on the question of dyestuffs and high explosives, in which I felt the country was deeply interested, as we have just passed a bill providing for the establishment of a great plant to draw nitrogen from the atmosphere. However, I have no desire to press the request, and I respectfully ask that I may withdraw my request for the publication of the matter in the RECORD.

The PRESIDING OFFICER. Consent to withdraw the request is given to the Senator.

Mr. FLETCHER. Mr. President, I withdraw the request which I made for the printing in the RECORD of the address presented by me. I do not wish to violate the rule; but no question was raised as to proceedings of this character at the session on last Thursday. The same thing was done at that time.

Mr. WORKS. Mr. President, I had no idea that any Senator had any desire or intention of violating the unanimous-consent agreement, but it did occur to me that we were violating it unconsciously and unintentionally.

Mr. FLETCHER. I move that the Senate adjourn.

Mr. MYERS. To what day?

Mr. FLETCHER. In pursuance of the unanimous-consent agreement.

Mr. SMITH of Georgia. The adjournment must be taken for three days under the unanimous-consent agreement.

Mr. FLETCHER. Then I move that the Senate adjourn until Tuesday next at 12 o'clock.

The PRESIDING OFFICER. What is the motion of the Senator from Florida?

Mr. FLETCHER. I will change the motion, and move that the Senate adjourn until Wednesday next at 12 o'clock.

Mr. THOMAS. Sunday is a dies non.

Mr. SMITH of Georgia. The unanimous-consent agreement does not designate Sunday as a dies non. It says that adjournments shall be taken for three days, and we can just as easily adjourn until Tuesday and then until Friday and then until the following Monday.

Mr. THOMAS. I have no objection to that at all; but I know that it was contemplated that we should adjourn until Wednesday.

The PRESIDING OFFICER. Does the unanimous-consent agreement fix the day of adjournment?

Mr. FLETCHER. It only says that adjournments shall be taken every third day. It reads in part:

> And that adjournment every third day shall follow until Monday the 19th day of June, 1916

It is a question of what is the third day.

The PRESIDING OFFICER. The Senator from Florida, then, as the Chair understands, moves that the Senate adjourn until Tuesday at 12 o'clock.

Mr. SMITH of Georgia. I make that motion.

Mr. FLETCHER. I made the motion that the Senate adjourn until Tuesday, but I have changed it, and make it Wednesday, because I think that would be in accordance with the unanimous-consent agreement. I am inclined to think that Wednesday would be the proper day.

The PRESIDING OFFICER. Does the Senator from Georgia move that the Senate adjourn until Tuesday?

Mr. SMITH of Georgia. Yes. I think we certainly will be adjourning for three days if we adjourn to that time. There is a dispute, as the Presiding Officer knows, in the other House as to whether Sunday is considered dies non in the meaning of the three-day adjournments referred to in the Constitution.

Mr. THOMAS. Mr. President, the difficulty in connection with the adjournment of the Senate was not due to the intervention of Sunday between our adjournment from last Saturday to the Thursday following. It was due to the fact that, even excluding Sunday, there was still a fourth day to be considered, which would be included in the computation either by the inclusion of Saturday or the inclusion of Thursday.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, I was not referring to the recent criticism in the House of the action of the Senate, but to a controversy which has been going on in the House for quite a length of time, and in which a different view has been had upon this subject.

Mr. THOMAS. Oh, yes. That controversy arose during the adjournments of Congress when Mr. Reed was Speaker, in order to force the action of the Senate. I am somewhat familiar with that controversy. I think the general trend of sentiment was that Sunday was a dies non.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. THOMAS. I yield the floor to the Senator. I have no interest whatever in this matter. I do not care whether the Senate adjourns until Tuesday or until Wednesday. I do not think it is a question of any importance from a legal standpoint.

Mr. FLETCHER. It is simply a question of regularity, and a question of complying with the unanimous-consent agreement. The order is that we shall adjourn on Saturday, and that adjournments every third day shall follow until Monday, the 19th of June. It is simply a question of what is the third day. I am perfectly willing to leave that to the decision of the Chair, but it seems to me we have not any right to fix a day that is not the third day. If Tuesday is not the third day after to-day, then certainly we ought to adjourn until Wednesday; and it seems to me that Wednesday is the third day within the meaning of this agreement.

Mr. MYERS. Mr. President, I would suggest that an adjournment from to-day until Tuesday, then until Friday, and then until Monday, would be literally every third day until the 19th day of this month, and it would be the only way in which the unanimous-consent agreement could be literally carried out; and that would do it exactly.

Mr. SHAFROTH. Mr. President, I will state that this language has received an interpretation in regard to the time of adjournment, and Sunday has been regarded universally by the House and the Senate as a dies non. The question arose first during the consideration of the Dingley bill, when the House adjourned, and the adjournments were for three days, and were twice a week, not counting Sunday. That interpretation was looked up closely, and at that time it was concluded that it was clear, and it was followed by both Houses when adjournments took place.

Mr. WALSH. Mr. President, before this matter is disposed of, lest from something that has been said it might be inferred that there was an opinion entertained by some Members of this body that the adjournment heretofore had was not authorized, I merely desire to say that the question involves two propositions: Whether Sunday is to be regarded as a dies non, and likewise whether the Constitution authorizes an adjournment which will leave three entire days intervening during which the Senate had not been in session at all.

I feel at liberty to say that the senior Senator from Virginia [Mr. MARTIN] has given some attention to the question, and has entirely satisfied himself, and such investigation as I have been able to give it has satisfied me, that the adjournment heretofore had was entirely warranted by the Constitution, notwithstanding any view that may be entertained upon the subject in another branch of Congress. I have not undertaken to examine into the nature of the unanimous-consent agreement. I think it is the intention of the Senator from Virginia, when the Senate reassembles for the purpose of doing business, to have put in the RECORD the authorities which seem quite clearly to establish the proposition that the adjournment heretofore had by the Senate is entirely within the limits of the Constitution.

The PRESIDING OFFICER. The Chair will inquire of the Senator from Montana whether he is of the opinion that an adjournment from now until Tuesday would conform to the unanimous-consent agreement?

Mr. WALSH. Yes; I should say so.

The PRESIDING OFFICER. The Chair will submit the motion to the Senate.

Mr. JONES. Before that is done—I do not want to discuss it, but I desire to address an inquiry to the Chair. The unanimous-consent agreement provides for the reception of communications from the President and from the House of Representatives. We have received several bills from the House; and I wish to ask whether the Chair understands that while we may receive these bills from the House they can not be referred to committees?

The PRESIDING OFFICER. No; the Chair does not think so.

Mr. JONES. The Chair thinks that under the unanimous-consent agreement these bills from the House can be referred to the committees? If that is true, I just wanted to suggest that these bills from the House might be referred.

The PRESIDING OFFICER. The unanimous-consent agreement provides that we may receive messages from the House, but the Chair does not know whether or not we would be strictly conforming to it if we referred bills received in a message from the House.

Mr. JONES. That is the question upon which I wanted to secure the opinion of the Chair.

The PRESIDING OFFICER. The Chair thinks it would be safer not to refer the bills.

Mr. JONES. It will be the understanding, then, that all messages from the House will simply be held?

The PRESIDING OFFICER. It makes very little difference, because no progress would be made anyway.

Mr. JONES. I simply desired to understand that, so that I might not have to be here. There are one or two bills that have come from the House in the reference of which I am interested.

The PRESIDING OFFICER. The Chair will hold that such bills can not be referred. The question recurs on the motion of the Senator from Georgia that the Senate adjourn until Tuesday next at 12 o'clock meridian.

The motion was agreed to; and (at 12 o'clock and 25 minutes p. m.) the Senate adjourned until Tuesday, June 13, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 10, 1916.*

The House met at 11 o'clock a. m.

The Rev. C. Everest Granger, D. D., pastor of Gunton Temple Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, Maker, Sustainer, Preserver of all things, Giver of good, we meet in Thy name to-day, and in Thy name we desire to proceed with all our deliberations. We pray that Thou wilt direct us in the exercises of the hour and of the day, that all things may be done to Thy honor and to the betterment of mankind. Help us, we pray Thee, in life's way, that we may not simply be good, but good for something. Sanctify us through Thy truth. We pray that Thou wilt give us Thy mind, that we may have divine wisdom, and Thy heart, that we may look upon the needs of mankind and have a true fellowship and true brotherhood in life. Lead us in the way everlasting. Preserve us as a Nation and as individuals to do Thy will. Through Jesus Christ we ask it. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of prohibition.

The SPEAKER. The gentleman from California [Mr. RANDALL] asks unanimous consent to extend his remarks on the subject of prohibition. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will report the first bill.

ELECTRIC SERVICE, ISLAND OF KAUAI, HAWAII.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 9226) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

The title of the bill was read.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the same order prevail with reference to bills objected to—that they shall remain on the calendar—as was observed before.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when a bill is objected to it goes over without prejudice. Is there objection?

Mr. JOHNSON of Kentucky. Does that mean all bills, Mr. Speaker, that are objected to?

The SPEAKER. Yes. Is there objection?

There was no objection.

The SPEAKER. Is there objection to this bill?

Mr. MANN. Reserving the right to object, this bill in form is just an act of Congress directly, and not approving an act of the Hawaiian Legislature. But I notice among the first things in it it says, "privilege for the term of 50 years from and after the approval of this act by the Congress of the United States." I assume it is reciting in fact an act of the legislature. Certainly we do not pass an act of Congress to say that it shall be approved by the Congress of the United States. That is what the act does itself.

Mr. WATKINS. Mr. Speaker, if the gentleman desires any information about that, if he will permit me, I will state that there was a bill which was passed by the Hawaiian Legislature and this Congress was asked to approve that bill, and there were some features in the bill that the committee could not see its way clear to approve, and there were several hearings had upon it. The bill in the shape in which it now is was very carefully considered on two different occasions by the entire committee and also thoroughly considered by the subcommittee. It is a privilege which the citizens of that district are exceedingly anxious to have. There are only about 10,000 people in that whole country.

Mr. MANN. The gentleman from Louisiana does not get the point I was making.

Mr. WATKINS. Does the gentleman refer to the time? There are only 10,000 people there, and all the territory is taken up which is available for cultivation. It is very limited in extent and also in population, and they thought it would be a great opportunity for them to have the privilege of putting an electric-light plant there. They have been waiting since 1913 for that privilege.

Mr. MANN. I was referring to the form of the bill. I assume, although there is no statement to that effect in the bill or the report, that the Territorial legislature passed an act which under the organic act we are required to approve. This bill is not in the form of an approval of an act of the Territorial legislature. Here is section 17, the last section of the bill. Here is the way it reads:

> That this act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

In other words, if we pass this bill, it would not take effect until it had been approved by the governor of the Territory of Hawaii and after it had received the approval of Congress.

Mr. WATKINS. Will the gentleman permit me one moment?

Mr. MANN. Yes.

Mr. WATKINS. If the gentleman will look at page 12 of the Senate bill, which I ask to have substituted for the House bill, section 17 says that this act shall take effect on and after the date of its approval by the governor, subject, however, to the approval of the Congress of the United States.

Mr. MANN. Has the Senate bill been reported?

Mr. WATKINS. Yes; it has been passed. I do not understand it has been reported here.

Mr. MANN. Where is it on the calendar? I am frank to say I have not seen the Senate bill.

Mr. WATKINS. I will hand to the gentleman a copy of it. Here it is.

Mr. MANN. Oh, that is reported in the Senate. I do not know whether the Senate has passed it or not.

The SPEAKER. Is there objection?

Mr. MANN. I think this bill ought to lie over until we know what it is. Manifestly you can not pass it in the shape it is in.

The SPEAKER. The gentleman from Illinois objects.

D. K. HEMPSTEAD DESIGNATED AS ACTING CLERK OF THE HOUSE.

The SPEAKER. The Chair lays before the House the following communication from the Clerk of the House, which the Clerk will read.

The Clerk read as follows:

> HOUSE OF REPRESENTATIVES,
> CLERK'S OFFICE,
> *Washington, D. C.*
>
> Hon. CHAMP CLARK,
> *Speaker.*
>
> SIR: Desiring to be absent from my office for a short period of time, I hereby designate D. K. Hempstead, one of my assistants, to act in my official capacity during my absence.
>
> SOUTH TRIMBLE, *Clerk.*

LEASE OF LANDS, FORT KEOGH MILITARY RESERVATION, MONT.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (S. 3101) authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material."

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. CULLOP. Reserving the right to object, Mr. Speaker, I would like to have the chairman of the committee, or who-

ever may have the bill in charge, give some information in regard to it.

Mr. EVANS. I have not the bill in charge, but I know about it.

Mr. CULLOP. From the title of it I notice that the right is given to remove gravel and ballast material from this tract of land. Is that for commercial purposes?

Mr. EVANS. It is for ballasting their road.

Mr. CULLOP. They are taking the material out of the Government reservation for their own use?

Mr. EVANS. Yes.

Mr. CULLOP. What is the pay proposed?

Mr. EVANS. I do not know what the pay is. The road at the present time has leased a 40-acre tract, and this is the recommendation of the War Department, to extend it to a tract of about 240 acres. The road runs through a prairie country where there is no gravel accessible, or reasonably so.

Mr. CULLOP. That is one reason why it should be very valuable to the Government, and the Government ought to receive a very handsome income from it. The railroad seems to realize the value, and desires a much larger tract.

Mr. EVANS. I really do not know what the income is, but this is under the recommendation of the Secretary of War, and I fancy that under the circumstances they would get a reasonable compensation for it.

Mr. CULLOP. I see no mention here, and if no one can give any idea of what the compensation is, I think the bill should go over. I hope some one will enlighten the House in this matter. I do not believe it a wise policy for the Government to give away valuable property, without compensation.

Mr. GANDY. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. GANDY. This is the Milwaukee gravel-pit proposition. I want to say to the gentleman that this is a peculiar condition, in that the gravel is in mounds above the level of the ground, and the taking of the gravel from these mounds results in leveling the ground. It does not leave the open pit that is usual in the taking of gravel. For that reason the War Department is perfectly willing that the railroad shall perform for the department the service of leveling off this military reservation.

Mr. CULLOP. Mr. Speaker, I would like to say to the gentleman from South Dakota [Mr. GANDY] that when the period of road building comes in Montana there will be a very great demand for this material, and it will command a very good price. For one I do not think that the Government ought to give it away at this time. In other States where they have gravel it sells at a good price, and is much in demand, because it is a very valuable material in road building, and the road building will sooner or later be in operation in Montana, when all of this material will be very much in demand. As this is in mounds above the ground it can be furnished at little expense, and hence is the more valuable for this reason.

Mr. GANDY. Mr. Speaker, will the gentleman yield further?

Mr. CULLOP. Yes.

Mr. GANDY. I would just like to say that the Mountain States, such as Montana and the western portion of the State in which I reside, have worlds of road material, mountains of rock and limestone, to such an extent that it is of no commercial value. The towns get all they want in their immediate vicinities simply for the taking of it.

Mr. CULLOP. Yes; but this is so much cheaper and they can build good roads for less cost out of it. It makes a splendid road, and the cheaper the material the better it is for the people who must bear the expense.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. JOHNSON of Washington. I would like to state that I am familiar with these so-called gravel prairies. We have a number of them in the State of Washington.

Mr. CULLOP. Then the gentleman is very fortunate.

Mr. JOHNSON of Washington. In many cases the gravel is in mounds, in excess of what could be used either in railroad building or road building in a hundred years, easily.

Mr. CULLOP. The trouble is that we expect the State of Washington to be on the map a good deal longer period than a hundred years, and they will be needing the material there longer than that.

Mr. JOHNSON of Washington. Mr. Speaker, I hope the gentleman will not object. The use of some of this gravel—a comparatively small amount—to ballast a railroad the development of which permits people to come into the country and settle it up so that they may later want roads, is a part of the development that we need so much in the West.

Mr. CULLOP. In my country gravel lands sell from three to five hundred dollars an acre without removing the gravel, and then they have to add the cost of removal, so that this is a very valuable material, and the people of those sections are most fortunate in this respect.

Mr. JOHNSON of Washington. In my district there are many thousands of tons in mounds, in mountains, and on prairies.

Mr. CULLOP. I can say to the gentleman from Washington that they will be needing all of that for the building of roads in time, and that it is a very valuable material, and it ought not to be given away by the Government. It should receive adequate compensation.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. MANN. We gave authority to this company to take gravel from 40 acres of land if they would build a sidetrack to it and deliver 50 carloads of gravel a year to the Government at Fort Keogh. That has been done, or is being done now. The 40 acres of gravel are about used up, and they want authority, and this bill would give authority, to continue the work of taking an additional amount of gravel practically upon the same terms. The Government wants the use of the gravel at Fort Keogh and in this way obtains it for nothing. It is of no value except for a purpose of this kind.

Mr. CULLOP. I understand. It may not be of any value now, but in the near future it will be a very valuable property.

Mr. MANN. They are paying well for it now, I will say to the gentleman. This matter was originally arranged by the War Department, as I recollect, for the purpose of getting gravel delivered to the Government for nothing. These people are offering to continue the arrangement which the War Department is anxious to have them continue, because they want the use of the gravel, and because the railroad has its track and approaches already there. It is distinctly in the interest of the Government.

Mr. CULLOP. I see that this provides an extension for a term of 10 years.

Mr. MANN. Yes.

Mr. CULLOP. In 10 years this ought to become very valuable if it is a rapidly growing community, because they will need it in building roads and the construction of streets.

Mr. MANN. There is plenty of gravel up there, as far as that is concerned, and it is of no value except for this purpose. The Government gets the benefit of this 50 carloads a year.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. DAVIS of Texas. Has the gentleman from Indiana ever been over that country and inspected these gravel beds?

Mr. CULLOP. I have not.

Mr. DAVIS of Texas. I have been all over that country and have spoken in almost every important town. There are hundreds of miles there where you can not build a road without removing the gravel. I am telling the gentleman the sacred truth, and I will ask the gentleman from Washington if that is not so.

Mr. JOHNSON of Washington. It is.

Mr. DAVIS of Texas. If the Government can get the ground leveled down without expense, it is doing well.

Mr. MANN. This bill is urged by the military authorities, because in this way they can get the gravel practically for nothing. Of course, the Milwaukee & Puget Sound Railway Co. can get plenty of gravel in other places.

Mr. SIMS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SIMS. The Government will continue to get the same amount of gravel in the future that it has in the past?

Mr. MANN. Yes.

Mr. SIMS. And delivered exactly where it wants it?

Mr. MANN. Yes.

Mr. SIMS. And so the railroad company is paying for the gravel that it uses?

Mr. MANN. Certainly.

Mr. SIMS. Is it not a fact that all public utilities are reimbursed by the patrons of the service for every dollar that they put out?

Mr. MANN. That is true, but I do not think that is any reason for giving a railroad something for nothing.

Mr. SIMS. No; but where there is so much gravel, if the Government gives them something that they would otherwise have to pay for, the patrons do not have to reimburse the company to that extent. I do not see why we should not give it to them.

Mr. MANN. I am not interested in the railroad, but this is something that the military authorities want for the benefit of the Government.

Mr. CULLOP. What occurs to me is that this gravel is very valuable road material, and where they are building public roads it is in demand and commands a good price. When this country is settled up and the population is as dense as it is in some of the other States of the Union they will need this gravel. If they give it away now or sell it for a nominal price, the time will come when they will regret it very much because of the need they will have for it in building roads and streets.

Mr. MANN. I quite agree with the gentleman; but here is a hill of gravel on the Fort Keogh Military Reservation. It never will be sold to anybody, and by this means we get the gravel delivered for nothing on the tracks where the military authorities want it. So it seems to me better for the Government to get it in this way than to procure it somewhere else.

Mr. CULLOP. Suppose the Government goes into the business of building roads, as proposed by some gentlemen, with an expenditure of millions, then it will have this gravel to reduce the cost of the expenditure.

Mr. MANN. I can see the gentleman's point, not quite so strong in his district as it is in some parts of Illinois. If we had this gravel in Illinois, it would be very valuable, because we have nothing of the sort there. The gentleman does have some gravel in Indiana.

Mr. CULLOP. Some of the very best.

Mr. MANN. We do not have; but out here in this locality, the military reservation, what they want is dirt and not gravel. If they could transfer some of the gravel to Indiana and Illinois and get in exchange some of our good black dirt, it would be valuable to them.

Mr. CULLOP. We have as fertile land in Indiana as they have in Illinois, but perhaps not quite so much, only so because Indiana has not as much territory as Illinois. This is valuable material not only for building purposes, but in constructing roads. If they give it away now, when they come to build the roads their product will be gone and it will cost the public just that much more.

Mr. BORLAND. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. BORLAND. Does not the gentleman think that they need a little of this sand in Chicago for the convention?

Mr. CULLOP. Well, they seem to have got some of it there.

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, I shall not object. I reluctantly withhold the objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized in his discretion to extend the area covered by the lease issued under the act approved August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way for the removal of gravel and ballast material," so as to include 241.67 acres, with necessary rights of way, for a term of 10 years from the approval of this act, in the name of the Chicago, Milwaukee & St. Paul Railway Co., a corporation of the State of Wisconsin (the grantee and successor in interest of said former lessee), for the purposes and under the conditions imposed by the provisions of said act of August 23, 1912.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

ANTIGAMBLING LAWS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15949) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or of racing odds.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ROUSE. I object.

WIND RIVER RESERVATION SHOSHONES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 489) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. MONDELL. Will the gentleman reserve his objection for a moment?

Mr. MANN. I reserve the right to object.

Mr. MONDELL. Mr. Speaker, this is an important matter that has been before the House for quite a number of years. The Shoshone Indians feel that they have valid claims against the Federal Government, and I have been hoping that as the bill has been favorably reported it could be passed at this time, in order that the claims of these Indians might be tried in the Court of Claims.

Mr. BORLAND. Is not that the old——

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

LIEU LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. MANN. I object.

Mr. MONDELL. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. MANN. I reserve the right to object.

Mr. MONDELL. I want to suggest to the gentleman from Illinois that the settlement of the lieu-land claims of the Western and Intermountain States is a matter that has been pending for quite a number of years. The situation is very trying. Even those States that have had no controversy with the Federal Government or among their own people in regard to their lieu selections have been unable to have those selections certified, because of questions that have arisen in other States by reason of the decisions of the courts and otherwise. My own State has had no question or contest with the department. I think the department could certify our selections at any time very properly, but they refuse to do so until the general question of lieu selections is settled. I do not think the bill that the committee have reported is a perfect measure, but I am sure the committee have done the very best they could under the circumstances, and have reasonably well worked out a rather complicated situation. I hope the bill can be considered at this time, as all of our Western States and their citizens are suffering by reason of the failure to settle these questions of lieu selections. Some of these lands have been selected for 10 or 12 years. Supposing there was no question as to the validity of these selections, the States have, in many cases, leased or sold, or agreed to sell, these lands. Upon some of them valuable improvements have been made, and much loss and hardship results from the delay and uncertainty as to securing title.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. I want to supplement what the gentleman from Wyoming has said. He has not now the honor of being a member of the Committee on the Public Lands, but that committee are very much interested in this measure, which applies to all the Western States. The question of the selection of the State lieu lands is held up, and is absolutely at a standstill, and nothing can be done until Congress acts upon it. We have thrashed out this matter exhaustively for months, and this is a bill that seems to meet the approval as far as it can of the department and the people of that country. I earnestly hope the House may pass it.

Mr. RAKER. In regard to this bill, gentlemen, the legislation has been pending for some time. The committee had exhaustive hearings on the matter. In addition to the taking of the testimony, the committee went over the subject thoroughly. The departments have made an exhaustive report, and the conditions as they affect the 13 States are set out in detail. The amount of the land that is affected in each State is set out. The States through their legislatures and at the present time through their governors and their various land boards have gone over the pending bill and have approved it. In addition to that, not only the Department of the Interior but the Department of Agriculture have finally agreed upon this legislation as being fair to the Government and fair to each State.

I want to call the attention of the gentleman to this fact: There have been at least four hearings in regard to California in particular before the General Land Office prior to this time, and the Government has thrashed out with the State authorities all the matters that are affected so far as the lands involved in California and also in the other States are concerned. All the

members from the States involved are cognizant of this legislation. Their State officials are cognizant of it, as is the department; and after these exhaustive hearings we have gotten the matter in shape now so that we fully protect the Government in every detail, and permit the States to get only what belongs to them, in some instances yielding to the higher use of any of this land to which it might be put, in the way of water-power sites, rights of way, and for other purposes that the Government might see fit to withdraw it for before the selections are approved. I hope, and I know my hopes are not in vain, that we may be able to get this legislation through the House and over to the Senate. If there was no objection, we could do it to-day. There ought not to be any objection, because it is so fair, and I trust the gentleman may see his way clear this time to let us pass this bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, it is indeed an ingenuous and simple-minded man who would honestly, candidly think he could pass a bill like this through the House by unanimous consent. The gentleman says there have been exhaustive hearings by the Committee on the Public Lands. If that is the case, it is important enough for the House to consider it and not pass it by unanimous consent without consideration. The report on the bill is nearly 75 pages long. There are a dozen amendments to it. It involves the giving up of a great deal of land by the Government to the States in lieu of land which the States can not get; and to expect to pass it on the Unanimous Consent Calendar shows a hopefulness beyond conception.

Mr. RAKER. Will the gentleman yield right there for a question?

Mr. MANN. I did not interrupt the gentleman. The gentleman from California is one in whom hope springs eternal, but he knew when this bill was put on the Calendar for Unanimous Consent that it would not pass by unanimous consent. Now I yield to the gentleman.

Mr. RAKER. I want simply to say, in answer to the gentleman, that those who have had sufficient time to investigate it and have gone into it thoroughly, who two or three years ago thought there might be some question, because in California alone there were some contests, have now come to the conclusion that this bill is all right. Those contests have all been disposed of by the courts, and there are now no adverse claimants. I simply desire to ask the gentleman if it would not have caused hopes to spring in the breast of any man when all the departments, after a full investigation, have recognized and become convinced that the States' rights are proper, that the Government is protected, and that all the States which have land involved in this through their State authorities believe in and sanction this legislation, and all the Members from the West recognize and sanction this legislation. Why, if I did not have hopes of its passing on the Unanimous Consent Calendar now I never saw a bill about which I did have such hopes.

Mr. MANN. Mr. Speaker, the gentleman is disingenuous. All the western Members, all of the gentlemen representing States trying to get lands away from the Government, are in favor of this bill. I do not doubt it. That of itself is a suspicious circumstance. These States get the land. They take it away from the rest of the country, possibly take it away from some settlers, but that fact shows that it is a bill that ought to be considered in the House and not passed without consideration.

Mr. RAKER. When you can get the consensus of some 40 people, competent men, who believe in maintaining the rights of the Government, and after full investigation realize that this is proper legislation——

Mr. MANN. I appreciate that, but I have not any doubt I could get the consent of all the Members of the House from Chicago on both sides, both Republicans and Democrats, in favor of taking out a million or so dollars for the benefit of Chicago, but could I get the consent of the gentleman from California without thought on the subject?

Mr. RAKER. There is a full report here showing everything.

Mr. MANN. I have read the report and the bill. I do not profess to be extremely bright about such things, but to save my soul I can not tell what is meant by the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Will the gentleman withhold his objection just for a moment?

Mr. MANN. Yes.

Mr. MONDELL. Mr. Speaker, I do not want the gentleman from Illinois [Mr. MANN] to create an impression in the House which is not entirely accurate, and I am sure he does not desire to do so, in regard to the bill. The bill does not, as a matter of fact, give any of the Western States any lands they are not recognized by practically everyone as being entitled to. The difficulty arises out of the fact that in the State of California some question arose as to just how far and in what manner lieu selections should be made; no question as to the right of the State to the acreage of lands and to make lieu selections. The question was as to the meaning and proper interpretation of the lieu-selection statute. The question arose in a little different form in the State of Washington, where a case was taken to the United States court. That was not a question of the right of the State to make the lieu selections, but as to the manner and the place where the selections might be made. Now, this bill attempts to clear up those questions which grew out of the two decisions—one in California and one in Washington. I think it settles the questions in a way that is fair both to the Federal Government and the State. It does not give the States any more land than everyone admits the States are entitled to. It does attempt to settle certain questions as to the location and character of lieu selections.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. I do not admit the States are entitled to it, and I have examined the matter for several years very carefully. A great many people do not admit the States are entitled to take very valuable land as lieu-land selections in place of less valuable land. A great many people do not admit it.

Mr. MONDELL. The question of the value of the land, I will say to my friend, is not involved, except in that the rule laid down in this bill would give the States in some instances less valuable land than they would otherwise have been able to secure.

Mr. TAYLOR of Colorado. Will the gentleman yield for a suggestion?

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. Is it not true the lands now left available are of very inferior quality, and is it not also true that under the terms of this bill that the States surrender the minerals in the land and also leaves that to the Federal Government, so as a matter of fact the States get the worst of the trade——

Mr. MANN. Of course we all believe that.

Mr. DUPRÉ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DUPRÉ. Has consent of the House been given?

The SPEAKER pro tempore. It has not; and that is now the question as to whether unanimous consent shall be given. Is there objection?

Mr. MANN. Mr. Speaker, I object.

LASSEN VOLCANIC NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 348) to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would like to ask if this proposed park is within a forest reserve?

Mr. RAKER. I did not hear the gentleman's question.

Mr. JOHNSON of Washington. Is the tract proposed to be made into a national park within the confines of a forest reserve?

Mr. RAKER. Practically all; yes, sir.

Mr. JOHNSON of Washington. Well, if the national-park bill, which has been proposed, be considered and passed, would not that take care of this proposition and preserve it for national-park purposes without actually making it a park?

Mr. RAKER. No, sir. You have to create your park, and if the park service is created then it takes care of it.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That all those certain tracts, pieces, or parcels of land lying and being situate in the State of California and within the boundaries particularly described as follows, to wit: Beginning at the northeast corner of section 3, township 31, range 6 east, Mount Diablo meridian, California; thence southerly to the southeast corner of said section; thence easterly to the northeast corner of the northwest quarter of section 11, said township; thence southerly to the southeast corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the northwest quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 25, said township; thence westerly to the southwest corner of section 26, said township; thence southerly to the southeast corner of section 34, said township; thence westerly along the sixth standard parallel north, allowing for the proper offsets, to the northeast corner of section 3, township 30 north, range 6 east; thence southerly to the southeast corner of section 27, said township; thence west-

erly to the southwest corner of the southeast quarter of section 28, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the range line between ranges 5 and 6 east; thence southerly along said range line to the southeast corner of township 30 north, range 5 east; thence westerly along the township line between townships 29 and 30 north to the southwest corner of section 33, township 30 north, range 5 east; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 29, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, township 30 north, range 4 east; thence northerly to the northwest corner of the southeast quarter of section 8, said township; thence easterly to the northeast corner of the southwest quarter of section 9, said township; thence northerly to the township line between townships 30 and 31 north; thence easterly along the sixth standard parallel north, allowing for the proper offsets, to the southwest corner of section 33, township 31 north, range 4 east; thence northerly to the northwest corner of section 21, said township; thence easterly to the range line between ranges 4 and 5 east; thence northerly along said range line to the northwest corner of fractional section 18, township 31 north, range 5 east; thence easterly to the southwest corner of section 12, said township; thence northerly to the northwest corner of section 1, said township; thence easterly along the township line between townships 31 and 32 north to the northeast corner of section 3, township 31 north, range 6 east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, disposal, or sale, under the laws of the United States, and said tracts are dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people of the United States under the name and to be known and designated as the Lassen Volcanic National Park; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and be removed therefrom: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States or their rights of any such claimant, locator, or entryman, to the full use and enjoyment of his land: *Provided further*, That rights of way for steam or electric railways, automobiles, or wagon roads may be acquired within said Lassen Volcanic National Park under filings or proceedings hereafter made or instituted under the laws applicable to the acquisition of such rights over or upon the national-forest lands of the United States when the construction of such roads will not interfere with the objects of the national park, and that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project; that no lands located within the park boundaries now held in private, municipal, or State ownership shall be affected by or subject to the provisions of this act: *And provided further*, That no lands within the limits of said park hereby created belonging to or claimed by any railroad or other corporation now having or claiming the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park.

SEC. 2. That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same; such regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, mineral deposits, and natural curiosities or wonders within said park and their retention in their natural condition, as far as practicable, and for the preservation of the park in a state of nature, so far as is consistent with the purposes of this act. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for purposes of merchandise or profit, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or persons or company for not to exceed 20 years when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding 1 acre in extent, and for not to exceed 20 years, to persons who have heretofore erected, or whom he may hereafter authorize to erect, summer homes or cottages. Such leases or privileges may be renewed or extended at the expiration of the terms thereof. No exclusive privilege, however, shall be granted within the park except upon the ground leased. The regulations governing the park shall include provisions for the use of automobiles therein and the reasonable grazing of stock.

SEC. 3. That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

SEC. 4. That the Secretary of the Interior may exact such charges as he deems proper for leases and all other privileges granted hereunder.

SEC. 5. That no appropriation for the maintenance, supervision, or improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was read, as follows:

Page 7, line 8, strike out "$10,000" and insert "$5,000."

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I move to strike out the last word in order to ask the gentleman from California if the State has ceded jurisdiction to the Federal Government over the lands covered by forest?

Mr. RAKER. Not yet.

Mr. MONDELL. That is contemplated, I understand?

Mr. RAKER. Yes.

Mr. MONDELL. I doubt if section 2 of the bill would be operative in all respects until jurisdiction was ceded. I assume it is contemplated that the Legislature of California will cede jurisdiction?

Mr. RAKER. That will be the purpose of it—to bring it fully within its highest use and make it so it will be in the same condition as the other parks.

Mr. MONDELL. And when that is done, the further legislation that has been had with regard to the other parks, accompanying the act of cession, will be had?

Mr. RAKER. You mean in regard to the park service bill?

Mr. MONDELL. After complete cession of jurisdiction by the State it will, of course, be necessary to provide ways and means for the enforcement of the Federal laws and regulations?

Mr. RAKER. Oh, yes; surely.

Mr. MONDELL. That will be done, I assume, after the State has ceded jurisdiction?

Mr. RAKER. It is the purpose to make it so that it will be beneficial to the Government and to the people of this country.

Mr. BORLAND. Mr. Speaker, I move to strike out the last word. I think this bill is of some importance. The gentleman ought to tell us something about the size of this park and the physical characteristics of it, and why it is made into a national park.

Mr. RAKER. I can do so, but I did not want to take the time of the committee.

Mr. BORLAND. I hope the gentleman will do so.

Mr. RAKER. I will briefly. The proposed park covers in the neighborhood of 89,000 acres, and in all this territory there are about 800 acres that are not in private ownership, so it is practically in shape so that it can be handled with little trouble. The elevation of the lowest place is about 5,000 feet, and it goes from that higher up. It has within its confines what is known as the old extinct crater, one of the latest in the country. That is, it is the only live volcano in the United States to-day. Among other attractions are such as Manzinita Lake, covering about four or five hundred acres, and Juniper Lake, Lake Tillman, Lake Bidwell, Snag Lake, the latter covering a couple of hundred acres. Some of the old prehistoric trees that were there thousands of years ago are still sticking out of the lake.

Then there are the boiling springs. By the side of those boiling springs, within a distance of 3 or 4 feet, there is cold, ice water. And then we have the Twin Lakes and Crumbo Lake, and we have ice caves and what are known as the glass lakes. And, then, in addition to that is this wonderful formation caused by the volcanoes. And leading up to this territory on all sides are the wonderful ravines and canyons, with their beautiful, little, trickling streams of pure water, with fish in some of them, and at an elevation that gives us a view all over the country.

Mr. BORLAND. This park is in the Sacramento Valley, is it not?

Mr. RAKER. It is accessible from the Sacramento Valley a distance of 60 miles, and is in plain view for some 200 miles in the Sacramento Valley—commencing down the Sacramento until it leaves the valley, and leads into the gorge leading on to Portland.

Mr. BORLAND. Is it in contemplation of any of the State roads in the gentleman's State?

Mr. RAKER. I want to say to the gentleman that one of the State roads that I had the pleasure of working on for a considerable time last year goes right to the base of this mountain. The State highway that goes from Susanville to Red Bluff connects the main State highways with this particular territory. The counties of Lassen, Plumas, Shasta, and Tehama last year, through their constituted authorities, applied for bonds, ranging from $250,000 to $500,000 to work these roads. In the valley there is a contemplated highway from Alturas down Pitt River, a distance of 170 miles. Modoc County has applied for its apportionment, $300,000; Lassen County, $300,000; and Shasta County the same, to make a State highway and connecting with the main State highway in the Sacramento Valley at Redding. In addition to that it is the only line that leads across the continent that, after it reaches the summit, you are on the down grade every foot of the way, without an adverse grade, and a highway that you can travel 12 months in the year. We expect to make this road from the Sacramento Valley, from Alturas—and we have already a part of the road built from Alturas into the valley—so that it will reach the Lincoln Highway and make a natural road from the east down through this country.

The greater portion of this area is above 7,000 feet in elevation, and the rest, with a comparatively narrow strip in Los Molinos and Warner Canyons, is above the 6,000-foot elevation. It is nearly all in public domain, and the area described includes a great succession of natural wonders, among which the committee mentions the following features:

The only example of recent volcanic activity in continental United States, and at this time showing greater activity than at any time for probably hundreds of years.

Lassen Peak, 10,437 feet elevation (now showing activity).

North Peak, of the Lassen group, over 8,600 feet elevation.

Southwest Peak, over 9,200 feet elevation.

Prospect Peak, a beautiful mountain near the Lassen County line, over 9,200 feet elevation.

Cinder Cone, 6,907 feet elevation.

The Devil's Half Acre—hot springs and geysers.

Bumpass hot springs, Morgan hot springs, and numerous unnamed hot springs.

Sulphur springs.

Mineral springs, not analyzed, so far as the committee knows.

Giant springs of crystal pure waters.

MANY BEAUTIFUL MOUNTAIN LAKES.

Among them, Manzanita Lake, Juniper Lake, Lake Tillman, Lake Bidwell, Snag Lake, Twin Lakes, and Crumbo Lake.

Many interesting ice caves, glass lakes (obsidian or volcanic glass).

Numerous brooks and mountain streams abounding in trout. Many of the lakes are also stocked.

Beautiful and majestic caverns, particularly Warner Canyon, which cuts into the lava for nearly two-thirds of a mile below Juniper Lake and Los Molinos Canyon, with almost vertical walls, several thousand feet into the ancient lavas of Mount Lassen.

All these streams and lakes are fed by perpetual snow-clad peaks.

Another feature of importance will be the advantage of a game park, where deer, quail, and grouse will be unmolested and permitted to increase as in the past.

A park at this point will be readily accessible from the Southern Pacific Railroad in the upper Sacramento Valley or from the Western Pacific Railroad on the Feather River and from the Southern Pacific Railway by way of Susanville and Westwood, in Lassen County. It is accessible now by means of a number of fairly good trails; also wagon roads only 8 or 10 miles from the southern boundaries, in Tehama County, and into the reserve suggested at Manzanita Lake, about 7 miles by trail from the summit of Lassen Peak; and an automobile stage is now making this run from Redding, carrying tourists, and one from Susanville and Westwood.

On May 30, 1914, Mount Lassen broke out actively in volcanic eruption and has been in process of eruption at intervals ever since and has attracted the attention of the civilized world as being the only active volcano south of Alaska and on the American Continent. A report was made by Dr. Diller in the Lassen Peak Folio No. 15 and Bulletin No. 79, A Late Volcanic Eruption in Northern California and Its Peculiar Lava, both containing articles relating to the cinder cone of Lassen Peak and the many natural wonders surrounding this territory, which bulletins show that before the present active eruption of Mount Lassen it has been quiet for over 200 years, from the best information that could be received.

Dr. Diller and other members of the Geological Survey have given lectures on Mount Lassen and its volcanic eruption in many of the cities in the East, which have attracted many people to this territory and which was visited last year by many interested in the phenomena and natural wonders within the proposed boundaries of the park.

The State of California voted bonds to the amount of $18,000,000 for State highways, which is to build two main trunk lines from the northern to the southern part of the State and laterals from each county seat to the main trunk line through the great San Joaquin and Sacramento Valleys. There is now in process of construction a lateral from Susanville to Red Bluff, which will go through one part of the proposed park; another lateral from Alturas to Redding, north of the proposed park, but it will be accessible. This road is also in process of construction. There will also be a State highway from Quincy to Oroville. With the crossroads from these lateral highways to the main trunk line in the Sacramento Valley it will make the park accessible to thousands of people who desire to visit and see and enjoy the natural wonders of the region proposed to be converted into a national park. The people of California will vote for $15,000,000 more for roads this coming November, 1916.

The pendency of these bills in Congress for the creation of this park has stimulated an active interest in northern California in the way of building roads and trails to assist the Government in making this territory accessible. The creation of this park will add another beauty spot and playground for the people of America as well as those who visit America from abroad; the slogan now being, "See America first."

These parks are not only an asset to the State in which they are located but a great asset to the National Government, and the committee believes it will redound to the benefit of the Congress that creates a national park out of such wonderful territory with its natural beauties and surroundings to the end that it may be preserved for all times for the benefit of the people.

It is easily accesible from the towns and cities in the Sacramento Valley, from Oroville north where those who are traveling in California may take a side trip with ease and comfort as well as giving an opportunity to thousands of the citizens in California to go from the valley to the mountains where real beauty and natural wonders and curiosities exist. It will add to the health and prolong the life of many who take the opportunity to make the visit.

By creating it into a park and the upbuilding of roads and making it accessible, with hotels and accommodations as are provided for in national parks, it will be used to a very great extent.

Dr. Johnson, of Columbia University, has the following to say of the Lassen Peak region:

COLUMBIA UNIVERSITY,
New York, January 18, 1916.

Hon. JOHN E. RAKER, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: Your letter of January 15 reached me several days ago, and I am glad to note your interest in the question of setting aside the Lassen Peak territory as a national park.

The Lassen Peak region has been long known to the public through the writings of Dr. Diller, of the United States Geological Survey, and others, who have described the natural wonders of that interesting locality. If you will take the trouble to examine the textbooks in geology and geography used in the schools and colleges throughout the country you will find frequent references, in the sections dealing with volcanic phenomena, to Lassen Peak, the cinder cone just east of its base, the racent lava flow associated with the latter, and other features of volcanic origin in the district. All these, it should be noted, indicate a general interest in the region before the renewed activity of the mountain concentrated public attention on the Lassen Peak country.

In planning an itinerary for a geological and geographical excursion to the principal points of interest in the West last summer I considered a trip to Lassen Peak of the highest importance, in spite of the additional expense involved in going so far aside from the route we should otherwise have followed. Events justified this decision, for I found in talking and corresponding with prospective members of the excursion that the Lassen Peak visit was proving one of the most, if not the most, attractive item in the itinerary. The excursion was originally planned for a party of 8 or 10 advanced students and teachers of geology and geography. An unexpected interest in the project developed, however, and a total of 33 men and women participated, 28 of whom made the entire trip, lasting two months, and including visits to the Yellowstone Park, Glacier National Park, the Lake Chelan country, Crater Lake National Park, the Yosemite Valley, Lassen Peak, Pikes Peak, and the Garden of the Gods, with a special side trip to the Grand Canyon and the Petrified Forest. Among the members of my party were Prof E. C. Jacobs, of the University of Vermont, Burlington, Vt.; Prof. C. W. Brown, of Brown University, Providence, R. I.; Prof. Florence Bascom, of Bryn Mawr College, Bryn Mawr, Pa.; Prof. Ida H. Ogilvie, of Barnard College, New York City; Prof. A. C. Boyle, of the University of Wyoming, Laramie, Wyo.; and Miss Dora Keen, of Philadelphia, mountain climber and explorer. I am sure any of these will be glad to give you their impressions of the Lassen Peak country. The party was unanimous in enthusiastic praise of the beauties and wonders of the mountain and its associated volcanic phenomena, and the impression was general that no part of the excursion had been more interesting and profitable.

Mount Lassen itself is one of the great volcanoes of the Pacific coast, its sides deeply scored by impressive canyons, in which the evidences of glacial action are strongly shown. Approach to the mountain is not difficult, and we found the rail trip northward to Susanville through the desert and along the shores of Pyramid Lake, with its ancient terraces indicating a former high level of the lake waters, extremely fascinating. The auto trip from Susanville to the base of the mountain was alone sufficient to justify the time and money spent in this part of our excursion, the wonderful scenery and the majestic pine forests providing abundant interest for every mile of the journey. Tourist traffic to the region is already sufficiently great to justify several ranchmen in keeping a large supply of well-broken saddle horses, and I was more than gratified at the manner in which my large party, including a number of ladies, was cared for during the horseback trip over the 7-mile trail to the summit. It was no inconsiderable task to transport this party to and from the summit in such wild country without danger of accident to any member, yet this was done. From the summit we had magnificent views of the northern Sierras, the Cascades, the distant Coast ranges, and the mountains of the Great Basin—a panorama which for grandeur can be equaled at but few places in the country. The products of recent volcanic activity, the escaping steam and gases, the ruined forests for miles to the eastward, marking the path of the great blast which swept destruction before it, reminding one of the similar blast which destroyed San Pierre, Martinique; all bore witness to the activities of that force of nature, which has always inspired man with the greatest awe and wonder. To be able to view such phenomena in our own country with ease and safety is one of the striking merits of the Lassen Peak locality

Within easy reach of the mountain base are boiling lakes and springs, mud volcanoes, and other evidences of volcanic heat which appeal most strongly to the imagination of every visitor. By means of saddle horses the entire party also visited the remarkable Cinder Cone erupted a few hundred years ago, and which is a short distance to the east of the main

peak. From the base of this cone there spread out lava flows whose fresh, rugged surfaces give every appearance of having been erupted yesterday, and which are in reality less than a hundred years old. The opening in the vase of the Cinder Cone from which the lava poured forth is still well preserved, and easily accessible to the visitor. The sides of the cone are easily climbed, and from the summit one may look down into a double crater as perfectly preserved and as symmetrical as though the eruption had just ceased. On all sides of the cone are the greyish white ash deposits which, descending upon the surrounding forest, burned and killed the trees, leaving the trunks still standing as monuments to the disaster which overtook them. Close by is Snag Lake, of particular interest to the tourist because he can plainly see the lobe of the lava flow which recently dammed the valley to form the lake, while from the lake waters project the "snags" or trunks of trees drowned by the rising waters and not yet rotted away.

On the whole, it is difficult to imagine a region where the more striking phenomena of nature are developed on a grander scale or in a manner calculated to appeal more strongly to the average individual. The Lassen Peak country is so exceptional that it has always justified special protection because of the natural wonders included in the area and the excellent camping sites which favor the summer visitor. The recent activity of the volcano has simply added to the wonders already existing in the district and has made the country known to all our citizens through the columns of the daily press. I sincerely hope that our Representatives will see fit to place the area in question in the group of our national playgrounds.

Very truly yours, DOUGLAS W. JOHNSON,
Associate Professor of Physiography.

The SPEAKER pro tempore (Mr. WEBB). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MINERAL RESOURCES OF CERTAIN NATIONAL FORESTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12885) to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. LEVER. Mr. Speaker, will the gentleman from Illinois reserve his right to object for a moment?

Mr. MANN. I will.

Mr. LEVER. Mr. Speaker, this bill was reported from the Committee on Agriculture by the gentleman from Mississippi [Mr. CANDLER], who is temporarily absent, and it undertakes to permit prospecting in the national forests which have been created under the Weeks law.

It seems that in the southern Appalachian Mountains especially there are small deposits of kaolin, manganese, mica, and some little iron in little pockets in the mountains. This bill permits the prospecting and mining of such deposits under rules and regulations to be prescribed by the Secretary of Agriculture and under charges to be fixed by him. The bill has been favorably indorsed and recommended by the Department of Agriculture. It was considered by a subcommittee of the Committee on Agriculture, which unanimously reported it to the full committee, and the full committee unanimously reported it favorably to the House.

I trust that the gentleman from Illinois will not object. The bill was introduced by the distinguished gentleman who is now presiding [Mr. WEBB].

Mr. MANN. There are several good things about this bill. It was introduced by one of the most distinguished and ablest and best Members of this House——

Mr. LEVER. All of which I agree to——

Mr. MANN. The gentleman from North Carolina, Mr. WEBB. It was reported by that amiable and most delightful gentleman from Mississippi, Mr. CANDLER, and is now supported by as able a chairman of the Committee on Agriculture as we ever had—the gentleman from South Carolina, Mr. LEVER. But those are about the only things about the bill that commend it.

Mr. LEVER. Is not that sufficient?

Mr. MANN. Not quite.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to inquire of the gentleman from South Carolina [Mr. LEVER] if the present law does not permit private parties to open up and prospect in these reservations in the West?

Mr. LEVER. My information is that, affecting other forests than these, the law does not permit prospecting and mining in the national forests; but for some reason or other that proposition was not taken care of in the Weeks law, and therefore this recommendation was made by the Department of Agriculture. I am frank to say to my friend from Texas that I am not very familiar with the mining laws.

Mr. STEPHENS of Texas. I think it is a fact as it applies to the West.

Mr. MANN. That is a fact applying where there are some mines and some occasion for prospecting. It is a good thing so far as the forests are concerned, and the good comes out that way.

Mr. JOHNSON of Kentucky. Is it not done by regulation rather than by law in the West?

Mr. MANN. I understand so; but the law does not permit it down there. If there were any minerals down there, I would not object to the bill. There might be some little pockets. But this would permit anybody to go through any of these two Appalachian forests practically at will, claiming that he was a mining prospector. The greatest difficulty we have had down there is to preserve the forests from fire. I do not think that the good that will come out of it would probably equal the evil that will come out of it. If the department in charge of these forests finds—as its officials make these investigations as they go ahead—that there are really minerals down there of any value of quantity, I will not object at all to people having the right to go down there and take those minerals out.

Mr. COADY took the chair as Speaker pro tempore.

Mr. WEBB. Mr. Speaker, I will say to the gentleman from Illinois [Mr. MANN] that my chief interest in the bill is this: All through the western mountains of North Carolina the Forestry Bureau bought or condemned a great many acres of land on which there is what we call mica. There are very few parts of the country where it is produced; some in the West, and some in New Hampshire, and largely in Mitchell, Madison, and Yancey Counties in North Carolina. The farming in some places down there is not good, and the lumbering is almost exhausted in many respects, except by the big companies, and people all through that country have been making a small living by mining mica on a small scale. They will buy a little machine and go into the mountains and dig a hole about as big as a hogshead, and get out little pieces of mica and punch it into pieces as big as a dollar or a half dollar and sell it, and make a living. This can all be done without the slightest injury to the forest reserve, and of course would be done under strict regulations by the department. It would give a good many of these poor people, who are my valued constituents, a means of making a living, and just at this time mica brings a fine price. The importation of it from India has almost ceased. All the other forest reservations have a law that covers the right to lease and mine on a much larger scale than this would call for. The Department of Agriculture first thought, as I understand, that the general law would cover the right to lease in these cases. The chairman of the Committee on Agriculture says that is so, but their attorney, on investigating it, said that the Weeks law was passed subsequently to the general mining law, and therefore he did not think the general mining law covered the White Mountains and the Appalachain forests.

In addition to mica, I will say to my friend from Illinois, that there are pockets of kaolin. It is a very white earth——

Mr. MANN. Clay——

Mr. WEBB. Yes, a clay; and you find that in pockets, too. I hope the gentleman will allow this bill to go through for the purpose of giving those people in that country who have in many cases very little other means of livelihood an opportunity to make a little money out of these mining operations. One man will take his family out and find a little pocket of mica, and after he pays the Government a royalty he can make a living out of it.

Mr. MANN. No. He could go to work; actual, real work. It would be a good thing for him.

Mr. WEBB. He farms a little and has a little cabin home, and makes a poor living, and this bill will help him greatly.

Mr. MANN. If he would not farm a little but farm a great deal he would make a much better living.

Mr. WEBB. No; he can not farm a great deal. If the gentleman knew this mountain section, he would not make that statement. I feel that this reserve ought to be put on a parity with all the rest of the reserves in the United States. Why should we refuse this right with reference to the Appalachian and White Mountain Reserves and permit it with reference to all other reserves?

Mr. MANN. That is the only excuse to be offered for it, and it is not a very good one.

Mr. JOHNSON of Washington. The gentleman desires this reservation put on a parity with others. I know of forest reserves in western Washington which contain enormous deposits

of tin, manganese, and other minerals. While they have been prospected, they are not permitted to be mined, under rules and regulations.

Mr. WEBB. That is in the discretion of the department.

Mr. JOHNSON of Washington. Why should the Appalachians have the benefit of mining a little mica or other small mineral deposits and the great mineral tracts of the West lie undeveloped?

Mr. WEBB. I suppose that the mining of a great mineral tract would probably mar the forest; and under this law the Secretary of Agriculture would not permit anything that would lessen the value of the forest or impair the stream flow below. The reason I advocate this is because a little mine would not make a hole much bigger than two big barrels, and it could not possibly deface or impair the Appalachian region, and would be a great blessing to my people.

Mr. STEPHENS of Texas. I am in favor of the gentleman's bill and hope that it will pass by all means; but I desire to call the attention of the committee to the fact that there are 32,000,000 acres of Indian reservations in the West which are in exactly the same condition as this Appalachian Reserve with reference to mining, and in my judgment there is no reason or right why these Indian lands should not be thrown open to prospectors, so that the Indians may have employment at home, and so that the minerals on these reservations may be developed.

Mr. WEBB. There can not be any large mining in this region; and it is for the benefit of these poor people down there that I would like to see this bill pass.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman objects. The bill goes over.

NATIONAL ARCHIVES BUILDING.

The next business on the Calendar for Unanimous Consent was the bill (S. 5839) to repeal paragraph 4 of section 21 of the public buildings act, approved March 4, 1913, providing for the construction of a national archives building.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That paragraph 4 of section 21 of the public-buildings act approved March 4, 1913, which reads as follows: "That before the said designs and estimates are completed inspection shall be made under the direction of the Secretary of the Treasury of the best modern national archive buildings in Europe, and consultation shall be had with the best authorities in Europe on the construction and arrangement of archive buildings," be, and the same is hereby, repealed; and the acquisition of a site for a national archives building, and the construction of the said building according to the terms of said act of March 4, 1913, is hereby authorized without such inspection and consultation in Europe.

The SPEAKER. The bill is on the Union Calendar.

Mr. PARK. I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Georgia asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

SPECIAL CANCELING DIE FOR NEWARK ANNIVERSARY.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 193) authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark Two hundred and fiftieth Anniversary Celebration.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The joint resolution is on the Union Calendar.

Mr. WEBB. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the joint resolution be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The joint resolution was read, as follows:

Whereas the city of Newark, N. J., is making extensive preparations to celebrate the two hundred and fiftieth anniversary of its founding, the celebration to begin on May 1, 1916, and to continue until October 1, 1916; and

Whereas the projected celebration in said city will include industrial and other exhibitions, pageants, national athletic games, tournaments, parades, conventions, and many other interesting features that will attract visitors from all parts of the United States; and

Whereas the citizens' committee of one hundred having the celebration in charge have widely advertised the approaching events, with the result that a great increase of incoming and outgoing mail matter is now being handled by the Newark post office; and

Whereas the size and importance of the city of Newark, N. J., and the extensive preparations being made by its citizens for the celebration of the two hundred and fiftieth anniversary of its founding give to said celebration a national character and significance: Therefore be it

Resolved, etc., That the Postmaster General of the United States be, and he hereby is, authorized to prepare and deliver to the postmaster at Newark a special canceling die to be used in the cancellation of mail matter in the post office of that city from May 1, 1916, to October 1, 1916, said die to be of such design as may be agreed upon by the Postmaster General and the Newark citizens' committee of one hundred.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The SPEAKER. Without objection, the preamble to the resolution will be agreed to.

There was no objection.

UNITED STATES DISTRICT COURT, MAINE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15807) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. GUERNSEY. I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Maine asks unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That hereafter, and until otherwise provided by law, two sessions of the United States District Court for the District of Maine shall be held in each and every year in the city of Bangor, in said district, beginning, respectively, on the first Tuesday of June and the first Tuesday of December, and two sessions of said court shall be held in each and every year in the city of Portland, in said district, beginning, respectively, on the first Tuesday of April and the third Tuesday of September. In the year A. D. 1916 only, a term of said court shall also be held at said city of Portland on the second Tuesday of December.

SEC. 2. The clerk of said district court for said district of Maine and the marshal of said district shall each at all times maintain by himself or by deputy an office in charge of himself or deputy, both at said city of Bangor and at said city of Portland. The deputy clerk in charge of the office in the division in which the clerk does not reside himself shall reside in the city where the office of which he has charge is located. That said marshal shall appoint a field deputy, who shall have charge of the office in the division in which the marshal does not reside himself, who shall reside in the city where the office of which he has charge is located, and who, within and for said division, in the absence of the marshal, shall have all the powers of the marshal, and who shall also, throughout said district of Maine, have all the powers of other deputy marshals.

SEC. 3. That for the purpose of holding terms of the United States district court the district of Maine as heretofore constituted shall be divided into two divisions, to be known, respectively, as the northern and southern divisions. The counties of Aroostook, Penobscot, Piscataquis, Washington, Hancock, Waldo, and Franklin shall be known as the northern division, the court for which shall be held in the said city of Bangor. The remaining counties in said State and district of Maine shall constitute the southern division, the court for which shall be held in the said city of Portland.

SEC. 4. That for the purpose of determining the jurisdiction and venue of all causes, suits, actions, bills, petitions, matters, libels, proceedings, prosecutions, indictments, complaints, informations, and other judicial business, whether civil or criminal, or whether in equity, in admiralty, in prize, in forfeiture, or in condemnation, in rem, in personam, or mixed, whatsoever, cognizable in the United States district court, each of said divisions shall be as if it were a separate and distinct judicial district of the United States. There shall be but one judge, one clerk, one marshal, and one district attorney for said district of Maine. United States commissioners in either of said divisions, until otherwise provided by law, shall be appointed and have jurisdiction and cognizance through said district of Maine in the same manner and to the same extent and effect that they now have under existing law.

SEC. 5. That any cause, suit, action, bill, petition, matter, libel, proceeding, prosecution, indictment, complaint, information, or other judicial business, whether civil or criminal, or whether in equity, in admiralty, in prive, in forfeiture, or in condemnation, in rem, in personam, or mixed, whatsoever, pending in either of said divisions, when all the parties thereto so stipulate in writing, and where the ends of justice or the convenience of the parties will be promoted thereby, may, at the discretion of the court or judge, be transferred wholly or specially for the hearing, trial, or determination of any single proceeding, matter, step, or motion therein from one of said divisions to the other. On request of all accused in any criminal prosecution and of all claimants in any cause, proceeding, libel, information, or other matter in rem, the same may be transferred, at the discretion of the court or judge from one of said divisions to the division in which a term of said court is next to be held, without the joinder in such request of the United States when the Government is the only other party thereto not joining in such request.

SEC. 6. That all ex parte, of course, default and pro confesso, proceedings and matters, and all interlocutory matters in which all interested parties are present and consenting that such hearing may be had, in whichever of said divisions the same may be cognizable or pending, may be heard and determined by the court or judge and all findings, orders,

judgments, and decrees be made, and all mesne and final process therein be tested, sealed, issued, and renewed in either of said divisions, in term time, vacation, or chambers.

SEC. 7. That nothing in this act contained shall be construed to deprive the court or judge of the power to grant a change of venue or continuance in any cause, proceeing, or matter whatsoever according to law and the requirements of justice.

SEC. 8. That grand and petit jurors summoned for service at the term of said court to be held in said city of Bangor on the first Tuesday of December, A. D. 1916, may, if in the opinion of the court or judge the public convenience so requires, be directed to serve also at the term of said court to be held in said city of Portland on the second Tuesday of December, A. D. 1916, as provided in section 1 of this act.

SEC. 9. That this act shall take effect on the day following its passage, but it shall not apply to or in anywise affect any cause, suit, action, bill, petition, matter, libel, proceeding, prosecution, indictment, complaint, information, stipulation, bail bond, or recognizance now pending in said court, or which has already been instituted, begun, filed, entered, made, served, found, or taken, but the same shall depend, be entered, returned, continued, prosecuted, tried, heard, and determined and suitable and appropriate orders, judgment, decrees, and executions, mesne and final and all other process, attachment, monitions, stipulations, bonds, recognizances therein, shall be made, signed, tested, sealed, issued, renewed served, executed, entered, and returned, the same as under existing law and as if this act had never been passed, except for the purposes mentioned in sections 5 and 6 of this act. All acts and parts of acts inconsistent with this act are hereby repealed.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. GUERNSEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

RETIRED FEDERAL JUDGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6450) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, which I do not intend to do, I should like to get some information from the gentleman from North Carolina [Mr. WEBB] about this bill. Do Federal judges, as a rule, in the district and circuit courts avail themselves much of the opportunity to retire at the age of 70 years, after they have been on the bench 10 years?

Mr. WEBB. I think there are something like 20 or 30 Federal judges now in active service who are beyond the age of 70 and who might retire if they chose to do so.

Mr. COX. How many are there on the retired list whose salaries are going on?

Mr. WEBB. I could not answer offhand.

Mr. COX. Could the gentleman approximate it, without being bound by his answer?

Mr. WEBB. I should think there are about as many who have retired as there are who are serving overtime.

Mr. COX. I understand the gentleman to say that there are between 20 and 30 who are beyond the age limit who could retire if they chose to do so.

Mr. WEBB. Yes.

Mr. COX. The purpose of this bill is not to compel a judge to resign, but to let him retire, so as to give the Government an opportunity to avail itself of his services later if it wishes to do so.

Mr. WEBB. Yes; that is stating the case practically; and, further, not to induce him to retire, but if he does retire, to permit him to do work if he wishes to do so, as long as he draws the salary of the Government. He is subject to be ordered around by the senior circuit judge, with his consent, of course.

Mr. COX. Under the law as it exists to-day, he must resign if he leaves the bench?

Mr. WEBB. Yes; he retires, and that is the end of his judicial functions. I have in mind a shining example where a man could do some good work for his country, and that is Judge Gray, still capable, but of course he could not work continuously like a young man. But if this law had been passed when he retired Judge Gray could have been assigned to some big cases and he would have been glad to do it because they are drawing the full salary.

Mr. COX. I have been very much interested in this question of retirement, but has the gentleman looked into this question, whether the men who have retired have retired because of actual physical disability or because they were unwilling to work?

Mr. WEBB. I think both causes impelled some of the retirements. Some judges are unable to work, some will not work and have not worked and will not retire, and are simply blocking up the judicial procedure. I know one man who has not been on the bench for four years, and the last time he was there he went in a wheel chair; he will not resign, he can not work, and there you are.

Mr. COX. Was there not a case of a judge in West Virginia who retired and was afterwards elected a United States Senator?

Mr. WEBB. I think so.

Mr. COX. I am in entire sympathy with the gentleman's bill, and I think it might be well applied to the retired list of the Army and the Navy.

Mr. WEBB. I think it will stave off to some extent the demand for new judges.

Mr. COX. I think the gentleman has served his country well in reporting this bill. We retire Army officers at the age of 64. Gen. von Hindenburg is in his seventy-ninth year, Gen. von Kluck is 73, Gen. Joffre is 75, showing that these men are still active in life, and yet we compel officers in the Army to resign in this country at the age of 64.

Mr. WEBB. Yes; and many of them are just as capable of doing good work as they ever were.

Mr. COX. I think the gentleman's bill is a good one and it ought to apply to the Army and Navy along the same lines.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 260 of the Judicial Code be, and the same is hereby, amended to read as follows:

"SEC. 260. That when any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his resignation for the office that he held at the time of his resignation. But instead of resigning, any judge other than a justice of the Supreme Court, who is qualified to resign under the foregoing provisions, may retire upon full salary from regular active service on the bench, and the President shall thereupon be authorized to appoint a successor; but a judge so retiring may nevertheless be called upon by the senior circuit judge of that circuit and be by him authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake."

The following committee amendment was read:

Page 2, strike out lines 16 to 20, inclusive.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, on page 2, line 6, by inserting, after the word "may," "by statement addressed to the Attorney General."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by inserting, after the word "may," in line 6, "by statement addressed to the Attorney General."

Mr. WEBB. I have no objection to that.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, this is an anomalous bill, but it may adopt a very good policy. The Constitution provides that a Federal judge is appointed for life. Under existing law we provide that he may resign and still draw his salary for the rest of his life, although, of course, after he resigns he is not a Federal judge. This provides that at the age of service when he might resign he may retire. Of course the use of the word "retire" there is anomalous. He still remains a Federal judge. He does not in fact retire. Practically all that the bill does, with the amendment which I have offered, is to give him authority to make a statement that he desires to retire, and thereupon the President can name another judge in that district or circuit. Of course we can not require these judges to do any work. Some of them do not do much when they reach that age, although they do not resign. Under this bill, although it provides for retirement, the judge does not actually retire, except from active work; he may still be called upon to do such work as he is willing to do.

Mr. COX. Under the old law?

Mr. MANN. No; under the old law he resigns and can not do any work. Strangely enough, the author of the bill in introducing it provided that it should apply to judges who have already resigned—a manifest impossibility.

Mr. WEBB. We struck that out.

Mr. MANN. You could not call upon a man who is no longer a Federal judge to perform the functions of a judge, because he has resigned and is no longer a judge.

This bill may solve the difficulty which has occurred and exists throughout the country. It may be that some of these

judges may still desire to retain the functions of a judge, and if they wish to exercise them will accept this provision and make a statement that they wish to retire and then do work that they are willing to do.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HUDDLESTON. Under the gentleman's interpretation of the bill, what effect will it have on superannuated judges upon the theory that they have the power to appoint clerks and some other officials?

Mr. MANN. They would not have that power, I take it, under the terms of this bill, although I am not sure what power would exist. We say in the bill that the judge so retiring may be called upon by the senior circuit judge to perform certain functions. I take it as a matter of fact that the man who is retired may have the right to perform his functions as a judge although he may not be called upon to do it, and probably as a matter of practice he would not attempt to exercise any functions unless it was agreeable.

Mr. HUDDLESTON. Mr. Speaker, the gentleman has in mind the fact that district court judges have the power to appoint clerks as have the circuit judges, and also referees in bankruptcy? This bill seems to make it optional with these judges as to whether they will perform any judicial functions. In other words, it says they may.

Mr. MANN. I think the court appoints those officers, not the judge.

Mr. HUDDLESTON. I was just about to make this suggestion. Will the judge not be the court when he chooses to be? In other words, will this not make it optional with the judge as to whether he would do any work or not and yet reserve to him his functions as the appointive power? That is a thing that seems to me should have some consideration.

Mr. MANN. I do not know; I can not answer the question; but I assume that where this bill operates the judge who is actually holding the court will enter the orders for the court. However, I hope we may soon pass a bill which has been floating around here for some time, and which, I regret to say, has not been reported by the distinguished Committee on the Judiciary in this Congress, to have the district clerks appointed on salaries and take them out of the power of the judges and away from the fee system.

Mr. HUDDLESTON. Mr. Speaker, I would like to suggest that in the district in which I live we have two judges having concurrent powers. We were treated to the spectacle in that district of one of those judges getting up on the bench as the court and nominating a referee in bankruptcy. He got down and the other judge got up and he nominated another man as referee in bankruptcy and removed the first appointee, and so they had it back and forth, and the circuit court of appeals finally got hold of the case. It seems to me that we ought not to make a thing of that kind possible.

Mr. MANN. We have three district judges in the city of Chicago, in the northern district of Illinois, and they have a number in New York. That situation exists in several districts.

Mr. WEBB. There are four in the southern district of New York.

Mr. MANN. And there is no way on earth of making a man always act with any common sense.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FLANDREAU, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14944) authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 47, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playground.

The SPEAKER. Is there objection?

Mr. MANN. I object.

SOUTHBRIDGE, MASS., POST OFFICE.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 203) authorizing the Postmaster General to provide the postmaster of Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This House joint resolution is on the Union Calendar.

Mr. COX. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas the town of Southbridge, Mass., is making extensive preparations to celebrate the one hundredth anniversary of its incorporation; and

Whereas the projected celebration in said town will include industrial and other exhibitions, pageants, athletic games, tournaments, parades, speech making, and many other interesting features that will attract visitors from all parts; and

Whereas the citizens' committee of one hundred having the celebration in charge have widely advertised the approaching events, with the result that a great increase of incoming and outgoing mail matter is now being handled at the Southbridge post office; and

Whereas the importance of the town of Southbridge, Mass., and the extensive preparations being made by its citizens for the celebration of the one hundredth anniversary of its incorporation give to said celebration a national character and significance due to the fact that the town was the birthplace of the Hon. William L. Marcy, formerly Member of the United States Senate; governor of the State of New York from 1833 to 1839; Secretary of War from March 5, 1845, to March 3, 1849; and Secretary of State from March 7, 1853, to March 4, 1857; and in view of the fact that the town was also the birthplace of Hon. George T. Angell, founder and for many years president of the Society for the Prevention of Cruelty to Animals, and of many other distinguished men and women: Therefore be it

Resolved, etc., That the Postmaster General of the United States be, and he hereby is, authorized to prepare and deliver to the postmaster of Southbridge, Mass., a special canceling die to be used in the cancellation of mail matter in the post office of that town from May 1, 1916, to July 5, 1916, said die to be of such design as may be agreed upon by the Postmaster General and the Southbridge Citizens' Committee of One Hundred.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The preamble was agreed to.

On motion of Mr. DALLINGER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ANNUAL TERM OF THE SUPREME COURT OF THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15158) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 230 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, known as the Judicial Code, be, and is hereby, amended to read as follows:

"SEC. 230. The Supreme Court shall hold at the seat of government one term annually, commencing on the first Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business."

SEC. 2. That section 237 of the Judicial Code, as amended by "An act to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," approved December 23, 1914, be, and is hereby, amended to read as follows:

"SEC. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ."

"It shall be competent for the Supreme Court, by certiorari or otherwise, to require that there be certified to it for review and determination with the same power and authority and with like effect as if brought up by writ of error any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had, where is drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision is in favor of their validity; or where is drawn in question the validity of a statute of or an authority exercised under any State on the ground of their being repugnant to the Constitution, treaties, or laws of the United States and the decision is against their validity; or where any title, right, privilege, or immunity is claimed under the Constitution or any treaty or statute of or commission held or authority exercised under the United States and the decision is either in favor of or against the title, right, privilege, or immunity especially set up or claimed by either party under such Constitution, treaty, statute, commission, or authority."

SEC. 3. That section 4 of "An act to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," approved January 28, 1915, be, and is hereby, amended to read as follows:

"SEC. 4. That judgments and decrees of the circuit court of appeals in all proceedings and causes arising under 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and in all controversies arising in such proceedings and causes; also in all causes arising under 'An act relating to the liability of common carriers by railroad to their employees in certain cases,'

approved April 22, 1908; also in all causes arising under 'An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon,' approved March 4, 1907; also in all causes arising under 'An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes,' approved March 2, 1893; also in all causes arising under 'An act to regulate commerce,' approved February 4, 1887; and also in all causes arising under any amendment or supplement to any one of the aforementioned acts which has been heretofore or may hereafter be enacted shall be final, save only that it shall be competent for the Supreme Court to require, by certiorari, upon the petition of any party thereto, that the proceeding, case, or controversy be certified to it for review and determination with the same power and authority and with like effect as if taken to that court by appeal or writ of error."

SEC. 4. That chapter 76, volume 35, United States Statutes at Large, be, and is hereby, amended so as to read as follows:

"That from a final decision by a court of the United States in a proceeding in habeas corpus no appeal to the Supreme Court shall be allowed unless the court by which such final decision was rendered, or a justice of the Supreme Court, shall be of opinion that there exists probable cause for an appeal, in which event, on allowing same, the said court or justice shall certify that there is probable cause for such allowance."

SEC. 5. That no court having power to review a judgment or decree rendered or passed by another shall dismiss a writ of error solely because an appeal should have been taken, or dismiss an appeal solely because a writ of error should have been sued out, but when such mistake or error occurs it shall disregard the same and take action which would be appropriate if the proper appellate procedure had been followed.

SEC. 6. That no judgment or decree rendered or passed by the Supreme Court of the Philippine Islands more than 60 days after the approval of this act shall be reviewed by the Supreme Court upon writ of error or appeal; but it shall be competent for the Supreme Court, by certiorari or otherwise, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error or appeal, any cause wherein after such 60 days the Supreme Court of the Philippine Islands may render or pass a judgment or decree which would be subject to review under existing laws.

SEC. 7. That no writ of error, appeal, or writ of certiorari intended to bring up any cause for review by the Supreme Court shall be allowed or entertained unless duly applied for within six months after entry of the judgment or decree complained of: *Provided*, That writs of certiorari addressed to the Supreme Court of the Philippine Islands may be granted if application therefor be made within 12 months.

SEC. 8. That this act shall take effect 30 days after its approval; but it shall not apply to nor effect any writ of error, appeal, or writ of certiorari theretofore duly applied for. The right of review under existing laws, in respect of judgments and decrees entered before this act takes effect, shall remain unaffected for the period of six months thereafter, but at the end of that time such right shall cease.

Mr. WEBB. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 8, after the word "error," insert:

"This section shall not be construed as conferring jurisdiction upon the circuit court of appeals in any proceeding, cause, or controversy in which jurisdiction has not been given to it by other statutory provisions. visions."

Mr. WEBB. Mr. Speaker, I have introduced that amendment at the request of the Interstate Commerce Commission. That commission is anxious that none of the present rights of the Interstate Commerce Commission will be taken away from it, and at the suggestion of Mr. Commissioner Meyer I have offered the amendment. I see no objection to it.

Mr. MANN. Mr. Speaker, I would like to ask one question. This bill changes the date of the commencement of the term of the court from the second Monday in October to the first Monday. As that is a matter largely of the convenience of the members of the Supreme Court, may I ask the gentleman if he understands that that change is entirely satisfactory to them?

Mr. WEBB. It is. It is at their request. They want a little shorter vacation and more time to do work when the weather is better.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk calls the attention of the Chair to the fact that on line 24, page 6, the word "effect" is used instead of apparently the word "affect." Should that word be changed?

Mr. WEBB. Yes, Mr. Speaker. I ask unanimous consent that the word "affect" be substituted for the word "effect."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The SPEAKER. On page 4, at the end of line 10, the word "railroad" in the singular is used. It occurs to the Chair that possibly that should be in the plural.

Mr. WEBB. No; I think that is the title of the act which we quoted.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SUITS AGAINST REVENUE OFFICERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14299) to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 33. That when any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law, or is commenced against any person holding property or estate by title derived from any such officer and affects the validity of any such revenue law, or against any officer of the courts of the United States for or on account of any act done under color of his office or in the performance of his duties as such officer, or when any civil suit or criminal prosecution is commenced against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty in executing any order of such House, the said suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court next to be holden in the district where the same is pending upon the petition of such defendant to said district court and in the following manner: Said petition shall set forth the nature of the suit or prosecution and be verified by affidavit and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced or of the United States stating that, as counsel for the petitioner, he has examined the proceedings against him and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said district court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the district court and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpœna, petition, or any other process except capias, the clerk of the district court shall issue a writ of certiorari to the State court requiring it to send to the district court the record and the proceedings in the cause. When it is commenced by capias, or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court or left at his office by the marshal of the district or his deputy or by some other person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the district court, and any further proceedings, trial, or judgment therein in the State court shall be void. If the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the district court, or in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution it is made to appear to the district court that no copy of the record and proceedings therein in the State court can be obtained, the district court may allow and require the plaintiff to proceed de novo and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said district court. On failure of the plaintiff so to proceed, judgment of non prosequitur may be rendered against him, with costs for the defendant."

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

INSURANCE COMPANIES AND FRATERNAL BENEFICIAL SOCIETIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object, I want to say to the gentleman from North Carolina, the chairman of the Committee on the Judiciary, that I am very much in favor of this bill. I think it is very necessary in order that justice may be done to insurance companies having funds, and rival claimants in various States are claiming those funds, but I notice that the Committee on the Judiciary recommended an amendment increasing the limit of jurisdiction from $500 to $2,000.

Mr. WEBB. Mr. Speaker, I will say to my friend that if he will let us consider the bill he will have a chance to knock out the amendment and let it remain at $500, as it was originally drawn.

Mr. DUPRÉ. The gentleman thinks that practically nullifies the benefits of the bill?

Mr. BYRNS of Tennessee. I undoubtedly think it would nullify the benefits of the bill if the limitation is raised.

Mr. VOLSTEAD. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota——

Mr. VOLSTEAD. Mr. Speaker, I reserve the right to object. Personally I am opposed to the change, or opposed to the bill,

unless the amendment goes in, because I do not believe we ought to let down the bars by extending the jurisdiction in the fashion intended by this bill to these small claims contemplated under the bill as it was introduced.

Mr. WEBB. Mr. Speaker, let me say to my friend, of course as yet we have not consent to consider the bill, but after we get consent to consider it the gentleman can make his statement, and I will be very glad if he will do so, but I hope the gentleman will not object to allow us to consider this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the district courts of the United States shall have original cognizance to entertain suits in equity begun by bills of interpleader where the same are filed by any insurance company or fraternal beneficiary society, duly verified, and where it is made to appear by such bill that one or more persons, being claimants against such company or society, reside within the jurisdiction of said court; that such company or society has made or issued some policy of insurance or certificate of membership providing for the payment of a sum of money of at least $500 as insurance or benefits to a beneficiary or beneficiaries or to the heirs, next of kin, or legal representative of the person insured or member; that two or more adverse claimants, citizens of different States are claiming or may claim to be entitled to such insurance or benefits and that such company or society offers to deposit the amount of such insurance or benefits with the clerk of said court and to abide the judgment of said court. In all such cases the court shall have the power to issue its process for said claimants, returnable at such time as the said court or a judge thereof shall determine, which shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found; to hear said bill of interpleader and decide thereon according to the practice in equity; to discharge said complainant from further liability upon the payment of said insurance or benefit as directed by the court, less complainant's actual court costs; and shall have the power to make such orders and decrees as may be suitable and proper and to issue the necessary writs usual and customary in such cases for the purpose of carrying out such orders and decrees: *Provided*, That in all cases where a beneficiary or beneficiaries are named in the policy of insurance or certificate of membership or where the same has been assigned and written notice thereof shall have been given to the insurance company or fraternal benefit society, the bill of interpleader shall be filed in the district where either the beneficiary or beneficiaries or the assignee or assignees or any of them may reside.

The committee amendment was read, as follows:

Page 2, line 1, strike out "$500" and insert "$2,000."

Mr. MANN. Mr. Speaker, I believe I introduced the first bill on this subject some Congresses ago. It has been improved through the committee. This bill was introduced by the gentleman from Pennsylvania, who introduced the former bill, and I think the committee improved that and possibly it was reintroduced at their request, and it is proposed to give the fraternal insurance companies, where there are several claimants for money that is to be paid on account of the death of one of the members, the right to pay the money into court and file a bill of interpleader.

The original bill provided that they might do this when there was $500 involved. The committee have offered an amendment, which is pending, to strike out $500 and make it $2,000. I have no interest in fraternal insurance companies myself, or any other kind, personally. My firm used to be the lawyers for a number of the largest fraternal insurance companies in the United States, and I have a letter from an old partner of mine, one of the brightest men I ever saw, and is now. I wrote him about this. He is the president at the present time of the National Fraternal Congress. He informed me that probably more than half of the certificates outstanding of the fraternal insurance companies are for amounts less than $2,000, and with this amendment it would not apply to these cases.

The fraternal insurance companies have always been, from a legislative point of view, more or less the pet of State legislatures, and I have no doubt if it were not for the fraternal insurance companies the old line companies would be charging much higher rates than they are now doing.

Now, I think we might probably permit them to file a bill of interpleader where the amount is $500, as was provided in the original bill, and I hope we may disagree to the committee amendment.

Mr. WEBB. Mr. Speaker, I do not want to be disloyal to my splendid committee and, of course, I am not, because I voted in committee to keep the $500 limitation in the bill and, of course, I reserved the right to object to the $2,000 limitation when it should come to the House. My idea has been all along that one object of the bill is to help the little companies, and not the big ones alone; that the little insurance companies all over the United States should be benefited by this protection given by the bill, and as far as I am personally concerned I am perfectly willing for the $500 limitation to remain in the bill as it was originally.

Since we have changed the $500 limitation to $2,000 I have received a great many letters from the fraternal organizations all over the United States. One of those I have received is from the National Legislative and Information Bureau, Order of Railway Conductors, Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Enginemen. That letter is as follows:

NATIONAL LEGISLATIVE AND INFORMATION BUREAU,
Washington, D. C., May 29, 1916.

Hon. EDWIN Y. WEBB,
Chairman Committee on the Judiciary,
House of Representatives, City.

DEAR SIR: Under date of March 20, 1916, we addressed a communication to you favoring the enactment of the bill (H. R. 12541) to authorize insurance companies and fraternal benefit societies to file bills of interpleader in the courts of the United States in proper cases, and have noted with pleasure that the committee has favorably reported the measure to the House.

We regret, however, that the committee has seen fit to amend the bill by increasing the amount that must be involved from $500 to $2,000.

The bill without this amendment admirably met the situation of the organizations which we represent, and the report accompanying the bill does not explain why this change was made. It will operate to discriminate against the fraternal associations, as it would retain the benefits of the law for most of the policies issued by the old-line insurance companies and at the same time deprive most of the policies of the fraternal insurance associations, which are usually less than $2,000, of the benefits of the law.

For instance, only about 40 per cent of the insurance policies issued by the Brotherhood of Locomotive Firemen and Enginemen are for $2,000, and about 50 per cent are issued for $1,500, 5 per cent for $1,000, and 5 per cent for $500. A similar situation exists with reference to the Brotherhood of Railroad Trainmen and in a somewhat less degree with respect to the Brotherhood of Locomotive Engineers and Order of Railway Conductors.

We respectfully protest against the change in the bill, and beg to request that the original amount of $500 be restored, so that the organizations which we represent may be accorded equal benefits under the law. The cases in which the brotherhoods would require the use of this statute are comparatively infrequent, and they would not, by reason of the lessening of the amount, burden the courts or overwhelm them with minor questions; but when resort must be had to the statute the need is equally great when $500 is involved as when $2,000 is the amount.

Hoping that the committee may find it desirable to reconsider its action in recommending the change in the bill, and that H. R. 12541 as originally introduced may be enacted into law, we beg to remain,

Yours, respectfully,

H. E. WILLS,
A. G. C. E. and National Legislative Representative, B. of L. E.
P. J. MCNAMARA,
Vice President, National Legislative Representative, B. of L. F. & E.
W. M. CLARK,
Vice President, National Legislative Representative, O. R. C.
VAL FITZPATRICK,
Vice President, National Legislative Representative, B. of R. T.

It strikes me, Mr. Speaker, that there is no reason why we should not give the little company that insures for $500 or $1,000 the same right to protect itself against a double suit as to give the old line, well-established companies that right.

Mr. DUPRÉ. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. DUPRÉ. Does the gentleman think the comparative infrequency of cases of this character arising would make it no more burdensome to the courts of the United States?

Mr. WEBB. I do. I do not think there have been over 25 or 30 of this kind of cases, but if such cases occur if we give the big insurance company the right to defend itself in the Federal court to determine who is entitled to the money, we certainly should give the small insurance company the same right. That is the way I feel about it. I do not think we ought to make a distinction, therefore I am willing to vote against the committee amendment.

Mr. VOLSTEAD. Mr. Speaker, I move to strike out the last word.

Personally I do not favor this bill. It adopts a policy we have sought to avoid in the years past. Unless the Government is a party we have never in any instance, so far as I am aware, permitted the Federal courts to extend their jurisdiction beyond the State or a hundred miles beyond the place where the court is held. That is the policy we have uniformly pursued ever since the beginning of our Government. This changes that policy and permits jurisdiction to be taken no matter where the persons may be located. Suppose here is a person with a small claim of $500 and there is another claimant to that money possibly a thousand or two thousand miles away. If this bill becomes a law, the district court can take jurisdiction of them. It seems to me this should not be permitted.

Mr. COX. Will the gentleman yield?

Mr. VOLSTEAD. In just a minute. I think this would make justice so expensive as to be equivalent to a denial of justice, especially if the claim is small. Now I yield.

Mr. COX. Is not that the law now in most of the States?

Mr. VOLSTEAD. No; that is not the law as to personal claims. It is true, of course, that so far as real estate is concerned you can bring your suit in the jurisdiction where the property is situated and bar any outside claimant, no matter where he may be situated, but that does not give a personal

judgment against an individual, which is necessary in cases covered by this bill.

The appeal is made on behalf of the small insurance companies. There is another side, the small claimant, who perhaps for years has contributed to a policy of insurance. Should we say to him that he ought to protect himself as best he can, or should we say to the insurance company, "You are in much better position to bear the loss, if there is to be a loss, than the small claimant"? Personally I felt that it would be better to change the bill and provide that in case the claim is large enough, say $2,000, so that a man can afford to spend the money litigating, the jurisdiction might be extended. Still I do not like the bill. I am afraid it sets a bad precedent. If the House desires to pass this bill, however, and leave the amount $500, I am not going to object. I am going to let the Members say whether they prefer to support the little insurance company or stand by the little claimant and let him litigate his claim at home.

We rebelled against England because she compelled us to go beyond the seas to try our cases, where we could not go without great loss. Why should we now change our policy and insist that a man has no right to try his case at home, no matter how poor or otherwise unable he may be to prosecute his claim at a great distance away from home?

Let me suggest another reason against this bill. I believe this is true, that the insurance companies can protect themselves by proper contracts so that they need not suffer at all. I think they have it within their power to do so, while the man who has taken out an insurance policy is not able to do it at all.

Mr. BYRNS of Tennessee. What would the gentleman say in a case of this kind? Take the case of a small insurance company, where there was a small policy and death occurred and the company was anxious and willing to pay the proper beneficiaries. Suit was brought in one court in Newport, Ky., and one in Cincinnati, Ohio, on the same claim, and judgment was recovered in both of those courts, and it was necessary for this company to pay both judgments. There was absolutely no opportunity for the company to take the matter into one court and have it settled as between the two claimants.

Mr. VOLSTEAD. That may happen to any citizen who has a contested personal claim. Why should an insurance company be given special privileges; and are not the insurance companies collecting from you and me for the purpose of paying this class of losses? It is an infinitesimally small amount so far as the policyholders are concerned, but if you defeat an honest policyholder by forcing suit in a jurisdiction where he can not support his claim you have done a serious injustice.

Mr. BYRNS of Tennessee. But certainly the gentleman in a case of that sort would not contend that Congress ought not to enact a law which would permit the company to go into court and have the court adjudicate the rightful party to whom the money should be paid.

Mr. VOLSTEAD. In a few cases injustice has been done, but why make a law that only applies to insurance companies? They are no more entitled to relief than other people suffering in the same way because they can not now secure jurisdiction of all the necessary parties to a controversy. In those cases where parties live far apart it seems to me a greater injustice would be done by granting than by denying jurisdiction. I have no objection to insurance companies. I carry more or less insurance myself, and I have no ill will toward them, but it does seem to me we ought to protect the people at home.

Mr. BYRNS of Tennessee. But if this limitation of $2,000 is adopted it would simply amount to the fact that Congress would be protecting the big insurance companies and affording no protection whatever to those insurance companies which insure in very small amounts on weekly payments, for instance.

Mr. VOLSTEAD. The reason why I insist on the amendment making the jurisdictional amount $2,000 is that if a person has a claim of $2,000 he can better afford to litigate than if the claim is only $500. I do not believe in the bill at all, but I would rather have it applied only to the larger claims as a lesser evil.

Mr. IGOE. Mr. Speaker, I just want to say a word about this bill.

The SPEAKER. The gentleman from Missouri is recognized for five minutes.

Mr. IGOE. I was a member of the subcommittee that considered it and assisted in drawing up some of the amendments to the bill that was afterwards reintroduced.

Now, the gentleman from Minnesota [Mr. VOLSTEAD] makes a mistake when he says that this bill is exclusively for the benefit of the insurance companies. The fact of the matter is this, that the insurance company holds a fund, a sum of money, which it is willing to pay. There are several claimants for that fund, who may be in different States. Now, I submit that it is just as much to the interest of those claimants to have the whole matter thrashed out in one jurisdiction as it is to the insurance company to pay the money into court and be rid of the controversy.

Mr. VOLSTEAD. Does the gentleman contend that the insured can be benefited by this bill?

Mr. IGOE. Of course he can.

Mr. VOLSTEAD. How can he?

Mr. IGOE. Because he will wait in some cases for years and will have to come back into a lawsuit in one case, while the insurance company may be trying a lawsuit on account of the same money in another case. It seems to me that it is just as fair to protect the insurance company against the double payment in these cases as it is to protect the interests of the policyholders.

Now, then, who causes the trouble? The insurance companies do not cause the trouble. They issue a policy of insurance, and either the insured or his heirs cause the trouble. The insurance companies have nothing whatever to do with it. They are anxious to pay the money, and if trouble is caused by anybody it is by the insured or his heirs or assignees.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. IGOE. Yes.

Mr. DILLON. You say that this bill does not grant special privileges to insurance companies. An individual policyholder could not go into the United States court unless he had a claim of $3,000, exclusive of costs and interest. Why do you say an insurance company could go into an United States court on a claim of $500 when the policyholder can not get into court unless he has a $3,000 claim?

Mr. IGOE. The insurance company has the money and must pay it into court.

Mr. DILLON. Then, why not allow them to use the State courts?

Mr. IGOE. They will, if they can get jurisdiction of the other party. This only applies in cases where the claimants are citizens of different States and must also be citizens of different States from the insurance company.

Mr. DILLON. But nobody else can go into the Federal court unless he has a claim of $3,000, exclusive of interest and costs. Why give an insurance company an exclusive privilege of going into court on a $500 policy claim?

Mr. IGOE. This is not an exclusive privilege. It is applying a law to cases where the insurance company wants to pay the money and can not get the parties into court in any other way.

Mr. DILLON. They can get the parties into a State court by paying the money into the court and interpleading.

Mr. IGOE. The gentleman is mistaken about that. Suppose there is a citizen of Illinois and a citizen of Missouri and an insurance company of New York. There is no way by which the insurance company can get those people into one court.

Mr. DILLON. The party entitled to the funds must get it out of court after the sum is paid into court.

Mr. IGOE. The insurance company must get personal service on a defendant before it can be released. I could cite 15 or 20 cases exactly like that, where the insurance companies have been sued in two States, and it has been held that judgment in one is not a bar to the other.

Mr. DILLON. Why not make this bill general as to all characters of cases? Why confine it to the insurance companies?

Mr. IGOE. We have not had that question brought up to us. We have had the cases of insurance companies that have actually arisen brought before us. We do not know of cases of any other kind where the parties have been denied justice by the absence of such a law as this.

Mr. DILLON. The gentleman believes that these laws should be general, does he not?

Mr. IGOE. I do.

Mr. DILLON. Then, why not make this a general law?

Mr. MANN. Let us pass this, and then get some others.

The SPEAKER. The question is on agreeing to the amendment raising the amount from $500 to $2,000.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

MONUMENT AT PUEBLO, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14669) authorizing the acceptance by the United States Government from Pueblo Post, No. 8, Grand Army of the Republic, of a monument located on the grounds of the Federal building in Pueblo, Colo.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill goes over. The Clerk will report the next one.

REIMBURSEMENT FOR WORK, QUINIAULT INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9615) to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, authorized, empowered, and directed to pay the following sums, out of any money in the Treasury not otherwise appropriated, representing the claims of certain Indians of the State of Washington for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington, during the year 1912, at the sanction of the then agent, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of the respective claims as herein below set forth:

To Dewey Cleveland, $40; to James Cleveland, $10; to Conrad Williams, $10; to Yokalado Obi, $10; to Doctor Lester, $10; to Isaac Jones, $40; to John Sampson, $134; to Charley Moses, $200; to Sectus Ward, $15; to Eli Ward, $30; to Frank Harlow, $118; to Mitchell Sam, $50; to William Sam, $240; to Sam Sam, $234; to Bert Jones, $112.50; to Edward Martin, $88; to Colonel Martin, $64; to Hal George, $10; to Walter Major $32; to Johnny Wheeler, $58; to Jack Sam, $171; in all, $1,746.50.

With a committee amendment, as follows:

Strike out all after the enacting clause down to and including line 13, page 2, and insert in lieu thereof the following:

"That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized to expend, in his discretion, not to exceed $1,800, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated, for payment to those Indians who present to him satisfactory evidence in support of their several claims for work performed during the year 1912 in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington: *Provided*, That said sum shall be reimbursed out of any funds in the Treasury now or hereafter placed to the credit of said Indians."

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment to strike out and insert.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

MOUNT RAINIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 3928) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Washington, approved March 16, 1901, ceding to the United States exclusive jurisdiction over the territory embraced within the Mount Rainier National Park, are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Washington.

SEC. 2. That said park shall constitute a part of the United States judicial district for the western district of Washington, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Mount Rainier National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Washington in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Washington shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act of May 27, 1908 (35 Stats., p. 365), natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to the passage of the act of May 27, 1908 (35 Stats., p. 365), natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act of May 27, 1908 (35 Stats., p. 365), natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the Western District of Washington shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Western District of Washington, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That any such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Western District of Washington, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the western district of Washington, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary of $1,500, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Mount Rainier National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in sections 11 and 12 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Western District of Washington.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the governor of the State of Washington of the passage and approval of this act.

Mr. JOHNSON of Washington. Mr. Speaker, I wish to offer an amendment.

The SPEAKER. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 8, line 2, strike out the words "and twelve," and strike out the word "sections" and insert the word "section."

Mr. JOHNSON of Washington. So that it will read, "as provided in section 11 of this act."

The amendment was agreed to.

Mr. NORTON. Mr. Speaker, I move to strike out the last word. I am interested in knowing whether the gentleman from Washington [Mr. JOHNSON] is in favor of this legislation. It seems that this territory is now under the jurisdiction of the State of Washington. During the past several months we have heard a great many protests against the Federal Government taking charge of territory in the State of Washington. Now it appears that the State of Washington desires that in this case the Government shall take jurisdiction of this vast territory in that State.

Mr. JOHNSON of Washington. To permit legal jurisdiction.

Mr. NORTON. I wonder why? It is not, of course, because the Federal Government is expected to appropriate large sums of money to take care of this park and to provide men out there to care for it, and to prosecute and punish those who may commit crimes in the park territory, all at the expense of the United States? I shall be glad to hear from the gentleman.

Mr. JOHNSON of Washington. I will not take the time of the House to-day to discuss that; but this tract was long ago accepted as a national park, and is not likely ever to produce revenue for the State in the form of taxes. It is different entirely from reservations which are simply withheld from taxation and from development. This bill gives a commissioner legal jurisdiction of the park.

Mr. NORTON. Does not the gentleman think the State of Washington ought to provide the revenues to take care of this park, all the land in which is now owned by the State?

Mr. JOHNSON of Washington. The county in which it partly lies has spent half a million dollars to build and pave an automobile road 50 miles long that the public might reach this national park. The visitors to this park approach in number those who visit the Yellowstone Park, which is probably the best advertised of all the national parks.

Mr. NORTON. I have listened with a great deal of interest to the remarks that the gentleman has made in the Congress during the past several months, and have been almost convinced that it was not just right for the Government to take jurisdiction over land out in the State of Washington, but now when I observe the attitude of the gentleman from Washington [Mr. JOHNSON] toward this proposed legislation I am in a quandary.

Mr. JOHNSON of Washington. I may say to the gentleman that we have two more large beauty tracts in the State of Washington which we are going to try to force onto the Government as national parks.

Mr. NORTON. Then the gentleman now concedes that his heretofore often announced opposition to Federal control of large tracts of land in the State of Washington is not so real as at other times he would have had us believe?

Mr. JOHNSON of Washington. There will still be a great deal of land left in forest reserves that we hope to see developed and made subject to taxation or a proper equivalent given to us in lieu of taxes.

Mr. MONDELL. We are to understand, then, that the gentleman from Washington is willing to accept Federal jurisdiction coupled with goodly appropriations?

Mr. JOHNSON of Washington. For a great national park.

Mr. MANN. Mr. Speaker, I move to strike out the last two words. Of course, I know that the gentleman from Washington is not entirely responsible for all of the language in this bill, which conforms to laws that we have heretofore passed concerning parks. In section 4 it is provided—

That all hunting, or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park.

I will state, by the way, that there is a rumor that the next President of the United States has just been nominated at Chicago, in the person of Mr. Justice Charles E. Hughes. [Applause on the Republican side.]

Mr. COX. Wait until you hear from the Progressive convention first before you prophesy whether the Republican nominee will be successful.

Mr. MONDELL. As the gentleman from Illinois has just stated, the next President of the United States has just been nominated.

Mr. MURRAY. Oh, the convention which will nominate him does not meet until next week. [Applause on the Democratic side.]

Mr. WINGO. Will the gentleman from Illinois yield for a question?

Mr. MANN. About which proposition?

Mr. WINGO. The proposition which the gentleman was discussing—wild animals.

Mr. MANN. Before I yield I would like to ask a question. Under that act would it be possible for anybody to kill a coyote or a rat or any other noxious animal not engaged in trying to destroy human lives or to inflict personal injury? Now, I yield to my friend from Arkansas.

Mr. WINGO. I am somewhat a student of psychology, and I noticed that while the gentleman was discussing the provision relating to the killing of wild animals running at large, that it occurred to him to call attention to the nominee of the Republican Party. I wondered if there was any psychological connection between the wild animal known as the bull moose and the announcement that the gentleman made. [Laughter.]

Mr. MANN. The psychological connection was this: I was talking about legislation which prohibited the killing of wild animals and other noxious beasts, such as Democrats, and made the announcement that the nomination had just been made by the Republican convention in Chicago.

Mr. WINGO. Evidently the gentleman has changed his viewpoint and is now opposed to the killing of such animals as the bull moose.

Mr. MANN. Here is the bill that prohibits it. Is the gentleman going to vote for it? I will say to the gentleman that I have no compunctions about it—the bull moose has been dead four years, but everybody has not discovered it. The only hope that you Democrats have, the only chance on earth that you have, is that you may breathe the breath of life into the defunct bull moose. [Laughter and applause on the Republican side.]

Mr. WINGO. The question is whether it was suicide or murder. I am inclined to think it was suicide.

Mr. MANN. The gentleman can hold a post-mortem, and he may try to prove that the death did not occur at all. However, I do not wish to discuss that matter further, for I want to get through some time this afternoon.

Mr. HARRISON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HARRISON. Perhaps the gentleman would like to know that Mr. Roosevelt has been nominated by the Progressives.

Mr. MANN. We are quite willing.

Mr. WINGO. That shows that the bull moose is not dead.

Mr. MANN. That does not prove it.

Mr. JOHNSON of Washington. Mr. Speaker, the question that has been asked has been answered in many ways.

Mr. MANN. No; it has not. Some years ago some bright genius connected with one of the departments drew the original bill providing for the exercise of jurisdiction by the Government of the United States for the punishment of offenses committed in national parks, and he went the limit. This provision is idiotic, and everybody who reads it knows it. But we have passed bill after bill of that sort. The original law on the subject provided that the commissioner might send a man to the penitentiary for several years.

Congress passed a number of bills of that kind; they passed through the hands of the Interior Department, through the hands of the Department of Justice, through the distinguished Senate of the United States, through the Committee on the Public Lands in the House of Representatives, but it occurred to me when I read the bill to read the Constitution in connection with it, and I called the attention of the House to the fact that under the Constitution a man could not be sentenced to the penitentiary without a trial.

Bills have since been remodeled, and I call the attention of the House to this because it is silly for Congress to make appropriations for killing certain wild animals in national parks and forests and then pass a bill saying that it is an offense to do it.

The SPEAKER. The pro forma amendments are withdrawn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FISH-CULTURAL STATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama; Louisiana; Florida; Georgia, South Carolina, or North Carolina; Maryland or Vir-

ginia; Oregon or Washington; Texas; Oklahoma; Illinois; Washington; Arizona; New Mexico; Michigan; Idaho; Missouri; Pennsylvania, Delaware, or New Jersey; and Minnesota.

The SPEAKER. Is there objection?

Mr. MANN. I object.

SUPPLY OF GAS IN HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15777) to authorize and provide for the manufacture, maintenance, distribution, and supply of gas in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this bill has defects similar to the other one.

Mr. HOUSTON. Let it take the course of the other bill and go over without prejudice.

UNIFORM STANDARDS OF COTTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I really think this bill ought not to be passed by unanimous consent in the absence of some Members who, I think, want to be heard on the bill.

Mr. LEVER. If the gentleman from Illinois will permit, I think there are two gentlemen he has in mind who may be interested in this proposition, and I shall not complain if it goes over. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 91) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object. I think this bill will come up very soon on District day. I do not think it ought to be passed to-day.

PUBLIC HEALTH SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 204) to promote the efficiency of the Public Health Service.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

THE CANAL ZONE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits.

The SPEAKER. Is there objection?

Mr. MANN. I object.

INTERSTATE USE OF AUTOMOBILES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 208) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce.

The SPEAKER. Is there objection?

Mr. COADY. Mr. Speaker, I object.

Mr. DUPRÉ. I suppose the gentleman would not object if the State of Maryland were excepted?

Mr. COADY. Mr. Speaker, I object.

YELLOWSTONE NATIONAL PARK REGULATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3205) to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894.

The SPEAKER. Is there objection?

Mr. FINLEY. Mr. Speaker, I object.

Mr. MANN. Oh, I hope the gentleman will not object to this bill. This is to make a certain thing legal.

Mr. FINLEY. Mr. Speaker, we have enough regulations out there.

Mr. MANN. Here is the situation and all this bill does. It is in reference to the Yellowstone National Park. The law now provides for a penalty of not more than $1,000 or two years' imprisonment. This bill reduces the fine to not more than $500 and the imprisonment to six months.

Mr. FINLEY. If it is a serious offense, why does the gentleman wish to lower the punishment?

Mr. MANN. This is the difficulty. These are offenses which may be punished by a commissioner who is located in the park. Under the Constitution, while they have been exercising this power for some years during which this law has been in effect, a man to be imprisoned for two years in the penitentiary must be guilty of a criminal offense and not a misdemeanor. The Constitution provides that a man can be found guilty of criminal offense only after an indictment.

Mr. FINLEY. I am aware of that.

Mr. MANN. And this is to remove that difficulty about the law.

Mr. FINLEY. Does the gentleman wish to send people to the lockup without an indictment and without a trial?

Mr. MANN. That is just what we want to avoid, except in these minor offenses, for a short term, as in a case of the justice of the peace.

Mr. FINLEY. Like a magistrate court?

Mr. MANN. Yes; that is what it amounts to. We maintain a magistrate out there and pay him a salary.

Mr. FINLEY. Who appoints the magistrate?

Mr. MANN. The President.

Mr. FINLEY. Does he have jury trials?

Mr. McLAUGHLIN. Yes.

Mr. MONDELL. No; he does not.

Mr. McLAUGHLIN. Yes; he does.

Mr. MONDELL. He does not ordinarily.

Mr. MANN. Ordinarily there are no jury trials.

Mr. McLAUGHLIN. The effect of the law as it stands now is that there are practically no prosecutions, because it is necessary for the authorities there to make complaint and have every one of them brought before a court of justice hundreds of miles away, and later a trial in the United States district court, all involving very large expense. Most of the offenses are of a trifling nature, that can be and ought to be disposed of by a commissioner in a commissioner's court right in the park. The effect is, as I say, that these trifling offenses, if they were taken up, involve so much expense that the commissioner is doing practically nothing.

Mr. FINLEY. Does not the gentleman think a fine of $100 or 30 days' imprisonment would be sufficient to cover those minor offenses?

Mr. MANN. Undoubtedly that is sufficient. The only thing this bill does is to change the law by striking out $1,000 and inserting $500 and by striking out two years and inserting six months.

Mr. FINLEY. I suggest to the gentleman that he make that change, and then it will be in accord with the magistrate law throughout the country. That is the usual jurisdiction of a magistrate.

Mr. MANN. Oh, every justice of the peace sends men up for six months. They do here in the District, where we legislate.

Mr. McLAUGHLIN. A reduction is made from $1,000 to $500 and from two years to six months, so as to bring the case within the jurisdiction of the commissioner.

Now everything must go before the grand jury and for trial to the district court of the United States.

Mr. FINLEY. I understand that, but for these minor offenses would not six months or $500 fine be sufficient?

Mr. MONDELL. This is the maximum, the gentleman understands?

Mr. McLAUGHLIN. It is not more than $500 or not more than six months, and in framing and reframing the criminal laws Congress has had consideration of many measures to that effect, and the maximum penalty has been fixed.

Mr. FINLEY. If the gentleman will permit one question. Is the gentleman satisfied that to give punishment of six months' maximum imprisonment or $500 maximum fine would not result in injustice and be harsh on supposed offenders for these small offenses?

Mr. McLAUGHLIN. Why, we think not. This bill was considered very carefully, first by the subcommittee of the Committee on Agriculture and later by the full committee.

Mr. FINLEY. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the following paragraph, forming part of section 4 of an act entitled "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894, to wit:

"Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $1,000 or imprisonment *not exceeding two years*, or both, and be adjudged to pay all costs of the proceedings," be amended to read as follows:

"Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings."

Mr. MONDELL. Mr. Speaker, I move to strike out the last word. A moment ago when we were discussing the Mount Rainier Park bill attention was called to a certain provision to the effect that "all hunting, killing, wounding, or capturing at any time any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human life or inflicting personal injury," attention was called to that paragraph as being rather peculiar and extraordinary. The original bill for the protection of the national parks is the Yellowstone National Park bill. The Yellowstone National Park bill does not contain the word "personal" before the word "injury," which was contained in the bill we passed a few moments ago.

I do not understand why in drawing a new act along the lines of the Yellowstone Park act it was deemed wise to insert the word "personal," so that a wild animal could only be killed where it was dangerous or even inflicted personal injury. In the Yellowstone Park bill such animal can be killed if it is likely to inflict injury of any sort. That is certainly a better provision.

The SPEAKER. The pro forma amendment is withdrawn.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. This is the end of the Calendar for Unanimous Consent.

P. H. AYLETT.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that we return to the Private Calendar No. 252, H. R. 14645.

Mr. MANN. What is the number?

Mr. MONTAGUE. Calendar No. 252, page 31, I will say to the gentleman from Illinois. The gentleman from Illinois [Mr. MANN] raised an objection yesterday when this bill was called.

Mr. MANN. And I find I was mistaken.

Mr. MONTAGUE. And upon further examination the gentleman very candidly says he was mistaken, and I hope that the bill may now be taken up and passed.

Mr. MANN. There were two bills to which I objected, and I was wrong; that is all there is about it. My memory was wrong.

The SPEAKER. Is there objection to returning to this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 14645) for the relief of the legal representatives of P. H. Aylett.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representative of P. H. Aylett, deceased, the sum of $595, being the amount of Treasury draft No. 5845, issued April 18, 1861, in favor of said P. H. Aylett, United States attorney for the eastern district of Virginia, in payment of attendance, travel, and fees from January 1 to April 3, 1861, said draft having been lost and standing unpaid on the records of the Treasury Department; and a sum sufficient for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The committee amendment was read, as follows:

Add, at the end of the bill, page 2, line 4, after the word "appropriated," a colon and the following: "*Provided*, That before paying the same the said legal representative of P. H. Aylett shall deliver to the Secretary of the Treasury a good and sufficient bond, with the surety to be approved by the Secretary of the Treasury, to indemnify the United States against all losses, costs, or damage incurred by reason of making the said payment."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JACKSON J. MASH, DECEASED.

Mr. PARK. Mr. Speaker, I ask unanimous consent to return to the top of page 32, Private Calendar No. 262, to a bill which is in the same class of cases as the one just passed.

The SPEAKER. Is there objection to the return requested by the gentleman? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14889) for the relief of the estate of Jackson J. Mash, deceased.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, from any money in the Treasury not otherwise appropriated, to the estate of Jackson J. Mash, deceased, the sum of $146.29, for services performed by the said Jackson J. Mash as postmaster at Duncanville, Ga., under commission dated June 15, 1835.

The committee amendment was read, as follows:

Page 1, line 5, strike out the word "estate" and insert the word "heirs."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the heirs of Jackson J. Mash, deceased."

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of H. Res. 260, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 260.

Resolved, That during the consideration of the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, it shall be in order to consider the following items (the general rules of the House notwithstanding):

For the procurement of the exclusive rights of John Hays Hammond, jr., and the Radio Engineering Co. of New York (Inc.) to their discoveries and inventions in the art of control by radiodynamic energy of the movement of water-borne carriers of high explosives, in accordance with a proposal heretofore made by said John Hays Hammond, jr., and said company, dated March 23, 1916, and known as proposal Z, $750,000: *Provided*, That said sum shall not be paid unless a report of a board of three Army and three Navy officers, to be appointed by the President, shall be favorable to the acquisition of such rights, such report to be made after a demonstration of the application of the said system to the control of torpedoes; and, to provide for such demonstration, $30,000 of the sum so appropriated, or so much thereof as may be necessary for the purpose, may be applied to the expense of conducting the same exclusive of the services of said Hammond, which services shall be rendered free of charge, the amount so applied and which shall be immediately available, in the event of the purchase of such rights, to be considered as part payment of the purchase price of the same.

The Commissioner of Patents is authorized and directed, in the event of the entrance by the Government into a contract with the abovementioned parties for the purchase of such rights, in all instances where it would grant patents to John Hays Hammond, jr., or to the Radio Engineering Co., upon request of the United States to issue said patents to the United States, and in the event of said contract being made the Commissioner of Patents is further authorized and directed to keep applications for such patents in the secret archives of the Patent Office, not open to disclosure even in cases of interferences.

For procurement and installation of one radiodynamic torpedo unit, $417,000: *Provided*, That no part of said sum shall be so expended unless the United States shall first acquire as heretofore provided the rights of the said John Hays Hammond, jr., and the Radio Engineering Co. of New York.

Section 4894 of the Revised Statutes is amended so as to read as follows:

"SEC. 4894. All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable: *Provided, however*, That no application shall be regarded as abandoned which has become the property of the Government of the United States and with respect to which the head of any department of the Government shall have certified to the Commissioner of Patents, within a period of three years, that the invention disclosed therein is important to the armament or defense of the United States: *Provided further*, That within 90 days, and not less than 30 days, before the expiration of any such three-year period the Commissioner of Patents shall, in writing, notify the head of the department interested in any pending application for patent, of the approaching expiration of the three-year period within which any application for patent shall have been pending."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker, the effect of this resolution is simply to make in order on the fortifications bill the items which have been read. It does not, of course, in any way bind the committee or the House to the adoption of such provisions.

Mr. MONDELL. I did not hear the gentleman.

Mr. SHERLEY. I say that the effect of the resolution is simply to make in order on the fortifications bill certain provisions which have been read, touching an invention known as the Hammond radiodynamic torpedo, and does not in any sense

adopt those provisions. It simply makes them in order to be considered on the bill.

Mr. MANN. Mr. Speaker, I would like to make an inquiry. When does the gentleman expect to take up the fortifications bill?

Mr. SHERLEY. I hope, if we can have a sufficient attendance in the House, to take it up Monday.

Mr. MANN. May I ask the gentleman from North Carolina [Mr. KITCHIN] what he has in mind that probably the House will be doing all of next week?

Mr. KITCHIN. I think that probably we would get through with this bill and perhaps the military appropriation bill, and then finish up the private claims and Unanimous Consent Calendar.

Mr. MANN. I think we ought to run through the balance of the Private Calendar next week.

Mr. KITCHIN. I think so, too.

Mr. MANN. Does the gentleman mean by the military bill the Army appropriation bill?

Mr. KITCHIN. Yes.

Mr. MANN. I do not believe it will be feasible to take that up next week.

Mr. KITCHIN. It might be that we could get it through if we take it up, but if there is any real objection to that and we do not have a quorum here of course we would let it go over.

Mr. MANN. I do not know how much of a contest there may be over it.

Mr. KITCHIN. I understand from the committee that there is none, but that it is all a unanimous report.

Mr. MANN. Of course appropriation bills are always unanimous reports. I have never seen the time when they did not produce quite a contest in the House, however.

Mr. KITCHIN. Or quite a talk in the House.

Mr. MANN. A contest over various items. It may not——

Mr. KITCHIN. I hope not. We are hoping to take up the sundry civil bill and finish it the week after.

Mr. MANN. The Army bill has not been reported.

Mr. KITCHIN. No.

Mr. MANN. Although we had a letter from the Secretary of War addressed to the Speaker, stating that they had left out an item in the Army bill as reported to the House, which he wanted to have inserted. I do not know what private connection he has. I presume he has known in advance what is to be reported. I do not.

Mr. KITCHIN. The gentleman and the Speaker will have to get together on that, because the Secretary does not write me letters, nor do other members of the Cabinet. I hope you will help us get through with that military bill and the fortifications if we can.

Mr. MANN. I think nobody can complain of the help I have been giving this week.

Mr. KITCHIN. Not a bit.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the resolution was agreed to.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

HOUR OF MEETING ON MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. Monday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of national parks.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 14 minutes p. m.) the House adjourned until Monday, June 12, 1916, at 11 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. PAGE of North Carolina: A bill (H. R. 16379) to purchase a site for the erection of a Federal court and post-office building in the city of Laurinburg, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 16380) granting the consent of Congress to the board of supervisors of Highlanding Township, Pennington County, Minn., to construct a bridge across Red Lake River; to the Committee on Interstate and Foreign Commerce.

By Mr. MONTAGUE: A bill (H. R. 16381) to repeal section 3480 of the Revised Statutes of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 16382) to correct the military record of William Smith; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 16383) for the relief of Brooke Gwathmey Bird; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 16384) granting an increase of pension to Mrs. Malinda Deeker; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16385) granting a pension to Delilah Van Akers; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 16386) granting a pension to Mrs. Helen Fleming Peck; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 16387) granting a pension to Emma C. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16388) granting a pension to Helena L. Troxell; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 16389) granting an increase of pension to John W. Taylor; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 16390) granting a pension to John W. Echols; to the Committee on Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 16391) granting a pension to Stephen J. Frazier; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 16392) granting an increase of pension to John Brogan; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 16393) granting an increase of pension to Simon Kephart; to the Committee on Invalid Pensions.

By Mr TAGGART: A bill (H. R. 16394) granting an increase of pension to Stephen Lampman; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 16395) granting an increase of pension to Sarah H. Branton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of Mrs. F. J. Tavner, Mrs. William Lester, Alice Davis, Electa Sturgis, and Mrs. S. C. Baron, all of Johnstown, Pa., against the passage of House bill 9671, a bill to establish price control; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Edward N. Trump, of Syracuse, N. Y., in re Senate bill 4874; to the Committee on Education.

Also, petition of Mrs. Elizabeth P. Lewis, of Philadelphia, Pa., indorsing the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, memorial of District Grand Lodge, No. 2, Independent Order of B'nai B'rith, of Cincinnati, opposing the literacy test in the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FLYNN: Memorial of Schenectady Board of Trade, indorsing the Shields water-power bill; to the Committee on the Public Lands.

By Mr. GALLIVAN: Memorial of citizens of Lynn, Mass., in reference to struggle in Ireland; to the Committee on Foreign Affairs.

Also, memorial of National Automobile Chamber of Commerce, of New York, to provide for collection of reliable data regarding production of petroleum and manufacture of petroleum products; to the Committee on Interstate and Foreign Commerce.

Also, memorial of United Hatters, favoring an investigation into the manufacture of hats for the United States Army; to the Committee on the Judiciary.

Also, memorial of the Colonial Dames of America, in favor of adequate preparedness; to the Committee on Military Affairs.

Also, petition of 71 citizens of Massachusetts, for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, memorial of board of directors of the Washington Chamber of Commerce, in re half-and-half plan; to the Committee on the District of Columbia.

By Mr. HAMILTON of Michigan: Memorial adopted at a meeting of the Society of Friends, held at Stillwell, Ind., May 27, 1916, opposing further preparedness preparations; to the Committee on Military Affairs.

Also, petition of citizens of Berrien Springs, Mich., opposing the passage of House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Petition of the elders and trustees of the Twenty-third Avenue Presbyterian Church, of Denver, urging the passage of the Sims-Kenyon bill, prohibiting the interstate transmission of results of horse races and bets; also, urging the passage of the Towner amendment (H. R. 9521) to add obscene motion-picture films to the law prohibiting interstate transmission of obscene books, pictures, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of elders and trustees of the Twenty-third Avenue Presbyterian Church, of Denver, opposing appropriation for sectarian purposes; to the Committee on Appropriations.

Also, petition of elders and trustees of the Twenty-third Avenue Presbyterian Church, of Denver, urging the passage of the Randall bill, prohibiting the mailing of liquor advertisements in newspapers or other forms; to the Committee on the Post Office and Post Roads.

Also, petition of elders and trustees of the Twenty-third Avenue Presbyterian Church, of Denver, urging the passage of the Smith-Hughes motion-picture censorship bill; to the Committee on Education.

Also, petition of the elders and trustees of the Twenty-third Avenue Presbyterian Church, of Denver, urging the passage of an amendment to the Constitution providing for national prohibition; prohibition for the Philippines in the enabling act; prohibition in the District of Columbia and all other Territories in which Congress has the power to prohibit; prohibition of exportation of rum to Africa; prohibition for Porto Rico; to the Committee on the Judiciary.

By Mr. MATTHEWS: Papers to accompany House bill 16341, for the relief of Emeline Verity, widow of James L. Verity; to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 12, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, whom we have been taught to call our Father, help us to realize the dignity it confers upon us, that our deportment in all the relationships of life may harmonize with that dignity. Impart unto us wisdom to guide, strength to sustain; purity, that we may emphasize our sonship, as enunciated and exemplified in the life and character of the Jesus of Nazareth, who taught us the way and the truth and the life, that we may live in Thee, through Thee, for Thee in a true and faithful service. Amen.

The Journal of the proceedings of Saturday, June 10, 1916, was read and approved.

PERMISSION TO ADDRESS THE HOUSE.

Mr. BORLAND rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. I rise, Mr. Speaker, to ask unanimous consent that to-morrow, after the reading of the Journal, I may proceed for 20 minutes.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent that to-morrow, after the reading of the Journal and the clearing up of business on the Speaker's table, he may be permitted to proceed, not to exceed 20 minutes. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, in the event we should get into and not finish the fortification bill, I would not want to have it delayed for general debate. I would have no objection to the request if it was to follow the completion of that bill to-morrow, or if the bill did not come up to-morrow.

Mr. BORLAND. Well, Mr. Speaker, I would want to give the right of way to the fortification bill. If the fortification bill is on to-morrow, I would be willing to make the request contingent on the completion of the fortification bill.

The SPEAKER. Why not make the request after the completion of the fortification bill?

Mr. BORLAND. I understood there was some doubt about whether the bill would come up. If it does not, then I would make the request for 20 minutes after the reading of the Journal.

The SPEAKER. The gentleman from Missouri asks unanimous consent that if the fortification bill is up to-morrow he may have not to exceed 20 minutes at the conclusion of the fortification bill, and if the fortification bill is not up to-morrow, that after the reading of the Journal and clearing up of business on the Speaker's table he shall have 20 minutes. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, it makes it very awkward, when gentlemen ask unanimous consent to address the House at some future day, to refuse other people who want the same privilege. I suggest to the gentleman to take his chances to-morrow. He is always ready and prepared. If the situation is such to-morrow that it is feasible, there will be no objection then, but I shall object to setting a time in advance.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

EXTENSION OF REMARKS.

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the matter of the Senate amendment to the river and harbor bill, limiting the flow of the Chicago Sanitary Canal to 250,000 cubic feet of water.

The SPEAKER. The gentleman from Illinois [Mr. CHIPERFIELD] asks unanimous consent to extend his remarks in the RECORD upon an amendment to the river and harbor bill as indicated. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed an address delivered by Hon. Robert Lansing before the Jefferson County Bar Association at Watertown, N. Y., on June 3, 1916.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to extend his remarks in the RECORD by inserting a speech made by Hon. Robert Lansing, Secretary of State, at the meeting of the Jefferson County Bar Association at Watertown, N. Y., recently. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement made by Mr. Hughes, the next President of the United States, addressed to Mr. HARDING, the chairman of the Republican national convention. [Applause on the Republican side.]

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. ADAMSON. Reserving the right to object, I hope it will be put in that the gentleman announces now that he will be the next President, but it will never be announced later. [Laughter on the Democratic side.]

Mr. MANN. It will be announced after the first Tuesday in November.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting the statement made by Hon. Charles E. Hughes last Saturday when he received notification, very much to his surprise, of his nomination. [Laughter.] Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. FIELDS, by unanimous consent, was granted leave of absence, indefinitely, on account of important business.

DISTRICT OF COLUMBIA DAY—UNITED STATES FLAG.

Mr. JOHNSON of Kentucky. Mr. Speaker, this being District day, I move that the House take up for consideration the bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America.

The SPEAKER. The gentleman from Kentucky calls up the bill H. R. 14822, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That hereafter any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale or to public view or give away or have in possession for sale

or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $100 or by imprisonment for not more than 30 days, or both, in the discretion of the court, and shall also forfeit a penalty of $50 for each such offense, to be recovered with costs in a civil action or suit in any court having jurisdiction; and such action or suit may be brought in the name of the United States of America, or by and in the name of any citizen; and such penalty, when collected by any citizen, less the cost and expense of action or suit and recovery, to be certified by the United States attorney for the District of Columbia, shall be paid into the Treasury of the United States; and two or more penalties may be sued for and recovered in the same action or suit. The words "flag, standard, colors, or ensign," as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, or by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

The possession within the District of Columbia by any person other than a public officer, as such, of any such flag, standard, colors, or ensign, on which shall be anything made unlawful by this act, shall be presumptive evidence that the same is in violation of this act, and was made, done, or created after this act takes effect, and that such flag, standard, colors, ensign, article, substance, or thing did not exist when this act takes effect.

With a committee amendment, as follows:

Amend, page 1, line 6, by inserting, after the words "upon any" and before the word "flag," on line 7, the word "such."

Mr. MANN. Mr. Speaker, this amendment clearly is an inadvertence. The word "such" would not belong in that place. I have an idea that possibly it was intended to insert the word "such" before the word "flag," on page 2, line 1. This is the first reference that there is in the bill.

Mr. JOHNSON of Kentucky. Which copy of the bill is it—the one carrying the committee report or the other one?

Mr. MANN. I have the reported bill.

Mr. JOHNSON of Kentucky. The amendment, I think, fits in on page 1, line 2, after the word "any" and before the word "flag" in the original bill which was before the committee.

Mr. MANN. Let us see. Of course you do not refer in the bill to the provision in the title. The word "such" is a reference to something that preceded it. This is the first place in the bill where you use the terms "flag, standard, colors, or ensign." It is not intended to say there—

Such flag, standard, colors, or ensign—

But—

Any flag, standard, colors, or ensign.

The word "such" belongs on the next page.

Mr. JOHNSON of Kentucky. In what line?

Mr. MANN. Line 1, where the language is:

Or shall expose or cause to be exposed to public view any flag, standard, colors, or ensign—

And so forth.

Mr. JOHNSON of Kentucky. The amendment fits the copy of the bill which I have.

Mr. MANN. The gentleman from Kentucky has the wrong copy of the bill. This bill was originally referred to the Committee on the Judiciary, and the gentleman has the copy of the bill on the reference to that committee. The bill was subsequently referred to the Committee on the District of Columbia; and where he thinks the word "such" should go in is where I have already stated that it should go in. We both agree upon the place where it should go in, but whoever drew the amendment had the wrong copy of the bill before him.

Mr. JOHNSON of Kentucky. That is quite evident.

Mr. MANN. So this amendment at this point should be disagreed to.

Mr. JOHNSON of Kentucky. And inserted where?

Mr. MANN. On page 2, line 1, before the word "flag."

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the first committee amendment, in line 6, page 1, be disagreed to.

The question being taken, the amendment was rejected.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the word "such" be inserted after the word "any" and before the word "flag," on page 2, line 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 1, by inserting, after the word "any," the word "such."

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by striking out all after the word "court," in line 21, page 2, down to and including line 6, on page 3.

Mr. JOHNSON of Kentucky. Mr. Speaker, I understand that the bill is a copy of the law in several other States, but I do not wish to take issue with the gentleman from Illinois as to the sufficiency of the penalty without that.

Mr. MANN. This makes a double penalty, which I do not think we ought to enact.

Mr. JOHNSON of Kentucky. As the gentleman says, the bill imposes a double penalty. I do not disagree with him as to that, and therefore accept the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. There is a committee amendment in line 16, page 3, to strike out the word "or."

The question being taken, the committee amendment was agreed to.

Mr. MANN. Now I move to amend by striking out the last paragraph of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on pages 3 and 4, by striking out the last paragraph, beginning with line 20, on page 3, and ending with line 3 on page 4.

Mr. MANN. Mr. Speaker, the bill provides that if anyone has a tabooed flag in possession for sale or to be given away, or for use for any purpose, he is subject to a penalty. It prohibits the sale as well. Now, here is a provision which was inserted in reference to opium, when we forbade the importation of opium into the United States. We went to the extreme limit, and made the possession of opium presumptive evidence that it was wrongly imported, because practically there is no other way of getting it. I do not think we ought to extend that provision very far and make the possession of an article which is possibly perfectly harmless presumptive evidence of a crime. The bill provides for all these things very completely in its provisions.

Mr. JOHNSON of Kentucky. Question, Mr. Speaker.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. GUERNSEY. I ask unanimous consent for the present consideration of No. 257 on the Private Calendar.

The SPEAKER. The District of Columbia has the right of way.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering House joint resolution 91.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill, H. R. 14303, and I make that as a preferential motion.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 91; and the gentleman from Kentucky [Mr. SHERLEY] makes a preferential motion, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill.

Mr. MAPES. Mr. Speaker, will the gentleman withhold his motion just a minute?

Mr. SHERLEY. Just for a moment.

Mr. MAPES. House joint resolution No. 91 was reported by the District Committee some time ago. It is a resolution authorizing the Commissioner of Labor Statistics and Department of Labor to make a survey of the cost of living of wage earners in the District of Columbia. This is District day. The resolution is one in which the Department of Labor and the people who are concerned in social welfare work are very much interested. It would take only a very short time to pass it. It was on the Unanimous Consent Calendar Saturday, but the gentleman from Illinois [Mr. MANN] objected to its consideration at that time, with the statement that he thought it would be considered on District day in a very short time.

Mr. SHERLEY. If the gentleman will permit, I do not feel that I have any option in the matter. I say that without regard to the bill that the gentleman has offered. I have been ready for months to pass the fortifications appropriation bill. It is a

bill of the first magnitude, which ought to be passed and become a law now, and I am not willing to delay the consideration of it further.

Mr. MAPES. This would not delay the gentleman's bill.

Mr. SHERLEY. That might or might not be true. We all know what sometimes happens. Mr. Speaker, I insist on my motion.

Mr. MAPES. The gentleman understands that this can be done to-day practically only by unanimous consent.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. SHERLEY] to go into Committee of the Whole House on the state of the Union on the fortification bill.

The question was taken, and the motion was agreed to.

Mr. MAPES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAPES. I ask for two minutes to make a statement.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAPES. Mr. Speaker, I will not raise the point of no quorum. Of course we all understand that it practically requires unanimous consent to adopt the gentleman's motion under the circumstances under which we are operating to-day. But I do not have charge of the resolution and will not make the point of no quorum, for the reason that the chairman of the District Committee is present, as well as the gentleman who has charge of the joint resolution on the floor, and the introducer of it. If I had charge of the resolution on the floor, I would not consent to this procedure.

Mr. MONDELL rose.

The SPEAKER. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. To inquire of the gentleman from Kentucky, who has charge of the bill, if he expects to have any general debate on the fortification bill.

Mr. SHERLEY. I have had requests from two gentlemen, neither of whom do I see present. I think it is due to the House that an explanation should be made of the bill, which I shall endeavor to make, and I think we ought to have reasonable debate, which I trust will be upon the bill.

Mr. MONDELL. I would like to have 20 minutes, which will be upon the bill.

Mr. SHERLEY. It is my intention to let the gentleman be recognized, and on the conclusion of his remarks I will undertake to explain the bill to the committee.

FORTIFICATIONS APPROPRIATION BILL.

The SPEAKER. The motion of the gentleman from Kentucky [Mr. SHERLEY] is agreed to, and the gentleman from Tennessee [Mr. SIMS] will take the chair until the gentleman from Tennessee [Mr. HOUSTON] comes in.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. SIMS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14303, the fortifications appropriation bill.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. SHERLEY. I suggest that the gentleman from Wyoming obtain recognition from the Chair.

Mr. MONDELL. Does not the gentleman intend to take the floor now?

Mr. SHERLEY. I prefer to take the floor later in full explanation of the bill.

Mr. MONDELL. Mr. Chairman, I had not intended to discuss the fortifications bill, but in the necessary temporary absence of minority members of the subcommittee, it seems to me proper that some member of the minority of the committee should make a statement with regard to the bill.

We are all in favor of preparedness. The Republican Party has just made a ringing declaration on that subject, and the Democratic Party in its convention at St. Louis will undoubtedly endeavor to make a declaration that is even more ringing. Everybody is in favor of proper and reasonable preparedness. Most of the differences of opinion relate to what one considers proper and reasonable preparedness.

It is well to keep calm and cool, if possible, at all times and in all situations. In conditions like the present, with the major part of the civilized world at war, with trouble on our own Mexican border, it is natural that people should not only become tremendously interested in the matter of the preparation for war, but it is natural that some people should become excited. It is also true that there are some people in the world who have an interest in the preparations for war, to whom preparations for war in the matter of armament means profit. I do not know to what extent these gentlemen have influenced the public mind, but certain it is that out of the interest which is naturally taken in these matters in times like these, out of the excitement that has been created some very extraordinary proposals have come; at least they would have been considered very extraordinary a short time ago.

A year ago it would have been very difficult, indeed, to have found anyone under the flag who would have advocated universal compulsory military service, and to me it is rather extraordinary that even the present conditions of the world should have brought forward any considerable number of people to advocate that kind of so-called preparedness. That plan and policy is at variance with the views that have been held by the great majority of our people from the beginning. It is, however, perhaps not extraordinary that out of the constant and intense agitation of the past year have come propositions of military and naval establishments far greater than our people have in the past approved, and it is perhaps not strange that some in this condition of affairs have advocated programs extending over a period of years which, if undertaken, would serve notice upon all the world not only that we were desirous of being prepared but that we had as a people concluded to adopt the very system of militarism which most of us believe is responsible for the present war in Europe.

The extraordinary thing has been that any considerable number of people have been led to approve of these extreme propositions. In this condition of affairs it is a very good time, I think, for some of us at least to emphasize the importance of keeping calm and of proceeding in this matter of preparedness in a reasonable and sensible way. I can recall the time when some of us who have not been in favor of the great programs that have been proposed were criticized because we were in favor of larger programs, military and naval, than at that particular time were popular.

I was a member of the Committee on Military Affairs at the time the Army was increased to its present size, or its size up to the increase of a few months ago, the time when reorganization was had, and I remember that that very reasonable increase, and that very much needed reorganization, was severely criticized in certain quarters, and, curiously enough, as my memory wanders back to other years, I find that some of those who in the past have been for the smallest programs seem to be to-day for the largest programs, their excuse being that conditions have changed; that we are confronted with a situation new and novel. We are confronted with a situation which is new and novel in this respect only, that the world is now witnessing the inevitable outcome and consequence of the maintenance of vast military establishments. Whenever a people or peoples make the maintenance of military establishments the important part of their business, and nations are held continuously under arms, they are laying the foundations of irritations, jealousies, ambitions, which eventually lead to conflict. How much better it would have been, it is urged, if some of the nations now engaged in war in Europe had been better prepared, how much better it would have been for England, some insist, had she been thoroughly organized with as large a military establishment as Germany at the outbreak of the war.

No one knows how that condition of affairs, had it been possible, would have affected the present situation or would have affected the situation at the outbreak of the present war, but everyone knows that the history of the world for 20 years past would not have been what it has been had England in addition to her enormous naval establishment attempted the impossible task of keeping her people constantly under arms in great numbers. It can not be truthfully said that such establishments, had they been possible, would have prevented the war now going on. It may be more truthfully asserted, or asserted with more basis of truth and logic, that any such system inaugurated and maintained by Great Britain in years past would have led to conflicts, fierce and bloody, long before the outbreak of the present war.

One reason for the very extreme view that some hold as to what we should do in the matter of military preparation, one of the arguments that has been most effective in creating public sentiment in favor of enormous establishments and vast expenditures has been the exaggerations and misstatements, if not downright prevarications, touching our situation in the matter of preparedness, and I do not think that Congress should sit quietly in the midst of the charges that have been made of its

alleged neglect of duty in the matter of preparation. As a matter of fact we have made much better preparation in the past than the extremists would have the people believe, and the country is not and never has been in the defenseless condition proclaimed by some of those now demanding the establishment of a permanent military system in this country. We can not too frequently reiterate the fact that our influence as a Nation, our power against aggression, is not, never has been, never will be wholly or principally measured by the number of men under arms at any given moment, by the number or size of our fortifications, or by the strength of our fleet.

It has been claimed on this floor that the world has grown no better in 3,000 years; that men go to war now with as little reason as they did then. We all know that is not entirely true, but it is true that human nature remains unfortunately very largely unchanged; but if men have not grown better, nations have grown wiser, and no nation attacks another in these days, no nation commits acts of aggression against another in these days, without counting not only the initial but the final cost, and all the world knows that no nation would or will attack us wantonly, confidently, simply because we have not at the moment a large number of men under arms. All the world knows that here are 100,000,000 people who, whatever may be said of their training or lack of training, have in them the making of better soldiers, man for man, than any such number of people elsewhere in the world.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Certainly.

Mr. BORLAND. Does not the gentleman think that under modern conditions a nation proposing aggression against another would count considerably upon the success of a first blow, a first assault, that it would commit on another nation?

Mr. MONDELL. Yes; that is true where the nation proposing the assault is the immediate neighbor of the nation it proposes to assault, with no natural barriers between, and particularly if the aggressor is not only the best prepared but the strongest numerically and in resources, as, for instance, take the case of France and Germany, Germany thoroughly prepared and France unprepared.

Germany could, in such a case, overrun France; with no natural defensive barriers between, could overrun her to an extent that would settle the contest in a very short time; but our situation is very different, for, certain experts to the contrary notwithstanding, I still insist that 3,000 miles of turbulent water on our eastern border is a barrier across which it does take much time and effort to transport troops and land them, even on comparatively undefended coasts. Back of those coasts are the people I have been talking about, a great proportion of whom are still more or less accustomed to the use of arms; people who have more to fight for than any other people; people who realize more than any other people on earth the value of the Government they have and of the country of which they are citizens and the importance of maintaining it and its institutions—not only 100,000,000 people, but resources which, in extent and character, dwarf into comparative insignificance the resources of any other people on earth. We surpass all nations in transportation, in the production of all of those things necessary for the maintenance of a people in war or peace, in extent and variety of manufacturing industries available for the production and the manufacture of all those things necessary to maintain armies and civilian populations in the midst of war. After all, it is not so much the number of men that we shall keep under arms, it is not so much the number of dreadnaughts with which we shall plow the seas, as it is the character of our citizenship, the limitless extent and variety of our resources, and the enormous area of our country.

However, we should not be unprepared. We should be well prepared. One of the greatest faults of some of the programs of so-called preparedness has been that they were not in fact preparedness programs; that they were military programs pure and simple; programs proposing a complete and revolutionary change in our military system; proposals that eventually would change the very character of our institutions. A curious thing is that many of those who have proposed the largest, the most expensive, and most far-reaching of these programs have been the least mindful of those things that may be comparatively cheaply, easily, readily, and quickly done to place us in a position of reasonable defense.

Many who have talked most of battleships costing $20,000,000 each, to be launched five years hence, and possibly be obsolete when placed in commission; of continental armies marshaling our boys from the plow, the shop, and the professions and setting them to toting guns throughout the land, have been mighty little interested in those things which can be quickly, cheaply, and effectively done to place us in a better situation and condition of defense. To such men and minds cheaply and quickly constructed submarines have not been a matter of interest. To them the increase of the efficiency of the citizen soldiery under the militia established at the beginning by the forefathers has not been a matter of great importance. Whether they have realized it or not, their interest has been largely in things that sound large, in things that mean profits to some one, in things that mean rapid and earnestly and eagerly sought promotions to those in military establishments. Whether they have realized it or not, those things that they have sought after have been things which spelled profits, privileges, and promotions, while those things that we believe in, who believe in what we deem to be proper preparedness, are the things that are not so ambitious; that do not appeal to those seeking promotions; that do not savor and smack of militarism; and that will not, whatever else their effect may be, modify by their influence our system of government or affect unfortunately the character of our citizenship.

The Congress has made sufficient progress on bills having to do with military matters that we can now form a reasonably accurate estimate of what provisions will be made for those services and establishments which are now embraced under the term "preparedness." The Army reorganization bill is a law, the naval bill has passed the House, this fortifications bill will be disposed of in the House in the next day or two, and the sundry civil bill, with appropriations for Government powder factories and arsenals, will follow soon. Altogether these measures will enlarge and amplify the national defenses along all lines. Some will think the increases and enlargements are too great, some will insist they are too small. Of this, however, we are certain we are not to have the continental army, with its threat of conscription, and there is almost an equal certainty that whatever the naval building program may be when finally settled upon, it will not contain the enormous five-year program which the administration proposed.

On the other hand, the naval bill as it passed the House did contain provisions for submarines, for aircraft, and for other classes of defense which were not included in the administration's plan. Out of all of the contest we have secured and are likely to secure a much better scheme of actual preparedness than the administration proposed or approved while escaping the foolish and dangerous plans of pure militarism and tremendous continued expense which were a part of the administration's program.

Feeling as I do in regard to real preparedness, I am very glad, indeed, to support this bill. It is a preparedness bill, pure and simple. It does not mean profits, it does not spell promotions, it does not extend privileges.

Last year we appropriated about $6,000,000 for the work and services provided for under this bill. I think I was the only Member of the House who, when the fortifications bill was under discussion last year, suggested that we were not doing quite enough; that we were not going quite fast enough either in fortifications or in providing for increase of reserve of field artillery or ammunition.

I did not say that with very much vehemence, and I said it with a good deal of modesty, because I realized that the men in direct charge of the bill on both sides of the House, particularly the gentleman from Kentucky [Mr. SHERLEY], have given a great deal of study to the subject, and were better informed as to detail than I was, and I was inclined to follow their suggestions. It so happened, however, that having read something of the doings on the European front and having been impressed, but I hope not excited by them, I thought we were not progressing rapidly enough securing the reserves of guns of various kinds provided for in this bill. As I have said, I think I am the only one who expressed that opinion on the floor, so that at that time I was somewhat in advance of public sentiment on the subject of real preparedness. This bill contains largely increased appropriations all along the line for purposes of real preparedness, increasing by about $20,000,000 of direct appropriation, in addition to about $12,000,000 of authorizations, the appropriations of last year's bill. Those of us who are for a real bona fide preparedness are prepared to support the bill, and, so far as I am concerned and now informed, nearly every item in it.

The bill has, I believe, been drawn with care. I should not be doing my duty if I did not express my appreciation of the work and study which the gentleman from Kentucky [Mr. SHERLEY] and his subcommittee, including Messrs. GILLETT and GOOD of the minority, have given to this bill, the conscientious way in which they have gone into all the questions involved, and the care with which they have made recommendations with regard to appropriations.

If I shall have anything to say in opposition to any of these items it will be along the line of increases rather than decreases. While the committee has in the majority of cases followed very closely the estimates, and in some cases have gone beyond them, there are a few cases in which the committee has reduced the items quite considerably below the estimates. I think in a majority of cases the committee was entirely justified in its action. The things provided for in this bill are what the American people have had in mind, those of them who have not been carried off their feet and who have not wanted the establishment of militarism—what they have had in mind when they talked preparedness. First, preparedness in harbor fortifications. Right at that point it is well to recall the fact that some gentlemen who are proposing the most extravagant programs are those who have made the most misleading and erroneous statements with regard to our harbor fortifications. Those of our officers who are best qualified to speak—and they are as well qualified as any men on earth—tell us that our harbor defenses are the best in the world; that nowhere else on earth are there harbor defenses comparable to them, taking the country as a whole. One gentleman high in our Military Establishment, who has been among the loudest and the most strenuous in his insistence upon enormous numbers of men under arms and vast expenditures on land and sea, two years ago in the hearing on this bill suggested that probably we had all the harbor defenses we needed or would need for some time to come, and that as a matter of fact in some instances our preparations and defenses were possibly unnecessarily expensive. Of course these works do not defend the coast far from the great harbors against an effort that might be made to land troops. Nowhere on earth have troops been successfully landed in large numbers on the open coast or in open roadstead. Nowhere on earth have troops in large numbers been successfully landed and maintained their foothold, even with reasonable facilities for landing, against any considerable and earnestly contested opposition.

We have had a remarkable illustration of that in the efforts of the allies in the region of the Dardanelles. Troops were landed on the Gallipoli Peninsula, where there were some harbor facilities and few available troops to prevent landing. They never got far. Tens of thousands of men, the best troops of England and her colonies, went to their graves in that effort to secure and maintain a landing against troops that we are not willing to admit were better or as good as practically raw American levies would be.

This bill provides for further extension of our harbor defenses along lines that will be explained by the gentleman from Kentucky [Mr. SHERLEY]. I do not want to go into detail, because I do not want to cover ground that he can cover better than anyone else. It provides for some new and some larger seacoast guns; it provides for increase of ammunition for these guns, made necessary, it is believed, by the lessons of the European war; it provides for a large increase in our reserves of field artillery; for some mobile guns of increased size and ammunition for those guns; for some increased defense of our insular possessions.

It makes, I believe, adequate provision for these things which provide defense and do not lead to offense.

These provisions are for defense, for caring for our coasts and our harbors, for providing those implements that would be necessary to arm and supply troops in the improbable case of a foreign attack.

In conclusion I want to compliment the subcommittee on its work, and hope that the bill will pass without any considerable amendment. [Applause.]

Mr. HOUSTON assumed the chair.

Mr. SHERLEY. Mr. Chairman, I am indebted for the kindly reference of the gentleman from Wyoming [Mr. MONDELL] touching myself. I trust that in view of those references I may not be thought ungracious in saying that because of the recent declaration of his party on the subject of preparedness I was particularly interested in his exposition of what constitutes preparedness. Certainly, if the view he has expressed is shared by the majority of his party, they will find no quarrel with one of their unsuccessful candidates for the Presidency, Mr. Ford, on that issue.

The foreign policy of a nation should rest in justice—justice to itself, justice to the world. But, whatever that policy may be, the armaments of a nation must bear direct relationship to it. The armaments of a nation should be sufficiently strong to maintain that policy. They should not be more than that, for that would be folly. To make them less than that would mean to do inadequately what is of the very highest importance to every nation. Unless the armaments of a nation are equal to the maintenance of the policy of that nation, in the long run that policy will have to be abandoned or curtailed.

Now, all nations believe that their world policy is an equitable one and based on justice. Certainly we in America believe that ours is. We recognize that this country desires the possessions of no other people, that it has no national aim that runs athwart the legitimate desire of any other people, and, as I said a year ago, the Nation in very truth pursues peace as a passion.

But, while that is true, it does not follow that because our desire is not one of hostility toward any other people we will be immune from any need to maintain by force our national aims and purposes. The United States from its beginning determined to face the world alone, without entangling alliances, without any of the obligations or any of the aids that come from partnership with others. That policy inaugurated in the beginning, I believe, will and ought to be maintained in the future, but it is a policy that carries with it obligations of the most serious kind.

If I might be bold enough to undertake to define the policy of the United States, it is that it proposes not in any way to seek territorial aggrandizement, but it is determined to possess and protect every bit of soil that is now under its dominion and its flag. As an incident to that protection, it has long ago declared that it would not look upon the establishment, by any of the European nations, of a foothold upon the continents of America with any degree of acquiescence or willingness. The Monroe doctrine carries with it also a responsibility, responsibility not alone to prevent European countries from obtaining a foothold in America, but in order to justify that prevention, it carries with it in large degree an obligation for the peace and good order of all of the Americas.

Our policy carries the determination to protect American rights everywhere, to maintain the true freedom of the seas, and to maintain the rights of a peaceful nation even in the presence of world-wide war.

The most dominant fact in the history of the age is the constant contraction of the world. Every year it grows immeasurably smaller. It is not measured in statute miles. It is measured in time, and the facilities for the interchange of intelligences and of commodities between man and man. Judged by that true standard, the world to-day is infinitely smaller than it ever was before. And with the narrowing and contracting of the earth has come the enlargement of the sphere that America plays in it. Our flag is no longer confined to the mainland of America but floats over possessions half the world distant. Our country has become of necessity one of the great exporting countries of the world. You can not have permanent prosperity in America without exporting practically a third of your manufactured products each year. We have ceased to be simply an export nation of raw foodstuffs. We have become in very truth and must remain an export nation of manufactured goods.

When this world war is over there will be a renewed struggle for the possession of foreign markets more intense, more pronounced, and of a far wider range than the world has ever witnessed before. The markets that we obtain now by default of our competitors who are engaged in the European war will have to be held under the stern terms of active, acute competition. Competition between nations breeds misunderstandings and misunderstandings frequently result in quarrels, and while it is always the province of diplomacy to adjust those quarrels and differences peacefully, failing that, after all, nations must be able, if they desire to insist upon their position, to defend them by force.

The people of America have lived for many years past under the belief, somewhat warranted, that our isolation gave us immunity from the obligations and the duties that rest upon the other nations of the earth, but they have awakened to a realization that that isolation has in many ways gone, and will continue more and more to disappear. They have learned by the bitter lesson of the experience of others that it is not true that it takes two to make a quarrel. They have learned that the justice of your own position or the righteousness of it is not necessarily a guaranty of its prevailing or of your being free of any obligation to maintain and defend that position. And, awakening from that dream with a realization and a courage that is sometimes not possessed by public men, they are demanding that the Congress of the United States shall see to it that this country is put in a position to properly maintain its rights, no matter where, when, or by whom they shall be assailed. [Applause.]

Men may have doubted a few months ago whether that was the determination of the people of America, but no man who looks about with eyes to see, with a vision that is able to take in the sky line and not merely the immediate prospect about him, can doubt the fact. And let me say here that there is

no more pernicious notion than that preparedness is adequate that is simply one that would prevent invasion of America. Men here on the floor and in the cloakroom constantly talk about our not needing to fear any invasion. That may or may not be true, but that is not the only problem. In the first place, it has become axiomatic that the best defense is an offense. I do not ever want to see my country wage a war of aggression, but when it comes, if it must come, that she must wage a defensive war, I want her to be able to wage that war agressively and offensively. [Applause.] If we must have war, I prefer to carry it to the other man's country, and not confine it to my own. [Applause.] And I believe no defense of America is adequate that does not undertake to enable this country in the maintenance of its rights, to offensively, in the true sense of that term, wage what war it has to wage.

It is interesting to recall that since we won our independence every war we have had with a foreign nation has been a war of our making and a war that we did wage offensively. So it is, holding these views, believing as I do that a nation occupying the position that we do in the world's affairs, with a necessary destiny, no matter what men may wish, of occupying more and more a place in world affairs, with more and more contact with other people, with more and more obligations placed upon us, must be prepared for all emergencies. I for one am ready and anxious that this country should put itself in a position of power commensurate with its true position among the nations of the earth; and it is with pleasure that I present to this Congress a bill making provision for the fortifications of America, and providing for the mobile artillery and ammunition therefor, that is not only the largest in amount, which in itself is not important, but which I believe to be the most far-reaching of any fortification bill that has ever been presented to the country since modern fortifications were first established.

The fortification bill has always been a popular bill. It has had many friends that were friends because they knew of its true scope and of its purpose. It has also many friends who are for it because they do not realize its scope, and because they think it will do what it never was intended to do, and what it never can do—make unnecessary other preparations in the way of a navy and a mobile army. I repeat, it has many friends who are under the impression that if you spend enough for fortifications you will not need to spend anything for a mobile army and will not need to bother quite so much about a navy.

There never was a more mistaken idea as to the scope that fortifications play in the defense of the country. The first defense of a country situated as ours is must of necessity be the Navy. The second line of defense within a restricted area must be your fortifications, and after that must come your mobile Army. And your first line of defense is only made really effective by virtue of your second line.

Fortifications are not erected with the idea of preventing a landing anywhere upon the shores of America. The wealth of even this richest of all nations would not be sufficient to erect fortifications so numerous and so near together as to make that possible in even a limited degree. Fortifications are intended to protect strategic points; intended to preserve, for the use of the Navy as bases, certain harbors; to deny the use of those harbors to the enemy; to protect from bombardment and inadmissible damage certain great centers of population; to deny certain waters to an enemy and compel, in case of a landing, the landing at a point not so favorably situated to the advantage of the enemy as the place fortified. They are intended to enable the fleet of America to act offensively and not defensively; to enable your fleet, instead of being tied to your shores, to protect your great cities; to go out and seek the enemy upon the high seas, and then in the event of an indeterminate action to enable that fleet to retire in security behind those fortifications, freed from the danger of immediate pursuit and attack by the enemy. They have served their purpose when they prevent an enemy capturing them from the sea and require a landing in order to overcome them.

Now, this can not be too often emphasized, because those who are trying diligently to provide the country with proper fortifications are constantly met by statements in the public press, and even here on this floor where men ought to know better, that the fortifications of America are inadequate. These statements are based on a complete misconception of the functions that those fortifications play. Judging them by their proper standards, the fortifications of America are a credit to the country; and with the additions that are proposed under the scheme which has been outlined by the Board of Review that has recently canvassed the entire subject, they will be adequate to all the needs of the country.

The history of fortifications in America is unique and interesting, and I may be pardoned if I say that I take some pride in the fact that our modern system of fortifications was begun under a Democratic President, Grover Cleveland; and the country may take pleasure in the fact that from that day to this, while things have not always been done as rapidly as they should have been done, the character of the fortifications, their location, and all the details of their construction have always been in accord with the very best judgment of the experts of the Army and of the Navy touching the need for them. In other words, despite the constant and ignorant abuse that is leveled at Congress, it has not undertaken, in regard to the fortifications of America, to set up its individual judgment against that of the men trained to know, but it has accepted their judgment, and these fortifications are the result of elaborate study by the best-trained minds that we could produce.

In presenting this bill to the House a year ago I stated that there were a number of matters in connection with the fortifications that I believed would need to be reviewed, and that additions would have to be made in order to make those fortifications in certain places adequate, because of the very great change that has come about in the armament of battleships, the increased range, and increased accuracy of gunfire by improved methods of observation. I stated then that I hoped to be able to present to this Committee of the Whole a report by a board of Army officers who should review the entire coast defenses of continental United States and the insular possessions, and would be in a position to report in detail what was necessary in order to augment those defenses.

That survey has been made, and the report of that board has been made. It is manifestly improper that I should undertake to present here in detail the recommendations of that board. While it may be proper that as to many matters we should have absolute publicity, it must be apparent to anyone who has considered the matter that as to fortifications at fixed places, where the topography and hydrography remained practically the same, to give in detail what is proposed or what is existing would afford to a possible enemy information that ought not to be his, and could not do any great good to offset that direct harm.

But while it is not proper that I should give you that report in detail—I may say in passing that all of it was before the subcommittee on fortifications and was considered in its entirety—it is proper that I should say to you in a general way what was embodied in that report.

Broadly speaking, that report contemplated the addition, at certain important harbors in America, of guns of extreme range of fire, in order to enable those defenses to meet the fire of any hostile fleet that might be brought against them. Because of the increased volume of fire that is now possible with modern battleships it was thought requisite in some cases to add to the volume of the fire of the defenses, and in a limited number of cases it was thought desirable to deny the use of harbors, not of the first importance and not near any large centers of population, but harbors that might be of advantage as bases to an enemy's fleet, and it is proposed to accomplish that result by installing a limited number of guns of extreme long range.

Mr. CARTER of Oklahoma. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. CARTER of Oklahoma. What is the longest range of guns in land fortifications now?

Mr. SHERLEY. If the gentleman will permit, I shall be glad to come to the whole question of ranges a little later on. Roughly speaking, the guns that we are now proposing to mount, the 12-inch guns with high angle fire, will have a range in excess of 30,000 yards, and the 16-inch guns that we are proposing to mount will also have a range in excess of 30,000 yards. And I may say in passing that 30,000 yards is certainly a distance beyond which we may never expect to see any real engagement between a fleet and a land fortification.

The total additional armament for continental United States included in the above project comprises twenty-two 16-inch guns and twenty-four 12-inch guns mounted for long-range fire, twenty-three 6-inch and four 3-inch guns, and forty-eight 16-inch mortars. For the insular possessions, eight 12-inch guns mounted for long range fire, and for the Panama Canal four 16-inch guns and four 12-inch guns mounted for long range fire, and twelve 16-inch mortars.

The program outlined by the board of review contemplated an expenditure of something over $96,000,000 as being necessary in order to supply all of the additional armanent necessary and the total amount of ammunition now thought requisite for that armament. The estimates were submitted with the idea of completing that program in a legislative way in about four years. In other words, the estimates as a rule bore a relation-

ship of one-fourth of the total amount deemed necessary for the final completion of the project.

There may be those who will urge that a speedier program than that should have been adopted, but you must consider that there is a limitation upon the officers in charge as to the amount of work that can be turned out in the way of ordnance, either when manufactured in Government arsenals or in private factories, and also as to emplacements and the accessories that go with a complete fortification, and that to have undertaken to have put upon the War Department a burden greater than is represented by this program would have been to undertake something that would neither be economically wise nor probably result in any great saving of time.

I want to say in passing that while this is a large sum and the additional armament suggested is considerable, it does not follow by any means that the present condition of fortifications of America is alarming. There will never come a time, there never should come a time, as long as armament is necessary, when the fortifications of America will be completed and when it will not be necessary and desirable to add to them. There are certain places, certain cities of magnitude—New York, San Francisco, Boston—where it is desirable that there should be installed additional guns in order to offset the possibility of long-range bombardment of these cities.

It does not follow, however, that until these fortifications are there emplaced these cities are at the mercy of an enemy. The trouble with a great many critics is, that not having gone into the details of an intricate subject, such as this, they jump from an actual fact to a conclusion that is not at all warranted. Hearing that it is possible to outrange some of our guns by several thousand yards, they immediately declare that the fortifications are useless and are at the mercy of the enemy, and that New York, Boston, and other great cities of the coast can be bombarded and captured. They seem to disregard not only the Navy, not only the auxiliary defense that may come in the way of submarines, not only the mines, but they deny to the American people and to the Army any sort of ability or ingenuity in immediately creating defenses that, while of a temporary character, would be adequate to prevent what they so confidently predict. They fight every stage of the imaginary fight with a loss to America and a victory to the enemy; they accord to them all knowledge and to us all ignorance.

Mr. MANN. Will it interrupt the gentleman if I ask him a question?

Mr. SHERLEY. No.

Mr. MANN. The gentleman just spoke of defense by mines. I want to ask for information—take New York City, for instance, which might be bombarded by the enemy fleet at some miles distant, would it be practicable to place mines so that the enemy fleet could not get near enough to bombard the city?

Mr. SHERLEY. It would not in the sense of fixed mines. Of course, what might be done by strewing the ocean with floating mines, as has been done abroad, is another problem. There is a mine defense of New York, but it is confined of necessity to waters that are somewhat of a restricted area and not out on the high seas.

Mr. MANN. A defense of mines would prevent an enemy ship coming up the channel.

Mr. SHERLEY. Yes, it would prevent the use of the channel and any runby, and by the very uncertainty of it have a great deterring effect upon the enemy.

There has been so much said about New York that it may not be improper if I should state this. The usual charge touching the city of New York is that it is possible for certain ships of the largest type to reach a particular point, and from that point to be out of range of existing batteries and still be able to bombard portions of the city. That is true, but that condition will be remedied as speedily as can be done. But it does not follow that if war should break to-morrow that we would be unable to meet that situation and prevent that bombardment, laying aside the defense by the Navy and of the submarines. In other words, it would be not at all difficult to put up on temporary emplacements and carriages guns of sufficient range at Rockaway, where they propose to put permanent fortifications, to make it exceedingly unhealthy for any fleet to undertake to lay outside in this particular place and bombard New York. While the condition at New York ought to be and is going to be remedied, there is no reason why the people of America should be unduly alarmed or made to believe that conditions are very much worse than they actually are. And only those who have the most superficial understanding of the question very long entertain the views so graphically written of and depicted in some papers.

Mr. MANN. At Norfolk we are contemplating erecting a new fort which, I suppose, would protect the entrance. I assume that as far as mines are concerned it would be very easy to prevent an enemy ship coming into Norfolk, but would it be practicable now by using the mines to prevent an enemy fleet standing outside in the ocean and firing in far enough to strike where we would have our fort when we place it?

Mr. SHERLEY. Norfolk to-day is well protected from any danger of attack by a foreign fleet. The purpose of putting the fortification at Cape Henry is not only to make assurance doubly sure, touching the cities of Baltimore, Norfolk, and Washington, but it is also to deny the lower part of the Chesapeake to an enemy fleet as a base and to secure it to our own fleet with the advantage of enabling that fleet on issuing from the Chesapeake to take battle formation under the protection of land guns. The situation touching Norfolk is not at all alarming and never has been.

Mr. MANN. I did not suppose so. I was asking about the planting of mines, whether we had got such information from the war in Europe that we could locate mines, except floating mines, out there to do any good.

Mr. SHERLEY. Mines can be located almost anywhere, but practically a permanent mine field is of no great value unless it is protected by what we speak of as the secondary batteries, the small guns, and the reason is that having mined a given area, unless there is protection, the enemy would simply countermine that area and would immediately free the waters of the mines and then proceed at its leisure; so that practically mine fields are confined to areas covered by secondary batteries. Floating mines, however, might be strewn anywhere, and their use in the European war has been greatly beyond what anybody heretofore has anticipated. The trouble with the floating mine is that it sometimes hurts the nation that puts it out as much as it does the enemy, and I suspect there are a great number of ships that have gone down abroad that have been sunk by mines planted by their own country.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. REAVIS. The gentleman spoke a moment ago of the practicability of building temporary foundations for the installation of guns as an aid to the present fortifications around New York City. Have we such guns?

Mr. SHERLEY. Yes, we have a great many of them. We have a great many 12-inch guns, and we are proposing to mount those guns on permanent barbette carriages with high angle of fire that would give a range of fire of over 30,000 yards.

Mr. REAVIS. It could be speedily done?

Mr. SHERLEY. I think there is no question about that, and I think that is also true as to mortars that could be moved from the inner lines of defenses not now important, and placed so as to command that particular area of water that is at present outside of the range of existing armaments.

Mr. REAVIS. Has the gentleman made any computation as to whether any fleet other than that of Great Britain would be superior to our own fleet plus the coast fortifications at New York?

Mr. SHERLEY. Of course that question probably could not be answered because it is very speculative, but I certainly do not believe that any fleet, the British or any other, would undertake to attack the American fleet supported by the fortifications of New York, if that is what the gentleman wants to know.

Mr. REAVIS. I entirely agree with the gentleman.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GREEN of Iowa. Has not the danger of bombardment of our coast cities been somewhat exaggerated owing to the fact that, in speaking of the range of the large guns on board naval vessels, the estimate has been made as if the range would be the same that could be obtained upon land works with the same guns at a high angle of fire, whereas that high angle of fire is not possible with guns mounted on vessels?

Mr. SHERLEY. That in a measure is true, and yet it is true that on vessels of the *Queen Elizabeth* type, mounting 15-inch guns at an angles of 15 degrees, a range was obtained of something like 21,000 yards, and it is believed that some of those guns could be fired at a 20-degree elevation, which would considerably increase the range. In that connection I might say just this: The danger is not from a fleet standing off outside the range of our batteries and subduing those batteries. I shall come a little later on to some experiments that we had at Mobile. Certainly no man who witnessed those experiments has very much fear of any fleet commanded by men with a proper appreciation of the value of ammunition standing off and undertaking to put out of commission a modern fortification by long-range fire. The danger that exists in certain places is

the danger of bombardment of centers of population where accuracy of fire would not be a requisite, where any shot coming within a given range might do a damage so great as to be inestimable. The danger of their shooting with accuracy so as to put out of commission a fortification at ranges like 21,000 yards is, I think, absolutely negligible, and the cost in ammunition and in risk of the fleet is beyond that which any reasonable commander of a naval vessel would undertake.

Mr. GREEN of Iowa. The gentleman is aware of course that the English fleet firing at a distance of 17,000 yards with 15-inch guns made very little impression upon the Turkish fortifications at Gallipoli?

Mr. SHERLEY. Of course the fortifications of the Dardenelles according to a report I have of what are supposed to be the fortifications that there existed, were nothing like in point of power and range the fleet that went up against them, but what had been prophesied by every student of the subject occurred. I have stated repeatedly on this floor that there has been no instance in modern warfare of a fortified place being taken from the sea, and I cited the instance of Port Arthur, where the Japanese fleet first undertook it and afterwards abandoned it and effected the capture of Port Arthur by a very costly land attack; and last year while the Dardenelles campaign was in progress I expressed that same opinion, and the history of that unfortunate expedition on the part of England is now known to us all, though it is interesting in that connection to say that I doubt if the view expressed by the gentleman from Wyoming [Mr. MONDELL] would be entertained generally touching that campaign. The chief criticism of the Dardenelles fight was not only undertaking to attack those particular fortifications, whether that was a field of warfare that offered sufficient reward in case of victory to warrant the expenditure, but the great criticism was that it was undertaken by a fleet without troops to support the attack.

If England had carried to the Dardanelles a sufficient army to have instantly undertaken her land attack instead of doing it days later, after the Turkish Army had made defensive preparation for a land attack, the result of that campaign might have been very different from what it was, but that is aside.

The Board of Review not only determined the places that should have additional fortifications, but it determined the character of guns that should be used, and decided that in the future primary armament should consist of guns of not less than 16-inch caliber.

That means that of all future armament we propose to have guns with a maximum range so great as to make it practically impossible their being outranged by any guns of any ship that might be brought against them. They also determined in favor of the disappearing gun carriage concerning which there has been from time to time dispute—it was brought up upon this floor last year—and after a consideration of its merits and demerits decided to retain that type of carriage, but provided that the carriage should permit of an all-around fire and of an elevation considerably in excess of the elevation possessed by the old guns.

Gentlemen will recall that many of our guns were mounted with a maximum elevation of 10 degrees and a minimum depression of 5 degrees, and we carried last year a provision in the bill altering those guns so as to give a maximum elevation of 15 degrees and thereby, by lightening the weight of the projectile, practically greatly to increase the range of those guns. That work has been carried on and is very near to completion, and as a result of it those 12-inch guns will have a range, using a 700-pound projectile, of something like 22,000 yards, which will be adequate to meet the long range of existing battleships, but it is proposed in the future to have guns in the primary armament of not less than 16-inch caliber.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SHERLEY. I will now yield to the gentleman.

Mr. LINTHICUM. I was going to say, as the gentleman spoke awhile ago of erecting a temporary fort at Rockaway Beach, N. Y., I would like to read a portion of a letter here about the cars on which to carry these guns——

Mr. SHERLEY. If the gentleman will wait I am going to get to the question of the mobile seacoast artillery and I would like to go along with some degree of continuity in the consideration of this bill.

Mr. LINTHICUM. I only asked because I thought the gentleman was well posted on the subject and it might be well to have that brought out.

Mr. SHERLEY. The board also considered the question of ammunition and adopted a scheme very much in excess of what we had heretofore provided in connection with a reserve supply of ammunition for seacoast guns.

Under the plan that had heretofore been followed, it was contemplated to have a reserve for guns outside of the continental United States of two hours—what we call the two-hour supply—and of guns in the United States a one-hour supply, the original theory of the latter being that, inasmuch as our two coasts would not be imperiled at the same time and we would have notice of the coast that would probably be subject to attack, it would be possible by transfer of ammunition to give an adequate supply to the guns. That two-hour supply was not an amount arbitrarily fixed, but it was an amount fixed as representing the ammunition that would probably be necessary in a given engagement, figuring the length of time the forts would be under fire by a fleet attacking them.

The history of the European war, however, has been in nothing so surprising, startling as it has been in many aspects, as it has been in the tremendous quantities of ammunition that have been used and the overwhelming, and in most instances determining, part that has been played by artillery. There is no estimate to-day so extravagant touching the need of ammunition that is not to-morrow liable to be inadequate in face of the actual facts that are daily unfolding themselves to the belligerents in the war.

The result was that no man with his eyes open to the facts would any longer be willing to rest under a plan for reserve ammunition that would not go considerably beyond that which had heretofore been thought adequate by those who adopted the scheme. Therefore the board in its recommendation decided that for guns in continental United States, except guns of 8-inch caliber and upward, on inner lines of defense, allowances equal to one-half the accuracy life of the respective calibers should be had; for mortars, except on inner-line defenses, an allowance equal to one-fourth the accuracy life; for armament of 8-inch caliber and upward on inner lines of defense in continental United States, allowances equal to one-half those of outer lines. For guns in the insular possessions and for the Canal Zone, allowances equal to the accuracy life of the respective calibers; for mortars, an allowance equal to two-thirds of the accuracy life.

Now, gentlemen will realize that rifled cannon, as a result of each shot, deteriorate to some slight degree, and after a given number of shots the rifling becomes sufficiently worn as to cause the projectile no longer to take an accurate flight, but in extreme cases to tumble and instead of revolving to go head over, and when the gun has reached that condition its usefulness has practically disappeared, so that in fixing for the insular possessions and Panama the amount of reserve ammunition equal to the accuracy life of a gun the board has taken the maximum position, and I believe in view of what we now know they have wisely done so. That means an increase of something like 150 per cent over the former estimate for the insular possessions and Panama, and you will recollect that that was for the two-hours' supply.

In the continental United States on the first line—the outer line—for the large guns, 8-inch and above, the allowance is just one-half of that, and the reason for that is plain also. If war starts we will not be able to supplement, presumably, the supply of ammunition for either the insular possessions or the Panama Canal. Certainly we ought not to put ourselves in a position where we might need to add to that supply, but in the case of the United States there will always be opportunity to transfer ammunition, and presumably there will be opportunity to increase the supply by manufacture and otherwise in case of a long-sustained war.

For the second line of defense the board fixed one-half of what it fixed for the outer line, and these recommendations are believed by all now to represent a proper and adequate supply. The estimates, in consequence, in connection with the ammunition for the seacoast cannon, have greatly increased. I stated last year that I believed then, and very candidly said so to this committee, that the weakest point perhaps in the bill that was then presented was the provision in regard to the seacoast cannon, a provision which had been the usual provision for many years past, of $200,000. And I stated that the Fortification Committee had not felt warranted in increasing that amount because that had been all that had then been estimated for, but we stated the facts, and if the committee of the whole saw fit to increase the sum they might do so.

The committee, however, did not do so, and the amount remained there. We had on supply at that time for continental United States about 73 per cent for guns and mortars of the supply deemed requisite under the old standard, and the $200,000 served to increase that percentage 1 or 2 per cent. The reserve for the guns was somewhat larger than for the mortars. For the insular possessions the reserve was nearly that then deemed requisite. The estimate this year for seacoast-cannon ammunition for continental United States is $3,000,000, with a contract authorization of $3,500,000 additional. In other

words, instead of the allowance of $200,000 for ammunition, we are recommending an allowance of $6,500,000. For the insular possessions, the estimate is $1,700,000 of cash and $500,000 of authorization. And upon the basis that we are going, we will complete in about four years, certainly in five, the total supply for all of the guns mounted and to be mounted under the scheme as it has been revised by the board of review. These figures are large, but that the committee was justified in recommending in its entirety the estimates submitted in this regard I do not believe anyone conversant with the recent facts will question.

Mr. REILLY. That makes the total of $24,000,000 of powder on hand for the coast defenses?

Mr. SHERLEY. Powder constitutes only about 10 per cent of the cost of the ammunition.

Mr. REILLY. I mean ammunition.

Mr. SHERLEY. I can not state from memory, though I have it somewhere, the exact quantity in money value of the ammunition that it is contemplated to have as a reserve. I may be able to find it.

Mr. REILLY. And that means $24,000,000 of ammunition as a reserve?

Mr. SHERLEY. It would mean about that, because we have already a considerable quantity. This $8,700,000 will more than complete what was formerly considered an adequate supply, but, of course, it would not carry it toward a completion of the new supply deemed requisite. I find we now have in money value $15,618,000 of reserve ammunition, not counting the value of the reserve for Panama.

Something was said a few moments ago in the way of an interrogation by the gentleman from Maryland [Mr. LINTHICUM] touching mobile guns for use in seacoast defense. The committee had submitted to it an estimate for the building of a 14-inch gun, to be mounted on a railroad car, capable of being moved on the railroads of the country, and fired either from bases prepared for it, or, if experiments shall prove successful, by a lock device on the rails, at any suitable point. Estimates were also submitted for six howitzers that should be placed upon railroad cars and used as a mobile defense to protect the areas not now protected, where a landing might be threatened, and, if need be, to supplement existing fortifications.

The committee allowed the estimate for the gun and an amount sufficient for one of the mortars. We did not make provision for six of them, because this matter is in an experimental stage, and we believed that it was well to have the designs actually completed and the gun and mortar built before undertaking any great number of those types. If the hopes and beliefs of the Ordnance Department prove true, we will have created a very valuable adjunct to the seacoast defense of America. They will not take the place of any fixed fortifications, because fixed fortifications, if they are properly placed, are located where they are so important strategically—or because of what they protect—as to never make it wise to leave such places undefended and subject simply to the defense that would come by moving mobile guns that might or might not get there in time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed until he concludes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kentucky may proceed until he concludes. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. May I interrupt the gentleman at that point?

Mr. SHERLEY. Yes, sir.

Mr. LINTHICUM. This letter I have received is not exactly in line with the car you mentioned. I would like to read it, because I think we ought to know the accuracy of this statement. It is from a very reputable citizen of Baltimore, Mr. W. M. McCormick, and dated June 9, 1916. He says:

> While talking with the president of a large railroad a few days ago he told me that last year there were 256,000 cars built, but that not one single car was built that would carry one of the big guns that are being used as a sort of side show in Germany to-day, and that there is only one car owned by a private corporation that is strong enough and big enough to carry ammunition of first-class power. I asked him how long it would take to build cars that would be needed immediately, in the event of hostilities, and he replied that it certainly could not be done in less than a year.

I think it is a very strong statement, and the gentleman being well informed, I would like to ask him about the accuracy of it.

Mr. SHERLEY. I would say that part of it is accurate and part of it is quite inaccurate. I have not undertaken to investigate that particular subject and so I speak from general knowledge. It is manifestly inaccurate as to ammunition. It is true that there is no car now of size sufficient to carry one of the proposed new 16-inch guns, and we are providing in the sundry civil bill, as I recall, for the building of one of those cars, though there is no need of one of those cars either, except for the occasional moving of a gun of that kind to Sandy Hook, where it is to be tested, and from there to the place where it is to be placed permanently.

Now, touching the mobile artillery for coast defense that I speak of, it is contemplated to build a car with a gun permanently mounted upon it.

Mr. LINTHICUM. I understand that.

Mr. SHERLEY. And the problem then comes to so arrange the locking of that car as to stand the stress that would come from the fire of the mortar or of the gun; more particularly in the case of the gun, because with the mortar the reaction or recoil is mostly downward and less difficult to take care of. The problem before the Ordnance Department is to work out that particular device. That they will succeed I have no reasonable doubt. When they shall have done so I believe it will be proper to supply in considerable number such mobile guns and mortars.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. SHERLEY. Certainly.

Mr. MANN. I think everybody who is not an expert has been impressed by the use of the large guns by Germany. Those guns must be easily transported from place to place. How large are they? What is their range? Would they be of any use in coast defense?

Mr. SHERLEY. As seacoast defenses the particular guns the gentleman has in mind would not be of any use and would not be used. I had intended a little later, when we come to the question of mobile artillery, to discuss the big guns.

Mr. MANN. I am perfectly willing to wait, then.

Mr. SHERLEY. But I will say this, that the problems confronting the Germans and which prompted them to use those guns in their land attacks are very different from the problems that would confront us here in America. They used those guns in order to destroy land fortifications—land fortifications that had been built to withstand the attack of guns not in excess perhaps of 7 inches. They brought presumably guns of 11 inches or larger, and with a sufficient fire to cause the projectile to absolutely demolish the armament and concrete of those land fortifications. There are no land fortifications in America. There could none be built in America without our having early advance knowledge of that fact, and in the absence of them the particular need of the kind of big guns that Germany used in the reduction of the forts in the early history of the war would not exist here.

Mr. MANN. The gentleman said these big German guns would be of no use in seacoast defense?

Mr. SHERLEY. Yes. The reason for that is this: They are guns of not any great range. I speak now, of course, with limited knowledge, because the information we get is not full and is not always without conflict. But most of those guns are not guns of very great range. They certainly would not be guns comparable in power to the 14-inch and 16-inch guns that we have in our seacoast defenses, and they are built for a different purpose.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Nebraska?

Mr. SHERLEY. In a moment. Now they have also used large guns for another purpose in the European war. After the war there ceased to be mobile and degenerated into trench warfare, it was found necessary to do something more than to use the 3-inch and other small guns which are admirably adapted for clearing the terrain and cutting the barbed wire entanglements and those things, but were not sufficient to absolutely dig out and destroy the men who had dug themselves into deep earth trenches, so that both sides have been using guns of considerably larger caliber than was originally thought, at least by France, to be necessary in order to absolutely destroy and obliterate these trenches.

Now, it is believed that guns not in excess perhaps of 9 inches and firing a projectile of something over 400 pounds would be necessary for that purpose. The gentlemen who are interested in the subject will find a very interesting statement by Gen. Crozier on that phase, and also some extracts from one of the English writers touching the use by the Germans of larger guns than the allies, and how it came about, and the reason why the allies were not supplied with guns of that size. Now I yield to the gentleman.

Mr. SHALLENBERGER. The record shows that at Dunkirk the Germans did fire at a greater range than 20,000 yards.

Mr. SHERLEY. That may be. They probably took some of their seacoast cannon or navy guns and mounted them there.

Mr. SHALLENBERGER. That shows, then, that it is possible to move these large cannon.

Mr. SHERLEY. Of course it is possible. I have not denied that. But these heavy guns at Dunkirk, of which the gentleman speaks, were not mobile guns, I think. I may be mistaken in this, but that is my impression.

Mr. SHALLENBERGER. Does the gentleman think from his investigations of this subject that fixed firing now is as valuable as a means of defense if the large cannon could be moved after the location has once been ascertained by the enemy? Has not the experience of Europe rather shown that the ability to move the cannon is immense value as a means of defense?

Mr. SHERLEY. There is nothing that has happened in Europe anywhere at any time in this war that in my judgment serves in the slightest degree to question the wisdom of the character of the fixed fortifications of America. The purposes that they serve are entirely foreign. The only comparison that would be of value would be something to test the fortifications at Helgoland, and if there be any proof needed of the value of fortifications in order to protect given areas and to give to your fleet a freedom that it would not otherwise have, it is the fortifications that Germany has placed there, and which have enabled her fleet to ride in security under the protection of those guns and to use that protected water as a base to go back and forth from in her fights.

Mr. SHALLENBERGER. But the gentleman knows that no nation knows the location, number, size, caliber, or character of those guns.

Mr. SHERLEY. Oh, I know. But those guns are guns whose purpose is similar to the purpose to be subserved by the fortifications.

Now, the gentleman is quite right in the appreciation of the value that comes of heavy mobile armament. It has its place. The internal-combustion engine has revolutionized field artillery in that regard. It has made possible the movement by traction of guns of a caliber that would not have been possible in the old days; and we ought to have those guns, not necessarily of the same size, but of sufficient size, because a gun that is bigger than the job that confronts it is a handicap to the extent that it is bigger.

But we ought to have guns of larger size than we now have for our mobile Army, and we are preparing to get them. If we can successfully mount these 14-inch guns and these 16-inch mortars upon railroad carriages, we will have added tremendously to the value of our fortifications; but in the judgment of those who, I think, are best qualified to judge, we will not have done away with the need for the fixed fortifications.

Mr. SHALLENBERGER. Will the gentleman yield for one other question?

Mr. SHERLEY. Certainly.

Mr. SHALLENBERGER. The gentleman has told us about the provision for additional ammunition and shells. Is it the intention to manufacture the same sort of projectile that we are now using for the coast-defense guns?

Mr. SHERLEY. We are using now for seacoast guns two kinds of projectiles, a shot and a shell; one of them intended for the piercing of primary armament, and therefore containing a heavier casing and a less amount of explosive, so as to enable it to penetrate the armor before it explodes, the other containing a larger amount of explosive and not capable of penetrating such heavy armor, but which will bite into armor sufficiently as that when it explodes it will do damage to secondary armor. The Navy uses a projectile that is somewhere in between those two. I may say in passing that I do not believe there is any serious question in the minds of any of the officers as to the absolute efficiency, for the purpose intended, of the kind of projectiles that we use.

Mr. SHALLENBERGER. One other question. The gentleman knows that the War College has published a summary or epitome of the latest lessons learned from the European war, and one of their statements is that high-angle fire and high-explosive shells are absolutely essential to the most effective use of heavy cannon. Can the gentleman tell us the amount of high explosive that is contained in our 12-inch shell, the highest explosive shell that we have to-day?

Mr. SHERLEY. I can not tell the gentleman from memory; but the gentleman must not confuse the value of a particular kind of shell for use against infantry and land forces and the kind of shell for use against battleships. The primary purpose of a seacoast fortification is to shoot at a battleship; and while it is true that we are arranging, by all-around fire, to enable these guns to help in their own defense against a land attack, and while it is true that they will be used to fire shot and shell at troops in the field, yet the character of shot and shell which we have provided for them in the past is the kind that in my judgment ought to have been provided, and I do not think anything has been stated by the War College or anybody else, except by Mr. Isham and by Mr. Gathmann, which calls that in question. We doubtless shall also provide some ammunition for these guns against mobile troops.

Mr. SHALLENBERGER. Can the gentleman state whether or not the high-explosive shells used by the German, the English, the French, and the Japanese Navies for firing at enemy battleships carry a great deal heavier charge of high explosive than any of the shells that we have to fire from our 12-inch guns?

Mr. SHERLEY. I can not speak from my own knowledge, but my impression is that they do not. I do not really know, because I have not had occasion to know; and frankly the gentleman must not expect me to be able to carry all these things in my head. Let me say in passing that I do not think my opinion is worth the snap of my finger—though I have given seven years of the hardest study to this question—compared with the opinion of Army and Navy officers on these matters; and I know of no more dangerous thing than for Members of Congress with a limited study of the subject to put their judgment touching the technique—not the broad policy, for that is our proper field—but touching the technique of this subject against that of the men who have made a lifetime study of it. [Applause.]

Mr. LINTHICUM. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. LINTHICUM. Coming back to the question of cars to transport these big guns, does not the gentleman think it would be wise in case of emergency, or a desire to move any of these guns to another place, to have such cars on which to carry them?

Mr. SHERLEY. Why, yes. If the gentleman wants me to go afield, I think there are a great many things that we ought to do, that are not within my purview or the purview of this bill. I think some of the railroads ought to be provided with facilities for the rapid embarking and disembarking of troops. None of them are so provided. But manifestly, if I undertook to cover all these questions, I should be speaking all day.

Mr. LINTHICUM. The gentleman said he did not think there was any likelihood of our being attacked on the Atlantic and Pacific coasts both at the same time.

Mr. SHERLEY. I beg the gentleman's pardon, I did not say anything of the kind. I said that the original conception, the original basis for the position that had been taken touching a one-hour supply of ammunition for seacoast guns in continental United States was the idea that we would not be attacked on both coasts at once. That is a very different thing. I think there might be conditions under which we might be attacked on both coasts at once.

Mr. LINTHICUM. Taking that as a fact, does not the gentleman think it might be well to have these cars constructed so as to be able to carry some guns from one coast to the other?

Mr. SHERLEY. That and many other things might be desirable.

Mr. HARDY. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. HARDY. Is it or is it not a fact that most of the vessels sunk by mines, torpedoes, and submarines have been sunk not by armor-piercing but by explosive shells?

Mr. SHERLEY. Yes; and it is also very important to remember the fact that they have been hit below the armor belt, both by the submarine and by the mine.

Mr. HARDY. Does not the gentleman think that explosive shells have caused more destruction in this war than armor-piercing shells?

Mr. SHERLEY. Frankly, stating simply my own opinion, coupled with the premise that I think my opinion does not amount to anything, I have read a good deal, and I have heard statements made by the claimants, Mr. Isham and others, concerning high explosive shells; but I have seen nothing——

Mr. HARDY. The gentleman has seen the reports of the destruction accomplished by the submarines.

Mr. SHERLEY. I have seen nothing in the way of tests or actual developments abroad to warrant the belief that a high explosive shell, which depends for its effect upon the racking produced by the explosion the moment it hits the outside of the ship, is at all comparable in effectiveness to that produced by an armor-piercing shell. But I had rather

not delay consideration of the bill. We might argue the matter for a week.

Mr. HARDY. Does the gentleman remember an experiment or test that was had under the supervision of the Navy Department of an attempt to explode one of these shells in close proximity to a 75-foot caisson about a year ago?

Mr. SHERLEY. I do not remember a particular test. I heard some gentlemen talking in the cloakroom about what they had seen. But I am not willing to believe that officers in the Army and the Navy, conscientious and patriotic men, whom I know know more than we do about the matter, have deliberately, treasonably—for that is what it would amount to—turned down these things simply because they did not want to admit that their theory held in the past was wrong.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. SHALLENBERGER. The gentleman raised the question of the propriety of Members of Congress——

Mr. SHERLEY. I only express my own personal opinion.

Mr. SHALLENBERGER. By whose motion was it that the bill provides for only one mobile heavy cannon among all the cannon for the defense of our Government on both coasts? Was that by action of the committee?

Mr. SHERLEY. Yes.

Mr. SHALLENBERGER. In face of all the experiments and information that we have derived from modern warfare in Europe?

Mr. SHERLEY. The gentleman fails to distinguish between the criticism that I made of Congress dealing in matters that they knew nothing about and what the committee has done in this instance. I do not undertake to say that a particular type of gun may not be built or should not be built. The only judgment that was exercised by the committee in that instance was in allowing enough money for one of these guns instead of six. We may not have been wise in that regard. That did not involve anything more than this determination that inasmuch as it was stated by these gentlemen that this was still in the experimental stage, in the sense that they had not worked out in detail all of their scheme, instead of building six it might be wise to build one and then the defects that would necessarily appear in a brand new thing might be corrected in the 5 or 50 we should build.

If the gentleman thinks that that is the same exercise of judgment as undertaking to pass on the technical question of how much explosive should be put in a shell, the gentleman is welcome to that view. I do not say that in any disagreeable sense, and I hope the gentleman will so understand it. Every man has his own idea of what he can do.

Mr. PLATT. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. PLATT. Was not the 16-inch gun which is now at Panama moved from Troy, N. Y., to New York?

Mr. SHERLEY. That is true.

Now, the committee had very exhaustive hearings touching another matter that I trust the membership of this House has read in some detail. We had presented to us an invention by John Hays Hammond, jr., for the radio control of a torpedo. It was recommended very strongly by the Board of Ordnance and Fortification. It has undertaken very elaborate tests. If what is claimed for it be true, it is a most remarkable invention. Its possibilities are very great. The committee conducted hearings covering nearly 200 pages that are most elaborate in detail. They not only embraced the views of Army officers, who had actually witnessed some of the experiments, and wireless experts of the Army, but they also represented the views of a number of officers of the Navy who, while they had not examined into the invention in detail, had at a suggestion of mine met informally before testifying before the committee, in a conference with the Army officers touching the matter, also with Mr. Hammond, so that the claims of Mr. Hammond and Army officers might be brought fully to their attention. They testified to the invention from the naval standpoint.

All of the Army officers who testified testified very strongly in favor of acquiring the invention. They stated that it had always been the desire by the students of seacoast defense to have a mobile offensive weapon, because manifestly the guns on shore can only be used when the enemy comes within their range. The mine fields can only be of value when the enemy invades the field, whereas if they could obtain a weapon that could be used offensively it would be of tremendous value, and that many experiments had been made in that regard. They believed that Mr. Hammond had successfully solved this basic proposition, the control by wireless energy without interference of a boat carrying a torpedo or high explosive which could be used in certain restricted areas with very great effect, and in even greater areas with considerable effect.

Some question was raised, however, in the hearings as to whether assuming control of the torpedo by a person on shore the vision of the person on shore would be sufficiently accurate touching the course of the torpedo and of the target as to enable him to accurately direct the torpedo. In other words, admitting that the control is absolute, whether from the shore you did not get a situation where the relationship of the torpedo to the target from the viewpoint of the man on shore controlling it was not such as to make it impossible to accurately direct the torpedo.

Some doubt was expressed by Admiral Benson, of the Navy, in that regard, and there was some question by one other officer of the Navy. There was, however, by the other officers of the Navy who testified considerable belief in and enthusiasm shown for the invention. It is believed by Mr. Hammond that he can not only control this torpedo from the shore and pass that control from one station to another, but that by the installation of wireless apparatus upon an aeroplane it will be possible to control that torpedo from the aeroplane. He has, as he believes, and as those who witnessed the experiment believe, successfully simulated the condition that would actually exist over what would be a distance of a mile. There seems no fundamental reason why that control could not be extended over a distance of some 6 miles from an aeroplane.

Mr. LEWIS. What was the size of a target at the distance of a mile?

Mr. SHERLEY. Oh, the target did not enter into it at all. What I was speaking of was the control from a distance from an aeroplane over a torpedo. The question involved there is the question of the amount of energy which can be sent out from the aeroplane, and that is dependent upon the weight-carrying capacity of the aeroplane. There is no reason why an aeroplane can not now be constructed with sufficient weight-carrying capacity to have installed in it a wireless apparatus that would be able to send the necessary energy so as to control this torpedo at a distance of 5 or 6 miles.

If that could be done, the extent to which the torpedo could be used would be very great. Instead of being confined by shore vision, as you would be if the control came from shore batteries, you would be able by following over the torpedo to go over a radius of many miles and control the torpedo from a height sufficient to put the aeroplane beyond danger of serious attack by anti-aircraft guns of an enemy fleet. It would have an added value in not only the ability to better observe the course both of the torpedo and of the target, because looking down from above there would be none of that difficulty touching the angles of which I spoke a moment ago that might present itself to a man looking from the shore out at a torpedo and target that was in somewhat the same line. But it would also enable it to be used in time of fog. In time of fog it is impossible from the shore to see any distance out, but usually a fog is a very thin layer of air, and by looking down you can see through it when it would not be possible to see from the shore at all.

The hearings in some respects make one believe he is in the days of black magic. Men testified as to what was done that made it seem as if one were in dreamland rather than in actuality.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. In a moment. It was shown that they could take this torpedo and control it from the shore so as to hit a bamboo stick that had a weight attached to one end of it to make it float upright, at a distance of three and four miles, that they could sail up to a passing schooner and come right up to it and could have hit it and then turn and circle around it and come back, and that the control was absolute. It was testified that there was a system of lights by which the directions of the torpedo could be absolutely controlled in the nighttime, that the torpedo could have upon it a searchlight that could be illuminated and put out instantaneously and a beam of light from it would remain horizontal without regard to the pitching and tumbling of the ship. It was testified that by a certain use of the gyroscope a ship could be put upon a given course and would automatically keep that course and when it got off come back onto it again. We went as thoroughly into the question as it is possible for laymen not familiar with a new and intricate science to go.

The secret whereby Mr. Hammond obtains control of the torpedo without the possibility of interference was explained to the committee, but it was not printed because manifestly it ought not to be, being a secret of Mr. Hammond, but as a result of the testimony and the very insistent urging on the part of the War Department the committee felt that it would

have been derelict in its duty and subject to severe censure if it did not make provision for acquiring this invention, if its claims were anything like borne out in actual trial. Inasmuch as the Navy has made some criticism of it, however, the committee made its recommendation for the payment of the very considerable sum of $750,000 to Mr. Hammond for acquiring the exclusive right to this invention upon the condition that there first be a demonstration before a joint board of Army and Navy officers to be appointed by the President, and that the money should not be expended unless the report of that joint board is favorable to the device. To have done less than that, I repeat, would have left the committee subject to the just criticism of the country and of the Congress. I think that we have safeguarded it by providing for this additional test in the face of what is the overwhelming testimony, if you consider the weight of testimony in favor of the device.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MANN. Possibly the gentleman has practically covered the first question I desire to ask. What I want to know is just what is this control by which they start the torpedo going and move it as they please?

Mr. SHERLEY. I can explain somewhat in detail. You may use either what they call a sea sled, which is a boat riding on the surface of the water and which gains great speed, and depend upon its speed to render it invulnerable from gunfire of the ship, or you can use a boat like a submarine which is awash, which is running with its vitals under the water but with the top exposed. In the boat is carried the torpedo, which can be fired from it at any moment; and there is also carried, if need be, a large amount of explosives so that if the torpedo fails to hit, the actual boat itself could be run into the target and an explosion had. There is an internal-combustion engine, a gasoline engine, which supplies the motive power to the boat. The boat could be built of any reasonable size and could have a radius of activity commensurate with the amount of fuel, gasoline, that it carries. It has a receiving wireless set so arranged with the mechanism of the engine and of the rudder, or the guiding mechanism of the boat, as to enable a person from the shore to send wireless energy to the boat, and start, stop, reverse, accelerate, or slow-down the engine, turn the steering apparatus so as to make the boat turn to right or left, go forward or back, and what not.

Now that itself would not necessarily be a difficult thing, although the refinement with which he has worked it out is. This thing is no longer within the domain of theory; the actual details have been worked out. There has been any number of instances in which control could be sent by wireless to a mechanism whereby a boat might be moved, but the fundamental part of Mr. Hammond's invention, as I understand it, lies in the fact that he has such a system as enables him to send this wireless energy without the ability of anyone to interfere with the sending or the receiving of it, and the way that is done constitutes the fundamental secret of his invention.

Now, the invention, it is claimed, goes so far that it is impossible in any way by other wireless waves to interfere with the energy sent out to this boat short of a thousand feet of the source from which the hostile energy is sent, and that if there is an interference at that point the boat will automatically turn and go toward the source of the interference.

If at any moment the control over the boat be interfered with or the mechanism be destroyed by virtue of gunfire, it automatically locks and continues upon the course that it had at the time at which the control was interfered with; that with an attempted interference whereby in any way one of the unit wave lengths that go to make up the combination should be discovered and duplicated by hostile energy the effect of that would not be to interfere with the combination, but simply to help it along, because it would help to supply the energy for one of the units and would not have destroyed the combination which is necessary for real interference.

I think if gentlemen, just as a matter of interest, will read the hearing they will be tremendously impressed. The committee was unanimous; there was no doubt in the minds of any of them that this invention was so remarkable as to warrant us in going forward and I think I violate no confidence of the committee when I say that a number of the Members of the committee were willing to recommend a direct appropriation now without requiring this additional test.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SHERLEY. I now yield to the gentleman.

Mr. LINTHICUM. I simply wanted to say to the gentleman that Mr. Hammond had a yacht at Baltimore in the harbor there and was steering it about and sending it wherever he pleased in the harbor just in the manner the gentleman has said, and I was very much impressed with it and I am very glad to hear that the committee had this matter before them.

Mr. HARDY. Will the gentleman yield?

Mr. SHERLEY. I do.

Mr. HARDY. Will the gentleman state along what line or basis was the amount of $700,000 fixed as a fair price for this invention?

Mr. SHERLEY. I will do so. The first proposal that was made by Mr. Hammond contemplated the sale of the exclusive right to the invention, if I recollect, for $530,000, with the payment of a royalty of $10,000 on each torpedo that was built, and a 10 per cent commission upon the investment that should be made in the shore stations.

The reason for the latter 10 per cent commission was that he would have to operate and supervise and install these units. He did not desire to undertake to make a profit out of the Government by selling the material itself at a profit, and so he thought that a legitimate compensation should come to him by paying him the 10 per cent on the amount that was expended in the building and installing of the units and then a royalty of 10 per cent upon each torpedo. He stated that he had expended some $300,000 in the development of this invention, in the experimentation and in the conducting of this work over a number of years. He then made the proposition to the committee that he would sell to the United States simply the rights here, leaving him free to sell the rights abroad.

The committee was unanimous in the belief that if the thing was worth acquiring it was worth acquiring in its entirety, and that we ought to get the exclusive right and not leave it to be sold to possible enemies, and I think it is due to Mr. Hammond to say that he has all along shown a desire that his country should possess what he believes to be this very valuable weapon, and he has refrained from availing himself of perhaps the most unusual market that will ever present itself to an inventor, the market abroad brought about by virtue of the European war, in order to give to his own country opportunity of acquiring it.

Mr. Hammond in his entire bearing and dealing with the committee exhibited a desire to serve his country and a consideration that I think was admirable, and I think it is due him to state it here. The committee being of the opinion that we ought, if we acquired it at all, to acquire the exclusive right also came to this opinion: That it was more desirable to buy the thing outright and have done with the question of royalties than to buy with a less first payment and then to continue royalties.

For instance, if the device should prove a success it was not at all improbable that a hundred or more of these torpedoes would be used. That would represent $1,000,000 in itself in royalties, and his original proposal contemplated that we must order within a period of three years, which he then afterwards agreed to extend to six years, at least three units, each unit comprising 10 torpedoes, which I think made additional in royalties something like $300,000, so we would have been obligated under his first terms to have paid $830,000.

The committee authorized myself, as chairman, to take up, with Mr. Hammond, the question of a proposal that would embrace the complete purchase of all of his rights.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SHERLEY. In just a moment. And as a result of that he made a proposal to the War Department by which he agreed to sell us his entire right for the sum of $750,000. If the invention is worth while that is by no means too much; it is considerably less than his original proposition. If the invention is not worth while, we ought to find out by this test.

Mr. HARDY. Will the gentleman yield for just one question? How much of his time or attention or supervision does he stipulate he will give if we put this into operation?

Mr. SHERLEY. That is all provided in the contract, whereby he agrees to give his services free of charge in the installing of one unit and to acquaint such officers as we may designate with all the knowledge that he possesses, to give us the advantage of any additional inventions he may make in the perfection and refinement of his invention, and after that he holds himself subject to the command of the United States Government at a per diem for the days that he may be employed in any supervision, and so forth. The details of the matter have been very carefully gone into, and I have here—it would take some time to read it, but I will when the item is met, if necessary—the contract that has been tentatively agreed upon.

Mr. SHALLENBERGER. As I understand, the operation of this system requires a high-power wireless station at the particular place where the torpedo is to be operated?

Mr. SHERLEY. The system contemplates a shore station. I am not now speaking of the later development by virtue of control by the aeroplane. I mean a shore station from which the wireless energy will be sent out. That shore station could be connected, and would be, with any number of observation points. The only connection that would be necessary would be a field telephone, whereby an observer would be able to direct control of the torpedo by sending back to the main station from which the wireless energy went the information necessary, and simply by a system very much like the ordinary keyboard for a telephone that information could be passed on to observers at different places, so that if the target and the torpedo went out of the range of a particular observer it might be possible to transfer the control to another observer, and so carry it on over a distance greater than that which would be possible by the use of but one observer.

Mr. SHALLENBERGER. It would not require, then, the erection of a great number of these wireless stations along the seacoast? Might it not be operated by those we already have?

Mr. SHERLEY. Oh, no. It would require at each place where they expected to use them the erection of one of these stations. It is having the mechanism whereby you send the energy in such form as to control the torpedo and prevent the interference with that control that is necessary.

Mr. SHALLENBERGER. Are some of our other seaports, like New York and Boston, now supplied with wireless stations that could be put in operation soon?

Mr. SHERLEY. Practically all of our fortifications have wireless stations, but having them or not having them would not have anything to do with installing or accelerating the working of this system.

Mr. REILLY. What is the shore-distance control by wireless stations?

Mr. SHERLEY. You mean what distance from shore you could control this torpedo?

Mr. REILLY. Yes.

Mr. SHERLEY. That is simply determined by range of sight. There is no——

Mr. REILLY. What is the limitation of sight?

Mr. SHERLEY. That would depend on the climatic conditions, on the elevation of the observer from the shore line, and so forth. I should say, broadly speaking, somewhere between 5 and 6, 7, or perhaps 8 miles.

Mr. REILLY. And unless you could develop the aeroplane control what good would that be to battleships?

Mr. SHERLEY. It would be a good thing in many places where there are runbys, and where the fleet could come that close in, and it would have the advantage of supplementing very much the mine fields. It could be used very effectively in mining, and it would simply be an additional weapon in this area.

Mr. REILLY. But how would it be of any use if the fleet would not come any closer than 8 or 10 miles to our coast, as you have said.

Mr. SHERLEY. I disagree with you. There are unquestionably cases when they would come closer.

Mr. REILLY. On your own theory they could not.

Mr. SHERLEY. The theory on which we proceeded was that it was always well to supplement a good weapon with another one.

Mr. REILLY. This weapon from shore does not give you any more control than you have now from your own batteries.

Mr. SHERLEY. Oh, yes; it does. It is a very different proposition. By the use of a torpedo or a gun you fire and either hit or miss. The moment the shot is fired your control of it has passed away, whereas the virtue of this lies in the fact that you have control of it practically up to the moment when you hit the target. And if your original direction is wrong, you can redirect it and you can continue so to do.

Mr. BLACK. As I understand, the bill provides that this invention shall be patented for the benefit of the United States?

Mr. SHERLEY. That raises another phase of the matter. The gentleman refers to the provision which authorizes the transfer to the Government of the applications for patent, so that the patents may be taken out in the name of the United States if desirable. In point of fact, what I think should be the policy to be pursued would be in regard to the fundamental patents, the secret of which is desired to be kept, is that the matter should never be pressed beyond the application stage, because up to that point it would remain in the secret archives of the Patent Office. After that it would be public, and of course the knowledge that came thereby would be availed of by others.

Mr. BLACK. By other nations?

Mr. SHERLEY. Yes.

Mr. BLACK. That was the point I was getting at.

Mr. SHERLEY. I think this ought to be stated in connection with the matter, now that I am on it: I have received a number of letters from Mr. De Forest, who is, I understand, a wireless expert, who believes that we are not warranted in spending this money at all, and who claims that the inventions of Mr. Hammond are not novel, and that the system is not worth the money. I am not going to impugn the motives of Mr. De Forest, because I have never seen him, and I have no personal knowledge that would warrant me in doing so. But I have taken occasion to have the question of the value of the patents of Mr. Hammond gone over by the attorney for the War Department and one of the patent experts of the Government, and they believe that he has certain patents that are fundamentally of value.

The original patent that Mr. De Forest refers to, that was taken out by Admiral Fiske, although the patent was issued, I think, in the name of the Western Electric Co., will expire in less than 16 months, so that if it was at all basic, so as to give a claim for interference on the part of Mr. Hammond, that claim would disappear in 16 months. There are certain other patents that he alleges—I believe, although I am not positive and recall it only from memory, because I am not a patent lawyer and have no knowledge of those patents as such—that are prior to the Hammond applications. Mr. Hammond has applications for patents to the number of over one hundred. The attorney for the War Department and the Patent Office expert advised me that they believed Mr. Hammond's claims are substantial. He has not taken them to patent for the reasons I have stated. To do so would be to give the knowledge that the patent would give to anyone else.

Mr. BLACK. Mr. Chairman, will the gentleman yield there?

Mr. SHERLEY. In just one moment. To my own mind I do not think it is very material whether there is basis for an exclusive patent to Mr. Hammond or not. Sooner or later this secret will become known. No great invention remains secret long. But in the meanwhile we have the start by a good many years of anyone else, apparently, because we have not simply a patent in the ordinary sense, but we have absolutely worked out the details of each part of the mechanism. The thing has been built and actually done.

Now I believe if I were to show it to a man, it would take him a number of years—and that was testified to by several gentlemen—before he could duplicate it so as to make it work satisfactorily. But Mr. Hammond in his contract agrees to hold the Government harmless of any claim of infringement, and he is financially responsible and so is the company, and I think that in every way the financial end of it could be safeguarded; it has been.

I took occasion to go over very carefully the contracts, and, with what little knowledge of law I had, suggested things that I thought would help to preserve the Government's rights, and I insisted upon the law department of the War Department passing upon it all, because I did not want to take the responsibility of acting as attorney for the Government in the matter. I believe an examination of the contracts will show that we have tied Mr. Hammond pretty tightly.

Mr. BLACK. Now if Mr. Hammond should elect to do so, would there be anything to prevent him from having this thing patented, say, in England, or Germany, or France?

Mr. SHERLEY. Well, there would be this: He has already made certain applications for patents there, and under the terms of the contract he has to assign all his rights, not only in America, but everywhere else.

Mr. BLACK. It includes all the applications he has made?

Mr. SHERLEY. Yes. Under the contract he will give the United States Government every right to the patent now owned by him and his company that he has incorporated, and the stock is almost entirely, if not entirely, owned by Mr. Hammond, his father, and his brother.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield there?

Mr. SHERLEY. Yes.

Mr. MONTAGUE. Do I understand the gentleman to say that if this sale is consummated the contract will be prepared by the Department of Justice?

Mr. SHERLEY. No. The contract has been prepared by the attorney for the War Department, the Judge Advocate General. It is in the way of a signed proposal.

Mr. MONTAGUE. It has been prepared, then, as I understand, by the proper legal authorities?

Mr. SHERLEY. That is true, and it is in writing; and Mr. Hammond has given the option to the Government, to be exercised a given number of days after the experiment has been had, touching the practicability of the invention.

Mr. BLACK. Mr. Chairman, will the gentleman yield for another question?

Mr. SHERLEY. Yes.

Mr. BLACK. Is it not true that these applications that Mr. Hammond has pending with these foreign governments disclose the same secret of his invention as they would disclose in our own Patent Office?

Mr. SHERLEY. Yes, except Mr. Hammond was wise enough not to make application on the fundamental aspects of his invention, but only as to certain minor features of the invention in connection with certain parts of the machinery.

Mr. BLACK. Then these applications do not refer to the basic control of the torpedoes without interference?

Mr. SHERLEY. Those that they have filed abroad do not.

Mr. MANN. Now, Mr. Chairman, if the gentleman from Kentucky has concluded his instructive and illuminating remarks about this invention, there is one burning question that I would like to ask him. I want to know if Mr. Hammond or anybody else could be persuaded by any means to invent or devise a method by which the baseball pitchers could get better control of the ball. [Laughter.]

Mr. SHERLEY. It was testified informally in the hearings that the discoveries were such that you might send a message by wireless to France and have it received and mechanically written out upon a typewriter there, and someone suggested the machine might also translate it and write it out in French if it was sent in English. [Laughter.]

Seriously, the development that has taken place in wireless is so remarkable that he is a brave man who undertakes to put a limit upon the possibility that this has opened up in the world of science and achievement.

Mr. KELLEY. How old is this young man?

Mr. SHERLEY. Mr. Hammond is now 27 or 28.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. SHERLEY. Yes.

Mr. STEPHENS of Texas. If Mr. Hammond makes this contract with the United States Government and afterwards makes discoveries and improvements under that, would his discoveries and improvements be included in the contract you have with him?

Mr. SHERLEY. That is in the contract. The contract provides that any refinement and development of the invention should be given without expense to the Government.

Mr. STEPHENS of Texas. I am glad that that is so, because I have known of cases along that line.

Mr. SHERLEY. I should be glad to put the actual contracts into the RECORD. I think the reading of it will show that we have very carefully safeguarded all of the interests of the Government.

Mr. WALSH. On page 5 of the report the statement is made that it is not proper to state in detail the proposals made in reference to the additional armament. Can the gentleman state, or would it be proper for him to state, at what point these increases in guns and disappearing gun carriages are to be made?

Mr. SHERLEY. The gentleman will find on the top of page 5 of the report this statement:

> An additional sum will be necessary for the fortification of places that will doubtless need be fortified within a few years but for which no definite scheme has been recommended, these latter fortifications being largely for Alaska, Guam, and Guantanamo. The board's report contemplates additional fortifications at Portland, Boston, New Bedford, eastern entrance to Long Island Sound, Sandy Hook, including Rockaway Beach, Delaware Bay, Cape Henry, Charleston, Pensacola, New Orleans, Galveston, San Francisco, Columbia River, Puget Sound in continental United States, in Hawaii, the Philippines, and at the Panama Canal.

Now supplementing that it is proper to say that in this bill we are making provisions for emplacing two 12-inch guns mounted for a high-angle fire at Boston, four at New York, and one at San Francisco. We are also making provision for the building of 17 of these carriages because that takes longer than to build the emplacements. Next year we will unquestionably, in my judgment, carry provision for the emplacement of the other 10 of these guns. We are also providing for carrying on the work of the fortification at Cape Henry as rapidly as possible, giving all the money that can properly be expended there. We are finishing the fortifications at Los Angeles and San Pedro, and we are providing for the acquisition of land at Rockaway Beach.

If that land is acquired in time there will be enough of a fund for the engineers to enable them to start on some of the emplacement work there. The gentleman will understand that the items in the fortification bill are carried in terms of the purpose to be served rather than by any designation of locality. We carry so much money for emplacements which is spent by the engineers, so much money for armament which is spent by the ordnance people, and so much for fire control. There is always an understanding between the committee and the various departments as to where the money is to be expended, and they do not violate that understanding. There is no restriction, however, in point of law, and there have been instances where circumstances arose which made it proper to use the money for a purpose not originally stated, or instead of the purpose it was appropriated for, but they usually made an informal request of Members in charge of the bill, and it has been acquiesced in.

Mr. WALSH. Will the gentleman state whether the acquirement of land for aviation stations is a proper subject for consideration under this bill, or whether that comes under the military bill.

Mr. SHERLEY. I do not think we would have jurisdiction of that matter. There was a time when the fortification bill carried or failed to carry estimates submitted to the committee touching balloons and perhaps aeroplanes, but in recent years I think the Army bill has carried that.

Mr. LINTHICUM. Will the gentleman state what provision is made for the fort at Cape Henry.

Mr. SHERLEY. Yes; I can state that we have made provisions to supply them with all of the money to erect fortifications there that they can possibly expend between now and the next bill. I can even enumerate if the gentleman wants the number of guns.

Mr. LINTHICUM. No; I do not want that.

Mr. SHERLEY. I want to say in passing that I sometimes question the wisdom of the detail with which we make public what we are doing in connection with fixed fortifications. I have in my possession information telling me of every gun, its caliber and its location in the United States and in every possession of the United States. The committee always has that information before it. We can give it, of course, to the House; but I have always felt that I should not do more in that respect than was necessary, so that I hope if at times I seem to hesitate to reply to gentlemen's questions they will appreciate that it is not done with the idea of being discourteous to them, but because some of these matters ought not to go into the RECORD.

Mr. MONTAGUE. Mr. Chairman, I agree with the gentleman in the view that he has expressed, and I was just about to ask a question to bring that out.

Mr. SHERLEY. I have detained the Committee much too long, but I want to speak very briefly of the remaining phase of the fortifications bill.

This bill deals not alone with the question of seacoast defenses, but it makes provision for the mobile army of the United States. In it are provided the guns and the ammunition for all of the regular and volunteer forces of the United States. Similar items carried in the Army bill make provision for the militia of the United States.

This year we had submitted to us very great increases of appropriations for field artillery and the ammunition therefor. For a number of years past we have been increasing the allowances for both guns and ammunition. When I first became chairman of the subcommittee the annual appropriation for ammunition for field artillery amounted to about $150,000. The Committee increased it to $300,000, then to $600,000, then to $900,000, then to $1,200,000. Last year it was something over that, and this year we provide for $2,800,000 in cash, and $1,500,000 of authorized contracts. Gentlemen will see by this that in recent years we have gone very much faster than in the past. I believe there was not any place where we were as backward and as weak as we were in regard to this item. A few years ago the number of guns and the ammunition provided for them were so totally inadequate as to be surprising. Yet I would be unfair if I did not say that in the old days I did not appreciate in anything like the degree that I do now how far behind we were.

As I said awhile ago, the one thing that is a daily surprise is the amount of guns and ammunition that are being used in the European war, and I know of no more pathetic speech that has ever been made by a great man in a great crisis in the world's history than the "too late" speech of Lloyd George, in which he speaks of the total inability of the allies, particularly of the English, to supply the guns and ammunition that had been requisite, how on every battlefield of Europe the specter of "too late" had dogged the footsteps of the allied soldiers.

No matter how much men may fear a great army and the effect that it would have upon the habits, purposes, and thoughts of the American people, it does not seem to my mind possible that men can object to the acquisition of sufficient guns and ammunition to equip the soldiers of our country if ever they are called into the field. I doubt very much whether we will ever in this country adopt a system that will give us any very great number of trained men before the outbreak of a war. The

probability is that we will have to whip men into shape after the war breaks. But there ought not to be any reason why we shall not be prepared to supply them with the guns and the ammunition to make their sacrifice worth while and not useless.

So it is with no apology whatever that I present this very greatly increased amount both for guns and ammunition. For guns we are providing $2,821,500 cash, with a contract authorization of $3,500,000. I have already stated what we have provided in the way of ammunition.

Mr. KEATING. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman from Colorado.

Mr. KEATING. Can the gentleman state the total amount appropriated and the total amount authorized in this bill for guns and ammunition?

Mr. SHERLEY. I have just given it. The gentleman will find the details in the report on page 19, where he will see under mountain, field, and siege cannon the items for purchase, manufacture, equipment, and so forth, and then the ammunition. That, with the exception of a small amount for the alteration of the 3.2-inch batteries, sights, and so forth, covers all the items for field artillery. Then, if he wants to get the amount for seacoast artillery, that, added to the other, will give the total.

Mr. KEATING. I was trying to get at the total provided for all kinds of guns and all kinds of ammunition appropriated for in this bill.

Mr. SHERLEY. I can not answer accurately, but with authorizations and cash it constitutes nearly two-thirds of the bill.

Mr. KEATING. That will be approximately $20,000,000?

Mr. SHERLEY. Somewhere along there.

Mr. KEATING. And what proportion of the appropriation and authorization will be expended in Government factories?

Mr. SHERLEY. I can not answer that, and I will tell the gentleman why. I had hoped to be able to go into it, but that is going to depend somewhat on how much is carried in the Army bill, and also somewhat on what is carried in the sundry civil bill for the enlargement of the arsenals.

After the Army bill is passed I hope to be able when the sundry civil bill comes up, when we know the exact amount which will be available for expenditure out of both the fortifications and the Army bill, to give to the House some information as to the proportion that will be expended in Government arsenals and the proportion in private plants. I will say to the gentleman that, as he knows, we have expended most of the money in the past in Government arsenals; that is, speaking by and large. That is not true of all characters of material, but it is generally true. That will not be true for the next year or two in anything like that proportion, because we have commendably and properly increased the amount that will be expended annually, and, while we are making very great increases in the arsenal capacity, that increase can not be availed of, as the gentleman will appreciate, for a good many months after the appropriation is made; because you must build and equip a plant before you can manufacture in it.

Mr. KEATING. But the appropriation for the increased capacity of the arsenals would be carried either in the fortifications bill or in the Army bill?

Mr. SHERLEY. No; in the sundry civil bill. The Army bill has no jurisdiction of increases of arsenals. Provision will be carried in the Army bill for various kinds of equipment which are made in the arsenals; and until you know the amounts in that bill and in this you can not tell except roughly how much can be made in the arsenals and how much outside.

We have provided in this bill for running the arsenals at their maximum economic capacity.

Mr. KEATING. May I ask the gentleman what he means by that?

Mr. SHERLEY. I mean exactly this: To run them to the fullest extent that you can without adding to the cost of making the particular thing. For instance, you can get twice the output on a two-shift basis that you can on a one-shift basis, but you only get two and one-half times, roughly speaking, the output on a three-shift basis that you get on a two-shift basis. Manifestly if you are running on a three-shift basis you are increasing the net cost of what you are manufacturing. In some instances it will be desirable and economical to run on a three-shift basis. Broadly speaking, what we require is that the arsenal shall be run at its utmost economic capacity.

Then we undertake to safeguard the Government touching the service from private plants by providing that the price paid shall not be more than 25 per cent in excess of the cost of making them in the arsenal, as shown by the cost wherever they have been made, or the estimated cost of making them in the arsenal in instances where we have not heretofore made them. In this way the committee believes that they have safeguarded the interests of the Government as far as it is practicable. I stated in connection with the armor-plate discussion my own belief, and that was that the Government ought not to undertake exclusively to manufacture everything. I believe that we will never so equip the Government as to give it the capacity to manufacture all the things that would confront this country in the case of war.

The result of depending alone on Government manufacture would be to have the country in a position unable to take care of the situation that in war time will confront us. But I do believe that the Government ought to make something of everything of which it is the only user. Some things the Government makes I would not have it make. It makes cups, spoons, and forks and other things at Rock Island which could be bought in the open market, and where there is no need of the Government making it in order to protect itself. But of all armament and material of which it is the only user I would have the Government make some part of it in order to get the knowledge that comes only from making, which would enable it better to inspect what it buys, and also to determine, in the only way you actually can determine, the real cost of the things and thereby prevent any undue profit being made at the expense of the Government by private manufacturers.

Mr. KEATING. May the House expect to receive an estimate as to the cost of equipping the arsenals so as to take care of the appropriations in the sundry civil bill?

Mr. SHERLEY. The gentleman will find in the sundry civil hearings an elaborate statement which, taken together with the hearings on the fortification bill, will give in a way the information the gentleman wishes. He will find in the sundry civil bill that there is made a provision for an immediate increase of all the arsenals, the creation of practically a new plant at Rock Island and the creation of a new powder plant to be located wherever in the judgment of the War Department it is best from the standpoint of the national need and safety.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. HUDDLESTON. I desire to call the gentleman's attention to section 3 of the bill which provides that the appropriations in the bill shall not be expended for powder other than small-arms powder at a price in excess of 53 cents a pound.

Mr. SHERLEY. Yes.

Mr. HUDDLESTON. I have been informed that we are manufacturing powder at a cost of 24 cents a pound, and after adding all possible overhead charges that the cost to the Government is about 34 cents a pound, and I wanted to inquire of the gentleman whether he believed it proper to reduce this 53 cents to a lower figure, somewhat nearer the price at which we can manufacture it?

Mr. SHERLEY. My answer to the gentleman is this: I have not conducted hearings that were at all elaborate in the last two years as to the cost of powder. The committee prior to that time did have a very elaborate hearing, the result of which was the fixing of this present limitation. My understanding is that it is costing us about 40 cents, including overhead charges. Awhile back it was costing us over 40 cents, perhaps 43 cents, and it may be yet.

The 10 cents difference is quite a large amount, of course, and yet it is perfectly fair to say that you can not expect, assuming that we are making a thing at rock-bottom price—and I believe we are as to powder—to ever get from private manufacturers powder at the same price at which it costs us to make it, because they have a number of expenses that the Government does not have, and naturally they are not making powder simply for the pleasure of making it, but expect and are entitled to a reasonable profit. The committee did not feel like reducing the price at this particular time below 53 cents, first, because it did not have accurate enough information to warrant it, and, second, because at this time the private powder manufacturers are getting a good deal more money than that for all they can make, and in many instances could sell much more than they are making, owing to the unusual demand now existing abroad. What the committee did do, however, or rather what the subcommittee having in charge the sundry civil appropriation bill did, was to provide for the erection of a new powder factory which will serve to about double the capacity of the Government and thereby enable us to make practically all of the powder that the Army uses, or very nearly so, and under these circumstances it did not seem wise to us, without more information than we had, to upset the price that was fixed.

Mr. HUDDLESTON. May I inquire if we make a Government-factory small-arms powder that is excepted by this section?

Mr. SHERLEY. We do; but I do not carry that in this bill. We do not provide for small-arms powder here. Small-arms

powder costs more to make, due to the different size of the grains and the difficulty in drying and other mechanical processes, and the price of it has always been in excess of that for cannon powder; but inasmuch as this bill does not make provision for it, I am not well enough informed to answer the gentleman's question. There may be a very small sum expended out of the funds in this bill for small-arms powder, but practically none. We did not feel that we were warranted in entering that domain and fixing the price.

Mr. HUDDLESTON. I understood the gentleman to say that the new factory will contemplate the manufacture of all powder, small-arms and otherwise, that the Government uses?

Mr. SHERLEY. My understanding is that they now make all the small-arms powder.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MOORE of Pennsylvania. The gentleman speaks of doubling the capacity of the plants for the manufacture of powder, and also in the course of his very elaborate and exhaustive speech has told us of the increase of appropriations for the present year. They were increased last year, if I recall, and also in previous years. In view of all this increase in the matter of armament and the manufacture of ammunition, and doubling the capacity of plants, what provision is being made for the personnel to properly equip the new or enlarged establishments?

Mr. SHERLEY. What does the gentleman mean by personnel—officers or workmen?

Mr. MOORE of Pennsylvania. Officers in particular, officers who are qualified to enter into the manufacturing business or who are capable of being inspectors.

Mr. SHERLEY. The gentleman will understand that that is another matter that my committee does not deal with, but he will also recall that by virtue of the provisions contained in the Army reorganization bill there has been a considerable increase in the Ordnance Corps, and that ought to be able to relieve the situation.

Mr. MOORE of Pennsylvania. To take care of the increase?

Mr. SHERLEY. Yes.

Mr. MOORE of Pennsylvania. I ask because I want to be able to follow up the personnel matter. At one arsenal with which I am familiar I know that they are running short-handed now, so far as experienced men are concerned, and on important work officers are assigned who have had a few months' experience. For instance, in the manufacturing departments some of them are put up against highly technical work, and many of them are withdrawn for purposes of inspection where purchases are made at private plants. And, as a matter of fact, to-day some of our arsenals are very much undermanned in the matter of experts capable of doing the kind of work the Government ought to have done to protect itself.

Mr. SHERLEY. I took occasion, when the Army reorganization bill was up, to call attention to the need of increase in the ordnance corps and the difficulty of training men for that service. The one place where we will break down more than anywhere else if war ever does come on a great scale is just the place where we and similar nations have always broken down, and you can not apparently impress it upon the people until the fact occurs, and that is in the overhead. Men constantly think that they are making economy by cutting out people at the top, and then when there comes an expansion of 300, 400, or 1,000 per cent, you have absolutely swamped the work of your chief officers and a great cry goes up as to the incompetency of those officials.

When war of great magnitude comes, if it ever shall come, in this country you will break down in Washington in the War Department, not because of the lack of ability of men, but because you will not make provision in peace time for men who have supervision and direction so that when the need comes they may be there to take care of it.

Mr. MOORE of Pennsylvania. I will say to the gentleman, in line with that which he has just expressed, that the Government has contracts with companies like the Bethlehem Steel Co. I think they have $700,000 worth of work recently, and that the investigation there ought to be made by qualified and thoroughly experienced officers of the United States Government. Sometimes it happens that civilian assistants have been assigned to do that work. There is a case of an optical contract, for instance, where I have knowledge that a mechanic—not that he is not qualified, but a mechanic who has no special sworn obligation to the Government—was assigned to the work of inspection, and there are a number of other cases of that kind I could cite, and I wanted to find out from the gentleman just where we ought to make provision to meet the requirements of the Government after we have made this increase and what I believe to be this necessary expenditure for the Government in the way of armament.

Mr. SHERLEY. Mr. Chairman, before concluding, as I hope to do in a moment——

Mr. MANN. Mr. Chairman, I was called out for a few minutes when the gentleman commenced his speech. Has the gentleman made reference to the Mobile tests?

Mr. SHERLEY. I did not. I had intended to do so, and I will be glad to speak of that now. I have here a thorough, confidential report which was made by the board which witnessed the tests at Mobile, and I have also some photographs that are interesting to gentlemen, if they desire to look at them, showing some of the results achieved there. I can, perhaps, briefly tell you what was sought to be accomplished there and then give you some of my impressions thereon, which will give you the layman's point of view.

First, let me say we built down near the fortifications that protect Mobile a fortification exactly similar to the regular fortifications that we have. Behind that we mounted a 12-inch disappearing gun and they then had dummies, life size, placed on the gun platforms and on the battle commander's station and elsewhere, just as they would be placed in time of war. There were two naval vessels sent there which were instructed to fire a given number of shots at stated ranges at this fortification in order that it might be determined by actual trial what the effect would be upon a modern fortification by fire from modern battleships, and the purpose of those tests may be briefly stated as follows:

When projectiles charged with high explosives fired from a modern battleship strike a modern emplacement and detonate in its immediate vicinity to determine:

First: (A)—The effect it has upon the emplacement itself; (B)—A modern rifle and its disappearing carriage; (C)—The ammunition stored in the magazine; (D)—The personnel manning the emplacement; (E)—The accessories, including telephones, sights, range finders, and other apparatus; and

Second, to determine the probability that a modern battleship will make destructive hits at long ranges.

The program provided for this was:

In the first phase the battleship *New York* will at anchor fire fifteen 14-inch armor-piercing projectiles with a bursting charge of 32 pounds of high explosive at a range of approximately 5,800 yards. All possible information was furnished the ship and an opportunity was made to obtain hits at certain parts of the parapet. By "all possible information" was meant this: They had all the distances actually measured off; they had in front of the parapet two targets so as to give them a direct-line range and every facility to enable them to hit a particular point they wanted to.

In the second phase the battleship *New York* will at anchor fire ten 14-inch semi-armor-piercing projectiles with a bursting charge of 88 pounds of high explosive, at a range of approximately 8,530 yards, with reduced powder charges which obtained an angle of fall corresponding to the range greater than 16,000 yards. In other words, by reducing the amount of powder charge they would get the same distance only by a greater elevation of the gun, and the fall of the projectile would be at a greater degree and would correspond to the fall of a projectile shot from a 16,000-yard range, the reason for that being the desire to see how much protection was afforded to the gun and to the personnel by the parapet

In the third phase the battleship *Arkansas* fired thirty 12-inch projectiles, 10 target and 20 armor-piercing, with a bursting charge of 22.3 pounds, at ranges approximating 16,000 yards. In this phase the shots were fired while the battleship was under way and no data were furnished the ship from shore.

Now, without undertaking to read, which should not be read, the exact findings of the board, the following may be read for the information of the committee as to some of the conclusions reached:

After examining the emplacement and considering all the data the board is of the opinion—

That the type of emplacement used in this test is satisfactory, and that the overhead and front cover for magazines, as embodied in this emplacement, is sufficient.

That the disappearing carriage is a better type of carriage for concealment and protection than the barbette type. Three projectiles which passed over the gun and carriage and detonated in the parados would have struck a modern barbette carriage.

That projectiles which struck the sand did not bury themselves, but were deflected upward almost immediately, and that sand therefore affords excellent protection.

That fragments of projectiles detonating in a parados of sand do no serious damage to the personnel in the emplacement.

That some form of shield should be provided for the disappearing carriage in order to avoid delays due to sand and débris thrown into the emplacement by detonating projectiles.

That no aerial power and communication cables should be permitted in the immediate vicinity of an emplacement, and that cables in the vicinity of an emplacement should be buried at least 5 feet deep.

That the probability of hitting a modern emplacement at 16,000 yards under the best conditions is not greater than 10 per cent, and that only a small percentage of these shots which hit the emplacement will do any material damage.

A parados is back of the gun and the gun platform. The emplacements are in front, and are the protection behind which is the disappearing gun. And then some distance to the rear is a rear wall, which is a protection from rear attack, and it is spoken of as the parados.

So much of that part of the official conclusion. I witnessed all of these tests. The first day I spent ashore, about half a mile or less than that away from this fort which was being shot at, up on the parapet of one of the regular fortifications. The next day I spent aboard the battleship *New York* in order to see the fire from the vessel as well as from the land side. Everybody was impressed with the tremendous accuracy with which the Navy shot. It is true that they were aided greatly in two phases of the shooting by the ranges, but there was no time at which they missed one side or the other more than 30 or 40 feet, and while some of the shots went short, and quite a number went over, it was remarkable how well they shot.

Mr. KELLEY. Were the ships stationary or running full speed?

Mr. SHERLEY. They were stationary in two phases, and in other cases were moving. They were accustomed to shooting with the ship moving and that itself did not make much difference. The second thing that impressed one, and impressed one tremendously, in view of the fact that all of those shots hit within a space about twice the size of this room both in the way of being short or over, or one side or the other, was the practical absence of any real damage they did. There was one shot that would have killed the battle commander, at least, the dummy which was up there and was of life size, made of canvas, and supported on a tripod, was knocked over. It was knocked over, without any piercing of the canvas, by the effect of the blast of the shell which hit just a very few feet in front of it, knocking it and a couple of other dummies over. The man on the gun pointer was not hurt. There were one or two other shells, one that pierced a man in the gun crew in the leg, and another would have killed a man by striking him in the forehead, but the damage that was done to the fortification in no instance was such as could not have been repaired in less than two hours, with the exception of one shot, and in no instance would the damage have interfered with the use of a gun longer than a couple of minutes necessary to brush off some of the sand in the mechanism of the carriage so as to make it easier to elevate. There was no doubt as to the value of the disappearing gun carriage.

As I have read here, there were three shots that went right over the top of the parapet and hit in the parados behind, that would have put a barbette gun out of business, a gun mounted on a barbette carriage, and which would have been up above, but which did not hit the disappearing gun and could not have hit it unless it passed over at that particular moment when the disappearing-gun was up firing, which is only a fraction of a second. I think everybody was impressed with the fact that the disappearing gun carriage, inasmuch as now they are building new disappearing gun carriages with all around fire and high elevation, as great as they want, is free of the objections that have been urged.

Another thing that impressed one was the effect of a shell striking the sand. A shell would hit the sand and usually would immediately ricochet; sometimes it buried in, and coming out detonated, tearing up a crater that would be 20 or 30 feet in size, but doing no further damage.

There was one shell that hit certainly not more than 15 feet away from the concrete that protects the magazine. It simply tore a big hole in the sand and came on out, going over the fortification, and not even cracking the concrete itself.

There was one shell that hit within two feet of where we were all wishing for a shell to hit. We were particularly anxious that a shell should hit right on the crest of the fortification immediately in front of the disappearing gun, which would by all means be the most damaging place that a shell could possibly hit, and every effort was made to hit that particular spot. Unfortunately, with the commendable desire to save a little money in building this fortification, they made the wall that connected the emplacement in front of the gun and the magazine of less thickness than it is in a modern fortification. It was a little strip of concrete, about 20 feet long, but it was just about half the thickness of concrete that is used in the regular fortifications. As luck would have it, one shot hit just exactly on the crest where we wanted it, but where this concrete was thin, in place of in front of the gun or the magazine where the concrete was of the regular thickness. The result of that shot was to bite out a piece of concrete about as big as that table [indicating] and to scatter pieces around an area that would cover about 8 feet. The shell ricochetted and detonated about 8 feet above and did no other damage.

That would not have put the battery out of commission. While it might or might not have killed some of the men, it would not have seriously interfered with the battery.

The only thing that was not done that would have served completely to demonstrate what it was desired to have demonstrated, was to have a volume of fire that would correspond to the volley firing that would probably take place in the event of a number of battleships firing at the same time at a given fortification. With this exception in this experiment everything was in favor of the Navy and nothing in favor of the Army. They were shooting without being shot at. They were having all the guides possible to enable them to hit accurately. But it must be remembered also that they were simply firing one shot after another, and not undertaking to smother, as they probably would in the case of an actual engagement, the fortification.

But the value of sand as a protection was one of the most impressive things. If I had to be shot at by one of those guns I think I would rather be behind a good sand dune than any place I know, because in nearly every instance the shell was deflected and rose, detonating in the rear, or if it detonates in the sand the result is simply to dig a big hole and scatter the sand, whereas if it should strike concrete there is always the danger of fragments of the concrete as well as fragments of the shell. One shell did not detonate at all; perhaps more than one. They would burst into very small fragments. We picked up fragments that frequently were no larger than the end of your thumb, which if they should hit a person would make a very nasty wound, and if in a vital place a fatal wound.

Everybody came away convinced of the fact that the fleet that undertakes at long range to put a fortification out of commission has its work cut out for it, and that it will probably cost, in expenditure of ammunition and risk of loss, away beyond what would be warranted in undertaking such an effort. I have not the slightest fear of battleships standing off and engaging modern fortifications. They are not going to do it in the future any more than they have done it in the past, unless there is a compelling reason.

The only reason that the Dardanelles fight was ever made was because it seemed to England of the utmost importance that she should open up that particular channel and get in there and enable the Russians to have an outlet through the Dardanelles. She knew that she was going up against an almost impossible task, and what did prove to be an impossible task.

Now to say that we are ever going to have a fleet ordinarily attack a fortification is, to my mind, to say what is not at all probable. The fortifications will serve their purpose. They will keep the fleet away from the area they cover. They will not do more than that. As I said earlier in the day they are not expected to do more than that, and unless you are able to supplement your fortifications with a mobile force sufficient to take care of an enemy that moves out of the area protected by them you have not made adequate defense.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MOORE of Pennsylvania. In view of what the gentleman said in the early part of his speech about our exposed cities and fortifications, and in view of the experiments he has just described so vividly, is it the opinion of the gentleman that if the gun is of equal caliber in the ship and fortification the advantage will be with the forts?

Mr. SHERLEY. The advantage is overwhelmingly with the forts, for a number of reasons. In the first place, the ship shoots at a target that is not very visible, and in many ways is concealed, that is vulnerable only to a limited extent and over a limited area.

It shoots from a moving platform, with a short base line from which to determine its range. The fortification shoots at a target plainly visible, in many instances silhouetted against the sky, a target vulnerable in all its parts; and the fortification shoots from a stable base, with a base line so long as to make the reckoning from triangulation very much more accurate. If, with those advantages, the Army could not shoot better than the Navy, I should be very much disappointed in the Army.

Mr. MOORE of Pennsylvania. So the advantage would be with the fortifications if they were manned with guns of equal power to those on the ships.

Mr. SHERLEY. I think so.

Mr. SLOAN. I assume that a large amount of this money which is appropriated is to be used to prepare against fleet or sea attacks. Has the matter of attack from the rear, after the landing of an army, which has been discussed on this floor recently, been looked to to some extent in this appropriation?

Mr. SHERLEY. No, because this appropriation does not deal with that subject, except incidentally. We are providing that in the future the guns shall have all around fire, which will enable them in a measure to participate in their own defense. But it must remain a mobile army proposition to defend fortifications from the rear. I do not mean that the garrison of a fortified place would not take any part; but they would take part largely in a mobile sense, and presumably the mobile army should be prepared to meet the enemy after he has been prevented from landing in the area that is fortified; and this bill has never contemplated dealing with the question of defense from the land, except in an incidental way.

There are quite a number of things that have been undertaken for quite awhile past. An elaborate study has been undertaken of the topography of the land surrounding the fortifications, and plans have been made for strengthening, and for barbed wire entanglements and for other matters. It is the idea to work out such a detailed scheme that in the event of war there would be for every man an envelope containing his instructions as to what to do, where to go, and what to get, in connection with the defense of those particular areas.

Before I close there is one other matter that I wish to bring to the attention of the House. The committee on its own initiative carried a provision in the following language:

For the procurement of such gauges, dies, jigs, tools, fixtures and other special aids and appliances, including such plans, specifications, and detailed drawings as may be necessary for the immediate manufacture of arms, ammunition, and other material necessary for the defense of the country, and for plans for and the installation of such material in private plants in the United States under such contract and agreement as may be made by the Secretary of War, $1,000,000: *Provided*, That not exceeding 25 per centum of said sum may be used in obtaining from plants so equipped such war material as may be desired: *Provided further*, That not exceeding $50,000 worth of such material may be purchased from any one person or company, and in making such expenditures the laws prescribing competition in the procurement of supplies by purchase shall not govern.

Authority for this purpose was provided in the consideration of the Army reorganization bill. Prior to that the committee had given attention to the subject and interrogated the ordnance officers relative to it. It was testified that even in cases where manufacturing plants in a way were equipped to manufacture war materials in the sense of having the buildings and general lathes and tools it would require something like eight months to so equip them with the special gauges, jigs, dies, and so forth, necessary to turn out the particular character of material to make the various parts that would have to be assembled in making the finished rifle or gun or shell. While very large orders have been placed in this country for various kinds of munitions it was only after the lapse of many months that any actual deliveries were had. The provision that we have recommended seeks to enable the Government to equip a number of plants with these appliances and then by giving small orders to have them actually do enough work to learn how, upon need, to turn out rapidly such material.

The provision dispenses with competitive bidding upon such orders so as to enable the Government to select such plants as may be deemed desirable from the military standpoint, and it is saved from abuse by the limitation as to the size of the contracts that may be given any one concern. The wisdom of this provision will appear to all who have given any special attention to the subject and will do more, considering the amount involved, in actually preparing the country for supplying the Government with necessary war material in a short time than any other single step that has been taken.

There is a considerable increase in the amount for the use of the Board of Ordnance and Fortification. It is evident that the board will have a great deal more work in experimentation and of testing new inventions than heretofore, and it was deemed wise to supply them with ample funds for this purpose.

I beg to thank the committee for its attention. I have spoken very much longer than I expected to. As we read the bill I will endeavor to explain anything that gentlemen may desire. [Applause.]

Under authority granted me to extend my remarks I desire to append herewith the report which accompanies the fortification appropriation bill.

[House of Representatives, Report No. 498, 64th Cong., 1st sess.]

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY, from the Committee on Appropriations, submitted the following report.

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following explanation thereof:

The estimates on which the bill is based aggregate $23,375,123.80, and in addition thereto authority is requested for contract authorizations amounting to $12,500,000, a total of estimated appropriations and authority to enter into contracts $35,875,123.80; the first mentioned sum includes $23,305,123.80 submitted in the Book of Estimates for the fiscal year 1917 and $70,000 submitted in House Documents Nos. 430 and 571. The accompanying bill appropriates $21,997,050, and in addition authorizes contracts in sums aggregating $12,300,000, a total, including appropriations and authorizations, of $34,297,050; the amount of direct appropriations is $16,936,833.10 more than was appropriated for the same purposes at the last session of Congress, and $1,378,073.80 less than the estimates submitted for direct appropriations.

SCOPE OF THE FORTIFICATIONS BILL.

Before discussing in detail the estimates submitted for the fiscal year 1917 and the recommendations thereunder, and the history of previous appropriations for fortifications, it is not amiss to state the actual scope of the fortifications appropriation bill, which covers a field larger than its title indicates. It embraces not only the subject of seacoast fortification, but also makes provision for the mobile artillery and its ammunition for the Regular and Volunteer Armies of the United States, but not for the militia, provision for the latter being made in the Army appropriation bill.

The bill deals entirely with matériel and does not deal with the personnel of the Army.

It provides the funds for the purchase or manufacture of such matériel, and has in the past carried large appropriations for the creation of several of the arsenals of the Government. The practice of recent years, however, has been to make provision for the building or enlargement of Government arsenals in the sundry civil bill, except as to the purchase of machinery incident to the Government manufacture of matériel provided for in the annual fortification bills. As incidents to these broad basic purposes, the bill deals with many minor matters, as will appear from a reading of the detailed portions of this report.

While the subject would clearly be within its proper scope, the provisions for the fortification of the Panama Canal are not carried by it but are carried in the sundry civil bill, the reason for this arrangement being the desirability of keeping in one appropriation bill all the expenditures relating to the canal.

Having outlined the scope of the bill, it becomes proper to consider at some length the two major subjects dealt with. This is made the more necessary as to seacoast fortifications, due to the widespread misconception of the purposes they are intended to serve.

SEACOAST FORTIFICATIONS.

It is the popular belief that our fortifications are designed to protect all the shores of continental United States and the insular possessions from invasion by a hostile force, and that they are adequate only to the extent that they would prevent such invasion. No greater misconception of their function could be had. The author of this report is unaware of any responsible military authority ever suggesting such a purpose. Certainly the cost of such numerous fortifications to accomplish such a purpose would be beyond the purse of even this, the richest of all nations.

But though this is known by all students of the subject, criticism is continuously aimed at our system of fortifications because of the absurd assumption that they should accomplish the impossible; while many, properly believing that our fortifications are excellent but with the same mistaken view as to their purpose, fail to appreciate the need for other means of defense.

The chief and real purposes to be served by our fortifications are to protect from bombardment large centers of population where the damage that might otherwise be inflicted could not be thought from a military point of view admissible; to protect from destruction establishments of military value, such as navy yards, coaling stations, arsenals, etc.; to deny to an enemy the use of important harbors as a base for offensive operations against either our fleet or land forces; to preserve such harbors as a base or refuge for our own fleet and permit it to be used in its most efficient way by seeking out and engaging the enemy; to afford refuge and protection to our shipping; and to compel the enemy in order to achieve military results of importance to resort to an expedition involving the transportation of troops across the seas and effect their landing at some place not possessing the strategic value had by the places fortified.

Of necessity many coast towns would have to be left without such defense, where the damage that might be done in the event of control of the sea being lost by our fleet would be deplorable, but would not be of such character as would really impair the Nation's well-being or resisting power.

Fortifications are deemed sufficient when they serve these purposes, and the prevention of invasion then becomes the duty of the mobile army. They are deemed sufficiently strong if they compel the enemy to land in order to effect their capture.

Prior to the Civil War our coast defenses were the equal of those of any country, but shortly thereafter, with the introduction of rifled cannon and armor, with the resulting inefficiency of our smooth-bore guns, they became obsolete. Many years passed without any action being taken to remedy this situation. Finally, during President Cleveland's first term, an act of Congress approved March 3, 1885, provided that—

"The President of the United States shall appoint a board, * * * which board shall examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted for each, with reference to armament, the utilization of torpedoes, mines, or other defensive appliances. * * *"

As a result of this action, the President appointed a board, composed of the Secretary of War and high Army and Navy officers, that made a most elaborate study and report on the subject. This board, known popularly as the Endicott Board, designated the following 27 places to be fortified:

New York, San Francisco, Boston, the Lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore, Portland, Me., Rhode Island ports and Narragansett Bay, Key West, Charleston, S. C., Mobile, New London, Savannah, Galveston, Portland, Oreg., Pensacola, Wilmington, N. C., San Diego, Cal., Portsmouth, N. H., Cumberland Sound at Fort Clinch, ports on the Kennebec River, Me., at Fort Popham, New Bedford, Mass., ports on the Penobscot River, Me., at Port Knox, and New Haven, Conn.

It stated in detail the character and amount of armament at each place and the estimated cost of the same. It also stated the character of mine and torpedo defense desired, and fully covered every phase of the subject.

No report has probably ever been made to Congress on any subject that was more exhaustive or of a higher order of excellence.

Congress a few years later entered upon the execution of the scheme proposed, and for many years it formed the guide by which the Secretary of War determined the estimates that should be submitted to Congress in order to fortify the ports therein recommended with the amount and type of armament required in each instance. It will be understood that these plans required many modifications of detail brought about through the improvement of the quality of steel and manufacture of powder, with the resulting increase of the power of guns and by the development of an efficient type of disappearing-gun carriage for heavier guns, together with changes resulting from the development of commercial and strategic importance of different ports.

The original report of the Endicott Board made no provision for reserve ammunition, probably due to the fact that the development of a satisfactory powder was at that time in an experimental stage. Provision for such reserve was subsequently made from time to time. On March 5, 1906, President Roosevelt transmitted a message to the Congress in which he inclosed a report of the National Coast Defense Board, which had been appointed by him on January 31, 1905. This report modified and brought up to date the report of the Endicott Board and added a scheme for the fortifications of the insular possessions of the United States, and is usually referred to as the Taft Board report. It submitted a revised list of the ports requiring defense. This list, arranged in geographical order, is as follows:

Home ports: Kennebec River, Portland, Portsmouth, Boston, New Bedford, Narragansett Bay, eastern entrance to Long Island Sound, eastern entrance to New York, southern entrance to New York, Delaware Bay, Baltimore, entrance to Chesapeake Bay, Hampton Roads, Potomac River, Cape Fear River, Charleston, Savannah, Key West, Tampa, Pensacola, Mobile Bay, Mississippi River, Galveston, San Diego, San Francisco, Columbia River, Puget Sound, lake ports, and Kiska Island.

Insular ports: Guantanamo, San Juan, Guam, Subic Bay, Manila Bay, and Pearl Harbor and Honolulu.

Isthmian Canal ports: Colon and Panama.

It considered at length the changes it thought necessary to be made in the character and amount of armament for these various fortifications; the need and character of submarine mines and torpedoes and other accessories to a proper scheme of seacoast defense, and recommended in detail the armament that should be placed at each of the fortifications enumerated, with the detailed cost for each. It also, as directed in the order creating it, indicated the relative importance of the places recommended to be defended. In pursuance of the plans and projects recommended in that report, estimates were submitted annually by the Secretary of War during the period 1906–1914 of the sums needed to carry on the work.

In February, 1915, the Secretary of War appointed a board, designated as the War Department Board of Review, to revise the projects of the Taft Board, and it is this latest revision that forms the basis of the estimates presented to Congress at this session and of the bill submitted herewith. The projects of this last Board of Review contemplate an expenditure for continental United States and the insular possessions of some $82,064,557, and of $13,995,000 for the Panama Canal, making a total of $96,059,557.

An additional sum will be necessary for the fortification of places that will doubtless need to be fortified within a few years but for which no definite scheme has been recommended, these latter fortifications being largely for Alaska, Guam, and Guantanamo. The board's report contemplates additional fortifications at Portland, Boston, New Bedford, eastern entrance to Long Island Sound, Sandy Hook, including Rockaway Beach, Delaware Bay, Cape Henry, Charleston, Pensacola, New Orleans, Galveston, San Francisco, Columbia River, Puget Sound in continental United States, in Hawaii, the Philippines, and at the Panama Canal. The report covers all phases of the subject, and among other things it states:

"The last comprehensive report upon the needs of our seacoast defenses was that made by the Taft board on February 1, 1906. That board recommended that additional armament be emplaced at a number of localities in continental United States, but as the appropriations for new fortifications that have been made since that date have been confined mainly to the insular possessions and the Panama Canal, comparatively little of the additional armament proposed by that board has been installed. The period that has elapsed since the date of the report of the Taft board has been marked by radical changes in naval designs, which included the development of the dreadnaught type of battleship, a type carrying heavier armor and much more powerful ordnance than its predecessors. As a consequence both the offensive and defensive capabilities of warships have been materially increased.

"In recognition of this development the department during the early part of the current year adopted the policy that the major caliber direct-fire gun to be installed in future should be of at least 16-inch caliber. Considerations of the same character, more particularly the greater structural strength and increased deck protection of modern battleships, have led the Board of Review to recommend that seacoast mortars to be installed in future should be of 16-inch caliber. In addition to these types, the projects of the board, as outlined hereinafter, call for the utilization as howitzers of a number of 12-inch guns that are now on hand, by mounting them on barbette carriages of a special design that will permit of the attainment of a range of 30,000 yards."

The board then enumerated the projects approved, with a brief statement of the objects expected to be accomplished by the proposed additional armament at each place.

While it may not be proper to state in detail the proposals made, it is proper to state that the ends sought by the additional armament are at certain points to defend the harbors and existing defenses against long-range naval bombardment, made necessary by the increased range of guns of modern battleships; to increase the volume of gunfire at certain places in order to make it adequate to meet the increased volume of gunfire that could be directed against the fortification by a fleet of modern warships; and in a few instances to cover water areas not covered effectively by existing armament; and to deny to an enemy the use of certain harbors not now protected.

The total additional armament for continental United States included in the above projects comprises twenty-two 16-inch guns, twenty-four 12-inch guns mounted for long-range fire, twenty-three 6-inch and four 3-inch guns, and forty-eight 16-inch mortars; for the insular possessions eight 12-inch guns mounted for long-range fire; and for the Panama Canal four 16-inch guns, four 12-inch guns mounted for long-range fire, and twelve 16-inch mortars.

In addition to the above, the projects of the board include one hundred and thirty-four 3-inch antiaircraft guns for the seacoast defenses of continental United States, seventeen 3-inch antiaircraft guns for the insular possessions, and eight 3-inch antiaircraft guns for the Panama Canal.

The board also recommends the construction of six 16-inch movable howitzers and an experimental 14-inch gun on railroad car mount for defense against hostile landings in unfortified harbors.

It also changes the basis for the reserve seacoast ammunition, believing the old allowance contemplated in the former scheme to be inadequate. It recommends—

"(a. For guns in continental United States, except guns of 8-inch caliber and upward on inner lines of defense, allowances equal to one-half the accuracy life of the respective calibers; for mortars, except on inner lines of defense, an allowance equal to one-fourth the accuracy life.

"(b) For armament of 8-inch caliber and upward on inner lines of defense in continental United States, allowances equal to one-half those for outer lines.

"(c) For guns in the insular possessions and on the Canal Zone, allowances equal to the accuracy life of the respective calibers; for mortars, an allowance equal to two-thirds of the accuracy life."

The board also designated the armament that it considered of insufficient military value to warrant incurring the cost involved in providing a manning personnel or ammunition therefor, as well as that which upon the installation of the proposed additional armament would become of insufficient military value.

DISAPPEARING GUN CARRIAGES.

It considered the advisability of continuing the disappearing gun carriage in seacoast fortifications and said:

"The board is of the opinion that the disappearing principle should be retained and that it should be the type of mount for direct-fire guns, except in those instances where special conditions may render advisable the installation of the turret or the barbette mount."

It has been thought proper to thus review the action of these various boards in order that it might be clearly understood that Congress has in the past followed the judgment of the best military experts of the Government in making provisions for the seacoast fortifications.

While it is true that to a limited extent Congress has not always appropriated the full amounts that have been asked at the time when asked, it is nevertheless true that Congress has always followed the approved plans of the War Department touching the character of the seacoast fortifications, as well as the judgment of the department as to the places to be fortified. The author of this report recalls no instance in which Congress has undertaken to fortify places not recommended by the War Department, or to erect fortifications of different character than those recommended. As the result of this consistent policy of Congress, the fortifications of the United States are not excelled by those of any other nation, and while it is necessary now to expend the considerable sum indicated in further improvements of them, this necessity has not resulted from any unwise action of Congress taken in disregard of the advice of Army experts.

Some considerable part of the sum necessary to be expended to complete existing armament relates to matters already undertaken by Congress, but not yet completed. This is especially true of the fortifications at Cape Henry. The greatest part of the balance necessary has been brought about by virtue of the development of modern battleships. Such development has resulted in the very great increase in the number and power of the guns carried and increased range and accuracy of fire of such guns, making necessary additions to the land fortifications to offset these factors. The growth of cities has in certain instances also brought a large area of the population without the zone of fire of hostile ships without the necessary protection by land batteries of equal or greater range. The remainder is chiefly to supply the very much greater quantity of reserve ammunition now deemed necessary.

The character of the bill reported is evidence of the belief on the part of the committee that the policy of Congress in the past in following the recommendations of the Army experts should be continued in the future. Later on in this report somewhat detailed statements are made as to the purposes sought to be accomplished by the estimates submitted this year, and the appropriations recommended. It is proper now to state that no request of the department presented by the officers called to support the estimates submitted has been ignored. Such material changes as may have been made have been chiefly the result of revised estimates of the department, as disclosed by the testimony of officers appearing before the committee. If the policy adopted by the committee is acquiesced in and continued by Congress all of the recommendations made by this recent board of review will within the space of a very few years have been brought to realization. Of necessity, appropriations for much of this fortification work are restricted by the physical limitations of construction of emplacements and the creation of armament.

For some years past the committee has followed the policy when once a project is undertaken of supplying funds for its completion as rapidly as they can be availed of. The estimates in recent years that have been requested touching the insular possessions and Panama have been allowed practically in their entirety, and those fortifications are not surpassed by any in the world. The recommendations of the Board of Review touching additional armament are very moderate in view of the tremendous extent of the country and its possessions, and in view of the further fact of the very great and recent developments in naval armament. That they are so moderate is the very best tribute to the existing excellence of the fortifications we possess. It may be informing to state that there are now emplaced in the continental United States, insular possessions, and Panama the following guns:

"Guns now mounted or being mounted (after eliminating batteries declared obsolete by the War Department Board of Review): 16-inch, 1; 14-inch, 24; 12-inch, 111; 10-inch, 131; 8-inch, 49; 6-inch, 206; 5-inch, 52; 4.7-inch, 31; 4-inch, 4; 3-inch, 276; mortars, 408. Total, 1,293."

The mine defenses are elaborate and practically completed for all existing fortifications and provision will be made for mine defenses in connection with new fortifications as soon as the emplacement of guns makes such action desirable.

RESERVE AMMUNITION FOR SEACOAST GUNS.

Reference has already been made as to the new basis for the supply of reserve ammunition for the guns already emplaced and those contemplated. A review of the subject in the light of the European war caused the board to very greatly increase the amount of such reserve ammunition thought to be requisite, and it has submitted this year an estimate of three millions of dollars, with a contract authorization of three and one-half millions to be expended toward securing a new reserve. The committee has allowed in its entirety the estimate submitted, making an appropriation in effect of six and one-half millions for this purpose, as against previous annual appropriations of $200,000.

RADIO-DYNAMIC TORPEDOES.

For many years past the desirability of having an offensive weapon in connection with seacoast fortifications in addition to the passive ones of land batteries and fixed or floating mines has been felt by all authorities. The officers of the War Deparment in order to acquire such a weapon have for more than a year past been witnessing tests of the invention of John H. Hammond, jr., for the radio control of dynamic torpedoes. The report of these officers and the Board of Ordnance and Fortifications has been in favor of acquiring the invention of Mr. Hammond and the installation of several units of the system. The committee conducted very elaborate hearings, having before it Army officers who had witnessed the tests and others familiar with the system. As questions arose involving the viewpoint of naval officers relative to the effectiveness of such a weapon and the means that might be adopted for protection against it, the committee had several Navy officers to present their views.

As the result of the testimony submitted, and after a very full consideration of the subject, the committee has felt warranted in recommending to Congress an appropriation of $750,000 for the acquirement of the rights of Mr. Hammond, conditioned, however, upon a satisfactory demonstration of the value of his system before a joint Army and Navy board, and provision is made for a sum sufficient to conduct such test. A proposal has been made by Mr. Hammond and the company owning the rights in the invention whereby in the event of a favorable report immediate acquisition of all rights may be had. The sum involved was so large as to make the committee feel that it should take the extra precaution of having a report by a joint board of Army and Navy officers before the rights were acquired. Provision is also made, in the event that the rights are acquired, for the building of one unit, and should the expectations of its advocates be realized provision can be made for the installation of other units as desired.

MOBILE GUNS AND MORTARS FOR SEACOAST DEFENSE.

The board of review in its report recommends, as has been stated, the use of mobile mortars and guns of large caliber, transported by rail, as auxiliary defenses for our coast, and the committee has recommended an appropriation for the building of one such mortar and gun. The Ordnance Department is engaged at present in working out the detailed plans for such gun and mortar, and it is believed that they will successfully solve the problem, in which event provision can be made for the rapid acquisition of a number of such mortars and guns.

Aside from the usual estimates submitted in connection with the maintenance of existing fortifications and those for the completion of fortifications recently started, the estimates submitted by the department had in view the procurement of necessary land at Rockaway Beach, in connection with the defense of New York City, and for additional land at San Francisco and San Pedro. Sums adequate for all of these purposes are carried in the bill. Estimates were also submitted and allowed for the building of emplacements and mounting seven 12-inch guns upon barbette carriages, with high-angle fire, so as to give to such guns a range of 30,000 yards. It is contemplated that these guns shall be placed at New York, Boston, and either Portland or San Francisco. Estimates were also submitted and sums are carried for the emplacement of fifty-four 3-inch antiaircraft guns at various of the fortifications.

Sums were asked and allowed for pushing forward the fortifications at Cape Henry as fast as physical conditions would permit. Provision was also made for the construction of six 16-inch guns, four of which will go to Cape Henry and two to Rockaway Beach.

INSULAR POSSESSIONS.

For the insular possessions, estimates were submitted for the land defenses of Hawaii and the Philippines and allowed. Estimates were also submitted and allowed for the mounting of eight 12-inch guns with high-angle fire and for 10 antiaircraft guns, 6 of the 12-inch guns to be located in Hawaii and the remaining 2 in the Philippines. Estimates were submitted for $1,700,000, with a contract authorization of $500,000 for reserve ammunition for the insular possessions and allowed in its entirety. Provision was made and allowed for the completion of mine defenses in the insular possessions.

FIELD ARTILLERY.

As previously stated, the bill carries items for the mobile artillery and the ammunition therefor for the Regular and Volunteer Army. Estimates for such purposes have been submitted in the past based on various schemes relative to the size of the mobile army to be equipped, and of recent years such estimates have been submitted with regard to the carrying out of what is known as the Greble Board scheme to equip an Army of 500,000 men. Recently a new board was created, popularly known as the Treat Board, that has made an elaborate report covering the whole subject which, except as to certain matter deemed confidential, is set out in the hearings. While this report has never been finally approved by the War Department it has become so plainly apparent in the light of the European war that greatly increased supplies of guns and ammunition of existing calibers and others of very much greater calibers than heretofore contemplated would be necessary, that the estimates submitted were very much greater than any that have ever been previously submitted to Congress.

The committee did not undertake to pass judgment upon the report of the Treat Board, nor does it express any opinion as to how far that report should be accepted in lieu of the Greble Board report, but it could not help but be impressed with the very great need of additional equipment for the mobile artillery, and as the sums asked were very, very far short of the amount necessary to be appropriated if a scheme even one-half as ambitious as the Treat Board's is to be carried out, the committee felt warranted in allowing practically in their entirety the sums requested. These appropriations and contracts or obligations authorized total something over $10,000,000.

The committee upon its own initiative has recommended an appropriation of a million dollars for equipping private plants with the machinery and fixtures requisite to enable them to supply various kinds of war material. Further along in this report is set out in its entirety the language of this provision.

Provision is carried at the end of the bill requiring and directing that the arsenals be used at their full economic capacity, and a limitation is placed upon the price that may be paid for any material purchased from private manufacturers. These provisions are set out in full at the end of the report. Full hearings were had on all matters relating to the bill, and in particular the committee sought to obtain accurate information touching the present capacity of Government plants for the manufacture of war matériel, together with certain data touching the possibility of enlarging them and the cost. In view of the fact that there is pending before the subcommittee on the sundry civil bill various estimates relative to these arsenals and their enlargement, and that it has been customary in recent years to have that bill carry appropriations for such purposes, the committee makes no report upon the need and desirability of enlarging Government plants. The information contained in the hearings, however, together with that that will be available in connection with the sundry civil bill it is hoped will enable Congress to fully advise itself of the facts touching this most important subject.

FISCAL STATEMENT.

The following statement of the various appropriations in connection with the subject dealt with by this bill is of interest. In addition to the financial information given, an attempt is made to give a skeleton outline of the entire bill, with a brief statement as to the different agencies of the War Department under which the money is expended and the work executed:

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance and armament, and for the 12 fiscal years 1875 to 1886, inclusive, the appropriations by Congress on this account averaged only $540,750 per annum, and only $463,500 per annum for the 14 years, including 1887 and 1888, for which latter two fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftieth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and continued at the succeeding terms of Congress in acts approved August 18, 1890, February 24, 1891, July 23, 1892, February 18, 1893, August 1, 1894, March 2, 1895, June 6, 1896, March 3, 1897, May 7, 1898, March 3, 1899, May 25, 1900, March 1, 1901, June 6, 1902, March 3, 1903, April 21, 1904, March 3, 1905, June 25, 1906, March 2, 1907, May 27, 1908, March 3, 1909, June 23, 1910, March 4, 1911, June 6, 1912, February 13, 1913, June 27, 1914, and March 3, 1915.

The appropriations by said acts for the 28 fiscal years 1889–1916 aggregate $158,644,913.62, of which sum $136,814,971.62 was appropriated for the United States and $21,829,942 for the insular possessions, an average of $5,665,889.77 per annum.

The fortifications appropriation acts enacted during the Fifty-fifth Congress (fiscal years 1899 and 1900) appropriated $14,287,396, in addition to which amount sums aggregating $8,674,898 were provided in deficiency appropriation acts for fortifications and the armament thereof, and the further sum of $13,049,751.86 was allotted for the same objects from the general appropriation of $50,000,000 made for the national defense in the act of March 9, 1898, making in all $36,012,045.86 available for fortifications and the armament thereof under appropriations made during the Fifty-fifth Congress. In addition to the above, the sum of $2,500 was appropriated for fortification purposes in the act making appropriations for the support of the Army dated September 22, 1888; $35,000 by the act making appropriations for the support of the Army dated March 2, 1901; $259,200 by the act making appropriations for the support of the Army dated June 30, 1902; and $389,000 by the act making appropriations for the support of the Army dated March 2, 1903; total, $685,700.

There was also appropriated by the act making appropriations for the sundry civil expenses of the Government approved April 28, 1904, $591,046.25; under the act making appropriations for the sundry civil expenses of the Government approved March 3, 1905, $40,000; under the act making appropriations for the sundry civil expenses of the Government approved June 30, 1906, $158,953.75; by the deficiency act of July 7, 1898, $0.70; by the deficiency act of February 14, 1902, $2.68; by the deficiency act of July 1, 1902, $4.38; by the sundry civil act of March 4, 1911, $154,667; and by the sundry civil act of March 3, 1915, $8,000; total, $952,674.76.

The urgent deficiency act of February 14, 1902, carried $3,000 for fortifications and the deficiency act of March 4, 1907, $977.79.

The joint resolution approved June 23, 1914, appropriated $31,000 to complete the purchase of necessary land at Cape Henry, Va.

The total appropriations made for fortifications and other works of defense since 1888, and since the recommendations of the Endicott Board of 1885, including the appropriations made in deficiency and other acts, including the Army bills dated September 22, 1888, March 2, 1901, June 30, 1902, and March 2, 1903, the sundry civil bills dated April 28, 1904, March 3, 1905, June 30, 1906, March 4, 1911, and March 3, 1915, and allotments made from the national defense fund amount to $182,042,916.03, of which sum $159,908,307.03 was for the United States and $22,134,609 for the insular possessions, and has included the necessary cost of maintenance; $91,578.95 of the amount appropriated for the United States was expended for submarine mines in the insular possessions and the Canal Zone.

The scheme of seacoast fortifications for the continental United States contemplated by the Endicott Board, as modified by the National Coast Defense Board (see S. Doc. No. 248, 59th Cong., 1st sess., for report), and as revised to date, it is estimated, will cost in the aggregate $199,187,584.08, of which amount the sum of $129,282,707.40 has been appropriated, a more particular discussion of the details of which will appear elsewhere in this report. Of the amount appropirated there has been returned to the Treasury the sum of $1,057,530.32.

The scheme of fortifications for the insular possessions contemplated by the National Coast Defense Board, as revised to date, it is estimated, will cost in the aggregate $33,236,759, of which there has been appro-

priated the sum of $22,134,609, the details of which are also discussed more at length elsewhere herein.

The difference between the estimated whole cost of the so-called Endicott scheme of fortifications, as modified and revised to date, for continental United States, $199,187,584.08, and the appropriations made therefor to date, $129,282,707.40, less amount returned to Treasury, $1,057,530.32, amounts to $70,962,407.

The difference between the estimated whole cost of the scheme of fortifications for the insular possessions, as revised to date, $33,236,759, and the appropriations already made therefor, $22,134,609, amounts to $11,102,150.

The difference between the combined estimated cost of both schemes, $232,424,343.08, and the combined appropriations therefor to date, $151,417,316.40 (less amount returned to Treasury, $1,057,530.32), amounts to $82,064,557.

The difference between the $151,417,316.40 already provided toward the scheme of the Endicott Board, modified by the National Coast Defense Board, and the sum total of appropriations, $182,042,916.03 for fortifications since 1888, amounting to $30,625,599.63, is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun-carriage factory at Watertown, the powder factory at Picatinny, N. J., the Ordnance and Fortification Board, the manufacture of mountain, field, and siege guns, and ammunition therefor, and for sundry other objects incident to providing and maintaining a system of seacoast defenses, and the amount returned to Treasury.

In addition to the foregoing general statement as to the history of and appropriations for the scheme of seacoast fortifications adopted by Congress in 1888 and prosecuted by annual appropriations since that year, it is deemed pertinent at this time to discuss somewhat more in detail the subject of these very considerable expenditures.

These items of appropriation may be roughly divided into three general classes, namely:

1. Fortification of seacoast forts, including ammunition.
2. Supply of Field Artillery matériel, including ammunition.
3. Miscellaneous items related to the above but not strictly forming parts thereof.

The first classification can be subdivided into three items: (*a*) Items pertaining to new armament and installation, including reserve ammunition. These items embrace guns, gun carriages, emplacements, sites for defense, electrical installation, searchlights, sea walls, submarine-mine structures, fire-control instruments and structures, and ammunition; (*b*) items pertaining to maintenance, repair, and alterations of property embraced in subdivision (*a*), except ammunition; and (*c*) items pertaining to seacoast target-practice ammunition, including appliances for same, and subdivisions (*a*) and (*b*) should also be segregated according as they relate to continental United States and the insular possessions.

Under these three subdivisions of the first general division there has been heretofore appropriated for continental United States, including practice ammunition used in the insular possessions, $129,282,707.40. Of this amount, under subdivision (*a*), items pertaining to new armament and installation, there has been apportioned $90,557,055.59; items relating to reserve ammunition, $15,452,885.98. Under subdivision (*b*)—that is, the item for maintenance, repair, and alteration—there has been appropriated $16,101,177.51. Under subdivision (*c*), seacoast target-practice ammunition, there has been appropriated the sum of $6,114,058. There has been covered into the Treasury unexpended $1,057,530.32.

Under subdivisions (*a*) and (*b*) there has been appropriated for the insular possessions $22,134,609. This total includes under subdivision (*a*) items pertaining to new armament and installation, $18,425,887.12; items for reserve seacoast ammunition, $3,200,000. Under subdivision (*b*), for maintenance, repair, and alteration, there has been appropriated $508,721.88. So that the total of appropriations for both continental United States and the insular possessions, under heading No. 1, amounts to $151,417,316.40.

The second general classification, to wit, supply of Field Artillery material, including ammunition, can also be subdivided into three classifications similar to that of item No. 1. In other words, (*a*) those pertaining to new material, including reserve ammunition; (*b*) those pertaining to maintenance, repair, and alteration; and (*c*) those pertaining to target-practice ammunition.

The total appropriated has been $13,845,800. The total of the above that is included under the subdivision *a*, new material, including reserve ammunition, is $12,168,800 of which $5,361,600 was for such reserve ammunition, leaving $6,807,200 as the amount that has been appropriated for new material. Of this latter sum, $1,175,000 is counted as being for new material, though it is literally for the purpose of making new batteries out of old ones.

Under subdivision *b*, for maintenance, repair, and alteration, there has been appropriated $491,000. Under subdivision *c*, for target-practice ammunition, there has been appropriated $1,186,000.

The third general classification, to wit, miscellaneous items related to the preceding but not strictly forming parts thereof, consists of the following items, totaling appropriations of $16,779,799.63:

Board of Ordnance and Fortification	$2,600,000.00
Proving ground, Sandy Hook	1,747,178.00
Machine guns not used for seacoast defenses	385,073.00
Ordnance establishments, buildings, gun factory, powder factory, etc	3,376,952.00
Machinery for ordnance establishments	470,097.83
Experimental guns, carriages, and ammunition	653,041.03
Testing experimental guns and carriages, armor plates, etc	148,085.84
Implements, equipments, alteration, and maintenance of old armament	519,038.00
Field material and ammunition of old designs	6,331,819.75
Return to Treasury	110,928.69
School submarine defense	16,500.00
Amount expended for temporary batteries (national defense fund)	302,817.99
Construction of post buildings, act June 6, 1896	100,000.00
Repair and maintenance Fort Monroe, Va., acts Mar. 2, 1895, and June 6, 1896	18,267.50

The cost of carrying out the projects of the War Department Board of Review, including the installation of new armament, and the completion of accessories for existing armament, is estimated at $70,962,407 for continental United States, and $11,102,150 for the insular possessions.

In addition to the above for the continental United States it is estimated that there will, in the future, be annually required $1,000,000 for maintenance, repair, and minor alterations, and $516,000 for target practice.

And, in addition, it is also estimated that $70,000 will be annually required for maintenance, repair, and minor alterations, plus a proportionate increase due to the installation of new armament as it is supplied for the insular possessions.

FIELD ARTILLERY AND AMMUNITION THEREFOR.

The appropriations for field artillery material recommended by the committee for several years past have been in furtherance of a War Department project adopted in 1911, which was based upon the report of the Greble Board. As has been stated, the department during the past year convened a board of officers, known as the Treat Board, for the revision of the project of the Greble Board. The recommendations of the Treat Board have been submitted to, but have not been approved by, the War Department. These recommendations contemplate a very material enlargement of the program of the Greble Board, due to an increase from 6 to 11 in the number of field arms on which the project is based, an increased ratio of guns to troops, an increase in the power of the guns recommended, and an increase in the supply of ammunition per gun to be accumulated.

Under the second general classification, first noted, it is estimated that the sums remaining to be appropriated under the Greble Board project, for items under subdivision (*a*) are as follows: For new material, including funds for the alteration of 3.2-inch batteries, $3,241,718.07; for reserve ammunition, $4,187,812; making a total of $7,429,530.07. These sums are exclusive of the amount, $17,421,239.43, remaining to be appropriated for new material and ammunition for the militia, for which appropriations are carried from year to year in the Army bill. The total remaining to be appropriated under the project of the Greble Board, therefore, for new material and for reserve ammunition, is $24,850,769.50.

The corresponding sums remaining to be appropriated under the project of the Greble Board, modified to accord with a department plan for the Army as embodied in H. R. 12766, present session, are for new material, $3,513,881.80; for reserve ammunition, $3,514,312; and for the militia, $52,832,064.40; or a grand total of $59,860,258.20.

The corresponding sums to procure the material recommended by the Treat Board for both the Regular Army and the militia, are for new material, $158,800,000; for reserve ammunition, $292,000,000; or a grand total of $450,800,000. The corresponding sums required to carry out the recommendations of the Treat Board, if modified as recommended by the Chief of Ordnance, are for new material, $118,630,941.10; for reserve ammunition, $129,655,439; or a grand total of $248,286,380.10. In both of the latter two projects the totals given are exclusive of the sum of $10,500,000 estimated as required for the procurement of motor trucks to be furnished by the Quartermaster Corps when war is imminent, and of the cost of Signal Corps equipment.

In addition to the above, it is estimated that there will be required annually $100,000 for alteration, maintenance, and repair, and $400,000 for target practice.

In the present estimates there is asked, under the first general division for continental United States, subdivision *a*, new material, etc., $11,916,473.80, of which sum there is recommended in the accompanying bill $10,301,200; under subdivision *b*, maintenance, repair, etc., $1,210,750, of which amount the bill carries $967,750; and under subdivision *c*, target-practice ammunition, $490,000, and $26,000 for submarine-mine practice, all of which is recommended in the bill, making a total estimate of $13,643,223.80, of which the bill carries $11,784,950.

In the insular possessions, under subdivision *a*, there is asked for new material, ammunition, etc., $2,499,150, of which there is recommended in the bill $2,487,100; and under subdivision *b*, maintenance, repair, etc., $127,750, of which the sum of $98,500 is recommended; making total estimates of $2,626,900, of which $2,585,600, as above stated, is recommended; making a grand total of estimates of $16,270,123.80 for both continental United States and the insular possessions under the first general division, of which there is recommended $14,370,550.

Under the second general classification there is asked, under subdivision *a*, new material, etc., including alteration of 3.2-inch batteries, $5,727,500, of which $5,716,500 is recommended, with an authorization of $5,000,000; under subdivision *b*, maintenance, repairs, etc., $105,000, of which $100,000 is given; under subdivision *c*, target-practice ammunition, $862,500, of which $400,000 is given; making total estimates of $6,695,000, of which the bill carries $6,216,500, with authorization of $5,000,000 as above.

Under the third general division there are asked the following items:

Current expenses, ordnance proving grounds, Sandy Hook, N. J	$75,000
Expenses of officers at the proving ground and compensation of draftsmen	35,000
Board of Ordnance and Fortification	300,000
Total	410,000

All of the estimates under the third general division $410,000 are recommended and in addition thereto the sum of $1,000,000 is included in the bill, as follows:

"For the procurement of such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including such plans, specifications, and detailed drawings as may be necessary for the immediate manufacture of arms, ammunition, and other material necessary for the defense of the country and for plans for and the installation of such material in private plants in the United States under such contract and agreement as may be made by the Secretary of War, $1,000,000; *Provided*, That not exceeding twenty-five per centum of said sum may be used in obtaining from plants so equipped such war material as may be desired: *Provided further*, That not exceeding $50,000 worth of such material may be purchased from any one person or company, and in making such expenditures the laws prescribing competition in the procurement of supplies by purchase shall not govern."

JURISDICTION OVER EXPENDITURES.

The funds appropriated under the fortification acts are expended by or under the supervision of the Chief of Ordnance, the Chief Signal Officer, and the Chief of Engineers. In general terms the Chief of Ordnance has charge of those items pertaining to seacoast cannon, including their carriages, sights, implements, and equipments; mountain, field, and siege cannon, including their carriages, sights, implements, and equipments; ammunition for seacoast cannon; ammunition for mountain, field, and siege cannon; ammunition, subcaliber guns, and other accessories for seacoast artillery practice; ammuni-

tion, subcaliber guns, and other accessories for mountain, field, and siege artillery practice; alteration and maintenance of seacoast artillery; alteration and maintenance of mobile artillery; current expenses of the ordnance proving ground, Sandy Hook, N. J., necessary expenses of officers at the proving ground, and compensation of draftsmen. In addition he has charge of the accounts, although not of the disbursements, pertaining to submarine mines, and the Board of Ordnance and Fortification, and expends the funds allotted him by the Secretary of War for fire-control instruments.

The Chief Signal Officer has charge of the operation and maintenance of fire-control installation at seacoast defenses and the expenditure of such funds as may be allotted him by the Secretary of War for the procurement of wiring and instruments for communication service from the appropriations for fire control.

The Chief of Engineers has charge of the construction, maintenance, repair, and modernization of emplacements for seacoast armament; installation and replacement of electric light and power plants and searchlights at seacoast fortifications; procurement or reclamation of land for sites for fortifications; preparation of plans for fortifications; tools, electrical, and engine supplies for operating electric light and power plants in seacoast batteries, and reserve lights therefor; construction, maintenance, and repair of sea walls and embankments; construction, preservation, and repair of structures for torpedo defense; land defenses of seacoast fortifications, exclusive of electrical communications and armament; and the expenditure of such funds as may be allotted him by the Secretary of War from fire-control appropriations for construction of fire-control stations and accessories and purchase of lands and rights of way.

The estimate for fire-control stations and accessories, electrical communications, and range finders, and other instruments for fire control at the fortifications is submitted by the Chief of Coast Artillery, and the appropriation when made is carried on the books of the disbursing officer of the War Department, expenditures being made by the Chief of Ordnance, the Chief Signal Officer, and the Chief of Engineers in accordance with allotments made them by the Secretary of War for particular purposes. The estimate for submarine mines is prepared by the Chief of Coast Artillery and disbursed under his supervision; the accounts are kept by the Chief of Ordnance.

LIMITATIONS.

The following provisions with respect to expenditures are recommended as follows:

On page 13:

"SEC. 2. That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty."

On page 14:

"SEC. 3. That appropriations in this act shall not be expended for powder other than small-arms powder at a price in excess of 53 cents a pound."

On page 14:

"SEC. 4. That except as expressly otherwise authorized herein no part of the sums appropriated by this act shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per cent more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government."

On page 14:

"SEC. 5. That expenditures for carrying out the provisions of this act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate."

COMPARATIVE STATEMENT.

The following shows, by items, the appropriations made in the last fortification act, the amounts submitted at this session in the estimates, and the amounts recommended in the accompanying bill:

FORTIFICATIONS APPROPRIATION BILL, 1917.

Comparative statement showing the amounts appropriated for 1916, the estimates for 1917, and the amount recommended in the accompanying bill for 1917.

Object.	Appropriations for 1916.	Estimates for 1917.	Recommended for 1917.
FORTIFICATIONS AND OTHER WORKS OF DEFENSE.			
Gun and mortar batteries, construction of	$585,000.00	$2,533,000.00	$2,300,000.00
Modernizing older emplacements	100,000.00	78,500.00	78,500.00
Fire-control stations and accessories, construction of	130,000.00	617,982.80	600,000.00
Coast Artillery war instruction	500.00	1,250.00	1,250.00
Electric light and power plants at seacoast fortifications	50,000.00	110,000.00	
Searchlights for important harbors	150,000.00	226,700.00	226,700.00
Protection, preservation, and repair of fortifications	200,000.00	250,000.00	225,000.00
Plans for fortifications	10,000.00	10,000.00	25,000.00
Supplemental estimate in H. Doc. 430		15,000.00	
Electric light and power equipment and searchlights, maintenance, repair, tools, etc	40,000.00	40,000.00	40,000.00
Sea walls and embankments, construction of	27,000.00		
Fire-control stations, operation and maintenance	130,000.00	130,000.00	130,000.00
Submarine mines, operation, preservation, and care of, including mining casemates, cable galleries, etc	31,000.00	254,060.00	200,000.00
Sites, purchase of		1,867,000.00	1,400,000.00
Greene, Frank, payment to	138.90		
Total, fortifications and other works of defense	1,453,638.90	6,133,492.80	5,226,450.00
FIELD ARTILLERY AND ARMAMENT OF FORTIFICATIONS.			
Mountain, field, and siege cannon: Purchase, manufacture, equipment, etc	[1] $450,000.00	[2] $2,486,500.00	[4] $2,821,500.00
Ammunition for	1,160,000.00	[3] 2,711,000.00	[5] 2,700,000.00
Seacoast cannon: Purchase, manufacture, equipment, etc	300,000.00	[2] 1,764,500.00	[6] 1,284,500.00
Ammunition for	200,000.00	[3] 3,000,000.00	[4] 3,000,000.00
Subcaliber guns, seacoast artillery, ammunition for	425,000.00	490,000.00	490,000.00
Mobile artillery, alteration and maintenance	50,000.00	105,000.00	100,000.00
Subcaliber guns, mountain, field, and siege artillery, ammunition for	135,000.00	862,500.00	400,000.00
3.2-inch batteries, alteration, sights, etc.	170,000.00	530,000.00	195,000.00
Seacoast artillery, alteration and maintenance of	500,000.00	618,000.00	400,000.00
Total armament of fortifications	3,390,000.00	12,567,500.00	11,391,000.00
PROVING GROUND, SANDY HOOK, N. J.			
Current expenses	56,200.00	75,000.00	75,000.00
Expenses of officers and pay of draftsmen	18,700.00	35,000.00	35,000.00
Total, Sandy Hook Proving Ground	74,900.00	110,000.00	110,000.00
SUBMARINE MINES.			
Submarine-mine material, purchase, manufacture, and test	26,000.00	26,000.00	26,000.00
Submarine mines and appliances, purchase of	190,000.00	596,231.00	123,000.00
Submarine mine matériel, maintenance of	68,000.00	68,000.00	68,000.00
Total, submarine mines	284,000.00	690,231.00	217,000.00
Radiodynamic torpedoes		947,000.00	1,167,000.00
FORTIFICATIONS IN INSULAR POSSESSIONS.			
Protection, preservation, and repair of fortifications: Hawaiian Islands	2,000.00	5,000.00	3,000.00
Philippine Islands	3,000.00	16,500.00	10,000.00
Torpedo structures: Hawaiian Islands	1,000.00		
Philippine Islands	1,000.00		
Land defenses: Hawaiian Islands	150,000.00	129,000.00	129,000.00
Philippine Islands		115,000.00	
Supplemental estimate in H. Doc. 571		55,000.00	170,000.00
Electric light and power plants and searchlights, maintenance, operation, tools, etc.: Hawaiian Islands	1,500.00	2,500.00	2,000.00
Philippine Islands	3,000.00	4,000.00	3,500.00
Sea walls and embankment, Hawaiian Islands	21,000.00		
Submarine mines, preservation, operation, and care of, including mining casemates, cable galleries, etc	17,000.00	10,000.00	10,000.00
Fire-control installations, operations, etc	10,000.00	10,000.00	10,000.00
Seacoast cannon: Purchase, manufacture, equipment, etc	110,000.00	240,000.00	[7] 240,000.00
Ammunition for	400,000.00	[8] 1,700,000.00	[9] 1,700,000.00
Seacoast artillery: Alteration and maintenance	60,000.00	79,000.00	60,000.00
Submarine mines: Purchase of	40,000.00	138,100.00	138,100.00
Material, maintenance of	7,500.00	10,750.00	10,000.00
Fire-control stations, construction, etc	15,678.00	112,050.00	100,000.00
Total, fortifications in insular possessions	842,678.00	2,626,900.00	2,585,600.00
Facilities for immediate manufacture of arms, etc			1,000,000.00
Board of Ordnance and Fortifications	15,000.00	300,000.00	300,000.00
Grand total, fortifications	6,060,216.90	23,375,123.80	21,997,050.00

[1] In addition authority was granted to enter into contracts or incur obligations not to exceed $300,000.
[2] In addition authority is requested to incur obligations not to exceed $3,500,000.
[3] In addition authority is requested to incur obligations not to exceed $1,500,000.
[4] In addition authority is granted to incur obligations not to exceed $3,500,000.
[5] In addition authority is granted to incur obligations not to exceed $1,500,000.
[6] In addition authority is granted to incur obligations not to exceed $3,000,000.
[7] In addition, authority is granted to incur obligations not to exceed $300,000.
[8] In addition, authority is requested to incur obligations not to exceed $500,000.
[9] In addition authority is granted to incur obligations not to exceed $500,000.

Mr. HARRISON. Mr. Chairman, this morning the gentleman from Illinois [Mr. MANN] obtained unanimous consent to extend his remarks in the RECORD by incorporating a telegram contain-

ing some utterances of Mr. Hughes in accepting the Republican nomination. I desire to extend my remarks in the RECORD by incorporating the special message that Mr. Hughes, in January, 1910, while governor of New York, sent to the legislature of that State, voicing his opposition to the income-tax amendment to the Federal Constitution, which had been passed by a Democratic Congress, and requesting the Legislature of New York not to ratify the amendment.

The CHAIRMAN (Mr. CRISP). The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD as indicated by him. Is there objection?

Mr. MANN. Reserving the right to object, I do not know whether that message has already been printed in the RECORD, and I shall not object to this request; but if we are to begin to extend in the RECORD everything that is to be used in the campaign, why, this side will also have something to present.

Mr. HARRISON. I will say to the gentleman that I think it very appropriate at this time that the country know the views of Mr. Hughes on this very important subject. I do not think the message has been printed in the RECORD.

Mr. MANN. I have no doubt it was printed in the RECORD at the time, but that is neither here nor there. This morning I asked unanimous consent to extend the telegram that Mr. Hughes sent to Senator HARDING. That was an ordinary courteous suggestion.

Mr. HARRISON. It was very properly granted.

Mr. MANN. Now I am quite willing, if gentlemen want to put in this message, to have it done; but then we shall print in the RECORD Mr. Woodrow Wilson's book.

Mr. HARRISON. No; we do not think that ought to be done, because everybody has read Mr. Wilson's book.

Mr. MANN. Oh, no. The gentlemen on the other side of the House never read it until we read it to them.

Mr. HARRISON. We are very willing to put it in the RECORD, I will say to the gentleman, but everybody throughout the country has read it, anyhow.

Mr. MANN. The gentleman from Mississippi has never read it, or he would not say what he does.

Mr. HARRISON. The gentleman from Illinois is presuming that.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of the interpleader bill as it passed the House on Saturday.

Mr. MANN. The gentleman wants to get that consent in the House, does he not? He does not want to print that here?

Mr. MOORE of Pennsylvania. Very well.

The CHAIRMAN. The gentleman withdraws his request.

Mr. SHERLEY. I ask for the reading of the bill.

Mr. MANN. I understood the gentleman from Virginia [Mr. MONTAGUE] desired some time.

Mr. SHERLEY. The gentleman from Virginia will probably speak under the five-minute rule. There will be no objection to giving him time.

Mr. MANN. Mr. Chairman, just a moment. I have a great deal of confidence in and respect for the gentleman from Kentucky [Mr. SHERLEY], who is in charge of this bill. I have listened carefully to his explanation of the bill and to his answers to the various inquiries which have been made, and I expect in the main, at least, to follow in his lead in reference to this bill.

The naval bill was not satisfactory to me. The Army reorganization bill, as far as the present emergency is concerned, is not worth much. Of course, I do not know whether this bill is sufficient or not, but I think that the gentleman from Kentucky has really risen to the occasion and has endeavored to present to the House a bill that will help to take care of the existing exigency and emergency, and I am very glad of it. [Applause.]

The CHAIRMAN (Mr. HOUSTON). The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

For construction of fire-control stations and accessories, including purchase of lands and rights of way, purchase and installation of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus, and materials, coast signal apparatus, and salaries of electrical experts, engineers, and other necessary employees connected with the use of coast artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, $600,000.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last word. I hope the committee will accord me 15 or 20 minutes.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may proceed for 20 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Virginia may proceed for 20 minutes. Is there objection?

There was no objection.

Mr. MONTAGUE. Mr. Chairman, the existing world cataclysm has brought the American people abruptly to consider the necessity of providing for their defense. The House is now entering upon the consideration of the pending bill upon the subject of fortifications. The Army bill has but recently become a law, and the Navy bill, having heretofore passed the House, is now in the Senate; so we seem to be nearing the end of our present deliberations upon this great subject.

Unquestionably, the right of self-defense is as applicable to a nation as to a man. But notwithstanding the existence of this natural right, without which national or personal life would be almost a thankless gift, the founders of the Republic made plain the duty of the people and the Congress to provide in advance for the defense of the Nation from internal or external violence or war. So we find among the six great objects or inducements in the preamble of the Constitution for the formation of the American Union a clear declaration that we must "provide for the common defense," a duty so obvious and necessary we also find almost the same words in the Articles of Confederation. Indeed, it is a truism that the objects of the preamble declaring for a more perfect union, the establishment of justice, domestic tranquillity, general welfare, and the blessings of liberty, would be mere empty declarations if the Nation were denied the power to provide for their defense. Without such a power our institutions would be futile and our tasks in this Hall vain and ignoble.

But, Mr. Chairman, the founders of the Republic did not conclude this subject by the declaration in the preamble. Nor did the founders confer upon us a privilege or right essential to existence so much as they imposed upon us a duty that we must perform as patriots. So in section 8 of Article I of the Constitution we find that Congress has the plain power to make effective our rights and duties in relation to the national defense. In this section Congress has the power—

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money for that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, etc.

Therefore the granting of these several powers are not merely supplementary or auxiliary to the great object named in the preamble, but they constitute a body of affirmative mandates to the Congress to provide for the defense of the Nation.

Nor, Mr. Chairman, should we approach the consideration of this great subject from a partisan standpoint. If I remember aright the exhortation of the President, which fell from his lips in this hall, was a clear call for the exclusion of any and all partisanship in our deliberations upon this subject. Surely the defense of our beloved country, with its achievements and its contributions to the civilization of the world, is greater than all ties to all parties that have ever lived and gone or that will ever hereafter come and go. [Applause.]

MILITARISM.

Mr. Chairman, our practical duties in providing for the national defense should not be obscured by apprehensions as to the growth and danger of militarism. None of the three bills mentioned gives ground for such apprehension. The character of our institutions, the superiority of the civil authority over that of the military by virtue of constitutional requirements, the almost unbroken practice of historic precedent, the nourishing traditions of freedom, all dispel the slightest reason for such apprehension. American military leaders have never been the originators of war. Washington or Green, Jackson or Taylor, Grant or Lee did not fan the embers of war. Nor did Farragut or Semmes. The war-making influences, the real war-making power, has always been the people of the United States. The President can not and the Congress will not go in advance of them. Mr. Chairman, our institutions will have to be fully overturned before the civil voice is drowned by that of the military.

Does this bill now under discussion tend to swell the influence or authority of the military power? Can stationary coast fortifications for defense against aggression beget militarism? No. This measure is self-defense, pure and simple; no reason, no fears, no sophistry, no audacity can make it otherwise.

Mr. Chairman, the development of civilization has not as yet reached a stage in which we can provide for the pacific settlement of all international controversies or the continuous absence of domestic conflicts. I have been reluctantly forced to this conclusion. I have long looked forward to the day, that I have thought was not far distant, when international controversies should be settled upon the judgment seat and not upon the battle field. But the exuberance of my hopes has been chilled by the present immeasurable catastrophe in Europe. We are compelled to pause and inquire as to our progress.

About 150 years ago the voice of Burke, vibrant with emotion at the dismemberment of Poland, cried out:

After all our love of tranquillity and of our expedients to preserve it, alas, poor peace!

What would be the tone of his utterance to-day, could he observe the transcendent devastation that is being wrought by the wrath of man? He said Poland was only a breakfast for any great armed power of Europe. Is a continent or a hemisphere sufficient for a dinner to-day?

But, Mr. Chairman, we should not be utterly cast down. Might already struggles in the throes of exhaustion; the still, small voice of peace, the forces of the spirit and soul of civilization, will yet become triumphant.

THE PENDING BILL.

Mr. Chairman, I shall not discuss the technical features of this bill. I have not sufficient information upon a subject so technical to give an opinion of worth to the House or to the country. Washington is reported to have said to the Continental Congress what may be a wise aphorism for to-day, that "you can not conduct a war with a debating society." The number and caliber of guns and other instruments of war, explosives, projectiles, and their velocity, emplacements, and elevations, fortifications and areas to be protected thereby, are questions for experts, for the officers of our Army and Navy. I have no distrust of these officers. Their duty is to provide for the contingencies of war as far as skill and foresight may avail; these officers take the first chance of death, and their judgment upon such momentous questions is of more weight than those of us who discuss war and its horrors upon the floor of this House. [Applause.]

Two features in this bill I would allude to. One is the fortification at Cape Henry, which will protect, in my opinion, a larger area of country than almost any fortification on the Atlantic seaboard. The range of modern guns makes them most effective for the entire width of the approach or the channel from the ocean to the Chesapeake Bay, thereby protecting at one narrow strait the cities of Norfolk, Richmond, Newport News, Baltimore, and the Capital of our Nation, to say nothing of numberless safe and convenient landings for armies when once within and past the Capes and great trunk lines of railways running north, south, east, and west easily accessible. So a fortification at this particular point accomplishes at the very threshold what may not be accomplished thereafter by supreme efforts, and by the employment of enormous means and forces.

I congratulate the committee, Mr. Chairman, upon authorizing the Government to begin experiments with mobile artillery. I only regret the authorizations do not admit of larger and more experiments. We must protect our seacoast from the landing of aggressive armies at many places beyond the protected areas afforded by our fortifications. Existing railways or those subsequently to be built should be employed to accomplish this purpose. If troops can be moved by railways, so can the engines of war. Indeed, Mr. Chairman, the establishment of armies, of navies, and of fortifications do not solve the problems of national defense. Behind the lines of battle, behind blazing bastions, are the great supplies of men and material which we must constantly organize and move to meet the exigencies of the conflict. The transportation systems of the country are the initial and elementary means for perfecting this great organization.

THE ARMY BILL.

I have no present purpose to discuss the Army bill. In the discharge of my convictions as a Representative of a great and fine constituency, I voted for the Kahn amendment for a Regular Army of 220,000, and subsequently for the Senate amendment for an army of 250,000, but upon the failure of these amendments I voted for the conference report of an authorization for a Regular Army of about 200,000. Referring for a moment to the amendments just alluded to, I must say that I differed with reluctance from many of my colleagues on the Democratic side as to these two subjects. I could only see common prudence and common wisdom in giving the power to the President to recruit the regular forces to 250,000, if in his judgment the conditions demanded such an increase. The Army is not raised to 250,000 by the amendment, but only the authority is given to the President to so raise it if in his responsible discretion it should be done. To withhold from him such authority under present conditions and impending perils I could not approve of. But, as I stated in the outset, difference of convictions or of parties in a matter of such moment should not overcome the individual conviction of a Representative. [Applause.]

I believe, Mr. Chairman, that the federalization of the National Guard will not secure the number of recruits contemplated by some of the advocates of that system. Nor do I believe that the continental scheme will secure any large number of troops. Therefore, if the national defense is at all exigent, if it is not "paper and pack thread," we have no other available recourse for recruits save that of the Regular Army; 220,000 or 250,000 men constitute no menace and afford no nucleus for the growth of militarism. Mr. Madison, who stood in as constant apprehension of the evils of a great standing army as any great statesman of his day, said:

Let a Regular Army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the Federal Government. * * * The highest number to which, according to the best computation, a standing army can be carried in any country does not exceed one one-hundredth part of the whole number of souls, or one twenty-fifth part of the number able to bear arms.

According to this basis of apportionment our present population of 100,000,000 would yield a regular army of 1,000,000, a number occasioning no danger, according to Madison. Obviously, therefore, an army of 250,000 is little more than a national constabulary, or a sufficient guard for our Mexican boundary.

THE NAVY BILL.

Mr. Chairman, I voted for the Navy bill, though I should like to have seen two or more battleships embraced in that measure. [Applause.] I also voted for the so-called Butler amendment to this bill. Perhaps it is well for the country clearly to understand the meaning and object of this amendment. The bill provided for an expenditure of $11,000,000 for the establishment and operation by the United States of a plant for the manufacture of armor plate. There are in this country three private armor-plate factories, from which the United States buys armor plate cheaper and better than the armor plate bought by Great Britain, Germany, France, Austria, or Japan. The Butler amendment provides that the United States Government shall fix its own price for the armor plate furnished by the three plants in this country, and if such a price is not acceptable to these plants then the Government is to expend the $11,000,000 for the object appropriated. In other words, the proposition involved in the Butler amendment is Government regulation rather than Government ownership of armor-plate plants.

It is not established that the existing armor-plate factories are of insufficient capacity to supply the Navy's needs, or that the Government could manufacture armor plate cheaper than has been done or will be done by the private plants. Moveover, it will take at least three years to establish a Government armor-plate plant, and then perhaps a year or more before it can begin operation, for it should be borne in mind that the Government is utterly without experience, without experts or workmen with which to man and operate such a plant.

What becomes of our national defense in the meantime? Why not put the $11,000,000 in armaments as soon as possible for the immediate protection of our country? Why waste this money and time if there is any real need of national defense? Again, if the present manufacturers of armor plate retire from business by threat of the competition involved in the establishment of a Government plant, what will we do for armor plate in the meantime? If war actually breaks out, it is obvious that we will need all of the existing private plants running at their fullest capacity.

The experiences of the great nations are against a Government-owned armor-plate plant. No Government, as I am informed, manufactures its own armor plate, other than Japan, where conditions are very different from those existing with us. It is said that the present armor-plate plants have been extortionate in their charges. Is this any reason why our Government should hereafter practice extortion upon the people, for the increased cost and inefficiency of a Government-owned armor-plate plant will have to be paid for out of the taxes imposd upon the people? But, Mr. Chairman, the Butler amendment provided fully for the protection of the people, in that it provided for the regulation by the Government of a private plant, the fixing of the price, and the quality of the armor plate purchased by the Government. It is interesting to inquire what conditions the Government would exact of itself in the manufacture of armor plate. We can regulate a private plant, but it may be very difficult to regulate a public plant. Political conditions may soon ensue that will make operation and efficiency an insuperable task.

Mr. Chairman, aside from the inexpediency, aside from the extravagance, I suggest that we should move slowly in establishing Government enterprises. The socialization of private enterprises is a menace to that individual liberty and initiative and enterprise which has brought our people from weakness to strength. [Applause.]

Mr. Chairman, not all of the days to come will be fair. The track is not all upward. The constant increase in the number of Government officeholders and employees looms large and foreboding. Almost every man employed in the Government plants of our country is interested from a political standpoint. He of necessity becomes active in politics, and when the officeholding classes become so powerful, so active, so influential, I fear that their political activities will outweigh and overreach the residue of the American electorate. It will no longer be a Government of the people, by the people, and for the people, but a Government of officeholders, by officeholders, and for officeholders.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. HARDY. Does the gentleman fear no such power at the hands of the officers in the Military Establishment, and the rank and file of them?

Mr. MONTAGUE. The gentleman, I presume, did not hear me at the outset of my remarks. I am not afraid of such power in the hands of the officers or the privates. I think the examples that have illumined the pages of our history afford the least cause for apprehension that the officers and men will lead us from republicanism to the man on horseback. Moreover, we hold under the Constitution the purse strings; we appropriate or not every two years.

Mr. HARDY. Is it not a fact that we hold the salaries of civilian employees just as we hold the salaries of military and naval employees, and is it not a fact that the military and naval employees organize just as much as do the civilians?

Mr. MONTAGUE. Is the gentleman speaking of the soldiers when he speaks of the military employees, or the officers?

Mr. HARDY. I am speaking of the rank and file and of the officers.

Mr. MONTAGUE. Officers and soldiers do not vote, but civil employees of the Government, under the military department, do vote, and I fear them just as I fear the organizations of other Government employees that from time to time have made Members on this floor rather lacking in courage, and I do not exempt myself.

Mr. MOORE of Pennsylvania. Will my colleague yield?

Mr. MONTAGUE. In just a moment, if I can have the attention of the gentleman from Texas. I voted for the nitrate plant. Why, because the property essential to make high explosives does not exist in the United States, and, therefore, we were wholly dependent for our supply upon a foreign nation that could lay an embargo upon this supply at any moment and thereby cut off our existence. I voted similarly for the Alaskan Railway, with some doubts and misgivings, but upon the ground that there was no private enterprise capable or willing to undertake the imperative work that should be done in that Territory. In other words, wherever the people will not perform a work that has to be done, then the Government ought to do it; and wherever the Government can do a great work better than the people themselves can do it, perhaps the Government ought to do that. Now, I will yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Answering the suggestion of the gentleman from Texas, would it not be fair to state that while during the last three or four years civil employees have increased to the extent of thousands, there has been a very small disposition on the part of the people to engage in military positions or to enlist themselves in the service of their country?

Mr. MONTAGUE. That is one of the troubles.

Mr. MOORE of Pennsylvania. And is it not a fact to-day we are asking for men to engage in the service of the Army and Navy while they are holding out to secure better-paying positions than they can obtain under the Government?

Mr. MONTAGUE. Not following the whole of the gentleman's suggestions, there is one I would like to emphasize, and that is, that one of the great troubles involved in our whole propaganda of national defense is to acquire the number of men essential to equip our forces on land and on sea. And another important fact which I do not know how to surmount is that in our efforts to secure recruits we are appealing to their commercial and not to their patriotic sense of duty.

I would like to see the day when all Americans would perform military or naval service for a short and fixed period, and from a sense of duty rather than the wage or a living. Only when we have substituted duty for dollars will we have solved the problem of true military training.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Virginia may proceed for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. I thank the gentleman and the committee.

Mr. PLATT. Will the gentleman yield for one question?

Mr. MONTAGUE. I will yield to the gentleman for one question.

Mr. PLATT. In the same line of the question asked by the gentleman from Texas, might it not be suggested that neither the soldiers nor the officers claim a vote?

Mr. MONTAGUE. I so said a little while ago. At least I thought I did. The soldiers, the enlisted men themselves, do not vote. It is the civil employee who may be under the military or Navy Department who does the voting and whom I now have in mind. I am not criticizing him for that. You and I would do the same thing under similar circumstances; but because we are supposed to look with judicial calm upon the situation is no reason why we should not protect the rank and file of the people and American institutions. [Applause.]

SIZE OF NAVY.

Mr. Chairman, I desire at this stage to submit a few brief comments upon the size or strength of the American Navy. Manifestly the strength of the Navy should be equal to the work it may be called upon to do. Consequently we frequently hear it said that other nations determine the size of our Navy. There is much truth in this, for we must be able to meet that force which is employed against us, and adequate strength in this particular is largely a question for experts. There are so many changing conditions, interests, and ambitions that the problem has too many human factors in the equation to make it easy of solution.

But, Mr. Chairman, I would speak of the policies which should determine the size of a navy. First is the policy of the defense of the right and life of American citizens upon the seas and in foreign lands. The citizen is the primal and consummate expression of democratic sovereignty. When the citizen can not protect his rights and the Government fails to protect them for him, then we surrender our independence, our sovereignty; we stand ashamed and afraid among the nations of the earth. This was the principle recently involved in the so-called McLemore resolution, which undertook to exercise the powers of government to curtail the natural and inalienable rights of American citizens upon the high seas, and our contention in respect to these rights has now happily been accepted by the German Government.

The extraordinary extent of our coast line requires a large Navy, which must necessarily be increased when we take into consideration our insular possessions and the very vital strip of territory embracing the Panama Canal. These are all objects which may at any moment demand the exercise of the supreme power of the naval forces of our Government.

In addition to these needs is a great policy, known as the Monroe doctrine, which, perhaps, is no stronger than the Navy. I can not now discuss this doctrine, which I would not wish extended or expanded, as contended for by some of America's public men. For the purpose of measuring the adequacy of our naval strength, I would hold it to the original proclamation of Mr. Monroe, which was a prohibition against territorial aggrandizement by any non-American power at the expense of any American power on American soil, and prohibition upon the extension of monarchic systems to any portion of this hemisphere. With respect to Mexico, I would withhold the application of the doctrine as long as possible; I would rather base our right to deal with the present Mexican problems not upon this doctrine but upon the ground that Mexico is our next-door neighbor and we are entitled to have from her neighborly conduct.

But, Mr. Chairman, there is an insuperable difficulty in adjusting by measurement or apportionment the size of a Navy to meet a foreign policy, for the very obvious reason that there are but few fixed foreign policies of any country. Such policies, after all, are the pronouncements of human beings to meet present exigencies or contemplated future conditions, and therefore they necessarily rest upon the shifting sands of opportunism. Perhaps the Monroe doctrine is the most prominent and fixed of our foreign policies. Our old policy of avoiding "foreign entanglements," if adhered to, requires no Navy to support it.

but if abandoned may require a great or a small Navy, according to the particular circumstances of the case.

ADMINISTRATION.

May I say this, and say it with great diffidence, that I do not think we have the proper coordination of our Army and Navy. I think we ought to have a committee or a board of our most distinguished officers, of both the Army and Navy, that may be called either a committee or board, for the national defense. We have a General Board of our Navy, and we have a General Staff of our Army. Where do they meet? When do they cooperate? Consider the lost motion, the wasted intelligence, that should be conserved and coordinated in the defense of our country. Take the present bill, which has been so exhaustively explained by the gentleman from Kentucky [Mr. SHERLEY]. Why should we have both a committee on fortifications and a Committee on Military Affairs? Why should we sit here now and go through what we should have done some days since when we had under consideration the military bill? There is a too frequent duplication of forces, of energies, and, practically, of expenses. I do not think one needs to see through a millstone——

Mr. SHERLEY. Will the gentleman permit just one observation?

Mr. MONTAGUE. I will.

Mr. SHERLEY. While I do not think the arrangement of jurisdiction is altogether proper, any man who has served on any of the military committees knows that it is beyond the capacity of a committee as a whole to deal with the whole subject, and if to-morrow you were to give the jurisdiction all to one committee it would have to deal with the subject through subcommittees if it wanted to deal with it in detail at all.

Mr. MONTAGUE. We may have to deal with it through subcommittees, but there ought to be one Committee on Miliary Affairs which should include within its natural jurisdiction fortifications. Moreover, when we stand upon the floor and give opinions based upon expert advice we ought to have that advice from some great committee or board whose opinion stands as the final and scientific expression on any given subject, and not to have us upon this floor making statements supported by this officer and contradicted by that officer.

Mr. MAPES. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Michigan?

Mr. MONTAGUE. I am afraid my time has gone, but I will yield to the gentleman.

Mr. MAPES. In that connection I have often wondered if a little expense could not be saved to the Government by consolidating the Army and Navy recruiting stations in the different towns.

Mr. MONTAGUE. We may, perhaps should, do away with some Army posts, with some Navy stations, and with some recruiting stations; and I do not know, if the gentleman is interested in this suggestion, but that we could save time and money by putting the first-year men of the Naval Academy and the Military Academy in the same school, say, at Orchard Lake in your State, for the first session, and then let them go back to their respective academies. I think that subject is worthy of consideration. It would mean economy of space, time, and money, for the training the first year is practically the same. It would mean in after years a more friendly and thorough understanding between the two branches of service. But I can not discuss this now.

Mr. MAPES. Does the gentleman think it is necessary to have an officer of the Navy and an officer of the Army in the same town to do recruiting duty?

Mr. MONTAGUE. I would not like to express an opinion upon that. But I can not understand why a plant that can make a gun for our coast fortifications can not make one for our battleships.

DELUSIONS.

Mr. Chairman, I fear the American people have long labored under some delusions. I have already mentioned one—our exaggerated fear of militarism. I would recur again to this subject. Is it possible that when the purse strings are held by Congress, when it is prohibited by the Constitution from making an appropriation for the maintenance of an army for a period exceeding two years, that we should be afraid of a militarism that would overthrow the institutions of our country? There is no such limitation in the Constitution in relation to the Navy? But who has ever feared our Navy? What precedents, what traditions, what prudence, what reason, are there against an adequate Navy?

Then, too, Mr. Chairman, we have thought that we were so peculiarly situated, so politically blessed, that no country would attack us; indeed, that our free institutions, our representative Government, constitute their own defense; that the excellence of our institutions and their virtuous objects were at once our armor and our shield; that democracy is inherently pacific; and that peace is its own defense. Mr. Chairman, is the innocence of the dove a protection against the hawk? Is the pacific temper of the sheep a defense against the wolf? Practical statesmen, dealing with the workings of their own institutions, should think well before embracing utopias. I do not say that in some distant time peace and its methods may not dower the nations of the earth. God speed the day! But, on the contrary, our institutions, as I view them, by their very nature, invite aggression. Democratic republics, free institutions, are a standing affront to power, privilege, and prescription.

For example, about a hundred years ago there sat in Paris three great Nations, known as the Holy Roman Alliance—that was neither holy nor Roman, I may observe in passing—which determined upon the extinction of republican institutions in general and the American Republics in particular. That was the object of the alliance. Everywhere freedom seems to invite tyranny. Therefore we have been long exhorted that "eternal vigilance is the price of liberty." The manichean struggle seems to go on in the conscience of nations as in the conscience of man. The present distemper of the world is but an evidence of the collision of these forces. We stand appalled at the universal tragedy. Separated, as our country is, from the hot fires of the strife, we look in vain for means to end it. Preachments, parchments, moral asservations, lofty examples, seem but as feathers thrown upon the winds. I believe it was Frederick the Great who said that the meek and the lowly may inherit the kingdom of heaven, but only the daring may take the kingdoms of this earth—rather a concrete reminder of the philosophy that is now playing havoc with so many kingdoms of this earth. Yet I shall not lose hope that the spirit rather than the flesh will finally triumph.

Mr. Chairman, the natural or physical defense interposed by the surrounding oceans is not as great as of former times. Steam, electricity, machinery, and inventions have made these oceans the highways of transportation. The billowy parapets above the floors of the seas no longer restrain or forbid mighty ships. One of the most interesting features of the present war has been the rapidity, certainty, and magnitude with which troops have been moved over great distances across the seas—from Canada to England, from Sydney to Southhampton, from Archangel to Marseille—all having been accomplished at a sacrifice almost negligible. There are estimated to be over a hundred landing places on the Atlantic seaboard of our country comfortably distant from our protected fortifications. So our isolation and ocean barriers no longer stand as our complete defense.

CONCLUSION.

In conclusion, Mr. Chairman, I would say that whatever may be our opinions upon the methods of administration, whatever our criticisms of this or that particular means of defense that may be evolved from these three great bills, the Army, the Navy, and the coast fortification bills, that, after all, our Government, as all other Governments, when resting upon the last foundation of sovereignty, the military and naval power, must succeed or fail by virtue of the character of the individual man. So the efforts of those who would instruct and guide public opinion, the prayer of those who would advance American citizenship, should be constantly directed to the development of personal initiative, personal responsibility, personal sense of opportunity, and personal love of country. Back of all preparation is the man. He typifies the American system.

We have grown to be a great Nation with an influence, moral and political, transcendent among the peoples of the earth. Our possessions, material, political, and spiritual, our civilization, must be defended. I dread war; I would resort to it only under the gravest provocation. In my childhood I saw many maimed and wounded, men of my own blood and of my own race. These men had fought valiantly upon a hundred battlefields in my own beloved Commonwealth. They had fought against their own brothers; but they were Americans in their blood and in their bone, Americans truly. Out of this environment, out of this soil, out of this historic tradition, out of this blood and race, there are unnumbered sons eager to answer the call of a great and indestructible Union, a mighty and majestic Nation, and to make effective and victorious its rightful authority on land and on sea. [Applause.]

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

I intended to ask the gentleman from Kentucky about one matter which I really do not know would have anything to do with this bill or not. The use of gas and liquid fire in war

has proved to be of very great value. If my reading teaches me the truth, and I get part of that out of supposed accounts of actual transactions and part of it out of the new novels that deal with events over there—whether they are accurate in any way or not I do not know—but does the gentleman know whether there is any branch of our Government now that is giving any attention at all to the subject of the use of gas and of masks, or whatever they call them, that take care of persons when gas is used?

Mr. SHERLEY. I do not know whether any study is being made of gas or of liquid fire. There is some study being made of hand grenades and bombs and matters of that kind. I will say to the gentleman if he will notice the title of this bill he will see that it speaks of heavy ordnance. Outside of seacoast fortifications the bill deals only with heavy ordnance for the mobile troops, so that the principal inquiry about which the gentleman speaks will probably find more response from the chairman of the Committee on Military Affairs.

Mr. MANN. I did not know but the matter might have been up in the discussion some way.

Mr. SHERLEY. I had no hearings on it, but I have talked privately with some officers about some of these matters to which the gentleman has alluded. I was told the other day that some of the officers are working on hand grenades, and it may be that some interest is being given to the others, but I doubt if any study has been given to the use of poisonous gases or liquid fire.

Mr. MANN. Well, the use of the hand grenade, as I understand, is really the effective way of fighting in the trenches over there after the use of artillery. As to poisonous gases, or whatever they are called—chlorine gas, or things of that sort—they are not hard to produce. People can not live under them unless they have protection, and in all the trenches, of course, they have these masks or protectors. Every soldier, I guess, has one or more. And if we are not giving any attention to it, and I have not heard of any testimony or appropriation in connection with it—if we are not giving any attention to it, I hope somebody will suggest that we have an appropriation in some bill through which it can be given attention.

Mr. SHERLEY. And probably they will on the other bill.

Mr. MANN. I presume so.

Mr. SHERLEY. I suspect that they are waiting for some real information. The impression I gained is that the use of both the gas and liquid fire has been perhaps as damaging to the user as it has been to the enemy.

Mr. MANN. Oh, I think the gentleman is in error about that.

Mr. SHERLEY. Just the other day I read where liquid fire was attempted to be used, and the men who were in the brigade charging with it stumbled—some of them—and in falling turned the fire upon themselves; and with the gases they suffer frequently if the wind veers.

Mr. MANN. Well, I read the other day about one regiment of Germans firing into another regiment of Germans, and if we were to accept that as an argument it would militate against firing.

Mr. SHERLEY. It is not conclusive.

Mr. MANN. No doubt over there a great aid in connection with the firing of guns is the use of gas, which puts men out of business. They are able now to throw it into the trenches.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For protection, preservation, and repair of fortifications for which there may be no special appropriation available, and of structures for the torpedo defense of the United States and for maintaining channels for access to torpedo wharves, $225,000.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment to strike out "$225,000," on page 3, line 2, and insert "$250,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amend, page 3, line 2, by striking out "$225,000" and inserting "$250,000."

Mr. SHERLEY. Mr. Chairman, I offer this amendment, not as a committee amendment, but on my own initiative, and I do it for the following purpose, and therefore I would be glad to have the independent judgment of the Committee of the Whole: This is a maintenance item, and the amount of $225,000 was believed by the committee to be ample for the usual purposes for which the item is intended; but several years ago my attention was attracted to the fact that there are in America a number of historic fortifications, some of them dating back to the Spanish occupation. They are scattered over various parts of America, in various stages of ruin and of decay. This year, as the result of a suggestion of mine a year before, a statement was made to the committee, and is found in the hearings on page 102, as to the number of fortifications and the money that would be requisite to restore and preserve them. By "restoring" I do not mean necessarily restoring them as new, but restoring them to the extent of preventing further decay. The total amount that it would take to do that would be something like $100,000, and there would be after that a small maintenance item of a few thousand dollars annually.

These forts have great historic value. The history of America—the intimate history of America—centers around many of them. We are a young people, too young always to appreciate the value of historical monuments; and it does seem to me that we can afford to make a small expenditure now and in the future looking to the restoration of these old fortifications and their preservation.

I received a letter just the other day from a gentleman writing me about Fort Matanzas, down in Florida, which was a fort that was occupied by the Spaniards over a hundred years ago, and this gentleman in his letter stated that unless something was done it would rapidly go to pieces. That is only one of a number of forts having great historical value.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MOORE of Pennsylvania. Take that fort as an illustration. I have seen it. It is covered now by moss, and trees are growing out of it, and it is hanging over the water. What would be done at a fort of that kind?

Mr. SHERLEY. Well, the statement is that——

Mr. MOORE of Pennsylvania. Is it to be made like the old fort at St. Augustine, an object of interest to visitors?

Mr. SHERLEY. The statement shows that an expenditure of $10,000 would be required there. I judge from the amount that what would be done would be to clear away the rubbish, to patch the walls sufficiently to prevent them from further decay, and perhaps to restore enough of the walls to indicate the style and character and period to which the fort belonged, and to put the grounds in reasonable shape.

Mr. MOORE of Pennsylvania. That would mean the appointment of caretakers?

Mr. SHERLEY. Well, this property now is owned by the Government, and in some instances these other forts are looked after by the Government. I find a statement that the care and annual maintenance charge of all these forts will amount to a total of $7,000. For that particular fort I find that they figure an annual maintenance charge of $500, which probably would be for a caretaker.

The point I wanted to impress upon the Members of the House is that if they would read over the list of these forts they would notice that they are of real historic interest. For example, there is Fort Constitution, in New Hampshire; Fort Montgomery, on the outlet to Lake Champlain, N. Y.; Fort Niagara, near Youngstown, N. Y.; Fort Ontario, Oswego, N. Y., built in 1755; Fort Mifflin, on the Delaware River, just below Philadelphia; Fort Washington, in Maryland, 11 miles below the city of Washington; Fort Monroe, Va., the old fort near Fortress Monroe; Fort Macon, N. C.; Fort Pulaski, Ga.; Fort Marion, at St. Augustine; Fort Matanzas, Fla., and Fort Redoubt, north of Fort Barrancas, Pensacola, Fla.; old Fort Barrancas, Pensacola, and Fort San Carlos, Pensacola; Fort Morgan and Fort Gaines, in Mobile Harbor, and so on.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, I think I have been at nearly all of those forts. Most of them would be useless for purposes of defense, but they would be intensely interesting as historic objects or objects of sentimental interest.

Mr. SHERLEY. They are almost all of them useless for purposes of defense. I am offering this suggestion because I believe that every one of them is intimately associated with the history of America.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me further, then all the gentleman has in mind is to preserve them as landmarks?

Mr. SHERLEY. Precisely.

Mr. MOORE of Pennsylvania. Very well. That is what I wanted to get at.

Mr. SHERLEY. I think we can well afford occasionally to stop from the immediately practical and take into consideration things that pertain to sentiment.

Mr. MOORE of Pennsylvania. The idea, then, is to hold them up as object lessons to the people. If that is the idea, I do not object to it.

Mr. SHERLEY. If that is done, the understanding is that the money will be used in doing the most pressing work necessary on those old fortifications.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. BLACK. Of the $225,000 provided in the bill, is it intended that any of that amount is to be used for the purpose outlined?

Mr. SHERLEY. No. That is to take care of the existing fortifications that are a part of the defense of the country.

Mr. MONDELL. Do I understand that the gentleman from Kentucky offers his amendment with a view to having the sum used for the purpose of repairing these old fortifications?

Mr. SHERLEY. Yes, sir.

Mr. MONDELL. The additional sum is intended for that purpose?

Mr. SHERLEY. Yes, sir.

Mr. MONDELL. Does the gentleman think it is necessary to have any new language in order to indicate to the department that that is the purpose, or will this discussion serve that purpose?

Mr. SHERLEY. I think this debate will clearly indicate that, and, as a matter of fact, I talked with the engineer officers in regard to the matter.

Mr. GREENE of Vermont. Will the gentleman yield further?

Mr. SHERLEY. Certainly.

Mr. GREENE of Vermont. Is Crown Point, N. Y., included in that list?

Mr. SHERLEY. I do not see it under that name.

Mr. GREENE of Vermont. I do not know which of the several names that it has borne during the period of its use it may now be called by; but the ruins there are in splendid shape, and they show a fortress of 200 years ago in very satisfactory fashion.

Mr. SHERLEY. I was told a few days ago of a fort, the building of which changed the boundary of the United States. It was built supposedly on United States soil, but after it was built it was found that it was on Canadian soil, and in order to adjust the matter it was necessary to have it submitted to arbitration. I am not sure what king acted as arbitrator, but he finally held that, inasmuch as it had been built in good faith, supposedly upon the soil of the United States, it should be considered as belonging to them, and the boundary was changed to that extent.

Mr. GREENE of Vermont. That was Fort Montgomery on Lake Champlain, was it not?

Mr. SHERLEY. I am not positive now as to the fort. I remember the incident.

Mr. GREENE of Vermont. It stands up on the water's edge, just like the woodcut pictures in our old histories.

Mr. SHERLEY. I think the gentleman is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

Mr. MANN. I thought this was something that was to be attended to by the Daughters of the American Revolution.

The question was taken, and the amendment of Mr. SHERLEY was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer the following committee amendment as a new paragraph.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 3, after line 2, insert, as a new paragraph, the following:

"For the restoration of sea walls, retaining walls and fill, and for urgent repairs to batteries in the defenses of Galveston, Tex., $303,500."

Mr. SHERLEY. Mr. Chairman, the estimate for this work was sent to the committee after the hearings had been closed but before the bill had been finally reported. We considered it informally, and when the bill was up before the full committee I was authorized, on behalf of the committee, to offer the amendment. It is made necessary because of the storm which occurred at Galveston some months ago.

The committee will recall that in connection with the river and harbor bill a discussion was had touching improvements at Galveston, and a provision was carried in that bill to make various improvements. They, however, had no direct relation to the improvements here necessary, though when made they will be of value to the fortifications that are there.

The details of this amount are as follows:

At Fort Travis, for urgent repairs to sea walls, $12,000; for urgent repairs to batteries, $5,200; total, $17,200.

At Fort Crockett, repairs and replacement of sea walls, retaining walls, and fill, $276,000; urgent repairs to batteries, $3,000; total, $279,000,

At Fort San Jacinto, for urgent repairs to batteries, $7,300; grand total. $303,500.

The letter which I have from the War Department states that the fortifications at Galveston were planned some 20 years ago and were located on what was apparently at that time a practically unchanging sand flat, and in order to bring the batteries as close as possible to their targets they were located only a short distance landward of the high-water line. Subsequent to this time the beach was eaten away, and when, as a result of the storm damage, construction of sea walls was deemed essential, it was found to be necessary to locate the sea walls practically on the lines of the batteries, running from the concrete work of one battery to the concrete work of another battery. Sea walls have been built at Fort Crockett, west of Galveston, and at Fort Travis, on the east side of the entrance to the harbor, but none have as yet been built at Fort San Jacinto, which is on the west side of the entrance; and though it is probable that a sea wall may be required ultimately at Fort San Jacinto, none is considered absolutely essential at the present time, and no estimate for this is included in the figures above.

During the storm in August last damage was done to all the batteries by flooding, the loss of sand parapets and other injuries, and in the estimate now submitted is included the cost of making emergency repairs only to these batteries, so that they may be used for drill; and in case war should break out before more modern batteries are completed the older batteries might still be used, being given to additional sandbag protection necessary to make their magazines safe in case of bombardment.

The remainder of the estimate consists of the cost of repairing the damage done by the storm to these walls, and so forth, partly at Fort Travis, but the larger part of the estimate is for repairing the damage done to the Fort Crockett Reservation. Here the damage was considerable. A vessel was blown ashore right over the sea wall. A part of the riprap protection outside of the wall was washed away, exposing the foundation piling. The riprap retaining walls on the north side and the end of the reservation were seriously damaged, and a considerable part of the fill in the reservation was also removed.

It is stated that the repair of this damage to the Fort Crockett Reservation is absolutely essential. The letter is signed by W. M. Black, Chief of Engineers.

In this connection it is proper that I should state that the gentleman from Texas [Mr. GREGG] who represents the Galveston district has been much interested in seeing that this matter was properly cared for, and he wired me yesterday that unfortunately he was detained in Minnesota, owing to the illness of his wife, and he trusted that the matter would not be overlooked.

This amendment ought to be adopted.

Mr. MOORE of Pennsylvania. Will the gentleman state whether any dredging is contemplated in this appropriation?

Mr. SHERLEY. I think not, except such as is essential to the making of the fill. The detail does not show it.

Mr. MOORE of Pennsylvania. As the gentleman states, there was a somewhat spirited controversy over this Galveston wall proposition when it came up in the discussion of the river and harbor bill.

Mr. SHERLEY. There is some fill there, so there will probably be some dredging in order to make the fill.

Mr. MOORE of Pennsylvania. As the gentleman has drawn his amendment, it pertains only to the restoration of the sea wall, as I understand it?

Mr. SHERLEY. No; the amendment reads—

For the repair and restoration of sea walls, retaining walls and fill, and for urgent repairs to batteries.

Mr. MOORE of Pennsylvania. "And fill."

Mr. SHERLEY. Yes; but I will say to the gentleman that this is not expected to supplement, nor does it bear a direct relationship to what was done in the river and harbor bill. Whether that was done or not, this must be done if we are to preserve the batteries that are there.

Mr. MOORE of Pennsylvania. It pertains solely to the restoration of the Government property?

Mr. SHERLEY. Absolutely.

Mr. MOORE of Pennsylvania. And does not pertain to the dredging of the channel to obtain the proper depth and such work as should be done in the river and harbor bill?

Mr. SHERLEY. No; it has no reference to anything except the purposes stated in the amendment.

Mr. MOORE of Pennsylvania. As the gentleman knows, the river and harbor bill had rather rough sledding, and was criticized severely when it undertook to take jurisdiction of matters of this kind. There have been several instances—one in the naval bill, and others—where items should have gone legiti-

mately to the Rivers and Harbors Committee; but I see that the amendment as drawn confines the work to the reconstruction of Government property.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For maintenance and repair of searchlights and electric light and power equipment for seacoast fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, including the purchase of reserve lights, $40,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. We met at 11 o'clock this morning, and I suppose we will also begin at 11 o'clock to-morrow. We had an understanding that during these sparse days we would adjourn early.

Mr. SHERLEY. I have no desire to unduly detain the committee, and I am suffering a little from lumbago myself. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14303, the fortification appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. IGOE, by unanimus consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 20360, Sixty-first Congress, providing for enrollment as a Cherokee, Isabel Cook, née Bell Richter, no adverse report having been made thereon.

UNITED STATES SUPREME COURT.

Mr. BUCHANAN of Illinois. Mr. Speaker, I move to reconsider the vote whereby the bill (H. R. 15158) to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court was passed.

Mr. MANN. Will not the gentleman enter the motion and let it go over? The gentleman, under the rules, can call it up hereafter unless the bill has gone to the Senate, and if it has he should ask to have it recalled.

Mr. BUCHANAN of Illinois. I am informed that it has not gone to the Senate.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BUCHANAN of Illinois moves for a reconsideration of the vote whereby the bill (H. R. 15158) to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court.

HOUR OF MEETING TO-MORROW.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the sisal investigation.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the interpleader bill passed yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Crosser colonization bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the fortification bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MONDELL. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

UNITED STATES SUPREME COURT.

Mr. BUCHANAN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN of Illinois. Will this motion that I have just entered for reconsideration of the bill H. R. 15158 be in order to-morrow?

Mr. MANN. It might be in order, but the gentleman does not want to take it up until there is a full House.

Mr. BUCHANAN of Illinois. I wanted to know the status of it.

Mr. MANN. It holds up further proceedings on the bill.

The SPEAKER. And it comes up whenever the gentleman wants to bring it up or the House wants to consider it.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5658. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise;

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; and

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii.

ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 13, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, submitting a tentative draft of legislation to be added to section 4 of the pending sundry civil appropriation bill for the fiscal year 1917 (H. Doc. No. 1198), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HOUSTON, from the Committee on War Claims, to which was referred the joint resolution (S. J. Res. 37) to amend a joint resolution entitled "A joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," approved May 12, 1898, reported the same without amendment, accompanied by a report (No. 816), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 6297) to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money, money orders, and postage stamps stolen, reported the same without amendment, accompanied by a report (No. 815), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15635) for the relief of the Eastern Transportation

Co., of Baltimore, Md., reported the same with amendment, accompanied by a report (No. 817), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a joint resolution were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 16396) to authorize the Secretary of the Interior to lease for production of oil and gas ceded lands of the Shoshone or Wind River Indian Reservation in the State of Wyoming; to the Committee on Indian Affairs.

By Mr. CHURCH: A bill (H. R. 16397) to divide the southern district of the State of California into two judicial districts; to the Committee on the Judiciary.

By Mr. CLARK of Florida: A bill (H. R. 16398) to define the meaning of the words "officers and employees of the United States"; to the Committee on the Judiciary.

By Mr. STOUT: A bill (H. R. 16399) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation project; to the Committee on Indian Affairs.

By Mr. CAMPBELL: A bill (H. R. 16400) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

By Mr. HILLIARD: A joint resolution (H. J. Res. 236) to appoint a commission of impartial, practical Arctic explorers and scientific men to analyze such data as may be submitted to the commission; to take, examine, and analyze the testimony of Dr. Frederick A. Cook and such witnesses as he may produce; to take, examine, and analyze the testimony of such other witnesses as the commission shall deem it advisable to call upon; and to determine whether or not Dr. Frederick A. Cook, an American citizen, attained the North Pole on April 21, 1908; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16401) granting an increase of pension to George S. Fuller; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 16402) granting an increase of pension to Mary E. Lewis; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 16403) removing the disabilities of Edward R. Schauffler; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 16404) granting an increase of pension to Albert J. Wolff; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16405) for the relief of the widows of L. W. Hughes and L. A. Cain; to the Committee on Claims.

By Mr. DOUGHTON: A bill (H. R. 16406) granting a pension to David I. Stanbery; to the Committee on Pensions.

By Mr. HARRISON: A bill (H. R. 16407) for the relief of J. L. Bonner; to the Committee on the Public Lands.

By Mr. HOUSTON: A bill (H. R. 16408) for the relief of the estate of James D. Hays; to the Committee on War Claims.

By Mr. McFADDEN: A bill (H. R. 16409) granting an increase of pension to John F. Bass; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 16410) granting an increase of pension to Levi Vandervort; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 16411) granting a pension to George H. McCauley; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 16412) authorizing the commission of Elmer E. Adler as second lieutenant in United States Army; to the Committee on Military Affairs.

By Mr. STOUT: A bill (H. R. 16413) for the relief of Grace S. Brewster, administratrix of the estate of George W. Brewster, deceased; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 16414) granting a pension to Mary M. Walden; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 16415) for the relief of John I. Brown & Son; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Missouri Bankers' Association, favoring passage of the Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Evidence to accompany House bill 16360, for the relief of George N. Stevens; to the Committee on Invalid Pensions.

By Mr. BAILEY: Protest of Agnes Kimmel, Ethel Smith, Naomi Eppley, Mrs. A. E. Reese, Mrs. George Wilhelm, Mrs. S. A. Krider, Beulah Krider, Miss Grace Kimmel, Mrs. William Allen, Mrs. J. W. Watkins, Mrs. J. B. Watkins, Mrs. M. McDonald, John Butler, Nathaniel Butler, Edgar E. Butler, Norman Custer, David Butler, Edith Butler, Mary Butler, Anna Butler, Sarah Butler, Maud Butler, Stella Coy, R. H. Baldwin, Mrs. Emma Coy, Mrs. S. L. Varner, Mr. S. L. Varner, Verda Varner, Lydia Varner, Beatrice Varner, Nell Varner, Lillian Varner, Mrs. Lydie Wingard, Charles I. Kline, Mrs. M. Alwine, Mr. M. Alwine, Mrs. John Simons, Mr. John Simons, Edith Laird, Florence Laird, Mr. W. Laird, Grace Butler, Mazie Butler, Mrs. Charles E. Tiffany, Miss Laura Harding, Miss Ella Harding, Mrs. James M. Peer, Mrs. George Peer, Evelyn Kelly, Mrs. W. D. Manning, Mrs. H. S. Kocher, Mr. and Mrs. Howard Moore, Miss Izora Davis, Miss Margaret Walsh, Miss Anna McCloskey, Carrie Mennette, Frieda Steinbring, Ruth Weir, Mrs. Jesse Camerson, Martha James, Bertha Brosig, Calara Nightingale, Marie Martin, Marcella Martin, Mrs. John Clark, Edward Frear, and Mrs. C. B. Grubb, all of Johnstown, Pa.; Laura Nixson, of Altoona, Pa.; Mrs. Joseph Wagoner, of New Florence, Pa.; and Mr. and Mrs. William F. Quinn, of Homestead, Pa., against the passage of House bill 9671, a bill to establish price control; to the Committee on the Judiciary.

Also, memorial of Women's Home and Foreign Missionary Society, of Johnstown, Pa., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. CAREW: Petition of the Merchants' Association of New York, favoring Senate joint resolution 60, relative to control of interstate and foreign transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Memorial of group 5 of the Iowa Banner's Association, Council Bluffs, Iowa, favoring an investigation of the cattle industry; to the Committee on Agriculture.

Also, petitions of California Civic League; Elizabeth S. Rulor, of Philadelphia; and Evelyn Barr Brock and Mrs. Marcus L. Brock, of Wayne, Pa., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Petition of Arthur J. Crockett, of Boston, Mass., favoring passage of Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of Standard Scale & Fixtures Co., St. Louis, Mo., favoring passage of House bill 8828, relative to bonus to civil employees of the Panama Canal Zone; to the Committee on Appropriations.

Also, petitions of St. Louis Laundrymen's Club and Majestic Manufacturing Co., of St. Louis, Mo., against House bill 8065, to abolish the Taylor system in Government shops; to the Committee on Labor.

Also, petition of Architects & Engineers Supply Co., favoring preparedness; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Rockford (Ill.) Central Labor Union, favoring the employers' liability bill, House bill 10318; to the Committee on the District of Columbia.

By Mr. GRAY of Indiana: Petitions of W. L. Dickerson, Maxwell, Ind., and other citizens of Hancock County, protesting against the enactment of House bill 13778; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Frank W. Marson, Cambridge City, Ind., and 10 other citizens of said city, favoring the enactment of House bill 456; to the Committee on Interstate and Foreign Commerce.

By Mr. HEATON: Petition of Union Men's Bible Class of Ashland, and Rev. F. C. Walls and others, of Tamaqua, Pa., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Memorial of Rhode Island State Board of Health, Providence, R. I., favoring passage of House bill 11864, relative to provision for consumptives; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Newport, R. I., favoring amending House bill 112, a bill to regulate the hours of labor in continuous-working plants of the United States; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Newport, R. I., favoring House bill 11876, minimum wage bill; to the Committee on Labor.

By Mr. PHELAN: Petition of 100 citizens of Lawrence, Mass., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *June 13, 1916.*

Rev. Boyd V. Switzer, of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, we rejoice that Thou art interested in the affairs and concerns of men and of nations and that Thy providential care and blessings have been of a very peculiar sort to us as a people. Therefore as we enter upon the duties and responsibilities of the day we lift our hearts to Thee, the source of our inspiration and our help, praying for Thy guidance and trusting that continual grace and providence that has followed us through all these years that we may indeed prove ourselves to be workmen of whom God needeth not be ashamed. Also that we may be a blessing to this great country that Thou hast honored us with a place in. We ask it in Jesus' name. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE,
Washington, D. C.

To the Senate:

The Vice President being absent from the Senate, and the undersigned being also necessarily absent therefrom, he, as President pro tempore of the Senate, hereby names the Senator from Alabama, Mr. JOHN H. BANKHEAD, to perform the duties of the Chair on the 13th day of June, 1916; this substitution not to extend beyond an adjournment.

JAMES P. CLARKE,
President pro tempore of the Senate.

Mr. BANKHEAD thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of the proceedings of Saturday last.

The Journal of the proceedings of Saturday last was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Wyllys Gannett *v.* The United States (S. Doc. No. 463); and

Sarah E. Meek, widow of Bazel D. Meek, deceased, *v.* The United States (S. Doc. No. 464).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material";

S. 3205. An act to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894; and

S. 5839. An act to repeal paragraph 4 of section 21 of the public buildings act, approved March 4, 1913, providing for the construction of a national archives building.

The message also announced that the House had passed the bill (S. 3928) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 348. An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes;

H. R. 1161. An act to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture;

H. R. 1528. An act for the relief of Martin Huhn;

H. R. 1788. An act for the relief of Thomas M. Jones;

H. R. 2534. An act to adjust the claims of certain settlers in Sherman County, Oreg.;

H. R. 3255. An act for the relief of James Houyde;

H. R. 3894. An act for the relief of George H. Grace;

H. R. 4559. An act for the relief of C. Horatio Scott;

H. R. 6156. An act for the relief of the heirs of George W. Croft;

H. R. 6450. An act to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 7256. An act providing for the refund of duties collected on certain tobacco cuttings;

H. R. 7396. An act for the relief of Hiram P. Geaslin;

H. R. 7419. An act granting a patent to a certain strip of land to Elisha A. Crandall;

H. R. 7423. An act for the relief of Elizabeth M. Dodge;

H. R. 7430. An act for the relief of William Foglio;

H. R. 7883. An act for the relief of Charlotte M. Johnston;

H. R. 8141. An act for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.;

H. R. 8200. An act for the relief of Mrs. M. E. Sitters;

H. R. 8203. An act to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein;

H. R. 8267. An act to place Bernard A. Schaaf on the retired list of the Army;

H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 8697. An act for the relief of Collector of Internal Revenue A. S. Walker;

H. R. 9288. An act providing for the refund of certain duties illegally levied and collected on acetate of lime;

H. R. 9615. An act to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington;

H. R. 9621. An act for the relief of J. W. Dellinger;

H. R. 9737. An act for the relief of John A. Bingham;

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co., and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively;

H. R. 9971. An act for the relief of Harold Holst;

H. R. 10546. An act for the relief of the Illinois Central Railroad Co., and for other purposes;

H. R. 10823. An act for the relief of the Farmers & Merchants' Bank of Headland, Ala.;

H. R. 10858. An act for the relief of William A. Hutson;

H. R. 11129. An act for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine;

H. R. 11286. An act for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows;

H. R. 11293. An act for the relief of the Barkhause Coal & Dock Co., of Green Bay, Wis.;

H. R. 11377. An act for the relief of Thomas J. Bye;

H. R. 11660. An act for the relief of Mathilda Hesterman;

H. R. 11679. An act for the relief of Samuel D. Kingsbury;

H. R. 11984. An act for the relief of William E. Heffner;

H. R. 12267. An act for the relief of Wallace L. Bell;

H. R. 12541. An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader;

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.;

H. R. 12582. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office;

H. R. 12601. An act for the relief of Emma J. Spear;

H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch;

H. R. 12859. An act for the relief of Julia Klavinski;

H. R. 13027. An act authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of $14,570.42;

H. R. 13247. An act for the relief of the Ferries Co.;

H. R. 13728. An act for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.;

H. R. 14299. An act to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 14630. An act to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark.;

H. R. 14645. An act for the relief of the legal representative of P. H. Aylett;

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America;

H. R. 15807. An act to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside;

H. R. 14889. An act for the relief of the heirs of Jackson J. Mash, deceased;

H. R. 14952. An act for the relief of Mrs. John A. Fox;

H. J. Res. 158. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of $300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector;

H. J. Res. 193. Joint resolution authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark Two hundred and fiftieth Anniversary Celebration; and

H. J. Res. 203. Joint resolution authorizing the Postmaster General to provide the postmaster of Southbridge, Mass., with a special canceling die for the Southbridge One hundredth Anniversary Celebration.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Presiding Officer:

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve;

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

S. 5658. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise;

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii; and

S. 5776. An act to amend certain public-utility company franchises in the Territory of Hawaii.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER presented petitions of sundry citizens of Walla Walla and Spokane, in the State of Washington, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented the memorial of S. T. Campbell and sundry other citizens of Saratoga, Wash., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Spokane, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of U. S. Walker and sundry other citizens of Arlington, of L. E. Geissler and sundry other citizens of Montesano, of Theodor Christiansen and sundry other citizens of Poulsbo, of P. W. Atkinson and sundry other citizens of Outlook, of A. H. Ward and sundry other citizens of Hoquiam, and of B. J. Cady and sundry other citizens of Walla Walla, all in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of L. E. Geissler and sundry other citizens of Montesano, of Mrs. H. M. Minton and sundry other citizens of Friday Harbor, of T. J. Gyes and sundry other citizens of East Stanwood, and of A. W. Teewdie and sundry other citizens of Hoquiam, all in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRADY. I present a petition signed by citizens of Grangeville, Idaho, and vicinity, praying for the passage of a joint resolution providing for the adoption of a prohibition amendment to the Constitution. I ask that the petition be received and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The petition will be referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

JOSEPH A. BUCKHOLDT.

Mr. LANE. Mr. President, I desire to submit a report from the Committee on Claims on the bill (H. R. 2536) for the relief of Joseph A. Buckholdt.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Oregon to the fact that the unanimous-consent agreement does not provide for the presentation or acceptance of reports from committees.

Mr. LANE. I thought such a report would be merely tentative, and that it might lie upon the table.

The PRESIDING OFFICER. The Chair suggests to the Senator that it would be better to withdraw the report.

Mr. LANE. If I may be permitted, I will withdraw the report.

The PRESIDING OFFICER. Without objection, the report is withdrawn.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 6346) granting an increase of pension to Alice Hathaway (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER (for Mr. BURLEIGH):

A bill (S. 6347) granting an increase of pension to John Hawksley; to the Committee on Pensions.

By Mr. POINDEXTER (for Mr. JOHNSON of Maine):

A bill (S. 6348) granting an increase of pension to Horace D. Mills (with accompanying papers); and

A bill (S. 6349) granting an increase of pension to Benjamin King (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A joint resolution (S. J. Res. 143) granting permission for the erection of a monument in the Arlington National Cemetery, Virginia, to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War; to the Committee on the Library.

JUDGES AND ELECTIVE OFFICES.

Mr. THOMAS. I introduce a joint resolution, and as it is short I ask that it may be read and referred to the Committee on the Judiciary.

The joint resolution (S. J. Res. 142) to amend the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved, etc., That Article III, section 1, of the Constitution be amended so that the same shall read as follows:

Article III.

"SEC. 1. The judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish. The judges both of the Supreme and inferior courts shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

"No judge of the Supreme Court or of any inferior court now or hereafter ordained and established shall, during his continuance in office, or for a period of two years after such continuance, be qualified for or eligible to any elective office under the Constitution and laws of the United States."

This amendment shall be valid to all intents and purposes as a part of this Constitution when ratified by the legislatures of three-fourths of the several States.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate $3,500 for the purchase of additional land adjoining the present station for extension of pond system, etc., at the fish hatchery, Edenton, N. C., intended to be proposed by him to the

sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $750,000 to enlarge the dry dock at the navy yard, Charleston, S. C., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment providing that section 1212 of the Revised Statutes shall hereafter apply to the Navy in the same manner that it now applies to the Army, intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

FLOOD CONTROL.

Mr. BROUSSARD submitted an amendment intended to be proposed by him to the bill (H. R. 14777) providing for the control of the Mississippi River and of the Sacramento River, Cal., and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PROPOSED DEPARTMENT OF MANUFACTURE.

Mr. SHEPPARD. I submit a resolution and ask that it be printed in the RECORD and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 213) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate and ordered to be printed in the RECORD, as follows:

Whereas the further development of manufacturing processes is one of the most important and powerful means of increasing the Nation's efficiency, wealth, and prosperity: and

Whereas departments of the Government are now devoted to agriculture, commerce, and labor but so far no department has been established for manufacture, the other fundamental source of national progress: and

Whereas there is a wide field for the making of useful articles by hand, and without machinery, a field which should have especial study: and

Whereas the distribution of knowledge among the people as to the practicability of conducting manufacturing processes, both with and without machinery, on the cooperative plan and otherwise will open up new channels of popular occupation and achievement: and

Whereas the adaptation of modern machinery to small factories in rural districts, villages, small towns, and in the home itself will open up an avenue of economic independence of incomparable value to the people: and

Whereas the farm is of itself a factory, and its higher profits and possibilities will be unrealized until its processes are carried to the finished state within its own limits or as near thereto as practicable; and

Whereas one of the principal needs of the United States is the conversion of its raw materials into finished products within its own boundaries, it being a source of national shame that we ship such enormous quantities of our basic raw material abroad to be made by foreign countries into finished products and resold by them to us and others at a great profit: and

Whereas the conversion of raw material into finished products should be effected as near the place of production as may be consistent with access to markets for finished products: Now, therefore, be it

Resolved, That the Committee on Manufactures is hereby authorizes and directed to investigat· the practicability of establishing a department of manufacture, at the seat of government, for the purpose of studying manufacture in all its forms and diffusing information relating thereto among the people of the United States.

The said committee is hereby authorized and directed to report to Congress the result of its investigation on the opening of Congress in December, 1916, and if the committee finds such a department desirable, to submit a plan and bill to Congress therefor, the expense of said investigation to be paid from the contingent fund of the Senate.

AMERICAN CITIZENS IN IRELAND (S. DOC. NO. 462).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate:

I transmit herewith a report by the Secretary of State in response to the resolution adopted by the Senate on June 2, 1916, requesting him to "cause inquiry to be made as to the safety and well-being of American citizens in Ireland, and what steps, if any, may be necessary and proper, consistently with the recognized law of nations, for the safeguarding and protection of their lives and property."

WOODROW WILSON.

THE WHITE HOUSE,
Washington, June 13, 1916.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On June 9, 1916:

S. 4856. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On June 12, 1916:

S. 6073. An act granting the consent of Congress to George Fabyan to construct a bridge across the Fox River.

CREEK INDIAN LANDS.

Mr. PAGE. Mr. President, I ask unanimous consent to enter a motion to reconsider the votes by which the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes, was ordered to a third reading, read the third time, and passed by the Senate June 3, 1916.

I enter this motion by request, and desire that it lie on the table. I make it at this time because, as I understand, it must be made now in order to be permissible.

The PRESIDING OFFICER. The Senator from Vermont enters a motion, which will lie on the table.

Mr. MYERS. Mr. President, I desire to ask what the motion is. I did not hear it.

Mr. PAGE. I desire to enter a motion to reconsider the votes whereby on June 3, 1916, the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes, was ordered to a third reading, and was read the third time, and passed.

Mr. MYERS. I ask what purpose is sought to be accomplished by the joint resolution? I did not catch what the Senator from Vermont said.

Mr. PAGE. I can read a statement to the Senator in regard to the matter if he desires. I only ask now that the motion to reconsider be entered in order that it may be made in time.

Mr. MYERS. I should like to have the Senator read the statement to which he refers.

Mr. PAGE. Mr. President, the last paragraph of the joint resolution as amended by the Senate provides:

That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and who is not included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $1,040, in lieu of an allotment of land in said nation. Said sum of $1,040 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation.

Mr. MYERS. Mr. President, I thank the Senator from Vermont for reading the paragraph from the joint resolution. I did not understand the matter from his first statement. Personally I have no more interest in it than has any other Senator. I merely wish to know if, under the unanimous-consent agreement, it is permissible to make a motion of this kind, and I ask the opinion of the Chair on that proposition.

Mr. PAGE. I do not know the proper construction of the unanimous-consent agreement; but I do not think I ought to be foreclosed from entering the motion, as it must be entered at this time in order to be seasonable and to come within the rule. I merely enter the motion, and ask that it lie on the table until it may be considered.

The PRESIDING OFFICER. The Chair suggests to the Senator from Vermont that he should couple with the motion a request that the joint resolution be returned from the House of Representatives.

Mr. PAGE. I ask unanimous consent that the request be made.

The PRESIDING OFFICER. It will be so ordered, without objection.

Mr. FLETCHER. Mr. President, I do not understand that it is permissible at all for the Senate to take any action on the matter. All that can be done is to enter the motion to reconsider the vote whereby the joint resolution was passed, and request that the joint resolution be returned to the Senate.

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the Senator from Vermont does not ask for any action on the motion, but the Senate may request the House to return the joint resolution. Inasmuch as the Senate is authorized to receive messages from the House, it certainly is entitled to communicate with the House upon any question before the Senate.

Mr. FLETCHER. I have no objection.

Mr. MYERS. Mr. President, I merely wish to make a statement, and have it entered in the RECORD at this time as my individual view, that the motion of the Senator from Vermont is not within the purview and scope of the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Montana misunderstands the request of the Senator from Vermont. He does not make the motion to reconsider; he simply gives notice that he will hereafter make the motion, so as to come within the rule.

Mr. MYERS. I do not believe that under the unanimous-consent agreement the Senator can do that, but I will merely content myself with the expression of my individual opinion.

The PRESIDING OFFICER. The Chair is of the opinion that the Senator from Vermont may properly do as he has done.

Mr. OVERMAN. Mr. President, I should like to know the construction the Chair puts upon the unanimous-consent agreement as to whether or not the Chair is authorized to sign bills which have passed both Houses. I understand some important bills have passed both the Senate and the House and are now on the Vice President's desk awaiting his signature as enrolled bills.

The PRESIDING OFFICER. It is too late for the Chair to decide that question, because he has already been signing bills of that character.

Mr. OVERMAN. I was not aware of that.

Mr. THOMAS. Mr. President, if there be no further business, I move that the Senate adjourn until Friday next at 12 o'clock meridian.

The motion was agreed to; and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until Friday, June 16, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 13, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God Almighty, Creator, Upholder, Sustainer of all, rich are the endowments of life, strange are its vicissitudes. We know not how or why, but we pray for faith to sustain us, light to guide us, and a willingness to do the right as it appears to us, that Thy kingdom may come and Thy will be done in all our hearts. And pæans of praise we will ever give to Thee, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that at the conclusion of the pending fortification appropriation bill I be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at the conclusion of the consideration of the fortification appropriation bill he be allowed to address the House for 20 minutes. Is there objection?

Mr. BORLAND. Mr. Speaker, I think the fortification bill will be concluded in about two hours.

Mr. MANN. Mr. Speaker, reserving the right to object, there is no telling when the bill will be completed. If we finish the bill at a reasonable hour, I shall have no objection whatever.

Mr. BORLAND. I feel very certain that the bill will be concluded in two hours.

Mr. MANN. The gentleman can not tell anything about it.

Mr. BORLAND. If it should be too late in the afternoon, I would not want to detain the House.

Mr. MANN. I think the gentleman ought to be willing to wait and see.

Mr. BORLAND. I thought it would be well to have the consent at this time.

Mr. MANN. Where consent is granted to one it is very difficult to refuse it to others, and I turn down some on this side of the House nearly every day.

The SPEAKER. Is there objection?

Mr. MANN. I object.

"THE REAL WILSON."

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein an article appearing in the New York Times of Sunday last by Maximilian Harden on "The real Wilson."

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD by printing an article appearing in the New York Times of Sunday last by Maximilian Harden, entitled "The real Wilson." Is there objection?

There was no objection.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14303, the fortification appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortification appropriation bill, with Mr. HOUSTON in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories, and for providing channels for access to torpedo wharves, $200,000.

Mr. HOLLAND. Mr. Chairman, it would be impossible to build fortifications that would cover and protect every part of our great coast line, and it is not necessary to do so. They must be confined to the most important and to the most strategic points along the coast, the selection of which should be left to our Army and Navy experts. We are mere amateurs, and we must leave these problems to the determination of trained minds. Many years ago these experts selected the entrance to the Chesapeake Bay as one of the strategic points that ought to be fortified, and, following their advice, the Government purchased the necessary land on Cape Henry for this purpose. Unfortunately, there has been much delay in providing for these defenses. I am glad this bill makes provision for the commencement of this work. The work should now be completed with the utmost dispatch. Whether considered from the standpoint of economy or national safety, it would be a great mistake to longer delay it. Such a strategic point, offering to an enemy such great advantages and facilities and such a treasure of supplies when unfortified is an open invitation for an invasion to any country with which we might be at war. It is foolish to assume that an enemy would not take advantage of its lack of proper defense. Such advantage has been taken heretofore, and we have suffered the consequences. It is perilous to longer trust to chance for its successful defense against hostile attack. We should make at once ample provision for its proper fortification.

All of our ablest and most experienced Army and Navy experts have strongly recommended it as a military necessity. And all of our most prominent laymen who have been sufficiently interested in matters of national defense to make a fair investigation of the proposition have concurred in that recommendation.

Former President Taft, in an article on "Our national defense," which appeared in the Saturday Evening Post June 5, 1915, used the following language:

Now, it is a great satisfaction to be able to say that, except with respect to one or two features which can be readily supplied, our coast fortifications are entirely adequate for every office that any coast fortifications have in modern warfare. Indeed it is not too much to say that they are as extensive and defensive as any coast fortifications in the world. There is only one important place where we need an additional fort, and that is at the mouth of the Chesapeake Bay. The great cities of Norfolk, Baltimore, and Washington are protected by local fortifications, but we do need a fort built at the mouth of the Chesapeake Bay to cover the passage between Cape Henry and Cape Charles, in order that the Chesapeake may never again be used by an enemy, to our great disadvantage, as it has been in the past.

The Endicott Board, in its report made in 1896, over 20 years ago, strongly urged the importance of coast defenses at the entrance to the Chesapeake Bay. The National Defense Board, commonly called the Taft Board, a joint board of Army and Navy officers appointed to make recommendations relative to our seacoast defenses, submitted its report in 1905, over 10 years ago, and in regard to the locality under discussion made the following statement:

Commercially and strategically Chesapeake Bay is to-day, as it always has been, of the very first importance. With the entrance as it now is, unfortified, a hostile fleet, should it gain control at sea, can establish, without coming under fire of a single gun, a base on its shores, pass in and out at pleasure, have access to large quantities of valuable supplies of all kinds, and paralyze the great trunk lines crossing the head of the bay.

Under date of January 11, 1911, Gen. Leonard Wood, then Chief of Staff, United States Army, wrote to me, in part, as follows:

In reply to your letter of January 9 relative to an appropriation for the fortification of the entrance to Chesapeake Bay, I have only to inform you that the fortification of that entrance is regarded by this department as a matter of military necessity.

In a letter dated March 11, 1912, to Hon. George C. Perkins, then chairman of the Senate subcommittee in charge of the general fortification bill, Gen. W. H. Bixby, then Chief of Engineers, United States Army, wrote as follows:

The views expressed by the Taft Board are, so far as the information in this office goes, concurred in by all the military authorities who deem the closure of the entrance to the Chesapeake Bay to be the most important coast-defense project yet to be undertaken and deem it of such importance that they believe it should be undertaken without

further delay. Fortifications at Cape Henry are necessary to the closure of the entrance to Chesapeake Bay and to Hampton Roads and all other tributary waters, and, as previously stated, there is no doubt in the minds of the military authorities that the entrance to the Chesapeake must be fortified.

The Army and Navy experts now connected with the department have recommended this fortification in the very strongest terms and have urged the importance of beginning its immediate construction.

Expert testimony relative to the importance of fortifications at this point could not be stronger, and to those who are willing to rely on their judgment it would hardly be necessary to give the reasons which influenced them in reaching their conclusions. However, I have decided to state briefly some of the reasons which doubtless forced them to make their recommendations.

The entrance from the ocean into Chesapeake Bay lies between Cape Henry and Cape Charles. The main ship channel is less than 3 miles in width and is on the Cape Henry side. This channel must be followed by all ocean-going steamships and large battleships, and is the sole gateway to Hampton Roads and Chesapeake Bay, and the Chesapeake Bay, as was well said by the Taft Board, is "commercially and strategically of the very first importance."

And why commercially important?

If there could have been any doubt about it, the present European war has clearly demonstrated its commercial importance. The exports from the port of Hampton Roads alone have very largely increased during the fiscal year 1915. Hampton Roads had its first real opportunity to bid for this trade on a real basis of natural position and even competition, without the interference of railroads and shipping companies favoring other ports, and the result has been that its exports have increased in round numbers from $24,997,055 in 1914 to $123,896,910 in 1915. In 1916 this commerce will show a still larger increase.

Within this entrance and tributary to Hampton Roads and Chesapeake Bay there are more than 12 navigable rivers, "and more than 700 miles of water navigable for vessels of 17 or 18 feet draft, 550 miles of which are navigable for vessels of 20 feet draft; more than 425 miles for ships drawing 25 feet; and nearly 400 miles for ships of 30 feet draft and over," to say nothing of the smaller tributary streams that can be used by smaller vessels. The annual commerce of these streams, navigated by the largest domestic and foreign steamships exceeds 60,000,000 tons, valued at nearly two and one-half billions of dollars. And located on these streams are the great cities of Norfolk, Portsmouth, Newport News, Richmond, and Baltimore, connected by thousands of miles of railroad lines with every large commercial center in the United States, and also the city of Washington, the Capital of the Nation, to say nothing of Annapolis and the Naval Academy, on which the Government has expended millions of dollars. No other part of our great coast line offers so many advantages and facilities for the transportation by rail and water, of fuel, ammunition, supplies, and foodstuffs of every kind. No other part of it presents, in the hands of an enemy, such an opportunity for the destruction of so many lines of communication, so much commerce, and so many large cities. And yet, with Cape Henry unfortified, as it is to-day, these vast commercial and property interests are unprotected, and might be destroyed by a hostile fleet, should it gain control at sea.

And why strategically important?

This entrance between the capes is the gateway to the most strategic base of operations on the Atlantic coast, and the only one from which, if Cape Henry is fortified, an expedition can fit out in absolute security. With this gateway closed, the Chesapeake Bay and Hampton Roads, always considered of the very first importance in every plan for our national defense, can be made of still greater strategic value. The "Flying Squadron" lay in Hampton Roads until it was needed during the Spanish-American War. It was in Hampton Roads that our fleet was assembled for its cruise around the world. It is reasonable to expect that from Hampton Roads, should our country ever again become involved in war, on the Atlantic seaboard, our fleet will again be dispatched.

It is here that we find our Navy's safest and finest harbor, and one which can easily receive every ship of the American Navy, including the entire fleet and all its auxiliaries. It is here that we have the best place of refuge and shelter on the coast, not only for our naval vessels, but also for commercial shipping, foreign and domestic.

We have no other place so easily reached that affords equal facilities for the docking and repairing of the ships of the Navy, and no other place at which, when reached, such ships can be more promptly docked and repaired, either at the Government-owned yard at Portsmouth or at the extensive shipbuilding plant at Newport News, and then more quickly supplied with coal and ammunition, provisioned, and prepared again for active service.

Hampton Roads is the great clearing house of the fleet for coal. More than 50 per cent of the coal consumed for naval purposes is delivered to our ships and vessels from the great terminal coaling points on Hampton Roads. In time of war still more coal would be needed for the use of our naval vessels, and it could readily be supplied.

At the Government magazine at St. Juliene, on the Southern Branch of the Elizabeth River, large quantities of ammunition, valued at many millions of dollars, are assembled, stored, prepared, and kept constantly on hand for the use of the ships of the Navy.

At St. Helena, just across the river from the navy yard, the Government has erected large oil tanks, from which our vessels can be promptly supplied with oil, and just a short distance down the river one of the big oil companies of the country has located one of its largest storage depots.

Splendid rail and water transportation facilities make possible the quick assembling here from any part of the country of troops and munitions of war, and, if necessary, their speedy dispatch to any other section. Quick communication by rail and water with the largest supply centers of the country has made it one of the Navy's greatest depots for stores and supplies of all kinds. With Chesapeake Bay properly fortified, the largest ships of our Navy can here renew their supplies of coal, munitions, and other necessaries, in a protected harbor, without being exposed to fire from the guns of an enemy.

In time of peace Hampton Roads is always a place of the greatest activity. If war should come, it can hardly be doubted that Chesapeake Bay and Hampton Roads would soon become the country's greatest war base.

It has been well said that the chief military purposes of coast fortifications are "to defend against naval attack upon coast cities and harbors and to prevent the landing of expeditionary forces at a place that could be made a protected base of operations for an invasion of the country and to afford a place of refuge to our commercial shipping, for the repair of the ships after a battle, and for renewing their supplies of fuel and ammunition." All of these purposes will be accomplished by the fortification of the mouth of the Chesapeake Bay, and, in addition, the greatest stretch of inland water on our entire coast, the place where we can quickly assemble and distribute supplies of all kinds for the Army and Navy, can be preserved.

Behind protection, the great advantages of the bay and of the roads will be a source of strength, but without protection they will become a source of weakness. With the bay and Hampton Roads in control of a hostile fleet, where, south of New York, could our ships be sent to be docked and repaired, and where would they be driven to seek coal, ammunition, provisions, and shelter? What other part of our great coast line involves the protection of so many advantages and facilities, and yet what other part of it, admittedly so important, is so inadequately protected?

When the Atlantic Fleet was called upon in the mimic war of last June to protect the Atlantic seaboard the "enemy" fleet accomplished its purpose in effecting a landing on the shores of the Chesapeake Bay. Might not a hostile fleet be equally successful, and if successful, who can estimate the loss? One of the main purposes of defenses at Cape Henry will be to prevent just such a landing and the use of these waters to our great disadvantage.

And if a hostile fleet should control these waters it could command with its guns the peninsulas on either side of the bay and could make either one of these peninsulas a protected base of operations for the invasion of the country. Our own military forces would have to be divided in order to protect each separate peninsula, and, pending the training and mobilization of a larger army, might not be sufficiently strong to prevent the infliction of serious damage. Why longer subject the country to such a risk when it can be so easily avoided? The National Defense Board believed we should close this entrance, and for that reason urged the importance of fortifications at Cape Henry. These experts knew that the Chesapeake Bay, unprotected, would be a source of weakness, and protected, would be a source of strength.

How should it be fortified?

The importance—

Said a committee headed by Gen. John P. Storey, United States Army, in a report to the Secretary of the Navy—

of securing the entrance of the Chesapeake Bay at Cape Henry as an outer line of defense for Baltimore, Washington, Newport News, Norfolk, and the great railroads crossing the Susquehanna River can not be exaggerated and was recognized in the report of the Endicott Board. Any expenditure, however great, is justifiable for the protection of such vast interests.

No expense, therefore, should be spared which may be necessary to make this gateway to the Chesapeake and to Hampton Roads impassable. It should be equipped with the most modern and most powerful guns, of sufficient strength and range to cover the entire entrance, and these guns should be so well manned that they could when necessary be efficiently used. It should be made impassable so that the facilities and advantages of which I have spoken could not be seized by an enemy, but might be protected and preserved for our own use. It should be made impassable so that fewer battleships would have to be tied, for its protection, to that one locality, and a larger number could be used for the defense of the cities and harbors located at places on our coast line that can not be so easily protected. It should be made impassable so that we can have at least one base from which expeditions can fit out in absolute security, where men, ammunition, and supplies of all kinds can easily be assembled, and where disabled vessels can be repaired and new vessels constructed out of range of the guns of an enemy. It should be made impassable so that no foreign fleet can ever again establish a base on its shores, destroy its commerce, partly burn the Capitol of the Nation, or bombard some city located on the bay or its tributaries. Any expenditure, however great, for such purposes, will be justifiable, and will have the approval of the American people. And the expenditure, when made, will be for the protection of the entire country. The cities of my district are protected now, and these defenses are primarily needed for the protection of Washington and the Chesapeake Bay.

Our experts have repeatedly warned us that the fortification of Cape Henry is a military necessity, and that when these fortifications are constructed they will protect not local interests merely but will be a much needed and long-delayed additional provision for the defense of our country. Surely such defenses will protect against successful attack the most vulnerable, as well as the most strategic, point on the entire coast. Shall we heed the warning of all of our experts or shall we, as we have done in the past, refuse to follow their advice and blindly trust to chance for the protection of that great stretch of inland water which forms the first consideration in every plan relating to our national defense?

I am fully convinced that it would be a great blunder to longer delay the work, and probably un-American to refuse to vote for any appropriations necessary to make these defenses impassable and impregnable. Any other course would favor a foolish sense of security, which has no substantial foundation. Any other course would show an indifference to our safety which would be almost criminal.

I am glad, as I have stated, that this bill carries an initial appropriation for this work. I hope it will be followed by others until we have completed at the mouth of the Chesapeake Bay the strongest coast defenses on the Atlantic coast.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last two words. I desire to ask the gentleman from Kentucky some questions about this item for information. We have a torpedo station on Puget Sound. I presume that in this lump sum will be found such sums as they think necessary to expend in relation to that station.

Mr. SHERLEY. As I recall, there is nothing that they asked in connection with the mine equipment for Puget Sound at this time.

Mr. HUMPHREY of Washington. I do not think the gentleman quite understands the question.

Mr. SHERLEY. I think I do.

Mr. HUMPHREY of Washington. I wanted to know if in this item was included whatever they consider to be necessary to care for that station? It is the only one I find in the bill.

Mr. SHERLEY. Yes. This is a preservation and operation item, and it would take care of whatever was necessary at all of the stations.

Mr. HUMPHREY of Washington. That is what I supposed, as I do not find it anywhere else, and I wanted to know, because I understood there was some work there that they were anxious to have done. I supposed it was taken care of in this item.

Mr. SHERLEY. They did not ask for anything special in connection with the mine fields at Puget Sound, as I recollect. There was nothing presented and nothing urged in the hearings. Later on there is contemplated the installation of additional armament in connection with Puget Sound. The board of review in passing upon the fortifications there indicated the desirability of placing certain additional fortifications, but they did not urge it as the same importance as other items which are carried in the bill; but under the scheme which has been adopted all of those matters should be taken care of in a legislative way within the period of the next four years.

Mr. HUMPHREY of Washington. I want some information in regard to the next item when we reach it; but under this particular item, as I suggested, I have taken it for granted that whatever they consider necessary in relation to this station will be taken care of. I looked through the bill, and this is the only one that I have found.

Mr. SHERLEY. Well, everything that was asked touching this matter was allowed by the committee.

Mr. HUMPHREY of Washington. And will be taken care of in the $200,000.

Mr. SHERLEY. Everything that was asked by the department was granted.

Mr. HUMPHREY of Washington. That is all I care to ask at this time.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an article published in La Follette's Magazine on the Seamen's Act and Safety at Sea.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks by inserting in the RECORD the article to which he refers. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I have no desire to interfere in this matter, but yesterday, when I made a request to extend my remarks on a matter not pertaining to the bill, I was told it must be done in the House. I would like to understand the procedure in matters of this kind.

The CHAIRMAN. The Chair thinks the usual practice in that matter is that permission of that sort should be granted in the House.

Mr. MOORE of Pennsylvania. Without intending to give the gentleman unnecessary trouble, I object at the present time, because what is fair for one is fair for all in matters of this kind. I was denied the right to extend my remarks yesterday under similar circumstances.

Mr. MANN. Mr. Chairman, if the gentleman from Pennsylvania will permit me to make a suggestion to him, the gentleman from Pennsylvania, as I recall, desired to extend his remarks on the interpleader bill. If he had obtained consent in the committee and his remarks had been inserted, they would have been inserted under the consideration of the fortification bill; but if he had obtained the consent in the House and his remarks were inserted, they should have been and will be inserted, I take it, in the consideration of the interpleader bill, if that is where he desires to have them. He could have inserted his remarks by permission here, but they would have been in the consideration of the fortification bill. That is the distinction.

Mr. MOORE of Pennsylvania. If the gentleman will permit, I wish to make this straightforward statement. I am in sympathy with what the gentleman from Illinois has in mind. I am also in sympathy with the thought that we ought to stop too much extending remarks in the RECORD. On yesterday the gentleman from Mississippi [Mr. HARRISON] arose and made the request to extend his remarks by inserting a statement made by Mr. Justice Hughes when he was governor of New York. That permission was granted. Now, if the gentleman from Illinois [Mr. MANN] is right the remarks of the governor of New York extended by Mr. HARRISON should have gone in with the proceedings of the day, whereas, as a matter of fact, they appear in the back of the RECORD, just as my extension of remarks appears by permission in the House. I agree that these extensions of remarks should not appear in the course of the proceedings of the committee.

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like to be permitted to say this. I thought it had been the custom with Members to ask the right to extend remarks on other matters in the Committee of the Whole. If I had not been under that impression, I surely would not have disturbed the proceedings by asking unanimous consent to extend these remarks.

The CHAIRMAN. Is there objection to the request?

Mr. MOORE of Pennsylvania. Do I understand the ruling of the Chair to be that this request should properly be made in the House?

The CHAIRMAN. The Chair is under the impression that these requests are made in the House and in the Committee of the Whole, but if in the Committee of the Whole unanimous consent is given, why, the matter would be printed under the proceedings in the Committee of the Whole.

Mr. BUCHANAN of Illinois. If that is the proper procedure, I will withdraw the request.

Mr. MOORE of Pennsylvania. One more question, Mr. Chairman, and it is a parliamentary question. If consent is

granted, would it be proper, then, to insert what the gentleman desires to insert in the course of the proceedings of to-day, or should it appear at the back of the RECORD?

The CHAIRMAN. The Chair would think the proper place to insert it would be in the proceedings of the committee while in the Committee of the Whole.

Mr. MOORE of Pennsylvania. As the remarks do not pertain at all to what is going on in the committee, I object.

The CHAIRMAN. The gentleman from Pennsylvania objects.

The Clerk read as follows:

For procurement or reclamation of land, or right pertaining thereto, needed for site, location, construction, or prosecution of works for fortifications and coast defenses, $1,400,000.

Mr. SHERLEY. Mr. Chairman, this item is an item intended to procure certain land at San Francisco, at Los Angeles—that is, San Pedro—and at New York, at Rockaway Beach. Touching the latter I think that a statement should be made to the committee. It has always been the custom, and a proper custom, to carry items of this kind in lump sums, without designating the particular locality or the amount of land that is to be acquired, and the reason for it is very apparent. In the absence of an actual contract touching the purchase price which is satisfactory, any designation of price in a legislative bill would make difficult the obtaining of the property for a sum less than that named in the bill. The practice has been for the department to indicate the land that is desired, the reason why it is desired, and for the committee to exercise its judgment as to whether it should be acquired or not and, in a general way, as to the amount that should be paid, leaving to the department the actual securing of the land on the most favorable terms possible. The right of the Government to condemn exists and may always be exercised, and, in the event that the property is not offered at a fair price, should be exercised.

One of the disappointing experiences that comes to every man who deals with questions of this kind is to find that the patriotism of men, very vociferously proclaimed in a general way, usually stops short when it comes to something that they have to sell and which the Government needs to buy, and in every instance——

Mr. JOHNSON of Washington rose.

Mr. SHERLEY. In just a moment—and in every instance where it is possible the Government is mulcted in excessive price for the property that it desires.

Now, in connection with the Rockaway Beach property I desire to say this:

The committee has received a number of communications from Mr. L. B. Sharp, of Far Rockaway, a real estate dealer there, who claims that the option which has been given to the Government for this property is at a price greatly in excess of the real value of the land, and that there will be an attempt to cause the Government to pay an extravagant price, just as he claims the city of New York was forced to pay for a park that adjoins that. He charges, in substance, that there is a real estate ring that has been given to the practice of holding up the city government, and now proposes to hold up the United States Government, to get an unfair profit. The particular land was chosen for the sole reason of its location and the desirability of having that particular land is not questioned by anyone familiar with the facts and the needs from a military standpoint. The option which has been given is an option which was given under terms of secrecy. The owner of the property, the real owner of the property, is the Southern Pacific Railway. The title is held by a corporation, a subsidiary corporation, controlled by that railway. The option provides for a price that is contended by the owner to be fair and to be about what was paid under condemnation proceedings when adjoining property was condemned by the city of New York. But inasmuch as there is now a lawsuit pending between the owners of this company and the city and State of New York, touching the rights to certain property that is below high water, the actual terms of the option are held secret on the ground that it might have an effect upon pending litigation.

But the provision in the option provides that the Government shall not have to pay for any of the land that is in dispute between the railway company and the city and State authorities. It has been suggested by the gentleman representing that district that a limitation should be put upon this provision limiting the price per acre that should be paid for this land and that it should not be bought at a greater price than that. I personally do not believe that that should be done. It is of the highest importance that this land should be acquired and acquired at the earliest practical date. If we are to undertake the permanent fortification contemplated for New York at Rockaway we must obtain title to this land.

I shall have read from the Clerk's desk in a moment the letter of Mr. Sharp, written to the Attorney General of the United States, which embodies all of the facts from his standpoint and makes reference to other letters sent to Mr. FITZGERALD, the chairman of the Committee on Appropriations, and the reading of those letters unnecessary. The only way that I believe it is practicable to deal with this subject is to leave to the War Department and to the Department of Justice the procurement of this land at a price that will be fair to the Government of the United States. If there is a conspiracy on foot to boost the price of this land, if real estate men have been retained in advance to testify as to its value, the Department of Justice and the War Department ought to be able, and I believe will be able, to expose that situation, and if a fair price is refused to the Government in condemnation proceedings before a jury that will be honestly chosen and will honestly perform its duty to obtain the land at a fair price, and certainly if we can not by condemnation proceedings obtain justice for the Government, then we are helpless.

And I repeat again that it is exceedingly painful to have constantly recurring evidences of the selfishness of men and of corporations touching matters of the first magnitude to the Government and the safety of the Government. But I believe to undertake now to fix an arbitrary price for the land that is to be bought would be to do something that we are not sufficiently advised about to do intelligently, and which might result in the postponement for a year or more of the procurement of this land.

I personally went over to Rockaway Beach and visited the land. I did that in my private capacity, because I had no way of going in an official capacity. I believed it was important that some one should have a personal view of the exact situation. The land as land would be worth practically nothing. It is a sand dune. But the land by virtue of its proximity to New York and the settlement that is going on there in the way of small suburban houses, put up on practically city lots, makes the land very valuable considering its general nature. I want the committee particularly to have knowledge of this situation. I want particularly by these remarks to call the attention of the Department of Justice and the War Department to what is being alleged and to again say that it is incumbent upon those departments in the expenditure of such portion of this sum as may be necessary to acquire that land, to protect the Government and obtain it at a fair price.

The original amount of land which it was thought was necessary to purchase I do not believe is necessary, and I think the view I express is now shared in a large measure by the department. It was originally thought desirable to obtain land fronting on both Jamaica Bay and the Atlantic Ocean. That would have added very greatly to the cost, and inasmuch as we have now a certain small strip of land owned by the United States Government and occupied by the Coast Guard Survey, which would give us a wharf and entrance upon Jamaica Bay, it does not seem necessary to acquire all the land from the Atlantic Ocean back to the bay, but a strip, indicated by the red area upon the map that was submitted in connection with the option, would be sufficient for all the purposes in connection with the fortification.

I now ask to have read from the Clerk's desk this letter.

Mr. STEPHENS of Texas. I desire to ask the gentleman if he thinks this language is broad enough to authorize the condemnation proceedings?

Mr. SHERLEY. There is not any doubt about that.

Mr. STEPHENS of Texas. The language is "for procurement or reclamation of land."

Mr. SHERLEY. This is the language that has always been carried in the fortification bill, and is the language under which the condemnation proceedings were had down at Cape Henry. There is no question about it.

Mr. STEPHENS of Texas. I agree with the gentleman that we ought to have condemnation proceedings when the Government is to be held up.

Mr. SHERLEY. There is no doubt about it under this language.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

APRIL 22, 1916.

Hon. THOMAS W. GREGORY,
Attorney General, United States,
Washington, D. C.

SIR: With reference to the land at Rockaway Point to be acquired by the Federal Government for mounting coast-defense guns, and upon which the Government has taken an option, I inclose herewith copies of four letters I have written dealing with this subject under dates March 29, April 8, April 12, and April 15, 1916, to chairman of House committee, Hon. JOHN J. FITZGERALD, M. C., Hon. CHAS. POPE CALD-

WELL, M. C., and William M. Greve, of the Realty Associates, Brooklyn, N. Y., respectively, all of which you will find self-explanatory, and when taken together should give you a clear understanding of the object I am endeavoring to attain, viz, the exposure and defeat of a scheme on the part of William M. Greve and his associates, as representatives of the owners of this property, to mulct the Government.

I lay before you this information in an effort to convince you that there are reasonable grounds for this, my solemn protest against the exercise of the option held by the Government upon this land. I am making this protest purely and simply in the interests of the Government and in an earnest effort to discharge what seems to me the plain duty of any and every citizen to whose notice may come wrongdoing of the sort, and I am doing it in all probability to my great personal disadvantage, for there are many ways this combination may find in future to punish me. As an example of just how much that sort of thing is feared in this city suffice it to say that while I am receiving all manner of encouragement in private from men in all walks of life I have not found one who is willing to join me in the open, and they do not hesitate to say that it is because of fear of the damage this combination can and would do them.

I want to make it perfectly plain right here that my object is not to create opposition to the proposed site, first, because I believe it to be a proper one, and, second, because I would not be so presumptious if I did not. What I am protesting against is the possible private purchase of property from this "clique." I want the Government to acquire whatever property belonging to this unscrupulous combination that may be necessary to the Government's needs by condemnation, so that their usual manipulations may be prevented now that they are exposed.

For your information the option which Mr. Greve has induced the Government to take upon this property is of the same nature as the option which he induced the city, on behalf of the Neponsit Realty Co., of which he is vice president, to take upon the property at Rockaway Beach, now known as Seaside Park.

It is of the same nature as the option which William H. Reynolds induced the city of New York to take upon the Coney Island property known as Dreamland Park. This property was acquired by the city from the Dreamland Co., of which Mr. Reynolds is president.

The option the Federal Government has is of the same nature as the one the same William H. Reynolds, on behalf of the First Construction Co., of which he is president, induced the city of New York to take upon the Brooklyn property known as the Marginal Railway.

The intent of these options, so far as the property owners were concerned, was to embarrass the city in arriving at the true value of the properties under condemnation. As evidence of this I am sending you herewith copy of the city's brief on appeal from the award in the Dreamland case; also copy of the opinion of Mr. Justice Mills, of the appellate court, in reversing the award in the same case in so far as the Dreamland Co. was concerned. I also inclose map of the property under option at Rockaway Point.

You will readily see from these documents that the option the city accepted was made use of to the greatest possible extent to the detriment of the city. I think it will also be quite clear to you that the option in this case was made to serve the only purpose it could possibly have been intended for on the part of the owners.

The option in the Seaside Park matter, which preceded that of Dreamland, was made similar use of, but not quite so boldly, presumably because this seems to have been the first attempt at the "option game."

In the Marginal Railway case, though, which followed closely upon the heels of Dreamland, the option was handled with such a disregard for common decency that the city's counsel, who had long since become "case-hardened" to their methods, was shocked at their boldness. The award in this case has not yet been made, therefore I can not supply you with documentary evidence in connection with same, but will do so at the earliest possible moment; neither am I able to supply records in relation to the Seaside Park case, as no appeal was taken from the award therein made and affirmed in special term of the supreme court. The city's counsel regrets that this award was not appealed from, since the Dreamland award has been reversed.

In the Seaside Park case, as in that of Dreamland, there was difference of opinion in the corporation counsel's office as to the wisdom of taking an appeal from the award. In the first the negative prevailed, while in the second the positive "carried the day" and proved the greatest legal victory for the city that has been won for years, if not the most important that ever has been won.

The failure of the city to appeal from the award in the "Seaside Park" case, it is perfectly clear to all who know the methods employed by this combination, was responsible for the bold manner in which they conducted the "Dreamland" case, and the still more defiant attitude they assumed in the "Marginal Railway" case.

As an indication of the collusion between men and interests in connection with the three cases above referred to with the city of New York, as well as the one now under consideration affecting the Federal Government, I will explain as follows:

The "Seaside Park" property was sold to the Neponsit Realty Co., of which William M. Greve is vice president, by the West Rockaway Land Co., of which Mr. Frederick J. Lancaster is president. At the time this property was condemned by the city the West Rockaway Land Co. held large mortgages upon same, yet Mr. Lancaster, its president, was one of the expert appraisers for the Neponsit Co. Mr. Bryan L. Kennelly was another expert appraiser, despite the fact that he was at the time, and still is, associated with Mr. Lancaster in business. Mr. William H. Reynolds was another appraiser, yet he is president of Long Beach Estates, of which Mr. Greve was a stockholder, if not an officer.

The Long Beach Estates, of which Mr. Reynolds is president, is controlled by Frank Bailey, vice president of the Title Guarantee & Trust Co. Mr. Bailey is president of the Realty Associates, of which Mr. Greve is vice president. William H. Reynolds is president of "Dreamland," upon the property of which, at the time the city acquired it, the Title Guarantee & Trust Co. held large mortgages. As the record will show, Mr. Greve served "Dreamland" and Mr. Reynolds as an expert appraiser in this case, it will also show that he was a holder of second mortgage bonds of "Dreamland," which he testified, under oath, that he had sold, but could not tell when or to whom he had sold them. Bryan L. Kennelly and William P. Rae, both testified for "Dreamland," notwithstanding the fact that the option the city had accepted in this case has been based upon the private appraisals of these two experts.

In the matter of the "Marginal Railway," William H. Reynolds is the president of First Construction Co., the owner of this property. The option accepted by the city in this case was also based upon private appraisals made by Bryan L. Kennelly and William P. Rae, yet both of these experts have testified in this proceeding for First Construction Co. and Mr. Reynolds.

The Rockaway Point land, upon which the Federal Government has an option, which option was no doubt taken upon the strength, the usual private (?) appraisal, of some of these collusive experts, is owned by the Rockaway-Pacific Co., the stock of which is held by the Southern Pacific Co. The land is under lease to the Rockaway Park Association, of which William M. Greve is an officer, and apparently the manager.

This option scheme, of which this combination has made such free use, I think, is original with them, and as you will understand from what I have said, together with the documentary evidence supplied herewith, is exceedingly clever.

As a very striking example of how it works out in practice, I would direct your attention to the record in the "Brown" investigation of New York City's financial methods held during January of this year, wherein Comptroller William A. Prendergast, splendid man and official that he is, appears as defending his official acts in connection with the "Marginal Railway" case by falling back upon the acceptance by the city of the option in this case because it was based upon the joint appraisal of Bryan L. Kennelly and William P. Rae.

Thus it becomes quite clear that this option scheme constituted at once a lullaby for the conscientious official anxious to safeguard public funds and a bulwark to the unscrupulous one willing to disregard his obligations to the public. And who can say that this was not all thought out before the plan was first adopted?

What I have said is not based upon rumor in any sense, but upon first-hand knowledge and documentary evidence, and I am prepared to substantiate every statement I have made and in addition to that produce evidence I have and which I have not disclosed, relative to the scheme to mulct the Government in connection with this Rockaway Point matter.

Frankly, I am much disappointed with the lack of cordiality on the part of some of the officials with whom I have discussed this subject. It may be that I am old-fashioned in my ideas, but I can not help feeling disappointment that the knowledge of a scheme of this sort against the Government, especially at this time of great stress, should fail to fill any true American, whether he be official or private citizen, with indignation.

My reason for lodging this protest with you instead of the War Department is that I hope that in this way it can be made to serve the purpose of both departments.

Respectfully,

L. B. SHARP.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman from Kentucky is to pass from this paragraph, I would like to ask him a question.

Mr. HUMPHREY of Washington. I offer an amendment to the paragraph.

Mr. MOORE of Pennsylvania. Will the gentleman yield first for a moment while I ask the gentleman from Kentucky a question?

Mr. HUMPHREY of Washington. Yes.

Mr. MOORE of Pennsylvania. I want to ask the gentleman from Kentucky if this $1,400,000 contemplates the purchase of anything except land for coast defenses?

Mr. SHERLEY. It does not.

Mr. MOORE of Pennsylvania. It has nothing to do with arsenal lands, as I understand?

Mr. SHERLEY. It has not.

Mr. HUMPHREY of Washington. Mr. Chairman, before I offer the amendment, I want to ask the gentleman from Kentucky a question. Is this $1,400,000 to be used for the projects the gentleman has mentioned and not to cover any others?

Mr. SHERLEY. It could be used, of course, for the procurement of any land in connection with works of fortification and coast defenses, but there is always an understanding between the War Department and the committee that moneys shall be expended for the purposes for which they have been asked; and, as I said in the beginning, it is contemplated that this money is to purchase certain lands in connection with the defenses in San Francisco, certain lands in connection with the defenses at San Pedro, and certain lands at Rockaway Beach in connection with the defenses of New York.

Mr. HUMPHREY of Washington. I correctly understood the gentleman. Now I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 3, at the end of line 17, strike out "$1,400,000" and insert "$2,400,000."

Mr. HUMPHREY of Washington. Mr. Chairman, I want to call the attention of the committee for a few moments to the condition that exists on the Pacific coast. I make no pretension of knowing anything about these affairs. I am not a military expert. I hope I may have the attention of my friend from Kentucky [Mr. SHERLEY], because I know he will be interested in this matter. On the west coast of the State of Washington are the two harbors, Grays Harbor and Willapa Harbor, two of the best harbors upon the Pacific coast. They are both entirely unfortified.

As I said a moment ago, I am not an expert, and I do not know what the strategic advantages of those two harbors might be; but last year I had occasion to talk with one of the great military experts of this country and one of our leading soldiers, whose name I will not mention, because he was talking with me as a man and not as an officer. But I will be pleased

to give his name to the gentleman from Kentucky if he wishes it. That military expert told me in that conversation that, having recently visited all the fortifications throughout the country, Grays Harbor and Willapa Harbor were the most vulnerable points in the United States. He further made the statement, "Mr. HUMPHREY, if I were leading an attack against the Pacific coast, I would go through those harbors." He further made the statement that the Pacific Northwest was the most vulnerable portion of our country, and that the most urgent need for fortifications was at those harbors.

Now, in view of that situation I can not understand why it is that some recommendation has not been made by the War Department to take care of these two harbors and to take some steps toward their fortification.

The gentleman from Kentucky has been talking about the difficulty of securing lands, and I recognize that there is great force in what he says. It so happens that I have had a great deal of experience in my time in condemnation proceedings, and I know that often there is an attempt made to make the Government pay a high price for property when it is found that the Government needs it. But I want to call the attention of the gentleman from Kentucky to this fact, that so far as these two harbors are concerned, the Government could now secure the necessary lands for a nominal price. I am not sure but that in one instance, in the case of Grays Harbor, the land needed would be donated. My colleague, Mr. JOHNSON, who lives in that vicinity, can make a statement in regard to it.

Mr. JOHNSON of Washington. If my colleague will yield at that point. The citizens on Grays Harbor realize the necessity of the fortifications there. In the last 20 days they have, largely on the part of Mr. E. C. Finch, placed an offer before the War Department to give the Government several hundred acres to be used for fortification purposes. They want the offer accepted, and they would like a recommendation to the effect that the fortifications be built there.

Mr. HUMPHREY of Washington. I am undertaking to call attention to the fact that, according to the highest military authority, here are two great harbors on the Pacific Ocean totally unfortified, and no steps being taken toward their fortification; that coming through these harbors an enemy can reach the three great transcontinental railroads, seize the cities of Seattle, Tacoma, and Portland, and all that great western country; and I think that in view of this talk that we hear about preparedness, in view of the millions that we are spending, it is time for the Government to take some steps to protect that portion of the country as well as other portions of the country.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a moment?

Mr. HUMPHREY of Washington. Yes. I will ask for five minutes more.

Mr. SHERLEY. Mr. Chairman, the gentleman asks to continue for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SHERLEY. Did I understand that the two places referred to were Willapa Bay and Grays Harbor?

Mr. HUMPHREY of Washington. Yes; Willapa Harbor and Grays Harbor.

Mr. SHERLEY. I just wanted to identify them. I will be glad to make a statement when the gentleman finishes.

Mr. HUMPHREY of Washington. Now, at Grays Harbor the Government has just completed the expenditure of nearly $3,000,000 in building jetties and improving the harbor. I will ask my colleague from Washington what is the total amount that the Government has expended in jetties at Grays Harbor?

Mr. JOHNSON of Washington. Two and three-quarter million dollars in actual jetty construction; about $3,000,000, including maintenance and inner harbor work.

Mr. HUMPHREY of Washington. Yes; $3,000,000 has been expended for the purpose of protecting that harbor. We now have 25 feet at mean low water, and an enemy can come into the harbor without meeting any opposition whatever. The same condition exists at Willapa Harbor, although the channel there may not be quite so deep.

Now, as I said awhile ago, I do not know anything about it, but I do know what the military authorities think of it. I do know that, according to their statement, there is more need of fortifications there than in any other portion of the United States, and I know that if they take some steps now they can acquire that land for practically a nominal figure, but if they wait they will meet the same conditions that they are meeting now at other places and will have to pay a high price for the land. I do not think we can begin too soon to fortify our coasts, and I believe that whatever difference of opinion there may be among the people of the United States with reference to a great Army, there is no difference of opinion on the proposition that we ought to have a strong Navy and that we ought to fortify our coasts.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HUMPHREY of Washington. I yield to the gentleman from Texas.

Mr. STEPHENS of Texas. Is there any town on either of those harbors that needs protecting? If so, what is the size of it?

Mr. HUMPHREY of Washington. On Grays Harbor there are two towns, one of about 15,000 inhabitants and the other of about 10,000. There are probably 15,000 people on the other harbor. There are two cities on each of those harbors and rich countries behind them. But it is not alone to protect these immediate cities, although that is one object, but the one great object is to keep the enemy from seizing the great transcontinental railway lines.

Mr. JOHNSON of Washington. These two harbors furnish a point of invasion for the whole Columbia River Basin and are open points for that just as much as the mouth of the Columbia River itself.

Mr. HUMPHREY of Washington. They are not only an open point to the Columbia River Basin, they furnish an avenue of approach to the cities of Portland, Seattle, and Tacoma, and take in the whole Puget Sound country clear up to British Columbia. I can only repeat what I have been told by one of the highest military authorities in the United States that this the most vulnerable portion of all our coast, either upon the Atlantic or the Pacific Oceans, and I can not understand why it has been overlooked.

Mr. BORLAND. I want to ask the gentleman whether there is not grave danger also of a submarine attack on that post-office site that was sold to the Government in Seattle a few years ago?

Mr. HUMPHREY of Washington. I do not know whether the gentleman intends to be facetious or whether he speaks from ignorance. I do not know which to characterize it, but I want to say for his information that there have been more lies published about that proposition than about any other honest transaction that has ever come to my notice.

Mr. BORLAND. I understand it is mostly under water.

Mr. HUMPHREY of Washington. No; it is not under water——

Mr. BORLAND. And so I was wondering whether it was in danger of submarine attack.

Mr. HUMPHREY of Washington. It is not under water, and any man who makes that statement is either ignorant or worse.

Mr. HAMILTON of Michigan. Can there be anything worse?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] is mistaken in his statement that this matter has been overlooked. It has not.

Mr. HUMPHREY of Washington. I did not mean to say it had been inadvertently overlooked.

Mr. SHERLEY. The trouble as to the gentleman himself and his one informant, whom he speaks of as the highest military authority, is that their view is not shared by the board of review that examined the whole question of the seacoast defense of America. I have in my hand a statement showing not only every place that is fortified and every place that it is proposed to fortify, but also every harbor, including the two that the gentleman mentions, where anybody has ever suggested that there ought to be fortifications. I read the following statement as to Willapa Bay:

First, this bay lies 22 miles north of the mouth of the Columbia River. Navigable for deep-draft ships. Commercial importance, small; of some strategic value as a base for a foreign invasion of the Northwest. Existing armament, none. New armament recommended by board of review, none. Neither strategic nor commercial importance is deemed sufficient to justify incurring the cost of the provision of fixed fortifications. The occupation of the bay by an enemy as a base for an invasion can be denied by large caliber movable seacoast armament. The best and only adequate defense is by a mobile force.

I now read a statement touching Grays Harbor:

This bay lies 40 miles north of the mouth of the Columbia River. The controlling depth of the entrance, 19 feet, is too shoal for deep-draft ships. Commercial importance, small. Existing armament, none. New armament recommended by Board of Review, none. Neither the commercial nor the strategic importance of this bay is deemed sufficient to warrant incurring the cost of the provision of fixed fortifications. The occupation of the bay as a base by an enemy can be denied by

large-caliber movable seacoast armament. The best and only adequate defense is by a mobile force.

Mr. JOHNSON of Washington. Will the gentleman yield? Grays Harbor has a much greater depth of water than that.

Mr. SHERLEY. In just a moment. Mr. Chairman, I desire to repeat what I said yesterday, that it is absolutely out of the question to undertake to fortify all of the coast of America. Even a printing press could not print money enough to carry out such a scheme as that. I have repeatedly stated, not only yesterday, but when this bill was up before, in the hope that simply by reiteration if no other way I might get it into the minds of men that the purpose of fortification is not to prevent a landing anywhere upon our coast, but only to prevent a landing at certain places that possess strategic importance sufficient to warrant the fortification, or where there are great centers of population which would otherwise be subject to inadmissible damage. Now, the gentleman from the West has called up two very good illustrations. Here are two harbors that have no great importance. Their commercial importance from the standpoint of the great Nation at large is completely negligible.

Mr. JOHNSON of Washington. But will the gentleman permit a statement there?

Mr. SHERLEY. Yes.

Mr. JOHNSON of Washington. Both these harbors are literally back doors to the cities of Portland, Tacoma, and Seattle, and all of that heavily populated country.

Mr. SHERLEY. Unquestionably; and again I say to you that the fortifications of America are not intended to prevent all invasion. The problem that the gentleman suggests is a problem for the mobile army.

Mr. JOHNSON of Washington. The mobile guns spoken of in the report are supposed to be a part of the Army organization and plans for defense.

Mr. SHERLEY. Yes.

Mr. JOHNSON of Washington. Then that statement will be of some satisfaction to the people of the Northwest. I would like to ask the gentleman what the date is of the report that he has read from.

Mr. SHERLEY. It is a report made by the board of review and was rendered November 26, 1915. The officers that composed that board are the following: Maj. Gen. Hugh L. Scott, Chief of Staff; Brig. Gen. M. M. Macomb, Chief of War College Division; Maj. Gen. Tasker H. Bliss, Chief Mobile Army; Brig. Gen. E. M. Weaver, Chief Coast Artillery Division; Brig. Gen. Dan. C. Kingman, Chief of Engineers; Brig. Gen. William Crozier, Chief of Ordnance.

Now, I submit that the statement of the gentleman's colleague that the highest military authorities believe in the fortification of these particular harbors is stretching it a little in the face of the statement of a board composed of as eminent gentlemen as they are.

Mr. JOHNSON of Washington. And yet not one of these gentlemen will say that these places do not need defense.

Mr. SHERLEY. Every one of these men have stated, in the most formal way that they can state, that there ought not to be any fixed fortifications there, and that is what the proposal of the gentleman from Washington means. Shall we spend a million dollars for buying land for fortifications that we do not expect to build?

Mr. JOHNSON of Washington. When was the data collected with reference to Grays Harbor and Willapa Harbor?

Mr. SHERLEY. The report was made November 26, 1915. I knew that gentlemen under the sudden impetus of the popularity of the preparedness propaganda would be making suggestions to fortify every part of the coast that happened to be in their respective districts.

Mr. JOHNSON of Washington. On the contrary——

Mr. SHERLEY. I am not saying that in an offensive way.

Mr. JOHNSON of Washington. Instead of working under the impetus, I suggest that the citizens of these harbors are among the original preparedness advocates, their showing for the need of defense there having been made many years ago.

Mr. SHERLEY. In anticipation of that situation I asked that there be prepared for me by the War Department a statement as to why recommendations were not made at particular places as well as the reasons they had given for fortifying particular places, and it seems that my judgment as to what might be required on the floor was rather good. I submit to the committee that for us to increase, by a million dollars, this appropriation would be foolish. The gentleman has no knowledge as to the amount of land that needs to be acquired, even assuming that fortifications were to be placed there, nor the value of the land, and for this committee to run off wild and appropriate a million dollars for the purpose would be to do a very foolish thing.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. The statement of the distinguished chairman of the committee will be read with the greatest interest by the people of the north Pacific, and I hope that all the statements that he has read, and his further statement that Grays Harbor needs no fixed fortifications will not act as an obstacle to the United States Government accepting the gift from the people of some 200 acres at this place. These people feel that——

Mr. SHERLEY. Yes; the people up in New England during the Spanish War felt that they needed fortifications, and they were shipped up some guns that did not amount to a row of pins, and after that they slept perfectly comfortable. The same thing happened on the Gulf coast. But we can not fortify the coast on the ignorance or fears of people. Now, I say that in all kindness. The matter of fortification is one involving deep study, and the great advantage that we possess is that heretofore Congress has always declined to listen to the pressure of localities touching fortifications, but has followed the recommendation of those who ought to know, and there has been no attempt in this or any other bill to discriminate against any section either on the Atlantic or the Pacific, north or south.

Mr. JOHNSON of Washington. Let me ask the gentleman another question. Does he not think it is unfair, or does he think it is fair for the War College board or Army maneuver organizations to persistently issue statements that the North Pacific and the harbors are the most vulnerable places in the United States?

Mr. SHERLEY. No.

Mr. JOHNSON of Washington. Then we ought not to blame the people.

Mr. SHERLEY. I do not blame the people.

Mr. DUPRÉ. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. DUPRÉ. I would like to ask the gentleman whether the report that he has just read from is a confidential report.

Mr. SHERLEY. Yes; it is confidential, and I will submit to the House why it is confidential, because I do not want to give the impression that I have something up my sleeve. The report gives in detail the existing armament and the new armament that is to be placed there.

Mr. DUPRÉ. I am aware of the propriety of that.

Mr. SHERLEY. I know the gentleman is interested in the defense in connection with New Orleans. There is a recommendation looking to the placing of some secondary batteries in connection with the defense of the Mississippi River.

Mr. DUPRÉ. I assume that the gentleman from Kentucky favors the report in that respect.

Mr. SHERLEY. I shall, if I continue to have charge of the fortifications bill, carry out the recommendations of the Board of Review touching additional armament.

Mr. WHALEY. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. WHALEY. Is there any provision made in the report for the defense on the south Atlantic?

Mr. SHERLEY. There are a great many places upon the south Atlantic where they contemplate that additions will be made, some not of great moment and some of considerable moment.

At the Charleston Harbor, in which the gentleman doubtless is interested, it is proposed to make a change by adding some long-range rifles and some long-range mortars, as well as changing the mounts of some of the existing armament.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for a short question?

Mr. SHERLEY. Yes.

Mr. JOHNSON of Washington. What is the population of Charleston?

Mr. SHERLEY. I do not recollect.

Mr. WHALEY. It is 70,000.

Mr. SHERLEY. But there is reason for the defense of Charleston that lies outside of the size of the city, and that is the fact that you have there a navy yard which needs protection, and it unquestionably will continue to be an important plant and one that ought not to be left undefended.

Mr. JOHNSON of Washington. Oh, I would not question its claim for the world.

Mr. SHERLEY. I understand; but I understand also what the gentleman is inferentially undertaking to do, and that is to

draw a comparison between Charleston and the Northwest. I desire to say that there are very elaborate fortifications on Puget Sound, and it is proposed to very greatly strengthen them. They are the ones that ought to be strengthened, and not new ones placed near Puget Sound. At least, that is the judgment of the department.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word of the amendment. A few moments ago I spoke somewhat facetiously to the gentleman from Washington [Mr. HUMPHREY] about the post-office site in the city of Seattle. I do not want the gentleman to think that I spoke purely upon idle rumor, or without any substantial statement to back up what I said. I implied in my question that the post-office site at Seattle was unavailable to the Government, because it was under water, and I desire to call the gentleman's attention to the following testimony before the Committee on Appropriations.

Mr. HUMPHREY of Washington. Oh, I read that a long time ago.

Mr. BORLAND. Then, I desire to call the attention of the House to it.

Mr. HUMPHREY of Washington. I want to know whether the gentleman stands responsible for that?

Mr. BORLAND. I read from the testimony taken before the Committee on Appropriations in consideration of the sundry civil appropriation bill:

The CHAIRMAN. The next is Seattle, Wash. The estimate of $50,000, submitted in the sundry civil bill, has been withdrawn. Why is that?

Mr. WETMORE. That is largely because of the undesirability of the site.

The CHAIRMAN. We would like to have something more than that. The site is purchased, the building authorized, and plans prepared, and now you propose not to go ahead with the building. What is undesirable about the site?

Mr. NEWTON. I think I can explain that. When we were about to commence the plans and take up that project in its regular order it was reported by the Post Office Department that the site was in an improper place and that it was not feasible to put up a building on it. I went to Seattle and looked it over, and I was convinced that the report of the Post Office Department was correct. Later the Secretary of the Treasury was there, he saw it, and his opinion was the same as ours. The conditions are practically these: That site was purchased for $169,500 out of an appropriation of $200,000 for a site. It is located in a very low spot, what is known as the tide flats. When I saw it, it was submerged; I was there about five or six weeks later and it was more submerged. The first time I think the depth of water was not more than 3 or 4 feet, while the second time it was about 7 or 8 feet. The streets near by are on an elevation of about 25 or 30 feet higher than the lot.

The CHAIRMAN. Where are these tidewater flats?

Mr. NEWTON. They are in the general vicinity of the Great Northern and Milwaukee Railroad station. I am not familiar with the names of the streets.

The CHAIRMAN. I do not know the names of the streets myself, but I know where the Great Northern station is.

Mr. NEWTON. This site is in that vicinity.

The CHAIRMAN. It is a big filled-in tract over the one side.

Mr. NEWTON. Yes, sir.

The CHAIRMAN. That is where it is located?

Mr. NEWTON. Yes, sir; and it is so far away that even if the physical conditions were all right it would be in an unsuitable place. It is so far away from the railroad station that the Post Office Department reported that it would cost $19,000 annually to transport the mails from the railroad station to the office and back again.

Mr. WETMORE. In addition to that, Mr. Newton, there is a bill pending before the Committee on Public Buildings and Grounds to increase the limit of cost for this building. I do not know what the amount is, but I think it increases the limit from $300,000 to $1,250,000; so that we could not prepare plans at this time for this anyway.

Mr. GILLETT. Is that section built up at all? Is it expected that the present condition will exist permanently, or will all of the ground be raised?

Mr. NEWTON. Such buildings as are there are on stilts. There are streets running through there, but they are all banked up like a railroad embankment.

So when I asked the gentleman whether he fears any submarine attack on the proposed post-office site at Seattle I was not asking him on the mere rumor of newspapers, but upon testimony given by three distinguished officers of the Federal Government who had examined it for that purpose. If the site is not suitable, the Government will have to abandon it. We have paid out for it $169,500, and if we can not use it we are going to abandon it; but I wanted to call the gentleman's attention to that fact in his urging upon the House the acquirement of further property in his particular section of the country.

Mr. NORTON. Mr. Chairman, will the gentleman tell the House when the site was purchased?

Mr. BORLAND. My recollection is that the authorization was in the public-building bill of 1912. It was prior to the present administration. It had reached the point where an estimate was made for the beginning of the construction of a building, and that estimate was withdrawn. It so struck the attention of the committee that anybody would withdraw an estimate for constructing a building that we asked why it was that the estimate had been withdrawn, and received the answer that the site was under water.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not know what the motive of my distinguished friend from Missouri [Mr. BORLAND] was in referring to that post-office site—whether it was done thinking that he might reflect upon me, or whether he did it facetiously or ignorantly. I do not know what the purpose was, but I will waive that part of it. I knew of the statement which he read, for I have seen it. First, let me say that, whatever there may be about the Seattle site, it was selected by a Government agent and approved by a Government agent, and, so far as I am personally concerned, I have never recommended the site. Neither directly or indirectly have I ever said that it was a suitable site. I never had anything to do with the matter until months after it was selected. I make the statement because some one in the Treasury Department inserted a note in the record in that case that I had recommended the purchase of that site. There is a gentleman sitting here on the floor of the House, upon the Democratic side of the aisle, who has examined that record, and he knows that any intimation or statement of that kind is absolutely untrue. Whoever made it ignorantly or purposely lied.

I can not believe that this was inserted in the record with the deliberate attempt to deceive the public in relation to my actions in the matter, but this has been the result. I feel satisfied that this memoranda misled the World's Work in an article that it published about the transaction. I do not claim that it misled certain disreputable representatives of disreputable publications that used it, but they took advantage of it to attack me and misrepresent my action in the matter. There never was a more villainous illustration of certain moral degenerates "lying with a circumstance" than has been furnished by this post-office site transaction in relation to myself.

I have been a Member of this House for 14 years, and during that time I have been subjected to a great deal of villification and slander, misrepresented in every possible way that hate and malice could invent, by certain yellow sheets published in my State, but I have never yet replied to any of these attacks. This matter in relation to the post-office site has been one of their choicest falsehoods. I should not have dignified them by replying, but since the gentleman from Missouri has seen fit to bring this matter in on the floor of the House I think perhaps it is best for me to give the facts as shown by the record in the case.

That record shows that the purchase of the present site for a subpost-office station at Seattle was recommended by the Treasury Department on October 6, 1910. On January 19, 1911, Senator POINDEXTER wrote the department asking as to the status of the matter. On July 13, 1911, Senator Piles sent a telegram saying that it was a suitable site, and on the following day the chamber of commerce recommended it as a suitable site. On August 12, 1911, I wrote my first letter in relation to the matter asking that the deal be closed. This was 10 months and 6 days after it had been recommended for purchase. No objection was raised to the site on the ground of not being suitable until April 29, 1915.

But whatever may be said as to the fitness or the unfitness of this site for post-office purposes, the record demonstrates absolutely that I never at any time or in any manner by word or act suggested that it was suitable for the purposes for which it was intended. I never talked with any owner or anyone interested, directly or indirectly, in the site until long after the deal was closed. In fact, I had nothing whatever to do with the matter until, as is shown by the record, more than 10 months afterwards when I wrote and asked that the deal be closed in order that an appropriation could be secured to construct the building. I have made it a rule always never to take any part in any way whatever in these controversies about the purchase of a site. Never in all the time I have been in office have I ever recommended a site for purchase or permitted a real estate agent or anyone interested in the matter to talk to me about it. But if I had recommended this site as a suitable one I certainly would have been in very respectable company, for Senator Piles and the Seattle Chamber of Commerce recommended it. If I was guilty of anything wrong in writing on August 12, 1911, asking as to the status of the matter and that the deal be closed, I was in good society, for Senator POINDEXTER had written several months before, also asking as to the status of the matter. So if there is anything wrong about the transaction I am at least in good society.

But I want to repeat once for all, as emphatically as words can make it, that the record shows absolutely that I never had anything to do, directly or indirectly, with the selection of this site and that I never recommended it as a suitable site for the Government to buy.

Now, so much as to my part in the transaction. But since it has been brought up I think perhaps it might be well to insert in the RECORD a letter written by the Postmaster General under date of August 19, 1915, to the Secretary of the Treasury, and the reply of the Assistant Secretary of the Treasury thereto. These communications are as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., August 19, 1915.

Hon. WILLIAM G. MCADOO,
Secretary of the Treasury.

SIR: Referring to this department's letter of the 3d ultimo, recommending the sale of the site already acquired for a Federal building at Seattle, Wash., and the purchase of a new location in the vicinity of the block bounded by Jackson and King Streets and Fifth and Sixth Avenues, I wish to inform you that the First Assistant Postmaster General, who visited Seattle during July last, states that the quarters recently leased by this department adjacent to the Great Northern Railway Co.'s depot will provide necessary postal accommodations for many years to come and that the proposed new Government-owned building will not be required for post-office purposes in the near future.

It is recommended, therefore, that steps be taken to dispose of the present location and that no action be taken looking to the acquisition of another site until such time as it is evident that the accommodations now provided for the Postal Service are becoming inadequate.

Respectfully,

A. S. BURLESON,
Postmaster General.

NEW POST OFFICE, SEATTLE, WASH.

AUGUST 25, 1915.

The honorable the POSTMASTER GENERAL.

SIR: By direction of the Secretary, receipt is acknowledged of your communication of the 19th instant, relative to your previous recommendation of the sale of the site already acquired for the Federal building at Seattle, Wash., and a purchase of a new location elsewhere.

Your recommendation is noted that no action be taken looking to the acquisition of another site until such time as it is evident that the accommodations now provided for the Postal Service are becoming inadequate. The department thanks you for your suggestion and careful consideration will be given thereto.

Assistant Secretary Newton has taken with him to Seattle a copy of your letter of the 19th instant, above referred to, and will look over the situation thoroughly at Seattle this week.

Respectfully,

A. J. PETERS,
Assistant Secretary.

I do not think anyone can read these two communications without feeling that perhaps there was some motive in Mr. Newton's finding that this site was unsuitable. At the very time that he was out there making the investigation he had in his pocket a letter from the Postmaster General recommending that the present location be abandoned, and that no further action be taken toward the construction of a building until the accommodations which they had secured from the Great Northern Railway should prove to be inefficient.

In regard to whether or not the site is a suitable one personally I do not know. I know that it was recommended by the Chamber of Commerce of the city of Seattle. I know that there are hundreds of people in the city of Seattle who will make affidavit that every material statement that Mr. Newton made before the Appropriations Committee in regard to this site is absolutely untrue.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. BORLAND. This report says that it was examined first by the Post Office Department, second by Mr. Newton, and third by the Secretary of the Treasury. Does the gentleman include all of these in his sweeping denunciation?

Mr. HUMPHREY of Washington. I include all that Mr. Newton said in regard to the site being under tidewater. I do not know personally, but I am telling you what the people of Seattle will say and what they have said.

Mr. BORLAND. The gentleman denies that it was under tidewater.

Mr. HUMPHREY of Washington. On information, yes. I am telling you what the people of Seattle say. All my information is that this site is not now and has not been since before the Government purchased it covered by tidewater. But as to the suitability of the site, whether it is under water or not, is not the question at issue. I will leave that to those who were responsible for its selection to answer.

Mr. BORLAND. I understood the gentleman was denying the statement attributed to Mr. Newton that he, the gentleman from Washington [Mr. HUMPHREY], was instrumental in obtaining the site.

Mr. HUMPHREY of Washington. I deny that statement absolutely. I know it is not true, and I do not believe the statement he makes in regard to the site being under tidewater to be true.

Mr. BORLAND. And the further statement that the site is unsuitable, which is based on the record of both departments, the gentleman is not prepared to deny?

Mr. HUMPHREY of Washington. I do not know personally about the suitability of the site. I did not recommend it, but the agent of the Treasury Department did. So did the chamber of commerce and Senator Piles. I think they probably know as much about it as Mr. Newton, who went there with a letter in his pocket that virtually directed him to condemn it.

The CHAIRMAN (Mr. BARKLEY). The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. I want five minutes more.

Mr. SHERLEY. Mr. Chairman, reserving the right to object, I am perfectly willing to afford generous debate on the bill, but I do not think the gentleman ought to ask additional time for a discussion so foreign as this is.

Mr. HUMPHREY of Washington. I agree with the gentleman; but the gentleman from Missouri has seen fit to bring up this matter, and I think I am entitled to five minutes more, inasmuch as the matter was raised in this way.

Mr. SHERLEY. The gentleman from Missouri had five minutes and the gentleman from Washington has had five minutes to reply. I have no objection to the gentleman having a minute or so longer, but I submit——

Mr. MANN. Mr. Chairman, let me make a suggestion to the gentleman from Kentucky. He got an extension this morning, although he occupied 35 minutes.

Mr. SHERLEY. I will repeat that I have no desire to cut off debate on the bill at all, but this is a foreign matter. I shall not object now, but I trust gentlemen will confine their remarks to the bill.

The CHAIRMAN. Is there objection to the gentleman from Washington proceeding for five minutes?

Mr. BORLAND. Mr. Chairman, there is no objection, but I want to say to the gentleman from Washington that I made no personal comment about the gentleman from Washington. I did make a very pointed comment about the site, and the gentleman took it up in a rather sharp and quick manner and somewhat challenged my authority. I produced the authority.

If I had no authority, the statement would be withdrawn.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Now, Mr. Chairman, as I stated awhile ago in regard to this, Mr. Newton, when he made that investigation out there, evidently did not understand the situation or he would not understand the situation when he attempted to criticize this site for a substation, because it was on what he called filled land. He says it is some distance from the railroad stations. The records show that one reason why it was selected was because it was near the railroad station. Much of the city of Seattle is built upon this same kind of land—tide lands that have been reclaimed. The railroad station, only a few blocks away, is built upon precisely the same kind of land.

When I went to Seattle the tide went four or five blocks up into what is now the city, beyond where the railroad station stands to-day. His criticism that it is below the level of the street to one who knows the fact is idiotic, because if you filled it up and you constructed your building you would have to excavate for a basement. This site, as the record shows, is exactly on the same level as the railroad stations. Many of the greatest buildings in Seattle are standing upon land of this same character; a great part of the city is built upon reclaimed tidelands. Mr. Newton is the first man that ever supposed that such land was unsuitable for building purposes. So far as the price is concerned, I do not know anything about that. I am not a real estate man, nor do I permit real estate men to give me their views as to the price or suitability of any property they are trying to sell to the Government. That site was recommended for purchase by the Government agent of the Treasury Department——

Mr. BORLAND. Under the preceding administration, of course.

Mr. HUMPHREY of Washington. Yes. Some two or three months after that Senator POINDEXTER wrote a letter to the department about it. Six or seven months after Senator POINDEXTER wrote his letter I wrote one asking about the matter and wanting them to get it in shape so that an appropriation could be made for the construction of the building. That is all there is of the whole story.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. MANN. Mr. Chairman, I move to strike out the last word. Has the gentleman from Kentucky—and if he has, is it proper to give it—information as to where this $1,400,000 is to be expended?

Mr. SHERLEY. I can tell the gentleman in a general way. There is to be for San Francisco property on Lake Merced, which is just outside the edge of San Francisco, something like $250,000. At San Pedro there is to be an expenditure of about

$50,000, and at the eastern end of Long Island Sound there is to be something like $8,000 or $10,000, and something less than $1,000,000 at Rockaway Beach.

Mr. MANN. Does this include anything for Cape Henry?

Mr. SHERLEY. It does not. We have purchased that land.

Mr. MANN. I did not know, but I understood the gentleman from Virginia [Mr. HOLLAND] made some remarks in reference to the item.

Mr. SHERLEY. We have purchased all of the land at Cape Henry except a little strip that will be necessary for the right of way for a railroad from the wharf to the fortification. An agreement has been entered into with the land company there—at least, an offer has been made by them—that will probably cause the expenditure of something like $50,000. But there are always some little balances under this fund by which they take care of matters of this sort.

Mr. STEPHENS of Texas. What amount for the mouth of the Columbia River?

Mr. SHERLEY. There is nothing at this time.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 3, after line 17, insert a new paragraph, as follows:

"For the acquisition of the Chesapeake & Delaware Canal and to purchase the same, in accordance with the recommendations contained in Senate Document No. 215, Fifty-ninth Congress, second session, and House Document No. 391, Sixty-second Congress, second session; and in event of the failure of such negotiations within a period of six months from the date of the passage of this act, to proceed to acquire the said canal by condemnation.

"SEC. 2. That the sum of $2,514,290, or so much thereof as may be necessary, is hereby appropriated for the acquisition by purchase or condemnation of the Chesapeake & Delaware Canal, as provided in section 1: *Provided*, That in said purchase or condemnation the existing interest of the United States in said canal shall be allowed for upon the basis of the total sum fixed for its acquisition either by purchase or condemnation."

Mr. SHERLEY. Mr. Chairman, I make a point of order upon the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman reserve his point of order.

Mr. SHERLEY. I am willing to reserve it for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, it may be that this amendment is subject to a point of order, but there can be no question from a military or naval standpoint as to the importance of adopting an amendment of this kind. We are making large appropriations for preparedness both in the matter of the Army and the Navy and in the matter of coast defenses. But no provision has been made for this inland passage along the Atlantic seaboard, which from a strategic point of view is regarded by military and naval experts as one of the very keys to the defensive situation.

It is not idle to say that the Chesapeake & Delaware Canal, which links up the two great bays of the Atlantic coast, is as important to the United States as is the Kiel Canal to Germany and in the event of war would very soon be found to be of supreme importance to this country. Numerous efforts have been instituted by the Government of the United States looking to the taking over of this property, not that it is private property alone, or that it is one of a series of waterways that might be built connecting up the two great bays, uniting the north and south coasts by an inland waterway, but that it is the one vital link essential to the defense of the country.

The history of all our wars shows the importance of having means to get in and means to get out of a tight place when attacked by an enemy. Here are two great approaches to the ocean, the mouth of the Chesapeake Bay, which is more or less fortified, and the mouth of the Delaware Bay, which is not fortified at all. And yet there would be times under stress when the connection between these two great bays, or between the North and the South, would tend to relieve the Navy of the United States, and possibly save the Army in a crisis.

I want to quote briefly from some of the reports of the Navy and military experts who have investigated this subject from time to time. They begin back in 1872, when the Government thought it advisable to make an inquiry as to the opening of this particular channel. But first I shall quote from a board which was created in 1882, at the head of which was Lieut. Col. William P. Craighill, United States Army. In the report submitted by Col. Craighill appears this very significant statement, more significant now than it was when it was written and presented to Congress in 1882:

QUOTATIONS FROM REPORTS.

The main objects of such a canal are supposed to be two: The greater facilitation of the defense of a part of the territory of the United States by the opening of an interior short line of communication between the great bays—Chesapeake and Delaware—and the shortening of a great route of foreign and coastwise commerce. Both of these objects seem to be of national importance.

As we stand to-day, with the limited depth of the existing canal, there are not adequate facilities for communication between the forts and navy yards along the coast, and there would not be in the event of war or blockade outside of the Chesapeake or outside of the Delaware. Vessels of the United States blockaded inside of either one of these bays would be utterly helpless so far as obtaining repairs or relief from any of the great naval stations is concerned. This report of Col. Craighill back in 1882 is such a strong argument in favor of taking over this canal that attention ought to be called to it now when provision is being made for our coast defenses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. SHERLEY. Mr. Chairman, the provision is clearly subject to a point of order. I do not want to be discourteous to the gentleman; I am perfectly willing that he may extend his remarks ad libitum.

Mr. MOORE of Pennsylvania. I ask the gentleman to let me proceed for five minutes. Others have been granted an additional five minutes, and I have not spoken on the bill.

Mr. SHERLEY. The gentleman is not now proceeding on the bill. He is talking about a matter of rivers and harbors. I make a point of order on the proposition.

The Clerk read as follows:

UNDER THE CHIEF SIGNAL OFFICER.

For operation and maintenance of fire-control installations at seacoast defenses, $130,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, in addition to the report of Col. Craighill——

Mr. SHERLEY. Mr. Chairman, I make the point of order that the gentleman is not talking to the amendment offered. I stated to the gentleman in all candor that I want to be fair to him and every other Member of the House, but it is not fair to take up the time upon a matter that the gentleman knows is not in order and which the Chair has declared is not in order.

Mr. MOORE of Pennsylvania. I wish to be heard on the point of order.

The CHAIRMAN. The point of order has already been sustained.

Mr. MOORE of Pennsylvania. No; the point of order that has just been made. I desire to speak on the subject of the coast defenses, and I moved to strike out the last word in order that I might be heard on that subject.

The CHAIRMAN. The gentleman will proceed in order on the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have quoted from the report of a commission headed by Col. Craighill, of the United States Army, in respect to the importance to the seacoast defenses of the Chesapeake & Delaware Canal, and I desire to continue along that line by quoting from another report presented to Congress in 1894 by a board consisting of Gen. Thomas L. Casey, Col. Craighill, Capt. George Dewey, now the Admiral of the United States Navy, and two citizen members of the commission, in which, in referring to the importance of this canal and the coast defenses of the country which we are now discussing, they said:

So far as commerce is concerned, a canal connecting the two bays will inure more especially to coastwise traffic. Such a canal must eventually form but a link in a chain of interior navigation. To this navigation the most northerly of the routes is best adapted, affording as it does the minimum of restricted canal way and the minimum of total length.

That northerly route is the canal to which I am now calling attention.

I have had some correspondence with Admiral Dewey on this subject, and find him in hearty and thorough accord with the demand of the people along the Atlantic coast for the taking over of this canal by the Government, not only for commercial purposes but for the protection of the coast line, which is a part of the purpose we are now discussing in this bill. Not only do Admiral Dewey and these other distinguished men whom I have quoted approve of this project but they insist upon it as a part of our coast-defense scheme.

But, Mr. Chairman, there was still another commission, appointed in 1907, which I shall quote. This commission, headed by military and naval officers and embracing in its membership private citizens appointed by the President of the United States, the chief of whom was Gen. Felix Agnus, of Baltimore, brought in a report in which they said:

In a general strategic sense the military advantages of the proposed ship canal appear most prominently in the channel offered for the rapid transit of naval vessels from one bay to the other to concentrate against hostile naval fleets or for the breaking of blockades.

Now, listen, Members of Congress, providing for the defenses of the country, creating new positions in the Army and Navy, making appropriations for armament—listen to the one link in your preparedness chain which apparently you have overlooked. This is what the Agnus Board in 1907 said:

To make the canal thus available at all times, its termini must be thoroughly protected by sufficient coast defenses to render its passage at all times open. This is at present secured on the Delaware for the Chesapeake & Delaware Canal route by existing defense, and on Chesapeake by the defense of Washington, Baltimore, and Hampton Roads, which an attacking naval force would hesitate to leave in its rear, sheltering cruisers that could demolish its boats of communication and supply. But full strategic use of the canal would be secured only by adequate coast defense at each terminus. It is not considered that a project for the defense of the Chesapeake terminus lies within the scope of this report, as such project should receive careful consideration by competent board of military engineers. The cost would be practically the same for either route.

I do not quote it all, but the report continues:

The Civil War developed the enormous value of the present canal as a means of transportation of troops, supplies, and prisoners. While our railroad facilities have greatly increased since that time, it is easily conceivable that in future wars or internal disturbances the proposed ship canal would very likely prove an important adjunct to rail transportation and possibly a vital factor in campaigns, should rail transportation be interrupted by accidents, strikes, or hostile raids.

The commission was referring to that serious moment in the life of the Nation when troops were sorely needed in Washington, when railroad bridges north of the Capital had been destroyed and troops were carried through the old canal on barges. That was when the railroads were incompetent and in the hands of the enemy. It was this canal that transported the northern troops to save the Capital at the call of Lincoln. They have not reported that canal in this bill. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. SHERLEY. I object.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Washington moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, I wanted to say just a word with reference to the statement made by the gentleman from Kentucky [Mr. SHERLEY] in regard to the reports he read as to Grays Harbor. I hope the other portion of those reports was more correct than the one giving the depth of the water. I have just had a telephone from the engineer's office, and the depth of water at Grays Harbor at mean low tide is 22 feet. It is usually 24 feet, but at this particular time it is 22 feet, as I am informed. So evidently, when that board made its report, instead of reporting the depth of water at Grays Harbor, they were reporting on the depth of water in the inner harbor, which is many miles upstream, at the city of Aberdeen.

Either I did not state what I desired to say or the gentleman from Kentucky misunderstood me to some extent. I said one of highest authority. I will tell the gentleman personally who it was who made this statement to me in regard to the situation.

I recognize what the gentleman from Kentucky says with regard to the impossibility of fortifying the entire coast. I listened to his speech yesterday with a great deal of interest, and I agree mainly with what he says. I know we can not protect all our coasts by fortifying them, but I want to call the gentleman's attention to the fact that outside of the mouth of the Columbia River, after you leave San Francisco there are practically no harbors on the Pacific coast until you get to Willapa Harbor and Grays Harbor. We are not asking that you protect the entire line of coast, but we are asking that those two harbors that we do have be reasonably fortified.

The gentleman from Kentucky speaks about the "ignorance of fear." I do not think we are more influenced by the "ignorance of fear" on the Pacific coast than on the Atlantic coast. I have been down around Charleston, S. C., several times, and I think that region should be fortified. But I do not see any more reason why Charleston should be fortified to protect our people through the "ignorance of fear" than that these harbors on the Pacific coast should be fortified. We have comparatively few harbors on the Pacific Ocean, and those that we do have should be fortified.

Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HARRISON having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On June 9, 1916:

H. R. 14864. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

On June 12, 1916:

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; and

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

ARMAMENT OF FORTIFICATIONS.

For purchase, manufacture, and test of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $2,821,500: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $3,500,000 in addition to the appropriations herein and heretofore made.

Mr. PARKER of New Jersey. Mr. Chairman, I send to the Clerk's desk two amendments to that paragraph.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 4, line 1, after the words "manufacture at the arsenals," strike out "$2,821,500" and insert in lieu thereof "$5,000,000."

Mr. PARKER of New Jersey. Mr. Chairman, I have two amendments to the sums in this paragraph and two more to the succeeding paragraph. Under these amendments I would be entitled to 20 minutes. I should very much prefer to be allowed to proceed for not over 15 minutes on the subject of the need of artillery and ammunition for the mobile army, and to waive my right to debate the other amendments.

Mr. SHERLEY. I ask unanimous consent that the gentleman from New Jersey may proceed for 15 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from New Jersey [Mr. PARKER] may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I likewise ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 4, line 5, after the word "exceed," strike out "$3,500,000" and insert "$10,000,000."

Mr. PARKER of New Jersey. I have two amendments to the other section.

The CHAIRMAN. Does the gentleman desire to have them read now?

Mr. PARKER of New Jersey. Yes.

The CHAIRMAN. The Clerk will report the other amendments.

The Clerk read as follows:

Amendments offered by Mr. PARKER of New Jersey:
Page 4, line 10, after the word "arsenals," strike out "$2,700,000" and insert "$5,000,000."
Page 4, line 14, after the word "exceed" in line 13, strike out "$1,500,000" and insert "$5,000,000."

Mr. PARKER of New Jersey. Mr. Chairman, I want to express my thanks and the thanks of this Committee of the Whole and the thanks of the country to the Committee on Appropriations and to the gentleman in charge of this bill for the recognition that they have given to the needs of the mobile army in the matter of appropriations for artillery and for ammunition.

It is right to point out that last year the appropriation for Field Artillery was $450,000, while this year it is $2,821,500 in this bill, which is nearly $400,000 more than was asked in the estimate.

Mr. SHERLEY. If the gentleman will permit, the totals are very much larger than that. Last year there was carried an appropriation of $450,000 cash and contract authorizations for $300,000——

Mr. PARKER of New Jersey. I am going to speak about that. Last year there was a contract authorization in addition for only $300,000. This year there is a contract authorization for $3,500,000. Last year for ammunition there was an appropriation of $1,160,000, and this year there is an appropriation of $2,700,000, in addition to a contract authorization of $1,500,000.

I recognize that the gentleman in charge of the bill [Mr. SHERLEY] and the committee are beginning to see the needs of the country, the needs of the mobile army and of the Volunteers, who will be our Army in case of war.

These appropriations for cannon and for ammunition amount to about $10,000,000. Last year they amounted to something less than $2,000,000. I lately made an estimate of the cost per man for all equipment to enable him to go into a war. It comes to about $238 per man, of which about $150 to $170 is for artillery and its ammunition. At that rate the appropriations that are given this year would provide for about 60,000 men. In 10 years they would provide for about 600,000 men. The experience of the present European war shows that we shall not have to provide for any small army, because standing armies in Europe are all gone. We shall have to provide material to put the Nation in arms, and our Nation consists of 20,000,000 able-bodied men. In the Civil War we put something like 3,000,000 men into the service on both sides. In any future war, should there be one, we would have to put into the field not 3,000,000 men but 10,000,000 men, and we should have to do it right away instead of doing it in the course of four years. An annual appropriation for 60,000 men is utterly inadequate for that purpose. We do not want a large standing army or militarism, but we do want the material by which our Nation can be put in arms. As somebody quoted to me the other day—

Johnny get your gun! If you have no gun, you can't shoot.

Let the Nation have guns and ammunition, as the Boers in South Africa had theirs, and the Nation is so far prepared for war. Let the Nation not have those guns and ammunition, and it is not prepared for war.

Mr. MONDELL. Will the gentleman yield?

Mr. PARKER of New Jersey. For a question only.

Mr. MONDELL. If the gentleman does not care to be interrupted, I will not interrupt him.

Mr. PARKER of New Jersey. I would rather finish this statement first.

My estimate of the cost of artillery per man was only for field artillery—3-inch guns and their ammunition—allowing about three guns to 1,000 men. It was supposed that as the guns are now able to deliver more shots per minute, we could get along with fewer guns than would be required under the original estimate of five guns per 1,000 men, which prevailed in old times. The experience of the present war is that artillery has to be provided to an amount almost unexampled in the past; that field guns, rapid-fire guns, small howitzers, trench guns for throwing bombs, and all sorts of devices are used to a much larger number than ever before, and that the expenditure of ammunition is so far beyond the estimates that were made by the Ordnance Department of the United States, and on which this estimate of $150 a man for artillery supplies was made, that you could readily on field guns alone go up to $250 a man.

Again, the experience of the present war has shown that what are called siege guns in this paragraph are used all along the fighting line. Guns that run from 7 to 10 and even 16 inches in caliber are carted along the roads on great caterpillar trucks, and they fire high explosive bombs into the air, which descend upon the lines upon the other side; and those who have seen the photographs brought home by Frederick Palmer, and others as well, have seen that when a line of men have forced their way through the enemy's first line of defense, the defenders instantly make an absolute line of shells exploding in the trench that has already been taken, so as to prevent the coming up of reinforcements. It is well known that the attack at Loos in Flanders was a complete success, except that Kitchener's new army could not come up because of the line of fire of those heavy explosives. Advices from the other side, from all quarters, are that officers and men in every letter say, "Give us more big guns and the shells and ammunition." New varieties of ammunition are introduced. Instead of mere shrapnel, we have what is called the high explosive shell that tears up everything in its vicinity.

Now, the cost of all those things is what is before us, not what we shall provide. I am free to say that, in my opinion, the appliances of modern warfare in the way of artillery can not be provided for less than $300 a man. But this is a small sum if distributed over a period of 10 years. A man in the Army costs $1,000 a year, which would be $10,000 for 10 years, and provision for adequate artillery supplies for a man at the end of 10 years would be only $30 a year, in order to have full equipment for that man at the end of 10 years. It is cheap, it is the only cheap way, to spend your money on arms and ammunition and on educated officers. If ever we are to organize, arm, and discipline militia, the whole body of the Nation, we must have the arms with which to train them from artillery down, and we must have the educated officers to do the training. As I have said before, I say now, we should make much larger appropriations for arms and officers. Such appropriations will be large compared to what we have given for these purposes, but small compared to what we spend otherwise. They will not enlarge our standing army, they will provide military schools of, say, 50,000 cadets, and educate 10,000 officers a year who will go into the community, train our militia and schoolboys, and help them to know how to do their work in case of need. They will provide ample arms and ammunition, so that if we call the Nation to arms, which God forbid, we shall not be in the agony of the nations of Europe at the present time for want of officers and matériel. Our men would spring armed and equipped at the call to serve their country, and meanwhile it would make for peace that every nation in the world would know that we had that preparation and were able to resist in a case of need.

Before closing I want to thank the committee and the gentleman in charge of the bill for the courtesy that they have shown me. I want to submit rather to that gentleman than to this committee whether he should not consent at least to the enlargement of the contract power herein provided on the principles I have indicated. Now I yield to the gentleman from Wyoming for a question.

Mr. MONDELL. The gentleman has covered the matter on which I desired to interrogate him.

Mr. PARKER of New Jersey. Very well; I thank you all. [Applause.]

Mr. SHERLEY. Mr. Chairman, with much of what the gentleman from New Jersey has said I am in accord. I took occasion yesterday in presenting the bill to the committee to say that the great surprise of the European war had been the tremendous increase in the use of artillery and the expenditure of ammunition in connection with the artillery. It is impossible to lay down a hard and fast rule as to what shall be expended at any given period of peace time touching guns and ammunition. Manifestly, we are going to spend in the years to come a great deal more than is being carried in this bill, but it does not follow from that that we should carry at this time all that we finally expect to expend for the purpose.

The gentleman from New Jersey has frankly called attention to the very great increases that we have made over former appropriations. My first connection with this subject was when I went as a minority member on the committee on fortifications, with the Hon. Walter Smith as chairman of that committee. He was never able to bring himself to the appreciation at all of the viewpoint of the Army touching the need of mobile

artillery and ammunition for an army of some 500,000 men, which was the plan then suggested.

If gentlemen will look over the old debates in this House and look over the bills of this House, they will find that Mr. Smith used all the power of his splendid personality—and he was a man of considerable power and ability—to prevent the expenditure of any large sum for either of these purposes. The average appropriation for ammunition was about $150,000. The very first thing I tried to do when I came in charge of the committee was to increase the amount, particularly for ammunition, because we had provided guns very much more rapidly than we had provided ammunition for them, and I wanted to create a balance, so I jumped the appropriation from $150,000 to $300,000; then to $600,000; then to $900,000; then to $1,200,000, and now we are coming in here with an appropriation for ammunition of $2,700,000. The contract authorization is a million and a half, making $4,200,000 cash, and we have increased the appropriation for guns.

We are not in as bad condition as we were in the old days. We have built or building now 225 batteries of field guns. The old scheme of the Greble Board contemplated 323 batteries. So we have come within sight of the end of that scheme. The appropriations that are carried this year, including those that will be carried in the Army bill, which, I understand, for guns and ammunition, will run somewhere around $6,000,000, would carry us very near the completion of the Greble Board report. It is true that the report that has been made by some officers recently, known as the Treat Board report, goes way beyond anything ever dreamed of before. Their recommendations, as modified by the staff and further modifications suggested by the Chief of Ordnance, would cause an expenditure of considerably over $300,000,000 in order to supply guns and ammunition. That board's report had just been made at the time the hearings were had on the bill. It was laid before the committee and is printed in its entirety, with the exception of a very few confidential statements, in the hearings. It has never been formally acted upon by the War Department. The committee allowed every dollar that was asked by the War Department for guns and ammunition. I believe in doing that we went as far as we could in reason.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. PARKER of New Jersey. Does not the gentleman feel, under the circumstances and with such a report, that he could enlarge the contract discretion of the War Department so that if they come to the conclusion that they ought to have it they can have it? I do not insist on the first amendment so much as on the second.

Mr. SHERLEY. I think the gentleman from New Jersey is laboring under a misapprehension as to contract authorization. Contract authorization does not mean that that amount of money shall be expended with private manufacturers. Some of it may be, all of it may be, or none of it may be. What is meant is that the department shall have the right to enter into contracts either with the arsenals or private manufacturers for material and supplies, and so forth, necessary to make this equipment.

Mr. PARKER of New Jersey. But I asked the gentleman whether they ought not to have discretion to make such an arrangement in view of that report.

Mr. SHERLEY. I see no particular reason why we should increase the contract authorization any more than the cash. The whole question that confronts the committee is whether it is prepared to spend more than we are now recommending. We are recommending $10,000,000, and the Army bill will certainly carry at least $6,000,000. That is simply for field guns and ammunition, and has no relation to small arms and a great many other things, such as hand grenades and other things to which the gentleman referred. That would make as a minimum at least $16,000,000 that we are expending, and that is no inconsiderable sum. A great deal of this money should be expended in new types. Heretofore the largest gun that we have built for field service has been a 6-inch howitzer. Most of the guns that we have built have been 3-inch guns.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. The 3-inch gun was prior to the breaking out of the European war, perhaps with the exception of the German view, considered the most important field weapon. It is still considered the most important field weapon whenever the warfare is of a mobile character; but the European warfare very rapidly, except upon the eastern front, degenerated from a mobile warfare into a trench warfare, where men on each side dug themselves into deep trenches; and while the 3-inch and other like guns were sufficient to clear away the ordinary obstructions such as barbed-wire entanglements, they were not sufficient to absolutely obliterate the trenches so as to destroy the men that were in them. As a result of that the Germans, who had built presumably for the destruction of land fortifications very heavy siege guns, proceeded to use those siege guns as against the trenches, and the allies in turn have, as far as they have been able to supply themselves with heavy ordnance, been using such heavy ordnance guns in their trench warfare.

It is, in my judgment, not at all certain that we will ever want in America anything like the extremely heavy guns that the Germans use. We probably will want, as I stated yesterday, a gun of about 9 inches or better, with a projectile weighing at least 400 pounds. That would be sufficient to destroy trenches, and inasmuch as we do not need guns to destroy land fortifications, such as the Germans need, we would not have to go to the higher types. This money that we are providing will be expended for a number of the old types of guns, and something over a million dollars of it will be expended in developing heavier new-type guns. In about eight months we will have another bill become a law. On the 4th of March of next year another fortification bill will have become a law, and we will be in a position to supplement, and will unquestionably supplement, the items carried here to continue this work. In the meanwhile to put more money than this in the hands of the department would either mean that it would be unwisely spent, because of lack of time to apportion its expenditure, or that it would not be expended.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MANN. I understood the gentleman to say that the committee recommended $10,000,000. What is that supposed to cover?

Mr. SHERLEY. That covers two items, one for the purchase, manufacture, and test of mountain, field, and siege cannon and the other for ammunition therefor. We also carry very nearly that much for seacoast cannon and ammunition; but the gentleman has been addressing himself entirely to mobile artillery and the ammunition therefor. In view of this situation, while I share with the gentleman from New Jersey [Mr. PARKER] some of his views as to the revelations that have come from the European war and realize that we have all got to readjust our ideas, to think in new terms, yet we have shown a disposition to go forward. We have gone 500 per cent in advance of what has been done heretofore. We are not going to have a million men to equip overnight; we are not going to have 500,000 men to equip overnight, despite the prophecies of many people; and we are supplying guns and ammunition at a very fair rate of speed, and are going to continue to do so. To now go forward with an expenditure of fifteen or twenty million dollars in excess of what the committee has recommended, which is involved in the amendments of the gentleman from New Jersey [Mr. PARKER] seems to me to be unwarranted.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. FARR. How many men could we equip now?

Mr. SHERLEY That depends entirely upon the standard that you adopt. Under the Greble Board system we had a standard of 3.19 guns for every thousand rifles and sabers, and for an Army of 500,000 it was estimated we would need 323 batteries of 4 guns each, which would have been about 1,292 guns. We have supplied 225 batteries now. On that old ratio we will be in a position now to equip about 400,000 men, but the recommendation of the Treat Board contemplated a ratio, as I recall, of 4.9 for a thousand rifles and sabers, and contemplated an Army of something over a million men. It also made changes in the size of armament and siege guns that run not simply up to 6-inch howitzers, which was our largest piece, but also up to 9 and 11 inch, and it very gradually increased the quantity of ammunition that should be supplied for each gun—increased it by several hundred per cent. The result of that program would be, as I stated a while ago, to give us an expenditure of over $300,000,000 as against some $26,000,000 that was involved in order to complete the Greble Board report. However, you must realize that while the European war is illuminating, it is not necessarily determinate upon us, because you have conditions there that will not in all human probability confront us even in the event of invasion of our shores by an emeny. You would not have the same character of warfare.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky may have five minutes more time.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the gentleman from Kentucky may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. I want to ask the gentleman, under the new report for how many men have we artillery?

Mr. SHERLEY. Well, I have not worked that out.

Mr. PARKER of New Jersey. It would not be over 100,000, would it?

Mr. SHERLEY. Oh, yes; I think it would be over 250,000.

Mr. PARKER of New Jersey. But we have no big guns at all.

Mr. SHERLEY. I want to qualify that statement. There are certain types of guns we have not at all.

Mr. PARKER of New Jersey. How as to ammunition? For how many men would we have ammunition?

Mr. SHERLEY. As to ammunition, I have not worked that out.

Mr. PARKER of New Jersey. It would not be over 100,000, would it?

Mr. SHERLEY. I think it would. Now the gentleman is guessing——

Mr. PARKER of New Jersey. I am.

Mr. SHERLEY. And so am I.

Mr. PARKER of New Jersey. What I desire to say is, while this is still a matter of guesswork and such enormous suggestions are made as to what we might need, does not the gentleman think it better to give discretion to the War Department by giving sufficient appropriations for them to supply what may be thought necessary?

Mr. SHERLEY. Well, I think the War Department's judgment is better than either that of the gentleman from New Jersey or myself. We have given every dollar asked.

Mr. PARKER of New Jersey. But that was some time ago that they asked for it.

Mr. SHERLEY. They asked for it about two months ago. It was that long ago, but not longer than that. They are now having hearings before the Committee on Military Affairs for this exact purpose. If there is any tremendous need it can be reached there, and I do not think the committee is subject to censure——

Mr. PARKER of New Jersey. I do not.

Mr. SHERLEY. When it brings in a recommendation that exactly tallies with the recommendation made by the department, and it is several hundred per cent over anything that has been done heretofore.

Mr. PARKER of New Jersey. And which goes beyond the estimate of the department.

Mr. SHERLEY. No; we do not go beyond the estimate as to this particular item.

Mr. PARKER of New Jersey. I thought it was $2,400,000 in the estimate and $2,800,000 in the amount appropriated as stated here in the report. The gentleman has been bold; I was only asking him to be bold.

Mr. SHERLEY. The probability is that difference is shown by something that developed in the hearing and was not the initiation of the committee, which I do not now recall.

Mr. PARKER of New Jersey. I ask the gentleman only to recognize I am giving him credit of being a brave and strong man, and I am not criticizing the committee.

Mr. SHERLEY. I appreciate what the gentleman says personally, but whatever credit or blame should come to me is inconsequential in face of the tremendous interest of the country that we are facing. I am presenting to this committee my best judgment and claim nothing for that but ask the candid judgment of the Committee of the Whole, but I do not believe we are warranted in adopting the amendment of the gentleman and expending $15,000,000 more money than we are recommending.

Mr. PARKER of New Jersey. I really believe the gentleman may think it is not warranted, but we ought to do so.

Mr. FARR. Will the gentleman yield?

Mr. SHERLEY. I do.

Mr. FARR. How many additional men can be equipped if the provisions of this measure are carried out?

Mr. SHERLEY. I have not undertaken to figure it out in that form. The gentleman will realize that they are asking me exceedingly technical questions. You have first to get your basis. Now, I have stated what the basis of the Grebel Board's report was, but the Treat Board's report makes another new one. Now, that has never been approved. There have been recommendations changing it in quite a number of particulars by the staff. There are other recommendations and changes by the Chief of Ordnance, and I am not prepared to say just what the standard will be, and not knowing that I can not make a mathematical calculation.

Mr. FARR. Did I understand the gentleman to say we could now equip about 400,000 men?

Mr. SHERLEY. I think that, speaking by and large, we could unquestionably equip with field artillery about that number of men.

Mr. FARR. And how many more under this provision?

Mr. SHERLEY. Under what we are providing—oh, well, with what we are carrying and what the Army bill will carry we will probably have completed nearly the old Grebel Board scheme, which was a scheme for 500,000 men, but if you change the ratio of guns from three to five, you correspondingly reduce the number of men.

Mr. FARR. About 50,000?

Mr. SHERLEY. It is just an equation problem that one man can work out as well as another.

Mr. FARR. In other words, we will be able to equip about 450,000 men?

Mr. SHERLEY. I have no doubt we will be able to equip the first two or three months more men than we would get.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I have long been of the opinion that we should more rapidly than we have been doing increase our reserve of mobile artillery and ammunition therefor. I have discussed that matter briefly in almost every fortification bill that has been reported in the last few years. I discussed it in the bill of last year. When the bill of last year was before the House, I did not offer an amendment increasing the amount because I felt that those directly in charge of the bill had given the matter careful study and perhaps after all their judgment was better than mine.

It is a matter of very great gratification to me that the subcommittee saw fit to so largely increase the appropriation for these services. The bill of last year appropriated for mobile artillery of all classes, and for ammunition for the same, the sum of $1,910,000. This year for those purposes, in direct appropriation and authorization, the bill carries $10,521,000. Had I been a member of the subcommittee I think, as great as that increase is, I should have been inclined to have urged it be made larger, because, it seems to me, these are features and factors of a plan of reasonable and proper preparedness that must be provided for generously if we are to be reasonably prepared for war contingency.

We should have a large number of rifles. We have approximately 1,000,000 and we are increasing that number at the rate, I think, of about 150,000 a year. We should have a goodly supply of mobile artillery. No lesson of the European war is quite so clear and so striking as the increased use of artillery and the enormous waste or use of ammunition for that artillery. We have been gradually increasing our reserves of mobile artillery, principally 3-inch guns, and guns of other sizes, until we have, as the gentleman from Kentucky [Mr. SHERLEY] has stated, about 225 batteries completed, or nearly so. If to-day or to-morrow or next year we were to be threatened by an invasion——

The CHAIRMAN (Mr. HARDY). The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for five minutes longer. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. If we were this year or next year to be threatened with an invasion in force, if we were to have war with any first-class nation, we would need immediately and forthwith at least twice the number of field batteries we now have. On the basis of the recommendation as to the number of guns per thousand men contained in the report of the Treat Board, we could not at this time equip completely more than 200,000 men with field artillery. We should have a larger reserve supply than that. And yet I shall not suppport the increase proposed by the gentleman from New Jersey [Mr. PARKER], although I agree with his views on the subject very largely, because the committee has, in the first place, granted all that was asked for, and approximately $400,000 more, and in addition to that, taking everything into consideration, the number of these guns and the amount of this ammunition that we

could manufacture in Government arsenals and that we can secure at a reasonable rate under contract, I believe the committee has gone quite far enough in its increase.

I do believe, however, that this item should be increased another year, because if there is one crying need above another in the matter of preparation it is for increased reserves of field artillery. Upon that class of weapons of defense we must finally depend if our coast is ever invaded, and if it be true—I do not believe it is—but if it be true, as great military or alleged military experts have stated, that any great nation with large numbers of men under arms and sufficient transports can land those men swiftly, certainly, and surely against any offense that we can offer by the hundreds of thousands, it is highly important that we shall have these reserves that will be necessary to meet that kind of a force if it ever comes. However, I am not expecting it. But we can provide all of the reserves of mobile artillery that there is any possibility of our ever needing for about what it would cost to build the battle and scout cruisers we are providing for in the pending naval bill. It is true that the Treat Board's estimate is $400,000 000 for this class of material, guns and ammunition. But that is based on an army, as I recall, of 1,500,000 men.

The gentleman from Kentucky [Mr. SHERLEY] signals "one," which I presume means 1,000,000—based on an army of 1,000,000 men. It is doubtful if we need so great a reserve, for even though we raised an army of a million men they would never need so large a number of field guns per thousand as was proposed by the Treat Board.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, what the gentleman from Wyoming [Mr. MONDELL] has been discussing makes a deep impression upon me. He has been discussing possibilities; things that might occur; things that should be taken into account by those who are preparing the coast defenses of the country; things that should be considered by those who are buying armament, by those who are employing and enlisting men for the service of the country. He led me to believe that if these things he regards as being important are important to the welfare of the country, it is important also that our general defensive foundations should be secure. And I am not satisfied that our foundations are secure upon the land or sea unless we provide some place within the capes for the ships to go in in the event of an attack.

That is the reason I started a little while ago to discuss the Chesapeake & Delaware Canal, which, I say, is as important to the United States as is the Kiel Canal to Germany. Millions for vessels to go upon the sea, millions for officers and men to risk their lives in these vessels, but no place to go when they return with an adverse fleet chasing them. Drive them into the Chesapeake Bay and they stop there, blockaded from the outside; and gentlemen preparing for our fortifications object to our discussing an item to open up a passageway to let them through to a navy yard.

Mr. SHERLEY. If the gentleman will yield. The gentleman knows that he has been treated with more courtesy by me than he could under the conditions have expected, in view of what he assured me in private conversation.

Mr. MOORE of Pennsylvania. I wish to say to the gentleman that I have also been courteous. The gentleman has objected to my having a little extra time during the course of this debate. The gentleman has permitted other gentlemen to proceed ad libitum, and he has proceeded ad libitum himself, notwithstanding I told him privately that I wanted to discuss the Chesapeake & Delaware matter. The gentleman has singled me out to object to my proceeding. If the gentleman wants to fight on that line, I am prepared to fight.

Mr. SHERLEY. You always are.

Mr. MOORE of Pennsylvania. When I believe I have something worthy to present to the House I propose to present it, and if the gentleman wants to object he can object. I will proceed within my rights, and the gentleman may proceed within his rights; but I give notice to the Chair that I expect recognition equally with any other Member of this House when I rise properly and under the rules, and I do not expect to be shut off.

I declare again, with due respect to the gentleman from Kentucky [Mr. SHERLEY], whose hard work in preparing this bill I cheerfully recognize, that this building of a great superstructure of fortifications, Army and Navy, without preparing an adequate foundation, is foolhardy and it would not occur in any country in the world save this. Gentlemen propose to expend untold millions buying armament, rearing factories, against which in other times they inveigh, entering Government ownership for construction, which they in their secret councils oppose. Then when a proposition is made to build a waterway or harbor of defense for the protection of our men and all these millions in property, they object to a five-minute discussion on this floor. I say, and I repeat, that the expert thinkers in the Army and Navy of the country want a place for these vessels to go, not necessarily the great armed ships that are to sail the seas—the battleships—but the newer type of vessels, the submarines, and so forth, which require new conditions and which can not forever remain at sea. The gentleman does not want me to discuss coast defenses.

The CHAIRMAN (Mr. HARDY). The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

Mr. SHERLEY. I object.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of no quorum.

Mr. MOORE of Pennsylvania. And that point will be insisted upon until I am heard. Now, the gentleman can operate under his rights.

The CHAIRMAN. Evidently there is no quorum present. The Clerk will call the roll.

The Clerk proceeded to call the roll.

The committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 14303, the fortifications appropriation bill, had found itself without a quorum; that thereupon the Chairman ordered the roll to be called in accordance with the provision of the rule, and 181 Members answered "present," and the following Members had failed to answer to their names, and he presented the following list of absentees:

Aiken	Flynn	Lee	Rubey
Almon	Fordney	Lehlbach	Russell, Ohio
Anderson	Foss	Lenroot	Sabath
Aswell	Foster	Lieb	Sanford
Austin	Freeman	Liebel	Saunders
Bacharach	Gallagher	Lindbergh	Scott, Pa.
Barchfeld	Gardner	Linthicum	Scully
Barnhart	Garland	Loft	Sears
Beakes	Garner	Longworth	Sells
Beales	Garrett	Loud	Shackleford
Blackmon	Gillet	McAndrews	Shouse
Britten	Glass	McClintic	Siegel
Browne	Godwin, N. C.	McCracken	Slayden
Bruckner	Good	McCulloch	Slemp
Brumbaugh	Gould	McFadden	Small
Burgess	Graham	McKellar	Smith, Idaho
Butler	Gray, Ala.	McKenzie	Smith, Mich.
Caldwell	Gray, N. J.	McKinley	Smith, Minn.
Callaway	Gregg	McLemore	Smith, N. Y.
Capstick	Griest	Madden	Smith, Tex.
Carew	Griffin	Magee	Snell
Carter, Mass.	Guernsey	Maher	Snyder
Casey	Hamill	Matthews	Sparkman
Charles	Hamilton, N. Y.	Mays	Stafford
Church	Hamlin	Meeker	Steagall
Clark, Fla.	Hart	Miller, Minn.	Steenerson
Coleman	Haskell	Miller, Pa.	Stephens, Miss.
Conry	Haugen	Montague	Stephens, Nebr.
Cooper, Ohio	Hayes	Mooney	Sterling
Cooper, W. Va.	Heaton	Moores, Ind.	Sulloway
Copley	Heflin	Morgan, La.	Sumners
Crago	Helm	Morin	Sutherland
Dale, N. Y.	Henry	Moss, Ind.	Swift
Dallinger	Hensley	Moss, W. Va.	Switzer
Danforth	Hicks	Mott	Taggart
Darrow	Hill	Mudd	Tague
Davenport	Hilliard	Murray	Talbott
Davis, Minn.	Hinds	Neely	Thomas
Decker	Hollingsworth	Nichols, Mich.	Tilson
Dempsey	Hopwood	Nolan	Towner
Denison	Howard	Oglesby	Treadway
Dewalt	Howell	Olney	Van Dyke
Dill	Hughes	O'Shaunessy	Vare
Dooling	Hulbert	Paige, Mass.	Venable
Doremus	Hull, Tenn.	Parker, N. Y.	Volstead
Driscoll	Humphrey, Wash.	Patten	Walker
Drukker	Husted	Peters	Ward
Dunn	Hutchinson	Porter	Wason
Eagan	Igoe	Pou	Watson, Pa.
Eagle	Johnson, S. Dak.	Powers	Watson, Va.
Edmonds	Jones	Pratt	Whaley
Edwards	Kahn	Price	Williams, T. S.
Ellsworth	Keister	Rainey	Williams, W. E.
Elston	Kennedy, R. I.	Raker	Williams, Ohio
Emerson	Kettner	Ramseyer	Wilson, Fla.
Esch	Key, Ohio	Rayburn	Wilson, Ill.
Estopinal	Kless, Pa.	Ricketts	Winslow
Fairchild	King	Roirdan	Wise
Ferris	Kinkaid	Roberts, Nev.	Wood, Ind.
Fess	Konop	Rodenberg	Woods, Iowa
Fields	Kreider	Rogers	
Fitzgerald	Lafean	Rowe	
Flood	Langley	Rowland	

The SPEAKER. The gentleman from Tennessee [Mr. HOUSTON], Chairman of the Committee of the Whole House on the state of the Union, reports that that committee having found

itself without a quorum, he ordered the roll to be called; whereupon there were disclosed present 182 Members, and he submits the names of the absentees to be recorded on the Journal.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make a point of order——

The SPEAKER. You can not do it. The committee will resume its sitting.

Accordingly the committee resumed its session, with Mr. HOUSTON in the Chair.

Mr. MANN. Mr. Chairman, I do not know whether there is a pro forma amendment pending or not.

Mr. PARKER of New Jersey. I have an amendment pending.

Mr. SHERLEY. There is an amendment pending, one offered by the gentleman from New Jersey [Mr. PARKER].

Mr. MANN. I want to get a little information, if I can. This item provides for mountain, field, and siege cannon. Is that one general description, or is there a difference between mountain, field, and siege cannon?

Mr. SHERLEY. There is a difference between mountain, field, and siege cannon. Mountain cannon are cannon of small caliber, capable of being transported by pack animals. Field cannon are cannon of various degrees, that may run up to and actually include siege cannon; but usually by siege cannon is meant very heavy cannon used in the siege of fortified places.

Mr. MANN. Are these cannon in the main made by the Government, or are they obtained through contracts?

Mr. SHERLEY. Both methods have been followed. In the immediate past we have been making in the arsenals most of making a large part of the carriages and of the caissons.

Mr. MANN. Are these reserve cannon?

Mr. SHERLEY. Some of them are held as reserve. Some of them have been actually issued to the troops. They are the cannon supposed to be necessary to supply the Regular Army and the volunteer army as distinguished from the militia. Similar types of cannon are provided for the militia out of funds carried in the Army bill.

Mr. MANN. But not in this bill?

Mr. SHERLEY. But not in this bill.

Mr. MANN. Where are these reserves placed?

Mr. SHERLEY. They are kept at various arsenals of the Government. I could not state from memory. I think the hearings either this year or in the past will show.

Mr. MANN. Those provided for in this bill, for instance, will just be stored?

Mr. SHERLEY. They will be stored. Some of the larger ones of the newer types will be issued to the troops for practice, probably being sent to the practice school at Fort Sill.

Mr. MANN. That is also true of the ammunition, I take it?

Mr. SHERLEY. Yes. Mr. Chairman, I ask that the first amendment offered by the gentleman from New Jersey [Mr. PARKER] may be again reported.

The CHAIRMAN. The Clerk will again report the first amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 4, line 1, after the words "manufacture at the arsenals," strike out "$2,821,500" and insert in lieu thereof "$5,000,000."

Mr. SHERLEY. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from New Jersey [Mr. PARKER].

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 4, line 5, after the word "exceed," in line 4, strike out "$3,500,000" and insert in lieu thereof "$10,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The question being taken, on a division (demanded by Mr. PARKER of New Jersey) there were—ayes 15, noes 52.

Accordingly the amendment was rejected.

The Clerk, resuming the reading of the bill, read as follows:

For purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $2,700,000: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $1,500,000 in addition to the appropriations herein and heretofore made.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. PARKER of New Jersey. I believe I have two amendments pending.

The CHAIRMAN. Two amendments are pending to this paragraph. The Clerk will report the first of the two amendments.

Mr. MOORE of Pennsylvania. Does that preclude offering other amendments to this paragraph? These amendments have not yet been read.

Mr. MANN. They were read previously.

The CHAIRMAN. When these amendments are disposed of other amendments can be offered.

Mr. MOORE of Pennsylvania. Were these amendments offered by unanimous consent—because the paragraph had not been read?

The CHAIRMAN. By unanimous consent.

Mr. MANN. They have not yet been offered.

The CHAIRMAN. The gentleman from New Jersey announced that he had four amendments.

Mr. MOORE of Pennsylvania. My recollection is that the amendments were read at the conclusion of the paragraph preceding this paragraph. No amendments have been offered to this paragraph, unless they were offered by unanimous consent.

Mr. MANN. They were simply read for information.

Mr. SHERLEY. It is my understanding that they were read for information, with the understanding that the gentleman from New Jersey would offer them when the paragraph was read. I presume he now desires, under that understanding, to offer them.

Mr. PARKER of New Jersey. I desire to do so. I agreed that I would not debate them any further.

Mr. MOORE of Pennsylvania. I yield to the gentleman from New Jersey if he desires to offer the amendments. Otherwise I should like to speak to this paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 4, line 10, after the word "arsenals," strike out "$2,700,000" and insert "$5,000,000."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 4, line 14, after the word "exceed," in line 13, strike out "$1,500,000" and insert "$5,000,000."

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

This paragraph provides for the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon. This sort of matériel must be transported to the various coast defenses where it is presumed to be required. There are several ways of getting it there; one by rail, which in the event of war may be very readily overthrown, one by wagon road, which is very difficult, and the other by water. The cheaper method in time of peace for this sort of transportation would be by water. [Applause.] That induces me to say that I would have concluded by remarks about the Chesapeake & Delaware Canal long before this, and there would have been no point of no quorum, if I had been permitted to proceed as other gentlemen have been permitted to proceed; this being a matter of supreme importance to this Nation, and being over the cannon. We have been making all of the guns and have been looked by many of those in charge of the bills having to do with our coast defenses and other means of preparedness.

I was reading a little while ago from the report of the Agnus Commission, with respect to the naval and Army importance of the Chesapeake & Delaware Canal. I had reached that point where the commission spoke of the great importance for naval purposes of a waterway to connect the navy yards along the Atlantic seaboard, and to give the vessels of the high-seas fleet, if driven in, a place to go for repairs, since they would be now blocked absolutely, with the Chesapeake & Delaware Canal in its present condition. This board, made up of distinguished naval and military men, reported to Congress as follows:

The Civil War developed the enormous value of the present canal as a means of transportation of troops, supplies, and prisoners. While our railroad facilities have greatly increased since that time it is easily conceivable that in future wars or international disturbances—

These gentlemen you see were looking forward as we ought to be—

the proposed ship canal would very likely prove an important adjunct to rail transportation and possibly a vital factor in campaigns should rail transportation be interrupted by accidents, strikes, or hostile raids.

And here, parenthetically, I call attention to the fact that all railroad communication between the North and the South could be overthrown in an hour by one foreign vessel entering the present unprotected Delaware Bay, and we would have to resort to new means of communication and new methods of trans-

portating the matériel for which this bill provides. One vessel up the Delaware River, shooting up the tracks of the Baltimore & Ohio and the Pennsylvania Railroads, or landing enough men to tear them up, would deprive the South of communication with the North and utterly shut off the North from the South, and if our enemies had the seas, God save the country! If we had an open waterway, such as is proposed, between the Chesapeake and Delaware Bays, we could resort to strategy, repair or equip our ships, get the Navy out at one of two approaches, meet the enemy and drive him back. But we have not provided for that. This Agnus board had this in mind when it said further in its report:

The experts of the present naval General Board would be satisfied for the canal to pass vessels of 16-foot draft and 60-foot beam; in other words, monitors, torpedo boats, and destroyers. The commission fully agrees that the principal naval uses of the proposed canal would probably be as stated and is inclined to think that for present purposes a canal of 30-foot or perhaps of even 27-foot draft would be ample. It further believes that just as many battleships will be required with as without the canal, as it would plainly not be within the province of the heaviest of the fighting units to remain in harbor entrance for local defense.

However, it is the opinion of the commission that the experts look too much to victory and ignore such conditions as defeat or at least heavy punishment in battle.

I am afraid that some of our preparedness friends are inclined to ignore these suggestions about "defeat" or "heavy punishment in battle." Some of us are "jingoes"; we pay little attention to the foundations and put too much in the superstructure. We depend too much on preparedness parades and too little on enlistments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Pennsylvania asks to proceed for five minutes longer. Is there objection?

Mr. SHERLEY. I object.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words for the purpose of getting some information. I notice that later on there is a provision for the purchase of certain discoveries and inventions. I would like to know whether there is any discretion in any part of the War Department or the Government so that if a man comes along with an invention that would seem to be desirable from a national standpoint, there is any way that the invention can be tentatively or permanently acquired?

Mr. SHERLEY. The Board of Ordnance and Fortification has an appropriation to enable that board to investigate inventions that may be submitted to it, either through outsiders or persons connected with the Government, and to determine upon the desirability of acquiring or adopting them. There are funds that are available, as these funds are, for general purposes. They are not limited by law, although there is a working understanding between the department and the committee reporting the bill that carries the fund as to the purpose that is intended to be served by the money asked and allowed.

Mr. BENNET. Suppose we were in a condition of more or less imminent danger, which might occur, and here is an item of $2,700,000 rather general in its nature. Under the decisions of the Comptroller of the Treasury and under the practice, if there were any question which was vital, would this board have authority to purchase such invention and pay for it out of the appropriation?

Mr. SHERLEY. I am inclined to think technically they could, but I am also of the impression that if the invention was one requiring a large sum of money to acquire, unless there was very great need the department would submit it to Congress. There are small things that would be acquired. For instance, the other day there was brought to my attention an improvement in regard to searchlights by a forced draft of air on the carbon whereby a smaller-sized carbon could be used and the most intense heat applied without the flaking of it so as to give a beam from a smaller center, and thereby produce a much clearer and better light. I went to the Washington Barracks and observed one of those lights in camparison with the present standard light, and it seemed to me very much superior, as it did to the officers making the test. They would have funds for the procurement of searchlights and would unquestionably be warranted in expending the money for that more modern and improved type.

Mr. BENNET. Would that include the authority to buy the patent, which in that particular case, I suppose, would be of no benefit?

Mr. SHERLEY. In that instance there might be a payment of a royalty, but when there was need of purchasing a patent and it would not cost a great amount of money they would exercise their judgment and proceed. But in a matter such as the Hammond patent, the department properly feels that it should submit to Congress and get a direct appropriation.

Mr. BENNET. For two reasons—that they want to control the patent, and the sum is too large.

Mr. SHERLEY. Not only that; but to divert so large a sum from the purpose for which the appropriation was intended, while technically it is permissible, under the wording of some of the appropriations it would not be thought to be keeping full faith with Congress.

Mr. BENNET. I am glad to know that there is in the Government that power, and that if an inventor comes along with an invention of real merit he can go to the Government to have it tested, and, if proved valuable, find a purchaser in the Government. I am correct in both assumptions, am I not?

Mr. SHERLEY. Yes.

The Clerk read as follows:

For purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $1,284,500: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $3,000,000 in addition to the appropriations herein and heretofore made.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The importance of getting these various munitions of war to the coast defenses by rail, wagon road, or waterway is self-evident. Having referred to it before, I feel that there is no need of enlarging upon that subject, but as to having "your house in order," with respect to having your foundations firm before you take chances on what you are rearing over them, I wish to continue the reading of the report of the Agnus Commission, which, with respect to the confidence we may call it—the abiding confidence of a few of our military experts and preparedness paraders, ought to be read in full to the country. [Applause.]

The board said in its report:

However, it is the opinion of the commission that the experts look too much to victory and ignore such conditions as defeat or at least heavy punishment in battle. While the general board of the Navy may not recognize the probability of transference of the battle fleet as a whole through the Chesapeake & Delaware Canal it is not difficult to conceive of that fleet, badly crippled in a general engagement at sea, limping home in detail to be divided for repairs among several such navy yards as Norfolk, League Island, and New York.

Listen, gentlemen, to this commission, which talks of the possibility of defeat—a condition which some of the jingoists fail to recognize—"the possibility of defeat"; the possibility of your "battleships limping back home," and being bottled up somewhere without an opportunity to get into a navy yard.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I yield to the gentleman from Pennsylvania.

Mr. FOCHT. Mr. Chairman, is it not a fact that our independence was won through the masterly retreats of George Washington, who never won a battle?

Mr. MOORE of Pennsylvania. Our defeats in several wars were signal. We usually overcame them in the end, though it cost us heavily; but I would see to it that our house is prepared and kept in order in the United States [applause] before I sat back in my easy-chair and congratulated myself that because I was making appropriations to buy war munitions without sufficient men to use them, everything was all right. I would want to be better prepared than that.

This board in 1907 spoke of various navy yards to which these crippled ships in the event of defeat might have to go.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. In a moment. I continue to read from the report of that board:

When repairs are finished the safer and better way to assemble would be by way of the ship canal, either to the Delaware or the Chesapeake.

Mr. Chairman, we are dealing with the most populous section of the country; where the great wealth is, where the assault would most likely come, where we would have need for the greatest and strongest defenses; and we are denying ourselves a chance to get to a navy yard with a crippled ship. We are spending money to buy munitions of war without providing the means to use or save the ship after we have furnished it with munitions of war. I now yield to the gentleman from Colorado.

Mr. KEATING. I want to say that I have followed the gentleman's remarks with a great deal of interest. I think they are very illuminating. I was wondering how much it would cost to build this canal.

Mr. MOORE of Pennsylvania. It would cost less by one-half to rebuild this canal and take it over than it costs to build one battleship. [Applause.]

Mr. KEATING. Will the gentleman yield further?

Mr. MOORE of Pennsylvania. Yes; I yield to the gentleman from Colorado, because I want the active and intelligent Members from that State, who come from a mountainous interior, to better understand the need for defenses along the coast. [Applause.]

Mr. KEATING. Mr. Chairman, I will say that I am pleased to obtain the information.

Mr. MOORE of Pennsylvania. I thank the gentleman.

Mr. KEATING. And I would say further that we have irrigating canals in Colorado that are probably much larger than the canal the gentleman proposes to construct between the Chesapeake and the Delaware.

Mr. MOORE of Pennsylvania. And the gentleman has had Government assistance in some form or other with which to build them. I trust we may have the gentleman's assistance now that we are asking for an essential waterway on the east coast to shield the fleet and protect the people of the United States.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of the interruptions, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. SHERLEY. I object.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast cannon, and for modernizing projectiles on hand, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $3,000,000: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $3,500,000 in addition to the appropriations herein and heretofore made.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. When interrupted five minutes ago I was reading from the report of what is known as the Agnus Commission, which was forwarded to Congress in 1907, Congress not having paid much attention to it since, although it has been voting enormously for an increased Army and Navy and for the purchase of matériel. The conclusion of that report is as follows:

It is the opinion of the commission that aside from commercial uses the construction of the proposed canal will be of great strategic value as an adjunct to our land and naval forces.

Mr. Chairman, that was the report of the Agnus Commission. I have read from the Craighill Commission report and from the Dewey Commission report, and I am going to read now from the report which we may call the Bixby-Black Commission, Gen. Bixby having then been Chief of Engineers, and Gen. Black, now Chief of Engineers, United States Army, having been on that board. These gentlemen, by instruction from Congress, made another survey of the situation, with a view to the commercial as well as to the military and naval importance of the opening up of this waterway by the Government. Time had elapsed since the Agnus Commission report; there were new conditions confronting both the Army and the Navy, and this commission brought its report up to date. It said:

The usefulness of such portions of this inland waterway as were in existence at the outbreak of the Civil War was thoroughly proved in the operations at that time.

For the movement of troops, sheltered water transportation affords many advantages over transportation by rail.

That is a simple, plain, common-sense statement of preparing yourself for what may come. The report continued:

The number of transportation units required for a division of troops with field equipment, rations and forage for three days, is by rail 958 passenger and freight cars; by water 12 ships of 20-foot draft like the *Kentuckian* or 22 ships of 16-foot draft like the *Momus*.

Think of it! Here is a waterway that you will not open up on which 20 vessels could carry as much in the way of munitions of war and troops as 958 passenger and freight cars could carry. [Applause on the Republican side.] Yet with one shot from a ship coming into the unprotected Delaware Bay the coastal railroads north and south could be wiped from the face of the map. This board knew what it was talking about. It understood the business for which it was appointed. It continued:

For naval purposes it is necessary here only to invite attention to the very great advantage to be attained by providing an additional and protected entrance for each of the ports from New York to Norfolk—

No city is specially benefited in that; there is no pet project and no individual or locality, but it is proposed to take care of all the ports from New York to Norfolk—

an advantage which would make impossible—

Make impossible, says the report—

an effective blockade of any one of these ports.

Is it of no consequence to gentlemen preparing for our coast defenses that the opening up of this passageway would make it impossible to operate against any one of our great cities along the Atlantic seaboard? Let the gentlemen from the interior of the country think it over. I commend it to their good judgment. The report goes on to say:

From the above it is evident that the construction of the canal would add greatly to the defensive strength of the United States.

Now, with the indulgence of the gentleman from Kentucky and the members of the committee, I want to proceed to read from the last report which I desire to quote, and with this I hope to close this statement, which I am very glad to have the opportunity of making, even if it has been made under difficulties. [Applause on the Republican side.]

Recently the Senate of the United States, which, under the rules, I am forbidden to quote by name, seeing the importance of improving our coast defenses and protecting the entire country from California to New Jersey by improving the waterways along the Atlantic seaboard, instituted an investigation of its own, and in consequence a commission was appointed, which we may call the Macomb Commission, headed by Brig. Gen. M. M. Macomb, Chief of the War College, and Brig. Gen. Tasker H. Bliss. Their report was signed by Lindley M. Garrison, Secretary of War, dated February 27, 1915, and brought this whole topic down to date.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. SHERLEY. Mr. Chairman, I object.

Mr. MOORE of Pennsylvania. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-five Members are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll.

The committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 14303, the fortifications appropriation bill, had found itself without a quorum; that thereupon the Chairman ordered the roll to be called in accordance with the provisions of the rules, and 187 Members answered "Present," and the following Members had failed to answer to their names, and he presented the following list of absentees:

Aiken	Esch	Jones	Parker, N. Y.
Almon	Estopinal	Kahn	Patten
Anderson	Fairchild	Keister	Peters
Anthony	Ferris	Kennedy, R. I.	Porter
Aswell	Fess	Kettner	Pou
Austin	Fields	Key, Ohio	Powers
Bacharach	Fitzgerald	Kiess, Pa.	Pratt
Barchfeld	Flood	King	Price
Barnhart	Flynn	Kinkaid	Rainey
Beakes	Fordney	Konop	Raker
Beales	Foss	Kreider	Ramseyer
Blackmon	Foster	Lafean	Ricketts
Bowers	Gallagher	Langley	Riordan
Britten	Gardner	Lee	Roberts, Mass.
Browne	Garland	Lehlbach	Roberts, Nev.
Bruckner	Garner	Lenroot	Rodenberg
Brumbaugh	Garrett	Lieb	Rogers
Butler	Gillett	Liebel	Rowe
Caldwell	Glass	Lindberg	Rowland
Callaway	Godwin, N. C.	Linthicum	Rubey
Cantrill	Good	Loft	Rucker
Capstick	Goodwin, Ark.	Longworth	Russell, Ohio
Carew	Gould	Loud	Sabath
Carter, Mass.	Graham	McAndrews	Sanford
Casey	Gray, N. J.	McCracken	Saunders
Charles	Gregg	McCulloch	Scott, Pa.
Church	Griest	McFadden	Scully
Clark, Fla.	Griffin	McKellar	Sears
Coleman	Guernsey	McKenzie	Sells
Conry	Hamill	McKinley	Shackleford
Cooper, Ohio	Hamilton, N. Y.	McLemore	Shouse
Cooper, W. Va.	Hart	Madden	Siegel
Copley	Haskell	Magee	Sisson
Crago	Haugen	Maher	Slayden
Dale, N. Y.	Hay	Matthews	Slemp
Dallinger	Hayes	Meeker	Small
Danforth	Heaton	Miller, Minn.	Smith, Idaho
Darrow	Heflin	Miller, Pa.	Smith, Mich.
Davenport	Helm	Montague	Smith, Minn.
Davis, Minn.	Henry	Mooney	Smith, N. Y.
Decker	Hensley	Morgan, La.	Smith, Tex.
Dempsey	Hicks	Morin	Snell
Denison	Hill	Moss, Ind.	Snyder
Dewalt	Hilliard	Moss, W. Va.	Sparkman
Dill	Hollingsworth	Mott	Stafford
Dooling	Hopwood	Mudd	Steagall
Doremus	Howell	Murray	Steenerson
Dowell	Hughes	Neely	Stephens, Miss.
Driscoll	Hulbert	Nelson	Stephens, Nebr.
Drukker	Hull, Tenn.	Nicholls, S. C.	Stephens, Tex.
Dunn	Humphreys, Miss.	Nichols, Mich.	Sterling
Eagan	Hutchinson	Nolan	Stout
Edmonds	Igoe	Oglesby	Sulloway
Edwards	Jacoway	Olney	Sumners
Elston	Johnson, S. Dak.	O'Shaunessy	Sutherland
Emerson	Johnson, Wash.	Paige, Mass.	Swift

Switzer	Van Dyke	Watson, Va.	Wise
Tague	Vare	Williams, T. S.	Wood, Ind.
Talbott	Volstead	Williams, W. E.	Woods, Iowa
Tilson	Walker	Williams, Ohio	
Towner	Ward	Wilson, Ill.	
Treadway	Wason	Wilson, La.	
Tribble	Watson, Pa.	Winslow	

The SPEAKER. The committee will resume its sitting.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words preliminary to asking the chairman of the committee a question. I would like to inquire where this ammunition for seacoast guns is manufactured, whether by private plants or Government plants or both?

Mr. SHERLEY. It is manufactured by both.

Mr. GREEN of Iowa. By which to the greater extent?

Mr. SHERLEY. In the past the greater portion of it has been manufactured by the Government. The large increases that are being provided for will, in the absence of the enlargement of the arsenals, require a greater proportion to be obtained from private manufacturers than has been true in the immediate past.

Mr. GREEN of Iowa. Well, is there more than one private plant capable of manufacturing this class of ammunition?

Mr. SHERLEY. As to certain classes of it there is, as to certain other classes it is a question whether there are plants other than the Bethlehem Steel Co. plant.

Mr. GREEN of Iowa. Well, I am glad to see the proviso which authorizes the Chief of Ordnance to make contracts for a larger amount than the direct appropriation. I was talking not long ago with a gentleman who was largely engaged in the manufacturing of artillery ammunition for the cannon of European powers, though of a smaller caliber than required by this class of guns, he being only engaged in the manufacture of field artillery. He told me, in the course of this conversation, it would require over six months' time before any of the manufacturers of this country were able to arrange for the manufacture even of this comparatively small size of field artillery ammunition. I would take it it would require considerable more time to make the necessary provision in any factory to manufacture the large ammunition required for these seacoast guns. And I hope the Chief of Ordnance will carry out the provision which authorizes him to contract for a further supply.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for seacoast artillery practice, including the machinery necessary for their manufacture at the arsenals, $490,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This paragraph pertains to purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for seacoast artillery practice.

Well, of course, if these munitions are to be gotten to the various points where they are to be employed in the service of the Government, there must be avenues of approach. I have already indicated from official reports that in war times railroads may be in danger, earth roads may be cumbersome and unavailable, and that the chief method of getting to these coast defenses, anyhow, is by water. That is shown by the official reports.

But when interrupted a little while ago I had drawn attention to the Macomb report on the subject of the Chesapeake & Delaware Canal, which affords limited approaches to our coast defenses, and would, in the opinion of military and naval experts, be of inestimable value for Government purposes in the event of war.

In the early part of these serial remarks I spoke of the fact that during the Civil War, when the railroads were disabled and incapable of moving north or south of Perryville, Md., this old canal carried the troops that helped to save the Capital when it was in great danger. It has not been improved in the matter of depth or width since that time, although commerce is forcing its way through to the extent of 1,000,000 tons a year, a very important factor in our commercial life.

Submarines and small boats like torpedo boats and torpedo-boat destroyers have attempted to use this pathway in times of peace, but there is not sufficient water to carry them through. In one instance, with which I am familiar, when four torpedo boats were to be moved from the Philadelphia Navy Yard to the Charleston Navy Yard, I asked the Secretary of the Navy not to send them outside, where they might run into the dangers of Cape Hatteras, but to send them inside through the waterways, where they would be amply protected in case of storm. The Secretary replied that he would very much like to do so, but that the waterways were not of sufficient depth to permit of the passage of these vessels. The four ships were sent outside; they struck a storm off Hatteras and some were blown to sea, so that other vessels had to go after them. Some of them were run in and one, I think, was thrown on the beach. What the whole cost of repairing these vessels was I do not know. Fortunately, as I recall, no lives were lost. But I say that to permit a waterway that could be improved and made serviceable for torpedo boats and submarines with an expenditure of $8,000,000, including the purchase price, to stand unavailable for the use of these ships in times of peace or to remain useless in times of war is an oversight and a blunder which can not be too often called to the attention of Congress and the people of the country. Such a waterway should be open in order to safeguard the property of the Government in times of peace and to be available for vessels that are damaged in time of war. These vessels should have the way open and ready for passage at all times from one point to another inside the coast line, and especially in the event of an attacking fleet being upon the outside or blockading one or the other of the exits or entrances. The Kiel Canal has but one exit and one entrance, and that has been the salvation of the German Navy. The Chesapeake Bay is one entrance and exit and the Delaware Bay is another entrance and exit. They are easily 200 miles apart, and they could be connected inland by deepening a canal 13 miles long, at a cost, including the property, of $8,000,000, which is one-half of the cost of a battleship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes, and then I propose to close.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. FREAR. What can that canal be bought for to-day?

Mr. MOORE of Pennsylvania. Two million five hundred thousand dollars is the estimated cost fixed by the engineers.

Mr. FREAR. Is it not true that those who own the canal have refused to put any price on it?

Mr. MOORE of Pennsylvania. I think that is true. I have no interest in them except to know who they are generally. I never have had any communication from them. I know the property is there; that their bonds pay a dividend; that far-seeing citizens and Navy and Army men have sought to get this property for the Government; and that the engineers recommend it for strategic purposes. The total cost of making it a submarine depth would be about $8,000,000, and a battleship depth would probably cost about $16,000,000 to $18,000,000, possibly $20,000,000; but even that would approximate the cost of one battleship. That would permit a battleship to run 50 miles inside of the coast line, not for the benefit of one city, but for the protection of the Nation, and perhaps to save a fleet.

A MEMBER. How deep is the canal?

Mr. MOORE of Pennsylvania. You can send vessels through drawing 9 feet of water; no more. As I said, the Secretary of the Navy refused to send torpedo boats through because there was not sufficient depth. It is blocked, so far as the smaller naval vessels go. It is a hindrance to commerce and a menace to the Nation in its present condition. The Macomb report took full cognizance of this and said:

A canal such as is proposed would allow the whole force of submarines, etc., to be held in one of the two bays and used in equal efficiency in either.

And we have just appropriated for 50 submarines, not one of which could go through the existing canal.

Where are you going to keep them?

Out in the open sea? The men can not live in submarines more than 10 or 15 days at a time. You have got to have some place where they can rest, and they must come inside. When you move them from navy yard to navy yard are you always going to send them out into the ocean; always to be in danger rounding the capes? Surely this is not necessary in times of peace.

This report—the Macomb-Bliss report—refers particularly to the use of this passageway for submarines. It says—

Without the canal the force of submarines, etc., must be divided between the two bays, and to reenforce one another they must attempt a passage by the outside, a distance of over 200 miles, as against about 15 miles by the canal

It is 325 miles from Philadelphia to Baltimore by the outside route and about 100 by the inside route, including the canal, which is between 13 and 14 miles long. So the strategic situation is easily comprehended.

But the Macomb-Bliss report takes even broader ground. Listen to this:

A canal along this line and one from Delaware Bay to New York Harbor would make a landing of hostile troops almost impossible between Narragansett Bay and Chesapeake Bay, and the construction of this canal is an important step toward the accomplishment of this result.

Of course that is common sense. If we had the canal, our vessels could come in and go out both ways. The Atlantic seaboard is of more importance to us than the Kiel Canal territory is to Germany. Without the intercoastal canal the submarine force must be divided between the two bays, and in order for one to reenforce the other the attempt must be made to force a passage through 200 miles of open sea, with all its perils of storm or blockade.

Mr. HELGESEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from North Dakota?

Mr. MOORE of Pennsylvania. I regret, owing to my promise to get through, that I can not yield. These leading up-to-date experts say the proposed inside waterway, if extended to New York Harbor, would make the landing of hostile troops almost impossible between Narragansett Bay and the Chesapeake Bay. That is a statement so significant, considering the tremendous interests involved, that I would not have it forgotten.

This latest board, appointed as I have stated, upon the advice and consent of the Senate, makes this further statement:

As an obstacle and a part of the land defense of Wilmington and Philadelphia a canal suited for other commercial and naval purposes would be of great importance. Defended by a few troops and small gunboats, such an obstacle—of the size recommended below—would hardly be crossed, and it is not believed that it would be attempted.

That is to say, the attempt would not be made by any foreign foe. I read further:

As a means of transport it has a measure of value for the easy transportation of men and matériel between the fortifications of Delaware Bay and of Baltimore.

As to 1 (c), the objects set forth in paragraph 3 above can be obtained by a sea-level canal having a depth of 18 feet at mean low water and a bottom width of about 150 feet. While tides of 6 feet to 10 feet prevail in the waters at the ends of the canal, investigation has shown that guard locks will not be necessary and that an open canal will be entirely feasible.

I shall not read any more, but I will ask unanimous consent to extend my remarks in the RECORD. I want to state to the Democratic side of the House that no more ardent advocate of the opening up this passageway can be found than the Secretary of the Navy. No abler deliverance on this subject was ever made than that which was made by the Hon. Josephus Daniels before the waterways convention at Savannah last November. I refer to this to show that this is not a partisan question.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For alteration and maintenance of seacoast artillery, including the purchase and manufacture of machinery, tools, materials necessary for the work, and expenses of civilian mechanics and extra-duty pay of enlisted men engaged thereon, $400,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, I want to call the attention of the gentleman from Kentucky to the paragraph, on line 20, relating to the alteration of 3.2-inch batteries. It is one of the few items in regard to which the committee did not allow the full amount of the estimate. As a matter of fact, in a way, this is simply an additional allowance for the manufacture of 3-inch guns or 3-inch batteries, as the 3.2-inch, as I understand it, when taken from these old carriages are used for the land defense of fortifications and the balance of the matériel is used in making up the two 3-inch batteries. In view of the fact that in doing this work we provide both for the needed guns for the land defense of coast fortifications and also increase the sum for 3-inch guns, I wondered why the committee felt justified in cutting this item as much as it did.

Mr. SHERLEY. If the gentleman will listen to the following letter, I think he will understand the matter:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, March 21, 1916.

Hon. SWAGAR SHERLEY,
House of Representatives.

SIR: It is desired to invite your attention to a matter which had it come to the notice of this office in time would have been brought out during the hearings on the fortification bill, and which is, therefore, now considered as a part of those hearings.

An estimate of $530,000 was submitted for the alteration of 3.2-inch batteries to rapid-fire field batteries. A report just received from the Rock Island Arsenal indicates that while the necessary old matériel is on hand for the purpose of carrying out the work proposed, a recent examination shows that a part of it is in such condition as to render alteration so expensive that the manufacture of new matériel is preferable.

It is therefore desired to recommend that the amount under this heading be reduced by $335,000, and that under the heading "For the purchase, manufacture, and test of mountain, field, and siege cannon," etc., the amount be increased this much. If this change is made, the money so transferred would be used to procure three 3.8-inch howitzer batteries, complete, with their war reserve parts.

Very truly, yours,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance,
United States Army.

Now, I will say to the gentleman from Wyoming that if he will recall, a while ago, when the item in regard to the mountain, field, and siege cannon was under discussion, it was suggested by the gentleman from New Jersey [Mr. PARKER] that the committee had gone beyond the estimate, and I suggested then that that was probably due, although I did not recall the exact fact, to something that had developed in the hearings. It appears that that increase was the result of the cutting of this item at the suggestion of the Chief of Ordnance.

Mr. MONDELL. That is certainly a very satisfactory explanation of the matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the procurement of the exclusive rights of John Hays Hammond, jr., and the Radio Engineering Co. of New York (Inc.) to their discoveries and inventions in the art of control by radiodynamic energy of the movement of water-borne carriers of high explosives, in accordance with a proposal heretofore made by said John Hays Hammond, jr., and said company, dated March 23, 1916, and known as proposal Z, $750,000: *Provided*, That said sum shall not be paid unless a report of a board of three Army and three Navy officers, to be appointed by the President, shall be favorable to the acquisition of such rights, such report to be made after a demonstration of the application of the said system to the control of torpedoes; and, to provide for such demonstration, $30,000 of the sum so appropriated, or so much thereof as may be necessary for the purpose, may be applied to the expense of conducting the same, exclusive of the services of said Hammond, which services shall be rendered free of charge, the amount so applied and which shall be immediately available, in the event of the purchase of such rights, to be considered as part payment of the purchase price of the same.

The Commissioner of Patents is authorized and directed, in the event of the entrance by the Government into a contract with the abovementioned parties for the purchase of such rights in all instances where it would grant patents to John Hays Hammond, jr., or to the Radio Engineering Co. upon request of the United States to issue said patents to the United States, and the Commissioner of Patents is further authorized and directed to keep applications for such patents in the secret archives of the Patent Office, not open to disclosure even in cases of interferences.

For procurement and installation of one radiodynamic torpedo unit, $417,000.

Mr. SHERLEY. Mr. Chairman, I desire to offer two amendments. One is, on page 7, line 17, to strike out the words "dated March 23, 1916, and."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amend, page 7, line 17, by striking out the words "dated March 23, 1916, and."

Mr. SHERLEY. The reason for that amendment is that the proposal as now embodied contains a clause that was signed after March 23.

Mr. MANN. It is still known as "proposal Z"?

Mr. SHERLEY. It is now known as "Proposal Z," and that would serve to identify it and not tie it with the original proposal modified.

I ask unanimous consent, Mr. Chairman, to submit as a part of my remarks the proposal of John Hays Hammond, jr., and the Radio Engineering Co., together with the statement of the Acting Secretary of War touching the same.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks by inserting the matter indicated. Is there objection?

There was no objection.

Following is the proposal referred to:

John Hays Hammond, jr., and the Radio Engineering Co. of New York (Inc.) submit the following proposal to the United States of America, acceptance thereof to be evidenced by Congress making the appropriation hereinafter specified, namely:

Whereas John Hays Hammond, jr., and the Radio Engineering Co. of New York (Inc.) are the owners of certain discoveries, inventions, improvements, devices, processes, and systems for the control by radiodynamic energy of the movement of water-borne carriers of high explosives suitable to be used in the defense of harbors and waterways; and

Whereas said John Hays Hammond, jr., and the said Radio Engineering Co. of New York (Inc.) have heretofore demonstrated the practicability, feasibility, and value of said discoveries, inventions, improvements, devices, processes, and systems to the satisfaction of the Board of Ordnance and Fortifications, United States Army, and its expert assistants, as appears from their reports heretofore made to the Congress of the United States; and

Whereas it is proposed by the United States to provide for a demonstration before a joint Army and Navy board, consisting of three officers from each service, to be appointed by the President of the United States, of said discoveries, inventions, improvements, devices, processes,

and systems, for the purpose of determining whether the United States may desire to purchase the right, title, and interest of said Hammond and said Radio Engineering Co. of New York (Inc.) therein:

Now, therefore, in consideration of the United States providing for the conduct of such demonstration in a sum not exceeding $30,000, said demonstration to be begun within 30 days after notice from said John Hays Hammond, jr. (which said Hammond agrees to give in a reasonable time), and the duration thereof not to exceed 90 days after the beginning of the same, unless extended with the consent of the proposers, the said John Hays Hammond, jr., and the said Radio Engineering Co. of New York (Inc.) agree to give the service of said John Hays Hammond, jr., free to the said United States in the making of said demonstration for such reasonable period as may be necessary to prepare for and complete said demonstration, upon the understanding that if the purchase is not consummated any property purchased by the United States for such demonstration and not incorporated with the proposers' plant shall belong to the United States, but without license to use the same where it involves any features covered by said inventions, and with the right to the proposers to purchase the same at cost. And the said John Hays Hammond, jr., and the Radio Engineering Co. of New York (Inc.) further agree, at the option of the said United States, to be exercised within 60 days from the conclusion of said demonstration, to enter into the following contract, to wit:

"These articles of agreement, made this — day of ———, 1916, by and between John Hays Hammond, jr., of the city of Gloucester, State of Massachusetts, and the Radio Engineering Co., of New York (Inc.), parties of the first part, and the Chief of Ordnance, United States Army, for and on behalf of the United States of America, party of the second part, witnesseth that:

"Whereas the parties of the first part claim to have discovered and invented and to own certain new and useful improvements, devices, and processes in the art of radiodynamic control of water-borne bodies, for which they have obtained certain patents, foreign or domestic, and have made certain applications for the issue of letters patent by the United States of America and by foreign countries wherein the aforesaid improvements, devices, and processes are more particularly set forth, a list of which applications, by serial numbers, is hereto annexed, marked 'Schedule A,' and made a part hereof; and

"Whereas certain of these improvements, devices, and processes made by the parties of the first part as aforesaid are embodied in the applications for patents not yet filed in said patent offices; and

"Whereas the said improvements, devices, and processes hereinbefore referred to are regarded as useful for defensive and other purposes by the party of the second part, and it is desired to acquire on behalf of the United States of America all the said right, title, and interest of the parties of the first part therein and in the said inventions, applications for letters patent, and patents aforesaid: Now, therefore

"In consideration of the premises it is hereby agreed by and between the said parties as follows:

"1. The parties of the first part hereby assign and transfer to the party of the second part all their right, title, and interest in and to the said discoveries, inventions, improvements, devices, and processes, whether for any military, commercial, or other use the party of the second part may make thereof, and in and to any patents, foreign or domestic, already obtained by them, and in and to any applications for patents, foreign or domestic, which may be pending, particularly including the said applications, by them already filed, and in the said schedule set forth, and those unfiled as aforesaid, as fully set forth and described in the specifications forming part of the applications aforesaid, together with all the constructional drawings, experimental data, the use of models and such confidential information and description pertaining to the aforesaid assigned rights as may be controlled by the parties of the first part and requested by the party of the second part; and it is agreed that as to any of the applications in the attached list with respect to which patents have not yet been issued and as to those unfiled as aforesaid the parties of the first part will, upon request of the party of the second part and at its expense, prosecute the applications or file and prosecute them, as the case may be, to a conclusion, and in the event and upon obtaining letters patent covering the inventions, improvements, and devices described in said applications, shall assign to the party of the second part all their right, title, and interest therein, or, at the option of the party of the second part, shall assign said applications so as to have said patents issued in the name of the United States.

"2. It is agreed that the said Hammond shall, without additional charge, give his services in directing the engineers superintending the installation at such point as the party of the second part may designate for the purpose, a unit for the radio dynamic control of moving bodies from a distance, and that for this purpose he shall open up his laboratory to such officers of the United States Army as may be assigned by the Secretary of War to the duty, giving his personal services, free of any charge, in the direction of instructors, to teach them during the period this first installation is being made, actual teaching and laboratory expenses to be borne by the party of the second part as part of the expense of such installation; and that after such first installation is completed the said Hammond shall be employed by the United States of America from time to time as required by the United States, at a per diem salary of $100, to be paid during the time of actual employment and to travel to and fro, and he shall also be paid his actual and reasonable expenses incurred incident to such employment, to be audited as required under the regulations of the War Department, it being, however, understood and agreed that the reasonable convenience of the said Hammond in respect to the services aforesaid shall be at all times consulted, so far as the interests of the party of the second part may permit this to be done, and to this intent that reasonable notice of the time when such services shall be required of the said Hammond shall be given, and that this arrangement as to employment shall continue for one year from the date such first installation is completed and thereafter from year to year until terminated by six months' notice from either party in writing.

"3. It is further agreed that the said Hammond shall use his best efforts during the period covered by his actual employment as herein provided to perfect and improve the said discoveries, inventions, improvements, devices, and processes; and that he will assign and transfer to the United States all his right, title, and interest in and to any additional inventions or improvements which he may make prior to the termination of his employment as herein provided, and which inventions fall within the class covered by these articles of agreement, or could be classified as a development of the same, and he shall, upon the request of the party of the second part and at its expense, take the necessary steps to file and prosecute applications for patents therefor to a conclusion, and in the event and upon obtaining letters patent covering the inventions, improvements, and devices described in said applications, shall assign to the party of the second part all his right, title, and interest therein, or, at the option of the party of the second part, shall assign said applications so as to have said patents issued in the name of the United States. And said Hammond agrees to give as security for the performance by him of the obligations set out in this paragraph a surety-company bond in a reasonable amount, if the same is found to be required by the party of the second part.

"4. The parties of the first part further severally agree that if at any time subsequent to the term of the employment of the said Hammond, herein provided for, said company may own or said Hammond shall make any further discovery or discoveries in relation to the development hereinbefore referred to, they or he will submit the same to the Chief of Coast Artillery, United States Army, and afford reasonable time to him for the acquisition thereof by the party of the second part before offering the same to any other Government, person, or corporation.

"5. And the parties of the first part severally agree not to disclose, nor permit to be disclosed, and will exercise all reasonable precautions to prevent disclosure, to other persons, corporations, or Governments other than those authorized in writing by the Chief of Coast Artillery, United States Army, the process or processes, device or devices, discovery or discoveries, invention or inventions covered by this assignment, or intended so to be.

"6. And the parties of the first part further agree that they will use their best endeavor to place at the service of the party of the second part, if requested, such expert assistants as they may have or be able to secure, at the rates charged by said assistants, and without profit thereon to the parties of the first part; such assistants to be paid by the party of the second part, together with their expenses, which shall be audited as described above.

"7. In consideration of the assignment by the parties of the first part of all their right, title, and interest in and to the inventions, devices, and processes in the art of radio dynamic control of bodies, as described in this agreement, and of the full performance by them severally of the obligations imposed by this agreement, the parties of the first part shall be paid, upon such assignment being executed and delivered, and as authorized by the act of Congress making appropriations for fortifications passed at the first session of the Sixty-fourth Congress, the sum of $750,000, less any amount not exceeding $30,000 which may be expended in conducting the demonstration required under the terms of the said act of Congress.

"In witness whereof the parties hereto have executed this agreement in triplicate originals, under their respective seals, the day and year first hereinabove written, the name and corporate seal of said Radio Engineering Co. of New York (Inc.) being hereto affixed and these presents duly signed in the name of its president, thereunto duly authorized.

In the presence of—

"———— ————, [SEAL.]
"RADIO ENGINEERING CO OF NEW YORK (INC.). [SEAL.]
"By ———— ————, *President.*
"———— ————,
"Chief of Ordnance, United States Army."

This proposal is on the further condition that Congress shall in the pending fortification bill appropriate the sum of $750,000, of which amount the sum of $30,000, or so much thereof as may be necessary, shall be available for conducting said demonstration, and the balance of the appropriation not expended in such demonstration to be available for payment to said John Hays Hammond, jr., and said Radio Engineering Co. of New York (Inc.) upon the exercise by the United States of its said option within 60 days after the conclusion of said demonstration, as above provided, and the execution by the undersigned proposers of the foregoing draft of contract, without further action by Congress of the United States.

In witness whereof the said Radio Engineering Co. of New York (Inc.) and the said John Hays Hammond, jr., have affixed their signatures hereto this —— day of March, 1916; the name of the said Radio Engineering Co. of New York (Inc.) being hereto affixed by its president, thereunto duly authorized.

JOHN HAYS HAMMOND, Jr. [SEAL.]
RALIO ENGINEERING CO. OF NEW YORK (INC.). [SEAL.]
By HARRIS HAMMOND, *President.*

In the presence of—
ROBERT D. HANNA.

WAR DEPARTMENT,
Washington, June 10, 1916.

HON. SWAGAR SHERLEY, M. C.,
House of Representatives.

SIR: I have given consideration to the papers which you left at this department in the matter of the purchase of the inventions of Mr. John Hays Hammond, jr., for the control by radiodynamic energy of torpedoes, etc., under the proposal of Mr. Hammond and his company, dated March 23, 1916, referred to in the item of the pending fortification bill making appropriation for that purpose, and have the honor to return them with the following remarks:

The letters of Mr. Lee De Forest, dated May 12 and May 22, 1916, allege in substance—

(a) That the inventions proposed to be purchased are without merit, or at least of insufficient merit to justify the payment of so large a sum for their purchase by the Government; and

(b) That the claims for patents made in the applications of Mr. Hammond are largely covered by the two basic patents of Rear Admiral B. A. Fiske—Nos. 660155 and 660156—and which are now the property of the Western Electric Co.

In view of this fact, it is urged that "there is no possible excuse for the proposed payment of such a huge sum for the exclusive rights to the Hammond patents."

With reference to the objections under (a), it is proposed to purchase, as you are well aware, the inventions of Mr. Hammond and his company only after a thorough demonstration of the system before a joint Army and Navy board, consisting of three officers from each service, to be appointed by the President. The proposal of Mr. Hammond and his company gives the United States an option to purchase the inventions, such option "to be exercised within 60 days from the conclusion of said demonstration." In the event of the passage of the appropriation, the Government is not bound to consummate the purchase, but has simply an option to do so, to be exercised after a thorough demonstration of the system before the joint board, provision being

made in the appropriation for the expense of such demonstration "in a sum not to exceed $30,000." The character of the examination is not restricted, and may be made under such conditions as will satisfy the board that the system of control is not only mechanically operative but is useful under war conditions. I think the interests of the Government are fully safeguarded in this respect.

With regard to the objections under (b), these have been considered at a conference in this department, June 6, 1916, at which a representative from the Patent Office who is familiar with this branch of patents was present; and the department was advised by him that while some of the claims made in the many applications of Mr. Hammond for patents have been rejected in the examinations so far made as too broad, being anticipated by the Fiske and other patents, a very large majority of the claims have been allowed as the result of such examinations, although patents have not yet been issued, for the reason that it has not been deemed best to make the inventions public. It should be added that there are over 100 applications, embracing more than 2,000 claims, so that it would be impracticable, in the limited time available, to consider these many claims in detail. It should be observed, however, that it is contemplated to purchase the system as a whole, and that the purchase will only be consummated after the joint board is satisfied, upon a full demonstration, that the system as a whole is of such value to the Government for military and naval uses as to justify its purchase on the basis proposed. In other words, the Government is acquiring a complete system of radiodynamic control of torpedoes, etc., and the several applications for patents are specified simply so that the Government will acquire all the rights of Mr. Hammond and his company in the inventions. It appears that the Fiske patents now owned by the Western Electric Co. will expire in about 16 months, so that after that lapse of time there can be no claims presented against the United States for any infringement of the Fiske patent occurring after that date. In order that the Government may be fully protected with respect to any claims for infringement of these patents or any other prior inventions, if any, the matter has been taken up with the attorneys of Mr. Hammond, resulting in the agreement for the insertion in the proposed contract, incorporated in the said proposal of March 23, 1916, of the following paragraph:

"8. That the parties of the first part shall hold and save the United States and all officers and agents thereof harmless from and against all claims or demands of any nature or kind by prior inventors or patentees of any of the discoveries, inventions, improvements, devices, processes, and systems covered by this contract as the inventions of said John Hays Hammond, jr., for the purpose of controlling by radiodynamic energy the movement of water-borne carriers of high explosives: *Provided, however,* That the total amount of all such claims or demands paid or to be paid by the parties of the first part shall not exceed the total amount of $750,000 paid to the said parties of the first part under this contract: *And provided further,* That this paragraph shall not apply to articles, devices, mechanisms, etc., which are or may be for sale, on the market, and patented or otherwise, and not the invention of the said John Hays Hammond, jr., or owned by the parties of the first part, and which the United States uses or purchases in the equipping of any radiodynamic torpedo unit. This paragraph shall not, however, apply if the United States by its own act in allowing the forfeiture or abandonment of any application of John Hays Hammond, jr., shall thereby be the cause of the issuance of an adverse patent right which would not have been issued if the same had been thrown into interference with the said Hammond applications. This paragraph shall not apply to any unit built under this contract unless the mechanisms and processes of said unit shall first have been submitted to the parties of the first part to permit them to consider the question of infringement; and if apparent infringement be found, the parties of the first part shall have the option to substitute therefor mechanisms and processes constituting the invention of the said Hammond or other property of the parties of the first part to carry out the subject matter of this contract, provided such mechanisms and processes shall be, in the opinion of the United States, a suitable substitute therefor, giving equivalent results, and in which event such mechanisms and processes shall be and become the property of the United States. Should the parties of the first part be unable to substitute such mechanisms and processes as shall be, in the opinion of the United States, a suitable substitute, and within such reasonable time as shall be determined by the United States, the United States shall have the right to build such unit without regard to any infringement or apparent infringement, said parties of the first part being obligated as aforesaid to hold and save the United States and all officers and agents thereof harmless from and against all claims and demands of any nature or kind for any infringement of the rights of any other persons whatsoever."

A formal instrument has been executed for the purpose, under date of June 10, 1916, and it is inclosed herewith. It is the view of this department that the interests of the United States are sufficiently safeguarded in this matter.

Very respectfully,

WM. M. INGRAHAM,
Acting Secretary of War.

The proposal of John Hayes Hammond, jr., and the Radio Engineering Co. of New York (Inc.), executed on the 23d day of March, 1916, for the sale to the United States of the inventions, improvements, devices, processes, and systems specified therein for the control by radiodynamic energy of the movement of water-borne carriers of high explosives, is hereby amended by inserting in the form of contract embodied therein the following paragraph to be No. 8:

"8. That the parties of the first part shall hold and save the United States and all officers and agents thereof harmless from and against all claims or demands of any nature or kind by prior inventors or patentees of any of the discoveries, inventions, improvements, devices, processes, and systems covered by this contract as the inventions of said John Hays Hammond, jr., for the purpose of controlling by radiodynamic energy the movement of water-borne carriers of high explosives: *Provided however,* That the total amount of all such claims or demands paid, or to be paid, by the parties of the first part shall not exceed the total amount of $750,000 paid to the said parties of the first part under this contract: *And provided further,* That this paragraph shall not apply to articles, devices, mechanisms, etc., which are or may be for sale, on the market and patented or otherwise, and not the invention of the said John Hays Hammond, jr., or owned by the parties of the first part and which the United States uses or purchases in the equipping of any radiodynamic-torpedo unit. This paragraph shall not, however, apply if the United States by its own act in allowing the forfeiture or abandonment of any application of John Hays Hammond, jr., shall thereby be the cause of the issuance of an adverse patent right which would not have been issued if the same had been thrown into interference with the said Hammond applications. This paragraph shall not apply to any unit built under this contract unless the mechanisms and processes of said unit shall first have been submitted to the parties of the first part to permit them to consider the question of infringement, and, if apparent infringement be found, the parties of the first part shall have the option to substitute therefor mechanisms and processes constituting the invention of the said Hammond or other property of the parties of the first part, to carry out the subject matter of this contract, provided such mechanisms and processes shall be in the opinion of the United States a suitable substitute therefor, giving equivalent results, and in which event such mechanisms and processes shall be and become the property of the United States. Should the parties of the first part be unable to substitute such mechanisms and processes as shall be in the opinion of the United States a suitable substitute and within such reasonable time as shall be determined by the United States, the United States shall have the right to build such unit without regard to any infringement, or apparent infringement, said parties of the first part being obligated as aforesaid to hold and save the United States and all officers and agents thereof harmless from and against all claims and demands of any nature or kind for any infringement of the rights of any other persons whatsoever."

In witness whereof the said John Hays Hammond, jr., and the said Radio Engineering Co. of New York (Inc.), have affixed their signatures hereto this 10th day of June, 1916; the name of said Radio Engineering Co. of New York (Inc.), being hereunto affixed by its assistant secretary thereunto duly authorized.

In the presence of—

JOHN HAYS HAMMOND, JR. [SEAL.]
RADIO ENGINEERING CO. OF NEW YORK (INC.). [SEAL.]
By LESLIE BUSWELL.

DISTRICT OF COLUMBIA:

I, John B. Randolph, a notary public in and for the District of Columbia, do hereby certify that John Hays Hammond, jr., and Leslie Buswell (the latter duly authorized as assistant secrtary of the Radio Engineering Co. of New York (Inc.), parties to the foregoing and annexed proposal bearing date on the 10th day of June, 1916, personally appeared before me in my district aforesaid, the said Hammond and the said Buswell being personally known to me to be the persons who executed the said proposal and there acknowledge the same as the act and deed of said Hammond and of said Radio Engineering Co. of New York (Inc.).

Given under my hand and official seal this 10th day of June, 1916.

[SEAL.] JNO. B. RANDOLPH,
Notary Public, District of Columbia.

My commission expires November 12, 1920.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Commissioner of Patents is authorized and directed, in the event of the entrance by the Government into a contract with the abovementioned parties for the purchase of such rights in all instances where it would grant patents to John Hays Hammond, jr., or to the Radio Engineering Co. upon request of the United States to issue said patents to the United States, and the Commissioner of Patents is further authorized and directed to keep applications for such patents in the secret archives of the Patent Office, not open to disclosure even in cases of interferences.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY for the committee: On page 8, in line 13, after the word "and," insert the following: "In the event of said contract being made."

Mr. SHERLEY. Mr. Chairman, the purpose of that amendment is simply to make plain that the Commissioner of Patents is not to keep these matters in the secret archives unless this contract is entered into and these rights are secured. It was simply an omission in the original draft of the paragraph.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For procurement and installation of one radiodynamic torpedo unit, $417,000.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY for the committee: Page 8, in line 18, after the figures "$417,000," insert "*Provided,* That no part of said sum shall be so expended unless the United States shall first acquire, as heretofore provided, the rights of the said John Hays Hammond, jr., and the Radio Engineering Co. of New York."

Mr. SHERLEY. Mr. Chairman, the provision as it now stands in the bill would authorize the expenditure of this $417,000 without regard to the acquirement of the rights of Mr. Hammond. This was an oversight in the original draft of the bill, and the amendment puts in a limitation preventing the expenditure of any of the money unless these rights are purchased as the result of an affirmative report by the joint board as provided above in the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment as a new paragraph.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY for the committee: On page 8, after line 18, insert as a new paragraph the following:

"Section 4834 of the Revised Statutes is amended so as to read as follows:

"'SEC. 4894. All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable: *Provided, however*, That no application shall be regarded as abandoned which has become the property of the Government of the United States and with respect to which the head of any department of the Government shall have certified to the Commissioner of Patents, within a period of three years, that the invention disclosed therein is important to the armament or defense of the United States: *Provided further*, That within 90 days, and not less than 30 days, before the expiration of any such three-year period the Commissioner of Patents shall, in writing, notify the head of the department interested in any pending application for patent of the approaching expiration of the three-year period within which any application for patent shall have been pending.'"

Mr. MANN. Mr. Chairman, I reserve a point of order upon the amendment. I will ask the gentleman, Is this exactly in the form in which the House passed the bill on this subject the other day?

Mr. SHERLEY. I was going to explain that this is exactly in accord with the rule which made it in order, but it is not in exact accord with the bill that was passed in the consideration of the Unanimous Consent Calendar the other day, the difference being only in the last proviso, which requires that the Commissioner of Patents shall notify the department that the period within which it is to notify the commissioner for a continuation of the application is about to expire.

Mr. MANN. Supposing the commissioner does not notify the head of the department. Then what?

Mr. SHERLEY. I do not think that would change the situation, but it was suggested that the department interested in the matter might overlook the time, whereas the Commissioner of Patents would have an actual record and would have placed upon him the burden of notifying the proper parties.

Mr. MANN. This extends the application for three years, or does something for three years?

Mr. SHERLEY. This extends the application indefinitely, provided within three years a statement is made by the department that it is necessary in the interest of the national defense.

Mr. MANN. Supposing the Commissioner of Patents does not notify the department and the department does not do anything within the three years. The patent would not continue then?

Mr. SHERLEY. If the department does not notify the Commissioner of Patents in three years, why, then the patent right would be lost by failure to prosecute the application.

Mr. MANN. This really is just a request to the Commissioner of Patents?

Mr. SHERLEY. Practically. It is intended to prevent, if possible, the lapsing of the right by oversight.

Mr. MANN. I have no objection to that at all, though I would seriously question the advisability of making the life of a patent or the right of the Government depend upon whether the Commissioner of Patents happened to notify somebody.

Mr. SHERLEY. I do not think this does that.

Mr. MANN. I understand.

Mr. SHERLEY. It is just to double the safety of it.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman a question. I may have misunderstood the reading of the amendment. Does this apply to patents generally, or only to patents in which the Government has an interest?

Mr. SHERLEY. It applies only in instances where the application has become the property of the Government of the United States, and with respect to it the head of any department of the Government shall have certified to the Commissioner of Patents within a period of three years that the invention disclosed therein is important to the armament or defense of the United States.

Mr. MOORE of Pennsylvania. It applies only to such patents as the Government is interested in?

Mr. SHERLEY. Only to such patents as the Government owns and further suggests is important to the defense of the United States.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

In the Hawaiian Islands, $3,000.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 8, line 25, strike out the sum $3,000 and insert in lieu thereof the sum of $5,000.

Mr. SHERLEY. Mr. Chairman, the reason for that is that the committee cut the maintenance item, thinking that it could properly be cut, but on later advices from Hawaii, it was believed that $3,000 would hardly suffice to properly maintain the fortifications there, and the increase is made of $2,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

In all, $13,000.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to change "$13,000" to "$15,000," so as to correct the total.

The CHAIRMAN. Without objection, the total will be corrected.

There was no objection.

The Clerk read as follows:

For land defenses in the Hawaiian Islands, including the procurement and installation of searchlights and the acquisition of land and rights of way, $129,000.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 9, line 5, strike out the sum of $129,000 and insert in lieu thereof the sum of $169,000.

Mr. SHERLEY. Mr. Chairman, after the bill was written up there came a supplemental estimate to the committee touching the land defenses in the Hawaiian Islands in which it appears that to carry out the work that the item contemplated it would require $40,000 more, and on consideration of the matter the committee considered this amendment necessary.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

In the Hawaiian Islands, $2,000.

Mr. SHERLEY. Mr. Chairman, I move to strike out the figures "$2,000" and insert "$2,500."

The Clerk read as follows:

Page 9, line 13, strike out "$2,000" and insert "$2,500."

Mr. SHERLEY. This is an increase of $500 in the maintenance item for the repair of searchlights, and so forth, in the Hawaiian Islands. It is similar to the amendment we adopted touching the fortifications.

The amendment was considered and agreed to.

The Clerk read as follows:

In all, $5,500.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the figures "5,500" may be changed to "6,000," to make the total correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

UNDER THE CHIEF OF ARTILLERY.

For construction of fire-control stations and accessories, including purchase of lands and rights of way, purchase and installation of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus and materials, coast-signal apparatus, and salaries of electrical experts, engineers, and other necessary employees connected with the use of coast artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, $100,000.

Mr. SHERLEY. Mr. Chairman, in line 8, page 11, in the subheading, which reads "under the chief of artillery," I move to amend by inserting the word "coast" before the word "artillery."

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 8, after the word "of," insert the word "coast."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This section authorizes the purchase of matériel abroad when in the judgment of the Secretary of War it is to the manifest interest of the United States to make the purchase. I would like to inquire if anyone here knows what the reasons are for the War Department having collier *No. 1* constructed in a Chinese shipyard?

Mr. SHERLEY. I am unable to advise the gentleman.

Mr. MANN. I do not know who made the contract, whether it was the Secretary of War under this administration or under a former administration, but I must say that I think it will be referred to many times before the year is over. What object is there in excluding Chinese labor from America if the Government of the United States itself goes over to the Chinese shipyards to have the war vessels constructed over there? It seems odd. I simply speak of it, hoping that the War Department has a very good excuse for it, though I can not imagine one.

Mr. SHERLEY. Mr. Chairman, I have no doubt that if the fact is as the gentleman indicates there is some reason for it, but I have no personal knowledge respecting it.

The Clerk read as follows:

SEC. 5. That expenditures for carrying out the provisions of this act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate.

Mr. TAVENNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. TAVENNER: Page 14, line 18, after the word "rate," strike out the period and insert in lieu thereof a colon and the following:

"*Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. TAVENNER. Mr. Chairman, that is exactly the same amendment that was retained in the naval appropriation bill last week by a vote of 100 to 74. Five different committees of Congress have investigated the subject of the use of the stop watch and have considered legislation abolishing it, of one of which committee Senator BORAH was the chairman, all reporting bills favorably, and the matter has been before the House three different times in the way of amendments to the Army and Navy appropriation bills, and on each occasion the House inserted substantially this amendment in those bills.

Mr. MANN. Mr. Chairman, I am not going to discuss the merits of this amendment except to refer to the letter of the Secretary of War recently written, and I just want to say that it will take a quorum in both the committee and the House to agree to this amendment.

Mr. SHERLEY. Mr. Chairman, I personally have not favored the amendment that has been offered. I expressed my views when the naval bill was under consideration. The House at that time did not concur in the views that I then expressed, and voted down the amendment that was offered to strike down a provision in this exact language which was contained in the naval appropriation bill. While I have not changed my views upon the subject, I recognize that that vote was a vote taken when there was a very large attendance of the House, and that it probably expressed the views of the membership of the House. Gentlemen came to me during the consideration of this bill saying they desired to offer a similar amendment, and that they wanted to know whether this bill would be considered with a full or a light attendance. I stated that I had no desire to take advantage of anyone; that I could not tell how large attendance there would be, but that the proper place for such an amendment, if it was to be adopted, would be at the conclusion of the bill, and that if there was any disposition on the part of gentlemen to press it, or on the part of other gentlemen to oppose it, I should ask for a sufficient attendance to have the House express its judgment. I want in good faith to carry out that statement. I want to be fair to both the proponents and the opponents of the measure. There is probably not a quorum of the House in the city at this time. There is, however, a quorum of the Committee of the Whole. I should like to ask the gentleman from Illinois [Mr. MANN] whether, if a quorum of the committee were obtained, he would desire to object to the consideration of the provision?

Mr. MANN. I would want a quorum of both the committee and the House to agree to this amendment.

Mr. SHERLEY. Mr. Chairman, the amendment is before the committee. Of course I realize that if the committee adopts it, it will then be subject to a roll call, and in that event I should simply ask that the committee, after acting upon the amendment, should rise and report the bill with amendments, and would not then press it for passage in the House until there was a quorum present in the city. That seems to be the only thing we can do in justice to everyone concerned.

Mr. KEATING. Mr. Chairman, I suggest that those of us who are interested in this amendment have no desire to press it in the absence of a quorum. We would be willing to enter into some arrangement by which we could fix a time when the matter might be taken up, when there is a quorum in the House.

Mr. SHERLEY. Would it be satisfactory to the gentlemen that a vote be had upon it in committee, with the understanding that if the amendment be agreed to—and of course if it is not agreed to then the matter will not come before the House—the committee shall rise and report the bill, and that then we will not ask for the passage of the bill until there is a full attendance of the House?

Mr. MANN. Mr. Chairman, I want to be entirely reasonable. Of course the gentleman could not ask for the passage of the bill if we demanded a roll call.

Mr. SHERLEY. Frankly, we could not pass it without a quorum; but I want to arrive at some understanding that would be known on all sides. I am in a position in which I am particularly desirous of treating everyone with the utmost fairness touching this particular amendment. Having myself opposed it, and being in charge of the bill, I do not want in any way to take advantage of the light attendance to prevent the House passing its free judgment upon the matter.

Mr. KEATING. Mr. Chairman, permit me to make this suggestion: Suppose we enter into a unanimous-consent agreement, by which when this bill is reported to the House a motion to recommit will be entertained incorporating this provision, that motion to be voted on when we have a quorum. We could thus have a roll call on the motion to incorporate this provision.

Mr. SHERLEY. I think the very much easier way would be to let the matter be acted upon in the committee. Then the amendment, if agreed to, would come up on the vote in the House as to whether we concur in that particular amendment or not. That would save the difficulty.

Mr. MANN. Well, we are in this situation: Of course, practically speaking, no one can move on a thing of this sort that requires action in the House except by unanimous consent. We had an agreement between the two sides of the House as to last week practically to the effect that there would be no roll call in the House on committee. That agreement did not extend over this week, though I was perfectly willing to have it do so. I stated at the outset that if the fortification bill came up and this amendment was offered, as I understand it was to be, that I should ask for a quorum. I notice on the first roll call to-day that there were quite a number more of Democratic Members present than there were of Republican Members. While I told the Republican Members who went to Chicago, as most of them did, that there was no agreement in reference to this week, still I said I did not think there would be very much contested business transacted this week, and unless I sent for them they were not required to come back this week. Perhaps most of the Members of the House who went away will not be back next Monday.

I suppose if a matter of this sort was put off until Tuesday—and it is wholly within the power of the gentleman from Kentucky to say when, it does not require any unanimous-consent agreement, an understanding may be all right—that that would be sufficient. All he has to do is not to move the previous question and he can call up the bill when he pleases.

Mr. SHERLEY. Mr. Chairman, the simplest way would be for me to suggest now that the committee rise without recommendation, and then it would be in order to move on next Tuesday for the House to resolve itself into the Committee of the Whole House on the state of the Union——

Mr. MANN. On this bill?

Mr. SHERLEY. On this bill, and this amendment will be pending——

Mr. MANN. Yes.

Mr. SHERLEY. On this item which we will have before us.

Mr. MANN. I think that will be the simplest procedure.

Mr. SHERLEY. Is that satisfactory?

Mr. KEATING. That is all right. The only thing we desired was to get an expression of opinion from the House.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14303, the fortifications bill, and had come to no resolution thereon.

SENATE ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5851. An act to extend the time for constructing a bridge across the eastern branch of the Elizabeth River in Virginia;

S. 4550. An act granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.;

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank;

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals;

S 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907;

S. 3436. An act for the relief of John Alexander Besonen;

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.;

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

S. 3423. An act to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla.;

S. 1326. An act for the relief of Vilhelm Torkildsen;

S. 17. An act permitting H. L. Corbin to purchase certain public lands;

S. 142. An act for the relief of Mrs. George A. Miller;

S. 32. An act for the relief of William G. Williams, sr.;

S. 67. An act for the relief of Mathilda P. Hansen;

S. J. Res. 47. Joint resolution authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes;

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River, at or near Pascagoula, Miss.;

S. 5348. An act to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes;

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.;

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel;* and

S. 6. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock) the House adjourned to meet to-morrow, Wednesday, June 14, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of State, submitting an estimate of appropriation to enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to diplomatic officers in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned (H. Doc. No. 1199); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting estimates of appropriations for remodeling, repairs, etc., of post office and courthouse, Clarksburg, W. Va.; post office and courthouse, Denver, Colo.; quarantine station, Honolulu, Hawaii (H. Doc. No. 1200); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of Commerce, submitting an additional supplemental estimate of appropriation for salaries and wages, lighthouse vessels, for the fiscal year ending June 30, 1917 (H. Doc. No. 1201); to the Committee on Appropriations and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph S. Watt against The United States (H. Doc. No. 1202); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Wilbur H. Wilcox against The United States (H. Doc. No. 1203); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lester S. Willson against The United States (H. Doc. No. 1204); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel F. Wilson against The United States (H. Doc. No. 1205); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John J. Troxell against The United States (H. Doc. No. 1206); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Spanburgh against The United States (H. Doc. No. 1207); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ancil B. Spencer against The United States (H. Doc. No. 1208); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary A. Scobey, widow of John S. Scobey, deceased, against The United States (H. Doc. No. 1209); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel McDaniel against The United States (H. Doc. No. 1210); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas Lloyd against The United States (H. Doc. No. 1211); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William M. Littell against The United States (H. Doc. No. 1212); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ora Laughlin, daughter of John B. Lesage, deceased, against The United States (H. Doc. No. 1213); to the Committee on War Claims and ordered to be printed.

16. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Margaret E. Little, daughter of John Leaper, deceased, against The United States (H. Doc. No. 1214); to the Committee on War Claims and ordered to be printed.

17. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William M. Kinzer against The United States (H. Doc. No. 1215); to the Committee on War Claims and ordered to be printed.

18. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Chloe Fuller, widow of John Fuller, deceased, against The United States (H. Doc. No. 1216); to the Committee on War Claims and ordered to be printed.

19. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frederick B. Foote, son of Thaddeus Foote, deceased, against The United States (H. Doc. No. 1217); to the Committee on War Claims and ordered to be printed.

20. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Dewitt

C. Amey against The United States (H. Doc. No. 1218); to the Committee on War Claims and ordered to be printed.

21. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Truman S. Harvey against The United States (H. Doc. No. 1219); to the Committee on War Claims and ordered to be printed.

22. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Grounds against The United States (H. Doc. No. 1220); to the Committee on War Claims and ordered to be printed.

23. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lucy Simpson, daughter and sole heir of James J. Bolton, deceased, against The United States (H. Doc. No. 1221); to the Committee on War Claims and ordered to be printed.

24. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in case of John H. Larry against The United States (H. Doc. No. 1222); to the Committee on War Claims and ordered to be printed.

25. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Asa Whitestine against The United States (H. Doc. No. 1223); to the Committee on War Claims and ordered to be printed.

26. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William De Hart against The United States (H. Doc. No. 1224); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 16416) to provide for a site and public building at Clearwater, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. ALLEN: A bill (H. R. 16417) to provide for the exportation of gin in bond in other than original packages; to the Committee on Ways and Means.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 16418) providing for the appointment of civilian clerks in the Quartermaster Corps of the Army as pay clerks; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 16419) authorizing the Secretary of the Treasury to sell the United States warehouse site at San Juan, P. R., except so much of said property as he may deem advisable to retain for the use of any branch of the public service; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON: Joint resolution (H. J. Res. 237) authorizing the Postmaster General to provide the postmaster at Gulfport, Miss., with a special canceling die for the Mississippi Centennial Exposition celebration; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16420) granting a pension to Margaret Berry; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 16421) granting an increase of pension to Mrs. Susan T. Lisk; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 16422) granting an increase of pension to William Gendy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16423) for the relief of John W. Selby; to the Committee on Claims.

By Mr. DUPRÉ: A bill (H. R. 16424) granting a pension to Mrs. Mary Fried; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 16425) granting a pension to Albert E. Clark; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 16426) granting a pension to Joseph S. Morton; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 16427) to correct the military record of David Beagle; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16428) granting a pension to James H. Daniel; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 16429) granting an increase of pension to Mary A. Ness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16430) granting an increase of pension to Mary M. Perago; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16431) granting an increase of pension to Sarah M. Harbold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16432) granting an increase of pension to Mary E. Ruff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16433) granting an increase of pension to Magdalena Blockinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16434) granting an increase of pension to Annie Greeser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16435) granting an increase of pension to Mary S. Heidler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16436) granting an increase of pension to Julia A. Stoner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16437) granting an increase of pension to Sarah E. Schaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16438) granting an increase of pension to Anna M. Ramer; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 16439) for restoration of pension for Esther Kuse; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 16440) granting an increase of pension to Absalom Shaffer; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 16441) granting a pension to Harriet J. Houghtaling; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 16442) granting a pension to Alice Root; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Washington Dairy Convention, relative to work of the Bureau of Animal Industry; to the Committee on Agriculture.

By Mr. BAILEY: Protest of M. Menser, H. E. Figge, Mrs. Lydia Menser, Mr. and Mrs. Charles Schenkemeyer, jr., Miss Edna Mangus, Mrs. A. W. Roth, Miss Louise Granden, Elmer L. Horner, Ella Jacoby, Gladys Jacoby, Marie Griffith, Lynn Dodson, T. Malbranc, William Schenkemeyer, James M. Foster, H. W. Louther, Clyde L. Nevins, J. A. Friant, P. S. Mobilian, Ross S. Gaston, C. C. Custer, Nicholas Antonazzo, David Fendal, W. W. Starke, Frank Ferner, W. E. Friant, George D. Messenger, Otto C. Wiegand, B. L. Clark, T. B. Wilson, Roy G. Gaston, H. C. Murray, John Compton, John Schellhammer, Alfred Ivey, P. S. Gordon, J. E. Zang, Jack W. Hines, David D. Blough, Mrs. John Griffith, John Watz, Mrs. W. C. Kane, C. C. Ling, L. J. Sagerson, Mrs. Jennie Lewis, Mrs. L. M. Alwine, Mrs. Mary Wagner, Mrs. I. A. Phillips, Jane Hartnett, Peggy Mintmier, Mr. J. Boyer, Mrs. Wallace, Mrs. Louis Stein, Mrs. McGuire, all of Johnstown; Mr. W. D. Jones, Mr. and Mrs. A. J. Litzinger, Mrs. W. J. P. Sharp, Margaret Wiedwald, and Arthur Thomas, all of Conemaugh; G. A. Hite, of Wilmore; Amelia Shrift, of Summerhill; and Harry Fels, of Philadelphia, all in the State of Pennsylvania, against the passage of House bill 9671, a bill to establish price control; to the Committee on the Judiciary.

By Mr. CAREW: Petition of the Lime Manufacturers' Association of New York, favoring passage of House bill 14298, standardizing lime barrels; to the Committee on Coinage, Weights, and Measures.

By Mr. DALE of New York: Petition of the Modern Priscilla, Boston, Mass., favoring the Stevens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Industrial Club of Cheyenne, Wyo., relative to suffrage for women; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Petition of Houston (Tex.) Labor Council, favoring House bill 11876, Nolan bill; to the Committee on Labor.

By Mr. DOOLING: Petition of Washington Board of Trade, relative to Commissioners of the District of Columbia making regulations for governing traffic in District of Columbia; to the Committee on the District of Columbia.

By Mr. DYER: Memorial of Washington Dairy Convention, relative to work of Bureau of Animal Industry; to the Committee on Agriculture.

Also, petition of Stix, Baer & Fuller Dry Goods Co., of St. Louis, Mo., against Stevens-Ashurst price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of Woman's National Agricultural and Horticultural Association, against a power plant near Potomac Park; to the Committee on the District of Columbia.

By Mr. GORDON: Resolution adopted by the Franklin Circle Church, of Cleveland, Ohio, praying for legislation amending the Federal Constitution and aiming to prevent effectively

the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Memorial of Edgewater Congregational Brotherhood, of Seattle, Wash., favoring Federal motion-picture commission; to the Committee on Education.

Also, petition of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of several chambers of commerce, in reference to care of the insane in Alaska; to the Committee on Insular Affairs.

By Mr. JAMES: Petition of sundry citizens of Nru, Mich., against passage of bills to change law relative to fishing boats, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. NORTH: Petition of Tegner Lodge, No. 329, Order of Vasa, Anita, Jefferson County, Pa., against militarism being established; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: Petition of Nicholas Cicerone, of Newport, R. I., favoring House bill 11876, Nolan minimum-wage bill; to the Committee on Labor.

Also, petition of Mrs. M. S. Packard, of Centerdale, R. I., favoring Kern-McGillicuddy compensation bill; to the Committee on the Judiciary.

Also, petition of A. Schwarz, of Providence, R. I., against increase of United States Army and Navy; to the Committee on Military Affairs.

By Mr. PATTEN: Petition of sundry citizens of New York, favoring House bill 11876, Nolan minimum-wage bill; to the Committee on Labor.

By Mr. RANDALL: Petition of 47 citizens of National City, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of faculty and associated students of Whittier College, Whittier, Cal., against preparedness; to the Committee on Military Affairs.

By Mr. TEMPLE: Petition for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union, of Lawrence County, Pa., in support of Gillett bill, to prohibit shipping of liquor from Boston to the west African coast; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Club, of Ellwood City, Pa., in support of joint resolution of Congress designating the mountain laurel as the floral emblem of the United States; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 14, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for this our national ensigns natal day. Born a thing of beauty; the embodiment of all that is dearest to the American heart; expressed in the Declaration of Independence, reiterated in the Constitution of the United States. The emblem of liberty and freedom through law and order. It seeks no conquest, but would protect the sacred rights of its people on land and on sea. We love it for its past and for its future promises, and we pray that it may float on in the triumph of peace, justice, truth, righteousness, and good will, now and evermore. In the spirit of Him who taught us fatherhood, brotherhood. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution recently adopted by the Assembly of Louisiana protesting against the passage of the bill (S. 5242) to amend the interstate commerce act, introduced by the junior Senator from Texas.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing a resolution recently adopted by the Louisiana Legislature. Is there objection?

ADJOURNMENT.

Mr. MANN. Reserving the right to object, Mr. Speaker, this is Flag Day, and I move as a mark of respect and on account of loyalty to the flag that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The question was taken and the Speaker announced that the ayes seemed to have it.

Mr. WEBB. Division, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina demands a division.

The House divided; and there were—ayes 39, noes 18.

Mr. WEBB. Mr. Speaker, I make the point of no quorum.

Mr. MANN. You can not make a point of no quorum on that vote.

Mr. DUPRÉ. Mr. Speaker, a parliamentary inquiry. I would like to ask whether the gentleman from Illinois objected to my request or waives it?

The SPEAKER. There was not any disposition made of that request. What was it the gentleman from Illinois said about the motion?

Mr. MANN. You can not make a point of no quorum on that vote.

Mr. WEBB. Mr. Speaker, I demand the yeas and nays.

Mr. DUPRÉ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman's parliamentary inquiry will have to be taken up when there has been a quorum developed. The gentleman from North Carolina demands the yeas and nays on the question of adjournment. Those in favor of the motion to adjourn will rise and stand until they are counted. (After counting.) Eighteen gentlemen have risen, not a sufficient number.

Mr. WEBB. Mr. Speaker, I demand the other side. I thought there were 90 in all. Eighteen would be one-fifth of those present.

The SPEAKER. The gentleman demands the other side. Those opposed to this vote being taken by the yeas and nays will rise and stand until they are counted. (After a pause.) Nobody seems to have risen. Eighteen are sufficient, and the Clerk will call the roll.

The question is on adjournment. Those in favor of adjournment will answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 92, nays 62, answered "present" 6, not voting 275, as follows:

YEAS—92.

Adair	Dyer	Humphrey, Wash.	Quin
Alexander	Evans	James	Reavis
Allen	Farley	Keating	Russell, Mo.
Ashbrook	Farr	Kennedy, Iowa	Sanford
Austin	Frear	King	Schall
Ayres	Freeman	La Follette	Shackleford
Beales	Gallivan	Lazaro	Shallenberger
Britt	Gard	Linthicum	Sinnott
Browning	Gray, Ind.	Lloyd	Sloan
Brumbaugh	Green, Iowa	McArthur	Smith, Idaho
Campbell	Greene, Mass.	McClintic	Stephens, Cal.
Candler, Miss.	Greene, Vt.	McDermott	Stiness
Carter, Okla.	Hadley	Mann	Stout
Chiperfield	Hamlin	Mapes	Sweet
Cline	Harrison	Miller, Del.	Taggart
Coady	Hastings	Moore, Pa.	Temple
Connelly	Haugen	Morgan, Okla.	Thompson
Cox	Hawley	North	Timberlake
Cramton	Hayden	Norton	Towner
Curry	Helgesen	Oakey	Vare
Dickinson	Hernandez	Overmyer	Walsh
Dixon	Hinds	Phelan	Wilson, Fla.
Doolittle	Hull, Iowa	Platt	Young, N. Dak.

NAYS—62.

Adamson	Finley	Kincheloe	Sisson
Bailey	Goodwin, Ark.	Kitchin	Steagall
Buchanan, Ill.	Gordon	Lesher	Steele, Iowa
Buchanan, Tex.	Gray, Ala.	Lever	Steele, Pa.
Burgess	Hardy	McGillicuddy	Thomas
Burke	Hay	Mays	Tillman
Burnett	Holland	Oldfield	Tribble
Byrns, Tenn.	Hood	Oliver	Venable
Caraway	Houston	Padgett	Vinson
Crisp	Howard	Page, N. C.	Watkins
Davis, Tex.	Huddleston	Park	Watson, Va.
Dent	Hughes	Randall	Webb
Dies	Humphreys, Miss.	Rayburn	Wilson, La.
Doughton	Jacoway	Sherley	Young, Tex.
Dupré	Johnson, Ky.	Sherwood	
Eagle	Kent	Sims	

ANSWERED "PRESENT"—6.

Bennet	Clark, Fla.	Rucker	Taylor, Ark.
Booher	Rauch		

NOT VOTING—275.

Abercrombie	Blackmon	Carew	Cooper, Wis.
Aiken	Borland	Carlin	Copley
Almon	Bowers	Carter, Mass.	Costello
Anderson	Britten	Cary	Crago
Anthony	Browne	Casey	Crosser
Aswell	Bruckner	Chandler, N. Y.	Cullop
Bacharach	Butler	Charles	Dale, N. Y.
Barchfeld	Byrnes, S. C.	Church	Dale, Vt.
Barkley	Caldwell	Coleman	Dallinger
Barnhart	Callaway	Collier	Danforth
Beakes	Cannon	Conry	Darrow
Bell	Cantrill	Cooper, Ohio	Davenport
Black	Capstick	Cooper, W. Va.	Davis, Minn.

Decker	Heaton	Magee	Scott, Mich.
Dempsey	Heflin	Maher	Scott, Pa.
Denison	Helm	Martin	Scully
Dewalt	Helvering	Matthews	Sears
Dill	Henry	Meeker	Sells
Dillon	Hensley	Miller, Minn.	Shouse
Dooling	Hicks	Miller, Pa.	Siegel
Doremus	Hill	Mondell	Slayden
Dowell	Hilliard	Montague	Slemp
Driscoll	Hollingsworth	Moon	Small
Drukker	Hopwood	Mooney	Smith, Mich.
Dunn	Howell	Moores, Ind.	Smith, Minn.
Eagan	Hulbert	Morgan, La.	Smith, N. Y.
Edmonds	Hull, Tenn.	Morin	Smith, Tex.
Edwards	Husted	Morrison	Snell
Ellsworth	Hutchinson	Moss, Ind.	Snyder
Elston	Igoe	Moss, W. Va.	Sparkman
Emerson	Johnson, S. Dak.	Mott	Stafford
Esch	Johnson, Wash.	Mudd	Stedman
Estopinal	Jones	Murray	Steenerson
Fairchild	Kahn	Neely	Stephens, Miss.
Ferris	Kearns	Nelson	Stephens, Nebr.
Fess	Keister	Nicholls, S. C.	Stephens, Tex.
Fields	Kelley	Nichols, Mich.	Sterling
Fitzgerald	Kennedy, R. I.	Nolan	Stone
Flood	Kettner	Oglesby	Sulloway
Flynn	Key, Ohio	Olney	Sumners
Focht	Kiess, Pa.	O'Shaunessy	Sutherland
Fordney	Kinkaid	Paige, Mass.	Swift
Foss	Konop	Parker, N. J.	Switzer
Foster	Kreider	Parker, N. Y.	Tague
Fuller	Lafean	Patten	Talbott
Gallagher	Langley	Peters	Tavenner
Gandy	Lee	Porter	Taylor, Colo.
Gardner	Lehlbach	Pou	Tilson
Garland	Lenroot	Powers	Tinkham
Garner	Lewis	Pratt	Treadway
Garrett	Lieb	Price	Van Dyke
Gillett	Liebel	Ragsdale	Volstead
Glass	Lindbergh	Rainey	Walker
Glynn	Littlepage	Raker	Ward
Godwin, N. C.	Lobeck	Ramseyer	Wason
Good	Loft	Reilly	Watson, Pa.
Gould	London	Ricketts	Whaley
Graham	Longworth	Riordan	Wheeler
Gray, N. J.	Loud	Roberts, Mass.	Williams, T. S.
Gregg	McAndrews	Roberts, Nev.	Williams, W. E.
Griest	McCracken	Rodenberg	Williams, Ohio
Griffin	McCulloch	Rogers	Wilson, Ill.
Guernsey	McFadden	Rouse	Wingo
Hamill	McKellar	Rowe	Winslow
Hamilton, Mich.	McKenzie	Rowland	Wise
Hamilton, N. Y.	McKinley	Rubey	Wood, Ind.
Hart	McLaughlin	Russell, Ohio	Woods, Iowa
Haskell	McLemore	Sabath	The Speaker
Hayes	Madden	Saunders	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. RUCKER with Mr. GOOD.
Mr. SMITH of Texas with Mr. GRIEST.
Mr. FIELDS with Mr. SNELL.
Mr. SEARS with Mr. KAHN.
Mr. KEY with Mr. DENISON.
Mr. REILLY with Mr. RICKETTS.
Mr. FLYNN with Mr. SCOTT of Michigan.
Mr. SLAYDEN with Mr. MCKINLEY.
Mr. TAGUE with Mr. KENNEDY of Rhode Island.
Mr. GREGG with Mr. STEENERSON.
Mr. RAKER with Mr. MOTT.
Mr. BELL with Mr. CHANDLER of New York.
Mr. BARNHART with Mr. CARY.
Mr. ASWELL with Mr. CARTER of Massachusetts.
Mr. ALMON with Mr. CAPSTICK.
Mr. TALBOTT with Mr. BUTLER.
Mr. FOSTER with Mr. CANNON.
Mr. AIKEN with Mr. BROWNE.
Mr. ABERCROMBIE with Mr. BRITTEN.
Mr. CAREW with Mr. BOWERS.
Mr. CARLIN with Mr. BARCHFELD.
Mr. CASEY with Mr. BACHRACH.
Mr. COLLIER with Mr. ANTHONY.
Mr. CLARK of Florida with Mr. FULLER.
Mr. CANTRILL with Mr. LANGLEY.
Mr. CONRY with Mr. ANDERSON.
Mr. DAVENPORT with Mr. COSTELLO.
Mr. DECKER with Mr. CRAGO.
Mr. DILL with Mr. DOWELL.
Mr. DE WALT with Mr. MCFADDEN.
Mr. BORLAND with Mr. MADDEN.
Mr. BARKLEY with Mr. MCLAUGHLIN.
Mr. CROSSER with Mr. COPLEY.
Mr. CALDWELL with Mr. COOPER of West Virginia.
Mr. BYRNES of South Carolina with Mr. COOPER of Ohio.
Mr. BRUCKNER with Mr. COOPER of Wisconsin.
Mr. BLACK with Mr. CHARLES.
Mr. BLACKMON with Mr. COLEMAN.
Mr. HELVERING with Mr. GARLAND.
Mr. JONES with Mr. GRAHAM.
Mr. RIORDAN with Mr. WARD.
Mr. HART with Mr. SWITZER.
Mr. HENRY with Mr. GARDNER.
Mr. HAMILL with Mr. FOCHT.
Mr. HEFLIN with Mr. FAIRCHILD.
Mr. GRIFFIN with Mr. EMERSON.
Mr. GODWIN with Mr. ELSTON.
Mr. GLASS with Mr. SLEMP.
Mr. GARRETT with Mr. FESS.
Mr. GANDY with Mr. ELLSWORTH.
Mr. GALLAGHER with Mr. EDMONDS.
Mr. FLOOD with Mr. DUNN.
Mr. FERRIS with Mr. DRUKKER.
Mr. ESTOPINAL with Mr. DILLON.
Mr. EDWARDS with Mr. DEMPSEY.
Mr. EAGAN with Mr. DAVIS of Minnesota.
Mr. DRISCOLL with Mr. DARROW.
Mr. DOREMUS with Mr. ESCH.
Mr. DOOLING with Mr. DANFORTH.
Mr. GARNER with Mr. DALE of Vermont.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. TAVENNER with Mr. RUSSELL of Ohio.
Mr. STONE with Mr. POWERS.
Mr. STEDMAN with Mr. PAIGE of Massachusetts.
Mr. VAN DYKE with Mr. ROGERS.
Mr. STEPHENS of Mississippi with Mr. PARKER of New York.
Mr. TAYLOR of Colorado with Mr. ROBERTS of Massachusetts.
Mr. IGOE with Mr. SMITH of Michigan.
Mr. HULBERT with Mr. SNYDER.
Mr. SCULLY with Mr. MUDD.
Mr. OLNEY with Mr. MILLER of Minnesota.
Mr. MONTAGUE with Mr. MCCRACKEN.
Mr. RUBEY with Mr. MOONEY.
Mr. O'SHAUNESSY with Mr. LEHLBACH.
Mr. MURRAY with Mr. LAFEAN.
Mr. SAUNDERS with Mr. MOORES of Indiana.
Mr. LEIBEL with Mr. ROWLAND.
Mr. HULL of Tennessee with Mr. HAMILTON of New York.
Mr. LEWIS with Mr. HEATON.
Mr. MCANDREWS with Mr. KELLEY.
Mr. KETTNER with Mr. HASKELL.
Mr. LIEB with Mr. HILL.
Mr. LITTLEPAGE with Mr. GRAY of New Jersey.
Mr. MCLEMORE with Mr. KIESS.
Mr. HENSLEY with Mr. GLYNN.
Mr. HILLARD with Mr. GOULD.
Mr. MCKELLAR with Mr. HUTCHINSON.
Mr. KONOP with Mr. HICKS.
Mr. LEE with Mr. HAYES.
Mr. CULLOP with Mr. JOHNSON of South Dakota.
Mr. LOFT with Mr. HUSTED.
Mr. LOBECK with Mr. HAMILTON of Michigan.
Mr. DALE of New York with Mr. HOPWOOD.
Mr. MAHER with Mr. KREIDER.
Mr. PATTEN with Mr. MAGEE.
Mr. MOON with Mr. LONGWORTH.
Mr. NICHOLLS of South Carolina with Mr. LOUD.
Mr. NEELY with Mr. MCCULLOCH.
Mr. OGLESBY with Mr. MONDELL.
Mr. POU with Mr. MEEKER.
Mr. SHOUSE with Mr. NICHOLS of Michigan.
Mr. WISE with Mr. ROWE.
Mr. WALKER with Mr. RODENBERG.
Mr. SUMNERS with Mr. ROBERTS of Nevada.
Mr. STEPHENS of Texas with Mr. PORTER.
Mr. WM. ELZA WILLIAMS with Mr. SCOTT of Pennsylvania.
Mr. SMALL with Mr. PRATT.
Mr. WHALEY with Mr. SIEGEL.
Mr. SPARKMAN with Mr. SELLS.
Mr. SABATH with Mr. WOODS of Iowa.
Mr. ROUSE with Mr. WINSLOW.
Mr. MOSS of Indiana with Mr. SULLOWAY.
Mr. WINGO with Mr. TILSON.
Mr. SMITH of New York with Mr. WATSON of Pennsylvania.
Mr. MORGAN of Louisiana with Mr. STERLING.
Mr. MORRISON with Mr. SWIFT.
Mr. PRICE with Mr. WASON.
Mr. RAINEY with Mr. WOOD of Indiana.
Mr. RAGSDALE with Mr. WILSON of Illinois.

Until June 15:

Mr. CHURCH with Mr. DALLINGER.

Until June 16:

Mr. STEPHENS of Nebraska with Mr. MCKENZIE.

Until June 17:

Mr. HELM with Mr. FOSS.

Until June 18:
Mr. BEAKES with Mr. FORDNEY.
Until June 19:
Mr. FITZGERALD with Mr. GILLETT.
Until June 21:
Mr. BOOHER with Mr. TREADWAY.
Until June 26:
Mr. LEE with Mr. WINSLOW.
Until July 22:
Mr. CALLAWAY with Mr. PETERS.

Mr. CROSSER. Mr. Speaker, am I recorded?

The SPEAKER. No. Was the gentleman in the Hall, listening?

Mr. CROSSER. I was not, on the second roll call. I was just outside the door here.

The SPEAKER. Was the gentleman in the Hall on either roll call?

Mr. CROSSER. I am not sure that I was.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Thursday, June 15, 1916, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bill and a resolution of the following titles were introduced and severally referred, as follows:

By Mr. FINLEY: A bill (H. R. 16443) to provide for the construction of a public building at Rock Hill, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. GREENE of Massachusetts: A resolution (H. Res. 261) calling on the Secretary of War for information concerning the contract with the Shanghai Dock & Engineering Co., of Shanghai, China, for the construction of a collier for the use of the United States Army; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. CLINE: A bill (H. R. 16444) granting a pension to Laura A. Rosenbury, widow of Joseph W. Rosenbury; to the Committee on Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16445) granting an increase of pension to Mary A. McCall; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of A. M. Noon, Andrew Akers, W. H. Lambert, Ashby J. Meyers, Mrs. George Walton, Sue Boyle, Mrs. H. W. Hurst, George F. Barringer, J. R. Kennedy, S. W. Gilchrist, W. H. Emmel, A. M. Custer, Mrs. J. D. Adams, Harry Lambert, C. Wiffenegger, J. F. Faust, C. W. Miller, Henry G. Post, Harry E. Barnhart, O. Verne Weaver, Henry Wacker, Mrs. P. H. Caddy, George T. Walter, George W. Smith, J. T. Carliss, F. M. B. Schramm, W. L. Weaver, H. C. Cinnotti, Maurie Cinnotti, Mrs. Fred Doerr, Mrs. H. W. Saulsbery, G. L. Moorsom, Miss E. Pellow, Sheridan Fickes, J. R. Edwards, Catherine Hawthorn, Bessie Barnhart, R. M. Quirk, George W. Smith, O. S. Shull, Wilmer Trexell, Mrs. P. H. Harris, Eli E. Eichelberger, John P. Morgan, H. T. Hammer, F. M. Leucher, W. H. Patterson, Edward E. Schnell, P. J. Sonder, Ewart L. Roberts, Anastasia Biller, Miss Emma Wyar, Mrs. Julia O'Leary, Mrs. L. L. Blough, Mrs. E. J. Rose, Mrs. A. L. Brydon, and Agnes Millar, all of Johnstown, Pa.; Mrs. A. Lesser, of Summerhill, Pa.; Winifred Lehr, of Windber, Pa.; Mrs. R. Agey and E. E. Pringle, of Conemaugh, Pa.; S. L. Barr, of Indiana, Pa.; W. H. Cockey, of Baltimore, Md.; William Westhorne, William B. Leipzig, and W. Strauss, of New York City; S. L. Greenberg, of Brooklyn, N. Y.; J. H. Neal, of Auburn, Me.; H. L. Miller, of Pittsburgh, Pa.; and William Littman, of Philadelphia, Pa., against the passage of House bill 9671, a bill to establish price control; to the Committee on the Judiciary.

By Mr. CLINE: Memorial of California Club, California Federation of Women's Clubs in case of Olga Ellis; to the Committee on Foreign Affairs.

By Mr. DYER: Memorials of Missouri Bankers' Association in re Pomerene bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HERNANDEZ: Papers to accompany H. R. 16427, for relief of David Beagle; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: Petition of 92 residents of Boulder County, protesting against the passage of the Siegel bill (H. R. 491) and the Fitzgerald bill (H. R. 6468); to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 15, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we would hallow Thy name in thought, word, and deed; hence we wait upon Thee for the quickening of that spark which makes us Thine and all the world akin and which inspires to great thoughts, clean living, and generous deeds. Speak to us, that we may go forward in faith and confidence with the tasks of the hour. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that after the disposal of the Louisiana bridge bill I may have 20 minutes to address the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent that after the disposition of the Louisiana bridge bill he may be permitted to proceed for not exceeding 20 minutes. Is there objection?

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Suppose the Louisiana bridge bill should not be disposed of until next week? I think the gentleman had better wait, and I think there will be no doubt that he can get in later.

The SPEAKER. The gentleman from Illinois objects.

EXTENSION OF REMARKS.

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a statement that I made before the Committee on the Judiciary on the subject of woman suffrage.

The SPEAKER. The gentleman from Montana asks unanimous consent to print in the RECORD, as a part of his remarks, a statement he made before the Committee on the Judiciary on the subject of woman suffrage. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by ex-Gov. Martin H. Glynn, of New York, delivered at the Democratic national convention at St. Louis yesterday, June 14.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by printing the speech of ex-Gov. Glynn, temporary chairman of the Democratic convention at St. Louis. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that to-morrow we take up unobjected bills on the Private Calendar and begin where we left off on the last day.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow after the reading of the Journal and clearing up of business on the Speaker's table the Private Calendar shall be taken up on such bills as are unobjected to, and that we begin where we left off. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT BATON ROUGE.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3722, to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of the bill S. 3722. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for commencing and completing the bridge authorized by the act of Congress approved July 17, 1914, to be built across the Mississippi River at or near the city of Baton Rouge, La., is hereby extended three years and six years, respectively, from date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DUPRÉ. Mr. Speaker, I move to amend by striking out the words "three" and "six," in line 7, and inserting in lieu thereof the words "two" and "five."

The Clerk read as follows:

Amend by striking out the words "three" and "six," in line 7, and insert in lieu thereof the words "two" and "five."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill, H. R. 9235, was laid on the table.

EXTENSION OF REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting several articles on the seamen's law and its operation.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the seamen's law for safety at sea. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, I want to ask the gentleman a question. Is it some remarks of the gentleman himself or some articles that he wishes to insert?

Mr. BUCHANAN of Illinois. They are some articles from La Follette's Magazine. One is by Mrs. Kelley, one other by Victor Olander, of Chicago, and another by Representative HARDY.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting some resolutions adopted by the General Assembly of Louisiana protesting against the passage of the Sheppard bill amending the interstate-commerce act.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing resolutions by the General Assembly of Louisiana. Is there objection?

There was no objection.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the President's speech delivered on yesterday.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing a speech of the President of the United States delivered yesterday. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial from the Evening Star, of this city, of June 13, entitled "The bench and politics"; also an editorial of the Washington Times of the same date entitled "Wilson, the man of words, and Hughes, the man of deeds."

The SPEAKER. The gentleman asks unanimous consent to extend his remarks by printing an editorial from the Evening Star on "The bench and politics," and an editorial from the Times on "Wilson, the man of words, and Hughes, the man of deeds."

Mr. STEPHENS of Texas. Mr. Speaker, I object.

ORDER OF BUSINESS.

Mr. QUIN. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes.

Mr. MANN. Does not the gentleman think that the gentleman from Missouri should have the first opportunity?

Mr. BORLAND. I am going to ask unanimous consent to follow the gentleman from Mississippi.

Mr. MANN. The gentleman from Missouri has been making an effort to get in, and I did not know but that he should have the first chance.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes, and that immediately following the gentleman from Mississippi [Mr. QUIN] may address the House for 30 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for 20 minutes, and that immediately following the gentleman from Mississippi may have 30 minutes.

Mr. MANN. Make it one at a time, for we may want to interlard.

The SPEAKER. Which one wants to go ahead first?

Mr. HUMPHREY of Washington. Neither one of them has yet obtained consent to go ahead.

The SPEAKER. The Chair did not ask that. The Chair asked which one wanted to go ahead first.

Mr. BORLAND. My request was made first.

Mr. QUIN. I yield to the gentleman from Missouri.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for not exceeding 20 minutes.

Mr. HUMPHREY of Washington. Reserving the right to object, I should like to ask the gentleman what he intends to talk about.

Mr. BORLAND. I am going to discuss a very important question—the Republican platform.

Mr. HUMPHREY of Washington. Does not the gentleman think he is asking a good deal by unanimous consent, in asking to discuss the Republican platform, when a moment ago a gentleman on that side objected to my inserting some editorials in the RECORD, although unanimous consent had just been given to two gentlemen on that side to insert similar articles?

Mr. BORLAND. I can only say to the gentleman from Washington that the objection did not come from me. If it had been the gentleman's own remarks, I know there would have been no objection.

Mr. HUMPHREY of Washington. What I wanted to find out was whether you on that side intend to use the RECORD entirely for Democratic literature and not to permit the Republicans to put in any?

Mr. BORLAND. I think the gentleman from Washington has gotten some things into the RECORD within my recollection.

Mr. HUMPHREY of Washington. I did not get much in by unanimous consent, however.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question? Does he not think there is a great deal of difference between the keynote speech at St. Louis or the President's address on Flag Day and a couple of partisan editorials in local papers?

Mr. HUMPHREY of Washington. I am laboring under an impression that the keynote speech at St. Louis was somewhat partisan.

Mr. TAYLOR of Colorado. It was partisan, of course; but it was a great event. On your side you had already put into the RECORD the keynote speech of the Senator from Ohio [Mr. HARDING] at the Republican convention.

Mr. MANN. Mr. Speaker, I hope the gentleman from Washington will not object. This is Democratic week, the last week that will be Democratic week for several years. We ought to give them a chance for their white alley. [Laughter on the Republican side.]

Mr. KITCHIN. I wanted to adjourn in honor of that event, as you did yesterday in honor of Flag Day.

Mr. HUMPHREY of Washington. As far as I can recall, in all the time I have been a Member of this House I have never objected to a request for unanimous consent so far as I know; but I just wanted to call attention to the attitude of that side of the House. After obtaining unanimous consent to print these two partisan articles, when I offer one from this side there is objection.

Mr. STEPHENS of Texas. The gentleman does not distinguish between an editorial and a speech desired to be made by a Member of this House. He seems to be unable to comprehend the difference.

Mr. HUMPHREY of Washington. Oh, well, the gentleman sat there and allowed two articles to go in from that side of the House, not the remarks of gentlemen, but newspaper articles, and then he immediately rose and objected to my request to print two newspaper articles. Now, I just simply want to know whether the gentleman is objecting upon partisan grounds or whether he is trying to purge the RECORD.

Mr. STEPHENS of Texas. I am trying to prevent the publication in the RECORD of editorials from various newspapers, from their standpoints, because to do so would take up the entire RECORD and make it useless.

Mr. HUMPHREY of Washington. Why did not the gentleman object yesterday morning to the article that was inserted then?

Mr. STEPHENS of Texas. The gentleman was on that side of the House, and he had a right to object, and I exercised my right to object this morning.

The SPEAKER. Is there objection?

Mr. BENNET. Reserving the right to object, I should like to couple with it the request that after——

Mr. MANN. I hope the gentleman will not attempt to couple anything with the request.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Missouri—I do not object to his speaking—whether his address will be as severe an attack upon the Republican Party as was the publication by the gentleman from Mississippi [Mr. HARRISON] of Gov. Hughes's message on the income tax to the Legislature of New York? If it is no more severe than that attack was, I should not object to the gentleman speaking for a long time.

Mr. HARRISON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HARRISON. I will say to the gentleman that the message was strong enough to induce the Republican Legislature of New York not to ratify the income-tax constitutional amendment; but one year later, when the Democrats came in, they did ratify the constitutional amendment.

Mr. MOORE of Pennsylvania. All the advice of Gov. Hughes to the New York Legislature seems to have been followed completely by the Democratic Party in the formation of an income-tax law.

The SPEAKER. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, I want to ask the gentleman from Missouri [Mr. BORLAND] one further question. I want to ask him if when he is on the floor he will explain what confidence he thinks the American people will have in the Democratic platform that is going to be adopted, in view of the way the Democratic Party have kept the one they adopted four years ago?

Mr. BORLAND. I know they have no confidence in the Republican platform.

Mr. HUDDLESTON. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from Missouri [Mr. BORLAND]?

There was no objection.

Mr. QUIN. Now, Mr. Speaker, I ask unanimous consent to address the House for 30 minutes immediately following the gentleman from Missouri.

Mr. MANN. I hope the gentleman will postpone that request until the gentleman from Missouri has completed his remarks. I do not think there will be any objection to it then.

Mr. QUIN. I have not bothered this Congress during the whole time that we have had this gentleman's agreement. I have not opened my mouth.

Mr. MANN. That is a good deal to be thankful for, I know. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MANN. When the request comes at the proper time I do not think there will be any objection.

The SPEAKER. The gentleman from Illinois objects for the present.

Mr. BENNET rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. BENNET. Mr. Speaker, I rose for the purpose of asking unanimous consent that when the gentleman from Missouri [Mr. BORLAND] has concluded his remarks I may address the House for 20 minutes.

Mr. MANN. I suggest that the gentleman make his request at that time.

Mr. BENNET. The gentleman from Illinois objects. [Laughter.]

The SPEAKER. The gentleman withdraws his request, to be made later.

THE REPUBLICAN PLATFORM.

Mr. BORLAND. Mr. Speaker, it is evident that the Republican convention in Chicago was not in an heroic mood. If it had been, it would have nominated the man who had challenged it to that heroic act, instead of nominating, as it did, the cold-storage twins—Hughes and Fairbanks. It is evident also that it was not in an heroic mood when it made the Republican platform of 1916. Of course I realize it were more or less scared into that platform by the menacing figure of the Rough Rider; but it abandoned without mercy those thousands of Republicans who voted for Henry Ford, and it abandoned also the scores of Republican Congressmen on the floor of this House who have voted and spoken against preparedness. There is one peculiar thing about the Republican platform of 1916. It is remarkable for the things that it does not say. It is a platform of silence. There is very little "pointing with pride"; very little about the previous record of the party. The keynote of the Republican platform is "Forget 1912!"

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question?

Mr. BORLAND. I regret that I have not the time, as it is my purpose to condense my remarks within the time allotted. But, Mr. Speaker, if the American people, refusing to accept this cloak of silence over the previous record and performance of the Republican Party, insists upon examining the Republican platform of 1912, they will find a very remarkable series of eliminations. The Republican platform of 1912 was made after that party had been in power for 16 years, and yet in that platform they promised nearly a score of acts of remedial legislation that they had not been able to perform in the 16 years of power which preceded. This was done to please the Progressives, whose confidence they had lost by refusing the opportunity to legislate on necessary reforms. Why, with the power in their hands, they had not carried out these promises before they did not stop to explain. It is perfectly remarkable that all of those promises of the platform of 1912 have disappeared from the platform of 1916. Mark them.

They promised a revision of the antitrust laws supplementing the Sherman Antitrust Act. That has disappeared from the platform of 1916, because the Democrats have fully performed the task.

They promised in the platform of 1912 a Federal trade commission. The platform of 1916 is silent on that, because the Democrats have already attended to the work.

They promised a tariff commission, but the Democrats are preparing to give the American people a tariff commission.

They promised a reform in the banking and currency laws, but this has been successfully accomplished by the Democrats.

They promised a rural-credits bill, but the Democrats are actually giving such a bill to the farmers.

They promised constructive legislation upon the subject of conservation, to open up the great undeveloped resources of the West, but the Democratic Party took that job off their hands.

They promised a parcel post, but the Democratic measure is already in operation.

They promised flood protection to the Mississippi Valley, but the people found that they could get flood protection from the Democratic Party.

They promised a law extending the time for the payment of the reclamation projects, and this has already been taken care of by the present administration.

They promised the opening of Alaska, but the Democrats have already done that.

They promised citizenship to the people of Porto Rico, but the people of that island have received consideration first from the Democratic Party.

They promised safety at sea, but the Democratic Committee on Merchant Marine and Fisheries has thoroughly legislated upon that subject.

Not a word of those promises appear in the 1916 platform, except the proposition of rural credits, and on that they say:

> We favor an effective system of rural credits, as opposed to the ineffective law proposed by the Democratic administration.

I wonder how that consoles our friends the Republican Congressmen who voted for that law on the floor of this House? All of the other promises they have made to the American people after 16 years of unbroken power, they have eliminated from the present platform. That is a remarkable compliment from a strange source to the efficacy of three years of Democratic rule. [Applause on the Democratic side.] They then regarded these great remedial measures as vital to the interests of the American people. Now they admit that those promises have been so fully performed and the work so well and thoroughly done that the subject is even beyond possibility of partisan criticism in their platform of 1916.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. I regret that I can not, as I am going to confine myself to the time allotted.

According to their platform, there are but two issues left to the Republicans—protective tariff and preparedness.

What is the matter with the income tax, which is demonstrating so handsomely its facility for raising revenue? Do they not believe in an income tax, or do they not dare mention it after having nominated Judge Hughes as a candidate for President?

While the Republican platform is brief and is full of gaps and silences, it is long enough to betray the real sources of its inspiration. It is indelibly branded with the mark of the "special interests." Every plank in it spells "Big business" and "Special interests" in large type. They promise protection to the manufacturer, but they renew the pledge to keep the door wide open for free trade in labor. The manufacturer must be taken care of against any possible competition from foreign sources after the war, but for the "right of asylum," as they call it, or the power to import cheap foreign labor must neither "be surrendered nor restricted."

What has become of their friendship for rivers and harbors which they proclaimed so loudly in their platform of 1912? The platform of 1916 has eliminated it. The special interests say there must be no river and harbor improvements, and, therefore, the Republican platform says there must be no river and harbor improvements. They were loud in their demands for preparedness in every form, but they are silent on the subject of the Government manufacture of munitions. They make no promises that they will take the profits out of war.

They even condemn by plain insinuations a plan for the manufacturing of munitions in Government arsenals and the plan to make armor plate in competition with the three great armor-plate factories of the State of Pennsylvania. Conservation used to be given a prominent place in Republican platforms, but now they dismiss conservation with three lines and say nothing about curbing the rapacity of the Water Power Trust of the West. The special interests are against the income tax, and, therefore, the Republican platform "pussyfoots" about it.

In spite of the fact that the American merchant marine died under the Republican régime and in long years of Republican rule the American flag disappeared from the ocean, they have no promises to make for restoring this fundamental condition of foreign trade and economic independence except by a pledge of subsidies to the Shipping Trust, a proposition which has been defeated repeatedly on the floor of this House by the aid of Republican votes. They demand the retention of the Philippines because the "special interests" demand the retention of the Philippines—the Sugar Trust, the Tobacco Trust, the Cordage Trust, and the Wall Street bankers who hold the Philippine bonds.

We can pass over their querulous criticism of the foreign policy of the Democratic administration. They offer nothing better, and they will be at some loss to explain why these diplomatic victories of the Democratic administration have been so successful for American peace and American rights and have been so unpopular with some of the Governments abroad. Do they dare affirm that there is no way of asserting American rights except by war?

But one of the strangest things about this platform is the plank in reference to Mexico. That is so worded that anybody on any side of the Mexican question can make a speech upon it with perfect safety. The man who believes we ought to have recognized Huerta can make a speech on that platform. The man who believes we ought not to have had anything to do with Huerta can make a speech on that platform. The man who believes we never should have intervened can make a speech on that platform. The man who believes in the Carranza government can make a speech upon that platform. The man who believes we ought now to intervene can make a speech on that platform. The man who believes we ought to withdraw from Mexico can make a speech on that platform; and yet they do not say what they would have done toward giving the Mexican people a chance to work out their own destiny other than has been done, or that the result could have been any different.

They call loudly for cultivating the friendship of the South American countries. Who, pray, lost the friendship of those countries. Happily, we are winning back their friendship, and they are now cooperating with the Wilson administration.

Their so-called Americanism is really a mask to cover the bold attempt of great corporations to get control of the Federal Government. It is the "special interests" under a new mask.

What is this great "Republican platform"? There is not a word in it from start to finish that promises any remedial legislation for the American people. Every promise of the remedial legislation has been eliminated at the demand of the "special interests," whose support they hope to have in this campaign. Think of their abandoning rivers and harbors when platform after platform had committed the Republicans to it! Think of their being silent upon the great question of the manufacture of munitions in Government factories, when the whole country is demanding that the profits be taken out of war! Think of their slighting conservation and having nothing to say about the curbing of the Water Power Trust of the West! Think of their promising to restore the protective tariff, but not daring to refer to the income tax!

But stranger still, gentlemen, think of their refusing to mention a score, nearly, of promises which they made in 1912, which they now admit by their silence are no longer in issue before the American people. Think of their refusing to mention the question of currency reform with which they agitated this country four years ago, a direct confession that currency reform has been so thoroughly and successfully accomplished by the Democratic administration that panics and the fear of panics have disappeared. There is not a calamity howl from one end to the other of that Republican platform, in spite of the speeches that have been made so frequently here on the other side of the House, notably by our friend from Washington, saying that the country was on the verge of bankruptcy. All calamity howl disappeared when the Republicans met in conference, thereby proclaiming the success of the Democratic Party in meeting the conditions that confronted it.

Mr. COX. Will the gentleman yield for a question?

Mr. BORLAND. It will have to be very brief, because I have heretofore refused to yield.

Mr. COX. Is it not a fact that the Republican platform fails to make any declaration in favor of the old soldiers' pensions?

Mr. BORLAND. Yes; now that the gentleman mentions that, there is not a word about the old soldiers. It is the greatest process of forgetting 1912 that has ever been pulled off in a national convention.

Mr. HUMPHREY of Washington. Does it say anything about being a candidate for only one term?

Mr. BORLAND. No; there is no necessity for saying that. There is no necessity for pledging any term to a candidate nominated on that platform.

When you come to compare that platform with the progressive measures that have been enacted since 1912, or to compare it with the Progressive platform of 1912, you will readily see that the "old guard" is in the saddle and the Progressives have been tricked. If by any disaster in this country the "old guard" could be successful, our Progressive friends will be precisely in the same situation as they were when the Progressives all over this country were voting against this kind of a "special-interest-made" platform prior to 1912. Can the Progressives stand for it? Or will they not prefer a record of Progressive achievement under the Wilson administration? [Applause on the Democratic side.]

FEDERAL JUDGES AS CANDIDATES FOR ELECTIVE OFFICES.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I do not take the floor for the purpose of referring to the gentleman from Missouri [Mr. BORLAND]. He always takes himself too seriously. I have no doubt that as soon as he read the Republican platform he came to the conclusion that he was the one and probably the only person in the Nation who could properly show its defects; and ever since the platform was published he has been making an effort to get the opportunity before the House to do so. I hope he feels relieved. No one on my side of the House feels offended by what he says; no one takes it seriously.

There have, however, been several references in the newspapers in the last few days particularly as to what certain distinguished Senators of the United States thought, and there has been a resolution introduced in Congress designed to prevent the nomination of any Federal judge to an elective office. There have been great assaults upon the Republican Party and its candidate for President because when he was nominated he was an Associate Justice of the Supreme Court of the United States. I am glad to see that the President, apparently exercising a greater degree of wisdom than many of his followers, has decided that this shall not be an issue in the campaign. It is well to make that statement early, when it would appear to be a generous statement. The fact is there is nothing that we would welcome more than that kind of an issue, particularly in view of past events.

In 1904 there was a gentleman actively himself a candidate, openly and avowedly a candidate, for nomination by the Democratic convention. He was then the chief judge of the court of appeals of the great State of New York, the highest judicial position in that State, and, I dare say, outside of the Supreme Court of the United States, the most important judicial position in the country. He was nominated on July 9, 1904. It might be said in passing that another judge, a Federal judge, a judge very high in standing, by the way, whom no one will criticize, Judge Gray, of Delaware, also was voted for in the Democratic convention at the time Alton B. Parker was nominated for President. Mr. Parker did not wait before he commenced actively his efforts to influence the Democratic convention. He had not resigned his office as judge when he wired to the Democratic convention instructing them in reference to the platform which they had adopted and directing that they should do what he wanted done. He was still chief justice of the court of appeals of New York. He had not yet resigned.

Mr. GORDON. Will the gentleman yield?

Mr. MANN. I yield to my enthusiastic friend, who always falls into a trap of some kind when he can.

Mr. GORDON. Does not the gentleman from Illinois distinguish between a man holding an elective office for a stated time to which the people have chosen him and a man who holds a Federal judgeship for life?

Mr. MANN. Oh, I should say, if anything, it was a grosser impropriety, although I do not think it an impropriety, for a man elected as a judge to seek another elective position than it is for a man appointed for life. [Applause on the Republican side.] We did not say anything about this during the campaign in 1904. Parker did not resign at once.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. MANN. The gentleman had better not mix in this right now.

Mr. LINTHICUM. You mentioned the fact of Judge Parker being nominated. You did not tell us whether or not he was elected. What happened?

Mr. MANN. I do not suppose the gentleman knows enough to know that. But I would advise him to read history as far back as that time. He is old enough to seek out information as far back as 1904. No doubt his ignorance is comparable with the average ignorance on the Democratic side. [Laughter.]

Mr. Parker did not resign at once. On the contrary, he convened the Court of Appeals in New York in a private special session for the purpose of determining a number of cases. He did not resign until August. Immediately after the special court, on August 5, he sent in his resignation.

I do not think I would take the trouble to refer to the matter if I had not read in the newspaper the other day an entertaining and instructive statement by the distinguished Speaker of this House over his signature, in which he made some comments upon this subject.

Our distinguished Speaker was, I believe, chairman of the Democratic convention in 1904, and the honor of notifying Alton B. Parker of his nomination fell to him. Evidently our distinguished Speaker at that time did not think it was violating the proprieties for a judge on the bench to be nominated for the office of President, for this is what he said:

> Your long and conspicuous career as a jurist in one of the highest courts in the world, the period which you have spent in expounding the Constitution and statutes causes your countrymen to believe that into that more exalted position to which they are about to call you, you will carry with you that profound respect for the Constitution and the law which, with you, has become a confirmed mental habit and upon which depends the perpetuity of our system of government—the best ever devised by the wit of man.

[Applause.]

In 1904 that was a brilliant statement. It is equally brilliant to-day. [Applause.] It contained the elements of truth in every particular, with the exception of one. That was in the statement that the man was to be elected. That was a slight error of fact, I will say to the gentleman from Maryland [Mr. LINTHICUM], if he is not aware of it. [Laughter.] But it stated a proper principle that the man who had served well, as Judge Parker had served well, as the highest judicial officer of the great State of New York, might be expected to bring into the office of President a profound knowledge and respect for constitutional principles and constitutional liberty. It is true now, as it was then.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. MANN. Have you not got enough yet? [Laughter.]

Mr. LINTHICUM. No.

Mr. MANN. Then go ahead.

Mr. LINTHICUM. I merely wanted to prophesy of your judge what happened to our judge. I wanted you to see into the future sufficiently to know what happens to judges who are nominated for the Presidency. [Applause on the Democratic side.]

Mr. MANN. Well, that is too cheap to reply to. We find this distinction: When Justice Hughes was notified of his nomination for President he immediately resigned. He did not send a notice of acceptance in any way until he had resigned the office of judge. He had not organized a propaganda to secure his nomination. Our distinguished Democratic candidate had organized a propaganda to secure his nomination while he was a judge on the bench, and he did not resign for a considerable period after his nomination.

Now, if any of you gentlemen want to carry this issue into the campaign, proceed with it. We are quite willing, quite willing. That is the only thing you have said yet against our candidate. We are quite willing to meet that or any other issue in the campaign. [Applause on the Republican side.]

THE RAILWAY MAIL PROBLEM.

Mr. QUIN rose.

The SPEAKER. The gentleman from Mississippi [Mr. QUIN] is recognized.

Mr. QUIN. I ask unanimous consent to address the House for 30 minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for not to exceed 30 minutes. Is there objection?

There was no objection.

Mr. QUIN. Mr. Speaker and gentlemen of the House, I have enjoyed the speeches of the distinguished gentleman from Illinois [Mr. MANN] and the gentleman from Missouri, my colleague [Mr. BORLAND], but I can not see what good it is going to do the country for a Congressman on this floor to talk about what the Republican platform has in it, nor for anybody to eulogize the Republican nominee. I propose to discuss a question that I believe this Congress ought to be vitally interested in and give its moral support to our Committee on the Post Office and Post Roads in order to back up the gentleman from Tennessee, Judge MOON, and his colaborers on that committee and the wise provisions ingrafted into the postal legislation known as the Moon bill. I shall present the people's side of this living, vital, breathing question.

The Post Office Department is asking for the substitution of the space basis in railroads carrying the mails in lieu of the weight basis at a rate of pay about one-half cent per car-mile under the car-mile revenue which the railroads now obtain as a whole from their passenger business, and that a penalty of $5,000 shall be imposed against any railroad company that may refuse to carry the mails.

First. Is that fair and just, both to the railroads and the people of the United States?

Mr. Speaker, three times that provision for the railroads to transport the mails on the space basis has passed this branch of Congress and twice failed in the Senate, and the third time it has been knocked out by the Senate committee.

Second. Which is right in its conclusions on this vital matter, the House of Representatives or the United States Senate?

Third. Does this Government owe a higher duty to the transportation companies of this country than it does to the people who compose the Government?

The railroad companies have special privileges granted to them under the Constitution. They are empowered to exercise the right of eminent domain. They are public carriers and enjoy all of the charter rights and franchises that the Constitution can grant.

Fourth. Does the moral and legal obligation rest upon these public-service corporations to transport at a reasonable and fair price the United States mails?

Fifth. Can these railroads be forced to so carry the mails under the Constitution, in the absence of specific legislation on the subject?

Sixth. Should these public-service corporations, with all of the special privileges granted to them by the Government, be permitted to remain in a legal attitude where they could refuse to carry the mails at a fair price and ignore and inconvenience the people of this great country?

Gentlemen, before answering these questions, I shall make a few pertinent observations and show the great favors which Congress has granted to many of the railroad companies of this Republic.

Our Government has always been lenient and generous to the railroads. In the early days—July, 1832—Congress passed an act to release from duty all iron imported into the United States, which was to enter into railroad construction. This law remained in effect until January 1843, which amounted in actual bounty to the sum of $5,989,992. It would not have been repealed then, but the Pennsylvania iron industry exercised a greater power than railroads in Congress, and had a protective tariff of $25 per ton put on iron.

Up to 1850 Congress had granted right of way, material rights, and terminal grounds to railroads through the public lands.

In 1850 the first grant of large bodies of land was granted to a railroad company.

I shall give in detail each and all of these land grants which in the course of time became a shameful waste of the public domain, and a source of public profligacy, which resulted in charges of corruption.

Very few people of the present generation have any conception of the enormity of that land-grant epoch.

1. On September 20, 1850, Congress granted the Illinois Central Railroad Co. every other section of land for 6 miles back on both sides of the railroad track in the State of Illinois, comprising 2,595,133 acres of land.

2. On September 20, 1850, the same donation was given to the Mobile & Ohio Railroad Co., every other section of land for 6 miles on both sides of the track, making 12 miles wide, through the State of Mississippi and through the State of Alabama, making a total of 1,156,658.73.

3. September 20, 1850, land donated by Congress to the Mobile & Ohio Railroad Co., in the State of Alabama, 419,528.44 acres.

4. June 10, 1852, land donated by Congress to the Hannibal & St. Joseph Railroad Co., in the State of Missouri, 778,550.04 acres.

5. June 10, 1852, land donated by Congress to the Pacific Railroad Co., in the State of Missouri, 1,159,080.33 acres.

6. February 9, 1853, land donated by Congress to the Cairo & Fulton Railroad Co., in the States of Missouri and Arkansas, respectively, 4,336,978.95 acres.

7. May 15, 1856, land donated by Congress to the Burlington & Missouri River Railroad Co., in the State of Iowa, 1,046,062.73 acres.

8. May 15, 1856, land donated by Congress to the Mississippi & Missouri Railroad Co., in the State of Iowa, 1,228,526.96 acres.

9. May 15, 1856, land donated by Congress to the Iowa Central Air Line Railroad, in the State of Iowa, 1,025,795.67 acres.

10. May 15, 1856, land donated by Congress to the Dubuque & Pacific Railroad Co., in the State of Iowa, 1,207,145.51 acres.

11. May 17, 1856, land donated by Congress to the Florida, Atlantic & Gulf Central Railroad Co. and the Pensacola & Georgia Railroad Co., respectively, in the State of Florida, 1,315,496.22 acres.

12. May 17, 1856, land donated by Congress to the Florida Railroad Co., in the State of Florida, 1,034,279.72 acres.

13. May 17, 1856, land donated by Congress to the Florida & Alabama Railroad Co., in the State of Florida, 147,942.81 acres.

14. May 17, 1856, land donated by Congress to the Alabama & Florida Railroad Co., in the State of Alabama, 439,972.58 acres.

15. June 3, 1856, land donated by Congress to the Tennessee & Coosa Railroad Co., in the State of Alabama, 96,033.12 acres.

16. June 3, 1856, land donated by Congress to the Northeast & Southwestern Railroad Co., in the State of Alabama, 832,693.62 acres.

17. June 3, 1856, land donated by Congress to the Mobile & Girard Railroad Co., in the State of Alabama, 302,181.16 acres.

18. June 3, 1856, land donated by Congress to the Tennessee & Alabama Central Railroad Co., in the State of Alabama, 594,689.60 acres.

19. June 3, 1856, land donated by Congress to the Alabama & Tennessee Rivers Railroad Co., in the State of Alabama, 508,620.33 acres.

20. June 3, 1856, land donated by Congress to the Bay de Noquet & Marquette Railroad Co., in the State of Michigan, 128,000 acres.

20a. March 3, 1865, land donated by Congress to the Bay de Noquet & Marquette Railroad Co., in the State of Michigan, 51,200 acres.

21. June 3, 1856, land donated by Congress to the Marquette & Ontonagon Railway Co., in the State of Michigan, 305,929.59 acres.

21a. March 3, 1865, land donated by Congress to the Marquette & Ontonagon Railway Co., in the State of Michigan, 51,200 acres.

22. June 3, 1856, land donated by Congress to the Ontonagon & State Line Railroad Co., in the State of Michigan, 35,679.79 acres.

23. June 3, 1856, land donated by Congress to the Marquette & State Line Railroad Co., in the State of Michigan, 35,679.79 acres.

23a. March 3, 1865, land donated by Congress to the Peninsula Railroad Co., in the State of Michigan, 680,033.37 acres.

24. June 3, 1856, land donated by Congress to the Amboy, Lansing & Traverse Bay Railroad Co., in the State of Michigan, 1,053,138.67 acres.

25. June 3, 1856, land donated by Congress to the Grand Rapids & Indiana Railroad Co., in the State of Michigan, 954,373.83 acres.

25a. June 7, 1865 (amends act of June 3, 1856, odd sections within 6 miles of road, extent of indemnity 20 miles on both sides).

26. June 3, 1856, land donated by Congress to the Detroit & Milwaukee Railroad Co. and Port Huron and Milwaukee Railroad Co., in the State of Michigan, 37,467.44 acres.

27. June 3, 1856, land donated by Congress to the Flint & Pere Marquette Railroad Co., in the State of Michigan, 589,290.83 acres.

28. June 3, 1859, land donated by Congress to the La Crosse & Milwaukee Railroad Co., in the State of Wisconsin (acres patented to June 30, 1914, 1,115.38).

28a. May 5, 1864, land donated by Congress to the Tomah & Lake St. Croix Railroad Co., in the State of Wisconsin, 1,268,404.09 acres.

28b. May 5, 1864, land donated by Congress to the St. Croix & Lake Superior Railroad Co., in the State of Wisconsin, 1,288,208.90 acres.

29. June 3, 1856, land donated by Congress to the Chicago, St. Paul & Fond du Lac Railroad Co., in the State of Wisconsin, 560,605.87 acres.

30. June 3, 1856, land donated by Congress to the Vicksburg, Shreveport & Texas Railroad Co., in the State of Louisiana, 699,220 acres.

31. June 3, 1856, land donated by Congress to the New Orleans, Opelousas & Great Western Railroad Co., in the State of Louisiana. (Grant forfeited.)

32. August 11, 1856, land donated by Congress to the Southern Railroad Co., in the State of Mississippi, 409,499.81 acres.

33. August 11, 1856, land donated by Congress to the Gulf & Ship Island Railroad Co., in the State of Mississippi, 146,222.67 acres.

34. Total number of acres of land granted to the Minnesota & Pacific Railroad Co., as per records, in the State of Minnesota, 3,770,533.32 acres.

35. March 3, 1857, land donated by Congress to the Southern Minnesota & Minnesota Valley Railroad Co., in the State of Minnesota, 1,126,578.55 acres.

36. March 3, 1857, land donated by Congress to the Minneapolis & Cedar Valley Railroad Co., in the State of Minnesota, 533,705.71 acres.

37. March 3, 1857, land donated by Congress to the Winona & St. Peter Railroad Co., in the State of Minnesota, 1,551,289.50 acres.

38. March 3, 1857, land donated by Congress to the Southern Minnesota Railroad Co., in the State of Minnesota, 382,161.77 acres.

39. July 1, 1862, land donated by Congress to the Union Pacific Railroad Co., 12,119,671.63 acres.

40. July 1, 1862, land donated by Congress to the Leavenworth, Pawnee & Western Railroad Co., 1,129,300.17 acres.

40a. July 2, 1864, same railroad, 7,776,238.14 acres.

41. July 1, 1862, land donated by Congress to the Central Pacific Railroad Co., 1,349,758.96 acres.

41a. July 2, 1864, same railroad, 8,029,382.84 acres.

42. July 1, 1862, land donated by Congress to the Hannibal & St. Joseph Railroad Co., of Missouri, 261,841.51 acres.

43. July 1, 1862, land donated by Congress to the Union Pacific Railroad Co., 597,826.43 acres.

44. March 3, 1863, land donated by Congress to the Leavenworth, Lawrence & Galveston Railroad Co., in the State of Kansas, 485,545.69 acres.

45. March 3, 1863, land donated by Congress to the Atchison, Topeka & Santa Fe Railroad Co., in the State of Kansas, 2,885,496.43 acres.

46. March 3, 1863, land donated by Congress to the Union Pacific Railroad Co., southern branch, which by change of name became the Missouri, Kansas & Texas Railway Co., in the State of Kansas, 1,121,784.18 acres.

47. May 5, 1864, land donated by Congress to the Portage, Winnebago & Superior Railroad Co., in the State of Wisconsin, 1,232,562.24 acres.

48. May 5, 1864, land donated by Congress to the Lake Superior & Mississippi Railroad Co., in the State of Minnesota, 934,835.92 acres.

49. May 12, 1864, land donated by Congress to the Sioux City & St. Paul Railroad Co., in the State of Iowa, 279,437.16 acres.

50. May 12, 1864, land donated by Congress to the McGregor Western Railroad Co.; McGregor & Sioux City Railroad Co.; McGregor & Missouri River Railroad Co.; Chicago, Milwaukee & St. Paul Railway Co., in the State of Iowa, 1,285,150.83 acres.

51. July 2, 1864, land donated by Congress to the Burlington & Missouri River Railroad Co., 2,361,984 acres.

52. July 2, 1864, land donated by Congress to the Northern Pacific Railroad Co., 43,159,428.04 acres.

53. July 4, 1866, land donated by Congress to the Southern Minnesota Railroad Co., in the State of Minnesota, 1,571,259.11 acres.

54. July 4, 1866, land donated by Congress to the Hastings (Minn.) & Red River of the North Railroad Co., in the State of Minnesota, 1,250,528.78 acres.

55. July 23, 1866, land donated by Congress to the State of Kansas for the use and benefit of St. Joseph & Denver City Railroad Co., 1,350,381.03 acres.

56. July 25, 1866, land donated by Congress to the California & Oregon Railroad Co., 3,266,728.55 acres.

57. July 25, 1866, land donated by Congress to the Oregon Central Railroad Co., 3,821,901.80 acres.

58. July 27, 1866, land donated by Congress to the Atlantic & Pacific Railroad Co., 14,539,804.69 acres.

59. July 27, 1866, land donated by Congress to the Southern Pacific Railroad Co., 4,968,096.10 acres.

60. May 4, 1870, land donated by Congress to the Oregon Central Railroad Co., 397,602.16 acres.

61. March 3, 1871, land donated by Congress to the Southern Pacific Railroad Co., 4,044,050.54 acres.

62. March 3, 1871, land donated by Congress to the New Orleans, Baton Rouge & Vicksburg Railroad Co., 2,746,954.27 acres.

Approximately 158,400,000 acres.

Mr. SLOAN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore (Mr. RAGSDALE). Does the gentleman yield?

Mr. QUIN. I will.

Mr. SLOAN. I am very much interested in the gentleman's discussion, but will the gentleman state where this controversy is now pending, and what is the status of the bill represented as the one that the gentleman is discussing?

Mr. QUIN. I am discussing the railway-space provision, as provided in the Moon bill, and the justification for the penalty of $5,000 for a railroad refusing to carry the mail; and before getting to that germane part of the discussion I am giving you in detail the advantages and favors and special privileges that the American Congress has granted to the railways of this Republic.

Mr. SLOAN. But this bill is not before this House at this time.

Mr. QUIN. In my discussion I propose to show where it is, and what has happened to the bill that this House has passed, and what the House should do toward aiding our committee and the conferees in that matter.

Mr. SLOAN. What I was interested in very much was the location of that controversy and the location of the bill. Where is it?

Mr. QUIN. At the present time it is in the newspapers of this country. The great trouble is that the measure that this House passed three times gets over to the other end of this Capitol and goes to sleep, and I am proposing to wake it up.

Mr. SLOAN. Is it before the other body now or before a committee of conference?

Mr. QUIN. The bill is before the other body, and will be before the committee of conference in a short while, I hope.

My friends, if you will allow me to proceed, I will give you something to take home with you.

The total of all these donations of the public lands to railroad corporations mentioned above is the staggering figure of approximately 158,400,000 acres; the first was made in 1850, and the last in 1871, a very short time which Congress used to strip the people of the vast public domain.

Can you realize what a great empire 158,400,000 acres of land is? It is a larger area, if all these acres were placed together, than the entire German Empire, where 70,000,000 of people lived and prospered. It is as large a territory as the States of Alabama, Georgia, Louisiana, Mississippi, and Tennessee combined. Can you believe that Congress in the short period of 21 years gave that much of the public lands to a few fellows with railroad charters?

I shall show you to a mathematical certainty that my statement is correct. I gave you the number of acres granted to each railroad, and the grand total is 158,400,000 acres to all of them combined.

Now, the total area of the State of Alabama is 33,278,720 acres, the total area of the State of Georgia is 37,929,600 acres, the total area of the State of Louisiana is 31,443,840 acres, the total area of the State of Mississippi is 29,993,600 acres, the total area of the State of Tennessee is 26,894,480 acres; add this together and you have 159,550,240 acres as the total area of these five Southern States combined, which in area is about the same as the American Congress gave to these men with railroad charters.

All of these great principalities and empires of land and all that went with it, which belonged to the people, were given to railroad companies.

Gentlemen, that is not all that Congress did for them. There was a group of railroads termed the Pacific railways, all of which had immense grants of land given to them by Congress. On July 2, 1864, Congress actually voted and authorized and issued subsidy bonds to each of the Pacific railways, as follows:

Union Pacific Railroad Co	$27,236,512
Kansas Pacific Railroad Co	6,303,000
Central Branch, Union Pacific Railroad Co	1,600,000
Sioux City & Pacific Railroad Co	1,628,320
Central Pacific Railroad Co	25,885,120
Western Pacific Railroad Co	1,970,560
Total	64,623,512

All of the above was on a second mortgage. The records of Congress show that the schemers, as organizers of the roads, also organized themselves into construction companies which robbed and gutted the bondholders in the price of construction material and everything that went to build the railroads. It was in the construction of the Pacific railways that the famous Credit Mobilier played such an important part. It ought to be called the rascality association.

In 1867 these corporations owed the Government $144,945,833 and no funds to pay a dollar of the bonds, nor the interest, all of which was long past due. The Government finally got part of its pay by holding back half of the price for carrying the mails. The interest is still unpaid by the Kansas Pacific Railroad Co., eastern division. The Sioux City & Pacific Railroad Co. defaulted on the bonds and interest, and by order of court that road was sold to the Chicago & Northwestern Railroad Co. In April, 1916, the Treasury Department shows that the Central Branch, Union Pacific Railroad Co., still owes the Government $3,604,203.23 on account of the subsidy bonds.

Most of these land-grant railroads were required by the charter which Congress granted to transport the mails, troops, and equipment for the United States Government free of charge. None of them did it; and, strange to say, won against the Government when it was tested in the courts. The Illinois Central Railroad Co. was the first to refuse, and won in the contest against the Government. The outrageous manner in which the Pacific railways imposed on the people became a public scandal. In 1886 and 1887 the United States Senate passed bills to prevent Members of Congress from acting as attorney or employee of any land-grant railroads. All kinds of charges of loose conduct and corruption were made in connection with these railroads and some Members of Congress acting in capacity as attorney for them.

The activity of the grangers movement began about 1869, and it is due to that organization of farmers that Congress halted in its bold acts of granting the public lands to railroad corporations. The last land grant to a railroad was made in 1871. These organized farmers locked the stable door after nearly all the horses had been stolen. What a pity they did not start earlier.

Mr. Speaker, Congress did something else for the railroads. In the following years it voted subsidies over and above the regular price for carrying the mails by railroads, and these subsidies were paid under the euphonious name of "special facility appropriations." I give the exact amount for each year, so no one can be mistaken:

	Expenditures by fiscal years.
1879	$23,887.43
1880	49,313.64
1881	125,984.50
1882	202,478.30
1883	185,123.24
1884	184,821.24
1885	250,647.72
1886	251,540.84
1887	285,372.81
1888	294,568.86
1889	293,042 87
1890	293,744.26
1891	291,565.73
1892	193,065.94
1893	192,318.60
1894	151,540.71
1895	178,480 13
1896	154,062.13
1897	162,978.33
1898	177,078.72
1899	176,903.95
1900	181,181.95
1901	167,065.03
1902	150,319.13
1903	122,508.83
1904	114,471.67
1905	134,693.87
1906	117,856.42
1907	54,052.12
1908	3,578.89
Total	5,164,247.86

Public sentiment revolted against this and Congress put a quietus on this grab which the railroads were clamoring for so actively. Permit me to say that the Government pays the land-grant railroads 20 per cent less for carrying the mails than other railroads receive.

Now, is there a man on this floor who fails to see that the United States Government has been exceedingly generous to railroads? If there be one here, rise up now and let us see you.

Gentlemen, assuming that these corporations should serve the Government at the same price for similar service as private parties, I will answer the first question of my argument.

The space basis and the pay therefor agreed upon by the Post Office Department and the House of Representatives in the Moon bill is fair and just both to the people and the railroads. Every sensible man knows it cost the railroads more to handle the passenger business for the same space and mileage than it does to haul the mails. Every reasonable person will

agree that the railroads ought to serve the Government, their creator and benefactor, at a price as reasonable as they get from the express companies or big mail-order houses.

Listen. If the total mail carried throughout the country on the railroads were carried on the same basis, as to revenue, as the railroads receive for hauling express matter, unit per unit, they would receive $11,000,000 less than they now receive, for carrying the same weight, under the weight basis as mail. The fact is, it costs the railroads more for express than it does mail, and *still* express companies get a cheaper rate than does Uncle Sam.

The amount the Government paid the railroads for mail transportation and car service for the fiscal year 1915 was $59,407,111.74, and if this mail had been express, under the contract the railroads have with the express companies, the amount would have been $47,888,654.07, which would be over $11,000,000 less if paid for on the express basis than the amount paid on the mail basis.

The Post Office Department has established beyond the shadow of a doubt that the railroads have given an express rate to big mail-order houses between the large centers of production and the distributing points throughout the country much lower than the Government pays for the mails between the same points in the same trains. No railroad official nor anyone else can truthfully deny this statement of concrete facts. I have demonstrated to you that the railroads are charging the Government—the people—a higher rate than they charge private parties. The space basis provision of the Moon bill, which the House passed, in a measure eliminates the unfairness of the railroads to the Government in carrying the mails.

In answer to question 2, I affirm that the House is correct and right in its judgment in passing the Moon bill, placing the railroad mails on a space basis. The merits of the space basis as against the weight basis, and the ampleness of the rates prescribed in the bill passed by the House and rejected by the Senate Committee on Post Offices and Post Roads, are set forth with great positiveness and detail in the report of the joint commission of Congress known as the Bourne Commission. This report was signed by Senators Bourne, BANKHEAD, and WEEKS and Representatives LLOYD, TUTTLE, and Richardson. In analyzing the Bourne Commission report in connection with the bill passed by the House of Representatives at this session of Congress fixing the space basis and the rates of pay it should be borne in mind that the bill is the plan of railway mail pay advocated by the Bourne Commission and proposed by Postmaster General Burleson and his assistants, and is essentially the bill passed by the House at the previous session of Congress and favorably reported by the House and Senate conferees, composed of Senators BANKHEAD and SWANSON and Representatives MOON, FINLEY, and MADDEN.

On this high authority, after careful and exhaustive investigation, the lower branch of Congress passed the bill as an honest and just measure for the people and the railroads. The Senate committee saw proper to kill it and grant in lieu thereof virtually every demand made by the railroads.

In answer to the third question, I submit that the Government owes no higher obligation to the railroads than it owes to the people. Congress is duty bound to deal in the same fair manner, both to the railroads and the people. Congress can not afford to knowingly stultify itself by giving the railroads an unfair advantage over the people.

The present weight method of carrying the mails, if continued, will increase the amount $5,000,000 the first year, and a few millions additional each year thereafter, until in a few years the increase would amount to $25,000,000 more each year than the railroads receive now, and the parcel-post system would be greatly hampered and virtually destroyed. The people of this country pay the taxes, and their rights must be protected.

In answer to the fourth question, I say the obligation, both legal and moral, rests upon the railroads to transport the mails, soldiers, and all supplies of the Government at a reasonable and fair price. They owe their very existence to the Government. In morals it appears abhorrent that these corporations would desire to charge their biggest patron, the Government, more for the same service than they charge private parties. Congress is duty bound to the American people not to permit the railroads to have the legal right to gouge the Government.

In answer to the fifth question, it is my judgment, backed by high authority, that the Government can compel all of the railroads which received land grants or rights of way, and so forth, through acts of Congress, to transport the mails at a fair and reasonable price. We need no further legislation touching this question, in so far as the land-grant railroads are concerned. As to all other railroads, in the absence of any specific legislation on the subject, the Government might be helpless in an effort to force such railroads to transport the mails. It is clear that the Federal Constitution delegates the power to Congress to enact such legislation. No good lawyer would gainsay this proposition. The contractual relations between the Post Office Department and the railroads in the matter of transporting the mails is of such a character that the railroads generally contend that they can throw down the mail service at any time they may desire. In fact, some of the leading railroads have threatened to do so. Under the law as it exists now, I am inclined to the opinion that the railroads could not violate mail contracts already entered into between the Post Office Department and themselves by refusing to carry the mails. However, I am convinced that these railroads could refuse to enter into a new contract after the expiration of the existing contract, and under that condition the Government could not compel them to carry the mails. This is the law of the land, as determined in a number of decisions by the Supreme Court of the United States.

Gentlemen, under these circumstances, do you not think it the solemn duty of Congress to the people to enact such legislation as is necessary under the scope of the Constitution to make it compulsory on the part of this class of railroads to transport the mails?

The Post Office Department proposed a provision, which was included in the Moon bill, that passed the House, which obviates the dilemma above stated. The vital provision fixing a penalty of $5,000 for a railroad's refusal to carry the mails is sufficient legislation, within the purview of the Constitution, to compel the railroads to transport the mails. That provision in the Moon bill occasions the crux of the railroad opposition. That penalty provision means more than appears on the surface and is the real plank the people need. It carries with it the constitutional power to compel the railroads to carry the mails.

That is the chief reason these corporations are "bellyaching" so much against what they call the "Moon rider." I have demonstrated that the American people must have that penalty provision in order to be certain that the mails shall be transported by these public-service corporations.

The Post Office Department and the House of Representatives recognized that essential need and made it a part of the postal laws that passed the House at this session of Congress.

Gentlemen of the House, do you know that the Senate Committee on Post Offices and Post Roads has stricken from the bill we passed that vital penalty provision? It is to be hoped that discussions on the floor of the Senate will develop the dire necessity of the penalty provision being placed in the bill again, and that the entire bill except the Madden amendment as it passed the House will be agreed to by the Senate.

In answer to the sixth question, I think it would be inexcusable and outrageous for Congress to throw down the administration, Postmaster General Burleson, and his assistants in their strenuous efforts to place the railroads under the law and make their legal status such that it would be impossible for these public carriers to ignore and inconvenience the people and enterprises of this country by refusing to carry the mails at a fair price.

To my mind the issue is clearly joined. Shall the railroads be left in position to charge the Government extortionate prices for mail service and to run roughshod over the people and refuse to carry the mails, when an effort might be made by the Post Office Department to prevent these corporations from gouging the Government?

The American people will some day realize the great work Postmaster General Burleson is doing to give the people proper mail facilities based on sound horse sense, efficiency, and economy. Appreciation will be shown him for his strenuous efforts to extend and protect the Parcel Post System for the benefit of the great body of the people. He will be remembered for his endeavor to secure legislation that kills the possibility of any railroad company refusing to carry the mails for just and equitable compensation.

Every student of this subject knows the failure of Congress to pass the postal legislation, including the vital provisions proposed by the Post Office Department which were in the Moon bill that passed the House, which I have discussed in this argument, and which the Senate committee eliminated in its report, hampers, jeopardizes, and materially curtails the operation of the parcel post.

The dereliction of Congress would cost the people many millions of dollars each year. It would leave the American people, through the agency of their great Government, incapacitated to compel the railroads to carry the mails if these corporations say no.

Mr. BENNET. Mr. Speaker, will the gentleman yield for a question?

Mr. QUIN. I will.

Mr. BENNET. Is it not a fact—it is my recollection at least—that it is so-called space basis will increase the expenditures of the Post Office Department the first year?

Mr. QUIN. I agree with the statement that it would cost the people of the country a little more temporarily, but it is to be spent for the purpose of taking care of the great and growing Parcel Post System, and that is the reason why the railroad companies and the express companies of this country are "pussy-footing" around and endeavoring to keep it from becoming a law. The fact is, it is a more liberal provision for the railway companies than ever before passed Congress, and still they rise up and endeavor to prevent this legislation from becoming a law.

Mr. BENNET. Mr. Speaker, will the gentleman yield further?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. QUIN. The gentleman will excuse me. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. QUIN. The gentleman will excuse me. I can not yield to him any further.

My fellow Members, who is willing to assume this responsibility? I am in favor of instructing the House conferees to stand pat for all the provisions of the Moon bill except the Madden amendment. I am in favor of the Post Office Department, the agency of the people, getting their ideas and suggestions enacted into law, instead of ignoring them, and substituting the suggestions and demands of the railroads.

Let the people get justice in this conflict.

From 1850 to 1871 a few "slick ducks" selected a set of burglar tools, gathered up a few maps of States and Territories, came to Washington, pried open the doors of Congress, secured railroad charters, and "toted" off whole States of public lands.

Now, in the year of 1916, a few special agents of the railroad and express companies are "pussy-footing" around the Nation's Capitol, endeavoring to pry out of Congress a few million dollars more yearly for transporting the mails, and the final objective, the destruction of the Parcel Post System.

Who will stand for this? [Applause.] The determined farmers of this country, asking a square deal in this matter, will march in a solid phalanx to the ballot boxes and make their majestic tread heard in the Senate Chamber and the halls of this House.

Mr. SISSON. Will the gentleman yield for a question?

Mr. QUIN. I yield to the gentleman.

Mr. SISSON. Is it not true that the hearings before the Post Office and Post Roads Committee showed that the representatives of the railroads admitted upon examination that the purpose of destroying the space-rate pay was to destroy the future development of the parcel post?

Mr. QUIN. That is exactly what is the intent and purpose of this railway opposition to the passage of the space-bill provision as it actually was passed in the Moon bill. They are willing to let their pay stay a little less a year, as indicated by the gentleman from New York [Mr. BENNET], than to accept the space provision, which every sensible man who is a student of the subject knows is the real avenue through which the Parcel Post System of this country will be extended. It is for the parcel-post development of this country that this space provision is really put into the law, and the objection of the railroads to the $5,000 penalty for refusal to carry the mails is based upon the proposition that they know that under the Constitution of the United States a penalty provision enacted by Congress makes it compulsory on the railways to carry the United States mails. That is the real reason why this fight has been in progress all this time. Ever since this provision was started in 1913 up until this good hour you have observed in the metropolitan papers of this country the railroad argument against the Moon bill. You have observed in a great many country districts all over this Republic newspaper articles which appeared to be editorials, but which in truth and in fact were so much alike that it was plain to the observant reader that they were plate matter sent out by some syndicate interested in the railroad and express companies against the people of this Republic who are demanding a development of the Parcel Post System, which the people are entitled to. When we go further into the question we gather at once the idea that the American people are on one side in this conflict and the great corporate interests are on the other side. No man can be mistaken in that if he studies this subject. This House has had Democracy enough about it to pass this bill, and we believe that under it the Parcel Post System will be developed to the benefit of all the people of this country. [Applause.]

The SPEAKER. The time of the gentleman has expired.

LEAVE TO EXTEND REMARKS.

Mr. DAVIS of Texas. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on the problem of war.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the subject of war. Is there objection?

There was no objection.

SAMUEL SCHWARZ.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for not exceeding 20 minutes. Is there objection?

There was no objection?

Mr. BENNET. Mr. Speaker, I do not intend to make a speech which has a direct relation to political issues, although it may perhaps have some reference to the plank in the Democratic platform of 1912, which reads as follows:

> The constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the fullest protection of the United States Government both for himself and his property.

The particular matter concerning which I wish to address the House is the case of Samuel Schwarz, whose wife and relatives are residents of my congressional district, and who himself has been confined in various jails in Great Britain since October, 1914, without a charge against him since the early part of March, 1915.

In May last this House, at my request, passed a resolution requesting the President of the United States to report to the Congress what he had done to secure the release of Samuel Schwarz, an American citizen alleged to be unjustly deprived of his liberty by and under the authority of the Government of Great Britain; and in due course the President, through the Secretary of State, replied to that resolution of inquiry.

If the facts as set out in that reply were true, perhaps I ought not to interest myself in the case of Samuel Schwarz. I will detail the romance as reported by the Department of State. According to their version, one Samuel Schwarz, born in Hungary or Galicia—because they ascribe him to two countries—did come to this country prior to 1901, was naturalized in this country in 1901, but almost immediately—within less than a year—departed from this country, resided more than five years continuously in Hungary, and resided in other parts of Europe for nine years in all, and became either a notorious forger or a well-known international swindler—because the Department of State does not seem to be exactly certain which—and in 1914 was arrested and is now being detained because of this extraordinary criminal record. They ascribe as their reason for not interfering with the detention in the British prison the fact that a man naturalized in this country may expatriate himself; and they refer to section 15 of the act of 1906—the naturalization law—which, although they do not state it in their report, reads as follows:

> If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent.

Now, there is a way provided in that same section for canceling such certificate of naturalization. A man must be served with notice. It is even provided that if he is out of the country he can be served by publication. He must have 60 days' notice. There must be a regular proceeding in a court. Not one of these steps has been taken. There is no allegation that any of them has been taken.

But I have no desire to rest my case on a technicality. Samuel Schwarz did not go abroad in 1902. He did not remain abroad permanently, and he has not forfeited his citizenship. Otherwise that particular part of the State Department's romance is correct in that respect.

Now let us see what proof is on either side. On page 5 of the President's answer:

> On July 19, 1902, he (Schwarz) obtained from the department a passport, No. 60551, upon an application in which he stated he was born in Budapest, Hungary, July 5, 1851; emigrated to this country February 11, 1894; obtained naturalization as a citizen of the United States in the district court of the United States in New York City November 25, 1901, and resided in New York City, where he followed the occupation of broker.

Now notice, there is no proof beyond the fact that he applied for and obtained a passport; no proof that he ever left the United States. Here is what the department says about that:

The department is not definitely informed as to the various movements of Schwarz between the time when he left the United States in 1902 and the time when he was in prison in Hungary in 1911, but from the information which the department has received the inference is that he had been established in Hungary during the greater part of that period.

There is no proof that he was imprisoned in Hungary in 1911. As a loyal American citizen, I propose to give the department the information which it could have obtained as easily as I obtained it, because they examined Schwarz in the jail at Brixton, England, and one of the questions was this question:

Where does your lawful wife now reside?
Answer. At 524 West One hundred and sixty-ninth Street, New York. I heard from her a week ago.

There was the point from which to start.

Now, I have in my hand an affidavit of Rose Schwarz, the wife of Samuel Schwarz, in which she says that she was married to him in 1895, in the City of Mexico; that her marriage certificate is in a trunk at 4 Rue Eugen Manuel, Paris, and that she is willing to authorize the American ambassador or any other representative of our Government to open her trunks, seven in number, and look at the contents. One of her sisters is a nurse in the French Army; that in the early part of 1902 she and her husband took an apartment at No. 22 West One hundred and twelfth Street, in the Borough of Manhattan, New York City; that they lived in that apartment from the early part of 1902 until April, 1907; that her mother and one of her sisters lived with them in that apartment; that during all the time from November, 1901, to April, 1907, her husband remained in the United States and did not once go abroad.

Oh, but you say that is an accomplice, the beautiful young adventuress who helped him to get out of jail in 1911. So I will not rest my case on that.

Here is a cold, unemotional fact. We vote in New York State at stated intervals, and Samuel Schwarz, residing at 22 West One hundred and twelfth Street, Borough of Manhattan, in the year 1902 voted in the second election district of the thirty-first assembly district, giving his age as 51; date of naturalization, November 25, 1901, which is the date the department gives; birthplace, Hungary, which is one of the places where the department says he was born; and he voted ballot No. 293.

In 1903, still in the same election district, in the same assembly district, same date of naturalization, same country and birth, he voted ballot 246.

This at the time when the department says he was residing in Hungary. If they had taken the trouble to look up the accessible election record of the county and city of New York, they would have found that he was residing at No. 22 West One hundred and twelfth Street, Borough of Manhattan, city of New York. The fact is the department neither knew nor cared about the *status* of this American citizen.

On the 20th of October, 1914, they wired the American consul general in London that Schwarz was an American citizen. In the spring of 1915 Mrs. Schwarz attempted to get from the office of the district clerk for the southern district of New York a certified copy of his papers, and, under orders from the State Department, a lawless proceeding, the clerk of the court refused to give her the certified copy. He took her money and sent the certified copy to the State Department. They had it, but with this paper in their possession, with that cable to the consul general on May 6, 1915, a month after they admitted the citizenship, they wrote to her at 524 West One hundred and sixty-ninth Street:

Replying to your letter of the 23d ultimo, relative to the detention by the British authorities in London of your husband, Samuel Schwarz, presumably a Hungarian subject—

And so forth.

I do not know whether they did not know or whether at that early day they were attempting to establish that this man was a Hungarian citizen. That is not all the proof that Schwarz lived at 22 West One hundred and twelfth Street. I suppose there is nothing more unemotional than the butcher. They are good people and business people; and here comes Mr. Friedman, residing at No. 540 West One hundred and forty-fourth Street, in the Borough of Manhattan, city of New York, who testified that he was engaged in the meat business; that from 1902 to 1907 he sold meat to Samuel Schwarz at No. 22 West One hundred and twelfth Street; that Schwarz used to come to his store and deal in person and order the meat, and he used to have the meat delivered at that apartment.

Now, in New York you do not live very long without paying rent, and there are records kept by the real estate offices. So Charles Reinecke, who lives at No. 216 Tremont Avenue, in the Borough of The Bronx, New York City, makes affidavit that he had charge of an apartment house known as No. 22 West One hundred and twelfth Street, in the Borough of Manhattan, New York City, for the last 15 years; that he knows Samuel Schwarz and Rose Schwarz, his wife; that they had an apartment on the third floor east; and that every month during those five years he went to the apartment and collected the rent from Samuel Schwarz; that he has still in hand his records from 1904 to 1907.

David Rand—and here comes in what you might call the social element—who lives at No. 99 Eighth Avenue, in the Borough of Manhattan, New York City, in the gentlemen's furnishing business, testifies that he knew Samuel Schwarz and Rose Schwarz, his wife, and had known them for about 14 years; that during the years 1902 to 1907 Mr. and Mrs. Schwarz resided in an apartment No. 22 West One hundred and twelfth Street; that it was his social custom to go to their apartment at that place and play pinochle; and that while the two men played pinochle the two women discussed various matters of interest to themselves. This affidavit is corroborated by his wife by affidavit.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. DILLON. I think the gentleman has proven an alibi, but I would like to ask him if he submitted that information and affidavits to the Department of State?

Mr. BENNET. I will say to the gentleman that the first intimation that I had that there was a claim that Mr. Schwarz was not a citizen of the United States was the information that was contained in this printed pamphlet, and therefore I had no opportunity of submitting anything of that sort. I had been advised by the department up to that time, first, that they conceded Mr. Schwarz's American citizenship; second, that they thought it could be invalidated, because he had been arrested and convicted of crime in Hungary, which conviction occurred about 40 years ago; third, that it had been referred to the Attorney General for an opinion; and, fourth, that the Attorney General had given his opinion that the naturalization could not be invalidated. Therefore I was not called upon to give any proof, because the statement had been that Mr. Schwarz was a naturalized American citizen under date of November 25, 1901, and that with the most strenuous efforts the department was unable to successfully attack that citizenship.

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. DAVIS of Texas. Do I understand that this man Schwarz is now in prison in some foreign country?

Mr. BENNET. Yes.

Mr. DAVIS of Texas. That is an unfortunate situation. I am one of those who believe that in a case of this kind this Government ought to use any measure necessary to enforce the rights of American citizenship, and while I do not think a man has a right to travel all around over the world and vex his Government by embarrassing it, yet, if he is in prison, under duress, helpless, the Government ought to go to him, no matter how far off he is.

Mr. BENNET. I am thankful for the acquiescence of the gentleman in what is absolutely an American doctrine.

Mr. BOOHER. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. BOOHER. How long has this man Schwarz been in Europe?

Mr. BENNET. He went to Europe on a business matter in 1911.

Mr. BOOHER. In what business was he engaged at the time of his arrest?

Mr. BENNET. At the particular time that he was arrested he was engaged in a rather important transaction, which I will read from the affidavit of his wife:

In the latter part of 1911 he went to Europe because he was employed to carry through a very large financial transaction which, briefly speaking, was as follows:

Certain people in London owned an obligation of the Japanese Government which called for the payment by said Government of the sum of 125,000,000 francs, which said obligation was not due. Mr. Schwarz's principals employed him to secure people who would make a large loan to them upon the security of said obligation. Said transaction was on the verge of being completed when Mr. Schwarz was arrested.

Mr. BOOHER. With what was he charged at the time of his arrest?

Mr. BENNET. He was arrested by the British Government charged with being an unregistered alien enemy. That is, they claimed that he was an Austrian. Mr. Schwarz immediately claimed his American citizenship. Of course, he was like about 98 per cent of Americans abroad at that time, and had no pass-

port or anything of that sort. People did not think it was necessary. He gave to the authorities of the jail money with which to cable to the United States to get the proof that he was an American citizen. They took his money, but they did not cable. They convicted him of being an unregistered alien enemy, and his sentence of six months expired in April, 1915. Since that time there has been no criminal charge of any character against him. Does that answer the gentleman?

Mr. BOOHER. He has been held in jail since that time without bail, and no charge made against him of any kind?

Mr. BENNET. That is true.

Mr. BOOHER. I will say to the gentleman that I do not understand why he is not entitled to some protection.

Mr. BENNET. I want to do Mr. Lansing, Secretary of State, the justice to say that he took exactly the same position that the gentleman takes. About January of this year I went up and had an interview with Mr. Lansing. I told him that his department claimed that this man was a bad man; that they said at that time that he was a notorious forger; that they also said that he was claimed to be a bigamist. I said to Mr. Lansing that under the common law a man is presumed to be innocent until he is proven guilty, and that there was one of several things that must be done, either charges must be made against this American citizen or he must be discharged from imprisonment, or he must be deported from Great Britain, or his naturalization must be invalidated. Secretary Lansing agreed with me. He sent me to Mr. Polk, the Counselor of the department, with instructions to proceed to get that man out, but Mr. Lansing does not seem to have paramount influence in all portions of his department.

There is a reason why that man remains in jail. A man does not sell the obligation of a foreign government that calls for the payment at a subsequent time of $25,000,000 without becoming entitled to a fairly large commission. I do not know what his commission is, but the State Department told me the first day I went up there when they took me around behind a door in the Bureau of Citizenship and told me the man was a notorious forger, that his claimed commission was $450,000.

Mr. BOOHER. And is that sufficient to keep him in jail?

Mr. BENNET. That has been sufficient to keep him in jail since that time.

Mr. BOOHER. That would not be a very good reason ordinarily.

Mr. BENNET. That seems to have been a very good reason, but I want to say to the gentleman that I do not think an American administration or an American Department of State ought to stand in with people in a foreign country to keep a man with a claim like that in jail where he can not prosecute it.

Here is a document from the British Government which states why on the 7th of July, 1915, he was being held in jail:

MADAM: I have to acknowledge receipt of your letter of the 25th ultimo, and to inform you in reply that your husband is held here under order of deportation made by the secretary of state for home affairs—

Well, the ocean has been open, ships have been running, and it is now nearly a year——

Mr. DAVIS of Texas. What was the date of that letter?

Mr. BENNET. July 7, 1915.

Mr. DAVIS of Texas. A year ago?

Mr. BENNET. Nearly a year ago, and our own department has acquiesced in all this. They have not been very consistent in their statements. On page 3 of this statement is quoted a letter under date of December 1, 1915, in which they state that—

Mr. Schwarz or Stern is a notorious forger.

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to proceed for five or six minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for six minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. They stated on the 1st of December, 1915, that he was a notorious forger. They have dropped that charge. On page 2 they allude to his wife "Bertha," in Budapest, Hungary. It is his sister "Bertha," not his wife. The department never investigated. They allude to and on page 3 make this statement:

Schwarz was given an opportunity to explain his foreign residence in a statement which he made before the office of the consul general in Berlin.

They say later on that is attached to dispatch No. 3174 from the consul at London. So far as I have been able to find out, Schwarz was never in Berlin in his life and never made any statement to the consul general, and it is not attached to the dispatch. They say, on pages 6 and 7, that—

he was in prison at Budapest in 1911, and that he never married.

Mrs. Schwarz lives at 529 West One hundred and sixty-ninth Street. I have given the place and the date when he married her, and the present location, and his marriage certificate, and the animus and the attitude of mind of the consul general is shown by this quotation from the dispatch of March 2, 1916. I will read the paragraph:

Very soon after the arrest of this man it transpired that his name was Samuel Schwarz—

That has always been his name—

and that a person of that name had been naturalized on November 25, 1901.

That fact was cabled to him by the Secretary of State on October 20, 1914, nearly two years ago.

Therefore, unless Samuel Schwarz obtained citizenship by fraud or expatriated himself after November 25, 1901, his citizenship is valid—

And then he offered an entirely gratuitous insult to him—

and is entitled to inflict his presence upon the people of the United States.

It is a new day in American diplomacy when a consul general of the United States, speaking in reference to an American citizen against whom there were no charges, says that unless they can do away with his naturalization he may have the power to inflict his presence upon the people of the United States.

Mr. BOOHER. Will the gentleman yield for another question?

Mr. BENNET. Yes.

Mr. BOOHER. What was the reason for his going under an assumed name and giving the name of Stern?

Mr. BENNET. I am coming to that; I have no desire to conceal anything. There is one charge against Mr. Schwarz that can be proved. He is a little promiscuous in his attention to the ladies. I do not know the status of adultery in England, whether it is a crime or not. In some States of this country it is a serious offense, and there is no question that when Mr. Schwarz was living in London at the Hotel Savoy under his own name of Schwarz with his wife he was unquestionably maintaining another establishment over which another woman presided and where he was known under the name of "Samuel Stern." It was his misfortune that when he was arrested by the British Government under the allegation that he was an Austrian subject he was arrested at the other establishment where he was known under the name of "Samuel Stern," and under that name he was incarcerated. That is true—no doubt about it—but I do not think it is any reason for keeping an American citizen indefinitely in a British jail. It was a reprehensible act, a violation of the seventh commandment, a violation of decency; but no reason for perpetual incarceration or the withdrawal of American citizenship.

Now, this consul general says that this woman, Rosa Goldman, now claiming to be his wife, should be deported as an undesirable alien. Well, in England and Germany they have such laws that you can pick up any alien and deport him because he is undesirable, but we have still the old-fashioned American desire to have a man condemned before he is executed in this country, and there is no law on the statute books of this country by which you can pick up a man of foreign birth on the whim of an official and deport him as being an undesirable alien. This consul general ought to come back and imbibe a little of Americanism and learn a little American law before attempting to pass upon the rights of American citizens.

Now, here is a most unique decision——

Mr. DAVIS of Texas. One more question, please.

Mr. BENNET. May I have my time extended five minutes, Mr. Speaker?

The SPEAKER. The gentleman from New York asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS of Texas. You speak of that claim. That arises out of the commission for the transaction of business between Japan and Austria, if I get it?

Mr. BENNET. No, sir. I can give it to the gentleman. There were men residing in London who owned an obligation of the Japanese Government, not yet due, which called for the payment when due of 125,000,000 francs. They desired to realize on that obligation. They employed Mr. Schwarz to raise money on it, and he succeeded in doing so, and just as the matter was about to be culminated he was arrested under the allegation that he was a Hungarian subject, incarcerated in jail, and, of course, he has not been in a position where he can proceed to collect. And our State Department is helping those people to keep him out of his money. Now, here is the consul general's proof. If this was not a serious matter, the conclusion that this consul draws from the facts he stated would be the most humorous thing since Dogberry appointed a fit and senseless man for constable. He says:

I am inclosing herewith, as directed, an application for a passport, an affidavit to overcome presumption of expatriation, and the report of

an interview by questions and answers. These questions and answers are not of themselves of great importance, except that they contain a number of admissions which effectually prove that Schwarz is identical with the individual who served time in Austria-Hungary. These admissions include a confession of interest in aviation matters, acknowledgment that he knew Rosa Goldman many years before he became naturalized—

It is not an offense in the State of New York to be well acquainted with a woman before you marry her—

and an acknowledgment that he carried on his business in the Franciscan Bazaar at Budapest.

And from those weighty facts the consul general draws the conclusion that Samuel Schwarz was in jail in Austria-Hungary at a particular time.

Let me start at the beginning of the examination and read the first two questions. That will be enough.

First. What is your name?
Samuel Schwarz.
Second. Were you not at the time interested in aviation performances in the United States Army?

I did not know what time. Schwarz did not know what time. The consul general did not know what time. Schwarz did pretty well under the circumstances. He said:

Wanted to build a balloon. Dr. Fabrica and I built a half balloon in Frankfort on Main, 1906, 7, or 8. Built balloon at the exposition at Frankfort merely for commercial purposes. It was no good, consequently a commercial failure. Have never had any interest in aviation. Built aeroplane in Frankfort for purpose of selling it, but it failed, and we lost money on it.

Those who are interested in the other questions can read them. The time he kept the shop in Budapest was 40 years ago, but that does not appear in the examination. It is alleged also that he was in Graz, Hungary, in 1911, and his wife helped him out of jail. She swears, so far as she knows, she never was in Graz, Hungary, and so far as she knows, he never was in jail and that she never helped him out of jail. They say he was known as the Duke of Suben. The only important discrepancy between that statement and the facts as they set them out here is that the alleged Duke of Suben was born in Galicia. This Mr. Schwarz was born in Hungary. According to the proof, Mr. Schwarz has spent the last 20 years very largely in the United States. They claim that the man who was the Duke of Suben spent most of his time in Europe. He is three years older than Mr. Schwarz, and, in addition to that, his first name is different, his middle name is different, and he spells his last name in a different manner. Otherwise, the thing is complete. Samuel Schwarz is one man and Sam Lewis Schwartz is the other, one born in Hungary and the other in Galicia, yet they say they are the one identical person.

Now, upon what do they base this? Upon a picture in the International Police Gazette. That is the high proof on which our State Department depends. When I was a boy in New York State and used to go to the barber shop to get my hair cut it was my surreptitious pleasure to read the Police Gazette. I do not know whether it is yet published or not, but at those times I believed it implicitly. Evidently the State Department believes in it still. When I used to see those pictures, with their glaring scenes, I used to think that they were as true as Holy Writ. I have grown up. The State Department still lingers in childhood's happy hours.

But the idea of taking away a man's citizenship on the mere fact that there was a picture in the Police Gazette under which appears his name! There is not a man here that has not had his picture published in some locality with some other name under it, and the ladies who have had their names published under a picture of Lydia Pinkham are without count.

I shall refer these papers to the State Department. I do not know whether Mr. Schwarz will get justice or not; but at least I shall endeavor to obtain the scant justice that he is not to be punished uncondemned.

Mr. MANN. What does the gentleman expect to accomplish by setting out all these facts?

Mr. BENNET. Here?

Mr. MANN. Anywhere.

Mr. BENNET. I hope the American State Department will take a little interest in an American citizen, and I know of no other way than by rising in my place as a Member of the House of Representatives and giving the facts.

Mr. MANN. The gentleman, I take it, will agree with me that the response recently sent to the House concerning this matter was properly prepared by the counselor for the British Embassy, and not by anybody in the State Department. Why does not the gentleman take this up with the officer of the British Embassy directly instead of through the State Department?

Mr. BENNET. I do not realize what the gentleman's statement is.

Mr. MANN. I read the response.

Mr. BENNET. I know you did.

Mr. MANN. I did not think that anybody in the State Department had read such a response. I concluded it was written by the counselor in the British Embassy.

Mr. BENNET. I will be very frank with the gentleman, and I will ascribe to him the same attitude, that neither he nor I have sunk to the low level of Americanism that we will go to a foreign embassy to the neglect of our State Department to obtain rights for an American citizen. [Applause.]

Mr. MANN. If the gentleman will permit——

Mr. BENNET. Yes——

Mr. MANN. I think that response must have slipped by the Secretary of State and the President, both, as a formal matter, without their ever examining it or knowing what was in it.

Mr. BENNET. Well, I join the gentleman in the hope that that is true.

Mr. AUSTIN. Let me suggest to the gentleman that he can get the right kind of action at the State Department after the 4th of next March. [Applause on the Republican side.]

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Friday, June 16, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Peter W. Anderson *v.* The United States (H. Doc. No. 1225); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Fred Larson *v.* The United States (H. Doc. No. 1226); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. SISSON introduced a bill (H. R. 16446) to provide a division of rural sanitation and mental hygiene in the United States Public Health Service, which was referred to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BEALES: A bill (H. R. 16447) granting an increase of pension to Julia A. Snyder; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 16448) granting an increase of pension to Rosaline R. Fulmer; to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 16449) granting a pension to Laura G. Jones; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 16450) granting an increase of pension to Mrs. Hattie A. McGuire; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 16451) for the relief of Mrs. Lizzie McGinnis; to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 16452) permitting P. W. Belcher to take the examination for appointment as second lieutenant of Engineers, Corps of Engineers, United States Army; to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 16453) for the relief of William J. Rosselot; to the Committee on Claims.

Also, a bill (H. R. 16454) granting a pension to John H. Wagner; to the Committee on Pensions.

Also, a bill (H. R. 16455) granting a pension to Orley E. Laird; to the Committee on Pensions.

By Mr. STOUT: A bill (H. R. 16456) to allow credit in the accounts of Wyllys A. Hedges, special disbursing agent; to the Committee on Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16457) granting an increase of pension to William A. Strong; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 16458) for the relief of J. P. Littell; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of Florence Hite, Edna Levine, Loretta Minehan, Clara Koontz, Johanna Prailey, Mrs. Porter Slagle, Mrs. Samuel Glass, Louise Heinrich, Mrs. W. C. Hesselbein, John G. Smith, H. M. Reinhart, T. M. Wayland, R. E. Strayer, M. A. Erb, Jennie McCormick, Mrs. Shaffer, Margaret Reddinger, Kathleen Blau, Mrs. George Walton, Mrs. J. B. Salinger, Mrs. R. M. McLeod, Mrs. W. C. Louther, Paul Galfond, Norman Frommer, Mrs. Miles Sechengost, Miss Flo Overdorff, Edward Crockett, Mrs. J. N. Roth, Mrs. J. J. Schmadel, George Keyser, Beryl Maurer, Mrs. Lorrie Smith, Edward Holder, Mrs. W. J. Stephens, Mrs. S. S. Pittman, Mrs. A. B. Reynolds, Michael Hammer, Mrs. Samuel Rogers, Mrs. Philip Zimmer, Mrs. William Edkins, M. Hartley, Mrs. B. S. Young, Martha J. Davis, Miss Bertha Marlow, Mrs. Charles Lindberg, Mrs. James Little, Mrs. Stutzman, Mrs. Hunt, Mrs. Elizabeth Weyant, Robert M. London, Flo G. Hoover, Mrs. James Crouse, Ruth Kirchner, Marion Slagle, Pearl V. Blough, A. W. Saunders, Ollie Foust, E. Wallace, Mrs. Elizabeth Kleinmyer, Mrs. J. C. Abele, Mrs. Harry McCreary, Mrs. G. C. Mellinger, Myra Bowman, Fern W. Baer, C. R. Wagner, Mrs. E. James, Mrs. F. E. Horner, E. P. Garrity, D. G. Glessner, L. L. Blough, Mrs. J. A. Rogers, Mrs. A. J. Fay, Ida Jacoby, Mrs. A. L. Powell, Mrs. Dorsey Peck, Stella Seaman, A. B. Gaydos, Mrs. George Dudenhofer, Mrs. George Katko, Miss Virginia Herzog, Miss Caroline Gabriel, Elpise Dale, M. Lininger, Mrs. George Clark, Miss Lillie Levergood, Mrs. H. F. Leventry, Mrs. George Peyton, Miss Frieda Elizabeth Roth, Mrs. Sidney Kerr Wakefield, Grace Postlethwait, Katharine McGuire, and Mrs. George R. Kettka, of Johnstown; Anna Thomas, Othello Thomas, Beatrice Stoltz, and Mrs. C. J. Thomas, of Carrolltown; Mrs. M. J. Pritts, Miss Eleanor Pritts, Mary Allison, Mrs. J. L. Glessner, and Cathryn M. Kanter, of Somerset; Mrs. J. E. Bissecker and Mrs. S. P. Shaffer of Boswell; Nelle Nelson and Mrs. J. J. Nelson, of Beaverdale; Mrs. J. C. Parfitt and Isabelle Parfitt, of Windber; E. Thompson, of Spangler; Miss Maude Pensyl, of Philadelphia; Mrs. Ida Buchry, of Hooversville; Miss Louisa A. Nees, of Geistown; Annie G. Bowman, of Stoyestown; Mrs. A. W. Zimmerman, of Ralphton; P. C. James, of Barnesboro; Mrs. Charles Preall, of Seward; Rose Marie Moran, of Gallitzin; and Mrs. J. M. Moran and Lottie Murray, of Pittsburgh, all in the State of Pennsylvania; and B. A. Levi and Albert Stein, of New York City, N. Y., against the passage of House bill 9671, a bill to establish price control; to the Committee on the Judiciary.

By Mr. CANNON (by request): Petition of sundry citizens of the State of Illinois, favoring bill to increase widows' pensions; to the Committee on Invalid Pensions.

By Mr. DALE of New York: Petition of De Forest Radio Telephone & Telegraph Co., of New York, on Hammond radiotorpedo in House fortification bill; to the Committee on Appropriations.

Also, petition of the Merchants' Association of New York, against bills opposing the Taylor system; to the Committee on Labor.

By Mr. DOOLING: Petition of the Merchants' Association of New York, against bills to prohibit Taylor system; to the Committee on Labor.

By Mr. DOWELL: Memorial of 400 citizens of the State of Iowa, against passage of Sunday observance bill; to the Committee on the District of Columbia.

By Mr. DYER: Petition of Association of Governmental Labor Officials, favoring House bill 15316, Federal compensation; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of De Forest Radio Telephone & Telegraph Co., of New York, on Hammond radiotorpedo in House fortifications bill; to the Committee on Appropriations.

Also, petition of the Merchants' Association of New York, against the bills opposing the Taylor system; to the Committee on Labor.

By Mr. FULLER: Petition of Illinois Bankers' Association, relative to preparedness; to the Committee on Military Affairs.

Also, petition of City Council of Chicago, against amendment to rivers and harbors bill relative to water from Lake Michigan; to the Committee on Rivers and Harbors.

Also, petition of sundry citizens of Rockford, Ill., against the Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JAMES: Petition of citizens of the State of Michigan, against passage of bills relative to owners of power boats and launches; to the Committee on the Merchant Marine and Fisheries.

By Mr. NEELY: Petition of Chiropody Society of West Virginia, favoring bill relative to practice of chiropody in the District of Columbia; to the Committee on the District of Columbia.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Rhode Island, favoring passage of House bill 11876, minimum-wage bill; to the Committee on Labor.

Also, petition of Archie Du Bois, of Newport, R. I., relative to amending House bill 112, to regulate the hours of labor; to the Committee on Labor.

SENATE.

FRIDAY, *June 16, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee for Thy guidance and blessing as we have come to face for another day the responsibilities and duties which, in Thy providence, have come to us.

We pray Thee to guide us by Thy divine counsel. Give us the constant influence of Thy Holy Spirit. We pray that Thy blessing may abide upon all men who, in the providence of God, have been called to the places of influence and power, whose judgments come at last to be the determining forces shaping the policies of a great Nation.

May these men be controlled by the spirit and truth of the living God. May they properly measure the degree of responsibility that has come to them, and have the right estimate and the proper conception of the values of the moral and the spiritual in our governmental life; and through Thy grace may they be enabled so to determine and guide the course of this Nation as that it may perpetually stand for the great ideals for which Thou has brought it into being. We ask for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE,
Washington, D. C.

To the Senate:

The Vice President being absent from the Senate, and the undersigned being also necessarily absent therefrom, he, as President pro tempore of the Senate, hereby names the Senator from Alabama, Mr. JOHN H. BANKHEAD, to perform the duties of the Chair on the 16th day of June, 1916; this substitution not to extend beyond an adjournment.

JAMES P. CLARKE,
President pro tempore of the Senate.

Mr. BANKHEAD thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of the proceedings of Tuesday last.

The Journal of the proceedings of Tuesday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Presiding Officer:

S. 6. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths;

S. 17. An act permitting H. L. Corbin to purchase certain public lands;

S. 32. An act for the relief of William G. Williams, sr.;

S. 67. An act for the relief of Mathilda P. Hansen;

S. 142. An act for the relief of Mrs. George A. Miller;

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.;

S. 1326. An act for the relief of Vilhelm Torkildsen;

S. 3423. An act to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla.;

S. 3436. An act for the relief of John Alexander Besonen;

S. 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907;

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals;

S. 4550. An act granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.;

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel;*

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank;

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.;

S. 5348. An act to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes;

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia;

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss.; and

S. J. Res. 47. Joint resolution authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes.

PETITIONS AND MEMORIALS.

Mr. FLETCHER. I present a communication addressed to me in the nature of a memorial, signed by the president, the vice president, and general secretary of the National Business League of America, and also a letter from R. G. Wagner, president of the American Transatlantic Co., of New York, relative to the so-called ship-purchase bill, which is now before the Committee on Commerce. I ask that the communications be printed in the RECORD, without reading, and that they be referred to the Committee on Commerce.

There being no objection, the communications were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

THE NATIONAL BUSINESS LEAGUE OF AMERICA,
Chicago, June 9, 1916.

Hon. DUNCAN U. FLETCHER
United States Senate, Washington, D. C.

DEAR SIR: The National Business League of America, an organization which has had 20 years of active and resultful work, and which numbers among its members many of America's best and most unselfish business men, submits to you its views on the bill known as H. R. 15455, recently passed by the House of Representatives and now before your honorable body.

The league submits, first of all, the nonpartisan efforts of two decades to improve the condition of our country through national legislation, especially such as vitally affects general business interests. Its work in the reorganization of the Consular Service on the merit system, creation of the Department of Commerce, irrigation of the arid lands of the West, and the Federal reserve law are some of its important activities, which undoubtedly are familiar to many of the Members of the Senate. It has enjoyed the confidence of every national administration from President McKinley down to the present time, because its work has always been for the benefit of all the people.

One of the most important of its activities has been to impress the Congress, business men, and the public in general with the fact that our scant merchant marine has always lacked sufficient tonnage to adequately serve our Navy in time of war and to help carry the commerce of our mines, our factories, and our farms to distant parts of the world. It has, therefore, noted with satisfaction the work of the Committee on the Merchant Marine and Fisheries of the House of Representatives in connection with the introduction and passage of the above-mentioned bill as initiative in the right direction, and while it admits there are imperfections in the bill, it feels that its enactment would tend more toward a greater preparedness than any measure introduced in the Houses of Congress during the past 50 years.

As you gentlemen are no doubt aware, the bill provides first of all for the establishment of a United States shipping board. There is no difference of opinion, the league believes, on this point. It provides that in addition to the five commissioners to be appointed by the President, by and with the advice and consent of the Senate, the Secretary of the Navy and the Secretary of Commerce shall be ex officio members. The league heartily favors this provision, for the reason that the executive duties of these officials will practically interlock with the work of the shipping board—the Secretary of the Navy by reason of the fact that these merchant ships are to be auxiliaries of the Navy; that they are to be used also for the purpose of building up a naval reserve, and that some of the military transports, not now used by the Navy, will be transferred to the shipping board; the Secretary of Commerce by reason of the fact that he is in charge of the Bureau of Navigation, the Coast and Geodetic Survey, the Lighthouse and Life-Saving Service, and probably many of his officials will be needed to advise with the shipping board.

The provision, section 5, whereby "the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards; or to purchase, lease, or charter vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes," coupled with the further provision of section 14 that "for the purpose of carrying out the provisions of sections 5 and 11 the Secretary of the Treasury, upon request of the board, approved by the President, shall from time to time issue and sell or use any of the bonds of the United States now available in the Treasury under the acts of August 5, 1909, February 4, 1910, and March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $50,000,000," will give the Nation the opportunity it has never had since the Civil War of establishing the nucleus for a merchant marine.

Arguments have been advanced against the Government investing $50,000,000 in ships at this time for the reason that prices are too high. No sincere advocate of preparedness from the standpoint of national defense and the safeguarding of our commercial prosperity could consistently urge any such argument, for the reason that these ships are to be used for two purposes—for carrying a greater portion of our over-sea commerce (and everyone admits that there is great need for this purpose), and, secondly, as auxiliaries for the use of the Navy. No one would vote against the Government building or purchasing battleships because prices are too high; and as these ships are in a sense as important as battleships, it must be apparent that this argument of high prices should not be used at all. Aside from this, the probability is that the prices of ships will be higher before they will be lower, and we need ships now for both the above-stated purposes, and have no right to oppose the purchase or construction of these ships because some one may think prices are too high.

The point raised that these ships could not be purchased or constructed at this time is also one that should have no bearing on the proposition, for the Government will find the same difficulty in building naval ships, which must be built in shipyards, that it would find in having merchant ships built, and the sooner it starts the better, for surely nothing can be gained by waiting. Aside from that, with the great abundance of material that is used in the construction of ships, with the fact that the Nation is back of a movement to build up its merchant fleet, that its shipping board is going to devote its entire time to this purpose, would bring about a greater expansion in shipbuilding in this country. The shipbuilders are a little fearful about this present expansion, because they are not sure whether this movement is temporary or permanent, but with the Government's backing permanency would be assured, and shipyards would be greatly enlarged.

It seems almost absurd for anyone to oppose this bill on the ground that it means Government ownership and operation, because there is not the slightest probability of Government operation, and as far as Government ownership is concerned it would be best that the Government did not sell these ships. It does not sell its battleships; it owns them, and in view of the fact that these ships are built with the thought in mind that they may be used to increase naval efficiency, surely it would be better for the Government to own them instead of allowing them to lie idle and rot at the docks, to lease them, or, as a last resort, to sell them on condition, of course, that they can be reclaimed. These ships would be an important addition to any preparedness program. It is undisputed that the half-million tons, which is the amount that probably could be purchased for the $50,000,000 invested, are absolutely necessary to properly take care of our present naval fleet, and when we add to that, as we will, more auxiliaries, even more will be necessary.

There are other arguments in favor of the enactment of section 11. The principal one and, in the judgment of the league, the strongest—for it believes that the Government will be able to sell or lease all the ships constructed under this act—is that because of the fact that the Government will be paying such a low rate of interest and will not be obliged to pay promotion fees usually incumbent upon corporations which construct ships, the Government will be able to lease on such favorable terms that there will be a great many more requests for ships than the Government can possibly supply. The league would much prefer that the amendment, whereby the Government is to dispose of its ships in five years, be left out of the bill, for it feels satisfied that if the Government operated such ships that it could not sell or lease, in the event of such contingency, these ships could be used in opening up new trade routes or covering such routes where improper service is given to this country, and the Government could also use these ships to prevent the possibility of any unfair competition that would put American shippers out of business in the event that the second provision of section 15 would not be effective enough.

Probably the most important provision of the bill—although section 12, whereby a naval auxiliary reserve will be built up, is very important—is section 13, which gives the board the right to "investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, advantages, and disadvantages of operating in the foreign trade, vessels under United States registry, and under foreign registry." It also states that the board "shall examine the navigation laws of the United States and the rules and regulations thereunder and make such recommendations to the Congress as it deems proper for the amendment, improvement, and revision of such laws, and for the development of the American merchant marine," and that it shall also "investigate the legal status of mortgage loans on vessel property, with a view to means of improving the security of such loans and of encouraging investment in American shipping." The league can not conceive of anything more important for the upbuilding of the merchant marine than this section. It has been claimed time and time again that our navigation laws injure our shipping. If that be a fact this shipping board would be able to ascertain this condition in a much better manner than by the mere acceptance of the statement of any shipper who is interested. Should it be found that there are laws inimical to American shipping, the board's recommendations would unquestionably have great weight with the Congress, and repeal would speedily follow. There are also, from time to time, statements made that there are disadvantages in the relative cost of operating and constructing ships. The board can easily make investigations and recommendations in this particular. The board could also formulate plans for the financing and securing of mortgage loans on vessel property so that American capital would be encouraged to make investments in American shipping.

The league doubts that anyone who has made a study of the recent investigation of the Congress in connection with shipping, in so far as it relates to discrimination against American shippers, divulging of trade secrets, retaliation, etc., would oppose any part of section 15, which covers these points. The league also wishes to call attention to the fact that valuable suggestions of the New York Chamber of Commerce have been incorporated in section 15 verbatim.

There are many other important provisions in this bill that might be touched upon, but the league feels that it should not burden you with a

too lengthy statement. The league is satisfied, and some of its public-spirited members who are interested have visited many cities of the country and addressed the various chambers of commerce, urging support of the measure, and in not a single case where a chamber of commerce under its by-laws had the right to act on this matter, was there a refusal to adopt resolutions favoring the passage of the bill. As a means of preparedness, so far as the Navy of America would be augmented, the league feels that it is also of the most vital importance. What is the use of building more naval ships if we do not have auxiliaries to protect them? Why should we keep the American Nation fettered by its lack of needful facilities in transporting its rapidly expanding commerce when the ready means are at its disposal?

We address this timely appeal to you and ask you to vote and otherwise work for the passage of this important bill, so that favorable action may be unanimous and in no sense partisan. Verily this is a crisis in American affairs when every man in public and in private life should throw partisanship to the winds and use every endeavor to insure the safety and commercial supremacy of the Nation. In this way we may have effective preparedness.

PHILETUS W. GATES,
President.
BENJ. J. ROSENTHAL,
Vice President.
AUSTIN A. BURNHAM,
General Secretary.

—

AMERICAN TRANSATLANTIC CO.,
New York, June 12, 1916.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: The pendency before you of the ship purchase bill induces me respectfully to submit for your consideration some suggestions pertinent to the subject which are the outgrowth of recent experience in an effort to add to the tonnage of the American merchant marine.

Summed up, this experience forces the conclusion that without adequate coaling facilities always available along the ocean lanes and marine insurance entirely removed from British control an American merchant marine, however large, will never be able to preserve its independence.

The facts are these:

All of the 11 ships of this company are foreign built, were always neutral, were purchased in the spring of 1915 from neutral owners, and were registered under the American flag under act of Congress of August 18, 1914.

Thereafter four of the ships were seized by foreign Governments and are held pending prize-court proceedings. The remaining seven ships, by agreement between the Governments of Great Britain and the United States, are declared immune from capture until such time as the prize court shall have determined the status of those detained. But meanwhile all seven have been put upon the British blacklist.

Here, then, is the point:

The British blacklist, which may be laid against a ship or ships at any time on any pretext, means and has so worked out—

That British interests can not employ ships so blacklisted in any capacity;

That many—in fact, most—American interests will not employ them through fear of British boycott; and

That bunker coal can not be purchased for the ships so blacklisted in any British possession, nor from British coal dealers in neutral possessions, nor from any neutral dealer in any neutral territory without subjecting such dealer to British boycott.

Similarly, with a blacklist declared, British underwriters refuse insurance to all ships thus placed under the ban.

Under these handicaps imposed by the British—and it is always possible for the British Government thus to handicap its trade rivals—we have had the unique experience of endeavoring to operate our ships as tramp steamers since their blacklisting in October, 1915, and this experience has very forcibly brought out the pitiable condition of American steamers when they are thus put under the ban of the British Government.

This experience has demonstrated to us that outside of the United States 85 per cent of the coal supply for ships is controlled by British interests, and that it is next to impossible to secure adequate insurance facilities except from British underwriters, who will write no insurance upon a ship that has been blacklisted by their Government.

With the exception of Porto Rico, we have no coaling stations on any of the islands in the Atlantic Ocean. The entire chain of West Indian Islands in the sea lane from the United States to the east coast of South America is controlled by foreign Governments, mostly British, and practically all of the coal depots in the South American ports are under British control.

I am therefore of the opinion that this country can never have a successful merchant marine, whether Government owned or privately owned, until it becomes independent of foreign domination for these two fundamental requisites, namely, bunker coal and adequate insurance facilities.

Next to the above requirements it will be necessary to provide for the greater cost of operating American ships, which is mostly due to the higher wages paid American seamen. For this I respectfully suggest the following remedy:

Let the United States Government pay to such American seamen employed by American steamers in foreign trade, who will enlist as naval reserves, annually a sum which, when added to the average wages paid to seamen of leading maritime nations, would make a fair American wage. I estimate this cost for 5,000,000 tons of freight-carrying capacity at $5,000,000, based on 25,000 men at $200 per man. Such a plan may prove much more acceptable than a direct subsidy, and, if workable, would at once aid in the upbuilding of a greater American merchant marine and also in the securing of an adequate naval reserve.

Yours, very respectfully. R. G. WAGNER, *President.*

Mr. FLETCHER. I present a telegram in the nature of a memorial from Richard Hargrave, of Jacksonville, Fla., remonstrating against the adoption of section 7 of the Post Office appropriation bill. I ask that the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

JACKSONVILLE, FLA., *June 15, 1916.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.:

Section 7, Post Office appropriation act pending in Senate, is intolerable to majority in Florida and must be killed or substituted without further limiting free press postal privileges. We exact this of every present Senator. See Jacksonville Free Press, June 15, mailed you to-day. I speak for millions of voters.

RICHARD HARGRAVE.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for the enactment of legislation to make October 12, Columbus Day, a legal holiday, which were referred to the Committee on the Judiciary.

Mr. JONES presented a petition of sundry citizens of Tacoma, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Sherman County, Oreg., praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Mount Angel, Oreg., praying for the enactment of legislation to make October 12, Columbus Day, a legal holiday, which was referred to the Committee on the Judiciary.

He also (for Mr. JOHNSON of Maine) presented a petition of the First Baptist Church of Rockland, Me., praying for prohibition in the Philippine Islands, which was ordered to lie on the table.

He also (for Mr. JOHNSON of Maine) presented a petition of the congregation of the First Baptist Church of Rockland, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also (for Mr. JOHNSON of Maine) presented a petition of the congregation of the First Baptist Church of Rockland, Me., praying for the enactment of legislation to prohibit the transmission of newspapers through the mails containing advertisements of intoxicating liquor, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. JOHNSON of Maine) presented a petition of the congregation of the First Baptist Church of Rockland, Me., praying for the enactment of legislation to prohibit interstate transportation of obscene motion-picture films, which was referred to the Committee on Interstate Commerce.

He also (for Mr. JOHNSON of Maine) presented a petition of the congregation of the First Baptist Church of Rockland, Me., praying for the enactment of legislation to prohibit interstate commerce in race gambling odds and bets, which was referred to the Committee on Interstate Commerce.

He also (for Mr. JOHNSON of Maine) presented a petition of the congregation of the First Baptist Church of Rockland, Me., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also (for Mr. JOHNSON of Maine) presented a petition of the congregation of the First Baptist Church of Rockland, Me., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also (for Mr. JOHNSON of Maine) presented a petition of the congregation of the First Baptist Church of Rockland, Me., praying for the enactment of legislation to prohibit the exportation of intoxicating liquors to Africa, which was referred to the Committee on the Judiciary.

He also (for Mr. JOHNSON of Maine) presented a petition of the congregation of the First Baptist Church of Rockland, Me., praying for the enactment of legislation to prohibit sectarian appropriations, which was referred to the Committee on the Judiciary.

He also (for Mr. JOHNSON of Maine) presented a petition of the National Society United States Daughters of 1812, praying for the establishment of a national military park on the plains of Chalmette, New Orleans, La., which was referred to the Committee on Military Affairs.

He also (for Mr. JOHNSON of Maine) presented a memorial of Eastern Star Grange, No. 1, Patrons of Husbandry, of Hampden Center, Me., remonstrating against any change being made in the parcel-post law, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BANKHEAD:

A bill (S. 6350) for the relief of Mary V. R. Shipley (with accompanying paper); to the Committee on Claims.

By Mr. THOMAS:
A bill (S. 6351) authorizing the acceptance by the United States Government from Pueblo Post, No. 8, Grand Army of the Republic, of a monument located on the grounds of the Federal building in Pueblo, Colo.; to the Committee on Public Buildings and Grounds.
By Mr. CURTIS (for Mr. PENROSE):
A bill (S. 6352) for the relief of David Steers, alias William Johnson, alias John Hartman; to the Committee on Military Affairs.
A bill (S. 6353) granting a pension to Christianna F. Childs; and
A bill (S. 6354) granting a pension to Christian Graf; to the Committee on Pensions.
By Mr. MYERS:
A bill (S. 6355) for the relief of the Jefferson Lime Co.; to the Committee on Claims.
By Mr. BROUSSARD:
A bill (S. 6356) for the relief of sundry building and loan associations; to the Committee on Claims.
By Mr. JONES:
A bill (S. 6357) granting an increase of pension to William H. Harris (with accompanying papers); and
A bill (S. 6358) granting an increase of pension to Josephine Cooley (with accompanying papers); to the Committee on Pensions.
By Mr. PAGE:
A bill (S. 6359) granting a pension to Elsina H. Rickard (with accompanying papers); to the Committee on Pensions.
By Mr. LANE (for Mr. TAGGART):
A bill (S. 6360) granting an increase of pension to Savia Vevia;
A bill (S. 6361) granting an increase of pension to James F. Uncil;
A bill (S. 6362) granting an increase of pension to Alexander W. Smitha;
A bill (S. 6363) granting an increase of pension to Robert Smith;
A bill (S. 6364) granting an increase of pension to Nathan Luckey;
A bill (S. 6365) granting an increase of pension to Robert H. Keller;
A bill (S. 6366) granting an increase of pension to Ira E. McFarland;
A bill (S. 6367) granting an increase of pension to Sylvester Clark; and
A bill (S. 6368) granting an increase of pension to Samuel Aldridge; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment proposing to appropriate $15,000 for purchase of additional land, construction of buildings, ponds; and the purchase, repair, and equipment of fish-cultural stations at San Marcos, Tex., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.
Mr. JONES submitted an amendment providing that in the appointment of noncommissioned officers of the Marine Corps as marine gunners and quartermaster clerks they shall be made from those who have served at least 10 years in the Marine Corps as enlisted men, five years of which service being as noncommissioned officers, intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.
Mr. THOMAS. Mr. President, if there is no other business to be transacted, I move that the Senate adjourn until Monday next at 12 o'clock noon.
The motion was agreed to; and (at 12 o'clock and 7 minutes p. m.) the Senate adjourned until Monday, June 19, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 16, 1916.*

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:
We thank Thee, our Father in heaven, that the door is ever ajar, and whosoever will may enter into the holy of holies and commune with Thee, feel the touch of infinite purity, the warmth of infinite love, the strength of infinite power; be refreshed, purified, and strengthened for the tasks which wait upon us; so we come, encouraged by the promise, "Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened unto you: For everyone that asketh receiveth, and he that seeketh findeth, and to him that knocketh it shall be opened. Or what man is there of you, whom if his son ask bread, will he give him a stone? Or if he ask a fish, will he give him a serpent? If ye then, being evil, know how to give good gifts unto your children, how much more shall your Father which is in heaven give good things to them that ask Him?" Amen.
The Journal of yesterday's proceedings was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the appeal of the Federal Council of the Churches of Christ in America for war-relief funds.
The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?
There was no objection.
Mr. GOODWIN of Arkansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating a speech delivered at the Democratic convention in St. Louis yesterday by former Secretary of State William J. Bryan.
The SPEAKER. The gentleman from Arkansas [Mr. GOODWIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?
There was no objection.
Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating the speech delivered yesterday at the Democratic convention at St. Louis by Senator JAMES.
The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?
There was no objection.
Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from the Washington Star and one from the Washington Times.
The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?
Mr. HOWARD. Mr. Speaker, reserving the right to object, I want to ask the gentleman what these editorials are about? If this was the gentleman's own statement I should have no objection, but if it is to crowd the RECORD with editorials from papers like the Washington Star and Times I shall have to object.
Mr. BENNET. They are of the same character as those that have been offered from the other side—political editorials.
Mr. HOWARD. Well, if this side is doing it, I am not going to object. I withdraw my objection.
The SPEAKER. Is there objection?
There was no objection.

ARMY APPROPRIATIONS.

Mr. HAY, from the Committee on Military Affairs, reported a bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 819), ordered to be printed.
Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

THE PRIVATE CALENDAR.

The SPEAKER. The Clerk will report the first bill on the Private Calendar.
Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent that the bills on the Private Calendar be considered in the House as in Committee of the Whole.
The SPEAKER. The gentleman from Mississippi asks unanimous consent that the bills on the Private Calendar be considered in the House as in Committee of the Whole——
Mr. MANN. That is, those in order to-day.
The SPEAKER. Yes; the bills in order to-day. Is there objection?
There was no objection.

HEIRS OF JOHN M. WAPLES.

The first business on the Private Calendar was the bill (H. R. 11749) for the relief of the heirs of John M. Waples.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. BENNET. Mr. Speaker, I object.
The SPEAKER. The gentleman from New York objects, and the bill goes over.

LENA SCHMIEDER.

The next business on the Private Calendar was the bill (H. R. 3294) for the relief of Lena Schmieder.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill goes over without prejudice.

MARTHA HAZELWOOD.

The next business on the Private Calendar was the bill (H. R. 7427) for the relief of Martha Hazelwood.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill goes over.

ESTATE OF JOHN STEWART, DECEASED.

The next business on the Private Calendar was the bill (S. 3388) for the relief of the estate of John Stewart, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill goes over.

JAMES L. YOKUM.

The next business on the Private Calendar was the bill (H. R. 2208) for the relief of James L. Yokum.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BENNET. Mr. Speaker, reserving the right to object, I should like to ask the gentleman in charge of the bill a question.

Mr. STEPHENS of Mississippi. I shall be glad to answer it.

Mr. BENNET. Is there any precedent for a payment to a man under these circumstances? Mr. Yokum is asking to be paid because he killed a mail robber.

Mr. STEPHENS of Mississippi. I will say to the gentleman that I do not know of any precedent; but, as the gentleman doubtless knows, there is a standing reward offered by the Government for the arrest of persons robbing the mails. This man did not arrest the robber, but in his effort to arrest him he killed him. Now, if he had simply wounded the robber, or if the robber had surrendered, Mr. Yokum would have received from the Government the sum of $1,000 for what he did. The committee believed that it was proper that he should be allowed the sum that he would have received if he had simply made the arrest. Therefore the committee reported the bill.

Mr. BENNET. Mr. Speaker, the gentleman from Oregon [Mr. HAWLEY] says that when he was on the committee there were several bills of this kind reported out and passed. Therefore, as the precedent has been established, I shall not object.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, I have read this bill and read the report. I think it is a splendid measure. When the Post Office appropriation bill was going through the House it had incorporated in it a provision proposing to make general just such conditions as these. The Committee on the Post Office and Post Roads had before it a case originating down in the State of Florida, where a clerk killed a robber. He had to do it in order not only to protect the property of the Government, but to protect himself. He was not able to get the reward. The committee thought it would remedy that defect. As stated by the gentleman from Mississippi [Mr. STEPHENS], if he had arrested the man and had taken him alive, he would have received the benefit of the reward, but the provision which the committee incorporated in the Post Office bill was defeated on the floor of the House. I am glad that no one is going to object to this bill. I believe there is another one on the calendar something like it, where a postmaster was killed in the State of Kentucky, and I hope that no one will object to that.

Mr. ROUSE. That bill has been passed.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $1,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is hereby directed to pay James L. Yokum, a citizen of Red Bluff, Tehama County, in the State of California, reward for the arrest of mail-train robber on the night of November 8, 1912.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MOEUR-PAFFORD CO.

The next business on the Private Calendar was the bill (H. R. 13496) for the relief of the Moeur-Pafford Co.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

EDWARD J. LYNCH.

The next business on the Private Calendar was the bill (H. R. 14814) for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Edward J. Lynch, collector of internal revenue for the district of Minnesota, and his accounts with the sum of $35,207.14½, being the value of currency, coin, and various kinds of stamps charged to him and which were stolen from the vault of his office during the night of January 6, 1916, together with other stamps, which have since been returned to him.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAINE CENTRAL RAILROAD CO.

The next business on the Private Calendar was the bill (S. 3405) for the relief of the Maine Central Railroad Co.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,566 to the Maine Central Railroad Co. for a special train from Mount Desert Ferry, Me., to New York City, conveying foreign mails from the steamship *Kronprinzessin Cecile*, per order of the Acting Superintendent of the Railway Mail Service at Boston Mass., August 6, 1914.

Mr. BENNET. Mr. Speaker, I desire to offer the following amendment: After the figures "$1,566" insert the words "which sum is hereby appropriated."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the figures "$1,566," in line 5, the words "which sum is hereby appropriated."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, my impression is that the amendment is not necessary. Where we used to provide that the Secretary of the Treasury should pay a certain amount of money to some one, that was held not to be an appropriation. I am under the impression that where you provide that they shall pay a certain sum of money "out of money not otherwise appropriated" in the Treasury, that is considered to be an appropriation. That is the form of bills in recent years, almost invariably, I will say to the gentleman from New York.

Mr. BENNET. Mr. Speaker, I unfortunately had this matter up in the Fifty-ninth Congress in connection with a bill of my own which was passed almost in this form, and the Secretary of the Treasury refused to pay the money, holding that it was an authorization and not an appropriation.

Mr. MANN. But if the gentleman will examine the bill that he has reference to, he will find that it did not provide that the Secretary of the Treasury should pay the money "out of any money in the Treasury not otherwise appropriated." It provided only that he should pay the money. That was not an appropriation, and was only an authorization.

Mr. BENNET. I think the gentleman is mistaken. The reason for the form that was subsequently adopted was that I called the attention of the Committee on Claims to my misfortune, and that for several years they amended bill after bill so as to comply with the form suggested in my case by the Secretary of the Treasury; and if the gentleman will look at any general appropriation bill—the one just reported, which I have not seen, but which I am very certain contains both provisions—he will find that the Secretary of the Treasury is authorized and directed to pay "out of any money," and also the provision that the sum is "hereby appropriated." The amendment can not do any harm, and may save the beneficiary of the bill a lot of trouble.

Mr. STEPHENS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. STEPHENS of Mississippi. I believe the gentleman raised this point once before?

Mr. BENNET. Yes.

Mr. STEPHENS of Mississippi. Since that time the clerk of the Committee on Claims has had some correspondence with the

Secretary of the Treasury in regard to this matter, and my information is that the Secretary states that the bill is in proper form, and that the language suggested by the gentleman is not at all necessary.

Mr. BENNET. This particular bill?

Mr. STEPHENS of Mississippi. A bill in which the identical language was used providing an appropriation.

Mr. BENNET. If the Secretary of the Treasury will pay the money upon it, I am satisfied.

Mr. STEPHENS of Mississippi. He has paid a great many.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

D. B. BARBOUR AND A. P. GLADDEN.

Mr. STEPHENS of Mississippi. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. STEPHENS of Mississippi. To ask unanimous consent to take from the Speaker's table Senate bill No. 4368 and consider it in lieu of the next bill on the calendar, which is identical.

The SPEAKER. The Clerk will report the House bill.

The Clerk read as follows:

A bill (H. R. 11584) for the relief of D. B. Barbour and A. P. Gladden, copartners, doing business under the firm name of Brown, Barbour & Gladden.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object——

Mr. MANN. Is this the House or Senate bill?

The SPEAKER. It is the House bill. Is there objection?

Mr. COX. Reserving the right to object——

Mr. MANN. I want to hear the Senate bill read first.

The SPEAKER. It seems this bill has gone to the committee.

Mr. MANN. The gentleman had better ask to pass this over temporarily.

Mr. STEPHENS of Mississippi. I will ask that that be done, although the clerk of the committee informs me it has never gone to the committee. This statement states that the original Senate bill is at the Speaker's desk. However, I ask unanimous consent that the matter be passed over temporarily.

The SPEAKER. Without objection, the matter will be passed over temporarily.

There was no objection.

P. J. CARLIN CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 4537) for the relief of the P. J. Carlin Construction Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

DRS. BLAIR AND BLAKE AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 10931) for the relief of Blair and Blake.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $650 to Blair and Blake, of Sheffield, Ala., in full payment of all claims and demands for surgical service rendered by them to employees of the United States Government who were injured by a premature dynamite explosion while in the performance of the duties assigned them by the Government engineers, and while engaged in channel work in the Tennessee River at Cogers Island near Smithsonia, Ala., on the 25th day of June, 1914.

The committee amendment was read, as follows:

Amend by striking out all after the enacting clause down to and including line 3, page 2, and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sums of $375 to Drs. Blair and Blake, $25 to Dr. W. J. Maxwell, $25 to Dr. R. C. Evans, and $4.15 to J. B. Blalock, all of Sheffield, Ala., in full payment of all claims and demands for surgical service rendered and material supplied by them to employees of the United States Government who were injured by a premature dynamite explosion while in the performance of duties assigned to them by the Government engineers, and while engaged in channel work in the Tennessee River at Cogers Island near Smithsonia, Ala., on the 25th day of June, 1914."

The amendment in the nature of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, the committee recommended an amendment to the title; the title is incorrect, and while it is not printed in the bill as it should be; it is in the report.

Mr. STEPHENS of Mississippi. The title of the bill should be amended so as to read: "A bill for the relief of Drs. Blair and Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock."

The SPEAKER pro tempore (Mr. ALEXANDER). Without objection, the title will be amended accordingly.

There was no objection.

FRANK J. DEUTSCH.

The next business on the Private Calendar was the bill (H. R. 1777) for the relief of Frank J. Deutsch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank J. Deutsch, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, which sum is hereby appropriated, for injuries sustained while employed in the Coast Guard at Sturgeon Bay, Wis.

The committee amendment was read, as follows:

Page 1, line 6, after the word "appropriated," insert the following: "In full settlement of all claims of any nature whatsoever that the said Frank J. Deutsch may have against the United States Government."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ESTATE OF JOHN H. CHRISTY.

The next business on the Private Calendar was the bill (H. R. 8010) making an appropriation to pay the legal representatives of the estate of John H. Christy, deceased, to wit: E. J. Christy, Mary L. Christy, Sallie A. Christy, W. S. Christy, T. J. Christy, and Julia H. Bryson, and the estates of J. R. Christy, W. D. Christy, and H. P. Christy, heirs at law of John H. Christy, late of the State of Georgia, in full for any claim for salary and allowance made by reason of the election of the said John H. Christy to the Thirty-ninth Congress and his services therein.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

T. J. BALL.

The next business on the Private Calendar was the bill (H. R. 13637) for the relief of T. J. Ball.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

JOHNSON-M'CUBBINS INVESTMENT CO.

The next business on the Private Calendar was the bill (S. 3257) for the relief of Johnson-McCubbins Investment Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

MARY BAILEY PRATT.

The next business on the Private Calendar was the bill (H. R. 8624) for the relief of Mary Bailey Pratt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes.

Also,

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe.

The message also announced that the President had approved and signed bills and joint resolutions of the following titles:

On June 5, 1916:

S. J. Res. 72. Joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

On June 9, 1916:

H. R. 14864. An act to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869; and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; and

S. 4856. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On June 12, 1916:

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic af Haiti, and for other purposes;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia;

S. 6073. An act granting the consent of Congress to George Fabyan to construct a bridge across the Fox River; and

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

RETURN OF BILL AND JOINT RESOLUTION TO THE SENATE.

The SPEAKER. The Chair lays before the House a resolution from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
June 13, 1916.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate Senate joint resolution 114, withholding from allotment the unallotted lands or public domain of the Creek Nation Tribe of Indians, and providing for the sale thereof, and for other purposes.

The SPEAKER. Without objection, the request is agreed to.

There was no objection.

The SPEAKER. The Chair lays before the House another resolution from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
June 8, 1916.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate Senate bill 4251, to authorize the Ponca Tribe of Indians to appear in and be made parties to any suit filed in the Court of Claims by the Omaha Tribe.

The SPEAKER. Without objection, the request will be agreed to.

There was no objection.

SARAH S. PLANK.

The next business on the Private Calendar was the bill (H. R. 13785) for the relief of Sarah S. Plank.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Sarah S. Plank, widow of Ed. S. Plank, who was killed in the discharge of his duties as a United States officer in seeking to enforce the United States laws in the Indian country.

Also the following committee amendment was read:

In line 5 strike out "$5,000" and insert in lieu thereof "$1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. There were two men killed at the same time, I believe, in the discharge of their duty as United States officers seeking to enforce the United States laws in the Indian Territory. I believe those were the liquor laws, if I recall correctly. The committee reported favorably upon one of the bills for the relief of the widow of one of the persons who was killed, and reported adversely on the other bill, one for the relief of a dependent daughter, or claimed to be dependent, at least, upon the officer who was killed. I am very glad the committee really drew the line; glad that they showed careful study of the subject, though, I must say, I can not see much difference in the bills. Both officers were killed at the same time, in the same effort to enforce the liquor laws. The widow of one was dependent upon her former husband, who was killed, and the daughter of the other, who was described as a delicate, frail woman, with no income, or no means of support except a small salary as clerk, stated that she was dependent upon her father. I am not disposed to criticize the committee, because perhaps there is a distinction.

Mr. STEPHENS of Mississippi. The committee thought so.

Mr. MANN. I thought that generally where we pay claims of this sort to persons who are injured or killed in the Government service we did not draw too fine a line upon whether they were wholly dependent. It may be a good thing to do. I hope if the committee is drawing that line it will keep on drawing it.

Mr. STEPHENS of Mississippi. There was no statement before the committee as to what salary this lady was drawing, the daughter of one of the deceased officers, but simply that she was employed as a clerk. We had a statement that the widow was really dependent on her husband; that he left her nothing; but we were not satisfied as to the statement in regard to the other case, and we thought perhaps it was proper to leave that matter undisposed of. If later on we think the facts justify it, perhaps we will report the bill.

Mr. MANN. As a matter of fact, there is not much information contained in the report. The report in both cases contains a letter from Mr. B. A. Enloe, jr., United States marshal, who, instead of giving information, as was his province to give, gives advice as to what Congress ought to do, what policy Congress ought to pursue. The committee desired the information, the facts. Mr. Enloe did not give the facts, but tells us what our policy ought to be.

Mr. STEPHENS of Mississippi. I think we had other statements besides the one from Mr. Enloe.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN STEAGALL.

The next business on the Private Calendar was the bill (H. R. 15117) for the relief of John Steagall.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CARAWAY. Mr. Speaker, I object.

IVY L. MERRILL.

The next business on the Private Calendar was the bill (H. R. 11685) for the relief of Ivy L. Merrill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

C. E. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 1975) for the relief of C. E. Anderson.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. E. Anderson, packer, United States Geological Survey, the sum of $40, and said amount is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be in full payment of all losses incurred and damage sustained by said C. E. Anderson in the purchase of a horse on April 25, 1910, for use by survey parties in Alaska.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLES E. KNICKERBOCKER.

The next business on the Private Calendar was the bill (H. R. 11843) for the relief of Charles E. Knickerbocker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COX. Mr. Speaker, reserving the right to object, I have read the report in this case, and I do not see anything in it except that which appeals to the human side of life. There is no liability at all. Apparently the committee assigns the reason for allowing the claim to the fact that the accident occurred very

closely to the time when Congress passed a general law which would have applied to it.

Mr. EDMONDS. Mr. Speaker, this bill simply reimburses him for the time that he lost owing to the accident. But the committee thought that as long as Congress has seen fit to pass such a law now, that it would be only fair that he should be reimbursed for the time lost—no more than that; just the time lost—and that is all the committee is paying.

Mr. COX. Of course, if this claim is allowed it will simply open the door for many other claims of a similar nature, and the claimants will come in and say that they were hurt within six months or a year from the passage of the law.

Mr. EDMONDS. This is not a precedent. They have passed similar bills to this before through the committee and passed them through the House, I believe.

Mr. COX. You say:

As the accident to the claimant occurred prior to the law approved March 9, 1914, which provides that leave of absence with full pay may be granted to certain employees of the Postal Service, including letter carriers, injured while on duty, during the period of disability, it is only thought equitable and just that the loss of compensation for the 5 months and 10 days, amounting to $533.33, should be paid.

Now, he got hurt on the 20th day of January, within a period of less than three months immediately preceding the passage of that law, and that is the only ground upon which the committee undertakes to base the propriety of this claim.

Mr. EDMONDS. It is the moral basis.

Mr. COX. And it is only proximity to the time when Congress passed the general law.

Mr. EDMONDS. I think the gentleman will find that the committee has passed bills two or three years before the passage of the general law.

Mr. COX. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Indiana objects.

Mr. STEPHENS of Texas. We have just passed the bill H. R. 11685, in which Ivy L. Merrill, a Pottawatomie schoolteacher, was injured. That bill is on a par with several other bills that have already been passed by this House.

The SPEAKER pro tempore. The Clerk will report the next one.

PATRICK BURNS.

The next business on the Private Calendar was the bill (H. R. 11661) for the relief of Patrick Burns.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next one.

FARMERS' SAVINGS BANK OF BRANDON, IOWA.

The next business on the Private Calendar was the bill (H. R. 4626) to reimburse the Farmers' Savings Bank of Brandon, Iowa, for currency destroyed by fire.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next one.

SIMON M. PRESTON.

The next business on the Private Calendar was the bill (S. 1288) for the relief of Simon M. Preston.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

MRS. W. E. CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 9335) for the relief of Mrs. W. E. Crawford.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

HEIRS OF MYRA CLARKE GAINES.

The next business on the Private Calendar was the bill (H. R. 10624) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

W. W. FINN.

The next business on the Private Calendar was the bill (H. R. 14528) for the relief of W. W. Finn.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. W. Finn, of Wesley, Iowa, the sum of $178.83, to compensate him for the loss by burglary of certain war-revenue emergency stamps of which he was custodian.

With a committee amendment, as follows:

Amend, line 6, by striking out "$178.83" and inserting "$177.83."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM W. DANENHOWER.

The next business on the Private Calendar was the resolution H. Res. 252, reported in lieu of H. R. 8698, a bill for the relief of William W. Danenhower, referring said bill to the Court of Claims.

The title of the resolution was read.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask that this resolution be passed over for the present.

Mr. MANN. Mr. Speaker, reserving the right to object, I just want to call attention to a matter in this. I do not know whether it has been called to the attention of the committee or not. This is a resolution to refer to the Court of Claims a bill which provides for the payment for damages caused by the erection of the Union Station and the appurtenant works. We passed an act a number of years ago in reference to that matter, the act of June 29, 1906, amending a prior act of April 22, 1904, and several times since then we have passed special bills coming from the Committee on the District of Columbia. We have provided for a commission, as I recall, of some kind—a board of experts—to pass upon these matters, and provided that the claims should be made before that board within a certain time; and several times after that we passed special acts authorizing special persons to make their claims before this board. I suppose the board, or the commission, or whatever it was called, has long since ceased to exist. But in all these cases we only provided for the payment for damages to property, damages to real estate. This provides for damages caused by depreciation in value of the property. Possibly that refers to real estate. I suppose it does. It also provides for the loss of the use of the property and the destruction of the business conducted thereon. It goes a great deal further than we went with anybody else. Those who took advantage of the law and were prompt in making their claims were given only damages to the injury to their real estate. Of course we can not very well now, by special bills, start in to give damages for the business which was conducted there.

Mr. STEPHENS of Mississippi. I agree most heartily with the gentleman, Mr. Speaker, and I favor an amendment along the lines suggested.

Mr. MANN. Of course you can not amend the resolution very well. A new bill should be introduced. I do not see any reason myself, if a man's property was damaged and he was not guilty of laches or negligence, why he might not be recompensed now if there was reason for his not making the claim at the time.

Mr. STEPHENS of Mississippi. Let me ask the gentleman a question for the purpose of getting information. The committee has substituted a resolution in lieu of the bill. Of course, as I understand it, that resolution carries the bill with it?

Mr. MANN. That resolution carries the bill with it; yes.

Mr. STEPHENS of Mississippi. Then why could not the bill itself be amended?

Mr. MANN. The bill is not before us.

Mr. STEPHENS of Mississippi. I understand; but I was asking, as I said, for information.

Mr. MANN. I do not see how that could be possible.

Mr. BYRNS of Tennessee. Could not the House by unanimous consent amend the bill?

Mr. MANN. I do not think it could. I would not say that the House could not amend the resolution so as to refer to the Court of Claims so much of the bill as referred to damages to real estate, for findings of fact and conclusions of law. I suppose that might be done.

Mr. STEPHENS of Mississippi. I suggest that this resolution be passed over for a few minutes, and in the meantime it can be amended by its author.

Mr. MANN. The amendment would have to be to the resolution, not to the bill.

Mr. BYRNS of Tennessee. There is some difficulty, I will say to the gentleman from Illinois, as to amending the resolution now before the House. I know nothing about the particular facts in the case, but it is represented to me that the claimant is desirous of getting his claim before the Court of Claims, and I am sure everyone is willing to allow him to have his day in court, so that he can set up his facts there. The bill was drawn so as to require the action of the Senate as well as the House in referring the claim to the Court of Claims. The Committee on Claims has brought in a House resolution under section 151 of the code, which was approved in 1911, proposing to refer it by way of a simple House resolution.

Now, my attention has been called to the fact that the claim, if referred in that manner, would not be considered by the Court of Claims, because it does not on its face seek to recover anything from the United States. In other words, it is not drawn in the form of a claim. The original bill is purely a matter of reference to the Court of Claims for the purpose of having it make a finding upon the law and facts. If it is in shape for amendment, I would not only like to accept the amendment suggested by the gentleman, but would like to offer a substitute for the original bill so as to put it in such form as will authorize the Court of Claims to consider it under a reference such as is proposed here.

I will say to the gentleman that my attention was called to the case of Cohalan against the United States, reported in Forty-second Court of Claims Reports, pages 280 to 282, which specifically holds that the Court of Claims will not take jurisdiction of a claim where it is referred under the Tucker Act unless the bill provides for the payment of a specific sum or shows upon its face that it is a claim against the United States Government. Now, unless in the opinion of the gentleman the original bill in the form in which it is presented here by the Committee on Claims can be amended by unanimous consent, the matter will have to go over and a new bill introduced.

Mr. MANN. I do not think it could be. I will say to the gentleman that I am inclined to think that possibly his remedy should be an entirely different one. I am not sure. If the gentleman will refer to Twenty-sixth Statutes at Large, pages 336, 581, 1344, and 1346, unless my note is wrong, he will find where we passed laws giving relief in just such cases as this, but not through the Court of Claims. Now, whether the remedy authorized there is gone entirely I do not know, but that referred it again to the original commission through the court, and when the action of the court was entered in those cases I think it was in the form of judgments. Of course this reference to the Court of Claims would only make a finding of facts and law, and would not be a judgment anyhow.

Mr. STEPHENS of Texas. I hope something will be done with this bill, for the reason that the man has been out of the use of his property for the last 12 years, ever since this railroad was taken off the Mall here. He had a warehouse and was conducting a warehouse business, but on account of the running of several tracks in front of his place of business he has been unable to get access to his property and could not use it for anything.

Mr. MANN. Why did he not file a claim?

Mr. STEPHENS of Texas. He has filed a claim, as I understand the matter, and it has been in Congress also.

Mr. MANN. I do not know whether he has introduced bills, but there has been no bill reported.

Mr. STEPHENS of Texas. I understand there has not.

Mr. MANN. But we passed the original Union Station act in 1903, and another in 1904, and amended it in 1906. This man had plenty of opportunity, as far as that is concerned. He can not lay any blame upon us. It is his own negligence, not ours.

Mr. STEPHENS of Texas. That may be.

Mr. BYRNS of Tennessee. I do not know whether he has filed any claim or not. It was simply presented to me as a matter of reference, and I thought that if he felt he had any claim he had a right to his day in court at least, and that Congress should take such action as would give it to him.

Mr. MANN. I think we ought to know whether he has had his day in court. He may have filed a claim and received an award, or he may have been denied an award by the court originally. If so, he has very little claim for another special finding from another tribunal.

Mr. BYRNS of Tennessee. I am not in a position to advise the gentleman on that.

The SPEAKER pro tempore. What is the gentleman's request?

Mr. STEPHENS of Mississippi. That this matter be passed over for the present.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PEABODY & STEARNS.

The next business on the Private Calendar was the bill (H. R. 13674) to amend section 11 of chapter 308 of the acts of 1909.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

REMAINS OF CHARLES H. BINGHAM.

The next business on the Private Calendar was the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from the Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I do not know whether it is on the Speaker's table or not, but there is a similar Senate bill, S. 5863. If we are going to pass this legislation, we ought to pass the Senate bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill H. R. 15282 was read, as follows:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

With the following committee amendment:

After the word "Pennsylvania," in line 7, insert the following: "but such permit shall not be issued until there has been filed in the health department of the District of Columbia a permit from the proper governmental authorities at the place where said cemetery is located, authorizing the interment there of said remains."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

TENNIE A. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 6267) to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money, money orders, and postage stamps stolen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, this bill says that it is to pay to Tennie A. Anderson, postmaster, the sum of $152.16, the same to be in payment for certain money, money orders, and postage stamps stolen. If somebody steals money from a postmaster, we do not pay him. I do not know what is meant by "money orders stolen."

Mr. STEPHENS of Mississippi. That should have been "money-order funds."

Mr. MANN. Then it should have been so amended by the committee. But what does it mean?

Mr. STEPHENS of Mississippi. It was my oversight.

Mr. MANN. But we do not pay money to a postmaster because somebody has stolen money from him.

Mr. STEPHENS of Mississippi. This money, which belonged to the Government, was in this post office which was robbed. The postal authorities required the postmistress to make good the loss.

Mr. MANN. There is nothing said about that here. Is that what it is for? There is nothing to indicate that she ever paid the money.

Mr. STEPHENS of Mississippi. But it is the fact.

Mr. MANN. The gentleman may know it of his own knowledge; he may remember about these things; but it is not stated in the report and not indicated in the bill.

Mr. STEPHENS of Mississippi. I have a letter from the Postmaster General. She was required to pay this money for this reason——

Mr. MANN. I can understand that she might be required to pay the money, sometimes they are, or receive credit for it, but who ever drew the bill did not contemplate that she had paid the money.

Mr. STEPHENS of Mississippi. The idea of the drafter of the bill was that it was to reimburse her, although it is not plainly stated in the bill, if it is stated at all.

Mr. MANN. The bill ought to be amended so as to state what it means.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $152.16, the same to be in payment for certain money, money orders, and postage stamps stolen from the post office at Maplewood, Fayette County, W. Va., January 26, 1914.

Mr. STEPHENS of Mississippi. Mr. Speaker, I move to amend, in line 8, by striking out the word "orders" and insert the words "order fund."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, line 8, by striking out the word "orders" and insert the words "order fund."

The amendment was agreed to.

Mr. STEPHENS of Mississippi. Now, Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

In line 3, page 2, after the word "fourteen," insert "to reimburse her for money paid by her on her settlement with the postal authorities."

The amendment was agreed to.

Mr. MANN. Was the word "money" stricken out in line 8? All she lost was the money-order fund and postage stamps.

Mr. STEPHENS of Mississippi. Mr. Speaker, I move to amend, in line 8, by striking out the word "money" where it first occurs.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend in line 8, page 1, by striking out the word "money" where it first occurs.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EASTERN TRANSPORTATION CO., BALTIMORE, MD.

The next business on the Private Calendar was the bill (H. R. 15635) for the relief of the Eastern Transportation Co., of Baltimore, Md.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the first section of the bill, as follows:

Be it enacted, etc., That the claim against the United States of the Eastern Transportation Co., of Baltimore, Md., a corporation organized and existing under the laws of the State of Maryland, with its principal place of business in the city of Baltimore, State of Maryland, owner of the barge *John T. Donohue*, for damages alleged to have been caused by collision between the said barge and the United States steamer *C-2*, in Chesapeake Bay, off Smiths Point, on the 28th day of March, 1913, may be sued for by the said Eastern Transportation Co. in the United States District Court for the District of Maryland, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such a suit and to enter a judgment or decree for the amount of such damages, interest, and costs, if any shall be found to be due, against the United States in favor of the said Eastern Transportation Co. upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That the amounts of the losses alleged to have been sustained by the master and crew of the barge *John T. Donohue* may be included in such decree.

Mr. MANN. Mr. Speaker, I move to amend by adding at the end of line 18, page 2, the following: "*Provided*, That said suit shall be commenced within four months from the date of the passage of this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, by adding at the end of line 18, the following: "*Provided*, That said suit shall be commenced within four months from the date of the passage of this act."

Mr. MANN. That provision is in section 2, which I propose to move to strike out, but it is desirable to have the provision in. Section 2 makes an appropriation to pay the decree, which is not customary. These decrees or judgments, when entered, are certified to Congress as decrees or judgments of the Court of Claims, and they go into the general deficiency bill as a matter of course. That is the proper way to do it so that they can keep track of it. We never put in a provision in the same bill for the appropriation of the amount.

Mr. STEPHENS of Mississippi. I think the gentleman is correct about that matter.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, line 6, strike out the word "interest."

The committee amendment was agreed to.

The Clerk read section 2 of the bill, as follows:

SEC. 2. That should damages, interest, and costs be found to be due the said Eastern Transportation Co., the amount of a final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

Mr. MANN. Mr. Speaker, I ask unanimous consent that section 2 be stricken out.

Mr. STEPHENS of Mississippi. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EDWARD J. LYNCH.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the bill H. R. 14814 was passed. That bill we passed and we have since found the Senate bill.

Mr. MANN. What is the calendar number?

Mr. STEPHENS of Mississippi. Two hundred and seventy-six. That bill was passed a few moments ago. We have found the Senate bill of similar title, and I want to vacate the proceedings and substitute the Senate bill. I ask unanimous consent to vacate the proceedings by which the bill was passed and substitute in lieu thereof the Senate bill.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to return to the bill H. R. 14814, Calendar No. 276, and to vacate the proceedings by which the bill was passed. Is there objection?

There was no objection.

Mr. MANN. And to consider the Senate bill 5495.

The SPEAKER pro tempore. Yes. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Edward J. Lynch, collector of internal revenue for the district of Minnesota, and his accounts with the sum of $35,207.14½, being the value of currency, coin, and various kinds of stamps charged to him and which were stolen from the vault of his office during the night of January 6, 1916, together with other stamps which have since been returned him.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, the similar House bill, 14814, should be laid on the table.

The SPEAKER pro tempore. Without objection, the bill H. R. 14814 will be laid on the table.

There was no objection.

D. A. BARBOUR AND ANDREW P. GLADDEN.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent to return to Calendar No. 276, H. R. 11584. A similar Senate bill has just been found, and I ask unanimous consent to consider the Senate bill (S. 4368) in lieu of the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. A. Barbour and Andrew P.

Gladden, copartners, of Clarksburg, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $758, due said Barbour & Gladden for material furnished by them in the performance of a certain contract between said firm and the Quartermaster of the United States Army for repairing barracks and constructing bathhouse and closets at Fort Monroe, Va., in compliance with the findings of the Court of Claims reported to Congress February 26, 1907.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 11584 was laid on the table.

JOHN M. WAPLES.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to withdraw my objection to Calendar No. 268, H. R. 11749, for the relief of the heirs of John M. Waples.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to withdraw his objection to the bill H. R. 11749. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of John M. Waples, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $130.43, which sum is hereby appropriated, the same being the amount of accrued pension due the deceased from June 4, 1915, until the day of his death, December 5, 1915.

With the following committee amendment:

Page 1, line 4, strike out the words "legal representatives" and insert the words "administrator of the estate."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the administrator of the estate of John M. Waples."

CALENDAR FOR UNANIMOUS CONSENT.

Mr. STEPHENS of Mississippi. Mr. Speaker, the gentleman from North Carolina [Mr. KITCHIN] is engaged in the committee room in the preparation of a revenue measure, and he asked me in his absence to ask unanimous consent that the Calendar for Unanimous Consent be called, beginning the call where we left off on the last call of that calendar.

The SPEAKER pro tempore (Mr. LLOYD). The gentleman from Mississippi asks unanimous consent that the Calendar for Unanimous Consent be called, beginning where it was left off on the last call. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object to that. That will take but a few moments, but I think after we run through the Calendar for Unanimous Consent as suggested by the gentleman from Mississippi, we might, if the gentleman desires, start at the beginning again, though probably there will be a great many bills that will be objected to.

Mr. TAYLOR of Colorado. Mr. Speaker, there are one or two measures that the chairman of the Committee on the Public Lands, the gentleman from Oklahoma [Mr. FERRIS], who is now in St. Louis, is desirous of having taken up. They are not personal to myself at all, but some Members are very anxious about them, and I hope we may be allowed to take up those measures.

Mr. MANN. There are only a few bills that had not been on the calendar long enough the other day, and I suggest that we might commence at the beginning of the calendar if the gentleman desires.

Mr. WILSON of Florida. Is it not a fact that we finished the calendar the other day?

Mr. MANN. We finished it as far as we could go, but bills are not called unless they have been on the calendar for three days.

Mr. WILSON of Florida. The gentleman understands what I want?

Mr. MANN. I think if we commence at the beginning we can get to the gentleman's bill, but I have no objection to the gentleman's asking unanimous consent to call up the bill especially.

Mr. THOMPSON. Mr. Speaker, reserving the right to object, there is one bill on the calendar, No. 128, H. R. 11148, transferring the counties of Osage and Pawnee from the western judicial district of the United States in the State of Oklahoma to the eastern judicial district of said court in said State for judicial purposes, to the consideration of which I have twice objected. This time I desire to have it taken off the calendar, and I have to go away, as I have an engagement at one of the departments at 2.30.

Mr. MANN. Mr. Speaker, I will take care of the gentleman's bill.

Mr. THOMPSON. I want to object to it and get it off the calendar.

Mr. MANN. I will object to it at the gentleman's request. I know what the bill is.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi that the Calendar for Unanimous Consent be now called, beginning where we left off the last time it was called?

There was no objection.

PUBLIC LANDS IN THE STATE OF OKLAHOMA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LLOYD). Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

PROCEDURE IN UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9428) relating to procedure in United States courts.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 269 of the Judicial Code, approved March 3, 1911, be, and the same is hereby, amended by adding at the end thereof the following:

"No judgment shall be set aside or reversed or a new trial granted by any court of the United States in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless in the opinion of the court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has injuriously affected the substantial rights of the parties."

The committee amendment was read, as follows:

Page 1, line 7, strike out the word "or" and insert the words "nor shall," and page 1, line 8, after the word "trial" insert the word "be."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote by which the bill was passed was laid on the table.

REFINED PRODUCTS OF PETROLEUM.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11623) to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That kerosene and lubricating oils made from refined products of petroleum which will stand a fire test of not less than 300° F., may be used as stores on board steamers carrying passengers under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce.

The committee amendment was read, as follows:

Insert after the enacting clause the following:

"That section 4472 of the Revised Statutes of the United States of America be, and the same is hereby, amended by adding thereto the following provision: '*Provided, however*'"—

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4472 of the Revised Statutes."

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

WAR-RISK INSURANCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a bureau of war-risk insurance in the Treasury Department," approved September 2, 1914.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

SALARIES OF VETERINARY INSPECTORS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COX. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana objects.

The Clerk will report the next bill.

IMPORTED MEXICAN PEAS.

The next business on the Unanimous Consent Calendar was the bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, the gentleman from North Carolina [Mr. KITCHIN] is detained at present on business. I want some explanation of this bill and I ask to have it passed over without prejudice.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

LANDS IN FLORIDA NATIONAL FORESTS.

The next business on the Unanimous Consent Calendar was the bill (S. 3764) to consolidate certain forest lands in the Florida National Forests.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Florida National Forest, be, and he is hereby, authorized and empowered, upon the recommendation of the Department of Agriculture, to exchange lands belonging to the United States which are part of the Florida National Forest for privately owned lands of approximately equal value, as determined by the Secretary of Agriculture, within the exterior limits of said national forest, which lands upon the consummation of the exchange shall become a part of the Florida National Forest.

The SPEAKER pro tempore. This is on the Union Calendar.

Mr. WILSON of Florida. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to amend, in line 7, by striking out the word "Department" and inserting the word "Secretary."

The Clerk read as follows:

Amend, page 1, line 7, by striking out the word "Department" and inserting the word "Secretary."

Mr. MANN. The language is "upon the recommendation of the Department of Agriculture." We do not use that term, but we say "Secretary of Agriculture."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE VIRUS, SERUM, AND TOXIN ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I think this bill accomplishes a very much needed purpose, but it seems to me that on its face there are a lot of provisions in it that are plainly unconstitutional and do not relate to interstate commerce in any way whatever. It is so important a matter it ought to be considered in the House.

The Committee on Agriculture will probably be reached before long on the call of committees, and that is when it ought to be considered. It is too important a matter to be passed by unanimous consent with the number of amendments which ought to be made to the bill to make it of any value, and therefore I am compelled to object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

CLAIMS OF THE STATE OF MASSACHUSETTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

Mr. DYER. Mr. Speaker, will the gentleman from Illinois allow the bill to go over without prejudice?

Mr. MANN. Certainly, I will let it go over without prejudice.

Mr. DYER. Mr. Speaker, I ask unanimous consent that Senate bill 3346 may go over without prejudice.

The SPEAKER pro tempore. All of these bills go over without prejudice.

Mr. DYER. No; this will go off the calendar if unanimous consent is not given.

The SPEAKER pro tempore. The gentleman asks unanimous consent that this bill go over without prejudice. Is there objection? [After a pause.] The Chair hears none.

There was some bill that was passed over.

Mr. MANN. No. It was only to keep its place on the calendar.

Mr. TAYLOR of Colorado. We start now at the beginning of the calendar.

Mr. MANN. Not unless somebody makes that request.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that we now return to the beginning of the Unanimous Consent Calendar.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent to return to the beginning of the Unanimous Consent Calendar. Is there objection? [After a pause.] The Chair hears none.

FRAUDULENT ENLISTMENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

Mr. ADAMSON. Mr. Speaker, if it is not already understood, I ask unanimous consent that during this call bills that are objected to will remain without prejudice on this calendar.

Mr. THOMPSON. I object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MANN. I object.

Mr. TAYLOR of Colorado. Mr. Speaker, could not we ask individually that these bills be passed over and remain on the calendar so as not to wipe them all off in the absence of the authors of the bills? Mr. Speaker, I ask unanimous consent that that be done.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent that this bill be passed without prejudice. Is there objection?

Mr. TAYLOR of Colorado. I do not know what this bill is, but I was thinking about it generally.

Mr. MANN. I shall not object, although the next time we call the Unanimous Consent Calendar in the regular order I am going to make it short enough to know where we are on that calendar.

Mr. TAYLOR of Colorado. I understood the gentleman from Illinois to say that during these convention weeks we would not resort to that drastic means.

Mr. THOMPSON. If the request is that bills which are objected to remain on the calendar, I shall object to that request.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I hope the gentleman from Oklahoma [Mr. THOMPSON] will not object. I understand what his bill is.

Mr. ADAMSON. Mr. Speaker, I renew the request.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the bills that may be objected to may be passed without prejudice. Is there objection?

Mr. HAY. Reserving the right to object, I would like to know whether or not the calling of this Unanimous Consent Calendar takes the place of unanimous-consent day?

The SPEAKER pro tempore. The Chair understands it does not.

Mr. MANN. It does not, but it is contemplated that we may devote Monday to the consideration of one of the appropriation bills instead of the Unanimous Consent Calendar in view of the fact that it will be run through to-day.

Mr. CLARK of Florida. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. ADAMSON]? [After a pause.] The Chair hears none.

Mr. MANN. It is not a very good day to call for the regular order.

Mr. CLARK of Florida. I do not see any necessity for all this discussion.

Mr. MANN. If other people do, they have as much right to their opinion as the gentleman from Florida.

Mr. CLARK of Florida. The bills can come up in their order, and it seems to me if any gentleman wants to object to a bill he can do it any time it comes up.

Mr. MANN. Nobody was objecting to it except when the time came.

Mr. CLARK of Florida. I understood that there was a motion that if any of them were objected to, they would be passed without prejudice. I could not see any necessity for it.

Mr. MANN. Here is the consideration. I am not going to have these bills remain on the calendar and have the request made to each bill.

The SPEAKER pro tempore. The Clerk will report the first bill.

Mr. MANN. Was that arrangement made?

Mr. TAYLOR of Colorado. That consent was granted to the committee?

The SPEAKER pro tempore. Yes, sir.

REGULATION OF COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 722) to amend section 20 of an act to regulate commerce approved February 4, 1887, as amended, and for other purposes.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

INTERSTATE AND FOREIGN COMMERCE.

The next business on the Calendar for Unanimous Consent was the Senate joint resolution 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

The SPEAKER pro tempore. Is there objection to the consideration of the joint resolution?

Mr. MANN. I object.

AVIATION SERVICE.

The next business on the Calendar for Unanimous Consent was the Senate joint resolution 65, creating a joint commission of Congress to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

RECLAMATION OF ARID LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12365) to promote the reclamation of arid lands.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That when in any State of the United States under the irrigation district laws of said State there has heretofore been organized and created, or shall hereafter be organized and created, any irrigation district for the purpose of irrigating the lands situated within said irrigation district, and in which irrigation district so created or to be created there shall be included any of the public lands of the United States, all such public lands so situated in said irrigation district, when subject to entry, and all entered lands within said irrigation district, for which no final certificates have been issued, are hereby made and declared to be subject to all the provisions of the laws of the State in which such lands shall be situated relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, to the same extent and in the same manner in which the lands of a like character held under private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entry made under the public-land laws of the United States are accorded all the rights, privileges, benefits, and exemptions given by said State laws to persons holding lands of a like character under private ownership, except as hereinafter otherwise provided: *Provided further*, That this act shall not apply to any irrigation district comprising a majority acreage of unentered land.

SEC. 2. That the cost of constructing, acquiring, purchasing, or maintaining the canals, ditches, reservoirs, reservoir sites, water, water right, rights of way, or other property incurred in connection with any irrigation project under said irrigation district laws shall be equitably apportioned among all lands held under private ownership, all lands legally covered by unpatented entries, and all unentered public lands included in said irrigation district. Officially certified lists of the amounts of charges assessed against the smallest legal subdivision of said lands shall be furnished to the register and receiver of the land district within which the lands affected are located as soon as such charges are assessed; but nothing in this act shall be construed as creating any obligation against the United States to pay any of said charges, assessments, or debts incurred.

That all charges legally assessed shall be a lien upon all unentered lands and upon lands covered by unpatented entries included in said irrigation district; and said lien upon said land covered by unpatented entries may be enforced upon said unpatented lands by the sale thereof in the same manner and under the same proceeding whereby said assessments are enforced against lands held under private ownership: *Provided*, That in the case of entered unpatented lands the title or interest which such irrigation district may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to the following conditions and limitations: If such unpatented land be withdrawn under the act of Congress of June 17, 1902 (32 Stats., p. 388), known as the reclamation act, or subject to the provisions of said act, then the interest which the district may convey by such tax proceedings or tax deed shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said act of June 17, 1902, but the holder of such tax deed or tax title resulting from such district tax shall be entitled to all the rights and privileges in the land included in such tax title or tax deed of an assignee under the provisions of the act of Congress of June 23, 1910 (36 Stats., p. 592), and upon submission to the United States land office of the district in which the land is located of satisfactory proof of such tax title, the name of the holder thereof shall be indorsed upon the records of such land office as entitled to the rights of one holding a complete and valid assignment under the said act of June 23, 1910, and such person may at any time thereafter receive patent upon submitting satisfactory proof of the reclamation and irrigation required by the said act of Congress of June 17, 1902, and acts amendatory thereto, and making the payments required by said acts.

SEC. 3. That no unentered lands and no entered lands for which no final certificates have been issued shall be subject to the lien or liens herein contemplated until there shall have been submitted by said irrigation district to the Secretary of the Interior, and approved by him, a map or plat of said district and sufficient detailed engineering data to demonstrate to the satisfaction of the Secretary of the Interior the sufficiency of the water supply and the feasibility of the project, and which shall explain the plan or mode of irrigation in those irrigation districts where the irrigation works have not been constructed, and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and which shall also show the source of water to be used for irrigation of land included in said district: *Provided*, That the Secretary of the Interior may, upon the expiration of 10 years from the date of his approval of said map and plan of any irrigation district, release from the lien authorized by this act any unentered land or lands upon which final certificate has not issued, for which irrigation works have not been constructed and water of such district made available for the land: *Provided further*, That in those irrigation districts already organized and whose irrigation works have been constructed and are in operation as soon as a satisfactory map, plat, and plan shall have been approved by the Secretary of the Interior, as in this act provided, such entered and unentered lands shall be subject to all district taxes and assessments theretofore actually levied against the lands in said district and in the same manner in which lands of a like character held under private ownership are subject to liens and assessments.

SEC. 4. That upon the approval of the district map or plat as hereinabove provided by the Secretary of the Interior the register and receiver will note said approval upon their records where any unentered or entered and unpatented lands are affected.

SEC. 5. That no public lands which were unentered at the time any tax or assessment was levied against same by such irrigation district shall be sold for such taxes or assessments, but such tax or assessment shall be and continue a lien upon such lands, and not more than 160 acres of such land shall be entered by any one person; and when such lands shall be applied for, after said approval by the Secretary of the Interior, under the homestead or desert-land laws of the United States the applicant shall be required to present with his application therefor a certificate from the proper district or county officer showing that no unpaid district charges are due and delinquent against said land.

SEC. 6. That any entered but unpatened lands not subject to the reclamation act of June 17, 1902 (32 Stat., p. 388), sold in the manner and for the purposes mentioned in this act may be patented to the purchaser thereof or his assignee at any time after the expiration of the period of redemption allowed by law under which it may have been sold (no redemption having been made) upon the payment to the receiver of the local land office of the minimum price of $1.25 per acre, or such other price as may be fixed by law for such lands, together with the usual fees and commissions charged in entries of like lands under the homestead laws, and upon a satisfactory showing that the irrigation works have been constructed and that water of the district is available for such land; but the purchaser or his assignee shall, at the time of application for patent, have the qualification of a homestead entryman or desert-land entryman, and not more than 160 acres of said land shall be patented to any one purchaser under the provisions of this act.

These limitations shall not apply to sales to irrigation districts, but shall apply to purchasers from such irrigation districts of such land bid in by said district.

That unless the purchaser or his assignee of such lands shall, within 90 days after the time for redemption has expired, pay to the proper receiver all fees and commissions and the purchase price to which the

United States shall be entitled as provided for in this act, any person having the qualification of a homestead entryman or a desert-land entryman may pay to the proper receiver, for not more than 160 acres of said lands, for which payment has not been made, the unpaid purchase price, fees, and commissions to which the United States may be entitled; and upon satisfactory proof that he has paid to the purchaser at the tax sale, or his assignee, or to the proper officer of the district for such purchaser or for the district, as the case may be, the sum for which the land was sold at sale for irrigation district charges or bid in by the district at such sale, and in addition thereto the interest and penalties on the amount bid at the rate allowed by law, shall be subrogated to the rights of such purchaser to receive patent for said land.

In any case where any tract of entered land lying within such approved irrigation district shall become vacant by relinquishment or cancellation for any cause, any subsequent applicant therefor shall be required, in addition to the qualifications and requirements otherwise provided, to furnish satisfactory proof by certificate from the proper district or county officer that he has paid all charges then due to the district upon said land and also has paid to the proper district or county officer for the holder or holders of any tax certificates, delinquency certificates, or other proper evidence of purchase at tax sale the amount for which the said land was sold at tax sale, together with the interest and penalties thereon provided by law.

SEC. 7. That all notices required by the irrigation district laws mentioned in this act shall, as soon as such notices are issued, be delivered to the register and receiver of the proper land office in cases where unpatented lands are affected thereby, and to the entryman whose unpatented lands are included therein, and the United States, and such entryman shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership.

SEC. 8. That all moneys derived by the United States from the sale of public lands herein referred to shall be paid into such funds and applied as heretofore provided by law for the disposal of the proceeds from the sale of public lands.

With a committee amendment, as follows:

Amend, page 5, line 25, by striking out the word "hereinabove" and inserting "hereinbefore," and, on page 9, line 10, by striking out the word "heretofore."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 1, lines 10 and 11, strike out the word "all," and, on page 2, on lines 21 and 22, strike out the word "all" where it appears, and, on page 3, line 7, strike out the word "all."

Mr. MONDELL. Mr. Speaker, the purpose of this amendment is to prevent parties from attempting to load upon public lands that are not irrigable charges assessed under district irrigation laws. It is not necessary to use the word "all" in this connection. If we bring the public lands under these districts that would come under them if they were private lands, to wit, those which are benfited; that is quite sufficient. As a matter of fact, within the boundaries of every irrigation district there are some lands that are not benefited at all by the work, because they are rocky or rough or broken or above the level of the ditches, and no authority should be given to include that class of land.

Mr. TAYLOR of Colorado. I quite agree with the gentleman from Wyoming, and the committee will accept that amendment.

Mr. MANN. Mr. Speaker, there is not the slightest difference in the effect between saying "all public lands" and "public lands" or "such public lands," and there is not the slightest difference between saying "persons" and "all persons" when you refer to a class. I have no objection to the amendment.

Mr. MONDELL. That may all be, but I prefer to have the distinction made.

Mr. MANN. But the purpose the gentleman seeks to accomplish will not be accomplished by his amendment.

Mr. MONDELL. I think it will at least serve notice upon people to proceed in good faith. It will not leave an opening for those who endeavor to use this law for an improper purpose. It will serve notice upon them that we do not intend to include all public lands, but such as will be benefited. I think there is a difference between public lands that may properly be brought within a certain project and all public lands.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from Wyoming offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 13, after the word "issued," insert "which may be designated by the Secretary of the Interior in the approval by him of the map and plat of an irrigation district, as provided in section 3."

Mr. MONDELL. Mr. Speaker, this first section brings public lands under the irrigation district, and would make them subject to charges.

Now, section 3 of the bill provides for the examination of the project by the Secretary of the Interior, and I presume that it was in the mind of those who drafted the bill that at the time the Secretary examined the project and the map and plans he would indicate the public lands within the boundaries of the district upon which charges could be laid. But I think it is better to make it clear that the only public lands within the district which we bring under the district and liable to charges are those which the Secretary himself designates when he goes over the maps and plans. They will be the lands that may be benefited.

Mr. TAYLOR of Colorado. He naturally would not bring in a lot of worthless mountains as land. I thought the idea of the amendment was already in. I think it is proper.

Mr. MONDELL. I think we should make it clear that no other public lands should be included in the district than those that will be irrigated and therefore benefited.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

Mr. SMITH of Idaho. Mr. Speaker, I wish to offer an amendment on page 6.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Idaho.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Idaho: Page 6, strike out line 13 and the word "therefor" and insert in lieu thereof the following: "Application shall be suspended for a period of 30 days to enable the applicant to present."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

OVERISSUES OF SECURITIES BY CARRIERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, several gentlemen have indicated to me that they desire to be present when the bill is considered, and they are absent to-day. Therefore I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

WESTERN AND EASTERN JUDICIAL DISTRICTS OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of the United States court, in the State of Oklahoma, to the eastern judicial district of said court in said State, for judicial purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

STREAMS, SPRINGS, AND WATER HOLES ON PUBLIC LANDS, CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

METALLIFEROUS MINERALS ON INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

CERTAIN LANDS TO TOWN OF MYTON, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 35) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, this bill went over the other day to enable the gentleman from Utah to obtain certain information.

Mr. MAYS. Mr. Speaker, this bill went over to give me the opportunity to get certain information which the gentleman from Illinois desired, as to the number of acres to be sold to the town of Myton. I have here a statement from the Commissioner of the General Land Office setting forth the exact number of acres included in all of the lands described. This statement may be read into the RECORD, if the gentleman desires, which I insert:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 8, 1916.

Hon. JAMES H. MAYS,
House of Representatives.

MY DEAR MR. MAYS: Answering your phone message of yesterday, you are informed that the aggregate area of land sought to be conveyed by Senate bill 35 to Myton, Utah, is 224.91 acres, which sum is derived from the plat of the town site approved by this office September 13, 1905.

Very respectfully,
C. M. BRUCE,
Assistant Commissioner.

Mr. MANN. I suggest that the gentleman make a statement as to the number of acres that there are.

Mr. MAYS. There are 224.91 acres altogether.

Mr. MANN. With that amount of acreage, is there any reason why this town should not pay for the land?

Mr. MAYS. Not at all. I propose that we insert an amendment in the Senate bill, in line 4, page 1, after the word "authorized," to insert the words "upon the payment of $1.25 per acre."

Mr. MANN. All right, I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MAYS. I offer that amendment.

Mr. MANN. Let the bill be read, Mr. Speaker.

Mr. MAYS. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents to the town of Myton, Utah, for the following-described lands, as shown by the plats and records on file with the Commissioner of the General Land Office, for the use and benefit of the inhabitants of said town: The southwest quarter of the southwest quarter, section 19, township 3 south, range 1 west, to be used as the site of a pumping station; the south half of the northwest quarter section 30, township 3 south, range 1 west, for cemetery purposes; the north half of the northwest quarter, section 30, township 3 south, range 1 west, Uinta base and meridian, to be used as a reservoir site and for other purposes incidental thereto in the distribution of water to the inhabitants of said town; blocks 36 and 46 of town site of Myton, to be used and held for the benefit of the public schools of said town; all that portion of unsubdivided block 1 which lies west of the Duchesne River, to be used as a public common; and all those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10 which lie east and north of the Duchesne River, to be used as a public park: *Provided*, That if the said town shall at any time permit the said lands hereby granted to be used for any purposes not contemplated by this act the said lands shall revert to the United States.

Mr. MAYS. Mr. Speaker, on page 1, line 4, after the word "authorized," I move to insert the words "upon the payment of $1.25 per acre."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "authorized," insert the words "upon the payment of $1.25 per acre."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. MAYS, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MEMPHIS, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12999) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn.," approved August 23, 1912.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ADAMSON. Mr. Speaker, I ask that this bill go over without prejudice.

The SPEAKER pro tempore. Without objection, it will be so ordered.

MARCUS A. JORDAN.

The next business on the Calendar for Unanimous Consent was the bill (S. 888) authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

Mr. CLARK of Florida. Will the gentleman withhold his objection for a moment?

Mr. MANN. Certainly. I reserve the right to object.

Mr. CLARK of Florida. Has the gentleman investigated this particular case?

Mr. MANN. I have acquired what little information there is in the report.

Mr. CLARK of Florida. The gentleman understands, of course, that there is a statute which provides for the bestowing of these medals. Now, I understand that this young man—who, by the way, is a namesake of our friend and everybody's friend, Hon. MARCUS AURELIUS SMITH, now a Senator and for a long time a Delegate in this House from Arizona—was on a touring vessel in the Java Sea. A lady fell overboard, and he very gallantly rescued her. My understanding of the law is that the Secretary of the Treasury could have granted him this medal except for the fact that the rescue took place in foreign waters and from a foreign vessel. It seems to me that if anybody is entitled to the medal, this young man is. I am told that these waters were infested with sharks, and that it was a very brave and heroic act. I hope my friend from Illinois will not object to this. The bill has passed the Senate. The matter has been thoroughly investigated.

Mr. MANN. Mr. Speaker, there is a general law on the subject in reference to the granting of life-saving medals for the saving of life at sea. There is also another law in reference to the granting of medals for saving life on railroads. The latter I put through Congress when I was a member of the Committee on Interstate and Foreign Commerce. That committee has jurisdiction of these matters. The Committee on the Library has never exercised jurisdiction heretofore, although this bill was referred to the Committee on the Library, and that committee had the authority to report it back.

During my term of service on the Committee on Interstate and Foreign Commerce there were a great many bills introduced for the purpose of granting, by special act of Congress, life-saving medals to various individuals who did not come within the terms of the general law. Unless I am mistaken in my recollection, no such bill was ever passed while I was a member of that committee, and that covered a great many years. If we had opened the door and had passed one bill of this kind, we would have been requested to pass 100 or 200 bills a year in cases where somebody had saved somebody's life, where a most commendable act had been performed, which did not come within the terms of the general law. I am not willing to open that door if I can help it.

Mr. CLARK of Florida. If the gentleman will permit me, the only difference is the fact that this young man happened to be upon a foreign vessel and in foreign waters. It is my understanding that if it had been an American ship in American waters the Secretary could have bestowed the medal.

Mr. MANN. I can give the gentleman one instance where possibly I was wrong about what I did. A great many years ago a man, who afterwards became a bishop in the Methodist Church, while a student at Northwestern University at Evanston, Ill., at the risk of his own life, under much more arduous conditions than those of this case, went out into Lake Michigan

in one of the storms, with other people, and rescued a lot of passengers. He did not get the life-saving medal. The whole Methodist Church at one time bore down on me, not because they knew anything about the case but because of the friendly touch. I have got lots of mighty good Methodists in my district, and they were active to get that bill passed. Even the distinguished Speaker at that time asked me if I would not let the bill pass. I could not do it by unanimous consent. I am not willing, if I can help it, that Congress shall go into the business of judging whether the thousands of people throughout the country who perform heroic acts at different times shall be awarded special medals of honor by congressional action, when it is not possible for us to know the circumstances and we have to take the statement of somebody else. We have to take somebody's account of it. I have no objection to this young man. He jumped overboard to save somebody's life, but thousands of people have done the same.

Mr. CLARK of Florida. Does not the gentleman concede that we do not know anything except what we get from other people? We have to take the word of somebody.

Mr. MANN. That is true, but by the very nature of things we are not fitted to pass on such questions of fact.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent, in connection with my remarks on the Senate bill, to print in the RECORD chapter 83 of the Laws of the United States, approved January 23, 1897.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The following is the law referred to:

Whereas the Attorney General, under date of January 30, 1895, has rendered an opinion that the statutes authorizing the award of life-saving medals apply to the rescue of those persons only who, in the vicinity of a life-saving station, lifeboat station, or house of refuge, are in danger of drowning in any of the waters over which the United States, by reason of their right to regulate foreign and interstate commerce, have jurisdiction, and that the purpose of such statutes is to cause such medals to be bestowed upon the members, whether regular or volunteer, and whether permanent or temporary, of the life-saving crews; and that the terms "succoring the shipwrecked" and "saving persons from drowning," employed in section 12, act approved June 18, 1878, authorizing the bestowal of life-saving medals of the second class, were intended to embrace only those persons who were suffering from the perils of the sea, either by actual shipwreck or from being upon or connected with any vessel in distress: Therefore

Be it enacted, etc., (1) That so much of the acts relating to life-saving stations and the Life-Saving Service approved June 20, 1874, June 18, 1878, and May 4, 1882, as provide for the award of life-saving medals shall be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons making signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in the waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of a life-saving crew, or whether or not such exertions were made in the vicinity of a life-saving station.

HOMESTEAD ENTRY OF LAND IN WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 3132) providing for the homestead entry of certain lands in the State of Washington, and for other purposes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior shall cause the lands in abandoned military reservations numbered 23 and 24, described as follows: Lots 1 and 2 in section 5 and lot 3 in section 6, of township 20 north; and the southwest quarter, the southwest quarter of the southeast quarter, and lots 3 and 4 of section 21; and the northwest quarter, the west half of the northeast quarter, lots 1, 2, and 3, and the northeast quarter of the southwest quarter of section 28; and the south half of lot 3 and all of lots 4 and 5, and the northeast quarter of the southeast quarter of section 31; the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots 1 and 2 and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section 32; and the south half of lot 2 and all of lot 3 of section 33, in township 21 north, all in range 2 east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of 20 acres each, more or less, to conform as nearly as practicable to the existing local survey.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who was in actual occupation of any portion of the lands described in section 1 hereof on the 1st day of January, 1910, who made actual settlement thereon in good faith for the purpose of securing a home, and who has since maintained his claim thereto, or any successor in occupation and interest of such settler, shall, if qualified to make a homestead entry, be entitled to make a homestead entry of the lands so occupied, not exceeding 20 acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government at the time of such entry of the sum of $2.50 per acre for each acre entered by him, and within five years from the date of such entry he shall be required to submit proof showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States, and failure to make such showing shall be deemed sufficient cause for forfeiture of all rights to the land and to the money paid, and in case of any such default the land shall be offered at public sale.

SEC. 3. That the following-described land, being a part of abandoned military reservation No. 24, is hereby granted to school district No. 71, of Pierce County, State of Washington, to wit: The east half of the northwest quarter of the southeast quarter of section 32 in township 21 of range 2 east of the Willamette meridian, in the State of Washington, upon payment therefor to the United States of $2.50 per acre.

SEC. 4. That if any of the lands described in section 1 hereof be not duly entered as a homestead by some settler, as provided in section 1 of this act, within 90 days after the same becomes subject to entry under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations."

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The following committee amendment was read:

Strike out, on page 2, section 2, beginning with the word "successor," in line 20, the rest of the section, and insert in lieu thereof the following: "one who has since said date succeeded to the occupation and interest of any such prior settler, his heirs or assigns, shall be entitled to purchase the lands so occupied, not exceeding 20 acres to each settler, according to the Government surveys and subdivisions thereof, upon payment to the Government of a sum equal to the amount of the appraised valuation of the same; said appraisal to be made under the direction of the Commissioner of the General Land Office, in accordance with regulations to be approved by him: *Provided*, That in making such appraisal no account shall be taken of roads, wharves, or other general improvements in connection with said lands, nor of any improvements made thereon, but the same shall be appraised as nearly as may be as they were at the time when first settled upon: *And provided further*, That payment to the Government may be made in one sum or one-tenth cash and the balance in nine equal annual installments, with interest at 4 per cent per annum, as the purchaser may elect."

Mr. MANN. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Add, at the end of line 5, page 4, the following: "*Provided further*, That any purchaser under the provisions in this section shall not hereafter have the right to make a homestead entry."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois to the committee amendment.

The question was taken, and the amendment to the committee amendment was agreed to.

The Clerk read the following committee amendment:

Amend section 4 by striking out the section and inserting a new section 4, reading as follows:

"SEC. 4. That if application to purchase any of the lands described in section 1 hereof be not filed with the Commissioner of the General Land Office within one year after the approval of regulations for purchase, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled 'An act to provide for the disposal of abandoned and useless military reservations.'"

Mr. MANN. Mr. Speaker, I move to amend the committee amendment, on page 5, line 1, by inserting, after the word "office," the following: "under the provisions of section 2 hereof."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, after the word "office," insert the words "under the provisions of section 2 hereof."

The amendment to the amendment was agreed to.

The committee amendments as amended were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NATIONAL PARK AT GETTYSBURG.

The next business on the Calendar for Unanimous Consent was the bill H. R. 13342, to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor.

Mr. MANN. Mr. Speaker, I ask to have that bill passed without prejudice.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

DAMS ACROSS NAVIGABLE WATERS.

The next business on the Calendar for Unanimous Consent was the bill S. 3331, to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. If unanimous consent should be given for the consideration of this bill now, it not being regular unanimous-consent day, would not that consent continue until the bill was disposed of?

Mr. ADAMSON. Let us take the chances on it and go ahead and see.

Mr. MANN. Would not the consent continue until it was disposed of?

The SPEAKER pro tempore. The Chair will frankly say that he does not know.

Mr. MANN. It probably would not be disposed of short of two weeks.

Mr. ADAMSON. It might.

Mr. MANN. It is a certainty that it is the most hotly contested proposition that there is floating around Congress.

Mr. ADAMSON. It has to be considered sometime.

Mr. MANN. I have no objection to considering the bill if gentlemen really think they want to dispose of this bill before they take up the appropriation bills or anything else of that kind.

Mr. ADAMSON. It has to be considered sometime, and I regard it as one of the most important bills that has been in Congress since I have been serving here.

Mr. MANN. Yes. The gentleman has reported a substitute striking out every word, line, and punctuation mark in the original bill and inserting a new bill which shows its importance.

Mr. ADAMSON. The gentleman is mistaken. The substitute bill reported is the original bill substantially as once passed by this House.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. If the gentleman himself will not object, which he ought to do——

Mr. ADAMSON. No; I want to consider the bill.

Mr. MANN. Oh, the gentleman is bluffing, pure and simple.

Mr. ADAMSON. Suppose the gentleman calls my bluff.

Mr. MANN. I feel some responsibility in connection with the business of the House, even though I am not one of the majority.

Mr. ADAMSON. The House could not do any better business than to take up this bill and pass it.

Mr. MANN. If we should take up this bill now by unanimous consent I should say that it is a certain thing that we would not get away from here until toward October, and I have some hope—some hope, not very much, on account of the procrastination on the Democratic side—that it might be possible for us to get away from here by the middle of August. Therefore, I object.

Mr. ADAMSON. Mr. Speaker, knowing that we are safe anyway, I am perfectly willing to stay here and transact business. There is no trouble about beating the other side in the election.

Mr. MANN. That is more bluff.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the bill goes over.

CUTTERS FOR THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

VESSELS IN LIGHTHOUSE SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14340) to furnish all seagoing vessels in the Lighthouse Service and all other seagoing vessels of the Department of Commerce with radio equipment and auxiliary power for the operation thereof.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask my handsome, accomplished, able, and distinguished friend from Georgia [Mr. ADAMSON] what would be accomplished by this bill except merely making an appropriation? Do not the authorities now have power when they get this money to put this wireless equipment upon the vessels in the Lighthouse Service?

Mr. ADAMSON. Mr. Speaker, if the gentleman will withhold a few of his objections and recur to his customary amiability, I will apply to him all of the good things that he has just now said about me, and in answer to his question I desire to say that the best way to show what the result will be will be to consider the bill and pass it.

Mr. MANN. I know; but that is hardly an answer to the question. Here is the Committee on Interstate and Foreign Commerce, presided over by the most amiable Member of this House, for whom I have a great affection and admiration, and the rules specifically provide that that committee shall not have jurisdiction over appropriations, and the only thing there is in the bill is an item making an appropriation of some money.

Mr. ADAMSON. Mr. Speaker, there are few things in the world that the gentleman from Illinois [Mr. MANN] does not know, and it is so seldom that he makes a misstatement that for that reason whenever he does do so through inadvertence it is a great regret to me to have to correct him. The rule does not specifically prescribe any such thing. The rule simply prohibits the committee from appropriating for two particular purposes, namely, life saving, lighthouses and lightships, and that is all. It can appropriate for anything else of which it has jurisdiction, but it does not do it, because it does not consider it polite to interfere with what is claimed to be the prerogative of the Committee on Appropriations. Answering the gentleman's first question, the Secretary of Commerce came before the committee and earnestly pleaded for this bill. We reported the bill because we think that what he asked for ought to be done. If passing the bill here does not result in supplying him with the necessary money to do the thing that is necessary to do, we can not help it. We do refrain from making appropriations in most cases, although the gentleman is mistaken in saying that the rule prohibits us from making them.

Mr. MANN. Let us see about that. The gentleman chides me for making a mistake, as he says——

Mr. ADAMSON. Oh, no; I do not chide the gentleman, I simply regret to correct him.

Mr. MANN. He says the only things the rule prohibits his committee from making appropriations for are lighthouses and lighthouse vessels. I do not remember exactly what the rule is; I am taking the gentleman's statement——

Mr. ADAMSON. Let us get the book.

Mr. MANN. And I am glad that he is going to refresh his recollection. Having stated that the rule prohibits him from making appropriations for lighthouse vessels, he proceeds to bring in a bill for that very thing, making an appropriation to equip lighthouse vessels with a radio service. It does not make any difference what the rule reads. The rule is that the Committee on Interstate and Foreign Commerce has no jurisdiction to make appropriations.

I was a member of the gentleman's committee for 14 years, and the gentleman has been a member of the committee for 20 years—this is his 20th year—and there never before was reported from that committee a bill for the sole purpose of making an appropriation during that length of service.

Mr. ADAMSON. Mr. Speaker, I do not say the sole purpose of this bill is to make an appropriation. The sole purpose of this bill is to have the radio provided, and the purpose of this bill is not to build lightships, but to put radio service on ships already constructed.

Mr. MANN. That is part of a lightship.

Mr. ADAMSON. No, sir.

Mr. MANN. It is part of the ship. This appropriation says it authorizes the radio service, but they have that authority now. The only thing they lack is money. They will put them on when they get the money. We had the radio service on light vessels of the Lighthouse Service, and whenever they can not work the Committee on Appropriations into giving them sufficient money, then they try to work the committee of my genial, distinguished, able, handsome, and beloved friend from Georgia. [Applause.]

Mr. ADAMSON. Mr. Speaker——

Mr. MONDELL. Will the gentleman yield?

Mr. ADAMSON. Which gentleman?

Mr. MONDELL. The gentleman from Georgia.

Mr. ADAMSON. Certainly.

Mr. MONDELL. My understanding is that most of these vessels, that are large enough to carry the wireless apparatus without tipping over, have already been provided for.

Mr. ADAMSON. Well, the Secretary does not so state. Of course, I had to take some information from the department; I do not know it all as an original proposition.

Mr. MANN. Now, Mr. Speaker, while my friend is looking up the rules, having stated and proved to the House that in

this particular instance I was mistaken, I am going to read the rule for his benefit.

Mr. ADAMSON. Here is the rule; I have it before me.

Mr. MANN. But it took the gentleman a long time to find it and it took me about a second, and the gentleman has had the book in his hand for about 20 minutes.

Mr. ADAMSON (reading)—

To this committee shall be referred all bills relating to commerce, the Life-Saving Service, and lighthouses, other than appropriations for the Life-Saving Service and lighthouses.

That is the rule, and this is not the Life-Saving Service nor a lighthouse.

Mr. MANN. Oh, well, it says:

To this committee shall be referred all matters relating to commerce, the Life-Saving Service, and lighthouses.

The only jurisdiction the gentleman's committee gets over this bill is because it has jurisdiction over matters relating to lighthouses. Then the rule provides—

other than appropriations for the Life-Saving Service and lighthouses.

If that does not clearly say that the gentleman's committee does not have jurisdiction over certain matters I will eat my hat——

Mr. ADAMSON. I do not know——

Mr. MANN (continuing). And that is not good eating.

Mr. ADAMSON. I do not know how such a diet will agree with the gentleman. I think perhaps the beauty of the performance is in the extravagance of the gentleman's language in this particular. The rule emphatically states our committee has jurisdiction over these things except appropriations for two purposes. The committee has often made appropriations. We provided an appropriation of $140,000,000 for the Panama Canal. We did that, and we procured appropriations in many instances, for one, a health bill last week, and the Aqueduct Bridge bill; but, to return to my first statement, the best answer to the gentleman's question is to let us pass the bill and see what the effect will be.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

LIFE-SAVING STATIONS ON THE COAST OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6903) providing for the establishment of life-saving stations on Tybee Island, coast of Chatham County; on Warsaw Island, coast of Chatham County; on Ossabaw Island, coast of Bryan County; on St. Catherines Island, coast of Liberty County; on Blackbeard Island and on Sapelo Island, coasts of McIntosh County, all in the State of Georgia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there be established life-saving stations at the places hereinafter designated, to wit: Tybee Island, coast of Chatham County; on Warsaw Island, coast of Chatham County; on Ossabaw Island, coast of Bryan County; on St. Catherines Island, coast of Liberty County; on Blackbeard Island and on Sapelo Island, coasts of McIntosh County, all in the State of Georgia; and the Secretary of the Treasury is hereby required to provide for such establishments and supply the same with the necessary life-saving crews, equipment, and furnishings as provided by law in such cases.

The committee amendment was read, as follows:

Strike out all after the enacting clause down to and including line 4, page 2, and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Georgia in the vicinity of Tybee Island, at such point as the captain commandant of the Coast Guard may recommend, and the station shall be manned during the entire year."

Mr. MANN. Mr. Speaker, I move to strike out of the committee amendment the language "and the station shall be manned during the entire year."

Mr. ADAMSON. Why does the gentleman offer that amendment?

Mr. MANN. In one moment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, by striking out of line 9 the words "and the station shall be manned during the entire year."

Mr. MANN. Mr. Speaker, most of the life-saving stations are not manned during the entire year. The months of July and August on the Atlantic coast, as a rule, do not have the life-saving stations open, and there is no special occasion for their being open. I do not know whether this station ought to be open the entire year or not.

Mr. ADAMSON. If the gentleman will permit a statement——

Mr. MANN. The Secretary has power to keep them open if he so desires.

Mr. ADAMSON. I will give the gentleman the reason in this case.

Mr. MANN. Where the Secretary has power and discretion I do not think we ought to take away by legislation that discretion from the department to determine whether these stations ought to be kept open or not.

Mr. ADAMSON. Then, the gentleman's reason is that he would prefer to leave it to the discretion of the department?

Mr. MANN. I think they would have that discretion.

Mr. ADAMSON. Not being certain of that, we thought we ought to provide this, because Tybee Island is a celebrated watering place, frequented by throngs of people during the very months when the other stations are not usually kept open.

Mr. MANN. I know it is their duty, and they do it all along at the bathing beaches, to provide life guards of their own. We do not provide life-saving stations for the benefit of Atlantic City and these other places along there, purely. We provide life-saving stations only for the benefit of shipping, and these people hire their own life guards, and they can well afford to do it at every bathing beach I have visited, and I have visited several of them.

Mr. ADAMSON. Admitting it is true, and admitting it is every man's duty to behave and take care of himself, yet it is not always done, and there is work for the public to do to supplement what human nature does not do, or ought to do, or fails to do, or can not do.

Mr. MANN. The gentleman will readily see that if we start in to provide life-saving service during the bathing season all along the Atlantic coast, we will have quite a job on our hands. It will be a very expensive proposition. We have never undertaken that, and I do not think we ought to do it in a particular place.

Mr. ADAMSON. This institution does not extend all up and down the Atlantic coast. It is about the finest thing on the coast, and during these summer months there is danger and there are casualties down there during those months. It does not cost any more to say or recommend that it shall remain open all the year.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. WALSH. Will the gentleman from Georgia yield?

Mr. ADAMSON. Certainly.

Mr. WALSH. Would it not answer if we inserted that life-savers be there only during the months of July and August?

Mr. ADAMSON. Savannah, Ga., is one of the greatest shipping ports. Some storms come there even in that mild climate. I think it ought to remain open all the year.

Mr. WALSH. Is there no life-saving station in that vicinity?

Mr. ADAMSON. Not for several hundred miles.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois to the committee amendment.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. ADAMSON. Mr. Speaker, I ask for a division.

The committee divided; and there were—ayes 15, noes 8.

So the amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. BENNET. Mr. Speaker, I move to amend by striking out the last word, for the purpose of asking the gentleman from Georgia if his line of reasoning would not require the life-saving station at Coney Island to be open all the summer, and whether he thinks it is the duty of the Representative from that district, who does not happen to be myself, to introduce a bill to keep that station open all summer? More people visit that station in 15 minutes in the summer than visit Tybee Island all the year around.

Mr. ADAMSON. I am not as familiar with Coney Island as I am with Tybee Island, and I gather from the question that the gentleman is not familiar with it. According to the statement

of the gentleman from Illinois just now there are enough folks around there to save people from the water, anyhow.

Mr. BENNET. Some of the people that go down there do not worry about water.

Mr. ADAMSON. I do not think the insertion of the words "Coney Island" would be a germane amendment.

Mr. BENNET. Mr. Speaker, I withdraw the pro forma amendment.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title of the bill was amended so as to read as follows: "A bill to authorize the establishment of a Coast Guard station in the vicinity of Tybee Island, coast of Georgia."

COAST GUARD STATION, BARATARIA BAY, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12282) to establish a Coast Guard station on the coast of Louisiana in the vicinity of Barataria Bay.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to inquire of the gentleman from Louisiana if there is any need of this life-saving station?

Mr. ADAMSON. I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. There is very serious need, I will say to the gentleman, and I was very serious when I tried to explain that fact the other day.

Mr. MANN. The gentleman did not have much time the other day, but we do have time today.

Mr. DUPRÉ. I will say that Grand Island, as I have explained, is at the uttermost point in the Gulf of Mexico in that neighborhood. There are about 1,000 people in that vicinity, about 500 on the island, and about 500 others on some other adjacent islands engaged in the shrimp and fishing business. Storms frequently come up there without warning, and within the last 10 or 12 years, as I can recall, there have been some very serious disasters, loss of life and loss of property. Only last September there was quite a considerable loss of life in that neighborhood. The gentleman asked me the other day if it were possible that the waves washed across that island. I will state positively the Gulf of Mexico sweeps across Grand Island frequently up to a depth of some 6 or 10 feet. I have seen the evidences of such a flood on the buildings down there frequently.

Mr. MANN. Is this station to be located on Grand Island?

Mr. DUPRÉ. In the discretion of the Secretary of the Treasury, I should say. It is in the vicinity of Barataria Bay. Grand Island is the largest of a group of islands in that neighborhood. I should be glad to accept an amendment such as the gentleman tendered to the Tybee Island bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to substitute for the House bill the Senate bill 4085, on the same subject, which is on the Speaker's table.

Mr. ADAMSON. I suppose the gentleman means to consider the Senate bill in lieu of this bill. I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Let us have the Senate bill read first. Let us have it reported, if it is there.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

Mr. ADAMSON. I understood we got consent to consider this one.

The Clerk read as follows:

A bill (S. 4085) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay, at such point as the Captain Commandant of the Coast Guard may recommend, and the station shall be manned during the entire year.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent that the Senate bill be considered in lieu of the House bill. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the words "and the stations shall be manned during the entire year."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend by striking out the words, in lines 6 and 7, "and the stations shall be manned during the entire year."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PURCHASE OR CONSTRUCTION OF CUTTERS FOR COAST GUARD.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 515) providing for the purchase or construction of cutters for the Coast Guard.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

Mr. ADAMSON. That is a powerful good bill. I am sorry the gentleman objects.

Mr. MANN. Why does the gentleman report two bills on the same subject on the same day?

Mr. ADAMSON. I am perfectly willing to compromise with the gentleman on either.

Mr. MANN. Then that will not be the first time the gentleman and I have compromised.

Mr. ADAMSON. It is easy to compromise with the gentleman when he is right. We can then agree in the nicest way. [Laughter.]

The SPEAKER pro tempore. The Clerk will report the next bill.

AIDS TO NAVIGATION, LIGHTHOUSE SERVICE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14338) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

Mr. ADAMSON. Mr. Speaker, the gentleman from Illinois a few moments ago said, "Why consider this House bill when there is a Senate bill on the calendar?" I notice we have passed over the Senate bill. I am willing to go back and pass it if the gentleman is willing.

Mr. MANN. I knew we passed over it. I wondered why the gentleman was anxious to consider the House bill.

Mr. ADAMSON. The gentleman was anxious to consider the Senate bill. I am sorry that such an amiable man should make so many objections.

The SPEAKER pro tempore. The Clerk will report the next bill.

LEAVE OF ABSENCE TO EMPLOYEES IN NAVY YARDS, ETC.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11168) granting 30 days' leave of absence in each year, without forfeiture of pay during leave, to employees at United States navy yards, gun factories, naval stations, and arsenals.

The title of the bill was read.

Mr. MANN. That is not the right bill. When the bridge bills were called, those bills were passed over. The Senate bill and the House bill were passed over.

Mr. ADAMSON. Are those the ones that were passed yesterday?

Mr. MANN. Yes; that is right.

The SPEAKER pro tempore. The Clerk will report the bill.

The title of the bill was again read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I ask that that bill be passed over.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill be passed over. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

WAGE SCALE IN NAVY AND WAR DEPARTMENTS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9548) to regulate the wages of certain employees employed in or under the Navy and War Departments of the Government.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COX. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana objects.

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman withhold that objection a moment?

Mr. COX. Yes; I will withhold the objection.

Mr. BUCHANAN of Illinois. Does the gentleman understand that that bill does not add any expense, and simply changes the investigation from one force to another?

Mr. COX. I have read the gentleman's bill, if it is his bill, and I have read the report. I am not sure whether it adds anything to the expense or not, but I am not caring very much about that point. I do not think it right to let any department of this Government go into private enterprises and find out what they are paying their employees and then make that information public property. I am not willing to let a bill of that kind pass by unanimous consent.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. BUCHANAN of Illinois. The gentleman, then, wants to protect the private manufacturers.

Mr. COX. I just object to the consideration of a bill of this kind by unanimous consent.

BRIDGE NEAR CEDAR POINT AND DAUPHIN ISLANDS, ALA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11616) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I ask that this bill and the next one, S. 4476, be passed over temporarily.

Mr. ADAMSON. I understood there was some objection to the length of time allowed in the bill, and the Alabama Members were endeavoring to agree. I hope that if they agree, on account of their magnitude and importance we will be able to get them up later.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the bills H. R. 11616 and S. 4476 be temporarily passed over. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next one.

HEROES OF THE TITANIC.

The next business in order on the Calendar for Unanimous Consent was the resolution (H. J. Res. 104) granting permission to the Woman's Titanic Memorial Association to erect a memorial on public ground in the city of Washington.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

BRIDGE NEAR CEDAR POINT AND DAUPHIN ISLANDS, ALA.

Mr. MANN. I will be glad now to return to the Unanimous Consent Calendar 188, Senate bill 4476.

Mr. ADAMSON. Of course, if we are going to consider either, it is better to consider the Senate bill.

Mr. MANN. Yes; return to the Senate bill.

Mr. ADAMSON. I will ask, then, that the Senate bill be considered.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the Senate bill may be considered in lieu of the House bill.

Mr. MANN. Reserving the right to object, this bill in its present form would, I think, extend for five years the time for commencing this work. I do not know whether the bridges have been commenced or not. The original act was passed in 1910. Then in 1912 we passed an act very similar to this, extending the time in the way in which it is extended in this bill, which is not a very good way, to September 18, 1916. I have prepared an amendment by way of a substitute for this bill, which I submit to the gentleman, extending the time directly one and three years for commencing and completing the bridge, or I would be willing, if necessary, to make it one and four years. It is probably a big bridge.

Mr. ADAMSON. Would not the gentleman be willing to make it two and four years?

Mr. MANN. They have had seven years now in which to commence this bridge. It may have been commenced.

Mr. ADAMSON. They have made explanations of their financial difficulties, and I myself know something of the character of those difficulties. The gentleman knows that it is a mammoth undertaking to build a bridge and dredge the channel, and when they get their finances ready the job is done. Really the beginning is a very important item in the time.

Mr. MANN. Their authority to dredge the channel and all that has expired long since. This does not pretend to extend that. I do not know whether they ever did the work or not. I have not been able to find out.

Mr. ADAMSON. What are the dates in the amendment that the committee reported?

Mr. MANN. Nineteen hundred and twenty-one, I believe.

Mr. ADAMSON. I think if the gentleman would consent to two and four years, they could get along with that.

Mr. MANN. Very well.

Mr. ADAMSON. I will accept that.

The SPEAKER pro tempore. What is the request?

Mr. MANN. I will send up the amendment.

The SPEAKER pro tempore. Does the gentleman from Georgia ask unanimous consent that the Senate bill be considered in lieu of the House bill?

Mr. ADAMSON. That is my request.

Mr. MANN. The Senate bill is on the calendar.

Mr. ADAMSON. It is next on the calendar. Instead of calling up the House bill I ask that that be omitted and that the Clerk report the Senate bill.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the bill S. 4476.

Mr. MANN. I offer a substitute to strike out all after the enacting clause and insert.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all after the enacting clause and inserting the following:

"That the time for the commencement and completion of the bridge or bridges authorized by the act entitled 'An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands,' approved June 18, 1912, is hereby extended to two years and four years, respectively, from and after the 18th day of September, 1916."

Mr. ADAMSON. I am willing to agree to that amendment.

Mr. BENNET. Mr. Speaker, when was the original act passed?

Mr. MANN. The original act was passed in 1910.

Mr. BENNET. And the amendatory act?

Mr. MANN. In 1912.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent, the title of the bill was amended so as to read: "An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled 'An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands' approved June 18, 1912."

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, the corresponding House bill H. R. 11616 was ordered to lie on the table.

INTOXICATING LIQUORS IN NATIONAL PARKS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. McDERMOTT. I object.

ELECTRIC RAILWAY ON FORT BARRANCAS AND FORT M'REE MILITARY RESERVATIONS, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3344) to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WILSON of Florida. If it is proper at this time, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. MANN. There is no information in this report to show the reason for this. The report of the distinguished former Secretary of War is—

I beg leave to advise you that the department will offer no objection to the passage of the proposed bill, but it is suggested that the bill as drafted be amended by substituting for the word "reservation," in in line 6, the word "reservatiens," and by inserting after the word "Barrancas," in the same line, the words "and Fort McRee."

Now, that is valuable information to furnish to Congress as the reason for passing the bill, but that is all we have before us.

Mr. WILSON of Florida. That is merely to correct what was an error. Fort McRee lies west of Fort Barrancas and immediately adjoining it. There is an electric line running from Pensacola to Fort Barrancas with a terminus immediately in front of Fort Barrancas, which, in part, crosses the military reservation, and is owned by the Pensacola Electric Co. This bill gives the right to Hervey to extend the electric line from its terminus of the Pensacola electric line now in front of Fort Barrancas down to a point near where, I think, it is contemplated that they expect to put up a summer hotel. I can not see any objection to it, and, in fact, it would be a benefit to the Government in time of necessity.

Mr. MANN. Does this man Hervey own the railroad?

Mr. WILSON of Florida. He does not; the Pensacola Electric Co. owns it; it owns the line that runs from Pensacola to Fort Barrancas.

Mr. MANN. Suppose Mr. Hervey should die.

Mr. WILSON of Florida. I hope he will not.

Mr. MANN. He will after a while. That is one of the things that is almost certain. Some time he will die, and, according to this bill, when he is dead nobody would have authority to run the road.

Mr. WILSON of Florida. I would be glad to accept an amendment which would obviate that unfortunate situation.

Mr. MANN. I understood the gentleman to say that this bill was to remedy some defect in previous legislation.

Mr. WILSON of Florida. Not at all; the gentleman is thinking of the two following bills.

Mr. MANN. No; I am thinking about what the gentleman from Florida has just said.

Mr. WILSON of Florida. I will say, that if I said anything to indicate that, it was an inadvertence. The Pensacola Electric Co. owns the electric line from Pensacola to Fort Barrancas and the navy yard. This electric line runs over the military reservation now to a point immediately opposite the officers' quarters at Fort Barrancas. It is desired to give Mr. Hervey, who owns one of the best hotels in the South in Pensacola, authority to extend the line, if he can, to a point farther down on the Gulf coast and there build a kind of summer hotel.

Mr. MANN. What he wants, as I understand, being a hotel man, is instead of conveying his guests over the Florida sands by wagon he wishes to take them by rail.

Mr. WILSON of Florida. Precisely.

Mr. MANN. This seems to give not much limitation. If there is no electric franchise or anything of that sort, there ought to be a provision that would allow the Secretary of War to vacate this authority whenever he thought it was necessary. I think if Mr. Hervey is going to build this line, he would want the words "heirs, successors, or assigns" put in, so that if anything happened to him they would still have a right to operate the road.

Mr. WILSON of Florida. That is a pertinent suggestion, undoubtedly, and I will offer an amendment to that effect.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I have not prepared an amendment. While it is under such regulations as shall be approved by the Secretary of War, the Secretary of War, where we practically retain no control except the power to repeal, ought to have authority to put this road off the military reservation if the Government wants to take possession of the land.

Mr. WILSON of Florida. I would be perfectly willing to have it amended to that effect. I think the Secretary of War could do it, anyway, in time of stress.

Mr. MANN. We could take it, but we would have to pay for it.

Mr. WILSON of Florida. I will accept an amendment to that effect if the gentleman will offer it. It is an absolutely harmless proposition. We do not ask anything from the Government, but this road is already on the military reservation, owned by a private corporation, and this bill permits Mr. Hervey to extend it 2 or 3 miles down the coast.

Mr. MANN. I do not know what the present condition of the road is on the military reservation; but this is a very wide opening.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WILSON of Florida. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the consent of the United States is hereby given to George H. Hervey, of Pensacola, Fla., to locate, construct, maintain, and operate a line of electric railway on the military reservations of Fort Barrancas and Fort McRee, in Escambia County, State of Florida, upon such location and under such regulations and conditions as shall be approved by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

Mr. MANN. Mr. Speaker, I move to amend the bill so that the first part of it will read as follows:

That the Secretary of War is hereby authorized to give to George H. Hervey, his heirs, successors, and assigns, a permit to locate, etc.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out lines 3 and 4, page 1, down to the word "locate" and insert the following: "That the Secretary of War is hereby authorized to give to George H. Hervey, his heirs, successors, and assigns, a permit to."

The amendment was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WILSON of Florida, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

PROPERTY AT PENSACOLA, FLA.

The next business on the Calendar for Unanimous Consent was the bill S. 3581, authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, there are two of these bills. These are the bills the gentleman referred to the other day when he stated that the abstract of titles showed that these people had been in possession over 100 years.

Mr. WILSON of Florida. They and their grantors have been in possession 110 years.

Mr. TAYLOR of Colorado. I would like to say that we have had these bills up several times before the committee and they have passed either branch of Congress once or twice.

Mr. MANN. Mr. Speaker, I would like to say further that if the committee had reported that information in the report these bills would have been passed before, but because of the insufficiency of the report they have been held up.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. WILSON of Florida. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent, remissing, releasing, and quitclaiming forever all right, title, claim, and interest of the United States of America in and to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the county of Escambia and the State of Florida, to such person or persons, firms or corporations as shall make proof that he himself, or he and his grantor or grantors, has had continuous possession thereof under claim of ownership during the last 20 years next before the passage of this act. Such patent, however, shall be subject to any public easement or other adverse right suffered or granted by the patentee or his grantors.

Mr. MANN. Mr. Speaker, I would like to make an inquiry. Of course, I consider Florida more or less as a home, and I am fond of it; but how do they spell the word "remising" in Florida?

Mr. WILSON of Florida. Mr. Speaker, I was about to offer an amendment correcting the spelling of that word.

Mr. MANN. I would not have thought of it if it had appeared in just one of the bills, but it is in both of them.

Mr. WILSON of Florida. Mr. Speaker, I move to amend, in line 4, by striking out the word "remissing" and inserting in lieu thereof the word "remising."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WILSON of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOT 306, PENSACOLA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3580) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla.

The SPEAKER pro tempore. Is there objection?

Mr. BENNET. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Florida [Mr. WILSON] if there was any explanation given why the occupants of this land, if they were the predecessors in apparent title of the present occupants, did not take advantage of the act of February 28, 1824, or the act of 1822?

Mr. WILSON of Florida. That is a long time ago, and I can not tell the gentleman.

Mr. BENNET. Was there any explanation made before the committee?

Mr. WILSON of Florida. No; there was not. This is to remove a cloud on the title. These people have been in possession of this land, as I stated a moment ago, for 110 years—these people and their predecessors in title. It is in the heart of the city of Pensacola, and no objection has ever been raised, except that the cloud exists, and people will not buy land on which there is a cloud.

Mr. BENNET. Does the gentleman mean that this property has passed by conveyance and descent?

Mr. WILSON of Florida. Ever since 1806.

Mr. BENNET. And this is simply to clear up an old cloud on the title?

Mr. WILSON of Florida. Exactly.

Mr. BENNET. And there is really no interest of the United States Government in it at all?

Mr. WILSON of Florida. No.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent remissing, releasing, and quitclaiming forever all right, title, claim, and interest of the United States of America in and to lot No. 306 in the old city of Pensacola, in the county of Escambia and the State of Florida, to such person or persons, firms or corporations, as shall make proof that he himself, or he and his grantor or grantors, has had continuous possession thereof under claim of ownership during the last 20 years next before the passage of this act. Such patent, however, shall be subject to any public easement or other adverse right suffered or granted by the patentee or his grantor.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. WILSON of Florida. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WILSON of Florida. Mr. Speaker, I ask unanimous consent that the word "remissing" in line 4 be stricken out and the word "remising" be inserted in lieu thereof.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WILSON of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENDING TIME TO SETTLERS IN NEW MEXICO, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6430) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask whether there have been any claims presented or offered since 1910 that would be covered by this bill?

Mr. HERNANDEZ. There are several in my county that I know of.

Mr. MANN. The gentleman knows that there are claims?

Mr. HERNANDEZ. Oh, yes.

Mr. MANN. There is nothing in the report to indicate that anybody has ever had any claim at any time, or that any claim has ever been presented or offered in any way, or that there is any occasion for the bill. Here is a law that has been extended four or five times in order to give people additional time, and I am frank to say that I think if there are people who want to avail themselves of it we might properly give them the opportunity.

Mr. HERNANDEZ. I think so.

Mr. MANN. There is nothing here to indicate that anybody wants to come in under the bill.

Mr. HERNANDEZ. That is the object of the bill.

Mr. GANDY. I might say that I was informed by the General Land Office prior to the time that action was taken by the committee that there are some claims pending.

Mr. MANN. That information does not appear in the report, and I did not know what the facts might be.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HERNANDEZ. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 18 of an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, and by the act approved June 27, 1898, and by the act approved February 26, 1909, be, and the same is hereby, further amended by striking out the words "before the 4th day of March, 1910," and inserting in lieu thereof the words "before the 4th day of March, 1915," so that the first clause of said section shall read as follows, namely:

"That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor general of the proper State or Territory before the 4th day of March, 1917, and no claim not so filed shall be valid."

Provided, That the extension herein granted shall not apply to lands within the limits of a confirmed grant or embraced in any entry completed under the public land laws prior to filing of a claim hereunder, nor shall its provision extend to persons holding under assignments made after March 3, 1901.

With the following committee amendment:

Page 2, line 9, strike out the word "fifteen" and insert the word "seventeen."

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HERNANDEZ, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF CERTAIN SETTLERS UNDER THE YUMA RECLAMATION PROJECT, ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10116) for the relief of certain settlers under reclamation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, is the purpose of this bill to legalize certain unlawful entries upon the Yuma reclamation project, where perhaps the people were not fully advised of the law, or perhaps they did that to play a sneak on the Government?

Mr. TAYLOR of Colorado. Mr. Speaker, I do not think I would call it "unlawful," but probably "unauthorized" entries at that time.

Mr. MANN. Well, the law specifically prohibited it, did it not?

Mr. TAYLOR of Colorado. Well, it may have done so at that time; I do not know.

Mr. MANN. I know it may have been, but the gentleman is informed, and does not the gentleman know that the law did specifically prohibit people entering upon this land the way they did?

Mr. TAYLOR of Colorado. Well, I do not know about this particular case. I did not report the bill, but I know under some of these projects they have been encouraged to go on and settle, and they do acquire a kind of incipient prior right, you might say, that the department afterwards recognized, because they sometimes think it is going to be opened and they do not drive them off, and they go on and make improvements there and try to make a home.

Mr. MANN. Does not the gentleman know they specifically prohibited people from entering upon reclamation lands in cases like this?

Mr. TAYLOR of Colorado. Oh, yes; I think that is true, but nevertheless there are——

Mr. MANN. If the gentleman does not know whether that is the case or not, I wonder if he knows the law sufficiently to properly pass upon this bill?

Mr. TAYLOR of Colorado. As I say, it is not my bill; I did not report it, but I know the committee considered it and I know it was the impression of the Interior Department that there were equities in this particular case that warranted the passage of this measure and that these people should not be considered as willful trespassers.

Mr. MANN. Well, the original bill covered all reclamation projects, and the committee report in a bill covering the Yuma project. I have been unable to find any report from the department that urged the passage of this bill. However, they say possibly the people were ignorant, but I do not know. How many cases are there in this Yuma project, if the gentleman knows?

Mr. TAYLOR of Colorado. Well, I do not know, but my impression is there are not a great many. It speaks here of 13 settlers in one place, and says:

According to information furnished by the Department of the Interior, the enactment of this bill as amended will enable 13 settlers, who have heretofore made application to enter an aggregate area of 840 acres of withdrawn land, to make entry—

And so forth.

Mr. MANN. It makes a very bad precedent in order to give something to 13 men who deliberately violated the law.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That any person who has heretofore established residence upon and improved any tract of land within the irrigable area of a reclamation project withdrawn from entry under the provisions of the reclamation law and acts supplementary thereto and amendatory thereof, and who shall have made bona fide improvements upon such land, and who have resided thereon in good faith for two years prior to the passage of this act, may make entry for the farm unit upon which his residence is established, notwithstanding the provisions of section 5 of the act of June 25, 1910, entitled "An act to authorize advances to the reclamation fund," and so forth, and acts amendatory thereof; and the homestead entry of any entryman who has heretofore established residence upon any such tract of land and who shall have resided thereon in good faith for two years prior to the passage of this act and who has placed bona fide improvements thereon is hereby validated.

The committee amendment was read, as follows:

Strike out all after the enacting clause down to and including line 9, on page 2, and insert the following:

"That any person who has heretofore established residence upon and improved any tract of land within the irrigable area of the Yuma reclamation project in Arizona, withdrawn from entry under the provisions of the reclamation law and acts supplementary thereto and amendatory thereof, and who shall have made valuable improvements upon such lands, and who has resided thereon in good faith for two years prior to the passage of this act, may make entry for the farm unit upon which his residence is established, and that such residence and improvements heretofore made shall be credited upon his final proof."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJUSTMENT OF RIGHTS OF SETTLERS ON THE NAVAJO INDIAN RESERVATION, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10115) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations in the State of Arizona.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

FEDERAL AID FOR INDIGENT TUBERCULOUS PERSONS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11864) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

TOWN SITE OF NEWELL, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12889) authorizing the Secretary of the Interior to convey certain lands to the town of Newell, S. Dak., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. GANDY. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union, and that the substitute be read in lieu of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to reserve and set apart such portions of the unsold and unappropriated lands within the town site of Newell, Butte County, S. Dak., as he deems necessary for administrative purposes in connection with the Belle Fourche irrigation project, and after subdividing the remaining portions of such lands into tracts that in his judgment would render the same most salable, and, appraising the reasonable value of each such tracts, sell the same, for not less than the appraised value, at public auction to the highest bidder, on such terms and under such rules and regulations as he may establish.

SEC. 2. That the proceeds of such sale, after deducting all expenses incurred in the subdivision, appraisement, and sale of said land, shall be covered into the Treasury of the United States, in a special fund, available only for expenditure by the Secretary of the Interior, to provide the said town of Newell, Butte County, S. Dak., an adequate system of water supply for domestic purposes, under such terms and conditions as may be prescribed by the Secretary of the Interior, or for such other and further public improvements as the Secretary of the Interior and the municipal authorities of said town may agree upon.

SEC. 3. That the Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary for carrying into effect the provisions of this act.

The amendment in the nature of a substitute was agreed to.

Mr. GANDY. Mr. Speaker, I move that section 2 be amended to read as follows——

Mr. MANN. The gentleman offers it as an amendment to the amendment?

Mr. GANDY. As an amendment to the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

SEC. 2. That of the proceeds of such sales, after deducting all expenses incurred in the subdivision, appraisement, and sale of said lands, an amount not exceeding $15,000 shall be covered into the Treasury of the United States in a special fund and available only for expenditure by the Secretary of the Interior to provide or assist in providing the said town of Newell, Butte County, S. Dak., an adequate system of water supply for domestic purposes, under such terms and conditions as may be provided by the Secretary of the Interior, or for such other and further public improvements as the Secretary of the Interior and the municipal authorities of said town may agree upon. The net proceeds of such sale in excess of $15,000, if any there be, shall be covered into the Treasury of the United States and credited to the reclamation fund in accordance with existing law for the sale of town sites on reclamation projects.

The question was taken, and the amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to sell the unsold and unappropriated portion of lands within the town site of Newell, S. Dak., and for other purposes."

On motion of Mr. GANDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GANDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none.

COPYRIGHT LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13981) to amend the copyright law.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CARY. Mr. Speaker, reserving the right to object, I would like to ask whoever has the bill in charge a few questions.

The SPEAKER pro tempore. Has anybody charge of this bill?

Mr. CARY. If not, I object to the present consideration of the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

COMPENSATION FOR EMPLOYEES OF THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, while I think we ought to pass such a bill, it is manifestly impossible to pass one like this at this time in the afternoon on unanimous-consent day.

Mr. GARD. The objection of the gentleman to the bill is the prospect of its consuming too much time?

Mr. MANN. Yes. I am in favor of the principle of the bill, but the gentleman knows we can not take it up to-day. I ask that it be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

NATIONAL PARK SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15522) to establish a national park service, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COX. I object, Mr. Speaker.

BERKSHIRE TROUT HATCHERY.

The next business on the Calendar for Unanimous Consent was joint resolution (H. J. Res. 218) authorizing the acceptance of the gift of the Berkshire trout hatchery, Berkshire County, Mass.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. MANN. Mr. Speaker, I object.

FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill S. 3646, an act to amend the act of February 11, 1915 (38 Stat. L., 807), providing for the opening of Fort Assinniboine Military Reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

ELECTRIC LIGHT AND POWER, LIHUE DISTRICT, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9226) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WATKINS. Mr. Speaker, the committee met, and, in accordance with the suggestion of the gentleman from Illinois, when the bill was formerly brought up, authorized the bill to be amended in accordance with his suggestion, and instructed me to ask that the Senate bill which lies on the Speaker's table, identical with this bill, be substituted.

Mr. MANN. I have no objection to the passage of this bill, and if the committee has been over the matter I referred to I will take their judgment on it.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the bill S. 5777 be considered in lieu of the House bill. I understand there is no objection. Then I send to the Speaker's desk an amendment to the Senate bill.

The SPEAKER pro tempore. The bill is on the Union Calendar.

Mr. WATKINS. It was originally on the Union Calendar, but it was transferred from the Union to the House Calendar. However, if it does remain on the Union Calendar, as the Speaker thinks, I ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The bill is on the House Calendar. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That Hans Isenberg, of Lihue, county of Kauai, Territory of Hawaii, his associates, successors, and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii (he and they being hereinafter referred to as the "association"), be, and hereby are, vested with the right, authority, and privilege for the term of 50 years from and after the date of the approval of this act by the Congress of the United States to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time for said term of 50 years, for the purposes herein mentioned, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii, and to connect, by means of the said line, wires, and conductors, any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

SEC. 2. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed, maintained, or operated under, along, upon, or over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in the said Lihue district and the said Koloa district shall be so constructed, maintained, and operated by the association as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

SEC. 3. That said association, its representatives, successors, and assigns, shall be responsible for any damages either to person or property reulting from any act of negligence on its part which may occur by reason of the exercise of any of the privileges herein granted.

SEC. 4. That if said association, its representatives, successors, and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this act or the laws of the Territory of Hawaii, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the Public Utilities Commission of the Territory of Hawaii to comply therewith, said Public Utilities Commission of the Territory of Hawaii may, with the consent of the governor and of the attorney general, cause proceedings to be instituted before any appropriate tribunal to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void, and in case of a forfeiture of this franchise the Territory of Hawaii, the county of Kauai, or any political subdivision thereof shall have the right to purchase all the property of the association within the said Lihue district and the said Koloa district at the value thereof, such value to be determined as provided in section 16 hereof: *Provided*, That notice of such desire and intention to purchase is given to the association by the Territory of Hawaii or the county of Kauai or any political subdivision thereof within 60 days after the forfeiture of this franchise.

SEC. 5. That the association shall have the right to maintain, operate, and use electric meters or other means of measuring electric light, power, or current supply from time to time and to locate the same at such places as may be deemed necessary for its protection. That such association shall have the right to charge, receive, and collect from all consumers of electricity such reasonable prices as may from time to time be fixed and determined by the association, but such charge shall not at any time exceed 20 cents per kilowatt hour, or 1,000 watt hours, nor exceed such rate or rates as may be fixed from time to time by the Public Utilities Commission of the Territory of Hawaii: *Provided, however*, That the association shall have the right to charge, receive, and collect from each consumer of electricity for light the sum of not exceeding $2 per month and from each consumer of electricity for power the sum of not exceeding $1 per month for 1-horsepower apparatus connected to the service of the association: *And provided further*, That should electricity be required of said association by the Territory of Hawaii, or the county of Kauai, or any successor of either, or of any political subdivision thereof, for public purposes, said association shall not charge therefor more than 10 cents per kilowatt hour, or 1,000 watt hours: *And provided further*, That this franchise and the association holding the same shall be subject, as to reasonableness of rates, prices, and charges, and in all other respects, to the provisions of chapter 128 of the Revised Laws of Hawaii, 1915, creating a public-utilities commission, and all amendments thereof, for the regulation of the public utilities in said Territory, reserving, however, to said association the right of appeal to the Supreme Court of Hawaii from every order of said commission as provided in said chapter.

SEC. 6. That said association shall have the right to charge consumers or applicants for the use of electricity for one-half of the cost and expenses of making connections between the company's main line and the premises where the electricity is to be used, such cost and expenses to include the price of all wire, poles, insulators, and other materials

and labor necessary to be used in making such connections, the reasonableness of said charges upon the application of any party in interest to be subject to the approval of the public-utilities commission: *Provided, however,* That the association shall not be required to make, construct, or maintain said connections as aforesaid or supply light or power unless the applicant or applicants for such light or power, if required, shall deposit in advance with the association a sum of money sufficient to pay one-half of the costs and expenses of making and constructing such connections and for current for a period of one month in advance.

SEC. 7. That the association shall not be required to extend, construct, or maintain its main lines beyond a distance of 300 feet unless there be an applicant for each 300 feet of extension, or fraction thereof, and unless each applicant shall, in addition to the other requirements in this act provided, agree to take, install, and maintain five 40-watt lamps or 1 horsepower of power apparatus for not less than one year.

SEC. 8. That the association shall have the right to discontinue or cut off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association within such reasonable time as said association may fix for the payment of the same, and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now or which may hereafter be authorized by law for the recovery and collection of the amount due.

SEC. 9. That the board of supervisors of the county of Kauai is hereby authorized to make and from time to time change, amend, or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If at any time the association, after reasonable notice given to it in writing shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the board of supervisors of the county of Kauai, after giving the association reasonable notice thereof in writing of its intention so to do, may proceed to remedy such repair, and the cost of such repairs or charges may be recovered from the association by the county of Kauai.

SEC. 10. That the entire plant, corporation, books, and accounts of the association shall at all times be subject to the inspection of the Public Utilities Commission of the Territory of Hawaii and of the board of supervisors of the county of Kauai or other officer appointed by either of them for that purpose.

SEC. 11. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the county of Kauai a detailed statement showing all of its receipts and expenditures during the preceding calendar year, and shall, at the time, pay to the treasurer of the county of Kauai, for and on behalf of said county, one-half of 1 per cent of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records, and accounts shall at all reasonable times be open to inspection by the treasurer of said county, and his respective agents appointed for such purpose.

SEC. 12. That said association shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business. Said association and the directors thereof shall, however, not have the right to purchase franchises or property of whatever nature of, nor shares of stock in, nor bonds of, another company or corporation of like nature operating in the Lihue district and Koloa district, county of Kauai, Territory of Hawaii.

SEC. 13. That the said association, whenever from time to time it shall deem it expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof, with interest agreed upon, by mortgage of all or any part of its property and the franchise and privilege granted or obtained by virtue of this act; or, if it be deemed advisable, bonds may be issued, secured by deed of trust of such property as aforesaid, not to exceed 60 per cent of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived, and in such form and under such terms as said association may deem advisable: *Provided,* That nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security: *And provided further,* That the association shall not issue stock in excess of the amount paid to it in cash, nor shall issue bonds at less than 90 per cent of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, in the construction of any part of the works.

SEC. 14. It is further provided that the right hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying electric light and power, or by placing poles and wiring the same, or constructing conduits and laying wires therein in any of the streets, roads, or other places for the purpose of conducting electric light and power, within one year from and after the date of approval of this act by the Congress of the United States, and also if sufficient works are not completed and in operation to supply electric light and power, and if electric light and power is not supplied within one year after such commencement.

SEC. 15. That this franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States, and the right, privileges, and powers by this act conferred shall not be construed to be exclusive.

SEC. 16. That the Territory of Hawaii, the county of Kauai, or any political subdivision thereof, may at any time after the expiration of 20 years from the date of the passage of this act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon. The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or, in case it should fail to do so within 30 days after having been requested to do so by the purchaser, then by the chief justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed; or, in case they should fail to agree upon the third member within 30 days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may in its behalf take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SEC. 17. That this act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

Mr. WATKINS. Mr. Speaker, there are three amendments to be offered to the Senate bill which is now being considered. The first one is to section 1, which I have already sent to the Clerk's desk. The next is to section 17, striking out section 17 entirely. And the other is to amend the title so as to conform to the amendment which has been submitted.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

AMENDMENTS SUBMITTED BY THE COMMITTEE ON THE TERRITORIES TO S. 5777.

Amendment 1:

"To ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing, maintaining, distributing, and supplying of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

"*Be it enacted, etc.,* That the act of the Legislature of the Territory of Hawaii entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii,' approved by the governor of the Territory April 30, 1913, is hereby amended by Congress, and as thus amended is hereby ratified, approved, and confirmed, as follows:

"'Act 153.

"'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

"'*Be it enacted by the Legislature of the Territory of Hawaii,* SEC. 1.'"

Amendment 2: Strikes out section 17.

The SPEAKER pro tempore. The question is on the adoption of the committee amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. MANN. Mr. Speaker, I was interested for the moment in another matter. Was the Senate bill amended?

Mr. WATKINS. Yes; it was amended to conform to the suggestion which the gentleman made the other day.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken, and the Senate bill was passed.

On motion of Mr. WATKINS, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

Mr. WATKINS. Mr. Speaker, I move to lay the similar House bill on the table.

The motion was agreed to.

EXTENSION OF REMARKS.

Mr. GARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 9428.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GARD] asks unanimous consent to extend his remarks in the RECORD on the bill indicated. Is there objection?

There was no objection.

NULLIFICATION OF STATE ANTIGAMBLING LAWS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15949) to prevent the nullification of State antigambling laws by international or interstate transmission of race gambling bets or racing odds.

The title of the bill was read.

Mr. MANN. Mr. Speaker, I ask unanimous consent to pass this bill over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent to pass this bill over without prejudice. Without objection, it is so ordered.

There was no objection.

CLAIMS OF THE SHOSHONE TRIBE OF INDIANS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 489) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

SELECTION OF LANDS FOR EDUCATIONAL PURPOSES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15096) to amend an act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

MINERAL RESOURCES OF CERTAIN NATIONAL FORESTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12885) to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

TRANSFER OF LAND TO CITY OF FLANDREAU, S. DAK.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14944) authorizing the Secretary of the Interior to make transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 47, Moody County, S. Dak., to the city of Flandreau, to be used as a public playground.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

MONUMENT, PUEBLO POST, NO. 8, G. A. R.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14669) authorizing the acceptance by the United States Government from Pueblo Post, No. 8, G. A. R., of a monument located on the grounds of the Federal building in Pueblo, Colo.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. KEATING. Mr. Speaker, I move an amendment.

Mr. MANN. Let the bill be read first.

Mr. KEATING. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. KEATING] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept from Pueblo Post, No. 8, Grand Army of the Republic, of Pueblo, Colo., a monument erected by the members of said post on the lawn south of the Federal building in Pueblo, Colo., said monument having been erected to commemorate the service of the men who served in the Federal Army and Navy during the War between the States.

Mr. KEATING. Mr. Speaker, I move to strike out lines 8, 9, and 10.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. KEATING].

The Clerk read as follows:

Amendment offered by Mr. KEATING: Strike out all of lines 8, 9 and 10.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEATING, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FISH-HATCHING AND FISH-CULTURAL STATIONS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama, Louisiana, Florida, Georgia, South Carolina or North Carolina, Maryland or Virginia, Oregon or Washington, Texas, Oklahoma, Illinois, Washington, Arizona, New Mexico, Michigan, Idaho, Missouri, Pennsylvania, Delaware or New Jersey, and Minnesota.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

GAS SERVICE IN HAWAII.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15777) to authorize and provide for the manufacture, maintenance, distribution, and supply of gas in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. MANN. Mr. Speaker, is there a Senate bill?

Mr. HAMLIN. I was just going to make that parliamentary inquiry. The gentleman from New York [Mr. OGLESBY] reported this bill. In his absence I agreed to look after it. I am not sure whether there is a Senate bill or not.

Mr. MANN. This bill, or one like it, was up the other day. This has the same defects in it that the other had.

Mr. HAMLIN. I have prepared an amendment similar to the one which the gentleman from Louisiana [Mr. WATKINS] had.

Mr. MANN. I have no objection to passing this bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc.: SECTION 1. Manufacture and supply of gas: John T. Baker, of Hilo, county of Hawaii, Territory of Hawaii, his associates, successors, and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii, and its successors and assigns (he and they being hereinafter referred to as the association), are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes, and otherwise, in the district of South Hilo, county of Hawaii, for the term of 50 years from the date of the approval of this act by the Congress of the United States, subject to the limitations in this act contained.

SEC. 2. Erection of building, etc.: The association shall have the right to erect and maintain at such places, within the limits mentioned in section 1, as the board of supervisors of the county of Hawaii shall approve, such buildings, machinery, and appurtenances as may be necessary for the production, manufacture, and storage of such gas, together with its various by-products, as may be required from time to time during the existence of the rights hereby granted.

SEC. 3. Laying pipes, etc., in streets: The association, for the purpose of distributing such gas, shall have the right from time to time to lay pipes or other conduits in or under the streets, roads, and places in the said district of South Hilo, and whenever supply pipes and mains shall be laid in any block connections shall be made and pipes shall be laid from said main to the curb line of the street for the purpose of supplying gas to the property holders adjoining such street, and each of such connections shall be provided with stopcocks inside of such curb line: *Provided*, That nothing herein shall prevent the laying down of additional branches or connections at any time when future requirements render the same necessary. But the methods by which such streets, roads, and places are to be used shall be subject to prior consent and approval of the board of supervisors, and all instructions and directions made by said board shall be strictly followed to the end that the general public shall be inconvenienced as little as possible: *And provided likewise*, That whenever any street, road, or other place shall be excavated and holes or trenches made therein for laying, maintaining, replacing, or repairing such pipes, conduits, or connections, such holes or trenches shall be safeguarded and refilled as soon as possible, and the pavement, if any, and such street, road, or other place shall be replaced in good order and like condition by the association: *Provided*, That if such repair or restoration shall not be made to the satisfaction of the board of supervisors within a reason-

able time, whereof they shall be the judge, they may cause it to be done at the expense of the association: *And provided further*, That the association may be required to furnish to the board of supervisors, before making any street excavations or alterations, a good and sufficient bond for a sum to be fixed by the board of supervisors to insure prompt replacement of such portions of the streets and pavements therefor.

SEC. 4. Meters, rates: The association shall also have the right to maintain and use gas meters or other means for measuring the amount of gas used from time to time and in such places as may be deemed necessary, and to operate the same for all purposes connected with the use of such gas, and shall also have the right to charge, receive, and collect from all consumers of gas reasonable prices as it may from time to time fix and determine, but not at any time to exceed $2 per 1,000 cubic feet, with a discount of 10 per cent on all payments made within 10 days after due and demanded: *Provided, however*, That the prices charged to all consumers substantially under the same conditions and circumstances shall be equal, and shall also have the right to charge consumers or intended consumers of gas for the cost and expense of making connections between the mains and premises where such gas is to be used, and may also include the price for all connection pipe, gas fixtures, and other material necessary: *Provided*, That the association shall be subject as to reasonableness of rates, prices, and charges, and in all respects to the provisions of act 89 of the session laws of 1913 of said Territory, creating a public-utilities commission, and all amendments thereof for the regulation of public utilities in said Territory, and of act 135 of the session laws of 1913 of said Territory, as amended and approved by an act of Congress approved March 28, 1916.

SEC. 5. Cutting off service: The association shall also have the right to cut off the supply of gas from any consumer who shall refuse or fail to pay amounts due for gas so supplied by the association within such reasonable time as may be fixed for payment of the same; but such cutting off shall not prevent the association from using any remedies now or which may hereafter be authorized by law for collecting debts.

SEC. 6. The rights and powers hereby granted shall be exercised in such manner as to cause the least inconvenience to the public; and the association shall provide gas of the best quality obtainable, which quality shall be subject to the control of such reasonable rules and regulations as the board of supervisors shall from time to time deem necessary, and the buildings and machinery, with all appurtenances to be erected, and general plant to be maintained in connection therewith, together with the offices, books, and accounts of the association, shall be open to examination and inspection at all times by the board of supervisors or some one duly authorized by them for that purpose.

SEC. 7. Time of commencing work: It is further provided that the rights hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying such gas, or by laying pipes or conduits in any of the streets, roads, or places, within two years from and after the date of approval of this act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply gas, and if gas is not supplied within two years after such commencement.

SEC. 8. Mortgages, bonds: The association shall have power to mortgage the franchise hereby conferred to secure the payment of bonds or other monetary obligations incurred in the construction of buildings, machinery, pipes, conduits, and appurtenances and the manufacturing and supplying of gas as provided by this act.

SEC. 9. Exemption from taxation: All property of every kind and nature, forming or used as part of such gas system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii until the expiration of seven years from and after the date of the approval of this act by the Congress of the United States.

SEC. 10. One month after the expiration of each calendar year there shall be payable to the treasurer of the county of Hawaii, for and on behalf of said county, 2 per cent of the gross receipts of the association for all gas furnished to consumers under the terms of this act during the preceding 12 calendar months.

SEC. 11. The association shall, within one month after the expiration of each calendar year, file with the board of supervisors a detailed statement showing all of its receipts and expenditures during the preceding calendar year; and all of its books, papers, records, and accounts shall, at all reasonable times, be open to inspection by the governor, the board, and their respective agents appointed for such purpose. The association shall not issue stock in excess of the amount paid to it therefor in cash, nor shall it issue bonds at less than 90 per cent of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditure.

No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, for the construction of any part of the work.

SEC. 12. This franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States; and the rights, privileges, and powers by this act conferred shall not be construed to be exclusive.

SEC. 13. The Territory of Hawaii, the county of Hawaii, or any political subdivision thereof, within or including the district of South Hilo, may at any time after the expiration of 20 years from the date of the passage of this act by the Congress of the United States, and upon 6 months' notice in writing to the association, given pursuant to proper authority, when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or, in case it should fail to do so within 30 days after having been requested to do so by the purchaser, then by the chief justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed; or, in case they should fail to agree upon the third member within 30 days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may in its behalf take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SEC. 14. That this act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

Mr. HAMLIN. Mr. Speaker, on the part of the Committee on Territories I send to the Clerk's desk an amendment, which I offer.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. HAMLIN. Mr. Speaker, I ask that the Clerk report first the part included within brackets made by me.

The Clerk read as follows:

Committee amendment: On page 7, line 8, strike out the word "governor" and insert the words "public utilities commission."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HAMLIN. Mr. Speaker, I call the attention of the Reading Clerk also to another amendment by the committee, on page 2, line 4, to strike out the word "building" and insert "buildings."

The SPEAKER pro tempore. The Clerk will report the amendment. The Clerk read as follows:

Amend, page 2, line 4, by striking out the word "building" and inserting the word "buildings."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the other committee amendment.

The Clerk reads as follows:

Amendment No. 1: "To ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii."

Mr. HAMLIN. That ought to come in after the other amendment.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

That the act of the Legislature of the Territory of Hawaii entitled "An act granting a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved by the governor of the Territory April 30, 1913, is hereby amended by Congress, and as thus amended is hereby ratified, approved, and confirmed, as follows:

"Act 152. An act granting a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii: *Be it enacted by the Legislature of Territory of Hawaii.*"

Mr. HAMLIN. Mr. Speaker, that comes in immediately after the enacting clause of the bill.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out all of section 14.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title was amended so as to read: "A bill to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii."

On motion of Mr. HAMLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNIFORM STANDARDS OF CLASSIFICATION FOR COTTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes.

The Clerk read the title of the bill.

Mr. MANN. I ask to have that bill passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed without prejudice.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was joint resolution (H. J. Res. 91) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

The Clerk read the title of the joint resolution.

Mr. MANN. I ask unanimous consent to have the joint resolution passed over without prejudice.

The SPEAKER pro tempore. Without objection, it will be so ordered.

EFFICIENCY OF THE PUBLIC HEALTH SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 204) to promote the efficiency of the Public Health Service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That hereafter when commissioned medical officers of the Public Health Service on the active list are not provided quarters, they shall receive in lieu of same commutation therefor at the rate of $12 per room per month, as follows: Surgeon General, 8 rooms; Assistant Surgeon General, 7 rooms; senior surgeon, 6 rooms; surgeon, 5 rooms; passed assistant surgeon, 4 rooms; assistant surgeon, 3 rooms; and shall receive commutation for necessary fuel and lights for the same at rates to be fixed by the Secretary of the Treasury: *Provided*, That officers while serving beyond the continental limits of the United States or on sea duty shall receive an additional 10 per cent of their salaries and increase while on such duty.

The allowance for baggage and personal effects to an officer in changing station shall be fixed by the Secretary of the Treasury, not to exceed in any case 7,200 pounds.

SEC. 2. That a vacancy in the grade of Surgeon General shall be filled by appointment by the President, by and with the advice and consent of the Senate, from among the commissioned medical officers not lower in grade than surgeon, and the term of office of the Surgeon General shall be for a period of four years, at the expiration of which term he shall, unless reappointed, be carried as an extra number in the grade of Assistant Surgeon General. Assistant surgeons shall be promoted to the grade of passed assistant surgeon in the order of seniority at the expiration of three years' commissioned service and after satisfactory examination.

SEC. 3. That the chiefs of the Divisions of Zoology, Pharmacology, and Chemistry in the Hygienic Laboratory may, upon the recommendation of the Surgeon General of the Public Health Service and the Secretary of the Treasury, be commissioned by the President, by and with the advice and consent of the Senate, as professors of zoology, pharmacology, and chemistry, respectively, of the Public Health Service, and they shall be entitled to leaves of absence as now provided by law for the commissioned medical officers of the Public Health Service: *Provided*, That the President may commission, by and with the advice and consent of the Senate, five additional professors in the Public Health Service, who shall be entitled to the same leaves of absence, pay, and allowances as are the commissioned medical officers in the grade of senior surgeon: *Provided further*, That said additional professors shall not be appointed unless recommended by the Surgeon General and the Secretary of the Treasury, after satisfactory examination, as being fully qualified for special work in sanitary engineering, epidemiology, pathology, bacteriology, housing, or other matters that relate to the propagation and spread of diseases of man.

Mr. ADAMSON. Mr. Speaker, I move to amend by striking out the first section.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAMSON: Strike out all after the enacting clause beginning on line 3, page 1, down to and including line 7, on page 2.

The amendment was agreed to.

Mr. ADAMSON. The sections ought to be renumbered.

The SPEAKER pro tempore. Without objection, that will be done.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS TO-MORROW.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. MANN. I think we have gone far enough.

Mr. KITCHIN. I would like to take up my bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas. We passed over that bill without prejudice.

Mr. MANN. I think very possibly if we get through with the pension bill fairly early to-morrow we may be able to run through the balance of the Unanimous Consent Calendar. The gentleman can dispose of his bill then.

Mr. KITCHIN. All right.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, June 17, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, recommending that provision be made by concurrent resolution or otherwise for the compilation and publication of the internal-revenue acts of the United States (H. Doc. No. 1227); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Acting Secretary of the Navy, recommending an amendment to House Document No. 1049, Sixty-fourth Congress, first session (estimates of deficiencies in appropriations, Navy Department), page 6, by changing the appropriation "Contingent and miscellaneous expenses, Hydrographic Office" from "1916" to "1917" (H Doc. No. 1049, pt. 2); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the billl (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area, reported the same without amendment, accompanied by a report (No. 818,) which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 7111) to authorize the appointment of Duncan Grant Richart to the grade of lieutenant in the Army, reported the same with amendment, accompanied by a report (No. 820), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 1568) for the relief of N. Ferro, reported the same without amendment, accompanied by a report (No. 821), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15796) granting an increase of pension to Isaac W. Nutting; Committee on Military Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 2978) for the relief of Dennis J. Neagle; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. OLNEY: A bill (H. R. 16459) authorizing the Secretary of War to donate to the Avon Rifle Club, of Avon, Norfolk County, Mass., one fieldpiece; to the Committee on Military Affairs.

By Mr. HAY [from the Committee on Military Affairs]: A bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917; to the Committee of the Whole House on the state of the Union.

By Mr. HOWARD: A bill (H. R. 16461) to provide for the installing of industries in the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 16462) to provide for the installing of industries in the United States Penitentiary, Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes; to the Committee on the Judiciary.

By Mr. DOWELL: A bill (H. R. 16463) to provide for the erection of a public building in the city of Nevada, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16464) to provide for the erection of a public building in the city of Knoxville, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16465) to provide for the erection of a public building in the city of Winterset, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16466) to provide for the erection of a public building in the city of Indianola, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16467) to provide for the erection of a public building in the city of Pella, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of North Dakota: A bill (H. R. 16468) to increase the limit of cost of the United States public building at Jamestown, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. SLEMP: A bill (H. R. 16469) to authorize the Narrows Light & Power Co., a corporation chartered under laws of State of Virginia, to construct a dam across New River; to the Committee on Interstate and Foreign Commerce.

By Mr. TRIBBLE: Resolution (H. Res. 262) authorizing the appointment of a committee to investigate whether or not there have been violations of the law by corporations or persons causing increase in the price of gasoline and products of petroleum; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 16470) granting an increase of pension to Samuel C. Hutton; to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 16471) making an appropriation to pay the legal representatives of the estate of Hugh Buchanan, late of the State of Georgia, in full for any claim for salary and allowance made by reason of the election of the said Hugh Buchanan to the Thirty-ninth Congress and his services therein; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 16472) granting an increase of pension to Morgan Thomas; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 16473) for the relief of William W. Danenhower; to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 16474) granting a pension to Henry C. Lichten; to the Committee on Pensions.

Also, a bill (H. R. 16475) granting a pension to Lizzie Yorker; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 16476) granting an increase of pension to Elijah Spears; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 16477) for the relief of the heirs of Benjamin Mordecai, deceased; to the Committee on War Claims.

By Mr. CRISP: A bill (H. R. 16478) for the relief of the legal representatives of the estate of Philip Cook; to the Committee on Claims.

By Mr. EAGAN: A bill (H. R. 16479) granting an increase of pension to Anna Maria Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16480) granting an increase of pension to Frank Drewes, sr.; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 16481) granting an increase of pension to Mary E. Salkeld; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 16482) to reimburse Capt. E. D. Kremers, Medical Corps, United States Army, for rent of quarters at Honolulu, Hawaii; to the Committee on Claims.

Also, a bill (H. R. 16483) granting a pension to Anna Mary Damson; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 16484) granting an increase of pension to Mary E. Jones, widow of Joseph Jones, late of Company B, First Battalion, District of Columbia; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 16485) granting a pension to Sarah J. Effelberg; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 16486) granting an increase of pension to Martha R. Hitchcock; to the Committee on Pensions.

Also, a bill (H. R. 16487) granting an increase of pension to Mary H. Trimble; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 16488) granting an increase of pension to Alathea L. Sands; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 16489) for the relief of Roy S. Shepard; to the Committee on Claims.

By Mr. TILLMAN: A bill (H. R. 16490) granting an increase of pension to Lovina P. Simmons; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 16491) granting a pension to Sylvester O. Phinney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Austin (Cal.) Chamber of Commerce, favoring the passage of the Raker bill; to the Committee on Education.

Also (by request), memorial of Geiger Memorial Brethren Church, of Philadelphia, Pa., against polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of Federal Employees' Union, relative to retirement legislation for Government employees; to the Committee on Reform in the Civil Service.

By Mr. BAILEY: Protest of Martin Hasse, sr., Christ Hofmann, Anton Nau, Fred Mintmier, Lewis Hershberger, John F. Abel, John W. Lipp, Roy L. Krouse, George Gehris, D. Devanetz, J. Lesowitz, Henry Frick, Martin J. Hasse, P. E. Martin, John E. Trimble, Mrs. E. L. Horner, W. L. Horner, sr., Hiram Custer, Lloyd Custer, O. D. Weyant, Charles S. Swaney, Mrs. Frank Schuster, Conrad Hochstein, Helen Hochstein, R. J. McKay, Edward Rosevear, Mrs. A. M. Jones, D. P. Craig, A. W. Josopait, N. R. Lowry, W. L. Auman, Manilla Williams, P. W. Riddles, Mrs. H. W. Smith, Bertha Stein, Alice I. Gramling, Edith Gramling, Hattie Mack, Clara Yeager, Amelia Bock, Mrs. James W. Rhue, Mrs. L. Nagel, Mary Yeager, Mrs. Ada Musser, Mrs. W. L. Trail, Mrs. Ira Boyer, Mrs. T. R. Ashton, Mrs. L. J. Daley, Mrs. H. I. Smith, David Guggenheim, Alice Morrow, Mrs. J. R. Bollinger, Helen Neatrour, Mrs. H. C. Barefoot, and Mrs. Harold Barefoot, all of Johnstown, Pa.; F. F. Wolff and Louis Groveman, of New York City; and Mrs. M. A. Pound, of Owosso, Mich., against the passage of House bill 9671, a bill to establish price control; to the Committee on Interstate and Foreign Commerce.

By Mr. CROSSER: Petition of sundry citizens of the State of Ohio, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Surveyor's Customs Welfare, favoring House bill 15136, workmen's compensation act; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of District Grand Lodge, No. 2, I. O. B. B., Cincinnati, Ohio, against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FREEMAN: Petitions of First Congregational Church of Stonington and Baptist Church and Sunday School of New London, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of John F. Walsh and others, of New London, Conn., favoring House bill 8665, against the Taylor system in Government shops; to the Committee on Labor.

Also, petition of Woman's Christian Temperance Union of Windham, Conn., favoring House bill 10924, prohibiting rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. GLYNN: Petition of sundry citizens of Plymouth, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Young People's Christian Endeavor Society of Terryville, Conn., favoring censorship of motion pictures; to the Committee on Education.

By Mr. LINTHICUM: Petition of M. R. Taylor, of Baltimore, Md., against Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of sundry citizens of Baltimore, Md., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of C. A. Phillip and others, of Chicago, Ill., favoring passage of Lobeck classification bill; to the Committee on Agriculture.

Also, memorial of city council of Chicago, against the La Follette amendment to the rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. MOSS of West Virginia: Papers to accompany House bill 16485, for the relief of Sarah J. Effelberg; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: Petition of citizens of Loganworth, Ga., requesting Congress to pass bill of Representative TRIBBLE granting pensions to Confederate soldiers and their widows in the sum of $50 per month out of the cotton tax collected illegally from Southern States; to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 17, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast set before us the ideal in the life and character of the man Christ Jesus and hast filled our souls with longings, hopes, and aspirations, help us, we beseech Thee, to attain by walking humbly before Thee, by dealing justly and honorably with all men, and by keeping ourselves unspotted from the world. "With malice toward none and charity for all." For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEMOCRATIC PLATFORM.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the platform adopted by the Democratic national convention at St. Louis on yesterday.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing the Democratic platform. Is there objection?

There was no objection.

COURT OF PRIVATE LAND CLAIMS.

Mr. MANN. Mr. Speaker, the House yesterday passed a bill, H. R. 6430, in relation to the establishment of a court of private land claims. There was a similar Senate bill on the Speaker's table. I ask unanimous consent to take from the Speaker's table Senate bill 1840 and consider it.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table Senate bill 1840, an act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 18 of an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, and by the act approved June 27, 1898, and by the act approved February 26, 1909, be and the same is hereby, further amended by striking out the words "before the 4th day of March, 1910," and inserting in lieu thereof the words "before the 4th day of March, 1917," so that the first clause of said section section shall read as follows, namely:

"That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor general of the proper State or Territory before the 4th day of March, 1917, and no claim not so filed shall be valid."

Provided, That the extension herein granted shall not apply to lands within the limits of a confirmed grant or embraced in any entry completed under the public land laws prior to filing of a claim hereunder, nor shall its provision extend to persons holding under assignments made after March 3, 1901.

The SPEAKER. The Clerk suggests that on page 2 of the Senate bill, in lines 6 and 7, the word "section" occurs twice in immediate conjunction. One of the words ought to be stricken out.

Mr. MANN. I move to amend by striking out the word "section," in line 7, on page 2 of the Senate bill.

The amendment was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the bill H. R. 6430 was passed, and that the bill lie on the table.

The SPEAKER. The gentleman from Illinois asks unanimous consent to vacate the proceedings by which the bill H. R. 6430 was passed and lay the same on the table. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from the Baltimore Sun of yesterday.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD by printing an editorial from the Baltimore Sun. Is there objection?

There was no objection.

PENSION APPROPRIATION BILL.

Mr. RAUCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15775, the pension appropriation bill, and pending that motion I would like to ask the gentleman from Illinois [Mr. CANNON] if he cares to enter into an agreement as to general debate?

Mr. CANNON. I have some requests for time on this side. It occurs to me that we had better talk a little while, and if it runs too long, then an agreement can either be made or general debate may be closed. There is no disposition on this side to delay the passage of the bill beyond the day. For the present, I suggest that we let general debate run without limit.

Mr. RAUCH. Very well; I am satisfied to proceed in that manner.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CLINE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15775) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes.

Mr. RAUCH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. RAUCH. Mr. Chairman, I have no desire to consume any time at present myself, except to make a short statement as to the amount carried in the bill and a provision directing the expenditure of certain money in the Treasury.

Mr. CANNON. Mr. Chairman, this bill carries, in round numbers, $158,000,000 for the payment of pensions. I am thoroughly satisfied with the bill. While it is slightly under the estimates submitted, I believe it is sufficient to care for the service for the next fiscal year. There is a provision in it that probably would be subject to a point of order, but it would evidently be better to agree to it. I will not discuss it, for gentlemen will discover it when we come to read it.

Mr. Chairman, this bill carries a very large amount of money, but it is decreasing from year to year. Gentlemen are aware that it increased after the passage of the age-service bill, passed practically under the leadership of the gentleman from Ohio, Gen. SHERWOOD. Deaths of the veterans of the Civil War are increasing, and decreasing the number on the pension rolls, and they will very rapidly decrease in the years immediately in front of us.

I have a letter here from the Commissioner of Pensions. In order to save time to myself in examining tables, I asked him for certain information, which I desire to call to the attention of the House. I sent the Commissioner of Pensions a letter

and then paid him a personal visit for further information. I shall not read my letter. His answer to my letter I will read. It is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, June 16, 1916.

Hon. JOSEPH G. CANNON,
House of Representatives.

MY DEAR MR. CANNON: I have your request, per your letter of the 6th instant, for information concerning pensions, as follows:

First. The average annual value of pensions under the first laws enacted after the Civil War (General Laws) or the average value of pensions previous to the act of June 27, 1890.

Second. The average annual value of pensions from 1890 to the enactment of the Sherwood law (act of May 11, 1912).

Third. The average annual value of pensions at the present time.

Fourth. The average age of pensioners before the act of 1890, thereafter to the enactment of the Sherwood law, and at the present time.

Fifth. The present death rate as to pensioners of all classes, and, as to widow classes, separately.

In response I have the honor to advise you that the average annual value of each pension for the periods specified is found to be as follows:

1. Fiscal years 1862 to 1889, inclusive, $109.16.
2. Fiscal years 1890 to 1912, inclusive, $150.58.
3. Present time (fiscal year 1915), $215.43.
4. The average age of pensioners living and on the roll at any given time in said periods or at present can not be furnished, as pensioners' ages are not shown on the pension roll, and no tabulations of pensioners by their ages has ever been made, so far as can be ascertained, except in connection with the claims filed by survivors of the Mexican and Civil Wars under the act of May 11, 1912, in the first year after its passage, taking in the fiscal year 1913. The average age of the Mexican and Civil War survivors on the roll and claiming pension under the act of May 11, 1912, in that period (fiscal year 1913) was found to be 70.7 years.
5. On July 1, 1915, the total number of pensioners of all classes on the roll was 748,147. In the 11 months that have transpired since that date the losses by death have been 50,857, an average of 4,623 per month, or about 6.8 per cent of the roll. At the same rate for the remaining month of the fiscal year the loss to the roll by death would be 55,480 or 7.4 per cent of the number on the roll at the beginning of the year

Of the 11 months' death loss of 50,857, as above noted, 18,310 or about 36 per cent were of the widow classes, and of said number of widow pensioners of all classes lost to the roll by death, 17,344, or 34 per cent of the total, were pensioned as widows of Civil War soldiers.

I also append hereto, in compliance with your verbal request, a table showing the total cost of pensions by wars from the foundation of the Government to the close of the last fiscal year, as follows:

War of the Revolution (estimated)	$70,000,000.00
War of 1812 (service pension)	45,972,895.76
Indian wars (service pension)	13,315,227.19
War with Mexico (service pension)	49,618,948.68
Civil War	4,614,643,267.43
War with Spain and Philippine insurrection	49,944,441.84
Regular Establishment	35,472,408.77
Unclassified	16,508,447.41
Total	4,895,475,637.08

Very truly, yours,

E. C. TIEMAN,
Acting Commissioner.

A large sum—nearly five thousand millions of dollars paid to the soldiers of the Civil War, their widows and dependents; and yet the magnitude should not surprise us because it was a great struggle and the pensions were worthily paid. Mind you, when a man goes into the Army he can not get out during his term of enlistment unless by discharge for disability or by purchase in time of peace, and it is exceedingly difficult to purchase discharge in time of war from the Army and the Navy. He is on the danger line. I once before, in speaking of this matter, spoke of the great waste that there was of human life under our military system. Some one corrected me when I said that as near as I could ascertain one-half of the disabilities in the war for the Union were incurred before the soldiers were prepared to fight. It was said that it was more than that. It may be more than that, but notwithstanding this great loss and sacrifice of human life, while I am not a prophet nor the son of a prophet, yet I believe that in the future, whatever you may think or I may think about it, the principal reliance will be upon the citizen soldiery of this great Republic, and therefore it is proper that when disability comes from disease or wound, or when death comes, the family of the soldier should be cared for within proper bounds.

You will notice that the pensions which I have just given you, while in the aggregate amounting to a very great sum, on the average are quite small. Two hundred and fifteen dollars a year is the maximum, and that runs down to $150 and to $109 a year for a minimum. Pensions to the citizen soldiery should be regarded from two standpoints, one from the standpoint of simple justice in God's chancery to care for those who bear the heat and burden of the day in battle, and another, equally important, from the standpoint of the future, that when the citizen is called upon to serve his country he will go with the feeling that if death or disease comes the great Republic will care for him and his within proper bounds.

We had a war with Spain, and about $50,000,000 in pensions have already been paid to the soldiers of that war. The soldier is pensionable if he had 90 days' service and if he was disabled. It is a disability pension up to this time for the soldier in that war, and the amount paid for those disabilities, as I said a moment ago, amount in the aggregate now to about $50,000,000. When thinking of these sums, vast in the aggregate, we should consider the growth of the country since the close of the great civil struggle. The population of the great Republic has been multiplied since that time by substantially three. The wealth of the country has been multiplied very much, growing from less than twenty billions up to two hundred billions. The railways of the country have grown from 31,000 miles to 260,000 miles plus. The unorganized territory has been organized into State. There has been great activity, great prosperity, and the per capita wealth of the United States is greater than that of any nation upon the earth; and in this connection I might be permitted to call the attention of our friends from the northern Middle West to the fact that in the agricultural States the per capita wealth is greater than it is anywhere else.

It is proper for me to say this because I represent very largely an agricultural district, as many other gentlemen here do, and it is also proper for me to say that when the time heretofore has come that the men, and the young men especially, have been called upon to defend the Union, on the average the largest per cent, according to population, has come from the farms, the little towns, and villages, where the greatest per cent of per capita wealth is to be found. Mr. Chairman, the Rockefellers, the Carnegies, the plutocrats, and these great fellows, according to common notoriety, as charged on the floor of the House and in the newspapers, fade into insignificance when you come to the per capita wealth of the hundred million people of the United States. That was a little side-step I did not intend to put in, but I put it in because I represent an agricultural district. [Applause.] I think, man for man, take the hundred million people of the country, those in our agricultural districts are quite as intelligent and patriotic and quite as able to take care of themselves, and a little more so, than any similar population to be found elsewhere in the Republic in time of war or in time of peace. [Applause and laughter.]

As I look back over the history of this pension legislation and the progress of the country, the only wonder to me is that the aggregate of these pensions is not much greater than it is. No man could be pensioned, could get a service pension, if I recollect correctly, and the gentleman from Ohio [Mr SHERWOOD] will correct me if I make a mistake, until the Sherwood bill was passed, unless he could trace his disability to the service in the line of duty. No widow could be pensioned up to 1890 whose husband had died unless she could trace his death to the service in the line of duty in the Army, and then she could only be pensioned, if I recollect right, at $8 a month, a little less than $100 a year. In 1890 the law was amended by which a widow, if I recollect right, might be pensioned at the death of her husband at $12 a month, or was it $8—$8, says my friend from Idaho [Mr. SMITH]—and the dependent widow, who made a living by washing or otherwise could have $150 a year—she started, I think, at $8 a month——

Mr. ASHBROOK. If she had an income of $250 a year, she was denied a pension.

Mr. CANNON. That was later on.

Mr. ASHBROOK. That was the act of 1890, and in 1908 the pension was increased to $12 a month, and the income provision was eliminated.

Mr. CANNON. And to-day the widow who married her husband after 1890, the date of the act, can not get a pension for any sum unless she can trace the death of her husband to the line of duty in the Army.

Mr. ASHBROOK. A very difficult thing to do.

Mr. CANNON. A very difficult thing to do. That was 26 years ago, substantially. I am interested in the legislation which we have enacted, and which I hope will be enacted at this session of Congress. In February, I believe it was, we passed a bill to pension the widows of deceased soldiers of the Spanish and Philippine Wars who served 90 days and were honorably discharged, at the rate of $12 a month, and that, too, without regard to what caused the death of the husband.

We all voted for it. We did not split hairs on that side or on this side. It passed unanimously, without division. There were other provisions in the bill, but I call attention to that, because it is most largely for the benefit of the widows of the soldiers of that contest, provided they served 90 days.

Again, a little later, coming from the Committee on Pensions, was a bill pensioning the survivors of the Indian wars, a pretty broad bill. It is not necessary to have a discharge. Some people may slip in who ought not to slip in, but I know something of what pioneer life was from the forties on the Wabash and a little later in Illinois, all of which I saw and a part of which

I was, so that I am not going to split hairs about the Indian bill; but it passed through the House and went to the Senate. The Senate amended it and passed it, and it is now in conference and I have no doubt will become the law. The Senate has reported the Spanish War bill with an amendment——

Mr. DYER. I will say to the gentleman there were no amendments.

Mr. CANNON. Reported it without amendment?

Mr. DYER. Yes.

Mr. CANNON. I accept the correction, and I hope and believe it will pass during this session in the Senate.

A gentleman, a Member of the House from Ohio, introduced another bill to make pensionable the widows of deceased soldiers who married after 1890—between that and 1905. Well, I think that is a good bill. I am in favor of people getting married. [Laughter.] That was 26 years ago, and it brings them down for 15 or 16 years. You know the widows who married from 1890 up to 1905, many of them—not a great multitude, but a great many of them—cared for the veteran soldiers, but on the average, the magazines and antipension people to the contrary notwithstanding; from the standpoint of patriotism, in God's chancery, the Ashbrook bill ought to pass. [Applause.] Will it? I do not know.

Mr. ASHBROOK. I think it will.

Mr. CANNON. My friend from Ohio says he thinks it will; but why have the delayed wheels stood stationary?

Mr. ASHBROOK. Will the gentleman yield?

Mr. CANNON. With pleasure; but one thing I want to do, I want that bill passed, and I want to talk about it for a minute.

Mr. ASHBROOK. I want to say to my distinguishd friend my concern about this bill is fully equal to his, and I am very glad indeed to know that he is so much in favor of the bill, and I want also to say that I am very much disappointed that the bill has not been passed before this time. The gentleman understands this bill was reported February 29 from the Committee on Invalid Pensions?

Mr. CANNON. Yes.

Mr. ASHBROOK. The two bills the gentleman referred to as having passed at this session of Congress were reported and passed at a time previous and at a time when the House did not have the appropriation bills on hand, and these various administration bills were not before the House. The gentleman also understands that the bill is privileged and can be called up only when the Speaker of the House will recognize some one for that purpose. I do not want to say anything that reflects upon the Speaker, because I believe he is in favor of the bill; he has assured me he is.

Mr. CANNON. I have no doubt he is.

Mr. ASHBROOK. I want to say also to the gentleman that I have visited the Speaker on the average twice every week since February 29 pleading to be allowed to call up this bill, but for reasons that seemed good to the Speaker he has not permitted me to call it up. I talked to him not later than yesterday and he said these appropriation bills must be passed this month, and just as soon as they are out of the way he would recognize me for the purpose of calling up the bill, and I am sure this House will pass it, and I have equal assurance at the other end of the Capitol.

Mr. CANNON. Well, I hope the prophecy of the gentleman is correct. Of course, the two bills I spoke of passed in February, I believe.

Mr. ASHBROOK. Yes.

Mr. CANNON. And this was reported——

Mr. ASHBROOK. February 29.

Mr. CANNON. February 29, within a week or two after the other bills passed. I am not now criticizing the Speaker or any individual——

Mr. BENNET. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. CANNON. Yes.

Mr. BENNET. Can it be possible that in a Democratic House the passage of a bill depends in any way upon getting recognition from the Speaker? I thought we had abolished that when we went into the Sixty-second Congress.

Mr. ASHBROOK. It is apparent the gentleman from New York does not understand the rules of the House.

Mr. CANNON. There is a way under the general rules of the House to pass this bill if the Speaker was dead against it, but the general rules of the House do not seem to operate much. How is that? says somebody. On the call of committees, under the general rules of the House——

Mr. ASHBROOK. Will the gentleman permit?

Mr. CANNON. Just let me finish this and then I will yield to the gentleman. On the call of committees it is in order any day after the Speaker's table is cleared, after the committee is called and the consideration of the bill is entered upon and 60 minutes have passed by, that, as a question of the highest privilege under the rules, where a Member addressing the House might be taken off his feet, and a motion would be in order to take up this bill or any other general bill on either the House Calendar or the Union Calendar.

Mr. ASHBROOK. Do I understand from the gentleman that a bill which is privileged also can be called up under the call of committees?

Mr. CANNON. That does not affect the case. Under the call of committees, on Calendar Wednesday it might and under unanimous consent it might——

Mr. ASHBROOK. I understand that.

Mr. CANNON. I am speaking of something that can be done regardless of the Speaker of the House, and I say it because the Speaker of the House is not disposed to keep the House from doing what it wants to, but we have grown into this practice.

I am not going to talk much about it, but I will say that the Committee on Rules is composed of 11 members, with responsibility divided; and the easy way has been, instead of proceeding under the general rules of the House to legislate, for the Committee on Rules to perform and perform and perform, so that, instead of legislating under the rules of the House, you are practically legislating by the grace of the Committee on Rules. I believe in the future a majority of the House will endeavor to work a reform in that respect. There has not been a day, if you except Calendar Wednesday and other special days—and there have not been many of them set aside for particular business since the Reed rules were adopted—that a majority could not in one hour, by calling the regular order, after clearing the Speaker's table on call of the committees, reach a bill and take it up for consideration. And that has applied since 1891 down to the present time. Now, I recollect when I had the honor to be Speaker—and I am not going into ancient history, as it is not necessary—I was called a "czar." All kinds of accusations were made against me. Some Members said "the Speaker would not let us consider bills," using the refuge of cowards. [Applause.] Then—and now, perchance—the trouble was that the bill the Member was interested in did not have a majority. And I refer especially now to the Littlefield bill, which the gentlemen will recollect. And that was the trouble. Thereupon I became a scapegoat by a species of lying. But I will drop that, because that is all behind us, and all this is spoken of to show that we can transact business if there be a majority that desires to transact business without frequent resort to the Committee on Rules. And so much for that.

Now, I have the assurance of the gentleman that this widows' bill will be passed. I wish it could be passed soon. I wish there could be unanimous consent—and otherwise it would be subject to a point of order—to have it tacked onto this appropriation bill. That is not a very good way to legislate; but you, my friends, will remember the Post Office bill and the other appropriation bills have made it almost respectable to legislate in that way. [Laughter.] And in some instances you follow our example, but in following it you "run and glorify," pulling your coat tails over your heads in distancing what we did.

Mr. ASHBROOK. If the gentleman will yield, I would like to say to my distinguished friend that I have no personal pride in this widows' pension bill. I am only anxious it shall become a law, and I would be very glad, if the gentleman likes, to have him offer it as an amendment to the pension bill now pending. I say that in perfect good faith.

Mr. CANNON. I know the gentleman does. But the gentleman knows it would be subject to a point of order. I should be very greatly gratified if the gentleman would offer it. If he prefers that I do so, I will be glad to do it. There can not be anything of discredit to it. If there be anything of credit, the gentleman, as a member of the Committee on Pensions, is entitled to it. I am not seeking to demagogue or to curry favor in these matters.

Oh, I am 80 years old. My time grows short. I recollect well that great struggle for the Union. It has passed from our minds very largely and is a matter of history. The pension rolls have decreased 50,000 plus in a year. It would have been impossible, let me say, at any time prior to the Sherwood bill, or even then, to have passed a bill for the widows giving them $12 a month where their husbands had died, without regard to the injuries received. It could not have been done. Now, we did it for the Spanish War soldiers with 90 days' service against Union war service all the way from 90 days to 4 years.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. GREEN of Iowa. In that connection, does not the gentleman also favor something in addition being done for those

widows who married either before or during the war, who are sometimes called, for want of a better name, "war widows," who were left behind when their husbands went to the front, with only $13 a month to take care of themselves and family?

Mr. SHERWOOD. Twenty dollars a month for war widows, who were wives of soldiers during the Civil War.

Mr. ASHBROOK. And $20 a month for all widows on the pension roll when they reach the age of 70 years.

Mr. CANNON. Two very good provisions. And there is the provision of $12 a month for those who were married since 1890, up to 1905. The bill is very admirable in all its provisions, and I compliment the committee for having reported it.

Now, perhaps, I have talked as long as I ought to have talked about this bill, but yet let us have a little something now that smells of partisanship. I am not going to quarrel with gentlemen who represent populations south of the Mason and Dixon line. Thank God, in one generation the feeling has largely passed away. [Applause.] I am not one to open old sores. And yet, let the truth be told. I am not blaming the men individually—I am only speaking of them as Representatives—and we all try to represent the people who have chosen us as Representatives. It is proper to say that. There is always one, sometimes more, sometimes half a dozen, willing to be nominated in our places in order to come here, and there is always one of the opposite party, sometimes two or three, willing to try chances at the ballot box. This is a representative democracy. And yet it is true that the leaders of the opposition party, the Democratic Party, from the Southland, substantially voted against the act of 1890 and the Sherwood Act.

It is true that the leaders of that party from south of Mason and Dixon's line, reenforced by 7 Republican Members and by some Democratic Members from the Northland, voted against the Sherwood Act. I am not abusing anybody for that. If I recollect aright two gentlemen who are now Members of the President's Cabinet—I believe it is not lèse majesté to mention them—Brother Redfield and Brother Burleson, at that time Members of this House, voted against the Sherwood Act. Before I print that statement I will verify it, but I think I am correct. I am not fighting old battles, but I said I would be a little bit partisan.

Mr. RUSSELL of Missouri. The gentleman remembers also that the famous leader of the House at that time, the gentleman from New York, Mr. Payne, a very great man, voted against it.

Mr. CANNON. Yes; I said there were 7 Republican Members.

Mr. RUSSELL of Missouri. He spoke and voted against that bill.

Mr. CANNON. Yes; there were 7 Republicans from the Northland who voted against it, and there were 11 Democrats from the North who voted the same way. Quite generally our fellow Democrats from the South voted against it. Had that bill depended on the Democratic side for its votes it would have failed.

I think I would not have referred to this at all, but once in a while a young man comes into the House, glib of tongue, keen of intellect, and he goes down there in front and he talks to us for 20 or 30 minutes. He talks about this, that, and the other. He does not see much good on our side in our platform, but he flaps his wings and crows when he comes to his platform. Why, the gentleman from Missouri [Mr. BORLAND], standing there in front, twitted us and said, "Ah, you did not put anything in your platform about pensions for the soldiers, and we did"; and the gentleman proceeded with his remarks, running amuck as it seemed to me. It occurred to me at the time that he had not read the soldier plank in the Democratic platform very closely.

Mr. RUSSELL of Missouri. The Republican platform?

Mr. CANNON. No; the Democratic platform. It reads:

We renew the declarations of recent—

With emphasis on "recent"—

Democratic platforms relating to generous pensions for soldiers and their widows and call attention to our record of performance in this particular.

The Republican Party does not need to assert its friendship for the soldiers of the Union. Its actions speak for it. It is action, not words, that tell. "Do men gather figs from thistles or grapes from thorns?"

I am glad they put in the word "recent," because the men who controlled this body and controlled legislation practically, in the last Congress with your great majority and in the present Congress with your present majority, went into secret caucus upon questions economic and all other great questions, and there debated and voted, so that if Members did not agree with the legislation passed by caucus they were not good Democrats. That was the way you legislated in the last Congress. It is the way you have legislated in this Congress; and without speaking disrespectfully of him, your President, nominated to succeed himself—in my judgment the nomination will not make him succeed himself [applause on the Republican side]; but let that be as it may, if it does, he will be my President then as he is now [applause on the Democratic side]—has made respectable all Presidents in the history of the country by sending down his arbitrary commands to the House and the Senate.

Mr. HILL. And to the convention.

Mr. CANNON. And to the convention. Talk about Czar Roosevelt, and about old Czar Jackson, and Czar Grant, and all the other czars we have ever had, there could not be any bigger czar than Wilson. [Laughter and applause on the Republican side.] But after all, God knows! It is said in Holy Writ that "Whom the Lord loveth, He chasteneth." We have had four years of it. I think we have got our full dose. But let that be as it may, I pass on.

There is one other matter I want to refer to in pure self-defense. There is a soldiers' home at Danville. There are about 2,500 soldiers of the War for the Union and sick and disabled ones of the War with Spain and the Philippine war. Danville is a little city now of about 40,000. We are prospering. We are increasing about 10,000 every decade, and have for the last three decades, and I think we will just about keep it up this decade. It is a very comfortable home. The men there are awaiting for the end. They have fallen by the wayside, friends dead, relatives dead, families dead. Some of them are helpless in the hospital. Some of them are partially helpless. All of them are there by right under the law. They are waiting patiently for the end. Once in a while, with that large number, of whom the smaller part are from the War with Spain, an old man feels that he ought to have more pension than he is getting. He makes his application to the Pension Office, and does not fill the measure of proof. I get quite a number of requests to see if I can not have special acts passed to give them increases. I am not criticizing the Committee on Invalid Pensions. They have a rule by which they go, and as long as that rule lasts I do not expect to be able to get a favorable report upon quite a number of these cases, because I am officially told that while it does not appear in their rules the Committee on Invalid Pensions of the House and the Committee on Pensions of the Senate—I hope I may be corrected if I am wrong about it—have agreed that neither committee will report favorably a bill to increase the pension of any member of the national soldiers' homes, without which favorable report it is impossible to pass special bills. I think my information is correct. Mind you, I am not criticizing personally any of these gentlemen, but I am only saying this much by way of explanation. It will save my writing many, many letters to some of the 2,500 soldiers who are in the home there.

Now I am content with having said what I have, and I have the gentleman from Ohio [Mr. SHERWOOD] to thank for what he has said. Before I sit down, I pray God that there never may be occasion for another such a soldier's roll as we have had since the close of that great struggle. [Applause.] I think perhaps the best way to see that we do not have another such great loss of life is to be prepared. I think it is apt for me to say, as I have said before, that it is idle to hope that we shall forever keep out of trouble. We are a nation of 100,000,000 people, and 70,000,000 of our increase has come since 1860. As yet we have but barely scratched the surface of the United States proper. Yet we have one-half the mileage of the railways of the world, and one-third of the wealth of the world. We shall continue to increase until in the fullness of time we will have five, six, or seven hundred millions of people, and it is a vain hope that we will not get into trouble sometime. Therefore I am for being ready—not extravagantly ready; but I would be ready upon the sea, the first line of defense. Instead of having two-thirds enough sailors to man the ships we have got, I would have enough to man the ships. I would put men in training to man those ships that are to be built, for which we are to appropriate, and do it as fast as possible. [Applause.] I would do this because that is the great line of defense. If we can not get them in any other way I would increase the pay. We pay twice as much for effort, muscular and mental, in the United States as is paid anywhere else in the world. So I am perfectly willing to increase the pay of the private soldier and of the sailor. I think if we get the enlistment we will have that to do unless we wait until the great trouble comes, which will involve, when it does come, a stretch of the patriotic heart of our population, in which event they will come as they came in 1861. It will be terribly expensive, but not so expensive in dollars as expensive in human life, to get ready. I would have a sufficient and an efficient Army for ordinary occasions, and if I had my way about it I would have a Navy that could protect our coast. [Applause.]

The CHAIRMAN. The gentleman from Illinois has occupied one hour.

Mr. CANNON. And I am through.

Mr. RAUCH. Mr. Chairman, I yield 45 minutes to the gentleman from Ohio, Gen. SHERWOOD.

Mr SHERWOOD. Mr. Chairman, the United States is the only great country around the world, except Russia, that has failed to enact legislation for the care and comfort of its worn-out workers. The men and women of the shops, mines, and farms, who produce all our wealth, and who have made this the richest Nation around the world, are treated with total indifference after their working days are over, and turned out to frost-bitten grass and cold neglect like a worn-out dray horse. And yet our orators and statesmen call this the only great Republic on earth, where the people—the plain people, if you please—have the rule and destiny of the Republic in their keeping.

For over a quarter of a century we have been squandering millions of the hard-earned tax money of the people in preparation for war, when there has been no war threatened and no prospect of war, while the Empires of the Old World, and the great continental islands of the Pacific Ocean, have been enacting legislation in the interest of their industrial workers that put to shame our pretense of humane legislation. Why not do something along the lines of human progress by enacting substantial legislation for the benefit of that widely neglected class, too poor to organize a congressional lobby in their own interest. I would set apart, say, twenty millions as a starter for old-age pensions to the worthy workers. This would be ample for the first year. Nothing would do such valuable service in healing the constant conflicts between capital and labor as a system of old-age pensions, such as an English Province, under an English King, inaugurated way out on the broad Pacific Ocean. Not only would this benign alleviation of the woes of the workers heal the antagonism now so apparent in labor strikes, but it would be an inspiration of patriotism to every worthy worker in the United States. Our flag would then be a hope and a symbol of helpfulness, saying to every son of toil, "Be true, be faithful to your trust, and when old age comes on apace this flag with the shining stars will be your protector, and a grateful Nation will help you to make your last days on earth comfortable and full of gratitude." As a matter of national defense, it would be a cognate inspiration to every worker.

This proposed system of economic reform and patriotic preparedness would appeal to every working citizen throughout the United States as a measure of both justice and mercy, and it would prove a balm and a sweet solace to that great troubled army who do the world's work and bear most of the burdens of taxation, with no grateful sense of realizing any benefits.

Under our form of government, with all power not conceded to the Federal Government reserved to the States, it is not within the jurisdiction of Congress to enact contributory old-age pensions. Hence my bill is based on the system successfully adopted in New Zealand.

Let me recount some humane legislation in the Old World monarchies. The Hon. Frederick G. Howe, an able student of civics, gives an interesting account of a German machinist, who lived and worked in the United States for five years and then returned to Germany on account of the old-age pension law. I quote from Prof. Howe's article, printed in Pearsons Magazine for May:

> If I should by chance be killed in Germany, my wife and children are then taken care of out of the pension fund. But more important than this is the protection I get—the old-age pension—when I am old. Again, we are insured in Germany against sickness, so that the three constant terrors of the workers—sickness, accident, and want in old age—are removed by humane laws.

OLD-AGE PENSIONS IN GERMANY.

Old-age and invalidity pension laws in Germany had their origin in the year 1899, and their operation embraces practically the whole working population of the Empire, with the exception of employees of the General Government or municipalities and teachers and tutors in the schools, where they have a right to separate pensions.

The pension fund is constituted by equal contributions—compulsory—and a subsidy from the Government. Old-age pensions are obtainable by persons who have reached the seventieth year; but the invalidity pension can be obtained at any time when the earning power of the applicant has become permanently or partially impaired. Females as well as males are included in the pensioning scheme. Repayment is provided to the insured person or his survivors of contributions paid by him in case of death or industrial accident, and to females in case of marriage. The amount of pension which a person receives depends on the length of time he has been paying in his premiums to the pension fund, and on the time in which he has been in his respective class of wages. In any case he receives the minimum pension. The law stipulates that the pensions shall not be mortgaged nor otherwise disposed of. The old-age pensions are administered by means of 40 chief offices spread over the Empire. They receive the premiums and pay out the pensions. There are also minor offices attached which keep in direct touch with the people insured.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERWOOD. Yes.

Mr. HARDY. Does the gentleman know whether or not the German pension system has any conditions attached to it with reference to the ability of those legally liable to take care of the pensioner? In other words, a man may be old or crippled, but he may have those who are amply able to care for him. In that instance does he still receive a pension?

Mr. SHERWOOD. He does under the German system.

Mr. HARDY. Regardless of those who may take care of him?

Mr. SHERWOOD. Yes. Let me call the attention to the Members on this floor who may be indifferent to the demands of our workers that practically the whole industrial population of Germany is insured against accident, sickness, invalidity, and old age. About 14,000,000 are insured against sickness, or, including the families, over 60,000,000 people. The number insured against accident is 24,000,000, while the number insured against old age and invalidity is over 16,000,000. All told there has been paid in pensions the colossal sum of $2,500,000,000 to the workers, of which the working classes paid less than one-half, the employers and the State contributing the balance. This vast sum was contributed solely to alleviate the wants of the industrial classes. And the German Empire is ruled by a hereditary king. How about the United States, supposed to be a Government of the people for the benefit of all the people, a Republic where the power of hereditary rule is supposed to be an unknown factor in our ethics of government? How generously or how justly have we provided for the benevolent succor of our great army of industrial workers after their working days are over? Is the proposition to take care, in their old age, of the men and women whose industry and skill made this the richest Nation around the world to be given no serious consideration, when the leading monarchies of the Old World have made this humane legislation the basic idea of their economic policy?

OLD-AGE PENSIONS IN FRANCE.

The law establishing a universal compulsory system of old-age insurance for workmen and employees in France was enacted in March, 1910, and promulgated in April of that year. The law is an extension of the law of July 14, 1905, which established a right to relief on the part of all persons over 70 years of age with incomes under a certain specified amount. The law of 1910 provides for compulsory insurance for wage earners and salaried employees in industry, commerce, agriculture, and domestic service, and optional insurance for independent farmers and producers. It provides further for equal contribution by employers and employees in case of compulsory insurance. It grants a State subsidy of 60 francs, beginning with the liquidation of pensions at the age of 65 years in compulsory insurance, and a varying subsidy up to the same limit in voluntary insurance.

As in Germany, so in France, employees of both sexes are included under the compulsory system, except State employees of departments and communes. Under the compulsory system the contributions per annum for an adult male amount to 9 francs, for a female to 6 francs, and for minors under 18 years of age to 4.50 francs. The employer must pay an amount equal to that of the employee, and it must be borne by the employer exclusively, any agreement to the contrary being declared null and void.

OLD-AGE PENSIONS IN GREAT BRITAIN.

The old-age pension law of Great Britain provides in brief that every British subject of 20 years' standing and residence in the United Kingdom who has attained the age of 70 years and is without a yearly income in excess of £31 10s. ($157.50) shall, on application, receive a weekly pension ranging in about 1s. to 5s., according to the value of other income. Certain disqualifications may exist, such as the receipt of poor relief, habitual idleness, detention or maintenance as a lunatic, and conviction of an offense for which the penalty is imprisonment without the option of a fine. A court convicting a person of 60 years of age or upward under the inebriates act may order his disqualification to receive a pension for a term not exceeding 10 years.

OLD-AGE PENSIONS IN NEW ZEALAND.

To the continental island of New Zealand belongs the credit of being the first country in the world to establish a straight-out old-age pension system. After the subject had been agitated about two years an act was passed in 1898, going into effect on the 1st of November of that year, which provided for the payment of old-age pensions out of the general revenues of the Government to persons duly qualified under the law, without con-

tributions from either the beneficiaries or employers. The pensions are freely granted by the State, and the cost and administration are the concern of the central Government alone. In 1908 an act was passed under which several millions of acres of Crown lands were set aside as a permanent endowment for old-age pensions.

The pensions are limited to one class of persons—the aged and not undeserving poor of both sexes. A claimant must be 65 years of age, have resided 25 years continuously in New Zealand, be a British subject—of other than Asiatic origin—and a person of reasonably good character. A claimant must prove that during at least 5 years preceding his application he or she has led a sober and respectable life. No pension is granted to anyone who has spent more than four months in prison during the 12 years previous to his application or has been convicted four times of any offense punishable by 12 months in prison. The crime of wife desertion is a special bar to pension. When a claimant has complied with the requirements of the law under the head of residence and character, he has still to prove the qualification of comparative poverty.

When the law was first enacted the full pension was fixed at £18 a year, and this was raised in 1905 to £26 a year ($130). This is $30 higher than provided in my bill. To obtain this maximum sum a pensioner must show that his income is less than £34 ($170) a year. For every pound a year above that sum which he earns or receives he forfeits the right to a corresponding amount of pension, so that a person in receipt of an income of £60 ($300) a year from private sources would cease to be entitled to any pension whatever. In the case of a husband and wife, their joint income may be £90 instead of £60. Accumulated property, other than a cottage and garden, is also a disqualification when it is above the amount of £50 ($250). For every £15 beyond that sum the claimant forfeits £1 ($5) of pension.

Severe penalties are imposed for fraud and evasion in obtaining a pension. They include a possible six months' imprisonment, heavy fines, and the forfeiture of property. Even death does not release the pensioner for liability, if it should be discovered that he died possessed of more than the stipulated amount, for the Government may then require his executors to surrender his estate and reimburse itself for all that has been paid to the deceased. Pensions are paid to the beneficiaries through the post offices, at which all pensioners, if physically able to do so, must personally attend and draw their money. The percentage of cost of administration on the whole sum disbursed in 1908 was only 1.67, and it was then estimated that at no time would it exceed 2 per cent.

OLD-AGE PENSIONS IN AUSTRALIA.

The first State of the Commonwealth of Australia to make provision for the payment of old-age pensions was Victoria, whose legislation on the subject came into operation in January, 1901. New South Wales followed suit in August of the same year, and in July, 1908, Queensland established an old-age pension system. Finally an act providing for the payment of old-age pensions throughout Australia was passed by the Commonwealth Parliament in June, 1908, and pensions under that act began to be paid July 1, 1909. This Commonwealth act superseded the State acts in so far as provision for old age is concerned. The Commonwealth act, as were the acts of the individual States, was closely modeled upon the New Zealand law. The pensionable age is fixed at 65 years, or, in the event of permanent incapacitation for work, at 60 years. Age qualification for women is fixed at 60 years. The residential qualification, though at first fixed at 25 years of continuous residence, was reduced in 1909 to 20 years.

The rate of pension payable is determined by the commissioners or one of the deputy commissioners appointed under the act and is fixed at such amount as the official considers reasonable and sufficient, but must not exceed in any event £26 ($130) a year, nor be at such rate as will make the pensioner's income, together with pension, exceed £52 ($260) a year. Regarding accumulated property, the Commonwealth act follows quite closely the provisions of the New Zealand law.

Belgium: Pensions are paid at the age of 65 years, after 30 years' service, or in case of physical disability, after 10 years' service.

Holland: Pensions are paid to all employees reaching 65 years of age or for disability after 10 years' service.

Sweden: Pensions are paid at the age of 65 years after 35 years' service.

Switzerland: Each of the 22 Cantons has a different civil-pension system. Teachers are the only federal employees who are pensioned.

Turkey: After 30 years' service a pension may be claimed if, through sickness or bodily infirmity, the employee is unable to attend to the duties of his office.

Egypt: A service pension may be claimed after 25 years' service. All employees are retired by law at the age of 65.

Japan: Pensions are paid after 15 years' service, beginning at one-quarter of the salary and increasing one two-hundred-and-fortieth for each year of service over 15. Any official may retire at the age of 60 years.

Even big railroad corporations, that are said to have no soul, have inaugurated old-age pensions. The Baltimore & Ohio was the first railroad in the United States to grant a pension to superannuated workmen. This was in 1884. The Chicago & Northwestern Railroad inaugurated an old-age pension in 1900, pensioning employees of 30 years' service who reach the age of 70 years 1 per cent of the average monthly pay. The Lake Shore, the Pennsylvania, and other trunk lines have adopted service pensions for faithful employees when their days of usefulness are past, all based on merit and long service. We have bills before Congress that are meritorious, pensioning the old and faithful clerks who have served the Government for a quarter of a century. My bill makes no distinction between the faithful and long-service employees of the Government and the faithful and long-service workers who do the world's work and produce the world's wealth in our mines and factories and fields.

The following important railroads have adopted the old-age pension system:

Chicago & Northwestern Railroad, the Chicago, Milwaukee & St. Paul Railroad, the Delaware & Lackawanna Railroad, the Houston & Texas Central Railroad, the Illinois Central Railroad, the Oregon Short Line, the Pennsylvania Railroad, the Philadelphia & Reading Railroad, the Rock Island System, the Southern Pacific Railroad, the Union Pacific, the New York Central Lines.

Altogether these trunk lines aggregate 45 per cent of the entire railroad mileage of the United States. They provide for a liberal pension on the retirement of their faithful employees. Nearly 1,000,000 men are employed. They provide, on an average, a pension of 30 per cent of the salary of the employee for the last 10 years. Retirement is permitted at 65 years and compulsory at 70. No contributions are required from railroad workers.

We have provided liberal pensions for the volunteer soldiers of the great Civil War and all other wars, and still more liberal pensions for the soldiers of the Regular Army. In an official report from the Military Committee of the House of Representatives, submitted to this Congress, I find a table showing the very generous pensions paid to enlisted men in our Regular Army, who are retired after a service of 30 years. The average pension paid these soldiers is over $35 per month. And yet soldiering in the Regular Army is the safest physical employment in the United States, not even excepting farming. For three decades, from 1870 to 1880 and from 1880 to 1890 and from 1900 to 1910, covering a period of 30 years, the vital statistics show that more men lost their lives on farms from being caught in agricultural machinery or kicked to death by horses or gored by vicious bulls than were killed in the Regular Army. This does not include suicide by soldiers, of which there were 44 in the Army in 1915. The vital statistics show that, for the three decades, serving in the Regular Army was the safest employment in the United States, counting both fatalities through external causes and death from disease or exposure.

The fatalities among the workers in shops and mines and in railroad service are over twenty times as numerous as in the Army, covering a period of 50 years. These men and women produce all the wealth of the country and have received no alleviating legislation by Congress. According to the latest available statistics there were 2,600 fatal accidents in coal mines in 1915; building and construction, 1,900 fatalities; the fatal accidents in quarries in the United States for 1913, as reported from the Bureau of Mines, were, killed, 183 out of 75,387 employed inside; number of men killed in coke ovens in 1914, 45 out of 22,313 employed; number of killed on steam railroads in the United States in 1915, 2,058, and 38,336 injured. The interstate commerce report of 1916 says:

This statement includes 1,878 killed and 12,189 injured as the result of accidents.

The Machinists' Monthly Journal for August, 1915, says:

The number of fatal industrial accidents among the wage earners of all the States in all industries approximates 25,000 in a single year. This is an appalling list. The number of destitute widows and fatherless children who are left without either support or charitable gratitude, no one seems to know. There are no statistics available.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. RAGSDALE. The gentleman then believes that the money we now spend on appropriations for a war that was fought half a century ago is money more wisely spent than it would be to protect this country from the dangers that may now threaten it?

Mr. SHERWOOD. If the gentleman will tell me what the danger is that now threatens us, I will answer the question.

Mr. RAGSDALE. Is there not some danger at this time on our Mexican border? Have not men and women been murdered and property destroyed there? Have not our rights been invaded upon the high seas, and has not the President of the United States had to serve a practical ultimatum on more than one country, and especially one country, because of the invasion of our rights?

Mr. SHERWOOD. Mr. Chairman, I do not want the gentleman to make a stump speech in my time. We have about 24,000 soldiers on the Mexican border, and 9,000 Cavalry; and, first, I want to say that all wars in this country have been fought principally by volunteer soldiers, and every battle for humanity since God made man has been fought by volunteer soldiers. Down on the Mexican border what brought on this war? Here was Villa, a bandit, with 380 other bandits. We had at Columbus, N. Mex., 3 miles from the border, these experienced, cultivated graduates in the Regular Army in command. We had five companies of Cavalry, a fully equipped battery of machine guns, and they had notice that Villa was approaching, a two days' notice, and yet they went to sleep at night without guard, without a picket line, without an outpost guard, with their guns locked in the gun racks, and Villa came in there and ran away with 65 horses, murdered several American citizens, and I do not know how many soldiers, and got away. If we had had volunteer soldiers in command, in my judgment, they would have chased him that night. What did they do? They waited for orders from higher up. They reported to Gen. Pershing, and then Gen. Pershing reported to Gen. Funston, and Gen. Funston in turn to the war office, and no immedate move was made to chase Villa.

Mr. RAGSDALE. Now——

Mr. SHERWOOD. I do not want to have any more interruptions of that kind. You do not claim Mexico as a great power? You do not think we want a big army to fight Mexico, where they are killing each other off now as quickly as they can. And Mexico has not declared war against the United States.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. DAVIS of Texas. I want to suggest to the gentleman that Texas, while in her infancy, sustained a successful war against Mexico, and if the United States does not want to do it now Texas will take care of it.

Mr. SHERWOOD. Does the gentleman not think that Texas alone could take care of Mexico?

Mr. DAVIS of Texas. Surely.

Mr. SHERWOOD. Certainly it could. You do not need any more Regular Army there. The National Guard alone could take care of Mexico.

During our whole national life of 127 years no nation on either continent has ever declared war against the United States. All our wars with foreign nations have been of our own seeking. If no nation ever attacked us when we were weak, there is not the remotest probability that we shall be attacked when we are in population and resources the most powerful Nation in the world, with no enemies anywhere.

Look at the extravagant legislation for the benefit of our Regular Army. A private soldier who serves 30 years is retired for life on the pay roll at $35 per month; a chief musician at $90 (and this is a noncombatant position); a drum major at $67 per month.

As I have already stated, the vital statistics for 30 years show that soldiering in the Regular Army is the safest occupation in the country. These soldiers have the best of food and clothing, the best sanitary conditions, the best medical service, and have the comforting assurance that if true and faithful the Government has provided liberal pensions for their care and comfort in their old age. This great army of soldiers are a tremendous burden on the taxpayers of the country, and as the bulk of our taxes are by tariffs and internal-revenue taxes, the laboring classes have to bear more than their equitable share. In other words, every worker in our shops and mines and fields has not only to support himself, but is compelled, figuratively speaking, to carry an idle soldier on his back. It is outrageous injustice to compel the industrial workers to wear out their lives in the productive industries, and when their working days are over be cast adrift to eke out their declining days as the victims of private charity, as a burden on the local community, while the great army of idlers, who for 30 years have been a grievous burden on the taxpayers, receive munificent pensions for life.

The hour is timely to bring this vital question—the most vital of all economic or ethical questions—to the attention of Congress and the country. I have introduced and hope to push into national law this old-age pension bill, based upon well-tried experience in three leading nations across the Atlantic and two great continental islands in the Pacific.

Is it possible in a Republic supposed to be a Government administered in the interest of all the people that this just and righteous question is to be treated with cold and indifferent neglect? Is it true that the men and women in our mines and factories and fields, who produce all our wealth, have to look for light and hope in their declining years to the imperial kings and kaisers across the Atlantic? Would it not be safer and better for this rich and powerful Republic to consider the economic advantages of this humane measure aside from its appealing benevolent features?

Did it ever occur to you that a national flag is chiefly valuable for what it stands for? The flag of a Republic like ours is typical of the Nation's purpose, in the line of justice, equality, and the humanities. The purposes of a people or a nation are only reflected in its laws. Humane legislation is the surest inspiration for loyalty of the men and women who do the world's work. Let us recognize the claims of the industrial classes, in the speedy passage of alleviating laws. This would inspire a more sympathetic admiration for the flag and a deeper devotion to our best ideals of democracy than unmeaning flag waving and skyrocket oratory, exploiting extravagant armies and navies, and domination of the big oceans. This bill is constitutional and meritorious, and if enacted into law will do more to mollify the conflicts between capital and labor than all the legislation of the past. It will not only give hope and comfort to every one of our great army of wealth producers, but will place this Nation on a par in benign legislation with the leading monarchies of the Old World.

In closing let me express the fervent hope that the many humane laws enacted under the superb guidance of President Wilson—the Federal Trade Commission—the law giving the workingman the right of voluntary association for his welfare and protection—may be supplemented by old-age pensions, the most beneficent and far-reaching in the grateful humanities of all alleviating laws.

"In the soiled, grimy hand of the toiler
Is the little white hand of a child.
No rings on the thin little fingers—
On the wrist shines no glittering band—
But dearer than diamonds and rubies
Is the touch of the little white hand.
There are millions of thin little fingers
In this overrich, bountiful land
That are robbed of their fullness and dimples,
The birthright of each little hand.
Then, comrades, be vigilant ever
With the weapon you have at command!
Stand fast! Never falter or waver
For the sake of the little white hand!"

[Applause.]

APPENDIX.

A bill providing for pensions for all American citizens who have reached the age of 65 years and who are incapable of manual labor and whose incomes are less than $200 per annum.

Be it enacted, etc., That on and after December 25, 1916, all American citizens herein specified who are or have been employed in the service of the Government of the United States, or who are or have been employed by individuals, firms, partnerships, or corporations engaged in interstate commerce, and all other American citizens, irrespective of what occupation they have followed or by whom employed, shall be entitled to a pension of $2 per week, or $104 per year, payable quarterly: *Provided*, That applicants or petitioners for pension under this act have reached the age of 65 years and are incapable of manual labor: *Provided further*, That such above-described citizens shall, by competent proof, establish the fact that they have had a continuous labor record for 30 years, unless incapacitated through no fault of their own, during which time they have never been convicted of any crime or felony, and must have been citizens of the United States for at least 15 years before arriving at the age of 65 years.

SEC. 2. That all such pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That no such applicant shall receive a pension under any other law, State, National, or otherwise, at the same time or for the same period that he or she is receiving a pension under the provisions of this act.

SEC. 3. That when both husband and wife are pensioners, except where they are living apart, pursuant to any decree, judgment, order, or deed of separation, the rate of the pension shall be three-fourths of the rates given in the above schedule.

SEC. 4. That wherever in this act the words "American citizen" or "citizens" or "applicants" are used it shall be held to include both males and females.

SEC. 5. That all claims for old-age pensions under this act shall be under the jurisdiction of the Secretary of the Interior, who shall make such rules and regulations as shall be necessary to carry out the provisions of this act.

Mr. RAUCH. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. BORLAND].

JUSTICE HUGHES'S OPPOSITION TO THE INCOME TAX.

Mr. BORLAND. Mr. Chairman, for nearly a hundred years the power of the Federal Government to lay a tax upon the income of vested wealth was fully conceded by the legal profession and sustained by the Supreme Court of the United States, whose members included some of the most brilliant men in American public life. But in 1894, when the growing corporate wealth of this Nation and the accumulations of vast fortunes had reached a point undreamed of in our early history, an attempt of the Federal Government to lay a just share of the burdens of taxation upon vested wealth was declared unconstitutional by the Supreme Court by a majority of one.

The objection was not to the power to tax incomes as such, but was based upon the constitutional requirement that direct taxation should be apportioned among the several States in accordance with population. As a practical proposition this made the levy of an income tax impossible, because the great corporate incomes of a Nation like ours become centralized in a few States, although those incomes are derived from the productive toil of the united Nation extending through an entire group of States. In other words, wealth had become centralized and localized, although its sources were nation wide and arose from the complex commercial activities of all of the people.

The vested fortunes which are localized in New York or in Massachusetts were not produced from the soil of those States nor from the labor of their citizens, but are the joint product of the natural resources of the Nation and the combined activities of all its people. The great railroads, banks, insurance companies, manufacturing industries, and money-lending organizations must have a local habitation, but their source of profit is nation wide. Not only is their wealth derived from the Nation at large, but the protection of that wealth, both at home and abroad, is a charge upon the Treasury of our common country, and must be paid for by taxation in some form under national authority. Yet the effect of holding that an income tax could be levied only upon the rule of apportionment is to defeat such a tax altogether and permit the greatest accumulations of wealth to escape their fair share of the common burden.

We were expected to raise the national revenue, which was used largely for the protection of this corporate and vested wealth, by a species of taxation by duties upon imports whereby almost the entire burden was placed upon consumption; that is to say, upon the average producer and toiler to the almost total exemption of the fortunate owner of invested capital. To correct this gross injustice, it became necessary to propose to the States an amendment to the Federal Constitution, not for the purpose of enlarging the Federal powers of taxation but for the purpose of changing the rule of apportionment so that a practical method could be adopted for taxing the incomes of corporate wealth. Congress proposed such an amendment, and it went before the States for ratification.

Charles E. Hughes, now a candidate for President on the Republican ticket, was at that time governor of the great State of New York, the legislature of which was of his political party. The most powerful opposition to the income tax came from certain elements in New York. It can not be said to have come from the great mass of the people of that State, but from the powerful and closely knit group of financial interests which seek to dominate certain forms of political activity. The interests of this powerful class were directly opposed to the adoption of the income-tax amendment, and every resource that brains could devise and boldness could attempt was used to that end.

Gov. Hughes sent a message to the Legislature of New York, specifically recommending that it refuse to ratify the income-tax amendment to the Federal Constitution. The only reason he gave therefor was that in his opinion the amendment was so broad as to permit taxation by the Federal Government of State bonds and other instrumentalities of the several States. His message on that subject has been incorporated in the CONGRESSIONAL RECORD of June 12, 1916, by the Hon. PAT HARRISON, of Mississippi.

While I would not assume to place my opinion as a lawyer in opposition to that of one who has occupied a place on the Supreme Bench of the Nation, yet I find that the almost unbroken line of decisions in this country demonstrate the unsoundness of the governor's position. The fallacy of his arguments have been pointed out by distinguished members of his own party, and I am emboldened to place them before this House. The message of Gov. Hughes was dated January 5, 1910.

The Republican Legislature of New York, which was in sympathy with him, refused to ratify the amendment. The alarm went out through the country that the great State of New York had, upon the opinion of its distinguished governor, refused to ratify, and therefore that the amendment would probably fail in the other States where it was then being considered. On February 10, 1910, Senator WILLIAM E. BORAH, of Idaho, arose in the Senate and delivered an attack upon the reasons assigned by Gov. Hughes. For closeness of reasoning and relentless logic his speech has rarely been equaled. Mr. BORAH said:

> Mr. President, a few weeks ago one of our most distinguished and justly celebrated public men, Gov. Hughes, of New York, sent a message to the New York Legislature recommending against the ratification of the proposed amendment to the Constitution providing for levying an income tax without apportionment. It has been assumed by the public press since the message of the governor that it would be impossible in view of his declaration to secure the enactment of the amendment. So firm a hold has the governor of New York upon the public mind and so high is the estimate in which he is held as a lawyer that it was regarded as in a nature conclusive against the amendment. After some considerable consideration of the matter it occurs to me that there are at least two sides to the proposition, and in my own opinion the grounds stated for the rejection are not such as to prevail against the amendment.

He then proceeds to show that in the famous case of McCullough against Maryland, Chief Justice Marshall held that the State of Maryland had no power to tax a branch of the Bank of the United States because it was an instrument of the Federal Government. It was not shown that there was any specific limitation in the Constitution upon the general taxation power of either the States or Federal Government which affected the question, but Justice Marshall showed conclusively that the entire form and structure of our Government recognized the dual sovereignty of the State and Nation and therefore neither could weaken nor destroy, under the guise of taxation, the instrumentalities of the other. To do so, he said, would be to tear the entire fabric of our National Government to shreds and destroy the basis upon which the National Constitution itself was founded.

His reasoning demonstrates as clearly the impossibility of the Federal Government taxing the instrumentalities of the State, such as State bonds, salaries paid to State officers, or proceedings in State courts, as it does that of the State taxing the like instrumentalities of the Federal Government.

Following this there have been a long line of Federal decisions expressly denying to the Federal Government the power to tax any of the instrumentalities of the State. The leading case is Collector *v.* Day (11 Wall.), followed by the case of The United States *v.* Railway Company (17 Wall., 327), in which the court said:

> The right of the States to administer their own affairs, through their legislative, executive, and judicial departments, in their own manner, through their own agencies, is conceded by the uniform decisions of this court and by the practice of the Federal Government from its organization. This carries with it an exemption of those agencies and instruments from the taxing power of the Federal Government.

Mr. BORAH then proceeded to show that the income-tax amendment did not, as Gov. Hughes claimed, enlarge the taxing power of the Federal Government, but that it simply changed the rule of apportionment of those taxes. In other words, Gov. Hughes's fears applied to the Constitution as it then existed and were utterly unsound and untenable as applied to the proposed change in the income-tax amendment. Even his fears of the existing Constitution had long since been dissipated by its actual construction by the Supreme Court. Not only so, but they had been combated before the adoption of the Federal Constitution by Alexander Hamilton in his essay in the Federalist. The same question arose before the Constitution was adopted that it might permit the taxing power of the General Government to be used for the destruction of the States, and Hamilton had proved how impossible this was.

Of course, we must assume that Gov. Hughes was not aware of the writings of Alexander Hamilton or the decisions of the Supreme Court, for we must assume that his message was sent to the New York Legislature in good faith.

In closing, Mr. BORAH showed the dangerous tendency of Gov. Hughes's recommendation and the crisis which existed in this country if it were determined that corporate wealth could escape its just share of taxation to meet the expenses of the Federal Government. He said:

> Mr. President, the history of the income tax since 1894 has not been one which any citizen can recite with pride. For nearly 100 years the construction of the Constitution, as established by the men who helped to write it, had received the approval of an undivided court time and time again. During that period there sat upon the bench of the Supreme Court some of the greatest lawyers of that or any other period of this or any other country. During that period wealth had not become so domineering and so powerful and so determined to have its own way. During that period this Government had the power to impose the burdens and expenses of Government upon consumption and upon all forms of wealth, and we did so In 1894–95 these precedents were overturned. This Constitution received a construction unknown to its makers. In the face of two powerful dissenting opinions, assented to by two other judges, the startling and astounding doctrine was announced that the framers of the Republic had made it impossible to

levy a tax upon some forms of wealth, even in time of war; that the builders of this Government had made it impossible to dispose and divide the burden of Government between consumption and the different forms of wealth. At the last session we were called upon to express our assent to that interpretation of the Constitution, by express act to declare our acceptance of it. Under majority rule, there was submitted this amendment to cover and eliminate that supposed hideous defect in the fundamental law.

Now, Mr. President, the scheme and plan is to defeat that amendment. Having, as a legislative body, solemnly declared our acceptance of this construction of the Constitution, thereby making it practically impossible to again appeal to the court, if this amendment can now be defeated this Government of the people, for the people, and by the people will stand alone among all the civilized nations of the earth shorn of the power to divide the burden of government between consumption and the different forms of wealth. This is the scheme and plan, and, unfortunately, the great governor of New York has given much aid and comfort to the cause by reason of his high standing among the people of the country.

Mr. President, no one ever saw this country in just the condition in which it is to-day. Never since this Government was launched has there been such a universally restless spirit among the masses of the people, such persistent inquiry, such ugly questionings. No part of the Government seems above challenge or criticism, and it is fast becoming popular in some parts of this country to scoff at the Constitution itself. A restless, unquiet, dissatisfied, and, worst of all, a suspicious public mind is the public mind of to-day.

You can defeat this amendment, and I fear from the men who are gathering to the crusade that it will be defeated. Some of those who are proposing to encompass its defeat will not stop on the hither side of most disreputable means to accomplish their purpose. They are vitally involved. But when you shall have accomplished your purpose and the people shall have ascertained how their rights have been manipulated away it will go far toward exciting to renewed force and strength that feeling of wrath and class hatred which is already too strong in this country. When those who are ill able to bear the burden of government see the expenses of the Government constantly increasing, when they see the creation of larger navies and larger armies, the burden of expenses increasing everywhere, and learn that, after all, this entire burden must be borne by what they eat and what they wear, and that certain forms of wealth, which breed luxury, idleness, and idiocy, go untaxed, they will not listen to you when you are called upon to plead with them against radical changes in our form of government which will be submitted to this country within the next 50 years.

I hope, therefore, Mr. President, that the governors of the States and the legislatures of this country will do their duty and see that this amendment is adopted; that they will meet this matter, whether there is a division among them or not as to when it should be exercised, upon the basis that it is a power that ought not to be taken away from the Government.

The people should bestir themselves upon this vital matter before it is too late. It would be nothing less than a catastrophe for this amendment to be defeated, if we are, out of a false idea of courtesy, to be deprived of appealing through the court. It is the people's fight, and no one should be misled by the utterly unfounded proposition that this amendment contains the power to embarrass and destroy the States and "rend the whole fabric into shreds."

The succeeding Legislature of New York, which chanced to be Democratic, ratified the income-tax amendment, and it is now a part of the Constitution. Gov. Hughes became a member of the Supreme Court of the United States. The case of Brushheber against the Union Pacific Railway Co. came before that court, in which the question was the constitutionality of the income tax as levied under the Underwood revenue law. Its constitutionality was sustained on all points by an opinion of Chief Justice White, and no dissenting opinion was filed by Justice Hughes. [Applause on the Democratic side.]

So much for the legal side of the proposition.

From a political standpoint there is no form of taxation to which the General Government may look to pay the rapidly increasing burdens of national administration and the added need of national defense which contains more elements of justice and more promise of success than the income tax. It is a tax upon accumulated wealth and the incomes from invested capital, and removes to that extent the tax upon consumption and upon toil. It taxes those great fortunes which demand protection from the Federal Government, but which without this means would almost entirely escape their just share of Federal burdens.

With the growing prosperity of the country the income tax has been increasing in amount, and to it we must look largely for the money with which to provide for national defense. If the opinion of Justice Hughes had prevailed in the present world-wide disturbance of trade and the uncertain income from tariff on imports, this Nation, although one of the richest and most powerful in the world, would be in a disgraceful condition of financial insolvency. It would be denied the right to tax the great accumulated fortunes which free Government has made possible in this country. It would have taxed the labor of the toiler, but when that labor had passed into the form of concrete wealth and invested capital, it would have removed the burden from that wealth and placed it again upon the bending shoulders of the man who works for wages.

During the fiscal year 1914, the income tax was in operation for 10 months. The amount collected from corporations was $43,127,739.89; the amount collected from individuals was $28,253,534.85; making a total of $71,381,274.74.

During the fiscal year 1915, the amount collected from corporations was $39,155,596.77; from individuals, $41,046,162.09; total, $80,201,758.86.

During the fiscal year 1916, which will close on the 30th of June, the estimated revenue from corporations is $60,000,000; from individuals, $50,000,000; with a total of $110,000,000.

It is true that much of this wealth is centralized in the large cities, and particularly in the Eastern States, but the source of the wealth is nation wide. A great railroad company which has its general offices in Massachusettts or New York derived its income from the wheat, cotton, and live stock carried from the plains of the West and the plantations of the South. A great insurance company, domiciled in New York or Massachusetts, does not confine its commercial operations to those States, but levies a tax upon every thrifty man who buys a policy for the protection of his family between the two oceans. A great loan company, with headquarters in Wall Street, does not make its loans in that locality, but lends upon the farm of the Mississippi Valley and collects its interest from that horny handed son of toil who drags the wealth out of the ground.

The whole future of free government is involved in a just distribution of the burdens of government, and no more dangerous idea could pervade the American mind than that wealth in its accumulated and localized form could escape through the technicalities of the law its just returns to the Government which protects it and the flag under whose folds it had been created.

It is fortunate for the country that the views of Gov. Hughes did not prevail and that mere legal technicalities were not permitted to stand in the way of a just reform in the taxing system. [Applause on the Democratic side.]

Mr. RAUCH. Mr. Chairman, I would like to ask if it is possible to reach some agreement as to the limit of general debate?

Mr. MANN. We want 30 minutes on this side.

Mr. RAUCH. Mr. Chairman, I ask unanimous consent that general debate on this bill be limited to one hour, one half of the time to be controlled by the gentleman from Illinois [Mr. CANNON] and the other half by myself.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that general debate be limited to one hour, one half to be controlled by the gentleman from Illinois [Mr. CANNON] and the other half by himself. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of the Army and the Navy.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD on the subject of the Army and the Navy. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, on behalf of my colleague Mr. CANNON I yield 30 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I desire to speak first of all for a moment or two in relation to the remarks just made by the gentleman from Missouri [Mr. BORLAND]. He took occasion to say that the wealth of New York State did not come out of its soil or out of its industries, but was derived from the activities of other people outside of the State. If the gentleman from Missouri is not better informed as to his own State than he is as to the State of New York, his ignorance of that State is indeed profound.

The State of New York, if my recollection is correct, stands second among all the States of the Union in agriculture; and the county of St. Lawrence, in that State, leads every other county, with the possible exception of the county of Lancaster, Pa., in the value of its agricultural products. As to manufactures, something like 14 per cent of the entire manufactured products of the whole United States comes from within the boundaries of the State of New York, and in the city of New York, which I have the honor in part to represent, over 750,000 people are engaged in manufactures. He did not mean any insult to our State when he said we derived our wealth from the work of people outside of our State; he simply exhibited his profound, his abysmal, his almost stupendous, ignorance of the State of which he spoke. [Laughter and applause on the Republican side.] Nor was his information in relation to Gov. Hughes and the income tax much more profound. It is quite true that Gov. Hughes sent to the Legislature of the State of New York a message, which has been inserted in the RECORD, and in behalf of the 24 Republicans from the State of New York I desire to extend my most sincere thanks to the gentleman from Mississippi [Mr. HARRISON] who inserted this mes-

sage in the RECORD, because, I want to say to him very frankly that unquestionably, now that it can be done under frank, that message will be distributed by the Republican national committee as one of the many evidences that exist as to the learning of the distinguished gentleman who, after the 4th of March, 1917, will be President of the United States. [Applause on the Republican side.]

What did Gov. Hughes say? Before I come to that I want to extend our thanks to the gentleman from Missouri for bringing up this subject of the income tax. Who passed that constitutional amendment? The Sixty-first Congress, with a Republican House and a Republican Senate, and that is what made the income tax possible in the United States of America. [Applause on the Republican side.]

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. STEPHENS of Texas. Will the gentleman put in as a part of his remarks the vote of the Democrats and Republicans on that measure?

Mr. BENNET. Without doing that I will say, as a matter of historical accuracy, that every Member of the House except seven in the Sixty-first Congress voted for it.

Gov. Hughes said:

I am in favor of conferring upon the Federal Government the power to lay and collect an income tax without apportionment among the States according to population. I believe that this power should be held by the Federal Government, so as properly to equip it with the means of meeting national exigencies.

But the power to tax incomes should not be granted in such terms as to subject to Federal taxation the incomes derived from bonds issued by the State itself or those issued by municipal governments organized under the State's authority. To place the borrowing capacity of the State and of its governmental agencies at the mercy of the Federal taxing power would be an impairment of the essential rights of the State which, as its officers, we are bound to defend.

Now, the gentleman from Missouri says as a consequence of that message the Legislature of the State of New York, to which it was addressed, failed to ratify the income-tax law. The gentleman is quite correct. The vote was not on partisan lines. I am not familiar enough with the politics of all the men who voted to state which was Republican and which was Democrat, but I note with interest that among the men who voted to sustain the views of Gov. Hughes in that assembly were Louis Stuyvesant Chandler, who was the Democratic candidate for governor against Gov. Hughes in 1908. Mr. Chandler had been lieutenant governor; he is a man of intelligence, and the reasoning of Gov. Hughes appealed to him. Nor is that all.

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. BENNET. I will yield for a question; yes.

Mr. FINLEY. Does the gentleman remember the reasons that Gov. Hughes gave, or, at any rate, why he vetoed the 2-cent railroad rate in New York State?

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by putting those reasons in as a part of my speech.

Mr. FINLEY. But what does the gentleman from New York understand? He must have some views.

Mr. BENNET. It is about three pages long, but I will put it in the RECORD so that the gentleman can read it.

Mr. FINLEY. But he did veto that bill?

Mr. BENNET. He did.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks by putting in the RECORD the veto message of Gov. Hughes in reference to the 2-cent fare. Is there objection? [After a pause.] The Chair hears none.

Mr. FINLEY. Will the gentleman yield for one other question?

Mr. BENNET. I will.

Mr. FINLEY. Is there any State in the Union where the 2-cent rate would be more properly applied than in the State of New York?

Mr. BENNET. I am absolutely sure I do not know, as I am not familiar, for instance, with the State of South Carolina and do not know what the conditions are there.

Mr. FINLEY. But the travel is very great in New York State.

Mr. BENNET. I must not yield further to the gentleman. I will put in the RECORD that for which the gentleman asks. As I was saying when the gentleman asked me the question, the distinguished Democrat who ran against Gov. Hughes in 1908 was a member of the legislature that upheld Gov. Hughes's opinion in 1910. Nor is that all. The distinguished gentleman who drew the income-tax law, the Hon. CORDELL HULL, of Tennessee, a sound lawyer, in that act placed this provision, which I find on page 5 of the income-tax pamphlet supplied to us from the document room:

That in computing net income under this section there shall be excluded the interest upon the obligations of a State, or any political subdivision thereof, and upon the obligations of the United States or its possessions.

Also:

And the compensation of all officers and employees of a State, or any political subdivision thereof, except when such compensation is paid by the United States Government.

Why, the gentleman from Missouri says that when the income tax came before the Supreme Court of the United States, of which Gov. Hughes had become a member, he voted to sustain the constitutionality of the act. Of course, because the act expressly excepted those sources of income to which he objected when sending his message to the Legislature of the State of New York. I doubt if the gentleman from Missouri knew that. That is all I desire to say upon the subject. Gov. Hughes was upheld by the best opinion of New York State at that time. The bill which came before him as a judge exempted the securities which he said ought to be exempted, and as a member of the Supreme Court he voted to sustain the act which contained those exemptions.

Mr. TAGGART. Will the gentleman yield?

Mr. BENNET. I will.

Mr. TAGGART. He was simply in apprehension of what Congress might do under such an amendment when he recommended that the New York Legislature should not ratify the constitutional amendment?

Mr. BENNET. He was.

Mr. TAGGART. Let me ask the gentleman, he was afraid Congress might levy a tax on the State and municipal obligations of the State of New York and other States under the amendment?

Mr. BENNET. He was the governor of the State which paid the largest share of the income tax into the Treasury, the amount in 1915 being a trifle over $27,000,000. The gentleman from Mississippi, who inserted those remarks in the RECORD, comes from a State which contributed less than $100,000 from that source to the Treasury of the United States.

Furthermore, in our State of New York we have to some extent mortgaged the future for good roads for which we are paying, canals for which we are paying, and it was absolutely essential in the judgment of the sound and sane man who wrote that opinion that the credit of the State of New York should be protected, and it was deemed so essential in the judgment of the Democratic Congress that passed the income-tax law that they excepted from the provisions of that law precisely the securities that the governor said ought to be excepted. [Applause on the Republican side.]

Now, I desire just for a moment to allude in passing to the remarks of the gentleman from Ohio [Mr. ASHBROOK] this morning. I was not surprised, I can not say I was greatly shocked, when I heard him rise and say that this pension bill, which we all favor, had been reported some time in February, and that every week since he had gone to the Speaker and begged and pleaded for recognition so that he could bring the bill, which he favors, and which the majority of the House favor, before this House.

And my mind turned back to the Democratic platform of 1908, and lest some of us may have forgotten what the Democrats said then about a similar situation, I desire, for the information of the gentleman from Ohio [Mr. ASHBROOK], who, I think, had forgotten it, to read into the RECORD just what they said:

Legislative control becomes a failure when one Member in the person of the Speaker is more powerful than the entire body.

We demand that the House of Representatives shall again become a deliberative body, controlled by a majority of the people's representatives, and not by the Speaker; and we pledge ourselves to adopt such rules and regulations to govern the House of Representatives as will enable a majority of its Members to direct its deliberations and control legislation.

And yet in the third Democratic House since that time we find a prominent Member of the Democratic Party rising and complaining that he can not bring a bill, in which his heart is wrapped up, before this House, because the Speaker will not let him.

Mr. RUSSELL of Missouri. Will the gentleman yield?

Mr. BENNET. I will.

Mr. RUSSELL of Missouri. The gentleman understood the gentleman from Ohio [Mr. ASHBROOK] to state that the Speaker said there were other bills upon the calendar, namely, appropriation bills, that were required to be passed before the 1st day of July, and that the only reason he did not recognize him to call up the widows' pension bill was because he said that those appropriation bills ought to be passed first, and that there was no intention on the part of the Speaker to prevent its being called up.

Mr. BENNET. Oh, yes; but the gentleman from Missouri [Mr. RUSSELL] either misses or intentionally does not see the

point, namely, that in this Democratic House the very thing against which the Democratic platform of 1908 protested exists, and that in order to get a bill before this House it still depends upon the right of recognition by the Speaker.

Mr. RAGSDALE. Now will the gentleman permit an interruption?

Mr. BENNET. For a question.

Mr. RAGSDALE. Does not the gentleman know that under the rule as it now exists and under the practice that now obtains in this House the Speaker can not prohibit this bill being introduced and properly considered in this session?

Mr. BENNET. I will have to answer that in my own way by saying that the gentleman from Ohio [Mr. ASHBROOK] called the attention of the House to the fact that the committee had reported the bill; that he had been going to the Speaker twice a week ever since, including yesterday, and I imagine he was not doing a vain thing. Why, of course, ever since I have been in Congress a determined majority, by simply voting down everything else, could bring us to the call of committees, and by voting aside committee after committee could bring up any bill it desires.

Mr. RAGSDALE. Does not the gentleman know that the power to take up these matters rests with Congress and not with the Speaker?

Mr. BENNET. I refer the gentleman from South Carolina to the gentleman from Ohio [Mr. ASHBROOK] for answer as to that. I prefer as a practical man the plaintive plea of the gentleman from Ohio [Mr. ASHBROOK] to the abstract theory of the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. I am asking for your opinion, though.

Mr. BENNET. Does the gentleman wish my opinion?

Mr. RAGSDALE. Yes, sir.

Mr. BENNET. I will say that this is the fourth Congress in which I have served, and the sixth I have observed more or less closely, and I have yet to see the Congress where a man could get legislation through without taking into account the Speaker.

Mr. RAGSDALE. That is not the question I asked the gentleman—not taking the Speaker into question—but does not the real authority rest with the Congress, and if a majority wants to take it up they can take up anything?

Mr. BENNET. There has not been a Congress since the First Congress when, if a Congress wanted to take up anything, they could not do it—that is, by voting down everything else—and the Sixty-fourth Congress does not differ in that regard from the Congresses which they criticized.

Mr. LONGWORTH. As a matter of fact, the majority of Congress can remove the Speaker, and were in a position at one time when they could have removed him, but did not attempt to do so.

Mr. BENNET. Certainly.

For the remainder of my time I decline interruption, Mr. Chairman.

I desire to speak for a few moments concerning one portion of the Democratic platform adopted at St. Louis yesterday, and to read, before coming to that, some remarks by the President of the United States addressed to the two Houses of Congress on December 7, 1915, as follows:

I am sorry to say that the gravest threats against our national peace and safety have been uttered within our own borders. There are citizens of the United States, I blush to admit, born under other flags but welcomed under our generous naturalization laws to the full freedom and opportunity of America, who have poured the poison of disloyalty into the very arteries of our national life; who have sought to bring the authority and good name of our Government into contempt, to destroy our industries wherever they thought it effective for their vindictive purposes to strike at them, and to debase our policies to the uses of foreign intrigue. Their number is not great as compared with the whole number of those sturdy hosts by which our Nation has been enriched in recent generations out of virile foreign stocks; but it is great enough to have brought deep disgrace upon us and to have made it necessary that we should promptly make use of processes of law by which we may be purged of their corrupt distempers. America never witnessed anything like this before. It never dreamed it possible that men sworn into its own citizenship, men drawn out of great free stocks such as supplied some of the best and strongest elements of that little, but how heroic, Nation that in a high day of old staked its very life to free itself from every entanglement that had darkened the fortunes of the older nations and set up a new standard here—that men of such origins and such free choice of allegiance would ever turn in malign reaction against the Government and people who had welcomed and nurtured them and seek to make this proud country once more a hotbed of European passion. A little while ago such a thing would have seemed incredible. Because it was incredible we made no preparation for it. We would have been almost ashamed to prepare for it, as if we were suspicious of ourselves, our own comrades and neighbors! But the ugly and incredible thing has actually come about and we are without adequate Federal laws to deal with it. I urge you to enact such laws at the earliest possible moment, and feel that in doing so I am urging you to do nothing less than save the honor and self-respect of the Nation. Such creatures of passion, disloyalty, and anarchy must be crushed out. They are not many, but they are infinitely malignant, and the hand of our power should close over them at once. They have formed plots to destroy property, they have entered into conspiracies against the neutrality of the Government, they have sought to pry into every confidential transaction of the Government in order to serve interests alien to our own. It is possible to deal with these things very effectually. I need not suggest the terms in which they may be dealt with.

I wish that it could be said that only a few men, misled by mistaken sentiments of allegiance to the Governments under which they were born, had been guilty of disturbing the self-possession and misrepresenting the temper and principles of the country during these days of terrible war, when it would seem that every man who was truly an American would instinctively make it his duty and his pride to keep the scales of judgment even and prove himself a partisan of no nation but his own. But it can not.

I desire to call the attention of the House to the fact that that message came to us on the 7th of December, 1915—to a Senate and House both Democratic. Has any such law been passed? Of course not. Why has it not been passed? Because there was absolutely no necessity for such a law [applause on the Republican side] and because no such situation existed as is set out in those remarks. [Applause on the Republican side.]

But our President has his phases.

On the 31st of January, 1916, only about six weeks after that language I have just read, he journeyed throughout the country, and in the course of his journeying came to a great city famous for many things, the city of Milwaukee, in the State of Wisconsin, one of our few entirely native-born cities. [Laughter.] When he got before that audience the President said this:

America has drawn her blood and her strength out of almost all the nations of the world. It is true of a great many of us that there lies deep in our hearts the recollection of an origin which is not American.

A very graceful tribute to his own mother, who was born in Scotland.

We are aware that our roots, our traditions, run back into other national soils. There are songs that stir us, there are some far-away historical recollections which engage our affections and stir our memories. We can not forget our forbears; we can not altogether ignore the fact of our essential blood relationship; and at the outset of this war it did look as if there were a division of domestic sentiment which might lead us to some errors of judgment and some errors of action; but I, for one, believe that that danger is passed. I never doubted that the danger was exaggerated, because I had learned long ago, and many of you will corroborate me by your experience, that it is not the men who are doing the talking always who represent the real sentiments of the Nation.

That is true in his case.

I for my part always feel a serene confidence in waiting for the declaration of the principles and sentiments of the men who are not vociferous, do not go about seeking to make trouble, do their own thinking, attend to their own business, and love their own country.

I have at no time supposed that the men whose voices seemed to contain the threat of division amongst us were really uttering the sentiments even of those whom they pretended to represent. I for my part have no jealousy of family sentiment. I have no jealousy of that deep affection which runs back through long lineage. It would be a pity if we forget the fine things that our ancestors have done. But I also know the magic of America; I also know the great principles which thrill men in the singular body politic to which we belong in the United States. I know the impulses which have drawn men to our shores. They have not come idly; they have not come without conscious purpose to be free; they have not come without voluntary desire to unite themselves with the great Nation on this side of the sea; and I know that whenever the test comes every man's heart will be first for America. It was principle and affection and ambition and hope that drew men to these shores, and they are not going to forget the errand upon which they came and allow America, the home of their refuge and hope, to suffer by any forgetfulness on their part. And so the trouble makers have shot their bolt, and it has been ineffectual.

Yesterday, the President of the United States, in the platform which he drew, which was adopted because he wanted it, said:

We condemn all alliances and combinations of individuals in this country, of whatever nationality or descent, who agree and conspire together for the purpose of embarrassing or weakening our Government or of improperly influencing or coercing our public representatives in dealing or negotiating with any foreign power. We charge that such conspiracies among a limited number exist and have been instigated for the purpose of advancing the interests of foreign countries to the prejudice and detriment of our own country.

Mr. Chairman, first the severe, then the gentle, then the severe. When will the gentle come again? But I want to say to my colleagues on the Democratic side, fellow Members of this House, that it is a coward's part to attempt to arraign without specifications the 14 per cent of foreign-born people in this country. I represent a city whose population is largely foreign born, and do not believe that there is one single conspiracy in this country such as is charged in the Democratic platform. Name the organizations! Go on record. Rise in your places like men. Oh, do not do like that man of old whom you will find told about in Nehemiah, sixth chapter and sixth verse, with which all of you perhaps are familiar, who when he wanted to bring down the good man who was doing the good work in Jerusalem wrote him a letter and said—

It is reported among the heathen, and Gashmu saith it.

If you have the goods on anybody, get up and say who they are. I see my colleague [Mr. FARLEY] there, and I will not embarrass him by asking him to answer a question. He is a good, loyal man, born in Ireland. He will never rise in his place on this floor and say there is any organization of Irishmen disloyal. [Applause.] I see my friend [Mr. LOBECK]

back there. I will not ask him to rise and reply, but I prophesy now that the time will never come when he will rise in this House and say that any organization of Scandinavians or Germans is disloyal to the American flag. [Applause.] I see my friends DUPRÉ and ESTOPINAL, of French and Spanish descent, respectively. Regular and constant in their attendance, as they always are, good Members, they will never rise in their places and say that there is any organization of Frenchmen or of Spaniards disloyal to the flag of the United States. [Applause.] And so you can go down the whole list. But it is easy to assassinate character in the dark. Who was the first person who did it, according to recorded history? The devil, in the first chapter of Job, when he came before Jehovah and Jehovah said to him:

Hast thou considered my servant Job, that there is none like him in the earth, a perfect and an upright man, one that feareth God, and escheweth evil?

Then Satan answered the Lord, and said, Doth Job fear God for naught?

Hast not Thou made an hedge about him, and about his house, and about all that he hath on every side? Thou hast blest the work of his hands, and his substance is increased in the land.

But put forth Thine hand now, and touch all that he hath, and he will curse Thee to Thy face.

That was the first recorded instance of this kind of political maneuvering indulged in by a well-known historical character, and this declaration in the Democratic platform is a cowardly lineal descendant of that utterance. [Applause on the Republican side.] I never have much use for the kind of man who sits around on a cracker box and says of some good man in the village, "He seems to be all right, but I will bet he has a bottle hid away somewhere," or when the good man's domestic relations are above reproach says, "He seems to be all right, but I wonder what he does when he goes to Chicago to buy goods." That is the kind of spirit in which this platform declaration was written. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAUCH. I yield five minutes to the gentleman from Kansas [Mr. TAGGART]. [Applause.]

Mr. TAGGART. Mr. Chairman, there has been considerable discussion of the income tax to-day while this bill appropriating money to pay pensions has been under consideration. It is proper to consider at this time the value of an income tax. There has been an almost universal demand in this country for a great expenditure for preparedness. All of the great parties have been favorable to it. I am not one of those who would say that it was because anyone is afraid, or because anyone imagines that he sees spectral armies coming in phantom ships to our shores; but it is because the world has seen the devastation and ruin of Europe, and because we realize that it is among the remote possibilities that at some time we may be obliged to defend this country.

The most fortunate statute that is on the books to-day is the income-tax statute. In the able speech that was delivered here by the gentleman from Missouri [Mr. BORLAND] he called attention to the fact that that income-tax law will bring into the Treasury of the United States during this fiscal year the sum of $110,000,000.

The cost of pensions for the survivors of the Union Army is less than $100,000,000 at this time, so that this income tax will more than pay the pensions for the next year that will be due to the veterans of the Civil War, considered apart from other pensions.

We have listened to the very able and entertaining speech of the gentleman from New York [Mr. BENNET], one of the most charming Members of this House and one of the ablest men in it. It seems as though he wishes to boast that a good share of this income tax comes from New York. Is it not proper that it should come from the great center of wealth?

If it is a fact that 750,000 people are engaged in manufactures in New York, we are happy to say that in our country we furnish a market for everything that is manufactured in the city of New York. The money that pays these 750,000 hands comes in a great measure out of that magnificent country west of the Alleghany Mountains. The wealth of New York has come out of the great garden of the West. The people there are the ones who are able to patronize the 750,000 manufacturing population of New York City. And, strange to say, although there are 500,000 of those employees engaged in manufacturing within a radius of 10 or 15 miles of the center of New York City, they have uniformly and in every election voted against a high-protective tariff, and have furnished one of the most impressive arguments that can be made against the doctrine of a protective tariff. [Applause on the Democratic side.]

But we need the income tax and we need the manufacturing people of New York. We have a right to demand a heavy tax from anyone who has gotten rich off the American people. The burden should be borne by those who are best able to bear it. We tried to relieve the 750,000 and put the burden on the few who got rich on the profits of their labor.

The House has listened with interest to the attack upon and defense of the record of Judge Hughes. Attention has been called to the fact that when he was governor of New York, and the amendment to the Constitution of the United States to allow Congress to levy and collect an income tax came before the Legislature of New York for ratification, Gov. Hughes opposed it, giving as his reason that an income tax under the amendment might possibly be levied on the bonds and securities issued by the State of New York and the municipalities of that State. This is a matter of public record and is a legitimate argument. It is not personal.

I hope and believe that this will be the cleanest campaign in the history of American politics. We have for the principal candidates for President two of the ablest men of the country, and whatever might have been the opinions of Judge Hughes on the income tax when it was presented to the State of New York for ratification as an amendment to the Constitution, he stands now before the American people as a candidate for President, and will succeed or fail on the issues that are presented by the respective platforms. I believe the American citizen is sick and tired of personal abuse of candidates for office; and right here I can not forbear to introduce into the RECORD an editorial that appeared in the Washington Post of this date. As a Democrat I desire to acknowledge my deepest respect for the sentiments expressed in this great newspaper—the leading Republican paper of Washington. Beginners in politics, and those who are seeking honors in public life will do well to study carefully what is said in this article. The editorial in full is as follows:

It is always pleasing to note progress, advancement, and betterment in any of the activities which distinguish national life or in those processes which call forth action by the masses of the people.

Presidential campaigns in the United States during the past 30 years have been conducted upon a much higher plane of political work than some of those made prior to 1888. There must be no retrogression in this campaign. The people of this country, regardless of party, demand that it shall be distinctively free from all elements of atrocious politics.

It will not be a campaign of personalities, a campaign of mud slinging, a campaign of abuse or of false accusation.

Any political clique, faction, or element of any of the great political organizations which would stoop to employment of such methods would surely bring upon the party to which they belong the condemnation of the great majority of the people of the United States.

It is exceedingly gratifying to those who take pride in our institutions and in the uplifting of the public sentiment of the Nation that for many years there has been no toleration by the public of political methods that tend to lower or to degrade political work.

This campaign ought to be, and will be, conducted through appeals to the intelligence of the voters, not through play upon passions or prejudices, not through attempts to sully or to soil or to strain reputations of candidates for the lowest or the highest positions.

The people of the United States will be swift to condemn and strong to reprove any man or any party resorting to vicious practices or evil processes in attempts to advance party political fortunes.

Slum politics and gang or ward methods have no place in presidential elections in the United States, and those who would introduce them deserve and should receive the emphatic denunciations of all respectable citizens.

Let the intellectuality of the Nation be appealed to for decision as to national policies and rejection or approval of the issues of the campaign.

Let the business sense of the country be sought in the consideration of those issues affecting our financial, commercial, and industrial affairs.

Arouse wherever and whenever possible the active or the latent patriotism, for it will give beneficial results to the Republic.

The campaign, conducted upon the lines as suggested above will be one creditable to our country, to our political parties, and stimulating to the self-respect of our citizens.

In this campaign the people will read the platforms carefully. In that fortunate region where I have the honor to live and where men are free from the control of dictators in politics these platforms and these distinguished men will be judged fairly. There will be no personal abuse heaped upon either one of them. Both of them have rendered distinguished service—the President called to guide the Nation through difficulties such as it has not faced since the Civil War; the judge coming forth with a claim on the respect of the people, having been honored with the governorship of the wealthiest and most populous State of the Union, and crowned as a lawyer with a place in the most powerful court in the world, a court that is authorized to interpret the purposes of the American people as expressed in their laws.

Let us set the claims of these great leaders and the merits of their respective principles before the American people in the language of gentlemen and in the spirit of exalted patriotism.

Mr. MANN. I am going to ask for 10 minutes more on this side; and if the gentleman from Indiana [Mr. RAUCH] wishes

to ask for 10 minutes more on that side, so as to give the gentleman from Kansas [Mr. TAGGART] or anyone else any more time, I shall have no objection. I made a mistake awhile ago. That is the reason I am asking for more time now.

Mr. RAUCH. Then, Mr. Chairman, I ask unanimous consent that the general debate on this bill be extended 20 minutes, 10 minutes of that time to be controlled by the gentleman from Illinois [Mr. CANNON] and 10 minutes by myself.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the general debate on this bill be extended 20 minutes, 10 minutes of that time to be controlled by the gentleman from Illinois [Mr. CANNON] and 10 minutes by himself. Is there objection?

There was no objection.

Mr. RAUCH. Mr. Chairman, I yield eight minutes to the gentleman from South Carolina [Mr. RAGSDALE].

[Mr. RAGSDALE addressed the committee. See Appendix.]

Mr. RAUCH. Mr. Chairman, I yield one minute to the gentleman from Wisconsin [Mr. BURKE].

Mr. BURKE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAUCH. Mr. Chairman, I yield now one minute to the gentleman from Wisconsin [Mr. REILLY].

[Mr. REILLY addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, the eagerness with which the gentleman from Missouri [Mr. BORLAND] raised a question upon the pension issue immediately following the adoption of the two national platforms impels me to make the few remarks which I shall in order that history may be kept straight, so far as this House is concerned. The Republican convention in Chicago was criticized for saying nothing about the old soldier. It is not necessary for an old-time Christian to be always professing. It is necessary for a recent convert perhaps to stand up and be loud and frequent in his professions. The Republicans' accomplished record is what interests and assures the old soldiers. That is perhaps why the gentleman from Missouri spoke of the recent utterances of the Democratic Party on the old soldiers and their pensions.

What I desire to say especially is with reference to the vote on the legislation which is now the 1912 act. I would not deprive any Member on either side of the House of any credit for voting for the liberal pension law which we now have. The great soldier from Ohio, Mr. SHERWOOD, a Democrat, is entitled to credit for the zeal with which he has worked for legislation of this character during the last three Congresses. The Speaker of this House, Mr. CLARK, the leading Democrat of the United States, has favored and supported liberally pension legislation in this House. There are others on that side who might be mentioned with favorable comment, as well as the almost entire Republican membership.

The law which we now have, under which the old soldiers are being paid, and which is usually referred to as the act of May 11, 1912, was carried through this House by the following vote: There were for the legislation 176 votes; against it, 76. The Republicans furnished 109 of the 176 affirmative votes. The Democratic side, then in a large majority, furnished 67, while the 76 votes against the legislation were every one furnished by the Democratic side. I say this in answer to the claim for partisan credit made by the gentleman from Missouri. I want it understood that it is the conference report on legislation of the Senate and the House which was voted upon, as I have said, passed, and is now in force. Under it the old soldiers are drawing their pensions.

The bill first introduced in this House in the Sixty-second Congress and known as the Sherwood bill was a much different bill from that which came back from the Senate and conference.

A special reason for making this brief talk is on account of the suggestion made by the gentleman from Missouri [Mr. RUSSELL], an eminent member of the Committee on Pensions during this debate, that a great Republican leader, Mr. Sereno E. Payne, of the State of New York, had voted against the old-soldier pension legislation of 1912. I presume the gentleman desires to have the history of this matter correct. This is the fact: When the bill was first passed in the House Mr. Payne, with 6 other Republicans, voted against the then called Sherwood bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. CANNON. I have had my secretary look up the vote on the Sherwood bill and its passage through the House, and he says to me that 7 Republican Members from the North, including Mr. Payne, voted against the passage, as the gentleman states, and that 11 Democrats from the North voted against it also.

Mr. SLOAN. Yes. Mr. Payne, voted against the bill at that time with 6 others from the North. The bill was much different from the law as passed. It was then based largely upon service and not upon age. The bill went to the Senate and it came back, as it was said, a "double-standard bill," the element of age being mingled with the element of service. When it came back here for passage, Mr. Payne having voted against the original bill, voted for the conference report. I desire to read now the comment made at that time by Mr. Payne, which is to be found on page 6240 of the CONGRESSIONAL RECORD of the Sixty-second Congress. Mr. Payne, speaking upon the conference report, said:

I think this—

The conference report—

more nearly covers the idea which I expressed upon the Sulloway bill, about proper legislation in reference to pensions, than if I had drawn the bill myself. I very cheerfully join with the friends of this measure in voting to sustain this conference report.

I desire to say now there were three Republican Members who voted against the original Sherwood bill and who voted for the conference report—Mr. Payne, of New York; Mr. HILL, of Connecticut; and Mr. Utter, of Rhode Island. Mr. Payne and Mr. Utter are no more; Mr. HILL is here and might speak for himself; but I take the liberty of saying that Mr. HILL, while he voted against the original Sherwood bill, when it came back to the House in the form of the conference report voted for that bill at that time, and therefore voted to support the law which is now upon the statute books. The other four Republicans who voted against the Sherwood bill are not recorded as voting on the conference measure, the basis of the present law.

Mr. DYER. Will the gentleman yield for a question?

Mr. SLOAN. Yes; briefly.

Mr. DYER. Will the gentleman state, if he knows, whether or not during the present administration, since the House and Senate and executive department have been Democratic, if any general pension legislation has become a law, or if it has not been entirely confined to special bills and no general legislation whatever?

Mr. SLOAN. That is my recollection and understanding. The vote on the bill when first passed was, for, 229, of which 1 was a Socialist, 76 Democrats and 152 Republicans—2 Republicans to 1 Democrat, although the House was almost 2 Democrats to 1 Republican.

Mr. LOBECK. Not in the Sixty-second Congress; that is the last Congress.

Mr. SLOAN. It was not quite that strong, but it was a large majority. To be precise, there were 160 Republicans and 229 Democrats. And against the bill at that time there were 93 votes, 7 being Republicans and 86 Democrats.

Now, as I stated in the beginning, every Member who voted for liberal pensions for the old soldiers is entitled to equal credit with every other Member, on whichever side he sat. I do not desire to raise any partisan question about it. It was raised by the gentleman from Missouri in his sudden haste and speed to claim partisan credit for the existing liberal pension laws. It demanded statement of the record. It shows every vote against the 1912 pension law was cast from that side of the House. One hundred and nine favorable votes were cast by the Republicans and 67 by the majority.

The Senate which passed this legislation was Republican, as was President Taft, who signed the bill. So if there is any partisan credit for liberal legislation which the old soldiers, their widows, and orphans now enjoy, it is due to the Republican side of the House, as it was due to this side of the House in all the pension legislation for a number of decades before 1912. Probably this afternoon when this pension appropriation bill is passed there will be an opportunity to show, in partisan or nonpartisan way, our devotion to the old soldier in support of the Ashbrook widow's pension bill. I hope it will be nonpartisan.

We will have an opportunity to provide more liberally for the war widows, for her who remained at home to look after hearth, home, and little ones while husband and father did battle for the Union. Her's were trials equal to his—that waiting, watching uncertainty in busy day and long night, through the battle with poverty and sickness which she alone must fight. The war wife of the sixties was a noble and heroic character throughout the North. The war widow of to-day is a grand, yet pathetic, figure whom a sympathetic Congress and a grateful people should generously remember. Under the provisions of this bill, whatever her age, this Government is to render monthly tribute of its greatest coin, the double eagle.

The young wife who wedded the returning soldier and who now is the widowed matron, who has crossed the scriptural border of threescore and ten, is to be equally recognized. Further, the soldier's widow who married him before 1905 is to be given a pensionable status.

When we liberally pension Union soldiers we do an act of justice and demonstrate the gratitude of the Republic. When we pension their widows we render that justice and generosity, the wish and prayer of multiplied thousands of dying veterans. [Applause on the Republican side.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

[Mr. RAUCH addressed the committee. See Appendix.]

Mr. RAUCH. I yield one minute to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Hon. W. A. Thompson, of my home city of Tahlequah, Okla., to the Daughters of the Confederacy, in which he took occasion to extol the virtues of the soldiers of the North as well as the South, and felicitated us upon a reunited country.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial published in the Washington Post of this morning entitled "The Democratic tariff plank."

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing an editorial from the Washington Post of this morning on the Democratic tariff plank. Is there objection?

There was no objection.

Mr. RAUCH. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Chairman, during my service in Congress I have continually voted for liberal pensions for the survivors of the Civil and Spanish-American Wars, and I wish to extend my remarks in the RECORD on my position favoring liberal pensions to the survivors of the Civil and Spanish-American Wars, their widows and dependent children.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. RAUCH. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1917, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $158,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately: *And provided further*, That all allowances made, or hereafter to be made, to medal-of-honor pensioners under the act of Congress approved April 27, 1916, shall be paid from the moneys appropriated for the payment of invalid and other pensions, and section 3 of the said act of April 27, 1916, is amended accordingly.

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1917, $65,000.

Mr. ASHBROOK. Mr. Chairman, I desire to offer as an amendment to this bill, H. R. 11707, the widows' pension bill.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: At the end of the bill, after page 2, line 18, insert the following:

"That from and after the passage of this act the rate of pension for a widow who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his service in the Civil War, shall be $20 per month, and the rate of pension for a widow who has reached or shall hereafter reach the age of 70 years shall be $20 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of 16 years and for each helpless child; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private."

SEC. 2. That any widow whose name was placed or shall hereafter be placed on the pension roll, under any existing law, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced upon her own application and without fault on her part, shall be entitled to have her name again placed on the pension roll at the rate allowed by the law or laws under which she was formerly pensioned, unless she be entitled to a greater rate of pension under the provisions of section 1 of this act, such pension to commence from the date of filing her application in the Bureau of Pensions after the passage of this act: *Provided, however*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of 16 years, she shall not be entitled to renewal under this act unless said helpless or idiotic child, or child or children under 16 years of age, be then a member or members of her family and cared for by her, and upon the renewal of pension to said widow payment of pension to said child or children shall cease: *And provided further*, That the provisions of this act shall be extended to those widows, otherwise entitled, whose husbands died of wounds, injuries, or disease incurred during the period of their military or naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage.

SEC. 3. That any widow, as described in section 2 of the act approved April 19, 1908, who married the soldier or sailor prior to June 27, 1905, shall have title to pension under the provisions of said section of said act, to commence from the date of filing her application in the Bureau of Pensions after the passage of this act: *And provided further*, That the benefits of this act shall include those widows whose husbands, if living, would have a pensionable status under the joint resolutions of February 15, 1895, July 1, 1902, and June 28, 1906.

SEC. 4. That no claim agent or attorney shall be recognized in the adjudication of claims under the first and second sections of this act.

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order against the amendment.

Mr. ASHBROOK. I hope the gentleman will withhold his point of order. I would like to say to the gentleman that this bill has been on the calendar for more than three months. It is a meritorious bill, a popular bill, a bill that is sure to pass when it is reached in the regular order.

Mr. PAGE of North Carolina. It ought to pass in its regular order, and not on this general appropriation bill. I insist on my point of order, that it is new legislation, and therefore not in order upon this appropriation bill. It involves an expenditure of money that has not been authorized by any law, and is therefore not in order upon this or any other appropriation bill.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. ASHBROOK. I do not wish to be heard on the point of order, because I am well aware that it is subject to a point of order here. I was in hopes, however, that my good and gracious friend [Mr. PAGE of North Carolina], who is about to retire from this Congress, would not insist on the point of order; but since he has done so, I wish to withdraw the amendment.

Mr. BENNET. I should like to be heard in relation to the point of order. I simply wish to suggest to the gentleman from Indiana [Mr. RAUCH] that if he desires to attach this amendment to the bill there is a way in which it can be done. When the gentleman from North Carolina [Mr. PAGE] brought the District of Columbia appropriation bill into this House, the Committee on Rules reported a rule making a whole lot of legislation in order.

Mr. PAGE of North Carolina. As chairman of that subcommittee, however, I took the regular course in this House to make it in order, and did not undertake to pass it here out of order.

Mr. BENNET. I was just going to suggest, if the gentleman had not interrupted me, that if the gentleman from Indiana [Mr. RAUCH] would pursue the same course that the gentleman from North Carolina did, he could secure the adoption of a rule which would make this amendment in order.

Mr. PAGE of North Carolina. Does the gentleman pretend to be discussing the point of order while seeking to advise the gentleman from Indiana as to the procedure that he might follow?

Mr. BENNET. I do not pretend that strictly I am discussing the point of order. I imagine we all want to pass this, with the exception of the gentleman from North Carolina.

Mr. PAGE of North Carolina. I will say to the gentleman that if this came in from the committee reporting it in the regular way, I certainly should not undertake to make a point of order against it. I might vote against it, but at the same time I should not obstruct it in any other way.

Mr. CANNON. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. Yes.

Mr. CANNON. Does the gentleman mean to suggest that the Committee on Rules, consisting of 11 men, ought to control the House touching proper legislation?

Mr. PAGE of North Carolina. No; I do not say any such thing, but I do say that the rules of this House ought to be observed, and I think the gentleman from Illinois will agree with me. I insist on the point of order.

The CHAIRMAN. Did the gentleman from Ohio make a request to withdraw his amendment?

Mr. ASHBROOK. I did, Mr. Chairman.

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order that the gentleman can not withdraw his amendment except by unanimous consent.

Mr. ASHBROOK. Well, then, let it go in.

Mr. PAGE of North Carolina. Of course he can do it by unanimous consent.

The CHAIRMAN. Does the gentleman from Ohio ask unanimous consent to withdraw his amendment?

Mr. ASHBROOK. I ask that unanimous consent.

Mr. CANNON. If the gentleman withdraws it, I will renew it by reoffering the amendment. Let the point of order be decided.

Mr. ASHBROOK. Then, Mr. Chairman, I will not ask unanimous consent to withdraw it.

Mr. DYER. Let us have a ruling.

The CHAIRMAN. The Chair understands that this amendment is clearly subject to a point of order, and was so recognized by the former Speaker of the House [Mr. CANNON] in his remarks in discussing the bill. When the question arose, an amendment of the character of the one under consideration, which clearly does not fall within the limitation of the Holman rule and which is new legislation, can not be sustained. Under the rules of the House the Chairman has no option. The point of order must be sustained, although the present occupant of the chair is personally very much in favor of the amendment.

Mr. TAGGART. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, line 15, after the word "accordingly," insert: "*Provided further*, That in computing the length of military service in claims for pensions, furloughs shall be included and considered."

Mr. MANN. To that, Mr. Chairman, I make a point of order.

Mr. TAGGART. Will not the gentleman reserve the point of order?

Mr. MANN. Yes; I will reserve it.

Mr. TAGGART. Mr. Chairman, I know that the amendment is subject to a point of order. I have introduced it to cover a few cases where I think a great injustice has been done by the Government in the administration of the pension laws. There were a number of men who were first to respond to the call for volunteers for enlistment for 90 days; they performed their contract to the letter. Along about the last 15 or 20 days of their 90 days they were sent home on a furlough and told that they would be called upon in case they were needed. Their regiments had been asked to enlist for three years, and those who did not enlist for three years were sent home on a furlough. This happened in the case of a very few organizations. Strange to say, a number of these men were put on the pension rolls by the construction of the pension law that was made some years ago, and they are still drawing pensions. Then, after the change of ruling, others were refused pensions. I have in mind now the case of a man who served in the Eighth Ohio Volunteer Infantry, who responded to the first call and served 90 days and, like others, was paid for 90 days' service. He was one of those who was furloughed during the last two or three weeks of that time. He applied for a pension, and a pension was paid to him until the time of his death. His widow, who would be otherwise entitled to a pension, if it were not for this ruling, made application, and the claim was rejected for the reason that her husband had a furlough during the last few weeks of the service, and it was claimed by the bureau that he was not subject to military control during that time and had not technically served 90 days. In his case he was treated as having served 90 days and in her case she was refused a pension because he had not served 90 days.

The ruling of the department was that those who had pensions granted to them continued to draw pensions, and those who applied after the ruling were refused pensions. I know that this is subject to a point of order, but it is comparatively a trifling matter and would add but very little to the cost of the pension rolls. I have not the exact number of men and women affected by it, but I think they can be counted by hundreds and would amount to less than a thousand persons at this time.

Mr. MANN. Mr. Chairman, I do not know whether the gentleman has ever introduced a bill on this subject or not. I never happened to see one, and so far as I know the matter has never been taken up by the committee.

Mr. TAGGART. Let me say that when we passed the Spanish War pension bill this very amendment that I have offered in this bill was put in the pension bill for the Spanish War widows.

Mr. MANN. That may be the reason why it has not passed the other body. The law says that a man must have served 90 days in order to get a service pension. A man who served 89 days does not get it without a special act of Congress, which he gets easy enough if he knows the ropes. But if a man must serve 90 days in order to get a pension I can not see any excuse for saying that if he served 60 days and went home for 30 days he should have a pension.

Mr. TAGGART. Suppose the record shows that the Government paid him for 90 days.

Mr. MANN. That is another thing. He got pay for 30 days without service. I suppose one of these days we will reduce the length of service from 90 days to 60 days, and probably that will not be very long. I do not know how many it will include. I do not think we ought to enact legislation of this sort that has never been considered by any committee, and the effect of which we do not know. I must insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RAUCH. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15775, the pension appropriation bill, and had directed him to report the same back with the recommendation that the bill do pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAUCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. HILL, by unanimous consent, was given leave to withdraw from the files of the House papers in the case of Bridget Gaffney, widow of Patrick Gaffney, H. R. 5132, Sixty-fourth Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. CLINE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pension appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BROWNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the fortification bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RAUCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to print some extracts in the RECORD of the public papers of Charles Hughes when governor of the State of New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to take up the Unanimous Consent Calendar where we left off on yesterday, under the same conditions of yesterday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take up the Unanimous Consent Calendar where we left off on yesterday, and under the same conditions that we were operating under then. Is there objection?

There was no objection.

HOUR OF MEETING MONDAY NEXT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business in order on Monday next, being unanimous-consent day, be dispensed with, that the House take up for consideration the sundry civil appropriation bill——

Mr. MANN. That is not necessary. It would be in order anyway.

Mr. KITCHIN. And that when we adjourn to-day we adjourn to meet at 11 o'clock a. m. Monday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the business usually in order on unanimous-consent Monday be dispensed with on Monday next, that the sundry civil appropriation bill be considered, and that we meet at 11 o'clock a. m. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the first bill in order on the Calendar for Unanimous Consent.

PRIVILEGES ON THE CANAL ZONE.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand the gentleman from Georgia [Mr. ADAMSON] is willing to strike out section 1 of the bill?

Mr. ADAMSON. Mr. Speaker, in order to get consideration for the other sections I will consent to that.

Mr. MANN. Well, then, it will stay out?

Mr. ADAMSON. Of course.

The SPEAKER. This bill is on the Union Calendar.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the privileges of trading at the commissariat, leave of absence, quarters free of rent, and all other privileges and exemptions now accorded by law, regulations, or practice to employees of the Panama Canal on the gold roll shall also be granted to the judge, marshal, and district attorney in the Canal Zone, and the Secretary of the Treasury is hereby authorized and directed to refund to all such officers and employees all amounts paid by them for any such privileges during the time they were granted without charge to the employees of the Panama Canal on the gold roll.

SEC. 2. That, until otherwise provided by Congress, the President is authorized to make rules and regulations in matters of sanitation, health, and quarantine for the Canal Zone or to modify or change existing rules and regulations and those hereafter made from time to time. Violations of any quarantine regulations provided for herein shall be punished by fine not to exceed $500 or by imprisonment in jail not to exceed 90 days, or by both such fine and imprisonment, in the court's discretion; and a violation of any sanitary regulations hereunder shall be punished by a fine not to exceed $25 or by imprisonment in jail not to exceed 30 days, or by both such fine and imprisonment, in the court's discretion. Each day such violation may continue shall constitute a separate offense.

SEC. 3. That, until otherwise provided by Congress, the President is hereby authorized to make and from time to time change rules and regulations for levying, assessing, and collecting ad valorem, excise, license, and franchise taxes in the Canal Zone, or to modify or change existing rules or regulations for that purpose. Ad valorem taxes imposed shall not exceed 1 per cent of the value of the property, nor shall franchise or excise taxes exceed 2 per cent of gross earnings.

SEC. 4. That, until otherwise provided by Congress, it shall be lawful for the President to make, publish, and enforce all rules and regulations for the use of the public roads and highways in the Canal Zone, and also for regulating, licensing, and taxing the use and operation of all self-propelled vehicles using the public highways, including speed limit, signals, tags, license fees, and all detailed regulations which may be from time to time deemed necessary in the exercise of the authority hereby conferred. The taxes on automobiles may be graded according to the value or the power of the machine, and such rules and regulations as now exist may be changed by such order from time to time, and any that may be hereafter made may be changed from time to time.

SEC. 5. That it shall be unlawful to commit any breach of the peace or engage in or permit any disorderly, indecent, or immoral conduct in the Canal Zone. The President is authorized to enforce this provision by making rules and regulations to assert and exercise the police power in the Canal Zone, or for any portion or division thereof, and he may amend or change any such regulation now existing or hereafter made.

SEC. 6. That any person who commits any act or who carries on any business, trade, or occupation in the Canal Zone without complying with the rules and regulations established by the President for the levying, assessing, and collecting of taxes, or who violates any rules or regulations for the use of the public roads and highways, or who violates any rules and regulations touching the licensing, taxes, operation, and use of self-propelled vehicles, or who violates any of the police regulations authorized hereunder, shall be punished by fine not to exceed $25 or by imprisonment in jail not to exceed 30 days, or by both such fine and imprisonment, in the court's discretion.

SEC. 7. That deposit money orders issued in the Canal Zone in lieu of postal-savings certificates in accordance with the rules and regulations heretofore established by the President, or that may hereafter be established by him, shall bear interest at a rate not exceeding 2 per cent per annum.

SEC. 8. That the interest received from the Canal Zone money-order funds deposited in banks under Canal Zone regulations shall be available to pay the interest on deposit money orders authorized by the preceding section. Such interest shall also be available to pay any losses which are chargeable to the Canal Zone postal service.

SEC. 9. That whenever a customs officer of the Canal Zone shall certify an invoice, landing certificate, or other similar document, or shall register a marine note of protest, or shall perform any notarial services, he shall be authorized to collect a fee equivalent to the fee prescribed by the United States consular regulations for the same act or service when performed by consular officials.

SEC. 10. That all laws, orders, or ordinances in conflict with this act are hereby repealed.

With the following committee amendments:

Page 1, line 5, after the word "now," insert the words "and at any time hereafter."

Page 1, line 7, after the word "shall," insert the word "hereafter."

Page 2, strike out the comma after the word "zone" and the words "and the Secretary of the Treasury is hereby authorized and directed to refund to all such officers and employees all amounts paid by them for any such privileges during the time they were granted without charge to the employees of the Panama Canal on the gold roll."

Page 3, line 18, after the word "time," insert the following: "The President may make mutual agreements with the Republic of Panama touching the reciprocal use of the highways of the Canal Zone and the Republic of Panama by self-propelled vehicles touching taxes and license fees, and any other matter of regulation to establish comity for the convenience of the residents of the two jurisdictions."

Page 5, line 11, insert a new section, as follows:

"SEC. 10. The laws relating to seamen of vessels of the United States on foreign voyages shall apply to seamen of all vessels of the United States at the Panama Canal Zone, whether such vessels be registered or enrolled and licensed, and the powers in respect of such seamen of such vessels bestowed by law upon consular officers of the United States in foreign ports and upon shipping commissioners in ports of the United States are hereby bestowed upon the shipping commissioner and deputy shipping commissioners in the Panama Canal Zone."

Page 5, line 22, strike out the figures "10" and insert the figures "11."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. ADAMSON. Mr. Speaker, I now move to strike out the first section of the bill—all after the enacting clause. When the gentleman from Illinois reserved the right to object, I said, which he may have misunderstood, that in order to get consideration I would agree to strike this first section out. I hope the gentleman will understand that in perfect good faith I intended to stand by the elimination after it is made. I would not follow it to the other body and have it reinserted.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Georgia.

Mr. ADAMSON. Mr. Speaker, I wish to make a further statement. This section did not attempt to enforce the granting of these privileges. I do want to say to the gentleman, however, and to the House, that while there is a law now that will compel the American employees on the Isthmus to pay rent after the 1st of July, I wish it could be repealed, and while others do not all agree with me, I believe that the American employees on the Isthmus ought to have all of these privileges free, and if in any way I can vote to grant them those privileges outside of this bill I am going to do it. I am now ready for the question.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the numbers of the sections be corrected to comply with the amendment.

The SPEAKER. Without objection, that will be done by the Clerk.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

INTERSTATE USE OF AUTOMOBILES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 208) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. COADY. I object.

Mr. ADAMSON. It is a good bill, and I am sorry the gentleman objects.

Mr. COADY. It is far from being a good bill.

The SPEAKER. It is not debatable. The Clerk will call the next bill.

PUBLIC LANDS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have the bill go over.

The SPEAKER. The gentleman from Illinois objects, and the bill will go over.

BUREAU OF WAR RISK INSURANCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

The SPEAKER. Is there objection?

Mr. MANN. I object.

VETERINARY INSPECTORS, BUREAU OF ANIMAL INDUSTRY.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, while personally I am in favor of the passage of this bill, there are several gentlemen who are absent who asked me to have it passed over, and I ask unanimous consent to pass the bill over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent to pass the bill over without prejudice. Is there objection? [After a pause.] The Chair hears none.

IMPORTED MEXICAN PEAS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo."

The title of the bill was read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. KITCHIN. Mr Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

The Clerk reads as follows:

Be it enacted, etc., That under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported garbanzo may be stored, cleaned, repacked, or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon: *Provided*, That the whole or any part of such imported garbanzo, and the waste material and by-products incident to cleaning or otherwise treating said imported garbanzo, may be withdrawn for domestic consumption upon the payment on the quantity so withdrawn of the duty imposed by law on such garbanzo in their condition as imported: *And provided further*, That the compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to the collector of customs and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, after the word "imported" insert the words "Mexican peas, commonly called."

Mr. MANN. Mr. Speaker, I do that so that the bill will conform to the title.

Mr. KITCHIN. Mr. Speaker, we accept the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE VIRUS, SERUM, AND TOXIN ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER. Is there objection to passing the bill over without prejudice? [After a pause.] The Chair hears none.

CLAIMS OF THE STATE OF MASSACHUSETTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The bill goes over, and that is the end of the calendar.

Mr. CULLOP. Mr. Speaker, there is another one there.

The SPEAKER. The Chair knows, but it was not filed in time.

Mr. KEATING. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. KEATING. To ask unanimous consent that we may recur to No. 262 of the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Colorado asks unanimous consent to return to Calendar No. 262. Is there objection? [After a pause.] The Chair hears none.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The next business on the Unanimous Consent Calendar was House joint resolution 91, authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

The title of the joint resolution was read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This is on the Union Calendar.

Mr. KEATING. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That the Department of Labor be, and hereby is, authorized and directed to make an inquiry into the cost of living in the District of Columbia, and to report thereon to Congress as early as practicable; and that there be appropriated for this purpose the sum of $6,000.

SEC. 2. That the special agents and clerks employed under this appropriation shall be selected from among the persons eligible on any civil-service register.

The committee amendments were read, as follows:

Page 1, line 4, after the word "into," insert the following: "The wages paid to wage earners and"; page 1, line 5, after the word "living," insert the words "of the same."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEATING, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

MINERAL RESOURCES OF CERTAIN NATIONAL FORESTS.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to recur to Unanimous Consent Calendar No. 244, Union Calendar No. 245.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12885) to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of those national forests which are not made subject to the mining laws of the United States by the act of June 4, 1897 (30 Stat. L., p. 11), upon such terms and for specified periods, or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11707, known as the Ashbrook bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAGE of North Carolina. I object.

Mr. MANN. Will the gentleman reserve his objection for a moment?

Mr. PAGE of North Carolina. I will reserve it.

Mr. MANN. The gentleman a while ago said he would not object to the consideration of this bill if he had a chance to vote against it, and it was on that statement that I made the request.

Mr. PAGE of North Carolina. I did not mean by that statement that I would not object to its passage by unanimous consent.

Mr. MANN. I did not ask for its passage by unanimous consent.

Mr. PAGE of North Carolina. You asked for its consideration?

Mr. MANN. Yes.

Mr. PAGE of North Carolina. I object.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11707. It is a privileged motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11707, with Mr. RUSSELL of Missouri in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11707, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908.

Mr. ASHBROOK. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGHTON. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from North Carolina makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. I hope the gentleman will not do that. I recognize perfectly well that any gentleman could stop the passage of the bill. I thought that some of the gentlemen would be satisfied to vote against it.

The CHAIRMAN. There are 58 Members present, not a quorum.

Mr. MANN. Mr. Chairman, I move that the committee do now rise.

Mr. CULLOP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CULLOP. If the committee rises, will this be the first thing in order on Monday?

Mr. MANN. No.

The CHAIRMAN. A special order will take up next Monday.

Mr. CULLOP. When will the bill be taken up for consideration again?

The CHAIRMAN. The Chair does not know the position of the special order just now.

Mr. ASHBROOK. Mr. Chairman, I move a call of the House.

The CHAIRMAN. The motion is that the committee do now rise.

Mr. MANN. Mr. Chairman, I will withdraw that motion.

The CHAIRMAN. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Abercrombie	Almon	Bacharach	Barnhart
Adair	Anderson	Barchfeld	Beakes
Aiken	Austin	Barkley	Beales
Bell	Foss	Lafean	Rodenberg
Blackmon	Foster	Langley	Rogers
Borland	Frear	Lee	Rowe
Bowers	Fuller	Lehlbach	Rowland
Britt	Gallagher	Lenroot	Rubey
Britten	Gallivan	Lever	Rucker
Browning	Gandy	Lewis	Russell, Ohio
Bruckner	Gardner	Lieb	Sabath
Burnett	Garland	Liebel	Saunders
Butler	Garner	Lindbergh	Scott, Pa.
Byrnes, S. C.	Garrett	Linthicum	Scully
Caldwell	Gillet	Lloyd	Sears
Callaway	Glass	Loft	Sells
Cantrill	Godwin, N. C.	Loud	Sherley
Capstick	Good	McAndrews	Shouse
Caraway	Gould	McCulloch	Siegel
Carew	Graham	McFadden	Sinnott
Carter, Mass.	Gray, N. J.	McKellar	Slayden
Chandler, N. Y.	Greene, Vt.	McKenzie	Slemp
Charles	Gregg	McLemore	Small
Chiperfield	Griest	Madden	Smith, Mich.
Church	Griffin	Magee	Smith, Minn.
Clark, Fla.	Guernsey	Maher	Smith, N. Y.
Coleman	Hamill	Martin	Smith, Tex.
Connelly	Hamilton, Mich.	Mays	Snell
Conry	Hamilton, N. Y.	Meeker	Snyder
Cooper, Ohio	Harrison	Miller, Del.	Sparkman
Cooper, Wis.	Hart	Miller, Minn.	Stafford
Copley	Haskell	Miller, Pa.	Steele, Pa.
Costello	Hayes	Montague	Steenerson
Crago	Heaton	Mooney	Stephens, Nebr.
Cramton	Heflin	Moore, Pa.	Stephens, Tex.
Dale, N. Y.	Helm	Moores, Ind.	Stiness
Dale, Vt.	Helvering	Morgan, La.	Stout
Dallinger	Henry	Morin	Sulloway
Danforth	Hensley	Morrison	Sumners
Darrow	Hicks	Moss, Ind.	Sutherland
Davenport	Hilliard	Moss, W. Va.	Swift
Davis, Minn.	Hinds	Mott	Switzer
Decker	Holland	Mudd	Tague
Dent	Hollingsworth	Neely	Talbott
Dewalt	Hopwood	Nelson	Tavenner
Dooling	Houston	Nicholls, S. C.	Taylor, Colo.
Doolittle	Howard	Nichols, Mich.	Temple
Doremus	Hulbert	Oglesby	Tillman
Dowell	Hull, Tenn.	Oliver	Tilson
Driscoll	Humphrey, Wash.	O'Shaunessy	Treadway
Drukker	Husted	Padgett	Van Dyke
Dunn	Hutchinson	Paige, Mass.	Vare
Eagan	Igoe	Parker, N. J.	Walker
Eagle	Jacoway	Parker, N. Y.	Ward
Edmonds	Johnson, Ky.	Patten	Wason
Edwards	Johnson, Wash.	Peters	Watson, Pa.
Ellsworth	Jones	Phelan	Watson, Va.
Elston	Kahn	Porter	Webb
Emerson	Keister	Pou	Whaley
Esch	Kelley	Powers	Wheeler
Estopinal	Kennedy, R. I.	Pratt	Williams, T. S.
Fairchild	Kent	Price	Williams, W. E.
Fess	Kettner	Rainey	Williams, Ohio
Fields	Key, Ohio	Raker	Wilson, Ill.
Fitzgerald	Kiess, Pa.	Rayburn	Winslow
Flynn	King	Riordan	Wise
Focht	Konop	Roberts, Mass.	Young, Tex.
Fordney	Kreider	Roberts, Nev.	

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL of Missouri, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, and various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, finding itself without a quorum, he caused the roll to be called, when 163 Members, a quorum, answered to their names, and he presented the names of the absentees to be printed in the Journal.

The SPEAKER. A quorum being present, the committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 11707, with Mr. RUSSELL of Missouri in the chair.

Mr. ASHBROOK. Mr. Chairman, the hour is late——

Mr. MANN. Let us read the bill, and have the debate, if there is to be any, under the five-minute rule.

Mr. ASHBROOK. I was about to say that the hour is late, and I ask that general debate be dispensed with, believing that gentlemen who wish to discuss the bill will have ample opportunity under the five-minute rule.

The CHAIRMAN. If no general debate is desired, the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the rate of pension for a widow who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States during the period of his service in the Civil War shall be $20 per month, and the rate of pension for a widow who has reached or shall hereafter reach the age of 70 years shall be $20 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of 16 years and for each helpless child; and all acts or parts of acts inconsistent with the pro-

visions of this act are hereby repealed: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That any widow whose name was placed or shall hereafter be placed on the pension roll, under any existing law, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced upon her own application and without fault on her part, shall be entitled to have her name again placed on the pension roll at the rate allowed by the law or laws under which she was formerly pensioned, unless she be entitled to a greater rate of pension under the provisions of section 1 of this act, such pension to commence from the date of filing her application in the Bureau of Pensions after the passage of this act: *Provided, however*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of 16 years, she shall not be entitled to renewal under this act unless said helpless or idiotic child, or child or children under 16 years of age, be then a member or members of her family and cared for by her, and upon the renewal of pension to said widow payment of pension to said child or children shall cease: *And provided further*, That the provisions of this act shall be extended to those widows, otherwise entitled, whose husbands died of wounds, injuries, or disease incurred during the period of their military or naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage.

SEC. 3. That any widow, as described in section 2 of the act approved April 19, 1908, who married the soldier or sailor prior to June 27, 1905, shall have title to pension under the provisions of said section of said act, to commence from the date of filing her application in the Bureau of Pensions after the passage of this act: *And provided further*, That the benefits of this act shall include those widows whose husbands, if living, would have a pensionable status under the joint resolutions of February 15, 1895, July 1, 1902, and June 28, 1906.

Mr. MANN. Mr. Chairman, I move to amend the third section, in lines 20 and 21, by striking out the words "*And provided further*" and inserting the words "*Provided, however.*"

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That no claim agent or attorney shall be recognized in the adjudication of claims under the first and second sections of this act.

Mr. ASHBROOK. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL of Missouri, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all Members have five legislative days in which to extend remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. ASHBROOK. I move the previous question on the bill and amendment to the final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question being taken, on a division (demanded by Mr. ASWELL.) there were—ayes 94, noes 32.

Mr. DOUGHTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from North Carolina makes the point that there is no quorum present, and evidently there is no quorum present.

Mr. ASHBROOK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASHBROOK. If there is a roll call, and the roll call discloses that there is no quorum present, what will be the status of this bill on Monday morning?

The SPEAKER. The House agreed to a special order this morning for Monday.

Mr. MANN. Oh, no; we agreed to set aside the order for Monday. This matter will come up Monday.

The SPEAKER. The previous question having been ordered on this bill, it will come up to the exclusion of the other things.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3205. An act to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894;

S. 5839. An act to repeal paragraph 4 of section 21 of the public-buildings act approved March 4, 1913, providing for the construction of a national archives building;

S. 3929. An act validating certain applications for and entries of public lands;

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana; and for a right of way thereto for the removal of gravel and ballast material."

ADJOURNMENT.

Mr. ASHBROOK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until Monday, June 19, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation for the employment in the office of the Chief Signal Officer of the Army for the fiscal year 1917, of skilled draftsmen, technical experts, etc. (H. Doc. No. 1228), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 14638) providing for the reimbursement of Manuel A. Sanchez on account of certain expenditures in connection with the last illness of his father, a veteran of the Civil War, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 16492) to supplement existing legislation relative to the United States Court for China, and to increase the serviceability thereof; to the Committee on Foreign Affairs.

By Mr. DIXON: A bill (H. R. 16493) to provide for a site and public building at Lawrenceburg, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16494) to provide for a site and public building at Franklin, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. DUPRÉ: Resolution (H. Res. 263) for a reprint of the soil survey of the New Orleans area, Louisiana; to the Committee on Printing.

By Mr. JAMES: Joint resolution (H. J. Res. 238) proposing an amendment to section 7, Article I of the Constitution, relative to the Executive veto of bills passed by Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16495) granting an increase of pension to William C. Rose; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 16496) granting a pension to Margaret McEvoy; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 16497) granting a pension to Harry L. Relf; to the Committee on Pensions.

Also, a bill (H. R. 16498) granting an increase of pension to Mrs. Lodoiska W. Gibson; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 16499) granting an increase of pension to Mrs. Antoinette Flint; to the Committee on Invalid Pensions.

By Mr. KENT: A bill (H. R. 16500) authorizing the payment of salary due to J. A. McCreary, of Forestville, Cal.; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 16501) granting an increase of pension to Susan Witman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16502) granting an increase of pension to Levina Heilman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16503) granting an increase of pension to Leah Barnhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16504) granting an increase of pension to Edward Blauser; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 16505) for the relief of the heirs of Jeard Wilder; to the Committee on Claims.

By Mr. OAKEY: A bill (H. R. 16506) granting an increase of pension to Julia M. Dodd; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 16507) granting a pension to Eliza Duncan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of Mary Miller, Margaret Lenz, Anna M. Lewis, Mrs. W. W. Heck, Freda Baum, Harvey J. Miller, J. C. Kaufman, Cleo Rhine, R. John McKay, B. F. Miller, J. G. Thomas, John J. Davis, James Edwin Dunning, Mrs. T. E. Mendenhall, Robert Stiegelman, Mrs. A. McKinney, Mrs. John L. Zimmerman, Mrs. S. H. Musser, Mrs. H. W. Mansfield, Joseph Kantner, Mrs. F. C. Mattingly, Mrs. J. W. Paul, Edna Levine, Blanch Shomo, Pearl Snavely, Elsie Tipton, George D. Van Asdlen, Arthur Greiner, W. J. Bittner, S. S. Carbaugh, J. C. Flenner, Mrs. D. L. Keyser, Mrs. Louis Amps, L. J. Burkhart, Mrs. L. W. Preston, Mrs. Tillie Fisher, Mrs. Anna Weaver, Mrs. D. W. Wisor, Mrs. Minnie Will, Mrs. W. M. Boyer, Mrs. J. Hasson, Mrs. John P. Morgan, Mrs. W. H. Slick, Ruth Murray, William Leo Horton, Clarence Kraft, Ed. L. Gardner, Mathilda Edmiston, Mrs. Ed. Spangler, Mrs. E. Kaufman, Mrs. Walter Dowling, Miss Claudia Ashcroft, Mrs. John Kammer, Mrs. W. H. Chandler, A. B. Brown, Mrs. H. Van, Mrs. B. Noon, Mrs. C. Boyer, G. Jones, Mrs. H. E. Zimmerman, J. L. Bowers, Mrs. F. M. Stoker, Mrs. Katherine Logue, Florence C. Boxler, Miss Nora McDonald, N. D. Blough, Mrs. William Wolf, Mrs. R. G. Gilliland, Mr. A. Ling, Mrs. Anthony Kabler, T. E. Mendenhall, Mrs. David Vickroy, Mrs. B. Conrad, Mrs. D. Bell, Mrs. Rose Dagnon, Mrs. George Reed, and Christ E. Blough, all of Johnstown; Mrs. L. L. Ober and Mrs. F. B. Cronemiller, of Boswell; James A. Burke and C. L. Shumaker, of Somerset; Mrs. Maurice Cooper and Mrs. Mary Davison, of Conemaugh; William Allebaugh and H. F. Anthony, of Conemaugh; Mr. and Mrs. William Sarbyne, of Cairnbrook; B. E. Philips, of Dunlo; and Charles Mouda, of Josephine, all in the State of Pennsylvania; and Charles T. Dunning, Ralph Levy, I. Fuld, and M. Goodman, all of New York City, against the passage of House bill 9671, to establish price control; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Memorial of General Federation of Women's Clubs, indorsing the Kern-McGillicuddy bill; to the Committee on Reform in the Civil Service.

Also, memorial of mass meeting of women of Mohave County, Ariz., favoring the Susan B. Anthony suffrage amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Memorial of General Federation of Women's Clubs, indorsing the Kern-McGillicuddy bill; to the Committee on Reform in the Civil Service.

By Mr. HILL (by request): Petition of International Association of Machinists, Lodge No. 30, of Bridgeport, Conn., in favor of House bill 8668, prohibiting stop watch or other time studies in Government workshops; to the Committee on Labor.

By Mr. McCRACKEN: Memorial of ministers and lay delegates of the Seventh-day Adventist denomination of the Southern Idaho Conference, opposing House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Joseph J. Marck and other citizens of Chicago, Ill., favoring House bill 8828; to the Committee on Appropriations.

By Mr. O'SHAUNESSY: Petition of Manuel S. Plizota, of Mellville, R. I., indorsing the Nolan minimum-wage bill; to the Committee on Reform in the Civil Service.

By Mr. WALSH: Petition of Sam Smith and 51 other citizens of New Bedford and vicinity, remonstrating against the passage of House bills 491 and 6468, amending the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of North Dakota: Petition of Arthur D. Holm, of Ross, N. Dak., and 31 others, protesting against the passage of Senate bill 5677, in respect to Sunday observance; to the Committee on the District of Columbia.

Also, petition of Lars O. Hilde, of Wheelock, N. Dak., and 102 others, protesting against the passage of House bill 13778; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *June 19, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee not with costly oblation or with bleeding sacrifice. We come, we trust, with an humble and contrite spirit, lifting up our hearts to Thee for Thy blessing. We remember Thy goodness to us as a Nation. We acknowledge the infinite debt of gratitude we are under to Thee.

Since we have met together Thou hast called into the great beyond an honored Member of this Senate. We thank God for the long life of service that he has given to his country. We thank Thee that in departing he has left us with the inspiration of a noble and pure life and that he has left the benediction of faithful service to his own State. We thank Thee for his faith. We pray that being dead he may yet speak, and that the influence of a life unsoiled by contact with the great issues of state may remain with us as a joy and an inspiration.

We pray Thy blessing upon our country to-day. Lay Thy hand upon this land. Grant, we pray, that the time may not come when blood must be shed. Grant that out of all the turmoil and strife, out of the fire that seems aflame in all the world, Thou wilt in Thy providence and grace lead us safely in peace and guide us on to greater achievement of peace in the future. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of the proceedings of Friday last was read and approved.

DEATH OF SENATOR EDWIN C. BURLEIGH.

Mr. CLARK of Wyoming. Mr. President, in the absence of the Senator from Maine [Mr. JOHNSON], and at his request, it becomes my sorrowful duty to announce to the Senate the death of the junior Senator from that State, which occurred at his home in Augusta, Me., on Friday last.

At some future time the Senate will be asked to lay aside its ordinary business in order that tribute may be paid to the life, character, and public services of Mr. BURLEIGH. For the present I offer the following resolutions, for which I ask immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolutions.

The resolutions (S. Res. 214) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. EDWIN C. BURLEIGH, late a Senator from the State of Maine.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The Senate thereupon (at 12 o'clock and 5 minutes p. m.) adjourned until to-morrow, Tuesday, June 20, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 19, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, in whom the destiny of our Republic is involved, we turn to Thee in this hour of distress when war, with all its attendant evils, seems imminent, and most fervently pray that reason, common sense, and justice may obtain and avert the crisis; that all the differences which have arisen between our people and the people of Mexico may be amicably adjusted without the shedding of blood. But if war must needs come we pray that we may be prepared to meet it with courage and fortitude, that permanent peace may be established and harmony prevail 'twixt us and the misled people of a country already rent and torn with internal strife. And Thine shall be the praise in Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, June 17, 1916, was read and approved.

INCREASING PENSIONS OF WIDOWS, ETC.

The SPEAKER. When the House adjourned on Saturday last the previous question had been ordered on the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908. The question is on the passage of the bill.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. JAMES. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. JAMES (interrupting the count). Mr. Speaker, I am against this bill, but in order not to lose any time I shall withdraw the point of order of no quorum.

The SPEAKER. The gentleman withdraws the point of order of no quorum. The ayes have it.

So the bill was passed.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that the title be amended by adding to it the words "and for other purposes."

The SPEAKER. Without objection, the title will be amended in accordance with the request of the gentleman from Ohio.

There was no objection.

On motion of Mr. ASHBROOK, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15836, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes. Pending that motion, I desire to inquire of the gentleman from Wyoming whether we can agree on a time for general debate?

Mr. MONDELL. How much time does the gentleman have in mind as being a proper time for general debate?

Mr. FITZGERALD. About two minutes.

Mr. MONDELL. How would about two hours do as a compromise?

Mr. FITZGERALD. I do not think we need two hours. Here it is the end of June.

Mr. MONDELL. Mr. Speaker, I will say to the gentleman from New York that while I have not had requests for a great deal of time I rather expect a gentleman here who will want to occupy some time.

Mr. FITZGERALD. We have no desire to use any time on this side.

Mr. MONDELL. If the gentleman does not come, he will not use the time.

Mr. FITZGERALD. How much time does the gentleman who is not here at present desire?

Mr. MONDELL. I think we need an hour on this side. In case the gentleman does not arrive we will, of course, not use the time he desires.

Mr. FITZGERALD. We might give it to him under the five-minute rule.

Mr. MONDELL. I think an agreement to have an hour on a side will be cutting the debate very short.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that general debate be limited to two hours, one half to be controlled by the gentleman from Wyoming [Mr. MONDELL] and the other half by myself.

The SPEAKER. The gentleman from New York, pending his motion to go into the Committee of the Whole House on the state of the Union, asks unanimous consent that general debate be limited to two hours, one-half of that time to be controlled by himself and one-half by the gentleman from Wyoming. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill, with Mr. HAY in the chair.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I will ask the gentleman from Wyoming to use his time. I doubt whether I shall use any.

Mr. MONDELL. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, it is important and necessary that the bill which is before the House should be passed, but, compared with the questions of the day, to some of which I shall invite the attention of the House, its importance shrinks into insignificance.

Of late much has been said and much has been done with reference to preparation of our Military Establishment for the near or more remote future. Little has been said—and almost nothing has been done in the way of its preparation for the present. And yet to the south of us every day the war cloud has been looming higher and blacker until now it almost is ready to burst upon us.

Not long ago I voted for a bill which authorized the President, in case of an emergency, to raise a Regular Army of 300,000 men. Some months ago we voted for a bill which authorized an addition of over 20,000 men to the Regular Establishment. And yet these men have not been obtained. The public has misunderstood the situation. The public has thought that the bills which we were passing increasing the Regular Army were expected to prepare us for the emergency which every one knew was likely to arise to the south, and yet here we all knew that whatever we did, or whatever we could do, would in no way make adequate preparation for what has now arisen between us and Mexico. I believe and have believed that we ought to make different arrangements which would more rapidly recruit our Regular Army. For the purpose of increasing the enlistments in the Regular Army I assisted in getting a provision in the Army bill shortening the term of enlistment. While this will stimulate recruiting it will not be enough. We must raise the pay of the Regular Army soldier. A slight increase in his pay would do more to fill up the ranks than anything else. This should have been done months ago. But no plan can fill up the Regular Army rapidly. Service in that force will never be popular and under any plan we could not hope to obtain the authorized number of troops in less than a year. I warn the House and the administration, however, that unless we do something to stimulate recruiting in the Regular Army we will never obtain the 200,000 that we authorized by the bill recently passed. For myself I want to say that I did not vote for these measures simply for a show or a pretense in the way of preparation. I desired the Regular Army recruited up to the limit and efficient in every way. For this reason I have voted for practically everything the department requested in the way of equipment. The amendment which I offered increasing the Signal and Aviation Corps failed in this body but was adopted by the Senate, and as everyone knows finally became a law. It has seemed to me that some Members were content with the shadow rather than the substance and if only we made provision on paper were indifferent as to whether our enactments had any practical effect. It is idle to talk about a Regular Army of 250,000 when we are not able under the present system of recruiting to add 1,000 men a month to our Regular forces. To continue in this manner is to deceive and mislead the people and to make our proceedings a mere sham and pretense.

For some reason which I have not fully understood and which I doubt if anyone can fully explain, the only method to make immediate preparation for the Mexican situation has not been used. It has been known in Congress, known by the administration, that only by the use of the militia could any adequate preparations be made to meet what might occur any day on the Mexican border. Offers of militia have been made—my own State offered three regiments of Infantry and one of Cavalry, fully equipped, even to the horses—State after State has made similar offers, and yet for some reason the only offers accepted are three States along the border.

In some way there has been a distrust implanted in the minds of many people with reference to the capacity of our militia to meet the situation now upon us. Indeed I might say it has been the fashion to speak slightingly of the service of all volunteers. Of course when we come to speak of the soldiers in the Civil War it is not at all necessary to come to their defense. Their record is too glorious and their valor too inspiring to need that anyone should speak in their behalf. The need is that this and future generations should follow their example.

At this point I shall digress upon another subject, although a kindred one, to say that I have noticed here and elsewhere somewhat of a disposition, I know not why, to conclude that

the patriotism of the Middle West is not equal to that displayed by other localities. In answer I have only to point to the history of a hundred battle fields where the soldiers of the West in the Civil War maintained the finest traditions of this Nation. Some have thought that it would be impossible to fill our ranks with volunteers, that the militia would be unready to serve in the Middle West. Here again I have only to point to the record of that section in the time of the Civil War. My own State, with a population of about 275,000, furnished over 76,000 soldiers to the Civil War. It had at that time less than 100,000 men of military age and considerably less than that fit for military service. Nearly all of those fit went into that great conflict. That number could not have been furnished unless boys under age and men over age had enlisted. There was in fact one regiment composed almost entirely of men over age, some of its members being over 60 years old. It was facetiously but honorably called the "Gray Beard" regiment. Time and time again did Iowa furnish more troops than the President called for; nor was it alone in this respect.

The other States of the great Mississippi Valley had a similar record. The city of Chicago, with a population at the opening of the war, as I now remember, of about 176,000, furnished 28,000, and its regiments suffered such losses that Joseph Medill once said a crape might properly have been hung on nearly every door. And it meant something to enlist in those days when every mail that came from the South brought a new list of killed and wounded to add to the long list already made. It was not an enlistment training camp in those days. They knew that in their enlistment they presented their lives to their country for its use, if need be.

With such a record let no one doubt the patriotism of the Middle West. I represent an agricultural district the farmers of which are perhaps not so likely to be carried away by any passing enthusiasm or impulse of the moment, but the men of no district will respond more quickly to the call of the Government when danger and peril are actually upon it. The people of the Middle West revere the old flag. Their fathers and grandfathers were those who saved this country in the dark days of the Civil War. In many a home there is treasured a picture of a young soldier wearing the uniform which belonged to that mighty conflict, and whose life has been laid upon the altar of his country. Here and there, too, is treasured a sword or an old musket which father carried in that war. Have no fears for the patriotism of the Middle West. It will stand where it always has, for the old flag and the Nation.

And right here I wish to speak—and here I come to the matter which I specially intended to call to the attention of the House—of the service of the militia of this country in the past. There has been an extensive propaganda carried on in an effort to discredit the service of the militia in the War of the Revolution, the War of 1812, the War of the Rebellion, and the Spanish War. What may have been the purpose of attacking the militia I do not care to discuss. I wish to show that history has been perverted in its attempt to show that the record of the militia in our wars has been discreditable.

I know that the words of Washington with reference to the militia in the War of the Revolution have often been repeated. But Washington was speaking of the militia as they were organized and furnished to him and not of the militia as it might have been. The militia in the War of the Revolution were for the most part merely bands of men with arms put in their hands, without organization, and without drill. They were officered, as a rule, by men who had no knowledge of their profession and no opportunity of learning it. The Continental Congress had no control over them, and they came and went as they wished at critical times. It is no wonder that Washington's patience was exhausted. The wonder is that they accomplished as much as they did, for under proper leadership they accomplished much. During this period they fought the Battle of Bunker Hill, where twice they rolled back the charge of the British regulars, and would have defeated them in the third attack had not their ammunition given out. Alone, against regulars, they won the Battle of Bennington, which made a failure of Burgoyne's expedition. They gathered around him, cut off his supplies, and, at the Battle of Saratoga, their charges broke the spirit of his army until it surrendered. Their part in the Battle of Cowpens, one of the most brilliant victories of the Revolution, was most creditable.

Alone they marched against and defeated the Indians. Alone they won the Battle of Kings Mountain, all under the most adverse circumstances. It is not too much to say that without their aid the Revolution could not have succeeded.

The record of the militia, however, in the War of 1812 has been specially singled out as being discreditable. Here again history has been perverted from its true conclusions. The facts are that the administration which undertook to carry on the War of 1812 was thoroughly incompetent and inefficient in a military way. The Commander in Chief of the Army, a Regular officer, was known to be incompetent, was accused of being a coward, and after the war was proved to be a traitor. We never had any success on land in the War of 1812 until in the North a militia general by the name of Brown took command, and in the South another militia general by the well-known name of Jackson assumed command. The first defeat, and one of the most disgraceful occasions of the war, the surrender of Detroit, was made by an officer of the Regular Army against the protests of the militia and the militia officers under him. The most disgraceful occasion—perhaps I ought to say the most discreditable occasion, to use the term of the historian Adams—of the whole War of 1812 was the Battle of Chrystler's Farm, in which on our side were engaged about 2,000, all Regulars; on the other side about 800 British regulars and Canadians, altogether; and our troops were entirely defeated.

It is not strange that the militia of 1812 often failed. Their drill was often a mere farce, as the national authorities paid no attention to the discipline of the men or the training of their officers. Some of the State governments did not sympathize with the war. This encouraged insubordination and refusal to go beyond our boundaries. As a rule they were hastily assembled from the farms or towns and sent into battle half equipped, half clothed, and sometimes half starved. This was their condition when they were defeated and captured at the River Raisin. They had gone into battle in the middle of winter, with a heavy snow on the ground, with nothing but summer clothing and some coarse blankets wrapped around them. Although these men surrendered at that battle, there was really there the finest material in the world for an army if the War Department at that time had known how to use it. Those who are opposed to the militia are fond of relating the story of the defeat which occurred near this city at Bladensburg, which caused this city to fall into the hands of the British.

They forget that Regular troops participated in this battle, if it may be called such, with little, if any, more credit than the militia. They forget that confusion worse confounded reigned at the Capital; that without any plan and without any organization the militia had been hurriedly summoned to the defense of the Capital, and were finally hastily rushed to the battle ground, where they ought to have been weeks before behind strong fortifications. What could be expected under such circumstances, with the general in command issuing one set of orders, the Secretary of War another, and the President another, and nearly every order wrong? What else could be expected but defeat, and a discreditable defeat, when a mere mob was opposed to veteran regular troops, such as composed Gen. Ross's army? The fault was not with the militia, but with the military mismanagement of the administration, which, however successful in peace, was utterly incompetent to conduct a war.

The only organization which acquitted itself with any credit in the affair at Bladensburg consisted of the sailors under Commodore Barney, who fought too long and remained at their post with the battery they served until some were bayonetted at their guns by the British grenadiers. The real truth about the service of the militia in the War of 1812 was that, like the Regulars in the beginning, they were badly commanded, badly drilled, badly supplied, and confusion and error prevailed in all ranks, until at last, through the bitter lesson of defeat, we learned the way to victory.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. GREEN of Iowa. With pleasure.

Mr. STEPHENS of Texas. The gentleman has just spoken of Gen. Jackson at the Battle of New Orleans. Is it not a fact the militia under Gen. Jackson won that battle against the flower of the British Army that had just succeeded in Europe in defeating the armies of Napoleon, and they were trained soldiers, every one of them?

Mr. GREEN of Iowa. The gentleman is entirely correct. I was coming to that. There were a few Regular troops under Jackson, and only a few, and the battle was gained by the militia forces, mostly Tennesseeans and Kentuckians.

Mr. STEPHENS of Texas. The gentleman will recall that Gen. Houston, in the Battle of San Jacinto in Texas in the revolution against Mexico, defeated the splendid army of Santa Anna with just about one Texan to three Mexicans, and was not that one of the decisive victories on which the war turned?

Mr. GREEN of Iowa. The gentleman is quite correct; but Texas was not at that time a part of the United States, although immigrants from this country made up the force of Gen. Houston.

It was the militia also which won the Battle of the Thames. But I have not time to enumerate all the battles in which the militia distinguished themselves. In our Civil War we had only a few regiments of militia and very few Regulars. The Army of the Potomac had one division—that of Sykes's—which was mostly composed of Regulars. The Army of the West had no Regulars whatever. The Regulars distinguished themselves in this war, but no more than did the Volunteer commands, which were, in fact, the militia. Some of them went into battle after only having been organized and drilled for a few weeks and acquitted themselves with as much courage, as was shown by the losses they sustained, as ever did any Regular troops exhibit upon the field of battle.

There has been criticism also of the conduct of our militia force during our War with Spain.

It is true we have much to learn both in the Regular and Militia Establishments from the War with Spain. From the experience of that campaign we ought to be able to mobilize both the Regulars and the militia more successfully and to better protect our soldiers from disease. It is not at all to our credit that there ever existed such a pest hole as the military camp at Chickamaugua, nor can we take any satisfaction in its hospital record. There hundreds of fine young men were broken by disease and far too many found their death, although the sanitary and hospital regulations were wholly under the direction of Regular officers.

The militia in the War with Spain were put at a great disadvantage. They were armed with guns using black powder, the smoke of which made them an especial target for the enemy. But in this war, as in all others, they never failed when properly led, and in the war with the Philippines a regiment from my own State and also regiments from Kansas, Nebraska, and other States have a splendid record and distinguished themselves greatly, notwithstanding the disadvantages in which they lived. There is no need for an apology for the militia on account of the Spanish War, but we should make use of the experience of that war for the training, drilling, and future establishment of our militia forces. [Applause.] The lessons of that war are valuable and should not be forgotten either by the Regulars or the militia.

I need not say that the militia of the present day is superior to that which participated in the Spanish War. It has learned much from it, and at last the General Government is also learning that it must oversee the discipline of the National Guard and the training of its officers as authorized by the Constitution. In this connection let me say that it has been asserted on this floor that the militia can not shoot. I have investigated this matter and find that the real fact is just the contrary. The rifle teams of the militia have everywhere beaten the Regulars and the Marines. They have beaten them at long distance, they have beaten them at short distance, and beaten them at rapid fire. A militia team won the all-American championship from the Canadians and the militia qualified to furnish more than their quota for the American rifle team that participated in the Olympic games and won the world's championship. Some one stated that this was just the officers. No, Mr. Chairman, it was an Iowa blacksmith or farmer—for the moment I have forgotten which—that surpassed them all, although the militia officers made fine records, and, of course, ought to be experts in order to train inexperienced men when received for instruction.

As now organized, drilled, and commanded, I believe that the militia is not only capable of rendering excellent service but that in it we have the material for the finest soldiers in the world. I was opposed to the Chamberlain bill principally because, through the volunteer army which was to be created by that bill, it was intended eventually to do away with the militia. I was also opposed to it because if it was fully carried out it would have created a total force in the Regular Army, Volunteer Army, and National Guard of about 1,000,000 men, all under pay in time of peace—a number which, I think, is wholly unnecessary. I favored the provisions for the pay of the militia in the new Army bill, for it can not be expected that either officers or men should lose the time necessary for training and also, in the case of officers at least, be put to large expense without any recompense whatever, and even when paid the militia will not cost us one-third what a regular force of the same number would require us to expend. Although the bill which we passed, which provides for over 200,000 men in the Regular Establishment and 425,000 in the National Guard, in time of peace it will not cost into $100,000,000 per annum as much as the establishment contemplated by the Chamberlain bill. Even in these days $100,000,000 is worth considering, and I wish to remind the House that if we do not exercise some care and restriction over our military expenditures it will not be long before they will exceed the total which our Government is now expending for all purposes whatever.

I know there is criticism also with reference to the officers of the militia. I can not speak for the militia officers as a whole, but I know a number of these young men who are in command in the militia. They are not only men of exceptional character, but of exceptional ability. Of course, it would be idle for anyone to claim that a troop which had only a few months of drill would be able to execute complicated maneuvers with the same skill as soldiers who had been drilled for years. It would be absurd to claim that an officer who had only devoted part of his time to the mastery of the art of war could have obtained that knowledge which is received by one who devotes a lifetime to this profession. But the militia always has been and always will be a powerful arm of defense for this Nation. As the distinguished gentleman from Illinois [Mr. CANNON] said last Saturday, our chief defense must be the volunteers, the citizen soldiery of the Nation. What they may lack because of inexperience they will in the end make up in knowledge, devotion, and patriotism. If our Navy is properly maintained, time will be given for perfection of discipline and training before they will be called upon to meet any force from across the sea. No finer examples of the patriot soldier can be found in all history than among the militia. It was a militia soldier, Dr. Warren, who said as he fell at Bunker Hill, that it was sweet to die for his country. Nathan Hale, who said when he was led to the scaffold that his only regret was that he had not more lives to give to his country, was a militia soldier. Thousands upon thousands of the patriots who fell in our Civil War but give renewed force to the assertion that nowhere can more valor be found than has been shown among the ranks of our citizen soldiery. Give to the National Guard the support and confidence to which it is entitled and it will not fail us. With the Regulars as a foundation, we shall be able, through the militia, to quickly build a force which can not only repel any attack upon us, but compel respect for our flag and the property and lives of our citizens throughout the world. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I desire to make a very brief statement. The estimates on which this bill is based amount to $147,964,934.93. The appropriations for the current year for similar purposes provided in this bill amount to $134,055,733.48. The bill appropriates $127,237,221.24. This sum is $20,727,713.69 less than the estimates submitted to the committee in the consideration of the bill. The total appropriations made for the fiscal year 1916, for objects for which appropriations are provided in the accompanying bill, amount to $134,000,000, which includes $126,000.000 in the sundry civil act, $50,000 in a special act, and $7,000,000 in deficiency acts. The sundry civil appropriation bill covers such a wide range of subjects that it is difficult if not almost impossible to make within any reasonable time a comprehensive statement which will review all of the activities for which provision is made.

There are some items in the bill of very considerable importance, and to which perhaps it may be necessary to make reference subsequently during the consideration of the bill. One matter to which attention will be called, and it seems to me perhaps it will be preferable to make a statement relative to the matter later on in the consideration of the bill, is the provision for armories and arsenals in the United States. The estimates submitted for the armories and arsenals are exceeded by the recommendations contained in this bill by $3,032,775. This additional sum was incorporated in the bill for certain purposes which the committee itself originated. It is stated it would require an expenditure of about $75,000,000 to enable the United States Government to manufacture the munitions and the materials required for the Army in time of war. It is quite apparent that Congress would not be willing to authorize an investment of so large a sum in plants of various character which could not be utilized unless this country were engaged in a very extensive contest with some great power.

The committee, however, made a very complete investigation of the various arsenals and armories now maintained by the United States, and as a result of that inquiry recommended certain expenditures at some of the armories and arsenals in addition to those expenditures for which estimates had been submitted, in order that the establishments which the Government now maintains might be utilized to the best advantage. The expenditure of this money, it is believed, will not only equip the present armories and arsenals in a manner that will be satisfactory, but will give to the Government certain advantages in checking up the cost of material to be obtained from private manufacturers. When the items in the bill relative to armories and arsenals are reached I shall be glad, if necessary, to make a more detailed statement as to just what is recommended by

the committee for the information of the House. At a time like the present, Mr. Chairman, when very extraordinary demands are necessarily made upon the Treasury for large expenditures, the committee endeavored to adopt a policy that would provide liberally for those things that were essential for the national defense and to defer to a later day some matters that, while somewhat desirable from many standpoints, could not be said to be imperative in their nature. That accounts to some extent for the fact that the estimates as submitted by the department have been reduced in the preparation of this bill on the face of the bill as it appears $20,000,000, but actually in a sum aggregating $24,000,000. Although this reduction is made in the amounts asked by the various departments, I am quite confident that no service of the Government will be materially affected by the failure to include the additional $20,000,000 in this bill.

I shall wait until a later time to make any further statement in connection with the particular items, and unless some gentleman desires to ask a question will reserve the remainder of my time.

Mr. HILL. I should like to ask a question for information, and not by way of criticism, because I have full confidence in the chairman of the committee and am ready to vote for the bill without reading it, knowing that he made it.

I would like to ask for information in regard to the Federal Trade Commission, for which I see you have appropriated $250,000 and have provided for about 90 employees in the bill, and allowed about $100,000 to pay other people for indefinite work. Will the chairman kindly state what the work of the Federal Trade Commission has been, and what is contemplated, in view of the appropriation asked for?

Mr. FITZGERALD. The Federal Trade Commission took over the work of the Bureau of Corporations. The gentleman is familiar with the character and nature of that work?

Mr. HILL. Yes.

Mr. FITZGERALD. That work has been continued during the present fiscal year, as it was in the past. In addition the Federal Trade Commission was organized for the purpose of eliminating a great many abuses that were supposed and alleged to exist in the conduct of business. There is a delicate line dividing the work that should be done by the Federal Trade Commission from the work that should be done by the Department of Justice in the enforcement of the antitrust law. The Federal Trade Commission and the Department of Justice have reached an understanding as to the division of work.

Numerous complaints have been filed with the Federal Trade Commission about unfair practices by various business concerns. When these complaints are filed inquiry is made, and it is stated that in a number of instances when the matter complained of has been called to the attention of the offending corporation it has been adjusted. The policy has been to work in harmony and cooperation with the various business enterprises of the country, and where practices have been called to the attention of the Federal Trade Commission which, apparently, are now prohibited by law, instead of initiating at once a prosecution under the antitrust act the attention of the concern affected is invited to the situation and in a great many instances the difficulties of which complaint is made have been eliminated. In some cases, where the corporations have ignored the invitation of the Federal Trade Commission to confer for the purpose of eliminating matters about which complaint has been made, resort has then been had to the procedure provided by law. These complaints are very numerous, and before the commission acts it is necessary to make some preliminary investigation to ascertain whether there be any justification for the complaint. Otherwise concerns conducting business legitimately would be subjected to continual annoyance by Federal officials inquiring and interfering with their business. The purpose is to avoid, if possible, the unnecessary harassment of business enterprises and to direct the attention of the concern complained of to the matter about which the complaint is made only when it appears that there are some legitimate grounds for complaint.

In the last session of Congress, when provision was made for the Federal Trade Commission, it was believed that between the time Congress adjourned and reconvened the commission would be very largely engaged in a study of conditions and in planning an organization. They could not tell offhand what was to be done, but it was desirable that a careful survey be made of the entire business world. So that a definite plan has been formulated and a definite policy agreed upon. Congress did not provide for all the funds and employees desired by the commission for the past year. That preliminary stage has been passed. The commission has formulated its plans. It has determined upon a definite policy, and these appropriations are recommended in the belief that the sums provided here will enable the commission in a reasonable way to enlarge its activities and to discharge satisfactorily the obligations imposed upon it.

Mr. HILL. I am very much obliged to the gentleman for the information which he gives. I happened to attend a hearing of the Federal Trade Commission at Los Angeles last fall, and found them busily engaged in trying to devise some way by which the law against combinations and trusts could be violated outside of the United States and at the same time observed inside of the United States; in other words, recognizing the value of combination in foreign trade, but disclaiming it in this country. I would like to ask one more question, not in regard to this matter, but in regard to another matter.

Mr. FITZGERALD. The gentleman was perhaps a little thoughtless in choosing his words when he said they were trying to find some way to violate the law outside of the United States.

Mr. HILL. That seemed to be the line of the questions.

Mr. FITZGERALD. I think an effort has been made to find some way to observe the law everywhere and at the same time to conduct business both within and without the United States in as successful and prosperous a manner as possible.

Mr. HILL. In my total ignorance of this bill—this is the first time I have seen it—may I ask whether any provision is made for the Federal Reserve Board? The expenses of that board are entirely paid by the national banks of the country, as I understand it.

Mr. FITZGERALD. There is a permanent appropriation which makes certain provisions for the Federal Reserve Board. That appropriation is not carried by this or any other annual appropriation bill.

Mr. HILL. Is it a permanent appropriation?

Mr. FITZGERALD. There is a permanent appropriation.

Mr. HILL. Does the gentleman remember how much it is?

Mr. FITZGERALD. The banks pay for it all.

Mr. HILL. That is as I supposed.

Mr. FITZGERALD. There is certain work which is done by appropriations from the Treasury.

Mr. HILL. But there is nothing carried in this or any other appropriation bill to meet the expenses of the Federal Reserve Board.

Mr. FITZGERALD. Except in so far as appropriations are made for the maintenance of the Treasury Building, where the Federal Reserve Board is located, which might be said to be appropriated for indirectly. Outside of such appropriations there are none at all.

Mr. HUDDLESTON. Will the gentleman permit a question?

Mr. FITZGERALD. Yes.

Mr. HUDDLESTON. I notice that this bill carries items for the fortification of the Panama Canal. Will the gentleman explain why those items are carried in this bill instead of in the general fortification bill?

Mr. FITZGERALD. When the determination was reached to fortify the canal it was believed that it would be better to have all the appropriations for the canal in one bill, and so the fortification appropriations for the canal have been carried in the sundry civil with the other canal appropriations as a matter of convenience in keeping track and keeping the work more readily within the direct control of those who are more immediately concerned in canal appropriations. They were somewhat intertwined and it was thought better to carry them in this bill. The Committee on Appropriations has examined into the matters on the Canal Zone, and it was of considerable advantage while in the Canal Zone and making these inquiries that the appropriations were all carried in one bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MONDELL. Mr. Chairman, I did not intend to discuss the sundry civil bill in general debate, but owing to the illness of the ranking minority member, the gentleman from Massachusetts [Mr. GILLETT] and his inability to be here, it has seemed to me that it is proper and fitting that some member of the minority should express briefly the views of the minority touching the provisions of the bill.

The chairman of the committee has called your attention to the fact that the committee in reporting the bill brings in a measure that while it is large in the aggregate is much below the aggregate of the estimates, and that in spite of the fact that the committee has recommended appropriations considerably in excess of the estimates. To reduce appropriations upward of $20,000,000 below the estimates and still reasonably provide for the public service, assuming that the estimates are not carelessly made, requires intelligent action and discriminating attention to every item.

There are a number of items in this bill which, in my opinion, might very properly have been increased. There were estimates made that were not allowed that, in my opinion, should have been allowed out of due regard for the proper development, expansion, and growth of the public service. And yet I want to say this for the subcommittee and the committee, that the bill, while it is closely trimmed and thoroughly pruned, does, in the main, care for the public service, and that it can not be said with regard to any item I now have in mind that the public service will be seriously crippled by reason of the reduction of the items carried in the bill below the estimates.

Mr. HILL. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HILL. I am thirsting for information this morning, and I am glad to have two so good gentlemen as the chairman of the committee and the gentleman from Wyoming to answer the questions. I notice that the bill carries $127,000,000. In 1914 the bill carried $124,000,000. The next year it carried $130,000,00, and the next year $134,000,000. The year 1914 was certainly before the war began in Europe. The question I would like to ask in regard to this bill is whether this bill is any larger by reason of existing conditions abroad than it would have been if no such conditions existed. In other words, is there any extraordinary emergency appropriation, or is this, as the gentleman stated a moment ago, for the current service of the Government?

What I want to know is this: Is there anything in this bill which would justify an increased emergency taxation by and by, or is it the ordinary current expenses of the Government? I will supplement the question by asking the gentleman another question, knowing that he is perfectly familiar with the working of the committee, to which he belongs—whether any appropriation bill, aside perhaps from the fortifications bill, that has come from his committee carries any items which for the current expenses of this fiscal year would justify an increased taxation because of conditions in Europe?

Mr. MONDELL. I think I can answer the last question by saying no. To answer the gentleman's other questions more in detail, this bill does carry items of appropriation in the sum of something over $2,000,000 for arsenals, for a new powder factory, and for increases in the buildings and machinery at arsenals which it probably would not have carried except for the conditions in Europe.

On the other hand, in the trimming and pruning process which was carried on by the fine Italian hand of the chairman of the committee, many an item, in my opinion—and I am simply expressing my opinion—was reduced below what it would have been except for the fact that conditions in Europe and conditions of the public mind have demanded larger appropriations for other purposes, and the condition of the Treasury demands a saving somewhere. This bill was trimmed, in my opinion, very much below what it would have carried in excess of the two million increase to which I have referred, for the reasons referred to. So that, answering the gentleman's question more in detail, I would say the sundry civil bill is not larger than it would have been otherwise except for the conditions abroad, but is much smaller than it would have been had we been living under conditions of world-wide peace.

Mr. HILL. That is just what I supposed.

Mr. MONDELL. In other words, preparedness and appropriations made in its name, considered in connection with the condition of the Treasury, have resulted in impressing the Committee on Appropriations with the necessity of scrutinizing closely every item of appropriation and in keeping the items just as low as they can be kept without actually crippling the public service.

Mr. HILL. I am not asking these questions in the way of criticism, but I want to know, and I want the country to know, whether the authorizations that have been made and for which I voted in the Navy and the Army have been simply authorizations because of the expenditures next year and the year after and the year after that or whether they have been of such a character as to require increased taxation this year.

Mr. MONDELL. Whatever may be true with regard to other bills, my opinion is, and I think I am fairly familiar with it, that the bill would have carried several million dollars more than it does carry, except for the fact that the committee felt that in view of the largely increased appropriations for war purposes——

Mr. HILL. Authorizations, the gentleman means—not appropriations.

Mr. MONDELL. Well, appropriations and authorizations for war purposes, it was necessary to keep these items as low as possible.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. The gentleman from Connecticut [Mr. HILL] is asking specifically whether any items have been included in this bill made necessary by the disturbance in Europe. The gentleman from Wyoming [Mr. MONDELL] answered that, with the exception of the arsenal appropriations, probably no direct appropriations for that purpose are included. But the gentleman will concede that all of the estimates of the various departments were affected by the increased price of materials that they were compelled to pay, occasioned by the disturbance in Europe. The increase in each one of the estimates when it was explained was justified upon the ground that material had been affected by that condition.

Mr. HILL. Mr. Chairman, if the gentleman from Wyoming [Mr. MONDELL] will permit, I will concede that the war in Europe has had an effect on prices, of course, but the gentleman himself must concede that for the last 10 years there has been a constant increase of prices, marked and distinct, and that that existed before the war in Europe began.

Mr. HAMILTON of Michigan. For more than 10 years.

Mr. HILL. And that as long as that goes on the effect will be shown in the appropriation bills, but he can not lay it all to the war in Europe.

Mr. BORLAND. No. I call the gentleman's attention to this, and this is something totally distinct from that. Take, for instance, the Bureau of Engraving and Printing, to use a concrete illustration. They showed that their coloring matter for colored ink had increased, I think, 400 per cent.

Mr. HILL. I think that is true.

Mr. BORLAND. On account of the shortage in dyestuffs.

Mr. HILL. Will the gentleman pardon a suggestion along that line?

Mr. BORLAND. I am not going into all the details, because it would be impossible, or into the printing-ink and dyestuffs business, but I simply wanted to show the gentleman that in that particular, and in a great many other similar particulars, increased estimates are justified upon the ground that materials have increased in that particular line.

Mr. HILL. I think that is true, and I think Director Ralph is entitled to a great deal of credit for anticipating the situation and getting his supplies as low as he did, and I also think that Congress is greatly to blame for having neglected to pass some remedial legislation when the matter was brought to their attention last December, for nothing has been done about it.

Mr. BORLAND. Oh, Congress has taken care of that situation as quickly as it could.

Mr. MONDELL. Mr. Chairman, I want to thank the gentleman from Missouri [Mr. BORLAND] for calling attention to the fact that the sum total of this bill has been increased by reason of the left-handed way in which his party has kept its promise to reduce the cost of living.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment. We were lambasted by the gentleman's party in its last national platform and at sundry and divers times during the campaign which followed upon the proposition that we were responsible as a party for the advancing cost of products, and we were assured that if the Democracy was given an opportunity and a turn at the wheel there would be a change in this condition of affairs. We were all going to be able to live more cheaply and get the things we needed at a lower price. The gentleman calls attention to the fact that that promise has been kept in the usual Democratic fashion. I recall that old promise made by the Democrats away back in the silver compaign in 1896, in which, going through my country, they promised the farmers that under the Democratic administration there would be no more 85-cent wheat. And, alas, there was not, for it went down to 67 cents. In the same way their promise to reduce the cost of living and the cost of products is fulfilled in the boosting of them as they get into the hands of the ultimate consumer, whether the producer gets any more than he did or not. I now yield to the gentleman from Texas.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask what effect this vast amount of money that we are spending on preparedness has had on public buildings and other improvements, especially public buildings, as a lot are carried in this bill?

Mr. MONDELL. I do not think it has had any effect one way or the other on the public buildings, so far as this bill is concerned.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. DENISON. The gentleman referred to the Democratic platform as saying something about the cost of living. To which platform does the gentleman have reference?

Mr. MONDELL. Which Democratic platform?

Mr. DENISON. Yes.

Mr. MONDELL. I refer to the one that has had so many of its planks smashed—so much so that it would be difficult at this time to recognize it. So far the Democrats have not had time to demolish any of the planks of the new platform, but the gentleman will recall that my friend from Missouri [Mr. BORLAND] the other day made the remarkable plea in behalf of his party that, having smashed all of the planks of their platform, practically, and ignored those they had not smashed, they were entitled to great consideration, to the thanks of the American people, and a continuance in power, because they had, he said, in a way, carried out a large number of the promises of the Republican platform.

Mr. HILL. Will the gentleman pardon me?

Mr. MONDELL. Certainly.

Mr. HILL. I have the last Democratic platform in my hand, and I do not see anything in it about reducing the high cost of living now. There is no reference to the effect of the tariff on the cost of living or any pledge to reduce it in this platform.

Mr. MONDELL. The silence of the last Democratic platform on that subject is fairly howling. I now yield to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Well, I desired a hearing on the question of the last Democratic platform. I had read it with a great deal of care, and I did not find any reference whatever to the reduction of the high cost of living. I presume we will have to refer this to the last platform and the "lastest" platform.

Mr. MONDELL. Well, that is one of the things that our friends desire to forget and to have the people forget. Now, with regard to the amount in which the items in this bill are increased by reason of the war increase in prices, the matter raised by my friend from Missouri [Mr. BORLAND], it is true there are some items in the bill, not numerous, not amounting to very considerable sums in the aggregate, in my opinion, where the appropriation is increased by reason of the increase in prices caused directly by the war, but those cases are not numerous, and in the aggregate they do not amount to a very great amount. The general increase in the cost of things which may or may not be because of the war, directly or indirectly, has added something to the amount carried in a number of items in the bill. This bill, however, is more largely for salaries and wages than for products, and they have not been increased.

Mr. HILL. On that point, what is the gentleman's idea as to the amount of increase in this appropriation bill because of such additional items?

Mr. MONDELL. Oh, it might amount to a fraction of 1 per cent.

Mr. HILL. That is what I had supposed. Will the gentleman kindly answer another question? When were these estimates made?

Mr. MONDELL. These estimates are supposed to be in in October.

Mr. HILL. Of last year?

Mr. MONDELL. Yes.

Mr. HILL. The reason I asked the question is because while I was at home last week I was advised that the amendments for the increase of the Navy did not include the increased cost of materials because of the war, and that it would be impossible to have those estimates carried out and ships built now for anywhere like the appropriation which was made for that purpose, the estimates having been made so long ago and having been made on the old basis of prices. Whether that is being carried out through all the appropriation bills or not I did not know, and that is the reason I asked the question.

Mr. MONDELL. Reference has been made to the fact that in the matter of arsenals and armories the bill carries more than $2,000,000 above the estimates. That action was taken by the committee because it developed in the hearings that some arsenals and armories were not at the present time very well balanced in their manufacture; that they could produce considerable more of one kind of material, or one part of a certain instrument of war, than another, and it seemed wise to increase the arsenals and armories with a view of balancing their output. Then the committee was of the opinion that it would be wise to provide for a new powder factory, and in view of the fact that we are proposing in the fortification bill to build larger guns than heretofore, particularly mobile guns, it was deemed wise to make provision in a Government arsenal for the manufacture of those large guns. The committee was of opinion that we should provide in Government arsenals or armories for the manufacture of at least a portion of all the munitions of war the Government needs, and those increases were made with a view of carrying out that idea. The bill, in the opinion of the minority, has been carefully scrutinized. As I said, the public service, if I may except a few items, will not seriously suffer by reason of the reduction in the amount carried in the bill below the estimates. It is a matter of regret, however, that conditions are such that the committee did not feel justified in extending the public service in a manner commensurate with the growth and development of the country. With a treasury nearly empty, increased demands in the name of preparedness, the question as to whether it will be possible to raise the needed funds without extraordinary revenues burdensome on the people—all those things influenced the committee to trim the bill to the lowest possible point that would not actually cripple the governmental operations. In the main the committee did not feel justified in occupying new fields, even though provided for by legislation, extending services except here and there where the necessity was so urgent that it could not be denied. In the main this is a bill drawn to meet the absolute needs of the public service and without those increases that there should be to meet the requirements of the civil service of a great people growing in numbers and in wealth and expanding in commerce and industry and of a Government which is constantly occupying new fields of endeavor, of enterprise, of research, and of regulation.

Some day it is hoped, and in the no distant future, we believe, that we will have a condition of the Treasury under which it will not be necessary to be continually watching the ticker of Government revenues and every morning balancing the available cash in the Treasury before deciding whether or not we are justified in providing adequately for necessary, useful, and helpful public services. Those were conditions under which we operated for a good many years under Republican rule in the House. Then the question was not, Is there a dime in the Treasury with which to pay, or have we the funds with which to meet this situation; but, rather, Is this an expenditure in the public interest, necessary, vital, or, at least, important in the carrying out of governmental activities along the lines that have been wisely marked out and undertaken by legislation? Unfortunately, we are not able to view appropriations from that standpoint under a Democratic administration. It seems to be a normal condition, under the administration of our friends on the other side, that we must constantly clip off, reduce, and trim the appropriations for governmental services; and yet they persist in making appropriations for questionable purposes to an extent that keeps the public expenditures constantly increasing.

While I am on this question of the increased cost of living, let me refer to just one matter in connection with this bill. The lump-sum appropriations carried in the bill provide for many thousands of people, many of whom are paid very small salaries and low wages. I am not particularly worried about the people who are receiving salaries of $2,500, $3,000, $4,000, $5,000, or $6,000, and from that on up, though I realize everyone feels the grip of increased living costs, but there is a serious situation when you consider the people paid under this bill who are receiving from $600 to $1,000. The cost of living has so advanced in the last three years as to make it very trying for such people; and yet it is impossible for the departments to pay them more in the majority of cases, owing to a provision of law that no increase shall be made in compensation over the sum formerly paid for the same kind of work. There are thousands of employments provided for in this bill that ought to be increased. Many of the lump sums carried in the bill should be increased in order to provide for those people, with regard to whom I can not, I confess, understand how they manage to live under present conditions with the wage they are receiving. Some of these receive wages below those paid by private employers in the same class of work. That is not true in every case, but it is true in some of the cases of these low-paid employments. I am hoping that when this bill is reported next year to a Republican Congress it may be reported with every activity of the Federal Government liberally provided for, and with amounts carried in it which will make possible the increase of the salary and wages paid to at least the low-paid employees of the Federal Government. [Applause on the Republican side.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Fort Wayne, Ind., post office: For mail-conveying machinery, $5,000.

Mr. FITZGERALD. Mr. Chairman, I ask to return to page 6 in order to offer the following amendment.

The CHAIRMAN (Mr. GARRETT). Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

On page 6, line 2, insert the following:
"Caruthersville, Mo., post office: For site, $250."

Mr. FITZGERALD. Mr. Chairman, this estimate came in recently and is in the same category with the other items of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose that all of these items in reference to public buildings are authorized by law, as are the items for the machinery, perhaps, like this item, and all estimated for?

Mr. FITZGERALD. All authorized by law and all estimated for and carry the sums which the department states will be necessary.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

McComb, Miss., post office: For continuation, $19,000.

Mr. QUIN. Mr. Chairman, this refers to a building for which $50,000 has been authorized. I should like to ask the chairman when the balance will be paid. When will we get the $26,000 to complete the building?

Mr. FITZGERALD. The limit of cost of this building is $50,000. There has already been appropriated $11,000 and the department requests $19,000 at this time, as that is as much money as it can use before the next bill carrying these appropriations becomes a law. Unless some extraordinary situation arises the balance of the money will in all probability be appropriated at the next session of Congress.

Mr. QUIN. They will get it just as fast as the building needs it?

Mr. FITZGERALD. Just as fast as they require it, money will be provided.

Mr. QUIN. I thank the gentleman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Yoakum, Tex., post office: For continuation, $25,000.

Mr. HOWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. HAY). The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, insert a new paragraph after line 16, as follows:
"Park City, Utah, post office: To increase the limit of cost and for completion, $28,000."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. HOWELL. Mr. Chairman, in 1908 a post office building was authorized for Park City, Utah, at a cost of $25,000. In May, 1910, the limit of cost was increased to $30,000. The site has been purchased at $7,000, leaving $23,000 available for the construction of a building. The Supervising Architect has prepared plans for the building, and finds that it is impossible to construct it according to the plans which he has made, for less than $28,000. There is a bill before the Committee on Public Buildings and Grounds providing for the increase of the limit of cost by $5,000. Inasmuch as this building was first authorized over eight years ago, and is being now held up for an authorization of an increase of $5,000 in the limit of cost in order to go ahead with the work, I have offered this amendment. It seems to me a very meritorious one. The building has been delayed one year after another until eight years have passed since the building was first authorized. The plans are all ready, waiting the necessary funds to go forward with the building. I think the gentleman from New York [Mr. FITZGERALD], the chairman of the committee, might well withdraw the point of order under the circumstances in this particular case. There is no question but that the Committee on Public Buildings and Grounds will report a bill authorizing this increase; but then it will be too late to secure the necessary appropriation to proceed with the work of construction this season. It is a small matter, and the whole building has been held up, because the Supervising Architect has not been able to let the contract within the limit of cost authorized by law, and has submitted to Congress a request for the increase I am asking. We are asking for only $5,000 additional in order to go forward with construction according to the plans that are already prepared. If this amendment is adopted, the building can be constructed this season. Everything is in perfect readiness to begin construction, and the appropriation of the money authorized is all that is necessary to secure the prompt erection of the building.

Mr. FITZGERALD. I insist on the point of order, Mr. Chairman. It is not authorized.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOWELL. I move to amend by making the amount $23,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOWELL: Page 26, insert a new paragraph after line 16, as follows:
"Park City, Utah, post office: For completion, $23,000."

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to.

Mr. HOWELL. Mr. Chairman, this was authorized eight years ago. The plans are all prepared, and it seems to me that that community is entitled to have this building erected at some time.

Mr. FITZGERALD. The authorization for a public building at this place is $30,000. Seven thousand dollars have already been appropriated, and the department does not need and has not requested any additional appropriation.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. The department have asked for $5,000 additional. If we do not make any appropriation now, probably they will get that additional amount at some time. Is it not advisable to let the department go ahead and complete the building under the authorization, without any increase?

Mr. FITZGERALD. They will not do that.

Mr. MANN. It is their business to do it. They are required to do it.

Mr. FITZGERALD. But these requests for increases in cost are usually made at the instance of gentlemen interested in the buildings. The department does not make these requests unless either a Member of this House or of the other House asks to have the work suspended.

Mr. MANN. That is what I am saying. Here now the gentleman is willing to take the building under the limit of cost. The building is held up. Why not allow it to be completed under the limit of cost instead of waiting and letting them get an additional amount?

Mr. FITZGERALD. This will not help the gentleman any. Bids were invited upon plans which have been prepared. All of the bids submitted are in excess of the limit of cost. The mere appropriation of this money will not aid the gentleman, because the plans must be revised, new proposals advertised, and new bids obtained; so that even if this appropriation were made at this time, no advance would be made in the work. If this practice were adopted, what would happen would be that in a great many instances, where money could not be used by the department, appropriations would be made and lie there to the credit of the project without any advantage or value. The committee has pursued the course that has been the policy of Congress for years. Wherever a building is authorized and the department is in a position to use money during the coming fiscal year and an estimate for the appropriation is made the appropriation is recommended. No appropriation is ever carried for a building unless the request is made in the form of an estimate. No estimate is made for this building. The department has not asked for the money, does not want the money, could not use it if it got it; and I hope the amendment will not be agreed to.

Mr. HOWELL. The gentleman from New York is entirely in error in stating that the construction of this building is held up at the request of any member of the Utah delegation. It was held up for the reason that, as stated by the Treasury Department, drawings were prepared and two proposals were obtained in May, 1915, for the construction of the building, but the amount of the lower proposal exceeded that available for a contract by the sum of $2,860. The proposals were therefore rejected. It is very improbable that as low a bid as that previously submitted would be received on readvertising this work, and it is therefore believed that in order to award a contract for the construction of the building as designed, an increase in the present limit of cost of not less than $5,000 will be necessary. The building has been held up by the Supervising Architect. I now propose to make the necessary appropriation to complete the building at the cost originally provided for and let the Supervising Architect make his plans accordingly. As suggested by the gentleman from Illinois [Mr. MANN], it seems to me this would be an economy, instead of waiting for a year or two on an appropriation for the inevitable increase that will finally be granted. A site has been purchased at a cost of $7,000, and everything ready to go forward with the building this season and let the Government get the benefit of its use.

Mr. FITZGERALD. There is no advantage in appropriating money for something that can not be done.

Mr. HOWELL. No member of the Utah delegation asked for the holding up of this building. It has been done at the request

of the department, because they wanted $5,000 more than what has been authorized.

Mr. FITZGERALD. They will not get it.

Mr. HOWELL. I am now proposing to appropriate simply the amount that has been authorized.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. HOWELL].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

QUARANTINE STATIONS.

Boston quarantine station: The Secretary of the Treasury is authorized to accept, free of cost to the United States, the transfer of the Boston quarantine station and hereafter to operate the same as one of the quarantine stations of the Public Health Service.

Mr. GALLIVAN. Mr. Chairman, I make a point of order against that paragraph, my point of order being that the Secretary of the Treasury can not accept free of cost to the United States without special legislation anything of this sort.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. FITZGERALD. It is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GALLIVAN. Now, Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GALLIVAN: Page 27, insert a new paragraph, as follows:

"Boston quarantine station: The Secretary of the Treasury is authorized to accept, at a cost to the United States of not to exceed $150,000, the transfer of the Boston quarantine station and hereafter to operate the same as one of the quarantine stations of the Public Health Service."

Mr. MANN. I reserve a point of order on the amendment.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes. I may not consume all that time.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Chairman, two years ago the Federal authorities took up with the authorities of the city of Boston the question of transferring the quarantine station at Gallups Island, Boston Harbor, under the act passed February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," section 8 of which reads as follows:

SEC. 8. That whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use if, in his opinion, they are necessary to the United States.

Now, Mr. Chairman, on April 13, 1915, the City Council of Boston passed the following resolution authorizing the mayor to enter into an agreement with the Federal Government of the maritime quarantine station at Gallups Island, Boston Harbor, for Federal control:

1. *Ordered*, That his honor the mayor be, and is hereby, authorized, in the name and behalf of the city, to execute an agreement with the United States of America for the use by said United States of the island in Boston Harbor known as Gallups Island, together with the buildings thereon and all other property used in connection with the quarantine service hitherto performed by the city.

Said agreement shall provide for the execution of a lease from the city to the United States of said island and property, said lease to continue until the execution of a deed conveying said island and property from the city to the United States. The mayor is hereby authorized to execute, in the name and behalf of the city, the lease and the deed aforesaid and all other instruments which may be necessary to transfer from the city to the United States title and control of said island and property upon such terms and conditions as may be agreed upon between the mayor and the Secretary of the Treasury of the United States, and upon the further condition that the United States shall, upon reasonable terms and conditions, receive for treatment upon said island persons afflicted with smallpox or other quarantinable diseases who may be sent thereto by the city of Boston: *Provided, however*, That said lease, said deed, and any other instrument to be executed as aforesaid shall not be valid until approved by vote of the city council. (Finally passed Apr. 13, 1915.)

It appears that after a conference the mayor of Boston and the Secretary of the Treasury entered into an agreement for the lease of the quarantine property at a nominal consideration of $1 per year pending an appropriation by Congress for the purchase of the station by the Federal Government. The Public Health Service thereupon assumed operation of the quarantine station, and a representative of the Supervising Architect's Office was designated to act with a representative of the city of Boston in making an appraisal of the value of Gallups Island building thereon. After careful consideration these representatives submitted an itemized account and agreed upon a flat sum of $150,000 to be paid to the city of Boston.

Not long ago estimates by the Treasury Department were submitted to the Committee on Appropriations, and the committee was asked to appropriate this $150,000 that is due the city of Boston for these quarters at Gallups Island. I am told that there was some misunderstanding among the members of the subcommittee as to the authority of the Treasury Department to enter into any such contract. I have read the law which authorizes the Treasury Department, and I have here precedents, some of them of very recent date, and I will read a few of them.

Quarantine stations were purchased by the Federal Government at Savannah, Ga., in 1901 for $20,000. In 1903 the Federal Government took over the entire Florida system and paid $64,450. In 1907, Mobile, Ala., was taken over at a cost of $18,000, and as recently as 1909 New Orleans was taken over at a cost to the Government of $100,000, which was paid, and the Government is now operating the quarantine stations at New Orleans.

Mr. Chairman, the advantages of Federal control are many and varied. May I summarize them briefly for the benefit of the committee?

1. Uniformity: The origin of Federal quarantine was the necessity for unifying the various regulations at the different ports of the United States.

2. Simplicity: Economy for the shipping interests in that one set of rules applies at all ports.

3. Flexibility: Special requirements are made for any port, according to need, and the national regulations are so drawn as to allow great discretionary powers on the part of individual quarantine officers, thereby avoiding rigidity.

4. Training: Officers are trained at the quarantine stations and at the Hygienic Laboratory of the Public Health Service at Washington.

5. Information: Consular reports from all foreign countries to the Public Health Service, with free use of cable when necessary.

6. Nonpolitical: Appointments in the Public Health Service are for life, dependent upon good behavior and efficient service. This is essential to scientific progress. Permanent appointments for quarantine work insures an accumulation of experience.

7. International sanitary treaties: The United States is a signatory of two international sanitary treaties, under which are operated the international quarantine regulations, which are subject to revision every two years, in order to keep apace with scientific advance.

8. Precedents: Sixty-seven State and local quarantine stations have already been transferred.

9. Quarantine a national function: All immigrants entering the United States are examined by Public Health Service officers, and all persons, whether immigrants or incoming passengers, are examined for quarantine purposes at all ports in the United States, save at Baltimore.

10. Arrangements for boarding are made to suit the needs of the port.

11. Facilities: Equipment is provided in fixed relation to the amount of commerce and immigration. This applies also to the number of medical officers and attendants employed.

12. Financial: The Government usually rents a quarantine plant at a nominal sum until its purchase as a result of an appropriation from Congress. No fees are charged for boarding or inspecting vessels.

13. Cooperation: The quarantine service operated by the National Government has access, when necessary, to cooperation and aid from all other branches of the Government.

There is another strong reason existing at the present time why the complete control of quarantine should be vested in the National Government, and that is the conditions which now prevail in Europe. During the last fiscal year cholera has traveled into the Balkan territory from Austria-Hungary, and probably from Turkey into Austria-Hungary. The disease has traveled from a number of points in Russia to the prison camps in Germany and to 23 localities in Silesia, also to Brandenburg, Posen, and Zirke. This disease has been carried, probably, from the Balkan territory into Italy, and has been reported in and near Venice and Leghorn, and at Palermo.

Plague and typhus fever, as well as cholera, are reported not only to have increased in volume at certain previously noninfected points, but the spread of these diseases has been steady in all directions.

An important point in this connection is the fact that owing to the meager reports now being received as to sanitary conditions in Europe the scope of the infection can not be accurately determined.

Some people believe, although I am not one of them, that the period following the close of the European war will witness unprecedented emigration to the United States from European countries. The United States should be prepared to meet the danger of the importation of epidemic diseases that will attend this increased immigration. All of the reasons cited above for the need of a single, uniform method of quarantine regulation will become doubly important at that time.

Now, Mr. Chairman, this money is owed to my city.

I do not want to dwell further on the fact, but the item estimated for by the Treasury Department went out of the bill because of a misunderstanding among the members of the subcommittee and because the Treasury Department did not make clear through its representative who appeared before the committee that it was an absolute agreement entered into between one of its representatives and a representative of the city of Boston. As I have said, the Public Health Service here in Washington for over 12 months has been operating the quarantine station at Boston at a nominal lease of $1 a year, which has allowed them to do it. It is a year since the $150,000 was agreed upon. I do not know that any man will dispute the statement that I make that the Government certainly does owe my city that money. I am perfectly satisfied—perhaps I may be accused of having some conceit—that had I the opportunity of appearing before the subcommittee when the bill was considered this item would have appeared in the bill. It so happens that I am not a member of the subcommittee on sundry civil matters, and I had no information either from the mayor of my city or from the officers in the Treasury Department that the estimate had been recommended. If I had that information I would have appeared before the committee, and I feel certain that it would have recommended the insertion of this item. I do not know whether any Member of the House feels that the Government does not owe my city this $150,000. I have here several communications, and while I do not desire to burden the committee with any lengthy statement, I want to read one from the chamber of commerce, which says:

BOSTON CHAMBER OF COMMERCE,
June 5, 1916.

Representative JAMES A. GALLIVAN,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN GALLIVAN: Referring to our telegram to you of even date, with respect to the item in the sundry civil bill of $150,000 for the purchase of Boston's quarantine station, I am writing a line to explain the facts in the case.

Last year, at the urgent suggestion of the Federal Government, following an agitation of several years' duration, the mayor gave his approval to the proposition to transfer the quarantine station on Gallups Island from municipal to Federal control. An ordinance permitting this transfer and the sale of the property to the Federal Government was introduced in the city council, which thereupon asked the Chamber of Commerce for an opinion as to the advisability of allowing the transfer to be made.

The chamber investigated the facts through a special committee, and, after examining the conditions in other cities where quarantine stations are under Federal control and looking at the question from a national standpoint, recommended to the city council that the transfer should be made. This recommendation was made with the distinct understanding, backed up by the assurances from officials of the Health Department at Washington, that the Federal Government would forthwith purchase the property from the city at a cost based upon a fair appraisal. I do not think that I am putting it too strongly to say that the chamber's approval to the transfer was to a large extent dependent upon these assurances and the good faith of the Government in having them carried out.

Following the chamber's recommendation, the city council passed the ordinance and the station was duly transferred to the Federal Government at a nominal rental of $1 per year pending the appraisal of the property and the provision by Congress of funds for its purchase. The property was appraised last summer at $150,000, and an item for this amount was inserted in the sundry civil bill, which I believe is now before the House Committee on Appropriations, unless it is reported to the House to-day.

We learned with a great deal of surprise and concern that this item has been stricken out of the bill and that the Federal Government would not be allowed to meet its obligations to the city of Boston with respect to the quarantine station. We believe that every effort should be made to have the item restored, and we count upon your good offices in working to this end.

Very truly, yours, JAMES A. McKIBBEN,
Secretary.

Mr. Chairman, I ask fair play for my city and its people. I ask that this amendment be accepted and that Boston be given what it is entitled to receive.

I may say Mr. Chairman and gentlemen, that the only quarantine station in the country now not operated under Federal control is the one at Baltimore.

Mr. LINTHICUM. Let me say to the gentleman that negotiations are pending at the present time for the purchase of that station by the Federal Government.

Mr. GALLIVAN. So I have understood, that the Government is arranging for the taking over that quarantine station. There is nothing more I care to add now, and I ask that the committee accept my amendment.

Mr. BORLAND. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. BORLAND. I notice in the hearings a statement to the effect that a speech was made last year calling attention to the fact that a movement had been started in Boston to turn this station over to the Federal Government in order to get rid of the expense.

Mr. GALLIVAN. Who made that statement?

Mr. BORLAND. Made by the chairman of the committee. I was about to ask the gentleman if he made that speech.

Mr. GALLIVAN. Lord bless you, no! [Laughter.] I happened to know before I came to Congress that the Federal Government had been trying for some years to take over this station.

Mr. FITZGERALD. I think the gentleman's colleague, Mr. Murray, made that speech.

Mr. GALLIVAN. Well, I do not stand for all that Mr. Murray said in Congress or for anything that he has said since he has been out of Congress.

Mr. FITZGERALD. It may have been the present mayor.

Mr. LINTHICUM. I would like to state to the gentleman from Massachusetts that the city of Baltimore has made no overtures to the Federal Government, but the Government has made overtures to Baltimore.

Mr. GALLIVAN. Of course, Mr. Chairman, the fact remains that this whole thing started here in Washington. I have here a letter from Mr. Newton, the Assistant Secretary of the Treasury, in which he distinctly states the reasons why the Public Health Service wants to take over all of these quarantine stations. It is too long to read, and I am going to ask unanimous consent to insert these reasons in an extension of my remarks. I ask the committee to adopt my amendment.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. SLOAN. Who were the appraisers who arrived at this appraisement, and who appointed them?

Mr. GALLIVAN. The Assistant Secretary of the Treasury, Mr. Newton, appointed a representative from the Supervising Architect's Office, and that gentleman and the real estate expert of the mayor's office in Boston were the two appraisers. They agreed on the flat sum of $150,000. That was approved by the Treasury Department and agreed to by the City Council of Boston, when it was reported to both bodies.

The estimates as agreed upon by the appraisers are set forth plainly and convincingly in the appended statement, which I respectfully submit for your consideration.

JULY 1, 1915.

The honorable the SECRETARY,
Treasury Department.

SIR: Complying with joint instructions relative to appraising value of land and buildings on Gallops Island, Boston Harbor, Mass., now the property of the city of Boston, and used as a quarantine station, we have the honor to report that after careful investigation of all the property and comparison of values thereof we have arrived at the conclusion that the land, buildings, and appurtenances thereon and therein are, in our judgment, worth the net sum of $150,000, divided approximately as follows:

Buildings, wharves, retaining walls, etc	$52,676
Floating property, consisting of 1 tugboat and 1 gasoline launch	13,000
Power plant, heating plant, waterworks systems, telephone cable systems, farm implements, household furniture, and general equipment	15,835
Land, 708,000 square feet, at 9 cents	63,720

Respectfully,

N. V. PERRY,
Supervising Superintendent,
On behalf of the Treasury Department.
JOHN BECK,
On behalf of the City of Boston.

BUILDINGS IN GENERAL.

BUILDING NO. 1.

Sterilizing house: One-story wood frame on wood posts. Has clapboard exterior, tar and gravel roof, dressed and matched pine walls and ceilings, 6-inch dressed and matched floors, painted. Building contains one cylinder steam sterilizer about 7 feet in diameter by 27 feet long, open at one end, has exposed coils, but no formalin-ammonia attachment. Recently been tested to 25 pounds steam pressure and found tight. General condition of the building and equipment is good. Building is 27.6 feet long by 12 feet wide. Floor area is 260 square feet. It has electric lights, but no heat. Building erected in 1892. The sterilizer, building, and bathhouse building are now arranged to have steam supplied from the tug, which must be held at the wharf when these units are working. A new boiler for steam supply to these is needed. Estimated cost, $500.

Value of building	$1,200
Value of sterilizer equipment	800
Total value	2,000

BUILDING NO. 2.

Bathhouse and recreation room. One story, wood frame on wood posts and masonry walls. Clapboard exterior to window height and shingles to the eaves and shingled roof. Side walls and ceilings are composed of 6-inch dressed and matched pine 3 inches thick, varnished on the inside, 3¼-inch dressed and matched floors in recreation room, cement floors in shower baths and toilet rooms. Building contains three shower baths, three enamel iron sinks, one soapstone sink, one hot-water

heater, and one hot-water tank. Building is 90 feet long by 16 feet wide. Floor area, 1,244 square feet. Lighted by electricity, wiring run concealed in wood molding, heated by direct steam radiation in cast-iron column radiators. Supply piping overhead and unjacketed. Building also contains one wooden tank, zinc lined, of 1,500 gallons capacity for fresh water supply. Building erected in 1892.

Value of building	$3,000
Value of equipment	1,000
Total value	4,000

BUILDING NO. 3.

East detention building (for women). One story, wood frame on brick piers; has clapboard exterior to window height, shingles to the eaves. Shingled roof. Side walls composed of 6-inch dressed and matched pine, 3 inches thick, varnished. Ceilings of dressed and matched pine, varnished; floors 3¼-inch dressed and matched pine, varnished. This building contains 294 bunks, standee type, 6 to a section. Heated by steam coil radiators, overhead supply pipes. Lighted by electricity, wiring run concealed in wood molding. There is also attached to this building a 5 by 16 foot lean-to of the same general type of construction. Washroom contains two showers, two cast-iron sinks, one closet. This room has cement floors; one toilet room in two sections, each containing one latrine with four full-fashioned seats. Building 100 feet long by 30 feet wide. Floor area, 3,080 square feet. Building erected in 1892.

Value of building	$3,500
Value of equipment:	
294 standee beds, at $6	1,764
Blankets, second-hand, 299, at 65 cents	194
Total value	5,458

BUILDING NO. 4.

Mess hall and kitchen. One story, wood frame on concrete piers. Clapboard exterior and canvas roof, painted. Has no interior finish or paint. Dining room contains 14 tables, two rows of benches for each table. Tables made of 2-inch-thick planks on 2 by 4 inch stanchions. Kitchen has cement floor and is separated from the mess hall by dressed and matched partition. Building is heated with direct steam coil radiation and overhead supply pipes, not covered. Electric wiring is run exposed on cleats. Kitchen contains one double range of the Morandi-Proctor Manufacturing Co., one hot-water tank, one soapstone sink. Building is 300 feet long by 30 feet wide. Floor area, 3,000 square feet. Built in 1911 and is in good general condition.

Value of building	$2,500
Value of the following contents:	
1 miscellaneous lot of dishes and cooking utensils	350
1 double range and boiler	350
Total value	3,200

(Cost $5,000 to build.)

BUILDING NO. 5.

Engine and boiler house. One story, wood frame on brick piers. Clapboard exterior and shingled roof, dressed and matched pine walls and ceilings, varnished. Cement floor. Condition good. Building contains one new Walker sectional cast-iron steam-heating boiler 30–11, one Warren Bros. Duplex pump and tank for heating-system returns, of approximately 3,000 feet heating service, one heating stove for the engine room, one gasoline engine-driven, one General Electric direct-current generator, type M. P. C. 6, Form A, 200 amperes and 125 volt. It is directly connected to a General Electric Co. 4-cylinder, 4-cycle gas engine, one steel cold-water tank for engine, one storage battery of 60 cells, type N 405, in glass jars, 2-tier racks, rheostat switchboard, rear step, etc., all complete. This outfit was installed in 1912 and is in very good condition. Building is heated by stoves, lighted by electricity, wiring run exposed on cleats. Building is 38 feet long by 19 feet wide. Floor area is 612 square feet and was completed in 1911. Condition is good.

Value of building	$2,000
Value of heating boiler and pump	500
Value of engine and generator, cost $3,169—10 per cent	2,850
Value of battery cells, cost $674—10 per cent	607
Total value	5,957

BUILDING NO. 6.

West detention building (male): One-story wood frame on brick piers. Clapboard exterior to window height, shingles to the eaves; shingled roof. Side walls are composed of 6-inch dressed and matched pine 3 inches thick; ceilings standard dressed and matched pine; interior all varnished. Floors of 3¼-inch dressed and matched pine, varnished. Building is heated by direct steam from coil radiators, with overhead water-supply pipes, not covered; lighted by electricity, wiring run concealed in wood moldings. Building has a lean-to addition; toilet room, containing two latrines of four full-fashioned seats for each, and has wood floors, painted. Building is 100 feet long by 30 feet wide. Floor area 3,080 square feet. Built in 1892. General condition is good.

Value of building	$3,500.00
Value of contents as follows:	
306 standee bunks, at $6	1,836.00
271 secondhand blankets, at 65 cents	176.15
35 old blankets, at 35 cents	12.25
Total value	5,524.40

BUILDING NO. 7.

Surgeon's residence and office: Two and one-half story and a basement; wood frame on stone masonry foundation; has clapboard exterior and shingled roof; has plastered walls and ceilings, painted; pine base and trim painted; floors in the main part of the house are oak parquetry and varnished. Basement has cement floors, and balance of floors are 3¼-inch dressed and matched pine, painted. Heated by new hot-water heating system costing $700. Lighted by electricity; wiring run concealed to fixtures. Main part of the building is 39 feet wide by 28 feet deep, with a rear wing 17 feet wide by 34 feet long. Floor area is 4,000 square feet. Building was built in 1876. General condition is fair

Value of building	$3,600
Value of contents, as follows: Furniture, including piano, cutlery, etc	1,500
Total value	5,100

BUILDING NO. 8.

Ice house: One story, wood frame; wood sills below ground. Clapboard exterior and shingled roof. Frame is boarded on the inside and space between the studding is filled with sawdust. Dirt floor; no interior paint; no heat and no light. Building is 18 feet long by 12 feet wide. condition fair to poor. Built in 1877.

Value of building, $200.

No contents.

BUILDING NO. 9.

Contagious-disease hospital: Two-story wood frame on concrete foundation and brick piers. Clapboard exterior and shingled roof. There is also a small pit under this house which is not used. Plaster walls and ceilings painted. Pine base and trim painted; 3¼-inch dressed and matched pine floors, painted. Stove heat and electric lights; wiring run concealed in moldings to drop cords and wall brackets. Building is 58 feet long by 20 feet wide, and has a veranda on three sides. Floor area 2,370 square feet. Condition is fair, except that building needs outside painting and minor plaster repairs. Built in 1873.

Value of building, at 10 cents per square foot	$2,370.00
Value of contents, as follows:	
18 single iron beds, at $4	72.00
29 hair mattresses, at $8	252.00
17 blankets, second hand, at 65 cents	11.15
5 R. R. King heating stoves, at $12	60.00
1 kitchen range and boiler	100.00
Other miscellaneous furniture	100.00
1 Lietz microscope, without lense	60.00
Total value	3,025.15

BUILDING NO. 10.

General hospital: Two-story wood frame on brick piers. Clapboard exterior and shingled roof. Plaster walls and ceilings painted. Pine base and trim painted, 6-inch dressed and matched pine floors, painted. Stove heat, electric lights. Wiring run concealed to drop cords and wall brackets. Building is 54 feet long by 20 feet wide, and has a veranda on three sides. Floor area is 2,982 square feet. Building erected in 1877. Good general condition except for minor plaster repairs and exterior paint:

Value of building, at 10 cents per square foot	$2,482.00
Value of contents, as follows:	
32 single iron beds, at $4	128.00
32 hair mattresses, at $8	256.00
4 R. R. King heating stoves, at $15	60.00
1 kitchen range and boiler	100.00
31 blankets, second hand, at 65 cents	20.15
Other miscellaneous furniture	100.00
Total value	3,146.15

BUILDING NO. 11.

Carpenter and blacksmith shop: One story, wood frame and stone foundation. Clapboard exterior and shingled roof. Has no exterior trim or paint, 12-inch plank floors. No heat, no light. Building is 25 feet long by 16 feet wide, and floor area is 336 square feet. Condition is fair only. Building erected in 1877.

Value of building	$450
Value of equipment, complete	150
Total value	600

BUILDING NO. 12.

Paint shop: One story, wood frame with sills resting on blocks laid on the ground. Clapboard exterior and shingled roof. No interior finish or paint, 6-inch dressed and matched floors. No heat, no light. Condition fair to poor. Building 20 feet long by 12 feet wide. Floor area 185 square feet. Built in 1877.

Value of building	$200
Value of contents, lead, zinc, and oil (estimated)	100
Total value	300

BUILDING NO. 13.

Barn: Stone masonry, basement and one high story with two hay-lofts and storage room built under the eaves on rafters. Clapboard exterior. Shingle roof. Has 12-inch plank floors. Interior finish consists of one harness room with dressed and matched walls and ceilings, one story high, three box stalls built of rough lumber. The storage room in the rafters is sheathed with dressed and matched pine unpainted. Building has no heat and light. Basement has cement floors and a vegetable room partition, made of dressed and matched lumber and painted. General condition of the building is good. Building is 61 feet long by 41 feet wide and contains floor area of 5,000 square feet, which includes the basement and room in the loft, but does not include the area of the hay mows. Building was erected in 1873. The entire interior of the building except where painting has been specified is whitewashed. There is built, adjoining and connecting with this building, a stone masonry manure pit 24 feet long by 12 feet wide and approximately 16 feet high, which has a cement floor and a shingle roof.

Value of building	$3,500
Value of contents, as follows:	
1 horse, 14 to 16 years old	75
1 miscellaneous lot of farm implements	200
Total value	3,775

BUILDING NO. 14.

Hen house: One-story wood frame with small loft on stone foundation. Clapboard exterior and shingled roof. Sheathed, with 6-inch plank floor. No heat, no light. Building is 26 feet long by 16 feet wide, and the floor area is 336 square feet. Erected in 1892, and condition is fair.

Value of building	$200

No contents.

BUILDING NO. 15.

Upper storehouse: One-story wood frame on wood posts. Clapboard exterior and shingled roof. Two of the rooms have dressed and matched-pine walls and ceilings, painted. The other room no interior finish or paint. All floors are of 5¼-inch dressed and matched pine, unpainted. Stove heat, electric lights, wiring run exposed on cleats.

Building erected in 1895, and is 38 feet long by 26 feet wide, and has a floor area of 864 square feet.

Value of building	$1,800
Value of contents as follows:	
1 case of gauze	15
416 new blankets, at $1	416
720 old blankets, at 35 cents	252
1 incubator (useless)	5
3 stoves, poor condition	
400 sheets, at 25 cents	100
400 pillow cases, at 15 cents	60
200 nightgowns, at 20 cents	40
1 clothes wringer	3
Total value	2,706

BUILDING NO. 16.

Four wood-frame cottages, originally were voting booths used in the city. One-story wood frame on brick piers, with clapboard exterior and shingled roof. No interior finish or paint, no heat or light. Buildings were erected on the site in 1893, and are 26 feet long by 14 feet wide, each having an area of 364 square feet. Condition fair to poor.

Value of buildings, each $200	$800
Value of contents, 29 iron single beds, at $4	116
Total value	916

BUILDING NO. 17.

Lower storehouse: One-story wood frame on concrete piers. Clapboard exterior and tar and gravel roof, no interior finish or paint, 8-inch plank floors. No heat, oil bracket lamps. Condition fair to good. Building erected in 1883, and is 100 feet long by 30 feet wide. Floor area is 2,744 square feet.

Value of building	$2,500.00
Value of contents as follows:	
161 iron beds with springs, $2.50	402.25
25 iron cribs, at $4	100.00
120 excelsior mattresses, old, 25 cents	30.00
300 feather pillows, at $1	300.00
Total value	3,332.25

BUILDING NO. 18.

Boathouse: One-story wood frame built on upper wharf, board and batten exterior and shingled roof. No interior finish or paint, 12-inch plank floor. No heat and no light. The building is 16 feet long by 106 feet wide and has a floor area of 126 square feet.

Value of building	$100
Value of contents as follows:	
1 barrel of engine oil	19
1 coil 9-tread rope (new)	15
20 sulphur pots, at $2 (old)	40
½ barrel alcohol	5
Odds and ends, estimated at	25
Total value	204

BUILDING NO. 19.

Coal pocket: One high story wood frame, built on the upper wharf, board and batten exterior and shingled roof. No interior paint or finish, but is built of heavy timber, and has a track along the roof to accommodate tram cars which empty into various sections of the building. No heat, no light. Built in 1873, and is 61 feet long by 26 feet wide (average), and covers a floor area of 1,500 square feet. Dimensions 61½ feet by 40 feet by 61½ feet by 12 feet.

Value of building	$1,500.00
Value of contents, June 1, as follows:	
17 tons soft coal, at $4.25	72.25
3 tons hard coal, at $7.50	22.50
Total value	1,594.75

ITEM NO. 20.

Upper wharf. This wharf is built with oak piles approximately 6 feet above high water, is covered with 12-inch pine planks, string pieces, and piled braces in the usual manner for light-construction timber wharfs. Contains approximately 7,406 square feet. Value of wharf, 7,406 square feet, at $1.50, $11,114.

ITEM NO. 21.

Lower wharf. This wharf is built in the same manner as item No. 20, and the main wharf is 60 feet long by 20 feet wide. There is also connecting this wharf with the lower storehouse a gangway approximately 4,839 square feet. The entire upper portion of the wharf and gangway are rotted out and would have to be renewed. The piles and capping timbers thereon are in good condition, the balance of it must be renewed to be used.

Value of 1,200 square feet wharf, at 75c	$900
Value of 3,600 square feet gangway, at 35c	1,260
Total value	2,160

(Wharf cost $8,000 when built.)

ITEM NO. 22.

Telephone cables. These consist of about 4,500 feet of three pair cable in lead jacket, connecting one of the other islands at a cable junction, and was installed in 1912, and is in good condition. Estimated value, $1,500; total value, $1,500.

ITEM NO. 23.

Water-supply and fire-protection service. This consists of approximately 1,000 feet of 6-inch cast-iron mains, with 4-inch branches to yard hydrants and smaller supply pipes, running to the various buildings supplied with water. Estimated value, $2,500; total value, $2,500.

ITEM NO. 24.

Boarding tug and *Vigilant*. A wood frame tugboat, 84 feet long by 17 feet beam, having a draft of 8 feet. The tug was built in 1886 and contains the following machinery:

One tandem compound condensing engine.

Cylinders 14-inch and 25-inch diameter by 20-inch stroke.

Boiler is one water leg type of marine boiler, with two cylindrical furnaces.

Shell is 86-inch diameter by 13 feet 6 inches long, built in 1898. It is now operating at 120 pounds pressure.

One surface condenser, with a 6 by 2 by 6-inch Blake duplex pump, which is cross connected to be used for either condenser or boiler-feed work.

One Blake duplex pressure pump, 4 by 3 by 4 inch, used on sanitary pipe lines, and cross connected for boiler-feed purposes.

One centrifugal circulating pump direct connected to a four-horsepower vertical slide-valve engine.

One engine driven General Electric Co. generator 2½ kilowatt, 110 volts direct current, with switchboard equipment complete. Engine and generator are direct connected.

This boat needs overhauling immediately as to machinery. Estimated cost $10,000 to $12,000; total value, $12,000.

ITEM NO. 25.

One gasoline boarding launch, *Relief*, 53 feet long by 7 feet beam, and has a draft of 4 feet. Boat is three-fourths housed, glassed windows entirely around the same, and has a deck of about 1 foot wide each side of the house, and is equipped with one Craig Marine Engine Works three-cylinder four-cycle gasoline engine of 30 to 35 horsepower, and make-and-break ignition. The engine was placed in this boat in 1912 as a secondhand engine, having been just overhauled, and is in fair condition. Boat contains a fore and aft cabin and engine room in the center. Aft cabin contains one closet of the marine type, which is in useless condition. The boat needs a very general overhauling and quite extensive repairing, coppering and painting inside and out; all cabin paint work having been scraped off preparatory to painting. Estimated value of this boat is $1,200; value, $1,200.

ITEM NO. 26.

Retaining walls, cisterns, etc.:	
1 concrete retaining wall, 70 feet long by 6 feet high	$1,000
Riprap sea walls, 100 feet long by 4 feet high	500
2 cistern drains	100
Total value	1,600

Mr. FITZGERALD. Mr. Chairman, to maintain the quarantine station at Boston costs a little over $28,000 a year. The city of Boston has had control of the quarantine station, a very important matter for a great community like Boston, and has been bearing this expense. It seemed to the Committee on Appropriations that a great, progressive, enterprising community like Boston, if it really desired to be relieved of an expense of $28,000 a year, and to be relieved of the care and trouble and difficulty of maintaining the station, would be very eager to show its anxiety and to promote those friendly relations which should exist between municipalities and the Federal Government by donating the property to the Federal Government. It appeared to the committee that that would be a very reasonable and fair trade. The city would be relieved of the trouble and annoyance and anxiety and the more or less incompetent officials that the city probably supplied, and would have the station managed and conducted by the Public Health Service. If there is to be fastened permanently upon the Federal Government an annual charge of $28,000, which is about 3 per cent, I am informed by the mathematicians about me, on an investment of $1,000,000, it was the belief of the committee the city should be glad to donate this little, picayune, one-horse quarantine station to the Federal Government. Of course it has been stated that just as soon as the Federal Government obtains possession of the station it will be necessary, in order to have a station there commensurate with the dignity and power of the United States, to expend a very large sum of money in putting it in suitable shape. Boston will thereby be relieved not only of the annual charge, but will be relieved of this prospective investment, and it will also turn away the power to operate and control the quarantine service, which so vitally affects its own people. It occurred to me—but I do not wish to take credit for this very desirable proposition, when credit does not belong to me—it occurred to a number of the members of the Committee on Appropriations, men of large experience in public affairs, of long service in Congress, having an intimate acquaintance with the attractive qualities of the people of Boston, that that municipality would be very glad to take advantage of the opportunity that this bill presented and turn the station over to the Federal Government free of charge. I am very keenly disappointed that the Representative from Massachusetts [Mr. GALLIVAN] did not live up to the expectations of these wise and patriotic members of the Committee on Appropriations. Of course the Treasury Department has made the agreement. The station is now being conducted by the Public Health Service, and the Congress has somewhat acquiesced in what has been done by providing the money necessary for the balance of the current year and for the service for the next year; but we had hoped that the gentleman would use his great influence with the city official to have them donate it. It would be an example to Baltimore and all of those other places that have their eager eyes fastened upon the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from New York has expired. Does the gentleman from Illinois [Mr. MANN] withdraw the point of order?

Mr. MANN. Not yet. I did not hear all that the gentleman from New York [Mr. FITZGERALD] said, but did he recommend that the point of order be withdrawn?

Mr. FITZGERALD. I think under the provisions of the act——

Mr. MANN. Oh, I know what the act provides, and I am not asking about that. I just asked what the gentleman from New York recommended. Did he recommend that this provision go into the bill?

Mr. FITZGERALD. The committee recommended——

Mr. MANN. I know what the committee recommended. If the gentleman does not want to answer that yes or no, he need not. Mr. Chairman, I am familiar with the law. It came from the committee on which I served for many years, and I was familiar with the bill and helped to make it up. I was opposed to that provision of the bill which authorized the Government to pay for these quarantine stations. The fact is that for many years the States or municipalities conducted the quarantine. It was not very well conducted, possibly outside of Boston, New York, and a few of the other larger cities. The Public Health Service desired to have control of the quarantine stations. The local people said they had to pay for them, although their maintenance was to the interest of all of the people to prevent disease from coming in through the local ports. The local people in the main said that they would like to get rid of the quarantine stations, because it is a matter that affects all of the people. The Public Health Service said that they would like to get control of the stations. This does not apply to New York City, which, I believe, never wants to give up anything that it has—not this, anyway. We passed a law that authorized these quarantine stations to be turned over to the General Government. I though they were doing extremely well to get the General Government to pay the expense of these local quarantine stations. It means an annual expense account amounting to a large sum of money to the local people. Take the one at Boston. It probably costs the General Government, or will when it is operating, fifty to one hundred thousand dollars a year for current expenses and maintenance at Boston. Boston is relieved of that expense. The same was true of New Orleans, of Savannah, of various other ports. I was opposed to the provision in the law that authorized the General Government to pay these local people, because I thought they were doing well enough to get rid of the work and expense of the quarantine and put it off on the General Government without our paying them for it. It is like a man having an elephant on his hands, and we have all heard of a man who has an elephant on his hands. Feed is very high.

These local people not only want us to feed the elephant but pay them for the privilege of doing so. That is what it amounts to. I do not think the Boston case has any greater merit simply by itself, but it is true we put in the law a provision that the General Government might pay for the local stations. It is true that we have paid for a number of them. I do not think we ought ever to have paid for one of them, but I am frank to say I am not able to differentiate between the case of New Orleans, Savannah, and various other ports and the case at Boston. We have saved quite a sum of money by not taking over the Boston station 10 years ago, probably saved enough to pay for the station several times. Wholly against my views of the situation under the circumstances, I am not going to insist upon the point of order and I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

New Orleans quarantine station: For boarding vessel and equipment, $25,000; for fire protection, $4,000; for dynamo and engine, including installation, for electric light for night inspection, $1,200; in all, $30,200.

Mr. ESTOPINAL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 27, strike out lines 13 to 16, inclusive, and insert in lieu thereof the following:

"New Orleans, La., quarantine station: To enable the Secretary of the Treasury to begin the construction of the necessary walls, piers, etc., for a new quarantine station (to replace the present station), hereby authorized, at a total limit of cost not to exceed $500,000, the land to be donated without cost to the United States on the Mississippi River, below the city of New Orleans, the acceptance of which donation is hereby authorized, $50,000."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the amendment.

Mr. ESTOPINAL. Mr. Chairman, we have an estimate submitted by the Treasury Department for this station. The Government is called upon now to spend $30,000 on the antiquated quarantine station near the Gulf, which is 90 miles from New Orleans. The storm of last September almost destroyed the station, causing great damage. A considerable amount of money already has been expended on it since the storm. The present station is very much out of the way for the convenience of commerce and for the convenience of the traveling public, passengers coming up to quarantine are sometimes kept there 24 hours before they can come up to the city and are subjected to many inconveniences thereby. The business that comes through the port of New Orleans is very large; it is one of the largest ports in the country, and the commerce is very much affected by the delays caused by this quarantine station being so far away. When the quarantine was established there many years ago it was the opinion then that quarantine stations must be located at great distances from the port. Under modern conditions of sanitation we can take care of all contagious diseases. There is no longer any fear of yellow fever or any other disease. They can now be isolated and treated near a city without danger. I introduced H. R. 12586, which was referred to the Committee on Appropriations. The bill was considered by the committee but never reported upon. Estimates were submitted by the Treasury Department fixing the amount necessary to build and equip the station at $500,000, and this amendment provides that $50,000 be appropriated now to begin the work. The money will have to be appropriated in the near future for a modern quarantine station for the port of New Orleans, and this should be done now before repairs are made to the old station, which will be a waste; we ask that the station be transferred to a point nearer the city for the convenience of commerce as well as for the convenience of the Public Health Service. I hope, Mr. Chairman, that the amendment will be adopted.

Mr. FITZGERALD. Mr. Chairman, this is to establish a new quarantine station which is not authorized by law. This committee can not undertake to initiate and establish new stations at a cost of half a million dollars when we have a very fine station which we purchased from the city of New Orleans for $100,000 within 10 years——

Mr. DUPRÉ. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DUPRÉ. The gentleman says purchased from the city of New Orleans; it was purchased from the State of Louisiana, but that is immaterial. The gentleman understands there is no attempt on our part to get two quarantine stations. The idea is to abandon the old station and have a modern one near the city on a site to be donated by the city of New Orleans, free of cost, to the United States.

Mr. FITZGERALD. Oh, I think it is a matter that in the near future will be taken care of in the proper way in view of the situation down there, but I think that the conditions at present are not so bad that they can not be deferred three or four months or a year. The matter ought to be gone into very fully——

Mr. DUPRÉ. Will not the gentleman admit that the matter was gone into very fully before the gentleman's committee——

Mr. FITZGERALD. But the committee has no jurisdiction to establish new stations.

Mr. DUPRÉ. I recognize that fact; but in view of the fact that the committee has appropriated in this bill some $30,000 for the repair of the old quarantine station, and the gentleman says in the course of three or four months or a year it will probably be abandoned, does not the gentleman think that amount had better be devoted to the construction of a new station, when the small sum of $50,000 is all that is asked for by the Treasury Department in their estimate at this time?

Mr. FITZGERALD. No; because this money is not enough to operate the new station. It is needed whether a new station would be made or not. Fifty thousand dollars would not equip or fit or make available any new station so that it would have the facilities that would be proper. The city of New Orleans would be deprived of things which are absolutely imperative in order to properly conduct the existing station.

Mr. DUPRÉ. We would be very glad to have both, I will say to the gentleman, but we thought that it would appeal more to him and to the House and that our plea would come with better grace if we would say that we were willing to forego one and take the other.

Mr. FITZGERALD. The gentleman from Louisiana knows that the committee was quite liberal in dealing with New Orleans——

Mr. DUPRÉ. I do not know anything of the kind.

Mr. FITZGERALD. Well, I will not attempt to enlighten the gentleman in public except to say that the committee did everything for New Orleans in this bill that it could do under the authorizations now existing——

Mr. DUPRÉ. I do not consider that the committee——

Mr. FITZGERALD (continuing). It provided for the lighting of the Mississippi River from New Orleans to the Gulf in a manner that will rival Broadway on its busiest night.

Mr. DUPRÉ. I am very grateful for that, but that has nothing to do with the quarantine station which we are discussing here. Those propositions stand on their own respective merits.

Mr. FITZGERALD. This is not authorized. I am constrained to insist on a point of order, Mr. Chairman.

Mr. DUPRÉ. The expected has happened.

Mr. FITZGERALD. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting some letters and telegrams in reference to this subject; also the estimate of the Treasury Department.

The CHAIRMAN. Is there objection?

There was no objection.

The letters and telegrams are as follows:

THE NEW ORLEANS BOARD OF TRADE (LTD.),
New Orleans, June 1, 1916.

Hon. H. GARLAND DUPRÉ, M. C.,
Washington, D. C.

MY DEAR SIR:: The directors of the New Orleans Board of Trade and the commercial public of our city are very deeply interested in the removal of the quarantine station from its present location to one upon the site which the city has arranged to donate, which is very much closer to the city.

If the bill which has been introduced by Mr. ESTOPINAL is not favorably acted upon by Congress at its present session, it is imperative that the Government should expend a very large sum of money for the immediate repair and restoration of the present station.

It is, therefore, evident that unless this station be entirely satisfactory, which it is not, the money spent upon its repair will be futile and would be much better applied to the building of a new station.

Whilst the amount asked by the Treasury Department for the building of a new station is larger than we had understood from the Surgeon General would be necessary, the quarantine station at New Orleans is by far the largest and most important station in charge of the Federal Government in the country, and its commerce is entitled to the very best facility possible.

It is of very great importance to the commerce of our port that the station be changed as provided in Mr. ESTOPINAL'S bill, and we therefore trust that you gentlemen representing Louisiana in Congress may be able, by joint action, to insure favorable action by Congress on this matter at its present session.

Yours, very truly, M. J. SANDERS, *President.*

—

NEW ORLEANS, LA., *May 12, 1916.*

H. GARLAND DUPRÉ,
House of Representatives, Washington, D. C.:

Hope you will use every means to push quarantine-station bill, as I have to close deal for property here. Wire me what the situation is.

MARTIN BEHRMAN, *Mayor.*

—

NEW ORLEANS, LA., *May 29, 1916.*

H. GARLAND DUPRÉ,
The Montana, Washington, D. C.:

Will you wire me what possibilities are for quarantine-station appropriation? This is very important on account of purchase of real estate. Is there anything I can do in the premises?

MARTIN BEHRMAN, *Mayor.*

—

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 1, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: I have the honor to submit herewith, for inclusion in the sundry civil appropriation bill, now under consideration, the following estimate:

New Orleans, La., additional quarantine station: To enable the Secretary of the Treasury to begin the construction of the necessary buildings, wharves, piers, etc., for an additional quarantine station, hereby authorized at a total limit of cost of not to exceed $500,000, on land to be donated to the United States on the Mississippi River, below the city of New Orleans, La., the acceptance of which said donation is hereby authorized $50,000

Inclosed is a copy of a letter dated May 18, 1914, addressed to the chairman, Committee on Appropriations, making a report on H. R. 12586, which is self-explanatory.

The above estimate is submitted under the national quarantine act approved June 19, 1906 (34 Stat., 299), and it is recommended that the same be given favorable consideration, looking to an appropriation in the amount above named.

Respectfully, W. G. MCADOO, *Secretary.*

—

MAY 18, 1916.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

SIR: In accordance with the request of Hon. ALBERT ESTOPINAL the following report is submitted on H. R. 12586, which provides for an appropriation for erecting and equipping and otherwise providing a quarantine station at or near the city of New Orleans, La.

It is understood that the site on which the proposed quarantine station is to be construed will be donated free of cost to the Government. The proposed site is about 7 miles from the city of New Orleans and is located on the west bank of the Mississippi River, on which it has a frontage of 3,000 feet. The lot has a depth of 1,200 feet. The present quarantine station is located 90 miles below the city of New Orleans, and the object in transferring the same to the proposed new location is not only for the sake of convenience but for economical administration.

The requirements for the new station are substantially as follows: Officers' quarters, executive building and general storeroom, attendants' quarters, mess hall and kitchen, mess hall for detained persons, refrigerating room and ice plant, detention barracks, bath building, general hospital, guardhouse, isolation hospital, laboratory and morgue, crematory, stable and animal house, disinfecting building, boathouse, and fire pump house. In addition there will be required wharves, complete sewer system, lighting system, water system, telephone system, etc.

It is estimated that the cost of constructing the above building, including the other items enumerated, will be $500,000.

Inasmuch as time will be required to prepare the plans after the site has been acquired, should the proposed quarantine station be authorized, it will not be necessary to appropriate the full amount at this time, and it is therefore submitted that the sum of $50,000 will be sufficient for the commencement of the construction of the proposed station.

Respectfully, W. G. MCADOO, *Secretary.*

—

MAY 24, 1916.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to transmit herewith a supplemental estimate, with the request that it be submitted to Congress, for an appropriation to provide for erecting, equipping, and otherwise providing a quarantine station at or near New Orleans, La., to be available until used.

The New Orleans quarantine station is located 90 miles below the city of New Orleans. The present site was selected by the State of Louisiana many years before the mode of transmission of many of the quarantinable diseases was thoroughly understood, and when it was believed that the contagion of yellow fever and similar ailments was conveyed through the air for considerable distances. The station was established solely for protection against disease and with relatively small regard for the convenience of commerce or ease of operation.

During the last decade quarantine procedure has been radically modified. Important facts regarding the transmission of cholera, plague, typhus, and yellow fever, the principal quarantinable diseases, have been discovered, and the measures for their detection on incoming vessels and the avoidance of their dissemination have become exact and definite. Modern quarantine stations are at present conducted in close proximity to large cities, without the slightest danger of the spread of contagion. Every effort compatible with safety is now made to facilitate the movement of commerce. The period of detention of vessels has been shortened, treatment by fumigation is performed with efficiency and rapidity, and all quarantine practices have been made uniform.

The object of the transference of the New Orleans station to a more convenient site is to make possible the adoption to the fullest extent of modern methods of inspection and treatment of infected vessels. It will effect a considerable economy in administration. The means of communication with the present station are difficult, there being no rail or trolley connection, a small boat making the trip from New Orleans twice a week.

Supplies are seldom received promptly, and in emergencies when several hundred people must be housed and provisioned this greatly interferes with the efficiency of the station. Vessels which have reached quarantine during the night are inspected at sunrise and released, but as the voyage to New Orleans requires approximately eight hours they arrive too late in the afternoon to discharge their cargoes; hence an entire day is lost. This is an important consideration with chartered vessels, and often means a loss of several hundred dollars to the charterers or owners, especially in these days when freight congestion is so marked. Many of these vessels are laden with perishable cargoes, a large percentage of the shipping entering the port of New Orleans being engaged in the fruit trade. To avoid this delay and consequent injury to commerce, the Public Health Service has inaugurated a night inspection service, but even with this provision commerce is not facilitated to the extent which would be possible if the station were nearer New Orleans.

Respectfully,

RUPERT BLUE, *Surgeon General.*

The Clerk read as follows:

For salaries of all necessary employees, other than employees required for the administrative work of the bureau of the class provided for and specified in the legislative, executive, and judicial appropriation act for the fiscal year 1917, and plate printers and plate printers' assistants, $1,408,000, to be expended under the direction of the Secretary of the Treasury, and without increasing the rate of pay for any class of services in the bureau beyond the rate paid therefor January 1, 1916: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. CALDWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 40, line 7, after the word "Treasury," strike out the comma and insert a period, and strike out the remainder of line 7, all of lines 8, 9, and 10 to and including the word "sixteen."

Mr. CALDWELL. Mr. Chairman, the object of this proposed amendment is to give the chief of the bureau the right or power to increase the pay of such deserving men as may be entitled to it. It does not compel him to do it, but only gives him discretion to do so. Where men have been working for 16 or 18 years at one rate of pay, it seems to me their superior ought to have the right to raise their pay in certain cases. I think it is only fair that these men who have worked all this time at this set rate of pay, with the increase in the cost of living, should be given the opportunity that they would have in private life. Therefore I hope the amendment will be agreed to.

Mr. FITZGERALD. Mr. Chairman, the provision which the gentleman moves to strike out relates to maximum pay. This provision does not interfere with promotions or increases of pay within the maximum that was paid on the 1st of January, this year. There should be some control by Congress over compen-

sation to employees. Any employee in the Government can be promoted up to the maximum compensation. In the Bureau of Engraving and Printing they are more liberal than in any other service of the Government. The committee believes this is not the time to indulge in wholesale increases in maximum pay to these employees. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Recoinage of gold coins: For recoinage of light-weight gold coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, as required by section 3512 of the Revised Statutes, $5,000.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 22 to offer an amendment to correct a typographical error.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 22, line 13, strike out "Skonwhega" and insert in lieu thereof "Skowhegan."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign Governments, as well as the coins of the United States and of foreign Governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, hire and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for no other purpose whatever, except in the protection of the person of the President and of the person chosen to be President of the United States, $200,000: *Provided further*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

Mr. MANN. Mr. Chairman, I move to amend, on page 45, line 23, by striking out the word "*further.*"

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 45, line 23, strike out the word "*further.*"

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For additional assistant surgeons, $25,000.

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against line 10, on page 47, "for additional assistant surgeons." It is new legislation and not authorized by law.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. FITZGERALD. I do not believe it is subject to a point of order, Mr. Chairman. There are no definite numbers of assistant surgeons in the Public Health Service, and in order to indicate that an additional number are being provided for this is segregated from the rest of the paragraph.

The CHAIRMAN. The Chair will ask the gentleman from New York [Mr. FITZGERALD] whether there is any law authorizing the appointment of assistant surgeons in this department?

Mr. MANN. There is. The law in relation to the Public Health Service authorizes assistant surgeons. There is no limit on the number.

Mr. STEPHENS of Texas. It does not show how many are appropriated for, one or a dozen.

The CHAIRMAN. The Chair thinks that if the law authorizes the appointment of assistant surgeons, the point of order is not well taken.

Mr. STEPHENS of Texas. I do not find any law authorizing it.

Mr. MANN. The public-health law authorizes them.

The CHAIRMAN. The Chair would like to ask the gentleman from New York [Mr. FITZGERALD] if he has the law there?

Mr. FITZGERALD. I have not been able to put my hand on it. My recollection is that the law does not limit the number of surgeons in the Public Health Service.

The CHAIRMAN. The point is whether or not the law authorizes the appointment of assistant surgeons.

Mr. MANN. The public-health law provides for assistant surgeons.

Mr. STEPHENS of Texas. The word "additional," then——

The CHAIRMAN. Does the gentleman from Texas agree to that, that that is the law?

Mr. STEPHENS of Texas. I think that is correct.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, or trachoma, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $400,000: *Provided*, That a detailed report of the expenditures hereunder shall annually hereafter be submitted to Congress.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I ask the gentleman from New York how much of the appropriation of $500,000 for the prevention of epidemics has been expended up to any recent report? I think we make an appropriation each year for the prevention of epidemics. Originally it was supposed to be an emergency appropriation. Do they go ahead and spend this money regularly, anyhow?

Mr. FITZGERALD. My recollection is now that they are doing so in connection with the bubonic-plague work in Seattle, San Francisco, and New Orleans. There was an unexpended balance of $55,000 in March.

Mr. MANN. That was for last year?

Mr. FITZGERALD. Yes.

Mr. MANN. I think they had some occasion to spend the money in the last fiscal year; but are they spending the current appropriation of $500,000?

Mr. FITZGERALD. They will spend next year about $400,000, according to my recollection.

Mr. MANN. They do not treat this any more as an exigency.

Mr. FITZGERALD. The original purpose, as the gentleman remembers, was to have a fund——

Mr. MANN. I understand.

Mr. FITZGERALD. But now the trachoma work and the force employed in San Francisco, Seattle, and New Orleans are being paid out of this fund. Then, from time to time there have been some alarm that have occasioned the detailing of employees of the Public Health Service at various places. This is entirely taken up annually, but only for diseases of the character enumerated. Formerly they employed men out of this fund and detailed them to work in connection with other diseases than those enumerated in this paragraph. Now, all the work is done in connection with the prevention or elimination of the diseases enumerated here.

Mr. MANN. Of course, this year we have had no cholera, no yellow fever, no bubonic plague that I know of; no Chinese plague or black death. We have typhus fever always with us. We have smallpox always with us, and trachoma always with us, but not as an emergency matter—no epidemic.

Mr. FITZGERALD. We are maintaining a very large force in New Orleans and San Francisco and Seattle on the bubonic-plague work, in the extermination of the rats, and are doing considerable work on trachoma.

Mr. MANN. I wondered whether they had gotten so that they proposed to spend all this money on trachoma and smallpox.

Mr. FITZGERALD. They spend it every year.

Mr. MANN. Those are things which ought to be taken care of by the localities and the States.

Mr. FITZGERALD. They spend the entire sum every year.

Mr. MANN. Then, if we have an emergency, they will not have any money with which to take care of it.

Mr. FITZGERALD. If they have an emergency, they will rely on Congress being in session, as it has been for several years, practically all the time. There has been an attempt made year after year to keep separate an emergency fund for these epidemics, but it is impossible to do so. You can not appropriate the money and have an emergency fund without the Public Health Service discovering some emergency that will enable that service to spend the money.

Mr. MANN. I do not think the Public Health Service has been quite fair with Congress.

Mr. FITZGERALD. Well, it has not. Congress in providing this fund was doing what everyone realized was a very important service, setting aside an appropriation of half a million dollars which would be available for the Public Health Service in the event of some epidemic. Ever since that has been done, in some way or other the money has been expended, although except on very rare occasions it has not been expended under the circumstances contemplated when the appropriation was made.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

Field investigations: For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution of navigable streams and lakes of the United States, including personal service, $250,000.

Mr. HARRISON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HARRISON: Page 50, line 3, after the word "including," insert "demonstration work in the prevention and control of mosquito-transmitted diseases"; also, strike out "$250,000," in line 5, same page, and insert "$450,000."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. HARRISON. I do not care to be heard if the point of order is good.

Mr. MANN. The point of order is good.

Mr. HARRISON. I do not think it is.

Mr. FITZGERALD. Mr. Chairman, I think the point of order is good. There is no specific authority for the proposition submitted by the gentleman from Mississippi. The paragraph is in the language of the organic act. The gentleman can not enlarge that work by including in it something not provided for in the organic act.

The CHAIRMAN. The Chair would like to see the language of the organic act.

Mr. MANN. This is in the exact language of the provision of the law, I believe, passed two or three years ago.

Mr. HARRISON. I was going to read to the Chair the argument the gentleman from Illinois made at that time. I think this is not subject to the point of order. If the gentleman from New York has said all he wishes to say, I should like to be heard on the point of order.

Mr. LINTHICUM. I should like to ask the gentleman from New York a question. I notice it says:

Including sanitation and sewage.

I should like to ask whether there has been any investigation made of those subjects.

Mr. FITZGERALD. Let that come after this question of order is settled.

The CHAIRMAN. The gentleman from New York makes a point of order against the amendment?

Mr. FITZGERALD. I make the point of order. Let us have it settled.

Mr. HARRISON. I do not think this amendment is subject to the point of order. I think it comes within the authority of the law under the wording of the statute that the Chair has before him. I want to read it:

The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage—

And so forth. Now, it is quite true that for the most part that provision followed the wording of the statute. But the words "*study*" and "*investigation*" are quite different in their meaning. In this matter one is much broader in its meaning than the other. If the word "study" means anything as written in the law giving to the Public Health Service the authority "to study the diseases of man and the conditions influencing the propagation and spread thereof," it means that not only can they investigate under authority of law the diseases of man, but they can study those diseases and conditions by making experiments or employing such other means as will best enable the service to study the conditions or source of the diseases. So I think the word "study" as employed in the statute carries with it the authority for an appropriation that would give the Public Health Service the right to do demonstration work or experimental work in preventing and controlling mosquito-transmitted diseases.

The CHAIRMAN. If that is true, what would be the need of putting it into the law, if they have that power now?

Mr. HARRISON. I will say to the Chair that I had the matter up with the Public Health Service to investigate a situation that is local in my district touching the mosquito question. They did investigate it, and they said that while they might be able to do more, they did not feel that they could without special authority. The appropriation that is made under this head specifies only for investigation. The appropriation is limited. It does not go so far as the statute and say that you can study and investigate into the diseases of man, but it limits the appropriation to the investigation of the diseases of man, and so forth, and so the Public Health Service was quite right in saying that since the appropriation limits the proposition specifically to investigations into the diseases of man that they probably could not go so far. My contention now is that the authority of law is not lacking, and I want to remove the restriction or limitation placed upon the appropriation.

Mr. FITZGERALD. Where does investigation stop and study begin?

Mr. HARRISON. The gentleman can ask that in a facetious way if he likes, but this is a serious matter to my people.

Mr. FITZGERALD. I am asking the gentleman seriously, where does investigation stop and study begin?

Mr. HARRISON. They are experimenting under this very appropriation in pellagra in my own State.

Mr. FITZGERALD. There is a specific appropriation for pellagra.

Mr. HARRISON. That is true; but the gentleman will see that in the expenditures under this item that there was expended $19,944 for the study of pellagra, and that money was spent, not for investigation into pellagra but in some cases for demonstration and experimental work; and the department did a very capable and very splendid piece of work. They went into my State and said to the executive authorities, let us have 12 convicts and have them for six months or some fixed period and we will demonstrate that we can cure pellagra. They dieted them, in some instances, to give them pellagra; in other instances to cure those who had it, but in practically all the cases they demonstrated that pellagra could be cured by the dieting process. There was a demonstration and experiment under this item of the bill under the authority I have cited.

Mr. FITZGERALD. If they can study pellagra under this provision, why not study mosquito-transmitted diseases?

Mr. HARRISON. The Public Health Service said they did not feel warranted under the limitation in the appropriation to do more than they had done. I am trying to cure a situation; I am asking for more money; I am broadening the provisions to meet the intention of the law; and I am trying to submit to gentlemen that there is a difference between study and investigation. I submit that under the statute that gives authority to appropriate money for the Public Health Service when it says "for study and investigation" the word "study" carries with it more than mere investigation and includes demonstration and experiment. This question was up several Congresses ago.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that there is a specific appropriation made for the study of pellagra of $40,000.

Mr. HARRISON. Yes; but under the provision of the $200,000 last year appropriated, similar to the item under consideration, they spent over $19,000 for study and experiment and demonstration in pellagra.

Mr. MOORE of Pennsylvania. I am in sympathy with the gentleman's argument, but I wanted him to know that there was also a special appropriation made for pellagra.

Mr. FITZGERALD. That is to maintain a specific hospital set aside for that work, and they wanted the appropriation for a particular hospital. This is field investigation.

Mr. HARRISON. In 1914 the gentleman from Pennsylvania [Mr. MOORE] offered an amendment under this head, and that amendment read as follows:

For the investigation and eradication of the disease-carrying mosquito.

The Chairman will note that my amendment does not say "disease-carrying mosquitoes," but makes it for demonstration work in mosquito-transmitted diseases, which I think is different. The gentleman from New York made a point of order, and in an argument on that proposition the gentleman from Illinois [Mr. MANN] said this:

I myself think, therefore, while not remembering the exact form of the amendment of the gentleman from Pennsylvania [Mr. MOORE], that his amendment would be in order, although I think it is wholly unnecessary, and I shall not vote for it if it is submitted to the House, because up to date I do not think we can afford to divide up the appropriation. The Public Health Service has the power now, without the amendment proposed by the gentleman from Pennsylvania. They can use the appropriation for that purpose, and, so far, I think it has been the design of Congress to permit them to exercise, at least in the first instance and for the present, their judgment as to how the money should be expended for these different items for which we might appropriate and which they might expend.

A little farther down he says:

The intention was—and I think it is shown, or I would not say that was the intention—in general language to confer upon the Public Health Service the broadest power that the General Government has or could exercise in reference to diseases of man and the spread and propagation thereof, and also in reference to the pollution of water supply and the handling of sewage.

I want the Chair to bear in mind that, while the statute expressly gives authority to the Public Health Service to study and investigate the diseases of man and the conditions of those diseases, that the appropriations are made like the pro-

vision herein only for the investigation into the diseases of man, and that the word "study" in the statute would give us the right to carry out the provisions of the amendment, which I think is clearly in order.

Mr. FITZGERALD. The amendment provides for demonstration or experimental work. The point of order was sustained because the organic act does not authorize demonstration work any more than it does experimental work. The appropriation is carried in the exact language of the organic act.

If the Chair wishes to see this decision the gentleman cites, it is here. The amendment was to provide for "experimental work for the investigation and eradication." To that a point of order was sustained. This amendment provides for "demonstration work," which is not expressed in the organic act.

Mr. HARRISON. Does the gentleman think the word "eradication" and the word "demonstration" mean the same thing?

Mr. FITZGERALD. I think they are different from each other and both subject to the point of order.

Mr. HARRISON. I do not think "demonstration" is subject to the point of order. "Eradication" would be.

The CHAIRMAN. The language of the law is that the Public Health Service "may study and investigate the diseases of man," and so forth. The language of the bill is "for the investigation of diseases." It does not use the word "study," but the Chair has looked up the meaning of the word "study" and finds that it means "to endeavor to learn or learn about by means of mental application, examine, search into," and the Chair thinks that the law in using that word does not amplify the meaning of the word "investigation." Both mean investigation, so that the Chair is of opinion that the amendment is subject to the point of order, because it provides for "demonstration work," and is beyond the scope of the law under which the appropriation is made. The Chair, therefore, sustains the point of order.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the words "demonstration work" and inserting the word "study."

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

After the word "including," on page 50, line 3, insert the words "study in the prevention and control of mosquito-transmitted diseases"; and also strike out, in line 5, same page, the figures "$250,000," and insert in lieu thereof the figures "$450,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment that it is beyond the scope of the organic act.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. There is no provision in the organic act for the control of these diseases.

Mr. HARRISON. It is to study the control and prevention.

Mr. FITZGERALD. "Study" and "control" are entirely different. It goes beyond the scope of the organic act, and it is designedly intended to do so, or there would be no necessity for the amendment.

The CHAIRMAN. The Chair sustains the point of order, unless the gentleman from Mississippi desires to be heard upon it.

Mr. HARRISON. I thought the Chair had overruled the point of order?

The CHAIRMAN. The Chair did so announce his decision at first, but on examining more carefully the Chair changes his mind.

Mr. HARRISON. I understood the reason the gentleman from New York [Mr. FITZGERALD] gave was that it dislodged the Public Health Service of the discretion in the matter.

Mr. FITZGERALD. No.

The CHAIRMAN. The Chair apprehends that the reason for making the point of order by the gentleman from New York is that the gentleman from Mississippi is endeavoring to give to the Public Health Service the power to go into the control and the prevention of diseases, when the law only provides for their study and investigation.

Mr. HARRISON. That is exactly what my amendment proposes.

The CHAIRMAN. The gentleman's amendment does not. The gentleman's amendment proposes to study the prevention and control of these diseases, and increases the appropriation for that purpose, and the Chair thinks, unless the gentleman can give some reason for it, that the amendment is subject to the point of order.

Mr. HARRISON. I thought the authority of law gave the right to the Public Health Service to investigate diseases and study diseases, and this amendment, I take it, gives the right to study the control and prevention of mosquito-transmitted diseases.

The CHAIRMAN. But the gentleman's amendment provides for the control and prevention of these diseases.

Mr. HARRISON. It is not the intention of the author of the amendment to do that. It is only to study how to control and prevent.

The CHAIRMAN. Then, if the gentleman wants to accomplish that, what is the purpose of putting in "the control and prevention" when by inserting the words "study and investigation," which is the law, he will accomplish his purpose?

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to strike out——

Mr. FITZGERALD. Let us have a ruling on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HARRISON. I offer to amend after the word "including," in line 3, page 50, by inserting "the study of mosquito-transmitted diseases," and in line 5, page 50, by striking out "$250,000" and inserting "$450,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 3, after the word "including," insert "study of mosquito-transmitted diseases," and also strike out "$250,000" in line 5, same page, and insert "$450,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HARRISON. Mr. Chairman, there is no branch of the Government that deserves more liberal treatment at the hands of Congress than the Public Health Service. It is that branch of the public service when epidemics of dread diseases threaten localities and the people become frightened and panic-stricken that goes forth like a ministering angel and allays alarm, assists in curing the afflicted, and suppresses the outbreaks of disease. It is that branch of the public service that is constantly on guard, investigating and combating diseases that sap human life.

The wonderful work that it has done can not be measured in dollars and cents. Suffice it to say, it has carried blessings and happiness to every section of our land.

And yet with all the good that it has accomplished, all the lives it has saved and the happiness preserved, it receives less appropriations for its maintenance by the Federal Government than almost any bureau of the public service. This bill carries for the support and maintenance of the Public Health Service of this country an appropriation of approximately $4,000,000, and yet that sum, which includes the pay for all the surgeons, the officers, and employees, transportation charges, purchase of supplies, maintenance of hospitals, rents for buildings, quarantine stations, and so forth, is little more than the sum appropriated by this Congress annually for the eradication of one disease of animals—the foot-and-mouth disease.

This bill only appropriates $250,000 for investigating diseases of man and conditions influencing the spread of diseases, and yet we appropriate for the animal industry of this country over $3,000,000, for the plant industry over $2,000,000, and the preservation of forests $5,500,000. The amendment that I propose is to add $200,000 to the appropriation already provided for which will be used in studying mosquito-transmitted diseases.

I am sure that none of you will take issue with me on the fact that mosquitoes are the most dangerous of all pests in the transmission of disease. It is no longer disputed that the sting of the stegomyia transmit yellow fever, and that malaria and other fevers are transmitted by other species of mosquitoes.

In many sections of this country malaria is prevalent, and it is most essential to the health of this Nation that these agents of disease and death are destroyed. It was the mosquito that a few years ago brought yellow fever to the South, that made Habana uninhabitable, Panama uninviting, but because of the work of the Public Health Service and the Medical Corps of the Army Habana now blossoms like the rose and Panama is one of the most healthful spots in the Western Hemisphere.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. HARRISON. I will.

Mr. LINTHICUM. What does the gentleman think of the pollution of the Potomac River by the sewage of the city of Washington?

Mr. HARRISON. It ought to be remedied.

Mr. LINTHICUM. What does the gentleman think of the pollution of the Severn River at the Naval Academy?

Mr. HARRISON. I think it is outrageous. The Federal Government ought to give some concern to the health of the people of this country and less concern to animals.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. MOORE of Pennsylvania. The mosquito is playing some havoc along the Gulf Coast just now, is it not?

Mr. HARRISON. The situation we are in down there is quite like that of the people of Philadelphia and Baltimore.

Mr. MOORE of Pennsylvania. And the whole of the Atlantic coast.

Mr. HARRISON. And of New York City and the whole country. In my particular locality we are up against this proposition. We have no marshes on the Mississippi coast. Nothing but a land of sunshine and happiness. We have no places there where mosquitoes could breed, but they come to us from the islands and marshes adjacent to the mouth of the Mississippi River in another State some 60 or 70 miles away; the winds bring them over to us. It is not a matter that can be remedied by the State or by any particular locality, but it is a matter that the Federal Government ought to study and try to ascertain some way by which these mosquitoes may be destroyed and prevented from being carried by the winds from one State to another State.

Mr. MOORE of Pennsylvania. Has it developed in the gentleman's State that it is impossible to control the mosquito within State lines? That is the argument I have been making here right along.

Mr. HARRISON. I know the gentleman has been fighting a long time against these mosquitoes and he deserves the thanks of the American people. I will say to the gentleman that no mosquitoes breed on the Mississippi coast, and those we get come from other places. I am under the impression that if they were confined to the towns and localities they might look after them, but, as the gentleman knows, if they come to Philadelphia from Delaware and breed in Delaware, the people of the State of Pennsylvania can not look after the matter, and if they come from Pennsylvania to Delaware and are bred in Pennsylvania the people of Delaware can not look after them. That is the condition that confronts my people.

Mr. MOORE of Pennsylvania. One State would not have jurisdiction over another State?

Mr. HARRISON. Absolutely no jurisdiction.

Mr. MONDELL. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MONDELL. The gentleman is not aware of the fact that it was demonstrated in Panama that the mosquito never traveled over a mile or two distant from his native habitat, and ordinarily did not travel half a mile?

Mr. MOORE of Pennsylvania. He can begin at one stagnant pond and go to another stagnant pond, and so on and on.

Mr. HARRISON. The statement of the gentleman reinforces my argument that there ought to be an increased appropriation here, because the study of the mosquito shows constant changed opinions and conclusions about its habits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. I ask for five minutes additional time.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. MONDELL. Will the gentleman yield for just one more question?

Mr. HARRISON. In just a moment. I want to answer your suggestion. Dr. Blue told me that he does not know how it is possible for these mosquitoes to be brought 60 miles; but it is a fact, and for that reason, if the Public Health Service has found a new condition touching the mosquito, does not the gentleman from Wyoming think that this great branch of the public service should continue to study this question and find out all these changing facts, so that the people of this country may take steps to cure that situation?

Mr. MONDELL. Well, does the gentleman consider that the Louisiana gallinipper differs from the Panama creature in that it travels 60 miles, while the Panama mosquito can not travel over a mile?

Mr. HARRISON. All mosquitoes differ, I think; there are no two just alike. If the gentleman will let some of them bite him, he will think that no two bite alike. If he should hear their songs at night, he would think that none sings alike. They all, however, are dangerous pests and should be stamped out.

The Public Health Service has already performed wonderful work in making investigations and sending out information to the various localities of the country.

Investigations and sending out literature is all well and good; it answers splendid purposes; but if it is right for the Federal Government to spend $50,000 annually in investigating and experimenting in the utilization of coloring materials, as is provided in the Agricultural bill passed by this Congress, the reasons are certainly more powerful why demonstrations should be conducted in the interest of the prevention and control of mosquito-borne diseases.

If it is right for the Government to spend annually $175,000, as is provided in the Agricultural bill, for investigating and demonstrating to determine the best method of obtaining potash on a commercial scale, then certainly there are more compelling reasons for providing an adequate appropriation to demonstrate methods for the prevention and control of mosquitoes.

We appropriated this year $305,000 to prevent the spread of moths and to conduct such experiments as would be necessary to determine the best methods of controlling those insects, and went so far as to provide for the introduction of the parasite or other natural enemies of the insects, and went further and provided for colonizing them within infested territory.

If Congress thought it was good and well to prevent the spread of moths in order to protect the agriculture of this country, how much more important is it for us to provide the means and agencies whereby mosquitoes that bear disease that affect human life may be exterminated?

We even appropriated $20,000 this year for investigations and demonstrations in bee culture. In other words, we are willing to spend money to assist in bee culture that honey may be provided. Are we unwilling to provide the agency whereby mosquitoes may be destroyed and human life saved? It may be argued that the Government already makes these investigations and informs these localities what they can do in order to rid themselves of mosquitoes. I answer that argument by saying that information concerning the investigations into bee culture, of the preservation of forests, the utilization of coloring materials, investigations as to the best methods of obtaining potash on a commercial scale, or the prevention of the spread of moths can be distributed to the people through bulletins; but we do not stop in those cases at that; we take the experiments right to the people that the localities themselves may profit from the Government's experience.

Government demonstration farms and Government demonstration work in the animal industry, in horticulture, and in many other industries I might enumerate have aided the people of this country a thousand times more than all the bulletins that were ever sent out from all the bureaus of the Government.

And in a mosquito infested locality, if the Government has the means of carrying its experiments to that locality and demonstrating what can be done to rid it of mosquitoes, we would be carrying to the people of that locality a blessing that words can not picture.

If this increase is provided for, it will give the Public Health Service the means whereby it can go wherever it is called to stamp out these mosquitoes and cooperate with the States and localities in such a way that these most obnoxious pests can not survive and transmit the diseases which they alone are the cause of.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Mississippi [Mr. HARRISON] is compelled, unfortunately, to confuse that which he really wants with that which, under the rules of the House, he is obliged to ask for. The gentleman does not want the mosquito studied so far as it is a disease transmitter or carrier. That is well understood now.

When Maj. Reed lost his life in demonstrating that yellow fever was carried by the mosquito, the world was given information of incalculable advantage, and since then the investigations that have been conducted have given medical authorities as much information as they think they are likely to obtain about the mosquito as a disease carrier. That is not what the gentleman from Mississippi [Mr. HARRISON] wants. What he is interested in is some sort of regulation to prevent what might be termed interstate traffic in the mosquito. He happens to live in that magnificent State of Mississippi which, fortunately or otherwise, is a sister State of Louisiana. Louisiana seems to be so unfortunate as to cultivate mosquitoes in a few isolated places——

Mr. DUPRÉ. Will the gentleman yield?

Mr. FITZGERALD. According to the charge of the gentleman from Mississippi [Mr. HARRISON].

Mr. DUPRÉ. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DUPRÉ. I just want to know if it is possible that in my absence from the Hall the gentleman from Mississippi [Mr. HARRISON] has been putting all the mosquitoes onto Louisiana?

Mr. FITZGERALD. He has. And it seems to me that these mosquitoes are of such a type that occasionally in their nocturnal wanderings they drift across the line into the State of Mississippi and constitute an annoyance to the people of that State.

Mr. CALDWELL. Will the gentleman yield?

Mr. FITZGERALD. I will yield.

Mr. CALDWELL. I would like to ask the gentleman if he does not think something ought to be done about the situation in Flatbush and in Jamaica Bay?

Mr. LINTHICUM. And I would like to ask the gentleman——

Mr. FITZGERALD. This is not a river-pollution proposition.

Mr. LINTHICUM. That is a well-known fact. The gentleman spoke of the interstate mosquito. I want to say that I am not so much interested in the interstate mosquitoes as the mosquitoes that come from the districts of my friend TALBOTT and my friend MUDD.

Mr. FITZGERALD. I sympathize with Maryland for having these different mosquitoes.

Mr. LINTHICUM. We are spending thousands of dollars——

Mr. FITZGERALD. I decline to yield further. The Public Health Service is a well-informed, active branch of the Government. It not only knows the things it wishes to study and investigate, but it is not at all modest in asking the means to make such studies and investigations. In 1912 the appropriations for the Public Health Service aggregated $1,500,000. This bill carries for that service $2,943,000, or, since 1912, the appropriations have been doubled. The Public Health Service has not asked for this money. It has expressed no desire to obtain money to make these investigations. In a wise conduct of the Public Health Service, in investigating all of the diseases of man which it is authorized to investigate, it asks for next year, all told, but $300,000, and this bill carries $250,000 for that purpose. The gentleman from Mississippi [Mr. HARRISON] proposes to appropriate $200,000 to ascertain, if possible, how the migratory habits of the Louisiana mosquitoes may be controlled so as to keep them out of Mississippi. I hope the amendment may be defeated.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HARRISON. Division, Mr. Chairman.

The committee divided; and there were—ayes 27, noes 33.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 50, line 3, after the word "sewage," insert the words "the investigation of the disease-carrying mosquito."

Mr. FITZGERALD. Mr. Chairman, I make a point of order on that. The committee has just disposed of it. It is not authorized by law. The Public Health Service is not authorized to investigate plants and animals.

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment that was just voted down provided a change in the appropraition, but, so far as that is concerned, it does not enter into the question. The Chair held to be in order that portion of the amendment of the gentleman from Mississippi which did not carry an appropriation. The language of my amendment proposes to give direction to the Public Health Service to investigate the disease-carrying mosquito—entirely within the limitation of the existing law—but it does not provide for any increase of appropriation. It seems to me it is entirely germane, because it conforms exactly to the language of the law and does not raise the question of appropriation at all.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. MANN. Mr. Chairman, may I ask on what ground the Chair sustained the point of order?

The CHAIRMAN. The Chair sustained the point of order on the ground that the law does not contemplate the investigation of the mosquito. The Clerk will read.

The Clerk read as follows:

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, including the excavation and preservation of archæologic remains, under the direction of the Smithsonian Institution, including necessary employees and the purchase of necessary books and periodicals, $42,000.

Mr. HERNANDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Mexico offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 51, line 12, after the word "periodicals," strike out "$42,000" and insert "$44,000."

Mr. HERNANDEZ. Mr. Chairman, the School of American Archæology at Santa Fe, N. Mex., and the Royal Ontario Museum, of Toronto, Canada, have each allotted the sum of $2,000 for the purpose of partly meeting the expense of a joint expedition to the Chaco Canyon in northern New Mexico with the view of conducting archæological excavations in the great prehistoric ruins in that section. This scientific work will cost at least $6,000 per year for five or six years.

As the ruins referred to are situated within the Chaco Canyon National Monument, proclaimed as such by the President by reason of the great scientific importance of these aboriginal remains, it is proper that the Government should participate in this joint research and contribute its share, namely, $2,000, toward the expense. An agreement, effective among the three scientific institutions when the means are granted the Smithsonian Institution to enable it to take part in the research, has been drawn up.

The proposed research is of great scientific importance and should by all means be conducted. The interests of the Government in the project can best be subserved by increasing this appropriation of $42,000 to $44,000.

I hope my amendment will be agreed to.

Mr. FITZGERALD. I do not agree that the appropriation should be made for the purposes specified by the gentleman from New Mexico. It may be desirable. I do not know. If this investigation is to be made, it should not be made under an agreement by the Smithsonian Institution with some Canadian society as well as an American society. It is to be done on Government property, and if these investigations are made they should be made by the Government itself. The matter has never been called to the attention of Congress in any way that I have ever known of, except now by the gentleman from New Mexico.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Illinois.

Mr. MANN. Of course this was not brought before the Committee on Appropriations. Probably the situation had not arisen until after the bill had been acted upon by the committee. My understanding is that the Smithsonian Institution has made a contract with a Canadian society and a United States society to join in this excavation work; I suppose for the purpose of getting out various articles, which undoubtedly will be in duplicate, with the idea of furnishing one set to the Canadian society—which is also an American society—one set to the United States society, and one set to the National Museum. They have made this contract. It is very much to the interest of the Government to have this excavation work carried on in connection with the others, because it will cost only one-third as much, and we will get just as much out of it as we would if we carried on the whole work ourselves.

This archæological work down there is, I was going to say, quite important. Certainly it is very interesting. In view of the fact that they have entered into this arrangement, and that Dr. Walcott is fairly conservative about such things, I think we might properly appropriate $2,000 to carry it out.

Mr. HERNANDEZ. I have a copy of the contract, which I will be glad to furnish to the gentleman. This contract is as follows:

Memorandum of agreement between Charles D. Walcott, of the Smithsonian Institution; C. T. Currelly, of the Royal Ontario Museum of Toronto, Canada; and Edgar L. Hewett, of the School of American Archæology, Santa Fe, N. Mex., acting in behalf of their respective institutions, with reference to a joint investigation of the ancient ruins of Chaco Canyon National Monument, New Mexico.

It is proposed to undertake jointly the systematic and definite study of the above-mentioned group of ruins and continue the same for a term of years.

The three parties hereto will contribute for the work annually, beginning with the year 1917, the sum of not less than $2,000 each.

The permit for the work will be secured from the United States Government by the parties hereto acting jointly, and the collections obtained will be divided equally and deposited for preservation in the United States National Museum, the Royal Ontario Museum at Toronto, and the Museum of New Mexico at Santa Fe.

Should either party to the agreement fail to make its annual allotment for the expeditions, it is understood that the other two may continue the work, sharing equally the expenses and the collections obtained.

The work shall be under the direction of a commission, consisting of William H. Holmes, of the United States National Museum; F. W. Hodge, of the Bureau of American Ethnology; C. T. Currelly, of the Royal Ontario Museum; and Edgar L. Hewett, of the School of American Archæology. This commission shall have its chairman and disbursing officer, shall direct all expenditures, engage all employees, and have full charge of the scientific work of the expeditions.

Preliminary work necessary to satisfy the requirements of the Government concession shall be done under the direction of the managing commission during the year 1916, the three parties sharing the expense equally.

Approved,

C. D. WALCOTT,
For the Smithsonian Institution.
C. T. CURRELLY,
For the Royal Ontario Museum.
EDGAR L. HEWETT,
For the School of American Archæology.

Mr. FITZGERALD. If they have the authority to make that agreement, they can pay for it out of their funds. If they are bound by the laws that control public officials, they can not make any contract for the expenditure of public funds, unless it is authorized by law, until the money is appropriated.

Mr. MANN. I suppose this entire contract is contingent upon having the money. It is also true that out of this appropriation of $42,000, with all the work that is being carried on in the Bureau of American Ethnology, they can not very well take out an extra $2,000. It is a work that I am very much interested in. I hope the gentleman will see his way, under the circumstances, to agree to the amendment.

Mr. FITZGERALD. Let the matter go over. We have no information about it.

Mr. MANN. Very well; let it go over.

Mr. FITZGERALD. The information may be furnished.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this amendment be passed over without prejudice. Without objection, it will be so ordered.

The Clerk read as follows:

ROCK CREEK AND POTOMAC PARKWAY COMMISSION.

To enable the commission created by section 22 of the public buildings act approved March 4, 1913 (37 Stat. L., p. 885), to commence proceedings toward the acquisition of lands required for a connecting parkway between Potomac Park, the Zoological Park, and Rock Creek Park, $50,000, payable one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia: *Provided*, That the total area of lands finally to be acquired for said parkway shall not exceed the area and parcels described and delineated in the map No. 2, contained in House Document No. 1114 of the present session: *Provided further*, That the said commission is hereby authorized to settle and compromise all questions and controversies between the United States and adverse claimants of titles to lands within or adjacent to the area desired for said parkway, in accordance with the recommendations of the said report submitted in compliance with the act of March 3, 1915, subject to the approval of the Attorney General of the United States, who may, in such settlement and compromise or in any condemnation proceedings requested by said commission, exercise the power in him conferred by section 364 of the Revised Statutes of the United States, any provision of law to the contrary notwithstanding: *Provided further*, That the said lands when acquired shall be a part of the park system of the District of Columbia, subject to the provisions of section 2 of the act of Congress approved July 1, 1898 (30 Stat. L. ch. 543).

Mr. MANN. Mr. Chairman, I move to strike out the last word. It may be a little bit late, but I want to ask the gentleman specifically about this Potomac Park extension. What is provided for in reference to the connection between Rock Creek Park and Potomac Park and how does it change the existing law?

Mr. FITZGERALD. The public-building act is rather indefinite as to the property to be taken.

Mr. MANN. That is the one that really never did become a law, but then——

Mr. FITZGERALD. Last year $5,000 was appropriated so that actual surveys would be made and the property to be taken be actually determined. It seems that when the surveys were made it was ascertained that there would be considerable difficulty in connection with the canal.

Mr. MANN. And the gas works.

Mr. FITZGERALD. The Chesapeake & Potomac Canal and the gas company's plant and some other places. The commission has been at work and has prepared a plan by which, by transfers and arrangements, the parkway can be extended to take in enough land on either side of Rock Creek to protect it and to make the connection without having any unsightly interference from these various plants.

Mr. MANN. My recollection is that the public-building act would have taken a part of the Chesapeake & Ohio Canal plant and also a part of the gas-works plant, which would be very expensive, and that they asked authority to make certain changes in the connecting link, so as to leave the gas works where they are, without condemning them, and so as not to interfere with the canal. Does this give that authority?

Mr. FITZGERALD. This gives authority to make certain changes and alterations. In the letter of transmittal the commission says:

The many economies shown over the former plan along the entire length of the proposed parkway are so pronounced and satisfactory as to merit our unqualified approval. Furthermore, the negotiations with the Washington Gas Light Co. and with the Chesapeake & Ohio Canal Co., the results of which are submitted herewith for consideration, hold forth promise of an ultimate satisfactory solution of the complicated problem affecting the project where it touches upon the holdings of those corporations.

It is especially satisfactory to note that the restudy of this problem has disclosed the possibility of reducing the amount of property to be taken by about 1,875,763 square feet, and that the Government, therefore, will need to purchase only about 58 per cent of the area needed for the parkway, the remaining 42 per cent being now owned by the United States as streets, alleys, and reservations. This will be seen in detail by consulting the list of property and the index map.

Unfortunately, the plates of maps which accompany the report and which are necessary in order to understand the plan of it must be prepared outside of any Government establishment, and the time required to advertise and get the work done has made it impossible to print the report.

Mr. MANN. Is it understood by the gentleman that under this item in the bill the changes which were recommended by the commission are authorized?

Mr. FITZGERALD. Yes; we authorize them. This provision in the bill is intended to give the commission the authority they ask to make these changes and reduce and define the area. This situation exists: A fill has been in progress on a portion of the proposed acquisition. Application has been made to the District Commissioners to prevent the filling in of the property. The commissioners have taken the position that until the property to be taken is definitely designated it would be somewhat of an extraordinary exercise of their power to prevent an owner from filling in. The adoption of the provision in the bill fixes definitely the property to be taken, and that is really more important than the amount of the appropriation, because as soon as the property to be taken is definitely determined measures will be taken to prevent its being filled in, and the negotiations between the various companies will be continued.

Mr. MADDEN. This commission has the power to complete the negotiations?

Mr. FITZGERALD. It will have under this bill.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The amount provided in the bill for carrying on the work of the commission in connection with acquiring the addition to Rock Creek Park is $50,000. I think it is regrettable that conditions were not such that the committee felt justified in appropriating a larger sum of money for this purpose. I do not disagree with the committee's conclusion in the matter; I simply regret it. This is a work that should be carried on as promptly as possible.

Mr. MADDEN. Would it be possible for them to use a greater sum than the amount appropriated until they conclude their negotiations?

Mr. MONDELL. I think the negotiations have reached the point where they can use considerably more money than the amount appropriated. It is altogether possible that there may be some hitch in the proceeding. Personally I became reconciled to the rather small sum appropriated because of that possibility. There are still some questions to be settled with the canal company. The canal company is to quitclaim all right, title, and interest to certain land if the Federal Government will quitclaim its right, title, and interest to other land. Up to the time of the hearings the Attorney General was not quite prepared to quitclaim the title to all the territory which the canal company desired. It may take a little time still to complete it.

Mr. MADDEN. The gentleman means negotiations looking to the transfer of land from the Government to the gas company and from the gas company to the Government?

Mr. MONDELL. There is an arrangement under which the gas company grants a right of way which it was not inclined to do, with the understanding that the Federal Government would pay a part at least of the expenditure necessary for certain approaches under the right of way. There are several matters of that kind that have not up to this time been concluded.

Mr. STAFFORD. I believe the Secretary of the Treasury as chairman of the commission recommended an appropriation of $250,000 to be utilized for the purchase of the necessary land, and so forth. Will the gentleman tell us why the committee only recommended about one-fifth of it?

Mr. MONDELL. Well, the committee was economizing.

Mr. STAFFORD. Economizing in view of the approaching election?

Mr. MONDELL. We were considering the condition of the Treasury, and although we on this side are not responsible for the condition we realize the situation.

Mr. BORLAND. Does not the gentleman realize that if Mr. Hughes had had his way we would not have had any income tax and the Treasury would have been in a worse condition?

The CHAIRMAN. The time of the gentleman from Wyoming has expired, and the Chair will call attention to the fact that the committee is proceeding under unanimous consent.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I did not intend to ask additional time to enlighten my Missouri friend, who, for a man as bright as he is and as apt as he is, is the densest man in regard

to some matters that I ever happened to meet. He has not yet discovered that it was Gov. Hughes, Republican candidate for President, President to be after March 4 next, who pointed out the faults of the Democratic proposition for an income tax.

Mr. BORLAND. The gentleman is surely mistaken.

Mr. MONDELL. The man who drafted the income-tax law took cognizance of the objections and criticisms made by the President to be and drafted his bill in accordance therewith.

Mr. BORLAND. Oh, the gentleman is much mistaken; Chief Justice Marshall pointed all that out in 1819. Gov. Hughes did not know it, but Chief Justice Marshall pointed it out 100 years ago.

Mr. MONDELL. Mr. Chairman, the Democratic Party never accepted anything that Chief Justice Marshall pointed out, except under protest—that is, it never has in the past. It may be getting around possibly now to where it will admit that Chief Justice Marshall was right, but if Hughes and Marshall agreed on this matter it speaks well for Marshall.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. FITZGERALD. Does not the gentleman from Wyoming know that the message of Gov. Hughes to the Legislature of the State of New York opposing the ratification of the income-tax amendment was a rehash of all the briefs that had been transmitted to Congress by the representatives of predatory wealth while that amendment was under consideration?

Mr. MONDELL. I do not know it.

Mr. FITZGERALD. Then, if he will refresh his memory, or inquire of some one who is familiar with what was happening in Congress at that time, he will learn that it is the fact.

Mr. MONDELL. Mr. Chairman, that is one of the fancies and fallacies of my genial friend from New York. I do not know that to be the fact for the very excellent reason that it is not the fact.

Mr. FITZGERALD. It is the fact, and I made some caustic comments myself on it at the time.

Mr. MONDELL. The real and important fact remains that when our Democratic friends came to draft their bill they were very careful to draft it so that it would not be subject to the criticism and would not contain the faults pointed out by Gov.—President-to-be—Hughes.

Mr. Chairman, coming back to the bill, I want to say this, because later it may be discussed in connection with this bill, that the commission, when it came to go over the ground that had been laid out for the extension of Rock Creek Park, found that there was a tract between the Q Street Bridge and the Calvert Street Bridge that it had been proposed to take in under the original plans that they concluded was not necessary. Under the language of the provision of this bill the commission can modify the plans so as to exclude those lands or any other lands they feel may be excluded without injury to the plan, and without in any way injuriously affecting the beauty and value of the park. There has been some criticism of the exclusion of those lands, but the fact seems to be that the lands in question are not really needed for park purposes. They are lands that may be built upon, and the commission concluded that it would be a useless expenditure of public money to include them in the park.

The Clerk read as follows:

In all, $722,200.

Mr. COX. Mr. Chairman, I move to strike out the last word. If my figures are correct, last year there was appropriated $115,500 for this item, and this year it carries $722,200. What do we manufacture in the Frankford Arsenal?

Mr. FITZGERALD. Small-arms ammunition, small-artillery ammunition, and optical instruments.

Mr. COX. It is proposed to add new pieces of artillery ammunition to be manufactured this year. Have we manufactured field artillery ammunition heretofore?

Mr. FITZGERALD. We are manufacturing some there now.

Mr. COX. We have been doing that heretofore?

Mr. FITZGERALD. Yes; and this money will so equip the plant as to make the manufacture more complete and economical in the long run. What was done in connection with these arsenals was this: The committee recognized that there was a very considerable sentiment in the House for the manufacture by the Government of munitions and war materials. It made a very exhaustive investigation, both in the preparation of the fortifications appropriation bill and in the preparation of this bill, of what the Government is doing and what its plants were capable of and what it would be wise from the standpoint of the Government to do toward enlarging the capacities of these plants. It ascertained that it would take about $75,000,000 to provide plants sufficient to supply all of the various materials required for the Army in time of war. No one suggested that Congress desired or would consent to such a great investment, but we had these various plants, and by certain expenditures their capacity could either be enlarged or their facilities so improved that very desirable advantages would come therefrom.

Mr. COX. With this enlargement of the arsenal at this place, on account of this additional appropriation, will it be sufficient to supply the Government with the amount of munitions of war which we are now using, especially in time of peace; or if not, what per cent of it would that supply?

Mr. FITZGERALD. My recollection is that so far as this field-artillery ammunition is concerned this plant, and the plant it is proposed to establish at the Rock Island Arsenal, each of them working one shift a day, will supply all the peace needs of the Government. This plant now, as I recall it, is working two shifts a day. It is not considered advantageous to operate these plants three shifts a day at all, but this plant and the plant to be established at the Rock Island Arsenal will only be operating one shift a day. For instance, certain studies made by the War College here were to the effect that if the United States were at war with a great power, with a million men in the field, they would require 50,000 rounds of field-artillery ammunition a day. Of course that contemplates situations something like those existing in Europe.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FITZGERALD. Mr. Chairman, I will ask to be recognized for a moment or two. We provide a plant at the Rock Island Arsenal with the capacity of 5,000 rounds a day, and this is to provide facilities for the existing plant, so as to round it out, and to make economical the operation of the plant that now exists. The committee thought it wise to do it at this time.

Mr. COX. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

In all, $85,500.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, an estimate was submitted for the purchase of additional land at Picatinny Arsenal for the sum of $10,000, if I recollect rightly. There had been an offer made the War Department some time ago of this tract of land at $7,500. The committee agreed to the item reducing the sum, however, to the amount of the offer made some time ago. I was informed this morning by the secretary of the gentleman from New Jersey [Mr. CAPSTICK], who is not able to be here, that since that offer of $7,500 was made there have been considerable improvements put upon this tract of land, and that the probability is the parties would not agree or be justified in selling for $7,500. I will ask if the gentleman from New York would have any objection to passing this over until perhaps to-morrow that I might get that information, if the information is available, as to these improvements?

Mr. FITZGERALD. Why should we increase the price? Nobody is putting improvements on land that juts into a powder factory.

Mr. MONDELL. It is or was a farm, if the chairman recalls, and the land has been held——

Mr. FITZGERALD. I am somewhat opposed to it; if a man should get $7,500 for land there he would be like John D. Rockefeller——

Mr. MONDELL. It is of considerable acreage, if the gentleman remembers.

Mr. FITZGERALD. It is not large, and it is at the rate of about $125 an acre.

Mr. MONDELL. I admit I have no information other than the information that the committee has, except what I hear to-day, as I have suggested.

Mr. FITZGERALD. The information given by Gen. Crozier never indicated that anybody had improved it at all. There is no special reason for us to have it except that it is not wisdom to have this land jutting in, and the more we develop that plant the less desirable it would be to have either a farm or a country residence within shooting distance of a very dangerous and hazardous powder factory.

Mr. MONDELL. Adjacent to a powder factory is not a choice place for a farm; but a farmer was there before the powder factory.

Mr. FITZGERALD. There are only some 50 acres——

Mr. MONDELL. Fifty-seven acres, as I recollect.

Mr. FITZGERALD. At about $150 an acre. Why, you ought to buy half the State of New Jersey, almost, for that amount.

Mr. MONDELL. I have seen a considerable part of New Jersey for which I would think that was a very high price.

Mr. FITZGERALD. I should think that any land jutting pretty well into a powder plant would be pretty well paid for at $150 an acre.

Mr. MONDELL. However, we should not take advantage of a Jerseyman because we built a powder factory near his farm.

Mr. MANN. I would say to the gentleman from Wyoming that if he thinks the Government is going to take advantage of a Jerseyman in a land deal he has still to become acquainted with the natives of New Jersey. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Then I understand the gentleman does not think it best to pass the matter over?

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to pass this matter over. Is there objection?

Mr. FITZGERALD. I hope the gentleman will not make that request; it will only encourage them to think we are going to be extravagant——

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. One minute, Mr. Chairman—unless the gentleman is really anxious about the matter.

Mr. MONDELL. I hope the gentleman will let it pass over until to-morrow, and then if I do not get the information that I have in mind it will be disposed of.

Mr. FITZGERALD. Let it pass over, with the understanding that if it is not disposed of to-morrow it will not be returned to.

Mr. MONDELL. Very well——

Mr. MANN. Well, hardly. I can not see my friend from Wyoming taken advantage of in this way, because this bill will not be up until Thursday.

Mr. MONDELL. Well, when the bill is taken up—that is, to-morrow, as far as this bill is concerned—the next day we take up the bill.

Mr. FITZGERALD. I have no objection to passing the item over.

The CHAIRMAN. Without objection, the item will be passed over without prejudice.

There was no objection.

The Clerk read as follows:

Powder factory: For the establishment of a plant for the manufacture of powder on a site to be procured by purchase or condemnation, or in the discretion of the Secretary of War on any suitable site that may be tendered without cost to the United States which he is authorized to accept, $500,000.

Mr. MANN. Mr. Chairman, I reserve the point of order—well, I make the point of order.

Mr. FITZGERALD. I hope the gentleman will not make it.

Mr. MANN. If the gentleman desires, I will reserve it.

Mr. FITZGERALD. Mr. Chairman, I will state to the gentleman the purpose of this item. The Picatinny Arsenal at present has a capacity of 1,800,000 pounds of powder a year. By the appropriations made in this bill the capacity will be increased to 3,300,000 pounds a year. Five hundred thousand dollars will provide a plant for a capacity of 1,700,000 pounds, giving, all told, an annual capacity of 5,000,000 pounds. At the normal rate before war prices that would save——

Mr. MANN. This is to be in connection with the powder plant we have there now?

Mr. FITZGERALD. No; the proposition is to establish this at some place else. It is not believed desirable to concentrate all the powder-making capacity of the Government too near the coast. It is believed more desirable to leave the location to the War Department. It might be desirable to locate this plant reasonably near the nitrate plant that is to be established. At any rate, it is the belief that it is desirable to locate this plant west of the Alleghenies as a matter of protection.

And the saving, on the best estimates, alone on powder, if it is only 10 cents a pound, will be over half a million dollars.

Mr. MANN. How much is this plant to cost?

Mr. FITZGERALD. Five hundred thousand dollars will give us a plant of an annual capacity of 1,700,000 pounds. The Picatinny Arsenal, with the money appropriated in this bill, will have a capacity of 3,300,000 pounds.

Mr. MANN. There is no limitation in this item. It does not have the estimates of the plant. You are to commence a plant for half a million dollars.

Mr. SHERLEY. If the gentleman will permit, the testimony was clear that with $500,000 a plant could be completed with a capacity that has been indicated by the gentleman from New York, and while there is no limitation there is no power to incur any additional obligation, and there is no question that the Chief of Ordnance, under whom would come the expenditure of the money, would in good faith create a plant not to cost in excess of that amount.

Mr. MANN. I presume he would try to do so.

Mr. SHERLEY. It is not a matter, if the gentleman will permit, of estimates.

Mr. MANN. There is no limitation.

Mr. SHERLEY. No. It is not a matter of estimate, because we have not only built a plant but have recently added to it.

Mr. MANN. Why is not there a limit in there?

Mr. FITZGERALD. This is the only reason. This is to provide a plant having a capacity of 1,700,000 pounds a year. It may be desirable in the future to enlarge that plant. It seemed to everyone who looked into the matter to give them the money for a capacity of so much was sufficient.

The powder we have been purchasing at 53 cents a pound is now selling to the European Governments for over $1 a pound. We make it for about 38 cents a pound; but it will cost more to make, because some of the elements which enter into the manufacture will be increased; but we may be faced immediately with the situation, unless we manufacture our own powder, that the cost under existing conditions will be prohibitive.

Mr. SHERLEY. There is another thing that ought to be said, and that is that the shipment of nitrate is not a very easy or inexpensive matter—that is, manufactured nitrate for use in powder—and if we are going to establish a very large nitrate plant it will probably be very much in the interest of economy to establish near or immediately adjoining it a powder factory so as to avoid the cost of shipping the nitrate.

Mr. MANN. That is what had occurred to me. We have provided an authorization for a $20,000,000 nitrate plant, which certainly will not be definitely located during the next fiscal year.

Mr. SHERLEY. I am not at all sure of that, but certainly the department has in mind the location of the powder plant with particular relation to a nitrate plant.

Mr. MANN. Very well. No one knows where the nitrate plant will be, while everybody knows that under the Army reorganization bill the nitrate plant will go to Muscle Shoals. I am inclined to think that you can put a plant there at Muscle Shoals under the Army reorganization bill. Now, if we are going to establish a new powder plant, should it not be established in connection with or adjacent to any nitrate plant? Suppose we put a nitrate plant way out West?

Mr. SHERLEY. I am inclined to think that is true, but we did not feel that we ought to put a direction in to that effect. Presumably the ordnance people will have that in mind. I know from some talks with Gen. Crozier about matters that he has in mind the location of the powder plant in relation to the nitrate plant, so as to save the undue expense of shipping the nitrate.

Mr. MANN. I do not think I will make a point of order. What is half a million dollars these days?

Mr. SHERLEY. Seriously, aside from the question of nitrate, we will save in five or six years one-half a million dollars on the cost of the powder.

Mr. MANN. Of course I think the gentleman is in error about that. I do not think we will make powder any cheaper than we could buy it.

Mr. SHERLEY. We buy it at 53 cents, and we make it for less than 43 cents.

Mr. MANN. I really question whether the gentleman is correct about that. I have no doubt he thinks he is correct, however.

Mr. SHERLEY. I conducted quite elaborate hearings on the subject, and the figures there were never challenged.

Mr. MANN. I have a great deal of confidence in the judgment of the gentleman, but I doubt very much if the Government does anything as cheaply as it can hire it done or can manufacture anything as cheaply as it can buy it. I will withdraw the point of order.

Mr. FITZGERALD. I wish to say that anything we manufacture in these arsenals we can manufacture cheaper than we can buy it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The Chair thinks the gentleman is too late.

Mr. MOORE of Pennsylvania. I want to ask a question, if the Chair does not object. Let me reserve a point of order for the purpose of getting information. The paragraph provides that this powder plant shall be established, in the discretion of the Secretary of War, "on any suitable site that may be donated without cost to the Government, which he is authorized to accept." That would imply that some site had already been agreed upon.

Mr. FITZGERALD. It is believed that perhaps some localities would be so eager to get one of these dangerous powder plants near it that they would be glad to donate a site.

Mr. MOORE of Pennsylvania. The gentleman from Kentucky——

Mr. FITZGERALD. The gentleman from Philadelphia wanted this additional sum in order to get these magazines. What the gentleman from Kentucky said was that the Chief of Ordnance had in mind in the location of this plant that it would be desirable to locate it relatively near the nitrate plant, or at such a place that the transportation of the nitrate in its manufactured form to be utilized in the manufacture of powder would not necessitate long and expensive hauls. It might perhaps be possible to find a place where it could all be done by water transportation.

Mr. MOORE of Pennsylvania. Is this a part of a policy to move the arsenals and ammunition-making establishments from the coasts into the interior of the country?

Mr. FITZGERALD. No; because in this bill we are providing very liberally both for Picatinny, Frankford, Watervliet, and Watertown Arsenals. We are increasing the capacity of the Picatinny Arsenal from 1,800,000 pounds to 3,300,000 pounds.

It was stated that a plant to provide 1,700,000 pounds annually could be provided for half a million dollars, and that it would be more desirable to locate that some place else than at Picatinny, for strategical reasons, and that there was no economy of manufacture by concentrating the manufacture at Picatinny.

Mr. MOORE of Pennsylvania. I assume that the committee had adopted a policy—it has been discussed publicly anyhow—or that there is a disposition to remove these munition-making establishments, so far as the Government controls them, from the coast line to the interior, partly because of aerial navigation.

Mr. FITZGERALD. If these establishments were to be located now, I have not the slightest doubt that they would all be located west of the Allegheny Mountains. The plants at Philadelphia, Watervliet, Watertown, Picatinny, and Springfield are all within the possibilities, if such a situation should arise, of an aerial raid from a hostile fleet on our coast. They would not be vulnerable to such an attack if they were located west of the Alleghenies. At the time when they were located, there was very little danger of an overland attack that would be successful, and we had not contemplated the aeroplane, the dirigible, or the Zeppelin.

Mr. MOORE of Pennsylvania. Let me suggest to the gentleman that if fighting is to be done, it probably will be done somewhere along the coast line, and there is where the ammunition will be needed.

Mr. FITZGERALD. Oh, well, the ammunition can be shipped. The security of the place of manufacture is an important consideration. If Philadelphia should be captured by some of these alien forces of which so much is heard, they would have our very nice little establishment there ready to supply them.

Mr. MOORE of Pennsylvania. I think New York would be more apt to be captured first, if there was going to be any capturing.

Mr. FITZGERALD. I think they would be more likely to try New York. They would not waste much time on Philadelphia.

Mr. MOORE of Pennsylvania. I should hope not; but I observe that the committee has increased the facilities for the manufacture of field artillery ammunition at the Frankford Arsenal——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. MOORE of Pennsylvania. Did the Chair rule that it was too late to make the point of order?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. I notice that while the committee allowed $175,000 for increasing the facilities at the Frankford Arsenal for the manufacture of field artillery ammunition, it provides for the making of contracts for $1,250,000 for providing facilities, which I assume are for the manufacture of field artillery at Rock Island Arsenal, and a direct appropriation of $500,000.

Mr. SHERLEY. If the gentleman will permit, here is the exact situation: As to all the existing arsenals, where it was considered economical and desirable to enlarge their capacity as going concerns, we made appropriations for that purpose; but in the judgment of the War Department none of those arsenals near the eastern seaboard are desirable from the standpoint of safety of location; and therefore when it came to a proposition of erecting what was practically a new plant, we did not undertake to place it at any of the arsenals east of the Alleghenies. I have no doubt that it will be the policy of the War Department in the future, in enlarging the arsenal capacity of the country, to look to places more in the interior for the establishment of such new plants as may be required, rather than greatly to enlarge the existing plants east of the Alleghenies.

Mr. MOORE of Pennsylvania. That is a very clear statement, and I thank the gentleman for it. But so long as we have been referring to aerial navigation, and the danger that would arise from having our ammunition plants near the coast line, because of that fact may I suggest that aerial navigation would very largely follow the line of rivers, and that it is possible that aerial navigation from Canada would make a central point like Rock Island almost as vulnerable as Picatinny or Frankford or Springfield. That matter has been discussed by some experts who have been looking at it from a different angle than have our friends from the interior.

Mr. SHERLEY. It was not a question of pressure from anybody from the interior. We have simply accepted what seems to be the general viewpoint of the Army officials, that it is not desirable to continue to center upon the eastern shores of America the arsenal plants of the Government.

Mr. MOORE of Pennsylvania. To what extent are we building up the arsenals on the Pacific coast relatively?

Mr. SHERLEY. In this bill we are doing absolutely nothing in that regard, and we have no manufacturing arsenals upon the Pacific coast. We have certain arsenals there, but they are simply used for making repairs and as warehouses and distribution centers, and not as manufacturing plants.

Mr. MOORE of Pennsylvania. Has it been suggested to the committee that if we are going to build plants in the interior we should also build them on the Pacific coast?

Mr. SHERLEY. No argument has been presented to us by the War Department for the establishment on the Pacific coast of manufacturing arsenals.

Mr. MOORE of Pennsylvania. Provision is made in this bill for San Antonio. Is this to cover the Gulf area?

Mr. SHERLEY. The San Antonio Arsenal is simply a distribution arsenal and not a manufacturing plant. The situation in regard to Mexico, not simply now but the possibilities for the future, made it desirable to have larger storage facilities there.

Mr. MOORE of Pennsylvania. The gentleman regards this plan as a comprehensive and fair one in the matter of distribution?

Mr. SHERLEY. Yes.

Mr. FITZGERALD. I call the gentleman's attention to the fact that the committee has not discriminated against any arsenal. The estimate for the Frankford Arsenal aggregated $491,000. This bill carries items aggregating $722,000, so that the committee did more than the department asked for by over $200,000.

Mr. MOORE of Pennsylvania. I have no fault to find with what the committee has done for the Frankford Arsenal. As one of the Philadelphia Representatives, I highly appreciate it. I am calling attention, however, to the fact that Rock Island, although in the interior, is also vulnerable to aerial navigation, and that it receives $1,200,000 in one item for field-artillery ammunition.

Mr. FITZGERALD. That is true because it is for an entirely new plant. It was desirable to have such a plant at Rock Island as it has a water power there which is a cheaper power than steam power, with ample land unoccupied and desirably located.

Mr. MOORE of Pennsylvania. Has Rock Island a number of buildings that can be utilized for this purpose?

Mr. FITZGERALD. It has not. It has certain buildings erected for shops and now utilized for warehouses.

Mr. MOORE of Pennsylvania. Is the powder plant that the Government is to create to be located at Rock Island?

Mr. FITZGERALD. No; it is not thought that it would be desirable to put it there because of objections that might be made to it.

Mr. MOORE of Pennsylvania. I am finding no fault with the committee. These are fair questions.

Mr. FITZGERALD. The location of it there is not being considered on account of the objection that would probably be made by the people of the vicinity. Explosions take place in connection with powder manufactories. Powder explodes every once in a while, and somebody may be injured. The people have an idea that a powder factory adjacent to a community is very dangerous. The Chief of Ordnance said very frankly that he doubted the expediency of locating a powder plant at Rock Island. However, anybody who wants it can apply for it. [Laughter.]

The CHAIRMAN (Mr. CRISP). The pro forma amendment is withdrawn.

The Clerk read as follows:

Rock Island Arsenal, Rock Island, Ill.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. The House has entered on a little larger plan of military preparedness than we have ever had before. The policy of providing for the manufacturing in our own arsenals is not particularly new, but it has been growing, and at the present state of public opinion there will be a very general demand throughout the country that as much as possible of the munitions of war necessary to supply the Army and Navy shall be made at the Government arsenals or under direct Government supervision. There is a strong and a very proper feeling, I think, that there should be no private profit in the furnishing of the munitions of war to our own Government.

Mr. STAFFORD. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. STAFFORD. Does the gentleman mean to assert that private manufacturers employed in manufacturing munitions for the Government ought not to receive any profit at all?

Mr. BORLAND. I do not think the gentleman misunderstood me; I do not see how he could have misunderstood me.

Mr. STAFFORD. That was what the gentleman said.

Mr. BORLAND. No; it was not what I said. Wherever the Government contracts for material or supplies with private manufacturers they ought to have a fair profit, but there is a feeling on the part of the country that there is a temptation to create a demand for munitions of war because of the private profits that exist. I doubt not that the gentleman from Wisconsin concurs in the opinion.

Mr. STAFFORD. I question that that sentiment exists except in view of the few politicians who represent districts with arsenals in them.

Mr. BORLAND. I can assure the gentleman that such a feeling exists. The committee had no intention of establishing a larger number of new arsenals to manufacture supplies, for obvious reasons. They are not needed. We have now arsenals that, with proper development and increased improvement, will be able to supply the entire Army with ordinary supplies in time of peace and provide a reasonable reserve for any hostilities. So the problem was one of picking out an arsenal that could be improved profitably and economically for the Government. One of the places we found we could improve was at Rock Island, Ill., and I need not remind the gentleman that it is not in my district. I visited Rock Island during the consideration of this bill, and it is one of the best located arsenals we have. It has a number of buildings that are pretty old, I think, built in 1871; they are of heavy stone structure, and the only difficulty is that the floors are low. They are not constructed for the heavy traveling cranes that are necessary in the construction of large cannon and gun carriages, but are very well adapted to the manufacture of saddles and saddlery for cavalry equipment, artillery carriages, and so forth. All that sort of equipment used in the Army is now made there. It is the purpose to erect a new building for the manufacture and assemblement of field artillery. We have ample land, and, in addition, the Government owns a 9,000 water horsepower, of which we use only 4,000; in other words, we have more than twice the horsepower that we now use, while we have three large cities within a consuming radius that would take any surplus. Then there are private plants up and down the river from which we could get any additional power we wanted. It is situated on an island in the Mississippi River, reached by bridges, and a place where intruders can be kept out. In addition to this is the fact that a new arsenal will go to the West, because trouble is liable to come from the West as well as from any other source.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. It was thought desirable instead of creating any new arsenals in the West among the number of locations that might be selected, to enlarge in the particular way of service needs this Rock Island Arsenal, and we have provided for its enlargement by the creation of this new building. This new building, of course, will be adapted to modern conditions. It will be the class of building where a traveling crane can be used, and where labor-saving machinery can be put in, and these larger and heavier guns and carriages can be handled by machinery instead of by hand. That is the occasion for the enlargement of the Rock Island Arsenal. We have not any manufacturing arsenals west of Rock Island. Everything to the west of that, to the Pacific coast, must draw its supplies from at least as far east as Rock Island. It has also been called to the attention of the House that we enlarged in a way the Chief of Ordnance thought was desirable and economical the existing arsenals in the East. No arsenal is to be dismantled. Each is to be developed to the full extent to which it is serviceable to the country. On the general policy of manufacturing our own ammunition, personally I would be glad to see us make every pound of ammunition that we need in case of war, yet I realize if we got into a sure-enough war, a real war with a tremendous first-class power, it would be necessary to mobilize all of our industrial establishments, and possibly press them all into the service. We would only be manufacturing what was the initial reserve for a war of that kind, but while we are manufacturing only the initial reserve in time of peace, we are fixing the standard price which we find beyond question is below the price that is bid by the private contractors. In every case in the matter of saddlery, canteens, knapsacks, and the equipment that is made there at Rock Island, the price of manufacture there is below what the price of private contract would be, so that in time of peace we are supplying ourselves at a minimum price. In time of war we would have a nucleus for expansion into a much larger service, with the addition of the industrial plants in private ownership.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. TAGGART. Mr. Chairman, I move to strike out the last two words. The entire plan of preparedness as suggested by everyone who has given any attention to it has been upon the theory that it is possible that the Atlantic coast of the United States may be attacked by a foreign power. The Navy was increased upon that theory, and the greatest appropriation in the history of the world in time of peace was made for it. The Army was increased upon that very theory to defend against an attack upon the Atlantic coast, and yet if that attack should be made you can imagine what would happen at the Springfield Arsenal, at the Frankford Arsenal, at Watervliet, at the powder factories in New Jersey, and at City Point, Va. Aerial service is being so perfected that if that attack ever comes every one of those plants may disappear in a night, and with all of our Army and with all of our Navy we might be helpless in face of the enemy. I do not represent an arsenal and do not live within 250 miles of the Rock Island Arsenal, but, as the gentleman from Missouri [Mr. BORLAND] truly said, there is no place west of the Mississippi River where anything can be made to supply the Army. We have only one arsenal in the interior of the country, only one place where anything can be made to supply the Army. One of the greatest difficulties that France has in this war is that a number of the arsenals in northern France went into the hands of the enemy. Even the Krupp gun works are only 90 miles away from the French frontier, and Woolwich Arsenal is only 6 miles from London. In case any of those countries are invaded, the first thing that would happen is the destruction of all places where the Army may be supplied. There should be arsenals and storehouses established in places secure from attack. The Army should be supplied, and we should run no risk of having at the water's edge the very means of preparedness in case we were called upon to defend the country.

Mr. HAMILTON of Michigan. Has the gentleman in mind at this time such a place?

Mr. TAGGART. I do not know but that the interior of Michigan would suit me quite as well as it would the gentleman from Michigan.

Mr. HAMILTON of Michigan. I was not thinking of that, but I was thinking of the matter seriously. Has the gentleman figured out a good place?

Mr. TAGGART. Yes; I have. Any place west of the Allegheny Mountains is a good deal better than Bridgeport, Conn., Philadelphia, any place near Wilmington, Del., or City Point, Va.

Mr. HAMILTON of Michigan. I think the gentleman is right about that, but I was wondering if he had not been listening to the testimony——

Mr. TAGGART. I have the honor to live in the great manufacturing city west of the Mississippi, and if it is placed there, even the gentleman from Michigan would not complain of the location. I am not working for an arsenal for my town, but I think it is absolutely silly to allow both parties to go before the country upon the issue of preparedness by one party and more preparedness by the other and then offer to the enemy at the first point of attack the very means of preparedness itself—the arsenals of the country.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PLATT. I simply want to suggest that the Watervliet Arsenal is 160 miles from New York, and the English arsenals are nearer to the German aerodromes than that at the present time, and yet, so far as we know, they have not been destroyed.

Mr. TAGGART. That is quite true, and you will also realize, and according to information I get every day from New York, that aerial service is in its infancy, and they are now preparing to make it one of the branches of the military service.

And if Watervliet is only 160 miles from New York City it is within four hours of attack from the air in the case of an invasion.

Mr. FITZGERALD. In case anything can fly around loose long enough.

Mr. MOORE of Pennsylvania. I draw the gentleman's attention to the Mississippi River and the possibility of aeroplanes following it from the Canadian border. Does not the gentleman think it would be easy for English aeroplanes to reach the Rock Island Arsenal?

Mr. FITZGERALD. How about the Rio Grande?

Mr. TAGGART. Rock Island is nearly 600 miles from the Canadian border.

Mr. MOORE of Pennsylvania. I think the gentleman is mistaken as to water routes.

Mr. MANN. Will the gentleman yield?

Mr. TAGGART. I will yield to the gentleman.

Mr. MANN. Does not the gentleman think that Kansas is too near to the Mexican border to be safe there?

Mr. TAGGART. Now, if the gentleman from Illinois, for whose knowledge of geography I have the highest respect, will allow me I will simply take occasion to inform him and the committee both that the geographical center of continental United States is precisely 200 miles northwest of Kansas City.

Mr. CULLOP. If the gentleman will permit, the center of population as found by the United States Government officials by the census of 1910 is located in Bloomington, Ind., in the second congressional district, and in the yard of the Showers Bros. manufacturing plant where they have erected a monument on the identical spot.

Mr. TAGGART. I never suspected until now; while I knew it was the seat of statesmanship and wisdom, I never realized until now it was the center of population in 1910.

Mr. MANN. It is the center of wisdom, anyhow.

Mr. TAGGART. But be that as it may, the center of safety everybody will admit is the farthest distance from any one of our coasts.

Mr. MOORE of Pennsylvania. That is cheerful for the coasts. If the gentleman will permit another question——

Mr. TAGGART. Yes.

Mr. MOORE of Pennsylvania. Suppose such an ammunition plant in one of the coastal States has been seized by the enemy and the American forces are without ammunition, must they run out to Rock Island and back before they can defend themselves?

Mr. TAGGART. Well, I beg leave to say Rock Island is only 24 hours from Washington.

Mr. MOORE of Pennsylvania. If an enemy seized an arsenal, he would probably get the railroads. Does not the gentleman think it is more convenient for the army in the field along the coast line to have an establishment near by than to have to go West to get their ammunition?

Mr. TAGGART. If we had no depot left, it would not be convenient, and if the enemy should gain a lodgment on the coast you would not have any Frankford Arsenal or any Springfield Arsenal. And you would not have any powder factory, would you?

Mr. MOORE of Pennsylvania. What does the gentleman think the Army and Navy would be doing all that time?

Mr. TAGGART. I do not know. Armies and navies have not been able to destroy aircraft.

Mr. MOORE of Pennsylvania. Why did we provide these powder plants where they are, and why do private munition establishments locate along the coast line? Why is that?

Mr. TAGGART. Because the business originated there. The skilled labor was there, and until now they did not think of danger. The Springfield Arsenal was located away from the coast purposely by Washington himself. Harpers Ferry Arsenal was located and the site was selected by the first President of the United States, and both were established in 1797. This Government never thought of such a thing as patronizing private manufacture of munitions of war until the Civil War occurred. The arsenals were set back where it was thought they would be safe. The Harpers Ferry Arsenal was put in a defensible place beyond the first range of the Blue Ridge Mountains. It was set that far from the water to protect it against attack. But in the progress of military science a matter of a hundred miles or so makes no difference. Everybody will admit that these arsenals near the coast can be destroyed, and if we are attacked and we are not successful they would be destroyed. If the enemy does not get on or near our shores they will not be destroyed, but if a fleet comes near our shores we may be without ammunition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on this question of preparedness, the center of population, and statesmanship be closed in five minutes—all those cognate subjects.

The CHAIRMAN. The Chair will state the question. The gentleman from New York asks unanimous consent that all debate on the paragraph and amendments thereto be closed in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I do not think the experience of Europe entirely justifies the position taken by the gentleman from Kansas with respect to the dangers of destruction from airships. As a matter of fact, one of the very great disappointments of the European campaign, from the standpoint of those who believed that aircraft would be very destructive, has grown out of the fact that aircraft have proved of slight effectiveness in destroying forts, fortifications, arsenals, and so forth. The war-munition manufacturing establishments of all the European countries are within a stone's throw, compared with our distances, of the frontiers of the enemy, and yet none of them have been destroyed or even seriously injured. But I agree with my friend from Kansas that it is well to be as safe as possible, and that the farther inland you get the less danger there is of destruction by enemy aircraft. I am rather inclined to the opinion that you could find no better place for ammunition factories than Kansas, so far as safety from aircraft is concerned. Not only is it far from any coast, but what manipulator of aircraft would ever dare the air currents of Kansas! [Laughter.] What man that every flew a Zeppelin or a heavier-than-air machine would attempt to cross a country frequented by Kansas cyclones? I am certain that that is the safest place in all the world for institutions of this sort.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. TAGGART. The gentleman will admit, will he not, that in the terrestrial paradise called Wyoming there is at least one air artist who is a shining success? [Laughter.]

Mr. MONDELL. I was just coming to the question of the desirability of Wyoming. The place to establish these plants for the manufacture of nitrates, and adjacent thereto powder factories, and so forth, is in the mountains, where we have cheap water power or the opportunity for the development of cheap water power. When we discussed the matter of a $20,000,000 appropriation for a nitrate plant I had hoped that our splendid mountain streams might be considered in that connection. We have in the State that I have the honor to represent here one great water power already developed as part of a reclamation project that could be harnessed up at an expenditure of a few hundred thousand dollars, with every one of the products necessary in the manufacture of fertilizer, as well as the finest air in the world from which to draw nitrates, and we could build a nitrate plant there for a very small fraction of the $20,000,000, and a powder plant adjacent thereto, far inland and safe from all attack, absolutely not reachable by aircraft from the east by reason of the barrier of the Kansas cyclone-swept prairies or from the west by reason of the barrier of the mountains.

Mr. BORLAND. That is one advantage—that it is not reachable——

Mr. MONDELL. By aircraft.

Mr. BORLAND. But the gentleman would not spoil the beauty of the Shoshone Canyon, would he, by putting in a fertilizer plant or a nitrate factory?

Mr. MONDELL. If the structures were of the proper, ornate, and artistic character, we would get along with them, hoping that they would not mar the natural beauty of the scene and would add to the other advantages of the region.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For one railroad car for shipping 16-inch and 14-inch guns between Watervliet and Watertown Arsenals and the Sandy Hook Proving Ground, $14,000.

Mr. SANFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANFORD: Page 65, after line 6, insert: "For the repair of one public road running through the arsenal grounds, $10,000."

Mr. FITZGERALD. I reserve a point of order on the amendment.

Mr. SANFORD. I should like to know on what ground the gentleman reserves his point of order.

Mr. FITZGERALD. On the ground that there is no authority of law to spend money for the repair of public roads.

Mr. SANFORD. Mr. Chairman, I should like the patient attention of the committee, at least, to the merits of this proposition. The road which is sought to be improved may be called a public road, and it may possibly be truthfully said that the title to the road is not in the Government, but I hardly think that. The portion of the highway which is sought to be improved is 1,620 feet long. The Government owns both sides of the highway, and the highway runs through the Government grounds. The road is in a dangerous condition. I do not say simply that it is in a bad condition, but it is in a dangerous condition, and the interest which prompts me to speak is not the local interest, although the local interest is great.

The Government is seriously handicapped and embarrassed by the absence of a decent highway at this point. The dangerous condition of the highway is due more possibly to the heavy trucking that is necessary to and from this arsenal than to any other cause. The highway was built 25 years ago, and the Government at that time paid its portion as a property owner. At that time it owned both sides of the highway.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. SANFORD. Certainly.

Mr. HAMILTON of Michigan. Does not the owner of the land on each side of the highway own to the center of the highway?

Mr. SANFORD. I will come to that. The Government being an owner on both sides of the highway does not in theory own the highway but owns the easement.

Mr. HAMILTON of Michigan. It owns the land subject to the right of way?

Mr. SANFORD. It happens that the title is in the city. The street originally belonged to an old turnpike company, and the city bought the company and the highway. The difference between the easement and the fee in that highway is really, when you get down to it, a difference in quantity of title and not in quality. I think it would be a very narrow view that would claim that the Government does not own that highway as a matter of fact. The Government can not afford to say it does not own it. The Government can not maintain that arsenal without absolute ownership of the easement in that highway.

And the further reason that I present this here is that this 1,620 feet is practically the only unimproved portion of the main highway between Albany and Troy. The different municipalities have built a modern brick highway over the whole of that 6 miles, and this is the only disgraceful condition in the highway between those two great cities. The pavement will remain unimproved unless the Government is willing to meet its obligation and pay its share of the improvement of this highway, both sides of which it owns. The burden of the improvement will fall on the traction company. They will be required to pay about $12,000 for this improvement and the city will pay about $5,000. This amendment provides for the payment by the Government of its share as a property owner.

I would like to appeal for the improvement of this highway on the ground that the Government owes a duty to that community not to break the line of communication between the two cities, but I prefer to make the claim on the ground of the needs of the War Department. When I say that this roadway is in a dangerous condition, I mean it, because I have been over it time and time again during the last two or three years, and it is practically impasssable.

The matter has come to my attention also from conversations with the officers at the arsenal, who realize most the needs of the arsenal. It may be answered that the city should do it. They can not do it now or at any other time, in my judgment. The city is a small city of 15,000 people, already burdened with the improving of other portions of this highway where the Government does not own. The Government has used and is using miles of well-paved streets that have been improved, and the city will not and probably can not carry this extra burden all alone. The circumstances, it seems to me, show that the necessity is so great and the duty of the Government is so plain that this amendment should pass.

Mr. NORTON. Will the gentleman yield?

Mr. SANFORD. Certainly.

Mr. NORTON. How far is this from the city?

Mr. SANFORD. The arsenal is in the city of Watervliet, and the highway runs through the arsenal grounds, and the arsenal is on both sides of the highway.

Mr. NORTON. Within the city limits?

Mr. SANFORD. It is within the limits of this small city of Watervliet.

The CHAIRMAN. The time of the gentleman from New York has expired. Does the gentleman from New York [Mr. FITZGERALD], the chairman of the committee, insist on his point of order?

Mr. MANN. Mr. Chairman, may I ask the gentleman a question? Is there any item in this bill for roads in forts and military posts, and so forth? Where is any appropriation for taking care of the grounds at military posts?

Mr. FITZGERALD. The military roads would be in the Army bill, and not in this, Mr. Chairman. This road belongs to the city of Watervliet. It was acquired by condemnation proceedings from the turnpike company 24 years ago, and the Government has no title to the road whatever. It is owned entirely by the city of Watervliet. The question of whether the Government shall appropriate or expend money in improving public roads is not a recent one.

The Treasury Department has issued a circular under date of April 6, 1914, which I wish to put in the RECORD. It calls attention to the law and to the practice that has been followed by the Government. Before the Government acquires any land for any public purpose in any State there must be either special or general laws excepting the Government from liability of all taxes or assessments for public improvement, even though the improvements benefit the property of the Government. That is the situation in Watervliet, as it is in numerous other places in the State of New York. The United States Supreme Court has passed on this question. I know from the standpoint of Watervliet that this is an unfortunate situation, but if Congress initiates or wants to initiate the practice of contributing to the assessments to be levied on Government property because it is adjacent, it will be compelled to follow that policy in every community wherever there is a public building abutting on the street.

Mr. MADDEN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MADDEN. Is there any item anywhere in this bill where there is an appropriation that can be used for a similar purpose to that proposed by the gentleman from New York?

Mr. FITZGERALD. No; there is no appropriation in the bill that can be used to improve a road the title to which is not in the United States. The title to this road is in the city of Watervliet.

Mr. CANNON. If the gentleman will allow me?

Mr. FITZGERALD. Certainly.

Mr. CANNON. The gentleman from New York [Mr. FITZGERALD] is correct in his statement. Take the arsenal at Indianapolis—an extensive one. When the sewers were put in the streets there was an effort to have the Government appropriate a portion of the money. My own town of Danville, when a public building was built, made an assessment against the United States, but no attention was paid to it, and the city council had to reimburse the contractor. So it was at the soldiers' home, where there was a road half a mile in extent, and which the city built by taxation, and half of it stood assessed against the Government for two or three years, and then the other half was improved at the expense of the city.

Mr. FITZGERALD. Every year many applications are made to have the Government pay a part of these expenses. I think the soldiers' home in Milwaukee for a number of years has attempted to improve the road and lay a sidewalk about 900 feet long and have Congress pay a part of it, but Congress has refused to do it. The Congress refused to pave the streets around the post office in Chicago.

Mr. MADDEN. I know that; but does the gentleman remember that a few years since when the House, on motion of the gentleman from Brooklyn [Mr. CALDER], appropriated quite a large amount of money for paving and putting down the sidewalk at the Brooklyn Navy Yard?

Mr. FITZGERALD. Yes; the Government spent $10,000 putting down a sidewalk around the property of the Government, but that has always been done. Sidewalks around the

public buildings, under the decision of the Comptroller of the Treasury, are authorized to be maintained at the expense of the Government. This was for a sidewalk; but for putting down paving in Flushing Avenue, Clinton Avenue, and Navy Street, around the navy yard—that is done by the city authority.

Mr. STAFFORD. Will the gentleman permit me?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. Will the gentleman inform the committee what the policy of the Appropriations Committee has been, so far as sidewalks around the national reservations, such as the National Home for Volunteer Soldiers?

Mr. FITZGERALD. The committee has not been very much inclined to spend money for that purpose.

Mr. STAFFORD. That was the purpose in Milwaukee, to improve the sidewalks around the National Soldiers' Home, and I hope the gentleman will not object when that amendment is offered.

Mr. FITZGERALD. This is a highway from Albany to Troy. The street car line occupies a part of the street. It was formerly a turnpike road. It is being improved by assessment of adjacent property owners. Now, if Congress would consent that the property of the Government should pay these local assessments and improve this stretch of road, it would initiate a policy that would compel us to acquiesce in local assessments for benefit whenever any local improvement is made. If that policy is ever initiated, it means an expenditure of millions of dollars annually for that purpose.

Mr. CANNON. Yes; it would mean if we adopted that policy now that from the foundation of the Government there would be just and equitable claims that Congress should reimburse cities for the expenditures that they have heretofore made.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to insert in the RECORD the circular to which I have referred, which gives the law and the decisions of the Supreme Court and what the policy of the Government has been.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The circular referred to is as follows:

ASSESSMENTS AGAINST UNITED STATES PROPERTY.

[Department Circular No. 24. 1914. Office Supervising Architect.]

TREASURY DEPARTMENT,
Washington, April 6, 1914.

To custodians of Federal buildings and sites, municipal officers, and others who may be concerned:

PURPOSE.

(1) This department receives from time to time numerous notices of taxes or assessments against property of the United States under its control for such municipal improvements as sewers, sidewalks, street paving (roadway), gutters, curbing, street lighting, etc., and for sprinkling streets, removing snow and ice from sidewalks, caring for trees outside the United States lot, etc., for the payment of which assessments or charges no appropriation is made by Congress. The following information is published in an endeavor to forestall such notices and the resulting correspondence and occasional legal proceedings for the eventually necessary cancellation of such assessments, taxes, etc.

CONSENT—CESSION OF JURISDICTION—EXEMPTION.

(2) Article I, section 8, clause 17 of the Constitution of the United States vests in Congress the power * * * "to exercise exclusive legislation in all cases whatsoever * * * over all places purchased by the consent of the legislature of the State in which the same shall be, for * * * needful public buildings;" and section 355 of the Revised Statutes of the United States requires the cession of State jurisdiction over such sites before expenditures for Federal buildings can be made. In conformity with these provisions each of the several States has enacted general laws ceding to the United States jurisdiction over Federal building sites by virtue of which said sites are exempt from all taxation, assessment, or other charges levied or imposed by any State, county, or municipality. The principle of the nonliability of the Government for reimbursement for improvements made by States or municipalities inuring to the benefit of the Government is not a new one, but is sustained by a long and unbroken line of precedents and authorities, both national and State. (See 2 Comp. Dec., 375, and authorities therein cited.) Also see 4 Comptroller's Decisions, 116, wherein the statement is made:

"The United States are not liable for an assessment levied by local State authorities, even though the improvement may be a direct benefit to the property."

Doubtless for these reasons Congress has provided no appropriation for the payment by the Government of any part of the cost of municipal improvements. (McCullough *v.* Maryland, 4 Wheat., 316; Fagan *v.* Chicago, 84 Ill. Repts., 227; Coe *v.* Aaron, 116 U. S., 517; Van Brocklin *v.* Tennessee, 117 U. S., 151; People *v.* Austin, 47 Cal. Repts., 353; People *v.* McCreery, 34 Cal. Repts., 431; and United States *v.* Southern Oregon Co., 196 Fed. Rep., 423.)

POLICY OF CONGRESS.

(3) In former years numerous estimates for appropriations to reimburse cities for the cost of municipal improvements adjacent to Federal building sites were submitted to Congress by this department without favorable action being taken thereon, and the department has ceased to submit such estimates, it appearing to be the settled policy of Congress not to make appropriations therefor. The department can not, therefore, give favorable consideration to claims of municipalities on account of street improvements, etc.

CITY SEWERS—PRIVATE SEWERS.

(4) For the above-stated reasons this department can not join in the cost of the construction or repair of any public sewer, but does in certain cases construct private sewers at its expense, after having secured irrevocable licenses or easements (in the form of ordinances) giving the United States the right in perpetuity to the exclusive use of such sewer. Unless such permission to the United States be in perpetuity the appropriations under this department's control would not be available for the expenditure. Such sewers are in all cases designed to be only adequate for the necessities of the Federal building, and experience demonstrates that harassing complications frequently arise when permission is given for additional connections thereto. The department therefore uniformly refuses permission for private parties to connect with sewers owned and maintained by the Government for its exclusive use.

SIDEWALKS.

(5) Under a practice of long standing, now sanctioned by the accounting officers of the department, sidewalks and curbing are constructed about Federal buildings and kept in repair as part of the approaches to such buildings. This is the only character of expenditure in the nature of street improvements which the department is permitted to make. There is no authority, however, to construct sidewalks in connection with Federal building sites, but when the work on the Federal building is sufficiently advanced so that the sidewalks are not likely to be subject to injury from the building operations, they are laid to conform to municipal requirements. Where a municipality prefers to provide or repair sidewalks, curbing, etc., adjacent to a Federal building site, rather than to wait until the practical completion of the Federal building, the department interposes no objection to such action, but can not in any way reimburse the city for any expense incurred.

REMOVING SNOW AND ICE, CUTTING WEEDS, ETC.

(6) While it could not recognize any such assessment, etc., against the United States property for the cost of the removal of snow and ice from the abutting sidewalks or of overgrown weeds, grass, etc., from the site itself, the department does make provision for the accomplishment of these results. Generally a Federal building site not yet improved by the Government is in the custody of the vendor or other tenant, and the rental contract requires the tenant to keep the sidewalks clear of snow and ice and the grass and weeds cut. Where an unimproved site is in the actual possession of the Government's representative, or where the Federal building has been constructed, the custodian of the site or of the building is required to see that the removal of the snow and ice from the sidewalks and of weeds, grass, etc., from the site are attended to.

UNITED STATES PROPERTY OMITTED WHEN MAKING UP ASSESSMENTS.

(7) In view of the foregoing the department desires that this information be communicated to all municipalities in which Federal buildings are authorized or contemplated, and to such private parties as may be concerned; and those to whom this circular is sent are accordingly requested to apprise the proper municipal officials of the facts herein contained, in order that United States property may be omitted when making up taxes or assessments for any purpose whatsoever.

CANCELLATION OF ASSESSMENTS.

(8) A United States official who recives this circular in response to a notice of any assessment of the character referred to sent by him to this department is requested to apply to the proper municipal authorities for the cancellation of such assessment so far as the property of the United States is concerned, and to inform the department of the result of his application, in order that necessary steps for the cancellation of such assessment by legal proceedings may be taken should that course become necessary. While the assessments, taxes, etc., could not be collected from the United States the department is not willing to have assessments, etc., levied against the property under its control remain as an apparent cloud upon the title thereto, because this would doubtless reduce the selling price of the property should the department at some future date be authorized to dispose of it.

W. G. MCADOO, *Secretary.*

The CHAIRMAN. The Chair sustains the point of order.

Mr. SANFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 65, after line 6, insert the following: "For the improvement of roads within the arsenal grounds, $10,000."

Mr. FITZGERALD. I make the point of order that that is a public road, so intended to be.

Mr. SANFORD. This is not a public road. It is a private road within the Government grounds. It belongs to the United States Government.

Mr. FITZGERALD. I will read the statement of Gen. Crozier.

Mr. SANFORD. This is another road.

Mr. FITZGERALD. It says roads within the arsenal grounds. When Gen. Crozier was asked whether we owned that, he replied that we did not; that it belongs to the city of Watervliet.

Mr. SANFORD. That is a different road. I will make that clear to the gentleman.

Mr. FITZGERALD. But that road is within the arsenal grounds.

The CHAIRMAN. The gentleman from New York [Mr. SANFORD] will please state the road to which he refers.

Mr. SANFORD. It is in the Government grounds and is a Government road. It is a different road.

Mr. FITZGERALD. The gentleman's amendment does not refer to that road. It refers to roads within the arsenal grounds, and the public road is within the arsenal grounds.

Mr. MADDEN. If the gentleman from New York [Mr. SANFORD] will permit, the gentleman will notice that on page 63, line 12, there is an item for repairs to streets at the Springfield Arsenal of $7,100.

Mr. FITZGERALD. But those streets all belong to the United States Government; the title is in the Government; and no one can repair those streets except the United States Government.

Mr. MADDEN. The gentleman from New York [Mr. SANFORD] says that this is a similar case.

Mr. SANFORD. I think that we will save time if the gentleman will permit me to proceed. Mr. Chairman, have I the floor?

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. SANFORD. In the estimates of the War Department Gen. Crozier presented two items, one for $10,000 for the improvement of Government roads within the Government arsenal and the other an item for $10,000, which has just gone out in my amendment on a point of order. The one $10,000 item was for Broadway and the other $10,000 item was the private roads within the arsenal grounds. Gen. Crozier had this to say, and it seems to me that I can add no argument to what he says:

The CHAIRMAN. For road repairs, $20,000.

Gen. CROZIER. That estimate in its application is divided into two parts. Ten thousand dollars of this amount will be used for repairing the main roads of the arsenal which are in bad condition, resulting from the fact that they were built originally for much lighter traffic than takes place over them now. The broken stone which has been added on this road from time to time has broken through and heavy wheels go clear down to the foundation. The roads have been badly rutted and are no longer in proper condition. It is the same experience everybody has with increased traffic and increased heavy traffic, and we will have to put in better roads.

This is the one item with reference to roads inside the Watervliet Arsenal. I was interested to look at the items in the bill for other arsenals. At Frankford there is an item of $11,600, and in the evidence I find no proof with reference to it. At Rock Island, $13,000; and in the evidence I find no reference to it. At Sandy Hook, $3,000; at Springfield, Mass., $7,100. The streets in Springfield are owned by the Government, as Gen. Crozier showed, and they would like to get rid of them. With reference to the Watervliet Arsenal, which happens to be in the district which I have the honor to represent, we have the strongest evidence of the War Department that there is pressing and immediate need for the improvement of the roads, for the reason that they have broken down under the heavy traffic. I feel that I have a right, therefore, to press upon the attention of this committee a consideration of this particular claim. That arsenal is now building the heaviest guns, according to my information, that are constructed in the United States. It is not good business to have those roads in the condition in which they are. The commanding officer of the arsenal reported in his testimony to Gen. Crozier that the expense of repairing those roads now from time to time is so great that the Government would save money by appropriating $10,000 and reconstructing the roads. It seems to me the amendment is not only not subject to the point of order, but it is not subject to serious criticism, and I respectfully ask for the consideration of the item.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. MONDELL. I want to be heard upon the merits of the amendment.

The CHAIRMAN. The Chair will first pass upon the point of order. The Chair understands that this road belongs to the Government of the United States.

Mr. FITZGERALD. Some of them do and some of them do not.

The CHAIRMAN. The gentleman from New York [Mr. SANFORD] has stated and nobody has denied it——

Mr. FITZGERALD. I deny it. I say that some of the roads within the arsenal grounds belong to the Government and some belong to the city of Watervliet, and the language includes both roads.

Mr. SANFORD. I ask unanimous consent to amend my amendment by inserting the words "Government-owned."

The CHAIRMAN. The gentleman from New York withdraws his amendment and offers another, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by making it read as follows: "For the improvement of Government-owned roads within the arsenal grounds, $10,000."

Mr. FITZGERALD. Mr. Chairman, my colleague was unfortunate in calling attention to what he said were items in this bill for other arsenals, upon which he could find no evidence in the hearings. The estimate for the Watervliet Arsenal submitted by the War Department aggregated $389,900. This bill carries $803,700, or a little more than double the amount estimated. It carries this additional sum because the Committee on Appropriations, after careful inquiry, determined to make certain improvements in that arsenal which would better equip it for the work required. The War Department asked about $295,000 to equip the arsenal for the manufacture of 16-inch guns. There is no plant in the United States to-day, Government or private, which is equipped to manufacture 16-inch guns. The projects of the War Department requiring 16-inch guns in our coast defense necessitate the manufacture of 26 such guns, and at the rate they could be turned out, with the estimate submitted by the War Department, it would take nine years to build them. The committee has provided sufficient funds to enable these guns to be made in four years, so that the committee has not been niggardly in treating this arsenal but has been very liberal. Now, the bill carries an item, immediately following the place at which the gentleman from New York has offered this amendment, for the repairs of arsenals. The appropriation for the current year is $290,000, and this bill carries $300,000. If the repairs of those roads which the Government owns are of an imperative character, this appropriation is available for that purpose, and it is to put on the department the responsibility of expending this money for repairs, those repairs most essential, that the committee gives this lump appropriation instead of attempting to determine each particular repair item at all the various arsenals. That can not well be done. There are ample funds to repair these roads if the repairs be essential. This arsenal has been treated with great liberality. It seems to me the department should make the repairs if desirable or necessary from the appropriation that is provided for that purpose. For that reason I hope the amendment will not be agreed to.

Mr. SANFORD. Mr. Chairman, I ask that I may proceed just for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. SANFORD. Mr. Chairman, I want to make it very clear to the chairman of the committee that in my remarks in reference to this amendment I do not for a moment wish to complain that Watervliet Arsenal has not been well treated. I do not think you can treat the Watervliet Arsenal in my district well or ill. That arsenal is yours and it is the Government's, and I do not feel that I am presenting here any local or special claim.

I am very grateful to the committee for the kind and thorough consideration they gave to the item I first proposed. I am sorry, too, that they felt constrained to make the point of order. I do not want to complain of anything that they have done for the arsenal. I think the money they have invested and the money they are about to invest there is wisely invested, and I do not take the point of view the chairman seems to assume. I am not complaining one way or another with reference to the treatment they give to that arsenal. I do feel, however, that there is distinct merit in this particular item, as shown by all the uncontradicted evidence before the committee, and I can see no reason why the item for this district should not be treated the same as the items for other districts. I can see no reason why this arsenal should be left to the lump sum at the end of the bill in the manner suggested instead of being given the same consideration the other claims have been given in this bill by items.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. SANFORD) there were—ayes 28, noes 30.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

Mr. SANFORD. Mr. Chairman, I ask for tellers on this matter.

The CHAIRMAN. The gentleman is too late, but the Chair will indulge the gentleman.

Mr. SANFORD. I was on my feet as soon as I could do so.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. If the point of order of no quorum is made now and sustained, would that vacate all these proceedings?

The CHAIRMAN. The Chair thinks not.

Mr. MANN. Well, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-one gentlemen are present——

Mr. FITZGERALD. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that com-

mittee had had under consideration the bill H. R. 15836 and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. EDWIN C. BURLEIGH, late a Senator from the State of Maine.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as further mark of respect to the memory of the deceased the Senate do now adjourn.

SCHOONER LEDGE RANGE FRONT LIGHT STATION.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5244.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5244) authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to pass Senate bill 5244, just reported.

Mr. FITZGERALD. The bill has not been reported. It has to be read before it can be passed.

The SPEAKER. The Clerk has read the title, and he will read the rest of the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to grant and convey to Alba B. Johnson and Samuel M. Vauclain all that certain lot or piece or parcel of land granted and conveyed to the United States of America by the president and company of the Philadelphia & Reading Railroad Co. by deed dated December 29, 1879, situated in Tinicum Township, in the county of Delaware and State of Pennsylvania, described according to a recent survey as follows: Beginning at a point in the south side of the entrance gate to the basin (for the storage of canal boats in winter) on the upper side of the mouth of Crum Creek and running thence along the cross bank dividing said basin from the meadow at the mouth of Crum Creek south 4° west 157 feet; thence south 13° 55′ east 100 feet; thence south 20° east 319 feet, more or less, to low-water line in the Delaware River; thence by the low-water line of the Delaware River and Crum Creek to the place of beginning, containing 5 acres, more or less, being part of a certain larger tract or parcel of land which the "president, managers, and company of the Schuylkill Navigation Co.," by a certain indenture dated the 12th day of July, A. D. 1870, recorded, etc., granted, and conveyed unto the Philadelphia & Reading Railroad Co., their successors and assigns, together with the free and uninterrupted use, right, liberty, and privilege of passage in and along a certain roadway 16 feet wide next to the line of Crum Creek and upon the bank extending along and following the course of the said creek from the railroad of the Philadelphia & Wilmington Railroad Co. to the herein-described premises as now in use; for and in consideration of the said Alba B. Johnson and Samuel M. Vauclain granting and conveying to the United States in fee simple the following-described premises and rights of way situated on Crum Creek, after its course shall have been changed, in the county of Delaware, State of Pennsylvania, now belonging to them, to wit: A certain piece or parcel of land whose boundaries shall form a parallelogram containing 1 acre, more or less, with 200 feet frontage on the east side of the new course of Crum Creek, Pa., which frontage shall be intersected by the axis or center line of Chester Range, at a point to be approved by the Secretary of Commerce, together with the full and uninterrupted use, right, liberty, and privilege of passage for persons and vehicles over an accessible, direct, and improved right of way 16 feet wide, wholly above high-water mark, from the premises above described to the right of way of the Chester branch of the Philadelphia & Reading Railroad Co., the said right of way to be used in common and wholly maintained by the said Alba B. Johnson and Samuel M. Vauclain, their heirs, executors, administrators, and assigns, and kept in passable condition at all times; also a suitable and sufficient right of way for beams of light on the Chester Range Line over all the property on said range line between the proposed permanent front and rear lights of Chester Range, and to the southward and westward of said front light: *Provided*, That the Attorney General shall first examine the title of said Alba B. Johnson and Samuel M. Vauclain to premises to be conveyed to the United States as aforesaid and shall furnish his written opinion in favor of the validity thereof: *Provided further*, That the said Alba B. Johnson and Samuel M. Vauclain, within such reasonable time after the passage of this act as may be determined by the Secretary of Commerce, shall deed to the United States the premises herein described to be conveyed by them: *And provided further*, That the conveyance of the herein-described lot or parcel of land now owned by the United States of America shall not be made and the title thereto shall not pass to the said Alba B. Johnson and Samuel M. Vauclain until the following shall have been done by said persons without expense to the United States and to the satisfaction of the Secretary of Commerce: First, erect a bulkhead of permanent construction on the easterly side of the new course of Crum Creek along the entire frontage of the premises to be conveyed to the United States of America, which shall consist of a timber pile foundation supporting a timber platform and a gravity section concrete retaining wall of the same construction as approved by the United States Engineer office and now being erected on the southwest side of the mouth of Crum Creek; second, fill the entire plot of land to be conveyed to the United States with sand, earth, or other suitable material to an elevation of 12 feet above mean low water; third, dredge a channel from the premises to be conveyed to the United States to the main channel of the Delaware River having a depth of not less than 6 feet at mean low water; fourth, construct and make available for the purposes of the United States the improved right of way for the passage of persons and vehicles provided for herein: *And provided further*, That the conveyance shall not be made by the United States and title shall not pass from the United States until the permanent tower and dwelling proposed to be built by it on the land to be conveyed to it shall be ready for occupancy, nor until all valuable lighthouse property is removed by the United States from the site to be conveyed by it: *And provided further*, That the existing lights now in use shall continue, without interference by said Alba B. Johnson and Samuel M. Vauclain, until the establishment by the United States of permanent lights on Chester Range.

SEC. 2. That the said Alba B. Johnson and Samuel M. Vauclain, upon the passage of this act, and after the rendition by the Attorney General of his opinion in favor of the validity of the title to be conveyed to the United States and the conveyance to the United States of such title, shall have the right to proceed with improvements upon the tract to be conveyed by the United States, except upon such portions as are actually required for lighthouse purposes, under conditions to be prescribed by the Secretary of Commerce.

SEC. 3. That all expenses incurred by the United States in making the exchange of property herein authorized, including the cost of such abstracts, official certifications, and evidences of title as the Attorney General may deem necessary, and all expenses incurred in removing such lighthouse property on the present site as may be advantageous to the interests of the Government shall be payable from the appropriation "General expenses, Lighthouse Service," for the fiscal years in which such expenses are incurred.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BUTLER. Mr. Speaker, I send to the Clerk's desk a resolution and would ask for its consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 264.

Resolved, That the Clerk be directed to request the Senate to return to the House of Representatives the bill (H. R. 13233) entitled "An act authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business in order on next Wednesday—Calendar Wednesday—may be dispensed with.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the business in order on next Calendar Wednesday may be dispensed with.

Mr. ADAMSON. Mr. Speaker, I do not want to object to any good thing, but lots of us are here waiting for Calendar Wednesday in order to pass some bills, and I will have to ask our distinguished leader to make some other provision to get them considered.

Mr. KITCHIN. I think there will be no trouble about that later.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. The Army bill is to be taken up Wednesday?

Mr. KITCHIN. The Army bill we expect to be taken up on Wednesday.

Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE LATE SENATOR EDWIN C. BURLEIGH.

The SPEAKER laid before the House the following resolutions (S. Res. 214) from the Senate:

IN THE SENATE OF THE UNITED STATES,
June 19, 1916.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. EDWIN C. BURLEIGH, late a Senator from the State of Maine.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

Mr. McGILLICUDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolutions, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 265.

Resolved, That the House has heard with profound sorrow of the death of the Hon. EDWIN CHICK BURLEIGH, late a Senator of the United States from the State of Maine.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 14 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on all the resolutions except the last one.

The resolutions were unanimously agreed to.

The SPEAKER appointed the following committee: Mr. MCGILLICUDDY, Mr. HINDS, Mr. GUERNSEY, Mr. PETERS, Mr. DIXON, Mr. CULLOP, Mr. DICKINSON, Mr. THOMPSON, Mr. EVANS, Mr. TAYLOR of Colorado, Mr. OLDFIELD, Mr. CANNON, Mr. AUSTIN, and Mr. CRAMTON.

The SPEAKER. The Clerk will again report the last resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 20, 1916, at 11 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a joint resolution were introduced and severally referred as follows:

By Mr. NOLAN: A bill (H. R. 16508) to provide old-age pensions; to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 16509) making an appropriation for erecting and equipping and otherwise providing a quarantine station at or near New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. VINSON: A bill (H. R. 16510) authorizing the continuation of the employment of 18 messengers in the post office in the House of Representatives; to the Committee on Accounts.

By Mr. TAGUE: A bill (H. R. 16511) requiring the Postmaster General to direct the postmasters to procure information regarding the number of horses and automobiles in the United States; to the Committee on the Post Office and Post Roads.

By Mr. TAVENNER: A bill (H. R. 16512) providing for pensions for American citizens who have reached the age of 65 years and who are incapable of manual labor and whose incomes are less than $200 per annum; to the Committee on Pensions.

By Mr. LOBECK: Joint resolution (H. J. Res. 239) authorizing the Secretary of War to exempt certain applicants for commissions in the Medical Corps of the Army from the age provision of section 10 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes"; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 16513) granting a pension to David O. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 16514) granting an increase of pension to Arminda H. Newbury; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16515) granting a pension to Lizzie Becraft, widow of Fenton E. Becraft; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 16516) granting a pension to David Brass; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 16517) granting an increase of pension to William H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16518) granting an increase of pension to Daniel Culver; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16519) for the relief of Joseph F. Mitchell; to the Committee on Claims.

By Mr. McKINLEY: A bill (H. R. 16520) for the relief of Jamison Cox; to the Committee on Military Affairs.

By Mr. NEELY: A bill (H. R. 16521) granting an increase of pension to Sarah E. Gatrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16522) granting an increase of pension to Lyda Hawkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16523) granting a pension to Samuel M. Rogers; to the Committee on Pensions.

Also, a bill (H. R. 16524) granting an increase of pension to J. H. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16525) granting an increase of pension to Amelia D. Grove; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 16526) granting an increase of pension to Increase E. Watson; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16527) granting an increase of pension to David D. Arnold; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 16528) to correct the military record of Thomas J. Cooper; to the Committee on Military Affairs.

By Mr. WOOD of Indiana: A bill (H. R. 16529) granting a pension to Sarah Ann Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16530) granting an increase of pension to Thomas Conley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of General Federation of Women's Clubs, favoring passage of the Kern-McGillicuddy bill, House bill 15316; to the Committee on the Judiciary.

Also, petition of Branch 19, National Association Bureau of Animal Industry Employees, favoring passage of House bill 16060; to the Committee on Agriculture.

By Mr. CANNON (by request): Memorial of Young People's Society of Christian Endeavor of Gilman, Ill., favoring prohibition in Porto Rico; to the Committee on Insular Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of State of Wisconsin against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of women voters of Navajo County, Ariz., favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New York, against the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DENISON: Petition of citizens of Randolph County, Ill., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DYER: Memorial of General Federation of Women's Clubs of Pittsburgh, Pa., favoring the Kern-McGillicuddy bill, House bill 15316; to the Committee on Labor.

Also, memorial of officers of the railway employees' department of the American Federation of Labor, indorsing House bill 11168; to the Committee on Reform in the Civil Service.

By Mr. EAGAN: Petition of citizens of Chicago, Ill., favoring preparedness; to the Committee on Military Affairs.

By Mr. FITZGERALD: Memorial of mayors and members of mayors' committee upon national defense of the cities of the United States, demanding the immediate authorization by Congress of the building program of the General Board of the Navy of July 30, 1915, together with such additions and modifications as their expert knowledge and experience may indicate to be necessary at this time, and demand that the personnel of the Navy be increased in conformity with the requirements of the service as interpreted by the General Board; to the Committee on Naval Affairs.

Also, memorial of the executive committee of the Society of the Chagres, urging that members generally of this society and other civilians are entitled to similar consideration and reward from Congress as already given to representatives of the Army, Navy, and Marine Hospital Service for three or more years of satisfactory service on the Panama Canal; to the Committee on Insular Affairs.

Also, petitions of 41 citizens of New York, against Taylor system in Government shops; to the Committee on Labor.

Also, memorial of citizens of Monroe County, N. Y.; citizens of Penn Yan, Yates County, N. Y.; and citizens of Yonkers and Pine Bush, N. Y., favoring woman suffrage; to the Committee on the Judiciary.

Also, memorial of board of directors of the Chamber of Commerce of Honolulu, urging increase in clerical staff, etc., of the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

Also, memorial of Nome-Seward (Alaska) Peninsula Chamber of Commerce, urging appropriation of $500,000 for construction of roads in Alaska; to the Committee on Insular Affairs.

Also, memorial of New York Board of Trade and Transportation, relative to $700,000 East River item in river and harbor bill; to the Committee on Rivers and Harbors.

Also, memorials of Union League Club of Chicago, the Colonial Dames of America and senate, at Albany, N. Y., relative to national defense; to the Committee on Military Affairs.

By Mr. FLYNN: Petition of Richey, Browne & Donald, of New York, against Tavenner resolution to abolish the Taylor system; to the Committee on Labor.

By Mr. FULLER: Petition of the millers of Illinois, against passage of House bill 9409, to repeal mixed-flour law; to the Committee on Ways and Means.

By Mr. GRAY of Indiana: Petition of Linnie Vance and others, of Richmond, Ind., against Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Linnie M. Vance and others, of Richmond, Ind., against bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Petitions of sundry citizens of Pawtucket, R. I., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of F. Usher De Voll, against location of power plant in Washington; to the Committee on the District of Columbia.

Also, petition of the Woman's Benefit Association of Pawtucket, R. I., favoring passage of the interpleader bill; to the Committee on the Judiciary.

Also, petitions of Wolcott Manufacturing Co. and United States Bobbin and Shuttle Co., of Providence, R. I., against House bill 8665, to abolish the Taylor system; to the Committee on Labor.

By Mr. LINTHICUM: Petition of Young Ladies' Auxiliary of Baltimore, Md., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. MANN: Petition of Chicago Association of Commerce and City Council of Chicago, Ill., against the La Follette amendment to the rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. NOLAN: Memorials of County Auditors of State of California; Board of Supervisors of Monterey County, Cal.; Tax Collectors' Association and State Board of Equalization of California, against imposition of a Federal inheritance tax; to the Committee on Ways and Means.

By Mr. PARK: Memorial of the Thomasville Study Class, relative to military training in our high schools; to the Committee on Military Affairs.

By Mr. SNELL: Petition of 250 citizens of Gouverneur, N. Y., urging the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of sundry citizens of Boulder, Colo., protesting against the passage of House bill 437, to make the Star Spangled Banner the national anthem of the United States of America; to the Committee on the Judiciary.

SENATE.

TUESDAY, *June 20, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Ruler of all the peoples of the earth, Thou hast made of one blood all the nations that dwell on the face of the earth. Thou hast fixed their habitation. Thou hast said thus far shalt thou go and no farther. Thou dost stand guard over the rights of men by eternal law. Justice and judgment are the habitation of Thy throne. We bless Thee for the path through which Thou hast led us as a people and for the achievements Thou hast granted to us as a Nation. Thou dost call us in our day to an ever-widening circle of influence. We pray that we may touch all people with the refining and uplifting power of the great ideals that have been our peculiar inheritance as a Nation. If Thou dost thrust us into the conflict of the world, may we go still as messengers of justice and judgment and honor and love among all men. Preserve us from every evil thing, and may the motives and purposes of this Nation stand the test of the judgment of God. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

COLLECTION OF DISCRIMINATING DUTIES (S. DOC. NO. 470).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting in response to a resolution of March 16, 1916, a statement relative to discriminating duties on imports or discriminating tonnage duties on foreign vessels, etc., which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden;

S. 5244. An act authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange; and

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 35. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah;

S. 1840. An act to amend an act entitled "An act to establish a court of private-land claims and to provide for the settlement of private-land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909;

S. 3344. An act to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo";

S. 3580. An act releasing the claims of the United States Government to lot No. 306 in the old city of Pensacola, Fla.;

S. 3581. An act authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida;

S. 3764. An act to consolidate certain forest lands in the Florida National Forest; and

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3132. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes;

S. 4476. An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912; and

S. 5777. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

The message also announced that the House returned to the Senate, in compliance with its request, the bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe.

The message further announced that the House returned to the Senate, in compliance with its request, the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, providing for the sale thereof, and for other purposes.

The message also requested the Senate to return to the House the bill (H. R. 13233) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of the Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 204. An act to promote the efficiency of the Public Health Service;

H. R. 1777. An act for the relief of Frank J. Deutsch;

H. R. 1975. An act for the relief of C. E. Anderson;

H. R. 2208. An act for the relief of James L. Yokum;

H. R. 6267. An act to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money, money orders, and postage stamps stolen;

H. R. 6903. An act providing for the establishment of a Coast Guard station on the coast of Georgia in the vicinity of Tybee Island, at such point as the captain commandant of the Coast Guard may recommend;

H. R. 9428. An act relating to procedure in United States courts;

H. R. 10116. An act for the relief of certain settlers under reclamation projects;

H. R. 10931. An act for the relief of Drs. Blair and Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock;

H. R. 11623. An act to amend section 4472 of the Revised Statutes;

H. R. 11707. An act to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908;

H. R. 11749. An act for the relief of the administrator of the estate of John M. Waples;

H. R. 12365. An act to promote the reclamation of arid lands;

H. R. 12885. An act to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests;

H. R. 12889. An act authorizing the Secretary of the Interior to sell the unsold and unappropriated portions of lands within the town site of Newell, S. Dak., and for other purposes;

H. R. 13785. An act for the relief of Sarah S. Plank;

H. R. 14528. An act for the relief of W. W. Finn;

H. R. 14669. An act authorizing the acceptance by the United States Government, from Pueblo Post, No. 8, Grand Army of the Republic, of a monument located on the grounds of the Federal building in Pueblo, Colo.;

H. R. 15282. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.;

H. R. 15635. An act for the relief of the Eastern Transportation Co., of Baltimore, Md.

H. R. 15775. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 15777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii;

H. R. 15955. An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits; and

H. J. Res. 91. Joint resolution authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

The message also transmitted to the Senate resolutions of the House on the death of Hon. EDWIN CHICK BURLEIGH, late a Senator from the State of Maine.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 3205. An act to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894;

S. 3929. An act validating certain applications for and entries of public lands;

S. 5839. An act to repeal paragraph 4 of section 21 of the public-buildings act, approved March 4, 1913, providing for the construction of a national archives building; and

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

Mr. WALSH presented a memorial of sundry citizens of Hardin, Mont., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Great Falls, Mont., praying for the enactment of legislation to prohibit interstate transmission of race gambling odds and bets, which was referred to the Committee on Interstate Commerce.

Mr. MYERS. I present resolutions adopted by the women voters of Havre, Mont., in favor of the Susan B. Anthony suffrage amendment, which I ask may be printed in the RECORD, together with the signatures.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

RESOLUTION PASSED BY WOMEN VOTERS OF HAVRE, MONT.

Resolved, That we, the women voters of Havre, assembled in conference at Havre, June 13, 1916, urge that the national administration give facilities for the passing of the Susan B. Anthony amendment during the present session of Congress; and further be it

Resolved, That a copy of this resolution be sent to the administration leaders in our National Capital and the Members of the Montana congressional delegation

Unanimously adopted.

Mrs. IDA STRANNAHAN,	Mrs. JAMES CARNEL,
Mrs. FRANK BOSSOUT,	Mrs. RAYMOND HULFISH,
Mrs. EDWARD BIMROSE,	Miss LAURA GRACE LOVETT,
Miss LULU CHESTNUT,	Mrs. E. E. BENRY,
Mrs. C. B. WILSON,	Mrs. A. CROSSON,

Congressional Union Executive Committee, Havre, Mont.

Mr. MYERS. I present a petition of Grain Belt Grange, of Hill County, Mont., in favor of opening certain lands in Montana for settlement, and I ask that the petition be printed in the RECORD, together with the signatures, and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

To the Hon. H. L. MYERS,
United States Senator.

DEAR SIR: There is a bill before the United States Senate at this time—S. 5772, Calendar No. 425—providing for the sinking of artesian wells, and for other purposes, in northern Montana. You are, no doubt, well acquainted with conditions of this section of the country and know that settlement has been deterred in many cases on account of the uncertainty of the distance for water. This organization respectfully asks you to use your personal efforts in assisting this bill in its passage, believing that it will be the source of great benefit to the settlers and farmers of the entire northern part of the State of Montana.

C. F. WARREN, *Master.*
W. F. MCDONALD, *Secretary.*

Mr. MYERS. I present a petition of Grain Belt Grange, of Hill County, Mont., in favor of the sinking of artesian wells, which I ask may be printed in the RECORD, together with the signatures, and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Hon. H. L. MYERS,
United States Senate:

Referring to Senate bill No. 3646, which passed the Senate some time ago and has been reported by the committee to the House, this organization wishes to solicit your best efforts in securing the retention of section 12 of that bill intact. Inasmuch as Beaver Creek is the last fishing stream on Government land in all of the section of northern Montana and because of absence of any such stream of so great area, it would be a great boon to the citizens of parts of Chouteau, Toole, Hill, Blaine, and Phillips Counties to have this place set aside, as designated in the bill referred to, as a playground for these people. It is a well-known fact that practically none of the land embraced in the boundaries of this park is tillable, and that no intending settler would be injured by its dedication; and in view of these facts, we, the members of Grain Belt Grange, do respectfully solicit your best efforts in securing the passage of this bill through the lower House as it passed the Senate.

C. F. WARREN, *Master.*
W. F. MCDONALD, *Secretary.*

Mr. SHAFROTH presented petitions of sundry citizens of Colorado, praying for national prohibition and also for prohibition in the island of Porto Rico, which were referred to the Committee on the Judiciary.

Mr. WORKS presented a petition of the congregation of the Vermont Avenue Square Methodist Episcopal Church, of Los Angeles, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the faculty and students of Whittier College, Whittier, Cal., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. OLIVER presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of Hazelwood, Pa., remonstrating against the enactment of legislation to provide for fixing standard prices for patented and trade-marked articles, which was referred to the Committee on Manufactures.

He also presented a memorial of the Pennsylvania School of Horticulture for Women, of Ambler, Pa., remonstrating against the construction of the proposed power plant in the District of Columbia on the site selected by Congress, which was ordered to lie on the table.

Mr. KERN presented a petition of sundry citizens of South Bend, Ind., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLARK of Wyoming presented memorials of sundry citizens of Garland and Powell, in the State of Wyoming, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. PHELAN presented a memorial of sundry citizens of Modesto, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Vallejo, Cal., praying for the enactment of legislation providing for the demonstration of land settlement in the Southwestern States, which was referred to the Committee on Public Lands.

Mr. TOWNSEND presented a petition of sundry citizens of Tawas City, Mich., praying that American citizens be protected in travel on the seas, etc., which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Sand Lake and Cedar Springs, in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Alpena, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. NELSON presented a memorial of the Farmers' Booster Club, of Renville, Minn., remonstrating against the proposed repeal of the tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the students of the United States Indian School at Pipestone, Minn., praying for the enactment of legislation to prohibit the use of peyote, which was referred to the Committee on Indian Affairs.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. LIPPITT presented memorials of sundry citizens of Pawtucket, R. I., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the State Woman's Christian Temperance Union of Rhode Island, praying for the enactment of legislation to provide for the care and treatment of persons afflicted with leprosy, which was referred to the Committee on Public Health and National Quarantine.

Mr. McLEAN presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Torrington, Conn., remonstrating against the massacre of Syrians by the Turks, which was referred to the Committee on Foreign Relations.

He also presented a petition of Capital City Lodge, No. 354, International Association of Machinists, of Hartford, Conn., praying for the enactment of legislation to grant 30 days' annual leave of absence to employees in navy yards, naval stations, and arsenals, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Sons of Veterans of New Haven, Conn., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of George M. Cole Camp, No. 7, United Spanish War Veterans, of New London, Conn., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. THOMPSON. I present a resolution in the form of a petition from the officers and members of the Kansas State Association of Letter Carriers, which I ask may be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Resolutions adopted by Kansas Letter Carriers' Convention at Ottawa, Kans., May 30, 1916.

Resolved, That the officers and members of the Kansas State Association of the National Association of Letter Carriers, in convention assembled, do unanimously indorse the following bills now pending in Congress: The Tinkham bill, to place postmasters under the civil service; the Nolan bill, making $3 per day the minimum wage for any Government employee; and the Keating bill, giving civil-service employees the right of appeal to some disinterested court: And be it further

Resolved, That a copy of this resolution be sent to each of the Senators and Representatives of Kansas, and to the Postal Record for publication.

Mr. BRADY. I present a memorial signed by citizens in the vicinity of Athol, Idaho, remonstrating against an increase in armaments, which I ask may be referred to the Committee on Military Affairs.

The VICE PRESIDENT. The memorial will be referred to the Committee on Military Affairs.

Mr. BROUSSARD. I present resolutions passed by the General Assembly of the State of Louisiana, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 13. By Mr. Leon R. Smith.

Whereas there is now pending in the Senate of the United States a bill introduced by Senator MORRIS SHEPPARD, which has for its object and purpose the nullification of the law as declared in the now famous Shreveport rate case; and

Whereas the General Assembly of Louisiana by resolution and appropriations made for the purpose had the suit brought that wiped away the rate barrier erected by the State of Texas against Louisiana commerce at the State line; and

Whereas the future prosperity of a large part of the population of Louisiana, together with the welfare of the cities of New Orleans, Shreveport, Monroe, and Alexandria are indissolubly linked with the matter of freight rates; and

Whereas if the Sheppard bill, now pending in the United States Congress, should be enacted into law the effect of the rate fight already won would be nullified: Therefore be it

Resolved by the senate (the house of representatives concurring), That the General Assembly of Louisiana earnestly urge its United States Senators and Representatives in Congress to vigorously oppose the passage of Senate bill 5242, introduced by Senator MORRIS SHEPPARD and now pending before the Committee on Interstate Commerce, and that copies of this resolution be forthwith forwarded to Louisiana's Senators and Congressmen upon the passage of this resolution.

ETHELRED M. STAFFORD,
President pro tempore of the Senate.
HEWITT BONANCHAUD,
Speaker of the House of Representatives.

Attest:

O. H. SIMPSON,
Secretary of the Senate.

Mr. BROUSSARD. I present a letter and resolutions from the board of directors of the Board of Trade (Ltd.) of New Orleans, La., which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the letter and resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the board of directors of the New Orleans Board of Trade (Ltd.), in regular session on June 14, 1916.

Whereas the New Orleans Board of Trade is earnestly desirous of such action by the Federal Government as will assist in building up an American merchant marine; and

Whereas we are absolutely convinced that any method whereby Government-owned ships will be operated either directly by the Government or under private charter, as merchant carriers, will be an added and powerful factor in preventing the investment of the private capital in American merchant shipping: Be it

Resolved, That the New Orleans Board of Trade (Ltd.) is strongly opposed to the provisions of what is known as the Alexander bill, H. R. 15455, now before the Senate, and earnestly urges unfavorable action thereon; be it further

Resolved, That this board of trade again petitions Congress for the immediate appointment of a special board of expert commercial men instructed to thoroughly investigate all present conditions affecting our American shipping, and to devise methods whereby existing disabili-

ties may be removed and the development of an American merchant marine may be assured.

[SEAL.] M. J. SANDERS, *President.*
H. S. HERRING, *Secretary.*

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THE NEW ORLEANS BOARD OF TRADE (LTD.),
New Orleans, June 1½, 1916.

Senator ROBERT F. BROUSSARD,
Washington, D. C.

MY DEAR SENATOR: I inclose you copy of resolutions passed by the board of trade directors at a meeting held June 14. We do not like to appear as eternally protesting against shipping legislation, such as has been considered by Congress during the past two or three years, but, as you know, the board of trade is distinctly in earnest in its desire for material and prompt development of the American merchant marine.

It seems a great pity that Congress in this shipping legislation will persist in considering so important a matter while lacking absolutely essential data. I do not believe Congress would for a moment consider appropriating $50,000,000 for the improvement of a harbor or a number of rivers until a board or boards of survey had carefully considered and reported. Yet this legislation, more far-reaching in its effects for good or evil than the improvement of any single harbor, calling for a prime expenditure of $50,000,000, with possible further responsibilities, is and has been considered by Congress with no expert investigation whatever.

Surely the common-sense method to handle this matter is to have Congress appoint a strong board of capable business men with expert knowledge of shipping, instruct them to investigate any possible handicaps under which American shipping is laboring, and to make practical suggestions whereby the Government of the United States may, if it is necessary, assist in the rehabilitation of the American merchant marine. Government ownership most certainly will not assist but probably would kill any real development of our shipping, and the administration, in my humble opinion, will lose many votes if it pushes the Alexander bill through Congress.

There is also in the Alexander bill a matter in which we locally and you personally have, in my opinion, a very decided interest, and that is the proposal to place not only foreign water-borne commerce but all interstate water-borne commerce under the control of this proposed shipping board.

Only quite recently the board of trade appointed a special committee on river-traffic development, and this committee is finding out how extremely difficult it is to interest private capital in such an enterprise. If this development is to be choked at the start by the rules and regulations of a shipping board, possibly something like those of the Interstate Commerce Commission, even if the capital were subscribed, which is most unlikely, and such budding attempt to develop traffic on our rivers would promptly be overcome by rate regulations, which would prevent that freedom in rate and traffic operations essential to any new enterprise of this nature.

As one who has been a persistent advocate of improvements to our waterways, we beg of you to strenuously oppose any measures to choke off the development of river traffic by restrictions such as are inevitable under the proposed shipping board. Only by the utmost freedom in handling competitive conditions forced upon them by the railroads, and other disabilities, can any water commerce ever obtain a footing.

Please excuse this long letter, but I am feeling strongly in the matter, especially the possible effect on our inland waterways, and we all here earnestly hope for your powerful assistance.

Yours, very truly,

M. J. SANDERS, *President.*

Mr. BROUSSARD. I present a report of the special merchant-marine committee of the New Orleans Association of Commerce, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the report was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

NEW ORLEANS ASSOCIATION OF COMMERCE,
June 10, 1916.

Hon. ROBERT F. BROUSSARD,
United States Senator,
The Senate, Washington, D. C.

DEAR SIR: For your information I inclose herewith report of the special merchant-marine committee of the Association of Commerce, ratified by the board of directors of this organization at a meeting held Friday, June 9, 1916.

Very truly, yours,

WALTER LORNEY,
General Manager.

REPORT OF THE SPECIAL MERCHANT-MARINE COMMITTEE OF THE NEW ORLEANS ASSOCIATION OF COMMERCE.

(Approved by board of directors June 9, 1916.)

BOARD OF DIRECTORS, NEW ORLEANS ASSOCIATION OF COMMERCE.

GENTLEMEN: Your special merchant-marine committee begs to report as follows:

We have considered H. R. 15455, Sixty-fourth Congress, first session, a measure known as the Alexander bill, "to establish a United States shipping board," etc.

It is our opinion that the Association of Commerce, through its board of directors, should go on record as reaffirming its position on this bill in line with its vote on referendum No. 9 of the Chamber of Commerce of the United States.

The vote of the Association of Commerce on this referendum was as follows:

BALLOT NO. 1.

(1) The Association of Commerce voted as being opposed to the Government undertaking the purchase, construction, or charter of vessels for mercantile purposes, together with the operation of such vessels.

(2) Opposed to ownership of merchant vessels by the Government, but with operation by private parties under leases.

(3) In favor of subsidies from the Government sufficient to offset the differences in cost between operation of vessels under the American flag and operation in the same deep-sea trades under foreign flags, provided that the navigation laws of the United States can not be changed or some other way be found to accomplish the same purpose.

(4) In favor of subventions from the Government to establish regular mail and freight lines under the American flag to countries in which the commercial interests of the United States are important and to American dependencies.

BALLOT NO. 2.

(1) In favor of recommendation for the creation of a Federal shipping board to investigate and report to Congress regarding the navigation laws, and to have full jurisdiction under the law in all matters pertaining to over-sea transportation.

(2) Opposed to recommendation that the Government subscribe to the entire stock of a marine development company, with a capital of $30,000,000, this company to have authority for seven years to lend, under supervision of the Federal shipping board, upon the security of first mortgages on merchant vessels, taking as evidence of this indebtedness bonds which bear a fair rate of interest and contain provisions for amortization, the development company to guarantee the bonds as to principal and interest and to sell them to the public.

(3) In favor of recommendation that the ocean-mail law of 1891 be amended by lowering the speed for first-class steamers from 20 to 16 knots and for second-class steamers from 16 to 12 knots, and by making the compensation adequate to permit the establishment of lines of steamships carrying both mail and freight.

(4) In favor of recommendation that there should be legislation abolishing deferred rebates and providing for supervision of rates by the Federal shipping board, with requirements for filing with the board schedules of rates and all agreements among over-sea lines.

(5) In favor of recommendation that Federal licenses should be taken out by lines, domestic and foreign, engaged in shipping between ports of the United States and other countries.

It is further recommended that the Association of Commerce again advise the Louisiana Senators and Representatives in Washington of its position on this legislation, expressing the opinion that legislation along the lines of its vote on the provisions of the above referendum would be proper and timely and effective, rather than such legislation as is proposed by H. R. 15455.

Respectfully submitted.

SPECIAL MERCHANT-MARINE COMMITTEE,
NEW ORLEANS ASSOCIATION OF COMMERCE.

Mr. BROUSSARD. I present a letter from the general manager of the New Orleans Joint Traffic Bureau, addressed to me, together with a copy of a letter addressed to my colleague, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the letters were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

NEW ORLEANS JOINT TRAFFIC BUREAU,
New Orleans, La., June 15, 1916.

Hon. ROBERT F. BROUSSARD,
United States Senate, Washington, D. C.

MY DEAR MR. BROUSSARD: I have written Judge RANSDELL as per copy of letter attached, addressing him as I have because of his intimate connection with the Rivers and Harbors Congress and with efforts to revive interstate water navigation.

There may be many good things in this measure. There are some mighty bad ones, and there is nothing more calculated to do harm to New Orleans and to Louisiana, with its nearly 5,000 miles of navigable water, than a regulatory scheme of this character.

There is no need of it, and if it comes it will for a long time discourage, in our judgment, the restoration of river navigation or of coastwise navigation or of intercoastal navigation.

We are anxious to have an opportunity to present certain views to the committee before these provisions of the bill are finally passed upon.

We believe the experience of this town is such as to cause the committee to pause before adopting any such broad scheme of regulation as this.

Yours, very sincerely,

THEODORE BRENT,
General Manager.

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JUNE 15, 1916.

Hon. JOSEPH E. RANSDELL,
United States Senator, Washington, D. C.

MY DEAR JUDGE RANSDELL: I don't know whether or not you have been giving very close attention to H. R. 15455, the shipping bill, but I assume you have, as it is one of the President's pet measures and you are close to him.

Since the consideration of the original bill presented in the House, regulatory features have been added to this bill, which make it so inimical to the interests of every water community that I trust you will give careful consideration to these provisions.

The sections of this bill, from section 17 on, particularly those which have to do with the regulation of interstate carriers by water, are, to the minds of our people here, thoroughly unworkable, and are the very thing we don't want if we ever hope to revive water commerce on our rivers.

The idea of requiring a steamboat to file all of its rates, and to permit no changes in these rates, either up or down, except after approval by the shipping board, would make the very situation which is best calculated to both remove the incentive for investment in water craft and the incentive on the part of the communities for their use.

Perhaps there is need of some regulation of competing rail carriers from cutting down rates for the mere purpose of eliminating water competition, but to regulate the water carrier itself, so as to make that water carrier's rates inflexible, creates a situation which has never been found to work in connection with shipping on the navigable streams or the open seas and lakes.

There are very reasonable and sane things to be said in opposition to all of this provision for regulation of interstate water carriers, and before this bill is passed, and I understand it is being pressed to a final hearing in committee, for the very sake of the river interests with which you are so intimately connected, we desire an opportunity to express more clearly than we can in a letter of this character views opposed to the adoption of these measures.

I understand the matter is before the Senate Committee on Commerce and that the committee is trying to get it in such shape as to report it back to the Senate not later than the twenty-second.

We crave an opportunity to speak and, if desirable, present a brief in opposition to the regulatory features of this bill, which seem to have been an afterthought, and we feel confident that unless they are

eliminated the interests now most desiring water navigation will have very little further interest in the proposition.

Yours, very sincerely, THEODORE BRENT,
General Manager.

REPORTS OF COMMITTEES.

Mr. WALSH (for Mr. JOHNSON of Maine), from the Committee on Pensions, submitted a report (No. 521) accompanied by a bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 1078. Fred Burnstead.
S. 1470. Mary A. Johnson.
S. 1619. Alan P. Wilson.
S. 1637. Mary L. Munyon.
S. 1711. Walter B. Hockett.
S. 2323. Elizabeth Dunn Howe.
S. 2540. Hepsie C. Holway.
S. 2573. Joshua E. Howard.
S. 3152. Anna Neff.
S. 3875. Ione I. Bell.
S. 4358. Hillory M. Wilder.
S. 4617. John O. McMahon.
S. 4681. Benjamin H. Meadows.
S. 4691. Charles H. Dorman.
S. 5237. Jotham B. Jacobs.
S. 5457. Sarah A. Workman.
S. 5514. Lucy Cole.
S. 5613. David W. Herriman.
S. 5654. Eddy J. Workman.
S. 5691. Henry Schlobohm.
S. 5695. Mabel McCauley.
S. 5713. Louis Hines.
S. 5762. George W. Dawson.
S. 5778. Emma E. Boswell.
S. 5780. Kate K. Henry.
S. 5793. Mary A. McElroy.
S. 5894. Frank Lintz.
S. 5923. Charles H. Skillings.
S. 5949. Mary Miller.
S. 6080. Mary J. Nolan.
S. 6101. James M. Brown.
S. 6122. Henry T. Hertslet.
S. 6143. David Noe.
S. 6162. Hannah C. Leary.
S. 6343. Joseph W. Hicks.

Mr. WALSH (for Mr. JOHNSON of Maine), from the Committee on Pensions, submitted a report (No. 522), accompanied by a bill (S. 6370) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 208. Anne M. Seaver.
S. 239. Mary E. Stanton.
S. 268. Mary E. Northend.
S. 273. Sarah H. Pidge.
S. 285. Elmira H. Cowles.
S. 291. Fannie M. Cutting.
S. 294. Mary A. Clark.
S. 315. Sarah A. Brown.
S. 394. Belle Palmer.
S. 993. Henry Swain.
S. 1187. Jennie Moul.
S. 1203. Lydia Keatley.
S. 1354. Sarah M. Thompson.
S. 1450. Mary J. Hayes.
S. 1526. Jesse Abbott.
S. 1690. Charles H. Miel.
S. 1710. Maggie E. Russell.
S. 1713. Sarah J. Erdman.
S. 1752. James H. Kimberlin.
S. 1798. Edgar Ogan.
S. 1799. Andrew S. Mendenhall.
S. 1930. Virginia C. Crawford.
S. 1952. George W. Johnson.
S. 2143. John C. Matheny.
S. 2239. Jeremiah Hurley.
S. 2258. Thomas F. Green.
S. 2262. Henrietta R. Young.
S. 2270. Laura E. Eby.
S. 2310. Ida Critchell.
S. 2340. Amos Reynolds.
S. 2597. Samuel McCord.
S. 2614. Annie B. Buell.
S. 2625. William A. Sutton.
S. 2665. George W. Kimball.
S. 2798. John Wilson.
S. 2807. Melvina J. Davis.
S. 2915. Henry G. Pickett.
S. 2968. Diantha A. Batting.
S. 2969. Charles L. Chappell.
S. 2970. Hannah Clift.
S. 2971. Ann Corey.
S. 2972. Sarah B. Davis.
S. 2974. Harriet A. Fairbanks.
S. 2976. Francis J. Hart.
S. 2977. George A. Howard.
S. 3102. Rachel R. Gwyn.
S. 3106. James M. Harrison.
S. 3108. Wesley Desart.
S. 3125. Emma M. Newmyer.
S. 3185. James B. H. McDaniel.
S. 3243. William H. Finney.
S. 3330. Susie M. Gilbert.
S. 3369. John S. Fite.
S. 3409. John S. Gilmore.
S. 3532. Darius S. Sanborn.
S. 3602. Kate M. White.
S. 3666. Henry R. Huntley.
S. 3808. Caroline L. Ackley.
S. 3815. William Mower.
S. 3924. Mary J. Roach.
S. 3971. Mary A. Newman.
S. 3996. Mattie Tryon Spangler.
S. 3997. Ledroit C. Prosser.
S. 4104. Albert L. Picket.
S. 4109. Julia Churchill.
S. 4119. Anna W. Sapp.
S. 4153. William H. Grafton.
S. 4157. Albert W. Kelley.
S. 4161. Martha Crowley.
S. 4196. David Bethurum.
S. 4219. Zilpha A. Bush.
S. 4231. Laforest A. Norton.
S. 4237. Charles Harris.
S. 4239. David F. Pierce.
S. 4332. Frederick N. Ames.
S. 4346. William B. Brooks.
S. 4378. David McConnell.
S. 4435. Levi A. Ross.
S. 4472. Michael Archer.
S. 4481. Martha T. Scott.
S. 4497. Julia S. Brown.
S. 4522. George McDowell.
S. 4628. Thomas Williams.
S. 4637. Robert L. Hamill.
S. 4709. David Smail.
S. 4719. Henry Bohall.
S. 4755. Miranda A. Wheelock.
S. 4833. Harvey B. Stout.
S. 4858. John Eaton.
S. 4910. George Jeffs.
S. 4936. Catharine Burgett.
S. 4948. Joseph O. Bovard.
S. 5012. Marion Bradford.
S. 5022. Irvine Carman.
S. 5042. Eaton Smith.
S. 5043. Samuel Feldner.
S. 5060. Julia A. Parker.
S. 5071. Ebenezer Ricketts.
S. 5091. Nancy J. Willey.
S. 5092. Laura E. Knox.
S. 5093. Francett Dickinson.
S. 5099. Charles F. Delong.
S. 5108. India Reisner.
S. 5118. John Hornback.
S. 5125. Sadie M. Likens.
S. 5191. Avril Harris.
S. 5195. Charles L. Wehe.
S. 5212. Homer H. Throop.
S. 5215. Mary L. Jeffers.
S. 5235. William W. Tibbetts.
S. 5236. Sadie L. Elliott.
S. 5238. Warren B. Monroe.
S. 5239. Edwin B. Lampson.
S. 5245. Samuel Lockwood.
S. 5250. Susan G. Snowden.
S. 5329. Edwin Ayers.

S. 5360. Philip Rabuck.
S. 5366. Ira Chamberlain.
S. 5381. William Grogan.
S. 5383. Ellen Billcock.
S. 5397. Arthur M. Clark.
S. 5402. Charles Railey.
S. 5419. Marilla Barnes.
S. 5423. Sarah M. Monroe.
S. 5455. Henry Carl.
S. 5462. Rebecca Ramsey.
S. 5468. Nellie Loucks.
S. 5469. Soren V. Kalsem.
S. 5473. Thomas M. James.
S. 5476. Morgan W. Jones.
S. 5500. Harriet A. Streeter.
S. 5509. John W. Erwin.
S. 5533. David Roach.
S. 5534. Mary F. Knowles.
S. 5535. Alfred W. Bussell.
S. 5621. Oscar D. Nutten.
S. 5623. Elmore T. Montgomery.
S. 5629. Thomas S. Henderson.
S. 5630. Corydon L. Cole.
S. 5639. Saloma V. Bedell.
S. 5646. William Mitchell.
S. 5666. Winfield S. Webster.
S. 5685. Robert Hedrick.
S. 5690. Anna L. Warren.
S. 5720. Francis E. Pellett.
S. 5722. Rose L. Gibbon.
S. 5723. Gerret G. Seger.
S. 5729. Hannah A. Holden.
S. 5737. Lewis B. Crout.
S. 5738. Catharine E. Wilson.
S. 5740. Frances A. Kniffin.
S. 5741. John Condon.
S. 5742. Stanford H. Chase.
S. 5743. Mary Lynch.
S. 5744. Simeon H. Haskell.
S. 5745. Henry M. Bennett.
S. 5753. Lucy M. Settle.
S. 5765. Eliza Jane McCoy.
S. 5767. Ezra A. Miller.
S. 5769. Joseph Burton.
S. 5779. Alanson V. Dean.
S. 5785. Zimri Stearns.
S. 5798. John W. Yount.
S. 5813. James Dunn.
S. 5814. Richard M. Clark.
S. 5815. John W. Johnston.
S. 5816. Richard Scanland.
S. 5817. Levi A. Waikle.
S. 5818. Harvey Martin.
S. 5820. Charles H. Clay.
S. 5822. John F. Nichols.
S. 5829. Eri O. Smith.
S. 5836. Henry J. Porter.
S. 5838. Alonzo Rose.
S. 5842. Hetty R. Lynch.
S. 5843. Mary J. Yocum.
S. 5859. Stephen Rice.
S. 5860. John A. Jones.
S. 5878. Nathaniel Minks.
S. 5884. Fritz Brendler.
S. 5892. Sarah E. Aldridge.
S. 5896. Sybilie Grossart.
S. 5903. Henry H. Thomas.
S. 5905. John C. Hughes.
S. 5920. Mary A. Williams.
S. 5921. Joshua M. Roller.
S. 5925. Priscilla M. Lamphier.
S. 5926. Lizzie B. Williams.
S. 5927. Annie E. Rock.
S. 5928. Lydia A. Lane.
S. 5929. Isabell Johnson.
S. 5931. Erastus T. Cressey.
S. 5932. Helen Slade.
S. 5933. Mary E. Hart.
S. 5943. Annie Davis.
S. 5944. James Kelley.
S. 5945. Eugene A. Libby.
S. 5947. Nora E. Danforth.
S. 5948. Abbie M. Fernald.
S. 5955. Charles G. Bridges.
S. 5956. Gustavus A. Thompson.
S. 5957. James Fairbrother.
S. 5958. Joseph H. Knox.
S. 5959. George W. Butterfield.
S. 5960. Thomas J. Dill.
S. 5961. William E. Cunningham.
S. 5962. Aaron O. Houghton.
S. 5963. Albion K. P. Marston.
S. 5964. Elias A. Lothrop.
S. 5965. Hiram Ellis.
S. 5968. Thomas Brown.
S. 5969. Mary A. Miller.
S. 5970. Mary C. Kessinger.
S. 5993. Thomas McDonald.
S. 5998. Elize King.
S. 6009. Nathan S. Martin.
S. 6010. Reuben J. Powell.
S. 6012. John W. Shepherd.
S. 6018. Insley Cook.
S. 6019. Mary A. Gillogly.
S. 6020. Julius C. Wright.
S. 6061. William H. Waitman.
S. 6062. Mary E. Roberts.
S. 6065. Nelson Barber.
S. 6078. Rufina M. Sutton.
S. 6107. Thaddeus Cross.
S. 6108. Charles E. Cook.
S. 6109. Florence M. Moore.
S. 6111. Truman F. Maxim.
S. 6119. Horatio P. Abbott.
S. 6121. Alma Frambes.
S. 6125. John S. Kephart.
S. 6126. Edward Foster.
S. 6130. Leo J. Emery.
S. 6132. John Ferguson.
S. 6137. Mary E. Gilbert.
S. 6139. Charles Apple.
S. 6140. Adolphus B. Capron.
S. 6141. Madeline A. Rowell.
S. 6142. Eliza M. Flint.
S. 6146. George L. Wait Wiltbank, alias George L. Wait.
S. 6150. Daniel A. Ray.
S. 6151. George Ellars.
S. 6176. James E. Bresett.
S. 6200. John McGuire.
S. 6210. Ludwig N. Anderson.
S. 6211. George W. Bolster.
S. 6213. Esteller Barrows.
S. 6216. John W. Bash.
S. 6220. Tillie E. Reeves.
S. 6262. Horace G. Maloon.
S. 6264. John H. Lowell.
S. 6265. Leroy Harding.
S. 6275. Helen F. Goodwin.
S. 6277. Elizabeth C. Henderson.
S. 6278. Clementine M. Gilbert, now Denslow.
S. 6282. Melissa L. White.
S. 6283. Ellen H. Croggon.
S. 6292. Austin Osmanson.
S. 6296. Mary F. Ewing.
S. 6313. William C. McLaughlin.
S. 6324. Jesse Watkins.
S. 6326. Daniel W. Smith.
S. 6327. Owen Stacy.
S. 6328. Mary A. Hanson.
S. 6334. Azupah J. Batman.
S. 6338. Hannah Dowd.
S. 6339. Eaton Ferrin.
S. 6347. John A. Hawksley.
S. 6349. Benjamin King.
S. 6359. Elsina H. Rickard.

Mr. MYERS, from the Committee on Industrial Expositions, to which was referred the bill (S. 3444) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., reported it without amendment and submitted a report (No. 523) thereon.

Mr. LANE, from the Committee on Claims, to which was referred the bill (H. R. 2536) for the relief of Joseph A. Buckholdt, reported it without amendment and submitted a report (No. 524) thereon.

Mr. BROUSSARD, from the Committee on the Library, to which was referred the bill (S. 2292) to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan Statue, reported it without amendment and submitted a report (No. 525) thereon.

Mr. OVERMAN. From the Committee on Appropriations, I report back favorably with amendment the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and I submit a report (No. 520) thereon. I desire to give notice that at the close of the morning business I shall ask unanimous consent for the consideration of the bill.

Mr. PITTMAN, from the Committee on Public Lands, to which was referred the bill (S. 5992) authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another, reported it without amendment.

MEMORIAL TO FRANCIS ASBURY.

Mr. OVERMAN. From the Committee on the Library, I report back favorably without amendment the joint resolution (S. J. Res. 136) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury, and I ask for its present consideration. The joint resolution does not involve an appropriation, but merely authorizes the erection of a statue in this city to Bishop Asbury, the celebrated Methodist bishop.

Mr. SMOOT. Let the joint resolution be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the Francis Asbury Memorial Association for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial to Francis Asbury, a pioneer preacher and bishop, whose itinerant labors from 1771 to 1816 in the interest of religion, morality, education, and patriotism were a distinct aid to the Republic: *Provided*, That the site chosen and the design of the memorial shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCEPTANCE OF MONUMENT AT PUEBLO, COLO.

Mr. PHELAN. Mr. President, at the request of the Senator from Colorado [Mr. THOMAS], I ask for a change of reference of the bill providing for the acceptance of a monument located on the grounds of the Federal building in Pueblo, Colo., from the Committee on Public Buildings and Grounds to the Committee on the Library.

There being no objection, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (S. 6351), authorizing the acceptance by the United States Government from Pueblo Post No. 8, Grand Army of the Republic, of a monument located on the grounds of the Federal building in Pueblo, Colo., and the bill was referred to the Committee on the Library.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POMERENE:

A bill (S. 6371) for the relief of the estate of John H. Piatt, deceased; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 6372) to authorize the counties of Baldwin and Mobile, Ala., successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers; to the Committee on Commerce.

By Mr. BROUSSARD:

A bill (S. 6373) for the relief of the heirs of Joseph Piernas, deceased; to the Committee on Claims.

By Mr. JONES:

A bill (S. 6374) to aid in the erection of a monument to Indian Timothy at his grave, near Alpowa, Asotin County, Wash.; to the Committee on the Library.

A bill (S. 6375) to authorize the changing of the name of the steamship *Aroline;* to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 6376) to consolidate certain forest lands within the Cache National Forest, Utah;

A bill (S. 6377) to consolidate certain forest lands within the Cache National Forest, Utah;

A bill (S. 6378) to consolidate certain forest lands within the Cache National Forest, Utah;

A bill (S. 6379) to consolidate certain forest lands within the Cache National Forest, Utah;

A bill (S. 6380) to consolidate certain forest lands within the Cache National Forest, Utah;

A bill (S. 6381) to consolidate certain forest lands within the Sevier National Forest;

A bill (S. 6382) to consolidate certain forest lands within the Cache National Forest, Utah; and

A bill (S. 6383) to consolidate certain forest lands within the Cache National Forest, Utah; to the Committee on Public Lands.

By Mr. WORKS:

A bill (S. 6384) directing the accounting officers of the Treasury to credit and settle an account of Samuel D. Barkley; to the Committee on Post Offices and Post Roads.

A bill (S. 6385) granting a pension to Louise Liebl (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6386) granting an increase of pension to George W. Ward (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6387) to authorize the President of the United States to appoint pay clerks, Quartermaster Corps, United States Army, now on the retired list, as second lieutenants, Quartermaster Corps, United States Army, and retire them as such; to the Committee on Military Affairs.

A bill (S. 6388) granting an increase of pension to Susan Hafner (with accompanying papers);

A bill (S. 6389) granting a pension to Katherine E. Welsh;

A bill (S. 6390) granting an increase of pension to U. P. Getz; and

A bill (S. 6391) granting an increase of pension to George W. Lodge; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 6392) for the relief of Grace S. Brewster, administratrix of the estate of George W. Brewster, deceased; to the Committee on Claims.

By Mr. WALSH (for Mr. JOHNSON of Maine):

A bill (S. 6393) granting an increase of pension to Catherine Green (with accompanying papers);

A bill (S. 6394) granting an increase of pension to Francis J. Cousins (with accompanying papers);

A bill (S. 6395) granting an increase of pension to Charles A. Oakman (with accompanying papers); and

A bill (S. 6396) granting an increase of pension to Mary A. Stuart (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6397) to establish the Mount Hood National Parks, in the State of Oregon; to the Committee on Public Lands.

By Mr. KERN:

A bill (S. 6398) for the relief of John W. Baker; to the Committee on Military Affairs.

A bill (S. 6399) granting an increase of pension to Simon Ridenour (with accompanying papers); and

A bill (S. 6400) granting an increase of pension to William H. Payne (with accompanying papers); to the Committee on Pensions.

By Mr. KERN (for Mr. TAGGART):

A bill (S. 6401) granting an increase of pension to Stephen Sutton;

A bill (S. 6402) granting an increase of pension to Charles R. Gilbert;

A bill (S. 6403) granting an increase of pension to Jefferson Foncannon;

A bill (S. 6404) granting an increase of pension to Thomas F. Keigan; and

A bill (S. 6405) granting an increase of pension to Jacob Turner; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6406) granting a pension to James B. Armitage (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6407) for the relief of Israel B. Cowen (with accompanying papers); to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 6408) granting an increase of pension to Mary A. Wood (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6409) granting an increase of pension to Martin V. Rand (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6410) granting a pension to Eliza Ryan (with accompanying papers); and

A bill (S. 6411) granting a pension to O. H. Hayhurst (with accompanying papers); to the Committee on Pensions.

A bill (S. 6412) amending section 666 of the act of Congress approved March 16, 1878; to the Committee on the Judiciary.

By Mr. PHELAN:

A joint resolution (S. J. Res. 144) waiving claim on the part of the United States and consenting to the closing and abandoning certain public streets and parts of public streets in the city and county of San Francisco, State of California, within a site selected for the uses and purposes of the San Francisco State Normal School, and authorizing the Attorney General to appear on behalf of the United States in any condemnation suit which may be brought by the State of California in the courts of that State to acquire the property selected for such site; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment proposing to increase the appropriation for the investigation and improvement of tobacco and methods of tobacco production and handling from $27,500 to $42,500, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to increase the appropriation for investigations of plant diseases and pathological collections so as to include tobacco diseases from $38,500 to $43,500, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. OLIVER (for Mr. PENROSE) submitted an amendment providing that the pay clerks, Quartermaster Corps, United States Army, now on the retired list shall hereafter have the rank, pay, and allowances of a second lieutenant, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. PHELAN submitted an amendment proposing that the United States give consent to the closing and abandoning of such public streets or parts of public streets in the city and county of San Francisco lying north of Tonquin Street and east of the eastern boundary of the Presidio, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CHILTON submitted an amendment proposing to appropriate $7,500 to grade and improve Belmont Street from Sixteenth to Seventeenth Streets NW., in the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on the District of Columbia and ordered to be printed.

FUNERAL EXPENSES OF THE LATE SENATOR BURLEIGH.

Mr. CLARK of Wyoming submitted the following resolution (S. Res. 215), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the President of the Senate in arranging for and attending the funeral of the late Senator EDWIN C. BURLEIGH, from the State of Maine, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

CREEK INDIAN LANDS.

Mr. PAGE. On the 13th of June I entered a motion that the vote by which Senate joint resolution 114 was passed be reconsidered. I did so by request, and I now withdraw the motion.

The VICE PRESIDENT. The motion to reconsider is withdrawn and, without objection, the joint resolution will be returned to the House of Representatives.

ADDRESS BY HON. JOHN SKELTON WILLIAMS (S. DOC. NO. 466).

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed as a public document an address delivered by the Comptroller of the Currency, Hon. John Skelton Williams, before the annual convention of the Tennessee Bankers' Association at Chattanooga, Tenn., May 19, 1916.

Mr. CUMMINS. What is the request?

Mr. FLETCHER. The request is to print as a public document an address delivered at Chattanooga, Tenn., by Hon. John Skelton Williams, Comptroller of the Currency.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

CONSTRUCTION OF BATTLESHIPS (S. DOC. NO. 465).

Mr. TILLMAN. Mr. President, four years ago I introduced a resolution in the Senate in regard to the matter discussed by Commander Moffett in the article I send to the desk. The resolution was treated as a joke and everybody laughed at it and at me, too.

The rapid growth in the size of battleships shows that I was not so far ahead of the times as some people thought, and Commander Moffett's article will give the reasons and explain the growth of war vessels since the Spanish-American War. I ask unanimous consent that the resolution above mentioned and the communication from Commander Moffett may be published in the RECORD, including the illustrations, which show at a glance just what he means. The question of the naval building program is now before the Congress and must be acted on soon. I shall ask for either two battleships of the *Pennsylvania* type or some better type to be built or for one of the type mentioned in Commander Moffett's article. I think it but fair I should say this, and I want Senators to get all the light possible in order that they may vote intelligently when the time comes. I ask that this matter be printed in the usual RECORD type, so that people can read it.

Mr. SMOOT. There are illustrations?

Mr. TILLMAN. There are illustrations.

The VICE PRESIDENT. The Chair presumes it will be necessary to have it referred to the Committee on Printing to determine about the illustrations.

Mr. SMOOT. Yes; it ought to go to the committee.

The VICE PRESIDENT. It will be so referred.

Mr. FLETCHER subsequently, from the Committee on Printing, reported the following resolution (S. Res. 216), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from South Carolina [Mr. TILLMAN] on June 20, 1916, entitled "Construction of Battleships," be printed as a Senate document, with illustrations.

WATER-POWER LEGISLATION (S. DOC. NO. 468).

Mr. JONES. I have a copy of an address delivered by Henry J. Pierce, of Seattle, Wash., before the National Electric Light Association at Chicago, May 24, 1916, with reference to the water-power proposition, and especially taking up in detail and comparing the different bills now pending. I ask that it may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY HON. JAMES H. KINNANE.

Mr. TOWNSEND. Mr. President, I have a copy of an address delivered by Hon. James H. Kinnane, State senator of Michigan, bearing on the question of preparedness, which I should like to have referred to the Committee on Printing with a view to having it inserted in the RECORD.

The VICE PRESIDENT. That action will be taken.

ADDRESS BY SENATOR JAMES.

Mr. OVERMAN. Mr. President, I ask that an address delivered by Senator JAMES before the national convention at St. Louis be printed as a public document.

Mr. SMOOT. I have had a number of Senators speak to me in relation to the printing of the proceedings of both the Republican and the Democratic national conventions. Most of them have expressed the opinion that we should not enter into the printing of the speeches made or the proceedings at the convention. I myself believe that it would be very much better not to do so.

I will ask the Senator from North Carolina if he will not have this matter referred to the Committee on Printing so that whatever course is decided upon may be followed?

Mr. OVERMAN. I have not asked to have it printed in the RECORD.

Mr. SMOOT. But as a public document.

Mr. OVERMAN. This is the speech of a colleague of ours and it is different from that of an ordinary man outside. A speech like this I think ought to be printed as a public document.

Mr. SMOOT. I would not object for a moment if it were not for the fact that I expect a great many applications will be made for printing the proceedings of the conventions, and I believe there ought to be a policy adopted in relation to it. It will make no difference, I will say to the Senator, to have the speech of the Senator from Kentucky considered by the committee and I ask that the Senator allow it to go to the committee.

Mr. OVERMAN. If there is objection, of course it will have to go there.

Mr. SMOOT. I should like to have it referred.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

INDUSTRIAL CONDITIONS.

Mr. THOMPSON. Mr. President, I have an editorial from the Washington Post of this morning relative to the business condition of the country. I ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Post, June 20, 1916.]

UNPRECEDENTED BUSINESS ACTIVITY THROUGHOUT THE REPUBLIC.

There exist unprecedented activities in the industrial districts of the United States, and in many of the most important branches of manufacturing orders unfilled are constantly increasing, even with full capacity of output being maintained.

When the phrase or term "full capacity of output" is used it should be remembered that capacities of many industrial plants have been largely increased during the past 18 months, and that now "full capacity" means vastly greater volumes and values than were possible in 1912, 1913, or 1914.

In very few lines of manufactured goods are there any surplus or reserve stocks, and this statement applies to homemade as well as imported articles, and from the ultimate distributer, whether a small shopkeeper or an extensive mercantile establishment, to the mill, the shop, or factory of origin, it is a hand-to-hand business now, with all the agencies dependent and waiting upon the manufacturers for delivery of the needed articles.

Whether the articles desired be metals, woods, stone, brick, or fibers, it is wait, wait all along the line from manufacturer to ultimate consumer; and this condition of commodities being sold far ahead has not been equaled in the United States since the days of the Civil War, more than a half century ago.

The entire country is aware of the "sold-ahead" condition in the iron and steel trades, in the copper, zinc, and lead markets, in nearly every class of machinery output, in the locomotive works, the car factories, the automobile and motor-truck manufactories. Lack of sufficient numbers of skilled operatives in the cotton and woolen mills is causing the piling up of orders in these industries, and this is true of the silk mills as well.

Several of the largest carpet and rug dealers have recalled their salesmen from the road, as the mills turning out carpets and rugs have their outputs sold ahead as far as they care to go at this time.

The new wheat from Texas and Oklahoma has commenced to roll over the railway tracks of the Southwest, bound for the markets of this country and those of the world, and from now on to next September the urgency of freight for transportation will tax the facilities of the transportation lines throughout the Union.

Active business, larger business, profitable business is booked for the business men of the United States during every succeeding month of the next fiscal year.

THE STEEL INDUSTRY (S. DOC. NO. 469).

Mr. WORKS. I have here a very interesting letter from the managing editor of the Implement and Tractor Trade Journal, of Kansas City, and an article published in that journal bearing upon the effect of our trade with foreign nations in arms and munitions of war upon our domestic manufacturers of farm implements and other machinery. I ask that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD.

Mr. WORKS subsequently said: On a suggestion I will change my request and ask to have the matter printed as a public document instead of it being printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

NAVAL MANAGEMENT AND DISCIPLINE.

Mr. PHELAN. Mr. President, I desire to announce on behalf of the Senator from Colorado [Mr. THOMAS] that his address scheduled for yesterday will be delivered to-morrow, Wednesday.

REPORT ON FLOOD CONDITIONS (S. DOC. NO. 467).

Mr. NELSON. Mr. President, I ask to have printed as a public document a report on flood conditions in the Lake of the Woods and Rainey Lake districts, Minnesota and Ontario, submitted by Charles A. MaGrath and James A. Tawney, members of the International Joint Commission. It is a very brief report, and I desire to have it printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

AMERICANISM AND PREPAREDNESS.

Mr. WORKS. Mr. President, I desire to give notice that on next Monday I shall address the Senate very briefly on the subject of Americanism and preparedness.

TOWN SITE OF PLUMMER, IDAHO.

H. R. 14725. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes, was read twice by its title.

Mr. BRADY. Mr. President, the bill just read by the Secretary was introduced in the House by Representative MCCRACKEN, of Idaho, and is identical in every way with Senate bill No. 3618, introduced by me on January 18, and which is now pending in the House of Representatives. At the last session the Senate passed a similar bill, but it failed of passage in the House. The passage of this bill means much to the citizens of Plummer, Idaho. Plummer is a splendid little city, with good schools, churches, and a high class of citizens, and the fact that this land can not be subdivided retards the growth and progress of this city, and the passage of this bill will be beneficial not only to the citizens of that community but to the Government as well, for the Government retains a certain percentage of the amount for which the lots are to be sold, and as this bill has been approved by the Secretary of the Interior I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BRADY. On page 1, line 9, after the word "and," I move to strike out "twenty-seven" and insert "thirty-seven."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 9, after the word "and," it is proposed to strike out "twenty-seven" and to insert "thirty-seven," so as to make the section read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be subdivided that part of the town site of Plummer, Cœur d'Alene Reservation, Idaho (which town site was created under the act of June 21, 1906; 34 Stats. L., pp. 325, 337), described as the southeast quarter of section 18, township 46 north, range 4 west, into streets or roads and into tracts of not exceeding 5 acres each, and to cause the tracts to be appraised, except such as are hereinafter reserved for the town of Plummer, and sold at not less than their appraised value.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FLORIDA NATIONAL FOREST.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3764) to consolidate certain forest lands in the Florida National Forest; which was, on page 1, line 7, to strike out "Department" and to insert "Secretary."

Mr. FLETCHER. I move that the Senate concur in the amendment of the House.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, there was so much confusion in the Chamber that I really could not catch what the amendment was, and I will ask the Senator from Florida to explain it.

Mr. FLETCHER. The bill, as it passed the Senate, provided that certain matters therein referred to should be attended to by the Department of Agriculture. The bill was amended in the other House to read that they should be attended to by the Secretary of Agriculture.

Mr. SMOOT. That is proper.

The VICE PRESIDENT. Without objection, the amendment of the House of Representatives is concurred in.

GEORGE H. HERVEY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3344) to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes, which was, in lines 1 and 2, to strike out "That the consent of the United States is hereby given to George H. Hervey, of Pensacola, Fla., to," and insert: "That the Secretary of War is hereby authorized to give to George H. Hervey, of Pensacola, Fla., his heirs, successors, and assigns, a permit to."

Mr. BRYAN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MOUNT RAINIER NATIONAL PARK.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3928) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, which were, on page 8, line 2, to strike out "sections" and insert "section," and on page 8, line 2, to strike out "and twelve."

Mr. JONES. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LANDS IN WASHINGTON.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3132) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, which were, on page 2, to strike out lines 20 to 25, inclusive, and lines 1 to 9, inclusive, on page 3, and insert "one who has, since said date, succeeded to the occupation and interest of any such prior settler, his heirs or assigns, shall be entitled to purchase the lands so occupied, not exceeding 20 acres to each settler, according to the Government surveys and subdivisions thereof, upon payment to the Government of a sum equal to the amount of the appraised valuation of same; said appraisal to be made under the direction of the Commissioner of the General Land Office, in accordance with

regulations to be approved by him: *Provided*, That in making such appraisal no account shall be taken of roads, wharves, or other general improvements in connection with said lands, nor of any improvements made thereon, but the same shall be appraised as nearly as may be as they were at the time when first settled upon: *And provided further*, That payment to the Government may be made in one sum, or one-tenth cash and the balance in nine equal annual instalments, with interest at 4 per cent per annum, as the purchaser may elect: *Provided*, That any purchaser under the provisions of this section shall not thereafter have the right to make a homestead entry"; to strike out all of section 4 and insert: "SEC. 4. That if application to purchase any of the lands described in section 1 hereof be not filed with the Commissioner of the General Land Office, under the provisions of section 2 hereof, within one year after the approval of regulations for purchase, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled 'An act to provide for the disposal of abandoned and useless military reservations'"; and to amend the title so as to read: "An act providing for the sale of certain lands in the State of Washington, and for other purposes."

Mr. JONES. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ENLARGED HOMESTEAD.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7, which was, in line 4 of the Senate amendment, after the word "entry," where it last occurs, to insert "if the entryman is residing on his former entry."

Mr. STERLING. I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The motion was agreed to.

LAND IN LEMMON, S. DAK.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3203) granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes, which were to strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause an appraisement to be made of the land, exclusive of all improvements, embraced in the southeast quarter of the northeast quarter of section 10 and the southwest quarter of the northwest quarter of section 11, in township 129 north, of range 92 west of the fifth principal meridian, in the county of Adams and the State of North Dakota and in the Dickinson, N. Dak., land district, containing 80 acres; and upon the payment of the appraised price by the city of Lemmon, in the State of South Dakota, to convey by patent to said city of Lemmon the said land"; and to amend the title so as to read: "An act authorizing the Secretary of the Interior to sell certain lands to the city of Lemmon, S. Dak."

Mr. STERLING. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., which were, in line 7, to strike out the word "three" and insert "two"; and in line 7 to strike out the word "six" and insert "five."

Mr. RANSDELL. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LAND IN PENSACOLA, FLA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3580) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla., which was, on page 1, line 4, to strike out "remissing" and insert "remising."

Mr. FLETCHER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PATENT TO LAND IN PENSACOLA, FLA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3581) authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east of Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida, which was, on page 1, line 4, to strike out the word "remissing" and insert "remising."

Mr. FLETCHER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LAND AND WATER POWER ON MUSKINGUM RIVER, OHIO.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4026) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio, which were, in line 3, after "That," to insert "upon the payment of an additional $8,800 by the lessees to the United States Government, to be paid within six months after this act is approved and with the understanding that no part of the moneys paid by the lessees to the United States Government shall ever be refunded, and in satisfaction of all claims of both parties"; in lines 3 and 4, to strike out ", and he is hereby directed"; in line 11, after "Ohio," to strike out the remainder of the line and lines 12 and 13.

Mr. HARDING. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ELECTRIC LIGHT AND POWER IN HAWAII.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5777) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii, which were, on page 1, after line 2, to insert: "That the act of the Legislature of the Territory of Hawaii entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii,' approved by the governor of the Territory April 30, 1913, is hereby amended by Congress, and as thus amended is hereby ratified, approved, and confirmed, as follows:

"'Act 153. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

"'Be it enacted by the Legislature of the Territory of Hawaii, sec. 1.'"

On page 12, to strike out lines 13 to 16, inclusive, and to amend the title so as to read: "An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing, maintaining, distributing, and supplying of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii."

Mr. SHAFROTH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

IMPORTED MEXICAN PEAS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo," which was on page 1, line 5, after "imported," to insert "Mexican peas, commonly called."

Mr. ASHURST. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NAVY DEPARTMENT CLAIMS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4268) to satisfy certain claims against the Government arising under the Navy Department.

Mr. BRYAN. I move that the Senate disagree to the amendments, request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. BRYAN, Mr. LANE, and Mr. GRONNA conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and

sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. POINDEXTER conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13486), granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. POINDEXTER conferees on the part of the Senate.

CLAIMS FOR ARREARS OF PAY.

H. R. 3690, an act repealing certain sections contained in the urgent deficiency act approved December 22, 1911, was read twice by its title.

Mr. JONES. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 11707. An act to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes;

H. R. 15775. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes; and

H. R. 16290. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Finance:

H. R. 7256. An act providing for the refund of duties collected on certain tobacco cuttings;

H. R. 8697. An act for the relief of Collector of Internal Revenue A. S. Walker;

H. R. 9288. An act providing for the refund of certain duties illegally levied and collected on acetate of lime;

H. R. 10546. An act for the relief of the Illinois Central Railroad Co., and for other purposes;

H. R. 10823. An act for the relief of the Farmers and Merchants Bank, of Headland, Ala.;

H. R. 11679. An act for the relief of Samuel D. Kingsbury;

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.;

H. R. 13027. An act authorizing and directing the Secretary of the Treasury to credit the stamp account of Issac R. Strouse, collector for the seventh internal-revenue district, in the sum of $14,570.42;

H. R. 13728. An act for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.; and

H. J. Res. 158. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of $300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector.

The following bills and joint resolutions were severally read twice by their titles and referred to the Committee on Post Offices and Post Roads:

H. R. 1528. An act for the relief of Martin Huhn;

H. R. 3894. An act for the relief of George H. Grace;

H. R. 4559. An act for the relief of C. Horatio Scott;

H. R. 6267. An act to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money, money orders, and postage stamps stolen;

H. R. 7396. An act for the relief of Hiram P. Geaslin;

H. R. 7883. An act for the relief of Charlotte M. Johnston;

H. R. 9737. An act for the relief of John A. Bingham;

H. R. 11150. An act for the relief of mail contractors;

H. R. 12582. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall of the payment of money alleged to have been misappropriated by a clerk in said office;

H. R. 14889. An act for the relief of the heirs of Jackson J. Mash, deceased;

H. R. 14952. An act for the relief of Mrs. John A. Fox;

H. J. Res. 193. Joint resolution authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark two hundred and fiftieth anniversary celebration; and

H. J. Res. 203. Joint resolution authorizing the Postmaster General to provide the postmaster of Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 8203. An act to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein;

H. R. 9615. An act to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington;

H. R. 11958. An act to provide for the sale of certain Indian lands in Oklahoma, and for other purposes;

H. R. 12030. An act to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914;

H. R. 12123. An act to appropriate money to build and maintain roads on the Spokane Indian Reservation; and

H. R. 13298. An act authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the Uniter States district and circuit courts for the district of South Dakota.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 6903. An act providing for the establishment of a Coast Guard station on the coast of Georgia in the vicinity of Tybee Island, at such point as the captain commandant of the Coast Guard may recommend;

H. R. 6923. An act to authorize the construction, maintenance, and operation of a bridge across Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river;

H. R. 10251. An act authorizing the Kansas City & Memphis Railway & Bridge Co. to make settlement with Crittenden County, Ark., and for other purposes;

H. R. 10849. An act granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 10925. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 11129. An act for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine;

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 12362. An act granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas;

H. R. 13247. An act for the relief of The Ferries Co.;

H. R. 13669. An act to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.;

H. R. 13715. An act granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.;

H. R. 13835. An act to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian;

H. R. 14483. An act to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.;

H. R. 14534. An act permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana;

H. R. 14823. An act to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

H. R. 15006. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 15007. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 15318. An act granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States; and

H. R. 15322. An act granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 1161. An act to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture;

H. R. 1777. An act for the relief of Frank J. Deutsch;

H. R. 1975. An act for the relief of C. E. Anderson;

H. R. 2208. An act for the relief of James L. Yokum;

H. R. 2534. An act to adjudicate the claims of certain settlers in Sherman County, Oreg.;

H. R. 3255. An act for the relief of James Houyde;

H. R. 6156. An act for the relief of the heirs of George W. Croft;

H. R. 7423. An act for the relief of Elizabeth M. Dodge;

H. R. 8141. An act for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.;

H. R. 8200. An act for the relief of M. E. Sitters;

H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 9621. An act for the relief of J. W. Dellinger;

H. R. 10858. An act for the relief of William A. Hutson;

H. R. 10931. An act for the relief of Drs. Blair & Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock;

H. R. 11293. An act for the relief of the Barkhausen Coal & Dock Co., of Green Bay, Wis.;

H. R. 11377. An act for the relief of Thomas J. Bye;

H. R. 11660. An act for the relief of Mathilda Hesterman;

H. R. 11749. An act for the relief of the administrator of the estate of John M. Waples;

H. R. 11984. An act for the relief of William E. Heffner;

H. R. 12267. An act for the relief of Wallace L. Bell;

H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch;

H. R. 13785. An act for the relief of Sarah S. Plank;

H. R. 14528. An act for the relief of W. W. Finn;

H. R. 14645. An act for the relief of the legal representative of P. H. Aylett; and

H. R. 15635. An act for the relief of the Eastern Transportation Co., of Baltimore, Md.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1788. An act for the relief of Thomas M. Jones;

H. R. 8267. An act to place Bernard A. Schaaf on the retired list of the Army;

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co, and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively;

H. R. 12455. An act authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia;

H. R. 12601. An act for the relief of Emma J. Spear; and

H. R. 13984. An act granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 465. An act to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States;

H. R. 6450. An act to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 9428. An act relating to procedure in United States courts;

H. R. 9542. An act to amend the second paragraph of section 3264 of the Revised Statutes of the United States as amended by section 5 of the act of March 1, 1879, and as further amended by the act of Congress approved June 22, 1910;

H. R. 11623. An act to amend section 4472 of the Revised Statutes;

H. R. 11878. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary;

H. R. 12541. An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader;

H. R. 14299. An act to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905;

H. R. 14471. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary";

H. R. 15314. An act to punish persons who make threats against the President of the United States; and

H. R. 15807. An act to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 217. An act to authorize the sale of school property in the city of Denver, Colo., and for other purposes;

H. R. 348. An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes;

H. R. 393. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes;

H. R. 7419. An act granting a patent to a certain strip of land to Elisha A. Crandall;

H. R. 7430. An act for the relief of William Foglio;

H. R. 11286. An act for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows;

H. R. 12208. An act adding certain lands to the Teton National Forest, Wyo.;

H. R. 12889. An act authorizing the Secretary of the Interior to sell the unsold and unappropriated portions of lands within the town site of Newell, S. Dak., and for other purposes;

H. R. 14533. An act to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota;

H. R. 14630. An act to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark.; and

H. R. 15287. An act authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo.

The following bills were severally read twice by their titles and referred to the Committee on Naval Affairs:

H. R. 9971. An act for the relief of Harold Holst; and

H. R. 12859. An act for the relief of Julia Klavinski.

The following bills were severally read twice by their titles and referred to the Committee on Public Health and National Quarantine:

H. R. 204. An act to promote the efficiency of the Public Health Service; and

H. R. 721. An act to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use within the District of Columbia of the flag of the United States of America;

H. R. 15282. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.; and

H. J. Res. 91. Joint resolution authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

The following bills were severally read twice by their titles and referred to the Committee on Irrigation and Reclamation of Arid Lands:

H. R. 10116. An act for the relief of certain settlers under reclamation projects; and

H. R. 12365. An act to promote the reclamation of arid lands.

H. R. 13982. An act to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens was read twice by its title and referred to the Committee on Patents.

H. R. 14669. An act authorizing the acceptance by the United States Government, from Pueblo Post, No. 8, Grand Army of the Republic, of a monument located on the grounds of the Federal building in Pueblo, Colo., was read twice by its title and referred to the Committee on the Library.

H. R. 15777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. R. 486. An act authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 549. An act to regulate the interstate transportation of immature calves was read twice by its title and referred to the Committee on Interstate Commerce.

H. R. 12885. An act to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests was read twice by its title and referred to the Committee on Agriculture and Forestry.

H. R. 15955. An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provisions as to certain fees, money orders, and interest deposits was read twice by its title and referred to the Committee on Interoceanic Canals.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. I ask unanimous consent for the present consideration of House bill 13383, known as the Diplomatic and Consular appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, which had been reported from the Committee on Appropriations with amendments.

Mr. OVERMAN. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendments, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Appropriations was, under the subhead "Transportation of diplomatic and consular officers in going to and returning from their posts," on page 7, after line 12, to strike out "To pay the actual and necessary expenses of transportation and subsistence, including the transportation of household and personal effects, under such regulations as the President may prescribe, of diplomatic and consular officers in going to and returning from their posts or when traveling under orders of the Secretary of State, but not including any expense incurred in connection with leaves of absence, $125,000," and insert:

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of 5 cents per mile, but not including any expense incurred in connection with leaves of absence, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Emergencies arising in the Diplomatic and Consular Service," on page 9, line 3, after the words "Revised Statutes," to strike out "$200,000" and insert "$150,000," so as to make the clause read:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $150,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1916, which is hereby reappropriated and made available for this purpose: *Provided*, That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law.

The amendment was agreed to.

The next amendment was, under the subhead "International Boundary Commission, United States and Mexico," on page 10, line 25, after the word "Mexico," to strike out "$17,000" and insert "$22,500," so as to make the clause read:

To enable the commission to continue its work under the treaties of 1884, 1889, 1905, and the protocol of May 6, 1896, between the United States and Mexico, $22,500.

The amendment was agreed to.

The next amendment was, under the subhead "Boundary line, Alaska and Canada, and the United States and Canada," on page 11, line 15, after the words "salaries of," to strike out "the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, rental of offices at Washington, D. C., expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $500," and insert "surveyors, draftsmen, computers, and clerks at the seat of government," and on page 12, line 1, before the words "together with," to strike out "$111,000" and insert "$75,000," so as to make the clause read:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of surveyors, draftsmen, computers, and clerks at the seat of government, and commutation to members of the field force while on field duty or actual expenses not exceeding $2.50 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $75,000, together with the unexpended balance of previous appropriations for these objects: *Provided*, That hereafter advances of money under the appropriation "Boundary line, Alaska and Canada, and the United States and Canada," may be made to the commissioner on the part of the United States and by his authority to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct, and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the Treasury Department as under advances heretofore made to chiefs of parties.

The amendment was agreed to.

The next amendment was, under the subhead "Pan American Union," on page 13, line 4, after the words "Pan American Union," to strike out "$85,000" and insert "$75,000," so as to make the clause read:

Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of the union and of carrying out the orders of said governing board: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the monthly bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1917.

The amendment was agreed to.

Mr. STONE. Mr. President, I should like to ask the Senator from North Carolina a question. I have been away from the city for two weeks, the two weeks covered by the Chicago and St. Louis conventions. I have just returned, and have not had time to examine this bill. On page 13 is an item under the heading "Pan American Union." I should like to ask if that is intended to cover the expenses of printing the proceedings of the convention held here in December and January last?

Mr. OVERMAN. Mr. President, it is a lump sum, and I take it that under this provision authority is given to use this entire appropriation. We have given exactly what the department estimated, which was $75,000. The House, for some reason, increased that amount by adding $10,000 over the estimate. We saw no reason whatever, when the department itself only estimated for $75,000, why we should make it $85,000. No reason was given to us why the increase of $10,000 should be made, and therefore we put it back to $75,000.

Mr. STONE. I have a letter dated May 11 from the Secretary of State, and I understand a similar letter was transmitted to the Committee on Appropriations. I will read just a line or two from it. Referring to some previous statements which had been made to the committees, he says:

The statement shows that out of the total amount appropriated by the Congress—$85,000—there is an estimated balance of $311.30. In other words, there are not sufficient funds to provide for the publication of the proceedings and the secretary general's report.

Without reading this whole letter I will read a line or two in the concluding paragraph, which is as follows:

I feel that the Government of the United States is in honor bound to begin at once the publication of the proceedings of the last congress, and I venture to hope that the item of $42,000, to be expended solely for printing purposes, may be included in the Diplomatic and Consular appropriation bill for the fiscal year 1917.

Mr. OVERMAN. Mr. President, this is the first time I have heard anything of this at all. It was never sent to the committee, and no request on the subject that I can remember was made at all. I know nothing about it. This is the first time I have ever heard of it.

Mr. SHAFROTH. Mr. President, the Senator will notice that in the latter part of this provision it says:

That the Public Printer be, and he is hereby, authorized to print an edition of the monthly bulletin not to exceed 6,000 copies per month for distribution by the union during the fiscal year ending June 30, 1917.

Mr. STONE. Yes; but that is a wholly different thing.

Mr. SMOOT. That is the regular bulletin.

Mr. STONE. That is the regular bulletin issued by the Pan American Union.

Mr. SHAFROTH. I should not think the cost of publishing the proceedings of the convention could amount to more than a thousand or two thousand dollars. We have these reports of the Trans-Mississippi Congress and such things as that, and they never amount to a great deal.

Mr. STONE. I do not know anything about it beyond what is stated in this table:

Statement showing receipts and expenditures for the Second Pan American Scientific Congress, and also outstanding obligations.

I assumed that this table had been sent to the Committee on Appropriations. All I know about it is that this was an international meeting of very great importance, held here on the invitation of this Government, and attended by leading financiers and public men from all the Central and South American States; and that in the case of the previous congress, held, I think, in Buenos Aires, the proceedings of the congress were printed in English and Spanish, and all the people of these countries, or at least all their representatives attending here, are expecting the United States, as in the former case, to print the proceedings of the convention. As to what it would reasonably cost to print it, I am not at this moment sufficiently advised to make a definite statement. All I know is that in the letter the Senator from Utah [Mr. SMOOT] holds in his hand, in the concluding paragraph, it is estimated that it will require $42,000.

Mr. SMOOT. Mr. President, I notice that the statement the Senator has from the department gives an account of the expenditure of the appropriation of $85,000 made by Congress for the Pan American Scientific Congress.

Mr. STONE. Yes.

Mr. SMOOT. That is not this appropriation in this bill, and the statement shows that all of that money has been expended with the exception of $311.30.

Mr. STONE. Yes.

Mr. SMOOT. Included in the estimated expenditures and outstanding obligations yet to be paid is an item of $8,500 for printing the final act and commentary of the Second Pan American Scientific Congress in both English and Spanish. In other words, that is provided for in the appropriation of $85,000 that has been already made. I will state to the Senator, though, that in the letter from which he was reading I find this statement:

The Spanish text is still in course of preparation. The necessity for the immediate publication of the final act is obvious when it is recalled that it was prepared under the direction of the executive committee of the congress, composed of one representative from each of the participating countries, and that a draft of the final act was submitted to and subsequently approved by the whole congress in joint session. The total expenditure for its publication in the two languages is approximately $8,500.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from Missouri yield to the Senator from Florida?

Mr. STONE. I do.

Mr. FLETCHER. It seems to me that the letter from which the Senator has been reading has nothing to do with the appropriation here.

Mr. OVERMAN. That is what I said.

Mr. SMOOT. That is what I stated.

Mr. STONE. Mr. President, I am aware that it has nothing to do with the particular item on page 13; but inasmuch as that referred to the Pan American Union, I took occasion at that point to call attention to this and to make inquiry about it.

Mr. OVERMAN. Mr. President, I understand what the Senator is doing. He is calling attention to a matter that was not submitted to our committee. If he wants to introduce an amendment to carry out that purpose we shall be glad to hear it; but as far as this item is concerned, it has nothing to do with it.

Mr. STONE. I know it has not.

Mr. OVERMAN. We appropriated last year the sum of $15,085 for all these expenses, and they have still an available balance of $311.30. I do not know whether they could pay for this printing out of it or not, or what they could do with the $85,000, but it has no relation whatever to this.

Mr. STONE. I have stated that it has no relation to the item, but I was asking whether there was in the bill—I have not read it as reported—anything covering the matter I am talking about.

Mr. SMOOT. I will say to the Senator that there is nothing at all covering it.

Mr. STONE. Of course I could offer an amendment on the subject, but I do not know just what amendment to offer.

Mr. SMOOT. This states what it is. I will say to the Senator that it seems to me that the following paragraph explains the whole purpose of the request. It says:

The total expenditure for its publication in the two languages is approximately $8,500.

That is provided for in the $85,000 already appropriated, leaving a balance of $311.30. Then it proceeds and says:

There remain to be published, therefore, the secretary general's report, which will be a brief and inexpensive document, and the proceedings of the congress itself. In connection with the publication of the proceedings I desire to inclose a copy of a note from Mr. Glen Levin Swiggett, assistant secretary general of the congress, to Mr. William Phillips, chairman ex officio of the executive committee, which states that $42,000 will be required for this purpose, and that this amount is less than half of the sum which the Chilean Government actually expended in the publication of the proceedings of the First Pan American Scientific Congress, which was held under its auspices in 1908–9.

So the amendment will have to provide an appropriation of $42,000 to pay for printing the proceedings of the congress. That is what this requires.

Mr. FLETCHER. Mr. President, do I understand the Senator from Utah to say that that has reference to printing the proceedings of the Financial Conference held here in Washington?

Mr. SMOOT. The $42,000 is to pay for printing the proceedings of the congress held here in Washington.

Mr. FLETCHER. In the two languages, English and Spanish?

Mr. SMOOT. In the two languages. The letter also states that that is not half what was expended by the Chilean Government for printing the proceedings of the first congress, held in Chile.

Mr. STONE. Mr. President, with the consent of the Senator from North Carolina, as soon as we are through with the committee amendments, or after that, I will offer an amendment to the bill at some suitable point, inserting $42,000 for the purpose indicated, and let it go to conference.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill. This discussion is all out of order now.

Mr. OVERMAN. It is very agreeable for the Senator to do that after we get through the committee amendments. I want to say that last year we appropriated the sum of $15,000 for this scientific congress. They show here an itemized statement of $85,000 expended. They have had from time to time appropriations for this scientific congress, and I suppose this is an estimate for that; but there has been no estimate made to either House for this $42,000. It is not in the bill at all.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill for committee amendments.

The reading of the bill was resumed.

The next amendment was, under the subhead "International radiotelegraphic convention," on page 17, line 6, after the word "Switzerland," to strike out "$1,000" and insert "$2,250," so as to make the clause read:

International radiotelegraphic convention: For the share of the United States for the calendar year 1917, as a party to the international radiotelegraphic conventions heretofore signed, of the expenses of the radiotelegraphic service of the International Bureau of the Telegraphic Union at Berne, Switzerland, $2,250.

The amendment was agreed to.

The next amendment was, under the subhead "Waterways treaty, United States and Great Britain: International Joint Commission, United States and Great Britain," on page 18, line 9, after the date "1909," to strike out "$75,000" and insert "$70,000," and in line 13, after the words "Secretary of State," to strike out:

Provided, That not to exceed the sum of $5,000 shall be expended for the payment for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or diversion of waters and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in representing this Government and the American interests involved in the presentation of such case before the International Joint Commission constituted under that treaty: *Provided*, That no part of the appropriation shall be expended for subsistence of the commission, counsel, and secretary, except for necessary actual expenses, a sum not exceeding $10 per day each, when absent from Washington on official business.

And insert:

Provided, That no part of this appropriation shall be expended for subsistence of the commission or secretary, except $8 per day each, when absent from Washington on official business.

So as to make the clause read:

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., expense of printing, and necessary traveling expenses, and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909, $70,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1915, said amounts to be disbursed under the direction of the Secretary of State: *Provided*, That no part of this appropriation shall be expended for subsistence of the commission or secretary, except $8 per day each, when absent from Washington on official business.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to insert:

For payment of services rendered and expenses incurred under the direction of the Secretary of State in the examination and preparation of cases involving the obstruction, diversion, and use of boundary waters and all other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in appearing before and representing the interests of the United States involved in all matters or investigations before the International Joint Commission created by said treaty, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, line 3, after the word "expenses," to strike out "in Washington City," so as to make the clause read:

Nineteenth Conference Interparliamentary Union: The appropriation of $40,000 "For the purpose of defraying the expenses incident to the Nineteenth Conference of the Interparliamentary Union to be held in Washington in 1915, to be expended under such rules and regulations as the Secretary of State may prescribe," made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, is hereby extended and made available for the calendar years 1916 and 1917.

The amendment was agreed to.

The next amendment was, on page 21, line 18, after the word "prescribe," to insert "$10,000, or so much thereof as may be necessary, together with," and in line 21, after the words "United States," to strike out "is hereby reappropriated and made available for the fiscal year ending June 30, 1917," so as to make the clause read:

Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, $10,000, or so much thereof as may be necessary, together with the unexpended balance of previous appropriations for the holding of said congress in the United States: *Provided*, That an itemized account of all expenditures shall be reported to Congress: *Provided further*, That no part of the appropriation herein made shall be expended for entertainment outside the city of Washington.

Mr. SMOOT. Mr. President, I have been absent from the city and was not at the committee meeting when this bill was passed upon; but it does seem to me that we are increasing such appropriation every year, and I think it is unnecessary. I remember that a year ago, when we were discussing an appropriation for this conference of $6,850, I offered an amendment proposing that it be decreased to $4,500, to pay the expenses of 10 delegates to the congress. I predicted at that time that the next appropriation asked for would be $10,000.

Mr. OVERMAN. Mr. President, the Senator is alluding to one thing, and this is another. This is the International Congress Against Alcoholism, to be held in this country. What the Senator alludes to is the Nineteenth Conference of the Interparliamentary Union, which probably will not be held.

Mr. SMOOT. I am speaking of an appropriation for the International Congress Against Alcoholism.

Mr. OVERMAN. The congress is to meet here. We have invited them to come, against the Senator's protest and mine, and we have got to provide for them. The Senator is talking about one thing, and this is another. I remember his amendment very well.

Mr. SMOOT. No; we have appropriated for this congress every year.

Mr. OVERMAN. It has not been held. It is just a continuing appropriation. They have never held the congress.

Mr. SMOOT. The Congress appropriated last year to pay the expenses of 10 delegates to be appointed by the President to take a trip to Europe to attend the International Congress Against Alcoholism.

Mr. OVERMAN. No; this one is to be held here.

Mr. SMOOT. I am aware of that, but what I mean to say is this: Every year an appropriation is asked for the purpose of holding a conference somewhere of the International Congress Against Alcoholism.

Mr. OVERMAN. Not here.

Mr. SMOOT. No; not here, but it is held somewhere, and the President appoints delegates. Last year he appointed 10 delegates to go to Europe; I do not know just where it was held. I called attention then to the fact that $6,850 was an increase over and above what they had asked for before, and I offered an amendment decreasing it to $4,500, and it was carried, and also a proviso on the amendment that there should be not to exceed 10 delegates to that Congress appointed. I also stated at that time that I had no doubt but that the amount asked for this year would be $10,000.

Mr. OVERMAN. This is not for delegates.

Mr. SMOOT. No; I am aware that it is not for delegates, but it is for the purpose of holding this congress here. I should like to ask somebody whether or not there is a report of what the money is to be expended for.

Mr. OVERMAN. It is just like the estimates for all of them—the Interparliamentary Union and every other convention. When Congress invites an international convention to come here, we have to treat them right when we do it; that is all. The question is whether or not we are going to do it. If we are going to do it, we have to treat them right.

Mr. SMOOT. I agree with the Senator that wherever the invitation is extended we have to pay the bills; but what I should like to know is whether it is actually necessary that an extra $10,000 shall be expended upon this Congress in entertaining delegates. If it is, I am not going to object.

Mr. STONE. I should like to inquire of both the Senators whether they know, as a matter of fact, that the former invitation for this meeting was extended by the authority of Congress?

Mr. SMOOT. I think it was, Mr. President, in an appropriation bill.

Mr. STONE. When?

Mr. SMOOT. A year ago.

Mr. STONE. I will say that a great number of joint resolutions are introduced for all kinds of congresses and conventions and usually they are referred to the Committee on Foreign Relations. Some time ago that committee adopted as a committee policy a general rule against recommending to Congress the passage of such joint resolutions for the reason that although in numerous instances the resolutions carried a proviso that the Government should not be involved in any expense, yet afterwards a request came to the Committees on Appropriations for the insertion of items to cover the expenses.

I can not recall without examining the records of the Committee on Foreign Relations the exact action taken on the resolution in this case, which I am quite sure was referred to the committee.

Mr. SMOOT. I will say to the Senator that I have it here and I desire to read it to the Senate. This is the invitation:

The appropriation of $40,000 "For the purpose of defraying the expenses incident to the Fifteenth International Congress Against Alcoholism, to be held in the United States in 1915, to be expended under such rules and regulations as the Secretary of State may prescribe," made in the "act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915," is hereby extended and made available for the fiscal year ending June 30, 1916. The Secretary of State is hereby authorized and requested to extend an invitation to the Governments of the world with which we maintain diplomatic relations to participate in and appoint delegates to said congress: *Provided*, That an itemized account of all expenditures shall be reported to Congress.

There was $40,000 appropriated, and we are now appropriating $10,000 additional, making $50,000 for this Congress. I should like to ask if there is any itemized statement as to the expenses to be met and why the additional $10,000 is asked, making $50,000?

Mr. OVERMAN. There could not be any itemized expenses, because the convention has not been held.

Mr. SMOOT. Then why not let the item go out, and if it is held, pay the $10,000 additional if necessary?

Mr. OVERMAN. I have no idea myself that they are going to hold it this year, but there is no harm in putting in this item. If the convention is not held, the money will not be expended. We have invited them to come here and we want to be prepared. So those representing the prohibitionists in the country asked for this appropriation. They said it was necessary, and we agreed to give it to them. I have no idea in the world that the convention will be held the coming year or that a dollar of the money will be spent, but we want to have it ready in case it is held.

Mr. SMOOT. It is a very loose way of legislating.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, at the top of page 22, to strike out:

Purchase and repair, consular premises: Purchase, alteration, and repair of consular premises or purchase of a site and the erection thereon of a suitable building or buildings, for the use of the consulate general at Shanghai, including the residences of officers, $150,000.

And to insert:

Building at Shanghai, China: For purchase, alteration, and repair of consular premises or purchase of a site and the erection thereon of a suitable building or buildings, for the use of the consulate general and the United States court, jail, post office, marshal's and other Government offices at Shanghai, including the residences of officers, $355,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to strike out:

Embassy premises at Tokyo, Japan: The provision for the acquisition of embassy premises at Tokyo, Japan, contained in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, approved June 30, 1914, is hereby amended to read as follows: "For the construction of a building on ground now held by the Government of the United States at Tokyo, Japan, or for the purchase of a site and the erection of a building thereon as the Secretary of State may elect for the use of the embassy to Japan both as a residence of the diplomatic officers and for the offices of the embassy and for furnishing the same."

The amendment was agreed to.

The next amendment was under the subhead "Expenses of consular inspectors," on page 24, line 24, after $15,000, to insert: "*Provided*, That inspectors shall be allowed actual and necessary expenses for subsistence not exceeding an average of $5 per day"; so as to make the clause read:

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State, $15,000: *Provided*, That inspectors shall be allowed actual and necessary expenses for subsistence not exceeding an average of $5 per day.

Mr. SMOOT. Mr. President, I would have no objection at all to the amendment if it read in the ordinary way, but there are inserted in it the words "an average of." I do not believe that there ever was a provision of that kind adopted by the Senate before. I am sure it is not a good thing to begin to pay subsistence and expenses to any employee of the Government on an average basis. Therefore I shall move to strike out the words "an average of"; so that the amendment will read:

Provided, That inspectors shall be allowed actual and necessary expenses for subsistence not exceeding $5 per day.

Mr. OVERMAN. I wish to explain that item to the Senator. We are doing things now that we do not ordinarily do, on account of the troubles abroad. The Secretary of State was before us. He wanted $10 a day for these inspectors. These inspectors travel all over the world, and it is very hard for them to live on $5 a day now. We refused to allow them $10 a day, but they said they could get along by making an average, that sometimes an inspector could live on $3 a day and sometimes it would cost $10 a day. Therefore we thought we would put in the provision as it stands. It is something unusual I admit, but it is done on account of the conditions abroad. These inspectors travel in Europe and in South America, and it is impossible for them to live in some places on less than $10 a day. We did not want to give them $10 a day, and we concluded to put in the words "an average of."

Mr. TOWNSEND. What does the Senator mean "by an average of $5 a day"?

Mr. JONES. I will state that it means that the actual daily expenses shall not exceed on an average $5 a day; that is, if at one place it costs $10 and another place it costs nothing there is an average of $5 a day allowed.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. I will say to the Senator from Michigan this is what it means, that all the consular inspectors under this provision will be allowed $1,825 for necessary expenses for subsistence during the year.

Mr. CLARK of Wyoming. It means $5 a day straight.

Mr. SMOOT. It means $5 for every day in the year.

Mr. OVERMAN. Let me correct the Senator. The Senator said all consuls. There are only four.

Mr. SMOOT. I said consular inspectors.

Mr. OVERMAN. The Senator said consuls, and there are thousands of those and only four of these.

Mr. SMOOT. If I said consuls I meant to say consular inspectors. Whatever the number may be, it means that they are to be allowed $1,825 a year for their subsistence. They may not be in the actual service of the Government all the time—they may work only six months in the year, but under this amendment they will be entitled to $1,825 for the year, even though they work only half the time.

I would much prefer to give an allowance of $8 a day than to have an amendment of this kind, so broad in its scope. I believe the committee is making a mistake in putting in this language.

Mr. OVERMAN. We had to leave some discretion to the Secretary of State. He said that all the matter of expenses came to him to look over, and unless he could give as much as $10 a day they could not live in many places to which they go. He said as the account is submitted to him he could make an average of it, and he thought he might get along with an allowance of $5 a day, if it were put in as an average.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. JONES. I thought the Senator was through.

Mr. SMOOT. I will be through in a moment.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. As soon as I make a statement I will yield the floor. I have already given notice of an amendment to strike out the words "an average of." I wish also to state that if that amendment is carried I shall offer an amendment increasing the rate from $5 per day to $8 per day, so that there will be no question about what Congress intends, and following out the past practices in appropriating for the expense of subsistence.

Mr. SHAFROTH. Mr. President, I hope the amendment of the Senator from Utah will not prevail, for I believe that the provision which is here contained is much better than that which is offered by the Senator. The situation as I understand it is that in certain places they charge these persons at first-class hotels $10 a day. Buenos Aires is one of them. It is said that you can not get fair accommodations at Buenos Aires for less than $10 per day, and the department wants those persons to stop at first-class hotels. And yet we did not want the average amount they receive to be more than $5. If the Senator puts in an $8 provision I believe these agents will draw $8 for every day, and that is not the object of this proviso. The object is that on the average during the year while they are at work they shall receive $5 per day. I do not take it that the provision here includes the time when they are not at work, but while they are traveling, while they are conducting this particular line of business, they will receive on an average $5 per day.

Mr. POMERENE. Will it not meet the objection raised by the Senator from Utah and at the same time meet the desire or the thought of the committee if you were to add a provision to this effect, making these expenditures subject to the approval of the Secretary of State?

Mr. OVERMAN. That is what they are.

Mr. SHAFROTH. They are already subject to his approval. They stated to us that it was only on extraordinary occasions that they would allow anything more at all, but they want to allow it in those cases where they think it is absolutely imperative that that amount should be spent.

Mr. CLARK of Wyoming. Does not the Senator think that as the amendment is written now it will be construed as other like provisions are construed, that it means $5 a day for subsistence?

Mr. SHAFROTH. I think not, because the words "an average of" are there, and it seems to me it would indicate that there will be some extraordinary expenses at some time and at another time the expenses will be lower than $5 a day.

Mr. CLARK of Wyoming. I think the Senator does not get my view. My view is that if the language remains as it is it means simply a straight $5 a day the year through.

Mr. SHAFROTH. I do not see why that should be the case when the bills have to be audited for necessary traveling expenses.

Mr. CLARK of Wyoming. But the Senator is perfectly familiar with the like language in regard to the payment of judges in the United States courts when they are away from their own districts.

Mr. SHAFROTH. I do not know whether the language is the same or not.

Mr. CLARK of Wyoming. I will tell you how the language is. It is "not to exceed $10 a day," and yet the construction is always that they shall be allowed the full and complete $10 a day.

Mr. OVERMAN. That is the reason why we did not leave it like the House fixed it. The Senator will notice that the House put it at $10 a day, and for that very reason we struck it out. We have another provision here for the arbitration board at $10 a day. We asked them the question, Does it take $10 every day?

Mr. CLARK of Wyoming. Of course.

Mr. OVERMAN. That is just the point.

Mr. CLARK of Wyoming. Exactly.

Mr. OVERMAN. That is the reason why we changed it.

Mr. CLARK of Wyoming. When you say $5 a day, it will take $5 a day.

Mr. OVERMAN. Not with the language inserted.

Mr. CLARK of Wyoming. But the Senator makes no limitation as to how long it is to be counted.

Mr. SHAFROTH. This language seems to be very plain:

Provided, That inspectors shall be allowed actual and necessary expenses for subsistence not exceeding an average of $5 per day.

If the necessary and actual expenses amount to only $4 a day, I do not see how any auditor, unless it is certified that the expense is $5 a day, can certify that they are entitled to that amount of money. They may get around it in some way, but, as a matter of fact, it would be in violation of the language instead of being in compliance with the language.

Mr. CLARK of Wyoming. The only difficulty is the courts and the auditors have already construed like language under other provisions.

Mr. SHAFROTH. I have not any doubt but if their expenditures are $5 a day the auditor will approve it; but the person has to make an affidavit that they are his actual expenses.

Mr. CLARK of Wyoming. No; they do not have to make an itemized statement.

Mr. SHAFROTH. If you want to put in the words "itemized statement," I think that would be all right.

Mr. CLARK of Wyoming. I was just calling the attention of the Senator and of the Senate to the condition as it exists in other cases where like provisions are made.

Mr. SHAFROTH. What would the Senator from Utah think of making it read "actual and necessary expenses for subsistence itemized"?

Mr. CLARK of Wyoming. Then why should a limitation of $5 per day be made? They surely ought to have their actual expenses paid.

Mr. SHAFROTH. No; there is a good deal of difference between going to a hotel and saying, "I want a $4 room" and saying, "I want a $2 room."

Mr. CLARK of Wyoming. But the Senator is talking about the actual and necessary expense itemized.

Mr. SHAFROTH. That is all true; but there is a good deal of difference between an itemized account where one is $2 and another is $4.

Mr. SMOOT. I will say to the Senator from Colorado that these inspectors, agents of the Government, have to make itemized statements. I have seen whole stacks of them and have gone through them in committee where they proved that they can not live in Alaska on the same per diem that they can live on in this country. I do not think there is anything to be gained by putting in the word "itemized" there, because that is required.

Mr. SHAFROTH. But it would do no hurt to insert it.

Mr. JONES. Mr. President, as I remember when this matter came up in the committee, the representatives of the State Department were there and called attention to the fact that in some places the inspectors could not get anything like suitable accommodations for $5 a day, and at other places they could get suitable accommodations for less than $5 a day, but under the language of the law as it stands the proper officials of the department who would have the construction of these matters have held that where a man was required to pay, for instance, only $2.50 a day that was all he was allowed. Then when he went to a place where he had to pay $10 a day he could be allowed $5, the amount set out in the law, but he could not offset any of the excess payment at one place over against the minimum amount at another place. We were informed that there are several places where they could not possibly live on $5 a day and there were other places where they could live for less, and the question was suggested whether we should not put it on an average, so that if a man spent $2 at one place and $10 at another there could be an allowance made not exceeding a certain amount. That is the reason why this provision was put in.

The Senator from Colorado has called attention to the language here, that the inspectors are allowed actual and necessary expenses for subsistence. As I understand, that language requires an itemized statement of what is actual and necessary, and they can not get any credit for anything over $5. So, if these statements show that at one place a certain amount is paid, at another place a certain other amount, and at another place a different amount, while it all amounts to more than $5 a day for every day that is accounted for, they can be allowed but $5 for each day, and no more.

It seems to me that the language is plain. I do not know what the construction of the courts has been. Personally I think it would be better for us to do even in this case what we have done on page 19—fix a specific sum per diem that we will allow for subsistence.

Mr. OVERMAN. Does the Senator from Washington make that motion?

Mr. JONES. We did not see fit to do that in this case, after talking with the representatives of the department, but we put it in this way so as to take care of these different situations. I myself should have no objection to giving the consular inspectors a straight sum per diem, but I think this is better than what the Senator from Utah [Mr. SMOOT] has suggested—very decidedly better.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah to the amendment of the committee will be stated.

The SECRETARY. On page 25, line 1, in the amendment of the committee, after the word "exceeding," it is proposed to strike out "an average of $5" and to insert "$8," so as to read:

Provided, That inspectors shall be allowed actual and necessary expenses for subsistence not exceeding $8 per day.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. SHAFROTH. Mr. President, I offer an amendment to the committee amendment—after the word "subsistence," on page 25, line 1, to insert the word "itemized"—inasmuch as some seem to think that the language which is here used authorizes these inspectors to draw $5 a day, irrespective as to whether or not they have spent that sum. We know that these expenses are itemized, yet it will do no harm to insert the word "itemized" at that point.

Mr. OVERMAN. There is no objection to that amendment, Mr. President.

The PRESIDING OFFICER. The amendment to the amendment of the committee proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 25, line 1, after the word "subsistence," it is proposed to insert the word "itemized," so that it will read "necessary expenses for subsistence, itemized, not exceeding an average of $5 per day."

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Salaries of consular assistants," on page 25, after line 5, to insert:

Post allowances to consular officers: To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular and diplomatic officers in belligerent countries and countries contiguous thereto in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $150,000.

Mr. STONE. Mr. President, I should like the attention of the members of the committee, and of the Senator from North Carolina [Mr. OVERMAN] especially, to the amendment which has just been read. I desire to inquire whether or not the estimates made by the department were cut down by the committee?

Mr. OVERMAN. Mr. President, when this matter was before the other House the House committee cut down the estimates from $225,000 to $100,000. We had the representative of the Secretary of State before us, and after looking into the matter we concluded to increase the sum over that reported by the House committee. This is the greatest increase we have made in the bill. We have increased the amount to $150,000, and we think that is more than ample.

South American countries are not at war; there is no trouble there. Mr. Lansing said he desired the appropriation for the whole world, but we thought $150,000 would cover the extraordinary expenses incurred in belligerent countries.

I forgot to state that the House declined to make any appropriation for this purpose. The House committee reported $100,000, but the House of Representatives itself struck out the whole appropriation. I think the Senator from Missouri ought to be satisfied with putting it at $150,000, in view of the action of the House striking out the appropriation when the committee of that body had reported in favor of an appropriation of only $100,000.

Mr. STONE. Mr. President, my friend from North Carolina speaks of my being satisfied. Of course, it is a matter of no more consequence to me whether the appropriation is greater or less than it is to the Senator from North Carolina or to any other Senator.

Mr. OVERMAN. I appreciate that.

Mr. STONE. I am simply calling attention to a situation as it has been stated to me by the Secretary of State in connection with a table showing an increase in the cost of living in the various belligerent countries.

Mr. OVERMAN. We have that statement here.

Mr. STONE. I have no doubt the Senator has the same data as have I. The Secretary of State also inclosed to me a letter from our ambassador at Vienna, showing, for example, that the increased cost of living there runs from 200 to 300 per cent, due to the European War, and in other countries from 22 per cent to 61 per cent, to 75 per cent, to 100 per cent, to 150 per cent, and so on. I shall not read that table, but I have quoted just enough to indicate the enormous increase in the cost of living.

The particular letter which I hold in my hand and the particular table to which I have referred relate only to embassies or to legations and not to the Consular Service at all. It was urged here by the department that $75,000 as a minimum should be appropriated to cover the enormous increase in the cost of living not to the ambassador or to the minister but to the under officials.

There was another letter—the Senator from Mississippi [Mr. WILLIAMS] received one—from the Secretary of State relating to the consular force, where the same conditions applied, asking that $150,000——

Mr. OVERMAN. Let me interrupt the Senator from Missouri. All of this provision refers to the Consular Service. These officials are called consular assistants. Numerous clerks are employed while the war lasts, and they have to be provided for. For example, Great Britain and these other countries being at war, the United States has to take care of the interests of every belligerent nation. To do that additional clerks are required, who are called consular assistants, and this provision applies only to such assistants. The Senator from Mississippi [Mr. WILLIAMS] and the Senator from Missouri [Mr. STONE] are both talking about the same thing.

Mr. WILLIAMS. No; we are not.

Mr. OVERMAN. They are, according to Mr. Lansing; I myself do not know.

Mr. WILLIAMS. No; not according to Mr. Lansing, either. Mr. Lansing has written two letters—one about the Consular Service and one about the Diplomatic Service, if the Senator will pardon me; and he asked $150,000 for the Consular Service and $75,000 for the Diplomatic Service, making in toto $225,000. You have allowed simply for the Consular Service, allowing nothing at all for the Diplomatic Service.

Mr. STONE. At all events, I move to increase the item from $150,000 to $225,000.

Mr. WILLIAMS. Mr. President, before that motion is put——

The PRESIDING OFFICER. Let the amendment be stated.

The SECRETARY. In the committee amendment, on page 25, line 13, after the word "assigned," it is proposed to strike out "$150,000" and to insert "$225,000."

Mr. WILLIAMS. Mr. President, this matter is one of grave importance, and I should like to have Senators understand it. The Senator from Missouri [Mr. STONE], the chairman of the Foreign Relations Committee, has explained this item. It is not to provide for an ordinary increase of expenses; it is to provide for a war increase, which is temporary in its character; in fact, the whole provision is temporary in its character, even as carried in this bill itself.

I have sent over to my office to attempt to procure a letter which the Secretary of State wrote to me in reference to the consular part of the subject matter. The letter which was written to the Senator from Missouri [Mr. STONE] referred simply to the Diplomatic Service; and the Secretary asked for an increase of $75,000 for the Diplomatic Service because of the immense war increase in the cost of living. Of course, an ambassador, with his salary of $17,500, can manage to cheesepare and get along, but the secretaries and all the other employees in subordinate positions—who have never been paid too much, by the way—in our service are finding themselves, to use a slang phrase, "up against it."

Mr. OVERMAN. Mr. President, I want to call the Senator's attention to the language of the amendment. It includes the Diplomatic and Consular Service.

Mr. WILLIAMS. I know it does. The Senator means it includes both as printed in the bill?

Mr. OVERMAN. Yes.

Mr. WILLIAMS. But where the Secretary asks for $75,000 for the Diplomatic Service and $150,000 for the Consular Service, the bill bulks them both, and grants $150,000 for both; so that it has granted nothing for the Diplomatic Service at all, and has only granted what he estimated for the Consular Service. That is one way of expressing it. Another way of expressing it is that, instead of granting $225,000 for both, you have granted $150,000 for both.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. Certainly.

Mr. JONES. I merely want to suggest to the Senator that the estimate of $225,000 is a general estimate, covering all of the countries of the world. When that estimate was made they had in mind the conditions in South America, where no war exists. The committee limited this to our consular and diplomatic officers "in belligerent countries and countries contiguous thereto," and with this limitation we thought that $150,000 was sufficient.

Mr. WILLIAMS. The Secretary of State made no estimate for the increased cost of living in countries where there is no increased cost of living. He made an estimate of $225,000 to provide for the increased cost of living in the service. In some countries there has been an increase of 30 per cent; in some of 75 per cent; in some of 100 per cent; in some of 300 per cent; and the estimate was intended to take care of those countries where there was an increased cost of living. The increased cost of living in South American countries, as the Senator from Washington says, has been very small. There has, however, been an increased cost of living even there, owing to the interruption of world trade.

Mr. JONES. Mr. President, the committee did not feel that they ought to go into a general adjustment on account of the increased cost of living everywhere, because, if we do that, we will be called upon to begin at home, for there has been a great increase here.

Mr. WILLIAMS. But, Mr. President, the Senator does not seem to understand that this money is not going to be paid out to any employee in any country where there has been no increased cost of living. It is not intended to give so much to each man in the service; but the money is to be paid out at the discretion of the Secretary of State to make up for the increased cost of living where an increase in the cost of living has occurred. It does not affect the man in Rio de Janiero, for example. The Secretary says here—

I append a table—

I will not read all the table—

You will observe that in Berlin the increase in 1915 over 1914 was from 75 to 100 per cent; in Vienna the increase during the same period was 160 per cent—

Mark the figures, because these people who were already just barely adequately paid can hardly eke out an existence with an increased cost of 150 per cent.

In Constantinople, 125 per cent; in Petrograd, 98 per cent; in Athens—

Which is not in a belligerent country—

96 per cent.

And, by the way, you would find the same thing true in Roumania and in all countries which are affected by the war. In the other capitals enumerated there was a substantial increase. He appends a letter from Mr. Penfield. I wish the letter which he wrote to me with regard to the Consular Service were here, so that I might illustrate the matter better.

Take Malta, for instance. I happen to know concerning that island. Malta is a British possession. It is not included directly in the war area, but the increase in the cost of living in Malta, as I am reliably informed, is 75 per cent, as compared with the year previous to the present.

It is true in very many countries which are not in the actual area of the war that the increase has been large, although, of course, nothing approximating the increase in Berlin, in Vienna, and in Belgrade; but there has been an increase in all European countries.

The increase, of course, in Berlin and in Vienna is owing to the fact that their supplies have been cut off; but the increase in the other countries is owing to the disturbance of over-seas commerce, not shutting off supplies, not producing an actual scarcity of food, but I have no doubt causing a great deal of difficulty in procuring supplies, and very much higher freight rates; and the freight rates are, of course, added to the product in Malta and countries similarly situated.

I can not see for the life of me why we should not let the Secretary of State have this money. If he finds that it is not needed, he will not spend it, and he certainly can be relied upon not to expend it anywhere where there has not been an increase in the cost of living.

I noticed an exchange of smiles upon the part of the learned Senator from Utah [Mr. SMOOT] and the acute Senator from

North Carolina [Mr. OVERMAN] when the statement was made that if the Secretary of State did not need to spend the money he would not spend it; but in that I have his assurance, and I rely upon that slightly more than I do upon the jeer of the one or the sneer of the other. I am sure the allowance will not be made to employees in countries where it is not needed, where the men do not have to meet an increase in the cost of living.

I know an instance of one young fellow, a consul at a post not in the war area at all, who wrote me that even there the cost of living had gone up thirty-odd per cent—I have forgotten now the exact figures—and in his letter he told me what he paid for various articles prior to the outbreak of the war and what he was paying for them now.

The language of the provision under discussion is this:

Post allowances to consular officers: To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular and diplomatic officers in belligerent countries and countries contiguous thereto in order to adjust their official incomes to the ascertained cost of living at the posts to which they may be assigned, $150,000.

The Senator from Missouri [Mr. STONE] proposes to make that amount $225,000. The words "in belligerent countries and countries contiguous thereto" can not include South or Central America, although they might include Mexico.

Mr. JONES. That is new language which the committee put in when it limited the amount.

Mr. WILLIAMS. I do not care who put it in.

Mr. JONES. If the Senator wants to increase the amount to $225,000, that limitation in the language ought to be eliminated.

Mr. WILLIAMS. It ought not to be, because those are the only countries where the Secretary wants to spend the money. He wants it for use "in belligerent countries and countries contiguous thereto," where the markets are disturbed by war conditions.

Mr. JONES. He did not submit the estimate in that way.

Mr. WILLIAMS. I am merely citing the language of the bill to show that there would be no discretion in the Secretary of State, if the amendment of the Senator from Missouri were adopted, to expend any of this money for employees in South America or Central America, thus obviating the objection which has just been made by the Senator from Washington. It does not make any difference who worded it; that is the language of the provision.

Mr. JONES. Mr. President, I suggested that simply because——

Mr. WILLIAMS. One moment, if the Senator will pardon me. I have just gotten that letter, and I will complete my remarks with some quotations from it. This letter was dated June 20 and was addressed to me, and I think a similar letter was sent to the Senator from Missouri, although he has not it with him and does not remember receiving it:

As you well understand, the war has resulted in enormous advances in the cost of the necessaries of life in most of the belligerent countries, and in many—

I ask the Senator's attention to this, now, because it is the very language you have in here that you say the committee used; and the Secretary is using the exact language in his letter to me, or almost the same language. Here is what he says:

The war has resulted in enormous advances in the cost of the necessaries of life in most of the belligerent countries, and in many of the contiguous neutral countries.

That has been notably the case in Holland.

The diplomatic and consular officers, especially the lower-salaried ones, including the secretaries in the Diplomatic Service, will not long be able to bear the heavy burdens thrown upon them by the war unless they shall receive an allowance which will increase their income in some proportion to the advance in their living expenses. I should be very glad if you could find it in accord with your judgment, as a member of the Committee on Foreign Relations, to give your support to the department's recommendation.

And here was the recommendation:

Post allowances for the Diplomatic and Consular Service, $225,000.

Which is exactly what it would be if the amendment offered by the Senator from Missouri were put in the bill. Now, the Secretary goes on to say, in a letter written to the Senator from Virginia [Mr. MARTIN], of which a copy was sent to me, what I am about to read now:

When the estimates for the fiscal year ending June 30, 1917, were submitted to Congress, the department had been convinced by the information before it that, owing to the great increase in the cost of living in the belligerent countries and the contiguous neutral countries due to the war, it would be imperative that some provision be made for increasing to some extent the income of the consular officers in those countries and an arbitrary amount of $150,000 was estimated as being necessary for the purpose. Since that estimate was made the department has obtained from all the consular officers detailed and uniform reports of the cost of certain necessary articles of food, clothing, fuel, and rent. A careful comparison of the reports shows a range of increase during the period from July to December, 1915, over the prices prevailing from January to June, 1914, before the war began, of as much in some cases as 250 per cent.

Then the letter goes on to give various instances of that sort, what a table d'hôte dinner costs, what various articles of food cost, and all that, which I will not read:

It will readily be seen that the effect of the abnormal rise in prices of foodstuffs and general cost of living is exceedingly serious, particularly in its relation to secretaries in the Diplomatic Service and to the lower grades of consular officers, whose salaries range from $3,000 to $1,000 a year.

The Senator from Washington [Mr. JONES] said the committee had reduced the amount because the Secretary offered it and asked it for the entire Diplomatic and Consular Service, but that the committee thought they could safely reduce it because certain South American and Central American countries were not affected. I especially call attention again to the language of the Secretary, both in his letter to me and in his letter to the Senator from Virginia [Mr. MARTIN], the chairman of the Committee on Appropriations, and to the fact that in both cases he asked it only for positions held in belligerent countries and in contiguous neutral countries; so that there never entered into his mind, nor into the estimate, at any time any idea of South or Central America or China, let us say, and therefore that if the committee reduced the amount with that notion in their heads they founded their conclusion upon what was really no basis at all, because the idea had never been in the Secretary's head. His estimates had never been made upon any such supposition. His estimates had been made solely for belligerent countries and countries contiguous to belligerents; and there was no ground, therefore, to reduce what he asked upon the idea that South and Central America or China would not have to have it.

I need not read all of this letter. It has been read to the committee, I suppose.

Mr. OVERMAN. It is all in the record.

Mr. WILLIAMS. Then he goes on to say that after his first estimate, and then getting these uniform and universal reports, the department had come to the conclusion that $225,000 was the least amount with which they could get along; and in the letter to the Senator from Missouri and in the letter to me it will be seen why that final estimate was made—$150,000 for the Consular Service and $75,000 for the Diplomatic Service.

Mr. JONES. Mr. President, the committee did have a basis for cutting this to $150,000, and based it upon the language of the bill and the formal estimates of the department. The first estimate of the department for $225,000 was in general terms, for the Consular and Diplomatic Service everywhere. The department sent its representatives down to the committee. They were heard by the committee; they were questioned by the committee, and their testimony showed that they did have in mind taking care of the increase in the cost of living in South America. They said so. The committee did not think we ought in the Consular and Diplomatic Service to enter upon a general scheme of taking care of the increased cost of living of all the employees there and let all the other employees of the Government go without taking care of the increased cost of living to which they have been subjected the same as those in the Consular Service. The committee did realize and appreciate, however, the fact that there were very exceptional conditions in the belligerent countries and countries contiguous thereto, and so the committee put that language expressly in the provisions of the bill and limited the amount to $150,000.

This provision was in the bill as reported to the House, and there the words "belligerent and contiguous countries" were not a part of the provision. The provision in the House was in accordance with the formal estimates submitted by the State Department. It went out there on a point of order and, of course, came to the committee here for consideration, and this is what we concluded to put in after taking into account all the suggestions that the Senator from Mississippi has made.

Mr. OVERMAN. I want to say to the Senator, also, that the total appropriation for the whole service, for all the countries of the world, is only $1,100,000, and we have given practically a 20 per cent increase in all the salaries in the belligerent countries. The whole appropriation for all the Consular Service is only a little over a million dollars.

Mr. SHAFROTH. Mr. President, I will state that I do not believe there ought to be any change from the amendment which has been proposed by the committee. I notice, in the report which was made by the chairman of the committee, that there is provision made here for emergencies in the Diplomatic and Consular Service, including $75,000 in the urgent deficiency act of 1916, and he puts under the estimate for 1917, $200,000. If that is true—if this $75,000 is to be included in this $200,000—the estimate of the department would be only $125,000. So, in view of the fact that the House struck out the provision entirely, not

allowing anything whatever for the increase, the subcommittee recommending $100,000 and the general committee raising it to $150,000, it seems to me that that is as far as we ought to go.

There is this that can be said with relation to the matter also: If this is an absolute necessity, an urgent deficiency bill can be brought in at any time for the purpose of relieving the situation. But in view of the fact that here now we have an increased amount that is very large, and we do not know whether or not it will be sufficient to take care of the situation, but think it is ample, it seems to me that we will do well to let it go at this amount—$150,000 more than the House has allowed—with the power which Congress always has, when it finds it absolutely necessary, to bring in an urgent deficiency bill.

It seems to me that the committee amendment ought to stand.

Mr. SMOOT. Mr. President, I hope the amount will not be changed, for this reason: It will be impossible for the department to spend more than $150,000 in the seven months beginning July 1 and going to February 1. By February 1, the next session of Congress being a short one, we will have another Diplomatic and Consular appropriation bill before us, and if there is any deficiency at all it will be taken care of either in a deficiency appropriation bill or in the regular appropriation bill. For that reason I do not believe that it is necessary to increase this amount.

Mr. STONE. How could there be a deficiency bill?

Mr. SMOOT. I will say to the Senator that we have them every year. If Congress provides an appropriation for this particular work, the Secretary of State will arrange the amount that will be paid to each of the consular and diplomatic officers, and then it will be paid regularly.

Mr. STONE. This is an emergency.

Mr. SMOOT. I know this is an emergency, and I think it will take care of the amount that will have to be paid, at least until we pass another Diplomatic and Consular appropriation bill. I want to say to the Senator that we can not deny the fact that where there is a liberal appropriation made to any department they spend the money more freely than they do when there is a reasonable amount provided.

Mr. POMERENE. Mr. President, if this appropriation is to be limited in the way suggested by the committee, then necessarily the State Department, in making its allowances, will have to be controlled by what we have authorized here, and I very much fear that that is not going to be sufficient. We realize, in our shipments from this country, that freight and passenger charges are very much higher than they were before this war began, and, in my judgment, it has affected the cost of living in all of these countries.

Mr. SMOOT. I will say to the Senator that I am not quite in harmony with the action of the committee confining the appropriation to belligerent countries, because we all know that there is not a country of any importance in the world where the cost of living has not advanced. Whether they are involved in the war or not, everything has increased on account of the war, as everybody knows; and, of course, the way the amendment is worded it simply takes care of the officers in belligerent countries and countries contiguous thereto.

I do believe that the best thing for us to do is to pass the bill with the provision for $150,000—the House having not allowed a cent—and let the Senate stand firm for the $150,000 in conference. I am quite sure that if that is done not more than this amount will be spent before Congress is again in session, and we can then appropriate money to take care of any additional amount, if any, that may be required.

Mr. WILLIAMS. Does not the Senator realize that if you go into conference with the Senate asking only $150,000 and the House opposing it, the provision is going to come out of conference with even less than that?

Mr. OVERMAN. No.

Mr. SMOOT. No; I would not agree to that.

Mr. WILLIAMS. Well, the House has something to say about it.

Mr. SMOOT. This is a Senate amendment.

Mr. WILLIAMS. And the House having voted so that there will be nothing at all granted, the chances are that there will be a compromise upon what is in the bill.

Mr. OVERMAN. I can assure the Senator that there will not be any compromise, because the House committee did recommend $100,000. We have recommended $150,000; and when the bill was reported to the House by the committee the House would not give anything for this purpose. But the House committee had agreed on $100,000, and we have put it at $150,000.

Mr. WILLIAMS. Why let yourselves be brought to a hopeless halt about this little $75,000 when the Secretary thinks it is necessary, and when he knows, of course, very much more about it than any of us, and when you are spending money this year for other things in the way of preparedness not any more important than this, and spending very much larger sums? My own opinion is that if you go into conference with $150,000 you will come out with about $125,000, between the House committee and your own, and that if you go into conference with $225,000 you will come out with enough.

Mr. OVERMAN. Mr. President, I just want to say one word.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. I will yield the floor.

Mr. OVERMAN. It is with regard to what the Senator has said about allowing what these Secretaries ask.

Mr. SMOOT. That is what I was going to answer.

Mr. OVERMAN. If we had allowed everything that had been asked, we would have bankrupted this country. In other words, we would have allowed $100,000,000 more than the House has allowed. We can not allow everything to these people just because they ask it. We have got to look into it ourselves.

Mr. WILLIAMS. I am not saying that. The Senator has never known anything in my life or history that entitles me to be regarded as that stupid. I am arguing this matter from the standpoint of its own merits, and I am arguing that as regards this particular item it ought to be allowed. Of course I am not fool enough to say that whatever a Secretary or Cabinet officer asks should be granted because he asks it; and I would not have to be very smart not to be that big a fool, either.

Mr. SMOOT. I will say, in behalf of the Secretaries and the departments, that it is impossible for them to go into the details of all these appropriations. They accept the word of the head of a bureau or some principal clerk in the bureau and they make their estimates upon the reports from those chiefs. They do not know the details of each one of these matters. They do not pretend to know. When they appear before the Appropriations Committee they always bring these men along to explain why they want an item and why they ask for it, because the Secretaries do not understand, and the letters that they write to us are not written by the Secretaries themselves. They are written by the clerks who make up the amounts.

I say to the Senate now that a practice has grown up in our Government here of asking more than they want, knowing that the committees of the House and the Senate are not going to grant the full amount, and I have heard it stated even before the committee that that is why they have asked for larger amounts than were absolutely necessary.

I do not believe that any of our officers in foreign lands in either the Diplomatic or the Consular Service are going to suffer if we grant the appropriation of $150,000 provided for in this bill; and I will say to the Senator that I believe that the House, with the showing that we have made and the good faith that we have shown here upon the floor, is going to yield in regard to the $150,000.

Mr. WILLIAMS. I know that some of them are suffering now, so the prediction that they will not suffer does not carry much force.

Mr. OVERMAN. It is now 2 o'clock. I hope we will vote.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 10484, the Post Office appropriation bill.

Mr. OVERMAN. I ask the Senator from Alabama to allow us to conclude the consideration of the pending bill. There is but one more amendment and another to be offered, I understand.

Mr. BANKHEAD. One more amendment and another to be offered may occupy all the day.

Mr. OVERMAN. It will not take half an hour. If it does, I will withdraw the bill.

Mr. BANKHEAD. All right, I will yield for half an hour.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri, which the Secretary will state.

The SECRETARY. On page 25, line 13, strike out "$150,000" and insert "$225,000."

The amendment to the amendment was rejected.

Mr. POMERENE. I suggest, in line 9, page 25, after the word "compensation," there be inserted the words "and expenses," and for this reason: There are many items of additional expense that these consular officers are obliged to pay.

Mr. SMOOT. Not out of their own pockets.

Mr. POMERENE. There may be additional expenses, and so forth. It is to cover the question of compensation because of the increased cost of living and increased duties.

Mr. OVERMAN. If the Senator will pardon me, my attention was diverted. I did not hear his amendment.

Mr. POMERENE. My suggestion was to insert, after the word "compensation," on page 25, line 9, the words "and expenses," so that if there are additional expenses incurred by these consular officers the department might be authorized to allow those expenses as well as the additional compensation.

Mr. OVERMAN. We have a large appropriation to pay actual expenses.

Mr. POMERENE. If it is provided for otherwise, I will withdraw the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. POMERENE. On page 20, after line 25, I move to insert:

The duly appointed representative of the United States on the Permanent Commission of the International Geodetic Association is hereby granted authority to vote with the representatives on the permanent commission from other nations on all matters coming before the association, including the extension of its existence, subject to the approval of Congress.

Mr. OVERMAN. I have no objection to that amendment. I consent to its adoption.

The amendment was agreed to.

Mr. STONE. I send to the desk the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 31, after line 12, insert:

Second Pan American Scientific Congress: For publication of the proceedings of the Second Pan American Scientific Congress, $42,000.

Mr. OVERMAN. The words "or so much thereof as may be necessary" should be inserted.

Mr. STONE. Very well; "or so much thereof as may be necessary."

The PRESIDING OFFICER. The amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 16th instant, approved and signed the following acts:

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5658. An act to ratify, approve ,and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5776. An act to amend certain public-utility company franchises in the Territory of Hawaii; and

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise.

J. RICARDO DE BORJA (H. DOC. NO. 1229).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report from the Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Ecuador.

The Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Ecuador, and that it would follow established precedents.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, June 20, 1916.

DANIEL M. FROST.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 33) for the relief of Daniel M. Frost, which was to strike out lines 8 to 12, inclusive.

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

JOHN L. SEVY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 31) for the relief of John L. Sevy, which was, on page 2, line 6, after the word "of" where it first occurs to insert "a valid title to."

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

COAST GUARD STATION IN LOUISIANA.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4085) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay, which was, in lines 6 and 7, to strike out "and the station shall be manned during the entire year."

Mr. RANSDELL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

GLACIER NATIONAL PARK.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1741) for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park, which were, on page 1, line 8, to strike out "an order" and insert "orders," and on page 1, line 9, after "twenty-first" insert "and twenty-fifth."

Mr. MYERS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LEAVE OF ABSENCE TO HOMESTEAD SETTLERS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1066) authorizing leave of absence to homestead settlers upon unsurveyed lands, which was, on page 1, line 7, to strike out all after "a," down to and including "exceeding," in line 9, and insert in lieu thereof the following: "leave of absence in one or two periods not exceeding in the aggregate."

Mr. MYERS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PATENTS FOR LANDS IN MYTON, UTAH.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 35) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah.

Mr. SMOOT. I move that the Senate disagree to the amendment and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT conferees on the part of the Senate.

PATENTS FOR LANDS IN DUCHESNE, UTAH.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah.

Mr. SMOOT. I move that the Senate disagree to the amendments and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT conferees on the part of the Senate.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The point reached when the bill was last under consideration is the amendment of the Committee on Post Offices and Post Roads at page 6, line 3.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Overman	Smoot
Brady	Jones	Page	Sterling
Brandegee	Kern	Ransdell	Thompson
Bryan	La Follette	Saulsbury	Tillman
Chamberlain	Lane	Shafroth	Townsend
Chilton	Lippitt	Sheppard	Underwood
Clark, Wyo.	McLean	Sherman	Vardaman
Dillingham	Myers	Shields	Walsh
Gallinger	Newlands	Simmons	Weeks
Harding	Oliver	Smith, Md.	Williams

Mr. JONES. I desire to announce that the junior Senator from Iowa [Mr. KENYON] is necessarily absent from the Chamber on account of serious illness in his family.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement will stand for the day.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN], who has been called from the city.

Mr. MYERS. The Senator from Arizona [Mr. ASHURST], the Senator from New Jersey [Mr. MARTINE], the Senator from Kentucky [Mr. BECKHAM], the Senator from Colorado [Mr. THOMAS], and the Senator from Maine [Mr. JOHNSON] are absent on official business, being on the committee on the part of the Senate to attend the funeral of the late Senator from Maine, Mr. BURLEIGH.

The PRESIDING OFFICER. Forty Senators have answered to their names. No quorum is present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. POINDEXTER and Mr. SWANSON answered to their names when called.

Mr. MARTIN of Virginia and Mr. SMITH of Georgia entered the Chamber and answered to their names.

Mr. BANKHEAD. I move that the Sergeant at Arms be directed to request absent Senators to attend.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will request the attendance of absent Senators.

Mr. STONE, Mr. POMERENE, Mr. HOLLIS, Mr. NELSON, and Mr. FLETCHER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. BANKHEAD. I move that further proceedings under the call be vacated.

The motion was agreed to.

The PRESIDING OFFICER. The pending amendment will be stated.

The next amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the First Assistant Postmaster General," on page 6, line 3, after the word "That," to strike out "hereafter" and insert "for the fiscal year beginning July 1, 1917, and thereafter"; in line 7, before the word "payments," to strike out "quarterly" and insert "semimonthly"; and, in line 12, after the word "adjustment," to strike out "*And provided further*, That the proviso at the end of section 252 of the Postal Laws and Regulations be, and the same is hereby, amended so as to read as follows:

"'*Provided, however*, That this provision shall not apply to Towson, Md., or to Clayton, St. Louis County, Mo.'; and that the city of Cambridge, Mass., shall be established by the Postmaster General forthwith as a separate post office of the class to which the aggregate receipts of the four substations of the Boston postal district now located within the limits of said city of Cambridge, entitled it and with such substations as in his opinion the needs of said city may require," so as to make the clause read:

For compensation of postmasters, $31,000,000: *Provided*, That for the fiscal year beginning July 1, 1917, and thereafter the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in semimonthly payments, to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the Auditor for the Post Office Department, or copies or duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment.

The PRESIDING OFFICER (Mr. THOMPSON in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 7, line 5, before the words "at not exceeding $1,900 each," to strike out "sixteen" and insert "twenty"; in the same line, before the words "at not exceeding $1,800 each," to strike out "forty-five" and insert "fifty"; in line 6, before the words "at not exceeding $1,700 each," to strike out "ninety-five" and insert "one hundred"; in line 8, before the words "at not exceeding $1,600 each," to strike out "one hundred and fifty" and insert "one hundred and sixty"; in line 9, before the words "at not exceeding $1,500 each," to strike out "one hundred and eighty" and insert "one hundred and seventy-five"; in line 10, before the words "at not exceeding $1,400 each," to strike out "one hundred and fifty" and insert "one hundred and ninety"; in line 13, before the words "at not exceeding $1,200 each," to strike out "five hundred and sixty" and insert "six hundred and sixty"; in line 15, before the words "at not exceeding $1,000 each," to strike out "three hundred" and insert "three hundred and thirty-eight," and in line 17, after the words "in all," to strike out "$3,200,000" and insert "$3,500,000," so as to make the clause read:

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding $4,000 each; 42, at not exceeding $3,000 each; 10, at not exceeding $2,500 each; 5, at not exceeding $2,000 each; 20, at not exceeding $1,900 each; 50, at not exceeding $1,800 each; 100, at not exceeding $1,700 each; 160, at not exceeding $1,600 each; 175, at not exceeding $1,500 each; 190, at not exceeding $1,400 each; 350, at not exceeding $1,300 each; 660, at not exceeding $1,200 each; 525, at not exceeding $1,100 each; 338, at not exceeding $1,000 each; 130, at not exceeding $900 each; 100, at not exceeding $800 each; in all, $3,500,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

The amendment was agreed to.

The next amendment was, on page 13, line 10, after the words "per annum," to insert:

Provided, That section 5 of the act approved August 24, 1912, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," be, and the same is hereby, amended to include employees of first and second class post offices designated as "special clerks."

Mr. OLIVER. Mr. President, I should like to ask the Senator from Alabama to explain the purpose of the amendment proposed by the committee on page 13.

Mr. BANKHEAD. The purpose of the amendment is to give these special employees the same privileges and the same status that the regular appointees have in that class of service. It is recommended by the department.

Mr. GALLINGER. Mr. President, I will ask the Senator from Alabama what class these special employees constitute. Is it a permanent class?

Mr. BANKHEAD. They are expert distributors and other classes of employees of that character, drawing a salary of twelve, thirteen, or fifteen hundred dollars.

Mr. GALLINGER. Are they permanent or are they appointed for a special purpose?

Mr. BANKHEAD. They are permanent.

Mr. GALLINGER. Very well.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 13, line 21, after the word "appropriated," to insert "and to enable the Postmaster General to carry out the provisions of the act of March 2, 1907, classifying clerks and city letter carriers in first and second class post offices, he may hereafter exceed the number of clerks appropriated for for particular grades: *Provided*, That the number of clerks in the aggregate as herein authorized be not exceeded," so as to make the clause read:

In all, $47,900,000, and hereafter the appointment and assignment of clerks hereunder shall be so made during each fiscal year as not to involve a greater aggregate expenditure than the sum appropriated; and to enable the Postmaster General to carry out the provisions of the act of March 2, 1907, classifying clerks and city letter carriers in first and second class post offices, he may hereafter exceed the number of clerks appropriated for for particular grades: *Provided*, That the number of clerks in the aggregate as herein authorized be not exceeded.

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to strike out "For compensation to printers, mechanics, and skilled laborers, 22, at $1,200 each, 4 at $1,100 each; 3 at $1,000 each and 28 at $900 each; in all, $62,000," and in lieu thereof to insert "For compensation to printers, 10 at not exceeding $1,500 each; to printers, mechanics, and skilled laborers, 12 at $1,200 each, 4 at $1,100 each, 3 at $1,000 each, and 28 at $900 each; in all, $62,000."

The amendment was agreed to.

The next amendment was, on page 14, line 12, after the words "in all," to strike out "$1,400,000" and insert "$1,512,000," so as to make the clause read:

For compensation to watchmen, messengers, and laborers, 1,800, at $840 each; in all, $1,512,000.

The amendment was agreed to.

The next amendment was, on page 14, line 15, after "$1,160,000," to strike out "*Provided*, That hereafter the Postmaster General may enter into contracts for the conduct of such stations for a term not exceeding two years," so as to make the clause read:

For compensation to clerks in charge of contract stations, $1,160,000.

The amendment was agreed to.

The next amendment was, on page 14, line 18, after the words "clerk hire," to insert "and for substitute clerk hire for clerks and employees absent with pay"; in line 21, after the words "post offices," to strike out "$1,800,000" and insert "$2,120,000"; in line 22, after the word "That," to insert "hereafter"; and on page 15, line 4, after the words "shall be," to strike out "all National and State holidays" and insert "New Year's Day (January 1); Washington's Birthday (February 22); Memorial Day (May 30); Independence Day (July 4); the first Monday in September, known as Labor Day; Christmas (December 25); and such other days as the President of the United States may set apart as fast or thanksgiving days," so as to make the clause read:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $2,120,000: *Provided*, That hereafter when the needs of the Postal Service require the employment on holidays of clerks in first and second class post offices and letter carriers in the City Delivery Service, the employees who are required and ordered to perform holiday work shall be allowed compensatory time on one of the 30 days following the holiday on which they perform such service: *Provided*, That for the purpose of this act holidays shall be New Year's Day (January 1); Washington's Birthday (February 22); Memorial Day (May 30); Independence Day (July 4); the first Monday in September, known as Labor Day; Christmas (December 25); and such other days as the President of the United States may set apart as fast or thanksgiving days.

The amendment was agreed to.

The next amendment was, on page 15, line 13, after the words "post offices," to strike out "$90,000" and insert "$130,000, of which $20,000 shall be immediately available," so as to make the clause read:

For unusual conditions at post offices, $130,000, of which $20,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 15, line 23, after "$1,900," to insert "*And provided further*, That the Postmaster General may, in the disbursement of this appropriation, expend not exceeding $400,000 for the employment, at a maximum salary of $600 per annum, of assistant postmasters at post offices of the third class where the salary of the postmaster is $1,800 or $1,900 per annum," so as to make the clause read:

For allowances to third-class post offices to cover the cost of clerical services, $1,775,000: *Provided*, That no allowance in excess of $300 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $400 where the salary of the postmaster is $1,300, $1,400, or $1,500; and that no allowance in excess of $500 shall be made where the salary of the postmaster is $1,600 or $1,700; nor in excess of $800 where the salary of the postmaster is $1,800 or $1,900: *And provided further*, That the Postmaster General may, in the disbursement of this appropriation, expend not exceeding $400,000 for the employment, at a maximum salary of $600 per annum, of assistant postmasters at post offices of the third class where the salary of the postmaster is $1,800 or $1,900 per annum.

The amendment was agreed to.

The next amendment was, on page 16, line 22, after the words "fifth grade," to insert "and for the promotion of 5 per cent of the letter carriers in second-class offices from the fifth to the sixth grade"; in line 24, after the words "City Delivery Service," to strike out "$39,100,000," and insert "$39,116,700: *Provided*, That the marine letter carriers assigned to the Detroit River postal service shall be paid $1,500 per annum, and that the season of service for each year be a continuous one, lasting from the opening to the close of navigation," so as to make the clause read:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the letter carriers in second-class offices from the fourth to the fifth grade and for the promotion of 5 per cent of the letter carriers in second-class offices from the fifth to the sixth grade, City Delivery Service, $39,116,700: *Provided*, That the marine letter carriers assigned to the Detroit River postal service shall be paid $1,500 per annum, and that the season of service for each year be a continuous one, lasting from the opening to the close of navigation: *Provided further*, That hereafter there shall be no distinction in salary made between letter carriers assigned to collection duty and letter carriers assigned to delivery duty: *And provided further*, That letter carriers whose salaries have been reduced as the result of any order of the Post Office Department, making the maximum salary $1,000 to be paid letter carriers assigned to collection duty, shall be restored to their former grades.

The amendment was agreed to.

The next amendment was, on page 17, line 14, after the word "established," to strike out "$3,675,000," and insert "$4,100,000," so as to make the clause read:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $4,100,000.

The amendment was agreed to.

The next amendment was, on page 18, line 12, after the words "exceeding 10 years," to insert:

Provided further, That section 3944, Revised Statutes, is hereby amended by the elimination of the words "or the Second Assistant Postmaster General," and the act of May 17, 1878, is hereby amended by the substitution of the words "Postmaster General" for the words "Second Assistant Postmaster General" wherever they occur.

The amendment was agreed to.

The next amendment was, on page 18, line 20, after "$2,193,000," to insert:

Provided, That postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails: *Provided further*, That in the discretion of the Postmaster General postmasters and their employees may be permitted to perform mail messenger service, and allowances not in excess of $300 a year at any office may be made therefor from this appropriation.

So as to make the clause read:

For mail-messenger service, $2,193,000: *Provided*, That postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails: *Provided further*, That in the discretion of the Postmaster General postmasters and their employees may be permitted to perform mail-messenger service, and allowances not in excess of $300 a year at any office may be made therefor from this appropriation.

Mr. BANKHEAD. I desire to offer an amendment to the amendment to come in on page 18, line 24, beginning with the proviso, to strike out down to and including the word "appropriation," on page 19, line 3, and to insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 18, line 24, after the word "mails," it is proposed to strike out the proviso reported by the committee ending with the word "appropriation," on page 19, line 3, and to insert:

Provided further, That, in the discretion of the Postmaster General, postmasters, assistant postmasters, and clerks at post offices of the third and fourth classes may enter into contracts for the performance of mail messenger services, and allowances may be made therefor from this appropriation: *Provided further*, That the total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed $300 in any one year.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 19, line 5, after "$976,000," to insert "*Provided*, That the Postmaster General is hereby authorized and directed to extend existing contracts for pneumatic-tube mail service until June 30, 1917," so as to make the clause read:

For the transmission of mail by pneumatic tubes or other similar devices, $976,000: *Provided*, That the Postmaster General is hereby authorized and directed to extend existing contracts for pneumatic-tube mail service until June 30, 1917.

Mr. BRYAN. Mr. President, let me ask the chairman of the committee to explain why that amendment is inserted. It would seem to be an instruction to the Postmaster General to continue that service whether he desired to do so or not.

Mr. BANKHEAD. Mr. President, under the law the contracts heretofore made by the Postmaster General and authorized by Congress will expire June 30. A provision came here from the other House making an appropriation for the payment of pneumatic-tube service for the next fiscal year. In the meantime the contracts existing and authorized expire on the 30th of June of this year. Some time ago—perhaps a year and a half ago; it has been so long that I can not exactly remember—a commission of so-called experts was appointed by the Postmaster General to investigate the question of pneumatic tubes, to determine as to their usefulness, and whether or not the contracts should be renewed or extended. That commission has not yet reported, and we are advised that perhaps they will not report before the last of July. In the meantime the contracts expire. The committee thought that it was but proper, right, and fair that these contracts be extended for 12 months, in order to prevent the immediate discontinuance of the service without giving an opportunity to the contractors or to anybody else to negotiate for a renewal of the service. That is the reason this provision was put into the bill.

The Senator from Florida, I think, is about correct when he states that we intended that this should be an instruction to

the Postmaster General to extend these contracts for one year. It was in order to give Congress at its next session an opportunity to deal fairly and intelligently with this important branch of the service. When the committee of experts shall have reported in August or September or October or at some other time and recommend that a part of this service perhaps ought to be discontinued or that there ought to be perhaps an extension, then Congress will have that report, and we shall be able to deal intelligently with it during the next session. In the meantime the service will not be interrupted. That is the purpose of the amendment.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. BANKHEAD. I do.

Mr. BRYAN. I desire to ask the Senator whether or not the Postmaster General is opposed to continuing the contracts?

Mr. BANKHEAD. Well, Mr. President, I can only say that the Postmaster General said to the pneumatic-tube people, "I will extend your contracts for six months without any legislation at all." He did issue an order that these contracts be extended for six months; but, as I have stated, in the meantime, at the expiration of six months, Congress will not be in session, or, if in session, will not have time to legislate on the question. That is the reason why we thought this legislation was wise and proper. Certainly it can work no very great hardship to extend these contracts for a year. We got that view from the fact that the other House itself sent over to us in their bill an appropriation sufficient to pay these contracts for an entire year, without any explanation or protest from anybody with reference to the appropriation.

Mr. BRYAN. Mr. President, let me ask the Senator from Alabama what cities are affected by this legislation?

Mr. BANKHEAD. The cities of New York, Boston, Philadelphia, and Chicago.

Mr. BRYAN. Now, one other question. I notice that the total appropriation is not changed at all.

Mr. BANKHEAD. No.

Mr. BRYAN. Then this legislation has nothing whatever to do with the appropriation?

Mr. BANKHEAD. I do not know what the Senator would call it. It is just simply an instruction to the Postmaster General to extend these contracts for a year at the same price which he is now paying.

Mr. HARDWICK. If the Senator from Alabama will pardon me, we make the appropriation with that limitation. We are not willing to appropriate the money unless the service is to be continued.

Mr. BRYAN. The appropriation is made irrespective of the language that follows in the proviso; the appropriation is complete without that.

I believe, really, that the proviso is subject to a point of order, but I do not know that I care to raise the point, in view of the explanation which has been made by the Senator from Alabama [Mr. BANKHEAD]. I had supposed from what little information I had with reference to the matter that the Postmaster General did not desire to continue the contracts for pneumatic-tube service in the cities of Philadelphia and Boston, and that this was an effort upon the part of the committee to compel him to enter into such contracts. Of course, if he has already extended the contracts for six months, and is waiting on the report from the committee of experts, and if he could not extend the contracts beyond that time, after the expiration of the six months, that puts the matter in a different light. I had supposed, however, that this was simply an attempt to compel the entering into contracts which the department thought ought not to be entered into, the department believing that there was no excuse or reason for entering into the contracts and that the work could be better performed without the contracts. That is my information about it.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. OLIVER. Mr. President, I understand that the Postmaster General is rather antagonistic to the pneumatic-tube service, and I think, if that is the case, it is because he is not conversant with conditions as they exist in our great cities, especially the congestion in the business portions. In New York particularly, as well as in Philadelphia, and especially in the city in which I live, it is almost impossible since the construction of many high buildings and the consequent going and coming of thousands where formerly there were only hundreds of people to get along the streets, and any system of transporting mail which will take traffic off the streets and put it under the streets ought not to be abandoned without the fullest kind of investigation. For that reason I believe that a careful investigation of this subject will not only lead to the continuance of the contracts now existing but to the establishment of this service or some similar service in other cities.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 19, line 14, after "$2,000,000," to strike out "*Provided*, That the full fee of 8 cents shall be paid to the special-delivery messenger employed by the Government," so as to make the clause read:

For fees to special-delivery messengers, $2,000,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 19, to strike out:

That on and after July 1, 1916, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to $1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall, in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly.

The amendment was agreed to.

The next amendment was, on page 20, line 9, after the words "Post Office Department," to insert "or to a post office designated by the Postmaster General," so as to make the clause read:

That section 3938 of the Revised Statutes is hereby amended to read as follows:

"All letters of domestic origin which can not be delivered by postmasters shall be sent to the Post Office Department or to a post office designated by the Postmaster General and such as contain inclosures of value, other than correspondence, shall be recorded. If the sender or addressee can not be identified, such letters shall be held for a period of one year awaiting reclamation. If within one year they have not been claimed, they shall be disposed of as the Postmaster General may direct. All other undeliverable letters shall be disposed of without record and not held for reclamation."

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster General," on page 21, line 2, after the words "power-boat routes," to insert "or by aeroplanes," so as to make the clause read:

For inland transportation by steamboat or other power-boat routes or by aeroplanes, $1,060,000.

The amendment was agreed to.

The next amendment was, on page 21, line 4, after "$59,185,000," to insert:

Provided, That every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Postal Service, while traveling on official business, upon the exhibition of their credentials.

The amendment was agreed to.

The next amendment was, on page 22, line 13, after the words "in all," to strike out "$29,725,050," and insert "$28,825,050," and in line 18, after the word "capacity," to insert "*Provided further*, That the assignments of railway postal clerks of equal grade and record on any route shall be made upon a basis of line seniority, and that they shall be credited with full time when deadheading under orders of the department," so as to make the clause read:

Railway Mail Service: For 15 division superintendents, at $3,250 each; 2 assistant superintendents, at $2,350 each; 15 assistant division superintendents, at $2,250 each; 118 chief clerks, at not exceeding $2,100 each; 459 clerks, grade 10, at not exceeding $1,800 each; 1,886 clerks, grade 9, at not exceeding $1,700 each; 549 clerks, grade 8, at not exceeding $1,600 each; 7,876 clerks, grade 7, at not exceeding $1,500 each; 1,003 clerks, grade 6, at not exceeding $1,400 each; 1,892 clerks, grade 5, at not exceeding $1,300 each; 4,493 clerks, grade 4, at not exceeding $1,200 each; 926 clerks, grade 3, at not exceeding $1,100 each; 193 clerks, grade 2, at not exceeding $1,000 each; 3,496 clerks, grade 1, at not exceeding $900 each; in all, $28,825,050: *Provided*, That clerks assigned as clerks in charge of crews consisting of more than 1 clerk shall be clerks of grades 5 to 10, inclusive, and may be promoted one grade only after three years' satisfactory and faithful service in such capacity: *Provided further*, That the assignments of railway postal clerks of equal grade and record on any route shall be made upon a basis of line seniority and that they shall be credited with full time when deadheading under orders of the department.

Mr. GALLINGER. I should like to make an inquiry of the Senator from Alabama as to the exact meaning of that proviso. There is a great deal of fault found on the part of railway postal clerks so far as their assignments are concerned. Is this provision intended to establish a principle upon which the assignments shall be made?

Mr. BANKHEAD. Mr. President, I will say with reference to this amendment that this provision was inserted in the bill after several hearings accorded the postal clerks who are interested. We thought that they were about right and fair in what

they contended should be done, and we inserted practically in this bill the language which they desired. There was no objection to it on the part of the Post Office Department.

Mr. GALLINGER. The language is "upon a basis of line seniority."

Mr. BANKHEAD. Yes.

Mr. GALLINGER. That means that seniority, if the record of the clerk is good, will be recognized?

Mr. BANKHEAD. Yes.

Mr. GALLINGER. I think it a very desirable provision, and I am glad it has been inserted in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 23, line 13, after the word "vacation," to strike out "$193,900" and insert "$893,900: *Provided*, That the act of March 3, 1901 (31 Stat., 1105), be amended to read as follows: 'The Postmaster General may allow railway postal clerks an annual vacation of 15 days, with pay': *And provided further*, That the act of March 4, 1913 (37 Stat., 798), be amended to read as follows: 'That hereafter the Postmaster General may, in his discretion, under such regulations as he may provide, allow any railway postal clerk leave of absence with pay for a period not exceeding 30 days, with the understanding that his duties will be performed without expense to the Government during the period for which leave is granted, he to provide a substitute at his own expense,'" so as to make the clause read:

For substitutes for clerks on vacation, $893,900: *Provided*, That the act of March 3, 1901 (31 Stats., p. 1105), be amended to read as follows: "The Postmaster General may allow railway postal clerks an annual vacation of 15 days, with pay": *And provided further*, That the act of March 4, 1913 (37 Stats., p. 798), be amended to read as follows: "That hereafter the Postmaster General may, in his discretion, under such regulations as he may provide, allow any railway postal clerk leave of absence with pay for a period not exceeding 30 days, with the understanding that his duties will be performed without expense to the Government during the period for which leave is granted, he to provide a substitute at his own expense."

The amendment was agreed to.

The next amendment was, on page 26, line 1, after the words "foreign mails," to strike out "$3,430,000," and insert "$3,800,000," so as to make the clause read:

For transportation of foreign mails, $3,800,000: *Provided*, That the Postmaster General shall be authorized to expend such sums as may be necessary, not exceeding $103,000, to cover the cost to the United States of maintaining sea post service on steamships conveying the mails, and not exceeding $79,100 for transferring the foreign mail from incoming steamships in New York Bay to the steamship and railway piers, for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers, and for transporting the foreign mail from incoming steamships at Honolulu from quarantine to the piers; also for transferring the mail from steamships performing service under contract for transporting United States mail.

The amendment was agreed to.

The next amendment was, under the subhead "Postal Savings System," on page 30, line 18, after the words "labor-saving devices," to strike out "$75,000" and insert "$50,000," so as to make the clause read:

For the purchase, repair, exchange, and maintenance of mechanical mail-handling apparatus and other labor-saving devices, $50,000.

The amendment was agreed to.

The next amendment was, on page 32, line 4, after the words "*And provided further*," to strike out:

That no part of the money herein appropriated for rural delivery service shall be used to cover any expense upon any motor-vehicle route until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route.

And insert:

That rural mail delivery shall be extended so as to serve, as nearly as practicable, the entire rural population of the United States.

Hereafter all rural mail-delivery routes shall be divided into two classes, to be known as—

Standard horse-drawn vehicle routes, which shall be 24 miles in length, and

Standard motor-vehicle routes, which shall be 50 miles in length, and shall only be established upon certificate of the duly qualified county road officials that the character of the roads proposed to be used, as well as climatic conditions, will warrant regular and practically uninterrupted service throughout the year.

Nothing herein contained shall be construed to prohibit the establishment of horse-drawn vehicle routes of less length than the standard of 24 miles: *Provided*, That if in extraordinary cases, in order to render more complete service, it should be necessary to do so, the Postmaster General is hereby authorized to increase the length of routes not to exceed 20 per cent above the standards herein prescribed: *Provided further*, That carriers in rural mail-delivery service shall furnish and maintain at their own expense all necessary vehicle equipment for prompt handling of the mail: *And provided further*, That nothing herein shall be construed, and no order shall be issued, to prevent the use of motor vehicles on horse-drawn vehicle routes: *And provided further*, That the Postmaster General may, in his discretion, allow and pay additional compensation to rural letter carriers who are required to carry pouch mail to intermediate post offices or for intersecting loop routes in all cases where it appears that the carriage of such pouches increases the expense of the equipment required by the carrier or materially increases the amount of labor performed by him, such compensation not to exceed the sum of $12 per annum for each mile such carrier is required to carry such pouch or pouches.

The Postmaster General is hereby authorized and directed to reorganize and readjust existing rural mail-delivery service where necessary to conform to the standards herein prescribed: *Provided*, That in making appointments of rural carriers for service on new routes which may be created by the reorganization herein ordered preference shall be given to carriers who were formerly employed in rural delivery service and who were separated therefrom on or after June 30, 1915, by reason of any previous reorganization of the service and without charges against them: *And provided further*, That the Postmaster General is authorized and directed to pay, out of the appropriations already made and still available and unexpended for rural free-delivery service for the fiscal year ending June 30, 1915, to all letter carriers in the Rural Free Delivery Service during the fiscal year ending June 30, 1915, their executors or administrators, the difference between what they received for their said services and the amount that would have been paid to them in accordance with the proviso contained in joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, approved March 4, 1915.

Mr. KERN. Mr. President, I suggest to the Senator from Alabama that, as a number of Senators who are vitally interested in the provisions respecting the Rural Delivery Service are absent, and as this provision affects all parts of the country, consideration of this section of the bill be deferred until to-morrow, when a larger number of Senators will be present.

Mr. BANKHEAD. Very well.

Mr. KERN. A number of Senators are absent attending the funeral of Senator BURLEIGH, while others have been detained. I know that several of them desire to be heard on this question.

Mr. HARDWICK. Mr. President, if the Senator from Alabama will allow me, I understand an amendment will be proposed by the Senator from Montana [Mr. MYERS], which will meet any objection which the Senator from Indiana or any other Member of the Senate may have to this provision, and I do not think, when the Senator hears the amendment, he will feel that the provision should go over. If he does, I am willing to let it go over. As I have suggested, the Senator from Montana has an amendment which I think will cure any objection which any Senator or anybody else has ever made.

Mr. MYERS. Mr. President, I offer an amendment to the amendment reported by the committee.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 33, in line 3, it is proposed to strike out "twenty" and insert "fifty," and after the word "prescribed" to insert:

And in such cases the compensation of the carrier on such route shall be increased above the maximum pay heretofore fixed by law for rural carriers at the rate of $24 per annum for each mile of said routes in excess of 30 miles for horse-drawn vehicle routes, and any major fraction of a mile shall be counted as a mile.

Mr. MYERS. Mr. President, I will ask the chairman of the committee if that amendment is acceptable to him?

Mr. BANKHEAD. Mr. President, the committee, after reporting this bill, had their attention called to this provision, and, after very mature consideration of it, thought that the amendment suggested by the Senator from Montana was about what the law ought to be, and that it would certainly relieve the provision of any criticism that it interfered with any established route or any route that might be hereafter established. It will apply generally, and the Fourth Assistant Postmaster General, when a route is established, will establish it in conformity with the law. I think the amendment to the amendment ought to be adopted.

Mr. MYERS. Mr. President, I will simply say that the amendment to the amendment will overcome a very serious objection to the committee amendment which would arise in the mountain States and the partially settled States of the far West. With this amendment, however, to the committee amendment adopted, there will be no injustice resulting to those communities.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. BRYAN. Mr. President, it will be observed that in the bill as it came from the House provision is made—

That no part of the money herein appropriated for rural delivery service shall be used to cover any expense upon any motor-vehicle route until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route.

In other words, that no route could be changed from a standard wagon route to a motor route unless a majority of the people living along the route asked the Post Office Department to do it, and that no matter what the demands of the service might be the Postmaster General would be prohibited from using that

business prudence which ought to be expected of a man in a great department, and would be obliged to leave the conduct of the Government's business to a petition of people living along a rural route.

That was the House provision. The Senate committee proposes to strike that out and to substitute this sort of a plan: That there shall be horse-drawn vehicle routes and motor routes, but that no motor route shall be established except upon the certificate of the county road official, road supervisor, or county commissioner, or somebody in the county, that the character of the roads proposed to be used would justify the change, and also that the climatic conditions would justify it. You turn, then, from the petition of people living along the route to a road supervisor to dictate to this great Government where you can have a motor-vehicle route!

In this day, when good roads exist in some parts of this country, it is no hardship to require that a carrier shall cover 50 miles in a day. Mr. President, if we are going to ask the head of this department to extend the service as it ought to be extended, we ought to allow him latitude to do it in a businesslike way, as anybody else would do it.

Roads now are being covered by automobiles. Indeed, this provision provides that a standard wagon route may be covered by an automobile. It does not require a man to work very long in a day to cover 24 miles on a rural route. You are going to take away from Congress and to take away from the department the running of the department's business and turn it over to be run by petitions of men living along the routes, naturally willing to assist the rural carriers in any way they can, to sign petitions for them as they have signed petitions for the increase of their salaries from the amount paid one year to four and a half million dollars increase the next, basing it first upon one theory and then upon another, claiming that the parcel-post packages made it necessary for additional work to be done, leaving the discretion there, however, that it should not be exceeding so much money. When the Postmaster General exercised his right under that law and said that where no increase of work had been caused by reason of the establishment of this service additional pay would not be granted, and when the Post Office bill failed and a joint resolution had to be put in to take its place a year ago, the House of Representatives was not satisfied without having a provision put in there to establish standard routes and compel the Postmaster General to pay the full price; but there was then put in the bill, for the first time, a provision which these men then recognized as equitable and just, that he might combine routes where it could be done and make a motor route out of them.

That brought about this trouble. They are turning around now by general legislation to repeal the general legislation they put upon that joint resolution, because it has not been satisfactory to them; and why? Under it the Postmaster General has combined wagon routes into motor routes, and he has done his duty. He has served more people by it. Millions of people living in the country have been given the benefits of the delivery of the mails by reason of that service. I suppose every Senator has had protests against the establishment of motor routes. I have. In one county in my State, where the roads are as smooth as they are in this city, they protested against the combining of two 24-mile routes into one and dispensing with the services of one man and allowing the other one to have an automobile to carry the mails.

Mr. President, I am going to raise a point of order on this committee amendment. Before I do that, however, I want to call attention to one other thing that is involved here.

On page 34 a requirement is made that the Postmaster General shall go back and pay to the rural carriers the full amount of $1,200 which he might have paid to each carrier. I suppose there can be no doubt but that that part of this amendment is open to a point of order. I raised the point of order on it a year ago, and it was sustained.

Coming back to the text of the bill, Mr. President, what is it that the House provision does? It simply provides that the money appropriated shall not be used to cover any expense upon a motor-vehicle route unless a majority of the patrons of the route ask that it shall be done. What is done by the Senate amendment that strikes that out? It does several things. It changes the law. The House provision is simply a limitation upon the appropriation; but beginning with the language of the Senate committee, it is general legislation, establishing two systems—one a wagon route and the other a motor-vehicle route.

That is the first thing they do. Then they provide for the pay. If a route is extended beyond the standard route of 24 miles, under the amendment of the Senator from Montana [Mr. MYERS] they must be paid, if the mileage is in excess of 30 miles, $24 per annum per mile. Then some more general legislation that has nothing to do with the provision of the House bill is that the carriers may deliver the mail in automobiles on wagon routes, and that additional compensation may be paid by the Postmaster General. Then, again, it is provided that the Postmaster General is directed to reorganize and readjust the rural-mail deliveries in this country.

That is general legislation, Mr. President. The mere fact that the House bill had a provision limiting an appropriation does not justify or authorize, as against a point of order, general legislation such as is reported here by this committee.

I need not call the attention of the Chair to Rule XVI. In order that it may go in the RECORD, however, I call the attention of the Chair to the third paragraph:

> Nor shall any amendment to any item or clause of such bill—
>
> The House bill—
>
> be received which does not directly relate thereto.

This Senate amendment does not relate to the things to which the House bill relates.

As to the provision on page 34 to direct the Postmaster General to pay for rural free delivery, I rely upon the fourth paragraph of Rule XVI:

> No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

It can not be said, Mr. President, that this is to carry out the provisions of an existing law. The Postmaster General acted within the terms of the statute when he made the payments to these people, and so that is nothing in the world but a private claim against the Government. If it be not comprehended within that objection, it is surely general legislation upon an appropriation bill.

I say therefore that the whole of the Senate amendment is general legislation. I apprehend nobody would dispute that. I suppose the contention of the advocates of this amendment will be that they have stricken out language of a House bill and substituted other language to take its place. But, Mr. President, they are not substituting language which relates to the same thing. The House language relates to maintaining a motor-vehicle route, or the establishment of one. The Senate amendment relates to the setting up of a system of motor-vehicle routes through legislation, and the two things are entirely different.

The VICE PRESIDENT. Let the Chair interrupt the Senator from Florida at this point. Is there any law now on the statute books that has to do with motor-drawn vehicles?

Mr. BRYAN. Yes, sir; in the joint resolution of 1915.

The VICE PRESIDENT. A general law that applies to motor routes?

Mr. BRYAN. It was in the joint resolution. The joint resolution of 1915 made provision for the pay, establishing standard routes, and the pay of so much, without allowing the language to remain at "not exceeding," as it had been theretofore, and then, in the concluding sentence—I wish I had it here—it provides in substance—

> that the Postmaster General may establish motor routes, not exceeding 50 miles in length.

Mr. HARDWICK. Mr. President, the Committee on Post Offices and Post Roads is quite certain that the point of order made by the Senator from Florida is unsound. It gave the most careful and the most deliberate and the most exhaustive consideration to this very question. Rule XVI is not applicable, as the committee believes, under the uniform, unbroken practice of the Senate, in cases where the House of Representatives by its action submits to the Senate a provision of law or a matter of appropriation which would, under the Senate rules, if it did not come from the House in that form, be subject to that rule. In other words, if the House of Representatives puts a provision in one of these bills on some subject, legislating or making an appropriation not estimated for by a department, then the vigor of the Senate rule can not apply to that matter embraced within the House provision.

The VICE PRESIDENT. What has the Senator from Georgia to say about the contention of the Senator from Florida that the provision of the House bill is nothing more nor less than a limitation upon the appropriation; that it is not legislation with reference to motor-drawn vehicles, but simply a limitation on the appropriation? What has the Senator from Georgia to say to that?

Mr. HARDWICK. I was coming to that a little later. I am laying down now, as the first premise, that if the House has legislated in connection with its bill, then the Senate undoubtedly must be at liberty to enact with respect to that matter such legislation as seems best to the Senate. Otherwise the Senate would be at a disadvantage. Otherwise the House would

have greater power in shaping legislation than the Senate could possibly have.

While this provision of the House, the matter which we struck out and for which we substituted the provision against which the Senator from Florida makes the point of order, is in the shape of a limitation, it has in it no more of the language of limitation than has the provision of the Senate committee. Besides that, Mr. President, it seems to me that we have provided merely a substitute for a legislative proposition submitted by the House, because if we can deal with this question at all we can not be compelled to deal with it within the exact and precise limits laid down by the House or its committee, but we must deal with it subject only to the discretion of the Senate as to how far we shall or shall not go in dealing with the subject matter embraced in the House provision. In other words, Rule XVI has no application to the text of a House bill or to amendments to such text.

To illustrate what I mean, take the Senate and the House amendments, and undoubtedly we can take any cognate proposition that is a fair substitute for it and put it in. Now, how far the limits are up or down on that question is not a matter for the point of order to control, nor is it a matter for any presiding officer to determine. It is a matter for the discretion of the Senate to control on a legislative proposition.

Now let us see. The provision of the House was:

And provided further, That no part of the money herein appropriated for rural-delivery service shall be used to cover any expense upon any motor-vehicle route until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route.

The VICE PRESIDENT. How does that change the law?

Mr. HARDWICK. Under existing law—the law to which the Senator from Florida referred—the Postmaster General had authority to establish any motor route that he saw fit to establish that was not over 50 miles in length, without any such condition upon him as now made by the House of Representatives. Now, if the House of Representatives has the right to lay down a rule of that sort, certainly the Senate can not be held up just to say, "We will or we will not accept the proposal of the House." We have a right to substitute a proposal of our own for it. We have a right to say, "We will not let the Postmaster General establish these routes except upon some other condition that seems good to the Senate"; and that is what we have undertaken to do in this provision.

It can not be said that the power of the Senate is confined to agreeing or disagreeing, just as it is written, with the House provision. The Senate must have the power to substitute its own will and its own judgment for the provision of the House; and just so, developing that idea, Mr. President, it seems to me that any cognate proposition, any proposition involved in this matter, any proposition akin to it, any proposition which in the judgment of the Senate ought to be legislated upon in view of the House provision, which we can not get rid of by our rules, is subject to be legislated on by the Senate without respect to Rule XVI.

I am informed by Senators oldest in commission on both sides of this Chamber that such is the unbroken practice of the Senate, that where the House of Representatives—and, of course, the rules are different in the House of Representatives—undertakes to legislate on a matter it brings that matter before the Senate freed from the limitations and requirements of Rule XVI.

I had intended to answer at a later period, but I suppose I might as well do it now, the specific objection of the Senator to the provision on page 34:

And provided further, That the Postmaster General is authorized and directed to pay, out of the appropriations already made—

I will ask the Vice President to notice the language—

and still available and unexpended for Rural Free Delivery Service—

This is no private claim. It is an appropriation made for a public service, still unexpended, in the Public Treasury, to the credit of the Post Office Department, and to the credit of this branch of the Postal Service.

Mr. VARDAMAN. And, Mr. President, if the Senator will permit me to make the suggestion, to carry out the original purpose and will of the Congress.

Mr. HARDWICK. And, as my friend from Mississippi suggests, to carry out the original purpose, will, and intent of Congress in a law passed two years ago. There is no question of a private claim in it. There is no question of new law. Under the very express terms of the provision that we have drawn, we are simply trying to carry out the act of Congress passed two or three years ago and reappropriating money and requiring it to be spent. That money is not to be taken out of the general funds in the Treasury, but it is already in the Treasury to the credit of the Post Office Department and to the credit of this particular fund.

Mr. President, I do not know how the Senate will preserve its legislative equality, I do not know how the Senate can preserve its legislative independence if it is to be said that the House of Representatives can suggest one way, and only one way, of dealing with this question, which is violative of Rule XVI, I admit, which on its face and in terms violates one of the rules of the Senate, and that we, utterly unable to get rid of the House provision by any appeal to our rules, because the text of the House bill is not subject to our rules, have not full liberty to amend the proposition in any way and to any extent that the Senate thinks is right and proper and that a majority of the Senate favors. That is the theory on which the Committee on Post Offices and Post Roads unanimously voted for this proposition and unanimously submitted it. The Senate has full liberty of action in respect to such a matter.

Mr. GALLINGER. Mr. President——

Mr. HARDWICK. I yield to my friend from New Hampshire.

Mr. GALLINGER. If the Senator will permit me, is the Senator clear that the provision submitted by the Senate committee does not increase the appropriation contained in the bill?

Mr. HARDWICK. It does not.

Mr. GALLINGER. Would not the amendment that was agreed to, submitted by the Senator from Montana [Mr. MYERS], increase it?

Mr. HARDWICK. No, sir; because we make no additional appropriation for the service on account of it. If the Senator will pardon me, the amendment proposed by the Senator from Montana—I shall be glad to put it in; I ought to have put it in when we were considering that matter—involves an expenditure of only $81,000, by actual figures. The general appropriation for this service is ample to cover it. There is always margin enough in an appropriation as large as this to cover that, and we did not ask for a single dollar of extra appropriation when we agreed to it.

Mr. GALLINGER. That appropriation of $81,000 comes out of the lump sum?

Mr. HARDWICK. Yes, sir; out of the lump sum—out of the $59,000.000.

Mr. President, that is our case. On the merits of the Senator's motion there is much that can be said; and as soon as we get by this point of order, if the Chair holds with us, as I hope he will, I shall be glad to answer the Senator on the merits of the proposition. He has not made—and I am very fond of the Senator, too, as he knows—but, in my judgment, he has not made a single statement on that question that can not be easily and thoroughly refuted. I think I can demonstrate from my own personal knowledge of the administration of this service in the State of Georgia alone that none of the things that the Senator contends for is what has happened, and that the very reverse has happened, and that this provision that we propose to control the discretion of the Post Office Department is wise, good business, and good common sense; that it is better than the provision of the House of Representatives, which merely provided for a vote of the patrons to be served; that it proposes to leave the question of the suitability of the roads and of climatic conditions to those authorities intrusted in each locality with the duty of constructing and maintaining those roads; and that there is no wiser way in which the question of fact which lies at the bottom of these cases can be determined than in the way suggested by your committee.

We believe, Mr. President, that the entire provision is in order, because the House of Representatives undertook to deal with this question, and when they undertook to deal with it the Senate must deal with it in perfect freedom to deal with it as the Senate thinks best.

The VICE PRESIDENT. The difficulty with the ruling on the part of the Chair is a difficulty of fact and not one of law, and it arises in the disputed statement of fact between the Senator from Florida and the Senator from Georgia.

The Chair has no doubt that Rule XVI, with reference to general legislation upon an appropriation bill, does not apply where the House puts general legislation in the bill. The Chair believes that when the House enters into that field the Senate has a right to pursue the field. But here is a disputed question of fact between the two Senators about which the Chair knows nothing and has no way of ascertaining, as far as the Chair can see.

The Senator from Florida is insisting that the House provision is nothing in the world save a limitation upon the expenditure of money provided by the bill for rural free service, in that it provides that the money shall not be expended upon a motor-vehicle route

"until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route." The Senator from Florida is evidently construing that language with reference to motor-vehicle routes now in existence, and therefore the limitation, if it applies to a state of facts such as that, is simply a limitation upon the appropriation. On the other hand, the Senator from Georgia is manifestly construing it to apply not only to all motor-vehicle routes now in existence but also to all that may hereafter be established by the Post Office Department.

If this provision does apply to all motor-vehicle routes to be hereafter established by the Post Office Department, then, in the opinion of the Chair, the Senator from Georgia is right, and the Senate has the right to legislate upon the question. On the other hand, if it applies only to those motor-vehicle routes that are now in existence, then clearly it is only a limitation upon the appropriation, and the point of order to the amendment should be sustained.

The Chair, not being able to settle that question of fact, will submit the point of order to the Senate. The Chair does not know what is meant by the language of the House. The Senators do not agree as to what it means.

Mr. BANKHEAD. What is the form of motion submitted to the Senate? Is it the question, Shall the point of order be sustained?

The VICE PRESIDENT. Yes; shall the point of order be sustained? There is a clear conflict as to what this House provision means. It may mean either of two things: It may apply only to the present motor-vehicle routes or it may apply to those that are to be established hereafter. If it applies to those to be established hereafter, the amendment is in order. If it applies only to the routes now in existence, it is not in order.

Mr. TOWNSEND. Mr. President, do I understand the Senator from Florida to say that the proviso simply applies to routes already in existence? That clearly was not the intention of the House. It means that hereafter no 50-mile route shall be established until the question is submitted to the patrons on the route. It is not alone the question as to routes already established. Nobody proposed to changed those. With the House it was principally a question as to routes hereafter to be established; and it provided that no route should be established until a majority of the patrons had signified their willingness to have it.

It seems to me that the point of order should be denied on other grounds. If that, however, is the sole contention of the Senator from Florida, the language of the House provision itself must convince anyone that it must apply to routes to be established hereafter.

The VICE PRESIDENT. That is not the language. The language is that it shall not be "used to cover any expense upon any motor-vehicle route," and that is just a question as to whether it applies to those now in existence or is intended to cover future routes.

Mr. BRYAN. Mr. President, inasmuch as the matter has to be submitted to the Senate and there is a larger attendance I believe I will restate my proposition.

There was no provision for motor-vehicle routes at all until the appropriation in the joint resolution of March 4, 1915. That joint resolution simply continued the appropriation of previous years, but a section was added to require the Postmaster General to pay $1,200 to the rural carrier for service on standard routes. Theretofore he had the discretion of paying not exceeding the annual salary stated. The joint resolution contains this proviso:

Provided, That in the discretion of the Postmaster General the pay of carriers who furnish and maintain their own motor vehicles and who serve routes not less than 50 miles in length may be fixed at not exceeding $1,800 per annum.

That is the only law there is about it.

Mr. HARDWICK. If the Senator will yield for a question right here, that authorizes him to establish any sort of a new route.

Mr. BRYAN. Not exceeding 50 miles.

Mr. HARDWICK. Not exceeding 50 miles in length and to pay anything he chose not exceeding $1,800 a year. That is the exact status.

Mr. BRYAN. Now, the House puts in a provision that he can not establish a motor-vehicle route unless the majority of the citizens living on the route petition him to do it. That is their proposition. The Senate committee strikes that out and begins to make general legislation as to two different kinds of routes, one a wagon route and the other a motor route.

The VICE PRESIDENT. Does the Senator from Florida now admit that the provision applies to the establishment of motor-vehicle routes in the future?

Mr. BRYAN. Mr. President, I think it applies to any that are now established or that might be established, but I am afraid the Chair has not caught the point I tried to make, and that is that this language in the House bill is a part of the House bill, and paragraph 3 of Rule XVI says:

Nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

I say it is not germane, but whether you are going to allow us to have an election by patrons upon the rural route as to whether one motor route shall be established or not, it is not germane to the question whether you are going to pay back some three or four million dollars to rural carriers, it is not germane to the question whether you are going to establish wagon routes and motor routes in this country. It is not germane to the question whether when one is over 30 miles long you are going to pay $24 per annum per mile. It is not germane to the question whether you are going to pay when they loop routes, as they call them, an addition of $12 per mile per annum. That is general legislation. It has nothing whatever to do with the limitation upon this appropriation that the House sought to place upon it.

The House wanted to stop the Postmaster General from using any of this money for combined routes. I think it is perfectly fair to say that they also wanted to stop him from combining any more rural routes.

But I call the particular attention of the Chair to the provision of paragraph 3. The Senator from Georgia says the Senate will be helpless and that the House would have more power than we.

Have we not the power now to strike out the House provision and stop? The House and the Senate are both limited by their rules. The rules of the Senate provide that no general legislation shall be placed upon an appropriation bill. If the House places general legislation upon an appropriation bill we have as much power to strike it out as it had to put it on. That is a complete answer to that contention.

Mr. HARDWICK. If the Senator will pardon me, do I understand him to say that the Senate can not put in a substitute proposition?

Mr. BRYAN. Unless the Senate wanted to do away with its rules any Senator can rise here and stop that. Now, let us look at this for just a minute, Mr. President. This is an important question. An attempt is being made to cripple a great department, the department that comes into daily contact with all the people of the country. If it is successful the Postmaster General can not establish a motor route where conditions justify it unless a road supervisor or a county commissioner or a board of county commissioners approve the action of the Post Office Department.

Mr. VARDAMAN. Will the Senator from Florida allow me to make a suggestion?

Mr. BRYAN. I will be pleased to yield.

Mr. VARDAMAN. The learned and patriotic Senator states that it is the purpose of the committee, or rather the effect of this amendment will be, to cripple the Post Office Department or handicap it in its efforts or desire to serve the people. The able Senator's conclusion is unwarranted by the facts. It strikes me that the road commissioners are more nearly related to and very much more interested in the mail service—the accommodation of their friends and neighbors—than the officers in the Post Office Department at Washington could possibly be.

Now, as to the influences that may operate upon the road commissioners, who are required by the terms of this bill to make certificate as to the character of the roads, I think the able Senator from Florida might reasonably indulge the presumption that such commissioners are quite as patriotic and as much interested or devoted to the public interests and the extension of the Rural Mail Service as the gentlemen who occupy places in the Post Office Department. My observation since I came to Washington convinces me that there is no divinity "that hedges about" the average public servant in this city which renders him altogether exempt from error. While comparisons may be both "odorous" and "odious," I am going to venture the suggestion that I would rather trust the road commissioner to take care of the interest of his neighbor in the matter under discussion than the post-office inspector or the Fourth Assistant Postmaster General.

Mr. BRYAN. I am much obliged to the Senator for his suggestion.

Mr. BANKHEAD. Mr. President, at this point I should like to ask the Senator from Florida a question. He is complaining that the provisions of the bill require the road authorities to certify the condition of the road, whether or not the condition is such that rural service by automobiles may be continuously

operated. I ask the Senator from Florida if he does not think that the road authorities of any county in his State or in any other State are more competent to judge of that question than the Fourth Assistant Postmaster General, who sits at his table in Washington and takes a map of Florida or Georgia and say, "Here are two routes 24 miles long; we will consolidate them into one and put on an automobile and save the pay of one carrier?" That is all right; it is proper economy; but the fact remains, and we all know it, as to large sections of the country, that on these roads automobiles can not go at all for a large part of the year, and there is no certainty whatever that they can go at any time of the year when there are rains and mud, as is the case very often.

That is the whole question. I think that the road supervisors and the road authorities who are authorized in the different States to pass upon this question are better competent to judge whether or not automobiles can be run to carry the mails to the people regularly, as they are expected to do. I ask the Senator which is the most competent to do that?

Mr. BRYAN. Mr. President, I am much obliged to my friends from Mississippi and Alabama both for helping me out on this amendment. I say, Mr. President, that we ought not to place it in the power of a road supervisor to say when the Post Office Department shall establish a motor-vehicle route. All the rural carriers prefer two routes, with the natural inclination they have to hold their jobs, and it is about as easy a proposition as you can get to have men sign petitions for them to hold it and to increase their pay. I know where two were combined and the population rose up to protest against it, when there was no difficulty to serve the two routes by making one motor route.

That was in the mind of the House when they provided that that could not be done unless a majority of the people along the route asked that it be done. That system has been done away with. I say that a majority of the people being served ought not to control the Post Office Department in carrying out a business proposition.

Likewise I say, Mr. President, that it ought not to be left in the hands of a road supervisor or a county commissioner to determine as to whether or not the great Government of the United States should establish a motor rural route.

That step shows, sir, that this amendment is not germane, that it is not relevant, to the provision of the House bill. The House in that provision was trying to stop an appropriation by not allowing the use of money, and that would stop it. You can not use any of this appropriation on motor routes if you establish any more of them unless a majority of the patrons say you can. That is all they were trying to do.

Now, what is the Senate committee trying to do? Here we are going to set up a wagon-route system and a motor-route system. You can have your wagon route, but you can not have your motor route unless the road officials certify that the character of the road is all right and that climatic conditions are all right.

Mr. GORE. The Weather Bureau?

Mr. BRYAN. No; the Weather Bureau would not have anything to do with it.

Mr. HARDWICK. Mr. President——

Mr. BRYAN. I am not going to yield now. I have yielded for two speeches and I am going to continue. No; they would not depend on the Weather Bureau. It would be too unreliable. You are going to turn the whole thing over to the road supervisor to state what, in his judgment, ought to be done with the carriage of the mails of this country. That is what you are going to do; and then, if you go over 30 miles, they are putting in general legislation here that is bound to cost money.

The Senator from Georgia says that this appropriation need not be raised. It is well for the Senate to understand that there is involved in the last part of the Senate committee amendment an appropriation of about a million and a half dollars. Oh, it is said that is already provided for. If so, you do not need any legislation. The very reason why it is put in this bill is because the Postmaster General was within his rights under the law when he refused to make the payment. It was attempted last year and failed. Now, the proposition is submitted to the Senate on the point of order. I contend that it is not germane, that it is not relevant to the language in the House bill.

Mr. VARDAMAN. Mr. President——

Mr. BRYAN. Let me raise a parliamentary inquiry before I take my seat. If I am at liberty to do so I should like to divide the point of order so as not to include within the first point the proviso beginning on line 5, page 34. I think I have a right to do that.

The VICE PRESIDENT. The Chair has been listening to the Senator from Florida. The Chair was in error in submitting the question to the Senate as being general legislation. The point now made by the Senator from Florida is that the amendment is not germane or relevant, and that is a question that the Senate must settle, with which the Chair has never had anything to do. So the Chair is clearly of the opinion that the Senator from Florida can submit either all or a part of the amendment to the Senate for a determination as to whether it is or is not relevant to the bill.

Mr. BRYAN. I will ask the Chair, then, if he will submit——

The VICE PRESIDENT. The Chair will submit down to——

Mr. BRYAN. Line 5, page 34.

The VICE PRESIDENT. Down to line 5, page 34, the question as to whether the amendment is germane and relevant.

Mr. BRYAN. I am not clear about the form, but I think the question would be, Is the point of order well taken?

The VICE PRESIDENT. That is not what the rule says. All questions of relevancy must be submitted. I studied the dictionaries for a long while after I came here to find out the difference between "germane" and "relevant," but I never could find any.

Mr. BRYAN. I do not know either, so I made it on both grounds.

The VICE PRESIDENT. I think they are the same, and therefore the language is tautological. The Chair is not criticizing the distinguished ancestors who prepared the rules, but "germane" and "relevant" mean the same thing, and when that question is raised all questions of relevancy of amendments under the rule shall be submitted to the Senate and be decided without debate. That is another part of it. I think the question is, Is the point of order well taken that the portion of the amendment beginning on line 9, page 32, and extending to page 34, line 5, is not relevant to the bill? It the point of order well taken that it is not germane and is irrelevant?

Mr. BRYAN. Those who think the point of order is well taken will vote "aye."

The VICE PRESIDENT. Those who think it is not relevant will vote "aye," and those who think it is will vote "no."

Mr. BRYAN. Those who think the point of order is well taken will vote aye.

The VICE PRESIDENT. Yes; it means that it is not relevant.

Mr. BRYAN. That the point of order is sustained?

Mr. HARDWICK. Mr. President, I did not want at this juncture to discuss the merits of this proposition, but the Senator from Florida has forced that discussion now.

Mr. President, this is not an effort to cripple a great department of the Government, but, on the contrary, it is an effort to keep a department of the Government from absolutely crippling and ruining a great department of the public service. I think I can demonstrate to those of my colleagues who will give me their attention that I am not stating the matter carelessly when I put it in these words.

The House of Representatives passed a provision which we struck out, which provides that hereafter the Postmaster General shall not be permitted to establish motor routes 50 miles in length except upon the petition of a majority of the patrons who are to be served.

There must have been a reason for that. It was put in on the floor of the House of Representatives. Of course it was not recommended by the department and it was not recommended by the House Committee on the Post Office and Post Roads, but the representatives of the American people after a debate of the question representing, I believe, the sentiment of this country passed this provision, because they knew that something was necessary if this great branch of the public service was to be preserved in all its usefulness for those of our citizens residing in the rural sections.

What is happening? I am sorry the Senator from Florida is not present. In States like Georgia, in many other States of this Union, consolidations of rural routes were effected absolutely without the slightest inspection. Not an inspector of the Post Office Department in many cases was sent or could be procured even by entreaty from this most august and arbitrary officer of the Federal Government. On the contrary, it seems that there was so much wisdom residing down here that these wise gentlemen could sit around a table and take the map of your State and mine prepared by men who had never seen the roads and determine whether or not motor vehicles could be used practicably on those routes and whether existing routes could be combined to make those motor routes.

Now, I do not know how it appeals to the Senator from Florida; I do not know how much his State has suffered from it, but I will tell you now no man who ever lived has sense enough and wisdom enough to sit down at a table and with a map as his sole guide and his sole informant, except it may be the gen-

eral report of a postmaster that the roads are good, and without any inspection of the roads determine whether these motor routes are practicable or impracticable.

I remember case after case in our State where both the Senators and the Member of Congress from that district would appeal to these august gentlemen "at least do not put in these routes until you have sent an inspector down and let him ride over the roads, and see whether they will authorize and maintain this service," but in most cases the answer came back, "No; we have asked the postmasters about this question, and they say, many of them, that the roads are good in a general way," and in an equally general way many of them tried to take it back afterwards. "We are going to put them in." What is the result? They soon had to abandon many of them. They soon began to yield and to send inspectors, and in nine cases out of ten the inspectors went down with the case prejudged, knowing that the department's policy was to establish these routes, and knowing that they were expected to make a favorable report wherever it was possible.

That sort of service is not satisfactory; it is not the service the people of the United States are entitled to have. It is wrong. The result was that in our State, where they put in several hundred of these motor routes—I will not undertake to say from memory exactly how many—they had to abandon more than half of them in 12 months after they established them.

What does it prove? It proves that the Post Office Department alone, without some sort of advice from somebody, does not know the facts sufficiently well to determine whether or not these motor routes ought to be established.

Now, I am going to agree with the Senator from Florida in his proposition that the motor routes are coming and are desirable in many cases. Given proper conditions, given proper roads over which they can be used, given favorable circumstances, they will come, and they ought to come. The motor is the great vehicle of progress. It has come to stay to city folks and among our farmers. It has come into the rural sections of this country and it is going to be even more generally used as the public highways are improved and permit their operation throughout the country. These motor routes are all right, provided they are discriminately located, but they are all wrong, and the worst of wrong in the world, if they are carelessly or foolishly or indiscriminately located. They will work all right on good roads, but they do not work at all on bad ones.

Now, some of us here know how poorly the Post Office Department was administering this particular matter. The House of Representatives knew it, and by a strong majority vote on the floor they ran over their committee and the department and everybody else and put in this provision.

When the Senate committee came to consider it, it did not believe that was the wisest way to do it. The committee did not believe the plan of the House was the wisest plan to adopt. The committee realized that there was great force in some of the things the Senator from Florida has stated here to-day. For instance, the Senator said the popular rural carriers might prevent the people of the route from agreeing to a consolidation, even in a case where the roads and the climate were such as to authorize and justify and even require such a consolidation. We did not think it was right to leave it to a vote, but we did state that there ought to be some other way to determine the facts in the case, that there ought to be some other way to determine whether or not the roads were in such a condition and the climatic conditions were such that these routes could be successfully operated rather than to have it done by men sitting here in the departmental office, at their desks, with maps before them and with a few general questions that they had asked of the postmasters about the condition of the roads.

Postmaster after postmaster in my State stated that the roads were good practically all the year round, and would support automobile traffic the year round, and when they undertook to explain it—yes; they will support automobile traffic on a route 20 miles long, or it may be 30 miles long, but not on one 50 miles long with any degree of regularity. The department, in framing the questions to the postmasters of the country, did not ask, Are your roads sufficiently good to support automobile routes 50 miles in length practically throughout the year? They asked the question so generally that the postmasters replied that the roads are pretty good in their section; and then the Fourth Assistant Postmaster General took that as authority for the proposition that they are sufficiently good to establish and maintain motor routes 50 miles long, to be operated practically throughout the year. That is what happened.

Mr. SMOOT. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. SMOOT. I wish to ask the Senator if he or the committee have made any estimate as to the cost of the establishment of the rural mail delivery provided for in this amendment?

Mr. HARDWICK. Yes.

Mr. SMOOT. It reads in this way:

> That rural mail delivery shall be extended so as to serve, as nearly as practicable, the entire rural population of the United States.

It seems to me that that is a very broad statement; and, if it is put into effect in good faith as it is worded here, it will cost an untold amount of money.

Mr. HARDWICK. I am glad the Senator asked me that question. I ought to have covered that already. It is only the expression of a general policy at which we are aiming. We did not undertake to increase the amount involved in this appropriation; but what we were after was to say to the department and to say to the country that it is not our policy to skimp this particular branch of the service, to try to save money on it, so as to make up a loss somewhere else; but we wanted them to know that the goal we were striving for was a general service to all the rural people of the United States. That is a mere statement of policy; it is nothing else except that; we wanted the department to know that its own administration ought to be shaped so as to concur and accord with the policy of the legislative branch of the Government. That was all. It can have no more effect than merely to state a policy, because it is merely a general statement.

Mr. SMOOT. Well, supposing the Postmaster General taking the law—if it should become a law—literally, how would he discriminate as to where these routes should be established and where they should not be established?

Mr. HARDWICK. I will answer the Senator from Utah frankly by saying that, of course, the Postmaster General could not discriminate; that he must treat every section of the country fairly; that he must treat all sections of the Republic alike; and I take it that he will do so. He can use only every dollar that we give him, and, of course, he can spend no more.

Mr. SMOOT. That was going to be my next question.

Mr. HARDWICK. He is limited, of course, so far as practical efforts go, to the amount of money we give him for this purpose.

Mr. SMOOT. That would be a good answer if the Postmaster General should live strictly within the law and spend no more money than was appropriated; but my experience has been, where the head of a department is pressed by Representatives and is pressed by Senators with applications from different parts of the country for the establishment of rural routes, or by any other agency of the Government, that he yields here a little and there a little; and that before the close of the fiscal year we are asked to make up a deficiency. I rather think it more than likely that that would be the result in a case like this.

Mr. VARDAMAN. Mr. President, will the Senator from Georgia yield to me?

Mr. HARDWICK. Yes; I will yield if the Senator from Mississippi wishes to answer the question propounded by the Senator from Utah.

Mr. VARDAMAN. I want to ask the honorable Senator from Utah if he does not subscribe absolutely to that declaration of policy?

Mr. SMOOT. I will answer the Senator from Mississippi in this way: I would not want to subscribe to it until I knew, at least approximately, what it was going to cost. I will say to the Senator that this policy—if it can be called a policy—or plan is ideal, I think, in its provisions. I think that the Senator and every other Senator would feel that where the mail could be delivered to serve, I should say, the entire rural population of the United States, it would be ideal in character.

Mr. VARDAMAN. Well, that ought to be done.

Mr. SMOOT. And I will say to the Senator, it should be extended as fast as the revenues of the Postal System will provide for it.

Mr. VARDAMAN. That is exactly what the bill provides.

Mr. SMOOT. But I can not see that there is any limitation on this provision.

Mr. VARDAMAN. There is a limitation by the amount of money appropriated for the purpose.

Mr. SMOOT. No; if this becomes a law, it is virtually a demand, it seems to me, that any Postmaster General would feel impelled to extend these rural systems to the entire rural population of the United States just as fast as it is possible to do so.

Mr. VARDAMAN. The Postmaster General is compelled to do that now in the performance of the duty of his office, and is limited in the extension of the service only by the appropriation that is made for that purpose.

Mr. HARDWICK. Mr. President, in addition to that I desire to call the attention of the Senator from Utah [Mr. SMOOT]

to the provision of the act approved February 22, 1906, which provides that—

No executive department or other Government establishment of the United States shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year.

And so on. I am aware that that act has sometimes been violated; but if the Senator from Utah will look up the facts with reference to this particular service I think he will find that the tendency has never been to violate it with reference to the Rural Delivery Service. Recently it has been the very reverse. There has always been an unexpended balance of this fund. We wanted to put this language into the law to inform the Post Office Department that it was our policy that there should not be an unexpended balance from this fund; that every dollar we appropriated ought to be used for the establishment and for the extension of these rural routes, because we were trying to give rural delivery service practically to the entire rural population of the United States. The fact that there have been such unexpended balances is one of the reasons why we have used this language.

Mr. SMOOT. Mr. President, I am quite aware of the law which has just been quoted by the Senator from Georgia.

Mr. HARDWICK. I can give to the Senator from Utah the amount of these unexpended balances year after year if he desires me to do so.

Mr. SMOOT. I am quite aware of the existence of the law quoted by the Senator from Georgia; but I will say it is a law which has been "more honored in the breach than the observance."

Mr. HARDWICK. I am not going to argue with the Senator from Utah about that; but in this particular department, in reference to this particular service, that has never been true.

Mr. SMOOT. I have not looked that up, and I will take the Senator's word for it.

Mr. HARDWICK. What we meant by this language, if the Senator will pardon me for a moment, was to say to the department, "Here we will give you, say, $59,000,000 in round sum; we do not want you to skimp this service; we do not want you to be saving something out of it; we want you to spend every dollar of it to extend, to improve, and to maintain the service which is so important to the rural population of the United States." That is why we inserted that language. I call the attention of the Senator to the suggestion of my associate on the committee that there is a four-million-dollar unexpended balance in this fund from last year. Another unexpended balance is a million and a half of what we appropriated under the act of 1913, which is still in the Treasury unexpended. We want the Post Office Department to know that we do not mean it to skimp this service or to economize to the extent of endangering or imperiling the efficiency of the service in the Rural Free Delivery System; that we do mean for them to spend the money which we appropriate for it, and in the way we appropriate it.

Mr. SMOOT. I am quite satisfied that the Postmaster General will go just as far as Congress will allow him to go. What I am afraid of is that he will go farther under this provision, for it is an invitation to the Postmaster General to extend the service beyond the bounds of actual reason. He may, however, not do so. The only object I had in rising was to learn whether or not the committee had considered this matter carefully and had any idea to give to the Senate as to what the actual cost of the provision, if carried into law, would amount to.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from Utah this question: Should not this language be construed in the light of what has been the course and what is now the course of the Post Office Department? Is it not a reply to what has been a manifest purpose of the Post Office Department in certain sections to cut this service? I will say that, as to my State, I felt perhaps they pursued the policy because the State was overwhelmingly Democratic and they thought the cutting off would not do any special harm, or at least would be stood there better than elsewhere.

Mr. SMOOT. No. The Senator from Georgia is wrong there, because that was done in other States.

Mr. SMITH of Georgia. The manner in which they have torn to pieces the rural service in my State and cut it off has been something intolerable. When I complained they said, "Well, we have saved so much. Where do you want it spent?" I said, "Put back the routes you have improperly broken up."

Mr. SMOOT. Mr. President, I sympathize entirely with what the Senator from Georgia has just said, but I am afraid that if this language is used the Postmaster General will take it as a direction to him that not only must he not stop within the appropriation, but that he must go on and extend this service to the rural population of the United States, irrespective of the cost.

Mr. SMITH of Georgia. Suppose we add "not to exceed the appropriation"?

Mr. SMOOT. It seems to me that we will have to do something here.

Mr. HARDWICK. If the Senator will pardon me, I do not think that will be the result. This is a mere expression of the policy of Congress with respect to this matter.

Mr. SMOOT. I am going to wait and hear what the Senator from Georgia has to say about the subject.

Mr. HARDWICK. The Postmaster General can not expend any more than is appropriated.

The VICE PRESIDENT. May the Chair interrupt? The Chair has listened to the discussion of this question upon the theory that the point of order was one which the Chair was to decide as to whether or not the provision is general legislation. There is no such point of order, as is now disclosed. It is a question for the Senate to determine under its rule as to whether or not this is relevant. That question must be decided without debate. Why debate the merits of this whole proposition until the Senate determines whether or not it is relevant?

Mr. HARDWICK. I am willing to vote on the proposition, and to vote now.

Mr. SMOOT. Mr. President, may I ask the Senator who made the point of order that he withdraw it—temporarily, at least? I want to hear the question discussed. I will, however, say to the Senator now that if the point of order is insisted upon I shall vote against sustaining the point of order, because I think the legislation is relevant; but I should like to hear the question discussed on its merits. Therefore I will ask the Senator if he will not withdraw the point of order—temporarily, at least?

Mr. BRYAN. Mr. President, inasmuch as the matter is submitted to the Senate, if the Chair was correct in submitting it to the Senate, and the Senate can vote it down if it wants to do so, I withdraw the point of order.

Mr. HARDWICK. That relieves that part of the situation, and I will go on with the presentation of the committee's case on this subject. I understand that the point of order is withdrawn and that we are discussing the paragraph which is now before the Senate. The amendment proposed by the Senator from Montana was agreed to. Therefore the amendment proposed by the committee, as amended by the Senator from Montana, is the pending question, as I understand.

Now, let us proceed for just a moment. I realize the force of the question of the Senator from Utah [Mr. SMOOT], and the committee labored with that quite a while, but we thought, as every one of us believed, that one of the most important things that this Government could do was to extend the Rural Delivery Service as soon as possible throughout the rural sections of this Republic, everywhere to all the people; that it was not a bad idea to put a general statement of that purpose into the law. The Postmaster General could not misunderstand it. This debate would inform him, if nothing else did—but he could not misunderstand it—because, although that is our policy, we have only been able to appropriate $59,000,000 for the purpose this year, although we hope to do better next year; or, if the party of the Senator from Utah should happen to be in power then, I hope they will do better. Whatever party is in power ought never to forget that this service is the most important and necessary service the rural people of America receive, and it ought never to be skimped or starved. On the contrary, it should be steadily and constantly improved and increased, and efficiency should be its first and most important consideration.

Now, Mr. President, I do not want to argue this matter at great length, but I do want to answer some other suggestions. In the first place, I say we agreed in part to the proposition laid down by the Senator from Florida. We thought that it was not right to leave this question of the establishment of motor routes entirely to a vote of the people to be served, because we realized that popular rural-route carriers, even in cases where the establishment of this service would be proper and a good business proposition, might be able to defeat the proposal. Therefore, what? Can we leave it to a department that must have local information and that will not accept the most reliable and trustworthy local information that can be given to them throughout this country; that must have information on a question of fact, and that will not accept information on that question of fact unless it happens to coincide with their preconceived notions about the thing? Can we leave it to people who think they have sense enough to sit down at a desk and with a map readjust the routes and say whether or not a motor route can be worked practically? Can we leave it to people who insist on basing their actions on the advice of postmasters, who are asked only the most general questions and who reply only in the most general way, and many of whom

rush to the Post Office Department to volunteer a correction of their statements when they understand the purpose for which those statements are being used? I think not.

The House of Representatives thought not, by an overwhelming vote, and we thought not, with absolute unanimity, in the committee. To whom, then, should it be left? What better authority can you have on that question than the road authorities of each county, of each local road division even, if necessary, throughout this country?

Gentlemen say, Oh, what a shame it is to have this great Federal Government go to the local road authorities for permission to use or to establish a certain kind of postal service. It is not that at all. I utterly repudiate that idea, Mr. President. I know of no rule by which Federal authority ought to be exalted at the expense of State authority. I know of no reason why people who live back in the counties of a State are not just as good, just as honest, and just as reliable as Federal inspectors. I myself believe they are. I think they are just as good; and I am going to tell you another thing, I think they are just a little better. That is the way I look at it. There is not a county road board in my State whose judgment I would swap for that of any inspector who ever left the Fourth Assistant Postmaster General's office.

Now, let us see, Mr. President, what other considerations there are. Are the Federal inspectors elected by the people? No. They are not responsible to anybody, except some little bureau chief who appoints them and possibly promotes them according to the way they report. They are not responsible to the people; but, on the other hand, the road authorities of every county in this Republic are responsible to the people. They derive their power from the consent of the people. They must go to the people first for election and then for reelection. They have every motive to deal squarely and justly with the people who honor them and trust them, and I say to you that there is not a county road board anywhere in my State, and I do not believe that there is one anywhere in this Republic, that would purposely do wrong about this thing. They are charged by the people whom they serve with duties and responsibilities. They must construct and maintain the roads; and they know better than anybody else what is the condition of the roads; and is it, forsooth, an abasement of Federal authority to say that, instead of writing to a postmaster for information, the department shall write down to the road authorities who construct the roads and keep them up, so that they may find out what is the condition of those roads before they undertake to inaugurate this service? And yet Senators who make this objection forget that we are proposing to trust these selfsame local authorities with the expenditure of many millions of dollars to construct and maintain these selfsame roads in our good-roads bill.

Mr. GALLINGER. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. GALLINGER. I do not know how it may be in the Senator's State, but in the New England States we have a State official who has charge of the roads. One of these routes will go through what we call towns and what in the West are called townships. In some cases such a route will go through three or four townships; and will it be necessary to get the consent of the local road officials in each one of those towns or townships before the route can be established?

Mr. HARDWICK. None of these routes, if the Senator please, I apprehend could go through more than two counties.

Mr. GALLINGER. I know of one instance in my State where such a route goes through three.

Mr. HARDWICK. Well, you have splendid roads in that section of the country; and, furthermore, it would not be hard to get concurrent action on the part of three counties if the road is all right. There will not be a bit of difficulty about it if the road is all right.

Mr. GALLINGER. I am not referring to counties, but to towns and townships.

Mr. HARDWICK. The county authorities are referred to in the provision. If the Senator's local situation requires any modification of that provision, the committee has no pride of opinion about it, and is ready to accept any modification that the local conditions in any State seem to require; but we believed it was best, taking the Republic as a whole, to constitute the county road officials as the judges of the character of the roads, because most of the routes are included within one county.

Mr. GALLINGER. I think so, too, and I think that might well be specified.

Mr. HARDWICK. The provision does say "county road officials."

Mr. GALLINGER. I beg pardon; I did not realize that.

Now, if the Senator from Georgia will permit one further suggestion, he called attention to the disruption in his State of the Rural Delivery Service and suggested that it might be that the administration was sure that Georgia was a Democratic State.

Mr. HARDWICK. I think my colleague [Mr. SMITH of Georgia] said that, although I heartily approve of his suggestion.

Mr. GALLINGER. And that the administration could do pretty much anything to Georgia and it would still remain loyal.

Mr. HARDWICK. And it will, too.

Mr. GALLINGER. I want to say that the destruction is universal. I have been deluged with appeals and protests from my own State and from some other New England States that the administration of the Rural Delivery Service was absolutely indefensible; and while I have no disposition to unduly criticize an administration which is not of my own party—I never have done that—I do think that there is great justification for some action on the part of Congress that will remedy the evil that exists and that seems to be increasing. For that reason I am very strongly inclined to support the Senate committee amendment to this bill, believing that if it is not absolutely right as written the conference committee will put it in shape, so that we will have a better service and a closer adherence to the mandate of Congress than we are having at the present time. The money appropriated for the rural service ought to be used; there is no question about that; and I have great sympathy with the suggestion that as fast as we can safely do so this service ought to be extended so as to serve substantially all the inhabitants of the rural districts. Of course we can not do it at once, but the purpose is a substantial and proper one.

Mr. HARDWICK. Mr. President, I thank the Senator for the suggestion; and let me say to my associates on this side—to Democratic Senators—while the Democratic members of the Committee on Post Offices and Post Roads have endeavored to act in an absolutely nonpartisan way about a question so essentially nonpartisan as this great question of rural mail delivery, as I know our Republican associates on the committee will readily concede——

Mr. TOWNSEND. Mr. President, I wish to state that the predecessor of the present Postmaster General was not entirely free from criticism along some of the same lines.

Mr. HARDWICK. Undoubtedly; and Senators on this side believe that they can render their party no more valuable service, no more necessary service just at this juncture, than to attempt to correct some of the things about which there is such universal complaint throughout this country. First, we want to serve our country; we want to act as Senators of the United States without regard to partisan politics in supplying a great service of the Government; but I will admit that as a Democrat I believe it is absolutely necessary that legislation of the character we suggest be adopted; and I want to tell my friend from Florida that if my State was not as certainly Democratic as it is—a fact to which my colleague referred and to which I refer with pride—the conduct of the Post Office Department in that State would have lost it to the Democratic Party, and, as it is, it may cost it many votes, although, thank God, we can stand it and still have plenty to spare. If it were a State in the Middle West it would be impossible for the Democratic Party to carry it, with any such administration of the Post Office Department as we have had there, in respect to this matter of this Rural Mail Service.

Mr. BRYAN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. HARDWICK. I yield; yes, sir.

Mr. BRYAN. Does the Senator from Georgia believe that a Postmaster General who has increased the service on the rural routes so that instead of supplying three and a half million people it supplies six million people is deserving of the criticism of the people of this country?

Mr. HARDWICK. I am just answering for my own State, and every other Senator can apply the case to his own State. I think that a Post Office Department that took away from the people of Georgia rights, service, and conveniences which they have had without molestation through succeeding Republican administrations, one after another, has not done the very wisest thing that could have been done. It may be, as my colleague suggests—although Senators on the other side dispute it—that the Post Office Department thinks that exceedingly great burdens can be safely laid on the State of Georgia. It is true that no matter what they may do we will carry Georgia by an overwhelming majority for the Democratic Party in November next, and probably in every other November for many years to come. While that is

true, I do say to the Senator from Florida, and to all other Senators who entertain any such idea as that, that if Georgia had been Indiana, or any State similarly situated, then this one thing alone would have lost it to the Democratic Party. Such unnecessary foolishness, as it all was, too.

Mr. SMITH of Georgia. The Department has largely reduced the number of people who obtained the service.

Mr. BANKHEAD. Mr. President, I want merely to say a word about the practical side of this question. I never owned an automobile in my life, and I have not had very much personal experience with running automobiles, but I have had a great deal of information on this subject imparted to me by those who do run automobiles.

The standard route in this country for horse-drawn vehicles is supposed to be 24 miles long. I believe I am correct in stating that one of the requirements of the Post Office Department is that there must be 125 boxes on such a route. If that route is extended to 50 miles there must be 250 boxes where the rural carrier has to stop, deliver and receive mail, sell stamps, and so forth. The rural carriers, of course, are all compelled to buy comparatively cheap automobiles—Fords, and cars of that character. My information, Mr. President, is—and I want to call the attention of the Senate to this fact—that none of these automobiles will stand a service of that character for a year without 50 per cent impairment. When a carrier is compelled to make 250 stops and starts, although he may permit his engine to run during the time the car stands still when he is making collections and deliveries of mail, the machinery and everything else connected with the automobile wears out; at the end of the year it is 50 per cent worn out, and before the end of the next year it is entirely gone; so that he can not make a trip of 50 miles and deliver the mail. That is the universal experience of men who are handling the mails in automobiles.

Not only that; but if a carrier starts out with an automobile in the morning, he may get half way on his route, 20 or 25 miles, and something may go wrong. As we all know, such things frequently happen. The old machine may stop right in the middle of the road and can not readily be started, or it may unexpectedly run into a mudhole and can not be pulled out. The carrier must go to a farm somewhere and get a pair of mules and come back and pull his machine out of the mudhole before he can pursue his journey. By that time it is perhaps nearly night, and the patrons all along the route have been disappointed; they have not received their mail as regularly as they have been accustomed to receiving it and as regularly as they are entitled to have it.

I want also to call the attention of the Senate to the fact that the purpose of the service is to supply the rural population with mail, market reports, and things of that character, and they want it regularly. A man may live a quarter of a mile from a route. He knows usually within two or three minutes when the carrier will be at his place and deliver his mail. He or some member of his family meets the carrier, who may be carrying a parcel-post package which, if he is delayed and no member of the family meets him, must be put on the ground, the box being too small to hold it, and subject to being destroyed in different ways. A farmer who subscribes to a daily paper or takes the market reports usually wants them at noon, when he comes in, feeds his horses, and eats his dinner. He wants to sit quietly down and read the reports and read what his paper contains, so that he may know by the return trip of the carrier what market products to send in and what price he may expect to get. If he does not get his noon mail, he does not care much about it, because, Mr. President, as a rule when night comes he is too tired to read the newspapers, and he goes to bed and does not get the benefit of his mail.

I undertake to say—and I want Senators to bear this in mind—that if we are to embark upon a general system of substituting automobile routes for horse-drawn routes, we are going to destroy the efficiency of the rural service. You can not help it. It is bound to follow. There are some routes that may be consolidated. Perhaps there are some that ought to be. There is no doubt that there are those that will be. But whenever you carry consolidation too far you deprive the rural dweller, the man on the farm, who expects to have his mail delivered regularly and at stated times—compel him to miss his mails and compel him or his wife to go half a mile or such a matter to the box where the mails are to be delivered and wait for an hour because the automobile is mired down somewhere, or you have stopped it and it will not start. All these things, Mr. President, we may expect.

I am not going to discuss the point of order. That has been withdrawn. Now, we are up to the question of adopting or rejecting the amendment proposed by the committee, as I understand. I hope the Senate will adopt it. If we discover in the meantime that there are some imperfections, that there is some language in the bill that ought to be changed, something that ought to be stricken out or something that ought to be added, when the bill goes to conference we will have an opportunity to sit down and quietly consider these things and ascertain with some degree of accuracy what the effect of the change is to be upon the provisions of the bill or other statutes relating to the rural service. That can be done, it seems to me, with a great deal more accuracy and satisfaction than it could be done on the floor of the Senate.

I do not mean to say, and I do not want any Senator to construe what I do say into a belief, even, that the committee feel that this bill is perfect—not by any means. We are glad to have its provisions discussed. We are glad to have amendments suggested; and if, in the wisdom of the Senate, these suggested amendments to the bill shall favorably impress them, let them go into the bill. We have no objection at all to that, Mr. President. But I hope, without further remarks—and this is all I shall say on this amendment—that the Senate will adopt it, and let us go along with the consideration of the bill.

I do not think it is out of place at this time to remind the Senate that unless this bill becomes a law by the 1st of July we will have to extend the former bill by a resolution, which is always to be regretted. I do hope that we will be able to make such progress with the bill as the Senate is willing to make without appearing to be in a hurry, and that we will pass it at the earliest possible time.

Mr. VARDAMAN. Mr. President, I am not going to delay the passage of the bill by any extended remarks. I am greatly interested in the extension of the rural mail delivery. Next to the schoolhouse and the church, in my judgment, this is the most beneficial educational agency at work in America.

I should like to have the mail delivered daily to every family living in the rural districts of this Republic. They pay the taxes and are entitled to the benefits. I think this department of the Government affects beneficially the agricultural element more than any other department of the Government; and, while I want to see the system perfected in both the rural and the urban districts, I am vastly more interested in the perfection of the rural system than I am in the perfection of the urban system. There is no doubt about the system in the cities and towns being looked after.

It was not the purpose of the committee to limit in any way the wise discretion of the Post Office Department, but, rather, their purpose was to help the department in perfecting this system. The road commissions have nothing to do with the initiation or the establishment of these routes. They do not say whether the routes shall be shortened or lengthened. They do not say whether the routes shall be established or shall not be established. They only make a certificate that the public roads are in such condition that the service can be carried on without interruption during the entire 12 months of the year. That strikes me as both wise and prudent.

There are some parts of this Republic where the public roads are not in condition to permit the mail to be carried over them during the winter months; and while the Post Office Department would work an economy of considerable amount on the different routes, yet the people who are to be served by those routes during the winter seasons would suffer very serious inconvenience. The purpose of the amendment proposed by the committee was that this change should not be made; that the service should not be crippled until the men charged with the duty of looking after the public highways should certify to the department that the roads were in such condition that the service could be carried on properly during the whole year; and that is all there is to it. It is to help the service and not hinder it, and the adoption of this amendment will contribute materially to its efficiency.

I join with the Senator from Alabama [Mr. BANKHEAD] in expressing my very earnest desire that the bill shall be speedily, though maturely, considered and brought to its final passage.

Mr. TOWNSEND. Mr. President, I shall not detain the Senate for longer than a very few minutes.

From almost the beginning of free rural delivery down to the present time the Post Office Department has seemed to be working at cross-purposes with the Congress. I do not know why it should be so, but it is nevertheless a fact. The Congress has spoken in no uncertain tones as to its desires, and I think the years of the rural service have demonstrated the wisdom of the action of the Congress in establishing it. No law has ever declared in express terms the exact legislative policy for rural delivery, but there can be no question that the intent was eventually to serve the rural residents with free home-mail service the same as the urban resident is served. It was a matter of evolution, and Congress was content to appropriate

money to be used for the extension of free rural delivery. From time to time the routes were limited in their length. Salaries were increased and the carriers' status fixed under the civil-service law.

I certainly do not wish to say anything that would misrepresent the attitude or desire of any administration, but it has seemed to me that the department has not been in sympathy with free rural delivery as established by Congress. It has thought of contract service, that it might be better to provide for the delivery of the mail by contract. To my mind that would defeat the original intent of the Congress. It has been extending; it has been giving good satisfaction to the people, and yet of late years it has seemed to the department that it would be best to depart from the original idea and to lengthen the routes as much as possible and with very little regard to the character of the service itself.

There has not been harmony between the Congress and the department, and of late this has come to a point where to me it seems as though the Senate of the United States must take its stand and insist that its legally expressed will shall be observed.

The Senate committee has been charged by the department with doing something to lessen the service. That is not true. There is no reliable proof that can be brought forward to show that the Senate provision will lessen the service to the people of the United States. It will extend the service. The correct record will disclose that while the recent departmental changes may have given rural delivery to some who did not have it before, it will also disclose that much of that service has been indifferent, and many who had good service before have either poorer service or none at all because of these changes. The Senate amendment declares that as nearly as practicable rural delivery shall be supplied to all rural inhabitants. The department will have great difficulty in convincing the farmer that Congress is hostile to his rural-delivery needs.

I do not care to discuss this matter further, because discussion is unnecessary and simply delays the action of the Senate. I want, however, to refer to one thing in the amendment which has not been discussed, except by the Senator from Florida [Mr. BRYAN].

The last part of this amendment provides for the payment of the salaries which I believe were improperly withheld from the carriers last year by the Postmaster General.

Mr. HARDWICK. Mr. President, if the Senator will pardon me just one minute, I think the Senator from Florida secured a separation of the question somehow or other, and that is not up yet. I am not sure I am right about that.

Mr. TOWNSEND. Is the Senator going to make a point of order on that part of the amendment?

Mr. BRYAN. I am going to make it a little later.

Mr. HARDWICK. The Senator is going to make a point of order on that amendment.

Mr. TOWNSEND. Then I will withhold any further remarks on that subject until we reach it.

Mr. SMOOT. The Senator had better speak now, because when the point of order is made he can not speak on it.

Mr. HARDWICK. The Senator may as well make his remarks now.

Mr. TOWNSEND. Then, Mr. President, I desire to say a word in reference to that provision. It simply illustrates the statement I made a moment ago, that the department does not seem to be willing to work in harmony with the Congress. Under the appropriation bill for 1914 we provided a limit of carriers' salary, with the certain knowledge, as we supposed, that the rule would be followed in the future, as it had been in the past, and that said amount should be paid to the carriers on the standard routes. It appears, however, that the Postmaster General exercised what he considered his discretion, and imposed certain conditions upon the carrying service before the carriers could obtain the maximum salary; and although Congress had appropriated the money he withheld it, and thus saw fit practically to reduce the salaries of the carriers.

I said on this floor a year ago, when this subject was up, that the salaries fixed by Congress would some time be paid. I believed then and I believe now that those carriers a portion of whose salary was withheld have a valid claim against the Government for the deficiency.

Mr. GALLINGER. Mr. President——

Mr. TOWNSEND. I yield to the Senator from New Hampshire.

Mr. GALLINGER. May I ask the Senator if I am correct in the understanding that that money is now in the Treasury of the United States, appropriated for this very purpose?

Mr. TOWNSEND. The Senator is correct.

Mr. GALLINGER. And this provides simply for its payment?

Mr. TOWNSEND. For its payment. The salary that has been withheld.

We are asking, in this amendment, that this money shall be paid as the Senate intended that it should be paid when it was appropriated. Congress had no idea that the Postmaster General was going to exercise a discretion practically to take out of the pockets of the carriers the money which the Congress had appropriated for them, and which it had intended that they should receive. Therefore, I am very much in favor of that part of the amendment which simply directs that money already appropriated and earned shall be paid to those to whom it belongs. The Government can not for the purpose of making a false show of economy withhold money out of the salaries of its employees.

Mr. SMITH of Georgia. Mr. President, I shall support the amendment of the committee.

The Senator from Michigan [Mr. TOWNSEND] has mentioned a fact that I have observed for nearly the past six years. I went upon the Post Office Committee when I first came to the Senate, and I found that my Republican colleagues, who at that time were in the majority on the committee, were struggling with their Post Office Department to protect this service. We have been struggling with it ever since. I recently had occasion to look back somewhat into the history of the service, and there has been almost a continual struggle by Congress to preserve the rural service and to protect it against departmental hindrances and departmental curtailments.

I think it has been a great service; that it has done much to develop the rural sections, to stimulate and advance higher standards of agricultural industry; and, while the immediate return from the postage received has not been sufficient to compensate for the cost, as a contribution to our national prosperity this service has been fully worth what it has cost.

I am in favor of this amendment because I think the time has come when we may well let the department understand that the legislative branch of the Government is located up here on the hill, and that when legislation is passed and approved it is not subject to be set aside by a fourth-class postmaster or Fourth Assistant Postmaster General; that that is not a province of his office. Some Fourth Assistants would reasonably well fill fourth-class post offices. Some I would prefer not to have in a fourth-class post office if I had to be served by it. [Laughter.]

I think this amendment a valuable provision. I am sure none of the other States have suffered utter demoralization of their rural service as my own State has suffered it. Indeed, I took occasion to compare the number of rural routes cut out in Georgia with those in Texas and in Pennsylvania, and I think we had four times as many cut out as both those States put together. The service was literally torn to pieces. Usually it was done on a map here in Washington. Occasionally an inspector advised upon the subject. I will mention one of the valuable contributions to the service by a civil-service post-office inspector.

We have in northeastern Georgia quite a large and populous agricultural county called Madison. Two railroads run north and south, one east and one west of it, going from Washington to Atlanta. The streams run southeast. From a nice little town on the Seaboard Railroad, on the eastern side of the county, we had four rural routes that went out between the streams and across the bridges, serving the county well. There was a cross railroad between the Southern and the Seaboard. A capable civil-service inspector changed the rural routes from a nice little town on the main railroad line going out between the streams and between the hills to the cross railroad, and put on one automobile to serve that large county, across hills and across streams. Of course it was preposterous; but he manifested his capacity for his task by asking, just before he left, which was the rainy season in northeast Georgia, and how many months it was entirely dry, and how many months it rained all the time. [Laughter.]

Some of my friends representing States in the Northwest will recognize the fact that he came from beyond the Mississippi and simply knew nothing about the character of the country or the character of the water flow.

We did succeed, on protest, in having the routes restored to their original place. At first I was assured by this capable Fourth Assistant Postmaster General that he had made a saving of some $16,000 by changes in that locality, and he desired to use it somewhere else, and would be glad to know how best to use it. I said, "Start by putting back those routes which you took off in Madison County and abolish this cross-country route that you have foolishly undertaken to establish."

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I do.

Mr. REED. I wish to ask the Senator from Georgia if he does not think that all of the difficulty could be obviated by having a civil-service employee from the Weather Bureau assigned to the task of laying out the routes? [Laughter.]

Mr. SMITH of Georgia. Well, I think he would do better. Anything would have done better.

Now, of course, this was only one case, and it was an exaggerated blunder that they made in this particular instance, and everybody admitted it. What I would emphasize is that the responsibility falls on us in part for what is to take place, and it is not wise to abrogate that responsibility by dumping all details upon a department, and leaving our people subject to the caprice of a department, when we can help it.

What I said with reference to the ill feeling in my State was in part serious and in part not so. There was great displeasure. With a great deal of labor we have had corrected a number of the blunders made in the department; but I think every Congressman from Georgia and both the Senators for several months had piles of letters each day, and as a reult of personal examinations were thoroughly satisfied of the blunders made, and we succeeded in getting quite a number of them relieved.

In this connection I wish to say that we waive those blunders. We regret the presence of the Fourth Assistant; but in any event, if he is presented for confirmation next spring, those of us on this side have the right to vote as we please, and I hardly think he would receive support from the State represented by my colleague and myself. Our people as a whole are very much pleased with the splendid administration that has been given by President Wilson, with the splendid legislation that has been passed, and I do not think the Fourth Assistant will seriously affect the political result in Georgia next November.

Mr. WORKS. Mr. President, this is a subject about which I am not at all well informed. I know very little about the intricacies of the Rural Delivery Mail Service, and not very much more about the law governing its administration. With respect to those matters I am quite willing to take the judgment of the committee, which has investigated the matter.

I only rose to say that there has been a great deal of disturbance in my State over the changes that have been made by the Post Office Department in the Rural Service routes. How well founded they may be, of course, I am not able to say; but there has been a great deal of dissatisfaction with what has been done by the Post Office Department in that respect. I have uniformly referred these matters to the Postmaster General, and he has said that they would try out these changes, and that if they are not satisfactory, of course, they will be changed.

It is perfectly apparent to me, however, that Congress should do something to straighten out this condition of things; and as the committee has taken this course I am quite willing to follow its lead. For that reason I shall be disposed to support this amendment.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. I noticed that the Senator from Florida [Mr. BRYAN] was about to rise. Did he intend to speak on the question? I shall be pleased to yield if the Senator wishes to speak at this time. I have something to say before we vote on the amendment; but I do not care to take up the time if the Senator from Florida desires to speak.

Mr. BRYAN. Mr. President, I do not desire to speak now. I may do so later.

Mr. BANKHEAD. Mr. President, if the Senator will yield to me, I will move that the Senate take a recess until 12 o'clock to-morrow.

Mr. NORRIS. I yield.

Mr. SMITH of Georgia. Mr. President, one moment. The question is whether we should recess or adjourn. Now, we are quitting at 5 o'clock. If the Post Office bill can hold the Senate but a limited length of time, I think we ought to have our time in the early morning for the ordinary calendar. For several weeks we have been following the practice of recessing at 5 o'clock, because we get through with the work we want to do on the unfinished business, and we have been losing the time from the close of the morning hour to 2 o'clock, when we might be handling the regular calendar.

Mr. HARDWICK. Mr. President, there is only this objection to that course: By the 30th day of this month this fiscal year will be up. The appropriation bills ought to be given the right of way, and the exclusive right of way, until then.

Mr. SMITH of Georgia. If they hold the right of way, well and good; but they are giving up the right of way at 5 o'clock, instead of going on with the work until 6.

Mr. TOWNSEND. Mr. President, if the Senator will yield, I am in entire sympathy with what the Senator says about staying here. I am not in sympathy with substituting anything else. But why should we take a recess now, at 5 o'clock, instead of running on until 6 o'clock? And if we are going to take a recess, why not take it until 11 o'clock to-morrow morning, and run until 6?

Mr. KERN. Mr. President, a reason, if the Senator will permit me, is that this bill affects every neighborhood in the United States. That is one reason. A very large number of the Members of the Senate, if not a majority of the Members are absent. I know of a number of them who desire to be heard on the questions growing out of the section that is under discussion. That is the reason that moved me to suggest that a recess or an adjournment should be taken at this time. It is too important a question to be discussed here and disposed of by a handful of men.

Mr. SMITH of Georgia. There are others here who want to speak upon it this afternoon. The Senator from Florida [Mr. BRYAN] intends to discuss it.

Mr. TOWNSEND. And the Senator from Nebraska [Mr. NORRIS] is ready.

Mr. SMITH of Georgia. The Senator from Nebraska has just said that he proposed to discuss it. We are not proposing to vote at this time.

Mr. BANKHEAD. I withdraw my motion to take a recess at this time.

Mr. BRYAN. Mr. President, I had not supposed, in view of the statement of the Senator from Indiana, that a vote would be taken right away. In view of some of the statements which have been made here this afternoon I think it is only justice to the Post Office Department that an opportunity may be given to some of us to find out what statement they have to make in answer to the complaints that have been made against that department.

I do not suppose that the Post Office Department picked out the State of Georgia for special punishment. I do not suppose it abolished routes down there just for the fun of the thing. I do know that a burden rests upon the Post Office Department in the administration of the Rural Delivery Service that is not pleasant to perform. I do not suppose people living in a county which has a rural route on the east side and the west side and the north side and the south side of every section of land in it, as was the case in Michigan, approve of the action of the Post Office Department in abolishing a good many of them and in consolidating others.

The junior Senator from Georgia objects to the House provision which allows everybody on the route to vote as to whether they can have a motor route or not, but he commends the provision which the committee report that the local road officials shall decide for the Government whether a rural route should be established or not.

Mr. HARDWICK. I hope the Senator will pardon me, but that is not what I said. He does not want to misrepresent me. I did not say that, but what I said was I thoroughly commended the proposition where they should give a certificate of the facts.

Mr. BRYAN. Let us see about that.

Standard motor-vehicle routes, which shall be 50 miles in length and shall only be established upon certificate of the duly qualified county-road officials that the character of the roads proposed to be used, as well as climatic conditions, will warrant regular and practically uninterrupted service throughout the year.

That is to say, before the Post Office Department can establish a motor-vehicle route; and they have established routes, and said before the committee, if I am correct in my recollection of the language used, that in a good many places a route could not be maintained throughout the year, but they could supplement it for one month or for two months, or whatever was necessary by a wagon route.

Mr. KERN. If the Senator will allow me, I will state that the provision contained in the bill under discussion would put out of business practically every automobile route in my State of Indiana, every one of which, as far as I know, is giving excellent satisfaction to the people.

Mr. BRYAN. Certainly; and Indiana has 40 per cent of the total route mileage improved, and you are going to stand here and say that unless the Post Office Department can maintain a motor route through the winter, when the snow is upon the ground, when everybody knows they can not do it, and the road official or somebody says so, then he can not establish a motor-vehicle route.

Mr. HARDWICK. If the Senator will yield, probably I can give him some information.

Mr. BRYAN. I have considerable information upon it.

Mr. HARDWICK. But I can give what the proposition of the Postmaster General was on that question. You are now receiving 11 months' continuous, uninterrupted service. What is the difference? Take the language put there——

Mr. BRYAN. Mr. President, just because the department said anything I do not agree to it. I do not think I have slavishly followed the department. I do not care what the department thinks about it. I know that you are making a great mistake when as a business proposition you undertake to say either that a majority of the people living along the rural route shall petition Congress before a motor route can be put in or that you have to convince the local road supervisor that it ought to be done. Now, let us see. The Senator from Georgia said that it was not exactly right to leave it to a majority of the people along the route, but it was all right to leave it to the local road supervisor or authority, whoever he might be, and what reason did he give, Mr. President?

Mr. HARDWICK. Before the Senator——

Mr. BRYAN. Let me finish. Because he was responsible to the people, and having been elected by the people, would carry out their will.

Mr. HARDWICK. Mr. President——

Mr. BRYAN. This is a business proposition.

Mr. HARDWICK. The Senator does not want to misrepresent me.

Mr. BRYAN. No.

Mr. HARDWICK. I did not say what the Senator attributed to me. I said I saw no objection to leaving it to the local boards of the State to report what the condition of the road was and who were elected to construct and maintain those roads. If they recommend it a hundred times the department is not obliged to establish it. That is the difference.

Mr. BRYAN. That is the trouble. They can not establish them. So what do you do, Mr. President? You take a business proposition and make out of it a question of the desire of some local authority, some local representative.

Mr. GALLINGER. Mr. President——

Mr. BRYAN. I yield to the Senator.

Mr. GALLINGER. If the Senator will permit me, in view of a certain statement which was made, I wish to ask either the chairman of the committee or the Senator from Georgia whether the Senate committee amendment would at all interfere with the conditions that exist in my own State, where I meet automobiles every day in summer carrying the mail, but those same men use the sleigh and horse in wintertime.

Mr. HARDWICK. Not at all. The bill especially in another section provides for that. It is not to interfere with that.

Mr. BRYAN. On the contrary, I say it does, and I will undertake to show it right now. The provision which I have just read says that they shall not establish any unless it can be operated practically without interruption throughout the year, and on page 33 I read this language:

> The Postmaster General is hereby authorized and directed to reorganize and readjust existing rural mail delivery service where necessary to conform to the standards herein prescribed.

You are not only going to stop the devolpment of this service, but you are going to break down what has already been done, and for what?

Mr. HARDWICK. May I call the attention of the Senator to the language? I do not suppose the Senator purposely stated some things in the bill and purposely failed to call attention to other things in the bill.

Mr. BRYAN. No.

Mr. HARDWICK. Therefore I call his attention to the following language:

Provided further——

Mr. BRYAN. Where is the Senator reading?

Mr. HARDWICK. Page 33, line 4.

> *Provided further*, That carriers in rural mail-delivery service shall furnish and maintain at their own expense all necessary vehicle equipment for prompt handling of the mail: *And provided further*, That nothing herein shall be construed, and no order shall be issued, to prevent the use of motor vehicles on horse-drawn vehicle routes.

Mr. BRYAN. What does that mean?

Mr. HARDWICK. That is the case exactly that the Senator from New Hampshire raised.

Mr. BRYAN. That is not what I understand. The Senator from New Hampshire wants to know if under this system where they now have rural motor routes of 50 miles in length this bill would interfere with them.

Mr. GALLINGER. No, Mr. President, the case that I cited is not a route 50 miles in length, but a standard route of 24 miles.

Mr. BRYAN. Is the Senator sure about that?

Mr. GALLINGER. I am quite sure. The case I cited was not a 50-mile route, but a standard 24-mile route. There are several of that kind.

Mr. BRYAN. They complain about a good many things. It is very easy for every rural carrier to go along his route and ask people to object to his route being consolidated with another and then sign a petition. In the last three or four years it has been demonstrated that it is not difficult for rural carriers to get a petition for increase of salary, and everybody signs the petition. In the year ending June 30, 1915, when every business in this country was economizing, and when the Post Office Department, that seems to be in such an ill odor among certain Senators upon the Democratic side, appealed to the Senate committee to help economize and to ask these people to forego the automatic promotion for one year, the Senate committee agreed with it, and then there was power enough in these organizations to have the Senate committee reverse itself and let them enjoy their own sweet will about it. That is the plain truth about it. The truth about this thing is that these rural carriers want to hold their jobs, and very naturally they want to hold their jobs, and they do not want a wagon route consolidated into a motor route.

Now, what harm can it do the people on the route who are being served? They get their mails just as rapidly. There has been no impairment of this service under the present Postmaster General. It has been vastly improved. One reason why I wanted this part of the bill to go over until morning was to find out just exactly how many people were being served at the time the present Postmaster General assumed office and how many are being served to-day. My recollection is that the people served to-day are about 29,000,000, and that about 25,000,000 were being served by this system when he was sworn into office. Is that a bad record? Is that a record that justifies Senators in standing here to criticize the people who have made it possible? The present Postmaster General has added 2,800 wagon routes and 800 motor routes, and as already shown extended the service to 4,000,000 additional rural residents in this country. There are a few things that have been done by the Postmaster General since I have been in the Senate that I have not approved of, and I have not hesitated to say so, but I think no man can justly criticize him when faced by a deficit of over $22,000,000 he so conducted the affairs of this Government as to reduce it by 50 per cent without injury to any branch of the service, and while that was going on he extended the rural service carrying the mail to an extent that ought to bring commendation instead of condemnation.

It will not do, Mr. President, to say that you prefer to let a State inspector decide this question. I believe in the rights of the States and I believe also in the rights of the Federal Government. I do not believe you can blend the jurisdiction of the Federal Government with the jurisdiction of the State government. I think they are separate and distinct, and it is not very logical to my mind to have the action of the department of the Federal Government controlled by the will of an official in a county anywhere in the United States.

The opposition to the improvements that have gone on have been opposition that results from an organized effort. I can not believe that the people who are being served care very much whether their mail is delivered to them in an automobile or a wagon. They want the service. They have received the service. More of them have received the service than ever before.

Mr. President, if this provision is placed upon the bill we are going to hamper the Post Office Department.

Sir, I dislike to refer to local conditions, but I can name a city in my State that has been entitled to seven routes for over three years before this provision was made that motor routes might be established. Because of the liberality of Congress the Postmaster General did not feel justified in making the extension. Since this provision has been placed in he has been able to order that service in. It was not done by correspondence with a fourth-class postmaster. However they do in Georgia, in this instance they sent a man to investigate conditions, and he rode along with other Post Office officials over every road in that county where it was proposed to establish additional routes, and he had his own judgment and the report of men familiar with it. The Postmaster General can get, without any additional legislation, the advice from men who have traveled the roads, and if they establish routes that they can not maintain now they can abolish them. I believe it is a mistake. I know it is wrong to say that you shall not develop this great service unless it happens to suit some one particular individual in some particular county.

It seems to me that the provision passed by the House, bad as it is, is preferable to the Senate committee bill, because after

a while the people of the country will wake up to the fact that it is of minor significance as to how many rural carriers there may be, but it is of real importance that the people living in the rural communities shall have the advantage of receiving their mails just as the people in the cities have.

The truth is, Mr. President, that in the differences of opinion that have been referred to here as existing between the department heads and the legislative branch of the Government the heads of the departments want all the power they can get. You have to give them the power to carry out the duties imposed upon them—the detail duties.

The trouble with the Post Office bill is always this, that Congress itself does not look at it in a business way, but in a political way. It is regarded here not by what it costs, not by the service to be rendered, but by the wishes of interested people.

I gather from what has taken place that the junior Senator from Georgia prepared this amendment. Both the Senators from Georgia seem for some reason or other to have a dislike to the Fourth Assistant Postmaster General. Mr. President, those men come and go, but we ought not to establish a policy, we ought not to uproot a great system upon the personal likes or dislikes of two or three men.

I have said about all I care to say on this bill. I am very sure that it is a great mistake to undertake to decide this question upon what people not connected in the remotest degree with the carrying on or the success of the business may think about it.

Mr. SMOOT. The Senator from Nebraska [Mr. NORRIS] notified me that he had to leave the Chamber and that he could not speak this afternoon.

Mr. HARDWICK. Does the Senator from Nebraska want to speak on this subject?

Mr. SMOOT. Yes; he wants to speak on the subject. I will say to the Senator having the bill in charge that the Senator from Nebraska had to leave the Chamber and he would very much prefer to speak—in fact, he wants to speak—upon it to-morrow morning. If there is no other Senator who desires to proceed at this time, I would suggest to the Senator that we take a recess until 12 o'clock to-morrow.

AMENDMENT OF THE RULES.

Mr. SMITH of Georgia. Mr. President, before the Senate adjourns or takes a recess this afternoon, I wish to call attention to Senate resolution 195, being Calendar No. 416. It is a resolution by which it is proposed that the standing rules of the Senate may be amended. The provision of the resolution is:

That if 16 Senators present to the Senate at any time a signed motion to bring to a close the debate upon any pending measure, the presiding officer shall at once state the motion to the Senate and at the close of the morning hour on the following calendar day lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present the Chair shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be in order to the exclusion of all other business, except a motion to recess or adjourn.

Thereafter no Senator shall be entitled to speak more than one hour on the bill, the amendments thereto, and motions affecting the same, and it shall be the duty of the Chair to keep the time of each Senator who speaks. No dilatory motions shall be in order, and all points of order and appeals from the decision of the Chair shall be decided without debate.

I think, Mr. President, the letter "s" in the word "motions," in line 7, on page 2, is a misprint, and that the resolution should read:

No dilatory motion shall be in order, and all points of order and appeals from the decision of the Chair shall be decided without debate.

The VICE PRESIDENT. Does not the Senator from Georgia think it unconstitutional to require the presiding officer to act as a timekeeper, adding to the duties of the Vice President? [Laughter.]

Mr. SMITH of Georgia. I suppose the presiding officer would have the right to delegate that service to the Secretary of the Senate if he saw fit.

The VICE PRESIDENT. With that understanding, the Chair withdraws the suggestion.

Mr. SMITH of Georgia. I have brought this matter to the attention of the Senate this afternoon because I wish at some time to-morrow to ask unanimous consent to fix a day on which we may vote upon this proposed amendment to the rules and any amendments that may be offered to it. I think every Senator knows just what is in the resolution and understands just what it means; and, if the Senate is willing to vote upon it, we can agree upon a time by unanimous consent. I will not ask for unanimous consent now, because before the sense of the Senate could be taken a roll call would be necessary, and it might not disclose a quorum, but at some hour to-morrow which may seem favorable I do hope that the Senate will give unanimous consent to set a time when this resolution may come to a vote.

Mr. GALLINGER. Mr. President, the Senator from Georgia does not anticipate any filibustering tactics during the remainder of this session, does he?

Mr. SMITH of Georgia. No, I do not; I hope not; but I think that, without any filibustering tactics, we have wasted a good deal of time which we would not have wasted if we had had the power to spur forward a little.

Mr. GALLINGER. That may be so.

Mr. SMITH of Georgia. I do not consider that we have had any filibustering at this session; I do not think it would be just to claim that we have had. We have had, however, a sort of carelessness on the part of some Senators, resulting in the waste of a great deal of time.

I was very much impressed with the debate we had on the military bill when by unanimous consent we agreed to a 10-minute limit on speeches. The Senate was full; we discussed questions; Senators listened; and we accomplished something by what we said. If we had not had under the unanimous-consent agreement that 10-minute rule governing the debate, I doubt very much whether we would have been able to have made as good a military bill as we did make.

Mr. GALLINGER. I quite agree with the Senator, Mr. President, that that was a very illuminating debate, and I wish that all our debates could be carried on in the same way; but, while I agreed as a member of the committee to have this resolution reported, I think the Senator will find a good deal of difficulty if he undertakes to curb conversation in this body by a two-thirds vote. I think so; I may be wrong. However, I think the subject ought to be considered at some time.

Mr. SMITH of Georgia. I believe if we could have a vote we would adopt the resolution. I doubt whether we will have to use it often; but the fact that we could use it would enable us to prevent a half dozen Senators from blocking a request for unanimous consent.

Mr. GALLINGER. Undoubtedly.

Mr. SMITH of Georgia. My own opinion is that one of the most valuable modes of handling our business is, after a bill has been somewhat elaborately discussed, to set a time for voting upon it under a unanimous-consent agreement, whereby there is a limit of 10 minutes to each speech on each amendment. Under such circumstances Senators will stay and listen, and Senators will say what they have to say on the subject under consideration with no useless waste of words.

Mr. BRANDEGEE. Mr. President, I do not wish to debate the question now, of course, for I realize it is not up for consideration, but I want to say to the Senator very briefly that as he read the resolution it impressed me that one of its serious defects is that, even if it should be the desire of the Senate to curtail debate upon the vote of two-thirds of its Members, to limit each Senator to the period of one hour on the main bill, whatever it may be, and all amendments, seems to me to be a dangerous thing to agree to. I call the Senator's attention to a situation that frequently happens: After a very important measure has been considered for days and unanimous consent has been obtained for a vote on it, and all the pending amendments have been disposed of, some Senator may arise and propose an entirely new bill as a substitute, bringing up entirely new features, upon which there has been no discussion whatever, and it might very probably happen, under the terms of the resolution as it is now framed, that when Senators are ready to vote on a measure which they have debated for weeks and an entirely new proposition may be thrust upon them, they have gagged themselves, and having exhausted their hour, can not say a word.

Mr. SMITH of Georgia. I am glad to have the Senator's criticism. When I first drafted the resolution it did not contain the hour limitation; I simply incorporated the provision commonly placed in unanimous-consent agreements, that not more than 10 minutes shall be allowed to each Senator upon the bill or any amendment to it. I myself would prefer that mode of expression.

Mr. BRANDEGEE. Of course, I did not mean to precipitate any debate on the merits of the resolution now, but merely to call the attention of the Senator to that one feature.

Mr. SMITH of Georgia. But we ought not to adjourn until 6 o'clock. We ought to stay here every afternoon and work until 6 o'clock; and I am extremely gratified to have the Senator's suggestion. We certainly ought to avoid in any rule that we adopt a provision which might make it possible to present amendments without having any opportunity for their

consideration, although I believe brief consideration is more valuable than lengthy consideration.

Mr. BRANDEGEE. But it frequently has happened that a Senator, upon a very important matter, has been driven to a yea-and-nay vote without even the opportunity to explain his vote, much less consider the question.

Mr. SMITH of Georgia. I wish to ask the Senator if he will not take the time to-night to think about that subject and consider what suggestion he would make as to some kind of modification? It might be well to limit each Senator to not more than a half hour on the bill and 10 minutes on each amendment. I would rather prefer that, I think, to the hour limit which has been put in the resolution.

Mr. BRANDEGEE. Of course, this resolution, while it is a resolution to curtail debate, is of itself subject to unlimited debate, unless unanimous consent to vote on it can be procured, and I am sure there is no disposition whatever anywhere to take any snap judgment upon the resolution. It is a weighty and fundamental departure from the previous history of the proceedings of the Senate, and, of course, every Senator will want to give it his best attention. I certainly will give it mine.

Mr. SMITH of Georgia. I should like to suggest to the Senator from Connecticut and also to the Senator from New Hampshire a modification of the time contained in this resolution to half an hour on the bill and not more than 10 minutes on any amendment.

Mr. GALLINGER. Mr. President, there is one suggestion I would make to the Senator concerning the matter, to which I hope he will give a little attention, and that is whether or not a motion of this kind could be made day after day, provided it is voted down. We would waste a great deal of time under those circumstances. We might incorporate in the resolution a provision, perhaps, that such a motion could not be made oftener than once a week, or something of that kind.

Mr. SMITH of Georgia. The Senator, then, who really wanted to move forward would be using dilatory tactics and defeating his very object. I do not think we would be in danger from anything of that kind.

Mr. SHAFROTH. Mr. President, let me suggest to the Senator that instead of cutting the time for general debate down to an hour or half an hour he leave that as it is and in addition thereto give 10 minutes upon each amendment. That, I think, would be satisfactory to a great many of us who think that half an hour for general debate would be too short a time.

Mr. SMITH of Georgia. I think, also, that with that kind of a limitation nearly any measure would be controlled by the Senate, if necessary, and brought to a vote. I will be perfectly willing myself to make it an hour on the main bill and not more than 10 minutes on any one amendment, and I will be glad to have any suggestion to-morrow from any Senator on the subject.

RECESS.

Mr. BANKHEAD. Mr. President, I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m., Tuesday, June 20, 1916) the Senate took a recess until to-morrow, Wednesday, June 21, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 20, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who dost control the destiny of men and of nations, to Thee we lift up our hearts in gratitude for that parental care which Thou hast ever exercised over us as individuals and as a people, and we fervently pray for the continuation of the same to all our future. Point out, we beseech Thee, our duty and give to us the disposition and strength to do it now and ever more in the spirit of Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

The SPEAKER. This was the day set for the fortification bill to be disposed of.

Mr. MANN. I believe there is a special order for to-day, is there not?

The SPEAKER. There is a special order for to-day.

Mr. CRISP. Mr. Speaker, I make the point of order that no quorum is present. The matter that is now coming up before the House I think should have a full membership to hear it.

The SPEAKER. The gentleman from Georgia makes the point that no quorum is present. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. CRISP. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Doorkeeper was ordered to close the doors and the Sergeant at Arms to notify the absentees. The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Foster	Liebel	Powers
Aiken	Freeman	Lindbergh	Pratt
Anderson	Gillet	Linthicum	Riordan
Austin	Glass	Lobeck	Roberts, Mass.
Barchfeld	Glynn	Loft	Rowland
Barnhart	Good	Longworth	Russell, Ohio
Beakes	Gray, N. J.	Loud	Sabath
Britten	Greene, Mass.	McAndrews	Scott, Pa.
Byrnes, S. C.	Gregg	McFadden	Scully
Callaway	Griest	McKellar	Sells
Candler, Miss.	Griffin	McKenzie	Slayden
Cantrill	Hamill	McLaughlin	Slemp
Carew	Hamilton, N. Y.	Magee	Small
Coleman	Hart	Maher	Smith, Idaho
Cooper, Wis.	Haskell	Meeker	Smith, Minn.
Costello	Haugen	Miller, Minn.	Smith, Tex.
Cramton	Hayes	Miller, Pa.	Snyder
Danforth	Helm	Mooney	Sparkman
Davis, Minn.	Henry	Moores, Ind.	Steenerson
Dent	Hilliard	Morgan, La.	Sulloway
Dickinson	Hinds	Morin	Sumners
Dies	Houston	Moss, W. Va.	Sutherland
Dooling	Humphreys, Miss.	Mott	Swift
Doremus	Johnson, Ky.	Mudd	Taylor, Colo.
Driscoll	Jones	Neely	Temple
Drukker	Kahn	Nelson	Thompson
Dunn	Kelley	Nichols, Mich.	Tilson
Eagle	Kennedy, R. I.	Oakey	Treadway
Edwards	Kent	Oglesby	Vare
Esch	Key, Ohio	Oldfield	Walker
Evans	Kinkaid	Olney	Williams, Ohio
Fairchild	Konop	Overmyer	Williams, T. S.
Farr	Lafean	Parker, N. J.	Williams, W. E.
Fess	Langley	Parker, N. Y.	Wilson, Ill.
Fields	Lesher	Peters	Winslow
Finley	Lever	Phelan	
Fitzgerald	Lewis	Porter	
Flynn	Lieb	Pou	

The SPEAKER. On this roll call 285 Members have responded. A quorum is present.

Mr. CRISP. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

LEAVE OF ABSENCE.

Mr. DRUKKER, by unanimous consent, was given leave of absence, for two days, on account of important business.

H. SNOWDEN MARSHALL.

Mr. MOON. Mr. Speaker, while the committee is not divided in the report on this question, yet I will with pleasure give to gentlemen who are opposed to the adoption of the resolution which I shall now offer equal opportunity to be heard upon it.

By direction of the select committee appointed by the House to investigate and report upon the misconduct of H. Snowden Marshall for a violation of the privileges of the House I present the following privileged resolution.

The Clerk read as follows:

In the matter of the alleged misconduct of H. Snowden Marshall, Mr. MOON offered the following:

House resolution 268.

Resolved, That the Speaker do issue his warrant, directed to the Sergeant at Arms, commanding him to take in custody, wherever to be found, the body of H. Snowden Marshall, of the State of New York, and to proceed forthwith to bring the said H. Snowden Marshall to the bar of the House of Representatives, to answer the charge that he, on March 4, 1916, in the city of New York, did violate the privileges of the House of Representatives of the United States by writing and causing to be published the following letter:

DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY'S OFFICE,
New York, March 4, 1916.

SIR: Yesterday afternoon, as I am informed, your honorable committee ordered the arrest of Mr. L. R. Holme, a representative of a newspaper which had published an article at which you took offense. The unfortunate gentleman of the press was placed in custody under your orders. He was taken to the United States marshal to be placed in confinement (I do not understand whether his sentence was to be one day or a dozen years). The marshal very properly declined to receive the prisoner. This left you at a loss, and I am advised that you tried to work your way out of the awkward situation by having Mr. Holme brought back and telling him that you were disposed to be "kind" to him, and then discharged him for the purpose of avoiding unpleasant consequences to yourselves.

You are exploiting charges against me of oppressive conduct toward a Member of your honorable body who is charged with a violation of law and of oppressive conduct on my part toward shysters in the blackmailing and bankruptcy business.

I may be able to lighten your labors by offering to resign if you can indicate anything I ever did that remotely approximates the lawless tyranny of your order of arrest of Mr. Holme.

The supposed justification of your order that Mr. Holme be placed in custody was his refusal to answer the question you asked as to where he got the information on which was based the article which displeased you.

It is not necessary for you to place anyone under arrest in order to get the answers to the question which you asked Mr. Holme, because I can and will answer it. I gave Mr. Holme information, part of which he published and from which he made deductions, so that if your honorable committee has a grievance, it is against me and not against him.

What I told him was about as follows:

I said that your expedition to this town was not an investigation conducted in good faith, but was a deliberate effort to intimidate any district attorney who had the temerity to present charges against one of your honorable body.

I said that your whole proceeding here was irregular and extraordinary; that I had never heard of such conduct of an impeachment proceeding; that charges of this sort were not usually heard in public until the House of Representatives had considered them and were willing to stand back of them.

I pointed out to him that you, contrary to usual practice, had come here and had held public hearings; that among your witnesses you had invited every rogue that you could lay your hands on to come before you and blackguard and slander me and my assistants under the full privilege of testifying before a congressional committee.

I told him that you had called one of my junior assistants before you and had attempted to make it publicly appear that his refusal to answer your questions as to what occurred in the grand jury room in the Buchanan case was due solely to my orders. I said that at the time you attempted to convey this public impression you knew that it was misleading because I had been asked by you to produce the minutes of the grand jury and had been instructed by the Attorney General not to comply with your request, as you well knew. I showed him the telegram of the Attorney General to me and showed him a copy of my letter to you, dated February 29, 1916, in which I sent you a copy of the telegram of the Attorney General instructing me not to give you the grand jury minutes.

I told him that you were traveling around in your alleged investigation of me with Buchanan's counsel, Walsh and David Slade, in constant conference with you. I said that I believed that every word of the evidence, whether in so-called secret sessions or not, had been placed at the disposal of these worthies, and that I would be just as willing to give the grand jury minutes to a defendant as to give them to your honorable subcommittee.

I told him that I did not share the views which seemed to prevail in your subcommittee on this subject. I said that I regarded a Member of Congress who would take money for an unlawful purpose from any foreign agent as a traitor, and that it was a great pity that such a person could only be indicted under the Sherman law, which carries only one year in jail as punishment.

I said that it was incomprehensible to me how your honorable subcommittee should rush to the assistance of an indicted defendant; how you had apparently resolved to prevent prosecution by causing the district attorney in charge to be publicly slandered.

I told him that I would not permit the prosecution of the persons whose cause you had apparently espoused to be impeded by you; I said that if you wanted the minutes of the grand jury in any case, you would not get them as long as I remained in office.

You will observe from the foregoing statement that what Mr. Holme published may have been based on what I said. If you have any quarrel, it is with me, and not with him.

It is amazing to me to think that you supposed that I did not understand what you have been attempting to do during your visit here. I realized that your effort was to ruin me and my office by publishing with your full approval the complaints of various persons who have run afoul of the criminal law under my administration. Your subcommittee has endeavored by insulting questions to my assistants and others, by giving publicity and countenance to the charges of rascals, and by refusing to listen to the truth and refusing to examine public records to which your attention was directed, to publicly disgrace me and my office.

I propose to make this letter public.

Respectfully,

H. SNOWDEN MARSHALL,
United States Attorney.

Hon. C. C. CARLIN,
Chairman Subcommittee of the Judiciary Committee of the House of Representatives,
323 Federal Building, New York, N. Y.

Resolved, That the said H. Snowden Marshall, in writing and publishing said letter, was guilty of a breach of the privileges and a contempt of the House of Representatives, and that the said H. Snowden Marshall be furnished with a copy of this resolution, and a copy of the report of the select committee of the House of Representatives, appointed to investigate the charges made against him in the House of Representatives.

Resolved further, That when H. Snowden Marshall shall be brought to the bar of the House, to answer the charge of having violated the privileges of the House of Representatives, as afore set out, the Speaker shall then cause to be read to said H. Snowden Marshall the findings of fact and findings of law by the special committee of the House, charged with the duty of investigating whether or not the said H. Snowden Marshall had violated the privileges of the House of Representatives, or was in contempt of same; the Speaker shall then inquire of said H. Snowden Marshall if he desires to be heard, and to have counsel on the charge of being in contempt of the House of Representatives for having violated its privileges. If the said H. Snowden Marshall desires to avail himself of either of these privileges, the same shall be granted him. If not, the House shall thereupon proceed to take order in the matter.

Mr. MOON. Mr. Speaker, perhaps it would have been well for some member of the committee to have prepared a written argument on this report. The report itself is rather brief, but if I can have the attention of the House I will discuss orally the main features involved in this matter.

The House must observe, to begin with, that this is not an impeachment proceeding. It is a charge of violation of the privileges of the House by H. Snowden Marshall, of New York, and thereby a contempt of the House of Representatives. The fact that Mr. Marshall may have been impeached for high crimes and misdemeanors need not be determined, as to his guilt or innocence, one way or the other. For the purposes of this case it has no legal effect. We are here simply to examine the question whether, pending the impeachment proceedings against him, he was guilty of that conduct which brought into disrepute and contempt the House of Representatives of the United States. I want you to follow me carefully, because I shall discuss only the law and the material facts in the case. I can not and would not undertake to state all the testimony before the select committee. That testimony is here written and printed. It is before the House, and you have read the report. Take up the facts as found by the special committee. First, H. Snowden Marshall is a United States district attorney for the southern district of the State of New York, and was such on the 14th of December, 1915, and is now. On the 14th of December, 1915, Mr. BUCHANAN, a Representative in Congress from the State of Illinois, upon his authority as such Representative, arose upon the floor of this House and impeached H. Snowden Marshall, district attorney for New York, in pursuance to the Constitution and in the manner provided by law, of high crimes and misdemeanors. He was charged with official oppression and tyranny in office.

In answer to that preferment of charges involving the violation on the part of this officer of his duty there came an indictment against Mr. BUCHANAN and others in the district court of the State of New York preferred by Mr. Marshall. Next, Mr. BUCHANAN, on the 12th of January, 1916, following the indictment against him in New York on the 28th of December, again rose on the floor of the House and made more specific charges of high crimes and misdemeanors against Mr. Marshall—39 charges, I believe, in all—involving a breach of public duty on the part of this gentleman. The main charge was that Mr. Marshall, without proof, without cause, and without justice, had forced through the grand jury of the Federal court in New York indictments against various persons without any proof, and therefore in violation of the law and the Constitution of our country. In other words, there are a vast number of charges involving not only technical violations of official duties and obligations but moral turpitude on the part of this officer. What next should have occurred and did occur? The House of Representatives directed an investigation of these impeachment charges and appointed the Judiciary Committee of the House to hear proof and report, and gave to that committee the power of appointing a subcommittee clothed with all the power and authority of the Judiciary Committee as conferred by the resolution of the House of Representatives, and this power was plenary, involving all of the power and authority of the House itself. Then, the Judiciary Committee appointed to hear the proof and determine the facts, to reach a conclusion of law and make a recommendation to this House, three of its distinguished Members, Mr. CARLIN, Mr. GARD, and Mr. NELSON. They heard proof here. They went to New York and took proof there, acting within the scope and power of the authority delegated to them by this House. While they were taking the testimony, while they were seeking to ascertain the fact whether this official was guilty of the tyranny with which he was charged, we find him intervening in his own defense, intervening in the defense of a witness with whom he was in no way connected; and as a pretext that this committee had violated the rights of a witness, he gratuitously offers to this committee a most outrageous insult.

I need not for the moment refer to the language of the letter of March 4, 1916, by Mr. Marshall to this committee, upon which the charge of contempt is predicated. You have heard that letter read. What was the next step in this matter? The subcommittee returned to Washington, reported the facts to the Committee on the Judiciary, and that committee in turn reported the facts to the House of Representatives, and recommended the appointment of a select committee to hear the facts and state the law and recommend a procedure against this defendant, if found in their judgment to be guilty of a violation of the privileges of the House of Representatives. That committee met after its appointment and called before it the members of the subcommittee and H. Snowden Marshall. The subcommittee, it will be seen from the evidence, substantiated the facts as they have been stated by me to you. They enlarged very much upon the facts as I have stated, giving all of the circumstances that attended, to strengthen and enforce the opinion that has been here expressed. Mr. Marshall appeared before that committee. He filed and read to us a carefully prepared statement, which you will find in the record in this case. He then desired to make personal statements, which was permitted. He was cross-examined. I invite your attention, gentlemen, those of you who would read this report, to the facts as disclosed by Mr. Marshall himself, to determine the animus and the malice of the man, or if in your judgment there be

facts, to determine those that exist in mitigation of his alleged offense. That committee having heard all of the proof and considered the law and the facts, have reported to you in the report that is now before you—report No. 544, of the select committee of the House of Representatives, in the matter of the alleged contempt of H. Snowden Marshall.

We reached the conclusion under the law and the facts that Mr. Marshall was guilty of contempt of the House of Representatives because of the writing of the letter which has been referred to and read. He made a breach of the privileges of the House. We further found that the manner and the conduct of this gentleman, the reitteration and the reaffirmation of the charges he had made, which we had supposed to be in the heat of passion, were renewed after full and careful deliberation and announced by him to be true. No apology of any kind, he tells you, is to be offered for that which he said, bringing into reproach the good name of this House, bringing into derision and scorn and contempt before the American people their Representatives sent here to protect the honor and the dignity of a great Republic.

Of course, upon the state of facts, there must be made an application of the law of your country to determine the proper conclusions that you may reach. It is said by the friends of Mr. Marshall that a district attorney is not subject to impeachment. The Constitution confers upon the House of Representatives the sole power of impeachment, but trial of the impeachment under the articles that the House may present is before the Senate of the United States.

Article II, section 4, of the Constitution says:

> The President, the Vice President, and all civil officers of the United States shall be removed from office on impeachment and conviction of treason, bribery, and other high crimes and misdemeanors.

You will observe that it is necessary for me to discuss this question of impeachment for a moment, because if the power of impeachment and procedure we have undertaken is not authorized by law, then the contempt proceedings must necessarily fall. A United States attorney is a civil officer within the meaning of this section of the Constitution. This is not an open question. It is one that has been settled long since. The term "civil officer" in that section of the Constitution is used in contradistinction to military officers, for the reason that the law provides means by which military officers who encroach upon the rights of the people or violate the law may be punished and removed from their office, and that is not by impeachment.

What is an officer, anyway? One who holds an office. An office is a position of trust, or honor, or profit, to which duties are attached to be performed. Many years ago a great constitutional writer, passing upon this question, said:

> For reasons already given it is obvious that the only persons liable to impeachment are those who are or have been in public office. All executive and judicial officers, from the President downward, from the judges of the Supreme Court to those of the most inferior tribunals, are included in this description.

Then he is an officer; he is part of the power and sovereignty of the American people in the discharge of great duties that are partly ministerial and partly judicial, and therefore is subject to impeachment.

Mr. Story, the great commentator upon the Constitution of the United States, says:

> All officers of the United States who hold their appointment under the National Government, whether their duties be executive or judicial in the highest or the lowest departments of the Government, with the exception of officers in the Army and Navy, are properly civil officers within the meaning of the Constitution and liable to impeachment and removal from office.

Now, I take it, therefore, that that question is settled by the adjudications of the country. But they say again that this House has not the power to punish for contempt committed pending an impeachment proceeding or an inquiry into the facts upon which impeachment shall be tried and determined.

It is true, it is said by the Supreme Court, there is no express grant of power in the Constitution either to the House, the Senate, or the Supreme Court to punish for contempt, but the answer that that affords is no reason why the power does not exist. You are dealing with the House or the Senate or the Supreme Court as the authority of last resort upon this question.

No one denies that in the court order must be maintained; its decrees and its mandates must be obeyed lest law and order perish. Or can anyone deny that this House has the power to suppress disorder in the galleries that would interfere with its procedure, or to perform any other act in its own self-defense for the purpose of carrying into execution those powers that are expressly granted to it under the Constitution? You have the implied and inherent power therefore to punish one who would attempt to obstruct your processes, one who would disobey your mandates, providing you are acting within the scope of your authority. This is not an unsettled question.

I was about to read the opinion of the court, but it is hardly necessary in the presence of this intelligent body. This House is familiar with the case cited in the report of Anderson against Dunn in the Supreme Court of the United States, Sixth Wheaton, in which that great tribunal held that the power is in Congress to punish for contempt, notwithstanding there is no grant expressly given in the Constitution. It is inherent in this or other legislative bodies for its self-defense and protection. Without it the people you have been chosen to serve could not be served, and if the power exists to punish for contempt in the presence of a body, it follows logically that any contempt of this House committed beyond and outside of its presence is equally a contempt of the body and equally subject to punishment whether, as Mr. Justice Johnson says, it be committed in Maine or in Louisiana.

What is a contempt of the House or a breach of its privileges? Any word, act, or publication that tends to bring into ridicule and contempt this body or to diminish in any way its power and retard or injuriously affect its proceedings, which you are authorized to uphold for the safety, honor, and dignity of the country, is a contempt. It is a contempt to strike one of your Members for words uttered on the floor of this House, even after the expiration of the Congress in which they were uttered. It is a contempt to offer to bribe a Representative. It is a contempt for a newspaper to publish falsely secrets of the records or Journals of the House or the Senate, as determined by the Senate of the United States in the case of Duane, and may be punished by imprisonment for a violation of the privilege. So powerful is the House and the Senate, indeed, in this matter that, although it has no power to punish beyond the day of its duration as a body—the biennial termination of Congress—yet in the Duane case, when the Senate was about to adjourn, when it happened that the punishment that ought to have been inflicted could not be sufficient within the limitations of the Congress, the Senate agreed and recommended to the President the punishment of this man through the courts, and the courts did punish him by imprisonment for two months, I believe, in the common jail.

Now I will yield to the gentleman from Virginia.

Mr. MONTAGUE. I would like to know—there was some confusion here, and I did not exactly catch the remark—whether or not the Senate punished Duane.

Mr. MOON. The Senate agreed to punish Duane, but because the Senate was about to adjourn, and its power under the law was not sufficient to go beyond the date of its sitting, it referred the question to the President, with the request that Duane be brought before the court and be punished for the offense, and that was done.

Mr. MONTAGUE. So, then, as I understand from the gentleman, the punishment inflicted upon Duane was done by the judicial department of the Government and not by the political department of the Government—the Senate?

Mr. MOON. The gentleman can not think for a moment there is any logic in that position that because the judiciary did make the punishment there is no power in the legislative branch to make it, because it was expressly stated the reason the legislative branch, the Senate, did not inflict the punishment was because its life was not long enough to enable it to do so.

Mr. MONTAGUE. I was not arguing the question with the gentleman, I simply wanted the facts of the case, and that was the reason I asked the question.

Mr. MOON. The gentleman has gotten the facts.

Mr. MONTAGUE. I do not know whether I have or not.

Mr. MOON. Well, if the gentleman thinks he has not gotten the facts it is because he did not understand them.

Now, Mr. Speaker, the power to punish is complete for the offense outside of the House. There is one limitation upon that power, and I do not desire to discuss this question or conceal for a single moment any point that might possibly be raised in extenuation of the offense of this man or any bar of the judgment of the House upon the facts.

While the power of the Congress is complete, while its jurisdiction is exclusive, while it has authority to impeach and to punish for contempt pending an impeachment, it is equally true that in the exercise of the power and the privileges that are given to this House, if they are exercised in violation of the law and the orderly procedure, a judgment of conviction and punishment can not be predicated upon it. For instance, if the committee had gone to New York and were acting within the scope and power and authority that were conferred upon it by Congress, and the presumption is that it was, and if the offense of contempt is held to be complete against him, then there is no

reason why this House might not proceed to properly adjudge the case. But if that committee in the discharge of their duty went outside of their power and authority that was conferred upon them, if they used their power for another purpose, then that protection that goes with the committee in the discharge of its duties in exercising the powers and functions of this House no longer obtains.

For instance, as held in the case of Thompson against Kilbourne, if the committee sought to investigate the private concerns of a witness before it, and the witness refused to divulge his private secrets, and the committee arrested him for contempt, and the House arraigned him for contempt, it was properly held, in my judgment, that the warrant of arrest of the Sergeant at Arms was no protection, because the jurisdictional fact, the supreme fact upon which the proposition fundamentally rested, was removed. But the facts in this case do not bring it within the scope of Thompson against Kilbourne, nor is that case in any sense a limitation upon the case of Anderson against Dunn, except as I have expressed it and as it has been held by the court.

What was this committee doing in New York? It was undertaking to determine whether the indictment had been found against citizens without proof and by coercion on the part of the district attorney. That was the very thing they were doing. They had before them grand jurors, they had sought to get the minutes, and here the district attorney, who is charged with this tyranny, refuses to aid the committee in their investigation, but seeks to retard the prosecution of the inquiry in various ways. Not only were they within the limit of the power conferred but they were within the technical exercise of that power.

Now, before discussing this letter, which I shall refer to in a few moments, I want to refer to some facts that indicate the state of mind, the malice, of Mr. Marshall. Here is what he said: He says that he had an arrangement with this committee that they would not undertake to force the minutes of the grand jury. He speaks of CARLIN and GARD and NELSON as though they were outlaws and bandits sent for the purpose of exploiting and ruining him in the discharge of his duty. I desire to pass no undue or unjustified encomium upon any man, but for probity of character and for honor and intelligence you will search this House in vain to find three better men than CARLIN, GARD, and NELSON. [Applause.] What does he say? He says:

> Relying on the promise which, as I was thus informed, Mr. CARLIN had made to the district attorney, I did not take the steps which I should otherwise have taken to prevent the subcommittee from taking the course of conduct which they afterwards saw fit to take.

Ah, indeed. He had been there. He had made publications. He had had his assistants obstructing as he could the course of these proceedings. He had done all he could, but he advises at last that if he had known certain things he would have prevented this committee from taking the course it saw fit. What course? The ascertainment of the facts to determine whether he himself was guilty of tyranny and oppression in office or not.

It is with a great deal of unction and pleasure that this distinguished gentleman tells you that there are men in this House who properly ought to be indicted for crimes and that he is not to be deterred by any resolution. Do not forget, gentlemen, that the efforts that he made, that he undertook to pursue, of finding an indictment against Mr. BUCHANAN and others were after and not before Mr. Marshall was impeached. He charges the House, too, with answering an indictment against one of its Members by an impeachment. The RECORD shows that the impeachment was on the 14th of December, while the indictment was on the 28th. May it not be replied, then, that Mr. Marshall sought to answer the charge of impeachment of this House by an indictment of a Representative who preferred the impeachment?

But I must not take up too much of your time. Let me read to you again. What was the state of mind of this gentleman? This is in his written communication to the subcommittee:

> I do not deny that my letter of March 4, 1916, was written while I was in a state of intense and violent indignation at the treatment to which I and my assistants had been subjected. I have thought it over in cooler moments since writing it, and I find in it nothing to regret and nothing to retract. There is not a word in it which is not true. Under the same circumstances I should write the same letter again, and it is my honest opinion that any investigation by Congress should be rather into the actions of the subcommittee which sought to bring public disgrace upon my assistants and myself than into my own resentment of their methods.

Is there anything that could be more defiant than that statement? But he claims that his action was not directed against the Congress, and that his letter was against the subcommittee. That is a weak subterfuge, one not worthy of a man who would assert such bravery and martyrdom for a cause as he does. He seeks to shield himself behind the simple suggestion that a committee of the House may be entirely separated from the House, that the House ought not to and could not follow the committee with its power and authority in the exercise of its mandates and the performance of its duty.

Why, you could not go as 440 men to New York. You had to send your committee. The committee acted within its power and had the protection of this body.

But the gentleman while making that claim unfortunately makes some admissions that are not in his favor.

I will not take time to look through the record. You will find it printed there. Mr. Marshall is asked if, in the calm consideration of all the facts, after the hour of tumult, when his anger was gone, he did not want to modify the statements against this committee, and he answered that he did not.

Mr. ALLEN. Is it not on page 75, at the top of the page?

Mr. MOON. That is not just what I had in mind. He reiterates the same thing there. He is asked again, as you will see, "Do you desire to be understood as making no apology or retraction?" "I do." Again: "Mr. Marshall, knowing, as you do now, that this committee was acting within its authority and that it represented the House itself, are you ready to say that you have no apology?" "I am." That is the substance of it. Now, look at it for a moment. In his anxiety to play the martyr he abandons for the moment the charge that the committee was derelict and dishonorable in the performance of its duty, but he affirms the objection, the contempt, and the defamation that he has made of this House itself.

Gentlemen, that brings us to the only question involved, because these questions of law that we have presented are all settled. They are conclusive. The jurisdiction and the power of this House is complete. Notwithstanding the power of the House in these matters, notwithstanding the acts of this defendant outside of this letter, we are without authority to punish him until we ourselves conclude that the language contained in this letter is a breach of the privileges of the House, and therefore a contempt, and this House alone is the forum in which the question can be determined. The Constitution, as I observed before, does not give the express grant of power even to punish for contempt. The power is implied and inherent in every legislative body. Of course there could be no enumeration of the things that constitute contempt. When a charge of contempt is made the House must decide whether the fact constituted a breach of its privileges, and therefore a contempt, and that depends always upon the judgment of the House on the specific facts.

If the House has been driven and buffeted about, if it has submitted to every sort of insult, if it has permitted its power to be called in question without an effort to maintain it, if it has permitted its honor to be impugned without the punishment of the criminal, it may be prepared to accept and approve something like this letter; but I conceive that a body of men, high-minded and honorable, are not undertaking to punish any man for what is said about them individually, but because of scandalous and defamatory declarations against them as the representatives of the people; not because it impugns their powers in any way, but because it is a direct thrust at the sovereignty of the people who elect them.

Let us see, then, if this article is a contempt. Remember the circumstances under which it was written. He says:

> You are exploiting charges against me of oppressive conduct toward a Member of your honorable body, who is charged with a violation of law—

And so on.

> I may be able to lighten your labors by offering to resign if you can give anything I ever did that remotely approximates the lawless tyranny of your order of arrest of Mr. Holme.

Mr. Holme was a newspaper man. The proof shows that he had published the statement that the office of the district attorney, Mr. Marshall, was asserting that Congress proposed to impeach him in order to prevent the punishment of those who were charged with conspiracy to violate the interstate and foreign commerce laws; in other words, definitely charging in so many words pro-German affiliations on the part of this House.

Well, that was properly a subject of inquiry, was it not? If this committee, charged by this House with its authority, had gone there to ascertain the facts, it had a right to know upon what basis it was charged that this House, in the interest of German supremacy, was proposing to punish a district attorney because he had indicted a Member of this House who was alleged to be a violator of the law to prevent conspiracies against and in restraint of interstate and foreign commerce. What does all that mean? Analyze it a moment. It means

that a Member of this House, in the opinion of Mr. Marshall, is guilty of a high crime, and that in order to protect and shield him from the consequences of that crime this House of Representatives lent itself as particeps criminis to an offense by one of its Members and sought to impeach the district attorney. Ah, does not that offend your dignity? Are you ready to approve the suggestion that that statement is true? Are you ready to say that your committee was beyond the scope of its power and authority when it assumed to investigate and determine that fact?

But here came one after another of the grand jurors who sat upon those cases, and they were heard. Was not that in the performance of the duty of the committee? And let me observe that it is not material whether that testimony tended to implicate Mr. Marshall or not. It is utterly immaterial whether he is guilty or not guilty on the impeachment charge. This committee was not there to determine his guilt or his innocence until all of the facts had been heard and reported. Ah, he says, but you are sent here to exploit me and my office, and ruin me. Who sent them? The House. Did you send them to exploit him and ruin him in his office? If you did, it would be very unjust for you to punish him for contempt. If you did not, let him answer for his calumny. When he spoke against this committee he spoke against the House as equally as when he spoke directly against the House, and he did both in this communication.

But it is said by him that your investigation was not conducted in good faith, but was a deliberate effort to intimidate him or any district attorney who had the temerity to present charges against one of your body. Think of it! You did not send them there in good faith to investigate his tyranny and his usurpation in office, but because one of your body had been indicted by him, and that, too, after he had been impeached, you sent the committee there to exploit and injure him. Could there be a more gross affront?

Again, he says you employed every rogue that you could find to establish a case against him. This record shows that some of the best and most distinguished people in New York testified. Evidently some men did testify there whom Mr. Marshall did not regard as honorable, because he had been engaged against them in proceedings for conduct which he denounced as dishonorable. But to say that you were particeps criminis in an act that would be treason against your country, and that through your committee you came there to establish facts and to convict him out of the mouths of thieves and rogues—to what extent does your crime go if you are guilty as this man charges?

But, Mr. Speaker, while this record is replete with circumstances that show his contempt and his malignity, it is not necessary I take it for me to go further in a review of these facts.

Who, sir, is this man? Is he an unlettered man; is he an ignorant man who yields to strong passions, stimulated by malignity and intolerant egotism? Is he one who is not known to society? Is he one who does not know the law? Is his reason dethroned? Nay, nay. He is a man of gentle birth, of honorable lineage, who has been given the advantage of all that wealth and society can give; an accomplished lawyer, chosen for his probity and his intelligence to represent the Government of the United States in the suppression of crime and the protection of innocence. He is clothed with a part of the sovereignty of this great people; he administers at altars of justice. Can he be permitted to escape because he was ignorant of the law under which he was acting, even though ignorance of the law itself was an excuse? No; this man can not plead that he was weak of mind; he is chosen for this great office for his intelligence. I do not insist that he has been guilty of any crime comparable in degree to the crime of larceny or murder, because what he has done does not involve in any special sense moral turpitude; but he is guilty of a crime that goes right down to the roots of society and government and seeks its upheaval and its overthrow. We live, breathe, and have our existence only by virtue of law and by virtue of its enforcement, its simplicity, and its purity, and when one is chosen by the highest power of this Government to enforce the law in high places, and he places the foot of the tyrant on the neck of the common citizen he is indeed a greater malefactor than a common criminal and should be punished accordingly.

Mr. Speaker, that there is no proceeding known to the history of jurisprudence for the protection of the rights of the people so beautiful in its solemnity, so simple in its process, so grand in its justice, and so supreme in the interest of the people in the final decree, as the proceeding of impeachment against a public officer.

Sir, from the very moment that a Representative in this House rises in his place and upon his authority alone impeaches a public officer of high crimes and misdemeanors, to the hour of final judgment in the Senate, it is supremely grand and beautiful. No man who is innocent can possibly suffer under it, and no man who is guilty can scarcely escape.

The House proceeding under impeachment is a most orderly one. It directs an inquiry, report is made on the testimony of witnesses, and then in solemn form—if it is believed that the offender, the officer of the Government, is guilty—a resolution is passed and articles of impeachment are preferred and he is haled to the Senate of the Republic and there before that august body, presided over by the Chief Justice of the Supreme Court of this Nation, his case is investigated, he is given the benefit of counsel and witnesses and all the privileges granted in a highly civilized and humane tribunal.

Could not this man await the determination of that question at some stage of this proceeding in which he would essentially be protected? He was not willing to trust the law, but vain, egotistical, and arrogant, he assumed unto himself supremacy over the law, and asserted his contempt of one of the greatest legislative bodies known to the history of government. Shall this man be punished? Shall this resolution be passed? On your votes depend the honor of this body. If, indeed, you be guilty as charged by this public official, if you are unwilling to stand by the rights of the citizen against the oppressor, then you will be his apologist and sanction his crime; but if you are conscious of your dignity and honor, my judgment is that you will pass the pending resolution and call him to answer at the bar of justice. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 15, 1916:

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes;

H. R. 2744. An act to correct title to certain lands in Colorado;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes; and

H. R. 7817. An act to validate the homestead entry of George S. Clark.

On June 16, 1916:

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5658. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5776. An act to amend certain public-utility company franchises in the Territory of Hawaii; and

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise.

On June 19, 1916:

H. R. 13064. An act for the relief of M. A. Sweeney Shipyards & Foundry Co.

RICARDO DE BORJA (H. DOC. NO. 1229).

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which, with the accompanying papers, was ordered printed and referred to the Committee on Military Affairs:

To the Senate and House of Representatives:

I transmit a report from the Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. Ricardo de Borja, a citizen of Ecuador, to receive instuction at the United States Military Academy at West Point at the expense of the Government of Ecuador.

The Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Ecuador, and that it would follow established precedent.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, June 20, 1916.

H. SNOWDEN MARSHALL.

Mr. STERLING. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, when I came into the House this morning I had no intention of speaking upon this question. While sitting here listening to what was said, and I regret that in my position I could not hear all of the remarks of the chairman of the committee, a feeling has grown within me which prompts me to say a few words.

I do not think that the House has had a more serious or more important question before it than this for many days. I personally come to the consideration of the question without a particle of feeling with respect to it. I know one of the men interested in it as a fellow Member of the House. I have not a personal acquaintaince with Mr. Marshall, the district attorney of New York, although I know his general reputation in the community, practicing as I do somewhat in the courts of the city of New York.

When this matter first came before the Judiciary Committee, irrespective of personalities, but as a Congressman and a lawyer and a patriot, I said to myself this is a mistaken proceeding. The high court of impeachment is not to be convened on every trivial occasion. The great power of removal that rests in this body is not to be called into existence to remove a fourth-class postmaster or even a district attorney. A mistake has been made in this proceeding in beginning it.

I reflected upon the question, What is the purpose of impeachment? Impeachment is a plan devised to remove from office. It is not a proceeding for punishment. The purpose is to remove from office, and those of you who have read the debates with respect to this subject of impeachment, when our great Constitution was adopted, will recognize that what those men had in mind was to prevent an Executive possessing such high authority from usurping power and defying the will of the people by making him subject to impeachment.

By exact words in your Constitution it is written that the President and the Vice President shall be subject to impeachment; otherwise good authorities hold they would not have been. A case exists which establishes the theory that a Senator of the United States is not within the impeachment article. The decision of a distinguished Attorney General is in your Hinds' Precedents to the effect that a Territorial judge appointed by the President, confirmed by the Senate, is not within the impeachment clause of the Constitution. The language of the Constitution, I admit, is apparently broad enough to cover the removal of any civil officer, the word "civil" separating military officials. But no language of that kind is ever used or put in operation unless one thinks of the object and purpose to be gained by its application, and the object of impeachment being removal from office, the question is whether or not that object does not limit and save this House from what might be cast upon it any day, namely, the duty of trying a fourth-class postmaster by impeachment and removing him from office? It seems to me that it is like training an enormous gun to kill a rabbit. The power of impeachment is a great power. It is a power that ought to be conserved and preserved for those uses for which it was originally destined; and when I reflect upon this procedure that a gentleman under prosecution rises in his place in this House and simply says by his ipse dixit, "I impeach my prosecutor," I ask myself the question, Is the remedy or defense against a criminal charge impeachment of that prosecutor? As Mr. Marshall puts it in his statement before the committee, shall the defense of impeachment be written into the administration of the criminal laws of the United States of America? I hope not.

The course that I would have pursued—and I say it with all respect to the gentleman from Illinois [Mr. BUCHANAN]—is this: I would not have risen in my place and said, "I impeach my prosecutor." I would have said, "Mr. Prosecutor, you are persecuting an innocent man. I demand a trial by my peers in the usual course of the law of the land, and I will stand and meet it." [Applause.] And then, when that had transpired, if this prosecutor had shown malevolence or ill will, I would adopt the other remedies. But, my friends, we have not yet reached this use of the remedy by impeachment. This is a removable office. When you trace the history of the district attorney's office you will find that, except as disturbed by the tenure-of-office acts passed in the heated period succeeding the war, he was unquestionably removable from his office by the President of the United States, notwithstanding the fact that his appointment must be confirmed by the Senate; but we are relieved of all doubt upon that question, for Congress in its wisdom has written into the statutes of your country a provision which says that the district attorney may be removed at the pleasure of the President.

Where is the necessity, then, for invoking impeachment proceedings? What ought to be the remedy of a man who had been injured by an improper prosecution? To apply, first, to the district attorney's superior officer, the Attorney General of the United States. Denied justice there, then appeal to the President; and surely he would not have been denied justice at the hands of his own Executive, who could have removed him from the office on the testimony he might produce, if it warranted it.

Mr. TAGGART. Mr. Speaker, will the gentleman yield for a question right there?

Mr. GRAHAM. Not just yet.

Then, if denied justice by the President, he still had the final remedy—by impeachment, perhaps—for then would exist a case in which, perhaps, resort might be made, in the last event, to charges before this body and to an impeachment. But, my friends, not even to remedy a personal wrong, or a personal indignity to him, should that impeachment be allowed by this House. It must be a wrong that affects the public through the administration of his office, so that the public is injured. The redress for a personal injury or grievance, as you lawyers who are here all know, lies in the courts of your States and the United States through the remedies which State laws as well as United States laws have provided. So that here was a step taken to impeach before there was a complaint made to either the Attorney General or to the President to remove this official if he was guilty of misconduct that warranted removal from office and you were asked, and did step in, and before a trial on the charge made against the accusing Member, impeach and put on trial the man who is prosecuting him. I read in the papers a statement, I presume, uttered by him, a statement to this effect from the distinguished chief justice of the Court of Appeals of New York, Mr. Justice Lacombe, who is now retired—a man for whom I have the greatest respect, and whose opinions carry weight and power with them. In a most deprecatory, mild way, without offense to anyone, he said that which is a great and mighty truth, which we ought not to forget. He said:

> It is to be deplored that an investigation of this kind should have been inaugurated by the Congress of the United States, by a man who, though he be innocent—and I have no reason to believe that he is not—is accused of a crime, and thereby a proceeding started which is calculated to intimidate any honorable and honest district attorney who may desire to do his duty.

Mr. GORDON. Mr. Speaker, will the gentleman permit a question right there?

Mr. GRAHAM. I yield to the gentleman.

Mr. GORDON. I would like to have the gentleman, who is a very distinguished lawyer, state what this House could have done other than it did do upon the impeachment of Mr. Marshall?

Mr. GRAHAM. I am coming to that in a moment. I am trying now, even at the expense of your patience, to give a bird's-eye view, for one can not argue a question like this in the time allotted and without authorities—I am giving you a bird's-eye view of the situation. When this came before the Committee on the Judiciary, what was done? I agree with the gentleman from Ohio [Mr. GORDON] that once the statement was made that impeachment was offered, the House ought to appoint a committee and make an investigation. That is quite true, and I wish it distinctly understood that I am not here saying one word in opposition to this special committee or the work that it has done, for in their line of duty there was nothing left for them to do as the servants and agents of the House. Neither am I here to say anything that would hurt or wound the feelings of the gentlemen of the subcommittee of the Judiciary Committee who acted in this investigation on the charges that were made. I wish to say of all of them they have my respect and personal regard and in many cases an affection that is deep, and therefore you may imagine with what hesitation I take this position when it is only from my sense of duty that I lift up my voice and speak at this time upon this question.

Mr. DALE of New York. Will the gentleman yield?

Mr. GRAHAM. Certainly.

Mr. DALE of New York. The gentleman has made reference to a statement made by former Justice Lacombe. I desire to ask the gentleman now if he has any knowledge as to the attitude of the Bar Association of the city of New York in reference to this so-called Marshall matter?

Mr. GRAHAM. I have. I understand that they feel very indignant over the course of procedure from the public viewpoint, but I do not attach much importance to that, for the reason that we lawyers generally stand together in legal procedure and everything of that sort [laughter and applause], and that is the trouble with us here. [Applause.] The gentleman from Illinois is a Congressman, and we stood together as Congressmen and put this measure through, and it went ahead, and I verily submit that if he had not been behind it it never would have been heard of. It was his personality that gave it life and put it on its course.

Now, my purpose is to lead up to this thought. A subcommittee was appointed, and that committee commenced its investigation and it carried it on here in the city of Washington, and finally determined to go to the city of New York to take further testimony. And it was an unfortunate decision that caused them to go the city of New York; that, I think, was the beginning on their part of the commission of the errors which, in my judgment, are the excuse for what Mr. Marshall wrote.

Now, I ask you to remember, first, that to the eye of Mr. Marshall looking at this matter there was presented this anomalous proceeding of an accused person turning about and indicting a prosecuting officer without recourse having first been made to the official above that prosecutor, or to the President, who was clothed with the full power of removal. Now, that is the first thing which, I say, would create suspicion in your mind or in the mind of any man who stood in Mr. Marshall's place as a prosecuting officer. The second was that when these proceedings were carried on in the city of New York two things transpired that I think were wrong. No doubt the subcommittee felt itself justified in adopting the course of holding open meetings. No doubt they felt themselves justified in calling the grand jurors before them for examination, but I respectfully submit that in both they erred, for when the public hearing was had the Rae Tanzers and the other people who were witnesses came on the stand and testified, and all this was published in the papers without Mr. Marshall having a chance to reply or say a word. It was stimulating indignation; it was calculated to create anger. Then when he saw how this subcommittee questioned grand jurors, although it was composed of lawyers—every man here knows what a grand juror's oath is when he swears that he will maintain secret and inviolate his own and his fellow's counsels and all that transpired in the grand jury room. Who clothed a committee of Congress with power to ask a man to violate his oath? Who clothed this subcommittee with power to penetrate the grand jury room and to make them reveal how and why they voted? Take the record of the hearing, take the record and read the questions addressed to the grand jurors when they were put under oath. Why did you indict A and did not indict B? What evidence did you have to act upon C, and why did you not bring anything against D? If ever there was an invasion of the plainest principles of justice and correct procedure, it occurred then. Here was Mr. Marshall, who had done what he conceived to be his duty, sitting in his office observing the subcommittee invite—I will not say invite—but call anybody whose name was suggested to them by those who were complaining against the prosecutor, and Mr. Marshall saw one here and another there who was accused of crime rise up and another who had been tainted in some other way rise up—and they told their story and it was published against him to the world. I have been a district attorney; I have felt the sting of criticism upon occasion. I know what it is for a man who is as finely constituted and sensitive as this man is, who comes of well-recognized southern blood, who has a keen sense of honor and of his character rights, and I can conceive of his indignation waxing hotter and hotter until finally it burst forth in this criticism of the subcommittee.

Remember, gentlemen, there can be no allegations here of a criticism of the House itself, except it is by inference, if you should say that because he criticized the committee he criticized the House. This inference he kills. His second letter reads:

DEAR SIR: Referring to my letter of March 4, addressed to the chairman of the subcommittee which has recently taken testimony in New York concerning my administration of my office, I notice from the press that some persons appear to have construed my statements as directed toward your honorable committee as a whole. I beg to advise you that the criticisms in that letter were addressed to the methods pursued by the subcommittee. I do not retract nor modify any of those criticisms. But I did not intend (nor do I think my letter should be so construed) to reflect in any way upon the Judiciary Committee, nor did I question the power of the House of Representatives to order such an investigation.

There is the matter presented in its proper relation to the facts. An accusation against a subcommittee, no; not even against them, but their methods; and I want to say to you as fair and manly men did not their methods deserve some degree of criticism even upon our part, who are moved only by friendly feelings, when they departed from the secret hearing and made it public; and then, when these men whom he had prosecuted one after another arose with accusing words in their mouths and he had no chance to prevent their being spread like a poison through the community, and when he saw the secret character of the grand jury invaded and the jurors themselves put on the rack and examined as though they were offenders, why, the language of indignation as writ by his pen in the first letter is such as any manly man with red blood would write. [Applause.]

Do not let us forget, gentlemen, that the power of criticizing a public body is not taken away from the American people. Do not let us forget that while we are sensitive about the dignity of the House and eager to punish somebody for contempt of the House who can not hit back that the right of the American citizen to answer attacks upon him is a sacred and inviolable right. And he wrote it in man fashion. [Applause.] He sent it to the committee, and he said, "I am going to publish it. You have published all this other matter in the papers in New York. I am going to publish this as my answer and my arraignment of your methods." Whoever heard of that becoming a contempt of the House of Representatives? God save the mark whenever it shall be said that the House of Representatives big and great as it is must needs stoop to the passage of such a resolution as this and attempt to punish a man simply because in his honesty and indignation he resented an attack that he considered to be unjust and improper upon him. [Applause.]

Now, I ask you——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STERLING. I yield five minutes more to the gentleman.

Mr. GRAHAM. I read recently a book which had the title "Put Yourself in His Place," a most instructive and illuminating book. If we could only put ourselves in his place, we would not regard this question of contempt as so serious. I am not finding fault with the committee that passed upon this. I do not defend the language that Mr. Marshall used. I admit that there are passages in it which if there can be conviction for contempt under the law at all might be considered as contemptuous. But remember also that letter is written to the committee. Why was it written?

The chivalry of the man comes out. A newspaper man has been arrested. The committee disclaims having made any arrest, but the assistant with the committee took him to the United States marshal, and the United States marshal refused to receive him without a commitment. If that is not an arrest, I do not know what it is. It may have been an illegal one, but, as a fact, it was an arrest. Here comes the chivalry of the man. He will not permit that newspaper man, who refused to answer whence he got his information, to suffer because of him. He writes this letter, and we must read the letter in that light to explain the effect of what he said, for it is largely a recital of an interview with the newspaper man. The sentence that is regarded, I think, in this letter as the most severe and improper is this:

I said that your whole proceeding here was irregular and extraordinary.

Was not that true?

That I had never heard of such conduct of an impeachment proceeding.

Did you?

Mr. CRISP. Will the gentleman yield?

Mr. GRAHAM. No; not now. He said:

That charges of this sort were not usually heard in public until the House of Representatives had considered them and were willing to stand back of them. I pointed out to him that you, contrary to usual practice, had come here and had held public hearings; that among your witnesses you had invited every rogue that you could lay your hands on to come before you and blackguard and slander me and my assistant under the full privilege of testifying before a congressional committee.

There is language in that which he might have omitted, but it was the language of indignation and anger.

Mr. GARNER. I would like to ask the gentleman from Pennsylvania if in reading he did not omit the first paragraph of the letter, stating what he told to the committee. I think the gentleman ought to put that before the House in connection with the other statement.

Mr. GRAHAM. Touching the thought that I have quoted unfairly from anything in reading the letter, I resent. I was not attempting to read the whole letter. It is before every Member of Congress, but I was referring to those things that I have justified from the record.

I have said that he might have said them in less harsh language.

Mr. GARNER. He said:

What I told him was about as follows: I said that your expedition to this town was not an investigation conducted in good faith.

Now, will you explain that portion of it?

Mr. GRAHAM. Yes, sir; I was coming to that. I was looking for it while I was talking. I wish to refer to that quotation in my references to the letter.

Mr. GARNER. Let me read all the paragraph:

But was a deliberate effort to intimidate any district attorney who had the temerity to present charges against one of your honorable body.

What was the purpose of this committee?

Mr. GRAHAM. There is no one who will accuse the committee of having that purpose that knows the committee, and I do not so accuse them. I might say that honestly, fully, and fairly, there is not a man on that committee that would do that. I mean to say this. This, however, was expressing what his judgment of these unusual facts were, to the reporter, and I say to you, with all respect, that I know that you would have said the same things, and perhaps a lot more, with your fiery blood and disposition, if you had been in his place. [Applause.] And so would I. [Applause.]

Mr. TAGGART. Will the gentleman yield to another question?

Mr. GRAHAM. Now, that is the worst part of that letter. I intended to refer to it and was looking for it.

Mr. GARNER. Will the gentleman yield for an interruption?

Mr. GRAHAM. I will.

Mr. GARNER. If I understand the gentleman's contention, it is that he, Marshall, in making these remarks that I have just referred to, did not contemplate the purpose of the committee?

Mr. GRAHAM. Yes, sir.

Mr. GARNER. And their action?

Mr. GRAHAM. He attacked the actions.

Mr. GARNER. Will the gentleman permit just another reading of that letter to controvert that viewpoint, and let me say to the gentleman that it completely changed my view of the situation. At first I was inclined to look at the case as he does.

Mr. GRAHAM. If it is not counted out of my time, I will yield. If it is, I must decline.

Mr. GARNER. I will give you more time if it is necessary.

Mr. TAGGART. May I ask a question now?

Mr. GRAHAM. No. The gentleman from Texas [Mr. GARNER] has the right to have his interrogatory finished. If he has something that answers me, he has a right to show it.

Mr. GARNER. Let me say that when I was a member of this subcommittee I had the same viewpoint as the gentleman, but in view of what has occurred I had to come back to the House and present a different view. I refer the gentleman to page 5 of this report:

I told him that you were traveling around in your alleged investigation of me with BUCHANAN'S counsel.

Now, if it is an "alleged" investigation, how does the gentleman explain it not being a real investigation?

Mr. GRAHAM. Now, if we are going to try to split a shadow, then that is a criticism. He said it was an alleged investigation. He, as he said before in the letter, believed it to be a deliberate attempt to help BUCHANAN.

Mr. TAGGART. Will the gentleman yield for a question there?

Mr. GRAHAM. Yes.

Mr. TAGGART. What does the gentleman mean when he says it is an attempt on the part of this House to intimidate district attorneys? I presume there are other district attorneys of warm blood whose duty it may be to prosecute Members of Congress.

Mr. GRAHAM. Will the gentleman show me where he says that? That is not in the letter.

Mr. TAGGART. Why, he said the object was to intimidate them.

Mr. GRAHAM. The gentleman is talking about the examination of Mr. Marshall before the other committee.

Mr. TAGGART. The gentleman just read it.

Mr. GRAHAM. No; I did not.

Mr. TAGGART. The gentleman just said it.

Mr. GRAHAM. No. That is in his examination, and not in this letter. He is on trial for the letter.

Mr. TAGGART. Now, let me read the letter to you.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GRAHAM. No; I will not yield to the gentleman any further, because I have not the time.

Mr. TAGGART. Well, it is in the letter.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. PARK. In what the gentleman stated about the oath of a grand juror, did the gentleman intend to exclude or eliminate a portion of that oath when he quoted it?

Mr. GRAHAM. I only quoted it roughly.

Mr. PARK. I understand that, but there is an exception, as I understand, which provides that a grand juror may, under certain circumstances, before a court of competent jurisdiction, disclose what happened in the grand jury room.

Mr. GRAHAM. In the first place there was no court of competent jurisdiction here.

Mr. PARK. The gentleman does not consider that the subcommittee had the right conferred upon it by the House?

Mr. GRAHAM. And there is nothing of that kind in the grand juror's oath, and gentlemen of the bar realize that the proceedings before a grand jury are secret, and particularly what they say and do amongst themselves; and what reason they have for voting for one thing or against another are their sacred possessions and there is no power yet devised on earth that can legally take from them anything that is thus committed within the walls of that secret room. [Applause on the Republican side.]

Mr. PARK. There is an exception, however.

Mr. TAGGART. Now, in the interest of the RECORD, will the gentleman have this read from the Clerk's desk?

Mr. GRAHAM. No; I have only two minutes left. I want to sum up my position in this way. I do not want any controversy with anybody about facts, except where there is a clear mistake. The mere effort to interpret a word one way or the other is not an answer to me, nor does it show that I have made a misquotation of anything that is in the text. I have not misquoted anything. But I put it up to you, put yourselves in his place and say whether you would not have acted as he did. And was not this the language of a man justly indignant about what he conceived to be a great and grave wrong?

Ah, but say our friends, once an impeachment is started, nothing can stop it. What nonsense. This House is the party injured, if injury there has been. A man who is injured can forgive. A man who thinks there is a wrong done hastily can overlook it. The process here is to punish for an attack upon the House. The House is strong enough, big enough, and capable enough to forget it, and lay this motion upon the table. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STERLING. Mr. Speaker, how much of our time has been consumed?

The SPEAKER pro tempore. The gentleman has consumed 40 minutes.

Mr. STERLING. I yield 15 minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, this is a New York City case, and being a New York case, and a Democratic one at that, the country sees the spectacle of Republicans having to defend the Democratic United States district attorney for the southern district of New York.

I have been a member of the United States district court bar for the southern district of New York for 14 years. I received the thanks of the United States district court for that district for successful work done in a fraudulent bankruptcy case. And when one tells you that men will not come and make many disparaging remarks against you when you are prosecuting them, you are making one of the greatest mistakes or errors that can be made.

Now, I respect the bar of New York. I respect ex-United States Attorney General George W. Wickersham. And when he, as president of the bar association, sends to the Speaker of this House a report, I think that it should receive the most earnest, thorough, and serious consideration at our hands. I ask the Clerk to read it.

The SPEAKER pro tempore. Without objection, the Clerk will read.

The Clerk read as follows:

MAY 1, 1916.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: By vote of the executive committee of the Association of the Bar of the City of New York, the attention of the House of Representatives is respectfully invited to one phase of the proceedings pending against H. Snowden Marshall, United States attorney for the southern district of New York, for an alleged violation of the privileges of the House of Representatives which, from the reported proceedings, appears not to have been specifically brought to the attention of the House, but which has excited the most widespread concern not only among the members of the Association of the Bar of the City of New York but among the whole body of the bar.

In order to make entirely clear the reasons for this concern and not for the purpose of suggesting in any way an interference with proceedings by the House of Representatives deemed by it necessary to the

preservation of its dignity or the protection of its privileges or prerogatives, attention is invited to the following facts:

For some days previous to December 14, 1915, it was reported in the newspapers that an investigation was proceeding before the Federal grand jury in the southern district of New York which might result in the indictment of certain Congressmen.

On December 14, 1915, Congressman Frank BUCHANAN, Representative in Congress for the State of Illinois, arose in the House and said that he impeached H. Snowden Marshall, the United States attorney for the southern district of New York, for malfeasance and misfeasance in office.

On December 23, 1915, the grand jury in the United States district court for the southern district of New York found an indictment against the Hon. FRANK BUCHANAN and others for violation of the Federal statute.

On January 12, 1916, Representative BUCHANAN again presented to the House charges, and declared that he impeached Mr. Marshall of high crimes and misdemeanors, and then charged him in vague terms with wrongdoing but with no specific wrongful act.

Thereupon Representative BUCHANAN proposed the following resolution:

"*Resolved*, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of H. Snowden Marshall; whether he has conspired," etc.

The resolution authorized the committee to take testimony and to appoint a subcommittee to act in behalf of the whole committee whenever it was advisable.

Representatives CARLIN, GARD, and NELSON were appointed by the Judiciary Committee of the House as such subcommittee to take testimony.

The subcommittee called before it the members of the grand jury which had indicted Representative BUCHANAN, and asked them about the proceedings before the grand jury during the investigation preceding the indictment and at the time the indictment was voted.

[The questions and answers are included in the letter. They were taken from the official printed report of the hearings before the subcommittee.]

We have not attempted to give the whole colloquy in each case, but merely to indicate the nature of the inquiries. Inquiries of the same general character will be found running all through the testimony of the five witnesses named.

The committee asked Assistant United States Attorney Sarfaty, the attorney who presented the case to the grand jury:

(1) Whether he made an argument before the grand jury. (Rept., pp. 187, 195.)

(2) Whether an investigation was made of Representative BUCHANAN and Messrs. Lamar, Shulteis, Martin, and others by the detective department of district attorney's office. (Rept. p. 187.)

(3) Who were the detectives assigned to this work. (Rept., p. 187.)

(4) Whether any private firm was engaged in the work. (Rept., p. 188.)

(5) Whether any evidence was presented to the grand jury against BUCHANAN. (Rept., pp. 190, 192. 14.)

(6) Who made the complaint and who furnished the information against them to the office of the district attorney. (Rept., pp. 193, 201.)

Mr. Sarfaty declined to answer certain questions on the ground that the United States attorney and the Attorney General had so directed him.

Near the end of his examination one of the subcommittee said to Mr. Sarfaty (Rept., p. 202):

"I want to inquire of you whether you expect to be in New York in the next few days?

"I certainly do.

"Because the committee may have an interesting communication to make to you."

No opinion is here expressed upon the question of whether or not Mr. Marshall's communication of March 4, 1916, to the subcommittee of the Committee on the Judiciary constitutes a breach of the privileges of the House, and it is assumed that that question will be correctly and judicially decided by the House.

What this association desires respectfully to submit to you and the House of Representatives is a consideration of the effect upon the administration of criminal justice of legislative proceeding undertaken at the instance of a Member of Congress indicted, or about to be indicted, in investigating the United States attorney under whose direction the indictment has been or is being prosecuted, before the trial of the Member who has been indicted, and in reference to the very subject matter of the indictment.

The successful working of our system requires that the persons intrusted with power in any one of the three branches of the Government shall not encroach upon the powers confined to the others. Certainly, only alleged offenses of a grave and exceptional character, supported by convincing evidence from responsible sources, should justify an investigation by a legislative body into the conduct of a criminal prosecution of one of its members then pending undetermined in a court of justice.

The Constitution, in section 6 of Article I, grants to Members of Congress privilege "from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same."

Even this privilege does not apply in cases of treason, felony, and breach of the peace. A Member of Congress has no rights when the criminal law has been set in operation against him to which the humblest citizen is not entitled, except those established for the benefit of the legislative body of which he is a member, rather than for him.

This question vitally concerns the impartial administration of justice and appears to be of much greater importance than the form of the criticism expressed by an official or any person concerning the procedure of the subcommittee of the House Committee on the Judiciary. This important question appears to have been overlooked by all committees of the House of Representatives dealing with the charges against United States Attorney Marshall, and for that reason this association begs respectfully its careful consideration by the House before action is taken on the charges against Mr. Marshall of improper criticism of the subcommittee, which is asserted to constitute a breach of the privileges of the House.

Respectfully, GEORGE W. WICKERSHAM, *President*.

Mr. TAGGART. Will the gentleman answer a question right there?

Mr. SIEGEL. Yes.

Mr. TAGGART. Have the doctors of New York City provided you with any advice to the House of Representatives, in addition to this?

Mr. SIEGEL. Let me say to the gentleman that I do not take the advice of the doctors or the lawyers alone, but I take the advice of what is the consensus of opinion of the people of New York as to what is the real issue in this case, and particularly so when the view coincides with my decision, after weighing all the facts.

Mr. TAGGART. Did any other association there besides this furnish us with any instructions?

Mr. SIEGEL. I will say to the gentleman that I have not the time to go into any long story as to what instruction he needs. I leave it to the press of New York, which has placed itself on record in favor of the present United States district attorney. The press there, Republican as well as Democratic, and the independent press as well, are for him. I would suggest that the gentleman read the editorials in question.

Mr. DALE of New York. Will the gentleman yield for a question?

Mr. SIEGEL. Yes.

Mr. DALE of New York. Is it a fact that the action of the bar association, as referred to in the newspaper article just read by the clerk, was taken subsequent to the time that the New York World, a very prominent paper in the city of New York, editorially and otherwise, criticized the House for taking this action relative to Mr. Marshall?

Mr. SIEGEL. To be frank with the gentleman, I will say that it had been generally heard in New York City that the bar association had been investigating the entire situation. The newspapers of New York are all of one opinion in regard to this whole proposition.

Mr. DALE of New York. One more question. When you say that all of the papers of the city of New York are of one opinion, you mean the Democratic papers and the Republican papers, do you not?

Mr. SIEGEL. Yes; I refer to them regardless of party, but also independent papers as well. Now, what is the situation? We are talking about contempt here to-day. In New York to-day and for over a week there has been proceeding a trial in the United States district court of a case known all over this land as the Ray Tanzer case. Curiously enough in the New York papers of Sunday appeared a statement that the committee had reached a conclusion that the United States district court of New York had no jurisdiction of the Ray Tanzer case. If that does not constitute contempt by the person who gave the item out I do not know of anything that does. I do not know how the alleged conclusions of the subcommittee got out to the press, but it was published, although the Ray Tanzer case was on trial and unconcluded and although the district attorney was compelled to and did call in special counsel. I say this, although I have no feelings of any kind against Ray Tanzer or any person connected with the various cases that arise out of this case?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STERLING. I will yield to the gentleman three minutes more.

Mr. SIEGEL. Now, gentlemen, what has been the result? Impeachment charges were filed over five months ago against District Attorney Marshall, and for five months this whole matter has been continuously investigated. No conclusion has been reached by the Judiciary Committee. The subcommittee has taken testimony, and every one of the committee apparently agrees that there is not sufficient evidence or testimony to bring the impeachment to a successful conclusion against the present district attorney. Then in all fairness and frankness, why does not the Judiciary Committee report to the House so that the people of the United States will not be compelled to stand the expense of some one hundred and fifty or two hundred thousand dollars for the employment of special attorneys for the various cases that arise out of this case.

Now, there is another point I desire to bring to your attention. It is conceded by all that charging an official with charges of impeachment is charging him with a serious crime. Did you ever hear at any time in any court where the defendant has been punished in the midst of the trial for contempt; and if so, what court on appeal is there in the land that would not reverse the decision where it occurred?

Here you are called upon to determine whether impeachment charges shall lie against this man, and in the midst of it you are urged to punish the defendant for contempt. Mr. Speaker, in all fairness to the United States district attorney from New York, and all other district attorneys throughout the United States who are doing their duty fearlessly, courageously, and honestly, we ought not to place ourselves in the position of saying that if any man who is indicted happens to be a Member of this House that he may by merely rising and proposing

impeachment charges against his prosecutor, and in that way setting the machinery in motion, for five months and longer prevent his case coming to trial. I say this as a general proposition and without intending to reflect on any particular individual.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. SIEGEL. Certainly.

Mr. GORDON. Has the gentleman considered the rights and privileges of the Members of the House and the committee that this House sent up to investigate the matter?

Mr. SIEGEL. I have. I want to say that I hold each and every member of the subcommittee of the Judiciary Committee in the highest esteem and I have reached my conclusions after careful and thorough consideration of all the facts. I believe in years to come they will feel that a wrong impression is being created of a matter that should have been disposed of long ago, one way or the other.

Mr. GORDON. Does not the gentleman think they are entitled to any consideration on this subject?

Mr. SIEGEL. I think they are entitled to the highest consideration. This committee, however, went to New York for the purpose of taking testimony. Under our State laws the disclosure of grand-jury minutes is strictly prohibited unless the court directs to the contrary. In other words, a defendant makes application to the court for an inspection of the grand-jury minutes and the court in its discretion may in the interest of justice grant such motion. Each grand juror in our State courts takes an oath not to disclose what occurs in the grand-jury room, and if he does he is guilty of a crime under the laws of the State of New York. The penal law of the State of New York on this question reads as follows:

GRAND JUROR DISCLOSING WHAT TRANSPIRED BEFORE THE GRAND JURY.

SEC. 1783. A grand juror who, except when lawfully required by a court or officer, willfully discloses:

1. Any evidence adduced before the grand jury; or
2. Anything which he himself or any other member of the grand jury said, or in what manner he or any other grand juror voted upon any matter before them, is guilty of a misdemeanor.

STENOGRAPHER DISCLOSING EVIDENCE TAKEN BEFORE GRAND JURY.

SEC. 1784. A stenographer appointed to take testimony given before a grand jury, who permits any person other than the district attorney to take a copy of such testimony or of any portion thereof, or to read the same or any portion thereof, except on the written order of the court, is guilty of a misdemeanor.

I am not sure at this time, but I assume that we have a similar United States Statute prohibiting the disclosure of what occurs before the United States grand jury. We are agreed, however, that the United States statutes make no provision for United States judges administering an oath to grand jurors serving in their courts, but that such oath is administered under the common law, or, as some lawyers believe, under the inherent power of the courts. I desire to make these two points clear so as to avoid any confusion that might arise in the minds of laymen that the oath is being administered to grand jurors without some authority. I shall vote in the negative on this resolution not because I do not believe that the subcommittee went to New York to do its duty justly and fairly, but because I feel that far more harm is being done to the administration of justice by the failure to terminate this entire controversy by taking decisive action to-day, and I believe that the best interests of the country will be served by voting against this resolution.

The press of New York and the bar of New York feel that we should terminate this unlimited rancor over this question and save the Treasury of the United States hundreds of thousands of dollars that must be spent for special counsel in the trial of cases pending in the southern district of New York during the time that this question is left open and undecided. [Applause.]

Mr. STERLING. Mr. Speaker, I yield 20 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, before I say anything on the main issue I want to say a word on the last sentence that was uttered by the gentleman from New York [Mr. SIEGEL] with reference to the minutes of the grand jury under the laws of New York. The gentleman said it was unlawful under the statutes of New York to reveal the secrets of the grand jury. Now, it may be that the State of New York has passed a statute governing the conduct of Federal grand juries, but if it has it is the only State in the Union that has done so. [Laughter.]

Mr. SIEGEL. I want to say to the gentleman that if Mr. Sarfaty had disclosed what took place in the grand-jury room he would have been subject to disbarment. Our State statutes govern where United States statutes do not. By that I mean that State legal procedure is followed.

Mr. LENROOT. I simply wanted to clear up that point in the beginning.

Now, we are very fortunate that this debate confines the real issue within very narrow limits. Mr. Marshall, in testifying before the special committee, has admitted the jurisdiction of the Judiciary Committee to make the investigation that the House authorized it to make. He has admitted the jurisdiction and authority of the subcommittee created by the Judiciary Committee to make the investigation that they proceeded to make. It has been admitted practically on this floor that the House itself has the power to take the proceeding that is here contemplated, if the facts so justify; in other words, that the House has the power to punish for contempt. This has been settled by the decision in the case of Anderson against Dunn by the Supreme Court in the early history of the Government. But for that decision, I am frank to say, I think it would have been a very open and debatable question as to whether the House of Representatives had the power that is here sought to be exercised.

But that can not be longer open to question, because it has been settled not only by the Supreme Court of the United States but by the long and continued practice of the House and the Senate themselves. So that we are brought down to the issue of whether or not the letter in question written by the district attorney of New York constitutes a contempt of the House. The gentleman from Pennsylvania [Mr. GRAHAM], we all know, is one of the most distinguished lawyers of this House, and I undertake to say that he made the strongest speech that could be made by any Member of this House in opposition to this resolution. But let us see what the speech of this gentleman was. As I say, he made the best speech possible, but the first half of it was directed to the question of whether or not any proceedings should have been taken by the House under the impeachment made by Mr. BUCHANAN. That part of the speech was a criticism directed against the House itself in the action that it took in authorizing the Committee on the Judiciary to proceed as it did proceed, and we have nothing to do with that question now.

The balance of the gentleman's speech was not a defense of Mr. Marshall, not a defense of the letter, not an attempt to show that it did not constitute a contempt, but was in mitigation of the action of Mr. Marshall—an attempt to show that he had great provocation in publishing the letter and saying in the letter the things that he did say, and only in one particular did the gentleman from Pennsylvania urge anything that in any way could constitute a defense of the action of Mr. Marshall, wherein he undertook to show that Mr. Marshall's criticisms and reflections were not upon the members of the subcommittee, but only the methods that were used by that subcommittee. To that I shall refer a little later. So far as this subcommittee is concerned it was an agent of this House. These three members of the subcommittee, sitting in the city of New York, in performing the delegated authority which they were directed to perform, represented the House of Representatives itself, and if there was defamation of that subcommittee it went right through the Judiciary Committee and to the House of Representatives itself, because they represented the House of Representatives under duly constituted authority. Now, as to whether or not this letter of Mr. Marshall did constitute a contempt, I want to read three or four paragraphs:

I said that your expedition to this town was not an investigation conducted in good faith, but was a deliberate effort to intimidate any district attorney who had the temerity to present charges against one of your honorable body.

Is that a criticism of the methods of this subcommittee? Is that a reflection or not upon the members of this subcommittee themselves? And if it is upon the members, it is a reflection upon the House of Representatives.

We must remember this, that the rule with reference to contempt is the same when applied to the House of Representatives as it is when applied to a court, and I wondered as I listened to the gentleman from Pennsylvania [Mr. GRAHAM] in his attempted defense of this letter and his showing of the mitigating circumstances—I wondered if a letter of that kind were addressed to a judge of any court in the United States whether that distinguished gentleman, who has at all times been eager to sustain and uphold the dignity of the courts of the United States, would make the kind of argument that he has made here?

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. GRAHAM. Does the gentleman place a committee making an investigation on the same high plane that a judge stands who is administering a judicial office?

Mr. LENROOT. I certainly do [applause], and in making an investigation of this kind, under duly constituted authority, the committees in performing their duties under the direction

of this House occupy as high, as important, and as sacred a position as any official in the land. [Applause.]

I want now to paraphrase that paragraph which I have read for just a moment and see how it would apply if that kind of a letter was addressed to a judge of a United States court. Let us carry it a little further. Suppose our good friend from Pennsylvania [Mr. GRAHAM] were the judge of the United States court, and some district attorney was upon trial for a criminal offense, and suppose he had been called into that district to try that case, and suppose that judge who was upon trial had addressed to him, sitting as a judge of that court, a letter of this kind, saying to him:

I said that your coming to sit upon the bench in this case was not in good faith but was a deliberate effort to intimidate me in the performance of the duties in my office—

Do you think any judge of any court would sit quietly there and say that that was not contempt of court? Let us go a little further. Mr. Marshall says in his letter:

I told him that you were traveling around in your alleged investigation of me with BUCHANAN'S counsel, Walsh and David Slade, in constant conference with you. I said that I believed that every word of the evidence, whether in so-called secret sessions or not, had been placed at the disposal of these worthies, and that I would be just as willing to give the grand jury minutes to a defendant as to give them to your honorable subcommittee.

Suppose language of that kind had been addressed to any judge anywhere in America, how long do you think that judge would be before he would hold the man who addressed that language to him guilty of contempt? Let me read another paragraph:

I said that it was incomprehensible to me how your honorable subcommittee should rush to the assistance of an indicted defendant; how you had apparently resolved to prevent prosecution by causing the district attorney in charge to be publicly slandered.

You will observe that my good friend Mr. GRAHAM, in his defense of Mr. Marshall, did not quote that paragraph, because even he, with all his astuteness, would not argue that that reflection went only to the methods of the subcommittee. Again, and this is the last one that I am going to quote:

It is amazing to me to think that you supposed that I did not understand what you had been attempting to do during your visit here.

Methods? Is not that the severest kind of a reflection upon the motives of an official body of this House that any man could frame? He continues:

I realized that your effort was to ruin me and my office by publishing with your full approval the complaints of various persons who have run afoul of the criminal law under my administration. Your subcommittee has endeavored by insulting questions to my assistants and others, by giving publicity and countenance to the charges of rascals and by refusing to listen to the truth and refusing to examine public records to which your attention was directed, to publicly disgrace me and my office.

I propose to make this letter public.

And he did. It was published in the newspapers in New York either before or at the time——

Mr. GORDON. Before.

Mr. LENROOT. The evidence shows before it was read by the chairman of the subcommittee, to whom it was addressed.

Now, why did Mr. Marshall make this public in this way? As has been stated, he appeared before our subcommittee and he was asked by the chairman that very question.

Feeling that the committee was hostile, this letter was made public on your part for the purpose of bringing the committee into ridicule and contempt before the people.

Now, remember, the gentleman from Pennsylvania [Mr. GRAHAM] has said that there was only criticism of the methods of this committee and he was asked squarely whether the purpose of the publication of this letter was not to bring this committee into contempt and ridicule before the people, and this is Mr. Marshall's answer:

It is hard for me to analyze my feelings in regard to that. I would not like to say yes or no to that.

Now, Mr. Speaker, the issue gets down to this one simple question. No; I want to read one other paragraph of Mr. Marshall's before I get to that. As has been stated, he appeared before our subcommittee, and I assure this House that it was not a pleasure for any member of this subcommittee to perform the duty he was called upon to perform. Mr. Marshall was given every opportunity before that committee to make some explanation or reconsideration of the letter which he had written, and this is what he said before the committee:

I do not deny that my letter of March 4, 1916, was written while I was in a state of intense and violent indignation at the treatment to which I and my assistants had been subjected. I have thought it over in cooler moments since writing it, and I find in it nothing to regret and nothing to retract. There is not a word in it which is not true. Under the same circumstances I should write the same letter again, and it is my honest opinion that any investigation by Congress should be rather into the actions of the subcommittee which sought to bring public disgrace upon my assistants and myself than into my own resentment of their methods.

That is his reply after he had been notified that the House proposed to take notice of the letter that he had written to the subcommittee. He thus fairly stated the issue, and it is the issue that is going to be decided by this House when you vote upon this resolution. He said:

It is my honest opinion that any investigation by Congress should be rather into the actions of the subcommittee than myself.

And when you vote upon this resolution a vote against it means that you believe that the members of this subcommittee are subject to condemnation and that they ought to be investigated, and, indeed, if these three Members are guilty of the things that Mr. Marshall charges them with being guilty of, they not only ought to be investigated but ought to be expelled from the House of Representatives. This is the issue squarely. The gentleman from Pennsylvania says that he has the greatest respect for the members of the subcommittee and I do not question it, but if he has he can not defend, as he sought to defend upon this floor, this letter of Mr. Marshall making the most severe strictures upon the members of this committee that the English language could be framed to reflect upon any man.

Now, one criticism that he makes is that this committee called as witnesses rogues, as he terms them. They did, and there is no question about it, but if you will read the record you will find that they did call people before them in New York who were of shady reputation; that is true, but you will also find that Mr. Marshall himself, the district attorney of the southern district of New York, also used some of these same rogues and people of shady reputation to secure convictions in the United States district court of New York for various crimes. It is necessary when people of shady reputations are involved to use them sometimes as witnesses. Why, some of the greatest crimes that have been committed in American history would have forever gone unpunished unless people of criminal character had themselves testified and formed a part or a portion of the link of evidence by which it was possible to secure conviction.

Now, Mr. Speaker, to sum up, I want to say for myself—and I am sure that it is the attitude of every member of this special committee—that we have not the slightest prejudice or bias against Mr. Marshall. We would have preferred to have been able to have made a report to this House that no action should be taken.

Mr. GARNER. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. GARNER. Did not we intimate so much to Mr. Marshall when he was before us and we gave him until 2.30 to revise his statements and withdraw them; that we thought it was best for him to do so; and we tried our best to get him to withdraw them so we could make a report in his favor?

Mr. LENROOT. We certainly did, and the action this special committee has taken I submit is the only action that it could take in pursuance of the authority and direction that this committee received from the House. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STERLING. Mr. Speaker, I yield five minutes to the gentleman from Kansas——

The SPEAKER pro tempore. Does the gentleman from Tennessee desire to be recognized?

Mr. MOON. I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY], who desires to speak for Mr. Marshall.

Mr. SHERLEY. Mr. Speaker, the statement of the gentleman from Tennessee [Mr. MOON] is not quite accurate. I do not rise to speak for Mr. Marshall. I rise because of a compelling sense of duty to the House to say what I have to say, and before I proceed I want to say that I was in college with Snowden Marshall 25 years ago. Since then I think I have seen him twice and talked with him about five minutes on each occasion, but not in any way in connection with this. I say this so that any bias or prejudice I may have had from a pleasant college acquaintanceship with him may be discounted by Members.

Having said that, I want to say further that I have read every line of the testimony that was available, not only in the hearings before the subcommittee recently appointed, of which Mr. MOON was chairman, but also all of the printed testimony that was a result of the hearings conducted by the subcommittee of the Judiciary Committee in New York. I do not believe that anybody can read the letter of Snowden Marshall without coming to the conclusion that it ought not to have been written, and that there is no justification for a letter couched in those terms. I can not make that too emphatic. I believe that letter ought not to have been written, and it can not be justified by anything that has occurred. I also believe that it is true that the subcommittee by its conduct of the hearing in New York is subject to criticism, and I say this with all the diffidence and regret that

any man who is called upon to speak touching his colleagues, who are my personal friends and whom I admire, can feel. But I do not think the conduct of that investigation in New York was such as to be free from censure. I do not think that censure would warrant the letter that Mr. Marshall wrote. I do not impugn their motives, but the method of directing the examination, the method of examination of witnesses that were members of the grand jury that brought the original indictment, and other incidents which if I had time I could relate, compel me to the belief that they were not entirely free from deserving criticism for the manner of conducting that proceeding.

Now, I believe the highest duty of the House is, of course, to preserve its prestige and its standing before the country, but it can best preserve it by being as critical of itself and its membership as of those who attack it.

I do not believe that the facts in this case, confusing as they are in many particulars, are such as to warrant the proceedings of contempt against Mr. Marshall. And I shall state why.

The gentleman who just preceded me, the gentleman from Wisconsin [Mr. LENROOT], said that if this had happened to a court, could anyone doubt that the court would have immediately punished the offender for contempt? If that happened to be a United States court, I doubt it exceedingly, because I doubt its power, and I want to read to you the statute that was passed by the Congress of the United States in 1831, undertaking to define the power of the courts of the United States to punish for contempt, to show you the rule that we laid down as binding upon the courts themselves, and then to make this suggestion to you, that if that which is still the law is a rule that has the approval of Congress as to the courts, in fairness and candor it is a rule that should apply to us in the exercise of our power to punish for contempt. This is the pertinent portion of section 725 of the Revised Statutes:

> That the power of the several courts of the United States to issue attachments and inflict summary punishment for contempts of court shall not be construed to extend to any cases, except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons to any lawful writ, process, order, rule, decree, or command of the said courts.

In other words, there are three grounds: First, contempt committed in the presence of the court; second, contempt committed so near as to interfere with the administration of justice; and, third, disobedience of the orders of the court.

Now, I submit that the offense of Mr. Marshall does not come within any of the three classes. If my memory is not at fault—and I had hoped to find the debates, but I can not—the history of this act is interesting. There was a judge in the West who decided a case, and the case was appealed. Pending the appeal the court published in a newspaper the reasons for the decision which he had rendered, whereupon a person published in another newspaper a statement as to why he thought the court was in error, and as a result of that the court had this man brought before it and punished him for contempt. Congress shortly thereafter enacted the statute which I have read.

Mr. MOON. Now, it is conceded by the act of 1831 that the jurisdiction of the inferior court, which they had inherent before that time, was limited to punishment for contempt committed in the presence of the court or for disobedience to an order of judgment and decrees on the outside. Does the gentleman think that the Congress would even have the power to deprive the House of Representatives of punishment for contempt.

Mr. SHERLEY. Not at all. I hold in my hand a decision in Nineteenth Wallace, a case in which the court, passing upon this section, says:

> The act in terms applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may, perhaps, be a matter of doubt. But that it applies to the circuit and district courts there can be no question.

I am not contending for a moment that there is not the power in Congress to punish for contempt in this case. I am not saying that we have the right to take that power away; but I am presenting to you, gentlemen, this proposition: If we have seen fit in the interest of free speech, if we have seen fit in order to prevent what we thought might be a dangerous abuse of the power of contempt to limit the inferior Federal courts only to punish for contempt of the three kinds I have enumerated, do you not think that a rule that we make for the court ought to be good enough to bind us in the exercise of our discretion as to when to punish for contempt and when not to do so?

Mr. MOON. Now, the gentleman in his argument puts the Congress and the Supreme Court of the United States on a level with the inferior courts.

Mr. SHERLEY. Oh, well, the gentleman may think there is something in that. I submit that if we think it is in the interest of the public not to permit a court, whether you call it an inferior court or not, to punish, except for certain kinds of contempt, are we so mighty, is our honor so peculiar, and must we be so sensitive of it as to claim for ourselves a rule of punishment that we are not going to permit to a district court or a circuit court of appeals? Gentlemen, I repeat, the Congress of the United States will best maintain its dignity and its standing among the people of America not by an overzeal as to punishing men who criticize it, but by zeal in its conduct, in its actions, that they may appeal to the judgment and the approval of the people of America. [Applause.]

Mr. GARNER. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman from Texas.

Mr. GARNER. Do I understand the gentleman's position is that, regardless of what Mr. Marshall might have said either about the committee or about the Congress, the House of Representatives ought not to take cognizance of it in the interest of free speech?

Mr. SHERLEY. Oh, no.

Mr. GARNER. The gentleman has just said——

Mr. SHERLEY. There are methods of taking cognizance of it. I would be glad to vote for a resolution expressing the opinion of the House of Representatives that the letter which Mr. Marshall wrote was unjustifiable and without excuse. I would be glad to take a position as to the investigation of any matter which involved the dignity of the House, but I am not willing to use the contempt process. I do not believe we ought to have a rule that we have laid down for the courts that we ourselves are not willing to abide by. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERLEY. My time is gone.

Mr. STERLING. I yield one minute to the gentleman.

Mr. MANN. Would the gentleman think the House ought to pass a resolution such as he has just indicated, censuring Mr. Marshall for writing the letter, without giving him an opportunity to be heard in the House at all?

Mr. SHERLEY. Oh, no.

Mr. MANN. How else can we give him an opportunity to be heard, except by bringing him here?

Mr. SHERLEY. We have given Mr. Marshall an opportunity to be heard before the subcommittee. He has had his opportunity, so he can not say that judgment is being passed without an opportunity to be heard. But I submit again that there is a distinction between our expressing our view touching a matter of this kind, and the use of the process of contempt; and I submit that if we are going to take the extreme measure of contempt, then if you gentlemen or any of you believe there has been anything reprehensible in the action of any agency of the House, you ought to say that, too, as well as condemn the other.

Mr. STERLING. I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I yield to no one in high estimation of the honor and the dignity of this House; but I believe we can best preserve its honor and its dignity by not being oversensitive of criticism, of what we do. I have listened to criticism from the pulpit and from the platform; I have read in the newspapers and in the magazines criticisms of the House of Representatives, its committees and its Members, that are quite as severe as the criticism made of the subcommittee of the House by Mr. Marshall, whom I have never seen and do not know.

Mr. Speaker, I do not believe the framers of the Constitution of the United States ever intended that the House of Representatives should at any time resolve itself into a judicial body to pass upon a question after the fact, find a fact, and define the punishment for it, as the House is about to do by the adoption of this resolution.

The House of Representatives is not a part of the judiciary system of the United States. In the old days Parliament was the highest part of the judicial system of the British Empire. When the House of Lords and the House of Commons were separated, the House of Commons reserved a residuum of its original power as a judicial body, and did exercise a judicial function as to contempts of every kind; but within the last 60 years even the House of Commons has not undertaken to punish criticism made in the press, made in the pulpit, made by individuals, and made otherwise of its proceedings, as it for-

merly undertook to do. In the old days the House of Commons sent men to the gallows, sent men to the Tower for criticism of the House of Commons and of its proceedings; but a public sentiment arose in the British Empire because of the exercise of this sensitiveness by the House of Commons that made the House of Commons contemptible, and it became necessary for the House to desist from its action in those matters; and we in the United States House of Representatives will do well not to be oversentitive with regard to criticism that is made of our proceedings, especially criticisms that go to the right of free speech and of free press. I have the highest regard for the subcommittees of this House and would protect their proceedings.

The subcommittee in question could have had a contumaceous witness sent to prison for contempt for refusing to answer the inquiries put to him by reporting him to proper authority; but a criticism by an individual out of the presence of the committee, or by a letter sent to the committee, raises an entirely different question. The House of Representatives is to-day making an exhibition of sensitiveness that is not adding to its honor or to its dignity.

Mr. TAGGART. Will my colleague yield for a question there?

Mr. CAMPBELL. Just for a question.

Mr. TAGGART. Does not the gentleman think that the man who estimated the House of Representatives as a menagerie——

Mr. CAMPBELL. Oh, I have heard, and the gentleman has heard, in our own State criticisms that would make the statements of Mr. Marshall look like a defense of the House of Representatives. [Laughter.] I have heard such criticisms of every department of the Government.

Mr. MOON. I yield five minutes to the gentleman from Texas [Mr. GARNER].

[Mr. GARNER addressed the House. See Appendix.]

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker and gentlemen of the House, I had not intended to say anything on this resolution, but the debate has taken such a turn that I desire to submit two or three thoughts to you for your consideration.

The first is that this committee did not go to New York voluntarily or on its own volition, but went in obedience to a resolution that this House passed directing this investigation to be made. Much has been said which, I am sure, has created an impression on your minds that this subcommittee, in having public hearings in the preliminary investigation with a view to impeaching Mr. Marshall, has done an unusual thing. Such is not the case. The committee that conducted the preliminary examination of Federal Judge Dayton in West Virginia had public hearings. The preliminary examination of charges against Judge Archbald and Judge Swayne, of Florida, were public. The committee appointed by the last Congress which conducted a preliminary investigation with a view to impeachment of Judge Emory Spear, a Federal judge in my own State, had public hearings. So no unusual course has been pursued in regard to Mr. Marshall.

Now, if this subcommittee went as your agent, under authority from you, to conduct this investigation, and acted within the power delegated to them, which they certainly did, any contempt committed against the subcommittee necessarily was committed against this House. Take, for instance, the grand jury. A contumacious witness who refuses to testify before the grand jury, which is an arm of the court, is in contempt of the court, and the court will punish, notwithstanding the contempt was not committed against the court direct.

Take anyone making an assault upon a receiver of a court for some act done in obedience to the order of the court, the court will handle that. Undoubtedly, if this subcommittee was acting as your agent, and was acting within the scope for which they were appointed, a contempt against them was a contempt against you. I had the honor to serve on this special committee, and I can speak for my colleagues upon it. We have no pride of opinion as to this report which we have made. As several of them have told you, we earnestly desired Mr. Marshall to act in a way whereby we could make and report to you asking that no further action be taken, and if any Member of this House will read carefully the report of your subcommittee he can not escape that conclusion. What is the report before you, and what are you called upon to vote upon? Your subcommittee reports that in their judgment the matter in question is of itself contumacious and violates the privileges of this House. Your subcommittee asks, or, rather, the committee report is, that you vote to adopt the resolution read at the Clerk's desk; and what is the effect of it? That resolution does not prescribe any definite punishment to be inflicted upon Mr. Marshall. Not one word is said as to what action the House shall take as to punishment, but the resolution provides that the defendant, Mr. Marshall, shall be arrested and brought before the bar of this House charged with contempt, and that he be given an opportunity to purge himself of that contempt. The resolution provides that when brought here he can be heard either in person or by counsel and be permitted to offer any reason or excuse that he sees fit—do anything to purge himself of the contempt; and if he purges himself, I am sure this House would not inflict any punishment upon him. The adoption of the resolution simply brings the defendant before you, giving him an opportunity to be heard, and after hearing him you to decide what action shall be taken in the premises. [Applause.]

Mr. STERLING. Mr. Speaker, I trust that the Members of this House, when they come to vote upon the issue that is before us, will divest their minds of the fact that a Member of this House has preferred charges of impeachment against Mr. Marshall, and of the fact that that Member of the House has been indicted in the district where Mr. Marshall presides as district attorney. Those two things have nothing whatever to do with the question on which we are to act. All of us may have sympathies on those matters but they should not influence our action now. If any Member votes on the resolution presented, basing his vote upon his sympathies one way or the other with reference to the position in which Mr. BUCHANAN is situated, or with reference to the fact that Mr. Marshall has had impeachment charges preferred against him, he will probably make a mistake upon the question that we are now to decide. I regret very much that some of the gentlemen who are opposed to this resolution have seen fit to discuss the impeachment charges that have been preferred against Mr. Marshall, and the indictment that has been returned in the southern district of New York against Mr. BUCHANAN. The gentleman from Pennsylvania [Mr. GRAHAM] should have raised his voice at the time Mr. BUCHANAN preferred those charges if he wanted to present to this House the argument he presents to-day. [Applause.] The gentleman from New York [Mr. SIEGEL] should have been heard then, or should have waited until the time when those charges have been returned to the House by the Committee on the Judiciary for action. Let us not invoke our prejudices or our sympathies in those matters now.

The question before us now is a simple one. Should Mr. Marshall be brought before the House to answer the charge of contempt which the special committee finds he has committed?

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Yes.

Mr. GRAHAM. Does the gentleman not think that the mode of procedure adopted was a proper subject to discuss in connection with the letter which Mr. Marshall wrote, with a view of determining whether he meant to be contemptuous or not?

Mr. STERLING. I think the conduct of the committee is the proper subject to be discussed at this time. We should seek to ascertain whether or not its conduct justified the letter written and published by Mr. Marshall, and nothing else.

Mr. GRAHAM. That is all I discussed.

Mr. STERLING. The gentleman discussed the impeachment charges at length. I say we are not concerned at this time with the impeachment nor with the indictment. If we permit them to enter into our deliberations to-day we are liable to commit a serious wrong. They should be left absolutely out of this discussion.

Mr. Marshall wrote this letter. Is there a Member of this House who will deny that it is a libel on the House of Representatives? Where is the Member who will say that when Mr. Marshall wrote in that letter addressed to Mr. CARLIN and published in the newspapers, to the effect that the House of Representatives was proceeding to thwart justice in the courts of New York by forestalling the indictment of Mr. BUCHANAN, he was not guilty of a libel of the House of Representatives?

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Yes.

Mr. GRAHAM. I will say that it is not a libel, because the letter itself specifically says that in order to save a newspaper man the committee had arrested he was telling the committee what he had said to that newspaper man in a conversation. That is no libel.

Mr. STERLING. In that case the original offense was committed when he talked to the reporter and repeated when he wrote and published the letter. It is plain that Mr. Marshall was very little concerned about the welfare of the newspaper man. He takes that occasion to charge the committee and the House with seeking to defeat the prosecution of a Member charged with crime. It had no relation whatever to the news-

paper reporter. He was angry and malicious because the House had dared to order an investigation of his official conduct. If you believe that the House of Representatives sought to protect Mr. BUCHANAN from prosecution, if you believe that any Member, when we referred those charges to the Judiciary Committee, voted with a view of defending Mr. BUCHANAN, then you ought to vote against this resolution.

Nobody will undertake to say to-day that a single Member had it in his mind to assist Mr. BUCHANAN in his defense of the prosecution that was instituted in New York. I can hardly think of a meaner thing that could be said of us. Mr. Marshall wrote that letter and that is what he charged. He did not only charge the subcommittee with that offense but he charged the House of Representatives with it. As has been stated, when Mr. Marshall came before the special committee to be heard he submitted a written statement. This statement was his own interpretation of his letter and his defense of his act. It was not spoken in the heat of the moment. He brought this paper before the committee in typewriting and read it. It is an extreme aggravation of the charges which he made in the letter, and we ought to consider it in connection with the letter. He offers it to the committee and to the House as a plea of justification for the letter. I think it is a well-settled principle of the law of libel that a plea of justification, if not proven, may be considered as an aggravation of the damages. Let us see what he says in his statement before the special committee. He begins the statement with a somewhat extended history of everything that had occurred from the time Mr. BUCHANAN rose on the floor of this House and presented charges against Mr. Marshall. He tells what Mr. BUCHANAN did, he tells what the House of Representatives did, and, after relating the history of the proceedings up to the time he made the statement, he said this:

As these events progressed I paid little attention to them. I have been able to state the facts accurately, because I have obtained for the purposes of this statement the copies of the CONGRESSIONAL RECORD in which these events are narrated. The whole thing—

Referring to the history of the case that he had just recited—

The whole thing when it first occurred seemed to me to be a desperate effort to postpone the trial of Mr. BUCHANAN by putting pressure on the district attorney.

Everything that we have done, the fact that we had preferred the charges to the Committee on the Judiciary, all of it satisfied Mr. Marshall that the House of Representatives was trying to defeat the prosecution of one of its Members.

Mr. GRAHAM. Will the gentleman permit an interrogation?

Mr. STERLING. I will yield.

Mr. GRAHAM. Did not Mr. Marshall write a second letter, in which he distinctly stated that he made no charge against the Committee on the Judiciary or the House of Representatives?

Mr. STERLING. Yes; he said that.

Mr. GRAHAM. Did he not also say in this very statement the same thing?

Mr. STERLING. Substantially so.

Mr. GRAHAM. Did not he, therefore, confine what he had said to his belief as to the views and acts that came under his observation as performed by the committee?

Mr. STERLING. No, sir. He said just what I have read, and he said it in reference to what the House had done as well as what the committee had done.

Mr. MONTAGUE. Will the gentleman yield?

Mr. STERLING. I will yield once more.

Mr. MONTAGUE. For a very short question. Did not Mr. Marshall insist over and over again that he did not intend any contempt of the House or the Committee on the Judiciary, and had made no criticism of either the House or the Committee on the Judiciary, but that his criticism was confined solely to the conduct of the subcommittee?

Mr. STERLING. Yes; he said that in the second letter, and made this statement after that, in which he charged the House with the contemptible crime of trying to prevent the prosecution of a Member charged with conspiracy. But suppose he had confined the libel to the committee? The action of the subcommittee was the action of the House. They were performing the duties of the House If we can not protect the committees of this House, then we can not protect the House.

Mr. GRAHAM. Will the gentleman yield once more?

Mr. STERLING. No; I will not yield any more now.

Mr. GRAHAM. Just for one more question.

Mr. STERLING. I yield for one question.

Mr. GRAHAM. Does the gentleman think that a subcommittee making an investigation is above criticism either by the public press or the man against whom the investigation is aimed?

Mr. STERLING. No; I do not. If a committee or the House deserves criticism or censure they ought to get it, and I hope they will.

Mr. GRAHAM. Is the freedom of the public body to be destroyed?

Mr. STERLING. No; I do not think anything of the kind. If I thought this subcommittee was guilty of the conduct which Marshall charges, I would not be on the floor defending it at this time. I submit to you that the conduct of the subcommittee was proper. I have read this record with great care, and I am not able to find one single instance with reference to the investigation of Mr. Marshall where the subcommittee did not act properly and decently.

Mr. WOOD of Indiana. Will the gentleman yield for a question?

Mr. STERLING. I will yield.

Mr. WOOD of Indiana. Does the gentleman think that it was proper for the subcommittee to invade the sanctity of the grand jury to hold open meetings and do that thing?

Mr. STERLING. I will answer that question. There has been a great deal said here about the sanctity of the grand jury. The purpose of the secrecy of the grand jury is to protect innocent persons, and I undertake to say there is not any proceeding of any grand jury that may not be disclosed in proper cases. If the proceedings of a grand jury may not be inquired into, it may become a monstrous instrument of oppression. Perjury and other crimes might be committed with impunity under the mask of grand-jury secrecy. Its conduct may be inquired into at all times when justice requires it. The committee did not need to know what evidence was offered to indict Mr. BUCHANAN and others, but they did have the right to know whether there was any evidence at all on which the indictment rested. This subcommittee found out from the grand jurymen what it was proper they should find out. One charge of Mr. BUCHANAN was that Mr. Marshall had procured indictments without any evidence, and they had a perfect right to ask the grand jurymen whether or not there was any evidence at all on which to indict Mr. BUCHANAN. They did ask the question, and it was answered.

Mr. GRAHAM. Will the gentleman permit another question?

Mr. STERLING. No; I will not submit to any more questions. I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. STERLING. They might have found what the evidence was before the grand jury if they had needed it, by going before the court and showing that the information was necessary in the interest of justice.

They did find out that there was testimony on which an indictment was made, and that was all they needed to pass on that particular charge. The conduct of a grand jury is based purely on their conscience, and if they think the evidence is sufficient to return an indictment, nobody—the court nor Congress—has any right to inquire into it. The committee did ascertain the fact there was evidence on which Mr. BUCHANAN was indicted. They had a perfect right to know that with reference to the charge that Mr. BUCHANAN had made against Mr. Marshall.

Now, something has been said about the committee having open sessions. It is impractical to have closed sessions in hearings of this kind. You can not keep secret the conduct of such committees. Committees are appointed by this House to perform certain duties, and they have to make it public when they present it to the House; it will all have to be printed, and it then becomes a matter of public knowledge. It can not be kept a secret and ought not to be.

In every case with which I am familiar—in the Archibald case, in the Hanford case, and all of the cases so far reported—the committee has held open sessions, and it is the proper way of conducting those hearings. The public has a right to know what its servants are doing.

Mr. Marshall complains in his letter that the committee called all kinds of rogues as witnesses in this investigation. Will anyone say that the committee did wrong in calling rogues? The committee can not select the character of the witnesses whom they call. They must call the witnesses who they think have knowledge of the facts they are investigating. Some of these witnesses had been indicted, and perhaps one or two had been convicted under Mr. Marshall's administration; but they were the very witnesses that he used before the grand jury and before the court to convict other citizens of the United States. It was the situation and not the committee that determined who should be witnesses.

But now, let us see. All of them were not rogues. Some of the very best people in the city of New York, I dare say, were called before that committee. Judge Meyer, one of the judges

of the southern district of New York, was before the committee. Mr. Stanchfield, a lawyer of New York City, who has a reputation as wide as the United States, was before that committee. Mr. Wise, the ex-district attorney of the southern district of New York, was before that committee, and they had a great many very reputable witnesses before it. I am not saying that all of them were reputable, but I do say that simply because a man has been indicted we ought not to consider him unworthy of belief. This committee, I dare say, was just as competent as a judge or a jury to pass upon the credibility of witnesses. They had a right to take the character of the witnesses into consideration. It was their duty to call everybody whom they thought had information or knew anything about the charges that were before them, and to give to their testimony such weight as they thought it was entitled to. As an illustration, they called a lawyer by the name of Kugel. He had been indicted twice. There had been a mistrial in both cases. Now, Kugel had been called by Mr. Marshall before the grand jury to indict other people. They called a man by the name of Feldman, from New Haven, Conn., who had been indicted in the district court and acquitted, and Mr. Marshall had used him before the grand jury to indict other people. They called a lawyer by the name of Oppenheimer, who had been indicted for subornation of perjury, but never convicted. Mr. Marshall had used him to find indictments and to convict people in the courts down there. And they called other persons who had been indicted and other persons whom Mr. Marshall had used in the courts there to convict and to indict citizens.

Now, let us see if this committee was partisan, if it went there with a view of finding Mr. Marshall guilty of the charges regardless of the fact. Let me just read a bit of evidence which the committee elicited from some of the principal witnesses that were before them.

Judge Mayer was there for the purpose of giving evidence on the charge that Marshall had used his influence in trying to get certain judges to come to the southern district of New York to try his criminal cases. That was the purpose of the witness. But this subcommittee went far out of the way in questioning Judge Mayer to prove good character for Mr. Marshall. This is one question they asked him:

What is the general reputation, if you know, of Mr. Marshall among the practitioners at the bar and the courts there as to his character and professional standing?

Judge MAYER. I think Mr. Marshall is regarded as a man of absolute uprightness, of the highest ideals, a lawyer of real ability; and, speaking now for myself, I am frank to say that, much as I have respected some of his predecessors, I think better of him than I do of some of them, for one reason, in addition to character, ability, and the like, which they all possess, and that is that he does not exploit himself in the newspapers, and that he does not, so far as I can see, appeal for personal advantage through spectacular methods. I have no hesitation in saying before this body or any other that I regard him as a high-minded, upright man, utterly uncontrollable by anything on earth except what he thinks is right. I have known him many years, both as a lawyer in our relations as lawyers and since he has been an official and I have been an official. If here and there some inapt or unwise thing has been done by some young assistant, you will find that has been done through zeal or mistaken notion that these young assistants have when they first get the responsibility of being assistant prosecuting officers. I really respect him very much, and I count him as one of the men that I know who would not consciously do anything that went contrary to his opinion of what is just and right. He doubtless makes mistakes, like the rest of us.

As I say, I do not hesitate to say to you gentlemen, as I have often said in the presence of others, that one thing that appeals to me about him more than anything else—because I assume the other qualities in a public officer—is the fact that, as the expression goes, he does not "play to the galleries." Of course certain kinds of cases become the subject of newspaper exploitation by the very nature of the case, and you can not help that; but Mr. Marshall is not the kind of man who is looking for his own vainglory. I can not imagine any reason why he took his present position, excepting for the honor involved, because he enjoyed a very lucrative practice and was regarded before he came here as a lawyer of real ability, especially as a trial lawyer.

Now, this is the certificate which Judge Mayer, one of the presiding judges, gives as to the character of Mr. Marshall. They called it out. Do you suppose if this committee were biased, if they were there to give Mr. Marshall anything but a square deal, they would elicit information of that kind?

Judge Mayer goes to great length in speaking of the character of Mr. Marshall. He is not the only one. There were other witnesses on this point, and they are witnesses that ought to know. The subcommittee asked of every man that would have knowledge of the character and standing of Mr. Marshall for their estimate of him. They asked Mr. Stanchfield this question:

Mr. CARLIN. What is Mr. Marshall's professional standing at the New York bar?

Mr. STANCHFIELD. He was, before he became district attorney, a law partner of Senator O'GORMAN, a member of the firm of O'Gorman, Battle & Marshall, and before that he had been a member of the firm of Weeks, Battle & Marshall, Bartow S. Weeks being the senior member of that firm, and Mr. Weeks is now a justice of the supreme court of the State, and Mr. Marshall's reputation for 15 years at the New York bar has been of the very highest character.

Mr. CARLIN. He enjoys the same reputation now?

Mr. STANCHFIELD. Absolutely so, so far as I have ever heard.

Then they asked Mr. Wise, who at one time was district attorney of the southern district in New York, and this is what Mr. Wise said about it:

Mr. CARLIN. Would you consider a thing of that kind proper?

Mr. WISE. I would not. I do not believe Mr. Marshall would, either. I know of no man for whom I have a higher regard, or of any man who has a keener sense of justice, and I am sure that if that matter had been put to him in the proper way that, if anything improper was being done, he would not have tolerated it for a minute.

And these gentlemen that Mr. Marshall has abused, these men that were on the subcommittee and whom Mr. Marshall has libeled in the fiercest kind of way, are the men who culled out this testimony with reference to the character of Mr. Marshall.

That is some of the testimony that these gentlemen whom he has abused elicited from these witnesses. Does it indicate that this subcommittee was down there for the purpose of mistreating Mr. Marshall?

Mr. SIEGEL. Was not that testimony taken in New York?

Mr. STERLING. That was taken in New York.

May I ask the gentleman from New York for the newspaper clipping that he had read? The House will remember that the gentleman from New York had the Clerk read a newspaper clipping in the form of a resolution from the bar association, and you will remember that the bar association does not undertake to defend Mr. Marshall in this contempt proceeding. They do say something about the conduct of the committee. And these are some of the questions which they point out as improper questions to have been asked of witnesses. I assume that this bar association, friends of Mr. Marshall, seeking to help him wherever they can, sought out in all that long record of questions, if there are any improper questions, the questions that are most improper; and let us see what they are. The committee asked the assistant United States attorney, Mr. Sarfaty, who presented the case to the grand jury, the question as to whether he made an argument before the grand jury. That was in reference to the charge made by Mr. BUCHANAN that Marshall had procured indictments without any evidence before the grand jury.

Was there anything improper about that? It was eminently proper and necessary. I submit to you, how would this subcommittee get at the facts of that charge if they had not asked that question?

Here is another one that the bar association points out:

Whether an investigation was made of Representative BUCHANAN and Messrs. Lamar, Shulteis, Martin, and others by the detective department of district attorney's office?

Was there anything wrong about that? That is the second question that the bar association, made up of the fellow members and the friends of Mr. Marshall, point out. How, I submit to you, would the committee get at the facts charged in Mr. BUCHANAN'S statement, without asking questions of that kind? It is not asking them to reveal any of the secrets of the grand jury.

The next question is—

Who were the detectives assigned for this work?

Why should not Mr. BUCHANAN, the man indicted, or any defendant who has been indicted, know who the witnesses are against him? In the State of Illinois the law requires that the name of every witness who goes before the grand jury must be indorsed on the back of the indictment. And then, if the prosecuting attorney desires to call any other witnesses in addition to those who were before the grand jury, he must give the defense written notice of the witnesses whom he is going to call. I believe that is the law in all of the States of this Union. Because it does not happen to be the practice in the southern district of New York does not make it vicious, does not render it bad.

Mr. BENNET. I will say to the gentleman that it is the statute of the State of New York, that the names of the witnesses shall be placed on the back of the indictment. Under the Federal practice only the name of the foreman is put on the back.

Mr. STERLING. I suppose the law of every State in the Union requires the indorsement of the names of the witnesses on the back of the indictment. I know of none that does not. Now, here is another question:

Whether any evidence was presented to the grand jury against BUCHANAN?

That was BUCHANAN'S charge—that he and other persons had been indicted without evidence—and I submit that it was perfectly proper for the witnesses to answer that question and it was perfectly proper for the grand jurors or anybody else who knew the facts to answer, and many of them did answer. I

think six of the grand jurors, including the foreman, were before the subcommittee.

The sixth question was—

Who made the complaint and who furnished the information against them to the office of the district attorney?

Is there anything wrong about that? Why should not the defendant know who the complaining witness is? Every single question that the Bar Association of New York mentions in that report was a proper question. They were necessary questions to get at the facts of the matter which this subcommittee were investigating.

So I submit to you, gentlemen, that if that is all the astute lawyers of the city of New York can find to criticize in the action of this committee they have not very much fault to find with this subcommittee.

Mr. Speaker, when Mr. Marshall was before the special committee he complained of the conduct of the subcommittee in New York. I gave him a copy of the evidence that had been taken in that city and asked him to mark everything in that record to which he objected. He did that, and I have here an exact copy of all the evidence which he marked. The original copy which he marked is in the office of the chairman. I submit that I have not found one single thing he marked that was objectionable. I have gone through the record with great care and I find he has marked as objectionable evidence and questions much of which was absolutely proper and absolutely necessary for the witnesses to answer. Let me just read at random some of the things that he has marked. Before I do that I will say that when he was before this special committee he called attention to one thing of which he complained very bitterly.

One of the members of the subcommittee asked a witness by the name of Anderson whether or not Mr. Hershenstein had charged him any fee for representing him in a criminal proceeding. Well, now, that might be construed either way. That member of the committee might have done that for the purpose of drawing out the fact that Mr. Marshall's office did not charge fees for prosecuting criminal cases. On the other hand, he might have done it in the hope of eliciting the fact that Mr. Marshall or some of his assistants had charged fees; and if he had, it was certainly proper for the subcommittee to find out that fact. But I will tell you why the member of the committee asked that question. Mr. Wood, one of the assistants in Mr. Marshall's office, had testified that he had represented some parties in civil matters who were afterwards indicted. Now, it would have been perfectly proper for Mr. Wood, the assistant attorney, to have charged for his services in representing that gentleman in civil matters. Then when this came up as to Mr. Hershenstein, another assistant of the district attorney's office, it was very natural for the committee to inquire whether or not he had received pay for the services he had rendered a man in another case. I dare say that that is the offense of which Mr. Marshall complains most. It is the only one he refers to in his written statement before the subcommittee, and I assume from that it is the one on which he most depends to show misconduct of the subcommittee. Can it be said that this indicates any ill will toward him on the part of the committee? It shows the contrary. It elicited testimony favorable to his office.

But here is an illustration, reading at random from the parts of the record marked by Mr. Marshall:

Mr. CARLIN. Did you have any connection with the warrant issued against David Keen?

Mr. Wood, who was an assistant of Mr. Marshall, replied:

That complaint came in, sir, without my knowledge. It was a verbal complaint. I did not know it was in the office until it had been in the office several days. I was then told by Mr. Hershenstein that there was such a case in the office. I immediately told Mr. Hershenstein that he must be very careful with that case and not proceed unless he was sure he had a perfectly good case.

Do you see any objection to that? And yet that is one of the parts of this record that Mr. Marshall marks as very objectionable to him.

Here is another. Mr. CARLIN said:

Do you remember saying to him, "Well, if you don't give up this property, I will get you"?

Mr. Wood said:

No, I never said any such thing.

Mr. CARLIN. Were you retained as counsel in that case?

Mr. WOOD. No, sir; I have never gotten any retainer. I did it for Mr. Alfred Ritter, an attorney in Colorado Springs, who was my roommate at the University of Virginia.

Here is another. Mr. CARLIN says:

The thing I am after is, did it appear either on demurrer or motion to quash, or any other way, that the indictment had been changed after it left the grand jury room?

And Mr. Wood said:

As to those two indictments, there was no such allegation.

Here is another place that he has marked. Mr. GARD says:

Do you know anything about Mr. Wood's connection with that case?

Mr. Anderson says:

No, sir. He had no connection with me in this case. I did not know Mr. Wood.

These are samples of the record marked by Mr. Marshall, showing the basis of his complaint. These are the things that he assigns as the basis of his belief that the committee were not conducting the investigation in good faith and that the whole thing was an effort to shield Mr. BUCHANAN from prosecution.

The parts I read are fair samples of his complaints. I do not think they justify this bitter, malicious, and unreasonable attack on the integrity of the House. On the contrary, they show, to my mind, that this subcommittee pursued a very proper course and had a true and ethical conception of their duties and responsibilities. For the House to refuse to call to account the man who so unjustly libeled it would be a heartless desertion of our faithful Representatives. There is nowhere in this record anything that indicates an improper action on the part of this subcommittee more than I have read to you. It seems to me we are considering a matter of vast importance to the House and to the country. If these ugly words had been uttered by a private citizen we might afford to ignore them. But this attack is made by a man high in office in another branch of the Government. If we sit silent such treatment will bring the legislative branch into contempt. With a firm belief in the integrity of the House and its committee, I am convinced this man should be called to account for his insults. If he had not ignored the action of the House and the committee, but had assisted the committee in getting at the truth of the charges, he would have found out that the committee was entirely fair to him. He drew his conclusions from the headlines in the newspapers and his conclusions were grossly wrong. Mr. Marshall is a man of large experience, holding a high office under the Government, and under the record in this case is of excellent character as a lawyer and a man, but these things are no defense to libel. They are all to be considered as an aggravation of the injury and damage he has done. If this House has faith in its own honor and integrity, it will require this man to answer to this charge.

Mr. MOON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I have known Mr. Marshall for 15 years. We are personal friends. We have appeared as opponents in cases against him in the civil courts of our city, and I have defended a person accused of crime in the United States courts in a case in which he was conducting the prosecution personally. I have a very high personal regard for him. He is all that any gentleman has said of him here when mentioning him in terms of respect and approbation. A man of stainless personal character, of probity in the highest degree; an official that has a proper regard for the duties of his office. It is very distasteful to me as a Member of this body, sitting in a quasi-judicial capacity, to be obliged to cast the vote that I shall be obliged to cast in a few moments. But it seems to me that the special committee has done the only thing that it could have done.

The question is very simple. There is no question involved of the indictment of the gentleman from Illinois [Mr. BUCHANAN]; that is to be tried in the court by a prosecutor other than Mr. Marshall. There is no question involved of the impeachment brought by the gentleman from Illinois against Mr. Marshall; that is to be determined in the first instance by the Judiciary Committee and afterwards by the House.

But here is a plain issue. Mr. Marshall in his letter of March 4 said:

I said that your expedition to this town was not an investigation conducted in good faith, but was a deliberate effort to intimidate any district attorney who had the temerity to present charges against one of your honorable body.

In other words, it is not a single issue, it is a double issue. Either Mr. Marshall made statements which he can not substantiate or else there are three Members of this House whose present standing before the country is equal to that of Mr. Marshall, whose character is as high, whose reputation is as good; three Members of this House who ought not even to be permitted to have an opportunity to resign, but who, if Mr. Marshall's charges are correct, ought to be expelled from this body, because the charge is direct and specific that they left this Capitol under appointment to conduct an impartial investigation, but with the purpose, from the outset, of not doing anything of the sort, but to go to the district of New York where

Mr. Marshall was the district attorney, for the purpose of intimidating him in a proceeding which had been commenced during his term of office.

Mr. MONTAGUE. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MONTAGUE. Does the gentleman from New York really think that is the issue here respecting the question of contempt; that is, Mr. Marshall on one side and the subcommittee on the other?

Mr. BENNET. It seems to me very clear that that is the issue—that Mr. Marshall, in order to purge himself from contempt, can do one of several things. First, he can disavow this language, or, if his desire is to purge himself from contempt and he has evidence to do it, a very certain and satisfactory way for him to purge himself would be to prove the charges that he makes against the three Members of this House.

Mr. MONTAGUE. The gentleman from Texas made that same argument. I think it is an unfounded argument to submit to the House. That is not the issue here.

Mr. BENNET. The gentleman from Virginia has a right to his own opinion, but it differs from Mr. Marshall's, because Mr. Marshall said, on page 75——

Mr. MONTAGUE. I say that in my judgment; I have great respect for the opinion of the gentleman from New York.

Mr. BENNET. Mr. Marshall characterizes his own statement on page 75 when he said:

> At whatever discomfort to myself, it is my intention to see this case to the end.

That is Mr. Marshall's attitude. Now, I want to say that, knowing him as I do as a man whose ideas of personal honor are high, I assume that he credits the great majority of us with the same kind of regard for our own personal honor as he himself possesses, and that he would regard us as cowards if we voted down the report and deprived him of his opportunity. [Applause.]

Mr. MANN. Mr. Speaker, when the time was agreed upon the other day of two hours upon each side I had expected to ask that the gentleman from New Jersey [Mr. PARKER] have some time, but it slipped my mind, although the question was raised that day, and I told my colleagues that there was no one else who desired time in opposition to the resolution. I now ask unanimous consent that the gentleman from New Jersey [Mr. PARKER] may have 10 minutes, not to be taken out of the allotted time.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from New Jersey [Mr. PARKER] have 10 minutes, not to be taken out or charged up to the 4-hour agreement.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. MONTAGUE] have 10 minutes, not to be charged up to the original allotment.

Mr. MOON. In that same connection, Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina, chairman of the committee, have 10 minutes, not to be charged up to the allotted time.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the gentleman from Virginia [Mr. MONTAGUE] have 10 minutes, and the gentleman from Tennessee [Mr. MOON] asks unanimous consent that the gentleman from North Carolina have 10 minutes, not to be charged up to the original time. Is there objection?

Mr. THOMAS. Mr. Speaker, I will go them one better and ask unanimous consent that I may have 15 minutes.

The SPEAKER. We will attend to the others first. Is there objection to the requests of the gentlemen from Tennessee, North Carolina, and Illinois?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. THOMAS] that he have 15 minutes?

Mr. MANN. Mr. Speaker, I do not know that I shall object. I made the request that I did particularly for the purpose of evening up the time. The most of the time that has been occupied has been occupied by those in favor of the resolution; but I suppose the gentleman from Kentucky wants time in favor of the resolution. I have no objection to that extension of time, but there may be other gentlemen who want additional time.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The Chair will inquire of the gentleman from Illinois [Mr. MANN] or the gentleman from Tennessee [Mr. MOON] when these three gentlemen are to speak?

Mr. MANN. I think the gentleman from New Jersey [Mr. PARKER] will proceed now.

The SPEAKER. The gentleman from Tennessee has 37 minutes remaining. When does he desire to use that?

Mr. MOON. I will use 10 minutes of that now. I yield 10 minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I regard this as one of the most important questions that has challenged the attention of this House since I have been a Member of it, nearly 12 years. Not only the honor, the dignity, the privileges of this subcommittee are involved, but almost the very existence of the House itself is involved in the determination of this resolution. I take it that there is no question of the power of the House to deal with the matter. That being true, then, it occurs to me there is but one question for the House to determine, and that is as to whether or not this letter constitutes a contempt of the House of Representatives. My friend from Pennsylvania Mr. GRAHAM seemed to think in a colloquy that he had with some gentleman that the House or a committee of the House does not stand upon the same plane with a judge of a court. I want to call that gentleman's attention to some language uttered by the Hon. Jeremiah S. Black, of Pennsylvania, in 1873, before the constitutional convention of the State of Pennsylvania, right along that line, and under permission I will insert that address of Mr. Black upon that subject at this point. The convention having resolved itself in the committee of the whole on the report of the committee on legislation, Mr. Black rose and spoke as follows:

> Mr. Chairman, this is a subject upon which I speak with great reluctance. But I am deeply anxious about it. I do most devoutly believe that the destiny of the Commonwealth, and perhaps that of the whole country, depends upon the decision to which this convention may come. I beg a brief hearing.
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> It will be admitted that the legislative function is by far the most important one in any free government. It is the supreme power of the State. All others are insignificant in comparison to it, inasmuch as all the others are bound to obey its will. The executive is absolutely controlled by it in all the details of his administration. It marks out the path in which he shall walk. And it is able to punish him severely for any departure from it. The legislature can not appoint the judges, but it can do more, it can command them what they shall do after they are appointed. All the legal justice we get is manufactured at the seat of government and sent down in bulk to the courts where it is distributed among the people according to the wants and merits of each individual. The legislature regulates the practices of the courts, makes and unmakes the rules of evidence, and furnishes the standard of decision for every cause. It defines all public offenses and supplies the remedy for every private wrong. All rights and all obligations are protected and enforced in the way that it prescribes, and can not be either protected or enforced at all without its aid and assistance.
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> The members of the legislature are the custodians and trustees of all public property. They can sell it or give it away, or they can increase it by making additional purchases. The taxing power enables them to descend as deep as they please into the pockets of the people of every class, and it has absolute control and appropriates all the revenue after it is collected.
>
> What is a still higher consideration, they are the guardians of public morality. It depends upon them whether virtue shall be promoted or vice and crime encouraged. The theory is that the legislature, being the supreme power of the State, commands what is right and prohibits what is wrong, and in a certain sense the mere command or prohibition does of itself make it right or wrong. What we are taught in the Bible is certainly true, that they who frame iniquity into a law compel the people to become workers of iniquity.
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> What we want above all things upon the earth is honest legislation; and when I say we want it I use the word in the double sense of needing it and lacking it.

Thus spoke Jeremiah S. Black, one of the ablest lawyers who ever lived in the State of Pennsylvania or any other State.

Mr. Speaker, this House for years has been giving away its authority, its power, its rights, and its privileges until to-day we are practically the laughingstock of the country. The yellow journals of the country say what they please, officials of one kind and another say what they please about us, and now it remains for this district attorney of New York, inflated with egotism, as his letter and his whole conduct shows, to express his opinion about us; and I want to call attention briefly to some of his expressions in order to show his absolute contempt not only for this committee but for the entire committee and for the House of Representatives itself; and I want to say right here in passing that there are not upon the floor of this House, and have not been since I have been here, three men more honorable, more appreciative of their position here and their duties and responsibilities, and more conservative, than are CARLIN, GARD, and NELSON. [Applause.]

This House could not have sent to New York a more conservative subcommittee, nor one that would have conducted itself with more honor and credit to themselves and to the House. I shall not have the time to go fully into it, but I want to call attention to a few of the statements of this gentleman, and this is his statement after he had had ample time to cool down, after he had considered it in all its bearings. He says:

> In my letter to the chairman of the subcommittee, dated March 4, 1916, I have summarized my views of the conduct of the subcommittee during their visit in New York. There was no assistant of mine called before them who was not subjected to indignity and

insult. For instance, Mr. Roger Wood, who was engaged in the trial of an important case, was called before the subcommittee after he had finished his speech to the jury and while the jury in his case was out and subjected to a violent and abusive cross-examination by the subcommittee. I was told by a reporter connected with the New York Tribune that if I desired testimony as to the general manner of the subcommittee I could call on him, as he had just heard the examination of Mr. Wood. He said that he had never heard a "pimp" in a white-slave case subjected to the kind of treatment that Mr. Wood had to submit to at the hands of the subcommittee.

And, again:

In the case which I am now discussing the situation was most remarkable. The subcommittee had very frankly placed itself under the entire domination of an indicted Congressman. They permitted him to name their counsel, and then the subcommittee and the worthy counsel vied with each other in the selection of language toward my assistants and myself which I will not undertake to characterize.

Is not that contempt—is not that contemptuous toward the committee, and the authorities are absolutely uniform that the committee representing and having the power of the House, any contempt offered the committee was a contempt of the House itself. There can be no question about that being sound law, and, by the way, we have heard a good deal of remarkable law to-day. My friend from New York, Mr. SIEGEL, if I heard him correctly, said that some of this committee, the subcommittee, or the Judiciary Committee, had come to the conclusion that the United States court had no jurisdiction in the Rae Tanzer case, and then stated, "If that is not contempt, I do not know what contempt is." Well, my friend does not know what contempt is. The idea that you can not question the jurisdiction of a court without being in contempt! Mr. Speaker, pleas to the jurisdiction are filed every day in courts all over this country, in the State and in the United States courts. Nobody has ever thought that that was a contempt until this gentleman from New York discovered it.

On page 75 of this record I find this remarkable statement:

I do not deny that my letter of March 4, 1916, was written while I was in a state of intense and violent indignation at the treatment to which I and my assistants had been subjected. I have thought it over in cooler moments since writing it, and I find in it nothing to regret and nothing to retract. There is not a word in it which is not true. Under the same circumstances I should write the same letter again, and it is my honest opinion that any investigation by Congress should be rather into the actions of the subcommittee which sought to bring public disgrace upon my assistants and myself than into my own resentment of their methods.

This whole case is a novel and extraordinary one. There have been Members of Congress who have had to face the criminal courts, but there was never one before who resorted to defense by impeachment. I am not the only district attorney whose duty may require him to present to a grand jury charges against a Member of the House of Representatives. Mr. BUCHANAN is not the first Member of the House of Representatives who has violated the Federal law, and there may be other Members of that House who will find themselves in Mr. BUCHANAN'S predicament.

That is not only an insult and a contempt, but it is a threat held over the heads of Members of Congress, that they, too, are likely to be indicted unless they go slow with this performance. Mr. Speaker, this man is not fit to be district attorney. He either is a monumental egotist or an arrant fool; I do not care what the gentlemen from New York say about him.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. MOON. Mr. Speaker, I yield one minute more to the gentleman.

Mr. CLARK of Florida. Mr. Speaker, when he came before this committee finally, and the chairman and the other gentlemen of the select committee gave him every opportunity to say something to palliate his offense, this is what was said:

The CHAIRMAN. Mr. Marshall, you have written these two letters, and, of course, you must realize that that letter is an intensely offensive document to that subcommittee. After you have had time to reflect upon the letter and upon the whole matter and all the whole facts and circumstances connected with it, do you still want this committee to understand that you meant everything you said in those letters, and that you have no apology to make in reference to them?

Mr. MARSHALL. I do, Mr. Chairman.

The CHAIRMAN. You do?

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. Understanding fully that this committee represented the House of Representatives?

Mr. MARSHALL. Yes, sir.

There, Mr. Speaker, is a cool, deliberate, and intentional contempt for the House of Representatives expressed in language which can not be misunderstood.

The SPEAKER. The gentleman from Kentucky [Mr. THOMAS] is recognized for 15 minutes. [Applause.]

Mr. THOMAS. Mr. Speaker, I do not know anything about the Buchanan case. I have never made any inquiry into the merits or the demerits of the case. I can say that no member of the Judiciary Committee has done so. Therefore, in my opinion, the Buchanan case has nothing whatever to do with this matter against the New York district attorney. I do not know Mr. Snowden Marshall. I believe—they tell me—he calls his name "Snodden" Marshall. I have never yet been unfortunate enough to become acquainted with him, and hope I never will. [Laughter.] He has been guilty of insulting not only the subcommittee of the Judiciary Committee but of insulting this House, and he ought to be dealt with. The gentleman from Pennsylvania [Mr. GRAHAM] spoke upon this question at some length an hour or two ago, and informed this House of some fearful and wonderful law. He said, as I have been informed—I did not hear him—that that committee had no power to summon members of the grand jury before it and had no power to require that the minutes of the grand jury be brought before it, and I am informed further that he stated that in no case could the proceedings of a grand jury be brought into a court of justice. I do not know whether he made those statements or not. That may be the law in Pennsylvania and in New York, but it is certainly not the law in any civilized community. [Laughter and applause.]

Mr. GRAHAM. Will the gentleman permit a question?

Mr. THOMAS. Yes, sir; with pleasure. [Laughter.] But the gentleman must take this out of his own time, not out of mine.

Mr. GRAHAM. Was the gentleman present when I spoke?

Mr. THOMAS. No, sir. I said I was not, but I wish I had been.

Mr. GRAHAM. As a good lawyer, the gentleman ought not to give hearsay evidence.

Mr. THOMAS. Then, to go beyond that——

Mr. GRAHAM. The gentleman is mistaken in what I said.

Mr. THOMAS. I say that a committee of this House acted in a judicial capacity, and the decisions of all the courts of this country recognize the fact that it has the right to this character of testimony. I say that as a lawyer. I say that to the gentleman from Pennsylvania, who is on the same committee that I am on, the Judiciary Committee, and he is a fine lawyer and a splendid gentleman and a Republican, but outside of that he is all right [laughter.], and he must have gone off in a moment of excitement in the defense of this man Snowden Marshall.

Now, as I stated, I never saw him, but sometimes, you know, we can draw upon our imagination, and when we do, frequently it is not true, but I imagine that the kind of a district attorney that the evidence and the records that have been before our commitee show him to be, that he is such a fellow that will turn up his pants at the bottom when it rains in London, and it seems to me that there are some gentlemen from New York and Pennsylvania who want to turn up the bottoms of their pants every time that he does. [Laughter.]

Now, gentlemen, I do not have as much respect for court decisions as a great many people do. There is not a court in this land, there never has been a court since the dawn of civilization, that has not crossed its tracks in its decisions as often as a fox would cross its tracks on a night when the hounds were after it. Why, it was a judicial decision, gentlemen, that sent Christ along the stony streets of Jerusalem bending beneath the burden of the cross. It was a judicial decision that compelled Socrates to drink the fatal draft of hemlock.

Now, let us see the gentlemen who are on the subcommittee—CHARLIE CARLIN, Mr. NELSON, and Judge GARD. These are the men that this letter charges with offenses which, if true, every one of them ought to be sent to the penitentiary instead of being in Congress. Why, he states that they deliberately went up there for the purpose of humiliating him, and deliberately summoned all of the rogues and rascals they could lay their hands on to testify in that case. I believe that is not true, because my opinion is that they did not summon everybody in the district attorney's office, so consequently, in my opinion, they could not have gotten all the rogues and rascals. [Laughter.] Now, let us see:

I said that your expedition to this town was not an investigation conducted in good faith, but was a deliberate effort to intimidate any district attorney who had the temerity to present charges against one of your honorable body.

Do you believe that—that Judge GARD, that CHARLIE CARLIN, that JOHN M. NELSON went to New York City with that deliberate purpose? Do you believe it, the gentleman from Pennsylvania, who has in this House defended this fellow, whom, I believe, instead of being in the district attorney's office, if he had his just deserts, would be in the State penitentiary?

I pointed out to him that you, contrary to usual practice, have come here and have held public hearings; that among your witnesses you invited every rogue that you could lay your hands on to come before you and blackguard and slander me and my assistants under the full privilege of testifying before a congressional committee.

That is not true; that statement is absolutely false. I have been for a number of years a Member of the Committee on the Judiciary, and we have invariably held public hearings. I remember that day after day we sat in the Archbald case and

in all other cases that were tried before that Committee on the Judiciary and held public hearings, and Archbald was impeached by the Senate of the United States. He said:

That among your witnesses you had invited every rogue that you could lay your hands on to come before you and blackguard and slander me and my assistants.

How are you going to vote? Are you going to cast your vote and say upon the floor of this House that Judge GARD, that CHARLIE CARLIN, that JOHN M. NELSON, in their judicial capacity upon this subcommittee, went to the city of New York and deliberately summoned every rogue that they could lay their hands upon for the deliberate purpose of slandering that district attorney? Whenever you cast a vote in this House against this resolution brought in by this committee you say to this House, you say to Congress, you say to the country, that three Members of this honorable body, GARD, CARLIN, and NELSON, were guilty in that case of summoning rogues to testify in order to discredit this district attorney. I say to you, gentlemen, that you should have the courage of your convictions, and if you vote against this resolution it will be seen whether you have the courage of your convictions or not and will introduce a resolution to expel these Members.

If you vote against this resolution, you deliberately brand these three men. I put this question to the gentleman from Pennsylvania [Mr. GRAHAM]. Do you believe that a man or a committee would be guilty, sitting in a judicial capacity, of deliberately and knowingly, as this man Marshall says, summoning rogues and scoundrels to testify against this district attorney to discredit him, should sit in the House of Representatives? If I believed it, I would introduce a resolution to expel them.

I thank you, gentlemen. [Applause.]

The SPEAKER. The time of the gentleman has expired.

The gentleman from Virginia [Mr. MONTAGUE] is recognized for 10 minutes.

Mr. MONTAGUE. Mr. Speaker, I am very reluctant to consume even the brief time accorded me upon this subject—a subject which should engage the deliberate, dispassionate, and judicial consideration of this body.

The conduct of the subcommittee and the letter of Mr. Marshall are related, yet I do not think the two acts constitute such unity that in finding for Mr. Marshall the House thereby defames the personal character of the subcommittee. We are considering the letter of Mr. Marshall, and whether or not a contempt of this House is expressed or intended therein. The personality of Mr. Marshall and the personality of the three members of the subcommittee of the Judiciary Committee should not be contrasted as inducing a conclusion one way or the other on the part of the House. Such an argument unconsciously excites the prejudice of the House in the defense of itself; it deflects us from the proper line of duty; and it dispels that judicial atmosphere which should envelop this House when considering any conduct reflecting upon its dignity. If our dignity has been offended, we should at least protect it by argument, and we should assume a detached point of view in entering upon the consideration of a subject of this character.

I have no purpose to cast any reflection upon the subcommittee; nor have I any purpose to enter a personal defense of Mr. Marshall. The evidence, as disclosed by his letter, establishes one fact very clearly, namely, that he is a man of candor and of courage, two very desirable qualifications for the discharge of the particular duties of his office.

But, Mr. Speaker, my main purpose in rising is to direct the attention of the House to one particular phase of this subject. There is no general law or authority authorizing this House to administer punishment for contempt. The power of this House to punish for contempt must be found in the Constitution itself, and we look in vain in that instrument for any express authorization for the exercise of such a power. Of course every power conferred carries with it auxiliary or subordinate powers in order to make effective the major power granted. Therefore, it is apparent that the inherent power of the House in dealing with contempts necessarily embraces such acts of contempt as would result in an obstruction of the proceedings, or the suspension of the operations, or the administration of the powers of the House itself. Violence or bribery of a Member, recalcitrancy of witnesses, all touch the exercise of the power of this branch of the Government.

The House must necessarily take notice of this character of contempt or its proceedings are obstructed or suspended. But we will have to go far afield of history or record to find that this House or the Senate ever exercised the inherent power to punish for contempt an act consisting only in the criticism, oral or written, of the conduct of either House of Congress or any committee thereof. [Applause.]

It is with regret that I make the observation that few things have so undermined public confidence in the judiciary of America as its exercise of the inherent power of punishing contempts.

Mr. MOON. Will the gentleman yield?

Mr. MONTAGUE. I will yield with pleasure.

Mr. MOON. Does the gentleman know that in the case of Anderson against Dunn, decided by the Supreme Court of the United States, in which it was held that the inherent power existed for contempt——

Mr. MONTAGUE. The Dunn case was overruled by the Kilbourn case, following thereafter.

Mr. MOON. I do not think so.

Mr. MONTAGUE. Well, I can not enter into an argument when I only have 10 minutes.

Mr. MOON. What about the case of Nugent against Beale?

Mr. MONTAGUE. What did Nugent do? He did not criticize this House. He did not criticize the Senate. There was no slanderous or libelous criticism by him. He stole the records of the Senate.

Mr. MOON. There are various kinds of contempt.

Mr. MONTAGUE. There are many kinds, but I can not follow that aspect of the case now.

Mr. MOON. And the gentleman can proceed with his misinformation to the House.

Mr. MONTAGUE. I will leave it to the House to assess or determine the relative misinformation of the gentleman from Tennessee and myself.

I suggested, without successful contradiction or asseveration, that this Congress, or either body of it, has never punished anyone for oral or written criticism of its conduct or of any subcommittee of either body. Now, when a case of that character is cited, you will find one similar to the case we are now considering.

The most approximate analogy is the Duane case, and there the Senate plainly and directly declined to punish Duane for a contempt consisting of a written criticism—a libelous criticism—of that body; but, on the contrary, the Senate requested the President to direct the district attorney to prosecute Duane in the appropriate court of the District of Columbia for the libel, resulting in his conviction. So this case is an obvious precedent against the contention of the report of the special committee.

As I now recall, only two cases are cited as precedents in the report of the special committee. One is the case of Anderson against Dunn, found not only in Hinds' Precedents but, having been decided by the Supreme Court of the United States, is found in Sixth Wheaton, 204. The fact of this case is the essential matter for consideration, and this fact was the attempt of Anderson to bribe a Member of the House. Where is the analogy between bribery and criticism? Bribery strikes at the very life of the House; it is an attempt to destroy the very power and duty of representation, and if successfully consummated does as effectually destroy the Representative as if he himself were killed. But this case was sharply criticized by the Supreme Court of the United States in the famous Kilbourn case, whose contempt consisted in his failure to testify in an investigation which Congress had no power to make. The opinion in the latter case was delivered by the great justice, Mr. Justice Miller, in 1880, and is found in One hundred and third United States Reports, page 170. The chief merit of the Kilbourn case, however, consists in largely overruling all the arguments advanced in the Dunn case and solemnly adjudicating that the power of the House of Representatives to punish for contempts is limited to the cases expressly defined by the Constitution. It moreover declared, after an extended historical research, that no precedent could be afforded by the action of the House of Commons of Great Britain in that that particular institution was once a court of judicature and a part of the juridical system of the British Kingdom. Congress is not and never was.

The next case, the second and remaining case cited in the report of the special committee, is that of Nugent against Beale, decided in the Circuit Court of the District of Columbia in May, 1848. But of what this particular contempt consisted is not given in the report.

Briefly, the contempt in this case consisted in Nugent's purloining and making public a copy of a treaty between the United States and Mexico when being considered in the secret executive session of the Senate. In other words, Nugent undertook by means of this physical theft of a paper of great moment to interfere with the consideration and administration of the executive power of the United States Senate. He boldly attempted either to obstruct, impair, or nullify the action of the Senate in relation to a matter effecting the international re-

lations of our country. What possible parallel exists between that case and the one now under consideration by this House? They are as far apart as the poles.

So, Mr. Speaker, I beg again to submit to this House, without fear of successful contradiction, that neither this House nor the Senate has ever heretofore undertaken to exercise jurisdiction in contempt proceedings of a case of the character we are now considering. No slander or libel of this body has ever heretofore been treated as contempt by this body. This statement can not be controverted Therefore we are driven to the unfortunate predicament of making a new law to fit a new case. The report attempts to declare that to be contempt which has never heretofore been adjudged to be contempt by either House of Congress. In other words, Mr. Speaker, we now seek to declare that unlawful which when heretofore done was lawful. Morally and logically, perhaps not technically, we violate the Constitution in that our proceeding now is an ex post facto proceeding. We make that a crime now which was not a crime when committed, and fix as punishment for the crime a punishment which was not prescribed when the act was done. In other words, we create the offense after the act, and prescribe the punishment therefor; we sit at once as judge and prosecutor, a position, I submit, that should never be assumed save under the gravest provocation.

Mr. Speaker, I would now advert to another branch of the case. I am not here to defend all that Mr. Marshall has said. If I had been his advisor, I would have advised him not to write such a letter. But the House made a mistake at the beginning, and I do not think it is too late to correct it, and the sooner we correct it the better. [Applause.]

I have high regard for the subcommittee of this House, but the way to maintain the dignity of this House is not to exercise the power of contempt, but to disregard unjust and unfounded criticism and pursue courageously our conduct as representatives of the people. We may coerce timorous sentiment, we may coerce fear but not affection, and we can never coerce dignity or respect. We must achieve or obtain it by some other means than by the exercise of the summary power of punishing contempt of the kind now under consideration.

I thought Mr. Marshall was unhappy in some of his language. I think when he used the word "purpose" he meant "result." I do not think Mr. Marshall meant that the purpose of the subcommittee in coming to New York was to degrade him. I think he meant that certain things had been permitted by the subcommittee which resulted in destroying the prestige of his office. He said, for instance, that the Member indicted, together with his counsel, sat with the subcommittee and helped largely to conduct the investigation. He says that the subcommittee laid its hand upon every rogue in New York. He is mistaken as to numbers; not every rogue was called, but a goodly number appeared. What he clearly meant is that the subcommittee permitted this to be done, thereby resulting in the impairment if not in the destruction of the usefulness of his office. But we are not dealing in mathematics, in proportions, and relations. I am not criticizing the committee for hearing these witnesses, but I am asking you, as the gentleman from Pennsylvania [Mr. GRAHAM] did, to put yourselves in the place of Mr. Marshall. He found this class of people the chief witnesses and he thought that prolonged countenance of them by the subcommittee tended to destroy the prestige of his office.

Moreover, Mr. Speaker, he found this committee making industrious efforts to secure the evidence before the grand jury of his court, evidence the making public of which, in my judgment, would have been a most disastrous misfortune to the country. [Applause.] Here our Government is in the midst of most delicate international relations; here are people indicted in connection with those relations, and yet it is contended the Congress of the United States can strike down the barriers that separate the legislative from the judicial branches of the Government, and put its hands into the grand jury room and expose the testimony therein found to the public gaze of the world. [Applause.] When we do that, gentlemen, we may punish for contempt all we please, but we can not save ourselves from contempt. [Applause.]

Therefore, I submit in conclusion that we should be slow to take to ourselves a jurisdiction and a power which we do not accord to the judiciary of this country. We should not be sensitive of public criticism of ourselves. I suspect that a hundred newspaper editorials were published this morning that are far more drastic in their criticisms than those in Mr. Marshall's letter. If this body has the dignity which some gentlemen speak of—and I would not depreciate its dignity—if I ever had one single compelling thought as to my service in connection with this body, it is that I should not in any way impair its dignity; but if we would maintain its dignity, we can best do so by walking the high road of our own jurisdiction, keeping our self-respect and not noticing criticisms, however violent or unfounded. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired. The gentleman from New Jersey [Mr. PARKER] is recognized for 10 minutes.

Mr. PARKER of New Jersey. Mr. Speaker, I had expected to follow some one speaking on the other side, and am a little embarrassed after so fine a speech on the same side by the distinguished gentleman from Virginia.

Impeachment, and proceedings for contempt, which summon a man to the bar of this House, should stand on the highest possible ground, and be instituted only for great and important public reasons. We do not use a 10-inch cannon to kill a mosquito, and perhaps the strongest Members of this House are those who are least likely to rise to a question of privilege and speak of something that somebody has said about them, no matter how wanton the attack.

We want to put ourselves in the place of our friends on the Judiciary Committee, and the district attorney for the southern district of New York, who, I think, if I have any acquaintance with him, I met only once, years ago. He was, so far as we can judge from his letter, trying to do a great public duty as well as he knew how and under great difficulties. He was investigating complicated international situations. He was finding evidence on matters of great public import and bringing it before the grand jury against all the influences that sometimes conceal such evidence. Of a sudden he was impeached in the House of Representatives, and the gist of the accusations against him, almost all the way through that impeachment, was of false and malicious prosecution, of prostituting his high office to false accusations, of doing it maliciously, and on this charge of malicious prosecution he was impeached by one of the men who were defendants in the prosecutions in New York.

Proceedings for malicious prosecution have a law of their own. It is well known among lawyers that they can not be brought until the original prosecution is determined, because they are founded upon two allegations. One is that the prosecution is unjustifiable. That must first be determined by the verdict. Second, that it is without probable cause. And there is a reason for postponing any such suit for malicious prosecution, and that is that it is not desirable to interfere with the fair trial of the case by asserting that the men engaged in it are malicious, and so no one is allowed to secure an indictment or bring a suit for malicious prosecution until that original prosecution is over. The essence and sense of that rule ought to apply to such a proceeding as this impeachment.

At any rate, if an impeachment is brought and an inquiry is urged while the prosecution is pending, then, under those circumstances, in order not to interfere with the ends of justice in the original cases, the inquiry ought to be confidential. I do not say that evidence in impeachment cases, as to matters far in the past, ought always to be confidential, but in such a case as this there was some reason to feel that it ought to be confidential, so as not to interfere with the trial of the criminal case. There was, at any rate, some reason for the district attorney asking that friends of the defendant should not be called to give evidence against him, which would get into the newspapers and which would take away some of the power of his office. We should not wonder that he was angry and that he lost his head.

And then he was asked to allow the subcommittee to see the evidence before the grand jury. Why, the evidence taken before a grand jury in pending prosecutions can never safely be given away to the public. The State can never give it safely to the public, because then it gives away the evidence on which the trial is to take place, and it certainly could not properly be put before the committee in the presence of the impeaching defendant. There is the case as it comes to us, and I ask you, if any one of you had been trying to do your duty as a district attorney, and found yourself impeded in that way, whether you might not have lost your temper? I ask you now, How would you have felt? Would you have lost your temper or not? Would you have been quite proper in your expressions? The members of this Judiciary Committee are my dear friends. They are the members of a committee of which I was once the chairman. But I ask them, would they have been sure to express themselves with propriety if they felt that their office was being made the subject of an attack, and that their motives were said to be malicious, and people were able to use these statements in their home town? Perhaps we may pardon this district attorney for losing his temper.

Now, what is the remedy? is the question before us. Some forms of expression that he has used are certainly subject to being called contempt. There is no doubt about that.

But his whole letter, taken altogether, is a protest, and a violent protest, against injustice which he thought was being done to the cause of justice. As I once heard a court say, when determining the sentence in a libel proceeding, the man was intemperate in the pursuit of temperance. I say that if Mr. Marshall was unjust he was unjust in the pursuit of justice.

Now, what shall we do as sensible men? Newspapers sometimes commit the most tremendous and wanton attacks upon Members of this House and sometimes on the House itself. In such a case a dignified presentment of the facts is made by a Member before the House and we are satisfied. Did you ever hear of summoning an editor here? The dignity of the House would not permit the summoning of the editor of a newspaper to the bar of this House, except in the gravest case, if at all. We prefer to let the transaction speak for itself. Here we have a seemingly honest man who has lost his temper. Will the dignity of the House suffer us to bring him here for rebuke for losing his temper when he is in the pursuit of justice? If we will not do it for a wanton attack, do not let us do it where the man is really in earnest. Do not let us thereby raise a dispute between the whole House of Representatives and a United States district attorney, who represents the Executive in doing justice, in a matter which will, I think, in the end only make the House ridiculous.

I yield back the remainder of my time.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] have 10 minutes, not to be taken out of the allotted time.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] have 10 minutes, not to be charged up to the 4 hours.

Mr. MOON. The gentleman from Pennsylvania has already had 20 minutes.

Mr. MANN. Yes; but it was understood that more time would be granted if necessary.

Mr. MOON. I am not objecting at all; I am simply suggesting that the gentleman has already consumed a good deal of time on this matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker and gentlemen of the House, I shall not probably consume the entire 10 minutes, but I would like to say before the debate is closed, so far as I am involved in that debate, that no one will or can say more that will be respectful and considerate of the committee—I refer to the subcommittee of the Judiciary Committee—than I will, and no one will excel me in personal regard for the membership of that committee, and I do not consider that it is impugning them or putting them on trial when I speak as I have done with respect to the position of Mr. Marshall.

This is not an issue in which you must either convict Mr. Marshall of contempt or convict the subcommittee of misconduct, and the gentlemen who argue along that line are laboring under a very great error. The charge here is that Mr. Marshall is guilty of a contempt of this House, and the answer to that is that if there are circumstances which would appear to warrant a sane and reasonable man in reaching the conclusion which he did about what was going on, then he was guilty of no contempt in reciting those facts back to the subcommittee.

Briefly and in a few words let me ask you to recall the origin of this proceeding. It originated by a man who was under investigation and subsequently indicted. When the subcommittee sat in Washington they sat with closed doors; when they came to New York they sat with open doors. I do not question their right to do either or both of these things, but that is a fact which an outside observer, looking on, would have to take notice of.

Mr. Marshall knew that they had counsel for the gentleman who made the accusation and counsel for some of the others named in the accusation, meeting and speaking and conferring with the committee at times. He knew that what these people—who were his enemies because in the discharge of his duty, the administration of his office, he was obliged to prosecute them—were willing to state anything and everything that would tend to villify and bring him and his administration into discredit and disrepute, and that these things were being made public through the public press.

What did Mr. Marshall do? Does Mr. Marshall write this letter attacking the committee? No; but, as I ventured to point out this morning, at a cruicial moment, when a newspaper man with whom he had conversed was practically arrested, he came to the front and assumed the responsibility for what had been said to that man, out of which the article he published was made up. When he wrote this letter to the committee—remember, gentlemen, he is not writing a letter of accusation against the committee; he is simply telling the committee that in that conversation with the reporter he said this and he said that. Was there not basis enough from the facts I have recited to warrant any reasonable and honorable man, sensitive of his honor, in saying to himself, "Well, this looks like an effort to hinder and impede the administration of justice," coming, as it does, from the man accused, and the committee seemed to call his witnesses, as well as others, allowing these damaging things to be said to go out to the press and be published to the world? I say that man had a reasonable ground for what he did. You take any case of malicious prosecution, for instance, and the inquiry is not, Are the things true? but Had the man who brought the suit the right to believe that they were true? and if that is so, no damage will be allowed. I say the analogy here as between such a case and this is most complete and perfect. The only thing to be determined is were the facts which appeared to this man, who was discharging his duty under great pressure, such as to warrant him in believing that they would tend to hinder and impede the administration of justice.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. GRAHAM. No; I can not yield; I have not the time. I say if they did, then when you take into consideration human nature the man was justified to write and complain, as any other man would be who had the courage and honor, and especially when he was telling what had taken place between himself and the reporter, largely in the latter's defense.

I tell you that the dignity of this House is not to be maintained by such proceedings. This will not add one item to the glory or honor or one touch to the dignity of you or any future Congress to maintain such a proceeding as this. What ought to be done with this report is not to find fault with the members of the committee, for they had the right to reach upon the technicalities the conclusions which they have presented to you, but we ought to say to you, in the language of the law, "De minimus non curat lex"—it is too small for the court to notice; let us lay the whole matter upon the table and let it rest there in innocuous desuetude for all time. [Applause.]

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, the gentleman who has just taken his seat, the gentleman from Pennsylvania [Mr. GRAHAM], is one of the most distinguished lawyers in this body; but when he, in response to my question this morning, said that this House in directing this committee to investigate the facts concerning this impeachment had done all that it was in its power to do, he answered his own argument. There have been a great many things said upon this subject that have no bearing upon it. We have even been accused here of attempting to suppress free speech. Gentlemen who say that do not comprehend the nature and character of these proceedings. This House named three of its most distinguished Members, members of the great Committee on the Judiciary, and sent them to the city of New York on a mission to perform a solemn duty of this House and its Members. Mr. Snowden Marshall says that they went up there to malign and vilify and disgrace him. I say that that statement is false and that he knew it was false when he made it. What can the House do when a Member here rises upon his own personal and official responsibility and solemnly impeaches an officer of the United States? It can proceed in an orderly way to have the charge investigated, just exactly as we did in this case. Unless this House is prepared to protect its committees charged with the responsible duties of investigating cases pending before the House I do not know how we are to proceed. If a man has a case pending before a court in which there is an able and upright judge presiding, and he has a weak case, he could go out on the street and malign and vilify that judge and say that he is dishonest and prejudiced and will not give him a fair trial, and that the judge intends to decide against him and to disgrace him. He can thus evade a trial and obstruct the administration of justice, as was done in this case. This House must protect its committees that it charges with the performance of important public duties from the abuse and calumny of those whose official conduct it is called upon to investigate.

It is not a question of Mr. Marshall going out on the streets or to the newspapers and slandering the Members or the House itself. What he says about individual Members of this House, or of the House as a body, is not of very much consequence. We are charged with all sorts of motives here generally, but this was a specific charge that challenged the honesty and integrity of the Judiciary Committee and of this House itself in its investigation of a matter pending before it. Another distinguished lawyer in this body, the gentleman from Kentucky [Mr. SHERLEY], has questioned the jurisdiction, and has said that if this were a judicial proceeding the United States attorney would not be liable for contempt. Mr. Marshall, the man who

wrote these letters, does not agree with him. He says, on page 73 of this record:

I have devoted considerable thought to the question of whether this subcommittee was sitting in a judicial capacity, because I would willingly agree that if such were the case it would have been improper for me to make the comments on their conduct which I made in my letter. I am convinced that they were not sitting in a judicial capacity in any sense of the word.

He does not agree with Mr. SHERLEY upon that question. I say that they were performing judicial functions. They were performing a solemn duty on behalf of this House and on behalf of the Committee on the Judiciary, and they had a right to proceed in the performance of their duty uninterrupted by anything the defendant had to say to the newspapers on the subject, for he has no right to villify and malign a committee of this House in order to hinder, obstruct, and delay its proceedings, and that was the only purpose and effect of it, and could have been its only purpose and effect. [Applause.]

Mr. MOON. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. WEBB], in addition to the 10 minutes to which he is already entitled.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] is recognized for 20 minutes.

Mr. WEBB. Mr. Speaker, I think we shall make a mistake if we vote on this serious resolution through any feeling of resentment toward Mr. BUCHANAN or to any feeling of hostility toward Mr. Marshall. It is a plain legal question, which we ought to decide without having our feelings aroused and without resentment or partiality. I feel that in this discussion such has crept in, yet there is not 1 per cent of the membership of the House who know Mr. Marshall, while all of us do know Mr. BUCHANAN. Whether Mr. BUCHANAN is guilty of conspiracy to impede interstate-commerce traffic has nothing to do with your verdict to-day. Whether Mr. Marshall is guilty of the charges made by Mr. BUCHANAN upon the 14th day of December last, and enlarged upon on the 12th day of January last, has nothing to do with your verdict this afternoon; and I hope that we will not get those questions mixed in our minds when we come to vote on the resolution. On the 14th day of December Mr. BUCHANAN, a Member of the House—let us forget that he was indicted or was to be indicted; he was not indicted then—rose in his responsible position upon the floor and impeached Mr. Marshall of high crimes and misdemeanors. On the 28th of December last an indictment was handed down by the grand jury of New York against Mr. BUCHANAN and four or five others, charging conspiracy under the antitrust laws; and on the 12th of January Mr. BUCHANAN, with 40 charges, reimpeached and supplemented the charges against Mr. Marshall. An effort was made to have the investigation, which did take place later, begin immediately, and I for one opposed that. I wanted the Committee on the Judiciary to look into the matter and see if there was any probable cause for this investigation, a very serious matter, because in the matter of impeachment the House of Representatives, sitting as a grand inquest of the Nation, is the highest court in the world, and it is a very serious matter to originate impeachment charges against any civil officer of the United States. I resisted the effort to have the investigation ordered immediately. It was referred to the Committee on the Judiciary, and later, on the 27th day of January, at the direction of the Committee on the Judiciary, I asked the House of Representatives to give us power to subpœna witnesses and to examine them.

That resolution, No. 110, was passed in this House unanimously, authorizing the Judiciary Committee or any subcommittee thereof to subpœna witnesses, to take testimony in further investigation and consideration of House resolution 90, which was Mr. BUCHANAN'S resolution impeaching Mr. Marshall.

Now, my friend from Virginia [Mr. MONTAGUE] says we made a mistake when we did that. I submit, gentlemen, it is not fair for the Congress or the House to make a mistake and send its committee forward under that authority and let them come back after having done their duty according to your command, and then censure them. It is like a general sending his brave boys to the front, where some of them get shot, and when those who are not killed come back to censure them for carrying out his commands.

We realize it was a difficult and unpleasant duty. We realized that the public would get into their minds that Mr. BUCHANAN was indicted and that Mr. Marshall was the district attorney who was going to prosecute him. I submit to you that your committee had confidence that they would do the right thing wherever they went and under whatever circumstances they were placed.

Now, for four, five, or six days that committee, or rather I will say in the beginning, to be very frank with you, we believed that nine-tenths of the Judiciary Committee, if they had any sympathies in their breasts, were sympathetic with Mr. Marshall. I speak of myself as one. We started out here in Washington and brought distinguished citizens from New York, but it developed around the committee table that two or three witnesses who intended to testify against Mr. Marshall were not witnesses of the best repute, and this committee, desiring to protect Mr. Marshall, held those hearings behind closed doors in order that this testimony, which some member of the committee reflected upon as coming from certain witnesses, might not be made public, and thereby not injure the arm of the district attorney's office for the southern district of New York.

There was no disposition on the part of any member of this committee or subcommittee to persecute or prosecute this man, but under the inquisitorial powers of Congress the duty of a committeeman who goes out to investigate impeachment charges is a very unpleasant one. I have served on these committees, and I know the workings of them. We sat for days and days and days in the case of a distinguished United States judge; for weeks and weeks and for months we went through an investigation of Judge Archbald, of Pennsylvania, and a more painful duty I never performed, and I say to you now, gentlemen, without a particle of bias or feeling, that I have read every word of this testimony in the Marshall case or heard it, and the questions this subcommittee asked during the conduct of this investigation, I tell you, are as mild as a zephyr compared to a Kansas cyclone as compared with the conduct of the Judiciary Committee in the investigation of Judge Archbald. I remember in the Archbald case we had a lawyer from Scranton, Pa., whom some of the committee did not think was telling the whole truth, and we grilled him for a whole day, seven long hours, and that poor fellow when he went off the stand actually fainted and had to be carried to a street car. But that is the only method by which we can get rid of an unworthy officer, and when you start the impeachment machinery in motion it is the duty of the committee to go to the bottom of the matter in the investigation if they carry out their duty as it should be carried out as the Constitution says, because the Constitution says that Congress shall have the sole power of impeachment. It is not a common court; it is the most distinguished court in the world. It is acting as a quasi judicial body, and the quasi judicial character of this House followed this committee when it was in New York. I am not here to defend the subcommittee; it needs no defense. As I say, I have read every word of the testimony taken in New York——

Mr. MOON. Will the gentleman yield for a question?

Mr. WEBB. I will.

Mr. MOON. Did I understand the gentleman to say that this committee was acting in a judicial capacity?

Mr. WEBB. Undoubtedly.

Mr. MOON. Are the holdings all that way?

Mr. WEBB. Undoubtedly. The Constitution says it shall have the sole power of trying and the sole power of impeachment. You can not impeach except by a trial.

Mr. MOON. Will not the gentleman yield to me for just one moment in order that I may read one sentence?

Mr. WEBB. I will.

Mr. MOON (reading)—

I have devoted considerable thought to the question of whether this subcommittee was sitting in a judicial capacity, because I would willingly agree that if such were the case it would have been improper for me to make the comments on their conduct which I made in my letter.

That is in Mr. Marshall's brief. That is the written statement of Mr. Marshall.

Mr. WEBB. An impeachment trial is not only judicial, but sometimes a judgment is rendered that a person shall hold no office under the United States Government as long as he lives.

Mr. THOMAS. Will the gentleman yield?

Mr. WEBB. I will.

Mr. THOMAS. I wish to ask the gentleman if it is not true that all of our hearings in these cases of Archbald and the others were held in public?

Mr. WEBB. Well, the first time in the last 12 years—the last 14 years—that any evidence, so far as I know, was held behind closed doors under a resolution of this sort was in the Marshall case. I think that is correct. The hearings were public in the Swayne case in Florida. They were public in the Washington Hanford case. They were public in the Judge Dayton case, and they were public in the Archbald case. They were public in Judge Wright's case, and they were public, most of them, in Mr. Marshall's case.

Now, there has been some complaint that one of the lawyers went around with the subcommittee to New York. Well, that

is a matter of taste, gentlemen, but a question of taste has nothing whatever to do with your verdict this afternoon.

I do say that every time a man impeaches another on the floor of this House, the Member, of course, who does it, follows up that impeachment. It was done in the case of Mr. Lamar, in the Swayne impeachment proceedings, and was done by Mr. NEELY when he impeached Judge Dayton, and also two lawyers. But Judge Dayton did not write to the House of Representatives that the whole thing was a matter of bad taste, nor did he slander the whole body or the subcommittee. He took his medicine like a man, and went on the stand and testified, and when the committee reported they acquitted Judge Dayton. That is what ought to have been done in this case. In the Archbald case an official of the Department of Justice sat with the committee all the while; in the Speer case an agent of the Department of Justice went with the committee to Georgia. This House is not bound by any rules of evidence in these great impeachment trials. Necessarily the committee must be inquisitorial. They were trying to find out certain facts, and all they did was to try to get at the bottom of them so that they could report. When they went to New York they did not go there in any spirit of hostility. The charge had been made in the impeachment that indictments had been found without sufficient evidence, and that Mr. Marshall had been acting corruptly in securing them. The first thing the committee asked of Mr. Marshall was if they could see the minutes of the grand jury, and stated that they would be kept strictly confidential. Their main object in going to New York was to determine the fact of whether or not any testimony was taken in the grand jury in finding its indictments.

The committee thought that the quickest and surest way to discover this fact was to investigate the minutes. Mr. Marshall declined to give them the minutes. There is much said about the grand jury minutes. So far as I am concerned, I believe the House of Representatives in prosecuting an impeachment trial has power to go into any sanctum in the world that any other court has the power to go into.

Mr. Marshall telegraphed here to the Attorney General about it, and the Attorney General thought that they should not be given to the subcommittee, and that committee did not issue a subpœna duces tecum, but dropped that line of inquiry. They called before them some of the members of the grand jury to find out if evidence was taken. They did not ask them what the evidence was. The idea of keeping the grand jury proceedings secret is to keep from the public idle talk about things, but whenever a grand juror is summoned before a competent tribunal to testify, he is bound to do it, and no oath prohibits him from doing it.

Mr. GRAHAM. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. GRAHAM. Has not the district attorney testified that they had some excuse in thinking that some improper use might be made of the minutes because of the relations which you have spoken of, of BUCHANAN and his attorney, being with them?

Mr. WEBB. I do not think so, my friend. I do not think it is fair for any man who is being investigated to assume such thing.

Mr. GRAHAM. Might not a man honestly make some inference and not be guilty of contempt?

Mr. WEBB. It might be thought so, but it is bad judgment.

The SPEAKER. The Chair will advise the gentleman that he has five minutes remaining.

Mr. MONTAGUE. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MONTAGUE. Did not the Attorney General direct the district attorney not to reveal the proceedings of the grand jury?

Mr. WEBB. The minutes of the grand jury. And the committee never wanted to find out what was sworn to in the grand jury. They found that Samuel Gompers and other gentlemen testified but made no effort to ascertain what their testimony was. The questions that this subcommittee asked in New York are such as could be asked in any impeachment investigation.

Mr. GRAHAM. You say that they got no further than to try to get the minutes of the grand jury, but they interrogated the grand jury about that, and they also asked them why they indicted one man and excused another, and all those questions.

Mr. WEBB. Oh, yes; but they never drew a particle of testimony from any living grand juror in the Buchanan case or any other case. They asked them of the method of indicting them, but it had no reference to this particular case, and they drew out no testimony that was taken before the grand jury in the Buchanan indictment.

Now, gentlemen, I will go still further. I did not want the committee to insist upon the grand-jury minutes. I knew it was a delicate matter, but I want this House to bear in mind that under an impeachment charge it is the highest court in the world and it has the power, if any court on earth has the power, to go into the grand-jury room and inquire into anything they please that is pertinent to the charges under investigation.

Mr. BENNET. Will the gentleman yield?

Mr. WEBB. I yield.

Mr. BENNET. Did this committee in any way attempt to obtain testimony through grand jurors that had been given before them as grand jurors?

Mr. WEBB. They did not. They studiously avoided that very thing. They wanted to come back here and report on this charge, and they did their best to report on it. They never elicited what the testimony was or its character.

Mr. THOMAS. I would like to ask the gentleman if it is not a fact that this man Holme that this district attorney is referring to was a British subject and not an American citizen?

Mr. WEBB. I do not know that, except what dropped out on the testimony.

Mr. THOMAS. The record shows that?

Mr. WEBB. Yes; the record shows that.

Mr. GRAHAM. Did they not ask them for their reasons for acting one way with respect to one defendant and another way with respect to another?

Mr. WEBB. But not with respect to this defendant. They were then examining the general way of finding indictments, as suggested by Mr. Wise. Mr. Wise practically said that the grand jury was worthless anyhow.

Mr. GRAHAM. The part I was referring to was where they were interrogating about this particular case. And would not those very questions necessarily require them to give answers as to the evidence?

Mr. WEBB. No; they did not give any answers as to the testimony. I wish my friend would put his finger upon any particle of testimony from any witness as to what took place before the grand jury in the Buchanan indictment case or any other case. The only particle of testimony as to what might have been testified there was given by Mr. Bielaski, and he did not say that was given to the grand jury.

Now, gentlemen, when this committee went to New York, if Mr. Marshall had done as Judge Speer or Judge Dayton or other gentlemen did who have been impeached, and had said, "Come along, gentlemen, I have nothing to fear; I want to be at your service; I want you to make a thorough investigation; I am conscious of my own rectitude," instead of meeting them in a hostile spirit, as the committee says he did, this investigation would have been concluded long ago, and none of this trouble would have ensued. I am afraid Mr. Marshall, when he wrote this letter, got his ideas from garbled newspaper reports. I do not believe he had read the testimony taken before the subcommittee when he wrote this letter; but having once written it, he said, "I am not going to take anything back"; and he made a bad matter worse when he finally appeared before the select committee which has reported this resolution to-day.

This subcommittee sat in New York Monday, Tuesday, Wednesday, Thursday, and Friday, and on Saturday they were getting ready to leave. On Saturday afternoon they got this letter. They got their first knowledge of it from the newspapers, before the chairman received it. It is not necessary for me to pick out the contemptuous language of the letter. Everybody admits it. Nobody denies it. It is contemptuous. It was written, it seems to me, in the most violent and disrespectful spirit, for the purpose of disgracing the subcommittee and, if possible, driving them out of New York under a cloud of disgrace.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of Texas. Mr. Speaker, I ask unanimous consent that the chairman of the Judiciary Committee have 10 minutes more, if he wants it, to continue this discussion.

Mr. MOON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 11 minutes.

Mr. MOON. I yield to the gentleman five minutes of that.

The SPEAKER. The gentleman from Tennessee yields to the gentleman from North Carolina five minutes additional. Is that satisfactory to the gentleman from Texas?

Mr. DAVIS of Texas. I ask unanimous consent that the gentleman have five minutes more, not to be charged to the time.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from North Carolina have five minutes more in addition to the time yielded him. Is there objection?

There was no objection.

Mr. WEBB. I can close in 10 minutes.

The SPEAKER. The gentleman is recognized for 10 minutes.

Mr. WEBB. Just a little of the language of the letter, now:

I said that your expedition to this town was not an investigation conducted in good faith, but was a deliberate effort to intimidate any district attorney who had the temerity to present charges against one of your honorable body.

Is there any man, any apologist for Mr. Marshall, who will say that that charge is true?

You had invited every rogue that you could lay your hands on to come before you and blackguard and slander me.

I ask any Member here if that charge is true? Does any man believe it?

I told him that you were traveling around in your alleged investigation of me with Buchanan's counsel, Walsh and David Slade, in constant conference with you. I said that I believed that every word of the evidence, whether in so-called secret sessions or not, had been placed at the disposal of these worthies, and that I would be just as willing to give the grand jury minutes to a defendant as to give them to your honorable subcommittee.

* * * * * * *

I said that it was incomprehensible to me how your honorable subcommittee should rush to the assistance of an indicted defendant; how you had apparently resolved to prevent prosecution by causing the district attorney in charge to be publicly slandered.

Is there any man in this House who will say that this subcommittee "rushed" to the defense of anybody?

I realized that your effort was to ruin me and my office by publishing with your full approval the complaints of various persons who have run afoul of the criminal law under my administration.

I ask you if there is a man here who believes that charge is true?

I propose to make this letter public.

And he did make it public before it was received by the subcommittee. Now, this man Holme said that it was the belief of the district attorney's office that it was the aim of the congressional investigation to put a stop to the criminal investigation of the pro-German partisans. Mr. Marshall did not deny that he said that. He did not admit that he said that, but Holme said that was the belief of the district attorney's office.

No man in this House believes that statement true. Now, having agreed all of us—I believe my friend the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Virginia [Mr. MONTAGUE] and all the rest of those who spoke in defense of Mr. Marshall agree that the letter is contemptuous. If it is contemptuous of the committee, it is contemptuous of you, because the power of the House with all of its dignity followed that committee to New York; because you went up there, it is your committee carrying out your mandate. It is not fair to say that you made a mistake, and when the committee comes back criticize them for having gone on your mandate.

If there is anything well settled in the history of this country in its judicature, it is that the House of Representatives and the Senate have an inherent power to punish for contempt. It has been done in numerous cases. I will set them out in the RECORD if I have permission to extend my remarks.

In the case of Anderson against Dunn, already cited, the opinion in which was written by Judge Johnson, and on that bench were Judge Story and Judge Marshall, in a unanimous opinion of the court, except Judge Washington, who was sick at the time, they set out in the strongest language that the House does have the inherent power to punish for contempt.

In that opinion he says:

This result is fraught with too much absurdity not to bring into doubt the soundness of any argument from which it is derived. That a deliberate assembly, clothed with the majesty of the people and charged with the care of all that is dear to them, composed of the most distinguished citizens selected and drawn together from every quarter of a great Nation, whose deliberations are required by public opinion to be conducted under the eye of the public, and whose decisions must be clothed with all that sanctity which unlimited confidence in their wisdom and purity can inspire, that such an assembly should not possess the power to suppress rudeness or repel insult is a supposition too wild to be suggested.

In Kilbourn against Thompson (103 U. S.) the Supreme Court decided in that particular case that Congress had no authority to appoint a committee to investigate into the private affairs of a real estate company in Washington; that that was a judicial proceeding, and Congress had no power to investigate it, and therefore that the arrest was unlawful. And even there Judge Miller, writing the opinion of the court, said that there may be some doubt about the right to make an investigation, but there was no doubt in regard to trials of election cases given by the Constitution and the trial of impeachment cases given by the Constitution.

Let us go a little further. In One hundred and sixth United States, in re Chapman, this language by the Supreme Court, the last utterance upon this question, is found. The opinion was written by Chief Justice Fuller:

While Congress can not divest either of its Houses of the inherent power to punish for contempt, it may provide that contumacy in a witness called to testify in a matter properly under consideration by either House, and deliberately refusing to answer questions pertinent thereto, shall be a misdemeanor against the United States.

We can not even divest ourselves of the inherent power to punish for contempt. There Congress made a law in 1857 punishing witnesses who would not answer questions by an investigating committee. The Supreme Court says you can commit two offenses; that Congress, the House and the Senate, can pass a law making it a misdemeanor to refuse to answer, and each House has the authority, if that has been violated, to punish for contempt in addition. In other words, there are two distinct offenses. Chief Justice Fuller said:

Under the Constitution the Senate of the United States has the power to try impeachments; to judge of the elections, returns, and qualifications of its own Members; to determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds expel a Member; and it necessarily possesses the inherent power of self-protection.

That is the inherent power to punish for contempt.

Now, gentlemen, as I said, if there is anything that is well settled in the history of this country, it is that the legislative branches of this Congress can punish for contempt. And if there is any doubt about it in the ordinary legislative committee investigation the courts have all declared that there is no doubt about it when it comes to the tremendous power of the House of Representatives given by the Constitution of the United States to try and prosecute impeachments.

Now, I have said briefly all that I care to say. I regret very much that this matter ever arose, but it is before us and we should face it like men. We may hate to vote to find this man in contempt, but, gentlemen, this is a question of guilt and not a question of punishment. That will come later. If he is guilty we ought to say so, and then, if there is anything to palliate the situation, if there is anything which will go to mitigate it, that will come before the House when we pass upon the punishment, whether it shall be a reprimand or that he shall go without day or be imprisoned. All we have to do is to adopt the resolution, and when we meet in the future we can take into account the circumstances under which he wrote the letter, and if out of the goodness of your hearts you want to let him off, why you can do it, but that comes hereafter. The plain question is whether he is guilty of contempt of the House. If you believe he is, adopt the resolution.

Mr. MONTAGUE. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MONTAGUE. The gentleman said that we all admit that he is guilty of contempt. Does not the gentleman from North Carolina admit that we have not a definition of what is contempt?

Mr. WEBB. Judges Story and Marshall have said that there is no court in the world that can formulate and define contempt, but that is at last left to the House itself to determine in each case whether there is contempt. I thank the House for extending my time. [Applause.]

On December 14, 1915, Hon. FRANK BUCHANAN, of Illinois, rose on the floor of the House and impeached H. Snowden Marshall, district attorney for the southern district of New York. (See CONGRESSIONAL RECORD of that date. Charges referred to the Committee on the Judiciary, p. 259.)

On January 12, 1916, Hon. FRANK BUCHANAN, of Illinois, again arose and impeached H. Snowden Marshall, district attorney for the southern district of New York, offered a resolution (H. Res. 90), and asked that it then be considered by the House. The resolution was referred to the Committee on the Judiciary. (See CONGRESSIONAL RECORD, pp. 1044–1052.)

On January 27, 1916, the House passed a resolution (H. Res. 110) authorizing the Committee on the Judiciary in further considering House resolution 90 to send for persons and papers, to subpœna witnesses, to administer oaths to such witnesses, and take their testimony. Also authorizing said committee to appoint a subcommittee to act for and on behalf of the whole committee wherever it may be deemed advisable to take testimony for said committee. In case such subcommittee is appointed it shall have the same powers in respect to obtaining testimony as are given to the Committee on the Judiciary, and so forth. (See CONGRESSIONAL RECORD, p. 1830.)

On January 31, 1916, the Committee on the Judiciary, in regular session, made the following order:

That the chairman appoint a subcommittee of three to execute the purposes of House resolution 110, and that said subcommittee use its own discretion as to the scope of its inquiries covering the charges under examination and the place or places of discharging its duties, and report the result of its investigation, with all evidence taken by it, to the full committee.

On February 1, 1916, the chairman, in open session of the committee, announced the appointment of Messrs. CHARLES C. CARLIN, WARREN GARD, and JOHN M. NELSON as said subcommittee.

While the special subcommittee were continuing their investigation in New York City, as authorized under House resolution 110, Hon. CHARLES C. CARLIN, chairman subcommittee of the Judiciary Committee of the House of Representatives, received from H. Snowden Marshall, United States attorney, a letter dated March 4, which letter it is alleged to be a violation of prerogatives of the House and contemptuous.

This letter was brought to the attention of the Committee on the Judiciary, and by this committee to the attenion of the House.

WHAT CONSTITUTES A CONTEMPT OF THE HOUSE?

Is the language used in this letter such as to warrant the House in citing H. Snowden Marshall to appear before the House to show cause why he should not be adjudged in contempt?

This is a question that must address itself to the wisdom of the House, as it admits of no precise definition. Mr. Justice Johnson, in delivering the opinion of the court in the case of Anderson against Dunn, says:

Nor would their situation be materially relieved by resorting to their legislative power within that district. That power may, indeed, be applied to many purposes, and was intended by the Constitution to extend to many purposes indispensable to the security and dignity of the General Government; but they are purposes of a more grave and general character than the offenses which may be denominated contempts, *and which, from their very nature, admit of no precise definition.* Judicial gravity will not admit of the illustrations which this remark would admit of. Its correctness is easily tested by pursuing, in imagination, a legislative attempt at defining the cases to which the epithet *contempt* might be reasonably applied.

In the case of Nugent against Beale, decided in the Circuit Court for the District of Columbia, Chief Justice Cranch, in his opinion, holds that every court, including the Senate and House of Representatives, is the sole judge of its own contempts.

HAS THE HOUSE OF REPRESENTATIVES THE POWER TO PUNISH FOR CONTEMPT IN SUCH A CASE?

* * * and [the House of Representatives] shall have the sole power of impeachment. (Constitution of the United States, Art. I, sec. 2, par. 5.)

It may be observed in the outset that there is no constitutional provision granting, in terms, to the House of Representatives the power to punish for contempts others than its own Members, but it has been so often and so uniformly held that the House has such implied power, when the contempt arises out of a matter which the House is empowered to act upon by the Constitution, that it seems firmly established.

This implied power was recognized as existing by Chief Justice Marshall. In the great opinion of McCulloch *v.* Maryland, delivered in 1818, he says (4 Wheaton, p. 420):

We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to the end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

THE CASE OF WILLIAM DUANE.

The question of the power of the Senate to punish for contempt arose in 1800 in the case of William Duane over a publication in the General Advertiser or Aurora, which was found to be false, defamatory, scandalous, and malicious, and Duane was found to be in contempt of the Senate. He appeared before the Senate in response to first notice but failed, and declined to appear when ordered at a second date. This being at the end of the session, on the last day of the session he was ordered prosecuted by the courts of law, and was prosecuted and punished. (Vol. 2 Hinds, sec. 1604.)

ANDERSON V. DUNN.

[1818 (6 Wheat., 204).]

In 1818 the House of Representatives asserted and maintained its right to punish for contempt John Anderson for attempting to bribe a Member. He was arrested, convicted, and punished.

[Vol. 2, Hinds', sec. 1606.]

Thereafter John Andrews brought an action against the Sergeant at Arms of the House for trespass, alleging an assault and battery and false imprisonment by the Sergeant at Arms. Judgment upon a demurrer was entered for the defendant, and by a writ of error the case was carried to the United States Supreme Court. This case involved the question of the right of the House of Representatives to punish for contempt, and the Supreme Court sustained the action of the House.

Mr. Justice Johnson, in delivering the opinion for the court, said in part:

It is certainly true that there is no power given by the Constitution to either House to punish for contempts, except when committed by their own Members. Nor does the judicial or criminal power given to the United States in any part expressly extend to the infliction of punishment for contempt of either House or any one coordinate branch of the Government. Shall we, therefore, decide that no such power exists?

It is true that such a power, if it exists, must be derived from implication, and the genius and spirit of our institutions are hostile to the exercise of implied powers. Had the faculties of man been competent to the framing of a system of government which would have left nothing to implication, it can not be doubted that the effort would have been made by the framers of the Constitution. But what is the fact? There is not in the whole of that admirable instrument a grant of powers which does not draw after it others; not expressed, but vital to their exercise; not substantive and independent, indeed, but auxiliary and subordinate.

The idea is Utopian that Government can exist without leaving the exercise of discretion somewhere. Public security against the abuse of such discretion must rest on responsibility and stated appeals to public approbation. Where all power is derived from the people, and public functionaries at short intervals deposit it at the feet of the people, to be resumed again only at their will, individual fears may be alarmed by the monsters of imagination, but individual liberty can be in little danger.

* * * * * * *

It is true that the courts of justice of the United States are vested, by express statute provision, with power to fine and imprison for contempts; but it does not follow from this circumstance that they would not have exercised that power without the aid of the statute or not in cases, if such should occur, to which such statute provision may not extend; on the contrary, it is a legislative assertion of this right, as incidental to a grant of judicial power, and can only be considered either as an instance of abundant caution or a legislative declaration, that the power of punishing for contempt shall not extend beyond its known and acknowledged limits of fine and imprisonment.

* * * * * * *

But what is the alternative? The argument obviously leads to the total annihilation of the power of the House of Representatives to guard itself from contempts and leaves it exposed to every indignity and interruption that rudeness, caprice, or even conspiracy may meditate against it. [This result is fraught with too much absurdity not to bring into doubt the soundness of any argument from which it is derived. That a deliberate assembly, clothed with the majesty of the people and charged with the care of all that is dear to them; composed of the most distinguished citizens, selected and drawn together from every quarter of a great Nation, whose deliberations are required by public opinion to be conducted under the eye of the public, and whose decisions must be clothed with all that sanctity which unlimited confidence in their wisdom and purity can inspire; that such an assembly should not possess the power to suppress rudeness or repel insult is a supposition too wild to be suggested.] And, accordingly, to avoid the pressure of these considerations, it has been argued that the right of the respective Houses to exclude from their presence, and their absolute control within their own walls, carry with them the right to punish contempts committed in their presence, while the absolute legislative power given to Congress within this district enables them to provide by law against all other insults against which there is any necessity for providing.

It is to be observed that, so far as the issue of this case is implicated, this argument yields all right of the plaintiff in error to a decision in his favor, for, non constat, from the pleadings, but that this warrant issued for an offense committed in the immediate presence of the House.

Nor is it immaterial to note what difficulties the negation of this right in the House of Representatives draws after it when it is considered that the concession of the power, if exercised within their walls, relinquishes the great grounds of the argument, to wit, the want of an express grant and the unrestricted and undefined nature of the power here set up. For why should the House be at liberty to exercise an ungranted, an unlimited, and undefined power within their walls any more than without them? If the analogy with individual right and power be resorted to, it will reach no further than to exclusion, and it requires no exuberance of imagination to exhibit the ridiculous consequences which might result from such a restriction imposed upon the conduct of a deliberative assembly.

SAMUEL HOUSTON.

[Hinds' Precedents, vol. 2, sec. 1616, etc.]

In 1832 Samuel Houston was tried by the House for contempt, found in contempt, and censured. The contempt consisted in his having assaulted a Member of Congress near his boarding house for something said on the floor of the House.

JOHN NUGENT.

[Hinds' Precedents, vol. 2, p. 1110.]

John Nugent was arraigned before the Senate in 1848 for a breach of the privileges of the Senate, tried, found guilty, and committed.

A petition to the court for a discharge on writ of habeas corpus brought the case into the circuit court of the District of Columbia.

The contempt complained of was that John Nugent caused to be published a treaty pending in executive session of the Senate.

CASE OF THADDEUS HYATT.

In 1859 the Senate appointed a committee to inquire into the facts "attending the late invasion and seizure of the armory and arsenal at Harpers Ferry," etc. (known as the John Brown raid). Hyatt refused to answer certain questions in the course of the investigation, was found in contempt of the Senate, and imprisoned. Mr. Sumner earnestly contended against the jurisdiction of the Senate to punish for contempt in such cases, and while a motion to discharge Hyatt from custody was under consideration he took occasion to address the Senate upon the question. With his deep conviction that the Senate did not possess this implied power, he yet admitted that the House had

the power in cases of impeachment, as shown by the following extract:

To the House of Representatives are given inquisitorial powers expressly by the Constitution, while no such powers are given to the Senate. This is expressed in the words "the House of Representatives shall have the sole power of impeachment." Here, then, obviously, is something delegated to the House, and not delegated to the Senate, namely, those inquiries which are in their nature preliminary to an impeachment—which may or may not end in impeachment; and since, by the Constitution, every "civil officer" of the General Government may be impeached the inquisitorial powers of the House may be directed against every "civil officer," from the President to the lowest on the list. (Vol. 12, S. Misc. Doc., p. 293.)

JOHN NUGENT V. ROBERT BEALE, SERGEANT AT ARMS.

[Cranch's Reports, D. C., vol. 12, p. 601, S. Misc. Docs.]

Petition for discharge on writ of habeas corpus. (S. Misc. Docs., p. 601.)

Cranch, C. J., delivered the opinion of the court (Circuit Court of the District of Columbia).

The principal questions are:

1. Has the Senate of the United States jurisdiction and power to punish contempts of its authority? And if so,

2. Whether this court, upon this habeas corpus, can inquire into the question of contempt and discharge the prisoner.

On the first question the court says:

"The jurisdiction of the Senate in cases of contempt of its authority depends upon the same grounds and reasons upon which the acknowledged jurisdiction of other judicial tribunals rests, to wit, the necessity of such a jurisdiction to enable the Senate to exercise its high constitutional functions—a necessity at least equal to that which supports the like jurisdiction which has been exercised by all judicial tribunals and legislative assemblies in this country from its first settlement and in England from time immemorial. That the Senate of the United States may punish contempts of its authority seemed to be admitted by the prisoner's counsel, provided it be in a case within their cognizance and jurisdiction, but whether admitted or not, such is the law as laid down by the Supreme Court of the United States in Anderson *v.* Dunn, 6 Wheaton, 224, and in Kearney's case, 7 Wheaton, 41."

"* * * The Crown has no rights which it can exercise otherwise than by process of law and through amenable officers, but representative bodies must necessarily vindicate their authority by means of their own, and those means lie in the process of committal for contempt. This applies not to the houses of Parliament only, but as we observed in Burdett *v.* Abbott, 14 East, 138, to the courts of justice, which, as well as the house, must be liable to continual obstruction and insult if they were not intrusted with such powers. It is unnecessary to discuss the question whether each house of Parliament be or be not a court; it is clear they can not exercise their proper functions without the power of protecting themselves against interference." (See p. 615. Misc. Docs.)

CONSTITUTION, ARTICLE I, SECTION 5.

It is true that by the Constitution, Article I, section 5, "each House may determine the rules of its proceeding, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member," but it says nothing of contempts. These were left to the operation of the common-law principle that every court has a right to protect itself against insult and contempt, without which right of self-protection they could not discharge their high and important duties. It is not at all probable that the framers of the Constitution, by giving an express power to the Senate to punish its Members for disorderly behavior, and even to expel a Member, intended to deprive the Senate of that protection from insult which they knew very well belonged to and was enjoyed by both Houses of Parliament and the legislatures of the former Colonies and now States of the Union. The provision of the Constitution may have been intended to remove a doubt whether a Member of the Senate, appointed by and responsible to a State legislature, could be guilty of a contempt to a body of which he himself was a Member; or it may have been intended to apply only to such disorderly behavior as did not amount to a contempt of the House; or to remove a doubt whether the Senate had power to expel a Member. But, whatever may have been the intention, we think the provision does not justify an inference that their power to punish for contempt can be executed only upon Members of the Senate (p. 617).

Continuing on this subject, and to the same effect, the opinion quotes from Anderson *v.* Dunn (6 Wheat., 225) (p. 617).

POWER OF COURTS TO PUNISH CONTEMPTS.

In this same quotation argues that courts have this inherent and implied power to punish for contempt:

It is true that the courts of justice of the United States are vested by express statute provision with power to fine and imprison for contempts, but it does not follow from this circumstance that they could not have exercised that power without the aid of the statute * * * on the contrary, it is a legislative assertion of this right as incidental to a grant of judicial power (p. 618).

The following is also quoted from Anderson *v.* Dunn:

The alternative of denying this power leads to the total annihilation of the power of the House of Representatives to guard itself from contempts and leaves it exposed to every indignity and interruption that rudeness, caprice, or even conspiracy may meditate against it. This result is fraught with too much absurdity not to bring into doubt the soundness of any argument from which it is derived. That a deliberate assembly, clothed with the majesty of the people and charged with a care of all that is dear to them, composed of the most distinguished citizens, selected and drawn together from every quarter of a great Nation, whose deliberations are required by public opinion to be conducted under the eye of the public, and whose decisions must be clothed with all that sanctity which unlimited confidence in their wisdom and purity can inspire—that such an assembly should not possess the power to suppress rudeness or repel insult is a supposition too wild to be suggested (p. 618).

CASE OF RICHARD B. IRWIN.

[1874, House of Representatives.]

Committee on Ways and Means were charged with the investigation of certain allegations against the Pacific Mail Steamship Co. Richard B. Irwin had, without sufficient excuse, neglected to appear before the committee, whereupon he was found in contempt and ordered into the custody of the Sergeant at Arms to be kept in his custody in the common jail of the District of Columbia.

Writ of habeas corpus issued.

Case came before Justice McArthur, who declined to release prisoner and upheld the rights of the House to punish for contempt. (Sen. Misc. Doc., p. 521.)

There can be no doubt that either House of Congress has the right of committing for contempts—all contempts which infringe upon the order, the dignity, or the purity of their legislation, and for this purpose it is not denied but that they have the power of examination, of investigation, and of calling witnesses into their presence or before their committees, and of administering oaths and putting inquiries and of punishing a refusal to answer. These powers of the House are so very clearly established now that the learned counsel has not impeached them, unless Congress, by the enactment of 1857, has abrogated this almost indispensable power in Congress. (Concludes that Congress has not so abrogated this right.)

Thinks Congress can only hold prisoner until end of session. Thinks proper that courts review case under writ of habeas corpus.

Brief of Hon. Shellabarger reviews the entire subject of the right of Congress to punish for contempt and cites the authorities. (See pp. 523–535.)

CASE OF HALLET KILBOURN.

[House of Representatives, 1876, 2 Hinds, No. 1608–11.]

In 1876 the House of Representatives passed a resolution to investigate the business affairs of Jay Cooke & Co., a bankrupt concern of which the United States was a creditor, and along with it an alleged real estate pool. A special committee of five were appointed to make the investigation. In the course of the investigation Hallet Kilbourn was called before the committee and refused to answer certain questions and to produce books; he was thereafter found in contempt of the House and ordered imprisoned until he expressed through the committee to the House a willingness to comply with the orders of the committee.

Later Kilbourn entered suit against the Sergeant at Arms of the House and certain Members of the House for false imprisonment. The case was reviewed by the Supreme Court of the United States.

KILBOURN *v.* THOMPSON.

[103 U. S., 168.]

This case presents clearly the question of the power of the House to punish for contempt. Justice Miller writes the opinion of the court and sustains the right of Kilbourn to recover of the Sergeant at Arms for false imprisonment. The argument of the court seems hostile to this power in the House, and restricts it within its narrowest limits.

After finding that there is no constitutional provision directly granting this power, the opinion continues:

The advocates of this power have, therefore, resorted to an implication of its existence, founded on two principal arguments. These are, first, its exercise by the House of Commons of England, from which country we, it is said, have derived our system of parliamentary law; and, second, the necessity of such a power to enable the two Houses of Congress to perform the duties and exercise the powers which the Constitution has conferred on them. (P. 182.)

We are of the opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority or a breach of its privileges can derive no support from the precedents and practices of the two Houses of the English Parliament, nor from the adjudicated cases in which the English courts have upheld these practices. (P. 189.)

The House of Representatives has the sole right to impeach officers of the Government and the Senate to try them. Where the question of such impeachment is before either body acting in its appropriate sphere on that subject, we see no reason to doubt the right to compel the attendance of witnesses, and their answer to proper questions, in the same manner and by the use of the same means that courts of justice can in like cases. (P. 190.)

The court then concludes that the jurisdiction of investigating the assets and business of a bankrupt concern or a real estate pool is vested by the Constitution in the courts, and that Congress has no jurisdiction of the subject.

CASE OF ELVERTON R. CHAPMAN ET AL.

In the Senate in 1894 a special committee was appointed to investigate and report upon "any charge or charges which may be filed before it alleging that the action of any Senator has been corruptly or improperly influenced in the consideration of said bill—pending tariff bill—or that any attempt has been made to so influence legislation." The investigation grew out of newspaper charges, especially in connection with the sugar schedule of the tariff bill.

In the course of the investigation Chapman and others declined to answer questions propounded to them, and the cases were certified to the law courts for prosecutions. Chapman was indicted and convicted in the court and by writ of error appealed.

IN RE CHAPMAN, PETITIONER.

[166 U. S., 661.]

Chief Justice Fuller, in delivering the opinion of the court, considers the power of the Senate to punish for contempt. He holds:

Under the Constitution the Senate of the United States has the power to try impeachments; to judge of the elections, returns, and qualifications of its own Members; to determine the rules of its own proceedings, punish its Members for disorderly behavior, and, with the con-

currence of two-thirds, expel a member; *and it necessarily possesses the inherent power of self-protection.*

In Kilbourn *v.* Thompson (103 U. S., 168), among other important rulings, it was held that there existed no general power in Congress, or in either House, to make inquiry into the private affairs of a citizen; that neither House could, on the allegation that an insolvent debtor of the United States was interested in a private business partnership, investigate the affairs of that partnership as a mere matter of private concern; and that, consequently, there was no authority in either House to compel a witness to testify on the subject. The case at bar is wholly different. Specific charges publicly made against Senators had been brought to the attention of the Senate, and the Senate had determined that investigation was necessary. The subject matter as affecting the Senate was within the jurisdiction of the Senate. The questions were not intrusions into the affairs of the citizen; they did not seek to ascertain any facts as to the conduct, methods, extent, or details of the business of the firm in question, but only whether that firm, confessedly engaged in buying and selling stocks, and the particular stock named, was employed by any Senator to buy or sell for him any of that stock, whose market price might be affected by the Senate's action. We can not regard these questions as amounting to an unreasonable search into the private affairs of the witness simply because he may have been in some degree connected with the alleged transactions; and as investigations of this sort are within the power of either of the two Houses, they can not be defeated on purely sentimental grounds.

Mr. Speaker, at this point I desire to insert in the RECORD a statement I made before the special subcommittee appointed to investigate the alleged contempt of Mr. H. Snowden Marshall, on April 7, 1916:

STATEMENT OF HON. EDWIN Y. WEBB BEFORE THE SPECIAL SUBCOMMITTEE.

Mr. WEBB. Mr. Chairman and gentlemen of the committee, there are a good many angles involved in this matter, but only one or two about which there might be any controversy at all.

As I understand it, the resolution has directed you gentlemen to investigate and report the facts, which happily are almost entirely of record, composed of the two letters which I set out in the report, written by Mr. Marshall to the chairman of the committee and to the chairman of the subcommittee. I therefore take it that it will be easy to report on that under the direction contained in the resolution.

The CHAIRMAN. Have you those letters?

Mr. WEBB. They are copied in the report. The other angle is to say whether or not the letters are in contempt of the House, and if so, what proceeding should be had, and the power of the House to punish for contempt.

On the question of whether or not the letters are contemptuous, I do not think there is any controversy as to that, when you take into consideration the surroundings at the time the letters were written. As you gentlemen know, Mr. BUCHANAN, on the 12th day of January, arose in his responsible place in the House and impeached Mr. H. Snowden Marshall for high crimes and misdemeanors and set out some 35 or 40 specific charges. Those charges, upon the motion of Mr. FITZGERALD, were referred to the Judiciary Committee for examination and report.

Shortly thereafter, having previously examined Mr. BUCHANAN and other witnesses, the Judiciary Committee directed the chairman to ask the House for power to subpœna witnesses, swear them, etc., and to make a further investigation of the charges in this resolution. In consequence thereof, H. Res. 110 was unanimously passed by the House, which gave the Judiciary Committee or any subcommittee thereof the power to further investigate the charges as set out in this resolution, and gave them power to subpœna witnesses and swear them and take testimony, either here in Washington or at any other place that the Judiciary Committee might deem proper to have the evidence taken—the regular power given committees in all impeachment matters, I may say.

The Judiciary Committee immediately thereafter authorized the chairman of the Judiciary Committee to appoint a subcommittee of three to take this testimony, which was done, I think, on or about the 1st of February. That committee consisted of Mr. CARLIN, Mr. GARD, and Mr. NELSON. Immediately thereafter they began their duties as directed by the House. They sat for a week or 10 days here in Washington and subpœnaed a number of witnesses. Judge Maher, United States judge from the southern district of New York, was one of the witnesses, and a number of other men of distinction were brought before the subcommittee and examined.

There were numerous witnesses whose names were furnished to the subcommittee who lived in New York, and the subcommittee thought, as a matter of economy and expedition, that it would be better to go to New York, nearer to the witnesses, in order to hasten the hearing. Consequently they determined to go to New York, and did go there on the 28th day of February, and opened their hearings in the Federal post-office building in New York City, and, after having sat for five or six days—Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday morning—investigating these charges made against Mr. Marshall, subpœnaing, of course, such witnesses as furnished them by the man accused, Mr. BUCHANAN.

Necessarily, I can say rather parenthetically here, all these investigations in impeachment charges are in the nature of inquisitorial proceedings; they must be in the nature of the case; it is an ex parte hearing, and may sometimes seem to the public generally to be a little harsh, but it is the only remedy the people have, the only method they have of getting rid of an unworthy officer, or of an officer who has been impeached by a Member of Congress in his responsible position.

These gentlemen had sat there all the week and the testimony is printed, and if you gentlemen want to go through it, it is at your disposal. On Monday morning there appeared in a newspaper in New York—in the New York Times—an article which, among other things, had this language in it:

"It is the belief in the district attorney's office that the real aim of the congressional investigation is to put a stop to the criminal investigation of the pro-German partisans."

Mr. STERLING. Is the substance of that article the same as this first letter that Marshall wrote to the committee? He states in that letter that what he claims to have stated to the newspaper man is an article along the same line of his letter.

Mr. WEBB. Yes, sir; the general deductions and reference to securing the grand jury minutes for the subcommittee to see if any testimony was given before the grand jury. As you understand, one of the charges in the impeachment articles was that Mr. Marshall had corruptly procured from the grand jury in New York indictments against reputable citizens upon no testimony, without having any testimony, or sufficient testimony.

Mr. STERLING. Do Mr. BUCHANAN'S charges that he made on the floor of the House along that line refer to the Buchanan and Fowler cases particularly, or do they claim there were other cases?

Mr. WEBB. They claimed there were other cases.

Mr. STERLING. And they did not intend to cover the Buchanan and Fowler cases at all?

Mr. WEBB. They did intend to cover the Buchanan and Fowler cases.

Mr. STERLING. In the charges?

Mr. WEBB. Yes, sir; Mr. BUCHANAN came before the committee and stated that was one of them, and he covered them generally because he said there were others. I believe some indictments grew out of what was known as the Rae Tanzer case, where other indictments were alleged to be found without any evidence, or without sufficient evidence.

That article appeared in the New York newspaper, and that article, a section of which I will read, of course appeared to the subcommittee to be unfair and unjust and untrue, and immediately they began to inquire who the author of the article was, and they discovered it was a young man by the name of Holme, I believe, and he, being in the committee room, they called him on the witness stand and asked him about this article, and they asked him who in the district attorney's office gave him the information. He declined to answer the question. They asked him if he got the information in the district attorney's office. He said, "Yes; that was the general report around the office." After a long series of questions, which are set out in the report, and he still declining to answer the question, the committee told him they would hold him in the custody of the Sergeant at Arms until further orders. At 4 o'clock and 10 minutes that afternoon they called him back on the stand and reasked him the same questions, and he still declined to answer them, declined to say whether Mr. Marshall was the author of this charge, or who it was, and thereupon the committee admonished him and told him they wanted to be kind to him and not harsh and would turn him loose, discharge him until some further steps might be taken under the laws of the United States. You gentlemen know that the law provides that where a witness refuses to answer a question before a congressional investigating committee, he is guilty of a crime and can be indicted by being reported to the district attorney's office in the District of Columbia by the Speaker of the House or by the Vice President of the Senate.

This occurred on Friday afternoon. On Saturday morning this subcommittee continued its investigation by examining some other witnesses. Saturday afternoon, about 6 o'clock, I am informed, the first letter of date March 4 was written to Mr. CARLIN.

Mr. CARLIN. About 3 o'clock.

Mr. WARD. And I am informed by Mr. CARLIN that he knew nothing about the letter until the newspapers in New York called him up to know about it. In other words, the letter had been given to the public press in New York before it was even received by the subcommittee of the Judiciary Committee.

The letter speaks for itself, gentlemen. In my opinion, it is unjust, it is slanderous, it is contemptuous.

Mr. MOON. You are speaking of the letter of March 4?

Mr. WEBB. The letter of March 4 that Mr. Marshall wrote the subcommittee.

Mr. MOON. That you presented to the House?

Mr. WEBB. Yes. The letter is undoubtedly contemptuous, and was written and published for the purpose of expressing the contempt of the writer. Every line of it is contemptuous in the most unfair kind of language, and the fact that Mr. Marshall, at the conclusion of the letter, says, "I propose to make this letter public," and before ever letting the chairman of the committee look over it and see it, it was put in the hands of the newspapers and published all over New York for the purpose of bringing disgrace and contumely and shame on a committee sent to New York by the House of Representatives in the pursuance of one of its constitutional functions, to wit, the most powerful constitutional function probably the Congress has—that is, the power of impeachment. The Constitution says distinctly it is one of the few distinct things provided in the Constitution—that is, that the House shall be the sole originators of impeachment cases.

Mr. LENROOT. May I ask you there—we are directed here to find whether a contempt has been committed. I should like to know your views as to whether or not in making that finding we are required to pass upon what, if any, basis of truth there may be in the charges made in this letter?

Mr. WEBB. Answering you, Mr. LENROOT, it makes no difference to the committee——

Mr. LENROOT (interposing). I merely wished to get your view as to the law.

Mr. WEBB. I do not think it is necessary to find a basis for it, but I should like you to read over the testimony and find there is no basis for it, if you will.

Mr. GARNER. Was that testimony taken in New York by the subcommittee?

Mr. WEBB. Yes; and we shall be glad to furnish this committee with a copy of the evidence. I have read every line of it, and I want to say that I have been in these inquisitions before, and I have realized myself in questioning witnesses that we have gone a little far. We have not been compelled—there is no law which compels an investigating committee of this sort to observe the rules laid down——

Mr. GARNER (interposing). May I ask a question in connection with the one Mr. LENROOT propounded a moment ago?

Mr. WEBB. Yes, sir; I hope you gentlemen will ask questions.

Mr. GARNER. Let us suppose, for the sake of the argument, that the statements made in the letter by Mr. Marshall are true; that the subcommittee had done all the things that he intimated they did in his letter. Being an officer of the Government and holding a high position, would he be justified in writing that kind of a letter, admitting the facts stated therein to be true?

Mr. WEBB. I do not think he would, Mr. GARNER, even if everything he said was true, because the manner in which he writes it, the manner in which he made it public, the contemptuous expressions all through show that, even though what he states is true, he purposely and deliberately planned to make his letter full of contempt for the purpose of reflecting upon these gentlemen, bringing disgrace upon them, and if possible, driving them out of New York.

Mr. MOON. Will you file with the committee, to be printed with this report, the testimony to which you refer?

Mr. WEBB. I will, Mr. MOON; yes, sir.

Mr. Marshall starts out by saying:

"You are exploiting charges against me of oppressive conduct toward a Member of your honorable body who is charged with a violation of law, and of oppressive conduct on my part toward shysters in the blackmailing and bankruptcy business."

Then he takes up this man Holme's trouble. He is the man who becomes offended because Holme was required or asked to tell if he got his information from the district attorney, and the district attorney behind Holme, it seems, was trying to reflect upon the subcommittee, and when the subcommittee questioned him to find out where he was getting his evidence and the newspaper reporter declined to answer, then Mr. Marshall runs to his rescue with this contemptuous letter. He said:

"I may be able to lighten your labors by offering to resign if you can indicate anything I ever did that remotely approximates the lawless tyranny of your order of arrest of Mr. Holme."

"Lawless tyranny"; there is a man who had published in the newspaper, issued right over the office where these three gentlemen representing the dignity of the House of Representatives were sitting, a charge of slander against them. It was slander.

Mr. LENROOT. Let me ask you right there, is it your view of the law that this subcommittee did have a right to arrest Mr. Holme?

Mr. WEBB. It had the right to detain him in custody, for the present at least.

Mr. LENROOT. I just wanted to know your view about that.

Mr. STERLING. On that point, Mr. Webb, of course, I have not any doubt but what a committee has the right to detain him in custody; then, I suppose, they should report it to the House, and the House would determine the question as to whether or not the detention should be continued.

Mr. WEBB. I think you are right there, sir.

Mr. STERLING. But at the time Holme refused to answer these questions you were not investigating the charges which Buchanan had made in the House?

Mr. WEBB. That is true, sir.

Mr. STERLING. You think you did have a right to ask that question and compel witnesses to answer, it being a collateral matter and not of the substance of the investigation?

Mr. WEBB. I will say to you, Judge Sterling, that question has never been decided in the history of this Government. The question never arose before (that particular collateral question), because no committee of the House of Representatives investigating impeachment charges under the highest constitutional prerogative, so far as I know, has ever been assaulted in a manner like this, or ever had occasion to call a man up before them and try to determine from whom he got the insulting information, and especially when the paper stated that it came from the very man whom the subcommittee was investigating.

Mr. LENROOT. Has it been decided that the subcommittee of the House has a right to detain a witness in custody?

Mr. WEBB. No, sir: not that I know of.

Mr. CRISP. In the Kilbourn case, did not the Supreme Court hold that either branch of Congress could deal with a contumacious witness, provided they were authorized to legislate or deal with the matter on which he declined to answer?

Mr. WEBB. That was the point on which the Kilbourn case was decided by Justice Miller. They held, and held only, that in that particular case the House of Representatives had no authority to appoint a committee to investigate the private matters of a concern, to wit, whether a man held stock in what is known as a real estate pool in the District of Columbia, and consequently his refusal to answer a question and produce books, he was thereafter found in contempt of the House, and incarcerated by the Sergeant at Arms, was unlawful, the whole business void, and therefore the Sergeant at Arms liable, but in that very case they do not say that the House of Representatives has not the inherent power to punish for contempt, and especially, as Judge Miller sets out, that whereas his argument may throw some doubt upon the general power of the House to punish for contempt with ordinary representative committees, yet there are certain questions which it, under the Constitution, specifically is given power to investigate, to wit, election contests. It can punish a Member for improper conduct, and can originate and try impeachment cases.

Mr. STERLING. There are several cases where punishment by the House has been sustained?

Mr. WEBB. Yes, sir; I will cite them.

Mr. STERLING. As to contumacious witnesses, I think in the Kilbourn case, if I remember, the court discharged him because the House was trying to investigate a matter over which they did not have jurisdiction?

Mr. WEBB. That is right.

Mr. STERLING. The question arose in my mind as to whether or not this committee, when it had Holme in its investigation, that the article then appeared in the paper after the committee had been appointed was not covered by the committee's commission to investigate.

Mr. WEBB That is true. That is why I say it is a novel point.

Mr. CRISP. That is why I called attention to the Kilbourn case.

Mr. GARNER. Judge Sterling, admitting the fact that the subcommittee did not have the right to investigate Mr. Holme or commit him, as it were, would that justify the district attorney in writing the character of letter that he did to the subcommittee?

Mr. STERLING. I will tell you how I feel about that personally. Of course a man may commit a libel by telling the truth, so far as that is concerned, but there is not any use to present a matter to this House; there is no contempt where the libel is the truth. The House would not stand that for a minute.

Mr. WEBB. No; I would not have you do that.

Mr. STERLING. The House would not stand for it, and I think we ought to proceed so we are sure of our ground.

Mr. WEBB. But, gentlemen, leaving out the Holme matter entirely, except as a starting point for Mr. Marshall; leaving out the question of whether or not they had the right to hold him in custody—and by the way, I want to say that the subcommittee never ordered him into the custody of the United States marshal at all; it ordered him to be held by Mr. Gordon, the Sergeant at Arms of the House for a few hours, and later called him on the stand, and then dismissed him. He was in the custody of Mr. Gordon, and they walked around the building together; stayed together, very pleasantly associated together.

He goes on, though, and practically takes up the burden of making this charge against the House of Representatives that this man Holme made in the paper. Now, I will leave out Holme entirely.

He says:

"I may be able to lighten your labors by offering to resign if you can indicate anything I ever did that remotely approximates the lawless tyranny of your order of arrest of Mr. Holme.

"The supposed justification of your order that Mr. Holme be placed in custody was his refusal to answer the question you asked as to where he got the information on which was based the article which displeased you."

Now, mark you, that article was in the New York Times saying that this whole congressional investigation—saying that it was the belief of the district attorney's office that the real aim of the congressional investigation was to put a stop to the criminal investigation of the pro-German partisans.

That was not a reflection upon that subcommittee; and if it were, it would be a reflection upon the House of Representatives, because, constructively, when the House of Representatives appointed this committee, the power of the House and the dignity of the House itself went to New York. Manifestly, the House can not sit and hear three or four weeks of testimony in investigating preliminary impeachment charges, and therefore they assign that power to some responsible subcommittee; and when this committee went to New York it had thrown around it the power and protection of the House of Representatives, as lodged in the House of Representatives by the Constitution of the United States.

Mr. MOON. The resolution of the House authorizes the Judiciary Committee to appoint this subcommittee.

Mr. WEBB. Yes, sir; that is set out in H. Res. 110, embodied in the report, Mr. Chairman.

There was a direct and awful reflection upon the House of Representatives, and a reflection which is not true, which every man in the House and on the floor of the House knows is not true. It was made for the purpose of bringing disgrace upon that body, upon the House of Representatives, and upon the subcommittee that dared investigate the charges presented by a Member of the House.

Now, Mr. Marshall says, further:

"It is not necessary for you to place anyone under arrest in order to get the answers to the question which you asked Mr. Holme, because I can and will answer it. I gave Mr. Holme information, part of which he published and from which he made deductions, so that if your honorable committee has a grievance it is against me and not against him."

That is the man whose conduct the Congress of the United States has solemnly instructed its subcommittee to investigate.

"What I told him was about as follows:

"I said that your expedition to this town was not an investigation conducted in good faith."

That was contemptuous.

"Your expedition to this town was not an investigation conducted in good faith"—

That was a direct charge of bad faith on the part of Congress and of the subcommittee—

"but was a deliberate effort to intimidate any district attorney who had the temerity to present charges against one of your honorable body."

One of the body of the House of Representatives.

Gentlemen, that language alone was as contemptuous as a man could possibly write, and especially under the circumstances, and with the determination and announced statement in his letter that he proposed to make such contemptuous language public, and says this:

"I pointed out to him that you, contrary to usual practice, had come here and had held public hearings"—

So far as I know, in every investigation for the last 10 or 12 years all hearings have been held publicly. In the beginning of this investigation had in the Judiciary Committee room, the first witnesses were examined in secret session, and I may say to you gentlemen here it was done because we thought there were some witnesses whose testimony might not be worthy of credence which the committee ought to give an honorable witness, and that testimony was held behind closed doors, and for the sake of H. Snowden Marshall was never made public and never has been made public. There was the subcommittee and the Judiciary Committee and the House trying to protect him against witnesses that the committee itself did not have entire confidence in, and he rushes into open print and slanders the committee that has theretofore been trying to protect him. I say that all these investigations heretofore have been held in public, so in the Swayne case in Florida, so in the Archbald case, so in the Hanford case, so in the Dayton case.

Mr. STERLING. Did we not have any secret hearings in the Archbald case at all?

Mr. WEBB. I do not believe we did.

Mr. STERLING. I do not believe we did after we began taking testimony.

Mr. WEBB. We had an executive session around the table and read documentary evidence, but all of the hearings were public.

Mr. LENROOT. The subcommittee held hearings outside of Washington in the Swayne case?

Mr. WEBB. Yes; and in other cases.

Mr. GARNER. You say these hearings behind closed doors were for the protection of Mr. Marshall?

Mr. WEBB. Absolutely

Mr. GARNER. Upon the idea that witnesses might make statements concerning his official conduct that would reflect upon him unjustly?

Mr. WEBB. I think I can say that absolutely for the subcommittee. They were aware that among these 50 or 60 witnesses whose names had been given them, we got the idea that a few of them were not entirely responsible, or that their characters might be impeached, whose character had been impeached by members of the Judiciary Committee sitting around the executive board, and for the purpose of not paralyzing the arm of the district attorney's office in New York by testimony which might be regarded as tainted with improper character, some of these witnesses were examined behind closed doors.

May I say that for the subcommittee? If I am in error, I want to be corrected.

(Messrs. NELSON and GARD signified their assent.)

He charges the subcommittee of the House of Representatives with bad faith, and then goes on to say:

"I pointed out to him that you, contrary to usual practice, had come here and had held public hearings; that among your witnesses you had invited every rogue that you could lay your hands on to come before you and blackguard and slander me and my assistants under the full privilege of testifying before a congressional committee."

Having read the testimony, every word of it, as taken by the official stenographer in New York, I deny that charge against the subcommittee. It is not true. It is not true that these gentlemen invited anybody. Mr. BUCHANAN, on the floor of the House, stated to the House that he was a poor man and could make these charges against Mr. Marshall good if he had the power to get witnesses present, and it has been the custom during all the years of you gentlemen's long and honorable career that whenever a Member of Congress impeaches any civil officer of the United States that he furnishes the names of the witnesses and the House subpœnas them. This subcommittee simply went up there in obedience to the desire of the House to investigate the

charges set out by this man BUCHANAN and for him to furnish the witnesses to be examined. I believe I have stated that this subcommittee of its own initiative has not subpœnaed any witness?

Mr. NELSON. Do you wish an answer?

Mr. WEBB. Yes, sir.

Mr. NELSON. We have not; no witness not suggested by Mr. BUCHANAN or who requested to be heard; for instance, Mr. Wise.

Mr. WEBB. I think that should be known to the gentlemen of this special committee. They did not go around hunting up testimony, as they had a right to. If they had wanted to, they could have put men to work and hunted up testimony against this man Marshall. But no; they had contented themselves to subpœna and examine witnesses submitted to them by Congressman BUCHANAN—excepting in one case there was testimony before the subcommittee in New York about a certain matter, and Hon. Henry A. Wise——

Mr. NELSON. Let me qualify that in this much, that when some evidence was given on some certain charge, where the witness mentioned some particular name, and the chairman wished to corroborate that, he would send for that person mentioned in the testimony.

Mr. WEBB. Yes, sir; that is all right. This committee was sitting there and taking testimony and Mr. Henry A. Wise, the predecessor of Mr. H. Snowden Marshall, a very distinguished lawyer in New York City, as you all know, volunteered to take the stand in behalf of Mr. Marshall, you might say. If you read his testimony you will find it is a most magnificent encomium on Mr. Marshall and Mr. Marshall's administration up there, explaining the use of the grand jury and the ease with which indictments might be found, etc., and the committee heard him voluntarily on behalf of Mr. Marshall. He says:

"You invited every rogue that you could lay your hands on to come before you and blackguard me."

The subcommittee has informed me that they do not know of a single man that was examined by this subcommittee who has ever been convicted of roguery or of larceny.

I will tell you what they did do, gentlemen. In the Rae Tanzer case, and in that case without discussing the merit of it, I might say that Hon. Martin Littleton, at one time a very distinguished Member of this House, known as a great lawyer, stated before the subcommittee here in Washington about 10 days ago that when Mr. Marshall took jurisdiction of the Rae Tanzer case he wrenched the Federal jurisdiction. Mr. Whitney, a witness, Judge Mayer, Hon. J. B. Stanchfield were witnesses—some of the highest class men in the United States—and many of them testified gladly to the good character and the high standing of Hon. H. Snowden Marshall.

Mr. STERLING. Were any of the witnesses persons whom Marshall had prosecuted?

Mr. WEBB. Yes, sir; necessarily so. There was a man by the name of Kugel, I believe, a lawyer.

Mr. GARD. Several of them were.

Mr. WEBB. Yes.

Mr. GARD. That was the Oppenheimer case.

Mr. WEBB. It was stated that after indictments had been quashed that the district attorney would go up to the grand jury and get another indictment; sometimes got six or seven, but they had to be investigated. It was charged that he showed that malicious and persistent feeling toward these men not consistent with a good officer. They did have to examine him, of course. But the subcommittee knew he had been indicted and what he was indicted for, and the members of the subcommittee were big enough and broad enough to take into consideration the circumstances and were able to weigh the testimony.

I was going to tell you what was done in the Rae Tanzer case. A man by the name of Safford, who was indicted for perjury——

Mr. STERLING. What is that case you were speaking of?

Mr. WEBB. I think I will explain it briefly. There was a little woman by the name of Rae Tanzer who was taken to a town in New Jersey and there she was——

Mr. STERLING (interposing). Under the Mann Act?

Mr. WEBB. Not under the Mann Act; but a gentleman, who said his name was Oliver Osborn, spent a night with her and abused her. Later on she wrote letters, and she finally got no word from him, and she located James W. Osborn and charged him with being Oliver Osborn, and she went then to consult four or five law firms, and could not get anybody to represent her, and finally got Slade & Slade to represent her, and Slade & Slade brought a civil suit in the civil court of New York for breach of promise, seduction, etc.; and while that civil suit was pending in the United States court, under Mr. Marshall's jurisdiction and with Mr. Marshall's consent and helping to arrange it, Hon. James W. Osborn, being then in the employ, I believe, of the United States Government in prosecuting the New Haven Railroad cases, they issued a warrant for the Slades and for Rae Tanzer and for Rae Tanzer's two sisters and some other witnesses, I believe.

Mr. NELSON. Mr. Safford?

Mr. WEBB. Mr. Safford, who was clerk of the hotel, who identified James W. Osborn as being the man who spent the night there.

Mr. NELSON. And the private detective?

Mr. WEBB. Yes They indicted Slade for conspiracy to obstruct justice in a United States court.

Mr. GARD. It is fair to say that the matter arose in this way: Rae Tanzer, the complaining person in the civil case, was arraigned before Commissioner Houghton, United States commissioner, on the specific charge that she had written a letter to James W. Osborn, which they charged was an abuse of the mails and an attempt to use the mails for the purpose of obtaining money under blackmail and unlawfully defraud. The letter hardly bears such an interpretation, but that was the start of the prosecution.

Mr. WEBB. That was the hook upon which they hung the jurisdiction of the United States.

Mr. GARD. Yes; that was what they hung the jurisdiction of the United States court on. Then all other indictments were returned for conspiracy and perjury and things like that; they put everything in, and everybody in, the lawyers and her sisters, and everybody else; they indicted them for conspiracy and some for perjury, but that was the original jurisdiction, the writing of the letter.

Mr. WEBB. And during all these indictments, cross indictments, and conspiracy charges lying up there in New York from the United States district attorney's office they indicted the man by the name of Safford for perjury, and they convicted him.

Now, that man Safford was subpœnaed here as a witness. His name was given to the committee by Mr. Buchanan, and although he had been indicted, there was no reason why he should not testify. But he came down and the committee would not hear him; they said, "We will not swear you; you have been convicted of perjury; you can send a statement or an affidavit down here if you want to." That is how that subcommittee was protecting Mr. H. Snowden Marshall.

Mr. GARD. That was even after this letter was received.

Mr. WEBB. Yes.

Mr. NELSON. On that point let me tell you also for the record that another gentleman came to the committee and asked to be heard, and said he had a very severe case of oppression on the part of Mr. Marshall. He was asked if he had been convicted. He admitted he had, and the chairman informed him that we could not hear him; that he might file his statement in the form of an affidavit, and that was done.

Mr. WEBB. So I say his charge against this House and this subcommittee that "they have invited every rogue they could lay their hands on to come before the subcommittee and blackguard and slander me (Marshall)," I say is untrue.

A little further on he says:

"I told him that you were traveling around"—

That is another contemptuous remark—

"I told him that you (the subcommittee) were traveling around in your alleged investigation of me with BUCHANAN'S counsel, Walsh and David Slade, in constant conference with you. I said that I believed that every word of the evidence, whether in so-called secret sessions or not, had been placed at the disposal of these worthies, and that I would be just as willing to give the grand jury minutes to a defendant as to give them to your honorable subcommittee."

Mr. MOON. How was that; he would as soon give——

Mr. WEBB. He would "as soon give the grand jury minutes to a defendant as to give them to your honorable subcommittee."

Mr. MOON. These rogues?

Mr. WEBB. No; BUCHANAN and those others indicted with him.

Mr. STERLING. He means by that that he thought the committee would turn them over, anyhow, to BUCHANAN'S lawyers?

Mr. MOON. Oh, yes; it is to BUCHANAN'S lawyers instead of these other parties he is speaking of?

Mr. STERLING. Yes. To what extent were Walsh and Slade present?

Mr. WEBB. They were present most of the time when they wanted to be; but I will say, gentlemen, there is nothing unusual about that, so far as I know. Mr. Marshall could have been present himself. In investigating the Dayton charges, there were two lawyers pressing the charges against Judge Dayton.

Mr. STERLING. Did they take part in examining witnesses?

Mr. WEBB. They did. They started out with this method—it was cumbersome, as you will see—by requiring Mr. BUCHANAN or Mr. BUCHANAN'S counsel to write out each question they wanted to ask the witness. You can see that would have drawn out the examination for six or eight months; so finally the members of the committee said, "Just go ahead and ask a few direct questions yourselves. We sit here; we understand the situation," and that was done in this case.

I should like you gentlemen to read the testimony and see that there were no improper questions asked by this subcommittee of these witnesses in New York, and they do not seem to me to have allowed anybody to ask improper questions.

Mr LENROOT. I notice in the paragraph preceding that which you have just read the charges that this subcommittee attempted to secure the minutes of the grand jury.

Mr. WEBB. I can make a statement now on that question. I was just taking up what I thought to be contemptuous language. The truth is that one of the compelling reasons why they went to New York was that these charges having been made and sent out over the country, these charges not only against BUCHANAN but charges that other indictments had been procured by Mr. Marshall before the grand jury without sufficient evidence, or without any evidence, and these gentlemen thought they would go up there and take a private look at these grand jury minutes and come back, never dreaming of allowing Mr. BUCHANAN or his counsel to ever put an eye on those minutes; and when they got there they asked Mr. Marshall if he had objections to submitting the grand jury minutes. Mr. Marshall replied that he would have to consult the Attorney General; and he did telegraph to the Attorney General, and the Attorney General wired back that he did not think the committee ought to ask or demand the minutes of the grand jury.

I can say there are ways in which you can get the minutes of the grand jury in other trials; and I am not so sure, gentlemen, I have advised all through this hearing the members of the subcommittee not to make the grand jury minutes public, not to insist on their production, and not to allow any testimony to be presented in this hearing that was presented before the grand jury, but to confine their hearing, which they did, to the question as to whether or not any testimony was taken upon which the grand jury might act. Not the sufficiency of it, but was the testimony had; and that was the line on which these gentlemen pursued this entire investigation up there. When Mr. Marshall presented the telegram to the members of the subcommittee, that was the end of the grand jury minutes. They never issued subpœna duces tecum to get the minutes at all; but I think if any court in the land has the power to compel the production of the minutes of the grand jury in a case, this court has got that power. It is the highest court in the world. But they did not exercise that power They never issued a subpœna duces tecum, and when Mr. Marshall presented this telegram from the Attorney General, that was the end of it.

Mr. NELSON. We never made it public. We had a little private talk with him, but he gave it publicity.

Mr. WEBB. Yes; this newspaper article is headed: "The district attorney refuses BUCHANAN evidence." That is the heading of this article I have been quoting from. He went out and gave it to the newspapers, but the rest of it the subcommittee never made public; any part of it.

He said:

"I told him you were traveling around in your alleged investigation of me with BUCHANAN'S counsel, Walsh."

I believe I have read that. I will now read one more extract from this letter:

"I said that it was incomprehensible to me how your honorable subcommittee should rush to the assistance of an indicted defendant; how you had apparently resolved to prevent prosecution by causing the district attorney in charge to be publicly slandered.

"I told him that I would not permit the prosecution of the persons whose cause you had apparently espoused to be impeded by you: I said that if you wanted the minutes of the grand jury in any case you would not get them as long as I remained in office."

Now, I will read the last paragraph:

"It is amazing to me to think that you supposed that I did not understand what you have been attempting to do during your visit here. I realized that your effort was to ruin me and my office by publishing

with your full approval the complaints of various persons who have run afoul of the criminal law under my administration. Your subcommittee has endeavored by insulting questions to my assistants and others, by giving publicity and countenance to the charges of rascals, and by refusing to listen to the truth and refusing to examine public records to which your attention was directed to publicly disgrace me and my office"—

And so forth. "I propose to make this letter public," and does so, and does it before it gets to the hands, so I am informed, of the subcommittee itself.

Mr. STERLING. Did the subcommittee ask Mr. Marshall for the grand jury minutes in any other cases than the Buchanan case?

Mr. NELSON. Yes.

Mr. WEBB. All the cases covered by the charge.

Mr. NELSON. This was the conversation, if you wish it. The difficulty was to ascertain the truth about these things, and knowing that it was the practice in New York to have a stenographer in the grand jury room, and that this public official had those grand jury minutes, we thought that, being a representative of the highest court in the land on this matter, we had a right to inspect those grand jury minutes; at least we would submit the request to him. So he was asked to come before the committee, and I may say that, while these things are little incidents, they show the hostility, the atmosphere charged with hostility in that courthouse, so far as this district attorney's office was concerned. It was difficult for the Sergeant at Arms of the House to get to him. He will testify here that he had to plead with one of his subordinates in order to get to him. He will tell you the conversation. Finally he did come up, and then the Sergeant at Arms finally persuaded him to come up and see the committee.

Mr. Marshall came up. I will not attempt to picture to you the kind of air he assumed and the arrogance. Mr. CARLIN tried to introduce him, having met him before, to some of the members of the committee, but his hostility was such that any courtesies were impossible; so Mr. CARLIN, the chairman of the subcommittee, tried to explain to him that we were a congressional committee trying to ascertain these facts; that a Member had been accused, and that it was difficult to ascertain these facts without seeing the grand jury minutes.

We asked him if the grand jury minutes were printed. He said they were. Mr. CARLIN asked him if he would submit them to the members. In a haughty way he said that he would take it up with the Attorney General. He pretended not even to have read the charges. I tendered him the CONGRESSIONAL RECORD. He said, "Send it down." He would not take it down.

Mr. WEBB. You mean the CONGRESSIONAL RECORD?

Mr. NELSON. The CONGRESSIONAL RECORD, where the charges were in detail.

Well, that was the interview in which we also suggested to him that he had the perfect right to be present, either by counsel or himself. He told us he would not want anything to do with it, and he left, as he came, with that superb, arrogant manner of his. Well, it was so ludicrous that we were, of course, inclined to laugh at the gentleman's arrogance.

Mr. STERLING. Did you ask him the question as to whether there was any testimony before the grand jury?

Mr. NELSON. This man——

Mr. STERLING (interposing). Mr. BUCHANAN'S charge is that indictments were found where there was no evidence.

Mr. WEBB. No evidence in one case and not sufficient in another.

Mr. STERLING. Did you ask him whether or not there was any evidence?

Mr. NELSON. We did not ask him, because he was the gentleman against whom charges were preferred, and it is not customary, you know, to ask the respondent or the defendant in the case. It was not done in the Wright hearings. We never did that. That is a matter for him to volunteer, if he wishes to.

Mr. WEBB. I understand, Judge Nelson, that thereafter he came before you informally.

Mr. GARD. This conversation was entirely executive; did not go into the record; was not uttered in the present of a stenographer, and we said this to him. The chairman said to him—after the committee had conferred about it, the chairman said to him this: "Have you read the charges preferred against you?" He said no, he had not read them; had not paid any attention to them. We said, "Some of the charges are that you have used your office to return indictments against persons without any testimony. We should like to have a talk with you as to whether you would be willing to submit to the committee such minutes of the grand jury as may be called for, or whether you would prefer us, if we choose, to call for the minutes, to ask for them upon the authority of our committee." That was the extent of our conversation. He said "Well, I will take that up with the Attorney General," which I think was very proper. Then he became, as Mr. Nelson said—his manner was hostile at that time, had been hostile all the time. He said, "If you want to know anything, why do you not ask BUCHANAN what he did with this money that he got from such and such a place." I have forgotten the source. We did not make any reply to that, because that was not for us to investigate.

Mr. NELSON. We did ask—the chairman did ask for both minutes; suggested that not only the minutes in this indictment of BUCHANAN, but also these in the Rae Tanzer case, would be desirable, and explained that it would so materially assist our labors if we could say there was some evidence. He also said that we were representatives of the Government; that we assured him it would be private, strictly private, and that no one else would be permitted to see them; and with that conversation we left it to him to seek information from the Attorney General, and he promised to reply promptly. Now, mind you, there was a sting of insult in the very reply we got. These are minor matters, but they simply show the hostile attitude of that office all the way through.

Mr. CARLIN, the chairman, had tried to explain to him that the House seemed to be particularly concerned with ascertaining the fact whether a Member of the House, in his official capacity, had been indicted for things done in the House, and that we should like to ascertain whether they were true or not; whether there was some evidence. Mind you, when he replied—and I do not believe it is in here—but after tendering him the record he sent it back with a letter saying that he returned it with thanks, etc. Then he said he had looked these charges through and he had not found anything there along the lines suggested by Mr. CARLIN, therefore it must have been evolved in the consciousness of some person or persons, the implication being direct that some one had told him something that was not true. That is just suggestive of the treatment we received all the way through.

Mr. LENROOT. At what point in this proceeding was the request for the minutes of the grand jury preferred?

Mr. NELSON. In the afternoon of the first day.

Mr. LENROOT. Of the meeting in New York?

Mr. NELSON. In New York; yes, sir.

Mr. GARD. Right after we organized.

Mr. NELSON. We had one or two witnesses, then decided that this was a laborous thing to fish around the outside and try to find out whether there was evidence or not; that here was a public document. We knew they used these grand jury minutes in the State of New York frequently, and for purposes of justice it was always admissible to bring them out. We were accredited officers of the law; this was the high court of impeachment; obviously this officer could give us access to such documents by which we could at once discharge our duty and say to the House, "Yes; there is evidence."

Mr. LENROOT. You say there were two charges in relation to this evidence—one that there was no evidence and the other that there was not sufficient evidence. I want to ask whether your subcommittee decided that it was proper to investigate the question of the sufficiency of the evidence and desired it for that purpose?

Mr. NELSON. No; I did not mean to imply that.

Mr. LENROOT. Did you decide that it was not?

Mr. NELSON. We did not decide, certainly——

Mr. LENROOT (interposing). So far as this inquiry in New York was concerned, I mean

Mr. NELSON. We went along on the plan that we would ascertain whether or not there was probable, prima facie evidence and determine whether this man had acted arbitrarily or not, or whether he had supplied evidence of such a character that it would be prima facie in an indictment of a Member of Congress.

Mr. LENROOT. Did you then have in mind determining whether or not the grand jury was warranted if the evidence was sufficient to warrant the grand jury in making the indictment, or whether there was any evidence?

Mr. NELSON. No; we did not attempt to weigh the evidence in the sense of determining it was sufficient. We never had that in mind; at least it never occurred to my mind, but merely to determine this, whether this man had acted arbitrarily, whether there was evidence of such a character to show that he had it in good faith, and not simply retaliated against a Member of Congress for what he did in the House.

Mr. WEBB. On that point I want to state to the committee——

Mr. NELSON (interposing). You will find in the evidence, if you will read it that that was in my mind. The thing I was concerned about, gentlemen, was whether a Member of Congress had been questioned in this way for things done in the House. Though I thought, when we had the grand jurors before us, not to ask as to the evidence, but to find out whether they knew of this indictment, whether that was talked of in the grand jury—I mean this impeachment of Mr. Marshall; whether that was talked about in the grand jury; what the methods were, whether they had given them a fair chance or not; whether he had simply been indicted with a mass of fellows and in what way they had handled the matter. We did not go into the evidence. We would not permit any questions that would tend directly to ask what the evidence was. It was a very difficult matter to handle, so we thought if we could get the grand jury admitted we could ascertain in a moment, but being denied we did nothing further in the matter.

Mr. GARD. As far as my own opinion is concerned, I am very frank to say to you that I think the subcommittee was entirely without authority to weigh the evidence or consider what the evidence should be; that it was limited, necessarily, to whether there was any evidence or any approximate evidence which would authorize an indictment. In other words, a distinction between returning an indictment upon evidence and an indictment by coercion, without evidence.

Mr. WEBB. On that point I wish to say that on the 14th day of December Mr. BUCHANAN arose in the House and impeached Mr. Marshall, charging five or six different charges. On the 28th day of December, 14 days later, the indictment against Mr. BUCHANAN was found; then on the 12th day of January Mr. BUCHANAN offered another set of formal articles of impeachment.

Mr. GARD. Amended charges?

Mr. WEBB. Amended charges; and I think he intimated on the floor of the House—it was certainly discussed around the table—that this indictment of the 28th, of Mr. BUCHANAN, was or might have been—looked like it was in retaliation of BUCHANAN'S impeaching measure on the 14th day of December, and that is why these gentlemen wanted to satisfy the House that there was no such fact in the district attorney's conduct, or that it was a fact. That is why, I imagine, they were asking these questions.

Now, gentlemen, I do not believe, as far as I am concerned, that I have a particle of feeling against Mr. Marshall, and you gentlemen have not, and no member of the committee has. I started out in this whole matter with the very highest regard for him. I had heard and knew from what a good many said that he was a man of high character, a great lawyer, and stood splendidly at the bar in New York. In fact, it was a pleasure to many of us to hear great lawyers give him that kind of reputation.

I am talking around the board now, but the members of the Judiciary Committee, and I might say a majority of members, probably an overwhelming majority of members, feel the same way toward Mr. Marshall; and I am going to say further that I thought from the very beginning that it was very improbable they would ever fix anything on Mr. Marshall to cause the committee of the House to impeach him. That was the attitude, I can say, of the chairman, and I believe that was in the breasts of all the members of the committee when they started out to investigate these charges by direction of the House.

Gentlemen, as to whether or not this is a contempt is entirely within your breasts. I know of no other court, a little police court down here, or even a magistrate's court, or any other inferior court, while hearing the testimony in regard to the defendant, if such judge should receive such a letter with the notification to the judge who got it that the writer expected to make it public for the purpose of disgracing the judge that was investigating him, I know what would happen to him. They would put him in jail and put him there for a good long term.

Mr. GARNER. In order to make the record perfectly clear, in view of Mr. Marshall's statement that, "I said that your expedition to this town was not an investigation conducted in good faith," I should like to ask the subcommittee whether the investigation was being made in good faith or not?

Mr. WEBB. Entirely so.

Mr. NELSON. Yes.

Mr. GARNER And again he says:

"I said that it was incomprehensible to me how your honorable subcommittee should rush to the assistance of an indicted defendant."

Were you gentlemen rushing to the assistance of an indicted defendant?

Mr. GARD. We were not. We had no idea of doing anything except seeking to obtain information.

Mr. NELSON. In answer to your question, I want to call attention to the fact that the Committee on the Judiciary resisted the resolution of the House to forthwith instruct the committee to begin the investigation. The chairman made a plea, and I did myself, asking you first to submit the matter to the Committee on the Judiciary, so we might make a preliminary investigation in regard to the facts, and it was only because we had the overpowering sentiment of the House and Mr. BUCHANAN'S added facts and specific charges—he made 40, instead of a few—that led the committee to look into this matter. And, if I may add, I personally requested the chairman not to be appointed on that committee, because I had once served on an impeachment committee for three months, and I knew it was a very laborious and irksome task.

Mr. GARNER. He says:

"You had apparently resolved to prevent prosecution by causing the district attorney in charge to be publicly slandered."

Had you gentlemen resolved upon any proceedings?

Mr. NELSON. Of course not.

Mr. WEBB. No.

Mr. GARNER. I merely asked that, that it may go into the record directly.

Mr. WEBB. Yes; we understand.

Mr. CRISP. Is that necessary? Will not the record show; will not the resolution show that these gentlemen were acting in pursuance of the direction of the House to make this investigation?

Mr. WEBB. Permit me to go a point further. I want to give you some citations on the law, if you will permit me. Whenever you gentlemen are wearied I will quit. I have taken more time than I intended to take, but that has come about through questions propounded by the members of the committee, and I am glad you asked questions; that is the best way to elicit information. I hope you will keep it up as long as I am talking.

As I said, it is entirely for this committee and the House to pass upon what is contempt, and here is what the Supreme Court says in the case of Anderson against Dunn. You will find the report in Sixth Wheaton, written by Mr. Justice Johnson, one of the justices of that court, a great justice, and Judge Marshall. Here is what they say about the contempt of the House:

"Nor would their situation be materially relieved by resorting to their legislative power within that district. That power may, indeed, be applied to many purposes, and was intended by the Constitution to extend to many purposes indispensable to the security and dignity of the General Government, but they are purposes of a more grave and general character than the offenses which may be denominated contempts and which, from their very nature, admit of no precise definition. Judicial gravity will not admit of the illustrations which this remark would admit of. Its correctness is easily tested by pursuing, in imagination, a legislative attempt at defining the cases to which the epithet contempt might be reasonably applied."

As I said a while ago, the Constitution, in Article I, section 2, paragraph 5, says:

"And the House of Representatives shall have the sole power of impeachment."

There have been, from the year 1800, witnesses and slanderers of the House and the Senate punished for contempt by your body, up to the time Mr. Glover was punished for an assault upon Judge SIMS; but every one of these cases arose out of the general power of the House and the Senate, as set out in Anderson *v.* Dunn, to punish for contempts against the body. There never has been in the history of this Government a plain, straightforward case of contempt under an indisputable power of Congress, and that is the sole power of impeachment. There the Constitution makes Congress the highest court in the world, as it says in one case it is the grand inquest of the Nation.

Gentlemen, I want to submit to you this: If whenever the House of Representatives in pursuing its constitutional prerogatives, investigating officials of the country, who may be bad or good; if you have not the power, not only to send your subcommittees and committees to investigate charges made by a Member of the House, and protect that committee wherever it goes with all the dignity and authority that any committee or court ought to have, why, then, the power of impeachment is nothing but a farce in the hands of the House of Representatives.

Mr. STERLING. I have no doubt but what a contempt committed against a committee would be a contempt committed against the House.

Mr. WEBB. That is the point I am arguing, Judge STERLING. As I said a while ago, when this committee went to New York it went there as the House of Representatives.

Mr. STERLING. It was the House, acting as such; it was its authorized agent.

Mr. CRISP. I do not suppose there is any difference of opinion in the minds of the committee as to the inherent right of the House to punish for contempt.

Mr. STERLING. I do not think there is any doubt about that.

Mr. WEBB. If there is any doubt about it, I want to refer you to this celebrated case where the court distinctly says, as Judge Crisp has suggested, that it has the inherent power that every representative body has, the right of self-protection and the right to repel and punish insult to the dignity of that body. But that case even arose not in such a clear case as the impeachment process; it arose because a witness had refused to answer a question, or had made some slanderous charge against the House of Congress or the Members, or had attempted to bribe a Member, or had published the Journal of the Senate, contrary to the rules of the Senate, or had charged that in the sugar schedule of the tariff act that Senators were corrupt. In all of those cases both the House and the Senate used the inherent power to punish for contempt. And the courts say that of necessity that power exists.

But even in Kilbourn *v.* Thompson (103 U. S., 168) and in some of the reasoning in Dunn *v.* Anderson they say there is no doubt about it in impeachment matters; and in trying election cases you do not have to imply power. The Constitution expressly gives the authority to Congress to make this impeachment investigation. And Judge Marshall, in the case of McCullock *v.* Maryland, I believe it is, says that wherever the Constitution gives the Congress the power to do a certain thing all things that are necessary to carry out that power go with it incidentally, and one of those powers is the power either to protect itself from insult and assault by contempt proceedings.

Mr. LENROOT. With reference to this matter of punishment, you are familiar with the Duane case, are you not?

Mr. WEBB. Yes, sir.

Mr. LENROOT. As I recollect the Duane case, so far as the punishment is concerned, they instructed the arrest——

Mr. WEBB (interposing). The Vice President?

Mr. LENROOT. No; the President, I think, in that case was instituting the proper prosecution. I do not find there was any statute then with reference to the Constitution for refusal to testify.

Mr. WEBB. No; that was passe in 1857.

Mr. LENROOT. Now, on what theory—have you thought of it—did the Senate in that case not exercise its own power of punishment, but passed it into the judicial branch of the Government?

Mr. WEBB. I am not sure, but——

The CHAIRMAN. Was that the Duane case?

Mr. LENROOT. Yes.

The CHAIRMAN. That was punished by the Senate; and Duane was confined 30 days for the printing of that article in the Aurora.

Mr. NELSON. I remember that distinctly, if I may answer.

Mr. LENROOT. Perhaps I am mistaken.

Mr. NELSON. No; you are correct. There was the contempt by publication, and the Senate took jurisdiction, brought him to the bar of the House, and there was an indictment; he refused to testify; so he was held for about 30 days as a contumacious witness; then toward the end of the session of the Senate—the last day—it was obviously too little time to act upon it; so they simply disposed of the case by adopting—requesting the President to direct the law officer to bring action in the courts and the court sent him to jail for 30 days and assessed the cost upon him. The answer to your question is it was the last day and they had no further time, and that was the only way of disposing of it.

Mr. LENROOT. Then, Congress has no power to punish beyond the term?

Mr. NELSON. Well, the Senate's term is a question of doubt. But let me emphasize this fact, that in that case you see the three branches of the Government have cooperated in punishing for contempt of a branch of the Congress.

Mr. WEBB. Here is what is said in the Duane case:

"The question of the power of the Senate to punish for contempt arose in 1800 in the case of William Duane over a publication in the General Advertiser or Aurora, which was found to be false, defamatory, scandalous, and malicious, and Duane was found to be in contempt of the Senate. He appeared before the Senate in response to first notice, but failed and declined to appear when ordered at a second date. This being at the end of the session, on the last day of the session he was ordered prosecuted by the courts of law, and was prosecuted and punished."

Here is what Senator Sumner says. He even says the House has more authority in a case of this sort than the Senate. He said in 1860:

"To the House of Representatives are given inquisitorial powers expressly by the Constitution, while no such powers are given to the Senate. This is expressed in the words, 'the House of Representatives shall have the sole power of impeachment.' Here, then, obviously, is something delegated to the House, and not delegated to the Senate—namely, those inquiries which are in their nature preliminary to an impeachment—which may or may not end in impeachment; and since, by the Constitution, every 'civil officer' of the General Government may be impeached, the inquisitorial powers of the House may be directed against every 'civil officer,' from the President down to the lowest on the list."

This is an extract from Senator Sumner's speech in the Senate.

Now, I want to read another case. This is the most celebrated case ever written, in my opinion, of the power of the House to punish for contempt. It was written, as I said a while ago, by a court composed of such distinguished men as Judge Story and Judge Marshall. I will just quote one or two extracts here:

"This result is fraught with too much absurdity not to bring into doubt the soundness of any argument from which it is derived. That a deliberate assembly, clothed with the majesty of the people and charged with the care of all that is dear to them; composed of the most distinguished citizens, selected and drawn together from every quarter of a great Nation; whose deliberations are required by public opinion to be conducted under the eye of the public, and whose decisions must be clothed with all that sanctity which unlimited confidence in their wisdom and purity can inspire; that such an assembly should not possess the power to suppress rudeness or repel insult is a supposition too wild to be suggested."

Mr. MOON. Is that Justice Johnson's opinion?

Mr. WEBB. Yes, sir. That opinion is full of just such expressions as that.

Mr. STERLING. How did that case come before the court?

Mr. WEBB. Suit was brought against the Sergeant at Arms. The Sergeant at Arms had Anderson, a witness, in custody, and it came up collaterally. They have held that in a direct order of the House for the arrest of a person the courts have no jurisdiction to take him out of the custody of the House, and can only be brought up collaterally, and not directly.

In Kilbourn *v.* Thompson, which I referred to a while ago——

Mr. STERLING. Was that suit for false imprisonment?

Mr. WEBB. Yes, sir; that was what Kilbourn contended, that it is a case of false imprisonment. Kilbourn refusing to answer certain questions put to him by the House of Representatives concerning the business of a real estate partnership, concerning holdings of real estate, a real estate pool.

"The powers of Congress itself, when acting through the concurrence of both branches, are dependent solely on the Constitution. Such as are not conferred by that instrument, either expressly or by fair implication from what is granted, are 'reserved to the States respectively or to the people.' Of course, neither branch of Congress, when acting separately, can lawfully exercise more power than is conferred by the Constitution on the whole body, except in the few instances where authority is conferred on either House separately, as in the case of impeachments."

There, this judge, in Kilbourn *v.* Thompson, points out that the House of Representatives has more power than Congress combined has, because the Constitution confers that power solely upon the House of Representatives, and at other places in this same decision they refer to the great power of impeachment as authority that is not doubted at all.

If there is any doubt about the attitude of the Supreme Court on this question, since the opinion of Kilbourn *v.* Thompson, there has another case arisen, which you will find reported under title "In re

Chapman, petitioner, in 166 U. S., 661," and here again Chief Justice Fuller, writing the unanimous opinion of the court, in which Judge Harlan concurred——

Mr. NELSON. Justice White was on the court, too?

Mr. WEBB. Yes; reiterated the statement that the House of Representatives has the inherent power to punish for contempt.

This case arose in this manner. This man Chapman was indicted for refusing to answer questions and was convicted, but in 1857 the House of Representatives—Congress, rather—passed a law making it a misdemeanor for a witness to refuse to answer questions. When this case came to the Supreme Court, Chapman's counsel took the position that Congress, having passed that law, divested itself of the power to punish for contempt, because there could only be one offense, and if Congress was going to let the courts punish for refusing to answer questions, then the House itself could not do it.

This is what the court says:

"While Congress can not divest itself or either of its Houses of the inherent power to punish for contempt, it may provide that contumacy in a witness called to testify in a matter properly under consideration by either House, and deliberately refusing to answer questions pertinent thereto, shall be a misdemeanor against the United States."

Although that is done, the House and Senate still have the inherent power to punish for contempt, etc.

"Under the Constitution the Senate of the United States has the power to try impeachments; to judge of the elections, returns, and qualifications of its own Members; to determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member; and it necessarily possesses the inherent power of self-protection.

"The refusal to answer pertinent questions in a matter of inquiry within the jurisdiction of the Senate, of course, constitutes a contempt of that body, and by the statute this is also made an offense against the United States.

"The history of congressional investigations demonstrates the difficulties under which the two Houses have labored, respectively, in compelling unwilling witnesses to disclose facts deemed essential to taking definite action, and we quite agree with Chief Justice Alvey, delivering the opinion of the court of appeals, 'that Congress possessed the constitutional power to enact a statute to enforce the attendance of witnesses and to compel them to make disclosure of evidence to enable the respective bodies to discharge their legitimate functions'; and that it was to effect this that the act of 1857 was passed. It was an act necessary and proper for carrying into execution the powers vested in Congress and in each House thereof. We grant that Congress could not divest itself, or either of its Houses, of the essential and inherent power to punish for contempt, in cases to which the power of either House properly extended: but, because Congress, by the act of 1857, sought to aid each of the Houses in the discharge of its constitutional functions, it does not follow that any delegation of the power in each to punish for contempt was involved, and the statute is not open to objection on that account.

"Nevertheless, although the power to punish for contempt still remains in each House, we must decline to decide that this law is invalid because it provides that contumacy in a witness called to testify in a matter properly under consideration by either House, and deliberately refusing to answer questions pertinent thereto, shall be a misdemeanor against the United States, who are interested that the authority of neither of their departments, nor of any branch thereof, shall be defied and set at naught."

Gentlemen, that is all I care to say now. I have got a mass of matter here, but I want to refer you gentlemen to a recent report so ably presented by Judge DAVIS and Judge CRISP and the other members of that subcommittee.

Mr. CRISP. Judge NELSON.

Mr. WEBB. And Judge NELSON. They discussed the power of the House to punish for contempt. It is the only copy I have.

Mr. LENROOT. I should like to ask, if you are through with your main argument, one or two questions upon the resolution before us. Were precedents followed concerning this resolution?

Mr. WEBB. I think so.

Mr. LENROOT. What I have especially in mind, the resolution which upon its face seems to delegate to this committee the power of finding the fact.

Mr. WEBB. Yes, sir.

Mr. LENROOT. Namely, the contempt.

Mr. WEBB. I think that is almost the resolution that is set out in the Sims-Glover case.

Mr. LENROOT. Was it the thought that this committee will find the fact—that the House has delegated to this committee its power over the subject?

Mr. STERLING. Do you say finding the fact, or reporting the fact?

Mr. LENROOT. Finding the fact.

Mr. WEBB. That is the same as reporting.

Mr. STERLING. I do not believe it is.

Mr. MOON. Then we want to report the procedure.

Mr. LENROOT. And the procedure, and in case they find a contempt has been committed to the end that the privilege of the House may be maintained.

Mr. NELSON. In the Sims case we found as a fact——

Mr. WEBB. Here is what was said:

"*Resolved*, That a committee of five Members be appointed to investigate * * * for the purpose of ascertaining the facts, etc., that said committee shall have power to send for persons and papers."

Mr. LENROOT. Is it your idea that this committee shall find the fact, and that it shall then be conclusive upon the House, or the House itself, upon the proper matter getting before the House, will pass upon it?

Mr. WEBB. I think undoubtedly the House wants this committee to make a finding of fact. Of course no finding of fact will be binding upon the House if it wants to disregard it, but I think the House wants a finding of fact, and I think that is the course which has been pursued during years past.

Mr. STERLING. In that Glover case the committee recommended and set out the method of procedure, and the House followed it.

Mr. LENROOT. In some of the cases I notice in the reports, after finding the fact they set out the procedure by directing or recommending the method in which the trial shall go on in the House, questions to be asked by the Speaker, and so on. Whether it is necessary for us to go that far or not I do not know.

Mr. CRISP. We set that out. I remember a finding of facts was read to Glover when he was brought before the bar, and the Speaker asked him if he desired to be heard, by himself or attorney, and he admitted the facts, and the whole procedure was set out.

Mr. MOON. Where they do not admit the facts the procedure should then go further and show the manner in which the trial should be held.

Mr. STERLING. I know one or two instances where the trial was had before the House. It would be perfectly proper to refer it to a committee.

Mr. LENROOT. I think that would be true. I was wondering whether that was the thought in the mind in this resolution, or whether it was merely a recommendation of the committee to go before the House.

Mr. CRISP. The House practically refers the contest of the seating of its own Members to a committee. The House does not take up the question of facts there. For instance, the Election Committee finds all facts, then makes a report.

Mr. LENROOT. It goes to the method of our report, whether we report and that report is sustained, or whether the House itself shall have the right.

Mr. WEBB. Now, Mr. Chairman, Judge NELSON and Judge GARD are here.

Mr. MOON. We shall be glad to hear from both of them. Which one of the gentlemen will address the committee?

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from North Carolina has expired. The gentleman from Tennessee is recognized for six minutes.

Mr. MOON. Mr. Speaker, it is hardly necessary for me to say anything further on this resolution. I do not know whether it be true or not, although there may be evidence of the slime of the serpent, that the munition plants in the United States are more profoundly interested in the acquittal of this man than the House is in his conviction. I have no comment to make upon that question. I express surprise, however, that the gentleman from Pennsylvania [Mr. GRAHAM] who has manifested such a profound interest in this case to-day should have said when he began his argument that he had not expected to discuss this matter until he came into the House. His able and polished argument would indicate that the gentleman was exceedingly apt in extemporaneous discussions, if he had not had some idea of making a speech on this matter. He is a member of the Committee on the Judiciary. He discussed that matter before that committee——

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. GRAHAM. Of course the gentleman does not mean to question the accuracy of my statement?

Mr. MOON. I am not going to question it at all.

Mr. GRAHAM. Let me finish. I was familiar with this matter in the Judiciary Committee——

Mr. MOON. Yes; and the gentleman is familiar with it here.

Mr. GRAHAM. I do not have to commit my speeches to memory in order to make them.

Mr. MOON. Oh, no; the gentleman does not, nor do I, and not many of us have to do that; but, Mr. Speaker, the gentleman's statement is taken as correct. I am not going to impugn his statement that he said that he had not given the matter any thought before, or had not expected to speak, but I am advised by the subcommittee that he was practically the counsel for Mr. Marshall before it.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. MOON. Oh, I know from information——

Mr. GRAHAM. Will the gentleman yield?

Mr. MOON. In a moment. I know from information from the select committee that he had asked for time, or, at least, they so stated it as long as two weeks ago. That is all right. I have no objection to that——

Mr. GRAHAM. The gentleman is making personal remarks.

Mr. MOON. No; I am not.

The SPEAKER. The gentleman should not address another Member until he has yielded.

Mr. MOON. I will just express surprise, if those things are true, that the gentleman should have said what he did. I would not reflect upon the gentleman. Everything he said may be true, but it surprises me nevertheless.

Mr. GRAHAM rose.

The SPEAKER. Does the gentleman yield?

Mr. MOON. No; no further. I want now to take up one point that the gentleman from Pennsylvania [Mr. GRAHAM] made. He insisted that because the President had the power to remove an offending officer we must resort to that; but the law and the Constitution require no such thing. It often happens that the Executive who appoints an officer will stand by him and support him in his error—though, I think, that would not be true in this case—and therefore the Constitution has reserved the right to the people to impeach, regardless of the force and power of the Executive with which the officer in question may be connected. There is absolutely nothing in such a contention. It is idle. Gentlemen here, and some of them from New York, have said that the committee did not have the power to command, or to request, rather, the notes of the grand jury in New York State. I assert—and no lawyer living who is worthy of the name will dispute it—that every tribunal, judicial or otherwise, that has the power, the right, to make inquiry into the performance of any particular act

has the power to make a demand for the minutes of any court or of any grand jury, in any jurisdiction it may be, that would concern the fact under investigation. The court controlling the minutes, in view of public policy prevailing, will grant the request or not; but the right to make it exists and the right to have them under ordinary circumstances exists. This is what another district attorney in New York, Mr. Edward Swann, thinks: He says that he had investigated the question thoroughly and run down all of the decisions upon the question, and that the practice in the State of New York is to concede the production of the minutes before the tribunals of the country that demand them, and the Federal court, under the Constitution, must follow the practice of the State court.

The question is already settled and determined against the contention of the gentleman in the case of Glynn against The People and Montgomery against The People in 185–186 New York, so that defense falls to the ground. Suppose that they did not have the right to receive them; that they were refused upon demand. Would that be any evidence of the fact that the committee were exercising or attempting to exercise authority beyond its jurisdiction? Would that be any reason why this committee, sitting there with the power and authority of this House, should be gratuitously insulted by the man whose conduct was under investigation? He had control of the minutes. Why did he refuse to let them be seen? If he was not guilty of the acts of tyranny and oppression charged against him, he should have submitted the minutes and settled the question. I do not believe, sir, that any honest, conscientious man who understands these facts and is willing to protect his own honor, his own dignity, and that of his country and the American House of Representatives will refuse to hale this man to the bar of the House that he may answer in person to the charges of contempt. [Applause.]

The SPEAKER. All time has expired. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. GRAHAM. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 209, nays 85, answered "present" 16, not voting 124, as follows:

YEAS—209.

Abercrombie	Dupré	Keating	Russell, Mo.
Adamson	Eagle	Kennedy, Iowa	Saunders
Aiken	Ellsworth	Kettner	Schall
Alexander	Emerson	Key, Ohio	Sears
Almon	Etsopinal	Kincheloe	Shackleford
Anthony	Farley	King	Shallenberger
Ashbrook	Ferris	Kitchin	Sherwood
Ayres	Finley	Lazaro	Sims
Bacharach	Flood	Lehlbach	Sinnott
Bailey	Focht	Lenroot	Sisson
Barchfeld	Foss	Lesher	Sloan
Bell	Frear	Littlepage	Smith, Idaho
Bennet	Fuller	Lloyd	Smith, Mich.
Black	Gallagher	Lobeck	Smith, N. Y.
Blackmon	Gallivan	McArthur	Sparkman
Borland	Gandy	McClintic	Steagall
Britt	Garland	McCulloch	Stedman
Browne	Garner	McDermott	Steele, Iowa
Bruckner	Garrett	McGillicuddy	Stephens, Cal.
Brumbaugh	Godwin, N. C.	McLemore	Stephens, Miss.
Buchanan, Tex.	Goodwin, Ark.	Magee	Stephens, Nebr.
Burgess	Gordon	Mann	Stephens, Tex.
Burke	Gray, Ala.	Martin	Sterling
Burnett	Gray, Ind.	Mays	Stone
Byrnes, S. C.	Hadley	Moon	Stout
Byrns, Tenn.	Hamlin	Morgan, Okla.	Sweet
Caldwell	Hardy	Murray	Switzer
Candler, Miss.	Harrison	Neely	Taggart
Caraway	Hastings	Nicholls, S. C.	Tavenner
Carter, Okla.	Haugen	Nolan	Taylor, Ark.
Cary	Hay	North	Thomas
Casey	Hayden	Norton	Thompson
Chiperfield	Heaton	Oliver	Tillman
Church	Heflin	Olney	Towner
Clark, Fla.	Helgesen	O'Shaunessy	Tribble
Cline	Helvering	Overmyer	Van Dyke
Collier	Hensley	Padgett	Venable
Connelly	Hernandez	Page, N. C.	Vinson
Conry	Hicks	Park	Volstead
Cooper, W. Va.	Holland	Phelan	Watkins
Copley	Hollingsworth	Porter	Watson, Va.
Crisp	Hood	Quin	Webb
Crosser	Howard	Ragsdale	Wheeler
Cullop	Huddleston	Rainey	Wilson, Fla.
Davenport	Hughes	Ramseyer	Wilson, Ill.
Davis, Tex.	Hulbert	Randall	Wilson, La.
Dent	Hull, Iowa	Rauch	Wingo
Dickinson	Hull, Tenn.	Rayburn	Wise
Dies	Humphrey, Wash.	Reavis	Woods, Iowa
Dill	Humphreys, Miss.	Ricketts	Young, Tex.
Dillon	Igoe	Roberts, Nev.	
Dixon	Jacoway	Rodenberg	
Doughton	Kearns	Rubey	

NAYS—85.

Aswell	Dempsey	James	Rowe
Barkley	Denison	Johnson, S. Dak.	Sanford
Beakes	Doolittle	Johnson, Wash.	Scott, Mich.
Beales	Dowell	Keister	Sherley
Browning	Edmonds	Kiess, Pa.	Shouse
Butler	Elston	Kreider	Siegel
Campbell	Farr	La Follette	Small
Capstick	Fordney	Linthicum	Snell
Carter, Mass.	Gardner	McCracken	Stafford
Chandler, N. Y.	Glynn	McKinley	Swift
Charles	Gould	McLaughlin	Talbott
Coady	Graham	Mapes	Timberlake
Cooper, Ohio	Gray, N. J.	Matthews	Tinkham
Costello	Green, Iowa	Miller, Del.	Vare
Cox	Greene, Mass.	Montague	Walsh
Crago	Greene, Vt.	Moss, Ind.	Wason
Curry	Hamilton, Mich.	Nichols, Mich.	Watson, Pa.
Dale, N. Y.	Hinds	Oakey	Wood, Ind.
Dale, Vt.	Hopwood	Paige, Mass.	Young, N. Dak.
Dallinger	Howell	Parker, N. J.	
Darrow	Husted	Platt	
Decker	Hutchinson	Raker	

ANSWERED "PRESENT"—16.

Allen	Gard	Lee	Rouse
Booher	Guernsey	London	Rucker
Buchanan, Ill.	Hawley	Moore, Pa.	Stiness
Carlin	Hill	Nelson	Tague

NOT VOTING—124.

Adair	Foster	Lindbergh	Reilly
Anderson	Freeman	Loft	Riordan
Austin	Gillett	Longworth	Roberts, Mass.
Barnhart	Glass	Loud	Rogers
Bowers	Good	McAndrews	Rowland
Britten	Gregg	McFadden	Russell, Ohio
Callaway	Griest	McKeiar	Sabath
Cannon	Griffin	McKenzie	Scott, Pa.
Cantrill	Hamill	Madden	Scully
Carew	Hamilton, N. Y.	Maher	Sells
Coleman	Hart	Meeker	Slayden
Cooper, Wis.	Haskell	Miller, Minn.	Slemp
Cramton	Hayes	Miller, Pa.	Smith, Minn.
Danforth	Helm	Mondell	Smith, Tex.
Davis, Minn.	Henry	Mooney	Snyder
Dewalt	Hilliard	Moores, Ind.	Steele, Pa.
Dooling	Houston	Morgan, La.	Steenerson
Doremus	Johnson, Ky.	Morin	Sullowaу
Driscoll	Jones	Morrison	Sumners
Drukker	Kahn	Moss, W. Va.	Sutherland
Dunn	Kelley	Mott	Taylor, Colo.
Dyer	Kennedy, R. I.	Mudd	Temple
Eagan	Kent	Oglesby	Tilson
Edwards	Kinkaid	Oldfield	Treadway
Esch	Konop	Parker, N. Y.	Walker
Evans	Lafean	Patten	Ward
Fairchild	Langley	Peters	Whaley
Fess	Lever	Pou	Williams, Ohio
Fields	Lewis	Powers	Williams, T. S.
Fitzgerald	Lieb	Pratt	Williams, W. B.
Flynn	Liebel	Price	Winslow

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. REILLY (for resolution) with Mr. PATTEN (against).

Mr. KINKAID (for resolution) with Mr. ROGERS (against).

For the session:

Mr. DEWALT with Mr. MCFADDEN.

Mr. LIEBEL with Mr. ROWLAND.

From June 16 to June 21:

Mr. LEVER with Mr. HAWLEY.

From June 3 until June 21:

Mr. BOOHER with Mr. TREADWAY.

From June 3 to June 26:

Mr. LEE with Mr. WINSLOW.

From June 19 to June 26:

Mr. ALLEN with Mr. LONGWORTH.

From June 3 to July 22:

Mr. CALLAWAY with Mr. PETERS.

From the 23d of May until further notice:

Mr. RIORDAN with Mr. WARD.

From June 3 until further notice:

Mr. FOSTER with Mr. CANNON.

Mr. RUCKER with Mr. GOOD.

Mr. MCANDREWS with Mr. HILL.

From June 19 until further notice:

Mr. HOUSTON with Mr. GUERNSEY.

Until further notice:

Mr. PRICE with Mr. MUDD.

Mr. MORGAN of Louisiana with Mr. HASKELL.

Mr. DOREMUS with Mr. CRAMTON.

Mr. JONES with Mr. MOONEY.

Mr. GREGG with Mr. STEENERSON.

Mr. GLASS with Mr. SLEMP.

Mr. MORRISON with Mr. SULLOWAY.

Mr. TAGUE with Mr. KENNEDY of Rhode Island.

Mr. SUMNERS with Mr. SNYDER.

From June 7 until further notice:

Mr. SMITH of Texas with Mr. GRIEST.

From June 3 until further notice:
Mr. FITZGERALD with Mr. GILLETT.
Until further notice:
Mr. CANTRILL with Mr. LANGLEY.
Mr. SLAYDEN with Mr. KAHN.
Mr. ROUSE with Mr. MADDEN.
Mr. WALKER with Mr. COLEMAN.
Mr. FLYNN with Mr. DAVIS of Minnesota.
Mr. ADAIR with Mr. COOPER of Wisconsin.
Mr. LIEB with Mr. FREEMAN.
Mr. OGLESBY with Mr. PARKER of New York.
Mr. MAHER with Mr. SMITH of Minnesota.
Mr. HELM with Mr. KELLEY.
Mr. WHALEY with Mr. RUSSELL of Ohio.
Mr. TAYLOR of Colorado with Mr. SELLS.
Mr. GRIFFIN with Mr. BRITTEN.
Mr. LEWIS with Mr. MONDELL.
Mr. HENRY with Mr. FAIRCHILD.
Mr. STEELE of Pennsylvania with Mr. ROBERTS of Massachusetts.
Mr. POU with Mr. THOMAS S. WILLIAMS.
Mr. DOOLING with Mr. MOORES of Indiana.
Mr. EDWARDS with Mr. AUSTIN.
Mr. HAMILL with Mr. ESCH.
Mr. EVANS with Mr. DANFORTH.
Mr. KONOP with Mr. FESS.
Mr. FIELDS with Mr. HAYES.
Mr. WM. ELZA WILLIAMS with Mr. MOTT.
Mr. EAGAN with Mr. HAMILTON of New York.
Mr. LOFT with Mr. MEEKER.
Mr. SABATH with Mr. TEMPLE.
Mr. CAREW with Mr. DUNN.
Mr. BARNHART with Mr. MCKENZIE.
Mr. DRISCOLL with Mr. MILLER of Minnesota.
Mr. HILLIARD with Mr. DRUKKER.
Mr. OLDFIELD with Mr. TILSON.
Mr. HART with Mr. POWERS.
Mr. SCULLY with Mr. WILLIAMS of Ohio.
Mr. MCKELLAR with Mr. ANDERSON.

Mr. GUERNSEY. Mr. Speaker, I voted "nay." I find that I am paired with the gentleman from Tennessee, Mr. HOUSTON. I desire to withdraw my vote and answer "present."

The name of Mr. GUERNSEY was called, and he answered "Present."

Mr. ALLEN. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. LONGWORTH. I withdraw my vote of "yea" and answer "present."

The name of Mr. ALLEN was called, and he answered "Present."

Mr. ROUSE. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. MADDEN. I voted "nay," but I desire to withdraw my vote and answer "present."

The name of Mr. ROUSE was called, and he answered "Present."

Mr. TAGUE. Mr. Speaker, I am paired with the gentleman from Rhode Island, Mr KENNEDY, and I voted "yea." I desire to withdraw my vote and answer "present."

The name of Mr. TAGUE was called, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. MOON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that those gentlemen who have spoken on this question be permitted to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent that all the gentlemen who have spoken on this resolution have a right to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. SHERLEY. Mr. Speaker, when the fortification bill was up the other day and without knowing that to-day was to be given over to this special matter that we have been considering, it was agreed by both sides that the bill should be called up to-day for consideration of the amendment that was offered by the gentleman from Illinois [Mr. TAVENNER]. Personally, I am perfectly willing to go forward with the matter now if the House wishes to do so.

Mr. MANN. We do not wish to do so.

Mr. SHERLEY. I simply thought it was due to the House to make the statement in order to find out whether they desired to go into the Committee of the Whole for the further consideration of the fortification bill at this time.

The SPEAKER. The best way to test that is to make a motion.

Mr. MANN. I thought we had an understanding that it would come up Thursday.

Mr. SHERLEY. In the event it does not come up this afternoon it probably will go over until Thursday, as I understand to-morrow has been given over to the consideration of the Army appropriation bill. In order that the matter may be determined I can make the motion that the House resolve itself into the Committee of the Whole.

Mr. MANN. I hope the gentleman will not do that to-night.

Mr. SHERLEY. I can make that motion, and then the motion to adjourn can be made.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, before that is done I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

FORTIFICATIONS.

The SPEAKER. Has the gentleman from Kentucky any suggestion?

Mr. SHERLEY. Mr. Speaker, I do not see in the House some of the gentlemen who are specially interested in the pending question on the fortifications bill. I do not want to take advantage of anybody. I give notice that the first thing on Thursday morning I will move to go into Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] gives notice that on Thursday next, immediately after the reading of the Journal, and so forth, he will move to go into Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

HOUR OF MEETING ON THURSDAY.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Thursday.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. on Thursday. Is there objection?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend remarks on the Marshall resolution, which has just been agreed to.

Mr. MOON. I believe that leave was given.

The SPEAKER. It was given to gentlemen who addressed the House. Did the gentleman from North Carolina make a speech on that subject?

Mr. SMALL. I did not.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks on the Moon resolution. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 21, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16068) to authorize the construction, maintenance, and operation of a wagon bridge across the Black River at or near Bennetts Ferry, Ark., reported the same with amendment, accompanied by a report (No. 822), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16097) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914, reported the same without amendment, accom-

panied by a report (No. 823), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. ESTOPINAL: A bill (H. R. 16531) making an appropriation for erecting and equipping and otherwise providing a quarantine station at or near New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 16532) authorizing an adjustment of the boundaries of the Whitman National Forest in the State of Oregon, and for other purposes; to the Committee on the Public Lands.

By Mr. CRAGO: A bill (H. R. 16533) to authorize the Secretary of the Treasury of the United States to purchase additional land adjoining the site of the post office in the borough of Tarentum, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16534) to authorize the commissioners of Lycoming County, Pa., and their successors in office to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY: Resolution (H. Res. 266) directing the Committee on Indian Affairs to investigate educational institutions to which Indian pupils are permitted to attend; to the Committee on Indian Affairs.

By Mr. FINLEY: Resolution (H. Res. 267) to print 1,250 copies of the pamphlet entitled "Soil survey of Chesterfield County, S. C.," for the use of the House document room; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16535) granting an increase of pension to James McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16536) granting an increase of pension to Joseph Finley; to the Committee on Invalid Pensions.

By Mr. ASWELL: A bill (H. R. 16537) removing the charge of desertion of John C. Davis; to the Committee on Military Affairs.

By Mr. BARNHART: A bill (H. R. 16538) granting an increase of pension to John N. Kirkendall; to the Committee on Invalid Pensions.

By Mr. BLACK: A bill (H. R. 16539) granting an increase of pension of Mary E. Flippo, wife of George J. Flippo, of Company F, Twelfth Regiment Kentucky Volunteer Cavalry; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 16540) to remove the charge of desertion from the record of William Sorber, deceased; to the Committee on Military Affairs.

By Mr. CHARLES: A bill (H. R. 16541) granting a pension to Priscilla J. Raisbeck; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 16542) granting a pension to Claud V. Chambers; to the Committee on Pensions.

Also, a bill (H. R. 16543) granting an increase of pension to George H. Skeens; to the Committee on Pensions.

Also, a bill (H. R. 16544) for the relief of Rose Martin; to the Committee on Claims.

By Mr. MURRAY: A bill (H. R. 16545) granting an increase of pension to Isaac C. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16546) granting a pension to William P. Johnson; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 16547) granting an increase of pension to George W. Neely; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 16548) granting a pension to Harriett A. Boles; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 16549) granting a deed of quitclaim and release to John W. Sweeney of certain land in the town of Westerly, R. I.; to the Committee on the Judiciary.

By Mr. TALBOTT: A bill (H. R. 16550) granting a pension to Charles W. G. Riechart; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 16551) granting an increase of pension to George W. Fields; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of George E. Long, Martha J. Long, Edna Miller Thom, Frank Thom, Anna M. Miller, Gertrude Griffith, D. A. Robb, Hugh V. Mack, Lillie Mack Robb, Mrs. S. P. Mack, Mrs. L. D. Sherman, Authur Mack, Helen Mack, B. A. Long, C. S. Long, Mrs. N. B. Caldwell, Mrs. P. Lavelle, Miss Vernie M. Bowser, Miss M. Esther Merritts, Miss Marie Denk, Miss Olive Custer, Miss Helen Hiffler, Charles H. Sloan, Miss Edith Miller, Mrs. J. C. Luther, Mrs. Emma Teamley, Miss Frieda Viering, Minnie L. Marsh, W. H. Fredericks, M. A. Kazanick, John M. Vickers, Samuel Kimmel, Samuel I. Geist, Charles Palliser, W. M. Boden, Joseph H. Hale, Harry E. Hoover, C. D. Slagle, William Granthum, Alma L. Harry, and J. P. Humphrey, all of Johnstown; Mrs. R. L. Fry, of Windber; Mrs. Joe Miller, of Scalp Level; Mrs. N. J. Regan, of Sonman; Mrs. David Evans, of Ebensburg; Hazel Kirschner, of New Florence; and Mrs. Roy Albaugh, of Conemaugh, all in the State of Pennsylvania, against the passage of House bill 9671, to establish price control; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Federation of American Patriotic Society, in re so-called blue-tag system in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. BURKE: Petitions of William Battie and 18 citizens of Arlington and Edward Fox and 26 others, of Plymouth, Wis., against passage of bill to make October 12 a holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CAREW: Petition of the Merchants' Association of New York, against bill to prohibit the Taylor system; to the Committee on Labor.

By Mr. CARY: Petition of Glass Bottle Blowers' Association of the United States and Canada, Branch No. 15, against preparedness; to the Committee on Military Affairs.

By Mr. CHARLES: Petition of sundry citizens of Schenectady, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CHIPERFIELD: Petition of the millers of Illinois, protesting against the repeal of the mixed-flour law; to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Memorial of Mothers' Congress and Parent-Teachers' Association of Wisconsin, in re legislation to create in the Bureau of Education a new division known as the Federal motion-picture commission; to the Committee on Education.

By Mr. DALE of New York: Petition of Efficiency Society of New York, against bill to prohibit time study in Government shops; to the Committee on Labor.

Also, petition of Congressional Union for Woman Suffrage, favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of R. L. Bond and other citizens of Oakland, Cal., against the Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of R. L. Bond and other citizens of Oakland, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Memorial of executive committee of the Republican county committee of New York County and members of the Andrew Jackson Democratic Club, favoring bill to retire aged employees in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of the State of New York, urging the ballot for women; to the Committee on the Judiciary.

Also, memorial of 53 citizens of Brooklyn, N. Y., favoring passage of bill for increase of veterans' pensions; to the Committee on Invalid Pensions.

Also, memorial of Washington Chamber of Commerce, against locating municipal hospital at Fourteenth and Upshur Streets; to the Committee on the District of Columbia.

Also, memorial of Chambers of Commerce of Montgomery and Gadsden, Ala., favoring passage of the Shields general dam bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Memorial of Chamber of Commerce of Philadelphia, Pa., opposing Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

Also, memorial of Board of Trade of Philadelphia, Pa., opposing the Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

Also, memorial of Steel and Copperplate Engravers' League of Philadelphia, favoring the Carlin bill, House bill 9820; to the Committee on the Judiciary.

By Mr. NOLAN: Resolutions of the county board of directors, Ancient Order of Hibernians in America, of San Francisco, Cal., protesting against the treatment accorded the Irish revolutionary leaders by the British Government; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Memorial of General Federation of Women's Clubs of Pittsburgh, Pa., favoring the passage of the Kern-McGillicuddy bill; to the Committee on the Judiciary.

Also, memorial of Walcott Manufacturing Co., of Providence, R. I., opposing the Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

By Mr. SNYDER. Memorial of Chamber of Commerce of Rome, N. Y., against Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

By Mr. STINESS: Petition of United States Bobbin & Shuttle Co., of Providence, R. I., against the so-called Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

Also, petition of Wolcatt Manufacturing Co., of Providence, R. I., against the so-called Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

By Mr. TAYLOR of Colorado: Petition of citizens of Colona, Colo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Petition of sundry citizens of the United States, in reference to foreign interference with Red Cross supplies; to the Committee on Foreign Affairs.

By Mr. YOUNG of North Dakota: Petitions of Christian Kienzle and 52 others, of Lehr; S. W. Menzle and 20 others, of Woodworth; and D. S. Beitz and others, of Bowdon, all in the State of North Dakota, against bill for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of Al. Jorges and 21 others, of Woodworth; C. D. Hein and 50 others, of Lehr; and J. A. Roth and 24 others, of Bowdon, all in the State of North Dakota, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *June 21, 1916.*

(Legislative day of Tuesday, June 20, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

DAUPHIN ISLAND RAILWAY & HARBOR CO.

Mr. UNDERWOOD. Mr. President, I desire to ask unanimous consent that the Vice President may lay before the Senate the amendments of the House of Representatives to Senate bill 4476, a bridge bill, and that the Senate may concur in the amendments It only changes the bill as it passed the Senate by limiting the time to two and a half years, the Senate having extended it five years.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4476) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, which were to strike out all after the enacting clause and insert: "That the time for the commencement and completion of the bridge or bridges authorized by the act entitled 'An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands,' approved June 18, 1912, is hereby extended to two years and four years, respectively, from and after the 18th day of September, 1916," and to amend the title so as to read: "An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled 'An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands,' approved June 18, 1912."

The VICE PRESIDENT. The Senator from Alabama moves that the Senate concur in the House amendments.

The motion was agreed to.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Norris	Smith, Ga.
Bankhead	Hollis	Oliver	Smith, Md.
Borah	Husting	Overman	Smoot
Brandegee	James	Page	Sterling
Bryan	Johnson, Me.	Phelan	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Tillman
Clapp	Jones	Poindexter	Townsend
Clark, Wyo.	Kern	Pomerene	Underwood
Culberson	Lane	Ransdell	Vardaman
Cummins	Lodge	Saulsbury	Walsh
Curtis	McLean	Shafroth	Warren
Dillingham	Martine, N. J.	Sheppard	Williams
Fletcher	Myers	Sherman	Works
Gallinger	Nelson	Simmons	

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from West Virginia [Mr. CHILTON] is detained from the Senate on important public business.

Mr. CUMMINS. My colleague [Mr. KENYON] is detained at home by the serious illness of his mother. I desire that this announcement shall stand throughout the day.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. ASHURST. I rise to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained by reason of illness in his family.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

NAVAL MANAGEMENT AND DISCIPLINE.

Mr. THOMAS. Mr. President, on March 5, 1913, the Navy Department was given over to the supervision of Secretary Daniels. For 16 years it had been directed by Republican administrations. One of these embraced nearly half that period. At its head was Theodore Roosevelt, whose genius and capacity for the efficient and unflagging exercise of Executive authority, both in and out of office, is asserted by himself and admitted by his friends to be unequaled and unsurpassed anywhere in any age. During these 16 years over $1,500,000,000 was appropriated for and expended upon the Navy. Excepting Great Britain, this sum was greater than that expended in the same interval for the same purpose by any other nation. During that period, also, those in charge of public affairs were fairly well satisfied both with the size and efficiency of the fleet and entirely so with their management and administration of the Naval Department. In demonstration of this, Mr. Roosevelt, with characteristic audacity, assembled our battleships and sent them on a wild-goose chase around the world in 1908, at an expense of a few trifling millions, and felicitated himself upon devising a happy expedient for impressing the nations of the world with our invincible strength at sea and at the same time with a due and appropriate sense of his own capacious resourcefulness. It was assumed, perhaps with some temerity, but with a fair degree of confidence in the integrity of official assurances, that whatever weaknesses or deficiencies existed in other departments of the Government, the Navy was well manned, well managed, and second in rank with the navies of other nations when President Taft made way for his successor. This pleasant conviction remained with us constant and almost unchallenged until the outbreak of war in Europe. It was then rudely disturbed and denounced largely, if not wholly, by those who had captured our confidence and who were solely responsible for naval and Army conditions. They revealed to the public that our Navy was weak, inefficient, undermanned, obsolete, disorganized, badly officered, unbalanced, and fit only for the scrap heap; that our coasts were therefore defenseless, our cities exposed to the ravages of war, and our wealth to the mercy of any national buccaneer whose animosity or cupidity might suggest their exploitation.

And for these horrible conditions the present Secretary of the Navy was charged with the responsibility. He was said to lack experience, common sense, patriotism, serious purpose, initiative, and organizing capacity; that he knew nothing and refused to

learn anything; that he was a faddist, cursed with absurd and Puritanical theories, insistent upon trying them on the Navy, and unmindful of the counsel or the wishes of the old and experienced authorities under whose far-seeing and benignant supervision the fleet had been improvised. Because of him our ships were underofficered and undermanned, our stores of ammunition inadequate, and our guns inferior to those of other nations. Because of him our submarines could not dive nor our torpedo-boat destroyers navigate. Because of him our dreadnaughts were obsolete and our shipyards dilatory in building more. Because of him we were forced to regard the product of our former vast naval appropriations fit only for the discard, and the marine forces inefficient, untrained, and demoralized. Because of him America, though building and constructing for 30 years, had neither Navy nor naval program. So malign and baleful, indeed, had been the conduct of this man since his recent assumption of naval authority that the skeleton of a fleet, which his predecessors had evolved through a long and dreary process of public expenditure, was falling to pieces, and, Switzerland excepted, we were less prepared on sea than the people of any other country. Should England conclude to suspend her blockade of German ports for a brief period and direct her energies on sea to the destruction of our wealthy but helpless coast communities; or should the Kaiser's fleet break through the British cordon of floating steel and postpone its offensive against Great Britain, until it had filled its coffers with New York gold; or should France, or Austria, or Russia, or even Italy create a diversion by sudden descent upon our inviting and unprotected shores, nothing, not even the God of battles, could save our hapless land from the invader's legions. Or if Japan, having captured the German garrison at Tientsin and imposed her terms on China, should suddenly swoop down upon San Francisco with half a dozen ships she could easily invest and occupy the city and use it as a base for inland conquest. That she has not done so is due wholly to her pacific disposition, a state of mind easily subject to change, if not to transformation. For all of this, according to these critics, the Secretary of the Navy is responsible, and Providence only stands between us and destruction.

To heighten the public apprehension and with it the public resentment toward this recreant official, appeals have been made to its ears and eyes by conventions, pamphlets, press announcements, and moving pictures. The Battle Cry of Peace, traveling the country's length and breadth, witnessed by fear-stricken millions, staged and advertised without regard to expense, had brought his iniquities home to every community. These have seen with their own eyes to what his shortcomings have exposed his countrymen. It pictures the landing of the barbarian, the sacking of our cities, and the pillage of our bankers, trust magnates, oil princes, exchange brokers, munitions makers, and other defenseless but deserving people. The lesson of this terrible vision has been driven home by Aviation Leagues, National Defense Leagues, American Defense Leagues, National Security Leagues, Navy Leagues, Army Leagues, Patriotic Sons' Leagues, Patriotic Daughters' Leagues, Roosevelt Leagues, and preparedness processions. One league convention scarce adjourns before another league rings up the curtain, all thundering the one chorus, "Our coast defenses are worthless; our Navy is obsolete, demoralized, and inefficient; our shores unprotected; our wealth insecure; and our people helpless. Let Daniels be anathema."

Mr. President, I have read with some interest and more curiosity the newspaper accounts of the convention proceedings of these multitudinous leagues. Many of these doubtless mean well, but it is more than a coincidence that nearly all of them were spawned with the early munitions contracts of the allies and have expanded pari passu with the expansion of munitions manufactories.

Their proceedings vary chiefly in the names of their speakers and of the hotels or halls where they talk with raucous monotony to their congregated members, none of whom show any keenness for putting their principles into action by enlisting in this much-needed army of which they talk so glibly. They denounce our criminally defenseless condition; they censure the existing administration for that condition. They demand the immediate organization of a huge standing army and the building of a huger navy. They assert our present Navy to be no Navy at all, and inferior to those of all other first-class powers. The hysterical ones encourage and applaud the complaints and criticisms of every man, particularly every naval man, out of touch with the Secretary of the Navy, and hiss the name of Daniels whenever it is uttered.

A former Secretary of the Navy, the erstwhile petted and complacent darling of the old naval régime, has not hesitated, if he tells the truth, to advertise his own deplorable incompetency by libeling the character of the fleet and win applause by impudently shifting the alleged consequences of his own chronic ineptitude upon the shoulders of his successor.

"Preparedness" magazines, newspapers, and pamphleteers have taken up and prolonged this chorus of Mr. Daniels's vilification. Some of these have descended to the levels of epithet and of diatribe.

An ex-President of the United States, the only public man of his generation who is at all times righteous, honest, truthful, capable, courageous, candid, consistent, invincible, and honorable has pronounced his fulminate upon this unpardonable official sinner, thus completing the circle of the denunciation.

Mr. President, among the critics of the Secretary is one Henry Reuterdahl, who, in 1908, on the occasion of the circumnavigation of the globe by our fleet, wrote a series of articles in criticism of our Navy, and particularly designed to exhibit the insufficiency and unscientific methods of the construction of our battleships. The result was the holding of an inquiry by the Senate Committee on Naval Affairs and a second investigation of the charges which this gentleman made. At that time, when Rear Admiral Converse appeared before the committee, this sentiment was summed up by Senator MARTIN thus:

> It appears to me that if a first-class deserted island can be found in the Pacific orders should be sent to Admiral Evans to dump Reuterdahl onto it. Such action would go far toward avoiding a repetition of such affairs.

Just before adjournment Senator Perkins said to the naval officers:

> We ought to apologize to you for calling upon you to refute such an article as this.
> That's true—

Said Senator Hale—

> but it's written in such a vein that a layman could not understand how absurd the charges are. It attracted the attention of the whole country, and we had to investigate.

Mr. President, if a tithe of the sins of commission or of omission with which Secretary Daniels has been charged during the last 12 months were true, he should be relieved of his great office, and no man should lift his voice in protest. If a tithe be true, his detractors might find partial justification for their conduct. If a tithe be true, the administration should be disciplined because responsible for him. It is not true; and I firmly believe that no one knows this better than the great majority of his detractors. Indeed, I might go further and assert that the campaign of slander and misrepresentation waged and waging against this upright and courageous Cabinet officer has been largely inspired by men in and out of the Navy who can not use him and who are therefore determined, if they can, to force his removal or to crush him.

He is an obstacle to the material, the farseeing, the profit-making side of "preparedness," and since he will not bend or step aside he must be broken or run over. The pack has been unleashed, and Tray, Blanche, and Sweetheart in full cry are baying at his heels.

What has the Secretary done, or omitted doing, that has started this avalanche of denunciation? His duty; that is all. And he has done it quietly, modestly, and effectively. He has also done it courageously. He has been undaunted by the voices of the mighty, the power of cabals, the tinsel of epauletted aristocracy, or the self-interest of Navy contractors. And he goes upon his course undismayed and unshaken by the obloquy of the disappointed.

The changes and reforms introduced into the Navy Department by Mr. Daniels which have chiefly given offense are:

1. Enforcement of the law requiring competitive bidding by armor-plate manufacturers for armor-plate contracts.
2. The abolition of Mr. Meyer's aids to the Secretary and the substitution of a Chief of Naval Operations.
3. Extending to the officers' mess room Secretary Long's order of 1899, prohibiting on board ship the use of alcoholic liquors by sailors and seamen.
4. The establishment of naval schools on the ships, in addition to those on shore, for the technical education of enlisted men, and making them eligible to promotions.
5. His advocacy of Government-owned armor-plate and munition plants.

Other policies have been inaugurated in the department not at all congenial to the conservatism of the past. These, however, I shall not discuss.

First. Prior to this administration, bidding on armor plate for the Navy was farcical. A representative of each of the three plate manufacturers would come to Washington at the appointed times, register at the same hotel, dine together, hold a conference, and then send bids to the Secretary in identical amounts for the same contract. The complacent predecessors of Secretary Daniels would receive and accept these bids and

assign the contracts to one of them, nominally perhaps, but to all of them in reality. Of course such bidding violated the spirit of the law, was in no sense competitive, and wholly to the disadvantage of the Government. But it was part of the price paid by previous administrations for the political support of these manufacturers.

In April, 1913, Senator ASHURST denounced this practice on the floor of the Senate and demanded its investigation. Secretary Daniels, apprised of its nature, properly and promptly terminated it. Since then bids for armor plate have been the good old-fashioned ones, and the lowest responsible bidder has secured the contracts.

When we learn that the Secretary's requirements have effected a saving to the Government thus far of $1,110,084 on armor-plate purchases and a further saving of many millions more on contracts for the immediate future, we can measure in some degree the dimensions of armor-plate animosities which this policy has aroused. And when to this is added the millions he has saved through Government manufacture of smokeless powder and the $1,077,200 he has cut from a single bid for projectiles, we can also appreciate the depth of resentment he has aroused in other directions.

Those who would return to the good old days, when the bidders and contractors had their own way, when Secretaries of the Navy performed their duties perfunctorily or vicariously, when they were but receivers and transmitters for their aids, can see no merit in these changed conditions; but those who appreciate thoroughness and integrity in public affairs, economy of administration, and strict enforcement of the law will give to the quiet and imperturbable gentleman now directing the affairs of the Navy Department the reward of their unqualified approbation.

Second. Mr. Daniels's immediate predecessor appointed four aids to the Secretary. These aids—for operation, personnel, matériel, and inspection—formed a sort of cabal or cabinet, which ruled the Navy. Mr. Thomas P. Ivy, an intelligent and valued citizen of New Hampshire, thus describes the operations of this quartet:

> The Secretary knew nothing of the Navy except what this small cabinet permitted him to know, and no officer in the Navy, however meritorious he might be, who was out of favor of this cabinet clique, had full and free opportunity to make use of his ability in the service of the Government and the people. Such a cabinet of aids was a distinct disadvantage to the Navy, because its ideals were undemocratic, tending to crush out every particle of individuality in the Navy and to create a pliant and wholly subservient machine. Looking forward to this consummation, this cabinet of aids mapped out a plan in which they assigned every officer's place and promotion as far ahead as the year 1925. The book in which this program is plotted I have seen myself, and know the statement is based upon an undeniable fact. In this scheme of promotions, this cabinet of aids first of all provided for their friends, giving them the most desirable positions in the Navy, without that strict regard for professional capacity and qualification without which no navy can be efficient. When Mr. Daniels became Secretary, this clique set about to take him over to their views and to use him as a mere tool for carrying out their plans, as they had done with Mr. Meyer. Mr. Daniels not only refused the overtures of this clique, but found himself compelled to get rid of it and put himself in direct touch with the heads of the bureaus of the Navy, under men who knew what the Navy needs and what ought to be done.

Congress had refused to legalize this council of aids which Mr. Daniels very properly describes as a fifth wheel in organization. He suggested that Congress follow the recommendations of the Moody Board, which it did, and authorized the appointment of a Chief of Naval Operations. To this place Admiral Benson was appointed. This admirable and efficient officer has thoroughly organized the varied operations of the Naval Department. The bureaus are under his immediate supervision, the bureau chiefs are his aids, and the Navy is in better condition than ever before.

Mr. Daniels, in effectuating this needed change, made no rash incursion into untried fields of experiment. He had behind him the sound judgment and ripe experience of men old in the service. I need perhaps only quote Admiral Melville, who said:

> I have always been a consistent supporter of the bureau system, which, I earnestly believe, under a civilian Secretary and Assistant Secretary of the Navy and its expert bureau chiefs, is the only mode of successfully conducting the business of the Navy Department of a Republic.

But one who rudely disturbs an evil like this, who deprives a cabal of its power by displacing its members and abolishing the system, must expect trouble, and plenty of it. Men do not yield their views, much less their places, with resignation. Their anger is aroused not only, but their malice as well. These find circulation in slander, innuendo, and falsehood, beneath which the real cause of commotion may be concealed or forgotten by an inconsiderate or careless public. I quote again from Mr. Ivy:

> To the fact that he dismissed this clique, who controlled Mr. Meyer, and reestablished a modified bureau system of direct contact with the bureau heads of the Navy is due the attacks that are made on Secretary Daniels's administration of the Navy Department. One of the officers in the Navy who has been the most persistent in criticizing Secretary Daniels can not himself be said to be free from imperfection, for the late Admiral Robley D. Evans, whenever he saw this officer coming toward him, was wont to exclaim, "Please somebody protect me from that * * *." Almost before he entered his private office the option was offered him of becoming a parrot, as Mr. Meyer had been, and saying only what he was told to say, or of meeting opposition and abuse from this clique and their friends if he attempted to assert his rights as civilian head of the Navy. History, that works out all truths in time, will give to Secretary Daniels full credit for choosing rather to do his duty toward the Navy itself and the Government and people, for whose service the Navy was created.

I have little doubt that Mr. Daniels's predecessor, who has been most prominent in making these attacks, is the willing mouthpiece of the cabal whose members, under the shelter of his office, controlled our naval affairs. He coolly asserted last January, according to the New York Sun, that there were no brains in the Navy now. Yet his are the only brains which have been separated from the department since he left it. Fortunately common sense and common honesty are there, a combination sometimes superior to brains bereft of either.

I read, Mr. President, a list of the heads of bureaus in the Navy Department, commencing with Admiral George Dewey:

Admiral of the Navy George Dewey, honored with this exceptional rank for life and given the thanks of Congress for his victory in Manila Bay, has been head of the General Board since its organization in 1903. Associated with him are some very able naval officers. Rear Admiral A. M. Knight has actually made the War College during this administration what its name implies, by the aid of Secretary Daniels's hearty cooperation, increased its faculty from 7 officers under Mr. Meyer and 5 students to 9 officers and 32 officer-students, while 400 officers are taking correspondence courses in strategy. Rear Admiral Badger was commander in chief of the Atlantic Fleet, and made the remarkable get-away from Hampton Roads to Vera Cruz within 36 hours of receiving his orders to sail. So valuable were his services that he was continued on the board for a year after his retirement. Rear Admiral W. S. Benson, first Chief of Naval Operations, has made this office in the year of his incumbency the equal of any European general staff, and has seen the Navy better organized and prepared than ever before in its history. Maj. Gen. George Barnett, commandant of the Marine Corps, has been a leader in training his corps in advance-base work. Other officers of the General Board of recognized ability are Capts. H. S. Knapp; W. L. Rogers; J. H. Oliver, Director of Naval Intelligence; S. S. Wood; C. F. Hughes; and Commander H. J. Ziegemeier, jr.

But George von L. Meyer is gone, and there is left in the Navy "no brain."

Admiral F. F. Fletcher, who handled the difficult and delicate situation at Vera Cruz during the American occupation in 1914 with consummate skill and ability, has recently been detached from the command of the Atlantic Fleet and been ordered to the General Board. He has been succeeded by Vice Admiral Henry T. Mayo, the first American Navy officer to hold the rank of vice admiral. Admiral C. McR. Winslow, of distinguished bravery in the Spanish-American War, commands the Pacific Fleet, and Admiral Albert G. Winterhalter, who was the Secretary of the Navy's remarkably efficient aid for matériel for four years, is commander in chief of the Asiatic Fleet.

But Meyer is gone, and the Navy no longer has any brain!

At the head of the Bureau of Navigation is Rear Admiral Victor Blue, whose daring expeditions in locating Cervera's fleet in Santiago Harbor made his name famous around the world. He penetrated the Spanish gunboat blockade in an armed ship's boat, met Gen. Gomez, and captured two Spanish patrol sloops as he ran out of the harbor.

But Meyer is gone, and the Navy has "no brain."

At the head of the Bureau of Steam Engineering is Rear Admiral Robert S. Griffin, whose service in this position has been signalized by the adoption of the electric drive in the propulsion of battleships and by the perfection of radio communication service.

But Meyer is gone, and the Navy has "no brain."

Rear Admiral Joseph Strauss, Chief of the Bureau of Ordnance, has no peer in any navy as an ordnance expert. He completed the Government powder factory at Indianhead and was in charge of it when the Government made its first powder, and its growth and expansion has been largely due to his brain and zeal.

Yet, since Meyer has been retired to private life by the will of the people, the Navy has no brain.

Rear Admiral David W. Taylor, Chief of the Bureau of Construction and Repair, first honor graduate of Annapolis and post-

graduate with honors from the British College at Greenwich, perfected the center line of fire on battleships and has contributed enormously to the perfection of the design and protection of ships.

But Meyer has gone, and with him all semblance of brain in the Navy.

Rear Admiral Samuel McGowan, as Chief of the Bureau of Supplies and Accounts, has brought this important bureau, which handles enormous funds and has supervision of all supplies, up to the highest degree of efficiency.

But with the passing of Meyer brains have disappeared from the Navy.

Rear Admiral W. C. Braisted, Surgeon General of the Navy, whose report on the medicine and surgery of Japan during the Russo-Japanese war, attracted the favorable attention of the scientific world, has brought the Medical Corps up to a high condition of effectiveness and will see it increase from 347 to 500, with two Hospital Corps training schools established and a new hospital ship authorized and under construction.

Yet Meyer has gone, and the Navy has no brains.

Under Capt. Ridley McLean, Judge Advocate General of the Navy, the entire naval penal system has been improved and naval prisoners tremendously reduced, while the laws of the country as they affect the Navy has been codified in a masterly manner.

But Meyer is gone, and the Navy has lost its brains.

With none to stand between the Secretary and his bureau heads, with merit as the test of promotion, with economy the watchword and the rule, and with system in operation throughout the department, one may well appreciate the unqualified assertion of Admiral Dewey, that Mr. Daniels has given us a Navy which "is not excelled except in size by the fleet of any nation in the world."

I have, Mr. President, a copy of the letter of the admiral in which that quotation is made, bearing date the 14th of May, 1915, and ask to insert it in full at this stage of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

MAY 14, 1915.

MY DEAR MR. SECRETARY: I trust that you will be good enough to convey to the mayor and citizens of New York City my sincere regret at my inability to be present at the ceremonies incident to the review of the Atlantic Fleet, and my cordial appreciation of the hospitality they have shown in the reception of the officers and men.

On this occasion I recall with the utmost pleasure the magnificent welcome I received in their great city upon my return from Manila on board the *Olympia* in September, 1899, and it is a source of deep satisfaction to know that the interest of our citizens in their great Navy has not diminished in the 16 years that have elapsed since that time.

The people of New York have just cause for pride in the fleet now assembled in their harbor. Not only is it composed of the finest and most efficient warships that we have ever had but it is not excelled in size by the fleet of any nation in the world; our ships and guns are as good as any in the world; our officers are as good as any; and our enlisted men are superior in training, education, physical development, and devotion to duty, to those of any other navy. As president of the General Board for the last 15 years I can say with absolute confidence that the efficiency of the fleet has steadily progressed and has never been so high as it is to-day.

However, we need more ships, more officers, and more men, and should continue the wise policy of increasing the size of our Navy, which must ever remain our first and best line of defense. This defense unless adequate is impotent; and adequacy is not reached until the Navy is strong enough to meet on equal terms the navy of the strongest probable adversary.

Very sincerely, yours, GEORGE DEWEY.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy, Washington, D. C.

Mr. THOMAS. President Wilson, Commander in Chief of the Navy, made this official statement:

I was greatly struck by the appearance of the fleet and the quiet efficiency shown by the officers and men, as I am sure everyone must have been who had the pleasure of seeing it assembled at New York.

There could have been no more interesting verification of Admiral Dewey's statement that the Navy was never in a better and more efficient condition, and that the country has every reason not only to be proud of it, but every reason to wish to go forward in its policy of steadily adding to its strength and equipment.

But the venom which seeks to discredit the Secretary has not confined itself to him alone. It has been directed against his appointees; against Griffin, of the Bureau of Steam Engineering; Strauss, of the Bureau of Ordnance; Taylor, of the Bureau of Construction and Repair; Benson, Chief of the Bureau of Naval Operations; Blue, of the Bureau of Navigation; Wurtzbaugh, the Secretary's most efficient aide. Indeed, calumny would fasten itself upon Admiral Dewey, a loyal supporter of the prevailing naval policy, were its courage at all proportionate to its vindictive animosity.

Third. The prohibition of the use of alcoholic liquors on shipboard by men in the Army and Navy is a subject neither new nor national. It commanded the thoughtful consideration of soldiers, statesmen, and reformers long before the outbreak of the European war. That war gave signal demonstration of its necessity in the orders of all the great powers engaged in the conflict save Great Britain, where Lloyd George denounced drink as a foe more formidable to the empire than Germany. Lord Charles Beresford had before then protested against the use of liquor in the British Navy, and the German Emperor assured his naval cadets before the war began that "the nation which consumes the least alcohol wins."

Secretary Long in 1899, doubtless actuated by the experiences of the Spanish-American War, issued an order forbidding the sale or issue of liquors to enlisted men on board ship. He was the pioneer of a movement since become general. We may be sure that this order was not humbly received or eagerly enforced; but it nevertheless became effective, and, as it was confined to the enlisted men, the officers were not affected by it.

Yet every reason requiring such an order for enlisted men applies with added force to their superiors, upon whom rests all the responsibility for both men and ships. If the man in the ranks should at all times possess a clear mind and a sound body, his commander should be no whit behind him. If the use of alcohol deprives the enlisted man of these essentials or tends to undermine or weaken them, the same is true of the midshipman, the lieutenant, the captain, and the admiral. Hence 14 years should not have intervened between the issuance of the order of 1899 regarding the rank and file and its extension to all the officers of the line. It would be strange, indeed, if during this period the enlisted man should not have challenged the justice of an order, which, denying him the privilege of drink, should exempt his commander from its operation. Nothing more weakens the morale of an army or navy than a sense of injustice. I dare affirm that the percentage of offenses and desertions by embittered men would decline rapidly toward zero if discriminations between men and officers, such as the Long order established, were systematically avoided.

Acting upon the official recommendation of the Surgeon General of the Navy, Mr. Daniels extended Secretary Long's order to officers, much to the amazement and disgust of many of them. The notion that the convivialities of an officer and a gentleman should be prohibited because the good of the service required it was preposterous. Because a seaman should lead an abstemious life was no sort of reason that his commander should do so. Indeed the social demands of his more lofty position required him to maintain and patronize his own stock of liquors. Hence to many the order was absurd, ridiculous, outrageous, humiliating, and unbearable. What would be thought of a naval officer on duty who could not drink when he pleased? What would foreign naval officers say of such a monstrous regulation? Would they not make merry over the silly and contemptible requirement? Indeed it was a dangerous rule, for did not a certain admiral, warmly welcomed nowadays whenever a defense league meets to shriek "preparedness" and to damn the Secretary, warn Mr. Daniels that the order, if enforced, might substitute opium and cocaine for whisky in the officers' mess rooms? According to his view, these gentlemen must have stimulant, and if the usual one were denied others more deadly and sinister might be substituted. But the Secretary was firm and the order stands.

It not only stands, but it was the forerunner of similar orders in nearly every navy of the world. It has made our officers and our men amenable to the same requirement affecting their health and their efficiency. It has given the man on the decks a strong assurance of the equity and justice which this administration practices in naval discipline. But it has opened the floodgates of ridicule, of abuse, and of lampoon upon the devoted head of Mr. Daniels. But for this order his other breaches of naval proprieties might have been condoned. Promotions, demotions, reorganizations, disorganizations, schools for enlisted men, disregard of advisory manuscripts, carefully composed and as carefully filed away, all these might have been borne had the cocktail been spared. But the iconoclast whose ruthless hand dashed the champagne glass upon the deck and banished the gin rickey from the mess room forever is a creature too odious to have been born of woman. Therefore away with him!

But the sober common sense of the people has long since recognized not only the justice but the practical need of this celebrated order. The average man has laughed good humoredly at the diatribes and cartoons which magazine and newspaper have leveled at the Secretary; but the aim of the order he has admired and approved, as also the wisdom in announcing and the courage in enforcing it. He knows that water for the officer's mess room is quite as essential to the good of the Navy as water for the deckman; that a sober soldier needs a sober commander, and that without such assurance the soldier's abstinence may prove profitless. And he knows, too, that the application of the same rule to all squares with the soldier's se

of justice and reconciles him to a self-denial which were otherwise quickened by a sense of wrong. The seaman has responded to this situation by enlisting to the maximum of our naval strength for the first time and by reenlisting in larger and ever-increasing proportion. And the officers are yielding with less and less reluctance to the requirements of the order. A distinguished admiral, who first opposed it, now says it is the best thing the Secretary ever did. Since the outbreak of the world war many of them have doubtless inwardly acknowledged its value. Nor have they turned for stimulant either to opium or to cocaine. That unworthy suggestion was promptly spurned by every man in whose interests it was presumably made. And who is there so bold as to declare that Mr. Daniels's successor, be he Democrat or Republican, will dare to set this order aside?

Such a one would call upon the mountains to hide him from the indignant wrath of an aroused nation ere the ink had dried upon his signature to the order of reversal. The new régime has come to stay, and in due season the honor for it will also come to the quiet but determined man who ordained it.

Fourth. In addition to those at the naval stations, the Secretary has established schools on board ships, in order to give all enlisted men desiring to avail themselves of the opportunity thus afforded to acquire technical knowledge, making them eligible for promotions to higher positions. He has since determined to supplement these with summer schools on board ships, modeled after the Army encampment at Plattsburg. This innovation has been nearly as exasperating to his critics and detractors as that which drove liquors from the mess rooms. The preposterous notion that an enlisted man can or should be anything else, so contrary to the old-established order of things, was "monstrous," even in theory. It could not be otherwise than destructive and damnable in practice. It would break down the walls of official caste, close the chasm between the deck and the officers' bridge, and utterly demoralize the service. Moreover, officers were not trained and commissioned for pedagogy. They should not be required to teach their underlings; the very thought was degrading.

But the Secretary could not be deterred from this most praiseworthy purpose. Despite sneers and detractions he has held steadily to his course. He states the proposition more aptly than I can in a recent interview from which I quote:

They charge that the Navy is going downhill, that enlisted men hate the service, and that my brand of democratization has spelled the demoralization of the service. What is my brand of democratization? I have established schools on board ship, attempting to let every enlisted man have an opportunity for academic and technical education, and I have opened certain doors of promotion to these men. What demoralization has resulted? When I took office only 52 per cent of the men discharged in good standing were reenlisting, while to-day the percentage is 85 per cent. I found a Navy 5,000 short of the number allowed by law. In my three years 6,365 men have been added. There was an average of 1,800 men in prison, while to-day there are less than 700, permitting us to restore two prison ships and two disciplinary barracks to normal uses. During the Taft administration there were over 10,000 desertions. A decrease of over 17 per cent has been achieved already, and every day sees the number lessening. Do these figures indicate discontent, hatred of the service, and destroyed discipline? I stand by my schools and, if necessary, I am willing to fall with them. No man believes more firmly in discipline than I do; never in spoken speech or written have I questioned the absolute necessity in all military service of instant and implicit obedience to a superior. I will have no mercy on insolence or insubordination, be it from seaman to his petty officer or junior lieutenant to his captain, but I do not hold that discipline is dependent upon ignorance or the denial of an American's right to rise as high as his ability will carry him. Time and again it has been declared to me that education does not better fit a man for deck washing or coal heaving, and the contemptuous snobbery of it has never failed to offend. If 85 per cent of discharged men are reenlisting, and if more than 6,000 men that the Navy called for in vain until 1912 have entered the Navy, may it not be that the cause is to be found in a policy that holds out the bright prospects of education and advancement? If sensitive feelings are being hurt by simple recognition of plain Democratic principles, it is a matter for their shame, not mine.

Mr. President, what American putting aside partisanship will challenge the sentiments I have just quoted? What lover of Republican principles will dare affirm their unsoundness? What seaman of the American Navy has repudiated or belittled the Secretary's plans for his well being? On the 13th of last April I accompanied the Senator from Illinois [Mr. LEWIS] to Philadelphia. Upon the train were a splendid young fellow and his wife whom the Senator engaged in conversation. It was disclosed that he was in the naval service; a gunner, off on vacation, and bound with his wife for their little home. The Senator mentioned the name of the Secretary to them and their eyes shone with the light of a new joy. "There," said the young man, "is a Secretary for you—a Secretary of the whole Navy including the boys on the deck and the men at the guns. He is the best we ever had. He wants to give a show to every man under him. We have schools to educate us and enable us to stand for promotion. And he says drink is not any better for officers than for men, so he takes it away from both. And what is more, he sees us when he comes on board ship, and speaks to us, too. And he talks to us about our jobs and takes a human interest in us. They can talk all they please about him in the cabin, but you can rest assured he is all right on the decks and in the quarters." This tells the story.

Mr. President, the innovation, if I may so term it, which the Secretary has made in this matter of education has borne fruit. It finds its counterpart in a section of our military law and in the Japanese Navy. It is an interesting historical circumstance that in 1866 Gen. Lew Wallace, of Indiana, addressed a letter upon this subject to the Committee on Military Affairs—a letter which attracted the attention of Senator Sumner, who took occasion to commend it to the consideration of Congress on the 11th day of April, 1866. I ask to include as a part of my remarks the letter of Gen. Wallace and the remarks of Senator Sumner upon the subject and to insert them at this place in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

The Navy's school system has been criticized in some quarters as extraneous to and out of place in a great military organization, but it has admittedly helped to attract young men to the service. The papers have contained accounts of such schools established in the German army camps in Europe. That that criticism of the Navy's school system is prejudiced and partisan is evident from the fact that Secretary of War Baker has secured the insertion of the following section, providing for instruction in the Army, in the pending Army bill:

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education, either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers."

The Japanese Navy has an elaborate system of instruction aboard ship and at stations for officers and men. The men, among other subjects, are taught "the common sciences," and the following course of "primary instruction: Reading, composition, arithmetic, calculations with the abacus, manner of making the autograph. English vocabulary." The chiefs of the different divisions are directed to "carefully supervise the chiefs of instruction and endeavor to secure the greatest advantage from it."

The education of the soldiers of the Federal Army during the War between the States was a matter close to the heart of able statesmen and brave officers in the field. The present administration of the Navy, in establishing its effective school system is most assuredly vindicated in the effort made by Senator Charles Sumner, of Massachusetts, and Maj. Gen. Lew Wallace in seeking to establish a thorough school system in the Army, looking forward to the equipping of the soldiers for their duties as citizens when the war should be ended. The following is an extract from the Congressional Globe of April 11, 1866 (39th Cong., 1st sess., p. 1877):

EDUCATION OF SOLDIERS.

Mr. SUMNER. I send a resolution to the Chair, and ask for its adoption now:

"*Resolved*, That the Committee on Military Affairs and the Militia be instructed to consider the expediency of providing a system of education for the soldiers in the Army of the United States, so that the time not occupied in post or garrison duties may be employed in moral and intellectual improvement, to the end that the Army may be a nursery of officers, and also of citizens."

There being no objection, the Senate proceeded to consider the resolution.

Mr. SUMNER. Before the vote is taken I wish to say that my attention has been called to this question by a letter which I saw in the papers this morning from Gen. Lew Wallace, addressed to Hon. John A. Bingham, of the other House. It seems to me that this letter contains some important and practical suggestions, if they can be carried out. I think they must elevate the character of our Army and give to it truly the character of citizen soldiers. I was so much struck with them as I read the letter this morning that I have drawn up this resolution that I might bring the subject in the most formal way before the Committee on Military Affairs of this body.

The resolution was agreed to.

The Daily Morning Chronicle, Washington, of Wednesday, April 11, 1866, contained the following:

"Maj. Gen. Lew Wallace has addressed the following letter on the reorganization of the Army to Judge Bingham. It will be found to contain many suggestions of great importance:

"'WASHINGTON CITY, *March 21, 1866.*

"'DEAR SIR:

* * * * * * *

"'To extend the system at West Point to the whole Army.

"'That system has three grand features: First, support of the cadet; second, education; third, graduation as officers of the Army. As to the first feature the Government already supports the soldier; there need be no additional cost on that account.

"'As to the second feature, the point is simply, can the hours of service of a private soldier be so divided as to give him time for study and meditation without interfering with his routine of duty? Certainly, except when he is on the march. In post or garrison—his home in time of peace—duty seldom absorbs more than one-third of his hours not devoted to sleep. Hence the proverbial idleness of the military life. My opinion is that the division of the cadet's time, with trifling modifications, is a complete illustration of what ought to be the divisions of time in the Army. It is not more difficult to study and play the soldier than to study and perform a soldier's duty in fact. For those of your committee not familiar with the subject I take the liberty of suggesting

that you obtain from the superintendent at West Point a report showing the routine of duty and instruction there, and from the commandant of some well-conducted and amply garrisoned post a report of the routine of duty for his enlisted men; comparison of such data will convince any disinterested person that the difference between the routines amounts to this, and no more; in the academy every hour is appropriated to duty and instruction, while at the post one-third—most frequently not so much—of the working time of the soldier is occupied by duty, and the rest given over to absolute and ruinous idleness. Keeping in mind that what is called duty in the service is performed by the cadet as a part of his necessary instruction, by such a comparison you will come to understand, if you do not now, how simple the task will be to devise a system of instruction, blended with duty, which will have the effect to turn every post into an academy and convert every private soldier into a cadet. Of the details of such a system it is not my purpose now to speak. A board of earnest officers, not idolatrously joined to the old régime, can easily reduce it to form. The branches of instruction will recommend themselves, while the officers and noncommissioned officers of each company should and can discharge the duties of professors and teachers.

"'As to the third feature. After having, in the way proposed, prepared the private soldier, there can be no sound objection to a law by which the officers of the Regular Army shall be drawn from the ranks exclusively, the commissions and warrants being held for that purpose as incentive to the ambition and toil of the enlisted men.

"'The results of the proposed extension are self-apparent. By it you make the service honorable and advantageous to the private soldier, and by holding out inducements, such as education and commission, you will attract to the ranks the flower of our youth, and in that way assure to the Government reliability under all circumstances. By it you will be able speedily to fill your proposed regiments. By it, as a general result, practical military knowledge—not limited to a select caste, few in numbers, and not always faithful—will be scattered broadcast over the country. By it, and by no means least among the consideration, the discharged regular soldier will not be a vagrant or an idler whom society, from fear and distrust, thrusts back to his barracks; on the contrary, his honorable discharge will serve him as a certificate of fitness and ability for any civil pursuit, and make him a welcome addition to every community. By it you will not only get better military service but, as an act of wisest statesmanship, you offer in a constitutional way the coveted opportunity for education to every lad in the land.

* * * * * * *

"'LEW WALLACE.'"

Mr. THOMAS. Before the Secretary's time it was provided by law that an enlisted man was eligible for promotion to the post of ensign. But it was not until 1910 that any man stood for the examination, when one qualified; in 1911, no one; in 1912, two; or a total of three in four years. Then came the establishment of the ship schools, and the transformation began. In 1913, 5 young men in the ranks became ensigns; in 1914, 6; and in 1915, 6. The examinations were rigid. Let me here quote from the Secretary's statement to the House Committee on Naval Affairs:

I tell you, gentlemen, that a man in the Navy from the enlisted force who stands the examination and secures his appointment is a man. In these three years since we have broadened the educational policy 17 officers have come into the service from the enlisted ranks, as against 3 in the previous four years. I hope this year we will have a dozen, and as the years go by they will increase.

Under a law of the Sixty-third Congress provision was made for appointments to the Naval Academy of 15 enlisted men who could pass the required examinations with records to be approved by their officers. Under that law through the beneficent operation of the Secretary's schools 13 young men were appointed from the decks to Annapolis prior to 1916, where they are doing splendid work, and in the words of the Secretary, "they have the incalculable advantage of at least a year's service on ship where they have had practical training." Surely a system bearing such fruit in the short space of three years is possessed of some superior value.

Mr. President, the law to which I have just referred, enacted by the Sixty-third Congress, and giving a maximum of 15 men the privilege of the Annapolis Academy, was designed originally for 25; but owing to the objection, I think, of the junior Senator from Massachusetts [Mr. WEEKS], the number was limited to 15. Twenty-three men have successfully passed the examination for admission into the next class of the Naval Academy, or 8 more than the maximum allowed by the law. The response, therefore, to that opportunity during the first year of the operation of the law is 8 men in excess of the number eligible to admission. An effort will be made, upon the recommendation of the Secretary, so to amend the pending naval bill as to permit the inclusion of the added 8—something which I feel very sure will receive the favorable consideration of the Senate. I have a press notice upon the subject bearing date June 12, and ask permission to insert it in my remarks at this point.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[Release for Monday morning, June 12, 1916.]

PRESS NOTICE.

NAVY DEPARTMENT, *June 10, 1916.*

In the competitive examinations for enlisted men of the Navy for admission to Annapolis 23 enlisted men have qualified, and Secretary Daniels is writing the chairmen of the Senate and House Committees on Naval Affairs requesting that Congress authorize the appointment of all.

Two years ago, upon the recommendation of Secretary Daniels, Congress passed a bill providing for the appointment of 15 enlisted men to the Naval Academy each year. The first examination was held about six weeks after the law was enacted and 5 men qualified. Last year 8 men qualified, and this year 23 men have qualified, but under the law as it now stands only 15 may be admitted. The appointment of the 15 who stood highest will be made immediately, and the Secretary is urging, because of the need of additional officers and because of their excellent record and demonstrated fitness, and inasmuch as the authorized quota was not filled in 1914 and 1915, that Congress pass an act admitting the 8 other candidates who qualified.

The 15 candidates who will be appointed immediately, and their respective addresses, are as follows:

Lisle Judson Maxson, Galesburg, Mich.; Earl Wallace Fife, Venice, Cal.; Earl Le Roy Sackett, Nampa, Idaho; Loyd Kilgore Barry, Smithville, Tex; Henry Nicholas Mergen, Benson, Nebr.; Clarence Floyd Swanson, Denver, Colo.; Raymond Charles Ferris, Newcastle, Del.; Wesley McLaren Hague, San Diego, Cal.; Alfred Antony Wilson, Baltimore, Md.; Ralph Alger Philbrook, Malden, Mass.; John Stanhope Engs, jr., Oakland, Cal.; Frederick William McMahon, New Haven, Conn.; John Gordon Clausing, Rawlings, Wyo.; Joseph Spykstra, jr., Golden, Colo.; Walter Scott Dufton, Oakland, Cal.

The eight other candidates who qualified, and their respective addresses, are as follows:

Edward Hamilton Doolin, Racine, Wis.; George Anthony Russ; Edward William Brady, Portland, Oreg.; Chester Arthur Swafford, Terrell, Tex.; Samuel Wesley Metzger, Pueblo, Colo.; Thomas Wallace Brooks, Putnam, Conn.; Harton Ivey Booker, Greenville, S. C.; Edwin Barton Bobzien, Grants Pass, Oreg.

Mr. THOMAS. More than 20 of these enlisted men stood the examinations of 1916 and have come into the service as officers. Does not this gratifying increase both justify the Secretary's prevision and assure to the Navy that certain increase of officers so much needed and which the Naval Academy can not wholly supply?

The Secretary, with the aid of Congress, has opened other doors of opportunity for the enlisted man. He has appointed and commissioned 15 of them as assistant paymasters in the Navy, first submitting them to examinations. All pay clerks are now by law taken from the ranks, and the Secretary has appointed 187 of them. Those opportunities are the legitimate parents of "efficiency." They make the Naval Service attractive and popular. The Secretary has well and wisely said that—

The bulkhead preventing a young man's advancement must be ended. We will never have an efficient Navy or a great Navy until we make it so that every young man who enlists in it knows that he can be an admiral if he has the brains and the application. We should continue this policy, enlarging opportunities as rapidly as the young men demonstrate their ability and capacity.

Yet the policy encounters the dogged and determined opposition of that caste which, crystallizing in official circles and extending beyond them, would exclude from its sacred inclosures all who do not enter it from above. Opening its doors to the multitude and giving admission to the enlisted man, thus giving him both official and social contact with its aristocratic and exclusive denizens, is profanation. And nothing in this world will evoke more bitterness, more animosity, and more vindictive opposition than assaults on class distinctions. Let us inquire how this spirit has manifested itself against the Secretary. I quote his own words:

I can understand the spirit of honest criticism, but I can not understand the vileness that revels in the slime of a base un-American detraction. In order to enlist the best thought of the Nation in science and invention I asked Thomas A. Edison to serve as the head of an advisory board composed of two representatives from each of the 11 great engineering and scientific societies of the United States. Germany, France, and England place major reliance upon such boards and provide great laboratories for their use. Mr. Edison and his associates serve without salary, paying their own expenses; yet even this devotion has not been able to protect them against slander. It has been charged in open print that Mr. Edison and his associates have no higher motive than a mean hope of selling something to the Government.

It has been said repeatedly that I made an order for officers and men to mess together, and that I gave up the idea only when informed that black men and white might be brought together at the same table. There was never a more infamous falsehood. No such order was ever made or contemplated. Some snapshots were being taken on board ship, and as I had left my hat below, an officer loaned me his cap. I made some laughing remark about its shape, and this has been twisted into personal derision of the naval uniform. Once I spoke at a Young Men's Christian Association meeting of the men, and at its close I was asked to have my picture taken with two of the youngsters. It is this picture that has since been used to show my passion for posing as a friend of the bluejacket.

It is asserted that I have deprived the kin of an enlisted man of the customary death gratuity should he lose his life while on liberty. The law on this subject was passed in 1912, and states specifically that the only cause for withholding payment shall be when death is due to the misconduct of the deceased. We bought 8 searchlights from a German inventor and tendered him a second order of 12 more, at $3,960 apiece, as set down in his bid. The manufacturers did not desire the contract, requesting a new award at $5,200 apiece, but I awarded the contract to the inventor, who by reason of getting it, will be paid $25,000 under his contract with the manufacturers. This transaction constitutes the base of the charge that the United States Navy robbed a stranger and took advantage of him. Nothing seems to be too low, too mean, or too vicious to be said, and the attacks do not stop at me, but soil Navy, Nation, and officials.

I do not care about these pettinesses as far as I personally am concerned, but I do resent the extension of this enmity to others. The people are asked to believe, for instance, that I appointed some inefficient underling to be Chief of the Bureau of Navigation. Victor Blue, the man attacked by inference, has his name in the Naval

Register with the notation "advanced for extraordinary heroism during the War with Spain." His daring expeditions to locate the Spanish Fleet at Santiago, however, were no less brilliant than his action in penetrating the Spanish gunboat blockade in an armed ship's boat, meeting Gen. Gomez, and then capturing two Spanish patrol sloops as he ran out of the harbor. He has filled every office on a modern man-of-war, served on Admiral Kempff's staff during the Philippine insurrection, and was a member of the first relief expedition which marched from the sea to Tientsin. After that he was chief of staff of the Pacific Fleet, was appointed by Secretary Meyer to the General Board, and it was there I found him.

I have been criticized also for refusing to permit naval officers to deliver public addresses and otherwise seek to influence legislation. This has been the unbroken policy of the Navy from time immemorial; and President Roosevelt, in 1902, and President Taft, in 1909, reenforced the rule by Executive orders that established dismissal as a penalty for violation. But even while I did not make this regulation, I gave it the usual enforcement. Congress has called before it many officers of the Navy regarded as authorities, and the testimony of these gentlemen has been available to the press, and, to supplement publicity, I have made public the reports of the General Board. No one has been muzzled; simply the law has been enforced that forbids officers from running about the country for purposes of propaganda, a practice in which 99 per cent had no desire to indulge.

Mr. President, I know of no thing or direction in which the Navy is said to be deficient the responsibility for which has not been charged to the present Secretary. The records of the proceedings of our multitudinous leagues reveal this fact on every page. There was a time in the Civil War when Lincoln was damned even in the Halls of Congress for the misfortunes of the Army, for the failures of his commanders, and for the successes of the South. He was showered with every epithet not too scurrilous for public mention, and some even questioned his loyalty to the cause of the Union. But these libelers of the great American live in the memory only through the greatness of the man they so grossly reviled, while the task he undertook and successfully accomplished is a daily reminder of his imperishable renown.

I have no time to notice, much less to comment upon every feature of this campaign of slander. But its underlying cause is strikingly reflected in the incident of the photograph. The Secretary was asked and very naturally and properly consented to the taking of his picture with two enlisted men. The occasion was a meeting of the Young Men's Christian Association which the Secretary had attended and addressed. The picture has been circulated "to show his passion for posing as the friend of the bluejacket!"

This is a serious offense, indeed! What predecessor of Mr. Daniels ever thus condescended to express that friendship? What a shock to the pride of the official caste! How it must inspire that contempt of the bluejacket for his superiors, which familiarity so surely begets. Such an act is demoralizing. It is scandalous. What will the world say as it gazes upon the pleasant features of America's Naval Secretary between the equally pleasant faces of two smiling jackies? Discipline is gone. We may have battleships and submarines in plenty, but no Navy, if this species of fraternization shall go unrebuked. Mr. von Meyer would never have thus offended. The very thought of this perfectly groomed and exquisitely perfumed gentleman touching shoulders with an enlisted man, subjecting his shapely fingers and manicured nails to the contamination of a brawny handshake, is paralyzing. The traditions of the service were respected by such as he, while this vulgar iconoclast brushes them aside with cheerful unconcern. He has the audacity to treat the enlisted man as a fellow human being, even while on duty. Such a policy wrecks the most exacting naval traditions and will bring down the most carefully constructed system of official etiquette.

The Saturday Evening Post in its issue of June 5 contains a most interesting article from the pen of Mr. Henry Merrill Hitchcock, recently an ensign in the service. It is entitled "Men Wanted for the United States Navy," and everyone should read it. He endeavors to tell us why, although our ships are unsurpassed, the service is not as popular nor as complete as it should be and must become if we are to have a Navy that is genuinely American. Mr. Hitchcock says that it was American in the days of Stephen Decatur, but that, instead of glorying in the fact, it afterwards began to lose touch with the country it belongs to and has made itself into an imitation British institution by aping the aristocratic and ceremonious characteristics peculiar to it, thus steering "straight for trouble." He illustrates the result with these incidents:

> Some years ago a certain officer in the United States Navy was captain and manager of his ship's baseball team. His pitcher was a youngster of 19, a big, rawboned, red-haired youth, with a world of speed, an untamed curve ball, and the rating of an ordinary seaman.
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> One day while the ship was lying in the navy yard the team played a game in which, after going along beautifully for seven innings, this young pitcher made a woeful error in the eighth and lost his game.
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> After the game the young pitcher and the young officer, both still in baseball uniforms, walked back to the ship together, the young officer talking to the enlisted man and trying to hearten him up. As they came over the gangway of the ship and the young ordinary seaman turned to go forward the young officer gave him an encouraging farewell pat on the shoulder and himself went down to his stateroom.
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> But that little gesture had been witnessed by a horrified group of officers on the quarter-deck. The young officer was just pulling his shirt over his head when he heard a preemptory knock on his stateroom door. He opened it and found himself face to face with an older officer, who proceeded without loss of time to read him an impassioned discourse on the unspeakable, the heinous crime he had committed in putting his hands on an enlisted man.
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> Perhaps you think that was an extreme instance of its kind; but if it was, it was so because very few graduates of the Naval Academy would be capable of committing the terrible "faux pas" which called forth such unmeasured condemnation and not because the spirit that prompted the ensuing curtain lecture is rare.
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> Another time a young officer just out of the Naval Academy was put to standing watch on a battleship. With the officer on deck, on watch there also stands watch an enlisted man, the quartermaster, whose duties in port may be roughly described as those of general assistant to the officer of the deck. A capable and experienced quartermaster is a very valuable asset to a watch officer, particularly to a young one.
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> This particular youngster was fortunate enough to have an unusually capable and trustworthy quartermaster on watch with him; and being himself intelligent enough to recognize his own inexperience, and not too much impressed with his own importance to be capable of learning from a subordinate, he very soon found that he could safely turn to the quartermaster for advice in any small emergency with great benefit to all concerned.
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> Presently, however, the executive officer of that ship—that is to say, the second in command—came up on deck and observed the young watch officer in consultation with his trusty assistant. He promptly called the young officer to him and brought to his attention in forcible language the terrible injury to "discipline" and the derogation suffered by the dignity of the officer of the deck when that official was to be seen in public conversation with an enlisted man. In concluding his article, Mr. Hitchcock says:
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> "That is the kind of shop the Navy is in which to work. It is rather hard to imagine that so long as it remains that kind of shop, it is going to prove tremendously attractive to young Americans."

Such incidents are a libel upon democracy. The officers responsible for them dishonor the uniform of the service they wear. And it is not at all surprising that men capable of such wholly un-American conduct should bitterly resent the democracy of a Secretary who would stand between two ordinary seamen and be photographed with them. For they see in the act the beginning of the end of their miserable so-called system of "discipline"; a system which places a humiliating barrier between the cabin and the deck, exalting the inmates of the one to a place but little below the angels and depressing the occupants of the other to the level of the brute. Man and superman there may be, but in the hour of crisis the superman not only must direct the fire but man the guns as well. And Democracy militant must needs be democracy prevalent at sea as upon land. The Navy must have an esprit du corps large enough and liberal enough to comprise men as well as officers, or we may never hope for an effective and thoroughly dependable naval force.

Some weeks ago I read a most interesting description of the French Army, the greatest, because the most democratic, military organization on earth. The officers speak to their men and regard them as their "children." The men speak to their officers and regard them as "my commander." Off duty they commingle and converse together. On duty they frequently break their bread at the same camp table. Between commander and subordinate officer there is social equality and freedom of intercourse. These human relations do not impair discipline; on the contrary, they stimulate it. Between the man who orders and the man who obeys runs the warm current of affection, born of the principle of equality. And man follows officer, as officer leads man, into the jaws of death when country demands it, with a heroism and devotion having no parallel in the awful theater of the world's greatest war. Not until this principle shall have been crystallized into America's military and naval system, not until the social void which yawns between the officer and the private shall have been obliterated, not until these come together in the true spirit of friendly intercourse and companionship, not until the soldier becomes the object of the officer's personal solicitude, and the officer is the recipient of the soldier's unreserved confidence and affection, will we have a genuine Army and Navy—the true reflection of American policies and the fit defenders of American democracy. And not until the iron rules of caste, framed outside the law and wholly foreign to equality before the law, the parasite growth of imitation, shall have been swept aside will we have a maximum of American soldiers or seamen, however we may legislate or whatever inducements we may offer to enlistments.

This country is a democracy, but its Army and its Navy are not democratic. What father, under prevailing Army and Navy regulations and discipline, wants to see his boy enlist as a private in either? What young American of spirit and character will under existing conditions barter his spirit of independence and his sense of equality for a uniform which advertises his loss of both? Why do desertions so largely disfigure

the records of both? One answer can be found in the distance which separates the man from the officer, albeit between them there may be perfect equality of birth, of station, of accomplishments, and of intellectual capacity. The Secretary of the Navy, conscious of this most obvious fact, and anxious to minimize, if not to remove it entirely, has formulated a wise and necessary policy, and then proceeded to make it effective. And he has succeeded well. No injury has come either to men or to material. Those in command have been neither humbled nor shorn of authority. Desertions have decreased materially. The man below may now rise to the level of the man above. The man above will ere long extend the hand of aid and of friendship to the man below, and both will attain a higher and yet higher grade of efficiency through the natural respect and confidence thus engendered. The spirit of esteem and of emulation will supplant the spirit of discontent and the sense of injustice, and the personnel of the Navy, both officers and men, will make it invincible.

It is due to many officers of the American Navy, whose numbers are happily increasing, to say that they have no sympathy with, nor any wish to perpetuate, the caste system in the Navy. They realize that it is wholly alien to democracy; that it is a parasite of foreign growth; that it must be eliminated from the service. They have welcomed the reforms which the Secretary has initiated. They are giving him every support and every encouragement. These splendid Americans need no teacher to instruct them regarding the requirements for enlisting freemen in the public service and holding them to its ideals while discharging its duties. They know that preparation, in its last and best analysis, rests upon the stout heart, the quick eye, the skillful hand, and the impassioned loyalty of the private in the ranks. They constitute the Secretary's most powerful support, for they strive to make his efforts effectual.

Armor plate is perhaps the most expensive component of the modern battleship. This is so because the material is the result of several and difficult processes, and also because its production in the United States is limited to three concerns, nominally competitive, but practically a unit. Nitrates are the principal component of gunpowder, the natural deposit of which Chile has the monopoly; and the patents for its production are in private control. The stupendous profits in armor-plate manufacture largely explain the unbalanced character of our naval equipment and the disproportion between armored vessels and other craft.

A congressional investigation in 1894 revealed the rottenness of armor-plate conditions in the United States. Contractors with the Government for armor plate, and they were the same concerns that now monopolize the product, were convicted out of their own mouths, not only of furnishing an inferior and practically useless article to the Government, but also of selling their wares to foreign countries for an average of about half its cost to the United States. What better evidence of their extortionate profit is needed?

Nitrates have, due to increasing foreign demand, risen enormously in value, thus adding to our cost of powder, and compelling us to seek the only alternative source of supply. The Secretary of the Navy, in common with many Senators and Representatives of both the great parties, favors the construction of a Government plant for supplying itself with armor plate, and of a hydroelectro plant for the fixation of atmospheric nitrogen. Both propositions have found expression in the Senate bills providing for their establishment, both have passed in the House, as well, and both will soon be enacted into law. These have very naturally aroused the wrathful opposition of those great private interests, hitherto enjoying a monopoly of the one and looking forward to the enjoyment of an equally valuable monopoly of the other. This opposition has found expression through all the avenues so readily commanded by wealth and power, and has been aimed alike at Cabinet and Congress. The Secretary of the Navy, having with characteristic candor warmly advocated the equipment of these public institutions, and Congress having signified its approval of his views, other extensive manufacturers of other indispensable War and Navy matériel have very naturally, and very properly, apprehended similar invasions of their specialized spheres of public supply, and they, too, are shouting protests of disapproval against this last and, to them, most dangerous manifestation of "socialistic activity." In their view, Mr. Daniels, though by no means the only, is the most conspicuous sinner against the laws and the Constitution—therefore their denunciation.

When Demetrius, the silversmith, who made shrines for Diana, heard Paul persuade the people to turn away from gods which were made with human hands he called his fellow workmen together and said to them: "Sirs, ye know that by this craft we have our wealth." And he cunningly concealed the real danger which he feared by reminding them that the temple of the great goddess Diana would be despised and her magnificence destroyed by the teachings of the apostle. Wherefore they were filled with wrath and cried out, saying, "Great is Diana of the Ephesians." And the hands and voices of the city were lifted against him.

It is not the real friends of the Navy nor its well-being which protests the Secretary's handiwork here, but the image makers and those of other craft who profit by the old régime—the inner circle of the select and the rigid conservatism which regards change as the synonym of destruction. These would stay his hand by crying out against him in the name of the Navy and undo his work by arousing the angry clamors of the multitude. But the Secretary, serene and self-contained, will persevere in the good work unto the very end, well knowing that it is even now receiving the sanction as it will hereafter command the generous approval of a wise and discriminating public opinion. The day of the purveyor for profit in war matériel has passed its zenith. The sun will soon cast its shadow to the eastward, surely lengthening as the hours go by. The dawn of a better day for the soldier and the seaman is at hand. As in France, officer and man will meet on common ground, each knowing and respecting his position, both stirred by the same impulses of duty and devotion to the Republic.

I shall not recount the many details of improvement which have come to the Navy under its present vigorous and efficient administration. That has been done, and by more competent hands than mine. These will continue so long as the Secretary remains in charge of its vast affairs. I am largely concerned with that indefensible and un-American propaganda of detraction and contumely launched against a worthy public servant, intent upon his duty and its effective discharge, a propaganda prompted partly by ignorance but in larger degree by unworthy and ignoble motives.

We have a great Navy; we shall have a greater one, unless all the signs of the times are meaningless; and it will be evolved on orderly, balanced, and efficient lines. It will be built not for conquest but for security. Its material structure, its human equipment, and its correlated portions will unite to make it the most efficient weapon of defense ever designed and constructed for the protection of an independent people. This end will be ordained and this purpose accomplished largely through the agency of Josephus Daniels and the subordinates now so cheerfully and so loyally sustaining him.

CONSTRUCTION OF BATTLESHIPS.

Mr. TILLMAN. Mr. President, the Senator from Alabama [Mr. BANKHEAD] is not here at this moment, and, as there is no morning business, I wish to make a request for unanimous consent.

Mr. President, yesterday I asked unanimous consent for the publication in the RECORD of the resolution I introduced on July 16, 1912, together with an article by Commander W. A. Moffett relating to the construction of 60,000-ton battleships. As Commander Moffett's article contained an illustration, the Senate referred all the matter to the Committee on Printing. The Senator from Florida [Mr. FLETCHER], chairman of that committee, reported a resolution for the printing of this manuscript as a Senate document, which was adopted.

I ask unanimous consent that the resolution in question and the article by Commander Moffett, without the illustration, may be printed in the RECORD in large type. I think the article will be more accessible to Senators in that way than in any other.

The PRESIDING OFFICER (Mr. WALSH in the chair). Is there objection to the request of the Senator from South Carolina?

Mr. SMOOT. It is to be printed without the illustration?

Mr. TILLMAN. There are no illustrations to go in the RECORD.

Mr. SMOOT. All right, Mr. President.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

RESOLUTION SUBMITTED BY SENATOR TILLMAN INSTRUCTING THE SENATE COMMITTEE ON NAVAL AFFAIRS TO INVESTIGATE AND REPORT TO THE SENATE AS TO THE SIZE OF BATTLESHIPS AND CRUISERS.

[Senate resolution 361, 62d Cong., 2d sess.]

IN THE SENATE OF THE UNITED STATES,
July 16, 1912.

Mr. TILLMAN submitted the following resolution, which was considered and agreed to:

"*Resolved*, That the Committee on Naval Affairs be, and it is hereby, instructed to investigate and report to the Senate what is the maximum size of ship, whether battleship or cruiser; the

maximum thickness of armor that such ship can safely carry; the maximum size of gun; the maximum speed and the maximum desirable radius of action of such vessel that can safely be built so as to navigate the ocean and enter the first-class harbors of the world; how much draft can such vessel carry in order to enter the existing dry docks in this country for repairs, and safely pass through the Panama Canal; the object being to find out from authentic and reliable official sources the maximum size and maximum draft, the maximum armament, and the maximum thickness of armor to make the very best battleship or cruiser that the world has ever seen or will ever see; to have this country own the greatest marine engine of war ever constructed or ever to be constructed under known conditions; and to report whether one such overpowering vessel would not in its judgment be better for this country to build than to continue by increasing taxation to spend the millions and millions of dollars now in prospect in the race for naval supremacy. Let such vessel be named the *Terror*, and become the peacemaker of the world. Let us find out just how far we can go with any degree of safety and go there at once. Let us leave some money in the Treasury for other more necessary and useful expenditures, such as good roads, controlling the floods in the Mississippi, draining swamp land in the South, and irrigating the arid land in the West."

—

"BUILD THE LIMIT."

[By Commander W. A. Moffett, United States Navy.]

"The history of modern battleship construction shows that their displacement has steadily increased. Our first battleship, represented by the *Oregon*, displaced 10,300 tons; the next, the *Kentucky* class, 11,500; the *Maine* class, 12,500; the *Georgia* class, 14,900; the *Connecticut* class, 16,000, etc., increasing at an average rate of about 1,000 tons a year.

"There has been constant endeavor to keep the displacement down, for obvious reasons, cost principally, of the individual ship; docking facilities, draft of harbors, as well as supposed, if imaginary, tactical advantages. The designers of each nation strive, on a given displacement, to outstrip all others in turning out the best all-round ship, but the inexorable limit of displacement has invariably resulted in compromises, each nation turning out what is considered best, sacrificing one element to another, speed to guns, endurance, armor protection, etc.

"There were, and are, schools in our own Navy as well as in others that opposed increasing displacement, but each year has seen displacement steadily increasing, none the less. The first radical increase came with the *Dreadnought* from 16,000 to 20,000 tons. Up to this time the constructors of the world, including our own, fondly imagined that the standard type of battleship had been reached in a ship of about 16,000 tons, 18 knots speed, main battery of four 12-inch guns, in two center-line turrets, intermediate battery of 6-inch guns, and 3-inch guns for torpedo defense, represented by our *Connecticut*. They were aroused from their false security by the thinking, practical men of the British Navy, who brought forward the epoch-making *Dreadnought*, making a bold increase of 4,000 tons in displacement and 2 knots in speed. Our own Navy had an inspiration about this time and our designers gave us the *South Carolina* class, all big-gun ships and turrets on midship line—notable above all else for this last-named feature, which was ultimately followed by all other designers.

"The *Dreadnought* immediately scrapped all other battleships, in the British as well as in all other navies. This is where Great Britain's rivals, especially Germany, had their great opportunity. They should have promptly scrapped their old ships and spent all their available money for battleships that would outbuild the *Dreadnought*. We did, in a half-hearted way, and have continued to do so since, but not boldly. We are, and have been, too conservative. We have, since the *Dreadnought*, and like all other nations, steadily increased the displacement, and in the last few years have actually had the courage to go beyond Great Britain in displacement, so that we have the *Pennsylvania* class, actually larger by 4,000 tons than the latest ship by the British, and it is reported in the newspapers that the General Board has even recommended ships as large as 36,000 tons.

"England's reasons for not wishing to increase the displacement of her battleships beyond what it is are obvious enough. She had a bad scare after the *Dreadnought's* design became public, and found Germany laying down many ships of equal and larger displacement, and she lost no time in outbuilding her in numbers in these then large ships. She does not want this experience duplicated. She has the largest navy in the world, and realizes that it is a practicable impossibility for any other nation to catch up with her as long as they confine themselves to ships of the same size as her own.

"On account of cost, docking, draft of harbors, and other supposed good reasons, as well as the long-exploded and farmer-like argument of 'too many eggs in one basket,' the designers of all navies have attempted to keep down the displacement and to crowd into the limited displacement the maximum of elements that go to make an efficient battleship. But one element or another has always had to be sacrificed, and to date this has been principally speed. As a rule the caliber of the guns of the main battery, especially since the all-big-gun battleship idea, has been near the limit of the mechanical arts at the time; also the amount of armor protection has not been sacrificed. The consumption of displacement for speed increased in such a rapid ratio that designers all gave pause and stopped near 21 or 22 knots. However, the yearning to get speed would not down and resulted in the battle cruiser, where armor and the number of guns were sacrificed to speed. But the inexorable demand for the battleship possessing all desirable elements steadily increases, resulting in increased displacement, except in the case of Great Britain, whose reasons against it are well taken—from her standpoint.

"Why not take a lesson from history and frankly decide what we want, what characteristics a battleship should have, what speed, endurance, battery, armor, etc., it should have, and then build it regardless of displacement? Is it not fair to assume, nay, is it not certain, that if battleships' displacement has increased from 10,000 tons in 1896 to 32,000 tons in 1916 that it will continue to do so until the limit is reached? Why not go the limit at once? By so doing we scrap the battleships of every navy in the world, and by spending the money we would spend on smaller ships we build a smaller number of vessels, but the most powerful fleet in the world.

"Other navies would have to follow our example and build ships like ours or give up the competition. We could stand the cost better than any other nation. It is therefore an advantage to us to make navies cost as much as possible. We have more money than any other nation and will have more, comparatively, at the close of the war, when most of them will be bankrupt. It is therefore to our advantage to make individual ships cost more.

"The limit for us in the size of battleships is the Panama Canal locks. It is also the limit for any power that might go to war against us, for none would sacrifice the advantage of being able to send its fleet through the canal. The limit, therefore, of displacement for our battleships is within 1,000 feet in length and 110 feet in beam, the dimensions of the Panama Canal locks. Let us therefore go the limit at once, while we have the opportunity to do it, ahead of all our rivals, and build the limit at the same time in everything; that is to say, in speed, caliber of guns, endurance, fuel, ammunition, etc.

"In regard to speed, some may urge that the highest practicable speed is unnecessarily high. Not long ago 16 knots in battleships was considered ample and 26 knots in destroyers. Now 21 knots is the minimum for battleships and 30 knots for destroyers and battle cruisers. Why not go as high as the mechanical arts will permit?

"Go the limit, too, in caliber of guns. It is said, 'Build a gun no larger in caliber than necessary.' But who can say what is 'necessary'? Only a few years ago the 12-inch gun was amply 'necessary' in the opinion of most people. To-day the 15-inch gun does not seem to be large enough, and even we are contemplating putting 16-inch guns on our battleships. The newspapers report 17-inch guns going on German ships. Fourteen or sixteen inch guns may be as large as 'necessary,' but who, being engaged with an enemy equal in other respects, would not prefer to have a battery with larger caliber than one's adversary? And if you had also superior speed, how much greater the advantage.

"One great but seldom mentioned advantage of the large ship, as compared with the smaller, is as a gun platform, especially at high speed and in a rough sea. At 18 knots in a moderate sea the 16,000-ton ship can hardly fire her turret guns, and she rolls and pitches to such an extent that her chances of hitting are small. The 27,000-ton ship is, under the same conditions and even at higher speed, comparatively steady, and her guns can be fired more effectively. But the 60,000-ton ship will hardly know she is at sea, and while her 27,000-ton rivals are trying to get the range and fire on the roll she will be as steady as a church and as regularly making salvo hits.

"Finally, but for us of greatest importance, the political side. The average American, the man in the street, may be ignorant of naval affairs, but one thing every American wants and knows he wants; that is, to see his country first. For years he has believed she was first in everything. Recently he has had a rude awakening, at least as far as the Navy is concerned. But

still, each in his heart feels that our Navy should be first and hopes that in some way it may be made so.

"There is but one way, and that is by building the limit in size of battleships. Build a smaller number if Congress will not give us what the Navy asks for—even one-half the number as would be built of 32,000 or 36,000 tons. In this way we will scrap England's Navy, as well as all others. In no other way can we ever hope to have the first navy in the world—in no other way can we hope to overtake Great Britain. Money is force if properly and wisely used. We have more money than any other nation, and therefore more force. Let us use it. We can afford it. No other nation can.

"Build the limit in displacement, in speed, in caliber of guns, with proper proportion of fuel and ammunition endurance, etc., and we will have, indeed, the first real superdreadnaught, of approximately the following dimensions:

Length over all	feet	995
Length between perpendiculars	do	975
Beam	do	105
Draft	do	32
Speed, maximum	knots	35–36
Endurance at maximum speed	hours	72
Estimated horsepower		250,000
Total displacement	tons	60,000

"Battery:

Ten 18-inch B. L. R.
Sixteen 6-inch R. F. G.
Antiaircraft guns.
Antisubmarine guns.
Saluting battery, etc.
Four submerged torpedo tubes.

"Can anyone doubt that a fleet of such ships would incomparably better defend our coast and more quickly seek out and smash the enemy's fleet than any number of smaller ships?"

POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. Let the unfinished business be laid before the Senate.

The PRESIDING OFFICER. It is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The pending amendment of the Committee on Post Offices and Post Roads will be stated.

The SECRETARY. The pending amendment is on page 32, beginning in line 4, after the words "*And provided further,*" to strike out down to and including the words "vehicle route," in line 9, and to insert certain words printed in the bill.

Mr. SMOOT. Mr. President, there are a number of Senators who desire to speak upon this matter and they are not in the Chamber. I suppose they did not think the speech of the Senator from Colorado would be concluded so quickly. I suggest the absence of a quorum in order that they may be present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Husting	Newlands	Smith, Ga.
Bankhead	James	Norris	Smith, Md.
Brandegee	Johnson, Me.	Oliver	Smoot
Broussard	Johnson, S. Dak.	Page	Sterling
Bryan	Jones	Phelan	Swanson
Clapp	Kern	Pittman	Thompson
Culberson	La Follette	Poindexter	Townsend
Curtis	Lane	Ransdell	Vardaman
Dillingham	Lee, Md.	Saulsbury	Walsh
Gallinger	Lewis	Shafroth	Warren
Gore	McLean	Sheppard	Weeks
Harding	Martin, Va.	Sherman	Williams
Hardwick	Martine, N. J.	Shields	Works
Hollis	Myers	Simmons	

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from West Virginia [Mr. CHILTON] on important public business.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment of the committee as amended.

Mr. KERN. I ask that the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 32, beginning with line 4, after the words "*And provided further,*" the committee proposes to strike out the words—

That no part of the money herein appropriated for Rural Delivery Service shall be used to cover any expense upon any motor-vehicle route until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route.

And to insert:

That rural mail delivery shall be extended so as to serve, as nearly as practicable, the entire rural population of the United States.

Hereafter all rural mail-delivery routes shall be divided into two classes, to be known as—

Standard horse-drawn vehicle routes, which shall be 24 miles in length, and

Standard motor-vehicle routes, which shall be 50 miles in length, and shall only be established upon certificate of the duly qualified county road officials that the character of the roads proposed to be used, as well as climatic conditions, will warrant regular and practically uninterrupted service throughout the year.

Nothing herein contained shall be construed to prohibit the establishment of horse-drawn vehicle routes of less length than the standard of 24 miles: *Provided,* That in extraordinary cases, in order to render more complete service, it should be necessary to do so, the Postmaster General is hereby authorized to increase the length of routes not to exceed 50 per cent above the standards herein prescribed; and in such cases the compensation of the carrier on such route shall be increased above the maximum pay heretofore fixed by law for rural carriers at the rate of $24 per annum for each mile of said routes in excess of 30 miles for horse-drawn vehicle routes, and any major fraction of a mile shall be counted as a mile: *Provided further,* That carriers in rural mail-delivery service shall furnish and maintain at their own expense all necessary vehicle equipment for prompt handling of the mail: *And provided further,* That nothing herein shall be construed, and no order shall be issued, to prevent the use of motor vehicles on horse-drawn vehicle routes: *And provided further,* That the Postmaster General may, in his discretion, allow and pay additional compensation to rural letter carriers who are required to carry pouch mail to intermediate post-offices or for intersecting loop routes in all cases where it appears that the carriage of such pouches increases the expense of the equipment required by the carrier or materially increases the amount of labor performed by him, such compensation not to exceed the sum of $12 per annum for each mile such carrier is required to carry such pouch or pouches.

The Postmaster General is hereby authorized and directed to reorganize and readjust existing rural mail-delivery service where necessary to conform to the standards herein prescribed: *Provided,* That in making appointments of rural carriers for service on new routes which may be created by the reorganization herein ordered preference shall be given to carriers who were formerly employed in Rural Delivery Service and who were separated therefrom on or after June 30, 1915, by reason of any previous reorganization of the service and without charges against them: *And provided further,* That the Postmaster General is authorized and directed to pay, out of the appropriations already made and still available and unexpended for Rural Free Delivery Service for the fiscal year ending June 30, 1915, to all letter carriers in the Rural Free Delivery Service during the fiscal year ending June 30, 1915, their executors or administrators, the difference between what they received for their said services and the amount that would have been paid to them in accordance with the proviso contained in joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, approved March 4, 1915.

Mr. BRYAN. The last proviso is not involved now.

The PRESIDING OFFICER. It is all one amendment.

Mr. BRYAN. From line 5, on page 34.

Mr. HARDWICK. The Senator from Florida reserved a point of order on the proviso.

Mr. BRYAN. The Chair ruled yesterday that that part of it would not be involved on the first vote to be taken.

The PRESIDING OFFICER. The Chair inquires of the Senator from Florida whether it is not a fact that the whole text constitutes one amendment, notwithstanding?

Mr. BRYAN. I do not think so. In order to obviate that, then, Mr. President, I raise the point of order on the matter, beginning with the proviso on line 5, page 34.

Mr. HARDWICK. Mr. President, for the convenience of the Senate and to expedite matters, I desire to ask unanimous consent that we dispose of the amendment, except the part referred to by the Senator from Florida. That was practically what we agreed upon yesterday.

The PRESIDING OFFICER. The Chair desires to inquire whether that would not be a division of the question?

Mr. HARDWICK. In other words, that is a division of the amendment.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent that the question be considered as divided, that part of it prior to the proviso on line 5, page 34, being one question, and that commencing with the words "*And provided further,*" on line 5, page 34, being the other question. Is there objection?

Mr. POINDEXTER. I object.

Mr. BRYAN. Then, Mr. President, I must raise the point of order on the proviso. I rely on the third and fourth paragraphs of Rule XVI of the Senate. The third paragraph provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

This portion of the committee amendment it seems to me is without question undoubtedly covered by that paragraph. It does not relate in any degree to the text of the House bill. This is an attempt to require the Postmaster General to make a payment for what it is claimed is a moral obligation of the Post Office Department. Paragraph 3 of Rule XVI proceeds:

Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Passing from paragraph 3 to paragraph 4, paragraph 4 provides in substance that no amendment the object of which is to provide for a private claim shall be considered.

This portion of the committee amendment refers to the claims of individual rural-mail carriers against the Government of the United States. In the Post Office appropriation bill for the fiscal year ending June 30, 1915, the Postmaster General was authorized to pay not exceeding $1,200 to each carrier. He paid, as he had a right to do under that provision, less than $1,200 to some carriers. It is now attempted by this amendment to impose these private claims upon this appropriation bill. Of course, that can be done if it is to carry out the provisions of an existing law; but there is no existing law requiring that payment and no report of a committee; and no estimate of the head of a department could make this amendment in order if it is objected to under the fourth paragraph of Rule XVI of the Senate Rules. So, under both paragraphs, this amendment is clearly vulnerable.

Mr. President, I raised this same objection when the last Post Office appropriation bill was being considered, and the point of order was sustained by the Vice President. I do not suppose that the committee or members of the committee will argue here this morning that the amendment is not subject to the point of order.

Mr. HARDWICK. Mr. President, the committee thinks that the point of order raised by the Senator from Florida is not good, on three grounds. The provision against which the Senator directs his point of order is part of the committee amendment to the paragraph beginning on line 21, page 31, which provides for the pay of rural carriers and substitutes for rural carriers, their annual leave, and so forth, and povides the round sum of $53,000,000 for that pay.

In connection with that proposition, the House of Representatives undertook to change, and did change, existing law by the insertion of the paragraph which your committee struck out, beginning on line 4, on page 32, as follows:

That no part of the money herein appropriated for rural-delivery service shall be used to cover any expense upon any motor vehicle route until a majority of the patrons to be served by such motor-vehicle route shall by written petition ask the Post Office Department to establish such motor-vehicle route.

The Senate committee, striking out the provision of the House bill, undertook to deal with the subject matter, and in dealing with the subject matter did so under the unbroken practice of this body, on the theory and with the idea that we had full liberty to deal with it in any way that the Senate and its committee thought best; that the subject matter being open, being before the Senate because of the text of the House bill to which the Senate rule could not be applied, the Senate had full freedom of action in dealing with the entire question. On yesterday, as I understand, that view was substantially sustained in this body, although no direct ruling was made by the Vice President on the question, the Senator from Florida finally withdrawing his point of order.

Mr. BRYAN. Mr. President, the Senator from Georgia does not want to put me in that attitude. I withdrew the point of order for this reason——

Mr. HARDWICK. Just a moment, and I will yield to the Senator.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. HARDWICK. Not just for the present. I will yield to the Senator in one minute. I do not want to put the Senator from Florida in any attitude that is not right. The Senator from Florida on yesterday urged the view which he has now urged; but finally, after argument and after the statement of the Vice President that it was impossible for him to construe this language and to decide whether or not it was a change in existing law, Senators disagreeing on that question, he felt it to be his duty to submit the question to the Senate, the Senator from Florida finally did withdraw the point of order. Now, I yield to the Senator from Florida. If I have misstated his position, I am sorry.

Mr. BRYAN. That is the fact. I did not withdraw the point of order because I did not think the point of order was good, but I withdrew the point of order because if the Senate wanted to insert the matter the Senate could do it, and the Senate by the same vote could decline to adopt the committee amendment as in voting on the point of order.

Another reason, I am frank to say, is that very frequently, in voting on the question of whether or not a point of order is germane, Senators upon coming into the Senate vote their convictions on the proposition involved instead of on the rules of the Senate; and I did not want to have set another precedent of that kind.

Mr. HARDWICK. Mr. President, I understood that was the Senator's motive, and I did not want to represent it or him incorrectly. I am sorry if I conveyed that impression even to him; but the fact is that the Senator, after making the point of order on the remainder of the paragraph, thought it wisest to withdraw it.

The committee insists to-day, just as it did yesterday to the Vice President, that the House, having taken this matter up and having eliminated it from the operations of Rule XVI, any substitute that the Senate committee or the Senate itself may care to adopt is before this body for full, unimpeded action by the Senate. It would be preposterous, I think, to say that we are bound to the mere limits of the exact proposition submitted by the House, and that we can only say "yes" or "no" to the exact and precise proposition submitted by the House of Representatives. We therefore urge that view against the point of order submitted by the Senator from Florida.

The Senator from Florida invokes section 3 and section 4 of Rule XVI against this particular part of the amendment, the part beginning with line 5 on page 34. First, the Senator from Florida says it is obnoxious to the rule, because it is general legislation in connection with an appropriation bill; and, second, the Senator from Florida says that it is obnoxious to section 4 of the rule, because it provides for the payment of a private claim on a general appropriation bill. In addition to the response already made the committee submits the following as an answer to the argument of the Senator from Florida: In the first place, the proposition contained in the language against which the Senator from Florida makes his point of order is not new legislation; on the contrary, it is legislation which has been twice passed by the Congress of the United States, once under the Post Office appropriation bill for the fiscal year ending June 30, 1915, and, second, under the joint resolution making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916. In other words, we say that we have inserted the provisions of two recent acts of Congress, and that, instead of being in violation of existing law, we have inserted the provisions of existing law.

We contend, too, Mr. President, that it is in no sense a private claim; that this provision simply provides for the payment of salaries due public officers for public services—not claims they have, but amounts due them under the plain, express provisions of existing law.

The Senator from Florida says that a year ago this point of order was sustained. It was; I have the RECORD before me, and the RECORD discloses a remarkable state of facts. This point of order was sustained then on a thorough misapprehension of what the facts were about this matter. Of course I do not think it was the fault of the Senator from Florida any more than it was the fault of one or two other Senators who participated in the debate.

The CONGRESSIONAL RECORD of February 24, 1915, shows that the Senator from Florida made this precise point of order, and that he suggested that it involve an additional appropriation of $3,000,000, or, at any rate, would create a deficit, as he put it—and it amounts to the same thing—of $3,000,000 in the operations of the Post Office Department. That was pretty generally consented to by several Senators who participated in the debate. For instance, the Vice President said—I will read to you just the conclusion—

The VICE PRESIDENT. Let us understand where we are. Will this amendment increase the appropriation?
Mr. BRYAN. It will.
Mr. SMITH of Georgia. It will increase it $3,000,000.

My colleague, it will be seen, interjected a statement that it would increase the appropriation by $3,000,000.

The VICE PRESIDENT. Has it been estimated for? [A pause.]

Evidently, no reply being made, the Chair then said:

The Chair sustains the point of order.

The point I make is that the Chair acted a year ago under a misapprehension of what the facts were. This amendment involves no additional appropriation; it involves no additional expenditure.

In section 211 of the Revised Statutes, codified in the Postal Laws and Regulations, this provision is contained:

SEC. 211. * * * The Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury. * * *

2. * * * And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of said section (act June 20, 1874, supra), that may be brought before them within a period of five years. *

The fact is, as your committee discovered upon inquiry from the auditor for the department, that this fund—the million and a half that it would require, in round numbers, to pay this money already appropriated by two acts of Congress—is still in the Treasury to the credit of the Post Office Department and to the credit of this particular fund. It will involve no appropriation whatever, and therefore the theory on which the Vice President sustained the point of order a year ago is wrong in point of fact. We are simply reappropriating, according to existing law and the precise terms of existing law, money already in the Treasury and to the credit of this fund. It will involve neither a deficit nor an additional appropriation. The money is already there; and it is apparent, from even a casual examination of the RECORD, that the Vice President a year ago, in sustaining the point of order, did so on the ground that it was an increase of appropriation for which no estimate had been made.

We say on all three grounds that the point of order of the Senator from Florida is not good:

First, that the House of Representatives, having undertaken to deal with this matter in a legislative way, the Senate has a full, free right to deal with this same question and the various branches of it in whatever way seems best to the Senate, and that the limitations under which it can deal with it are not such as are fixed by the ordinary rules of the Senate, because to the text of the House bill the ordinary rules of the Senate can not be applied.

We say, in the second place, that instead of its being in violation of existing law or instead of its being the enactment of a general law, it is simply the carrying out of existing law as twice passed by this Congress.

We say, in the third place, that there is no increase of appropriation; that the money is there in the Treasury, unexpended, to the credit of this particular fund.

We believe that for all these reasons the point of order urged by the Senator from Florida is not good.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. HARDWICK. Certainly.

Mr. SMOOT. Does the Senator know when the appropriation of which he speaks was made?

Mr. HARDWICK. Yes, sir; June 30, 1915.

Mr. SMOOT. That is, for the fiscal year ending June 30, 1915.

Mr. HARDWICK. Then in 1916, as the Senator remembers, a resolution was passed on the same subject; but it was originally appropriated by the Post Office appropriation bill for the fiscal year ending June 30, 1915.

Mr. SMOOT. Unless the appropriation was extended by legislation there is no available money in the Treasury of the United States to pay rural carriers, as the appropriation lapsed on June 30, 1915.

Mr. HARDWICK. It will be June 30, 1917, before the two years are up.

Mr. SMOOT. It is not a question of two years; it is a question of each fiscal year.

Mr. HARDWICK. Was the Senator in the Chamber just now when I read from the Revised Statutes on that question? For two years it remains in the Treasury subject to these appropriations made and for five years subject to reappropriation for this very purpose. Was the Senator here when I read section 211 of the Revised Statutes?

Mr. SMOOT. No; I did not hear the Senator read the Revised Statutes.

Mr. HARDWICK. Will the Senator, then, if he has any doubt on this question, read that section? That is what we base our contention on. Besides, the information of the auditor for the department is that the money is there to the credit of this particular fund. We inquired into that.

Mr. SMOOT. My thought was this: Appropriations are generally made for the fiscal years ending June 30.

Mr. HARDWICK. Yes.

Mr. SMOOT. And if, in the appropriation bill, it is not specifically stated that hereafter an appropriation is made it is not a permanent appropriation and lapses at the end of the fiscal year.

Mr. HARDWICK. Not a permanent appropriation.

Mr. SMOOT. What I wanted to know of the Senator was whether this particular appropriation stated that hereafter the amount named would be appropriated for this purpose, or was it a simple appropriation for the fiscal year of June 30, 1915?

Mr. HARDWICK. Just an appropriation for the pay of the carriers for that fiscal year. Let me call the attention of the Senator to the language in section 211 of the Revised Statutes:

The Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury, * * * and it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years.

Mr. SMOOT. I am fully aware of that act, Mr. President; but this is what I was calling attention to: If the appropriation was made for the fiscal year ending June 30, 1915, the Auditor of the Treasury can not pay out any part of that money now after June 30, 1915, without a special act of Congress. Therefore I wanted the Senator to be positive as to whether it was an appropriation made after June 30, 1915.

Mr. HARDWICK. Let me read section 210, and see if that throws any additional light on the question. Section 210 of the Revised Statutes provides that—

All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year—

That is what the Senator has in mind?

Mr. SMOOT. Yes.

Mr. HARDWICK (reading)—

shall only be applied to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year.

That is the provision on which we rely. We say we are appropriating money not for this year but for that very year—that fiscal year—for which the act of Congress referred to made provision.

Mr. SMOOT. I think the Senator is wrong in that conclusion. I have been on the Appropriations Committee for a good many years, and I know when an appropriation is made, for instance, for a State fish hatchery, we will say, and is made for the fiscal year only, it sometimes happens that the Government of the United States can not secure the title to the land, and the end of the fiscal year passes without the expenditure of the money or without a contract being entered into for the purchase of land. Now, that appropriation lapses after June 30 of that year. It can not be utilized in any way in the future unless by a special act of Congress.

Mr. HARDWICK. Well, now, let us see.

Mr. SMOOT. I am positive of it, as I have had a similar case.

Mr. HARDWICK. Will the Senator yield to me for just a minute?

Mr. SMOOT. Certainly.

Mr. HARDWICK. I am yielding to him, but I want to interrupt him for just a minute.

Mr. SMOOT. Very well.

Mr. HARDWICK. Would it not be true, however—the language of both of the sections of the Revised Statutes suggests such an idea, to my mind, and certainly the auditor for the department thinks the money is there to the credit of this fund and not in the General Treasury balance, because he so informed the committee—would it not be true, however, that for the precise purposes of the act, for the payment of the carriers who served during that very fiscal year for which provision was made in the act to which I refer, up to the period of time stated in these two sections that money would be available?

Mr. SMOOT. Of course, I can not say until I look at the original act; but if the appropriation was made directly for the purpose named and was for the fiscal year ending June 30, 1915, and the amount of money had not been paid out before the close of that fiscal year, and the appropriation bill for the year ending June 30, 1916, did not reenact the appropriation, then I say that it would be impossible for the auditor to pay out the money for any purpose without further legislation.

Mr. HARDWICK. Well, now, let us see. It might be without authority from Congress; but the giving of such authority would not amount to a new appropriation, because under the two sections of the Revised Statutes to which I direct the attention of the Chair and of the Senate it is kept a certain length of time for the very purpose of meeting claims that are embraced within the very letter and terms of the laws; and that is what has been done in this case.

Mr. SMOOT. Yes; but the Senator must admit that, even under that statute, the money, if it was appropriated for any specific year without the word "hereafter" being used in the original appropriation, could not be paid out by the auditor unless there was a specific item in an appropriation bill carrying that same amount.

Mr. HARDWICK. After all, that is more or less technical. It is not a new appropriation—I mean not such within the meaning of the rule invoked by the Senator from Florida.

Mr. SMOOT. No; it is not a new appropriation; but it is an appropriation of money to be paid out of the Treasury of the United States during this fiscal year.

Mr. HARDWICK. That is true, I think; but at the same time, Mr. President, that does not make any difference, according to my view of what this rule means. It is not a new expenditure of the Government. It is not an expenditure that is not already authorized by a law that the Congress has already passed. It is merely a reauthorization for money to be spent under an appropriation already made and in the way that Congress intended that it should be spent. That is the view of the committee, and I think that is the plain meaning of the two sections of the Revised Statutes to which I refer.

Mr. BRYAN. Mr. President, the first objection raised by the Senator from Georgia to the point of order is that the amendment relates to a provision for the pay of rural carriers. But, Mr. President, the House bill relates, and the whole bill relates, to appropriations for the Post Office Department for the fiscal year 1917, not 1915. That is the trouble with the Senator's first objection. He lays down the proposition that in an appropriation bill for the fiscal year 1917 you may offer an amendment relating to debts of this Government for the year 1915.

The second objection of the Senator from Georgia is equally untenable. He undertakes to say that unless the Senate can put any sort of legislation upon an appropriation bill, it has less power than the House. Stated differently, he lays down the proposition that if you strike out a part of the text of the House bill you may substitute for it any legislation, related to it or not. To prevent that is the very reason why the Senate adopted paragraph 3 of Rule XVI:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

Here is an appropriation to pay rural carriers for 1917, and the committee offer an amendment to pay a claim which they assert originated in 1915. How do they justify that? Not by the rules of the Senate, but in violation of the rules of the Senate. Not by the language of the law of 1915 or 1916—not at all. That language authorized the Postmaster General to pay to rural carriers not exceeding $1,200. He graded their salaries between $1,100 and $1,200, according to whether or not the additional burden of the parcel post justified that expenditure, inasmuch as it was claimed that the Parcel Post System would make the work more burdensome upon the rural carriers. But neither the Senator from Georgia nor anybody else can say that the Postmaster General was not within his rights when he did that. The mere fact that this amendment is offered shows that he was within his rights.

It is immaterial how much money is involved. It is a mere estimate, after all. It was stated a year ago that $3,000,000 was involved, and the amicus curiæ of the committee, Mr. Brown—an agent here for the rural carriers of the country, who tried to get out of them 25 cents apiece in order to file their claims before the Claims Committee of the Senate—said it amounts to $3,200,000. That is the second objection.

The third objection I have already referred to. Then I call the Chair's attention back to paragraph 4 of Rule XVI:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill.

Now, are these claims private claims? They are not claims which these men can enforce against the Government by law.

If the Postmaster General refused to pay them something to which they were entitled, they could go into the Court of Claims and enforce the payment of it.

As a last resort the Senator from Georgia lays down the proposition that the money remains there for five years—money appropriated for the fiscal year 1915. Mr. President, I do not believe that that is a correct statement of conditions. I think it is true that the money appropriated for the fiscal year 1915 would not revert to the Treasury if there was any legitimate claim upon it originating during the year 1915; but there was no legal claim against the department. Now they are trying to make a gift of a million and a half or three million dollars to men who can not go into any court and assert their claim to the money and maintain it, and it is being done on an appropriation bill; and that is the very purpose of the inclusion in the Senate rules of the various paragraphs of Rule XVI.

That is all I have to say about it. This thing has been tried before and has failed. It is true that a year ago it was so plain that nobody contended against the point of order. Now it is sought by all devices to justify this committee in placing a private claim or a number of private claims in an appropriation bill.

The PRESIDING OFFICER. The Chair understands that, inasmuch as an objection has been made to the division of the question, the point of order stands as a point of order against the entire amendment by reason of the frailty in the particular clause to which the Senator has directed attention.

Mr. BRYAN. Mr. President, would I not have a right to make a point of order against this particular part of it?

The PRESIDING OFFICER. The present occupant of the chair does not so understand the rule. The present occupant of the chair understands that no point of order can be made against a part of an amendment. The point of order must be made against the amendment.

Mr. BRYAN. Then I make it against the whole amendment; but I suggest——

The PRESIDING OFFICER. The Chair submits to the Senate the point of order made by the Senator from Florida.

Mr. SMOOT. Mr. President——

Mr. BRYAN. Let me prefer a unanimous request, then. I have never understood that to be the rule here. I ask unanimous consent that the Chair be allowed to pass on the point of order raised as to the last proviso in this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. POINDEXTER. I object.

The PRESIDING OFFICER. Objection is made.

Mr. BRYAN. Mr. President, that puts us in a remarkable position. You can have a part of an amendment that is unobjectionable and a part that is subject to a point of order, and the whole thing stands or falls together. I have never understood that to be the rule.

The PRESIDING OFFICER. The Chair would be very glad to be corrected if his opinion is wrong, but it appears to him that the language of the rule is perfectly plain, that a point of order must be directed against an amendment. Only one amendment is here proposed.

Mr. SMOOT. Mr. President, I think the Chair is perfectly correct in ruling on the latter point. I am in sympathy with the payment of these rural carriers as provided for in the last proviso, and I am in sympathy also with the amendment offered by the committee, but I am quite sure that if the amendment passes in the form it is now it would be impossible for the comptroller to pass upon the claims and pay the rural carriers under the provisions of the amendment.

There is no question but that every unexpended balance of an appropriation made by Congress has to be reappropriated before it can be used. The amount must be reappropriated before the Treasury of the United States can pay it out. We are not doing that in this amendment, and if we pass the amendment there will be a disappointment. I would rather see the chairman——

Mr. HARDWICK. Will the Senator yield to me for a moment?

Mr. SMOOT. I will yield in just a moment. I would rather see the chairman of the committee withdraw the last proviso and act upon the forepart of the amendment, and then let the Senate take care of an appropriation for the rural carriers in the next deficiency appropriation bill.

Mr. HARDWICK. Let me just ask this question. I understand that there is force in some of his objections. Would this language make it any better, in the Senator's mind, to substitute for the part the Senator from Florida is particularly directing his attention to—

That the unexpended balance, or so much thereof as may be necessary, appropriated for the pay of rural carriers for the fiscal year ended June 30, 1915, is hereby reappropriated.

Mr. SMOOT. I think that added to the proviso would greatly strengthen it, and I think that more than likely it would authorize the payment of the unexpended balance. I think if we are going to act the suggested amendment should be added.

Mr. HARDWICK. I will move to add it to the proviso.

Mr. SMOOT. The Senator means, to add the words the Senator has just read.

Mr. HARDWICK. Adding them at the end of line 18.

Mr. SMOOT. That is as I understand it.

Mr. HARDWICK. Would not that cure the objection the Senator has in mind?

Mr. SMOOT. It cures it, because I think that it would authorize the payment of the unexpended balance, and I do not believe we ought to pass any legislation when we know that balance can not be paid under it.

Mr. HARDWICK. In order to obviate the difficulty the Senator has about a dangerous precedent, and that doubtless many other Senators here might have on both sides of the Chamber, we will offer that as soon as we get through with this proposition. That will cure it, I am sure.

Mr. SMOOT. Then I have no further objection.

Mr. BRYAN. Then let us have it in the entirety, and I raise the point of order against the whole of the amendment. It is clear that this part of it is subject to a point of order.

Mr. POINDEXTER. Mr. President, I wish to make one remark upon the point of order. The entire argument of the Senator from Florida, of course, is based upon the assumption that we are dealing only with a general appropriation bill. If that were the case, I would have no objection to a point of order, because there is no exception in the rule of the Senate which prohibits general legislation on general appropriation bills.

But the situation is quite different here, for the part of the measure that we are speaking of now is not an appropriation bill at all. It seems to be generally conceded that this portion of the bill coming from the House is general legislation, and unless we are to apply Rule XVI of the Senate without exception we must be free to deal with the subject matter of the proposition which was sent to the Senate by the House according to its nature. That is legislation relative to changing the law on the subject of the establishment of rural routes and the payment of rural carriers. It has nothing to do with a general appropriation bill.

Mr. BRYAN. Of course the Senator from Washington can not take that position. This is a general appropriation bill and this is an amendment offered to such a bill.

Mr. POINDEXTER. That is very true, but we can draw a distinction between a general appropriation bill in those parts which provide for general appropriations and something that is hitched to it by the House of Representatives which does not provide for a general appropriation and has no relation to it.

The PRESIDING OFFICER. The question is, Shall the point of order raised by the Senator from Florida be sustained?

Mr. KERN. I have an amendment to offer.

Mr. HARDWICK. If the Senator will pardon me, his amendment will be in order after we dispose of this point of order.

The PRESIDING OFFICER. Those who believe that the point of order should be sustained will say aye. [Putting the question.] Contrary, no. The noes appear to have it.

Mr. BRYAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). I have a pair for this evening with the junior Senator from Virginia [Mr. SWANSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT], who is absent, and I therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED].

The PRESIDING OFFICER (when the name of Mr. WALSH was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. OVERMAN. I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. JOHNSON of Maine (after having voted in the affirmative). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from Indiana [Mr. TAGGART] and allow my vote to stand.

Mr. MARTIN of Virginia. I wish to announce that the Senator from Kentucky [Mr. BECKHAM] is paired with the Senator from Delaware [Mr. DU PONT], and also that the Senator from West Virginia [Mr. CHILTON] is paired with the Senator from New Mexico [Mr. FALL].

Mr. OVERMAN. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. ASHURST. I rise to announce the unavoidable absence of my colleague [Mr. SMITH of Arizona], who is detained by reason of illness in his family.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS]; and

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 13, nays 37, as follows:

YEAS—13.

Borah	Johnson, Me.	Lee, Md.	Williams
Bryan	Johnson, S. Dak.	Smoot	
Gore	Kern	Tillman	
Husting	La Follette	Walsh	

NAYS—37.

Ashurst	Harding	Norris	Smith, Ga.
Bankhead	Hardwick	Oliver	Sterling
Brady	Hitchcock	Overman	Thompson
Broussard	James	Page	Townsend
Chamberlain	Lane	Poindexter	Vardaman
Clapp	McLean	Shafroth	Weeks
Culberson	Martin, Va.	Sheppard	Works
Cummins	Martine, N. J.	Sherman	
Curtis	Myers	Shields	
Fletcher	Nelson	Simmons	

NOT VOTING—45.

Beckham	Gronna	Owen	Smith, S. C.
Brandegee	Hollis	Penrose	Stone
Catron	Hughes	Phelan	Sutherland
Chilton	Jones	Pittman	Swanson
Clark, Wyo.	Kenyon	Pomerene	Taggart
Clarke, Ark.	Lea, Tenn.	Ransdell	Thomas
Colt	Lewis	Reed	Underwood
Dillingham	Lippitt	Robinson	Wadsworth
du Pont	Lodge	Saulsbury	Warren
Fall	McCumber	Smith, Ariz.	
Gallinger	Newlands	Smith, Md.	
Goff	O'Gorman	Smith, Mich.	

The PRESIDING OFFICER. So the point of order is overruled.

Mr. HARDWICK. Mr. President, I desire to offer the following amendment to come in after the words "nineteen hundred and fifteen," in line 18, page 34.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 34, line 18, after the words "nineteen hundred and fifteen," insert:

And that the unexpended balance, or so much thereof as may be necessary, appropriated for the pay of rural carriers for the fiscal year ended June 30, 1915, is hereby reappropriated.

Mr. BRYAN. Mr. President, I raise a point of order against the amendment.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. No estimate has been made for it. Therefore it is vulnerable under paragraph 1 of Rule XVI. This is an appropriation of money and—

No amendments shall be received—

Says the rule—

to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

And so forth.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from Georgia.

Mr. HARDWICK. I do not care to discuss it again. This is an amendment I have offered in accordance with the suggestion of the Senator from Utah [Mr. SMOOT], which I thought was sound to avoid some troubles which might grow out of the language used. I think it ought to be adopted. There is exactly the same parliamentary question involved in it that was involved in the other matter, and I can not see why there should be any prolongation either of debate or fight upon the point.

Mr. SMOOT. It was not estimated for because of the fact that it had already been appropriated for and the amendment is simply reappropriating money already estimated for. Therefore, Mr. President, I hardly think that the question raised by the Senator from Florida is——

Mr. HARDWICK. There may be that difference between it and the other point of order, but outside of that it is the same.

Mr. SMOOT. That is the only difference there is.

Mr. BRYAN. That will not do. It says "is hereby appropriated." What are we doing? We are appropriating money. That is all there is to it.

The PRESIDING OFFICER. The Chair is constrained to sustain the point of order.

Mr. BRYAN. Mr. President, before the vote is taken upon the amendment, inasmuch as considerable criticism was made of the Post Office Department and its handling of the rural service, in justice to that Department I should like to put in the RECORD in a brief way what has been done for the benefit of the rural service of this country.

During President Taft's administration there were established 2,010 additional rural routes. During this administration there have been established 2,781 additional rural routes.

On March 1, 1913, there were 2,657 petitions pending for the establishment or extension of rural-route service. On April 1, 1916, there were only 741 petitions pending.

On March 1, 1913, the number of families served in the United States was 5,060,491. On April 1 this year there were being served 5,710,487 families, an increase of 649,996 families and an increase of the population served of between three and five million.

In the State of Georgia there were families served on March 1, 1913, 261,783. On the 1st of April, 1916, there were 290,623 families served, or an increase of 28,840 people, or an increase in the population served of nearly 150,000.

I ask, Mr. President, that this table showing the service in each of the States may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Rural mail service.

State.	Number of families served Mar. 1, 1913.	Number of families served Apr. 1, 1916.	Increase.
Alabama	169,853	200,532	30,679
Arizona	2,434	4,086	1,652
Arkansas	71,505	101,376	29,871
California	80,543	98,151	17,608
Colorado	22,395	29,396	7,001
Connecticut	37,172	42,506	5,334
Delaware	11,549	12,274	725
District of Columbia	2,467	2,890	423
Florida	30,864	43,913	13,049
Georgia	261,783	290,623	28,840
Idaho	17,516	25,213	7,697
Illinois	273,521	286,381	12,860
Indiana	238,427	250,102	11,675
Iowa	212,596	224,201	11,605
Kansas	161,951	170,972	9,021
Kentucky	118,576	138,933	20,057
Louisiana	32,760	51,811	19,051
Maine	50,127	52,844	2,717
Maryland	57,679	61,089	3,410
Massachusetts	42,098	47,499	5,401
Michigan	223,415	233,982	10,567
Minnesota	142,818	157,468	14,650
Mississippi	118,836	150,703	31,867
Missouri	217,418	243,262	25,844
Montana	6,972	11,900	4,928
Nebraska	96,851	109,287	12,436
Nevada	362	414	52
New Hampshire	23,346	25,113	1,767
New Jersey	40,185	50,041	9,856
New Mexico	1,525	2,736	1,211
New York	216,074	234,711	18,637
North Carolina	198,176	219,580	21,404
North Dakota	37,823	45,149	7,326
Ohio	309,008	330,534	21,526
Oklahoma	113,854	137,656	23,802
Oregon	31,345	38,899	7,554
Pennsylvania	250,250	279,879	29,629
Rhode Island	6,629	7,466	835
South Carolina	125,599	148,345	22,746
South Dakota	43,833	50,254	6,421
Tennessee	228,810	257,794	28,984
Texas	283,045	323,993	40,948
Utah	10,862	14,636	3,774
Vermont	29,516	31,050	1,534
Virginia	135,324	158,244	22,920
Washington	49,144	57,645	8,501
West Virginia	46,863	57,581	10,718
Wisconsin	175,407	195,479	20,072
Wyoming	1,085	1,894	809
Total	5,060,491	5,710,487	649,996

Mr. KERN. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 22, insert the following proviso:

Provided, That nothing contained in this section shall in any way affect automobile routes already established where good and efficient service satisfactory to the postmasters at the points of distribution of the mail to be delivered is being rendered. Nor shall the provisions of this section apply to rural carriers who have been heretofore appointed and who have purchased or contracted for automobiles intended and designed for use in such Rural Delivery Service.

Mr. HARDWICK. Mr. President, I have no desire for the present to address myself strictly to the amendment proposed by the Senator from Indiana [Mr. KERN]. I do not know that I am particularly opposed to it. There is a good deal of justice in some of the things he says, and as far as I am concerned, while I am not going to advocate it, I am not particularly opposed to it.

I want to say just one word in reference to the statement of the Senator from Florida. I do not want anybody on either side of the Chamber to misunderstand the attitude of either of the Senators from Georgia. I quite agree that since this administration began and up to 12 months ago, when it undertook this reorganization, it had given us a splendid Rural Delivery Service. Petitions that were years old have been favorably acted on, and until we got into this difficulty with the Post Office Department as to the pay of these rural carriers we had no trouble whatever. I am going to be perfectly plain about it. The department would not carry out the real intent of Congress on that subject. Up to that time the Post Office Department had increased the Rural Delivery Service and was administering it in a perfectly satisfactory manner. I fully indorse what the Senator from Florida said in that respect, but I do say this: When the department undertook the readjustment of the service about a year ago, it seems to me that because of the fact that Congress thought these carriers ought to have more pay one division of the service particularly undertook to take it out upon the Rural Delivery Service.

In my State they not only established automobile routes most improvidently and most unwisely by scores and hundreds, but they lengthened horse-drawn vehicle routes 24 and 25 miles long to 30 miles and in some cases to 31 and 32 miles, and made them so long that they could no longer render the efficient service that had been rendered in the past.

That is my complaint about this so-called reorganization. It is not directed to the general policy nor to any of the acts of the department prior to this recent reorganization, which we are trying now to stop.

I do not want to be misunderstood about it. I have no feeling whatever in the matter. Some conduct of the Fourth Assistant Postmaster General does not appeal to either Democratic or Republican members of the committee. At a later time and in a different way, and on a different occasion, I expect to call the attention of the Senate to that in more detail. I have no feeling whatever against the service, against the administration, or against the department on account of any of these occurrences. We are simply trying to improve the service, and it is my honest and humble judgment that there is not a provision in the amendment the committee unanimously agreed upon, and that the Senate I hope and believe will sustain, that is not directed to the very best interests of the service, and will not immeasurably improve the efficiency and morale of the service in every particular.

I do not want any Senator on this side or the other side to think that there is anything in the amendment suggested by the committee that has grown out of the slightest feeling, personal or otherwise, that any member of the Senate committee might have against the Fourth Assistant Postmaster General. That is not true. This is an amendment drawn in good faith to secure what we believe will secure the best possible service to the rural population of the United States, and that is all there is to it. There is nothing beyond that or besides that in the mind or action of the committee.

As far as the amendment proposed by the Senator from Indiana is concerned, while I have no authority from the committee to accept it I have no objection, if the Senator wants to insist upon it, to putting it in and letting the conference work it out. I do not know in what form it can be worked out. If the Senator from Alabama, who is in charge of the bill, does not raise any objection to it, I shall raise no objection.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. KERN].

The amendment was agreed to.

The PRESIDING OFFICER. The Chair suggests to the Senator in charge of the bill that in view of the adoption of this amendment the word "*further*" ought to be inserted after the word "*Provided*" in line 22.

Mr. HARDWICK. Yes; the word "*further*" ought to be inserted after the next word "*Provided*," as the Chair suggests.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARDWICK. Has the amendment reported by the committee been voted upon yet?

The PRESIDING OFFICER. It has not. The question is on the amendment offered by the committee as amended.

The amendment as amended was agreed to.

The next amendment was, on page 34, line 20, after the words "third class," to strike out "$200,000" and insert "$250,000," so as to make the clause read:

For village delivery service in towns and villages having post offices of the second or third class, $250,000.

Mr. BRYAN. I move to strike out lines 19, 20, and 21, which strikes out the entire appropriation. This is the outgrowth of a policy established two or three years ago.

The PRESIDING OFFICER. The understanding of the Chair is that amendments on the floor are not now in order, as the Senate is proceeding to consider the committee amendments. So the Chair is obliged to rule that the amendment of the Senator from Florida is not now in order.

Mr. BRYAN. I oppose the increase of the appropriation. We began four or five years ago making an appropriation of $50,000 for experimental village-delivery service and that language has remained in the law until this year. The House has stricken out the word "experimental" and it now reads "for village-delivery service." Of course that is better because there is no experiment about the proposition as to whether a man can take a mail sack down the street of a village and deliver mail out of it. The Post Office Department has never asked for it. It has been increased over the objection of the department from $50,000 to $100,000 and from $150,000 to $200,000, and now the Senate committee wants to increase it to a quarter of a million dollars.

The Post Office Department say that, while they do not want it, they have used the appropriation to establish a village service in one village in each congressional district. That necessarily means, Mr. President, that other villages of the same population will also demand this service, and they will have justice behind their demands. When you establish the service in one village in each congressional district and begin to multiply it, then what have you done? You have then established a delivery service in every village. Then you have increased your appropriations for this service until they will amount to as much as the cost of the Rural Delivery Service in this country.

It seems to me it would be a good idea to stop it now when it is so small. They have just about gotten around, I understand, so that there is one in most of the congressional districts in the country. The Post Office Department in every hearing has protested against having this money. As I said before, it is no experiment; it is simply done to favor a village or a town in a district. Of course, when that town is taken care of other towns similarly situated will make the same appeal.

I hope the amendment of the committee will not be agreed to. The Post Office Department, of course, did not estimate for it, but the committee have the right to increase the appropriation.

Mr. HARDWICK. The department estimated $200,000.

Mr. BRYAN. They estimated $200,000, but they did not estimate for this extra $50,000. The committee merely felt generous, felt rich, and put it in the bill; that is all. They had a right to do it; there is no point of order about it. It is just simply a policy that ought to be stopped now when it has not grown to such proportions that it will be impossible to stop it.

Mr. BANKHEAD. Mr. President, this item in the appropriation bill has been carried for a number of years. It is true that there has been an increase from the original appropriation, which was $50,000. It is true the Post Office Department estimates $200,000, but the committee thought this service was of such a character, that it was so important, and that there was such a demand for its extension, that they might very well recommend an increase of $50,000 in the appropriation.

For myself, Mr. President, I hope that the Congress of the United States will continue to increase this appropriation. I think that there are a great many towns in the country too small to receive delivery service under existing law, which are entitled to benefits of this character. Of course they can not all be established at once; but there can be no objection, as I see it, to gradually increasing this appropriation, when there is such a demand for it and when the benefits that accrue from it are so universally recognized. I hope, therefore, the amendment will stand.

Mr. HITCHCOCK. Mr. President, before the Senator from Alabama takes his seat, I should like to ask what is now the dividing line? What towns receive the city delivery as a matter of right?

Mr. BANKHEAD. Under the operation of this appropriation, my understanding is that the towns must have a population of 5,000. Of course, for city delivery they must have 10,000, and they must also have $10,000 of postal receipts. Under the provisions of this bill, village-delivery service is limited to towns having 5,000 population, but there is no limit, as I understand, as to the postal receipts.

Mr. HITCHCOCK. Then, any city with less than 10,000 population has no city delivery?

Mr. HARDWICK. If the Senator will pardon me, the limitation is $5,000 annual receipts. Any town or village with annual postal receipts of as much as $5,000 can get this delivery where it is not entitled to city delivery under the postal regulations.

Mr. HITCHCOCK. First, I want to ascertain what towns are entitled to city delivery?

Mr. HARDWICK. Such towns in each State as have more than $5,000 receipts and are not entitled to city delivery, as are designated by the Post Office Department.

Mr. HITCHCOCK. No; I am first asking what towns are entitled to city delivery?

Mr. HARDWICK. Where the receipts are over $10,000 and the population is over 10,000.

Mr. HITCHCOCK. Then, any town with less than 10,000 population and with less than $10,000 of annual receipts is not entitled to city delivery?

Mr. BANKHEAD. That is right.

Mr. HITCHCOCK. This paragraph proposes, as a matter of favor, to extend the service to some of the towns that have 5,000 population?

Mr. HARDWICK. No; which have $5,000 of postal receipts.

Mr. HITCHCOCK. Five thousand dollars of postal receipts; and how much population?

Mr. HARDWICK. There is no requirement as to population.

Mr. HITCHCOCK. Then it is a matter of favor to be decided by the Postmaster General?

Mr. HARDWICK. Mr. President, let me go over the ground for just a minute. In a city entitled to city delivery there must either be 5,000 population or $10,000 annual postal receipts. This provision is for a class of towns and villages that do not come up to those requirements, and yet that do have as much as $5,000 of annual postal receipts. It covers a class of villages and of small towns.

Of course, the Senator understands that this is experimental legislation in a way; I think this is the first year that the words "experimental village delivery" have been left out of this legislation. We have been experimenting with it; we have used just two or three cities and smaller towns in each congressional district; a few in each State; one or two to the congressional district. Usually, on the recommendation of the Senators and Representatives to the department, these towns have been selected. The idea of the committee in increasing this appropriation was that the experiment has proven successful; that all of these cities and villages ought to have this delivery down to the $5,000 limit as rapidly as it can be supplied and the postal funds will authorize. We believe, as the Senator suggested, that there ought to be no favoritism about it, and that as rapidly as possible we ought to give all the towns within these limits village delivery.

Mr. HITCHCOCK. Mr. President, what I am really trying to get at is, What limitation is placed upon the discretionary power of the Postmaster General? May he give this service to any village or may he only give it to some villages of a certain population or a certain business?

Mr. HARDWICK. He can give it to any town that has as much as $5,000 of annual postal receipts.

Mr. TOWNSEND. Within the limits of the appropriation.

Mr. HARDWICK. Within the limits of the appropriation, of course.

Mr. HITCHCOCK. What logical reason is there for denying the city delivery to all towns?

Mr. HARDWICK. I am glad to hear the Senator ask that question. In reply, I will say that I do not think there is any reason for it. I think, as rapidly as we can possibly do it, we ought to extend this village delivery to every one of the towns in the United States that come within these limits. That is the reason your committee increased the amount. We want to accomplish that as fast as we can.

Mr. HITCHCOCK. Is there any estimate of the number of towns or the amount of appropriation that would be necessary to make this service universal?

Mr. HARDWICK. No, sir; but we know enough to know that it is a very large proposition. We can not get to it except gradually, as the postal funds will authorize, as certain economies are effected in other branches of the service and as revenues are provided for in other ways. We know that it can not be done at once; we do not believe it ought to be dropped. Wherever this service has been established the testimony is universal that it is a great success, and we want to continue it and extend it.

Mr. HITCHCOCK. Are there any restrictions or limitations on the bestowal of the delivery connected with buildings and sidewalks? I have in mind that at times postal facilities have been

refused to towns because they were without adequate pavements or sidewalks. What is the law on that subject?

Mr. HARDWICK. I will quote from the hearings. The towns must have $5,000 annual postal receipts—not less than that. They must also have street lights, pavements, house numbers, signs on the street corners, and private mail receptacles. What happens is this: If one of these towns is designated by the Postmaster General in any State to receive this service, the department at once inquires about these things. If it has not got them, the department requires the town to put them up or to provide street names, numbers, and so on, and reasonably good pavements before they will undertake to establish free delivery; but if they will not put the streets in proper condition the department will give the service to some other town possessing the necessary qualifications and willing to comply with the departmental requirements.

Mr. CUMMINS. Mr. President, I want to ask the Senator from Georgia a question. In replying to the Senator from Nebraska [Mr. HITCHCOCK] the impression may have been received that the requirements just stated are requirements of the law.

Mr. HARDWICK. That is not true. They are requirements of the Post Office Department.

Mr. CUMMINS. They are simply regulations that can be changed at any time.

Mr. HARDWICK. Yes; they are regulations of the Post Office Department.

Mr. CUMMINS. How many towns and villages are there in the United States having second or third class post offices?

Mr. HARDWICK. I do not know that I can answer that question. I can probably get the information accurately for the Senator, but I have not got it right now.

Mr. CUMMINS. Has the Senator from Georgia any information in regard to what it would cost if all the towns and villages of the country were served by letter carriers?

Mr. HARDWICK. We have not; we have had no estimates of that kind. Therefore we did not undertake to increase this appropriation largely. I will say, however, answering the question of the Senator from Iowa, that it appears that there are 533 first-class post offices in the United States and 2,138 second-class post offices. All of those are entitled, as I understand, to the city delivery under the law. There are 6,249 third-class post offices, and most of those, not all of them—I do not know what per cent of them, but, anyhow, a considerable per cent of the post offices embraced in that class—might come within the postal regulations and be entitled to this village delivery service. The committee does not know how many, because we did not feel able at the present time to undertake a great extension of this service.

Mr. CUMMINS. I dismiss the regulations, because they can be changed at any moment.

Mr. HARDWICK. Of course.

Mr. CUMMINS. Does the Senator say that every second-class office is entitled to city delivery?

Mr. HARDWICK. I think so.

Mr. CUMMINS. I do not so understand it.

Mr. HARDWICK. I think, if the Senator will investigate the matter, he will find that that is true.

Mr. CUMMINS. I wish I knew about what it would cost to furnish this service to all of the towns and villages, because I think that one is just as much entitled to it as is another; and if I were making the regulation I would a great deal rather give it to those towns that have no sidewalks or street lights, than to towns that have sidewalks and street lights, because it is more difficult for the people to reach the post offices in such towns and villages.

I think the Senator from Georgia ought to remember that it is one of the time-honored privileges of the citizens of a town or village to gather at the post office in order to get their mail. I really think there is more interchange of social thought and political thought, too, when these people come once or twice a day to the post office than we often give credit for. I doubt very much the wisdom of the United States delivering the mail in small places to the residences of the people who can with a very few steps reach the post office. Why does the Senator from Georgia think it ought to be done?

Mr. HARDWICK. I will tell the Senator why. We have tried it in the town where I live, which is a town of about 3,000 inhabitants, and everybody there is delighted with the service. Like most towns of that size, the houses are scattered probably a mile from the center of activities where the post office and courthouse are located, and some people live a good distance from the post office. A great many towns and villages would like to get this service. I have never heard of a village anywhere—North, East, South, or West—that did not want to get it, certainly not in the section of country from which I come. I can not see why such postal facilities should not be extended to the people of towns and villages as fast as we can supply the funds to do it as well as to the people living in rural sections and the people in the larger towns. It is only a question of having the money, and I do believe that it is one of the most desirable services to the development of which the Post Office Department can direct its future activities.

Mr. CUMMINS. I had not thought of the question very deeply, but if one town is entitled to it they are all entitled to it.

Mr. HARDWICK. I quite agree with the Senator.

Mr. CUMMINS. And I do not think there ought to be any discrimination.

Mr. HARDWICK. I quite agree with the Senator, and that is why we are increasing the appropriation. We know, of course, that the amount we have appropriated will not anything like serve all the towns.

Mr. CUMMINS. Why does not the committee appropriate more, then?

Mr. HARDWICK. I will tell the Senator. We hope to do so after awhile, but we will have to get more information than we have, and I am afraid we will have to get more money than we have. I think those are two good reasons. We do not know how much it will take and we do not know that we have not got enough money to do it right now.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 35, after line 9, to strike out:

SEC. 2. That the third proviso of the act of May 4, 1882 (22 Stats. L., ch. 116, p. 54), be amended as follows:

"If any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: *Provided*, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor."

SEC. 3. That whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor.

SEC. 4. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

SEC. 5. That section 3949 of the Revised Statutes be amended to read as follows:

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

SEC. 6. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: *Provided*, That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (ch. 370, 29 Stats. L., p. 262), and June 26, 1906 (ch. 3546, 34 Stats. L., p. 477).

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. SMOOT. Just a moment. I should like some information in regard to the amendment.

Mr. BANKHEAD. For the information of the Senator I will say that the sections stricken out have already been enacted into law in the postal savings act.

Mr. SMOOT. I was going to ask if that was not the case.

Mr. BANKHEAD. All of these sections which are stricken out in the bill—sections 2, 3, 4, 5, 6, 8, 9, 11, 13, and 14—have been enacted into law.

Mr. GALLINGER. Mr. President, I have been absent for a little time and have not kept very close watch on the proceed-

ings of Congress. I will ask the Senator the status of the postal savings bank bill. Has it become a law?

Mr. BANKHEAD. It has become a law, having been approved by the President.

Mr. GALLINGER. And these sections are in the law?

Mr. BANKHEAD. All the sections stricken out are in that law.

Mr. HUSTING. I should like to have the question stated. I do not understand what the question is. I will ask the Secretary to read the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary again stated the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read as follows:

SEC. 7. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

Mr. ASHURST. Mr. President, in the course of the progress of the bill I observe that we have reached section 7. I desire to submit some observations on a motion I have previously entered with reference to striking out that section. I will ask the distinguished chairman of the committee if he would deem this an appropriate time for me to make the motion and discuss that question, or does he wish to proceed otherwise?

Mr. BANKHEAD. I prefer, Mr. President, to go right along with the bill. We might as well consider section 7 now as at any other time. I do not see any necessity for passing it over.

Mr. ASHURST. I desire, of course, to yield to the wishes of the chairman of the committee.

Mr. SMOOT. Mr. President, the committee amendments were to be considered first.

The PRESIDING OFFICER. The Chair is advised that——

Mr. BANKHEAD. I think, perhaps, we had better complete the committee amendments before section 7 is taken up. I overlooked the fact that the committee amendments were to be first considered.

The PRESIDING OFFICER. The Chair is advised that an agreement has been made to that effect. The Secretary will state the next amendment reported by the committee.

The next amendment reported by the Committee on Post Offices and Post Roads was, on page 38, after line 8, to strike out:

SEC. 8. That section 2 of the act of April 28, 1904 (ch. 1759, 33 Stat. L., p. 440), be, and the same is hereby, amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails without postage stamps affixed quantities of not less than 500 identical pieces of third-class matter and of second-class matter mailed at the special rates of 1 cent and 2 cents a copy, and 250 identical pieces of fourth-class matter and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

SEC. 9. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office: *Provided*, That when practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe

The amendment was agreed to.

The next amendment was, on page 39, after line 8, to strike out:

SEC. 10. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

The amendment was agreed to.

The next amendment was, on page 39, after line 18, to strike out:

SEC. 11. That the act of March 4, 1909 (chap. 321, sec. 198, 35 Stats., p. 1126), be amended to read as follows:

"Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully and maliciously assault any letter or mail carrier knowing him to be such while engaged on his route in the discharge of his duty as such carrier, or shall willfully aid or assist in any of the aforementioned offenses shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years."

The amendment was agreed to.

The next amendment was, on page 40, after line 21, to strike out:

SEC. 13. That so much of section 4 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, approved August 24, 1912, as provides that no adjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to strike out:

SEC. 14. That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913.

The amendment was agreed to.

The next amendment was, in section 16, page 42, line 22, after the word "directed," to strike out:

To readjust the compensation to be paid to railroad companies from and after the 30th day of June, 1916, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service.

Full railway post-office car mail service shall be service by cars 40 feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard sized cars 60 feet in length, inside measurement, except as hereinafter provided.

Apartment railway post-office car mail service shall be service by apartments less than 40 feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments 15 feet and 30 feet in length, inside measurement, except as hereinafter provided.

Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars 60 feet in length, inside measurement, except as hereinafter provided: *Provided*, That less than 60 feet of storage space may be authorized in baggage cars.

Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department, as shall be directed by the Postmaster General to be so carried: *Provided*, That no parcel-post package shall exceed 50 pounds in weight.

Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided.

The rates of payment for the services authorized in accordance with this act shall be as follows, namely:

For full railway post-office car mail service at not exceeding 21 cents for each mile of service by a 60-foot car.

In addition thereto he may allow not exceeding $4.25 as a combined initial and terminal rate for each one-way trip of a 60-foot car.

For apartment railway post-office car mail service at not exceeding 11 cents for each mile of service by a 30-foot apartment car and 6 cents for each mile of service by a 15-foot apartment car.

In addition thereto he may allow not exceeding $2.75 as a combined initial and terminal rate for each one-way trip of a 30-foot apartment car and $2 as a combined initial and terminal rate for each one-way trip of a 15-foot apartment car.

For storage-car mail service at not exceeding 21 cents for each mile of service by a 60-foot car.

In addition thereto he may allow not exceeding $4.25 as a combined initial and terminal rate for each one-way trip of a 60-foot car.

Where authorizations are made for cars of the standard lengths of 60, 30, and 15 feet, as provided by this act, and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but which are determined by the department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided by this act for the standard length so authorized: *Provided*, That the Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths.

For closed-pouch service, at not exceeding the following rates, when a 3-foot unit is authorized, a terminal charge of 50 cents for a round trip, or 25 cents for a single trip, irrespective of the distance run, and

in addition thereto a line charge at the rate of 1½ cents per mile for the authorized number of miles. When a 7-foot unit is authorized, a terminal charge of $1 for a round trip, or 50 cents for a single trip, irrespective of the distance run, and in addition thereto a line charge at the rate of 3 cents per mile for the authorized number of miles.

The Postmaster General may require railroad companies carrying the mails to deliver them into and take them from the terminal and intermediate post offices and transfer them between railroad stations on their routes without additional compensation, under such regulations as he may deem proper, in cases where he does not provide for such service otherwise: *Provided*, That the Postmaster General in his discretion may relieve any of the roads of such service.

Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per cent of the compensation otherwise authorized by this act.

The initial and terminal rates provided for herein shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service and required by the Postmaster General in connection with the mails that are not included in the car-mile rate. The allowance for full railway post-office cars, apartment railway post-office cars, and storage cars may be varied in accordance with the approximate difference in their respective cost of construction and maintenance.

In computing the car-miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon.

In computing the car-miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car be used by the company in the return movement, or otherwise mutually agreed upon.

New service and additional service may be authorized at not exceeding the rates herein provided, and service may be reduced or discontinued with pro rata reductions in pay, as the needs of the Postal Service may require: *Provided*, That no additional pay shall be allowed for additional service unless specifically authorized by the Postmaster General.

The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where, in his judgment, the conditions warrant the application of higher rates than those herein specified, and make report to Congress of all cases where such special contracts are made and the terms and reasons therefor.

All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. No pay shall be allowed for service by any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for service by any wooden full railway post-office car run in any train between adjoining steel cars, or between the engine and a steel car adjoining. After the 1st of July, 1917, the Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material; and all full railway post-office cars accepted for this service and contracted for by the railroad companies hereafter shall be constructed of steel. Until July 1, 1917, in cases of emergency and in cases where the necessities of the service require it, the Postmaster General may provide for service by full railway post-office cars of other than steel or steel underframe construction, and fix therefor such rate of compensation within the maximum herein provided as shall give consideration to the inferior character of construction, and the railroad companies shall furnish service by such cars at such rates so fixed.

Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other or terminal company: *Provided*, That service over land-grant road shall be paid for as herein provided.

Railroad companies carrying mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as is herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, distribution, and transfer of mails in transit, and for offices and rooms for the employees of the Postal Service engaged in such transportation when required by the Postmaster General.

Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Postal Service, while traveling on official business, upon the exhibition of their credentials.

If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper.

The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates, and with due speed, all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper.

The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of this act for reduction in service or infrequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company.

The provisions of this section shall apply to service operated by railroad companies partly by railroad and partly by steamboats.

The provisions of this section respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission.

Railroad companies carrying the mails shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence as to the performance of service.

The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this section, and to rent quarters in Washington, D. C., if necessary, for the clerical force engaged thereon, and to pay for the same out of the appropriation for inland transportation by railroad routes, and hereafter detailed estimates shall be submitted for such services in the annual Book of Estimates.

The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General.

The Postmaster General is authorized, in his discretion, to petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General.

The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured thereby without material detriment to the service.

The Postmaster General is authorized to return to the mails, when practicable for the utilization of car space paid and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service.

The Postmaster General in cases of emergency between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and, where such return requires additional authorization of car space under the provisions of this section, to pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes.

The Postmaster General may have the weights of mail taken on railroad mail routes, and computations of the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expenses thereof out of the appropriation for inland transportation by railroad routes.

It shall be unlawful for any railroad company to refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do, and for every such offense it shall be fined not exceeding $5,000.

After the rates specified in this section shall have been adopted the Interstate Commerce Commission shall, whenever requested by the Postmaster General or by the representatives of railroads with an aggregate mileage of at least 51 per cent of the mileage of railroads carrying mail, make an investigation of the justice and reasonableness of rates then in effect, grant hearings to parties in interest, and report to Congress at the earliest practicable date thereafter the results of such investigation, making specific findings as to whether the rates fixed herein should be increased or decreased, and if either, how much. Such report shall show for each steam railroad operating company, if practicable, the amount of mail service rendered, the cost of performing same, and a comparison of the earnings of such railroad company from the mail traffic with those from express traffic and other passenger-train traffic. For the purpose of such investigations the Interstate Commerce Commission shall have all powers which it is now authorized to exercise in the investigation of the reasonableness of rates, and the Postmaster General shall supply such information regarding the mail service as may be requested by the Interstate Commerce Commission.

That the appropriation for inland transportation by railroad routes and for railway post office car service for the fiscal year ending June 30, 1917, are hereby made available for the purposes of this section.

And in lieu thereof to insert:

From and after the passage of this act, and not less frequently than once every year, to cause the United States mails to be weighed simultaneously on all railroad mail routes for a period of 30 successive working days, and when such annual weighing is completed he shall readjust the annual compensation of railway mail pay on the basis of the average daily weight of all the mail carried on each route as ascertained by the actual weight taken, as herein provided, which readjustment shall be effective on and after the 1st day of July following such weighing: *Provided*, That such annual weighing shall only be had in those cases in which railroad companies carrying the mails shall perform the work of weighing the mails under the supervision and direction of the Postmaster General and without expense to the Government: *Provided further*, That in case any contractor for a railway mail route shall refuse or fail to perform the work of weighing without expense to the Government, then the mails on such route shall be weighed quadrennially in the manner above provided.

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation into the justness and reasonableness of existing rates of railway mail pay and of the practices and regulations of the Post Office Department in respect thereto and in regard to the service required to be performed therefor.

The commission shall also hold hearings and thoroughly investigate the so-called "space" plan and the so-called "weight" plan of railway mail pay, and any combination of the two, and any other plan that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and the railroads for the carrying of the mails.

The commission is making such investigation shall consider efficiency and economy in service, both from the standpoint of the Government and the railroads, and shall also consider the relations existing between the railroads as public service corporations and the Government.

The commission shall not only investigate the system or plan of fixing railway mail pay but it shall also hold hearings and carefully and thoroughly investigate the question as to what rates of compensation should be allowed to the railroads under whatever plan or system is suggested or adopted.

The commission shall, as soon as possible, conduct and conclude the investigation herein provided, and report to Congress the result of its investigations, and its recommendations thereon.

For the purpose of making such investigation the Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation of the justness and reasonableness of freight, passenger, and express rates, and the regulation of railroads and express companies, and the Postmaster General, the railroad carriers, and express companies shall supply such information regarding the railway mail pay as the Interstate Commerce Commission may request and shall be given full opportunity to be heard.

If the Postmaster General shall find on experience that the classification of articles mailable, as well as the weight limit, or the rates of postage, zone or zones, and other conditions of mailability, under section 8 of the act approved August 24, 1912, or any of them, are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized to reform from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof: *Provided, however,* That before any change is hereafter made in weight limit, rates of postage, or zone or zones, by the Postmaster General, the proposed change shall be approved by the Interstate Commerce Commission, which is hereby directed to hold hearings and to make a thorough and independent investigation of the question for the purpose of determining whether such proposed change will promote the Parcel Post Service to the public and insure the receipt of revenue from such service adequate to pay the cost thereof.

So as to make the section read:

SEC. 16. That the Postmaster General is authorized and directed from and after the passage of this act and not less frequently than once every year to cause the United States mails to be weighed simultaneously on all railroad mail routes for a period of 30 successive working-days, and when such annual weighing is completed he shall readjust the annual compensation of railway mail pay on the basis of the average daily weight of all the mail carried on each route as ascertained by the actual weight taken, as herein provided, which readjustment shall be effective on and after the 1st day of July following such weighing: *Provided,* That such annual weighing shall only be had in those cases in which railroad companies carrying the mails shall perform the work of weighing the mails under the supervision and direction of the Postmaster General and without expense to the Government: *Provided further,* That in case any contractor for a railway mail route shall refuse or fail to perform the work of weighing without expense to the Government, then the mails on such route shall be weighed quadrennially in the manner above provided.

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation into the justness and reasonableness of existing rates of railway mail pay and of the practices and regulations of the Post Office Department in respect thereto and in regard to the service required to be performed therefor.

The commission shall also hold hearings and thoroughly investigate the so-called "space" plan and the so-called "weight" plan of railway mail pay, and any combination of the two, and any other plan that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and the railroads for the carrying of the mails.

The commission in making such investigation shall consider efficiency and economy in service, both from the standpoint of the Government and the railroads, and shall also consider the relations existing between the railroads as public service corporations and the Government.

The commission shall not only investigate the system or plan of fixing railway mail pay, but it shall also hold hearings and carefully and thoroughly investigate the question as to what rates of compensation should be allowed to the railroads under whatever plan or system is suggested or adopted.

The commission shall, as soon as possible, conduct and conclude the investigation herein provided, and report to Congress the result of its investigations and its recommendations thereon.

For the purpose of making such investigation the Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation of the justness and reasonableness of freight, passenger, and express rates, and the regulation of railroads and express companies, and the Postmaster General, the railroad carriers, and express companies shall supply such information regarding railway mail pay as the Interstate Commerce Commission may request and shall be given full opportunity to be heard.

If the Postmaster General shall find on experience that the classification of articles mailable, as well as the weight limit, or the rates of postage, zone or zones, and other conditions of mailability, under section 8 of the act approved August 24, 1912, or any of them, are such as to prevent the shipment of articles desirable or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized to re-form from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof: *Provided, however,* That before any change is hereafter made in weight limit, rates of postage, or zone or zones by the Postmaster General the proposed change shall be approved by the Interstate Commerce Commission, which is hereby directed to hold hearings and to make a thorough and independent investigation of the question for the purpose of determining whether such proposed change will promote the Parcel Post Service to the public and insure the receipt of revenue from such service adequate to pay the cost thereof.

During the reading of the amendment,

Mr. LA FOLLETTE. Mr. President, many of these provisions appear to me to be of considerable importance, and I am trying to follow the Secretary as he reads them. I find considerable difficulty in keeping up with him at the pace at which he is going; and I just rose to suggest that they be read at such measure as would enable Members of the Senate to comprehend them as we are going along. Otherwise, the reading is hardly worth while.

The Secretary resumed and concluded the reading of the amendment.

Mr. THOMAS. Mr. President, I desire to offer an amendment to the proposed amendment of the committee, which I ask to have read and printed.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Colorado offers an amendment to the amendment of the committee, which will be stated.

The SECRETARY. On page 57, line 2, after the word "thereon," it is proposed to add the following:

And the system or plan of fixing railway mail pay to be so reported shall be accepted by the Congress and the railway companies as final, and made the basis thereafter of the systems of railway mail pay without any further or other inquiry relating thereto.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Does the Senator from Colorado offer the amendment so that it is now the pending question?

Mr. THOMAS. No; I offer it and ask to have it printed. I shall call it up later.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will lie on the table and be printed.

Mr. THOMAS. If there is any question about the regularity of my offering the amendment at the present time, I will withdraw it and offer it later.

The PRESIDING OFFICER. The Chair sees no objection to the Senator offering the amendment in this way.

Mr. THOMAS. The suggestion is made that we may reach the amendment to the amendment before it has been printed; but I hardly think we will do so to-day.

Mr. CUMMINS. Mr. President, some time ago I offered and had printed an amendment to the amendment proposed by the Senate committee which I regard as of some importance. I had rather understood from the chairman of the committee that he did not desire to enter upon the consideration of that amendment this afternoon, but possibly I misunderstood him.

Mr. BANKHEAD. Mr. President, I think perhaps the Senator did misunderstand me. I can see no reason why we should not now consider the amendment. I am very anxious to secure final action on the bill; and if it is not objectionable to the Senator, I should be glad if he would go on now.

Mr. CUMMINS. I have no objection at all. I am quite ready, but I thought I was deferring to the wishes of the chairman of the committee.

I offer an amendment to the committee amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the committee amendment, which will be stated.

The SECRETARY. It is proposed to substitute for the committee amendment, beginning on line 1, page 56, and ending with line 11, page 57, the following:

All common carriers are hereby required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions, and with the service prescribed by the Postmaster General and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith.

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter and the service connected therewith and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing.

The procedure for the ascertainment of said rates and compensation shall be as follows:

Within three months from the passage of this act the Postmaster General shall file with the commission a statement showing the transportation required of all common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business; the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry. The commission may require the statement of any facts which it deems relevant to the investigation. The Postmaster General shall also state what he believes to be the reasonable rate or compensation the several carriers should receive. Thereupon the commission shall give notice of not less than 30 days to each carrier so required to transport mail and render service, and upon a day to be fixed by the commission each of said carriers shall make answer and the commission shall proceed with the hearing as now provided by law for other hearings between carriers and shippers or associations.

All the provisions of the law for taking testimony, securing evidence, penalties, and procedure are hereby made applicable.

At the conclusion of the hearing the commission shall establish by order a fair reasonable rate or compensation to be received by each carrier, at such stated times as may be named in the order, for the transportation of mail matter and the service connected therewith, and during the continuance of the order the Postmaster General shall pay the carrier from the appropriation herein made such rate or compensation.

Either the Postmaster General or any carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had.

The Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation and ascertainment of the justness and reasonableness of freight, passenger, and express rates to be paid by private shippers.

In the case of any carrier which has received, directly or indirectly, through succession a public-land grant the value of the grant or donation shall not be considered in determining the value of the railway property.

This section shall not apply to that part of the foreign mail service performed by steamships plying between the United States and a foreign country.

The existing law for the determination of mail pay shall continue in effect until the Interstate Commerce Commission under the provisions hereof fixes the fair, reasonable rate or compensation for such transportation and service.

Mr. CUMMINS. Mr. President, it will be at once observed that the amendment I have proposed presents a fundamental question with regard to the relation between the Government of the United States and the several railways which are required to transport mail.

I gave some study to this inquiry three or four years ago, while the joint committee of the two Houses of Congress was carrying on a very elaborate investigation into the subject. I reached the conclusion then that there was but one fair thing to do, namely, to empower and require the tribunal which we have established for the purpose of determining rates, so far as the general public is concerned, to ascertain and establish the fair compensation to which railway companies are entitled, or will become entitled, for the service which they render to the Government as an organized society.

Some things have transpired since the conclusion I have suggested was reached which have tended to impair somewhat my confidence in that high tribunal. I must say that in perfect frankness—not that my confidence in the integrity of the members of the commission has been lessened, but some things have occurred that have shaken my faith in the point of view which the commission, or some members of it, have assumed. Nevertheless, the Interstate Commerce Commission is a permanent tribunal, as I believe, in the affairs of the United States. No matter what mistakes it may have made, or what mistakes it may make in the future, we have created it for the especial purpose of determining what compensation the common carriers of the United States should receive for the service which they render, and I believe that the Government itself, which pays to the railway companies every year more than any other patron of the common-carrier system, ought to intrust to this tribunal the settlement of the very vexatious dispute which has now continued in the United States for about 40 years.

The present plan for the payment of compensation to the railway companies for the transportation of mail had its origin, I think, in the law of 1873. It has been somewhat modified from time to time, but the system that is now in force was organized in that year. Under it the railway companies carry mail through contract with the Post Office Department. The compensation, although there is a maximum in the law, is fixed by the terms of the contracts, and it is based upon the weight of the mail transported, with one exception. In the so-called railway post-office cars—the traveling post offices—where mail is assorted for ultimate delivery, there is a payment that does not depend upon the weight of the mail, but this exception is limited to cars or apartments 40 feet or more in length.

The total compensation, speaking in round numbers, paid by the Government to the railway companies of this country annually, is $60,000,000—a sum so vast that it at once challenges the interest of every Senator and every citizen. There has been, as I remarked a moment ago, a continuous controversy about the compensation that should be paid and the basis or standard which should be adopted in order to arrive at the annual payment, for nearly 40 years. For 38 years it has been an active dispute in Congress and between the Post Office Department and the several common carriers.

Aside from the almost innumerable congressional investigations that have taken place—and they have occurred almost every year—there have been at least five careful, exhaustive inquiries made by special committees or commissions.

First, through what is known as the Hubbard Commission in 1878; second, through what is known as the Elmer-Thompson-Slater Commission in 1883; third, through what is known as the Wolcott-Loud Commission in 1901; fourth, through the Post Office Department itself, carried on principally by the then Postmaster General, Mr. Hitchcock; and fifth, and the most elaborate of them all, by the joint committee of the two Houses, raised I believe in 1911 or possibly a little earlier than that, composed of men who were highly skilled in the subject and who gave to the investigation the most deliberate and protracted attention.

Notwithstanding all these investigations, each of which was followed by a report, the controversy is as active, as unsettled, as uncertain as ever before. We have not advanced a single step toward the adjustment of any single point in the controversy, either as to the amount that should be paid to the railway companies from year to year or as to the basis on which the compensation ought to be ascertained.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. Certainly.

Mr. HUSTING. Was there not some recent report in favor of the so-called space system?

Mr. CUMMINS. Yes, sir. What commission?

Mr. HUSTING. Some of the commissions or all of them.

Mr. CUMMINS. Some of them have. Some of them have not. The last commission, which is known generally as the Bourne Commission, because he happened to be chairman of the committee at the time it was organized, reported specifically in favor of the space basis. Others have reported in favor of the weight basis; two of them, I think, reported in favor of a combination of the two. But the space basis as compared with the weight basis is still in violent controversy. Some people, very good people, too, believe in it. Other people do not believe in it.

The railways as a whole are very much opposed to it, as is evidenced by the hearings. Many of the experts who have no interest in the matter on either side are opposed to it. Some are in favor of it. I venture to say that there are not to exceed one-half dozen Senators on this floor who at this moment are prepared to declare either for or against it.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield.

Mr. HARDWICK. I suggest to the Senator from Iowa that the Post Office Department itself concedes that in the case of small railroads carrying pouch mail the space system would not do at all, and they had to provide an exception from that system for that portion of the mail.

Mr. CUMMINS. That is quite true; but I am not here to espouse either basis. I have an opinion with regard to the matter, but I confess it is an opinion upon which I would not dare to ask the Senate to act. It is an opinion which I would not venture to impose either upon the Post Office Department or the railways.

My amendment does not attack the weight basis; it does not attack the space basis. It simply declares that we are not qualified to determine what the compensation of the railway or the carriers who transport mail should be. I do not believe there are many Senators who have given to this subject more continuous study than myself. I have tried to make it an impartial study. But if I were asked to declare what the railway companies of this country should receive for the service they render the Government I would be compelled to say that I do not know. My amendment proceeds upon the hypothesis that, whether we take the weight basis or the space basis, there is another tribunal organized for the specific purpose of ascertaining a fair reward or rate that the railway companies ought to enjoy or receive for their service, and to that tribunal we ought to submit the question.

Mr. HITCHCOCK. Mr. President——

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I wanted to ask the Senator whether he is offering his amendment as a substitute for the committee amendment? I have not understood exactly the situation.

Mr. CUMMINS. There are parts of the Senate committee amendment which are so far removed from the subject that I am discussing and which my amendment embraces that I have not offered my amendment as a substitute for the entire committee amendment. I have offered it for a part of the committee amendment, and that part is specified in the beginning of my amendment.

Mr. HITCHCOCK. I do not fully understand the difference between the Senator's proposition and the proposition of the committee, which is also before the Senate. Each seems to provide that an investigation shall be made by the Interstate Commerce Commission, that hearings shall be had, and that pending those hearings no change shall be made in the present law. Is that correct?

Mr. CUMMINS. The Senate committee amendment proposes a change in the present law, which I do not disturb, but the difference between the Senate committee amendment and the House bill as well, because they are both open to the same

objection, and my amendment is this. Both the House bill and the Senate committee refer the subject to the Interstate Commerce Commission for an investigation and report, and then Congress can accept the report or can reject it. There will be nothing whatsoever settled. Our past experience demonstrates, if it proves anything, that we will not necessarily accept the report of the Interstate Commerce Commission. The subject will still be open for debate and decision; Congress will still be called upon to determine what rate is fair and reasonable; whereas my amendment puts the Government of the United States in the hands of the Interstate Commerce Commission, precisely as we put every citizen of the United States in the hands of that commission, and when the commission declares what is reasonable compensation it binds not only the railway companies but binds the United States as well, and that is thereafter the compensation to be paid for the service rendered. That is the difference, and that difference is as wide as the sea. There is nothing at all settled either by the House provision or by the Senate committee amendment.

Mr. THOMAS rose.

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. It was precisely that defect in the Senate committee amendment to which my amendment was directed, but I am so much better satisfied with the amendment more carefully prepared by the Senator than with mine that I shall support his amendment with a great deal of pleasure.

Mr. CUMMINS. The amendment offered by the Senator from Colorado would do just exactly what I propose. It is not worked out in quite as much detail. My purpose is to commit this subject to the Interstate Commerce Commission, believing that it will act fairly both for the Government and for the railways, and when it does act the compensation will be paid and the great, vexatious controversy will be removed from Congress.

Mr. HITCHCOCK. I got the impression from the reading of the Senator's amendment that it contemplated hearings and the possibility that the rate, instead of being a flat rate for the whole country and all railroads, might vary with different railroads and in different sections.

Mr. CUMMINS. That depends entirely upon the Interstate Commerce Commission. In my judgment, we can not compel any railroad company by any form of words that we may use to render a service to the Government for less than a fair compension. We ought not to require it if we could, and we could not require it if we would. Therefore, when this subject comes before the Interstate Commerce Commission—as it would come under my amendment—it investigates the whole subject and every railway and lays down and establishes a rate for the transportation of mail.

I hope Senators will not confound the compensation we pay to the carrier and the compensation which the Government exacts from the public for transportation. We can do what we please with regard to the latter. We can send mail throughout the whole country for nothing if we desire to do it. We may continue the most unjust and indefensible subsidy to second-class matter and lose $60,000,000 every year in carrying this matter. We can continue that if we will, but when the Government comes to deal with a railway company then it must pay a fair, reasonable compensation for the service it demands. It ought not to pay more, and under the law the railway company can not be compelled to accept less.

Mr. VARDAMAN. Mr. President——

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Does the Senator from Iowa hold that the Interstate Commerce Commission would be more inclined to deal justly with the carrier than Congress, whose duty and whose right it is, and which it has exercised from time immemorial, to fix these rates?

Mr. CUMMINS. I think so, Mr. President. Congress can not fix a rate. We do not know enough to fix the rate.

Mr. VARDAMAN. As to the purpose, as I understand it, the Interstate Commerce Commission would gather the data upon which Congress could base its conclusions. I can not see how the Senator can reason it out so as to reach the conclusion that Congress would be less likely to do its duty to the railroad companies than the Interstate Commerce Commission in fixing the rate.

Mr. CUMMINS. I hope that both Congress and the Interstate Commerce Commission have an eye single to the public welfare, but the proposal of the House as well as the Senate committee is that the Interstate Commerce Commission shall investigate and make a report. It will then be for Congress to fix a rate. It may accept the report of the commission, it may not, and nothing whatsoever is settled.

Mr. VARDAMAN. If the conclusion of the Interstate Commerce Commission is correct, if it is fair, if it is just——

Mr. CUMMINS. Who is to determine that?

Mr. VARDAMAN. Congress.

Mr. CUMMINS. Precisely. Well, I want the commission to determine it, because I think we ought to have the same confidence in the commission with respect to the service which we require as a Government that we compel the citizens of this country to have in the establishment of rates which they must pay. Suppose the interstate-commerce act provided that before the commission fixed any rate it should report to Congress, and then we should legislate upon the question and either establish the rate or some other, does the Senator from Mississippi think that would be an efficient regulation of transportation?

Mr. VARDAMAN. The question of railroad rate regulation is a matter of almost infinite detail, while the question of railroad mail pay has been worked out with fair success by the Congress. I understand that Congress has universally from time immemorial fixed the rate for carrying the mails, and I have not seen any marked abuse of that function to the detriment of the railroad companies.

Mr. CUMMINS. As a matter of fact, Congress has not fixed the rate, and it does not fix the rate in this bill for all practical purposes. Let me point that out. Take the provisions of the House bill. These provisions fix a certain rate per mile for a certain space. The language or the phraseology of the act is not exceeding a certain sum per mile. But the act immediately proceeds to give the Postmaster General authority to either increase the amount or decrease it. So the legislation proposed by the House in effect gives to the Potsmaster General absolute, uncontrolled discretion with respect to railway mail pay, and the limitation will be of no avail whatsoever.

Moreover, the House provision requires the railway companies to accept whatever rate may be fixed by the Postmaster General, and if they do not accept they are to be fined $5,000 every day. To me a provision of this sort is more objectionable than the despotism of any country on earth. I can not understand how it can be vindicated or justified by anyone; but what I am now saying does not apply to the Senate committee, because it has attempted to eliminate those provisions from the House bill.

Mr. NELSON. May I ask the Senator from Iowa a question?

Mr. CUMMINS. Certainly.

Mr. NELSON. I have not examined the Senator's amendment. Does it provide for an appeal from the decision of the Interstate Commerce Commission the same as in rate-making cases?

Mr. CUMMINS. Precisely; it is so intended.

Mr. VARDAMAN. We could not hear the Senator from Minnesota.

Mr. CUMMINS. There is no provision in the present law——

Mr. NELSON. I will repeat my question, so that the Senator from Mississippi may understand it. I asked whether the amendment provides for an appeal in this case as in other rate-making cases before the Interstate Commerce Commission? Is there an appeal to the courts?

Mr. CUMMINS. I think it would permit the same review, although the present law does not permit an appeal. Under the present interstate-commerce law if the rates are confiscatory the railway companies can bring a suit for an injunction and in that way the validity of the order of the Interstate Commerce Commission is tested, but under the present law the shipper has no remedy whatever. The decision of the Interstate Commerce Commission as to the shipper is final.

Mr. NELSON. I am aware of that fact, but here is the point. In an ordinary rate-making case there may be an issue between the railroad company and the Interstate Commerce Commission as to whether the order of the commission is valid and not confiscatory.

Now, take this case. Suppose the Interstate Commerce Commission fixes the rate for the transportation of mail and the railroads object to it and say the rate is not sufficiently high, that it is not compensatory, in other words, does the Senator's amendment provide for an appeal in such a case?

Mr. CUMMINS. Not an appeal. There is no such thing, as I understand it.

Mr. NELSON. I am using the term in a general sense. I mean does it provide for a review by the court?

Mr. CUMMINS. It does not specifically. There would be the same remedy precisely under my amendment for the railway companies that now exists in the case of the establishment of a rate for a private shipper.

Mr. NELSON. Does the Senator's amendment provide for that?

Mr. CUMMINS. I think so. It is provided for in just the same way the present law does.

I now recur to the question that was debated and considered principally in the various investigations which I referred to a moment ago. In all of them the principal question, the principal dispute concerned the merit of the space basis as compared to the weight basis. My amendment does not involve that dispute at all. The Interstate Commerce Commission will be at perfect liberty to adopt the one basis or the other or adopt both. If we were to enter upon an inquiry and debate here respecting the merits of the space basis as compared with the weight basis it would be never ending.

I venture to say that within the last 38 years there have been 10,000 pages of testimony taken before the various committees and various commissions relating to that one question. But after you have settled that issue you have settled nothing, so far as compensation is concerned, for if you adopt a weight basis you must then attach a certain charge for a certain weight of mail. If you adopt the space basis you must also attach a certain charge for carrying a certain car a certain distance. So the real question in which we are interested is not elucidated by the adoption of the one basis or the other.

At any rate, my amendment does not purport or attempt to settle that very difficult and intricate question, and I repeat that I do not believe there are a half a dozen Senators in our whole body who are competent now to decide that first controversy, namely, whether the standard should be space or weight. The reasons given on either side are very persuasive and it is not an easy matter to determine; but suppose we had determined in favor of weight, how much, then, should be charged to carry a hundredweight of mail? Is there a Senator here who knows? No; there is not one. If we adopt the space basis, how much should we pay the railway companies for carrying a 60-foot car a mile? The House bill attempts to settle that, or, at least, it establishes a maximum rate; but I ask again whether there is a Senator here who knows and is willing to declare by his vote how much the railway companies ought to receive for carrying a car 40 feet or 60 feet in length a mile?

Mr. HUSTING. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I yield.

Mr. HUSTING. I ask the Senator if he does not think the rate paid by packers and others who have privately owned cars and run them over the railroads, the amount per foot per mile that they pay, might furnish some criterion of what the Government should pay?

Mr. CUMMINS. I do not think so. I have examined the testimony with a great deal of care, and there are many suggestions, although I may say in passing that the testimony which is devoted to the proper charge per mile for a railway mail car is almost negligible as compared with the testimony on the merits of the two bases. But throughout all this testimony there is now and then a suggestion as to the proper comparison. Some have compared it with the fast freight; some have compared it with express matter; some have compared it with passenger space; but I am bound to say, after the most deliberate and reflective study, I do not know what it ought to be. It may very well be that the sum fixed by the House bill is altogether too large. It may be that it is altogether too small. It is a subject that we are not qualified to vote upon, any more than we are qualified to vote upon a freight rate from New York to Chicago on coal, meat, wheat, or any other commodity which may be transported from one part of the country to another.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Iowa yield a moment?

Mr. CUMMINS. Certainly.

Mr. MARTINE of New Jersey. The Senator from Iowa is in doubt as to just what the rate should be, and I can sympathize with him in that respect. I think the committee generally had no thought as to what the rate should be, but favored referring the matter to the Interstate Commerce Commission, in order that they might thrash it out. However, as to the system, whether the rate shall be determined on a basis of space or weight, what is the Senator's opinion on that?

Mr. CUMMINS. If I were doing it myself—although I said a few moments ago that I would not venture to ask this Government to take the course which my opinion might now suggest—I would have a combination of both.

Mr. MARTINE of New Jersey. I will say for myself that my first impression was when the matter was before the committee that the rate should be governed by weight. It seemed to me that that was the practical and sensible solution of the matter. Afterwards, however, during the course of the hearings before the committee, the Senator from Iowa, who is a member of it, will recall that the presidents of a number of farmers' granges throughout the country appeared before the committee and with the most remarkable unanimity pressed the weight system; they had no thought of the space system. I asked a couple of those gentlemen, who were presidents of granges, how it was that they with such uniformity were pressing the weight system, and finally, after a great deal of circumlocution, they admitted, in answer to my question, that presidents and other officials of railroads had even deigned to come before the farmers' granges and to tell the farmers it was their incumbent duty to come down before the Post Office Committee, which was formulating this bill, and to advocate the weight basis as against the space basis.

Mr. VARDAMAN. Mr. President, if the Senator will yield to me for just a moment, I will say that I think he is at fault in his recollection of just exactly what those gentlemen said. They were here not asking for the weight system but asking that this matter be referred to the Interstate Commerce Commission.

Mr. MARTINE of New Jersey. That is true; but they said that their primary motive was to secure the adoption of the weight system. I asked them, "How is it that you gentlemen have left your occupation of agriculture, of the tillage of the earth in order that it may bring forth bountiful crops, and now project yourselves into this intricate problem?" "Well," they said, "it is very plain to the presidents of the agricultural granges. The railroad presidents told us that it was our duty to come here and make known our desires and their desires. They further told us, as a reason for it, that if the space system were adopted the railroads were going to charge every farmer higher freight rates for his potatoes and his wheat." So these voracious creatures, fattened to richness, finally made up their minds that the only way to lambaste the Congress of the United States into their way of thinking was to go to the farmers and to inspire them to tell the Senate of the United States that, if they did not adopt this method, there would be an increased rate imposed on their potatoes, on their corn, and on every other commodity which they raise. That made me very quickly transfer my adherence from the weight system to the space system; and I believe to-day there is every reason for it in justice, and every reason in the experience of other countries; for, so far as I have examined the subject, every country which has tried the space system has adopted that instead of the weight system. The attitude of the unscrupulous men who went to these dependent and helpless farmers—whose crops and products of the earth, however much they may raise, amount to nothing unless they can transport them to the market of the consumer—made me believe that our true course was to stand for the space basis instead of the weight basis.

Mr. CUMMINS. Mr. President, I can understand the deep feeling of the Senator from New Jersey on that question and how conclusive the reason that he now gives is for his change of mind. I can see, of course, how conclusive the misconduct on the part of the railway companies in bringing these helpless and innocent farmers here to sustain their theory is in favor of the space basis; but speaking seriously it does not appeal to me in that way any more than the similar effort—quite as indefensible—made by the Post Office Department itself in sending out telegrams to all postmasters of the country to forward dispatches to all Senators asking them to sustain the Post Office Department in its proposal as to railway-mail pay and as to rural mail routes. I think both campaigns are overworked; I think both are to be criticized; and I do not criticize one any more than the other; but really I am unable to see how the suggestion just made by the Senator from New Jersey affects my proposal that the Interstate Commerce Commission shall be given the authority to fix the compensation for the Government, exactly as it fixes the compensation for me or for him.

Mr. MARTINE of New Jersey. I desire to say that I never understood that this provision proposed to give the Interstate Commerce Commission authority to absolutely fix the compensation, but that it proposed to refer the whole subject to them, their action to be submitted for ratification to the Congress of the United States. It seemed to me that the wisdom of the reference was that such questions are in the line of their business. They have no conventions to attend, as the Senator from Iowa has and as I have; their minds are undivided and fixed on this one proposition. Hence they can deliberate with infinitely more wisdom and justice than can any of the rest of us. So I agree to that.

The Senator refers to the Post Office Department having sent out telegrams to influence the action of Congress in favor of their contention. I was not aware that the Postmaster General took such action; but there was a gentleman in a lower

official position who did presume to send letters to me and to other Senators and to many other persons, telling them what their path of duty was. I recall that for one I was very rebellious at his suggestion, and I feel so yet. I feel that there should be some example made in the matter.

Mr. CUMMINS. Mr. President, it seems to me that the natural effect ought to have been a reconversion of the Senator from New Jersey to the weight basis. If that sort of influence had the effect of changing him from the weight to the space basis, the other instance of lobbying ought to have returned him to the weight basis; but I do not believe the Senator from New Jersey was here when my amendment was read.

I am discussing an amendment that I have proposed which is intended to clothe the Interstate Commerce Commission with the authority to say—and to say in an authoritative way—what the compensation shall be. I am not discussing the merits of the weight basis as compared with the space basis. I would not venture, as I have repeated now twice, to express an opinion upon that subject that I should expect to govern either my fellow Senators or to govern the Post Office Department. I am not well enough satisfied upon that point to have a fixed opinion; and much less have I any opinion as to the amount that ought to be paid for space, if that be the standard adopted.

Mr. MARTINE of New Jersey. I do not think any member of the committee had that thought.

Mr. CUMMINS. I am sure that statement in itself is the most potent argument for my amendment that I have heard.

Mr. HARDWICK. Mr. President, will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. I yield.

Mr. HARDWICK. I merely wish to state to the Senator from New Jersey that the committee proposition was to refer this matter to the Interstate Commerce Commission, directing that body to report back to Congress as early as possible, just as he thought; whereas the amendment proposed by the Senator from Iowa is to refer the proposition, as I understand, to the Interstate Commerce Commission with full authority to act finally in the matter, and to determine what is reasonable and just in the way of rates.

Mr. CUMMINS. Precisely.

Mr. HARDWICK. The Senator from New Jersey seems to have been a little confused.

Mr. CUMMINS. The Senator from New Jersey was not present when my amendment was read.

Mr. President, I want to call attention just for a moment to the difference between the House provision and the Senate committee amendment. The House bill adopts the space basis; fixes a maximum compensation; gives the Postmaster General authority to both increase and reduce that compensation; gives him the power to fine the carriers if they do not obey his directions; compels the railways to render the service; and for every violation they are to be fined not exceeding $5,000. Finally, either the Postmaster General or the railways, represented by at least 51 per cent of the mileage, may apply to the Interstate Commerce Commission for a report. It also provides for a hearing before the Interstate Commerce Commission. Then, after the commission reports, the Postmaster General is to fix whatsoever rate he desires. That is the House bill.

The Senate committee amendment strikes all that out; continues the present plan, provides for annual weighing, if the railway companies will pay the expense, under the direction of the Postmaster General; requires the Interstate Commerce Commission to hold hearings on the whole subject, and to report to Congress.

If that amendment were to prevail, there would be no rate fixed until Congress had at some future time acted upon the subject. As I remarked a few moments ago, knowing what I do about the disposition of Members of the Senate, at any rate, their independence, their disinclination to follow leadership, I would have no hope that the report of the Interstate Commerce Commission would receive more than a passing glance, just exactly as every other commission which we have created reports to Congress, and its report lies in the archives of the body until it is covered with the dust of years, without a single reader.

How many Senators ever read the report made by the distinguished commission which I mentioned a few moments ago, created in 1911, I think—possibly in 1910—a joint committee of the other House and of the Senate; a committee which spent two years or more in the most careful inquiry ever carried forward respecting the subject? I will venture to say that there are not a half dozen Senators in this body who ever read the report; that there are not a dozen who now know what is in that report. It will be just so with the report of the Interstate Commerce Commission.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield.

Mr. VARDAMAN. Are we to conclude that the Senator's argument is leading him to the point where he thinks commissions created by Congress ought to direct Congress in its legislation? For instance, if a tariff commission shall be created, does the Senator from Iowa think that Congress ought to delegate to that commission the right to fix tariff rates?

Mr. CUMMINS. Is the Senator from Mississippi asking me the question?

Mr. VARDAMAN. I was asking the Senator that question. I take it the purpose of the Senator's argument is to show that the mere investigation of this commission and its reporting to Congress would have no effect upon the minds of the Congress in legislating upon this question.

Mr. CUMMINS. No; I did not say that.

Mr. VARDAMAN. The question of the tariff is quite as intricate and difficult of solution, it seems to me, as is the fixing of railroad rates; Congress, I hardly think, will delegate the function or power to a commission to fix the tariff; yet I can see where great advantage would be derived by the creation of a nonpartisan commission charged with the duty of making a scientific investigation of the tariff question and reporting the result of its investigation to Congress to assist and guide the Congress in legislating. The same, I think, would be true with reference to any action of the Interstate Commerce Commission upon this question, leaving then to Congress, the representatives of the people, to finally determine whether the rates are just or unjust. I for one think that one of the real dangers to the future of this Government and the permanency of our institutions is the delegation of legislative authority to bureaus and commissions. The closer we keep the Government to the people, the more responsive will the Government be to the public judgment. The farther the Government is removed from the ballot box, the more liable are its functions to be prostituted to private personal ends.

Mr. CUMMINS. Mr. President, we have not delegated legislative authority to the Interstate Commerce Commission. We can not delegate legislative authority to any commission or to any body of men.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me——

Mr. CUMMINS. Just a moment, I trust the Senator will allow me to answer him before he proceeds. If there is no difference between a tariff commission and the Interstate Commerce Commission, there is much force to the argument of the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, I did not say that there was no difference.

Mr. CUMMINS. I will not yield just now. I will ask the Senator to allow me to answer him.

Mr. VARDAMAN. I merely desired to ask that the Senator would quote me correctly.

Mr. CUMMINS. I wish to answer the Senator from Mississippi before he proceeds with further suggestions. There is a vast difference between a tariff commission, as we understand it, and the Interstate Commerce Commission. If we could establish for a tariff commission a standard, a rule, by which the commission could determine what our import duties should be, I, for one, would be very glad to do it. If a Republican majority were in possession of Congress, that standard would be adequate protection, the difference between cost of production at home and abroad, or some other rule of that character. If we could do that, then I would be content to see a tariff commission determine what the duties should be; but if a Democratic majority is in possession of Congress, it will not accede to that rule; it has another rule; and therefore it is impossible to remove the subject of a tariff from politics, because the standard applied is different as majorities come and go, and all that we can secure from a tariff commission is an investigation and a report of facts, so that we can take a rule—whatever rule may recommend itself to Congress at the time the question is before us—and apply it to those facts.

It is not so with the Interstate Commerce Commission. We have established a rule—a standard—for the Interstate Commerce Commission. It does not exercise legislative authority; it does not exercise judicial authority, although it has what is sometimes akin to judicial authority. We have declared that the railway companies shall charge the people of this country for the service rendered a fair and reasonable and nondiscriminatory rate.

That is our rule; and we have said to the commission, "Take the facts in any particular instance; apply this rule to the facts;

and declare what is a reasonable nondiscriminatory rate or practice." We do not ask Congress to review the application of this rule to the business of the country. We understand perfectly that we are incompetent—and I say that without any disparagement—to apply the rule to the facts even though the facts are easily gathered and understood. For instance, suppose that at the time of the application of the railway companies, first made in 1910 and repeated or renewed in 1913, for an increase of an average of 5 per cent upon their rates, the law had been that the commission should inquire into the facts and report to Congress, into what chaos we would have been plunged. Such an arrangement would be utterly impossible; and it is just so with the railway-mail proposition. We are not qualified, by reason of our training, or want of training, and by reason of our absorption in a thousand other duties, to apply the rule to the facts.

My amendment simply lays down the proposition—and no one can complain of it, I am sure—that the railways of this country shall carry the mails, in so far as they are required to carry them, for a fair and reasonable compensation. No one will dispute that. Now, who is to determine what is a fair and reasonable compensation? The Senator from Mississippi [Mr. VARDAMAN] says that that must be determined by Congress. Heretofore it has been determined by the Postmaster General. I believe it ought to be determined by the Interstate Commerce Commission. For instance——

Mr. HUSTING. Mr. President——

Mr. CUMMINS. I yield to the Senator from Wisconsin.

Mr. HUSTING. I should like to ask the Senator from Iowa whether he does not see some distinction in the situation? The Interstate Commerce Commission determines rates as between private individuals and the common carriers. The question now before the Senate is a question of making a contract between the United States itself and the common carriers. Is it a matter that should be submitted to a commission to determine, or is it purely a matter of contract with the railroad company, to be executed by the United States through its officers?

Mr. CUMMINS. Mr. President, I think the Senator from Wisconsin misunderstands both the House bill and the Senate committee amendment or I misunderstand them. It is not a question of contract at all. Neither bill nor amendment provides for a contract with the railway companies; and in that respect I am in entire sympathy with both the House bill and the Senate committee amendment. I do not believe it ought to be a matter of contract. I think the railways of this country, by virtue of their organization and by the service which they proclaim, are bound to carry the mails if tendered by the Government, just as they are bound to carry passengers and freight when required by proper tender, and their compensation for the service ought not to be fixed by any contract; it ought to be fixed upon precisely the same basis as the compensation for every other service is fixed.

I will come to a view of the matter taken by the Postmaster General very soon. It will raise a very difficult and very interesting question, and it is somewhat akin to the view that may be inferred from the question put by the Senator from Wisconsin [Mr. HUSTING]. I may as well do that now. It will be, I think, logical before passing to a further discussion of the specific questions raised by my amendment to refer to a fundamental proposition which Congress must adjust and which it must adjust now. It can not postpone the settlement of the question I am about to state.

There are two conflicting views with regard to the relation between the Government and the common carriers or the railways of the country. One view is well expressed in a report made by the Postmaster General for the year ending June 30, 1913, which I take the liberty of quoting. It is found on pages 21 and 22:

> The determination of what shall be the basis for ascertaining a fair rate of compensation for carrying the mails is not free from difficulties. From a careful consideration of the subject it becomes evident that the carriage of the mails by the railroad companies for the Government can not be considered as of the same character of service as that performed by them as common carriers for the general public. The railroads have received certain benefits from the States from which they derive their corporate existence—

And, in passing, I may say it is plain that the Postmaster General there refers to the franchise of a corporation under the law of a particular State—

> and their interstate commerce is subject to the regulation of the Federal Government. Some of them have received substantial aid from the Federal Government by grants of lands and otherwise. They are declared by law to be post roads. As mail carriers they are agencies of the Post Office Department and are performing a governmental function. The postal business is not carried on by the Government for profit but in furtherance of the constitutional power to establish post offices and post roads under which it furnishes postal facilities to all of its citizens. The railroads, therefore, may not deal with the Government as they would with a shipper who uses their facilities as a common carrier for profit or for some special advantage. Furthermore, the general business which sustains a railroad is to a large extent dependent upon the mails and their certain and expeditious transportation, and the carriage of the mails by the railroad contributes to its prosperity to an extent and in a manner which does not obtain for any other class of its business. From these and other considerations it follows that rates for carrying the mails on railroads should be less than those which might be fixed for commercial business.
>
> When the data in hand and now being secured by the department are thoroughly considered and analyzed the Postmaster General will lay before the appropriate committees of Congress the conclusions reached as to what will be just and adequate compensation for all services which the railroads are rendering or will be called upon to render the Government for mail transportation.

Mr. President, as I remarked a moment ago, this extract presents a fundamental inquiry which we must settle in the passage of this bill. I dissent wholly and completely from the view expressed by the Postmaster General. I do not believe that the railway companies can be compelled to carry the mail for less than a fair compensation for the service. I think any attempt of that sort would be unconstitutional; and, furthermore—which is of even more importance—I believe it would be unwise in the last degree for the Government to attempt to require the railways of the country to carry the mails for less than a fair compensation, for the reason that in just so much as the Government falls short of paying the railways that proportion of a lawful revenue, it must require the shippers of the country to supply the deficit; and in just so much as the Government overpays the railways, in just so much are the private shippers of the country relieved of a burden which they ought to bear, or which the commerce of the country ought to bear.

I do not intend to dwell at any considerable length upon the constitutional aspect of the case, although the whole House bill is founded upon the assumption that, if the Government desired to do it, it could compel the railways of the country to carry the mails for nothing; and, indeed, if there is not to be a fair compensation paid, fixed in some judicious and satisfactory way, I would vastly rather see the railways compelled to render the entire service without any compensation at all, and distribute the burden among the people of the country who have occasion to use the railways for commercial or business purposes.

But I am unalterably opposed to the whole theory. The railway companies of this country are under no obligation to carry the mails other than the obligation which arises out of their function as common carriers, out of the power and authority of Congress to declare their railways post roads; and the Government of the United States can no more require a railway to carry the mails for less than adequate compensation than can Congress require the railways to render service to a private shipper for less than a fair and reasonable compensation. There is no other relation than that; and the inevitable consequence of the view taken by some of the advocates of the House provision will be in the end to give the railways of this country vastly more than fair compensation. I have been impressed with the conclusion that they are getting more now than they ought to have, although the compensation is not either fairly or decently distributed among the several common carriers. In my judgment—although it is not one upon which I would be willing to act as a legislator—some of the railway companies receive more than they ought to receive and some of them are receiving far less than fair compensation.

But my real objection to the view taken by the Postmaster General—and that is, in a way, found in all the provisions of the House bill—is this: The carriers of this country are now being regulated along perfectly well-known lines. Our experiment in controlling the rates of the railways of this country has advanced to a point where the rules which determine the adjustment are well known, however difficult they may be of application.

I am not prepared to abandon the experiment. I believe it is successful—as successful as we find any other effort in dealing with a most complicated and difficult system. The rule is this, as now well understood everywhere: That a railway is entitled to rates that will reimburse it for maintenance and operation, preserving the property in the same condition or in as good condition as when the service began. It is entitled to its fixed charges, its taxes, its assessments—everything that the law imposes upon the property and that must be paid. It is entitled, then, to a surplus—there may be a little difference about the extent of the surplus—a surplus that may be applied to reasonable dividends upon its stock and that will also accumulate a fair sum to tide over an unfortunate or unsatisfactory year. Whenever the Interstate Commerce Commission comes to ascertain whether or not a given rate or system of rates is fair and reasonable, that is the rule to be applied—now conceded by everybody.

With regard to this matter, the railways which carry the mail must have that revenue. They ought not to have more, but

they must have enough to satisfy these lawful demands; and whatever the Government does not pay for the transportation of the mails the people of the country must pay. If we adopt a system under which the railways are underpaid, the railways are not ultimately injured. They do not sacrifice anything. They simply have credit in the grand accounting made by the Interstate Commerce Commission, or, to put it on the other side of the ledger, they are charged with what they receive from the Government, and the general public must make up whatever is required to enable them to pay the cost of maintenance and operation, their fixed charges, and fair return upon the value of the property.

Is it not perfectly obvious that the tribunal which is to make that accounting, which is to determine and which does determine from year to year, from time to time, what shall be the rates to be paid by the commodities which are transported from day to day, the tribunal which must ultimately say whether the rates on these articles are adequate or not, should also have the authority to say what the Government shall pay for the transportation of its mails? I repeat that I have been inclined to think that the Government pays too much; but it may not be so. I am not competent to judge. But it is in the highest degree illogical and absurd to say that the Postmaster General shall determine what the Government shall pay for the transportation of the mails, and then allow the Interstate Commerce Commission to make up what is required for the purposes I have described by increasing the rates upon the ordinary commerce of the land.

I see that the Senator from New Jersey [Mr. MARTINE] is giving me his attention; and I want to say to him again that the question I am discussing does not involve the space basis or the weight basis. I do not care which basis the Interstate Commerce Commission adopts. I want it to adopt whichever basis it finds most accurate or convenient in order to arrive at a just conclusion with respect to what fair compensation shall be. But I do most earnestly insist that the same tribunal which fixes the rates for the great public shall fix the rates for that public organized in a Government.

We disparage the Interstate Commerce Commission; it is a distinct reflection upon its capacity to withhold from it the power to do for our country in a collective capacity what we give it authority to do for us in an individual capacity.

Why is the Government of the United States entitled to more consideration than the farmer, who must appeal to the commission to ascertain at what rate his grain shall be shipped from his fields to a market? There is no reason, and it would relieve the whole question of the uncertainties which have surrounded it now for more than 30 years.

It is manifest, Mr. President, that the compensation for the Government service must be determined in one of the following ways:

First. By the railways. We can not adopt this view. I do not even want to give the railways the right which they now have, with regard to the general public, of fixing rates in the first instance. Everybody knows that when the amendments to the interstate commerce law in 1910 were being debated, I urged, with all the power I had, the policy of giving to the Interstate Commerce Commission the authority to initiate rates. I think it ought to initiate all the rates of the country. We never will have a harmonious, well-adjusted, fair system until the commission shall take up the question as it concerns all the railways of the country and all the traffic of the country and establishes rate sheets of its own. I do not believe in the present policy of authorizing the railroad companies to initiate rates, giving to the Interstate Commerce Commission only the authority to suspend them and to enter upon a hearing that may finally result in either reducing them or raising them; and I apply precisely the same principle to the railway-mail pay. This tribunal should determine the question in a proceeding—not a hearing, but a proceeding—begun by the Postmaster General, in which he shall set forth the service which he desires, the conditions under which it is to be rendered, and what he believes to be a reasonable compensation for it, answered by the railway companies, thus making an issue, an adversary proceeding, that can go forward to final conclusion with just as much certainty as can any proceeding that is brought at the present time by individuals or associations.

Second. By the Post Office Department. This would be unwise, for the interest of the Postmaster General is too direct and immediate. It would be the equivalent of permitting the purchaser to fix the price of the thing he buys. I do not believe in it. I have no word of criticism upon the Post Office Department; certainly none upon the present Postmaster General. I am quite ready to grant that he is an able, energetic man. He is dreaming of just one thing, I assume, or one thing and a correlated thing—of rendering good service to the people of this country and requiring the railroad companies to render their service for the smallest possible amount. I do not think he cares whether it is compensatory or not, any more than I would care, if I were a private shipper, whether a rate I could obtain was compensatory or not. There are certain considerations which always rise above or fall below—I do not care which—these ethical rules. No man is a good judge in his own case. No man may be expected to render a just decision if his own interest or welfare is inseparably connected with the outcome.

I therefore am not willing to trust the Postmaster General with the power to fix rates, nor do I believe that any Senator ought to be willing to intrust him with that power, for there is no correction of his judgment; there is no recourse to the courts; nor can any railway company venture to disobey his order, for the penalty is a fine of $5,000 each day, imposed by the Postmaster General himself.

Mr. BRANDEGEE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Is there any more reason, in principle, why the Government should insist by legislation that the Postmaster General shall fix the amount that the Government shall pay for carrying the mails than for Congress to insist that the Secretary of War shall fix the charges for transporting the Army and all the munitions for the Army?

Mr. CUMMINS. None whatever. It is precisely the same thing. Of course, there are some railroads which, by virtue of their incorporation, are under a contractual obligation to the Government to do certain things at a certain price, or at a reduction below a common or given rate, but it would be just as fair to say that every railroad in the country should carry anything for the Government in any way, it matters not whether it is carried in a freight car or a passenger car, and that the particular officer of the Government interested in it should fix the compensation.

Mr. BRANDEGEE. Materials for all the public buildings, for instance.

Mr. CUMMINS. Precisely.

The third function or department of the Government that might fix the rate is Congress.

I do not believe that Congress is competent to do it, simply because it is a life study. It requires the training of years; and in this particular instance a just compensation for carrying the mails involves the inquiry as to just compensation for carrying all other commodities, for the aggregate revenue must accomplish a certain object, and it is utterly impossible to fix one without reference to the other. For instance, take the passenger rate. Mails are carried on passenger trains, ordinarily; and there has been an effort made to compare the compensation to be paid for carrying mails with the compensation received by the railways for carrying passengers. I think there is a fair basis for that comparison. It is not perfect. The parallel is not exact, but there is a fair basis for it. But suppose that the Interstate Commerce Commission believed that the passenger fare was too high or too low, as the case might be. If we are to adjust railway-mail pay upon the earnings from that source, then the power that fixes the mail pay must have the power also to fix the passenger fare.

Senators will remember that the Interstate Commerce Commission, in deciding the famous Advance-Rate case, suggested, and in fact afterwards held, that some passenger rates were too low, and the Interstate Commerce Commission has increased certain passenger rates. I know of a case in which it has divided a State into three or four parts and allowed a certain passenger fare in one part and a certain different passenger fare in another. It is obvious—I only mention these things to show—that Congress can not fairly and intelligently determine what ought to be paid. It may be that of the grand aggregate revenue we ought not to pay more than fifty millions, instead of sixty. It may be that we ought to pay seventy, instead of sixty, in order to relieve those who are now bearing more than their share of the tax that we ordinarily know as railroad rates.

Fourth—and it is the only other resort—is the Interstate Commerce Commission. It is organized for the very purpose of ascertaining what is a reasonable compensation for the services of common carriers. In a high degree it acts judicially. It is equipped with all the facilities for making such investigation. Its jurisdiction would be complete, and it could raise or lower rates on commodities of commerce, and thus establish true relations between the various services.

The fitness of the commission to deal with the subject is recognized by both the House and the Senate committee. The House proposes a reference, under certain circumstances, to the Interstate Commerce Commission, the report of the commission

to be simply advisory to the Postmaster General. The Senate committee amendment proposes a reference to the Interstate Commerce Commission, its report to be simply advisory to Congress. I invoke the provisions in both instances as showing that the Interstate Commerce Commission is the body to which men look for the ascertainment and the establishment of railway rates.

The only objection which can be urged to the amendment I have proposed is that the Interstate Commerce Commission is already overworked. I grant that we have already imposed upon the commission more labor than its members can well perform; but the way in which to remove that objection is not to deny the commission its just authority. It is not to withhold from it a power which it can exercise vastly better than can any other body in the country. It is either to take from it some of the work which we have imposed upon it, and which we ought not to have imposed upon it, or to enlarge the commission so that it can adequately perform its full duty.

I sincerely hope that this obstacle, which is temporary in its character, can be removed. It must not be enduring, or the commission will fail to perform the great functions which the people expect it to perform. With the removal of that objection, I appeal to Senators that if we want to do justice, as I am sure we do; if we desire to pay for the transportation of our mails a fair compensation, neither more nor less; if we want to remove from the Halls of Congress a vexatious controversy which has now raged for nearly 40 years, we ought to clothe the Interstate Commerce Commission with the power I have suggested by passing the amendment I have proposed.

Mr. SMITH of Georgia. Before the Senator takes his seat I should like to ask him if he does not think there are other features of the Senate committee amendment that ought also to be amended? There seems to be a provision for reweighing to be had on those lines where the railroads wish it, and not a reweighing on those lines where the railroads do not ask it. I favor letting the Interstate Commerce Commission pass upon these rates. We do not know what they ought to be. We can not learn unless we stop acting as Senators and spend a few years in studying the question. The Interstate Commerce Commission has been selected to consider such questions and have employed an able body of men, the ablest men, whose whole time is given to studying rates. What we wish is to pay the railroads a reasonable and fair compensation, no more and no less, but there seem to be limitations in the amendment of the Senate committee as to the mode of weighing and other things of that kind.

Mr. CUMMINS. I have not brought those things to the attention of the Senate because my amendment does not embrace those subjects. They are open, of course, to amendment. I have not considered the question of adjustment suggested by the Senator from Georgia with sufficient care to have a final opinion upon it worthy of being expressed, but after the adoption of my amendment all such questions are open to the Senate for consideration.

Mr. THOMAS. Mr. President, I am greatly impressed with the Senator's presentation of the reasons upon which his amendment is based, and particularly with the necessity of the adjustment or settlement of this difficult problem by those who are presumably better qualified to do it than any others. The subject is altogether too complicated and too difficult for a layman to properly determine, and, like a great many other subjects which come before us for final determination, we must, if we would do our duty properly, secure the best possible assistance from the best possible sources.

I have read, not perhaps as carefully as I should have done, but I have read with some care, the testimony which has been submitted by some of the various investigating committees which have had the responsibility of inquiring into and reaching a conclusion concerning the basis of railway mail pay and the rate of such pay after the basis has been determined. While I have some opinions upon the subject, they are not sufficiently grounded upon a knowledge of all the facts of the situation to justify me in presenting them as a basis of the vote that I might cast upon this question unless, of course, it becomes necessary to do it as a part of the discharge of my duties as a Senator.

When we consider that running through a number of years several successive bodies and officials have given their best investigation and thought to the subject, have made reports upon the subject which have not been entirely uniform, and that perhaps the majority of the Members of this body have not had the time or the inclination to read the reports, to say nothing of the testimony upon which they are based; and when we have a commission charged with the duty of regulating and passing upon railway matters of which this is one, it seems to me that the amendment offered by the Senator from Iowa furnishes the best if not the only solution of the problem.

I offered an amendment this morning, somewhat crude in its character, because it was drawn hastily, the object of which was to make the action of the Interstate Commerce Commission conclusive when it had been reached, so that after the investigations, hearings, and all other matters that are necessary to reach a conclusion we should not take the time and subject the problem to the delay consequent upon a reconsideration of the matter by still keeping it an open subject of legislation. In other words, when the body to which this question is referred has passed judgment upon it that judgment should be a finality, so far as we are concerned, and we should then legislate with the light given us by that conclusion. Otherwise it would be a meaningless farce, it seems to me, to delegate to the Interstate Commerce Commission the duty of telling us what a fair method of railway mail pay consists of and then, instead of accepting it, open it for discussion.

I have been told by those who are in favor of the space system that one of the reasons why the railways are anxious to have the question relegated to the Interstate Commerce Commission is the delay which will result from resorting to that method of disposing of it, since after the report shall have been made to Congress the question will be as open and as undetermined as before, and that we can then consider whether the report is based upon specific testimony, whether its conclusions are logical, or whether it is in other respects open to still further consideration before we shall accept it either in part or in its entirety. I can see some force to that. If it be true—and I am neither affirming nor denying it—that the railways of the country are anxious to continue the present system of compensation, then certainly the longer that system can remain in force the better off they will be from their own standpoint.

Mr. MARTINE of New Jersey. They are a unit.

Mr. THOMAS. The Senator says they are a unit in opinion. I do not dispute that proposition; but if that be true, then after the Interstate Commerce Commission shall have told us what in its judgment is our best method of procedure, if we do not accept it the question is still as open as it ever was, and the old system, which my friend the Senator from New Jersey says is entirely and unanimously acceptable to the railway companies, will continue.

Therefore, as an evidence of earnestness of intention upon our part, I drew the amendment which was presented this afternoon to the consideration of the Senate, and which provides that the action of the Interstate Commerce Commission when made shall be final so far as legislation is concerned on the subject. But the amendment of the Senator from Iowa which he has presented here at considerable length accomplishes in a much better way, I think, the same end, since the Interstate Commerce Commission is endowed, according to my understanding of the law, with the power to consider the question of rates at any time their fairness is challenged after they have been fixed by legislation here.

Mr. POMERENE. The Senator certainly does not mean by saying that this rate will be final when it is fixed that Congress could not change it and adopt some different rule?

Mr. THOMAS. No. If we attempted to do that it would not, of course, bind our successors. I think it should be understood and emphasized by some expression in the law that our purpose in submitting this matter to the Interstate Commerce Commission is to secure their best conclusions after a full hearing, and then act upon it instead of receiving it and considering it as a subject of future debate and discussion.

Mr. SMITH of Georgia. As I understand the Senator his proposition is that when they find a rate it will go into effect without further legislation.

Mr. THOMAS. That is the result of the amendment of the Senator from Iowa, which makes it superior to the one which I offered. That is one of the aspects of his amendment which I think is better than my own. The railroads should not complain of that method, because they are insisting, according to the statements of members of the committee, upon the Senate committee's substitute for the House provision. If they are sincere in their belief—and I am not questioning it—that the best method of a final determination of the dispute between them and the department is the Interstate Commerce Commission, they certainly can not complain if we insist that when that decision is ascertained it shall be acted upon and that it shall not be a subject of future controversy.

I shall for the present withdraw the amendment which I offered in view of the amendment of the Senator from Iowa and the argument he has made upon it.

Mr. STONE. Mr. President, I rise more to get information than to debate the question. I have the amendment offered by the Senator from Iowa in my hand. It begins this way:

All common carriers are hereby required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions and with the service prescribed by the Postmaster General, and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith

Then it proceeds to say that the Interstate Commerce Commission is empowered to fix rates, and so forth, of common carriers. We have intrastate common carriers and interstate common carriers. We have a stage line from Jefferson City to Tuscumbia. It carries mail a distance of 25 or 30 miles between the capital of my State and the seat of the adjoining county. Is it the intention to have the Interstate Commerce Commission deal with that?

Mr. CUMMINS. If the Senator from Missouri is asking me a question to be answered now, it is my intention. This amendment is not based on or does not invoke the power of Congress under its authority to regulate commerce among the States. It invokes a power that is just as applicable to an intrastate carrier as an interstate carrier. There is no difference in that respect. Of course, the Interstate Commerce Commission is selected as the tribunal, because it is now authorized and empowered to fix rates in common among the States, and therefore it seems to be the fittest body of men to exercise this power.

Mr. STONE. At present the carrying of the mail from Jefferson City to Tuscumbia is let by contract. There are bidders, and the lowest responsible bidder entering into bond is awarded the contract.

Mr. HARDWICK. If the Senator from Missouri will allow me——

Mr. STONE. I should like to know whether it is the purpose of this amendment to have the Interstate Commerce Commission add to all its burdens, already very great, the task of arranging the rate to be fixed for transporting mail over this vast country on routes such as I have indicated.

Mr. CUMMINS. May I answer the question from the standpoint of my amendment.

Mr. STONE. I yield to anyone who can answer it.

Mr. CUMMINS. No; I can answer it from the standpoint of my amendment.

Mr. STONE. It is the Senator's amendment, and I am addressing myself to his amendment.

Mr. CUMMINS If the Postmaster General wants the common carrier between the two points mentioned by the Senator from Missouri to carry the mail, this amendment will apply to him or to it, and the rate for doing it will be fixed by the Interstate Commerce Commission. If the Postmaster General wants to contract to carry the mail, and have the mail carried by some other than a common carrier, it does not prevent the Postmaster General from doing just what he does now in certain instances.

Mr. STONE. Then I understand that a private citizen might underbid the stage line, which is a common carrier between these points, and take the contract. But that still does not answer the question I have in mind or the difficulty that confronts me. There are a great number of common carriers—stage lines, for example—scattered over this country, carrying passengers and express and all that from one point to another. I imagine they amount to thousands in the aggregate. I wonder if it is the intention of this amendment to have the Interstate Commerce Commission make a schedule or a list of all the multitude of common carriers between towns and communities in our several States and fix a rate for all of them.

Mr. BANKHEAD rose.

Mr. STONE. I yield to the Senator from Alabama.

Mr. BANKHEAD. Mr. President, I do not think the Committee on Post Offices and Post Roads, which framed the original proposition, ever dreamed for a moment—I do not think the idea ever entered the mind of a single member of that committee—that it would apply to anything except railroads, in one form or another.

Mr. STONE. Well, I am speaking to this amendment.

Mr. BANKHEAD. If the language of this amendment can be fairly construed to mean what the Senator from Missouri seems to think it does, then I think the author of the amendment would be very glad to change the language so that it could not properly have a construction like that put upon it.

The mail carriers referred to by the Senator from Missouri are on what are known as star routes. Whenever such service is desired an advertisement is published, and there are sent to the department sealed bids for carrying the mails—daily mails, triweekly mails, or whatever the advertisement may call for. A contract is awarded, usually to the lowest responsible bidder, who is required, of course, to give a bond. That is the regulation.

So far as the class of mail referred to by the Senator from Missouri is concerned, I do not quite see how this amendment can be construed as applicable to conditions like that. I do not think it would be quite possible for the Interstate Commerce Commission, as suggested by the Senator from Missouri, to go out all over the country and provide regulations and conditions upon which the mail on these star routes should be carried. I do not think the Senator from Iowa [Mr. CUMMINS] intended that that should be the construction.

Mr. CUMMINS. It is entirely with the Postmaster General.

Mr. BANKHEAD. That is what I think.

Mr. STONE. No; it is not with the Postmaster General, begging pardon of my friend.

Mr. CUMMINS. If the Senator from Missouri is not willing to trust the Postmaster General, I do not know whom he can trust.

Mr. STONE. I beg the pardon of my friend. I am engaging in a debate here that I am very poorly prepared to carry on, for I have just read the provision, and am merely speaking about some things that flash on my thought as I go along. If this provision is added to the bill, whether by the consent of the committee or of the Senate or of Congress, it seems to me that when you say, "All common carriers are hereby required," and so forth, it is not confined to railroads, unless railroads are specified. I am simply suggesting this thought to the Senate.

Mr. CUMMINS. I want to have a full understanding with the Senator from Missouri about that. It is not confined to railroads by its present language; but the first paragraph says that the common carriers must carry the mails if they are offered, making that a general duty. If, however, the Postmaster General wants to hire somebody else to carry the mails, he has a perfect right to do so.

Mr. STONE. To be sure, he can on the star routes.

Mr. CUMMINS. Yes; certainly he can do so, just as he does now.

Mr. STONE. Conceding that that be true, still, so far as the stage carriers are concerned, the Interstate Commerce Commission must fix the rate at which they must carry, and if A or B wishes to underbid that rate and will give bond to carry the mail he can do so. I understand that; but the point I wished to submit to the Senate for its consideration was whether we thought it advisable to put the task upon the Interstate Commerce Commission of fixing the rate at which the mails shall be carried across the country by local common carriers—not railroads, but all kinds of common carriers of purely local character. I do not know; it may be all right; but it merely struck me, and I wanted to lay that thought before the Senate, that it is designed to impose a very heavy burden upon a very important commission, which seems to me to have all it can well do now in serving the public interests.

There is another consideration to which I desire to call attention and then I shall be through. To turn this matter over to the Interstate Commerce Commission in the manner proposed would be in effect to take from the Postmaster General the duty, the power, the right to make contracts for carrying the mails on railroads or otherwise. We take from one of the great departments of the Government a very important duty which it has exercised from time immemorial; we strip it of that power and confer it upon a commission.

I do not know why that should be done. I do not know that the Interstate Commerce Commission is any better qualified to say what should be charged by a railroad or by any other common carrier for transporting mail from one place to another than is the Post Office Department. That department has had long experience in this business. There have been ups and downs in respect to the administration of that power; but this amendment proposes to take this great administrative power, exercised so long, and, in the main, through the years, I think well exercised, from the Post Office Department, and to turn it over to a commission that has known nothing of it hitherto. It can educate itself in the course of time; it can go into the study of it—a study that has already been made by the Post Office Department for years and years.

Conditions change with time. As time goes along what ought to be charged to-day might not be a proper rate 10 years hence. Our experience in the past has been that rates have been changed from one period to another.

If we are going to take this function away from the department that deals with the subject and turn it over to a commission which was created to deal with something else in the main, then I submit to my friend from Iowa if this is a thought that

appeals to him: The Interstate Commerce Commission fixes rates on interstate commerce. We have boards in our States that undertake to perform the same duty within the States for freights and passengers. I emphasize the words "to fix the rates for freights and passengers." Their activities apply to individuals; they prescribe what the individual shall pay to have his cargo transported or what he shall pay for personal transportation from one point to another. That is the business of these commissions, State and National; but here we are dealing with a different question, as I see it. The Government of the United States—and I will apply the same thing in intrastate matters to the governments of the States—has a great organization; it transports freights, mails, and passengers; and I ask if it ought not to be allowed on its own account to make its own contracts on a basis somewhat different from that which the Interstate Commerce Commission or the State commissions prescribe for individuals? It rather seems so to me.

This Government spends tens of millions of dollars for carrying its mails. Is the Government to be put upon the same plane in dealing with that great question as the Senator from Iowa or myself might be put in sending a carload of wheat or of ore or whatever it might be to market? The Government is sovereign; it is over all; it makes the laws; it creates the commissions; and it seems to me it ought to be given a little larger degree of liberty in view of all the circumstances, and should be afforded the opportunity of making even better terms with the transporters of commodities than are fixed by commissions for individuals who transport but little. That is all I have to say.

Mr. BRANDEGEE. Mr. President, with relation to the comment of the Senator from Missouri [Mr. STONE] as to the power of Congress to deal with an intrastate carrier, as distinguished from an interstate carrier, it would seem to me that the provision of the House bill is at least subject to the same criticism, for that attempts to make no distinction whatever between interstate and intrastate carriers, but deals with all railroads.

Mr. CUMMINS. Mr. President, I do not believe that many of the difficulties presented by the Senator from Missouri [Mr. STONE] would arise, yet I have no desire that the little stage routes of the country should come within the provisions of my amendment. So I ask to insert in the first line of my amendment, after the word "All," the word "railway," so that it will read "All railway common carriers." I suppose I may do that by unanimous consent.

The VICE PRESIDENT. The Senator has a right to modify his amendment. The question is on the amendment of the Senator from Iowa, as modified, to the amendment reported by the committee.

Mr. CUMMINS. I think there was an understanding that there was not to be a vote on the amendment to-night.

Mr. BANKHEAD. If we have reached the point of voting on the amendment of the Senator from Iowa, under an agreement reached, I am going to ask the Senate to adjourn until to-morrow at 12 o'clock, and I make that motion.

Mr. POMERENE. Does the Senator move that the Senate adjourn or take a recess?

Mr. BANKHEAD. We can not take a recess, because exercises have already been arranged for to-morrow after the conclusion of the morning business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5863) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

The message also requested the Senate to return to the House the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

CHARLES H. BINGHAM.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for the return of the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., and, without objection, the order was complied with.

LIGHTHOUSE AT SCITUATE, MASS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5910) authorizing the sale of the lighthouse reservation at Scituate, Mass., which were, on page 1, line 4, after "sell," to insert "and convey"; on page 1, line 14, after "sixteen," to strike out all down to and including "fifty-nine" on page 2, line 2, and insert "pages 182 and 183."

Mr. LODGE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. DILLINGHAM presented memorials of sundry citizens of Jamaica and Stratton, in the State of Vermont, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the State Board of Dental Examiners of California, praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the Board of Supervisors of the County of Alameda, Cal., praying for Federal aid in the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. LODGE presented a memorial of the Friends of Irish Freedom, of Lynn, Mass., remonstrating against the execution of the leaders of the Irish revolt, which was referred to the Committee on Foreign Relations.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 6413) granting an increase of pension to Angelia T. Mosier; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6414) to authorize mining for metalliferous minerals on Indian reservations; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SAULSBURY submitted an amendment proposing to appropriate $2,500 to enable the Secretary of Agriculture to ascertain and pay the damages due to George P. Frederick, of Newport, Del., resulting from disinfecting his premises by Government inspectors during the outbreak of the foot-and-mouth disease in 1914, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to appropriate $75,000 for experiments in breeding, maintenance, and purchase of horses of Arab breed for military purposes, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. NORRIS submitted an amendment providing that on and after July 1, 1916, upon all mail matter of the first class when deposited in any post office or branch post office for delivery within the limits of said post-office delivery district or on any star or rural free-delivery route emanating from said post office the rate of postage shall be 1 cent for each ounce or fraction thereof, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was ordered to lie on the table and be printed.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $5,000,000 to establish and operate 10 Army aviation schools in locations to be determined by the Secretary of War to train aviators from the Regular Army and militia and civilian volunteers as reserves, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

EASTERN SHORE TRANSPORTATION CO.

Mr. SMITH of Maryland submitted an amendment intended to be proposed by him to the bill (H. R. 15635) for the relief of the Eastern Shore Transportation Co., of Baltimore, Md., which was referred to the Committee on Claims and ordered to be printed.

Mr. BANKHEAD. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m., Wednesday, June 21, 1916) the Senate adjourned until to-morrow, Thursday, June 22, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 21, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, we seek Thy nearer presence in the sacred attitude of prayer and devotion that we may be uplifted and inspired by the warm life-giving currents ever emanating from Thy great heart. We realize that no question is ever settled until it is settled right, and no enactment can be dignified as law without Thine approval. Guide, therefore, this legislative body in all its deliberations that its enactments may be in consonance with Thy plans and purposes. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

WIDOWS' PENSIONS.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to have 10,000 copies of the bill H. R. 11707, the widows' pension bill, printed.

The SPEAKER. The gentleman from Ohio asks unanimous consent to have printed 10,000 copies of the widows' pension bill. Is there objection?

There was no objection.

CHARLES H. BINGHAM.

Mr. MANN. Mr. Speaker, a few days ago the House passed a House bill authorizing the removal of the remains of the late Charles H. Bingham from the Congressional Cemetery. Two days before that the Senate had passed a similar bill and sent it to the House. I ask unanimous consent that the Committee on the District of Columbia may be discharged from the further consideration of the Senate bill, and that it may be considered now with a view of asking for the recall of the House bill from the Senate.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the District of Columbia Committee be discharged from the further consideration of the bill S. 5863, and that the same be considered at this time. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 5863) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit to Charles Bingham for the removal of the remains of his son, the late Charles H. Bingham, from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., but such permit shall not be issued until there has been filed in the health department of the District of Columbia a permit from the proper governmental authorities at the place where said cemetery is located, authorizing the interment there of said remains.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move that the Senate be requested to return to the House the bill H. R. 15282.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. GARDNER. Mr. Speaker, I rise to a question of personal privilege. In the Congressional News of June 15, an antipreparedness publication, I find published a speech of the Hon. OSCAR W. CALLAWAY, of Texas, which had escaped my notice. On finding this out yesterday I wrote Mr. CALLAWAY, notifying him that I should bring the matter up immediately after the reading of the Journal this morning. Mr. CALLAWAY made a speech May 29 in this House which I heard—or, at least, I thought I heard the whole of it—but it seems that in the speech in this Congressional News and in the CONGRESSIONAL RECORD I find a reflection upon me and my character as a Representative, which I am informed by the official reporters of debates was inserted as an extension of his remarks.

Now, I do not care whether it was inserted as an extension of remarks or not; that is a mere trivial detail. The question is whether he has any justification for what he said.

The SPEAKER. What is the matter the gentleman complains of?

Mr. GARDNER. I am about coming to that.

THE FEAR THAT DISTURBS NEW YORK'S PEACE OF MIND.

The Maxims, Gardners, and Thompsons have attempted to frighten the people into the belief that we were in danger of invasion. That is not the fear that disturbs the peace of mind of the gentlemen on the Naval Affairs Committee who heard the evidence. The fear that disturbs the peace of mind of the gentlemen from Pennsylvania, New York, and Massachusetts is not that our homes will be invaded, our cities bombarded, or our coasts laid waste; it is that the stocks of the Bethlehem, Midvale, Carnegie, Pennsylvania, Maryland, and New Jersey steel, ordnance, and ship manufacturing concerns will shrink when the foreign war closes unless a new market is developed. Bethlehem Steel stock increased, due to war, from $30 a share to $530 a share. Certain powder stocks increased from $8 a share to $1,100 a share.

Now, Mr. Speaker, this sort of a thing has been going on from time to time in the press, and I have noticed implications in extension of remarks before in the House. All I want is to have that investigated by somebody. If it is true, I do not care—although obviously it is out of order to insert matter of that sort in the RECORD—but if the gentleman from Texas had any justification for his remarks, I have no objection to their standing in the RECORD. If he had no justification for his remarks, then, Mr. Speaker, it is time that this House should begin to take action on that sort of thing, because we complain every day because throughout the country accusations which we can not meet are made about us. Now, if we allow Members to accuse each other and take no action on it, you can not blame the general public for what they say.

Mr. Speaker, I expected the gentleman from Wisconsin [Mr. LENROOT] to be here at this time, and if he had been here he would have presented a resolution to refer the speech of the gentleman from Texas to a special committee of five, to be appointed by the Speaker, the committee being instructed not to investigate the parliamentary situation but to investigate the whole thing—investigate me, investigate the speech, and make such recommendations to the House as that committee thought fit.

Mr. GARNER. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. GARNER. I did not happen to be in the Chamber when the gentleman began his remarks. Were these remarks delivered by Mr. CALLAWAY on the floor of the House?

Mr. GARDNER. The reporters of debates tell me not.

Mr. GARNER. If they were delivered on the floor of the House, does the gentleman from Massachusetts think, at this time when Mr. CALLAWAY is away in Texas in his campaign, that he ought to call this up?

Mr. GARDNER. I wrote to Mr. CALLAWAY yesterday, not knowing that he was away, but the gentleman from Texas must realize that the gentleman from Texas [Mr. CALLAWAY] did not select the time when I was present. I think the gentleman will see that I am not making any reflection on the gentleman from Texas. I am saying that it ought to be investigated, and no matter whether he said it on the floor or not, if I was there it was a reflection on me, and if I was not there it was still a reflection on me. Of course, he can make a very good defense by showing he was justified in saying that thing. For that reason, Mr. Speaker, I am going to ask unanimous consent that the Speaker appoint a committee of five to look into this whole question, to take such steps as are necessary to make a thorough examination of the situation and to report to the House what they think ought to be done in the premises.

Mr. GARNER. For what purpose would the committee be appointed?

Mr. GARDNER. To ascertain whether the gentleman from Texas [Mr. CALLAWAY] had any basis in fact for his reflection; and if so, to say that he had, and if not, to say that he had not. Of course, I should expect that the committee would probably recommend, in those circumstances, striking the remarks out of the RECORD, unless the gentleman could show some substantial basis in fact for them.

Mr. GARNER. I do not know; I can not speak for Mr. CALLAWAY's views in the premises, but I do want to make this statement, that Mr. CALLAWAY is in Texas in the midst of a campaign——

Mr. ASWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASWELL. Is the case presented by the gentleman from Massachusetts one of personal privilege?

The SPEAKER. The Chair thinks it is. It reflects upon his integrity as a Member of this House.

Mr. GARNER. Mr. Speaker, what I was about to say, when the gentleman from Louisiana [Mr. ASWELL] interrupted, was that we are all more or less familiar with the fact that at times some of us have to make campaigns. As is well known, in Texas the principal campaign that we have is in the primaries. The primary election in Texas occurs on July 22.

I do not anticipate that Mr. CALLAWAY could conveniently—at least within a degree of safety, probably, to his own interest in that campaign—return here before that time, and in the very nature of things it would be probably or possibly unjust to him to launch into an investigation at this time of a statement that he made either upon the floor of the House or which he placed in his remarks in extension and not give him an opportunity to be heard in the premises.

Mr. GARDNER. I quite agree with the gentleman.

Mr. GARNER. I was sure the gentleman would. I have no objection to the appointment of a committee, if that committee can make it convenient to pursue this investigation when Mr. CALLAWAY can be present and can be heard in his own behalf.

Mr. GARDNER. I would think it perfectly safe to leave that with the committee. I think the committee could easily take the deposition of Mr. CALLAWAY.

Mr. GARNER. I wanted to make this statement in order that it might be in the RECORD, so that the committee could see the position of Mr. CALLAWAY.

Mr. GARDNER. Of course it does not help me at all if Mr. CALLAWAY does not have a chance to fully state his case.

Mr. KITCHIN. Could not the gentleman delay this matter until, say, the middle of next week?

Mr. GARDNER. Certainly.

Mr. KITCHIN. And we will see if we can not get Mr. CALLAWAY here.

Mr. GARDNER. I am willing to do that if I do not abandon my right to bring the matter before the House. I ask unanimous consent that I may bring the question before the House as a matter of personal privilege at any time within——

Mr. KITCHIN. Say, within 10 days.

Mr. GARDNER. Any time within 10 days.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that he may finish his statement as to this question of personal privilege at any time that suits his convenience within 10 days.

Mr. GARDNER. I want to reserve the right to offer a privileged resolution, of course.

The SPEAKER. Of course that goes with the other.

Mr. GARDNER. And retain all of the rights that I have now.

Mr. KITCHIN. Absolutely the same rights the gentleman has now.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14725. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 3764. An act to consolidate certain forest lands in the Florida National Forest;

S. 3344. An act to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes;

S. 3928. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes;

S. 33. An act for the relief of Daniel M. Frost;

S. 31. An act for the relief of John L. Sevy;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 1741. An act for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park;

S. 1066. An act authorizing leave of absence to homestead settlers upon unsurveyed lands;

S. 4026. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio;

S. 4476. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912;

S. 5777. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii;

S. 5910. An act authorizing the sale of the lighthouse reservation at Scituate, Mass.;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo";

S. 3203. An act granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes;

S. 3580. An act releasing the claim of the United States Government to lot No. 306, in the old city of Pensacola, Fla.; and

S. 3581. An act authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east of Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to bill of the following title:

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4268) to satisfy certain claims against the Government arising under the Navy Department, had requested a conference with the House on the bill and amendments, and had appointed Mr. BRYAN, Mr. LANE, and Mr. GRONNA as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, had agreed to the conference asked by the House, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. POINDEXTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, agreed to the conference asked for by the House, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. POINDEXTER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah, had requested a conference with the House, and had appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House to bill of the following title, had requested a conference with the House, and had appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT as the conferees on the part of the Senate:

S. 35. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah.

The message also announced that the Senate had passed joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 13233) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange.

The message also announced that the President had approved and signed bills of the following titles:

On June 16, 1916:

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the Island of Oahu, Territory of Hawaii;

S. 5658. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending

the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5776. An act to amend certain public-utility company franchises in the Territory of Hawaii; and

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise.

On June 19, 1916:

H. R. 13064. An act for the relief of M. A. Sweeney Shipyards & Foundry Co.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917. Pending that motion I ask unanimous consent that there shall be general debate of 1 hour and 20 minutes, one half of that time to be controlled by the gentleman from Kansas [Mr. ANTHONY], and the other half by myself.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, and pending the motion, asks unanimous consent that general debate upon the bill be limited to 1 hour and 20 minutes, one half to be controlled by himself and the other half to be controlled by the gentleman from Kansas [Mr. ANTHONY]. Is there objection?

Mr. ANTHONY. Mr. Speaker, I will ask the gentleman from Virginia if he can not make that 45 minutes on a side? That would meet with the requests for time that I have.

Mr. HAY. I have no objection to that.

The SPEAKER. Without objection, the general debate upon the bill will be limited to 45 minutes on a side, one-half to be controlled by the gentleman from Virginia, and one-half by the gentleman from Kansas. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Virginia to resolve the House into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16460, the Army appropriation bill, with Mr. SAUNDERS in the chair.

Mr. HAY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, this bill carries an appropriation of a little over $157,000,000. The Committee on Military Affairs in reporting the bill believe that they have provided for an ample sum for all of the needs of the Army as they may occur during the next fiscal year provided that no unusual emergency should take place. There is one item in the bill of $500,000 for civilian camps, and when that item is reached I propose to move to increase that item up to $2,000,000. The committee at the time it was considering the bill did not have before it any information as to how many persons would attend these camps, and therefore were unable to make an accurate estimate as to how much would be needed. Since that time the War Department has furnished the committee with information which would tend to show that there might be about 30,000 or more who would attend these camps. It costs $43 per man, according to the estimate of the War Department, to subsist, transport, and to take care of these men at these camps.

I will also offer at the proper time an amendment providing that all persons who now attend the camps or who have attended them before the 1st of July shall have their expenses paid, as I think it is nothing but right that they should all be placed upon the same footing. I shall also ask that whatever money is expended shall be expended on men between the ages of 18 and 45 years, for the reason that men over the age of 45 years can not be called into the service of the United States; therefore I do not think the Government ought to spend any money on training persons whose services they can not get if they should need them.

Mr. COX. Will the gentleman yield for a question?

Mr. HAY. I will.

Mr. COX. Does not the gentleman feel the age of 45 is rather a long age to spend money on training?

Mr. HAY. That is the age fixed by law for the service of men in the Army.

Mr. COX. If we should become involved in war, there is not much likelihood of men of 45 years of age being called out.

Mr. HAY. They could be called out. I do not know whether they would be or not. That depends a good deal on how many were called.

Mr. COX. Now, these men in the training camps, as I understand the matter, do not get any salary at all.

Mr. HAY. No; they get no pay.

Mr. COX. Simply their expenses?

Mr. HAY. They get transportation, subsistence, their uniforms, shelter, and all that.

Mr. COX. And how long are they supposed to stay in the camps?

Mr. HAY. These camps, I think, continue each for a month.

Mr. COX. Thirty days?

Mr. HAY. Yes.

Mr. BAILEY. I thought it was understood the expenses of these people were to be paid by the corporations which are so anxious about the matter. My understanding was the United States Steel Corporation and some others have agreed to pay the expenses of their men.

Mr. HAY. Well, if they want to pay them of course they can do so.

Mr. BAILEY. They certainly will not pay them if we provide their expenses.

Mr. HAY. I do not know anything about that; I have no information on that. The only information I have comes from the War Department, and they inform me that these men will be in these training camps and they will need this much to support them.

Mr. BAILEY. In what manner are these men recruited for these training camps, voluntarily?

Mr. HAY. Voluntarily, oh yes. Now, Mr. Chairman, I will yield to the gentleman from Massachusetts if he desires to ask some questions.

Mr. GARDNER. I should like to ask the gentleman several questions.

Mr. HAY. Very well.

Mr. GARDNER. Gen. Crozier asked for $1,670,000 for automatic rifles for the Organized Militia and $1,400,000 for the Regular Army, did he not?

Mr. HAY. He may have; yes.

Mr. GARDNER. Does the gentleman appropriate in this bill any money for automatic rifles for the Organized Militia?

Mr. HAY. We have not.

Mr. GARDNER. Will the gentleman tell the committee why not?

Mr. HAY. I do not know whether I am at liberty to state it. Gen. Crozier made some confidential statements about automatic rifles which led the committee to believe that the $1,400,000—and, by the way, I will say to the gentleman this is a reserve—we now have automatic rifles enough to arm——

Mr. GARDNER. That is on the basis of five machine guns to each regiment?

Mr. HAY. Yes. The gun which was recommended costs $3,000, and he intimated to us they were trying out a gun costing only $1,200, and they had not come to any conclusion as to which one they would buy. Under those circumstances the committee thought that it was not necessary to appropriate such a large sum for these machine guns until we knew just what the department was going to do. As a matter of fact, the Ordnance Department for the last three years has not spent any money on these guns because they were unable to determine what type of guns they were going to buy.

Mr. GARDNER. We heard that about aeroplanes, about battleships, submarines, and engines many times.

Mr. HAY. Does the gentleman want to appropriate for guns that have not been selected?

Mr. GARDNER. Why, surely. Since you ask for the $1,400,000 for the Regular Army, why should you not do for the National Guard just as well?

Mr. HAY. Because there is no necessity for it.

Mr. GARDNER. Now, let me ask the gentleman another question. That estimate is based on five machine guns to a regiment, is it not?

Mr. HAY. Yes.

Mr. GARDNER. And does not the War Department say that there ought to be 12 to each regiment?

Mr. HAY. It has not told me so.

Mr. GARDNER. I shall endeavor to bring that fact out.

Mr. HAY. The gentleman seems to be in the confidence of the War Department. If he has any information of that sort

authoritatively from the Secretary of War, I would be glad if he would give it.

Mr. GARDNER. In a few minutes I shall read Gen. Crozier's letter to that effect. Let me ask the gentleman this question: He appropriates $3,000,000 for artillery ammunition as a part of the reserve to be accumulated against the outbreak of war for the Organized Militia; that is for the National Guard. How many rounds of 3-inch shrapnel will that amount to?

Mr. HAY. I can not tell the gentleman exactly, but I will say that the fortifications bill carries an appropriation of $6,000,000 for field-artillery ammunition. This bill carries $3,000,000, which makes $9,000,000 for field-artillery ammunition, all for the reserve.

Mr. GARDNER. Is it not true that the $6,000,000 in the fortifications bill was for the Regular Army, while you are appropriating for the National Guard?

Mr. HAY. Not at all. They are appropriated under those heads, and all reserves are to be used in time of war by the Regular Army, by the National Guard, or by the Volunteers, if they need them.

Mr. GARDNER. Your appropriation is still under the old Greble Board plan, is it not, that was adopted in 1907?

Mr. HAY. No; the appropriation in this bill has been placed in it with a view to the appropriation made by the fortifications committee, believing that the two appropriations together would provide a reserve sufficient for the purpose of accumulating this field-artillery ammunition.

Mr. GARDNER. Is not this a correct statement of the fact? After the fortifications committee appropriated the full amount asked by Gen. Crozier for field-artillery ammunition, Gen. Crozier came to you and asked you for $8,000,000 more? He asked you for that amount, did he not?

Mr. HAY. He did, in person, but the estimates that were made to us did not carry any estimate at all for field-artillery ammunition for the National Guard.

Mr. GARDNER. But does not the gentleman know that the reason the estimate did not carry it was because at the time the estimates were made it was Secretary Garrison's plan to have a continental army, and therefore there were no estimates to be made for Field Artillery and field-artillery ammunition for the National Guard.

Mr. HAY. I do not know any reason why there should have been no estimate made for field-artillery ammunition for the National Guard, which is really for the whole country and for all branches of the service.

I know there was no reason why the estimates should not have been made for field-artillery ammunition for the National Guard just because it was thought there would be a continental army.

Mr. GARDNER. If the gentleman will excuse me, I think there was a very good reason for it, and that was because the reserve was supposed to be used by the continental army in time of war, and therefore the reserve ammunition was to be provided for it. Now the gentleman appropriates $3,000,000——

Mr. HAY. If the gentleman wants to make a speech, he can make it in his own time. I am willing to answer questions——

Mr. GARDNER. If the gentleman does not wish to answer questions——

Mr. HAY. I will answer them, but the gentleman will please ask them, and not make a speech.

Mr. GARDNER. Very well. How much have the gentleman's committee appropriated for field artillery for the National Guard, for the cannon?

Mr. HAY. Three million dollars.

Mr. GARDNER. How much did Gen. Crozier ask for?

Mr. HAY. He asked for a very large sum; but the fortifications committee appropriated $6,000,000 for that purpose, and the Committee on Military Affairs thought that $3,000,000 added to that would be sufficient.

Mr. GARDNER. How much did Gen. Crozier ask for, in addition to what had already been granted by Mr. SHERLEY'S committee on fortifications?

Mr. HAY. I do not recall just how much he did ask for, and I do not know that the Committee on Military Affairs or the Congress is bound to appropriate every dollar that any bureau chief asks for.

Mr. GARDNER. Does the gentleman know how many batteries can be procured—3-inch guns—with that $3,000,000?

Mr. HAY. Yes. Three-inch guns cost about $85,000 a battery, four guns to a battery. The gentleman can make the calculation.

Mr. GARDNER. How many? Will not the gentleman help us?

Mr. HAY. Divide $3,000,000 by $85,000, which is the cost of a battery of four guns. The gentleman can do that.

Mr. GARDNER. It is about 34 batteries, is it not?

Mr. HAY. Thirty-four batteries; yes.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. HAY. I will.

Mr. TOWNER. The total estimate as given in the report is something over $200,000,000, and the amount carried in the bill is $157,000,000. Can the gentleman tell us in a general way what amounts were curtailed in order to make that reduction, or what particular items were cut down?

Mr. HAY. One item asked for was $24,000,000 for field artillery guns, and we gave $3,000,000.

Mr. TOWNER. Was that the largest reduction that was made?

Mr. HAY. That was the largest reduction; yes.

Mr. TOWNER. What were the estimates for the Army, for the pay of the men, if the gentleman remembers?

Mr. HAY. There were so many estimates made—I think the pay of the enlisted men of the Army was put at about $24,000,000.

Mr. TOWNER. Was that reduced in any way?

Mr. HAY. It was reduced, I think, about $1,000,000.

Mr. TOWNER. Can the gentleman give us the number of men in the line that were appropriated for?

Mr. HAY. One hundred and five thousand.

Mr. TOWNER. Is it not expected that that number will be largely increased?

Mr. HAY. I think not. That was what the War Department asked for.

Mr. TOWNER. You gave them all that the War Department asked for on that particular item?

Mr. HAY. On that item, yes; all that we thought would be spent on it.

Mr. TOWNER. Can the gentleman now, or will he in the extension of his remarks or otherwise, give us the particular items that were reduced from the estimates asked for by the department?

Mr. HAY. I could do that. I can not do it on my feet.

Mr. SABATH. Will the gentleman yield?

Mr. HAY. Yes.

Mr. SABATH. Can the gentleman tell us how much more this bill carries than the bill carried four years ago?

Mr. HAY. The bill one year ago carried $100,000,000. This bill carries $56,000,000 more than the bill of a year ago.

Mr. SABATH. And how much more than four years ago? Has the gentleman that in mind?

Mr. HAY. I do not recall it, but I suppose about $63,000,000 or $64,000,000 more than the bill of four years ago.

Mr. COX. The appropriation four years ago was $97,000,000, I think.

Mr. GARDNER. Will the gentleman yield?

Mr. HAY. Yes.

Mr. GARDNER. Will the gentleman tell me how many enlisted men of the line could be lawfully appropriated for for the next fiscal year?

Mr. HAY. I do not know that I can tell the gentleman exactly, but these men are to be added in increments of one-fifth annually. Thirty-four regiments of infantry have been added by the act of June 3. One-fifth of that would be about seven regiments of infantry. Does the gentleman mean at full strength or at peace strength?

Mr. GARDNER. I mean the legal peace strength that could be recruited under the new Hay-Chamberlain Act before the emergency arises. The gentleman will understand that I refer to the fact that the new law limits the number of enlisted men of the line to 175,000 men, coupled with the fact that we are obliged by law to increase in five annual jumps of so many men each time.

Mr. HAY. Seven regiments of Infantry at peace strength would be 1,200 men to a regiment, which would make 8,400 men in the Infantry. Ten regiments of Cavalry—one-fifth—would be two regiments; that would be 1,200 under the new bill, I think.

Mr. GARDNER. Would 115,000 be an outside figure?

Mr. HAY. I think it would be more than that.

Mr. GARDNER. One hundred and twenty thousand.

Mr. HAY. I think 120,000 would be about the right number. But I want to call the attention of the gentleman to the fact that it is not expected, nor can it be hoped for, that the additional men can be raised on the 1st of July. Therefore, in appropriating for a fiscal year the committee has always given some leeway, so that we would not be appropriating more money than could be used. It is hardly possible that all these additional commands will be raised before the 1st day of Janu-

ary, if then; and therefore we did not appropriate the full amount.

Mr. GARDNER. You can not lawfully raise more than 120,000 men before July 17, unless war is imminent; is that correct?

Mr. HAY. Yes.

Mr. MANN. Well, Mr. Chairman, I assume that is correct, as both gentlemen say it is; but let me ask the gentleman from Virginia, did we not pass a resolution authorizing these regiments to be filled to the full strength?

Mr. HAY. Yes.

Mr. MANN. Is not that still in effect?

Mr. HAY. Yes. But I call the gentleman's attention to the fact——

Mr. MANN. I am talking about the possibility.

Mr. HAY. I am getting at that. They have only been able to raise 10,000 men under that resolution. Now, we could get about 10,000 more, but as they get these recruits the terms of other men expire, and, as a matter of fact, they are not keeping the regiments up to full war strength, as was contemplated by the resolution, for that reason.

Mr. MANN. I understood the gentleman from Massachusetts to say and the gentleman from Virginia to confirm the statement that we could not increase the Army now to over 120,000 men. I understood by the joint resolution that we practically then authorized an increase of about 120,000 and had made other increases.

Mr. HAY. There is some difference of opinion in regard to that. What we did was to authorize the President to fill up all the different organizations to war strength. I was contending that that would make an army of 119,000 men, but the gentleman from Massachusetts says that it would only make about 106,000.

Mr. GARDNER. One hundred thousand two hundred and ninety-seven of the line and 5,713 of the Philippine Scouts.

Mr. MANN. Now, if we do raise the present commands up to full war strength it would make, as he says, 106,000 men. Is that what the gentleman from Virginia says?

Mr. HAY. I think not. I think 119,000. There is a difference of opinion in the War Department. Additions are being made to other regiments which we provided for, and it will run it up to about 130,000 men.

Mr. MANN. I thought that was the assertion of the gentleman from Virginia.

Mr. JOHNSON of Washington. Mr. Chairman, I have a problem in connection with the National Guard which I would like some information upon. It is in connection with providing transportation for members of the National Guard who are away from their States. I have received a telegram which came to a young man, a member of the National Guard of Washington, who is here in this city. It is as follows:

ALFRED C. PALMER,
Washington, D. C.:
Report for duty at American Lake Camp, Tacoma, Wash., immediately.
Capt. H. W. PALMER.

The young man is here and he has not the railroad fare. I called up the Judge Advocate General, and he said, "Let him get on a railroad freight train and go." Well, the distance is 3,200 miles, the weather is a little warm, and he can not do it. Is there any way if the State supplies the money in which it would be reimbursed?

Mr. HAY. I do not know of any.

Mr. JOHNSON of Washington. The State would have to get its young men back at its own expense.

Mr. HAY. I think so.

Mr. GARNER. Will the gentleman yield?

Mr. HAY. Yes.

Mr. GARNER. Since it is a matter of information, may I make an inquiry of the gentleman? Is there any statute authorizing the War Department or the President to organize independent regiments in time of peace?

Mr. HAY. I do not know of any.

Mr. GARNER. In case of war, would Congress have to pass additional legislation in order for the President to organize independent regiments outside of the State militia?

Mr. HAY. Yes.

Mr. GARNER. That was my understanding of it, but I wanted the gentleman's opinion.

Mr. HAY. My understanding is that for the raising of any troops outside of the Regular Army it must be authorized by Congress to confer on the President the power to call for volunteers, and also the power to draft the National Guard.

Mr. GARNER. In calling for volunteers it has been the custom to call on the different States through the governors to secure the volunteers?

Mr. HAY. It has been the custom to do that and to divide the number of men called for among the States according to population.

Mr. HICKS. Is there any provision of law by which any employee of the Government in the National Guard may have his position left open when he returns?

Mr. HAY. I do not know of any and I do not think there is.

Mr. HICKS. Then they are liable to lose their positions if they go to the front?

Mr. HAY. They are. When a man goes into the military service he takes that chance of course.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. HAY. I yield.

Mr. DOWELL. There appears to be a difference of opinion with reference to what was done by the resolution of Congress. Does the gentleman know what the War Department has determined with reference to the resolution and what construction the War Department has placed upon the resolution as to the number of men in the line?

Mr. HAY. As I understand it, the War Department has determined that under that resolution they have a right to fill up the present organizations to full war strength.

Mr. DOWELL. Does that increase the 20,000 beyond the amount authorized prior to the passage of the resolution?

Mr. HAY. In my judgment it increases the Army by nineteen thousand and some hundred men.

Mr. DOWELL. Is that the construction that the War Department places upon it?

Mr. HAY. It was at one time. I do not know what it is now.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. GARDNER. I hold in my hand a letter from The Adjutant General, in response to my request for a statement on that very matter. I will place it in the RECORD. The summary of it is that the strength of the line as now authorized by Executive order is 100,297, and the strength of the Philippine Scouts is 5,733.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. HAY. I yield to the gentleman from Massachusetts. The gentleman says "by Executive order." Of course, the President can make any Executive order within the resolution and within the law that he pleases. That is a very different proposition from filling up the organization to the full strength. The President by Executive order can have the Army down as low as 57,000 men, if he wants to do it, or he can have 100,000, but I contend that when you fill up all of the organizations to war strength the Army will then be 119,000 men, and that was what was intended by the resolution which was passed here and about which we are talking.

Mr. GARDNER. I will read the gentleman the figures to show him that he is mistaken. I am not speaking of the Executive order, but for the sake of argument I am assuming that the interpretation to be put upon that resolution is that every organization should be filled up.

Mr. HAY. Not at all. The resolution only permitted it, and the President can do it or not as he sees fit.

Mr. GARDNER. Is not this the fact: The War Department said there is no use in filling up the mobile troops over in the Philippines and in Hawaii, because they can not get down into Mexico anyway?

Mr. HAY. Why, no; they did not do it because they have full strength in both places.

Mr. GARDNER. In the Coast Artillery, I believe.

Mr. HAY. But the gentleman was talking about the mobile troops.

Mr. GARDNER. I was.

Mr. HAY. They have full strength regiments in both the Philippines and Hawaii of mobile troops.

Mr. GARDNER. May I read the letter.

Mr. HAY. Yes.

Mr. GARDNER. I will first insert my letter, which is as follows:

MAY 25, 1916.

Brig. Gen. H. P. MCCAIN, United States Army,
The Adjutant General, War Department, Washington, D. C.

MY DEAR GENERAL: Will you be good enough to tell me what the authorized strength of the enlisted line of the Army is under the law as it stands at present. The figure which I am anxious to ascertain correctly is the authorized strength as it stood after the passage of the recent joint resolution permitting the recruitment of the organizations of the Army up to the maximum strength.

I think I understood you to say the other day that the total strength of the enlisted line as now authorized, if fully recruited, would consist of 103,294 United States Army soldiers and 5,733 Philippine Scouts.

To what extent are those figures modified by the executive order under which the Secretary of War has ordered the recruiting to be carried on?

Very truly, yours, A. P. GARDNER.

In response to that letter came the following reply:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, May 29, 1916.

Hon. A. P. GARDNER,
House of Representatives,

MY DEAR SIR: In response to your request of the 25th instant that you be furnished with a statement showing the strength of the line of the Army as authorized by the joint resolution of March 17, 1916, and the strength as now authorized by executive order, I beg leave to advise you as follows:

The strength of the line of the Army—Engineers, Field Artillery, Coast Artillery, Cavalry, and Infantry—as authorized by the resolution referred to is 103,294, and the strength of the Philippine Scouts is 12,000.

I do not suppose that the joint resolution meant us to recruit Philippine Scouts, but even if we did——

Mr. HAY. The gentleman is not reading the letter, he is making a speech.

Mr. GARDNER. The gentleman is perfectly right. I continue from the letter:

The strength of the Signal Corps, Ordnance Department, service-school detachment, unassigned recruits, recruiting parties, etc., is not included in the foregoing figures, although those organizations form a part of the Army.

But not the enlisted line.

Mr. HAY. How large are they? How large are those the gentleman just read?

Mr. GARDNER. I do not know; but at present probably a good deal less than 20,000. The question which interests us is the enlisted line of the Army, the fighting men, not the teamsters and the baggage-masters nor the hospital stewards. The letter then concludes as follows:

The strength of the line as now authorized by Executive order is 100,297, and the strength of the Philippine Scouts is 5,733.

The difference between the strength as authorized by the resolution and as authorized by Executive order is that the strength of the organizations serving outside the continental limits of the United States were not increased by Executive order.

Very truly, yours,
H. P. MCCAIN,
The Adjutant General.

I think that is what I said.

Mr. HAY. Yes; because they are already filled.

Mr. GARDNER. Does the gentleman mean to say that the Philippine Scouts are now increased to the maximum strength?

Mr. HAY. No; I said the organizations serving in the Philippines and in the Hawaiian Islands.

Mr. GARDNER. Is not the Philippine Scouts force the principal part of the mobile army in the Philippines?

Mr. HAY. It is not. There are about 13,000 men in the Philippines.

Mr. GARDNER. How many of those in the coast defenses?

Mr. HAY. I could not say how many.

Mr. GARDNER. I think the gentleman will find that the Philippine Scouts constitute perhaps not a majority, but a very considerable part of the mobile force of the Philippine Islands.

Mr. HAY. I think the gentleman is mistaken about that. However, is the gentleman through now? If he is, I will go on with what I had to say. Mr. Chairman, when the Army reorganization bill was before the House a great deal of criticism was had because it was stated that the Congress was not following the expert opinion of the Army officers, but that we were making an reorganization bill without regard to the advice and experience of these experts. I hold in my hand the Army and Navy Register, a service paper, and in that paper there is a memorandum furnished by the General Staff to the Secretary of War analyzing the Army reorganization bill. Among other things, the following is said:

In general terms it may be said that this is the first comprehensive legislation for national defense. It provides as far as can be seen for the needs and men and material, and it has been pronounced by all who are competent to judge as the best military legislation that the country has ever had.

That is the opinion of the General Staff. Here is an opinion of Maj. Connor, of the General Staff, in a memorandum made for the Secretary of War. He says:

The consensus of opinion in regard to this bill undoubtedly is that it is far and away the best bill that has ever been written for our Army on the subject of military organization. There undoubtedly are certain things which might be left out and other things which might be added, but nevertheless the statement can not be controverted that it is the first and only comprehensive measure looking to military preparedness that has ever been passed by Congress.

That is the opinion of the expert in the War Department about this bill.

Mr. GARDNER. Did the gentleman say Maj. Connor?

Mr. HAY. Yes.

Mr. GARDNER. There are people who are more expert, he will admit?

Mr. HAY. Oh, of course, the gentleman undoubtedly is more expert.

Mr. GARDNER. I was not personal to the gentleman from Virginia. I have refrained from personality.

Mr. HAY. I am not personal at all.

Mr. GARDNER. The gentleman was personal.

Mr. HAY. I was just giving the gentleman his merited meed of praise.

Mr. GARDNER. The gentleman was personal.

Mr. HAY. The first opinion I read here was the opinion of the General Staff generally, not that of any individual.

Mr. GARDNER. By what authority does the gentleman say that; on the authority of the Army and Navy Register?

Mr. HAY. No, sir; I ask leave to print these two articles as part of my remarks.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend as a part of his remarks certain articles indicated. Is there objection? [After a pause.] The Chair hears none.

The articles are as follows:

ANALYSIS OF THE ARMY REORGANIZATION BILL.

The Secretary of War on May 26 forwarded to the chairman of the Senate Committee on Military Affairs memorandums of analysis of the Army reorganization bill and comparison with provisions of the bill drafted by the General Staff for reorganizing the Army.

Mr. Baker said:

"I have had the provisions of House bill No. 12766 carefully analyzed and compared with the provisions of the bill drafted by the General Staff for reorganizing the Army. The comparison and analysis were made by a member of the General Staff, and the memorandums embodying the results of that comparison and analysis are inclosed for your information.

"I fully indorse the statement made in one of the memorandums that the bill recently agreed to is the most comprehensive measure looking to military preparedness that has ever been passed by Congress. Assuring you that the bill is very satisfactory to me and that the untiring efforts of the Senate and House to afford the people of this country adequate military protection are deeply appreciated."

ANALYSIS OF THE NEW ARMY BILL.

The new Army bill provides for four classes of soldiers in the United States: First, the Regular Army; second, the National Guard; third, the enlisted Reserve Corps, all of which shall exist in time of peace; and, fourth, the Volunteer Army, which will be raised only in time of war. The peace strength of the Regular Army is approximately 11,000 officers, not to exceed 175,000 combatant troops, and approximately 40,000 noncombatant troops, including the unassigned recruits. The National Guard will consist of about 17,000 officers and 440,000 men. The number of men who will join the enlisted Reserve Corps can not be foretold. They are practically enlisted specialists for the technical departments of the Army, recruited in time of peace for use in time of war only, and are subject in time of peace to short periods of training yearly. Volunteers can be called in time of war when and in such numbers as Congress shall authorize.

The Regular Army will be made up of the organizations shown in the following table, wherein is also shown the existing organizations and the existing numbers authorized by law:

Old laws.

Organizations.	Officers.	Enlisted men.[1]
31 regiments Infantry	1,531	25,035 56,315
15 regiments Cavalry	750	12,240 18,540
6 regiments Field Artillery	246	5,010 7,116
3 battalions Engineers	57	1,234 2,002
Coast Artillery Corps (170 companies)	701	19,321
Total combatants	3,285	62,840 103,294
Signal Corps	106	1,472
Medical Department	504	4,012
Quartermaster Corps	187	6,403
Other troops and staff departments	765	1,472
Philippine Scouts	182	5,733 12,000
Total	5,029	81,932 128,653

New laws.

Organizations.	Officers.	Enlisted men.[1]
65 regiments Infantry	3,314	85,865 126,230
25 regiments Cavalry	1,300	24,350 36,250
21 regiments Field Artillery	876	17,752 26,361
7 regiments Engineers	231	4,697 7,077

[1] Upper figures equal minimum strength; lower figures equal maximum strength.

New laws—Continued.

Organization.	Officers.	Enlisted Men.
2 battalions Mounted Engineers	32	458 692
Band Engineers		30
Coast Artillery Corps (263 companies)	1,201	30,000
Total combatants	6,954	163,161 226,649
Signal Corps	275	[1] 3,387 4,338
Medical Department	1,750 2,365	[1] 10,500 14,100
Quartermaster Corps	[2] 369	[1] 6,403
Other troops and staff departments	1,797	19,154 24,356
Philippine Scouts	182	5,733 12,000
Total	11,327 11,942	208,338 287,846

[1] These figures are approximate, to be fixed by the President in accordance with the needs of the Army; the enlisted men of the medical department to be 5 per cent of the authorized strength of the Army. The above figures of "Enlisted men" do not include the "wagoners," number not yet determined.
[2] Includes 73 pay clerks with the rank of second lieutenant.

The Army will be increased 34½ regiments of Infantry, 10 regiments of Cavalry, 15 regiments of Field Artillery, 93 companies of Coast Artillery, 5 regiments of Engineers, 2 battalions of Mounted Engineers, the necessary number of auxiliary troops in the Medical Department, Quartermaster Corps, Signal Corps, and the unassigned recruits, and in addition thereto the number of Philippine Scouts that may be determined upon by the President, not to exceed a maximum of 12,000.

The organizations provided for will be divided into two classes—oversea garrisons and the Army in the United States. Just what the composition of each of the garrisons in the Philippine Islands, Hawaiian Islands, and Panama will be can not be foretold at the present time, but the aggregate will probably be about three Infantry divisions. There will probably be a regiment of Infantry in Alaska and one in Porto Rico. This will leave for the United States 4 Infantry divisions and 2 Cavalry divisions. Each Infantry division will consist of 3 Infantry brigades (9 regiments), 1 regiment of Cavalry, 1 brigade of Field Artillery (3 regiments), 1 regiment of Engineers, 1 field signal battalion, 1 aero squadron, and the ammunition, supply, engineer, and sanitary trains. Each Cavalry division will consist of 3 Cavalry brigades (9 regiments), 1 regiment of Horse Artillery, 1 battalion of Mounted Engineers, 1 field signal battalion, 1 aero squadron, and ammunition, supply, engineer, and sanitary trains. After deducting the necessary troops for the over-sea garrisons, the troops remaining in the United States are just sufficient to organize the divisions mentioned, and this gives what is termed a well-balanced military organization, because there is just enough of each arm to make a good fighting machine, and there are no extra organizations left over. This is the first time in our history that the Army has been organized on such a basis, although nearly all other armies of the world are so organized.

The number of general officers of the Army has been increased from 7 major generals and 17 brigadier generals to 11 major generals and 36 brigadier generals. This will provide the necessary general officers to command the divisions and brigades and furnish the general officers for the General Staff.

The General Staff Corps has been increased from 38 officers to 57 officers, and the duties of the General Staff remain the same as they were before the writing of the new bill. This important corps has been nearly doubled, and with its increased numbers the General Staff will be better able than heretofore to perform its important functions.

The Adjutant General's Department, the Inspector General's Department, the Judge Advocate General's Department, the Quartermaster Corps, and the Medical Department have all been materially increased to meet the increased size of the Regular Army. There is nothing materially new in regard to these departments or corps.

The number of officers in the Corps of Engineers will also be increased, and the Engineer troops for Infantry divisions will hereafter be organized into regiments instead of battalions, as heretofore, while the mounted Engineer troops for use with the Cavalry divisions will be battalion organizations.

The Ordnance Department and the Signal Corps both required very material increases, inasmuch as the work of the Ordnance Department in the design and construction of new armament will be far more than proportional to the increase in the Army, and the greatly increased importance of aviation work required a correspondingly larger increase in that section of the Signal Corps.

The Medical Department was increased by the addition thereto of a new Corps of Veterinarians, which corps, together with the Dental Corps, have been given increased rank, with the accompanying pay and allowances. These two corps should hereafter increase greatly in their efficiency.

The organization of Infantry and Cavalry regiments will be changed by the introduction of three new companies—i. e., the headquarters, supply, and machine-gun companies. These companies have existed as provisional organizations for some time, but the personnel therefor had to be taken from the other companies of the regiment, thereby depleting the ordinary companies and at the same time not making the provisional companies as efficient as they should be. The new law prescribes an independent personnel for these three new companies and at the same time increases the Infantry companies from 65 men to 100 men and leaves the troop of Cavalry approximately as it is now. Each regiment of Field Artillery has been increased by a headquarters and a supply company for the same reasons that these organizations were added to the Infantry and Cavalry regiments.

The organization of the regimental units of these three arms was worked out with great care and represents the very latest improvements known to military experts. The following table shows the organization of the various regiments at peace and war strength under the old law and the new law:

Organizations.	Old law.		New law.	
	Officers	Enlisted men.	Officers.	Enlisted men.
Infantry regiment:				
Peace	50	816	51	1,321
War	50	1,836	51	1,942
Cavalry regiment:				
Peace	50	816	52	974
War	50	1,236	52	1,450
Field Artillery regiment:				
Peace	41	835	[1] 41 [2] 44	[1] 842 [2] 858
War	41	1,186	[1] 41 [2] 44	[1] 1,246 [2] 1,265
Engineer regiment:				
Peace	[3] 19	[3] 402	33	671
War	[3] 19	[3] 658	33	1,011
Engineer battalion, mounted:				
Peace			16	229
War			16	346

[1] Two-battalion regiment.
[2] Three-battalion regiment.
[3] Battalion of four companies under existing law.

The Coast Artillery has been increased from 701 officers and 19,321 men to 1,201 officers and 30,009 enlisted men, giving that corps the full complement that it requires in regular officers and men for the harbor defense of the country. The remaining number of officers and men will be supplied from the National Guard.

The Porto Rico Regiment has been increased from two battalions to three battalions, and will be organized as other regiments of Infantry of the Army.

Hereafter all officers appointed as second lieutenants in the Army will be given provisional appointments for a period of two years, during which period of probation they must either demonstrate their ability and fitness or make room for a new candidate. All new officers will be drawn from graduates of the United States Military Academy, from enlisted men of the Regular Army, from members of the Officers' Reserve Corps, or the National Guard, or from honor graduates of military schools, or, lastly, from civil life.

The increase in the Regular Army will be made in five annual increments, beginning July 1, 1916, and running to July 1, 1920, although the President is authorized to make the increase more rapidly in case of emergency.

The condition of retired officers is improved, in that the time which such a retired officer may serve on active duty brings to him increased pay and rank corresponding to his period of active service, and in time of war retired officers may be used as the President shall prescribe.

In order to provide for the regular officers necessary for duty with the National Guard, duty at the various colleges where military instruction is given, for recruit duty, military attachés, etc., provision is made for a detached officers' list which provides 1,022 officers in addition to those necessary with organizations. This supplies the officers necessary for these various duties prescribed by law without taking them away from their organizations.

Up to the present time promotion has been more or less unequal at different times in the different branches of the service, and to a certain extent this detached officers' list will be utilized to equalize promotion in the different branches, and for the same purpose authorization is given to transfer officers from one branch of the line to another to fill the vacancies created by the new act.

Officers of the Philippine Scouts are not officers of the Regular Army, and heretofore no provision has been made for their retirement, but the new bill provides that hereafter they shall have the right to retirement and retired pay.

The present enlistment contract provides for a seven-year enlistment, four of which shall be with the colors and three with the reserve. Under the new law these periods are reversed—that is, three years with the colors and four in the reserve—but an important addition is made, namely, that at the end of one year's service any enlisted man within the continental limits of the United States may be discharged if he has become proficient in that time. This is an important proviso, and will, it is believed, increase the number of enlistments. In addition to that, provision is made for paying the enlisted men in the reserve $24 a year, and the President is authorized to utilize the personnel of any department of the Government, such as postmasters, mail carriers, etc., to keep track of reservists and also to use the postmasters (except first class) to obtain recruits for the Army.

No material change is made in the Regular Army Reserve nor in the inducements offered to ex-soldiers to return to the colors in time of war.

Enlisted men are prohibited from engaging in any civil occupations, whether for pay or otherwise, that would put them in competition with men in civil life.

An officers' reserve corps is provided, which will authorize the commissioning of civilians up to and including the grade of major in the various branches of the Army. These men can be selected and trained in time of peace, and the officers so obtained will be far better prepared than any volunteers that could be raised hurriedly at the outbreak of war. In order to obtain these reserve officers a reserve officers' training corps is authorized, which will consist of units at the various colleges, academies, and universities throughout the country, where military education and training will be given, which, in connection with six weeks' field training each summer, will give a personnel for the officers' reserve corps that is far better equipped for the duties of an officer than any heretofore available.

In order to provide the enlisted men for the various technical staff corps and departments an enlisted reserve corps has been authorized, which will consist of men whose daily occupation in civil life specially fits them for duty in the Engineer, Signal, and Quartermaster Corps and in the Ordnance and Medical Departments. This enlisted reserve corps will provide the railway operatives, bridge builders, chauffeurs, hospital attendants, nurses, telegraphers, etc., required for the departments and corps mentioned. It is impracticable to keep in the Regular

Army the number of men of these classes that will be necessary in time of war, and the enlisted reserve corps will provide for the deficiency.

No provision is made for a volunteer force in time of peace, but in place thereof the ideas embodied in the business men's camps of 1915 have been provided for, and the new law provides that all expenses in connection with attendance at such camps shall be borne by the Federal Government Heretofore individuals attending the camps paid for their own transportation, uniform, food, clothing, etc., the total expense of which probably averaged about $65 per member. This limited the personnel attending said camps to the more or less affluent; but under the new law any citizen who desires to take such training can obtain it without personal pecuniary sacrifice.

The National Guard is, within the limits of the Constitution, federalized. The maximum number authorized is 800 for each Representative and Senator in Congress and such number from the Territories as the President shall prescribe. This will probably give a total of about 17,000 officers and 440,000 enlisted men. The organization of the National Guard will conform to that of the Regular Army, as will also its equipment and armament.

The President is authorized to organize the National Guard into brigades, divisions, and other tactical units and to prescribe the kind of organizations that shall be maintained in the various States to insure that these brigades and divisions will be complete in all respects. Certain qualifications are required of officers of the National Guard, and although these officers will still be commissioned by the governors they will not be recognized by the Federal Government unless they fulfill the prescribed qualifications. Regular Army officers may be commissioned in the National Guard if the governors so desire. Enlistments in the National Guard will be for six years, three years with the colors and three years with the reserves, but a man may serve out his enlistment, if he so desires, instead of going into the reserve. Hereafter the enlistment contract for the National Guard will contain an oath of allegiance both to the State and to the United States, and not only enlisted men, but officers, must subscribe to such an oath. The President is not only authorized to call out the National Guard for the constitutional purposes, but is also authorized to draft them into the service of the United States, whether they desire to come or not, and also to draft the additional men that may be needed to keep such National Guard units at war strength in case the National Guard reserve authorized by this act is not sufficient for that purpose. Ample provision is made for the protection of Federal property in the hands of the National Guard, and in case property is lost or destroyed through neglect or in any other way that could have been avoided, the States must replace the property so lost.

Under the new law horses can be supplied to the mounted organizations of the National Guard, and provision is made for their care and maintenance.

The National Guard will be required to have 48 periods of armory training each year and 15 days' field training, and in case the prescribed amount of training is not undergone the President may withhold the funds appropriated for the National Guard as he sees fit. In addition to that the Secretary of War may require such additional study on the part of the officers as he may deem necessary. During periods of field training the National Guard will be paid at the same rate as the Regular Army, and for the armory training a generous rate of pay is authorized. National Guard officers and men may be sent to various service schools, and will be paid during such periods. The National Guard will be subject to the laws and regulations governing the Army of the United States from the time that they are required to come into that service, and after that time there is no evading the Federal law. A uniform system of courts-maritial for the National Guard is authorized, the limitations of which are fixed by law. This will tend to uniform procedure and practice in all the different States. When the National Guard is drafted into the service of the United States they will be entitled to all the rights of the existing pension laws.

In order to encourage target practice the Secretary of War is authorized to establish ranges and to supply rifles, ammunition, and instructors for rifle clubs in various parts of the country.

Under existing law the Federal Government in time of war would have to enter the markets of the country to obtain ammunition, arms, and other supplies, just as any ordinary individual would, but the new law authorizes the President in time of war to exercise a sort of eminent domain over the various manufacturing plants in the country and gives Government orders right of way over all private orders. It also establishes in time of peace a board of mobilization of industries which are essential for military preparedness. This board is authorized to investigate all privately owned plants in the country suitable for the manufacture of arms and ammunition, or the component parts thereof, and the Ordnance Department is authorized to prepare in time of peace the necessary gauges, jigs, dies, and other tools of special kinds that are required in the manufacture of arms, ammunition, etc.

The United States to-day is practically dependent upon Chile as a source of supply for nitrates, which are essential to the manufacture of ammunition. The new law provides that the President is authorized to investigate the best means for the production of nitrates and to proceed to the establishment of the necessary plants to manufacture nitrates for the Government's use, and the bill appropriates $20,000,000 for the establishment of such a plant.

Under the present conditions anybody can wear the uniform of the United States Army, Navy, or Marine Corps, and subject it to any indignity whatsoever. The new law provides that only certain authorized individuals and organizations shall have the right to wear this uniform or any uniform so nearly like it as to be readily mistaken therefor, and it provides certain penalties for violations of the law.

In general terms it may be said that this is the first comprehensive legislation for national defense. It provides, as far as can be foreseen, for the needs in men and material, and it has been pronounced by all who are competent to judge as the best military legislation that the country has ever had. Certain parts of it are more or less experimental, but without experiment no advance will be made, and if any part of the experiment does not work that part can be corrected by new legislation.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, May 22, 1916.

Memorandum for the Secretary of War.
Subject: Comparison of H. R. 12766 with the recommendations of the General Staff Corps.

The bill under consideration may be divided into four parts: First, the Regular Army; second, the measure for producing reserves of officers and men; third, the National Guard; and, fourth, certain measures looking for preparedness in material. The General Staff in its recommendations covered only the first two in detail and made general recommendations as regards the last two. As far as concerns the provisions for the Regular Army and the reserve features, the bill follows very closely the recommendations of the General Staff.

Sections 1 and 2, prescribing the composition of the Army and the Regular Army, are identical with the recommendations of the General Staff, except that there is a limitation placed on the strength of the Army in the proviso on page 1, lines 31 to 37 of the act, and that the percentage of unassigned recruits in the new bill is increased to 7 per cent. Under the old law the unassigned recruits were included in the strength authorized for the line, whereas under the new bill they are in addition to the strength of the line and are not included in the statutory limitation of 175,000.

Section 3, down to and including the word "necessary" on page 2, line 20, of the act, gives the organization of brigades and divisions exactly as recommended by the General Staff. From there to the end of section 3 the matter condenses the recommendations of the General Staff as regards the organization of the different headquarters and staffs therefor, giving the President full authority to prescribe in regulations what such headquarters shall be.

Section 4 prescribes the number of general officers of the line of the Army. The number of major generals is that recommended by the General Staff, except that the bill does not contain provisions for a Chief of Infantry, Chief of Cavalry, or Chief of Field Artillery. The number of brigadier generals is five less than that recommended by the General Staff. The recommendation that the Chief of Staff should be a lieutenant general was omitted from the bill.

Section 5 prescribes the General Staff Corps and authorizes a total of 57 officers instead of 121 recommended by the General Staff, but these 57 must be increased by the personnel authorized for the Inspector General's Department, consisting of 29 officers, which the General Staff had incorporated in the General Staff, but which the bill maintains as a separate department. All the recommendations of the General Staff in regard to that corps, except as above, are in the bill, and, in addition thereto, there is much other matter which was not touched upon by the General Staff.

At first sight it looks as though the provisions of section 5 greatly curtail the usefulness of the General Staff Corps, but a closer study of that section shows that what appear to be limitations are rather an emphasis of the provisions of the original bill creating the General Staff Corps. The limitation that only one-half of the officers of the General Staff shall be in Washington in a measure limits the free use of the corps and may slightly interfere with its maximum efficiency. Other than that, the provisions of the section, in the minds of many General Staff officers, will tend to increase the usefulness and efficiency of the General Staff rather than decrease it.

Section 6 prescribes the organization of The Adjutant General's Department and is identical with the recommendations of the General Staff, except that only 30 adjutants general with the rank of major are provided instead of 39 recommended by the General Staff.

Section 7: The General Staff recommended the incorporation of the Inspector General's Department in the General Staff, and therefore made no recommendations regarding that matter.

Section 8: The recommendations of the General Staff are followed exactly, except that four judge advocates with the rank of colonel are prescribed instead of the three recommended. In addition thereto the bill contains a provision for the appointment of a civilian as judge advocate, prescribes that no judge advocate shall be assigned to the study of law, and provides for certain examinations for promotion in the Judge Advocate General's Department—three provisions not included in the General Staff recommendations.

Section 9 deals with the Quartermaster Corps, and provides for 296 officers instead of 256 as recommended by the General Staff, an increase of 37 officers over that recommended. It provides that hereafter the present pay clerks shall have the rank, pay, and allowances of second lieutenants, a point not covered in the General Staff recommendations. The percentages in the noncommissioned grades of the Quartermaster Corps are somewhat different from those recommended by the General Staff.

Section 10 deals with the Medical Department and is entirely different from the recommendations of the General Staff as regards the Medical Corps. The provisions for the enlisted force of the Medical Department are practically identical with those recommended by the General Staff. The provisions for the Dental Corps differ from the recommendations of the General Staff by increasing the length of service required in the different grades and by giving the dental surgeons the rank as well as the pay and allowances of the grades concerned.

Section 11 provides for the Corps of Engineers. The total number of officers provided is the same, but the numbers in the higher grades were reduced and the numbers in the lower grades increased. The organization of the engineer troops is identical with the recommendation of the General Staff.

Section 12 provides for the Ordnance Department and increases the number recommended for that department by the General Staff from 109 to 142. The original recommendation to the General Staff was received before the present war in Europe, and the larger number, 142, follows the later recommendation of the Ordnance Department, whereas the 109 follows the earlier recommendations. The bill follows the recommendation of the Chief of Staff and provides that the existing law in regard to details in the Ordnance Department shall remain as they are, whereas the General Staff recommended that this department be placed on the same basis as other departments as regards detailed officers. In addition to the officers mentioned, the bill authorizes the detail of 30 lieutenants for duty as student officers in the Ordnance Department. This was recommended by the former Secretary of War.

Section 13 provides for the Signal Corps and provides for 275 officers, whereas the General Staff recommended 381 officers, but the new bill authorizes the employment of civilian aviators which the General Staff recommendations did not include. The restrictions upon the detail of officers for aviation duty have been removed in the new bill—a measure that was contemplated by the General Staff. The extra pay recommended for rated men in the Signal Corps is not included in the new bill. The other provisions as regards the enlisted force of the Signal Corps are the same as those of the General Staff.

Section 14 provides that the Bureau of Insular Affairs shall remain as it is at present. The General Staff recommended certain changes in the detail system of that department which will be commented on in a later section.

Section 15 provides for the chaplains and leaves them subject to existing laws, whereas the General Staff had recommended that the law

regarding chaplains should be practically the same as that for the Dental Corps.

Section 16 provides for the veterinarians and is the same as that recommended by the General Staff, except that service as second lieutenant is decreased by two years, as is also the service requisite for promotion to the grade of major. The limitation on the number of majors to 15 in number was omitted. The rest of this section prescribes details as to methods of appointment, transfer, and promotion in the Veterinary Corps—details which were not covered in the General Staff recommendations.

At this point in the General Staff bill there was a provision for changing the present detail system to the various staff departments. The main features were that all line officers would be required to serve two years out of every six with troops; that promotions to the grade of chiefs of the corps and departments should be made only from the grade of colonel; and that no chief of any corps, department, or bureau having served four years as such should be eligible for reappointment as chief until he had served two years as a subordinate or with troops. These provisions were practically incorporated in the Senate bill, except as regards the Ordnance Department, but the conference committee left the detail system as it stands under the present laws, except that provision was made that an officer on detail who was promoted to the next higher grade shall not for that reason alone be relieved from his detail. This was a compromise between the recommendations of those who desired the present Ordnance Department system to apply to all the corps and departments and those of the General Staff recommending that the special rules in regard to the Ordnance Department be abolished and that all corps and departments be placed on the same basis. The provisions of the new bill are exactly those recommended by the Chief of Staff to both committees, except that the Judge Advocate General's department was not put under the detail system.

Sections 17, 18, 19, and 20 deal with the composition of Infantry regiments, Cavalry regiments, Field Artillery regiments, and the Coast Artillery Corps, respectively, and, excepting the provisions made for a peace strength for Infantry, Cavalry, and Field Artillery regiments, these sections follow exactly the recommendations of the General Staff. When it was decided that the strength of the Army should be limited to 175,000 combatant troops, the question arose immediately as to whether it would be best to decrease the number of organizations in the Regular Army or to provide for a peace establishment at about two-thirds the full strength. An examination of foreign armies showed that practically no country maintains its troops at war strength in time of peace, and it was decided that the importance of having a full commissioned personnel and the provisions of the bill regarding the Regular Army Reserve made it more desirable to maintain the number of organizations recommended by the General Staff, cutting down the strength in time of peace rather than to cut down the number of organizations and keep them at full strength. This was the unanimous recommendation at an informal meeting of several General Staff officers representing all arms.

Section 21 provides for the Porto Rico Regiment, and, except that the bill provides for the promotion of officers within that regiment, whereas the General Staff provided for their incorporation with the other Infantry of the Army, the organization of this regiment will be exactly as recommended by the General Staff.

Section 22 deals with minor subjects in which no changes were desired, and is identical with that of the General Staff.

Section 23 is identical with that of the General Staff, except that it provides that graduates of the United States Military Academy shall not be subject to the two years' probational appointment, and limits the provisional appointments to officers coming into the service as second lieutenants.

Section 24 provides that the increase in the Army shall be made in five increments, except as to the detached officers, whereas the General Staff recommended that the entire increase should be in five increments. The bill provides that, in time of emergency, the President can organize all of the increase at once—a provision which the General Staff omitted from their recommendations. The provisions in regard to the filling of vacancies is practically the same as that of the General Staff, with the following exceptions: (1) Officers of the National Guard and honor graduates of distinguished military colleges are made eligible for appointment as second lieutenant; (2) the President is authorized to recommission persons who formerly held commissions and left the service honorably; (3) examination for promotion to the grade of lieutenant colonel and colonel are required.

The new bill provides that retired officers detailed to active duty shall be given promotion on the retired list commensurate with the period that they serve on active duty.

Section 25 provides for a detached officers' list and provides for the exact number of detached officers recommended by the General Staff minus the number that were intended for the continental army. The numbers in the higher grades are increased beyond the recommendations of the General Staff, with a corresponding reduction in the numbers in the lower grades. The section follows in general the original recommendations of the General Staff, but does not follow their later recommendation that this list should be used for purposes of equalization. The testimony on the subject was so conflicting that there was no unanimity of opinion one way or the other. The new bill provides for certain equalization, but to what extent this will be possible depends upon the interpretation that is given to the section. Immediate relief will be obtained through the appointment of 17 colonels of Cavalry and 4 colonels of Infantry, who are additional to the numbers otherwise authorized. Inequalities in promotion will also be decreased by the provision which allows transfers to be made from one arm to another below the grade of lieutenant colonel for purposes of equalization.

Section 26 provides for the retirement of officers of Philippine Scouts and, although not identical with the provisions of the General Staff, it accomplishes the same purpose in a slightly different way.

Section 27 provides for enlistments in the Regular Army. The General Staff recommended a term of enlistment of 8 years, of which 2 should be with the colors and 6 in the reserve. The new bill provides for a term of 7 years' enlistment, 3 of which shall be with the colors and 4 in the reserve. The General Staff bill gave the option of reenlistment to the Secretary of War, whereas the new bill keeps it as at present with the enlisted man. The other provisions are practically the same as those recommended by the General Staff, except as to certain detail, all of which are good provisions and in no way conflict with the good of the service.

Section 28 provides for the pay of certain enlisted men in the new grades created by the bill and is identical with the recommendations of the General Staff.

Section 29 provides for the discharge of enlisted men and is the same as that recommended by the General Staff, except that the two provisos are new and are excellent provisions not covered in the General Staff recommendations.

Sections 30, 31, and 32 deal with the Regular Army Reserve and are practically identical with the recommendations of the General Staff, except that the period of training authorized for that reserve is limited to 15 days annually and that semiannual pay at the rate of $24 a year is provided for members of the reserve; they also provide that upon reporting for duty a reservist shall receive a sum equal to $3 per month for each month he may have served in the reserve.

Section 33 provides for using other departments of the Government for mobilization purposes, and is identical with that recommended by the General Staff.

Section 34 continues the existing law as regards a bonus upon reenlistment for ex-soldiers of the Army. The General Staff recommended that no bonuses be paid, but the new bill provides for a continuation of the old law.

Section 35 prohibits enlisted men in active service from entering in business or performing any services that would compete with civilians engaged in such pursuits. It is an extension of the existing law.

Section 36 provides for 1,100 sergeants for National Guard and other purposes and is identical with the General Staff recommendation.

Sections 37 to 39, inclusive, provide for an officers' reserve corps, and are practically identical with the recommendations of the General Staff.

Sections 40 to 53, inclusive, provide for the reserve officers' training corps, and are identical with the recommendations of the General Staff.

Section 54 provides for training camps, which shall be an extension of the ideas that brought about the business men's camps of 1915. The section contains all the recommendations of the Chief of Staff, but goes considerably further than he recommended in providing that all expenses in connection with the camp will be paid by the Federal Government. It is exactly what the advocates of these camps desired in case the volunteer army in time of peace was not authorized.

Section 55 provides for an enlisted reserve corps to provide a technical personnel for the armies of the United States. It embodies exactly the idea recommended by the General Staff, except that they provided it as a part of the Regular Army Reserve, whereas in the bill it is provided as a separate organization to be used in the same way as the Regular Army Reserve.

Section 56 provides for the issue of military equipment and for instructors at schools and colleges not included in the reserve officers' training corps provisions. It was not recommended by the General Staff, but interferes in no way with their recommendations.

Sections 57 to 119, inclusive, deal with the militia and the National Guard. The General Staff recommended that the National Guard be left as under the old laws and that some new Federal force be created. This idea was embodied in the volunteer army plan, known as section 56 of the Senate bill.

Both Houses of Congress wrote a new organization for the National Guard into their bills, and the sections referred to above are the substance of what was included in both bills. The provisions of these sections undoubtedly increase the power of the Federal Government over the National Guard to an enormous extent, provided that they are constitutional. Whether the National Guard will develop under the new law to the extent that its advocates claim is problematical, and time alone can tell whether the experiment will be a success or failure. The sections are so written, however, and the President has so much power in the matter that if the experiment fails the National Guard question must again come to Congress for consideration in the near future. There is no doubt but that the provisions of sections 57 to 119 are stronger and better than the so-called militia-pay bill of former years, which the War Department in a measure favored. They go farther toward federalization than that draft attempted.

Sections 120 and 121 are new matter, and provide for the preparation by the Government to obtain material of war in time of peace. The appointment of the board on mobilization of industries essential for military preparedness is a long step toward preparedness, and the authorization to the President of what is practically the right of eminent domain over industrial plants and organizations in time of war and the investigation into the subject of Government manufacture of arms and equipments are wise measures.

Section 122 provides for the appointment of a board of five retired officers to investigate and report upon past awards or issues of medals of honor by or through the War Department, and if it be found that any medal was issued for any cause other than distinguished conduct by an officer or enlisted men in action involving actual conflict with an enemy, the name of such recipient shall be stricken from the medal-of-honor list. If any person obtained the medal in a manner not authorized by law, he certainly has no right to it, and any person who obtained it in the manner authorized by law can have no objection to an investigation into the merits of the award in his case.

Section 123 provides for the acquisition of gauges, dies, jigs, special tools, etc., required in the manufacture of arms and ammunition, etc. These were not included in the General Staff bill, but the legislation is directly along the lines recommended by the General Staff after its bill was prepared.

Section 124 provides for the production of nitrates by the Federal Government. Provision for obtaining nitrates for Government purposes is wise, but whether its production in Government plants and the extension of the idea to the manufacture of fertilizers and other useful products are wise economic legislative measures are questions which are debatable, having many advocates on both sides.

Section 125 provides for the protection of the uniform of the United States Army, Navy, and Marine Corps against indignity and indiscriminate use, and is a measure that has been advocated for many years.

Section 126 increases the mileage pay to enlisted men on discharge. It was not recommended by the General Staff, but it is a more generous allowance than now given by law. The abuse of this measure can be prevented by regulations of the War Department.

The consensus of opinion in regard to this bill undoubtedly is that it is far and away the best bill that has ever been written for our Army on the subject of military organization. There undoubtedly are certain things in it which might be left out with advantage, and other things that might be added with advantage, but, nevertheless, the statement can not be controverted that it is the first and only comprehensive measure looking to military preparedness that has ever been passed by Congress.

WM. D. CONNOR,
Major, General Staff Corps.

Mr. HAY. I also call attention to an editorial from the Infantry Journal, a service paper, which also praises very much this bill, and I also ask leave to print this editorial as a part of my remarks.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

THE ARMY REORGANIZATION ACT.

(From the editorial department of the Infantry Journal.)

The military phase of preparedness legislation has at last reached its conclusion in the Army reorganization act of 1916, "To increase the efficiency of the military establishment of the United States." This enactment is unique in the history of our military legislation as the first law on our statute books which contemplated the organization of an army in time of peace. For the first time in our history, the principle is embodied in law that the peace composition of an army should be based on its war organization in order that it may be capable of employment as an effective instrument in the emergency of war and serve the purpose of an efficient military school in time of peace.

To the service at large, the adoption of this principle should be welcomed as the only basis upon which our efforts can be concentrated in the accomplishment of our common task and through which alone harmonious action can take the place of the internal wrangling that would forever defeat the most earnest efforts for efficiency. To this magazine, this phase of the legislation is a source of especial gratification as the embodiment of a principle for which it has contended since the date of its establishment. We have, however, no desire to lay claim to its final acceptance as due to any representations on our own part; indeed the validity of the principle is so patent that it must receive recognition the moment that the military problem is given any serious attention. But all process of evolution is necessarily slow. A miscellaneous aggregation only comparatively recently assembled into battalions and at most regiments from scattered frontier company posts can scarcely be expected to view itself as a complete organism and make a muster of its deficiencies.

There will perhaps be some in whose eyes the shortcomings of the bill will loom up in overshadowing proportions against its predominating excellent features. But it must be considered that the task of the legislator is an extremely difficult one. He must not only view the question from the standpoint of military necessity, but also weigh the legislative practicability of the measures which he intends to present and rally support for his program. And anyone who has observed the course of the recent legislation in its meanderings through mazes of amendments and compromises can not fail to bear away the conviction that viewed from the standpoint of what was considered possible a year ago, the provisions of the act which relate to the Regular Army constitute in the main a remarkable legislative achievement.

The Army reorganization is to be sure only an authorization, still to be realized. It is possible that it may never be completely realized. The tide has its ebb as well as its flow.

But it is enough for use for the present that an opportunity for the development of an efficient Army has been given. For years the Army has turned expectant eyes toward Congress in the hope of the legislative action which has been taken. There is no longer any reason for this attitude; the Army now has all that it can efficiently digest for many years to come. The present and the immediate future are periods for introspection and gestation. There will be no excuse on the part of the Army for failure to respond in full measure to the opportunity which it has been afforded. Its best efforts will be necessary to an efficient solution of the many problems which confront it.

Mr. HAY. I reserve the balance of my time, Mr. Chairman.

Mr. ANTHONY. I yield 20 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, this bill appropriates $3,000,000 for artillery for the National Guard. At that rate of accumulation it would take over 40 years to accumulate the cannon necessary to equip a national guard of the size provided in the Hay-Chamberlain Act. This bill appropriates $3,000,000 for ammunition for the National Guard. At that rate 34 years would elapse before we accumulate sufficient artillery ammunition to equip the National Guard provided for in the Hay-Chamberlain Act.

Now, Gen. Crozier, Chief of Ordnance, came before the Committee on Military Affairs and said that we would have to appropriate $65,000,000 for field guns, at the rate of a little over $16,000,000 a year, if we wish in four years to have enough artillery ammunition to equip the National Guard provided in the Hay-Chamberlain Act. Sixty-five million dollars in bites of $16,000,000 each, on the basis of equipment specified in the old Greble Board report. The Greble Board figured out in 1911—that is, when they concluded their labors—the amount of artillery and artillery ammunition and small-arms ammunition which was needed to equip American troops in time of war. The board figured on an army of about 500,000 men at the outbreak of war. That was the Greble Board report. But the Greble Board report is out of date. There is a new estimate for us to go on. The Treat Board has recently concluded its labors in the light of the lessons learned in the European war.

Mr. GORDON. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. GORDON. The gentleman will recall that the Hay-Chamberlain Act as adopted in conference extended this to five years instead of four.

Mr. GARDNER. It was extended, as the gentleman says, to five years, but Gen. Crozier pointed out that the appropriations for ammunition ought to be made in the next four years, even though the proposed army would not be raised until five years are elapsed. It takes a good while to make ammunition after it is ordered.

As I said, Gen. Crozier not only pointed out that it would cost $65,000,000 to accumulate in four years the ammunition requisite for the National Guard if we stick to the old Greble Board estimates, but he said it would cost twice as much, or $134,000,000, to equip the National Guard in four years if we adopted the estimates which he recently submitted to the Secretary of War. These estimates represented the findings of the Treat Board, considerably pared down by Gen. Crozier. Let me tell you about the Treat Board.

The Treat Board was a board of Army officers, like the Greble Board, under the presidency of Col. Treat. Secretary Garrison last year appointed this board to get together and tell us how much artillery we needed to accumulate for our Army for each division. That Treat Board got together and they made a report, and that report went to Gen. Crozier. Gen. Crozier cut that report way down. He cut it down to the bone in some respects. When he cut it down as far as he thought it right to cut it down, then it was taken to the Secretary of War.

The Treat Board recommendations as modified by Gen. Crozier required $134,000,000 in four years to equip the National Guard with the requisite artillery ammunition to be accumulated in anticipation of possible war—$134,000,000 in four years, and you have given $3,000,000. That is why I said it would take 40 years to equip your Army under the basis laid down in the Treat Board report as modified by Gen. Crozier before he submitted it to the Secretary of War. I purpose reading you the correspondence between Gen. Crozier and myself a little later, so that there will be no doubt. Now, Gen. Crozier asked for only $1,600,000 for machine guns for the National Guard, and the committee has not given a cent. There is not one cent carried in this bill. The machine-gun appropriation for the Regular Army in this bill is only $1,400,000. As you heard the chairman say, it is calculated on the basis of 5 machine guns for a regiment, while the calculations of our War Department are now 12 machine guns to a regiment, to say nothing of a wastage allowance to supply losses in time of war.

Here is my correspondence with Gen. Crozier:

JUNE 20, 1916.

MY DEAR GEN. CROZIER: If I understand the recent hearings before the Committee on Military Affairs aright, the following is a synopsis of the amounts which you asked to have appropriated for the next fiscal year for field artillery and field artillery ammunition for the National Guard:

For the field artillery you stated that $16,800,000 ought to be appropriated, if Congress wished to continue to appropriate for field artillery on the basis recommended by the Greble Board some years ago. You stated, however, that if Congress wished to adopt the recommendations as to field artillery recently submitted by you to the Secretary of War, then it would be necessary to double the above amount and appropriate approximately $33,000,000. Instead of the foregoing amount I note that the Army appropriation bill recently reported carries only $3,000,000 for the field artillery of the National Guard.

As to field-artillery ammunition, if I understand the hearings correctly, you asked for $8,000,000 wherewith to secure artillery ammunition for the National Guard to be used in case of war. You stated, however, that if the new estimates as to artillery necessities recently submitted by you to the Secretary of War are to be accepted the proper appropriation would be about $26,000,000. Instead of the foregoing amount I note that the Army appropriation bill recently reported carries only $3,000,000 for field-artillery ammunition for the National Guard.

I understand that the estimates which you have recently submitted to the Secretary of War are a slight modification of the estimates recently made by the so-called Treat Board, a board of officers convened by Secretary Garrison to estimate the amount of ordnance which should be accumulated as a reserve by the United States prior to the outbreak of war. The Greble Board, I understand, was a board of the same nature as the Treat Board, except that its conclusions were arrived at prior to the European war. In other words, your recent recommendations made to the Secretary of War are based on the lessons of the European war and if adopted would require an expenditure in behalf of the National Guard of approximately $132,000,000 for field artillery and $104,000,000 for field-artillery ammunition, your idea being that this amount should be appropriated by Congress in four annual installments.

Am I correct in supposing that at the rate of appropriation provided in the current Army appropriation bill it would take approximately 40 years to accumulate the National Guard Artillery which you have recommended to the Secretary of War and approximately 34 years to accumulate the National Guard Artillery ammunition? I understand that your estimates submitted to the Secretary of War are based on the supposition that the United States is to have an Army of the size recently provided for in the Hay-Chamberlain Act.

Please advise me as to what extent my understanding of the recent hearings is correct.

Very respectfully,

_____.

Brig. Gen. WILLIAM CROZIER, U. S. A.,
Chief, Bureau of Ordnance, Washington, D. C.

To that letter I received this answer:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, June 20, 1916.

Hon. A. P. GARDNER,
House of Representatives.

DEAR MR. GARDNER: Replying to your letter of June 20, I can say that you have correctly understood my statement made before the Committee on Military Affairs of the House of Representatives on April 4, 1916, to the effect that $16,800,000 should be appropriated for

Field Artillery for the National Guard in order to supply the amount called for under the Greble Board's standards for the force contemplated by the bill H. R. 12766—the Army reorganization bill—in four years' time, and that in order to make a similar provision in accordance with the Treat Board's standards, as subsequently modified by my recommendation, approximately double this sum would be required.

In regard to field artillery ammunition for the National Guard, you have correctly understood my statement that $8,000,000 should be appropriated in order to supply, in four annual installments, the ammunition required for the National Guard under the Greble Board's standards, the force being the same as mentioned above. I did not, however, state that under the Treat Board's standards, as modified by myself, this sum should be $26,000,000, although that figure happens to be approximately correct.

Your understanding also is correct that the figures, in regard to these items, which I recommended to the Secretary of War, are a modification of somewhat larger estimates which had been submitted by the Treat Board, above mentioned. The Treat Board was, as you suppose, a board of the same nature as the Greble Board, but its conclusions were arrived at some time after the commencement of the European war, whereas the Greble Board's conclusions were submitted in 1911.

Sincerely, yours,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

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HOUSE OF REPRESENTATIVES,
Washington, June 20, 1916.

Gen. WILLIAM CROZIER,
Chief of Ordnance, United States Army,
Washington, D. C.

MY DEAR GENERAL: In examining the recent hearings before the Committee on Military Affairs of the House of Representatives, I note that, on page 771, you ask for appropriation of $1,670,300 for automatic rifles for the National Guard, and in addition for an appropriation of $1,400,000 for automatic rifles for the Regular Army. Elsewhere in the hearings I note that you say that these calculations are based on an allowance of five automatic rifles for each regiment. Is the War Department now in possession of sufficient data to enable it to determine whether or not this allowance is adequate?

Sincerely, yours,

——— ———

To which the Chief of Ordnance replied:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, June 20, 1916.

Hon. A. P. GARDNER,
House of Representatives.

DEAR MR. GARDNER: Answering your inquiry of June 20, in regard to the allowance of automatic machine rifles per regiment, I can say that, since my hearing of last April before the Committee on Military Affairs of the House of Representatives, to which you refer in your letter, the War Department has acted anew upon the subject of the allowance of these rifles per regiment, and has increased this allowance from approximately 5 per regiment to approximately 12.

Sincerely, yours,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

Now, Mr. Chairman, in the hearings before the committee, Gen. Crozier expressed his own opinion that we ought to have at least 12 machine guns for each regiment. (See p. 770, hearings on Army appropriation bill, Apr. 4, 1916.)

If anybody wishes to ask me any questions I shall be very glad to answer.

Mr. SANFORD. Can the gentleman tell us, approximately, how many men under this appropriation would be available for the mobile Regular Army outside of the number of men necessary for our insular possessions and Alaska? Approximately, how many fighting men?

Mr. GARDNER. I regret to say that the calculations have gone out of my mind. This bill appropriates for 105,000 enlisted men of the line. Of course, they are very largely Coast Artillery and troops over sea. Perhaps the chairman of the committee can answer.

Mr. SANFORD. Thirty or forty thousand.

Mr. GARDNER. I should say more, judging by the number they have collected at the Mexican border. There they have taken Coast Artillery men and turned them into Infantry. Of course, if we were liable to sea attack we could not do that. In that case the gentleman would be perfectly right. I doubt whether in that case there would be a mobile Army of over 40,000 outside of the Coast Artillery. When we read the bill I expect to enter into a discussion of the number of troops now available, and why more were not appropriated for.

Mr. GORDON. Does the gentleman think that this Congress ought to delegate to Army officers the function of determining what is necessary for the defense of this country?

Mr. GARDNER. I think it would be the wisest thing we can do.

Mr. SMITH of Michigan. Will the gentleman please answer what is the number of men in the National Guard that he has computed for? For what number of men does he compute?

Mr. GARDNER. I believe that the National Guard is to consist of somewhere between 425,000 and 470,000 men. It was Gen. Crozier, not I, who made this calculation.

Mr. SMITH of Michigan. And how many are in the National Guard at the present time?

Mr. GARDNER. About 120,000, I think.

Mr. SMITH of Michigan. Would it be the gentleman's idea to provide for 460,000 men in the National Guard when there are only approximately one-third of that number in the National Guard?

Mr. GARDNER. The gentleman's mind is a little confused about what the reserve ammunition is for.

Mr. SMITH of Michigan. Yes?

Mr. GARDNER. If we go to war, we shall need this ammunition for the National Guard or the Volunteers, whichever force does the fighting. The estimates are based on an army of the size of the National Guard plus the Regular Army. In other words, we have got to have reserve ammunition for at least half a million men, whether you call the soldiers Volunteers or whether you call them National Guardsmen, and the reserve of ammunition must be accumulated before the war. Everybody agrees that we shall need at least half a million men if war breaks out.

Mr. SMITH of Michigan. Yes; but suppose war does not break out?

Mr. GARDNER. Then you do not need anything at all. Or, supposing we only fight with little fellows. If we will fight only with little fellows, then we shall not need this large amount.

Mr. SMITH of Michigan. That is what I wish to understand, whether the gentleman's estimate was for a peace footing or for a war footing.

Mr. GARDNER. My estimate was for a real war, what the country wants preparedness against.

Mr. SMITH of Michigan. I agree with the gentleman that we want preparedness.

Mr. GARDNER. What would the gentleman do—provide ammunition after the war started? We have seen enough of that in Europe.

Mr. SMITH of Michigan. I should not. I should say get it before.

Mr. KREIDER. Speaking of machine guns, is the machine gun now possessed by the United States an efficient gun? I understand we have about 1,020 of them.

Mr. GARDNER. No; that is the number authorized.

Mr. KREIDER. How many machine guns have we?

Mr. GARDNER. I should have to look it up.

Mr. HAY. We have 1,077.

Mr. GARDNER. Is not that the authorized number?

Mr. HAY. I think all of them are made except 282.

Mr. GARDNER. Then, that makes a little over 700. I got the figures from the War Department the other day. I will put them in the RECORD.

[N. B.—The exact figures—952 machine guns complete and 125 more authorized by Congress, 1,077 in all.]

Mr. KREIDER. Does the gentleman know anything about the efficiency of these guns?

Mr. GARDNER. I know something, not a great deal. I am not an expert, but I can give the gentleman a short sketch of the machine gun, as far as I understand it.

Mr. KREIDER. Does the gentleman know whether it is true that these machine guns are not of sufficient reliability so that we can depend upon them, or whether they will heat when fired and become useless?

Mr. GARDNER. I will tell the gentleman as best I can. Two of the Benet-Mercié guns jammed down on the Mexican border. Like all machine guns they are very complicated. There are two little nicks into which the edges of the strip which carries the cartridges must slide with nicety, otherwise the gun will jam. As a matter of fact, two of them jammed in the dark. You may say that we ought not to have machine guns which will jam in the dark, but they tell me that it is very doubtful whether any country in the world has a machine gun which will not jam in the dark, unless under exceptionally trained treatment. I do not know about the Lewis gun, except what I read in the papers in a general way. I do not know whether the Lewis gun is a better gun than the Benet-Mercié gun or not. Some of the very best men in the Army believe that the Benet-Mercié gun is the best gun we can have. Any machine gun is a most complicated piece of machinery. Really we ought to have men trained very highly before we can depend on their handling of these machine guns. Whether there is any better machine gun anywhere else than we have I do not know.

Mr. ANTHONY. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the Mexican situation is one of great interest just at present. We have had several years of watchful waiting and some discussion in the House and in the country at various times as to what was going on in Mexico. I am going to say just a word in reference to the progress of

the revolution in Mexico, and I shall read what I say so as to be very careful that I am correct:

The progress of the revolution in Mexico: Continuous bloodshed and disorders have marked its progress. For three years the Mexican Republic has been torn with civil strife; the lives of Americans and other aliens have been sacrificed; vast properties developed by American capital and enterprise have been destroyed or rendered nonproductive; bandits have been permitted to roam at will through the territory contiguous to the United States and to seize, without punishment or without effective attempt at punishment, the property of Americans, while the lives of citizens of the United States who ventured to remain in Mexican territory or to return there to protect their interests have been taken, and in some cases barbarously taken, and the murderers have neither been apprehended nor brought to justice. It would be difficult to find in the annals of the history of Mexico conditions more deplorable than those which have existed there during these recent years of civil war.

It would be tedious to recount instance after instance, outrage after outrage, atrocity after atrocity, to illustrate the true nature and extent of the widespread conditions of lawlessness and violence which have prevailed. During the past nine months in particular, the frontier of the United States along the lower Rio Grande has been thrown into a state of constant apprehension and turmoil because of frequent and sudden incursions into American territory and depredations and murders on American soil by Mexican bandits who have taken the lives and destroyed the property of American citizens, sometimes carrying American citizens across the international boundary with the booty seized. American garrisons have been attacked at night, American soldiers killed and their equipment and horses stolen; American ranches have been raided, property stolen and destroyed, and American trains wrecked and plundered. The attacks on Brownsville, Red House Ferry, Progreso post office, and Las Peladas, all occurring during September last, are typical. In these attacks on American territory, Carrancista adherents, and even Carrancista soldiers took part in the looting, burning, and killing. Not only were these murders characterized by ruthless brutality but uncivilized acts of mutilation were perpetrated.

Representations were made to Gen. Carranza and he was emphatically requested to stop these reprehensible acts in a section which has long claimed to be under the complete domination of his authority. Notwithstanding these representations and the promise of Gen. Nafarrete to prevent attacks along the international boundary, in the following month of October a passenger train was wrecked by bandits and several persons killed 7 miles north of Brownsville, and an attack was made upon United States troops at the same place several days later. Since these attacks leaders of the bandits well known both to Mexican civil and military authorities as well as to American officers have been enjoying with impunity the liberty of the towns of northern Mexico. So far has the indifference of the de facto government to these atrocities gone that some of these leaders have received not only the protection of that government but encouragement and aid as well.

Depredations upon American persons and property within Mexican jurisdiction have been still more numerous.

Mr. Chairman, I shall not read my remarks any further. I have simply read a statement addressed by the Government of the United States yesterday to the de facto government in Mexico, and if the statements therein are true, as I believe they are, it is to the everlasting shame of the American Republic. [Applause on the Republican side.]

Mr. ANTHONY. Mr. Chairman, the appropriation bill as presented to the House by the committee calls for the amount of money which will be necessary to pay the military expenses of the Government for the next fiscal year, for the support of the Regular Army Establishment and the Organized Militia, or National Guard, at its existing strength to-day, as well as the first increment that was provided by the new Army reorganization bill.

In my opinion, the amount of money providing for the payment of 105,000 enlisted men in the Regular Establishment will be found ample. I do not believe that the department will be successful in enlisting men in excess of that number during the next year, but if they are it is a very easy matter, indeed, for Congress to provide for their payment by a subsequent bill. It is customarily taken care of in one of the deficiency bills.

There are many reasons why there is difficulty in enlisting the maximum number of men in the Regular Army to-day. The greatest reason why there is this difficulty lies in the way the Regular Army has been stationed and allowed to stagnate doing trivial police duty on the Mexican border. It has been the policy of the War Department, and in my opinion it has been a most stupid blunder, to attempt to police the entire border by scattering the Regular Army along its entire length, a mere police guard. It is a well-known fact that, instead of 50,000 men being sufficient for that kind of duty, it would require a half a million men to make a mere airtight defensive patrol. It has been a mere defensive police force for three long years, instead of being allowed to actively pursue, punish, and exterminate the bandits and cattle thieves which have crossed the border.

Mr. HILL. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL. I was surprised to hear the gentleman state that this bill provided for a strength of the Regular Army for the coming year——

Mr. ANTHONY. Not strength, but pay.

Mr. HILL. That means strength, for you will not have men that are not paid.

Mr. ANTHONY. If we succeed in getting an excess of the estimated number, Congress will readily provide the additional pay in a deficiency bill.

Mr. HILL. But Congress may not be in session. What I want to know is whether I correctly understood the gentleman that this bill provides for the pay of only 105,000 men during the coming year.

Mr. ANTHONY. That is correct.

Mr. HILL. That is, 20,000 that we authorized last February; 5,000 more out of the 175,000 or 206,000, whatever it was, that we authorized the other day.

Mr. ANTHONY. The gentleman's assumption is correct, but the committee only hopes that the War Department will succeed in enlisting the remaining maximum strength, and if they do, means will be found for their payment.

Mr HILL. But you can do that only by further legislation.

Mr. HAY. If the gentleman will permit me, they can create a deficiency in the pay of the Army.

Mr. HILL. I think the country misunderstands the purpose and object of the Army reorganization bill which was passed the other day.

Mr. ANTHONY. If the gentleman will permit, in my opinion, if the administration will change its policy of merely policing the Mexican border and chasing a few irresponsible bandits in northern Mexico and will decide on a positive and definite line of action as affecting the American Army on the border and in Mexico, there will be no trouble in recruiting the Army up to its maximum strength. The trouble has been that they have been scattered along the border in small detachments, in uncomfortable camps, performing most disagreeable duty, until they have been permitted to stagnate; and so many of the men have refused to reenlist when their terms expired. The policy of the department in this respect has been a great and severe injury to the morale of the Army on the border. Instead of such a miserable policy of inaction and indecision a policy of strong and aggressive action should have been pursued. If retributive justice had been promptly meted out to every marauding band that crossed the border, and had been the rule at the beginning three years ago, it would not have required one-quarter of the men to handle the situation now.

Mr. QUIN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. QUIN. Did not they send troops in keeping with the dignity of this country after Villa and his crowd?

Mr. ANTHONY. Yes; but if the gentleman can point to any accomplishment so far of that expedition in ameliorating conditions in Mexico, I would be glad for him to do so. The trouble has been that the Army has been used as a mere police force chasing a few individual offenders, and the sooner that idea is done away with and some broad policy of reformation and reconstruction commenced the better it will be for the American Army and the better it will be both for the people and Government of Mexico and the United States as well. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FESS. If Villa is the only one that we went after in this punitive expedition, how long would it have been before we had him if we had offered $100,000 for him dead or alive?

Mr. ANTHONY. That would have been the most effective undoubtedly, I will say to the gentleman; but the mere personality of Villa is but an incident in the whole Mexican question. The trouble is that the administration has not been able to see the great, big, broad, humanitarian side and aspect of that question down there. It is not the mere punishment of one bandit, but it is a matter of restoring peace and order and good government to a stricken nation on our borders. It is a duty that we owe to humanity as well as to our own citizens to bring about a proper condition of affairs, so that not only the 15,000,000 Mexican people can enjoy peace and prosperity but American lives and property made safe in Mexico and the dignity and honor of the United States preserved as well.

Mr. GORDON. Mr. Chairman, what business has the President of the United States to send an army into a foreign country for the purpose of furnishing them with good government?

Mr. ANTHONY. The President of the United States, in my opinion, does not do his duty if he allows an American citizen engaged in peaceful and law-abiding pursuits at any place on the face of the globe to suffer insult, injury, and damage to life and property. [Applause on the Republican side.]

Mr. GORDON. Oh, well, but the gentleman does not understand my question, and he has not answered it. What right has the President of the United States to send the Army of the

United States into a foreign country to create this beautiful condition that the gentleman has just described?

Mr. ANTHONY. I will say to the gentleman that legally the President of the United States probably has not any right, but every President in the history of the country has always exercised it when the emergency confronted him.

Mr. GORDON. Never has a President of the United States done that in any foreign country.

Mr. MOORE of Pennsylvania. Mr. Chairman, by the same *token, what right* had the President of the United States to tell the provisional president of another country to get out of office until somebody else was found that would be satisfactory to the President of the United States?

Mr. ANTHONY. He assumed that right, as I endeavored to tell the gentleman from Ohio.

Mr. HARDY. Mr. Chairman, I would like to have the gentleman point to the words whereby the President ever did any such thing.

Mr. ANTHONY. We can point to the acts. We do not need to point to the words. He sent the Army to Vera Cruz.

Mr. FESS. I should like to recall to the mind of the gentleman from Texas [Mr. HARDY] that the President said from the Speaker's rostrum in our hearing that Huerta must go, and it could not be any clearer than that.

Mr. ANTHONY. Undoubtedly the President took that position.

Mr. HARDY. Just one moment in reference to that. Unquestionably the President has always believed that Mr. Huerta should go, and said so to Congress.

Mr. ANTHONY. Yes; and, in my opinion, that was the first great blunder the President made. [Applause on the Republican side.]

Mr. HARDY. That is a question of opinion, and the gentleman has a right to his opinion.

Mr. ANTHONY. And history has demonstrated that it was a blunder. I want to say to the gentleman that, in my opinion, Victoriano Huerta was the only powerful figure developed in the revolutionary struggles in Mexico who showed capacity to properly handle the situation [applause on the Republican side], and that man should have been recognized; but, instead of that, the President has attempted to do business, one after another, with every single bandit leader who has popped up in momentary authority, and, instead of getting cooperation from those men with whom he has attempted to do business, they have turned around and kicked him in the face until now every one of them has gone back on him and he finds himself without a single Mexican friend or ally; and it is up to the President of the United States, in my opinion, to use a common phrase, to "fish or cut bait."

Mr. HARDY. Will the gentleman yield for one question? If Huerta was such a wonderfully competent man, why didn't your President Taft recognize him? [Applause on the Democratic side.]

Mr. ANTHONY. Let me say to the gentleman from Texas—let me refresh his history and his dates—that President Madero was assassinated just nine days before the expiration of the term of office of President Taft. [Applause on the Republican side.]

Mr. HARDY. And let me say, further, that President Huerta was more firmly fixed in power immediately after that assassination than ever afterwards.

Mr. ANTHONY. Why did not your President recognize Huerta and do the proper thing?

Mr. HARDY. Why did not your President do it?

Mr. ANTHONY. He did not have time.

Mr. HARDY. Oh, did not have time!

Mr. GARRETT. The gentleman does not doubt, does he, that Huerta reached the presidency by exercising the forces of assassination?

Mr. ANTHONY. I do not know anything about that. Suppose he did rise to his power by assassination. All of the men in Mexico with whom the President has subsequently attempted to ally himself with have been admitted murderers, assassins, bandits, and thieves, if not actually, by countenancing and condoning such conditions. Victoriano Huerta stood out as the one great, strong figure—head and shoulders above them all.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Then the gentleman knows that the immediate consequence of the assassination of Madero was the rise to power of Huerta?

Mr. ANTHONY. Yes; he was the strong man who seized the reins of government at that time in that emergency.

Mr. GARRETT. And the gentleman would have the President of the United States recognize as the head of another Government one who rose to his place and power by use of the force of assassination?

Mr. ANTHONY. Oh, no; I would not proceed upon that basis, but I would recognize conditions as they are. I do not think it is any part or business of our country to interfere with the internal conditions in other countries unless the matter of American lives and American property is at stake.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SMITH of Michigan. I would like to inquire whether or not England, France, Russia, and Japan did not all recognize Huerta, and whether or not Diaz did not assume the same power after the extinction and murder of his predecessor?

Mr. ANTHONY. Undoubtedly.

Mr. GOODWIN of Arkansas. And I should like to know the chief occupation at the present time of those countries that recognized Huerta.

Mr. KREIDER. Is it not a fact that Gen. Huerta was elected legally, according to the constitution of Mexico?

Mr. ANTHONY. Yes.

Mr. KREIDER. And is it not a fact that the constitution of Mexico provides that in case of the death or resignation of both the president and the vice president, the Congress of Mexico shall elect a president, and is it not a fact that is exactly what occurred; and is it not also a fact that our administration went there and deliberately dictated to the people of Mexico, stating that the man whom the Congress of Mexico had elected was illegally elected, and did it not undertake to unhorse him? Mr. Chairman, this administration has sown the wind and it is reaping the whirlwind. [Applause on the Republican side.]

Mr. GARRETT. "In the event of death" is quite significant in that connection.

Mr. KREIDER. "Or resignation," and the resignation occurred before the death.

Mr. ANTHONY. Mr. Chairman, I will yield for one more question, and then I would like to say a word or two about the bill.

The CHAIRMAN. To whom does the gentleman yield?

Mr. ANTHONY. To the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. The gentleman has information that I want him now to disclose. Has it ever been known or well established that Huerta in any way conspired to the death of Madero?

Mr. ANTHONY. I do not think so.

Mr. GORDON. If the gentleman will yield——

Mr. ANTHONY. I can not yield further.

The CHAIRMAN. The gentleman declines to yield further to any member of the committee.

Mr. DAVIS of Texas. Will the gentleman yield for one question?

Mr. ANTHONY. I will yield for one question only.

Mr. DAVIS of Texas. I represent 1,300 miles of Mexican border, and I just wanted to call attention to the fact that Huerta wired President Taft, "I have overthrown the government and am now in charge." He was the Guiteau of that country.

Mr. ANTHONY. Well, I do not know about that. Now, Mr. Chairman——

Mr. FESS. Will the gentleman yield for one more question?

Mr. ANTHONY. I yield to the gentleman from Ohio.

Mr. FESS. And that is in reference to why President Taft did not recognize Huerta. Is it not true, as the newspapers carried it on the 23d of February, that President Taft consulted President-elect Wilson as to what he wanted him to do, as to whether he should do anything, and it was the request of the President-elect not to take any steps? That was carried in all the press of the country.

Mr. ANTHONY. I will say to the gentleman I have been so informed, and I believe he took no action out of consideration of the President-elect.

Mr. DECKER. Will the gentleman yield for one question?

Mr. ANTHONY. I prefer to finish my remarks and to yield at the end of that time, if possible.

Mr. DECKER. I just wanted to know, if the gentleman were President, if he would have recognized Huerta after he wired the President that he had overthrown the Government and was in charge? I wanted to know the gentleman's views.

Mr. ANTHONY. I would certainly have given such recognition at the proper time. Now, Mr. Chairman, there are some points of difference between the majority and minority, perhaps, on the appropriation bill before the House, but they are not very great. It has been claimed, and some Members of the minority feel that perhaps the appropriations for field artillery, ammunition, and field artillery for the National Guard are not as

large as they should be, but in justice to the action which the committee took I want to say that sufficient appropriation has been provided by the committee for those two items in conjunction with the money which has already been appropriated by the Fortifications Committee to keep every arsenal, every Government ammunition factory, every Government powder factory running on full time for the next year in order to use up this money, and if additional money is appropriated that money will have to be expended under private contracts.

Another thing. The House must take under consideration the fact that never were the facilities of this country so good and so great as they are now for the manufacture of arms, artillery, and ammunition, and, as Gen. Crozier stated to our committee the other day, when the item of the automatic machine guns was up, he did not think there was any great hurry about proceeding to the manufacture of a great number of those guns because immense American factories were in process of construction or are now under operation on foreign contracts to the capacity of producing very great numbers of these important arms, which this Government could acquire in sufficient number to arm its forces if any emergency arose in the very shortest possible time.

Mr. MADDEN. Will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. MADDEN. I saw a statement in one of the Chicago papers this morning to the effect that a number of machine-gun companies had been organized out of the militia, and that there was not a single machine gun to be supplied to those companies.

Mr. ANTHONY. And that is not true. The Army has a thousand machine guns already available——

Mr. GARDNER. Is that correct?

Mr. ANTHONY. And as the National Guard companies are organized the department will be able to supply them with machine guns.

Mr. GARDNER. Is the gentleman correct in saying——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Has all the time expired on this side?

The CHAIRMAN. It has.

Mr. HAY. How much time does the gentleman want?

Mr. ANTHONY. Oh, about five minutes.

Mr. HAY. I have only 10 minutes.

Mr. ANTHONY. That is all right; we will take time under the five-minute rule.

Mr. HAY. And I wanted some to explain about these guns. I will yield the gentleman three minutes.

Mr. ANTHONY. That will be sufficient.

Mr. GARDNER. Is the gentleman sure about there being a thousand machine guns already available?

Mr. ANTHONY. I think so.

Mr. GARDNER. I think it was stated there were 1,088 authorized.

Mr. ANTHONY. Well, either they had them or they were authorized.

Mr. GARDNER. Well, that is a very different thing from having them available.

Mr. ANTHONY. Gen. Crozier coupled with that the statement that we could get machine guns instantly——

Mr. GARDNER. If we could buy them.

Mr. ANTHONY. That manufacturing facilities are so great in this country that they could be instantly provided.

Mr. GARDNER. He asked $1,600,000, and you did not give it to him.

Mr. ANTHONY. Let me say another word to the gentleman from Massachusetts. He speaks about taking 40 years to supply the National Guard of this country with field artillery at the rate it is being appropriated for. The gentleman hardly believes that statement——

Mr. GARDNER. Absolutely.

Mr. ANTHONY. Then, if the gentleman will take into consideration the figures of the Treat Board as applied to a National Guard of about 400,000, and it calls for 4.6 guns per thousand, for that number of men would be 1,680 guns. The appropriations made this year by the two committees provide for a total of nearly 400 field guns, if my figures are correct, for both the Regular Army and the militia, and the Regular Army now has practically enough guns for the force we have.

Mr. GARDNER. I will read to the gentleman, if he will allow me, the statement of Gen. Crozier.

Mr. ANTHONY. Let me say to the gentleman that I have not the slightest objection personally to increasing these two appropriations. In fact I should be willing to vote for a reasonable and adequate increase in them, but I do not think it can be taken to be a public emergency for which sufficient appropriations have not been made, because of the fact that the manufacturing capacity of the country at large to-day is so great, and the output of munitions of war is so large, that we can abundantly provide ourselves in an emergency.

Mr. SHALLENBERGER. Does the gentleman recall that Gen. Crozier stated as one of the reasons why we are not manufacturing more machine guns that the manufacturers of this country have equipped and qualified themselves so that they are ready to furnish an almost unlimited quantity of the very best machine guns, of the kind being used in Europe, so that if we need them we can buy them in unlimited quantities?

Mr. ANTHONY. Yes.

Mr. GARDNER. Let me read from page 784 of the hearings:

Mr. MCKELLAR. How much are the 212 batteries to cost?

Mr. KAHN. $22,093,588. I make it.

The CHAIRMAN. And $66,978,151 is the cost of all of them. You are asking now for one-fourth of that $66,000,000.

Gen. CROZIER. I am asking for approximately one-fourth of that $66,000,000 now; and that figure, Mr. Chairman, I will remind you, relates to the Greble Board of standards.

The CHAIRMAN. Yes.

Gen. CROZIER. If you adopt the standards of the Treat Board, as they were modified by myself, that figure would have to be just about doubled.

Making $133,000,000. Now, if you will divide 3,000,000 into 133,000,000, what is the quotient? Over 40 years, is it not?

Mr. ANTHONY. There is perhaps a difference of opinion between the committee and some of the experts of the War Department as to the amount of ammunition and the number of guns we should have in reserve.

Mr. GARDNER. Very likely; but the gentleman said that my statement about taking 40 years to accumulate a sufficient supply was incorrect.

Mr. ANTHONY. I believe it is incorrect.

Mr. GARDNER. Well, I have just shown the gentleman that it is not. [Applause on the Republican side.]

Mr. HAY. Mr. Chairman, I am sorry that there has been injected into this debate the political phase of it with regard to our relations with Mexico. The President of the United States, Woodrow Wilson, has pursued toward Mexico a policy which up to this time has had the confidence and the backing of the people of the United States. [Applause on the Democratic side, and cries of "No!" "No!" on the Republican side.] Gentlemen on the other side of the House have never had a policy about it, and they have not one now. [Applause on the Democratic side.] They are very much opposed to the President when he is at peace, and now that they think there is going to be a war they are very much more opposed to that. [Applause on the Democratic side.]

Mr. MADDEN. Will the gentleman yield?

Mr. HAY. I will not yield. The President of the United States has the situation in hand. He is going to pursue a course which will bring peace and honor to the United States, and, I trust, peace to distracted Mexico. [Applause on the Democratic side.] The fact that to-day all over this country thousands of young men are rushing to join the National Guard for the purpose of service in Mexico is an assurance that the people believe that what the President has done is right. What he has done is right, and what he will do will be right. [Applause on the Democratic side.]

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, exclusive of personal services in the War Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed $4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, $25,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on the paragraph, for the purpose of calling the attention of the gentleman of Virginia to the last portion of it, which provides for the payment of a per diem allowance not to exceed $4. I do this for the purpose of calling attention to the fact that this is now the general law. I have no objection to the provision, but if we continue to reenact that provision of the general law in this bill it will tend to cause confusion, and possible doubt as to other lump sums which are being carried in other bills, a portion of which is used for a similar purpose.

Mr. HAY. I will say to the gentleman that this provision has been carried in this bill in these words for many years. I hope he will not make the point of order.

Mr. BYRNS of Tennessee. I shall not, of course, if the gentleman insists on retaining it in the bill; but, as I have stated, it is the general law now, and as I view it it is wholly unnecessary to carry it in this bill. I want to state this to the gentle-

man in further explanation of my action: In consideration of another bill where lump sums have been provided, attention has been called to this same provision, and the question has been raised as to whether it was so carried because some one doubted whether or not they had the right to pay a per diem allowance of $4 per day under the general law. It was only for that reason that I wanted to call it to the attention of the gentleman on this occasion.

Mr. HAY. I had not had my attention called to it, but I should like to have it remain in the bill, and when it is considered again I will call the attention of the Secretary of War to it.

The CHAIRMAN. Does the gentleman from Tennessee withdraw his point of order?

Mr. BYRNS of Tennessee. I withdraw the point of order.

The Clerk read as follows:

Expenses of military observers abroad: For the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign States at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, $15,000.

Mr. HILL. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee a question. What is the total amount appropriated in this bill?

Mr. HAY. One hundred and fifty-seven million dollars.

Mr. HILL. How much is that in excess of last year?

Mr. HAY. Fifty-six million dollars.

Mr. HILL. How much of that is due to so-called preparation, and how much would the bill have carried, probably, if there had been no excitement or occasion to make additional appropriations on that account?

Mr. HAY. It would have been about the same as it was last year, I take it, about $100,000,000.

Mr. HILL. My reason for asking the question is that by and by we are going to have some tax bills come in here. I presume perhaps the gentleman from Texas [Mr. GARNER] can tell us about those.

Mr. GARNER. We hope to bring in a revenue bill that will be so satisfactory that even the gentleman from Connecticut will vote for it.

Mr. HILL. It will probably be a bill for a large amount, and I am heartily in favor of giving the administration all the money that it needs to protect and defend this country properly now, regardless of what has occurred in Mexico heretofore. We will fight out on the stump the question as to what has occurred before. Here in this House now I propose to stand by the proposition to give the Government all the money that it needs, but I want to vote intelligently by and by as to how much the Government will need, and for that reason I have asked the gentleman the question. I am very sorry that the appropriation bill does not provide for the largest possible force which can be secured under the provisions of the act that the gentleman from Virginia brought in here and successfully passed the other day.

Mr. HAY. The gentleman will understand that this bill does provide for the pay of as many men as are expected to be enlisted in the Army during the next fiscal year.

Mr. HILL. The gentleman says "as many men as are expected to be enlisted." He ought to bear in mind the fact that when the naval bill was up the other day I offered an amendment providing for giving a bounty to get men enough to man the ships that we have, and that amendment was turned down by the House. Yet this very day in the newspapers it is announced that that amount is to be largely exceeded by the Senate before the naval bill gets back to us for consideration. I have not the slightest doubt but that the same thing will occur with regard to this bill, and I wish the gentleman from Virginia [Mr. HAY] to have the honor and credit of fully meeting the exigencies of the occasion instead of waiting to have that done in the Senate.

Mr. HAY. I will state to the gentleman from Connecticut that this bill, so far as the Committee on Military Affairs have been able to ascertain, carries every dollar that the department thinks will be needed for the next fiscal year. Now, there is a difference of opinion perhaps as to the reserve supply. That is another question; but as to the running and current expenses for the next fiscal year for the Army, this bill carries every dollar necessary.

Mr. HILL. The gentleman is authorized to appropriate for 120,000 men this year, is he not?

Mr. HAY. Yes.

Mr. HILL. He has only appropriated for 105,000. Why?

Mr. HAY. Because the War Department only asked for an appropriation for 105,000 men.

Mr. HILL. Is the gentleman governed entirely by that opinion or does he use his own judgment?

Mr. HAY. The gentleman from Connecticut has been here for many years, and he has never known any Appropriation Committee to exceed the amount asked for by the department.

Mr. HILL. If the appropriation were made for the full amount allowed by law and it should not all of it be expended, there would be no harm done, would there?

Mr. HAY. The gentleman knows very well that it is not the custom of this House to appropriate large sums of money with the idea that they will not be expended.

Mr. HILL. But the situation now is very exceptional. It has been the custom in time of war to do so. We appropriated $50,000,000 at the begining of the Spanish War in five minutes.

Mr. HAY. We are not at war, and if the administration asks for any addition to this bill on account of the situation in Mexico nobody will be quicker than I to respond to the request.

Mr. HILL. I am very glad to hear the gentleman say so.

Mr. HAY. I have not been asked to do anything of that kind.

Mr. GARDNER. Mr. Chairman, the fact is that the War Department does not know nor does anybody else know how many enlisted men are authorized by the Hay-Chamberlain Act for the fiscal year ending June 30, 1917. I hold in my hand a letter from Gen. McCain which I shall present to the House to-day. You will find that instead of having over 200,000 enlisted men of the line in the Regular Army, as the country thinks we are shortly going to have, the true figure will not exceed 120,000 prior to the 1st of July, 1917. That is the outside figure, 120,000. Neither the War Department nor anybody else in any figures that I have seen, not even the chairman of the Military Affairs Committee, claims that the number can lawfully exceed 120,000. That is, under existing law we can enlist no more than that number, even if recruits swarm in to our hearts' content. Even if recruits were to come in swarms, even if we should appropriate $100,000,000, unless we change the law, we shall not get a greater Army than 120,000 enlisted combatants at the outside prior to July 1, 1917.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Provided further, That purchase of typewriting machines, to be paid for from this appropriation, may be made at the special price allowed to schools teaching stenography and typewriting without obligating typewriter companies to supply these machines to all departments of the Government at the same price.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read for the purpose of obtaining some information. What is the special need of making provision to have typewriting machines purchased at a special price?

Mr. HAY. It is merely a matter of getting them more cheaply.

Mr. STAFFORD. In the legislative bill passed this session we made some general provision for the purchase of typewriting machines below the regular price at which they are offered, and I thought that provision would cover this paragraph.

Mr. HAY. This paragraph gets them much cheaper than they do under the general law or the provision to which the gentleman refers.

Mr. STAFFORD. Can the gentleman inform the committee at what price they will be furnished?

Mr. HAY. No; I can not. The Chief of the Coast Artillery at the hearings stated that he could buy the machines much cheaper if he could get this provision in the bill.

Mr. STAFFORD. I assume that these typewriters are used especially for school purposes or allied school purposes, and that brings the rate furnished by the typewriting-machine companies to schools?

Mr. HAY. Yes.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, radio installations, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps, for use in the office of the Chief Signal Officer; war balloons and airships and accessories, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire-control and direction apparatus and material for Field Artillery; maintenance and repair of military lines and cables, including salaries of civilian employees, supplies, general repairs, reserved supplies, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $1,775,000: *Provided, however*, That not more than $1,222,100 of the foregoing appropriation shall be used for the purchase, manufacture, maintenance, operation, and repair of airships and other aerial machines and accessories necessary in the aviation section; and for the purchase, maintenance, repair, and operation of motor-propelled, passenger-carrying

vehicles which may be necessary for the aviation section: *Provided further*, That not to exceed $50,000 of the above sum will be available for the payment of all expenses in connection with the development of a suitable type of aviation motor, under such regulations as the Secretary of War may prescribe.

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order on this portion of the paragraph beginning, on line 20, as follows: "professional scientific books of reference, pamphlets, periodicals, newspapers, and maps for use in the office of Chief Signal Officer."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order to the paragraph.

Mr. BYRNS of Tennessee. This is distinctly within the jurisdiction of another committee, and appropriations have already been made for it.

Mr. HAY. I would like to have the gentleman show me where the appropriations have been made.

Mr. BYRNS of Tennessee. It has been made under the head of "Contingent expenses for the War Department, $45,000," for this and other purposes.

Mr. HAY. Well, Mr. Chairman, I have no objection.

The CHAIRMAN. The point of order is sustained.

Mr. STAFFORD. I wish to obtain some information particularly as to the progress that is being made relative to motors for aeroplanes. We have here a limitation not to exceed $50,000 for the development of a suitable type of aviation motor.

Mr. HAY. The aviation motor is the thing which has been most troublesome in the development of aviation machines. The purpose of this is to have the War Department test out as far as possible every type of aviation motor in order to find out which is the best.

Mr. STAFFORD. Is it the plan of the Government to engage in the manufacture of any special motor?

Mr. HAY. No; I think not. It is the purpose to have the department investigate and have made under their direction, perhaps, such an aviation motor as they may think best to use in these Army aeroplanes.

Mr. STAFFORD. I am somewhat acquainted with the work that is being done by the Navy in connection with aviation matters and the experimentations that are going on in that department, and I would like to inquire of the gentleman whether there is any cooperation between the two arms of the service in this line of activity?

Mr. HAY. Not that I know of.

Mr. MANN. Well, there is. Mr. Chairman, I do not know but that I may be able to make an interesting contribution upon this subject, just for a moment.

Mr. HAY. Mr. Chairman, the committee would be very glad to hear the gentleman.

Mr. MANN. Mr. Chairman, I expect that what I have to say will possibly develop the reason for this item in the bill. We are making a good many aeroplanes for shipment to Europe, but none of them have yet been made that they dare send into the war. They use them for instruction in England to teach men how to fly, but when they go to the Continent to engage in the war they do not use the American machines, and when they take them over there they do not use the American motors. England did not have a motor or a flying machine to speak of. She made an appropriation of £10,000 as a prize to some one who would discover a suitable motor and provide it. Some one did, and that is the motor that they use in English flying machines. We have not yet learned how to make a motor for a flying machine which compares with the machines of England, Germany, or France. It may be that we will develop something of that sort. The Packard Co.—and I am not seeking to advertise the Packard automobile, for that is not the kind of machine I often have occasion to ride in—it is too rich for my blood—the Packard Co., as I understand, have started in to provide a plant for the making of motors to see whether they can develop an air-machine motor. Of course, that has nothing to do with this item, but it may save the expenditure of this money. We have developed an automobile motor which is probably as good as any in the world, at least there are only one or two that are any better than our automobile motors; but when you come to develop a flying-machine motor, very small in extent, light in weight, which will develop a horsepower of 300, you have got to have the very cream and essence of everything. Our motors now on flying machines develop 160 horsepower, but those machines over on the other side which they use in the war develop 300 horsepower, and they wear and last. Even with the machine which we now have, which develops 160 horsepower, it is very difficult with the present motor to always control it. Strange to say, when our flying machines that fly very well up here go down to Mexico and strike a temperature in the sun of 110° to possibly 150°, with the air light, the wheel revolves so fast that it breaks to pieces. I think perhaps we can develop an American motor of 300 horsepower which will be just as good as any in the world. We have always thought when it came to ingenuity, working with machinery, that, if the American mind would turn itself to that, it could not be excelled by any in the world. This is an effort to find out whether that is true, and it is a good effort.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I am going to offer a real amendment, and would not the gentleman rather talk upon that?

Mr. BORLAND. No; I want to talk generally. A few moments ago the gentleman from Illinois [Mr. MANN] referred to conditions in Mexico. I have always noticed that it is a good deal easier to indulge——

Mr. HAY. Mr. Chairman, I do not want to make the point of order on my colleague, but we do desire to get through this bill, and if we are going to inject political discussions we will never get through.

Mr. BORLAND. I will confine myself to five minutes, Mr. Chairman, on account of the suggestion of the chairman of the committee, because I do not care to prolong the passage of the bill.

The next few days may determine the question of our relations to Mexico. It is a very serious question, and one upon which our Government has been careful not to act hastily.

When the present Democratic administration came into power, it found a condition of revolution existing in Mexico which had begun under the previous administration. As early as March 14, 1912, President Taft had been obliged to ask Congress for specific authority to place an embargo on shipment of arms to Mexico. A joint resolution was passed in these words:

> That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitation and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

The revolution apparently was successful, and nearly a year after the inauguration of President Wilson, when it seemed that the Mexicans had at length restored their government by the selection of the constitutional President, Francisco Madero, this embargo was removed on February 3, 1914.

Unfortunately, the liberal administration of Madero, which seemed to be actuated by an honest intention to carry out great fundamental reforms and raise the Mexican people to a full share of participation in their own government, was taken advantage of by disorderly and ambitious elements in that country. The assassination of President Madero in cold blood was followed by the attempt to restore a military dictatorship. Revolution broke out again in its most violent form, especially in the northern States of Mexico adjoining our border. On October 9, 1915, President Wilson found it necessary to reimpose the embargo against the shipment of arms, applying it by Executive order against the States of Chihuahua, Sonora, and Lower California. This applied specifically to the territory then overrun by the bandit Villa, which was in a state of anarchy without semblance of civilized government.

Ten days preceding, on October 9, 1915, this Government had recognized the de facto government of Gen. Carranza, under whose leadership the revolutionary forces had apparently been consolidated. The purpose evidently of our administration was to accord to Mexico the full rights of an independent nation and a sister Republic, and to permit her to work out her own national destiny. She was to be given an opportunity to restore civil government and public order by the free action of her own people. It was even apparent that our Government was using every effort to prevent any interference with the restoration of the public order in Mexico by the shipment of arms or the organization of hostile conspiracies from within our border.

Throughout the distressing difficulties of Mexico the sympathies of the great majority of Americans were with the Mexican people, and we were anxious that they should speedily end their troubles without outside interference. To what extent the good offices of the United States prevented interference by European countries and to what extent the shield and protection of the Monroe doctrine secured Mexico in her national rights only the secret archives of the two countries involved will be able to show. During all this time American rights had been sacrificed, American property destroyed, and American citizens outraged and murdered. To a large extent these are the natural results of civil war, and can not be charged in each specific instance to the government of a country where they occur when it is attempted to suppress domestic insurrection.

As has been well said in the note of Secretary of State Lansing, just issued to the Mexican Government:

The Government of the United States, if it had had designs upon the territory of Mexico, would have had no difficulty in finding during this period of revolution and disorder many plausible arguments for intervention in Mexican affairs. Hoping, however, that the people of Mexico would through their own efforts restore peace and establish an orderly government the United States has awaited with patience the consummation of the revolution. When the superiority of the revolutionary faction led by Gen. Carranza became undoubted the United States, after conferring with six others of the American Republics, recognized unconditionally the present de facto government. It hoped and expected that that government would speedily restore order and provide the Mexican people, and others who had given their energy and substances to the development of the great resources of the Republic, opportunity to rebuild in peace and security their shattered fortunes.

The de facto government of Gen. Carranza which was thus recognized on October 9 has had every opportunity accorded it to restore public order and civil government throughout Mexico. During all of this time there has been directed against the administration at Washington the unbridled criticisms and malicious attacks of bitter partisans in our own country, who were seeking to discredit the administration by contending at each step, without rhyme, reason, or consistency, that the American Government was doing exactly the wrong thing. Of course it is impossible to follow or to explain, much less to answer, these criticisms, which were clearly partisan in their nature. No course was pointed out by these self-constituted critics, consistent, practical, or honorable, and scarcely two of them agreed among themselves.

While the Government of the United States has thus been anxious to accord full rights to Mexico and to any real government existing therein, it can not continue to accord such rights to a government which does not govern or to a military ruler who refuses to accept the responsibility of international obligations. While the mere existence of civil war and insurrection in a country, even though it incidentally affects the lives and property of foreigners, is not a cause for intervention, and certainly the mere existence of outlaw bands or the raids of bandits is not to be charged against a government otherwise responsible, active, and vigilant for the protection of its territory; yet when a country reaches that point where it has no government strong enough to exercise the ordinary power and to accept the ordinary responsibilities of national existence, some method of policing such a disorderly territory must exist.

International law fully recognizes the right of a nation affected thereby to protect itself against the absolute collapse of all pretense of civil order. A de facto government can not exist in a country for the sole purpose of collecting revenue by confiscation or otherwise without the power or desire of restoring public order or protecting the international boundaries, and yet expect to be treated with the same consideration and respect as a real national authority.

I pointed out a few weeks ago that the de facto government of Gen. Carranza was growing weaker instead of stronger. Apparently now his only purpose or method of remaining in power is to inflame the minds of the Mexican people against the United States—the country which has suffered most in loss of property and lives from the disorders in Mexico, has been the most patient and sympathetic under such trying circumstances, and has been the one friend of Mexico in its possible complications with other nations. Much of the wealth of Mexico was created by American enterprise; much of its commercial development was due to investment of American capital; much of its political and social life reflected the influence of American ideals. The great bulk of Americans in Mexico have had no part in the revolutionary disturbances which have occurred there, but the loss and suffering have fallen upon them without any fault on their side.

It is not necessary that we should abandon Mexico to anarchy or close it to the legitimate business and natural intercourse which should exist between civilized States. The American Army now in Mexico should not come out, nor should any promises be held out as to the present or future policy of this country to any man or set of men now claiming to exercise political authority in Mexico. Until there is a government in Mexico—not a de facto government conducted by the chief of a fluctuating and well-equipped revolutionary army, but a civil government capable of discharging its national responsibilities—the present policing and protection of northern Mexico should continue. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I move to amend, on page 7, lines 6 and 7, by striking out "$1,775,000" and inserting "$3,775,000," and by striking out "$1,222,100" and inserting "$3,222,100."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 6, page 7, by striking out "$1,775,000" and inserting "$3,775,000," and in line 7 by striking out "$1,222,100" and inserting "$3,222,100."

Mr. MANN. Mr. Chairman, the Committee on Military Affairs has made what would ordinarily be a very liberal increase for the aviation service. The amount carried last year for the flying machines was $300,000. This year there is an increase to $1,222,100. If the situation was not as it is, I would not suggest any increase. We increased the aviation appropriation for the Navy to three and one-half million dollars. It is much more important that the Army have flying machines than it is that the Navy should have them. No one has yet discovered, though I hope some one will, a flying machine for use in the Navy that can rise from the water with any effect. Take the situation in Mexico now. We have a border line there, I think the gentleman from Texas said this morning, of thirteen hundred miles.

Well, say the whole of Texas has 1,800 miles of border line altogether. For some time we have to keep somebody there protecting that border line. We are trying to do it now with some troops, and evidently contemplate the possibility or the probability of sending the National Guard down to patrol the border, and yet one flying machine could do more good locating an enemy which was liable to come upon the border in the patroling of the border than a whole regiment of men, and it would be no difficult matter to patrol the border with some flying machines with bases at various places, so that they could keep any troops that might be located down there informed as to whether there were any marauding bandits traveling around in the northern part of Mexico with a view of coming across the line into our country.

A flying-machine squadron, I believe, is supposed—I am not sure I have the right term—to keep 12 flying machines in the air. That means that they must have from 18 to 25 machines, because some of them will always be out of repair. It takes a large equipment to handle a squadron of flying machines. I do not mean a large personnel, but a large equipment—trucks, repair shops, and various things of that sort. I am informed, upon what I think is fairly reliable information, that it will cost about $800,000 to provide and maintain for a year a squadron designed to permit the use of 12 flying machines at a time. That is not a very large number to be in active service. We have now, I believe, under recent appropriations purchased in the neighborhood of 20 to 25 machines. We have purchased a dozen very recently. They are having some trouble with the machines down there, which they anticipate they will soon overcome, owing to the rarity of the air in that very hot climate over the sands of Mexico. I think that we ought to provide this arm of the service. It is the most economical expenditure of money that can be made for the Army.

A flying machine, if effective at all, is of more value for what it costs than anything else we could provide in the way of arming the service. We increased appropriations of various kinds quite materially, and, I think, we can well afford to expend nearly at least as much for flying machines for the Army as we have already provided for the Navy, and we provided $3,500,000 for the Navy by the bill which passed the House. I proposed an amendment which will provide $3,222,000 for the Army, and a wiser expenditure of money, in my judgment, can not be made at this time.

Mr. HAY. Mr. Chairman, the amount carried in the bill for air machines is exactly the estimate asked for by the Secretary of War in a personal hearing before the committee. Probably there was a cut of $10,000, but that was done for the purpose of having an even sum.

The Committee on Appropriations appropriated $600,000 a few months ago for the purpose of buying air machines, which, together with the $1,222,000 appropriated here, makes $1,822,000 for the purchase and upkeep of these air machines for the coming fiscal year. Our information about this matter was, coming directly from the Secretary of War, who had made a special study of this, that this was all that they could use to advantage.

It must be remembered that you have to have the men to fly these machines. There is no use in manufacturing a lot of machines you can not use. We have not the men who have been educated to use them, and therefore to add $2,000,000 to this appropriation to purchase a lot more machines which can not be used seems to me to be unwise. I do not not see that we will be accomplishing anything. I do not see that we would be making any stronger preparation for the country by laying up a lot of these machines which, after all, might be useless a year from now. By that time we might discover a better aviation motor than we have now, and to buy a lot of these machines,

which we might have to throw away and not use at all, seems to me to be poor economy; and as the Secretary of War asked for this amount and went into the matter very fully and came to the conclusion that that was all that was needed, I do not think we ought to increase it. Now, this amount of money will buy nearly 100 machines. They cost about $10,000 apiece.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. HAY. I will.

Mr. HAMILTON of Michigan. Some time ago the chairman of the Committee on Appropriations, in a discussion here on the floor of the House, stated, as I remember it, that the motors used in the aeroplanes were made abroad. Where are we now getting our motors?

Mr. HAY. We are getting them here now; I do not think we are getting any from abroad.

Mr. HAMILTON of Michigan. What is the power of these machines we are getting now?

Mr. HAY. The gentleman from Illinois has just stated—160 horsepower.

Mr. HAMILTON of Michigan. I did not hear the gentleman's statement. I understand these machines are now being made in this country?

Mr. HAY. Yes; and, as the gentleman stated, 160 horsepower is not sufficient for war machines. The power used abroad, he stated, was 300 horsepower, and we are making appropriations here for the purpose of developing a better aviation motor.

Mr. HAMILTON of Michigan. These machines will be strong enough, however, to carry in the rarefied atmosphere of the Southwest, in case they are needed?

Mr. HAY. I understand the machines we have had down there have not done very well.

Mr. HAMILTON of Michigan. Yes; but those machines to be constructed now, I assume, will be stronger machines.

Mr. HAY. I assume so. I take it for granted they are constructing the best they can with the information and the material they have and with the engine they have.

Mr. HAMILTON of Michigan. Well, but we have the information that is picked up out of the experience that other nations are having. We tried to get that, certainly.

Mr. HAY. No; we have not been able to get from our observers abroad any information whatever as to the manufacture of the air machines abroad.

Mr. HAMILTON of Michigan. But we know we need stronger engines than we have.

Mr. HAY. Yes; we need stronger motors, and the reason for applying $50,000 of this appropriation to the purpose of developing a stronger motor is that we may get, if we can, a motor to equal those that are used in the machines abroad.

Mr. HAMILTON of Michigan. I understand that of the eight machines which we sent down to Mexico six were scrapped as practically useless.

Mr. HAY. Of course we have sent others down there since. We have bought some out of this $600,000 appropriation.

Mr. HAMILTON of Michigan. But it would seem that we ought to have learned something by this time.

Mr. COX. The statement which the gentleman has made that we have not been able to get any information through our observers abroad is a very interesting one. Why can we not get that information through our attachés?

Mr. HAY. Because the foreign powers guard those secrets.

Mr. COX. They will not let us have the information?

Mr. HAY. They will not let us have the information.

Mr. COX. Then we had better recall our foreign attachés.

Mr. HAY. Oh, we get some information, but they will not let us have the secret of the manufacture of these machines.

Mr. COX. Does the gentleman think the time will ever come when they will?

Mr. HAY. After the war is over I suppose they will let us have it.

Mr. FARR. How many air machines have we in the Army?

Mr. HAY. We have had 59 machines in the Army altogether. I do not think there are more than 15 effective machines now.

Mr. FARR. How long can they remain in the air?

Mr. HAY. I am not advised as to that.

Mr. FARR. Before the Naval Committee the statement was made that we had but 9 machines, and that none of them could remain in the air longer than four hours at a time.

Mr. HAY. I do not know about that. I stated that the cost of these machines was $10,000 apiece. I see that the Secretary of War states that they cost $12,500 apiece; that is, the best type of these machines.

Mr. FARR. Of what horsepower?

Mr. HAY. The horsepower is not named, but I presume it is the strongest horsepower we have.

Mr. MANN. One hundred and fifty horsepower.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HAY. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HAY. The gentleman from Illinois [Mr. MANN] was speaking of the cost of a squadron. The Secretary of War states that the cost of a squadron, which is composed of 12 aeroplanes, is $233,400. That is the cost of one squadron.

Mr. MANN. I have better information than the Secretary has.

Mr. HAY. I can only state that this information was given by the Secretary of War after he had given a very careful study to this particular subject, and I rather think he knew what he was talking about when he appeared before the committee. That certainly was the impression made upon the committee. So that when we are appropriating $1,222,000, we are appropriating for very nearly six of these squadrons. As I said a moment ago, you have not people who know how to run the air machines, and therefore it seemed to be useless to add $2,000,000 to this appropriation, when we will not be able to use the machines after we get them. In the next year we hope to educate a great many more men. We have provided in the Army reorganization bill for the employment of civilian fliers in the Army, and we hope to get a number of men who will be able to fly these machines. Then it will be time enough to appropriate a larger sum, if at that time it shall be considered necessary to buy more machines.

Mr. GORDON. Will the gentleman yield?

Mr. HAY. Yes.

Mr. GORDON. It also appeared in evidence before the committee that they had not yet developed a type of motor that was satisfactory.

Mr. HAY. That was stated a moment ago.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. HULBERT. Can the gentleman inform me when the Secretary of War made the statement that the sum of $1,222,100 would answer for the immediate purposes?

Mr. HAY. He made that statement on the 8th day of April, 1916.

Mr. HULBERT. How many aviation schools have we under the jurisdiction of the United States Army at the present time?

Mr. HAY. I think we have one in California, at San Diego, one at Fort Sam Houston, and one, possibly, at some point in Georgia, although I am not certain about that.

Mr. HULBERT. How many students are they able to accommodate within the time required for the period of instruction?

Mr. HAY. They can accommodate all that are provided for, I suppose.

Mr. HULBERT. In other words, do I understand the gentleman correctly that we are able, in the schools that we have, to educate a sufficient number of aviators for the number of machines that we have at the present time?

Mr. HAY. Yes; if they will volunteer for the service. You see, this is a volunteer service. You can not, except in time of war, detail men to go into the aviation section of the Army.

Mr. HULBERT. Unless they are willing to go?

Mr. HAY. Yes.

Mr. HULBERT. I have had several cases of men who wished to go into the aviation section, and I have not been able to get the department to accept them.

Mr. HAY. Do you mean civilians?

Mr. HULBERT. I mean men in the service who want to get into the aviation section, and the department were unwilling to take them because they said they did not have the machines with which to supply them. In other words, it has been the absence of machines that has prevented men who were willing from being transferred to the Aviation Service.

Mr. HAY. That is not my information. They have had machines with which they could instruct them. This appropriation will provide amply for all that, and more besides. I hope the amendment will not be agreed to.

Mr. MANN. Mr. Chairman, it is an interesting circumstance that the House of Representatives put flying machines into the Army, in the first place, without any request from the Secretary of War. Of course we are always told we ought to follow the advice of the experts, and that the Secretary of War is the expert. Just think of it, now! Only a few years ago the War Department refused to make an estimate for flying machines in the Army. They wanted the money for something else. It was not considered important enough. This House took a dif-

ferent view. It was this House that put aviation into the Army, without any request from the Secretary of War. I have forgotten who the Secretary of War was at that time. He was a very good gentleman.

Mr. COX. And a Republican.

Mr. MANN. He was a very bright man, as is the present Secretary of War. But the present Secretary of War has not had time to learn all about flying machines. He has not been there long enough. What the Signal Service asked for this year, when they made up their estimates, was nearly $4,000,000. I could give the exact figures, but perhaps that is not advisable. I do not want to indicate how I got them or where I got them. That does not make any difference.

Mr. HAY. The gentleman could have got them in the hearings.

Mr. MANN. I did not. Did the hearings show that that was what they asked for?

Mr. HAY. The hearing on the Army organization bill does that.

Mr. MANN. Very well. The gentleman said that the estimate was what they granted.

Mr. HAY. I said the Secretary of War appeared before the committee and said that this amount of money was what was needed for the aviation section this year.

Mr. MANN. And the Secretary of War also stated that a squadron could be provided or maintained, or both, and I am not sure which the gentleman said, for $233,000. I do not know whether the gentleman said "provided or maintained" or "provided and maintained." You can purchase 12 flying machines for $12,000 apiece. My information is that they have just made that purchase; but that is only the beginning of a squadron. A squadron is designed to be able to keep 12 machines in the air at one time, and it requires the control of 50 or 60 per cent more in machines. That is, to begin with in machines. But when you have the machines you have only commenced the expense. A flying machine wears out quicker than any other machine in the world. The estimate in Europe to-day is that a flying machine in service is replaced during the course of a year four times in every part of it. You must have your motor trucks to handle the machines, you must have your houses to keep them in, you must have your repair shops in which constantly to repair them.

When you purchase the flying machine, to begin with, you have to purchase enough parts to help take care of it, and there are more parts that come with it than constitute one machine. My statement is correct that the estimate in the War Department to-day to provide and maintain a squadron of flying machines will be $800,000, and that allows only $200,000 for the machines. The estimate is that the maintenance and repair and replacing amounts to $600,000 a year for a squadron. I have the latest figures on the subject. Of course they are estimates.

Mr. HAY. I would like to read to the gentleman just what the Secretary said on this subject:

> The intention is to have 2 squadrons of 12 machines with 50 per cent of spare parts, and the machines are estimated at $12,000 each, including the spare parts. Then there is an estimate to be added, in addition, for certain trucks, motorcycles, supply trucks, tank trucks, carrier trucks, machine-shop trucks, making up the entire equipment of an aero squadron, with 12 aeroplanes, and all the attendant and accessory trucks and parts, the total cost of one squadron being $233,400.

Mr. MANN. That is the purchase to begin with.

Mr. HAY. That includes the spare parts.

Mr. MANN. That is the purchase to begin with. That is what they pay for the purchase of the machines.

[The time of Mr. MANN having expired, he was granted five minutes more.]

Mr. MANN. I have only allowed $200,000 for that, but the Secretary says $233,000. The maintenance per year amounts to $800,000.

The gentleman from Virginia says we have nobody to operate flying machines. Well, we have been a little slow in teaching men to fly machines. We have not had the machines to fly, and there is no way on earth that a bird can learn to fly unless it has wings; there is no way that a man can learn to fly until he has the apparatus. We have not had it. We all know, and the gentleman knows, that the condition of the aviation section of the Army has been deplorable. It has all been reorganized, I am informed. We did start out with the theory that it took a man a year or two years' time in which to learn to fly a machine. England is teaching her flyers in three months' time to be able to go to the front and fly any kind of a flying machine.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HAMILTON of Michigan. Down here at Newport News they have a school called the Curtiss Flying School. Has the gentleman investigated that, so as to know how long it takes a man to learn to fly there?

Mr. MANN. I do not know anything about it.

Mr. HAMILTON of Michigan. I do not think it takes him very long under their system.

Mr. MANN. I have forgotten how long Art Smith, the greatest flier the world ever produced, told me it took him, but it was not long. England teaches her men in three months, because she has the machines. We can not teach them without the machines. There is no trouble about teaching men to fly if you have the machines. There is no trouble in making use of the machines and no doubt about the value that they would be to us along the Mexican border if we had them. It is not such a large amount of money compared with the total appropriations that we make. I hope we can appropriate this additional $2,000,000 for aviation in the Army, where it will be of great use to us during the next fiscal year as well as for the years to follow. [Applause.]

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were 52 ayes and 60 noes.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Chair appointed as tellers the gentleman from Illinois [Mr. MANN] and the gentleman from Virginia [Mr. HAY].

The committee again divided; and the tellers reported—ayes 81, noes 77.

So the amendment was agreed to.

Mr. HULBERT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Amendment by Mr. HULBERT: On page 7, line 6, strike out "$3,775,000" and also all of lines 7 to 20, inclusive, and insert "$14,552,900: *Provided, however*, That not more than $5,000,000 thereof shall be utilized to establish and operate 10 Army aviation schools, in locations to be determined by the Secretary of War, to train aviators from the Regular Army and militia and civilian volunteers as reserves.
>
> "Not more than $5,000,000 thereof shall be utilized for the organization, equipment, and operation of four aero squadrons, each squadron to consist of 12 aviators, who shall be allowed 3 aeroplanes each; and so much of the balance remaining from this $5,000,000 after providing for the four aviation squadrons shall be, at the discretion of the Secretary of War, devoted to providing aeroplanes and aeronautical equipment for the State National Guards.
>
> "Not more than $2,000,000 thereof shall be utilized for the acquisition and operation of dirigibles and kites or observation balloons.
>
> "Not more than $2,000,000 thereof shall be utilized for the acquisition or rental of suitable aviation fields and for providing the buildings necessary for permanent aviation schools."

Mr. HAY. Mr. Chairman, I make a point of order on the amendment that it is new legislation.

The CHAIRMAN. Does the gentleman from New York desire to be heard upon the point of order?

Mr. HAY. This provides for the acquisition of land, and it is clearly subject to the point of order.

Mr. HULBERT. Mr. Chairman, I submit there is no provision in the amendment respecting the acquisition of land. It does provide for the inauguration of 10 schools, but I believe that the Government has already land on which these schools can be established. It has been stated by the chairman of the committee that we have three schools at the present time. There are certain Army reservations throughout the United States owned by the Government, controlled by the Government, upon which seven additional schools may be established by the committee. I do not think that point of order is well taken.

The CHAIRMAN. The concluding sentence is that it shall provide for the acquisition of land. The point of order is sustained.

Mr. HULBERT. Then, Mr. Chairman, I reoffer the amendment with the last sentence stricken out.

Mr. HAY. I make the point of order that it provides for the organization of four schools. I do not know under what law they can organize schools. That is legislation, and it is clearly subject to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HULBERT. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment by Mr. HULBERT: On page 7, line 6, strike out "$3,775,000" and also all of lines 7 to 20, inclusive, and insert "$8,000,000: *Provided, however*, That not more than $5,000,000 thereof shall be utilized for the organization, equipment, and operation of four aero squadrons, each squadron to consist of 12 aviators, who shall be allowed three aeroplanes each, and so much of the balance remaining from this $5,000,000 after providing for the four aviation squadrons shall be, at the discretion of the Secretary of War, devoted to providing aeroplanes and aeronautical equipment for the State National Guards."

Mr. HAY. Mr. Chairman, I make the point of order that this changes existing law. The Army organization bill recently

passed provided what the organization of aero squadrons should be, and it proposes to change the existing law.

The CHAIRMAN. Does the gentleman from New York desire to be heard upon the point of order?

Mr. HULBERT. Mr. Chairman, will the gentleman from Virginia reserve the point of order for a moment?

Mr. HAY. Yes. If the gentleman does not desire to be heard upon the point of order, I will say to him that I will now take a vote upon the amendment.

Mr. HULBERT. But I desire to be heard upon the point of order.

Mr. HAY. Mr. Chairman, I reserve the point of order.

Mr. HULBERT. Mr. Chairman, I had this amendment ready for submission when the gentleman from Illinois [Mr. MANN], who received prior recognition, submitted the amendment which has just passed the House, and I happen to be one of the few Democrats on this side of the House who voted for it. I felt after the amendment offered by him had been read that this proposed amendment, which I have submitted, met the very point urged and contended for by the chairman of the committee, namely, that the chief objection to the amendment of the gentleman from Illinois was that it was a useless and wasteful expenditure of the public funds to provide money for the purchase of aeroplanes when they did not have facilities to educate men to operate them; and I did not anticipate that there would be that objection, at least, to the feature of the amendment offered by the gentleman from Virginia [Mr. HAY], particularly in view of the fact that a majority of this House has decided that we do need the airships, and if, as he contends, we are now faced with a condition where we have the airships and have not the facilities and conveniences to educate the men, then we ought to look the situation squarely in the face and provide now for the schools in order to educate the men to make use of the airships which this House has already voted should be purchased.

Mr. Chairman, when we remember the fact that it was an American who invented the steamship, and yet that it remained for us to adopt a policy of watchful waiting until other nations had demonstrated its practicability in gaining the supremacy of the seas before we brought into this House and enacted only a few weeks ago the shipping bill, looking to the upbuilding and restoration of a merchant marine, which had fallen away until we found ourselves among the lowest of the maritime nations on earth; when we consider that it was an American citizen who invented the submarine, while we have stood silently by and watched and waited for the nations of Europe now in the throes of armed conflict to demonstrate its utility; when we remember that it was an American who invented the airship, and that we are now taking lessons in its development and its demonstration from the nations of the Old World, it seems high time to me that at least as to this last great achievement, given to science, as I have said, by an American, we ought to be the first to appreciate our heritage and take it up in a serious manner and endeavor to demonstrate to the people of the world that we are not ungrateful to our citizens, who sacrifice their time and talent in order that they may place at the disposal of their Government these great products of scientific research. I predict that the aeroplane will in the future be the real means for the defense of our country. Those of you who live in the central and far West need not fear the assaults that may be made upon the Atlantic or the Pacific coast by the battleships, battle cruisers, or other vessels of war of the enemy navies that we may have to meet; and those of you who live far removed from the coast need not fear the destructive effects of the 43-centimeter guns, if they shall ever be landed upon our shores; but if we are locked in armed conflict with our sister Republic on the south, and you do not provide the means to educate the men and equip them in order to protect us against invasion through the air over our border, the people of your communities will live to regret the day when you failed to give them the modern means of defending themselves from an affliction worse than the people of your locality have ever been terrorized with when your country has been ravaged by tornadoes and other similar calamities. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HULBERT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, page 7, strike out "$3,775,000" and insert in lieu thereof "$8,775,000," and in line 7, strike out "$3,222,100" and insert in place thereof "$7,222,100."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Provided further, That hereafter whenever contracts which are not to be performed within 60 days are made on behalf of the Government by the Chief Signal Officer, or by officers of the Signal Corps authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Chief Signal Officer.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. There have been occasions when we have given permit I believe, in regard to the execution of contracts.

Mr. HAY. That has been done with all the different departments of the War Department, I believe, except the Signal Corps. There may be one other.

Mr. MANN. I did not examine to see whether this was the form of language used in the other cases or not.

Mr. HAY. They are all in the same form.

Mr. MANN. If it is in the same form I have no objection, because I went over the matter very carefully the first time. Of course, this is designed to let them execute a contract below $500 without signing it, as I understand it. It does not change the law as to contracts over $500?

Mr. HAY. No; it does not.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Purchase of land in the State of California for aviation school purposes: For the acquisition, by purchase or by condemnation, of a site or sites in the State of California for an aviation school and training grounds of the Signal Corps of the United States Army, not to exceed $300,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Is this for the purpose of purchasing that land which is in the bay of San Diego, where the aviation school is?

Mr. HAY. Yes.

Mr. MANN. What is the need of purchasing it?

Mr. HAY. Why, because they are using it now, and the owners have notified the Government that they will not permit the use of their land for that purpose any longer.

Mr. MANN. We have been using it without any expense—we pay no rental for it?

Mr. HAY. No.

Mr. MANN. I do not know what the owners could do with it.

Mr. HAY. They say——

Mr. MANN. I just wondered whether it was pure bluff. There is nothing the owners can do with it; there is no use they can make of it. You could not rent it for a dollar a year, I believe.

Mr. HAY. I do not know.

Mr. MANN. It may be valuable sometime. It is not worthless land; but it is valueless as far as any present use is concerned; but, of course, it is valuable to the Government to have the school there, and if we can not get it any other way we may have to buy it.

Mr. BORLAND. I desire to suggest to the gentleman from Illinois, with his permission, that it is impossible for the Government to put up any permanent structures there now.

Mr. MANN. Undoubtedly.

Mr. BORLAND. The gentleman knows we have only some temporary sheds, because we do not own the land and are tenants on sufferance.

Mr. MANN. I understand.

Mr. BORLAND. These temporary sheds are utterly inadequate, and if it is intended to have a permanent station there we ought to have the land.

Mr. MANN. I suppose that is true, but I do not know. This aviation school was located at this place because the Government could get the use of the land for nothing.

Mr. HAY. Well, I think——

Mr. MANN (continuing). Well, I had supposed, to be perfectly frank with the gentleman, that the Government owned a great deal of land in the West and Southwest which was just as acceptable and could be used for an aviation school as this little piece of land in the bay of San Diego, which other land the Government now owns and it would not have to buy it and that if it were confronted with the situation where it could no longer get this land for nothing at San Diego, it could go on its own land in New Mexico, Arizona, or some other places, California or elsewhere, and possibly it might be cheaper to take a new field. The Government could move off this piece of land just as easy as a transient can move out of a hotel. There is nothing of much consequence there.

Mr. HAY. I will say to the gentleman that if there is a controlling reason for having it at San Diego it is on account of the currents of air through the combination of land and water which they need for the instruction of these people who learn to fly, and that is the reason why they want it there.

Mr. MANN. That is merely buncombe.

Mr. HAY. That may be, I do not know.

Mr. MANN. They learn better to fly in England than in America. Nobody would pretend for a moment that the atmospheric conditions anywhere in England are as good as they are in Washington. They are much more stable at San Diego than anywhere else throughout this section of the country, but they could learn to fly anywhere they got a chance.

Mr. HAY. If that is the case, I think the gentleman really ought to make the point of order.

Mr. MANN. Really I think myself I ought to do so, but I am not going to do so.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, $10,000,000: *Provided*, That the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes, approved March 4, 1915, be amended by striking out entirely the last proviso in section 5 in so far as the same applies to the officers mentioned in section of said act.

Mr. BORLAND rose.

Mr. MANN. I reserve a point of order on that paragraph, unless the gentleman from Missouri is going to.

Mr. BORLAND. I was going to.

Mr. MANN. I will yield to the gentleman from Missouri.

Mr. DENT. Of course the paragraph is subject to a point of order. There is no question about that.

Mr. MANN. Of course it is.

Mr. DENT. The object of it, however, was simply to correct a construction that has been placed on the Panama Canal act by the War Department. For instance, to state the case in a concrete form, Maj. Gen. Goethals may have been a major general for 10 years, and some young man, some officer who was graduated from West Point one year ahead of Maj. Goethals, may hereafter be appointed a major general, and he would outrank Maj. Gen. Goethals.

Mr. MANN. You would not say "some young man." They do not appoint young men major generals.

Mr. DENT. I mean some cadet who as a young man was graduated from West Point one year ahead of Maj. Gen. Goethals.

Mr. MANN. The gentleman says that that is the construction of the War Department.

Mr. DENT. Yes.

Mr. MANN. Is not that the exact provision of the law?

Mr. DENT. That was the construction put upon it by the War Department, and I think it is correct, but I do not think that that was the intention of Congress.

Mr. MANN. Certainly; that was exactly what was intended. Here was the situation: We intended originally to do something for Col. Goethals and for Dr. Gorgas, in recognition of something they had done in time of peace, which legislative bodies usually do at times for some who have done great things in time of war. Then the rest of the commission desired to be taken care of, or their friends desired that they should be, and they were included. Then the gentlemen from the Army who had been given work at Panama thought they ought to be included. Everybody was given a promotion. But giving special promotions in the Army and the Navy ordinarily is unfair to the men who are jumped over. So this act provided that where promotions were made they should be carried as extra numbers in the grade. That was for the purpose of taking care of those who otherwise would lose promotion. Then it also provided that where a man received a promotion, from colonel to brigadier general, say, jumping over somebody else, the other man so appointed a brigadier general should take priority over the man who jumped over him. In other words, we gave the title and extra pay to a man for a time because he was at Panama, but we did not intend for all time to make him jump over everybody else who ranked him, and I do not think we ought to do so. Now, that was clearly understood when we passed the bill.

Mr. DENT. It may have been so understood by the gentleman from Illinois. It was not so understood by me.

Mr. MANN. It was so understood by everybody who read the bill.

Mr. DENT. I confess I overlooked that feature of it at the time, and I think other gentlemen interested in it overlooked it. But the sole proposition is simply whether or not it is fair for a man to serve as a major general or brigadier general for 10 years and then for some officer who happened to have been graduated a year or two ahead of him to be appointed a major general or a brigadier general and then outrank him.

Mr. MANN. After all, these gentlemen then desired to get the promotion. Every one of them was in favor of the passage of the bill. Now that they have got the promotion they do not feel quite so anxious about getting it. They have already got it. Then they were willing to concede that the men who were ranking them had done good service elsewhere and that the men remaining behind were not expected to be kept behind those who went to Panama. But as soon as they get the promotion, hoggishly they want more. I think the most of them got more than they were entitled to. There was no reason on earth why we should have given all of these people promotions.

But that is not all. I think the distinguished committee which reported that bill have now reported a bill to repeal that section. If they have not reported it, the distinguished gentleman from Georgia [Mr. ADAMSON] has introduced a bill repealing it.

Mr. ADAMSON. And the committee have reported it, too.

Mr. MANN. Now they want more promotions.

Mr. ADAMSON. Mr. Chairman, I have listened with great interest to the able remarks of my distinguished friend from Illinois [Mr. MANN]. He may be correct in all he has said. If so, my recollection is at fault in some particulars. I have sent for the original bill as the House passed it, in order to see who is right. In the first place, the gentleman is mistaken, so far as it comes within my knowledge, in stating that those officers we sought to favor asked for exceptional recognition. I think, first and last, I conversed with every single one of the five distinguished engineers who put through that great enterprise, the Panama Canal. Every one of them—Col. Goethals and all of them—said they did not deserve anything in the way of extra pay or honor, and did not ask anything. There was an effort to reward Col. Goethals alone. Col. Goethals repeatedly said to me that he did not want it done; that if anything was done at all he wanted all the five engineers to share in the honor; that he did not ask it at all, and none of them did.

I introduced a bill extending the thanks of Congress to those gentlemen, which really was the most valuable thing; but after conferring with my distinguished friend from Alabama [Mr. DENT] I put in the other proposition to promote the five engineers. The War Department worked on that bill and suggested amendments, and it was put in proper shape and passed this House, not with the proviso in it that we are now offering to repeal, but with an entirely contradictory proviso, that this action should not interfere with their promotion in due course. Here is the exact language of the proviso:

Provided, That no officer now belonging to said corps or said department shall be deprived of or prejudiced in his regular promotion.

After we passed that bill with that proviso it went to the other body at the other end of the Capitol, and then I do not know what influences prevailed, or who asked for anything, but 25 or 30 other people—inferior officers in the Army and officers of the Health Service, who were not engineers and had not constructed the canal and were not entitled to the great and distinguished consideration which we were trying to afford to these immortal five engineers—went to the body at the other end of the Capitol, and that body incorporated all these other people and gave them certain promotion, but not the thanks of Congress.

Then following that amendment they put in this proviso that we are trying to repeal that these inferior officers and the officers of the Health Service should not be promoted until the thing had passed around to everybody else. Such proviso is as follows:

And provided further, That the officers advanced to higher grades under this act shall be junior to the officers who now rank them under existing law when these officers have reached the same grade.

But as it connected up with the entire bill which came back here in the throes of dissolution of the last Congress, when there was not a quorum here, and when we did everything that was done for 24 hours by unanimous consent, Brother DENT and I did not have time to study all the intricacies of the situation, and we could not imagine that the body at the other end of the Capitol had done such a foolish thing, and we concurred in that amendment. We made a monumental mistake when we did it. It would have been better to kill the legislation, and wait and offer it now. But the act is now construed to mean, in contradiction to the proviso which we originally put in, that it should not interfere with the promotion of these five engineers, that this proviso put in by the body at the other end of the Capitol means that these engineers can not be promoted until everybody else has had a chance.

We want to repeal that in this bill. That is for the purpose of repealing the proviso put on at the other end of the Capitol. These five engineers ought not to be impeded in orderly promotion. It is true, as stated by the gentleman from Illinois [Mr. MANN], that I did introduce a bill to repeal a part of that act, and it is further true that I have reported it to this House. The reason of it is this: As soon as it appeared that the body at the

other end of the Capitol had extended the benefits of this act until it made recognition so common that recognition was of no distinction and no value and that the loaves and fishes were all that could be seen in the act extended by a beneficent Government to reward these great engineers for the services they had performed, all the inferior naval and Army officers and all the civilians pitched in and said that they must have recognition as well as the others; and so they pitched in and raided Congress with a lobby to force recognition of other things and other people, and I introduced a bill to repeal that part of the act that was put on by the amendment at the other end of the Capitol. It ought never to have been accepted by the House. The proper thing to do is not to commit a second wrong because we had committed the first wrong. The proper thing to do is to correct the first wrong. I do not think that there is any doubt but that the repeal ought to be made in accordance with the intention of the House of Representatives when it passed the original bill.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. Does the gentleman from Alabama want to be heard?

Mr. DENT. No, Mr. Chairman; I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

PAY OF ENLISTED MEN.

For pay of enlisted men of all grades, including recruits, $23,000,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 9, line 19, after the word "recruits," insert the words "the pay of any enlisted man to be not less than $20 per month."

Mr. HAY. To that, Mr. Chairman, I make the point of order.

Mr. MOORE of Pennsylvania. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. I do not offer any amendment to increase the amount provided in this bill for the pay of enlisted men of all grades because we are helpless. We can not consider an amendment to increase the pay of the soldiers, because such an amendment is out of order under our rules. We can not offer an amendment to increase the number of enlisted men in the Army, because that amendment is also out of order, inasmuch as the number is already fixed by law. On page 52 of the hearings you will find where the trouble lies. The estimates of the War Department for pay of enlisted men of all grades during the fiscal year ending June 30, 1917, is $23,945,995.31. In other words, the gentleman from Virginia has come within a million dollars of appropriating all that the War Department asked for.

Now, how does the misunderstanding arise? Why is it that we have the idea and that we read in the newspapers that we are going to have an Army with a peace strength of 208,000 men? It is because people will not read the law that we passed. Section 2 of the Hay-Chamberlain Act provides that we can not have more than 175,000 enlisted men of the line in our Army except in a time of emergency or war. It is true that without further legislation, in case of war, we can expand our enlisted force to over 225,000 combatants, but we have to enlist and train the recruits when it is too late. Heretofore the number of enlisted men of the line was limited by law to 100,000 men. The Hay-Chamberlain Act raises that limit to 175,000, but requires that the increase be attained in five annual installments. There is the misunderstanding. Unless war is upon us we are not permitted by law to have an Army any greater than 120,000 enlisted men of the line at the outside prior to the 1st of July, 1917, 13 months away. The next year after that we shall add about 15,000 more, and so on, unless we have war or unless the law is changed.

There is the colored gentleman in the woodpile. We talk about an Army of 208,000 enlisted men, peace strength. In five years, if we can enlist them, we shall have that number of enlisted men, but only 175,000 combatants. Quartermasters' employees, hospital attendants, staff departments, unassigned recruits, and so forth, account for the rest. I have tried to get a statement from the War Department as to the legal strength of the Army in 1917, but the matter is still confused, as this letter from Gen. McCain shows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, June 7, 1916.

Hon. A. P. GARDNER,
House of Representatives.

MY DEAR MR. GARDNER: In response to your letter of the 30th ultimo, in which you request information as to the authorized enlisted strength of the line of the Army on August 1, 1914, and the enlisted strength of the line as it will be after the first and second increments are made under the provisions of the act of June 3, 1916, I beg leave to advise you as follows:

The authorized enlisted strength of the line of the Army on August 1, 1914, was 75,341.

In view of the fact that no conclusion has been reached by the department as to the number of men to be included in each annual increment under the provisions of the act of June 3, 1916, I am unable to furnish you with an accurate estimate of the strength of the line during the fiscal years 1917 and 1918. There is some question as to the proper basis upon which to compute the increases authorized in the recent act. The act of February 2, 1901, provides for a minimum and maximum strength for line organizations, with a provision that the line of the Army, including the Philippine Scouts, shall not exceed 100,000, while the recent act provides that, except in case of emergency, the line, excluding the Philippine Scouts and unassigned recruits, shall not exceed 175,000.

In the former act the unassigned recruits were included in the line. There is some doubt, therefore, as to the exact strength of the line organizations under the provisions of the act of February 2, 1901, whether it is the maximum strength, the 100,000 minus the Philippine Scouts, or the strength as authorized by Executive order prior to the passage of the resolution of March 17.

Should it be determined that the organizations of the line is to be maintained at their statutory minimum strength, and if the strength of the line as authorized by Executive order prior to the passage of the resolution of March 17 is used as a base upon which to estimate the increases provided in the recent act, the strength of the line during the fiscal year ended June 30, 1917, would be approximately 99,000, and during the fiscal year 1918 that strength would be approximately 125,000. These figures do not include unassigned recruits, heretofore included in the line.

These figures are not to be accepted as a determination by the department as the strength of the line during the fiscal years 1917 and 1918, as that strength has not yet been fixed by the department for either of the years mentioned.

Regretting that I am unable to furnish you with definite information at this time, I am,

Very truly, yours,

H. P. MCCAIN,
The Adjutant General.

Everyone admits that at the outside until after July 1, 1917, the Army can not consist of over 120,000 men of the line.

Mr. TOWNER. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. TOWNER. The gentleman recollects that the chairman said this morning that $23,000,000 would only provide for 105,000 men?

Mr. GARDNER. That is correct.

Mr. TOWNER. And so that would leave no appropriation for the 15,000 men.

Mr. GARDNER. I do not think that the estimate of 120,000 corresponds very closely with the estimate of the War Department.

The department estimates the enlisted combantant strength for the fiscal year ending July 1, 1917, at 106,378 men. The question hinges on the interpretation of the law. (See hearings, p. 11.)

Mr. TOWNER. According to their own statement there is no appropriation for the 15,000 additional men.

Mr. GARDNER. I have just called attention to Gen. McCain's letter.

Mr. TOWNER. But my point is this: That even according to the estimate made by the gentlemen on the other side, 120,000 men, they make no appropriation for the additional 15,000 men.

Mr. GARDNER. That is perfectly true. Now, Mr. Chairman, how did the impression get abroad that we were to have 208,000 enlisted fighting men in the Army just as quickly as we could enlist them? Who is responsible?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARDNER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. GARDNER. The way that came about was this: The figures started with 175,000 enlisted men of the line. That is the limit under the Hay-Chamberlain Act. To that they added all of the quartermaster's employees and all of the hospital stewards. To that they add the unassigned recruits, and in some of the tables they added officers. Next they assumed that just because we have voted to increase the Army prior to July 1, 1921, to a maximum peace strength of 175,000 men of the line, that therefore we are justified in speaking of that Army as if it were already in existence.

One word now about the pay of the Army. I discussed the question of the pay of the enlisted men of the Army, and I offered amendments to increase it when the Hay-Chamberlain Act was under consideration in this House. I desire at this time to express my belief as to the cause of the reluctance of American boys to enlist in the Army. It is not altogether a question of pay. By the way, the Canadian Army is paying

$33 a month to each one of its soldiers who enlist in the overseas force. In addition the Government allows $20 to the wife who stays behind. Just think of the difference between the situation of the Canadian soldier with a wife getting a separate allowance, altogether the family getting $53 a month, and the situation of a militiaman called out for service on the border or in Mexico.

Mr. STAFFORD. Has that been his pay only since the European war began?

Mr. GARDNER. Yes.

Mr. STAFFORD. What was the pay of the soldier prior to that?

Mr. GARDNER. Fifty cents a day for a private, the same as ours. I do not know the peace arrangements of the Australian Army, but a private in the Australian Army to-day is paid $1.50 a day and his wife gets a daily allowance less than the Canadian allowance, I think 35 cents a day, which counts up to a little over $10 a month. The Canadian Army is what I know most about, and I do not know anything about their pension system. Young fellows going into the Army do not think very much about the pension system. A young man going into the Canadian Army to-day says, "How much will I get and how much will my wife get?"

Mr. STAFFORD. I believe under the Canadian law, since the war began, they also have a pensionable status, at all events for widows.

Mr. GARDNER. And I think for disability and long service, as well. There are four reasons why men do not enlist, in my opinion. In the first place, there is the limited opportunity which enlistment affords for promotion to commissioned rank. We have very much improved in that respect, but even if we go to the utmost that I or anyone else would recommend, we shall still be confronted by the fact that any man to become an officer must be made to pass a pretty stiff examination.

Only a small proportion of men in the Army can do so. I believe that we can add to the enlisted man's horizon, but it will be a relatively small number of additional recruits which we shall get. That is reason No. 1. Reason No. 2 is because we entirely underpay our enlisted men. The evidence of a number of the younger officers who testified before the committee and the views of the recruiting officers convince me that enlistments will undoubtedly increase if we increase the pay. The third reason for the scarcity of recruits arises from the fact that a young man is reluctant to mortgage his future for a long period of years. The Hay-Chamberlain Act marks an advance in dealing with that situation; but, nevertheless, if we are going to have a reserve army, we must require men to obligate themselves to serve in case of war after their period of active service is over. In the Hay-Chamberlain Act we have gone as far as seems wise in reducing the number of months of active service which a man must spend with the colors before he goes to the reserves. We can not go very much further in that direction. We now come to reason No. 4. This reason was touched upon by the gentleman from Colorado [Mr. KEATING] when the Hay-Chamberlain Act was under discussion in this House.

I believe there is a great deal of truth in what the gentleman says. Still I do not yet see what the remedy is. I believe it to be the fact that the average young man is not willing to obligate himself to obey some one else's orders for 24 hours every day for one or more years. The average man dislikes the obligation to salute his superior officer, because that salute is an overt indication that he has yielded his will to some one else. That is a fundamental feeling. I do not know how we are going to change it. The young man says, "I do not want to salute the officer," and what he really means is that he does not want to show by any gesture of his that he has subjected his will to that of any one else on earth.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TOWNER. Mr. Chairman, a primary difficulty, it seems to me, with Members of the House is that they lack adequate information regarding the true condition of matters regarding the Army. We have the estimate of the gentleman from Massachusetts [Mr. GARDNER] and the estimate of the chairman of the committee of the number of men to be appropriated for, and they differ by thousands. We have sent to us an estimate by the War Department for the pay of 105,000 men, and yet the chairman of the committee admits on the floor of the House that there ought to be provision for the pay of 120,000. In my judgment there ought to be a provision for the pay of a great many more men than that, but just exactly how many more than that estimate it is impossible for us to determine. There ought not to be at this time this condition of secrecy, not to say misrepresentation. This House ought to know, in order to be able to do its duty, what are the exact facts. This House is ready now, as it always has been, to meet any demand that may be made by the administration for preparedness for this probable Mexican war or any other war, but we do want to know something about the real condition of affairs. This administration has never come to the House and asked it for anything to prepare for the defense of the Nation or to meet any requirement in that regard that has not been given promptly and unanimously, and I believe, judging from the sentiment at least on this side of the House, that there will be no demand made by this administration on this Congress for anything in that nature that will not be immediately granted and gladly given in support of this country's honor and what may be necessary for its protection.

Mr. Chairman, the difficulty is that this administration seems to be playing fast and loose with this question. They want the people of the country to believe that they are for preparedness, and yet, when they come before Congress with their appropriations, in order to make an appearance of small appropriations and economy, they do not ask for a sufficient amount to provide for the real and unquestionably necessary amounts for the support of the Army that the House has already provided for. It seems to me, Mr. Chairman, that the country ought to know this, and while the newspapers of the country are heaping criticisms upon the Congress they ought to be told, they ought to know, and the people of the country ought to know, that this Congress is ready to meet any demand that the administration may make upon it or to take any action that may be necessary when they call upon us to do so. [Applause.]

The CHAIRMAN. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Additional pay for length of service of enlisted men of the line, $2,300,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I had hoped the chairman of the Military Affairs Committee, the gentleman from Virginia, would accept the amendment I offered a little while ago providing that the pay of enlisted men should not be less than $20 per month, although it was subject to the point of order.

Mr. HAY. I will say to the gentleman that if the amendment was offered that way it would cut down the pay of one-fourth of the enlisted men in the Army.

Mr. MOORE of Pennsylvania. Oh——

Mr. HAY. You can not work out a pay system by offering an amendment in that way.

Mr. MOORE of Pennsylvania. May I ask the gentleman, so long as he is on his feet, just how the pay is adjusted? Is it by statute or in the discretion of the department?

Mr. HAY. It is by statute—by law.

Mr. MOORE of Pennsylvania. Is the pay of $15 for the enlisted men fixed by act of Congress?

Mr. HAY. Yes, sir; the pay of privates is $15; the pay of corporals is so much more; the pay of sergeants is so much more; the pay of a first sergeant, a quartermaster sergeant, and so forth. There are various grades, but they are all enlisted men.

Mr. MOORE of Pennsylvania. I was referring to the privates, and I am endeavoring to increase, certainly not to lower, the pay of the private soldier, the man who, in my judgment, despite the fact that I believe in discipline and in military skill and generalship, must be depended upon in the last analysis for American victories.

Mr. GREEN of Iowa. I did not hear the gentleman's amendment.

Mr. MOORE of Pennsylvania. My amendment provided that as to this lump sum of $23,000,000 appropriated for the pay of enlisted men no enlisted man should receive out of it less than $20 a month.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. MOORE of Pennsylvania. I do.

Mr. GREEN of Iowa. I do not understand, then, how that could reduce the pay of the enlisted man.

Mr. MOORE of Pennsylvania. Neither do I. The gentleman from Virginia works that out.

Mr. HAY. I will be compelled to make the point of order. I do not think, in the first place, that you will get any more men under it; and, in the second place, we are just now putting in 100,000 men at the same pay the Regular Army gets. I do not know how long they are going to be down there.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether the $23,000,000 herein appropriated in lump sum will be sufficient to cover the pay of all regular private soldiers as well as those of the National Guard now being drafted into the service?

Mr. HAY. Oh, no; it only covers the pay of the enlisted men of the Regular Army.

Mr. MOORE of Pennsylvania. Although the President has drafted the National Guard for Federal service?

Mr. HAY. He has not drafted them.

Mr. MOORE of Pennsylvania. Under the Military Establishment bill passed the other day he has the power apparently, although the question has been raised as to whether Congress is to be consulted.

Mr. HAY. Not at all. He would not have the power to draft the National Guard without the authority of Congress any more than he would have the right to call out volunteers.

Mr. MOORE of Pennsylvania. Does the gentleman hold that the President would have to come to Congress for authority to draft the National Guard?

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. And he has not done so?

Mr. HAY. He has not.

Mr. MOORE of Pennsylvania. But the National Guard is being called into service.

Mr. HAY. It is being called into service.

Mr. MOORE of Pennsylvania. By the governors of the various States?

Mr. HAY. No; called into the service by the President under the Constitution which provides that the President shall call out the militia for certain purposes.

Mr. MOORE of Pennsylvania. And they are being called into camps in the various States?

Mr. HAY. And they must be paid by the United States Government while in the service of the Government.

Mr. MOORE of Pennsylvania. At the same rate that the regular soldiers are paid?

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. Then so far as legislation is concerned they will become Regular soldiers of the United States?

Mr. HAY. So far as the pay is concerned.

Mr. MOORE of Pennsylvania. Is their pay provided for in this $23,000,000?

Mr. HAY. Not at all.

Mr. MOORE of Pennsylvania. There must be another appropriation?

Mr. HAY. There is another appropriation.

Mr. MOORE of Pennsylvania. And the National Guardsman if drafted will have the status of a Regular soldier of the United States?

Mr. HAY. The pay provided for the National Guard is in time of peace.

Mr. MOORE of Pennsylvania. Has the gentleman any idea of the cost of the National Guard as it is proposed to draft them now?

Mr. HAY. The gentleman means "called into service now."

Mr. MOORE of Pennsylvania. Is it 100,000 men, roughly estimated?

Mr. HAY. I suppose 85,000 of them would be enlisted men, and it would take about eighteen or nineteen million dollars to pay them.

Mr. MOORE of Pennsylvania. That would be somewhat less than the appropriation made here.

Mr. HAY. About $5,000,000 less.

Mr. MOORE of Pennsylvania. What is this item, "For the pay of enlisted men of all grades, National Guard, $7,750,000"?

Mr. HAY. That is when they are not in the service of the United States, which is provided for in the bill we just passed.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. While the gentleman from Virginia [Mr. HAY] holds the view that an increase of pay for enlisted men would not increase enlistments, and while the gentleman from Massachusetts [Mr. GARDNER] has also indicated that low pay may not be the principal cause for the failure of enlistments up to the present time, I am of the opinion that an increase of the pay of the men from $15 to $20 a month, or even more, would be an actuating cause for a greater number of enlistments.

Over in my State of Pennsylvania the National Guard mounts up to more than 10,000 men. They are now preparing themselves for service under the call of the President for the borderland of Mexico. They are wondering whether they are to be called into Mexico, and that question, I suppose, will be determined later. These men are volunteers up to the time of their being drafted for service in the Regular Army of the United States. They come from the farms, the stores, the workshops, and the factories. They are men of peace in times of peace. They are not Regular soldiers, though on an emergency call they are willing to be. Fifteen dollars a month is a ridiculous compensation for men of this type, and when it comes to the wife and children left behind, the thought of 50 cents a day in these times of the high cost of living is enough to appall any man who yields up his home for the defense of his country. It is a mighty poor inducement on the part of the Government of the United States to men who are asked to go out enthusiastically under the banner of patriotism for an indefinite period with no ample provision for the family.

Mr. BORLAND. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BORLAND. Does the gentleman think that in organizing an army we can compete with the labor market in time of peace and prosperity? Does he think we can offer wages that will attract men solely on the score of wages? Is there any army in the world that has ever been organized on that basis?

Mr. MOORE of Pennsylvania. Does the gentleman from Missouri mean to be understood as objecting to the raising of the pay of a man a few cents a day, when he is offering his life for his country and his wife and children are dependent on his earnings for their food and clothing?

Mr. BORLAND. I am asking the gentleman a question.

Mr. MOORE of Pennsylvania. The gentleman asked me a question, and in Jersey fashion I am asking him one.

Mr. BORLAND. Does the gentleman think we can compete with private employers in the wages that we pay for an army in time of peace?

Mr. MOORE of Pennsylvania. I want to know if the gentleman would be satisfied to enlist, and leave his wife and children with the assurance that they would get what he could give them out of 50 cents a day, while he was down in Mexico risking his life and perhaps losing it for the sake of his country?

Mr. BORLAND. I am satisfied that both the gentleman and I would enlist, without regard to the pay, if our services were needed in the defense of our country.

Mr. MOORE of Pennsylvania. Yes; but you are calling for volunteers whom you propose to draft into the service of the United States, to send them into a foreign country, to live on cactus bushes and sand hills for an indefinite period. Many of them are getting $50 a month or $100 a month at home, and you are expecting to require them to leave their wives and children under these circumstances, to go away and fight, with the comforting assurance that the rent can be paid and that provisions and clothes for the baby can be bought for 50 cents a day. These young men are giving up something.

Mr. GREEN of Iowa. My understanding is that the pay of the soldiers was raised a certain amount, either directly or indirectly, by allowances or otherwise, during President Roosevelt's administration. My understanding is also that that did stimulate enlistments. I should think it would.

Mr. MOORE of Pennsylvania. I hope that statement is true. I have no direct knowledge of the fact.

Mr. GREEN of Iowa. I think their pay ought to be further increased.

Mr. MOORE of Pennsylvania. My interest in the matter arises from the fact that I know many of these young men who are going into the service.

Ten thousand of them are ready to go from our State, and they are going bravely and in compliance with their obligations, and they will fight as gallantly as the Regular soldiers or as the militia of any other State drafted into the regular service, which is to their credit and to the glory of the flag. But they can not avoid a thought of their other responsibilities. The question is being considered by others. The department stores and the great merchants and manufacturers of my city are now promising that they will continue these young men upon their pay rolls for the sake of the Government. Of course, the Government gives them protection. That is the answer that may be expected to that. But why should not the Government assume a little responsibility in caring for the wives and children of these men? Their pay is mighty small when you look at the total amount appropriated for pay of officers and men. I do not say this invidiously, because I am a friend of the officers and believe in discipline. I do not believe a man in the service should disobey his officer or hold him in contempt, but when we look at these figures and observe that of the total amount appropriated more than one-third and nearly one-half goes to the officers, whose wives and children are thus provided for, and that

the private soldiers who are to lay down their lives are to receive 50 cents a day, with no special assurance that even their wives and children will be taken care of, I think I am justified in offering this suggestion that the pay of these men who are going to make this great sacrifice should be increased from $15 a month, or 50 cents a day, to at least $20 a month. My distinguished friend, the chairman of this committee, the gentleman from Virginia [Mr. HAY], and my friend from Missouri [Mr. BORLAND] may be able to stand for this sort of pay, but I can not. I can at least make my proposition and my protest against the point of order. These men ought to be paid. They are going in time of peace down to our southern border to remain, no one knows how long. They are to leave their jobs behind, and some of their families perhaps may ultimately fall to the care of the community. Why, in my city just now the mayor is calling employers together to find out if some assurance can not be given by way of a guaranty fund that if these boys go forward they need not go with the fear that those whom they leave behind will be left destitute.

I am for the protection of the men who protect what I represent here, and in this instance they are the private soldiers of the United States. [Applause.]

Mr. HOWARD. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Pennsylvania. Mr. Chairman, as a preliminary statement of what I am going to say, I will state that I have very coolly and deliberately written what I am going to say to the House within the last 20 minutes on this subject discussed by the gentleman from Pennsylvania. I believe to-day it is the most serious condition confronting the American people, and yet very little thought of the causes and the effect of this situation has been given by Congress other than by the Committee on Military Affairs.

Mr. Chairman, my judgment is that the people of this country have never been in the enthusiastic frame of mind as to preparedness that exists to-day. It is dangerous to the political life of any man to point to the day when the taxgatherer will call around.

In all that has been said about preparedness most of the oratory has been devoted to the officers and their salaries, allowances, rank, and promotion, and practically no thought has been devoted to the most deplorable condition confronting the American people as to actual preparedness.

Permit me to call attention in plain language to this condition.

The American Army is in bad repute with the fathers and mothers of this country. Every atom of influence they can muster to prevent their sons from enlisting in the Army and Navy is exerted. Fathers and mothers very reluctantly give their consent for their boy to enlist, although he is engaged in sowing an extensive crop of wild oats, and parental influence and control has been lost over him. Why is it that farmer boys and town boys refuse to take a turn at military service? As an ex-private in the volunteer service of my country, let me give you my candid opinion why our boys shun military service in the Regular Army:

First. The officers have a European idea rather than an American conception of the spirit and pride of the American boy. Our officers, as a rule, believe that it is absolutely inimical to military discipline to show as much interest in the comfort and surroundings of post or camp life of the common soldier as they exhibit for their horse. To speak for any purpose to the private except to give him an order is conduct most reprehensible. An exhibition of any personal interest in a homesick or discontented boy would be conduct "unbecoming an officer and a gentleman." These fool notions must be condemned by the older heads among our officers, and more human interest exerted in the private soldier and his Army life made not a life of humiliation, but a life in which he can feel just pride.

To-day the private soldier in the uniform of his country is an unwelcome guest at first-class restaurants. They are told by many when they desire to order a meal that the simple dish they may desire served is "just out." They leave the place humiliated as they look around and see many whose life they are sworn to defend enjoying the very dish they had been refused. The places of amusement have just sold the "last seat" when the American soldier in uniform seeks admission, and so on down the line.

Thus it is that short service in the Army creates in the breast of the proud American boy a desire to flee from such environments. After his discharge he is continually urging his neighbor boys to beware of the standing army.

Mr. Chairman, the other day I accidentally ran into the first polo game I ever saw. The Army officers were playing some team of millionaires down in Potomac Park. There, with the horses and grooms, were several private soldiers in the uniform of their country exposed to the gaze of a thousand citizens running over the ground gathering up turf that had been torn up by these ponies in their mad chase after a wooden ball and packing it back in the hole their hoofs had made.

The use of the private soldier for menial service of this character ought to be an offense that would subject these officers to court-martial and dismissal from the Army.

This Congress and the country must sooner or later discover that we can not and will not trust the defense of this country, so far as our Regular Army is concerned, to the professional soldier or the boy who has no ambition and can find nothing to do but to become a soldier. We must encourage by proper treatment and wholesome environments the real young manhood of this country to feel that the uniform of the private soldier is an introduction to the world at large that its wearer is a young man of character, a gentleman, a patriotic and courageous citizen, who is not only willing to die for his country's honor but who would die, if needs be, with a smile upon his face. [Applause.]

Let me say that this exalted and princely pinnacle upon which we have perched the Regular Army officer has made asses out of a few, and the larger portion of them are inclined to strut standing still.

Let us who have our country's defense at heart devote a little of our time in the future to the welfare of the private. Let us eliminate the causes for the disgraceful number of desertions from our Regular Army. Let us look upon our officers as every-day human beings. Honor them in the future as we have in the past for deeds of courage and valor; but, for the sake of the future of our Army, let them understand that in democratic America the Army officer is a real man and not an aristocratic demigod. [Applause.]

That is what I think is the sole cause for the slump and inability of this country to enlist young men in the service of the Regular Army, and until the system is changed, until we depart from the treatment accorded the American soldier to-day in the American Army, I say to you as an experienced man who has had service in the Army, that you will never enlist 50,000 young men in any 12 months in this Nation's history except when this country is imperiled by war. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Pay of enlisted men of all grades, National Guard, $7,750,000.

Mr. HUDDLESTON. Mr. Chairman, I have been very much impressed by what the gentleman from Georgia [Mr. HOWARD] has said on the subject of enlistments in the Army. There is a great rush of men to get into the Army as officers, but a great rush away from the Army when it comes to enlisting men to carry guns on their shoulders. There is a reason for this. It has no relation to the pay in my judgment, nor to the patriotism of our people.

It is a mistake to say that $15, the lowest pay of a private soldier, is all that enlisted men receive. These men get a longevity increase, they are retired after they have served a certain length of time, and noncommissioned officers in some instances received very handsome pay. I am informed that there is a case of a sergeant major who gets $125 a month. However, we must not look entirely at the money paid these men. We must consider what else they get. These men are kept, they are found, they are clothed, fed, and housed. They have medical attention and hospital facilities and are looked after in every way. We must not lose sight of the fact that when these men receive an injury or are disabled in the service they will draw a pension from the Government.

I venture to say that the remuneration of the enlisted man in the American Army, on the average, compares in a fair way with the condition of men in industry. I would ask that those who are impatient about what we do for our enlisted men consider that. I would ask the distinguished gentleman from Pennsylvania [Mr. MOORE] what is the average amount paid the workingman in that State—the man that lives at home, that has his family to support? What is the average reward of labor; what does the common laborer get, on an average, in that State?

Mr. KREIDER. Does the gentleman desire an answer?

Mr. BUTLER. I will answer the gentleman.

Mr. HUDDLESTON. I venture to suggest that an inquiry will show that the common laborer, on the average, does not receive a greater reward than the man who serves as an enlisted man in the Army of the United States.

Mr. BUTLER. Mr. Chairman, will the gentleman yield? They get $1.75 a day, for I have paid them.

Mr. HUDDLESTON. One dollar and seventy-five cents a day for a man with which to clothe himself and feed himself, to pay his hospital bills, his house rent, and everything a man has

to pay. I want to say to you, sir, that that is nothing like 50 cents a day with all expenses paid.

Mr. BUTLER. I want to say to the gentleman that we are not in the habit of starving people in the State of Pennsylvania.

The CHAIRMAN. The gentleman declines to yield.

Mr. HUDDLESTON. Mr. Chairman, the real trouble has been pointed out by the gentleman from Georgia [Mr. HOWARD]. We are trying to import European customs into America. I have some first-hand information upon this subject. I have been a private soldier in the American Army and I have marched up and down on guard duty upon the picket post. I have seen the supercilious officer glittering in gold lace, with his sword dangling at his side, strut by, and I have seen him look upon me with scorn and with disgust.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDDLESTON. I have not the time to dwell upon this subject, but I want to say to you that in my judgment, and as my deliberate conviction, the most undemocratic institutions in all America are the American Army and the American Navy. I want to say that I believe that the spirit of caste which prevails in our Army and Navy is hostile to American institutions and that it is not worthy of a great democracy. I will not dwell on that, but want to pass to what I think is the remedy.

We have at West Point and at Annapolis very expensive institutions. In my judgment they are worse than useless, for we are training away from democracy in the Army and Navy at the very source from which it should flow and be made pure. There is inculcated into those young men when they come from those academies ideas that are not American. They are inspired with the idea that they are better than common men; that they are not of the common clay of the great body of the American people; that they are something superior, to be obeyed, to be saluted, to be accorded unusual courtesies. Why, gentlemen, as you know, the spirit of military circles is to despise the American Congress, sitting here as the representatives of the American people! Not only that, when these young cadets get their commissions there goes with them that same spirit. There are some splendid exceptions to this rule, and I glory in those exceptions. I glory in men who though bred in aristocratic environment are big enough of soul to realize that all men are but common clay. The spirit in the Army is bad. It is one in which the officer is one order of creature and the man is of an entirely different order. This spirit is obnoxious to our proud boys, sons of free American sovereigns, and this is why they will not make common soldiers of themselves.

In the Army the tendency is inevitable for an enlisted man to come to a certain standard, to be content upon a certain plane. That plane is hateful to the sons of the people of this great democracy. Are you gentlemen willing to have your sons put guns on their shoulders in time of peace and enlist in the ranks where supercilious officers will look upon them as serfs, as common, unworthy objects? Not at all. None of you would be willing to have your sons do that.

This same spirit of military caste has been translated into the laws which this body has passed for the government and control of our Army. Many of us, perhaps, are not familiar with the Articles of War. I happen to have made it my business to read those Articles of War; I had to read them. Do you know that if an enlisted man, no matter what the provocation, no matter how great the insult, nor how grievous the wrong, should dare to raise his hand, even his naked hand, against a commissioned officer, he is subject to the penalty of death under the Articles of War passed by the American Congress?

But if the commissioned officer should strike the humble private, should without cause ring his sword over his neck and wound him, what will be done with him? Not any death punishment by any means. He may be punished, and he may not; and I venture to say that if you will examine the records of the Army you will find that the instances in which any very serious punishment has been visited upon officers for wrongs upon enlisted men are very few indeed, yet we, sitting here as Representatives of the people, have passed those laws, and we have perpetuated and contributed our part to the spirit of militarism.

Oh, it is not a question of the money the enlisted man gets out of it; it is the question of a man being treated like a man. The problem of increasing enlistments is the question of doing something to democratize the American Army; it is the question of putting officer and man upon a basis of equality in their social life. I want to say that we will not be able to do much in the way of enlisting men into the American Army to serve in time of peace until we do something to eradicate the outrageous caste spirit that pervades there. That is my opinion, and I trust we may find some way to do it. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HICKS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 24, after the figures "$7,750,000" insert:
"*Provided*, That all officers and enlisted men of the National Guard who are Government employees and who respond to the call of the President for service shall at the expiration of the military service to which they are called be restored without loss of rank to the positions occupied by them at the time of the call."

Mr. HAY. Mr. Chairman, I make the point of order against the amendment.

Mr. HICKS. Will the gentleman reserve the point of order for a few moments?

Mr. HAY. I will reserve the point of order.

Mr. HICKS. Mr. Chairman, I realize that this amendment may be subject to the point of order, and that it is probably useless to ask the chairman of the committee to permanently withhold his objection. It is needless for me to endeavor to explain the purpose of the amendment, for by its wording it is self-explanatory. I offer it in the interest of the men who serve their Government and for the benefit of the Government thus served. It is apparent to me that however much we may differ on some things, we are all united in admitting that it is difficult—yea, almost impossible—to enlist men in the service of their country. This is not due to lack of patriotism, it can not be traced to a waning of the virility of our people, nor is it based on fear and danger. To me the explanation lies in the fact that men who may be the sole support of their mothers or their wives hesitate to enlist in the National Guard or enlist in the Army, knowing that their positions from which they derive the sole support for their families will be taken from them while they are serving their flag. For that reason, Mr. Chairman, I have offered this amendment, feeling that when a man has patriotism and loyalty enough to offer his life for his country, his country should have magnanimity and generosity enough to keep open for him the position he vacated to defend the flag, and I sincerely hope that my friend from Virginia will not make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee a question. I notice in the press that employees, persons holding public positions, who belong to the National Guard who are going into the service, that some arrangements are being made or attempted to be made in order to pay them part of their salaries of the several positions they hold. Does the chairman of the committee have any information on that subject?

Mr. HAY. I have not; no, sir.

Mr. CULLOP. I observed this in the public press in the last day or two; and, Mr. Chairman, if such an attempt is made, it is manifestly unfair to the other young men who, from the private walks of life, who have not had public preference by holding public office, are called upon to enlist in the defense of their country. Such a policy would be injurious, in my opinion, to the good of the service and would have the effect of preventing enlistment from the class of men that the Army will want in the future, men from the civil walks of life.

Mr. DUPRÉ. Will the gentleman yield?

Mr. CULLOP. I yield to the gentleman.

Mr. DUPRÉ. Is it not true that there is a strong sentiment all through the country in favor of private employers making such arrangements with their employees who are going to the front?

Mr. CULLOP. There may be some sentiment of that kind, but the gentleman will find it will not be done. I insist for one that a private individual who enlists in his country's cause is entitled to just as much consideration at the hands of this Government as some man who has been fed at the public crib for years and years. He is entitled to as much pay for his military service as the man who has a public office and goes into the service.

Mr. TAGGART. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. TAGGART. Is there any law under which that could be done? As I understand the law, there is nothing but a leave of absence for so many days that can be granted to any employee of the Government, but there is no law under which any part of the pay can be paid.

Mr. CULLOP. They may come under the blanket leave of absence; and if so, that blanket ought to be pulled away and folded up and laid away for a while, because a public officer who enlists in the Army or who is a member of the National Guard is entitled to no more consideration for his military services than the man who goes from the farm, the factory, the mine, or the counting room, and there is no reason, in my judgment, why he should have two salaries for the service. I prefer that we make the pay not only of a man who goes out of a public office but the man who goes from the private walks of life the same as the other and make no distinction whatever among those who enlist. If there is, I am quite sure it will cause serious complaint and be the source of great dissatisfaction. It will do incalculable harm.

I do believe where men surrender official employment and go into the service in response to their country's call, such places should be held for them, so that when they return these places will be open for them, and they can then, if they desire, resume their official positions. This would be proper and right, and I am strongly in favor of it. I hope this privilege will be granted them as a recognition of their loyalty and patriotism.

In my judgment the compensation is too low, and it ought to be higher than it is; but certainly a public officer should not receive additional pay for service that a private individual can not get. I wanted to know from the chairman of the committee, so that it might go into the RECORD, whether this matter was contemplated or not or whether there was any law by which it could be done. If these men holding public positions go into the service of the country, other persons must perform their public duties, and the people ought not to be required to pay twice for the same service. Therefore it seems to me that it would be a discrimination, and one that would prove very injurious to the public, if this plan was to be followed which is now proposed in the columns of the public press.

Let all be treated alike and the public service will profit, and the men in the service will be better satisfied. All who enlist are to be commended for their patriotism, their love of country, and their devotion to the cause of the Union. They demonstrate their courage by showing their willingness to defend the country in the hour of its peril.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. Mr. Chairman, I am astonished that there is any such law as that referred to by the gentleman from Indiana [Mr. CULLOP], under which any part of the pay of a Government employee can be given to him while he is absent on military service. Any such law as that should be opposed. A man should not draw two salaries; but I would be very glad to vote for an amendment that would allow the man who offers a higher service to the Government than he is now rendering and who goes to the front as a soldier the protection of his place as a Government employee and the right to return to it when the campaign is over. [Applause.] The Government is a different employer than any other. It represents the entire judgment, will, and feeling and sense of justice of the whole American people. There is not a patriotic citizen in the United States who has a man in his employ, where that man enlists in the National Guard and goes to the front, or in the Regular Army, for that matter, who is not willing to say that he will restore the man to his work after he comes back from the war. And the Government should be an expression of the will of the best and most patriotic citizen.

I have listened with regret to the two attacks that were made upon the officers of the Regular Army. We must know that we can not expect an officer, or even a foreman of a section gang or a man in charge of any class of work, to be hail fellow well met with those under his direction. If he does, he will have no control at all over them before he gets through. There is no man on earth who respects a private soldier more—I say it advisedly—there is not a man in all the military service in the world who has more respect for the enlisted man than the American officer. He can not associate with him socially, he can not be on terms of easy intimacy with him, but down in his heart and in his soul he loves him if the soldier is at all willing to do his part.

And when you get among the men who are serving in the Regular Army you will find them saying that such and such an officer, and pretty nearly every one of them, "is a fine man." When you hear them saying that the officer deserves it. They know accurately the reputation of every officer in the Army; and we must remember that the officer is more sensitive of that reputation among those private soldiers than he is of any reputation that he might have even in this House, because they make whatever success he has, and he helps to make the success that they may have.

I saw in the paper this morning a statement that the Regular Army is at 96,000 men. It was something more than 102,000, I believe, before we passed the Army reorganization bill.

Mr. GARDNER. If the gentleman will allow me, I believe the discrepancy in figures arises from the fact that the 102,000 included the Hospital Corps and the Quartermaster Corps.

Mr. TAGGART. Will the gentleman please tell us how it stands now?

Mr. GARDNER. There are between 92,000 and 93,000 enlisted men of the line.

Mr. TAGGART. We have not got quite as many men as we had a couple of months ago, have we?

Mr. GARDNER. I think we have about 2,000 more.

Mr. TAGGART. I am not going to say anything about the one man who enlisted in Boston. He was a stranger, and they took him in. [Laughter.]

Mr. GARDNER. Disregarding that unfortunate gentleman, I think we have increased enlistments by about 2,000 men. The chairman of the committee can tell us about that. I think the confusion of figures in the gentleman's mind comes from the fact that the Hospital Corps and the Quartermaster's Corps are now excluded from the figures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. I should like three minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. TAGGART. Now, there is a plain, easy, old-fashioned explanation for the disinclination of the American young man to enlist in the Regular Army at this time. Times are too good, and you can not get men at 50 cents a day. That is what is the matter, especially in the spring or in the summer. Four or five years ago, especially when the snow began to fly, they had to reject four or five fit men for every one they accepted. They would have four or five good applications where they needed only one man. But now, even in Boston, times are so good that only one man was enlisted in seven days in the shadow of Bunker Hill Monument. [Laughter.] And it is a presumption of law that he was sober.

Mr. CLINE. I think the gentleman does Boston and the States of Massachusetts and New Hampshire an injustice, because while they enlisted only 12 men in the month of April, 1915, they enlisted 42 men from all that territory in the month of April, 1916.

Mr. TAGGART. It is not a want of patriotism there. They are just as patriotic as they are in Kansas City, and I think they ran a week in Kansas City and got only 11 men. It is not a lack of patriotism. A man who can get work at $2 or $3 a day under this Democratic administration [applause on the Democratic side] will not enlist. When you read the Republican platform you will discover the secret by the very absence of the old, familiar language. They do not promise prosperity, because it is already here. We have got it. They are just as silent on that as they are on the subject of pensions, which they ignored for the first time in 48 years. We can not expect the boy to give up home for any hard service for 50 cents a day, and in contradistinction to that fact we see right here in Washington that hundreds of men offer themselves as soldiers in the National Guard. It is popular, there is no difficulty in filling up the regiments, and it is a matter of pride to me to say that there are 1,000 men in the second district of Kansas under arms ready to march. If there is any district besides the second district of Kansas that has 1,000 men under arms ready to go, I would be very glad to have the name of the district put in the CONGRESSIONAL RECORD. [Applause.]

Mr. HAY. Mr. Chairman, a moment ago I made a point of order on an amendment offered by the gentleman from New York. When I made the point of order I did not sufficiently understand the proposition carried, and I desire to withdraw the point of order.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to return to page 9, line 24, and offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. Is there objection?

There was no objection?

The clerk read as follows:

Amend, on page 9, line 24, after the figures "$7,750,000," by inserting the following:

"*Provided*, That all officers and enlisted men of the National Guard who are Government employees and who respond to the call of the President for service shall at the expiration of the military service to which they are called be restored to the position occupied by them at the time of the call."

Mr. BORLAND. Will the gentleman yield?

Mr. HICKS. Yes.

Mr. BORLAND. This is not confined to men in the executive offices in the District of Columbia, but it extends to service throughout the United States to all men in Government employ wherever they may be found.

Mr. HICKS. Yes. The idea I had in offering it was to facilitate the enlistment in the National Guard. It is a change of service. A man enlisting in the civil government becomes an enlisted man in the military arm.

Mr. BORLAND. I am in sympathy with the gentleman's amendment. I think it is a splendid thing and it ought to be done, and it ought to be a model for other employers to do the same thing.

Mr. GALLAGHER. Will the gentleman from New York yield?

Mr. HICKS. Yes.

Mr. GALLAGHER. I would like to ask the gentleman what effect this will have where a man is disabled in the service. Would the Government be compelled to take him back into a position he was not qualified to fill?

Mr. HICKS. I should imagine that he would be subject to the same rules that any other employee would be subject to.

Mr. GALLAGHER. But this directs that he must be taken back into his former position regardless of his ability to fill the position.

Mr. CLINE. It is an elective opportunity, he can return if he wants to.

Mr. GALLAGHER. I would like to have the amendment again reported.

The Clerk again reported the amendment.

Mr. GALLAGHER. I take it that under that what I say is correct, that no matter what was the physical condition of the man he is obliged to be taken back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

CORPS OF ENGINEERS.

Pay of enlisted men, $600,000.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I meant no discourtesy to the gentleman from Pennsylvania [Mr. BUTLER] when I declined to be interrupted. I wished to pursue another line of thought. I now want to give him a show for his white alley and am willing to be interrupted.

Mr. BUTLER. Will the gentleman define what he means by white alley?

Mr. HAY. Mr. Chairman, I dislike to make a point of order, but we must be getting along with this bill.

Mr. HUDDLESTON. Speaking to the point of order, I wish to demonstrate that the pay in the Army is better than the laborer's pay in private life of $1.75 a day.

The CHAIRMAN. Does the gentleman from Virginia make the point of order?

Mr. HAY. No; I do not.

Mr. HUDDLESTON. The gentleman from Pennsylvania says that the laboring man in his State can make $1.75 a day. I do not think for a moment that wages in Pennsylvania are not as good as they are anywhere else, for in these glorious days of munition making, getting ready for killing men, I do not doubt but that wages are rather better there on an average than over the country at large.

I will concede that a laborer's wages in Pennsylvania are $1.75 a day; that a man always in work and always in health can make, after knocking out Sunday, $43.75 a month. That is the wage a man can make as a laborer when he is always well and always has a job. Now, we know that there must be figured out from 10 to 20 per cent of a man's life when he is not able to work, and we also know that it is unfortunately too true that the $1.75 man is out of work, on the whole, somewhere near 25 per cent of the time. But these points I do not wish to discuss.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. In a moment. Now, with this $43.75 a month for the laboring man we will first lay aside the $15 that he would get as the minimum pay in the Army. That is the minimum pay. The average pay for the private in the Army is about $20 a month, and in addition to that he is kept and found, and so forth, as I said. In addition to that, we have the noncommissioned officer, and we have those who get bonuses for longevity in service, and other things of that kind, so that a man may get very good wages in the Army. He may get as much as $125 a month as a sergeant major, but we will take him at his lowest pay, and we will take every intendment in favor of the $1.75 a day man. From the $43.75 we take off the $15 that he would get in money if he served in the Army. We then take off $15 a month for house rent, $3 a month for clothes, and $1 for drugs and doctor bills, and so forth, for himself and his family, and 5 cents a day for tobacco. We allow nothing for street car fare or for pleasure of any kind or description, or anything else that a man has got to have, and we know that many of these things are as necessary as food and drink. We all realize that. We find that the result is that for the man and his family only 9 cents per meal remains. That is the result of figuring out a laborer's wages at $1.75 a day; so that on the whole there can not be any fair doubt that we pay better wages for serving in the Army to the enlisted man than a man can get as a common laborer.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. I agreed to yield first to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. I did not hear the first part of the gentleman's speech, but I have been advised that what he did say was substantially in answer to what I said.

Mr. HUDDLESTON. No; it was in answer to the statement of the gentleman's colleague, Mr. BUTLER.

Mr. MOORE of Pennsylvania. I want to dispute the gentleman's statement as to the wages paid in Pennsylvania in various lines. I have no idea where the gentleman got his information.

Mr. HUDDLESTON. I would set the gentleman upon his colleague.

Mr. MOORE of Pennsylvania. Ordinary common labor today in Pennsylvania gets $2 and $2.25 a day, and did before the munitions making began.

Mr. HUDDLESTON. Of course, we have unusually good times under a Democratic administration; but that is not the customary thing and it is not the condition of affairs over the country as a whole.

There is one point to which I desire to advert. I do not like to cavil and complain unless I offer a remedy, and I want to offer a remedy for the undemocratic conditions that obtain, in my opinion, advanced with all seriousness and with consideration for everyone involved, in the American Army, and that is this——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, that remedy is this: We must make it possible, we must make it easy, for men to pass from the enlisted ranks into the commissioned class. We must put all soldiers more on an equality. I submit, with all respect to the gentleman from Kansas [Mr. TAGGART], that there is nothing in the argument that to hold their obedience the officer must not treat the men as social equals. The supercilliousness with which the eastern despot clothes himself is unnecessary to command men.

The way to get respect in this world is to deserve respect. Never did a man who had authority back of him lack for obedience upon the part of those under him when he deserved to be obeyed, and when he had the manhood and the quality to deserve it. Do not let us think that we have to array ourselves in fine feathers like birds of paradise and claim to be better men than other men, in order to get them to obey us.

The thing we need to do is to make it easier for the common man to get into West Point. You all know that it is true that you can not get your boys into West Point, they can not stand the examinations, the examinations are too difficult. I want to nominate from my district some representatives of the common people of that district to West Point. I want to see the sons of the men who toil go to West Point and be put in positions of command. So far as I can I want to see to it that the Military Academy is a democratic institution where there are representatives of the great mass of the American people. But the common boys can not stand the examinations, they can not get in. The young fellow who gets into West Point has already got all of the education that an American boy has much use for.

That is the great trouble. What we have created in the American Army is not an aristocracy of birth, it is not even an aristocracy of place, but it is an aristocracy of culture. We have created a great gulf between the culture of the Army officer and the modest scholarship of the enlisted man. The Army officer, with all his education in languages, in arts, and sciences, is an aristocrat in all of the things that go to make a man a gentleman but not necessarily a soldier. We have qualified him to represent us in parlors and in the courts of the world, but it is not a qualification that is essential to representing the American people on the field of battle.

We are making at West Point an aristocracy of culture. Scarcely any of us have education equal to that of a man who has gone through the Military Academy. What connection is there between the study of languages and literature and being a soldier? What connection is there between the high academic standards maintained at the academy and the instruction which it takes to be a competent and fit man to command men, to lead when cannons belch and the battle roars? I submit that there is very little.

Let us put West Point where the sons of the common people can enter. Let us make it possible for the sons of common men to go to West Point, and thereby democratize that institution. At present because of the academy's difficult standards we are forced to select from among the few who have had the best educational advantages, from rich men's sons, from boys picked from the highest circles of American life. We put them in West Point and we polish them and work on them as though we would make rubies out of glass and diamonds out of pieces of common stone. The result of it all is we are vitiating the ideals for which our ancestors laid down their lives and for which American institutions stand.

Mr. CAMPBELL. Will the gentleman yield?

Mr. HUDDLESTON. I yield to the gentleman.

Mr. CAMPBELL. But some one has to devise the 16-inch gun that will land a shot on a mark 20 miles away.

Mr. HUDDLESTON. That is just the point. Why should you educate every American officer to be a skilled technologist in arms? Why undertake to make a man a specialist in any line unless he shows especial aptitude and excellence? My dear, sir, it is one of the most egregious wastes of education that ever existed. When we educate men for Army officers, let us select for special technical training only those that have shown special adaptability in those lines. Let us make ordnance officers out of those who show a special ability for it. Let us make an engineer out of the man who shows a natural turn as an engineer. Let us make specialists out of the men who are fit to specialize, but let us not undertake to make a specialist out of every sublieutenant we have. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CANNON. Mr. Chairman, I did not intend to say a word. I have listened to many words and I recall the old text way back in holy writ, "Words darken counsel," and they do at times. I am inclined to think this is one of the times. [Laughter.] I want to ask the gentleman from Virginia, the chairman of the Committee on Military Affairs, what proportion, if he recollects, of the officers in the Regular Army are graduates of West Point, and what part get in from the ranks and from civil life?

Mr. HAY. Really, I could not say; but there is a provision of law by which enlisted men can get into West Point, and, as a matter of fact, now there are in the Army of officers more men enlisted and from civil life than those who are graduates of West Point.

Mr. CANNON. That is my understanding.

Mr. MOORE of Pennsylvania. Will the gentleman yield.

Mr. CANNON. I will.

Mr. MOORE of Pennsylvania. One of my boys at West Point was enlisted in the Coast Artillery and he came to me with the Coast Artillery uniform on. He was drawing $11 a month and I appointed him, and he is one of the best boys in the service to-day.

Mr. CANNON. In the Marine Hospital Service, in the Revenue-Cutter Service, and in the Regular Army I am under the impression that from one-third to one-half of the men who enter the Army as officers come from the ranks and have to pass their examinations.

All men are not of the same size. Some children are born feeble-minded. We are caring for them. Fortunately, the feeble-minded do not come to Congress. [Laughter.] You know, some people have a cast in the eye; some are close-sighted and some are long-sighted, and sometimes there is a cast in the brain as well as in the eye. The best way is to be practical. Well, I sat here to-day and listened to Members talk while we were considering this bill, and there ought to be no disagreement about this bill and the amount of it. There is a real desire to have a bill sufficient for the public service at this time and for the future. [Applause.] But yet some Members say, "Oh, these big munition makers, these wicked makers of munitions, and all that kind of thing. Yes; there are a great many munition-of-war makers. Under the law of nations there is the right of the neutral to make munitions and sell them to combatants. There is one good thing coming out of it. There is preparedness in large part coming from the making of munitions and explosives. Why, I hear gentlemen who come from the cotton country inveigh against munition makers. Good heavens, your cotton that you raise is over one-half of it now being used for the high explosives. Had not you better clean your house at home before you rail at other citizens who produce explosives and munitions of war? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. CANNON. Our friends in the majority boast about the good times we have under this administration and then turn on the munition makers. I do not know but you will be turning on the cotton growers and turning on the people that get good prices for corn and for wheat. It arises under our present economical policy from the war in Europe, and nothing else, and I commend you to the condition for the first 8 and for the first 12 months after you put your economic policy upon the statute books before the European war. Oh, you may cry about good times and all that kind of thing. I will make no comment about your holiday other than to say, thank God, the majority, and the great majority, of our people are quite as bright as we are when it comes to the question of production and the question of prosperity, and all that kind of thing. Now, touching the officers, I never thought Crazy Bill Sherman, as the boys lovingly called him, went around shaking hands with the soldiers under his command. If he had done that he would have done nothing but that. He was a martinet. Yet those who were acquainted with him—and I had that honor—all the while knew of his affection for the private soldier. Take Grant. Why, Grant in the Battle of the Wilderness—God knows how many officers and private soldiers fell there—succeeded because he flanked Lee day after day without regard to the lives of men; but it was humanity and patriotism that made that sacrifice necessary.

Men of full age and with families are not going into the Army from the farms or from the shops unless there is a condition in the country which touches the heart, so that they feel that they fight for the flag and for our civilization. The young boys go. Of course they are patriotic. I call the attention of the House again, as I did on a former occasion, to the fact that a majority of the young men in the Union Army during the War for the Union were under 18 years of age when they enlisted. The young boys take chances that the older men do not take. I have no fear but that when the emergency arises the men will come. Why, they called out four regiments of the National Guard of Illinois. They left two regiments uncalled for. The Representatives in Congress from the districts of the regiments that were not called for are getting telegrams by the score asking "Why are we left out?" They want to go, and they are amongst the best of our population. They think there is an emergency. It does not make any difference whether I think there is an emergency or not. Some people who are inclined to criticize say it is a bluff. I do not say it is. We are to meet it here and not treat it as a bluff from the standpoint of preparedness, because the sentiment and the heart of the country is that the honor of the flag should be maintained and that American citizens, wherever they are to be found, must be protected, whether they be in Mexico or elsewhere, and the boys and men of this country are ready to give the lie to the statement that this great citizenship is too proud to fight. [Applause on the Republican side.]

Mr. KREIDER. Mr. Chairman, it seems to me that in the matter of pay for the men in our Army and Navy this Government has been and is now pursuing a most miserly, unfair, and un-American policy. A mere pittance of 50 cents per day practically and effectually closed the service to those who may have others depending on them for support.

Mr. Chairman, it seems to me that the committee in charge of this bill have not properly or carefully considered this matter. Many of the men who are members of our National Guard are married and have families depending upon them for support; they have been called upon by the President to mobilize, and possibly later to be ordered to the border. These men are expected to serve under all conditions, as long as needed in defense of our country and flag, at the risk of their lives and health, and should receive at least $1 per day. I want to say right here that I would favor a law which would make the minimum pay of any soldier $1 a day. It should not be less. The National Guard has been organized for a number of years. A number of the members of the guard are married men now. They were single when they first enlisted. They have since married. They have been called upon to do field duty for two weeks each year. They are now married and have one, two,

three, or more children. The question arises, and I have been asked within the last few days, "What shall we do?" If they do not enlist they will be accused of not being patriotic. If they do go, they will get the magnificent sum of 50 cents a day for the maintenance of their wives and children. What in the name of common sense are the wife and the two or three children to live on after paying rent, out of the $15.60 per month? Gentlemen, it is a serious question with these men. It is not a mere play upon words: Here is a man employed, earning perhaps $15 or $18 a week. He is willing to make the sacrifice for himself. He does not want a cent for himself, but he has his loved ones. He has his wife and children, and he is very possibly living in a house for which he is paying rent. Who shall take care of the dear ones whom he leaves at home?

The Good Book tells us that "Charity begins at home." Who is the more patriotic, the man enlisting in the service and leaving his wife and children upon charity or the man who says, "I have sworn before God and men to support this woman and these children. I am responsible for them. I will not desert them?" Is not this Government, that boasts of its billions, that appropriates hundreds of millions of dollars on enterprises of questionable value, able to pay at least a dollar a day for the maintenance of that wife and children while the father is making the sacrifice for you and me? It is not the same as with the young man who enlists in the Army at the age of 18 or 19. If you make it impossible for the married men to enlist and are going to take all of them out of the National Guard who are obliged to leave their wives and children at home, where are you going to get men to fill their places? I venture to say that in my district over one-half of the men who are members of the National Guard of the State of Pennsylvania are married men and have families to support. There are a few who are well to do who do not need to concern themselves about their wives and children, but I believe that when my colleague from Philadelphia [Mr. MOORE] called the attention of the committee to these conditions and offered an amendment raising the pay to $20 per month he performed a public duty. The only criticism I have is that he did not go far enough. If we want an army, we ought to be willing to pay for it. We ought to be willing to pay the men a sufficient amount of money so that their wives and children will not become objects of charity when they do enlist. [Applause.]

The Clerk read as follows:

Clerks, messengers, and laborers, office of the Chief of Staff.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order to this and the following lines. I should like to inquire of the chairman of the committee whether the clerks whose salaries are enumerated in lines 18 to 25, on page 10, and down to line 9, on page 11, are not employed in the department here, and if they should not be carried in the legislative, executive, and judicial appropriation bill?

Mr. HAY. No; they never have been. These are clerks, messengers, and laborers in the office of the Chief of Staff, and they have always been appropriated for on the Army appropriation bill.

Mr. STAFFORD. I am not asking where they have heretofore been appropriated for. I am asking whether they are not employed here in the departmental service at Washington.

Mr. HAY. Some of them are and some are not.

Mr. STAFFORD. The office of the Chief of Staff is located here at Washington?

Mr. HAY. Yes; but I think some of them are sent to New York and other places.

Mr. STAFFORD. Are not those sent to New York and other places included in the next item?

Mr. HAY. Yes; they are.

Mr. STAFFORD. And is it not a fact that the clerks and other employees at Washington were separated from last year's appropriation act?

Mr. HAY. They have been separated. Does the gentleman wish to make a point of order to this?

Mr. STAFFORD. Does not the gentleman think these salaries should be carried in the legislative, executive, and judicial appropriation bill?

Mr. HAY. They have not been, and that bill is already a law, and if you make a point of order you cut them out.

Mr. STAFFORD. We can easily make provision for them in the general deficiency bill.

Mr. HAY. Very well, Mr. Chairman.

Mr. STAFFORD. I make a point of order as to lines 16 to 25 on page 10 and lines 1 to 9 on page 11.

Mr. CANNON. Has not the Army bill always carried these appropriations?

Mr. HAY. Yes. I do not concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. BYRNS of Tennessee). The present occupant of the chair will state that the regular Chairman is temporarily absent from the Hall, and under all the circumstances if the gentleman from Wisconsin insists upon his point of order and the gentleman from Virginia [Mr. HAY] does not concede it, the Acting Chairman would prefer that gentlemen let this go over until the regular Chairman returns.

Mr. HAY. I have no objection. I will state to the gentleman that the other item, beginning on line 1, is, of course, subject to a point of order.

Mr. STAFFORD. Let the gentleman ask unanimous consent to pass over temporarily that part of the bill beginning on line 16, page 10, and ending on line 9, page 11.

Mr. HAY. I understood it had been passed over. I ask unanimous consent to pass it by temporarily.

The CHAIRMAN (Mr. BYRNS of Tennessee). Without objection, it will be passed over, and the Clerk will read.

The Clerk read as follows:

For commutation of quarters and of heat and light, $44,684: *Provided*, That hereafter headquarters clerks shall be known as Army field clerks and shall receive the same pay and allowances as now allowed by law to pay clerks, Quartermaster Corps, with the exception that Army field clerks at entrance into the service shall receive but $1,000 per annum for the first year of service: *Provided further*, That Army field clerks duly assigned to and performing the duties of chief clerks shall receive $250 per annum in addition to the regular pay of their respective grades while performing the duties of chief clerks: *And provided further*, That Army field clerks shall be subject to the Rules and Articles of War.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the proviso. I understand that this will increase the pay of the Army field clerks so that after serving 15 years they will receive $1,800 and after 10 years $1,600 and after 5 years' service $1,400.

Mr. HAY. This is an entirely new provision, and subject to a point of order. It provides for commutation of quarters and it also provides for the same pay and allowances now allowed to the pay clerks.

Mr. STAFFORD. The gentleman's report gives considerable attention to the recommendation.

Mr. HAY. Yes; I quoted it in full, so that everybody might understand.

Mr. STAFFORD. The average salary of the Army field clerk is not over $1,200, and under the recommendation made here they will be much higher than that of the clerks in the service here. I am not in sympathy with the idea of singling out special clerks with such inordinate increases of salary as is provided for in this proviso, and I will make the point of order, Mr. Chairman, to the paragraph.

The CHAIRMAN. Does the gentleman from Virginia wish to be heard?

Mr. HAY. I do not.

The CHAIRMAN. The point of order is sustained.

Mr. HAY. Now, Mr. Chairman, in order to straighten out the matter, I ask unanimous consent to substitute, on pages 10 and 11, the law that passed last year for these clerks. I ask unanimous consent to offer an amendment to take the place of these two provisions, where we have separated and undertaken to change the status of the clerks.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to offer an amendment to take the place of paragraph beginning on line 16, page 10, of the bill, including line 7, page 12. Is there objection?

There was no objection.

The Clerk read as follows:

Amend, on page 10, line 15, by inserting the following:
"One chief clerk, at the office of the Chief of Staff, $2,250 per annum.
"Three clerks, at $2,000 each per annum.
"Twelve clerks, at $1,800 each per annum.
"Fifteen clerks, at $1,600 each per annum.
"Thirty-eight clerks, at $1,400 each per annum.
"Seventy clerks, at $1,200 each per annum.
"Sixty-five clerks, at $1,000 each per annum.
"Six clerks (Filipinos), at $500 each per annum.
"One captain of the watch, at $900 per annum.
"Three watchmen, at $720 each per annum.
"One gardener, at $720 per annum.
"One packer, at $840 per annum.
"Two messengers, at $840 each per annum.
"Fifty-nine messengers, at $720 each per annum.
"Six messengers (Filipinos), at $300 each per annum.
"One laborer, at $660 per annum.
"Two laborers, at $600 each per annum.
"Five charwomen, at $240 each per annum.
"In all, $312,690."

Mr. CANNON. What is the aggregate of the amendment?

Mr. HAY. In all, $312,690.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

QUARTERMASTER CORPS.

For pay of officers of the Quartermaster Corps, $655,400.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 13, at the end of line 6, insert the following:

"*Provided*, That the President of the United States, in his discretion, be, and is hereby, authorized to appoint Charles P. Daly, chief clerk office of Quartermaster General, a military storekeeper in the Quartermaster Corps, United States Army, with the rank, pay, and allowances of a captain mounted, and the grade of military storekeeper is hereby revived in the Army of the United States for this purpose only."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that.

Mr. HAY. Mr. Chairman, it is subject to a point of order, but I have offered it at the request of Gen. Aleshire, Quartermaster General, and a large number of officers in his corps. This man is about 47 years of age. He has been in the service of the Army for 27 years. He served in China; he served in the Philippines; he served in every part of the United States, and he is a man of the most excellent character and has given most excellent service.

He will yet give many years of service before he can be retired. His pay now is $2,750. It will be $2,400 if this amendment is agreed to, and the purpose of the amendment is not so much on account of the money as to give him a permanent status. He has been chief clerk of the Quartermaster's Department for a good many years. He has just returned from a visit of inspection down in Mexico, where he has been for the purpose of ascertaining what our troops needed. He is a man of such ability that he is called upon in every emergency to render service. I desire to print with my remarks the recommendations which I have received from the Quartermaster Corps, Gen. Sharpe, one of the acting quartermaster generals, Col. Downey, and a great many others, and I think it is something that we ought to do for this very efficient public servant.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by inserting the recommendations referred to. Is there objection?

There was no objection.

The recommendations are as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, May 31, 1916.

Hon. JAMES HAY,
House of Representatives, Washington, D. C.

MY DEAR MR. HAY: I understand that Mr. Charles P. Daly, chief clerk, office of the Quartermaster General, is desirous of an appointment as military storekeeper, Quartermaster Corps, United States Army. I can not recommend Mr. Daly too highly. He has been associated with me as clerk in the Quartermaster's Department and Quartermaster Corps since April, 1900, and during the entire period has been performing duties in the Quartermaster Corps that would be required of military storekeepers, for which office he is eminently qualified.

Mr. Daly joined me as a clerk while I was chief quartermaster at Santiago, Cuba, serving from April, 1900, to July, 1900. From this station he accompanied me as follows:

Tientsin, China, where he served as chief clerk of the office of the depot quartermaster, of which I had charge, from October 1, 1900, to March 3, 1901.

Manila, P. I., where he served as chief clerk of the office of quartermaster, transport service of which I had charge, from April 1, 1901, to January, 1903.

In January, 1903, the offices of the depot quartermaster, water transportation, and land transportation were consolidated, and Mr. Daly served as chief clerk until August, 1903, when I was ordered to Washington.

Washington, D. C., where he served as chief clerk in charge of the settlement of my accounts. The records show that disbursements had been made to the amount of approximately $9,000,000. The accounts were closed by the accounting officials of the Treasury Department, the only shortage being some property valued at $2.36.

Upon the settlement of the accounts above referred to Mr. Daly was transferred to the office of the Quartermaster General, where he served as clerk from April, 1906, to March, 1911. It was my pleasure to appoint Mr. Daly chief clerk of the office of the Quartermaster General in March, 1911, since which time he has performed the duties of the office most energetically, tactfully, and efficiently.

Mr. Daly has been in the employ of the Government in various capacities for more than 27 years, and I know of no one who has rendered more faithful and valuable service to the Government. He has earned the appointment which he seeks, and which, in my opinion, it would be in the interests of the service to make. I therefore earnestly recommend favorable legislative action to accomplish the same.

A brief statement showing Mr. Daly's service is inclosed.

Very sincerely, yours,

J. B. ALESHIRE.

SYNOPSIS RECORD OF CHARLES P. DALY.

Record shows entry into service of the Quartermaster's Department as teamster March 29, 1889, and served in the following positions: Foreman, assistant transportation agent, and clerk in the various grades to March, 1911, when appointed chief clerk, Office of the Quartermaster General, in which capacity is now employed.

Service has been continuous since first appointment.

Served through the Spanish-American War as quartermaster clerk, and was with the First Cavalry Brigade from May, 1898, throughout the campaign in Cuba leading up to the surrender of Santiago to August 31, 1898, and later, about December, 1899, assigned to duty as chief clerk, Chief Quartermaster's Office, Department of Habana; later, May, 1900, as chief clerk, Chief Quartermaster's Office, Department of Santiago, Cuba. Served as chief clerk, Depot Quartermaster's Office, Tientsin, China, during the Boxer uprising in China; later, chief clerk, Water Transportation and Depot Quartermaster's Office, Manila, P. I.

Is considered an authority on questions of transportation and supply.

The supply of the United States forces at Tientsin and at Peking, China, during the Boxer uprising in 1900, presented many difficulties. Mr. Daly assisted in the handling of this difficult problem, and his services were of great value in the successful conduct of the whole question of the supply of the troops in China.

In 1903 he assisted in the consolidation of the three offices of the Quartermaster's Department in Manila, known as the Depot Quartermaster, Water Transportation, and Land Transportation into one office, known as Depot Quartermaster. This consolidation was successfully effected, and as a result material savings in operating expenses were made.

Had charge of the disbursement of several millions of dollars during the years 1900 to 1903, inclusive, and had in his charge and under his control large amounts of currency without a deficiency of one cent.

In 1907 and 1908 assisted in working out the plan of decentralization of the duties of the Quartermaster's Department, which has been in successful operation for the past eight years and which has greatly increased the efficiency in the furnishing of supplies to the Army.

In 1913 assisted in the working out and putting into effect a system of property accounting which greatly reduced paper work and which provided a record in the Quartermaster General's Office showing approximately a daily balance of property on hand at all posts.

Assisted in the working out and making effective the centralized purchase of all articles of a staple commercial class supplied by the Quartermaster Corps for the Army. Under this plan the Government secured a better quality of article and lower prices than heretofore secured. Considerable savings made under this plan.

Assisted in the working out of the consolidation of the office establishments of the Paymaster General, Commissary General, and Quartermaster General into the office of the Chief of the Quartermaster Corps (now Quartermaster General) under the provisions of the act of Congress approved August 24, 1912.

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WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, May 31, 1916.

Hon. JAMES HAY,
House of Representatives.

MY DEAR MR. HAY: I understand that Mr. C. P. Daly, chief clerk, Quartermaster General's Office, desires to secure an appointment as a military storekeeper.

It is a great pleasure to state that Mr. Daly is well and favorably known to me, and for the past four years has been intimately associated with me whenever I have acted as Quartermaster General. He is a man of high character and unusual ability, and is conscientious, faithful, and a hard worker. He has, too, had actual experience in every field of activity in the Quartermaster Corps, and is altogether the best equipped man in his line of work I have ever known.

If appointed to the position contemplated, he will bring to that position all of his experience, ability, and judgment, and insure to the department his continued and valuable service; and at the same time it will be a most deserved recognition and reward for long, faithful, and valuable service rendered.

Yours, sincerely,

HENRY G. SHARPE,
Brigadier General, Quartermaster Corps,
Acting Quartermaster General.

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HEADQUARTERS EASTERN DEPARTMENT,
OFFICE OF QUARTERMASTER,
Governors Island, N. Y., June 8, 1916.

Gen. J. B. ALESHIRE,
Quartermaster General, United States Army, Washington, D. C.

SIR: Having been informed that Mr. Charles P. Daly is seeking appointment to the position of military storekeeper, with the rank of captain, mounted, in the Quartermaster Department, I hasten to communicate with you in the hope that a letter of commendation from me may be of some little assistance in enabling Mr. Daly to succeed in getting this appointment.

I have known Mr. Daly for a long time, and whereas I feel sure that his association with you is sufficient to give you all the necessary knowledge of his superior ability, I would like to express to you my feelings on the subject as to what a valuable addition he would make to the commissioned personnel of the Quartermaster Corps, and to further state that I feel his great service to that corps in the past could only be partially recognized by this appointment.

I am sure that his marked ability on all matters connected with the business affairs of the present Quartermaster Corps would be most valuable to the department, and I unhesitatingly recommend him to you for your consideration in the highest terms, and I am firmly of the belief that his appointment would be a great service to the Government.

Respectfully,

G. F. DOWNEY,
Colonel, Quartermaster Corps.
JUNE 9, 1916.

To Mr. DALY:

I concur in the views and recommendation of Col. G. F. Downey, assistant to the department quartermaster, Eastern Department.

J. B. ALESHIRE,
Quartermaster General.

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HEADQUARTERS EASTERN DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
Governors Island, N. Y., June 7, 1916.

Maj. Gen. JAMES B. ALESHIRE,
Quartermaster General, United States Army,
War Department, Washington, D. C.

DEAR GENERAL: I understand that there is a proposition to have legislation enacted by Congress which would bring about the appointment of Mr. Charles P. Daly, chief clerk of the Quartermaster General's office, as military storekeeper, with the rank, pay, and allowances of a captain, mounted.

It is a great pleasure to state that I think this would be a very suitable reward for the excellent service rendered by Mr. Daly to the Army generally and to the Quartermaster Corps specifically. The

work Mr. Daly has done and is doing merits recognition of this kind, and I sincerely hope that it will be brought about.

With best regards and good wishes, I am,

Yours, most sincerely,

WILLIAM E. HORTON,
Lieutenant Colonel, Quartermaster Corps.

JUNE 9, 1916.

To Mr. DALY:

I concur in the views of Lieut. Col. William E. Horton, assistant to the Department Quartermaster, Eastern Department.

J. B. ALESHIRE,
Quartermaster General.

WAR DEPARTMENT,
OFFICE OF THE DEPOT QUARTERMASTER,
New York City, June 7, 1916.

Maj. Gen. JAMES B. ALESHIRE,
Quartermaster General, United States Army,
Washington, D. C.

MY DEAR GENERAL: Having learned that Charles P. Daly will be considered for appointment as military storekeeper, I would like, without appearing presumptuous, to bring to your attention impressions gained by me of Mr. Daly's work in particular instances, for such use and consideration as you see fit to give.

I came in contact with Mr. Daly while I was Department Quartermaster, Central Department, at the time consolidation was being put into effect. I was greatly impressed with his suggestions and inspirations to the clerical force, upon whom the success of the scheme depended, and the service in the Central Department certainly benefited by his assistance at this time.

Again, in April, 1914—when the first field army was being organized for service in Mexico—as chief quartermaster of that force I was, by your permission, free to make use of Mr. Daly's knowledge in order to get tabulated the necessary information to prepare advance requisitions and outline a scheme for the best supply of the force. I am under obligations to Mr. Daly for cheerfully working on this matter for me on Sunday and at nights, with the assistance of other clerks equally willing, in his branch of your office. The expedition never sailed, but had it done so I feel that the assistance given by Mr. Daly at this time would have been of much benefit to the service.

I refer to these occasions where the work and enthusiasm, without other stimulus than interest in the corps, illustrate the character of this employee, and the fact that his service as military storekeeper would be invaluable to the Army.

With kindest regards,

Sincerely, yours,

A. L. SMITH,
Colonel, Quartermaster Corps.

JUNE 9, 1916.

To Mr. DALY:

I concur in the views and recommendation of Col. A. L. Smith, depot quartermaster, New York.

J. B. ALESHIRE,
Quartermaster General.

WAR DEPARTMENT,
OFFICE OF THE DEPOT QUARTERMASTER,
St. Louis, Mo., June 8, 1916.

Gen. J. B. ALESHIRE,
Quartermaster Corps, United States Army,
Washington, D. C.

GENERAL: It is a matter of personal gratification to me to be able to commend for favorable consideration the appointment of Charles P. Daly, chief clerk, Quartermaster General's Office, as military storekeeper, with the rank of captain, mounted.

From intimate association with Mr. Daly in the Office of the Quartermaster General, covering nearly five years, I have no hesitation in saying that Mr. Daly's work, in connection with the present system of accounting for money and property, for the organization and system of the Quartermaster General's Office, for the close correlation existing between that office and the Quartermaster Corps at large, and for marked economies in expenditure which have been effected in the Quartermaster Corps since 1907—these and many other measures of importance, all to the benefit of the service and administration of the War Department, have been of incalculable value to the Government.

Aside, therefore, from any personal reward or recognition which, in my opinion, his services amply merit, I consider that Mr. Daly could be of still further service to the Government in keeping a closer touch between the office of the Quartemaster General and the Quartermaster Corps at large if he were clothed with commissioned rank and the prestige accompanying it.

In my opinion his appointment as military storekeeper with the rank of captain, mounted, would be a highly desirable appointment in the interests of the service.

Very respectfully,

D. S. STANLEY,
Lieutenant Colonel, Quartermaster Corps.

JUNE 10, 1916.

To Mr. DALY:

I fully concur in the views of Col. D. S. Stanley, depot quartermaster, St. Louis.

J. B. ALESHIRE,
Quartermaster General.

WAR DEPARTMENT,
HEADQUARTERS CENTRAL DEPARTMENT,
OFFICE OF THE DEPARTMENT QUARTERMASTER,
556 Federal Building, Chicago, Ill., June 8, 1916.

MY DEAR GENERAL: I understand that an effort is being made to have the chief clerk, Charles P. Daly, appointed military storekeeper, with rank, pay, and allowances of a captain, mounted. I am not surprised that an effort is being made to get Daly a commission and regret that it was not done several years ago. I consider him the most valuable civilian employee in the War Department and in every way qualified for a commission in the Army, with the rank of a captain, or even a higher rank.

He has by his close attention to duty, his wide experience in all branches of quartermaster work, his knowledge of a quartermaster's duties and responsibilities, his executive ability, and the splendid work he has already done for the Quartermaster Corps, merited a commission in the Army

Mr. Daly is a clean, upright man, who will do honor to the position, and whose promotion will have the approval of every one in the Army who knows him and the work he has done.

DANIEL E. MCCARTHY,
Colonel, Quartermaster Corps.

Maj. Gen. JAMES B. ALESHIRE,
Quartermaster General United States Army,
Washington, D. C.

JUNE 10, 1916.

To Mr. DALY:

I concur in the views expressed by Col. D. E. McCarthy, Department Quartermaster, Central Department.

J. B. ALESHIRE,
Quartermaster General.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, June 1, 1916.

From: Col. I. W. Littell, Quartermaster Corps.
To: The Quarfermaster General.
Subject: Mr. Charles P. Daly; appointment of, as military storekeeper in the Quartermaster Corps with rank of captain.

1. Understanding that Mr. Daly is an applicant for appointment to the position and rank named above, I desire to add my testimony as to his eminent fitness for the position and to recommend him in the highest terms as deserving a reward for his long, most efficient, and faithful service in the Quartermaster Corps.

2. I have known Mr. Daly for many years, during which time he has occupied almost every clerical position in the corps, from the lowest to highest, under all conditions of service. He has demonstrated unusual ability, aptitude, and great capacity for work, and I know of no one more thoroughly familiar with the difficult and wide scope of work which comes under the Quartermaster Corps or who is more deserving of advancement for loyal service rendered to the Government.

I. W. LITTELL,
Colonel, Quartermaster Corps.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, June 2, 1916.

Gen. JAMES B. ALESHIRE,
Quartermaster General of the Army,
War Department, Washington, D. C.

GENERAL: In the increase of the Army and consequent extension of the duties of the Quartermaster Corps, it is desired to submit the following recommendation:

(1) It is recommended that the grade of military storekeeper or supervisor of stores be created in the Quartermaster Corps, with the rank of captain.

(2) That the number of this grade shall be limited to one.

(3) That, with the sanction of Congress, the position be filled by the appointing of Mr. Charles P. Daly, chief clerk and assistant to the Quartermaster General.

Mr. Daly has from the period of the reorganization of the Quartermaster Corps, rendered invaluable service, equaled only by the Quartermaster General himself, to the corps in outlining all the administrative methods and preparing the details of administration and organization upon which the success of the reorganization work of the corps has depended.

Mr. Daly's services in the Quartermsater Corps extends over a period of 27 years, during all of which time he has been a close student of organization economics and methods of administration, in which line of work he is an expert of the highest class. Personally I have, since coming on duty in the office of the Quartermaster General in October, 1912, daily consulted Mr. Daly in the work of the Transportation Division, of which I have had charge. His knowledge of administrative methods, and a proper regard for the economics, his accuracy of judgment, and quick grasp of any complicated situation connected with the department has never failed to solve the most difficult problems. I do not know Mr. Daly's equal in attainments and capacity for work in the civilian force of the Army.

It is urgently recommended that he be placed in such a position that his qualifications and attainments may be constantly utilized by the department without any chance of their being lost through any cause. It may be added that the action proposed would be but a meager reward for his valuable and indefatigable services.

CHAUNCEY B. BAKER,
Lieutenant Colonel, Quartermaster Corps.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, May 18, 1916.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. HAY: Referring to the conversation between yourself and Gen. Aleshire yesterday morning, concerning the estimates under Quartermaster Corps appropriations for the fiscal year 1917, I beg to advise you that the estimates submitted by this office at the hearings held by your committee commencing March 28, 1916, a summary of which is shown in the table on page 30 of the hearings, covered pay, subsistence, transportation, and other quartermaster supplies for 105,590 enlisted men in the line of the Army and 24,411 enlisted men in the staff corps and departments, including the Philippine Scouts, or a total of 130,001 enlisted men, being the first increment under H. R. 12766 as it originally passed the House of Representatives, and the increment authorized by H. J. Res 180, as shown in the table on page 57 of the hearings.

It will be noted from the table on page 30 that the total of the estimates pertaining to the Quartermaster Corps is $121,619,539.78, and it is the opinion of this office that if that amount is appropriated it will be sufficient to provide for the first increment under H. R. 12766 as recently reported by the conferees.

Very respectfully,

HENRY G. SHARPE,
Acting Quartermaster General.

WAR DEPARTMENT,
GENERAL DEPOT OF THE QUARTERMASTER CORPS,
115–123 East Ontario Street, Chicago, Ill., June 15, 1916.

From: Clerks of the depot quartermaster's office, Chicago, Ill.
To: Hon. JAMES HAY, Chairman House Committee on Military Affairs.
Subject: Captain's commission for Mr. Charles P. Daly, assistant and chief clerk to the Quartermaster General.

Information is at hand to the effect that Maj. Gen. James B. Aleshire, Quartermaster General of the Army, has interested himself in obtaining legislation appointing his assistant and chief clerk, Mr. Charles P. Daly, a military storekeeper, with the rank, pay, and allowance of a captain, mounted.

The undersigned, quartermaster clerks on duty at the depot quartermaster's office, Chicago, are earnestly desirous of doing all in their power to assist and to contribute to the accomplishment of the purpose of Gen. Aleshire in securing the desired legislation. From personal contact and personal knowledge we gladly testify to the wisdom of Gen. Aleshire's action in wishing to secure a captain's commission for Mr. Daly. We know of our own knowledge that Mr. Daly is the most thoroughly informed and best-posted civilian employee of the Quartermaster Corps, and his knowledge has been gained by actual experience in all phases of Quartermaster Corps work in posts, in headquarters, depots, and in the field in the United States, Cuba, China, the Philippines, and Mexico. Mr. Daly is known to all of us as a gentleman of clean, high character, splendid judgment, and an authority on all matters pertaining to the supply of the Army.

The undersigned earnestly pray that the captain's commission be given to Mr. Daly as desired by Gen. Aleshire.

CHAS. ASPLUND.	J. H. CARBAUGH.
FRED K. JOHNSTON.	H. P. BELL.
J. M. GRIFFITH.	ANNA M. BAILEY.
GEO. H. WAKEFIELD.	LANGHORNE ALLEN.
CHARLES L. YAEGER.	JOHN PETERSEN.
M. M. POOL.	ARTHUR W. PARKER.
WM. H. WILLIAMS.	W. J. ALLEN.
WM. L. O'BRIEN.	

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WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, June 19, 1916.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. HAY: Mr. Charles P. Daly, chief clerk of this office, is absent from the city on Government business, and therefore I am inclosing copies of four additional letters just received in relation to his proposed appointment as military storekeeper.

Very sincerely,
F. A. ELLISON.

—

HEADQUARTERS SOUTHERN DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Fort Sam Houston, Tex., June 10, 1916.

Maj. Gen. JAMES B. ALESHIRE,
Quartermaster General of the Army,
Washington, D. C.

MY DEAR GENERAL: I have learned unofficially that legislation is contemplated, with your approval, which, if enacted, will enable the appointment of Mr. Charles P. Daly, chief clerk of your office, as a military storekeeper with the rank, pay, and allowances of a captain, mounted.

This information is highly gratifying to me as fittingly conveying an adequate recognition of and reward for the most valuable services rendered by Mr. Daly to the Government, not only in the extraordinary efficiency with which he has performed the duties of chief clerk of your office but also for the admirable manner in which he has assisted in carrying out your plans for the improvement of the Quartermaster Corps generally throughout the service.

In my opinion Mr. Daly's long and arduous service, combined with his wide and varied experience in the workings of the Quartermaster Corps in its relations to the general Military Establishment, entitles him to a position in the Army, which will be at once a distinct appreciation of his merit and an assurance that the Government will continue to have the benefit of his abilities with a military standing measurably commensurate with his genuine worth. I have known Mr. Daly for many years, both officially and personally, having had the most favorable opportunities for observing and recognizing his ability in an administrative and executive capacity while I was on duty in your office, and since then I have had an opportunity to favorably judge of the influence and beneficial effect of his work in its bearing upon the Quartermaster Corps at large and in the field.

I sincerely trust that the proposed legislation in Mr. Daly's behalf will be successfully accomplished and I shall be very glad to extend to him a hearty welcome as a commissioned officer.

I have written to Mr. Daly personally to-day a letter which he may use. I have told him also that I am writing to you expressing my pleasure at the news that this measure is contemplated and adding my earnest recommendation to yours for the success of the proposed bill.

Respectfully,
H. L. ROGERS,
Colonel, Quartermaster Corps, Department Quartermaster.
JUNE 15, 1916.

To MR. DALY:

This is a nice letter, and I fully agree in all Col. Rogers has said.

J. B. ALESHIRE,
Quartermaster General.

—

OFFICE DEPOT QARTERMASTER,
Fort Mason, San Francisco, Cal., June 13, 1916.

From: Lieut. Col. B. F. Cheatham, Quartermaster Corps.
To: Maj. Gen. J. B. Aleshire, Quartermaster General, United States Army, Washington, D. C.

1. It has come to my attention that it is contemplated to introduce a bill before Congress to provide for the appointment of Mr. Charles P. Daly as military storekeeper, with the rank, pay, and allowances of a captain.

2. I have known Mr. Daly for about 10 years, and have been in a position to observe him carefully, and desire to express to you my earnest hope that this item may promptly become law.

3. Mr. Daly is peculiarly worthy to have this reward after many years of most arduous and highly valuable service for the Government. He is conspicuous in ability and second to none in energy and integrity.

4. In my opinion it would have been extremely difficult for the present Quartermaster General to have accomplished the many radical improvements in systems of supply and other vital questions of administration in the Quartermaster Corps had it not been for the intelligent assistance of Mr. Daly in working out the multitudinous details.

B. F. CHEATHAM.
JUNE 19, 1916.

To Mr. DALY:

I concur fully in Col. Cheatham's views.

J. B. ALESHIRE,
Quartermaster General.

—

GOVERNOR'S ISLAND, N. Y., *June 16, 1916.*

Maj. Gen. J. B. ALESHIRE, United States Army,
Washington, D. C.

GENERAL: Understanding that Mr. C. P. Daly is a candidate for the office of military storekeeper, I desire to add a few words of personal tribute to those of others who are interested in his behalf.

It has been my good fortune to know Mr. Daly for a number of years, and I believe no member of the clerical force knows the Quartermaster Corps better than he nor is more entitled to recognition. If he is successful, his work and capabilities will prove exceedingly useful to the technical work of the Quartermaster Corps. I hope he will receive the honor he deserves.

Very truly, yours,
W. A. DEMPSEY,
Chief Clerk, Department Quartermaster.

—

HEADQUARTERS EASTERN DEPARTMENT,
OFFICE OF QUARTERMASTER,
Governors Island, N. Y., June 17, 1916.

Maj. Gen. J. B. ALESHIRE, United States Army,
Washington, D. C.

MY DEAR GENERAL: I understand that action is contemplated to procure legislation, if possible, to give your assistant and chief clerk, Mr. Charles P. Daly, the designation of military storekeeper, with the rank, pay, and allowances of a captain.

I hope this is true, as I consider such action highly commendable—a fitting tribute to his exceptional ability and untiring efforts to better our branch of the service. Those of us who know Mr. Daly personally recognize his mature judgment, breadth of view, and thoroughness of method. We consider him authority on all matters pertaining to the supply of the Army. Furthermore, his personality and character are an inspiration to us all.

I shall greatly appreciate any efforts made to procure for Mr. Daly this deserved recognition.

Yours, respectfully,
T. L. HOLLAND,
Principal Clerk, Finance Division.

—

WAR DEPARTMENT,
Washington, January 11, 1916.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. HAY: I beg leave to transmit herewith a memorandum of The Adjutant General of the Army recommending the enactment of legislation providing that one of the enlisted men detached from the Army at large for the performance of duty at each of the recruit depots under the provisions of the act of Congress approved June 12, 1906, shall have the rank, pay, and allowances of a regimental sergeant major.

In transmitting this recommendation, with which I fully concur for the reasons stated in the memorandum, I beg leave to suggest that the object sought can be readily accomplished by including in the act making appropriation for support of the Army for the next ensuing fiscal year, or in any one of the other acts of Congress affecting the Army generally, a provision that one of the enlisted men detached from the Army at large for duty at each recruit depot shall, while so detached and performing such duty, have the rank, pay, and allowances of a regimental sergeant major.

It is deemed proper to add that a letter of similar import has been addressed by me to-day to the chairman of the Committee on Military Affairs of the United States Senate.

Very respectfully,
LINDLEY M. GARRISON,
Secretary of War.

—

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, June 19, 1916.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. HAY: Upon an examination of the printed copy of the draft of the bill making appropriation for the support of the Army for the fiscal year ending June 30, 1917, submitted on the 16th instant, it is observed that the bill does not contain a provision that one of the enlisted men detached from the Army at large for the performance of duty at each of the recruit depots shall have the rank, pay, and allowances of a regimental sergeant major.

I take a keen interest in this matter, and this interest impels me to venture to write you this personal letter for the purpose of ascertaining whether the provision referred to was overlooked or whether there is any reason that precludes its inclusion in the bill. If the former, I venture to express the hope that you can see your way clear to include in the bill a provision along the lines suggested in the inclosed copy of a letter of the Secretary of War and memorandum of this office for the relief of these deserving men.

Very respectfully,
H. P. MCCAIN,
The Adjutant General.

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[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

The act of Congress approved June 12, 1906 (34 Stat. L., 242), provides as follows:

"Hereafter the Secretary of War shall be authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duties at the various recruit depots * * *, and of the

enlisted men so detached, while performing such duty, there shall be allowed for each recruit depot * * * one who shall have the rank, pay, and allowances of battalion or squadron sergeant major * * *."

Under the authority cited there is now on duty at each of the five recruit depots, Fort Slocum, N. Y.; Columbus Barracks, Ohio; Jefferson Barracks, Mo.; Fort Logan, Colo.; and Fort McDowell, Cal., one battalion sergeant major who receives the pay incident to that grade. His work includes the supervision of all the correspondence incident to the administration of the depot to which he is assigned, and is of a very exacting nature, fully as exacting and far more onerous than the similar duties performed by the regimental sergeant major authorized for each regiment of Infantry under the provisions of the act of Congress approved February 22, 1901 (31 Stat. L., 750).

While the work of the regimental sergeant major, authorized under the act of Congress last cited, consists of the supervision of the correspondence incident to the administration of a regiment of Infantry having an enlisted strength of 872 men, the battalion sergeant major at a recruit depot has supervision over the correspondence incident to all the men who are enlisted or rejected at the particular depot concerned, as well as the correspondence incident to the permanent personnel of the depot and a large number of enlisted men sent casually to such depot for various purposes from time to time.

Within the fiscal year ended June 30, 1915, 32,832 men were enlisted and 5,633 rejected at the five recruit depots, a total of 38,915, or an average of 7,703 for each depot. In addition to this number there were several thousand casuals forwarded to and from Hawaii and the Philippine Islands, who passed through Fort McDowell, and also many casuals sent to the several depots for discharge on surgeon's certificate of disability, for trial by court-martial, and for other reasons. These men, sent casually to the depots, together with the permanent enlisted personnel of the depots, 1,334 in number, augmented appreciably the average number of enlisted men that passed through the depots and concurrently increased the depot correspondence and the work of the sergeant major connected therewith.

In connection with this subject it is deemed proper to quote the following extracts from the annual reports of the various depot commanders:

FISCAL YEAR 1913.

Fort Slocum, N. Y.: "To secure the highest efficiency it is suggested that there be assigned to this depot 1 sergeant major, regimental; 3 sergeants major, battalion, and 2 color sergeants; * * *. By this method the chief of each division—correspondence, returns, and recruit record—would be a battalion sergeant major, under the general supervision of a regimental sergeant major, and the chief clerks in each, sergeants."

Columbus Barracks, Ohio: "I also renew my recommendation that the depot sergeant major be given regimental rank. Greater efficiency and more work are required of this noncommissioned officer than of a regimental sergeant major."

Jefferson Barracks, Mo.: "The sergeant major, by law, has the rank only of a battalion sergeant major. His duties are of an exacting nature and are similar to but more complex even than those of a regimental sergeant major. Steps should be taken to have this changed so as to give him the rank and pay of a regimental sergeant major or a sergeant (first class) Quartermaster Corps."

Fort Logan, Colo.: "In connection with the enlisted personnel, I would renew my recommendation that the depot sergeant major be given the grade of regimental sergeant major."

FISCAL YEAR 1914.

Fort Slocum, N. Y.: "The sergeant major by law has the rank of a battalion sergeant major. His duties are of an exacting nature and are similar to but more complex even than those of a regimental sergeant major. Steps should be taken to have this changed so as to give him the rank and pay of a regimental sergeant major.

"In considering this matter it should be borne in mind that this office handles 9,000 communications a year in the correspondence division; the returns division has to deal with a garrison of fluctuating strength, which under normal conditions numbers from 1,000 to 1,500 men, including a strength of casuals sent here for discharge on surgeon's certificate of disability or to be tried and dishonorably discharged. The recruit record division handles the papers of some 8,000 recruits annually, and upon every descriptive and assignment card are four or more entries, involving pecuniary responsibility."

Columbus Barracks, Ohio: "Recommendation—that the rank and pay of the depot sergeant major be made those of a regimental sergeant major."

Jefferson Barracks, Mo.: "I renew the recommendation made by several of my predecessors that the sergeant major, who by law has the rank only of a battalion sergeant major, be given the rank of regimental sergeant major. The work which a depot sergeant major has to supervise is much more than that of a regimental post, and the number and rank of men employed in his office under his direction is greater than in a corresponding office at a regimental post."

Fort Logan, Colo.: "In connection with the enlisted personnel, it is recommended that the depot sergeant major be given the grade of regimental sergeant major."

FISCAL YEAR 1915.

Fort Slocum, N. Y.: "The sergeant major of the depot should have the rank and emoluments of a regimental sergeant major."

Columbus Barracks, Ohio: "Recommendation is renewed that the depot sergeant major be given the rank and pay of a regimental sergeant major."

Jefferson Barracks, Mo.: "Recommendation—that the sergeant major of recruit depots be promoted to senior grade or be made a sergeant, first class, Quartermaster Corps. His duties are largely clerical. Sergeant clerks in the same office and under his supervision receive more pay than he does."

Fort Logan, Colo.: "Recommended that depot sergeant major be given the grade of regimental sergeant major."

Fort McDowell, Cal.: "Increase the rank of the present battalion sergeant major to that of regimental sergeant major. The responsibility involved and the knowledge necessary fully justify an increase in rank. From the very nature of his duties he should be senior (par. 9, Army Regulations) to every other noncommissioned officer at the depot." (Paragraph 9, Army Regulations, shows that a regimental sergeant major is the highest noncommissioned rank that can be attained.)

It is recommended that legislation be requested authorizing that there shall be allowed for each recruit depot one enlisted man, who shall have the rank, pay, and allowances of a regimental sergeant major.

The object sought can readily be accomplished by including in the act making appropriation for the support of the Army for the next ensuing fiscal year, or in any one of the other acts of Congress affecting the Army generally, a provision as follows (p. 9, line 20):

"*Provided*, That hereafter one of the enlisted men detached from the Army at large for duty at each recruit depot under the provisions of the act of Congress approved June 12, 1906, shall, while so detached and performing such duty, have the rank, pay, and allowances of a regimental sergeant major."

H. P. McCAIN,
The Adjutant General.

DECEMBER 22, 1915.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. STAFFORD. Mr. Chairman, there are many other worthy chief clerks and other clerks in the department who would be entitled to the same recognition as this unquestioned worthy official, but to single out by special legislation this particular official and advance him to the grade of captain, giving him the retirement privileges of military life, would be, in my opinion, a piece of favoritism unwarranted, and it would work to the disorganization of the service in the department. There are many men down there, engineers, who are just as worthy and who would be entitled to appointment into the military arm of the service, just as much as this gentleman. I do not question that he has performed capable service in the past. It was his duty to do so, and the Congress has recognized it in the salary that he is receiving. For us to single out upon the recommendation even of the chief of the bureau, this man and grant him advancement in the military arm of the service as a captain is somewhat abhorrent to me, and accordingly I make the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

One superintendent, Nurse Corps, at $1,800 per annum, $1,800: *Provided*, That hereafter the superintendent shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War.

Mr. MANN. Mr. Chairman, I make the point of order against the proviso.

Mr. HAY. Mr. Chairman, it is subject to the point of order. I will only say that this provision has been in the bill for some years, and we put in the word "hereafter" this time so as to avoid carrying it constantly in the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I will reserve the point of order. I think perhaps that I have made a mistake.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. MANN. I was under the impression at the time that this was a new provision in the bill, but I recall now that we have been carrying it annually.

Mr. HAY. Yes.

Mr. MANN. I have no objection to whoever is the superintendent of the Nurse Corps receiving the same pay and allowances that that person is getting now, and I have no objection to making it permanent law as far as that is concerned, and I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Additional pay for length of service, $12,320.

Mr. GREENE of Vermont. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 23, page 13, insert the following:

"*Provided*, That the Secretary of War is hereby directed to cause to be prepared, with as much expedition as may be consistent with thoroughness, a revision and codification of the military laws of the United States, which shall conform in scope and character to the revision and codification of the laws of the United States of a permanent and general nature directed by the act of March 3, 1901. The Secretary of War shall submit to Congress a report of progress of the revision and codification herein directed upon the first day of the second session of the Sixty-fourth Congress, and, when the revision and codification is completed he shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine.

"For paying the expenses of clerical hire and printing and other expenses incident to the making of the revision and codification herein directed, such sum as may be necessary, not to exceed $5,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended upon certificates of the Secretary of War that the expenditures were necessary therefor."

Mr. BORLAND. Mr. Chairman, on that I reserve the point of order.

Mr. GREENE of Vermont. Mr. Chairman, it must be obvious to all Members of the House that if we could get a revision and codification of any part of the statutes of the United States of America that have been written on the statute books since the last revision of 1878 we would all be grateful and public busi-

ness undoubtedly would be expedited, with a great saving in expense of administration. This amendment proposes to bring the military law of the United States up to date in such revision and codification. I have only to suggest to the gentleman from Missouri [Mr. BORLAND] that under the terms of the act referred to in the amendment a draft of such revision and codification has already been made, taking the law up to 1910, so that if the law accumulating since 1910 is prepared in the same manner and added to that draft or incorporated into it we shall have submitted to us in the course of a very short time, comparatively, a complete revision up to date. Of course, there may be some detail in that former draft of the codification and revision that it will be necessary to rewrite, but the task has largely been put out of the way through the work that was done under that former act.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. STAFFORD. Under the gentleman's proposal, would it not be a continuing authority in the Secretary of War to have a codification made from time to time? There is no limitation, so far as the gentleman's amendment goes, as to when this codification is to take place. I certainly think there ought to be some provision as to time when the work shall be completed. Under this phraseology the Secretary of War would be perennially authorized to keep on making a codification.

Mr. GREENE of Vermont. Oh, no. If the gentleman will recall, the amendment provides distinctly that the Secretary of War shall submit to Congress a report of progress on the revision and codification upon the first day of the second session of the Sixty-fourth Congress, and when the revision is "completed" he shall cause a copy of the same in print to be submitted to Congress. There is a completion provided for. It is not continuing.

Mr. STAFFORD. It is directed that he shall make a provisional report on the first day of the next session, but there is no provision whatsoever as to when the codification is to be completed.

Mr. GREENE of Vermont. I will simply say to the gentleman that the phraseology of this proposed amendment was drawn by the Judge Advocate General of the Army at my request.

Mr. BORLAND. Let me ask the gentleman a question. Do I understand that this compilation has practically been completed by the Judge Advocate General?

Mr. GREENE of Vermont. It has not practically been completed, no.

Mr. BORLAND. How far has it gotten along?

Mr. MANN. It could not have gone very far with the recently passed reorganization bill.

Mr. BORLAND. It could have been brought up to the recently passed reorganization bill, and I am asking now——

Mr. MANN. I think the purpose is to bring it down in connection with the reorganization bill.

Mr. GREENE of Vermont. Yes; and I wanted to explain further about that.

Mr. BORLAND. I wish the gentleman would explain what is the compilation they have now.

Mr. GREENE of Vermont. Under the terms of the act that is referred to in the resolution the general revision of the statutes was proceeding and they continued those labors up to 1910. In connection with that, of course, the War Department has, as all departments do for their own convenience, kept the statutes from time to time in some form of compilation, so a large part of the ground work of such revision has been surveyed, at least marked out and lined up, which will prove to be of great usefulness when the finishing of the work is undertaken. The act of June 3, 1916, which is to be in most part effective the 1st of July, is not embraced at all, and it is so revolutionary in character and contains that customary clause, "*Provided*, That all laws and parts of laws inconsistent, and so forth, are hereby repealed," that it has left the whole existing law just at this critical time somewhat in a measure of doubt in many particulars.

Mr. BORLAND. Mr. Chairman, it strikes me that this authority the gentleman is seeking to give the Judge Advocate General is, as has been pointed out, a sort of continuing authority. If we enact it into law he may report progress of the Sixty-fourth Congress, he may report progress to the next succeeding 10 or 12 Congresses, and we will be carrying an appropriation here in each appropriation act for the continuation of this compilation. If there was a compilation in existence, it seems to me the Judge Advocate General must have such a working tool in his office; to have it published once for all would be a very good thing; but there ought to be some limitation as to when this work is to be done and when it is to be completed and how much it is going to cost.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MANN. This is not intended as a compilation——

Mr. BORLAND. No; a revision.

Mr. MANN. That is just the distinction the gentleman wants to make. A codification. Of course, the office has a compilation, but a compilation of statutes is an entirely different thing, and no one knows that better than the gentleman from Missouri, from a codification. A compilation takes all of these statutes along, keeping them intact, with memoranda relating one to the other; but a codification is to bring them all into one enactment. Now, it can not be possible to have but one codification of the military laws, because the intention of this amendment is to have the War Department prepare the codification and for Congress to enact it, and not a compilation. Of course, everybody knows how much that would be——

Mr. BORLAND. There is no question but we have been trying to get a codification or a revision of the laws of the United States. and we have not succeeded, and we have spent a good deal of money to continue that work.

Mr. MANN. We codified the judicial title and we codified the criminal code. I dare say those codifications saved a great many thousands of dollars, and I do not know how much more money and effort to people all over the United States and to the Members of this House. It is easy enough to turn to the codification of the judicial title and find out what you want to know about the court. It is easy enough to turn to the Criminal Code to know what the criminal statute is, whereas before it was an impossibility, except with the greatest kind of research.

Mr. BORLAND. If the gentleman will yield, there are not a great many statutes of the United States relating to our Military Establishment.

Mr. HAY. There is a book of them, my friend.

Mr. GREENE of Vermont. Here is a compilation of the War Department up to date, which it uses for its own unofficial use, I might say.

Mr. BORLAND. Most of that is obsolete.

Mr. GREENE of Vermont. It is not; this is the last compilation.

Mr. BORLAND. It seems to me if this proposition could be limited so that the report was made at the second session of the Sixty-fourth Congress it would be a desirable thing; but I do not think he should be given continuous authority. Our experience has been it never might come to an end.

Mr. HAY. Let me suggest that the gentleman change his amendment so it will be continuing after a certain time he may fix.

Mr. MANN. It does not continue now.

Mr. HAY. Say in 1918.

Mr. MANN. After they report the codification to Congress, that ends it. I hold in my hand what is entitled "The Military Laws of the United States and Supplement to the Military Laws of the United States," down to the index.

Mr. BORLAND. We have more military laws than soldiers, according to that.

Mr. MANN. Without including the supplement, running down, it runs down to page 1116 and commences with the executive, on page 5. Now, I assume the codification will commence with the provisions of the Constitution.

Mr. BORLAND. No; the Constitution would not be in there.

Mr. MANN. But the main feature would be covered by the codification—would be covered in a volume of this size, of 250 pages, and of statute pages—probably 150 pages. This goes over 1,000 pages or 1,100 pages. I do not know whether it could be done for $5,000, but I know if it can be done for that and we can enact it——

Mr. GREENE of Vermont. If the gentleman will permit—before I undertook this little errand on the floor, of course, I tried to get the opinion of the people in the War Department who would have to perform the labor, and I need not, I hope, suggest to the gentleman that I acted in this matter on my own initiative, not from some prompting by them. When I took my errand down to the War Department I found to my great gratification that they were just as happy as a boy with a new kite to think somebody would undertake to do it for them. The Judge Advocate General was very anxious to have the whole matter buttoned up and to get it done, more particularly as he is now busy with this new reorganization matter.

Mr. BORLAND. I suggest to the gentleman that he change his amendment to say that the Judge Advocate General submit the codification at the second session of the Sixty-fourth Congress.

Mr. GREENE of Vermont. With all this present upset between now and December?

Mr. BORLAND. The reorganization bill has been passed.

Mr. GREENE of Vermont. I understand, but——

Mr. MANN. I do not think they can do this before next March.

Mr. BORLAND. Then, we had better wait until they are ready to make the codification.

Mr. MANN. They can not be ready until they have the authority to go ahead with it. They have no authority or force to codify it. It is of no advantage to them to have a codification that is not enacted.

Mr. BORLAND. If they are not ready to codify now, after the Army reorganization bill has passed, I do not know when they will be ready.

Mr. MANN. A codification that is not law does not do them any good. It is the compilation that they use in their office, as the gentleman and I have to use the compilation of the Statutes of the United States now.

Mr. GREENE of Vermont. A large part of the time of the Judge Advocate General now is being employed in passing on constructions of this new reorganization act, showing at once the necessity for revision and codification.

Mr. BORLAND. That all goes to show that they are not ready to make a codification that will be of any use.

Mr. STAFFORD. Will it not be acceptable to the gentleman to have this work finished within two years? They should be given time to prepare a proper codification.

Mr. BORLAND. I would agree to an absolute limit of two years.

Mr. DOWELL. You had better make it one year.

Mr. GREENE of Vermont. I ask unanimous consent to amend my proposed amendment by inserting, in the third line, after the word "thoroughness," the words "to be finished within two years."

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to amend his amendment in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment as modified.

The amendment was agreed to.

Mr. MANN. I ask unanimous consent to strike out the word "*Provided*" at the beginning.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to strike out the word "*Provided.*" Is there objection?

There was no objection.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word.

The provision here and further on for the Judge Advocate's office amounts to about $115,000. I trust that every dollar of that will be used in establishing justice among the officers and men of the Army and no part of it for oppression. This afternoon the gentleman from Georgia [Mr. HOWARD], supplemented by the gentleman from Alabama [Mr. HUDDLESTON], did a distinctive public service. While I believe that discipline in the Army is absolutely necessary, and that the insignia of rank and grade must be kept clear and well established, yet the idea that seems to prevail in this country that the standard of the soldier in America shall follow and conform to the standard of the soldier of the Continent, and that the bearing and demeanor of the officers of the United States shall follow and conform to the bearing, demeanor, and conduct of the officer of the Continent, will not be long tolerated in America, and if tolerated in America we can not expect our military arm to prosper and succeed.

I make these remarks for the reason that the gentleman from Georgia [Mr. HOWARD] depicted clearly the conduct of our officers generally toward their men. An instance has arisen in this country during the last three years that demands that officialdom of our Army must to some extent be democratized, or the position of the soldier must be magnified and dignified. Otherwise the impassable gulf between man and officer will be such that we can not expect in the Regular Army at least that efficiency to which we are entitled. The case I have in mind is that of Maj. Benjamin Koehler, of the United States Army, who went from Nebraska as a boy to West Point, graduated with honor and a clear record. He went out into the service of the country imbued somewhat with the sentiments that the gentleman from Georgia [Mr. HOWARD] thought an American officer ought to have. He carried that idea into his service, both in time of peace and in time of war, in the Philippine insurrection and the Spanish-American War. So gallantly did he lead his men under fire that he was specially commended for bravery and gallantry by Gen. Lawton for service in the Philippines. From there he went into various lines of service, and for his excellent conduct in the different employments which the Government gave him this young man was finally placed in command of Fort Terry, over between Connecticut and Long Island.

There he was in charge of a fort in a place that was most insanitary and in charge of men under him who were most immoral and corrupt—I speak of the underofficers—and in charge of business affairs of that fort which had been most unbusinesslike. This young man was a good disciplinarian, but at the same time the humanity within him had not been eliminated. He went to work, and whereas the officers there had been compelled to wear netting over their faces during the summer to keep out the mosquitoes and to protect themselves from annoyance and disease, he followed the examples of the men who had charge of the Panama Canal construction and cleared that fort of mosquitoes and of mosquito-borne diseases and of conditions that spread disease.

Further than that, he established business methods in and about that fort. He brought the underofficers up to a proper state of discipline and compelled them to observe their legal and financial obligations. More than that, where lewdness and lechery was rife he disciplined the younger officers and at the same time compelled the officers to recognize the rights of men.

The men in their sickness and their misfortunes were ministered to by this young major and those who were under him through his direction. But, as has occurred in other cases in times of peace, these men who were being disciplined, with not sufficient activity on their hands to keep them out of mischief, organized a cabal against him, and having organized that succeeded in having a complaint brought to the War Department, and upon return from a temporary absence he was arrested. He had no intimation or suggestion that there was anything against his record anywhere in the Army.

Charges were preferred against him, and they seemed so unreasonable that their basis was challenged. Friends of the major went to the War Department and requested that the Secretary of War send another man up there to make an investigation and find the truth before court-martialing the major. There in the hearing of two men now on the floor of the House the Secretary of War directed that an officer go up to Fort Terry and make an investigation and either cause a court-martial of the major or a court-martial of the other men, who made the complaint or were interested in it, which involved a large number of the young officers of the fort.

Edmund Burke once said that you could not indict a whole people. Neither could you court-martial a whole fort. So the major was condemned then and there by the then Secretary of War. He made the investigation and brought 17 different specifications. Not one of those charges involved moral turpitude or a crime against the country or against good morals. Where he administered unto the sick and where he had proved himself a humanitarian in looking after the welfare, social and otherwise, of his men his acts were construed into improprieties.

He was finally tried on the 17 specifications, and the two officers most instrumental in bringing the charges against him, one, Lieut. Frick, proved to be a lecherous liar, so much so that numerous witnesses testified that he was not to be believed under oath, and the other leading conspirator who gave testimony, Capt. Worcester, had been disciplined by Maj. Koehler.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SLOAN. I ask for five minutes more.

Mr. HAY. The gentleman is making a speech outside of the bill, and I have been very lenient so far with him. Can not he extend his remarks in the RECORD?

Mr. GARDNER. Reserving the right to object, I would like to ask the gentleman if he has not made this speech before in the House? There are two sides to Maj. Koehler's case.

Mr. SLOAN. There are not two sides to it.

Mr. GARDNER. I heard the gentleman speak about it before.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska that he have five additional minutes? [After a pause.] The Chair hears none.

Mr. SLOAN. He was tried, and notwithstanding the fact that every period of his military record was searched, notwithstanding the fact that every Army officer called upon testified as to his purity of life and character, notwithstanding the fact that no two witnesses testified to any act charged against him, notwithstanding every charge against him was denied by clearest testimony, well corroborated, he was found guilty on 11 specifications. I challenge the gentleman who will read the record, remembering that under the military code an

officer charged must be found guilty beyond a reasonable doubt, under the same rule as prevails in the criminal law in civil life. not one of these charges was proven with such certainty as would have convicted the vilest man in civil life of the most trivial offense. In one particular case a man testified of a most trivial impropriety taking place in the room in the presence of another major, an officer now connected with the military college here; notwithstanding the statement of these two majors that jury accepted the statement, unsupported by other witnesses, of an uncorroborated statement against the major.

Now, my purpose in discussing this subject, which I have done before——

Mr. GARDNER. I think I can bring to the gentleman's attention where he has brought the case of Maj. Koehler before the House.

Mr. SLOAN. Oh, I certainly brought the case to the attention of the House, but I did not make this speech. That is the only particular in which Shakespeare and I are alike—neither of us repeat.

Mr. COX. What was the punishment meted out to the major?

Mr. SLOAN. The punishment meted out was dismissal in dishonor from the Army.

Mr. GARDNER. On what charge?

Mr. SLOAN. On the charge of conduct unbecoming an officer and a gentleman.

Mr. GARDNER. And what was that conduct unbecoming an officer and a gentleman of which he was found guilty?

Mr. SLOAN. Slight improprieties.

Mr. GARDNER. Oh!

Mr. SLOAN. Yes. Not a single overt act of moral turpitude or crime was charged against him even in the charge, nor were such charges to have been intended. He was dismissed. We desired to have a hearing before the President of the United States before his sentence was confirmed, and while we understood that we had an arrangement with the Secretary of War whereby we would have an opportunity to appeal to the President of the United States, friends of the major were not advised when the Secretary confirmed the finding of the court-martial and the case was disposed of before the President without the opportunity to present the case to the President, who was probably unaware of any desire to be heard. The sentence was executed and the major was discharged from the service.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. GARDNER. Has any Secretary of War agreed with the gentleman's position in this respect—of either party?

Mr. SLOAN. No; because the Secretary who said what I have quoted but recently departed from the service of this Government, and the new Secretary of War has been pretty busily engaged since he was appointed. Further, it is beyond the jurisdiction of the Secretary of War. It rests with Congress, before whom I have filed a bill for the major's reinstatement. But I want to say this, that the substance of the evidence on the 11 specifications upon which he was found guilty was submitted to eminent lawyers in this House and the Senate, and not one of the men, eminent in public life and eminent as lawyers in the Nation, after having read the testimony and charge and considered them, failed to say that there was not sufficient evidence under any of the specifications to find Maj. Koehler guilty. I hope when this appropriation bill has passed the Military Affairs Committee will grant a hearing upon the Maj. Koehler reinstatement bill.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HILL. Mr. Chairman, may I trespass upon the courtesy of the chairman of the committee for five minutes on another matter? I do not do so very often, but this is a matter about which I feel very deeply. I am not going to offer an amendment to the bill, but I am going to ask the chairman if, during the progress of this bill, and some time before it is enacted into law, he and the party which he represents will not make some provision for the families of the members of the National Guard? Calling a member of the National Guard into the Government service is a very different thing from the case of a volunteer who goes into the Regular Army to make it his vocation. Other governments are doing precisely what I am asking the chairman of the committee to do now. I met a gentleman from Lyon, France, a few days ago. He told me that the men working in the silk mills there had been receiving 4 francs a day, and that when they enlisted and went into the army the Government paid 4 francs a day, which they had been receiving, for the support of their wives and children while they were in the service. The English Government passed a conscription act a few weeks ago and put the married men into a separate class from the single men, and did not send out the call for the married men who had families dependent upon them until the quota of the single men was exhausted. Then they made a provision for the families of the married men while they were in the service. I know that it will be a very great hardship for many of the men who are members of the National Guard to be called away from their usual vocations, and have no compensation except the Army pay of $15 a month. This is a very critical situation for the National Guard.

I do not speak with particular reference to Connecticut, for my understanding is that within 24 hours from the time the call was issued the National Guard in that State announced themselves as ready to submit to the orders of the Government; but I do say this: That it is for your interest and for mine and for the interest of every citizen of this Republic that there should be nothing held back now which will enable the National Guard to gain all of the credit which we all wish for them. The expense of the plan which I propose can not be very great. I do not personally care what the expense is. The people are able and willing to meet the required taxation. I believe that the calling out of the National Guard by the administration at this time is worth all that it will cost, even if they have no war duty to perform, because we will thereby be enabled to judge as to how much dependence can be placed upon them, and I want to place implicit reliance and dependence upon them, and I want to encourage them all, single men and married men—but married men especially with families, having responsibilities upon them—and I think the Government ought in some way provide for them under existing conditions. I want most earnestly to ask the chairman if at some time during the progress of the passage of this bill he himself will not offer an amendment making some additional provision for the care of the families of the men of the National Guard who are suddenly taken away from their usual vocations? I do not want to hear of one soldier's family anywhere in this land being found dependent upon local charity while he is away from his home defending the country's flag. [Applause.]

The Clerk read as follows:

For amount required to make monthly payments to Jennie Carroll, widow of James Carroll, late major, United States Army, $1,500.

Mr. HUDDLESTON. Mr. Chairman, I desire to make a point of order to this provision.

Mr. HAY. It is not subject to a point of order. There was a special act passed giving this pension, or whatever you may call it, to Mrs. Carroll, and it has been carried in this bill ever since the law was passed, some eight or nine years ago. Therefore it is not subject to the point of order.

The CHAIRMAN. Does the gentleman from Alabama controvert what the gentleman from Virginia says? If not, it is plainly not subject to the point of order.

Mr. HUDDLESTON. Mr. Chairman, I would like to say this: This is an appropriation to pay a pension to a widow of a soldier.

Mr. HAY. It is not a pension.

Mr. HUDDLESTON. I would like to know what it is.

Mr. HAY. I can state to the gentleman what it is. This is to pay the amount of $1,500 a year in monthly payments to Jennie Carroll, widow of James Carroll, late a major in the United States Army. Maj. Carroll was a surgeon who made experiments in Cuba about yellow fever on his own body, and the Congress of the United States thought it was as little as it could do to provide for his widow, and the Congress passed a special act making provision for her in this way. It has been carried on this bill ever since the law was passed.

Mr. MANN. May 23, 1908.

Mr. HAY. May 23, 1908.

Mr. HUDDLESTON. Mr. Chairman, it is obvious that this is a pension, and that it was granted by special statute and that it is an appropriation for the purpose of paying a pension. As such it comes within the jurisdiction of the Committee on Appropriations. The Committee on Military Affairs has no right to report an appropriation for anything except for the upkeep of the Army. I will ask the indulgence of the chairman, so I may read a portion of Rule XI, under which jurisdiction is conferred upon committees:

All proposed legislation shall be referred to the committees named in the preceding rule as follows, viz: Subjects relating:

Third. For appropriation of the revenue for the support of the Government as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies; to the Committee on Appropriations.

Now section 12:

To the Military Establishment, the militia, and the public defense, including the appropriations for their support, and for that of the Military Academy; to the committee on Military Affairs.

Mr. Chairman, originally the Committee on Military Affairs did not have jurisdiction to report an appropriation bill at all. The rule was amended in 1885, as it appears here, giving to that committee the power to report appropriation bills for the sup-

port of the Military Academy and the support of the Military Establishment, but never has jurisdiction been given to that committee to report an appropriation to pay a pension or a gratuity or a reward, whatever it may be called, whatever the gentleman may choose to call this payment that is proposed to be made to this no doubt very worthy object.

The CHAIRMAN. May I ask the gentleman a question?

Mr. HUDDLESTON. Yes.

The CHAIRMAN. That same reason would apply to the provisions of line 15:

For one year's pay to beneficiaries of officers and enlisted men who die as a result of aviation accident.

Mr. HUDDLESTON. I would not like to express an opinion on that, Mr. Chairman. It seems to me it is possible that it might, but it is not so clear that it does. However, it is absolutely clear to my mind that this appropriation does not come within the scope of the provision of subsection 12. It is not for a part of the Military Establishment, it is not for maintaining it. It is not for maintaining the militia, it is not for the public defense, it is not for the Military Academy. It is not for either of those four things. Now, Mr. Chairman, I do not care to get this question of order mixed up with the merits of the appropriation. We have a great many very meritorious appropriations——

The CHAIRMAN. The Chair will only look at it from its parliamentary standpoint.

Mr. HUDDLESTON. If we waive the argument which the gentleman had made on that point, I insist that if it is worthy it should come in under the report of the Committee on Appropriations making their recommendation therefor. It seems to me we can not carry on our legislation in an orderly way unless we pursue that general policy.

Mr. HAY. Mr. Chairman, I do not think the point of order of the gentleman from Alabama is well taken. The point of order has been made before to this item, and has been overruled by the Chair—I forget who occupied it; I am not sure it was not the present occupant of the chair, but here is an appropriation made to carry out the law——

Mr. HUDDLESTON. Will the gentleman yield?

Mr. HAY. Yes.

Mr. HUDDLESTON. Does it differ in that respect from any other private pension legislation?

Mr. HAY. It is not a pension; it is a provision made for the support of the widow of an officer of the Army, and it is not a pension and it is given for unusual reasons. Now, the gentleman says you must discriminate between points of order and the merits of the case. That may be, but if the gentleman and the Congress want the officers of the Army and the Navy to properly defend the country and be willing to give their lives up in the interest of the country and in the interest of humanity, I do not believe in this picking out points of order for cases of this kind, for there never was a more meritorious case than this. I do not believe it is subject to a point of order, because if it is not in order on this bill it must be in order on some bill. What other bill? It is no more in order on the legislative bill than it is on this bill or the sundry civil bill or on any other appropriation bill. It has been in order on this bill all the time. It has been decided to be in order on this bill, and I do not see any reason why it should not be carried on this bill, as it has been done ever since it was authorized.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. HAY. Yes.

Mr. HUDDLESTON. In what respect does this differ so far as this question is concerned from any other pension? A pension is a gratuity paid periodically by the Government for worthy services rendered. Now, how does this differ from any other pension in that respect?

Mr. HAY. It differs from it in the amount; it differs in the way in which it was granted; it differs from it in that it is not a pension in the sense we generally regard a pension.

Mr. MANN. Mr. Chairman, this is not a pension. It is a special act authorizing the payment to the widow of James Carroll, which same act provided for the same sum to be paid to the widow of Jesse W. Lazear. It was a special act, a special provision, not a pension to this widow. It does not come within the scope of a pension, and did not come from the Pension Committee.

Mr. CAMPBELL. Mr. Chairman, when I happened to be a member of the Commitee on Pensions, these bills were referred to that committee for both of these cases. Pending their discussion they were taken from the Committee on Pensions, and I think jurisdiction was taken by the Committee on Military Affairs. At least, the Committee on Pensions did not pass upon these bills, because of the precedent that it would have established in that committee, and I think jurisdiction was taken by the Committee on Military Affairs.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. HUDDLESTON. Does the mere fact that the Committee on Military Affairs reported a bill granting this gratuity, or whatever you choose to call it, affect the question as to what appropriation bill should carry it?

Mr. CAMPBELL. But the point is that it was not regarded as a pension, but as a special recognition by the Government of the United States of unusual service rendered by these officers.

The CHAIRMAN. The question of jurisdiction is frequently technical and hairsplitting, and sometimes you can with almost equal logic refer a matter to either one of two committees. Accepting the statement of facts made by the gentleman from Kansas [Mr. CAMPBELL], this matter was originally disposed of by the Committee on Military Affairs; and while, of course, in a sense, if you ran this thing down to the ultimate, it may be a pension; yet in another sense it is related to the Military Establishment. Having in mind the genesis and origin of the matter, it seems to the Chair very clear that this ought to remain with the Committee on Military Affairs and in this bill. Yet a very good argument might be made in favor of the contention of the gentleman from Alabama.

The Chair overrules the point of order.

Mr. HUDDLESTON. Mr. Chairman, I wish to make the same point of order as to the next item in the bill, beginning with line 23, on page 16, and ending with line 25, the appropriation for Mable H. Lazear, which is in the same situation.

The CHAIRMAN. The Chair thinks on the same principle it must be perfectly clear that if this item is to go out a number of these items here relating to the Military Establishment must go out of the bill. The item on the top of page 17 would come within the principle of the ruling, if the point of order is sustained; but it seems to the Chair that all these matters are sufficiently related to the Military Establishment to be included in this bill, and the point of order is overruled.

Mr. HUDDLESTON. I will say to the Chair that I make this point of order knowing that it is the same as the other one, but not wishing to discriminate between these items, because I make no choice between them.

Mr. CULLOP. If the gentleman will pardon me, the item on page 17 differs very materially from the other. Mr. Kissinger is now living. He offered himself on the call for volunteers to experiment as to the origin of yellow fever and the discovery of the yellow-fever germ. He offered himself as a sacrifice, and was ruined by it. After that he went into the Hospital Corps, and still lives, but is a hopeless cripple. It was a contribution to science, a very different matter. But few instances are on record of such sacrifice as he made in the interest of science and humanity. He was a fine specimen of physical and mental manhood. When the call came for some one to offer himself for the experiment, he responded to the call, science and humanity profited, but he was ruined for life, made a hopeless cripple, and will so remain as long as he lives. It was on his part a heroic service, and this is a very small sum to pay him. It ought to be more than double the amount here allowed.

Mr. HAY. It is just exactly the same as the other two items. All three of these men did the same thing.

The CHAIRMAN. The Chair thinks there is sufficient to justify their retention in this bill. The Clerk will read.

The Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of Harriett Chiverton Carroll, mother of the late James Carroll, major and surgeon, United States Army, and pay her for and during the period of her natural life, in lieu of all pensions, the sum of $50 per month, in special recognition of the eminent services of said James Carroll in discovering the means of preventing, as well as the cause and method of transmission and propagation of, yellow fever, and demonstrating on his own person the truth of the theory of the transmission and propagation of yellow-fever infection by mosquitoes.

Mr. HUDDLESTON. Mr. Chairman, I make a point of order on that, and the additional point that it is new legislation.

Mr. HAY. It is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Insert as a new paragraph, after line 16, on page 17, the following:

"That the Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability, and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from such disability

or to be able to perform services of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of War may approve."

Mr. HAY. I think that amendment ought to be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

The Clerk read as follows:

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage of officers, pay clerks, acting dental surgeons, contract surgeons, and expert accountant, Inspector General's Department, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund.

Mr. HAY. I move to amend the bill, on page 18, line 6, by striking out the words "acting dental surgeons." I do that because they have now become commissioned officers, and it is not necessary that they be carried in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and had come to no resolution thereon.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, a joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes, was taken from the Speaker's table and referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BRUCKNER, indefinitely, on account of illness.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the diplomatic and consular appropriation bill (H. R. 13383), disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table House bill 13383, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe this bill just came over to-day. Would the gentleman have any objection to letting his request lie over until to-morrow?

Mr. FLOOD. It will just defer it that much longer, that is all.

The SPEAKER. Does the gentleman from Wisconsin object?

Mr. STAFFORD. At the present time.

The SPEAKER. The gentleman from Wisconsin objects.

SCHOONER LEDGE RANGE FRONT LIGHT.

The SPEAKER laid before the House the following resolution:

IN THE SENATE OF THE UNITED STATES,
June 20, 1916.

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 13233) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange.

Mr. MANN. I ask unanimous consent to vacate all the proceedings by which this bill was ordered to a third reading and passed, and that the bill lie upon the table.

The SPEAKER. The gentleman from Illinois asks unanimous consent to vacate all the proceedings on this bill back to the point where the third reading was ordered, and that the bill lie on the table. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Thursday, June 22, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Gravesend Bay, N. Y., with a view to the construction of a breakwater (H. Doc. No. 1230); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Harbor City, Tex., to a connection with the inland waterway (H. Doc. No. 1231); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and a resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 16093) to amend an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma," reported the same without amendment, accompanied by a report (No. 824), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 239) to establish a new judicial circuit of the United States with a circuit court of appeals, hereafter to be called the tenth circuit, reported the same with amendment, accompanied by a report (No. 825), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16287) granting the consent of Congress to the county of Sumter, or to the county of Dooly, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River, reported the same without amendment, accompanied by a report (No. 836), which said bill and report were referred to the House Calendar.

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the concurrent resolution (S. Con. Res. 12) requesting the President of the United States to designate a day on which funds may be raised for the relief of the Armenians, reported the same without amendment, accompanied by a report (No. 837), which said concurrent resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress on claims of the Iowa Tribe of Indians against the United States, reported the same without amendment, accompanied by a report (No. 826), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians, and to report the same to Congress, reported the same with amendment, accompanied by a report (No. 827), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1094) conferring jurisdiction on the Court of Claims to hear and determine and report to Congress on claims of the Ponca Tribe of Indians against the United States, reported the same without amendment, accompanied by a report (No. 828), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims, reported the same without amendment, accompanied by a report (No. 829), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (S. 3539) for the relief of John L. Moon, reported the same without amendment, accompanied by

a report (No. 830), which said bill and report were referred to the Private Calendar.

Mr. FLYNN, from the Committee on Claims, to which was referred the bill (H. R. 14784) for the relief of Alma Provost, reported the same with amendment, accompanied by a report (No. 831), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12145) for the relief of Joseph Manning, reported the same with amendment, accompanied by a report (No. 832), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11745) for the relief of S. E. Bennett, reported the same without amendment, accompanied by a report (No. 833), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 14046) for the relief of Mrs. Francesca G. Montell, reported the same without amendment, accompanied by a report (No. 834), which said bill and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 2743) for the relief of the widow of Joseph C. Akin, reported the same with amendment, accompanied by a report (No. 835), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15888) granting an increase of pension to Orrel Tucker, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 16552) to provide for the erection of a public building in the city of Niles, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 16553) to authorize the burial of acting assistant or contract surgeons in national cemeteries; to the Committee on Military Affairs.

By Mr. SANFORD: A bill (H. R. 16554) to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River in the State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Nebraska: A bill (H. R. 16555) to acquire a site for a public building at Schuyler, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16556) to acquire a site for a public building at Wayne, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16557) to provide for the erection of a public building in the city of Wayne, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. SISSON: A bill (H. R. 16558) to amend the act of Congress approved February 1, 1890, entitled "An act to provide certificate of honorable service to those who have served in the United States Navy or Marine Corps who have lost their certificate of discharge"; to the Committee on Naval Affairs.

By Mr. DICKINSON: A bill (H. R. 16559) authorizing the Secretary of War to furnish two bronze or brass cannon or field-pieces to the Warrensburg State Normal School, Warrensburg, Mo.; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 16560) authorizing the construction and equipment of munitions factories, the selection of sites, and making an appropriation therefor; to the Committee on Appropriations.

By Mr. LA FOLLETTE: A bill (H. R. 16561) to aid in the erection of a monument to Indian Timothy at his grave near Alpowa, Asotin County, Wash.; to the Committee on the Library.

By Mr. LITTLEPAGE: Joint resolution (H. J. Res. 240) providing for the payment of salaries of Government employees serving with the National Guard; to the Committee on Reform in the Civil Service.

By Mr. VENABLE: A joint resolution (H. J. Res. 241) to continue the payment of the salaries of Government employees who are absent because of military service to the country; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 16562) granting a pension to Roy Croker; to the Committee on Pensions.

By Mr. BEALES: A bill (H. R. 16563) granting a pension to Agnes E. Green; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16564) granting an increase of pension to William J. Raymond; to the Committee on Invalid Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 16565) for the relief of William H. Corcoran; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 16566) granting an increase of pension to Columbus Shannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16567) granting an increase of pension to James Dougherty; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 16568) for the relief of the Savings & Homestead Association of New Orleans, La.; to the Committee on Claims.

By Mr. EAGLE: A bill (H. R. 16569) for the relief of Frank Boddeker; to the Committee on Claims.

By Mr. ESTOPINAL: A bill (H. R. 16570) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on War Claims.

By Mr. LAFEAN: A bill (H. R. 16571) granting an increase of pension to Maria McKinley; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 16572) for the relief of the Pearl Street Perpetual Savings & Building Association No. 2; to the Committee on Claims.

Also, a bill (H. R. 16573) for the relief of the Pearl Street Perpetual Savings & Building Association; to the Committee on Claims.

By Mr. ROWLAND: A bill (H. R. 16574) granting an increase of pension to William Rimert; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16575) granting an increase of pension to Mrs. Melvinia C. Young; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 16576) granting an increase of pension to Margaret F. Boyle; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of E. Baumgardner, Mrs. George Jacobs, Mrs. John Defrehn, Mrs. George Exler, Retta Owen, O. W. Davis, Charles Lape, Mrs. Salem, Mrs. E. J. Lover, Alice Buxton, Mrs. J. Dedore, F. J. Gates, Mrs. G. W. Mattern, Mrs. Robert Bollman, Anna Boyle, Mrs. Charles Martin, Mrs. Catherine Statler, Mrs. Gresham Owen, Mrs. A. Owen, Mrs. C. Smith, Mrs. Clara Lentz, Mrs. Frank Yeager, Mrs. E. F. Mack, Charles E. Hurrell, Clara Seigh, Mrs. L. Dohoney, Thomas E. Dohoney, Daniel W. Dohoney, Nicholas Umbaugh, Mrs. J. T. Seigh, Mary Seigh, J. T. Seigh, D. L. Munster, Ruth Seigh, Mrs. James Sturroch, J. Sturroch, Angus Sturroch, G. A. Musche, Laura Hurrell, Mrs. C. E. Hurrell, J. J. Maloney, Mrs. J. J. Maloney, Miss Josephine Dill, Mr. and Mrs. Paul Bracken, Mrs. E. Quigley, H. J. Quigley, Harry Scherer, William J. Waters, I. Wakefield, M. Howe, Cora Cox, Mrs. J. T. Carliss, J. Paul Kirschmann, Mrs. C. A. Moore, Mrs. N. Byers, Mrs. R. Gracey, Mrs. Robert Haws, C. Carthew, Miss C. A. Seigh, K. Hughes, L. O'Laughlin, J. C. Pender, John Horten, Thomas Marshall, M. Dowling, and C. Kelley, all of Johnstown; and William A. McGuire, of Ebensburg, all in the State of Pennsylvania, against the passage of House bill 9671, to establish price control; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALES: Memorial of Industrial Board of the Department of Labor and Industry of the State of Pennsylvania, favoring passage of House bill 16207, for creation of a woman's division in Federal Department of Labor; to the Committee on Labor.

Also, evidence in support of House bill 10248, to correct the military record of Charles P. Kibler; to the Committee on Military Affairs.

By Mr. CAREW: Petition of District Grand Lodge No. 2, I. O. B. B., of Cincinnati, Ohio, against immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DALE of New York: Petition of American Enameled Brick & Tile Co., of New York, against the Tavenner amend-

ment to the fortification bill; to the Committee on Appropriations.

Also, petition of the Hindus, against literacy clause in immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DARROW: Memorial of industrial board of the Department of Labor and Industry of Pennsylvania, favoring bill to create a woman's division in the Federal Department of Labor; to the Committee on Labor.

By Mr. DENISON: Petition of citizens of Coulterville, Ill., for a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. HUDDLESTON: Petition of M. A. Booth and many other persons of Birmingham, Ala., in opposition to House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of the State of Washington, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Petition of 39 citizens of Pierce County, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Memorials of Ashcraft Cotton Mills, C. W. Ashcraft, of Florence, Ala., and Mutual Cotton Oil Co., C. Jones, of Ozark, Ala., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of New South Oil Mill, R. T. Doughtie, of Helena, Ark., indorsing House resolution 137; to the Committee on Rules.

Also, memorials of Contemporary Club, Miss Mary Crawford, of Redlands; Mrs. Samuel Brust, Antituberculosis Society, of San Diego; Women's Club, Mrs. E. Ronnswell, of Fruitvale; the Country Club of Washington Township, Mrs. C. Thompson, of Centerville; and Painters, Decorators, and Paperhangers' Local No. 314, Charles J. Wells, of Bakersfield, all in the State of California, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Cloud City Miners' Union, No. 33, Steve Oberto, of Leadville, Colo., indorsing House resolution 137; to the Committee on Rules.

Also, memorials of Wednesday Afternoon Club, of Norwich; State Tuberculosis Commission, George I. Allen, of Hartford; Mrs. Edward Sterling, of Bridgeport; and Waterbury Typographical Union, No. 329, LeRoy E. Bolles, of Waterbury, all in the State of Connecticut, indorsing House resolution 137; to the Committee on Rules.

Also, memorials of Woman's Club, Mrs. T. Whorter, of Reynolds, and the Young Women's Aid Society, Miss Joy Mendes, of Savannah, Ga., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Journeymen Plumbers' Protective and Benevolent Association, John J. Bushnell, of Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Central Trades Council, E. F. Minch, of Marion; Chautauqua Club, Miss Nellie Albright, president, of Goshen; and Bricklayers and Masons' Union, James C. Lybolt, of Indianapolis, all in the State of Indiana, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Sunset Club, Helen Woods, of Grinnell, and Fortnightly Literary Club, Adelaide Stober, of West Liberty, Iowa, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of United Garment Workers, Irene E. Jackson, of Wichita, and Alta Vista Reading Club, Mrs. W. C. A. Meseke, of Alta Vista, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Jefferson County Graduate Nurses' Club, Ona E. Riggs, of Louisville, Ky., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Post F, Travelers' Protective Association of America, Samuel Levy, of Lake Charles, La., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Henry F. Broening, Baltimore Federation of Labor; Sheet Metal Workers, Coppersmith Local No. 80, Henry Nieberding; Metal Polishers, Buffers, and Platers, Local 11, Adam A. Reed; and United Garment Workers of America, G. A. Ott, all of Baltimore, Md., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of the Kensington Park Study Club, Mrs. W. H. Cutler, of Arlington, Mass., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of J. M. B. W. E. Lodge 215, Mr. Herman T. Varblau, of Imlay City, Mich., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Fairmont Travel Class, Mrs. W. R. Diment, president, of Fairmont; and United Brotherhood of Carpenters and Joiners, Mr. O. A. Weedlund, of Minneapolis, Minn., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Newburg Civics Club, Mrs. Blanche B. Williams, of Newburg; Stove Mounters' International Union, Local No. 96, Charles Stock, of St. Louis; and United Mine Workers of America, Local No. 1442, Andrew Steele, of Novinger, all in the State of Missouri, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of United Association of Plumbers and Steam Fitters, Local No. 463, Mr. Daniel J. Lynch, of Omaha, Nebr., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Village Improvement Association, Mrs. F. E. Bates, of Cranford, N. J., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Mrs. William G. Willcox, of West New Brighton, Staten Island; Village Improvement Society, Mrs. S. S. Kilkenny, of Delhi; the Central Labor Union, Alburtis Nooney, of Hudson; and Painters, Decorators, and Paperhangers, Ernest Rogers, of Buffalo, all in the State of New York, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of United Daughters of the Confederacy, Mrs. L. J. Ingram, of Wadesboro, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of the Dayton Federation of Labor, Daniel H. Sullivan, of Dayton; International Association of Machinists, L. Beesten, of Cincinnati; and Cary Literary Club, Mrs. Addison Y. Reid, of Norwood, all in the State of Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of local barbers union, No. 717, of Journeymen Barbers' International Union of America, M. H. Prior, of La Grande, and order of Railroad Telegraphers, Mrs. F. E. Walters, of Ashland, Oreg., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Kehley Run Local Union, No. 2611, United Mine Workers of America, Harry Gibson, of Shenandoah; United Mine Workers, Local No. 2034, Benjamin Habbershon, of Osceola Mills; the New Century Club, Mrs. M. T. Stokes, of Coudersport; United Mine Workers, Local No. 1936, William Holahan, of Branchdale; Local Union No. 1468, United Mine Workers of America, Terrance McDermott, of St. Boniface; Consumers' League of Western Pennsylvania, Miss Rita F. Stein, of Pittsburgh; United Mine Workers, Local No. 480, A. Daiz, of Chambersville; Local Union No. 25, A. F. G. W. U., Oscar Ekstedt, of Rochester; United Mine Workers of America, Local No. 1294, George Andrews, of Lilly; and Woman's Club, Mrs. S. C. Daugherty, of Jeannette, all in the State of Pennsylvania, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Federation of Labor, Rafael Alonso, of San Juan, P. R., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of the Newport Humane Club, Ida B. W. Stoddard, of Newport, R. I., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of the Women's Club, Mrs. L. P. McCain, of Spearfish, S. Dak., indorsing House resolution 137; to the Committee on Rules.

Also, memorials of Galveston County Medical Society, Joseph Cartin, of Galveston; Painters, Decorators, and Paperhangers of America, Thomas J. Moore, of Galveston; Mission Lodge, No. 177, International Association of Machinists, H. W. Reichelor, of Yoakum; Central Trades Council, H. S. Newland, of Temple; E. P. McKenna Co., E. P. McKenna, of Tyler; Quanah Cotton Oil Co., J. W. Simmons, jr., of Quanah; and Lange Soap Co., of San Antonio, all in the State of Texas, indorsing House resolution 137; to the Committee on Rules.

Also, memorials of Tailors' Industrial Union, A. Waerz, of Charlottesville, Va.; and Painters, Decorators, and Paperhangers of America, W. J. Commings, secretary, Local No. 440, of Roanoke, Va., indorsing House resolution 137; to the Committee on Rules.

Also, memorials of the Woman's Club, Mrs. L. C. Hall, of Green Bay, Wis.; and Woman's Fortnightly Club, Elizabeth J. Jackson, of Milwaukee, Wis., indorsing House resolution 137; to the Committee on Rules.

Also, memorial of United Mine Workers of America, Local No. 2331, H. C. Gordon, of Oakley, Wyo., indorsing House resolution 137; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of 35 citizens of Athol, Mass., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of 50 citizens and Woman's Christian Temperance Union, of Leominster, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petition of citizens of Idaho, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Woman's Christian Temperance Union of New Meadows, Idaho, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Challis Commercial Club, favoring the creation of the Sawtooth National Park; to the Committee on the Public Lands.

Also, papers to accompany House bill 8491; to the Committee on the Public Lands.

Also, memorial of women's mass meeting at Pocatello, Idaho, relative to woman suffrage; to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 22, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee for Thy guidance and blessing in a troublous time. In the midst of the first rude conflict, a time that tests the great moral and spiritual ideals of the Nation, we turn back to the God of our fathers and seek Thy favor. We know that it will profit us nothing if we as a Nation gain the whole world and lose our own soul. To Thy hand we commit our interests. As Thou hast guided us in the years past ever onward and upward in the achievement of the purposes of our civil organization, so we pray that Thou wilt guide us still. At this time may we not allow ourselves either in the vanity of power or in the conceit of safety to rest secure, but grant, we pray, that in all diligence we may give ourselves to the seeking of those lines of peace and justice and righteousness that exalt a nation and that will give us even larger influence among the nations of the world. May we show ourselves a self-mastered people. To this end do Thou guide us by Thy holy spirit. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, June 20, 1916, when, on request of Mr. SWANSON, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a memorial of sundry citizens of Keene, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Fenimore Council, No. 249, United Commercial Travelers of America, of Mitchell, S. Dak., praying for the enactment of legislation to provide an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of South Dakota, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Worthing, S. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. SHERMAN presented a memorial of Local Branch No. 6, Post Office Clerks' Association, of Chicago, Ill., remonstrating against the transfer of temporary employees in the Auditor's Office of the Post Office Department to the money-order division of the Chicago post office, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a memorial of the Board of Supervisors of Butte County, Cal., remonstrating against the imposition of a Federal tax on inheritances, which was referred to the Committee on Finance.

He also presented a petition of the Health Officers' Association of Los Angeles County, Cal., praying for Federal aid in the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented memorials of sundry citizens of San Joaquin County, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Franklin Printing Trades Association, of San Francisco, Cal., praying for the enactment of legislation to prohibit the exportation of manufactured papers and materials used in the making of paper, which was referred to the Committee on the Judiciary.

Mr. MYERS presented petitions of sundry citizens of Great Falls, Helena, and Miles City, in the State of Montana, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Helena and Miles City, in the State of Montana, praying for the enactment of legislation to forbid interstate transmission of race-gambling odds and bets, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club, of Great Falls, Mont., praying for Federal aid in the construction of good roads, which was ordered to lie on the table.

Mr. WARREN presented memorials of sundry citizens of Wyoming, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. POINDEXTER. I present a joint memorial of the Legislature of Washington relating to legislation for the relief of settlers on unsurveyed Northern Pacific Railway lands, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
The State of Washington, Department of State.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 1, passed January 18 and 19, 1915, with the original copy of said memorial now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 24th day of February, A. D. 1915.

[SEAL.] I. M. HOWELL,
Secretary of State.
By J. GRANT HINKLE,
Assistant Secretary of State.

(Senate joint memorial 1.)

To the Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would most respectfully represent:

That the Hon. A. A. Jones, First Assistant Secretary of the Interior, on December 13, 1913, in submitting his report to the Senate Committee on Public Lands on Senate bills Nos. 2801 and 3087, made the following recommendation:

"I recommend the amendment of the act of July 1, 1898 (30 Stat., 597), extending the right of selection to settlement claims arising prior to July 1, 1913."

That there are pending at this time in the United States Senate certain bills looking for the relief of settlers on Northern Pacific Railway lands, on which bills the Senate Committee on Public Lands has requested a report from the Interior Department.

Therefore, we, your memorialists, most earnestly and respectfully pray that your honorable department submit its further report regarding a proposed amendment of the act of July 1, 1898, extending relief to settlers whose settlement claims were prior to July 1, 1913, causing to be introduced in Congress legislation in conformity with its report, if it should be ascertained that such legislation be not already pending.

And your memorialists will ever pray.

Passed the senate January 18, 1915.

LOUIS F. HART,
President of the Senate.

Passed the house January 19, 1915.

W. W. CONNER,
Speaker of the House.

Mr. POINDEXTER presented the memorial of Carolyn Davis and sundry other citizens of Seattle, Wash., and the memorial of Mrs. George Woolf and sundry other citizens of Colville, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Willard Fay and sundry other citizens of Colville, Wash., and the memorial of Mary A. W. Paxton and sundry other citizens of Hassan, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Alpena, Mich., remonstrating against the enactment of legislation

for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Bedford and Fairhaven, in the State of Massachusetts, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

CONSTRUCTION OF SUBMARINES.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines, and I submit a report (No. 526) thereon. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of the bill.

Mr. OLIVER. I should like to hear the bill read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provision of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," which reads as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each," is hereby amended to read as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 19 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF THE COMMITTEE ON PUBLIC LANDS.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (H. R. 348) to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes, reported it without amendment and submitted a report (No. 536) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., reported it with amendments and submitted a report (No. 535) thereon.

BENJAMIN F. ROBINSON AND JOHN DOWS.

Mr. MYERS. On the 20th day of this month the bill (H. R. 11286) for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows was read the first and second times and referred to the Committee on Public Lands, and I report it back favorably.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be issued to Benjamin F. Robinson and John Dows a patent for lots 8, 9, 10, and 11, in section 22, township 99 north, range 32 west of the fifth principal meridian, Iowa: *Provided*, That within three months after the passage of this act they shall have presented their application therefor and made payment for said tracts at the rate of $1.25 per acre: *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to the land or to any part thereof.

Mr. CUMMINS. There is a similar Senate bill, which was passed by the Senate. There is no difference whatever between the Senate bill and the House bill, save by a mistake the House passed the House bill instead of the Senate bill, and on the floor a very trifling amendment was made substituting for the words "approval hereof" the words "passage of this act." I therefore ask unanimous consent for the present consideration of the bill now reported.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND IN PORT ANGELES, WASH.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 5900) providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington, and I submit a report (No. 533) thereon.

Mr. JONES. That is a very short bill, and as it is purely local I ask that it may have immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants to the city of Port Angeles, in the State of Washington, for municipal purposes, lots 1 and 2, 17 and 18, in block 69, and authorizes the Secretary of the Interior to issue patent to the proper city authorities for said lots, conditioned that the same shall be used for municipal purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN ST. AUGUSTINE, FLA.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot, and I submit a report (No. 532) thereon.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. WALSH. I ask that the bill be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the tract of land situate in the city of St. Augustine, Fla., known as the powder-house lot, heretofore set aside as a military reservation of the United States, and lately abandoned as such military reservation, be, and same is hereby, donated to the municipality of the said city of St. Augustine, in the State of Florida, to be used by said municipality for public-park purposes.

SEC. 2. That the Secretary of the Interior is hereby directed to execute and deliver to the duly constituted authorities of the said city of St. Augustine, Fla., such conveyances as may be necessary to vest the fee-simple title to said powder-house lot in the said city of St. Augustine, Fla., attaching to such conveyances the condition that whenever the said powder-house lot shall cease to be used by the city for public-park purposes, then and in that event title to the said powder-house lot shall revert to the Government of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN STATES LUMBER CO.

Mr. MYERS. From the Committee on Public Lands, I report back favorably without amendment the bill (S. 5439) for the relief of the Southern States Lumber Co., and I submit a report (No. 534) thereon.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill.

Mr. WALSH. I object.

The VICE PRESIDENT. The bill goes to the calendar.

RED RIVER BRIDGE, OKLAHOMA.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 7613) to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla., and I submit a report (No. 528) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIXIE HIGHWAY BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably with amendments the bill (S. 6242) authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia, and I submit a report (No. 527) thereon. I ask for the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 6, before the words "Kolars Ferry," to insert "a point suitable to the interests of

navigation, at or near," and in the same line to strike out the words "a point," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Nassau, Fla., and Charlton, Ga., to build, maintain, and operate a bridge across the waters of the St. Marys River at a point suitable to the interests of navigation, at or near Kolars Ferry, about 2 miles below the Atlantic Coast Line Railway bridge, between the States of Florida and Georgia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WABASH RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13669) to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind., and I submit a report (No. 529) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND CALUMET RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15007) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, and I submit a report (No. 531) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15006) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, and I submit a report (No. 530) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPERIMENTS IN DRY-LAND AGRICULTURE.

Mr. STERLING. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 393) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes. A similar bill has already passed the Senate, being Senate bill 592. I ask unanimous consent for the consideration of the House bill.

Mr. SMOOT. I will ask the Senator if the bill has been referred to the committee.

Mr. STERLING. It has been referred to the Public Lands Committee, and I have been authorized to report it.

Mr. OVERMAN. Let the bill be read so that we may see what it is.

Mr. SMOOT. Let it be read.

Mr. STERLING. It is identically the same as Senate bill 592, which was reported favorably and which has passed the Senate. House bill 393 was also referred to the Committee on Public Lands, and I now report it back.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. OVERMAN. Let it be read. I think it is all right, but we ought to see what it is.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area; and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, N. Dak.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HITCHCOCK:

A bill (S. 6415) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. PHELAN:

A bill (S. 6416) authorizing the Secretary of Commerce to lease certain property.

The VICE PRESIDENT. If there be no objection, the bill will be referred to the Committee on Public Lands.

Mr. SMOOT. Mr. President, is the bill just introduced by the Senator from California for the purpose of authorizing one of the departments of the Government to lease certain lands?

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read as follows:

Be it enacted, etc., That authority be, and is hereby, given to the Secretary of Commerce to lease, at his discretion, for a period not exceeding 25 years, such unoccupied and unproductive property of the United States under his control for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress.

Mr. NELSON. Mr. President, the subject matter of that bill is under the jurisdiction of the Treasury Department, and it should be referred to the Committee on Commerce. I therefore ask that it be so referred.

The VICE PRESIDENT. The bill will be referred to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 6417) granting a pension to George J. Ham (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6418) granting an increase of pension to Nathan J. Way (with accompanying papers);

A bill (S. 6419) granting an increase of pension to Enoch Jones (with accompanying papers); and

A bill (S. 6420) granting an increase of pension to John W. Torrance (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 6421) granting a pension to Mary E. Sargent;

A bill (S. 6422) granting a pension to John Zilkie;

A bill (S. 6423) granting a pension to Margaret Jeffrey; and

A bill (S. 6424) granting a pension to Eliza Hiser; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6425) granting a pension to Rittie Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6426) granting an increase of pension to Sarah A. Carroll (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6427) granting an increase of pension to Edward T. McClannahan (with accompanying papers); and

A bill (S. 6428) granting a pension to John W. Munsell (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6429) to correct the military record of George M. Barry (with accompanying papers); and

A bill (S. 6430) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck (with accompanying papers); to the Committee on Military Affairs.

By Mr. LEE of Maryland:

A bill (S. 6431) to provide aid for the dependents of enlisted men of the National Guard mustered into or serving in the service of the United States; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 6432) for the relief of Pearl Street Perpetual Savings and Building Association, No. 2, of Baltimore, Md.; and

A bill (S. 6433) for the relief of The Pearl Street Perpetual Savings and Building Association of Baltimore City, Baltimore, Md.; to the Committee on Claims.

By Mr. REED:

A bill (S. 6434) granting a pension to Emma Runyan (with accompanying papers);

A bill (S. 6435) granting a pension to Louisia Henrietta Kleemeier (with accompanying papers);

A bill (S. 6436) granting an increase of pension to Jonathan J. Ragner (with accompanying papers); and

A bill (S. 6437) granting an increase of pension to Nancy J. Tanner (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 6438) granting an increase of pension to Charles Ainsworth (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6439) to regulate the admission into the United States of agricultural products raised on Daigle Island in the St. John River free of duty; to the Committee on Finance.

A bill (S. 6440) granting a pension to Wilmont L. Farnsworth (with accompanying papers); and

A bill (S. 6441) granting a pension to Laura J. Grant (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PHELAN submitted an amendment proposing to appropriate $700,000 to construct and equip two steam Coast Guard cutters for service on the Pacific coast and the Alaskan waters, etc., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $60,000 for the payment of transportation of teams authorized by the Secretary of War to participate in the national matches, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $300,000 to establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SHEPPARD submitted an amendment authorizing the Secretary of War to cause to be made a survey to determine the causes of erosions taking place on the southern side of Galveston Island, Tex., etc., intended to be proposed by him to the fortifications appropriation bill (H. R. 14303), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SAULSBURY submitted an amendment proposing to appropriate $2,500 out of the appropriation for the eradication of the foot-and-mouth and other contagious diseases of animals so as to enable the Secretary of Agriculture to ascertain and pay the loss caused George P. Frederick, of Newport, Del., resulting from disinfecting his premises by Government inspectors during the outbreak of the foot-and-mouth disease during the fall of 1914, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $18,000 for the salaries of nine stenographic clerks for the Chief Justice and Associate Justices of the Supreme Court, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. JONES. I submit an amendment intended to be proposed by me to Senate resolution 195, to amend the standing rules of the Senate relative to closing debate in the Senate. I ask that the amendment lie on the table and be printed, and that it also be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and be printed, and also to be printed in the RECORD, as follows:

On page 1, line 4, strike out all after the words "*Provided, however*" and insert the following:

"That if 16 Senators, after a measure has continued the unfinished business of the Senate during one calendar week, present to the Senate a signed motion to bring to a close the debate upon such measure, the presiding officer shall at once state the motion to the Senate, and at the close of the morning hour on the following calendar day lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Chair shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a two-thirds vote of those present as determined by the vote and announcement of pairs, then said measure shall be in order to the exclusion of all other business, except what may be taken up by unanimous consent, and except a motion to recess or adjourn.

"Thereafter no Senator, except by unanimous consent, shall be entitled to speak more than one hour on the bill, nor more than 10 minutes on any amendment thereto or motion affecting the same, and it shall be the duty of the Chair to keep the time of each Senator who speaks. All points of order and appeals from the decisions of the Chair shall be decided without debate."

WAGES OF RAILROAD EMPLOYEES.

Mr. NEWLANDS. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 145) to investigate wage conditions on railroads, was read the first time by its title and the second time at length, as follows:

Whereas the controversy that has arisen between the railroads and certain of their employees relating to a shortening of the hours of labor without corresponding decrease in pay, and for increased compensation for any service performed in excess of the daily period prescribed, may lead to a serious interruption of the railroad service, with disastrous effect upon the public welfare and upon the commerce of the Nation: Now, therefore be it

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed immediately to investigate and to report to the Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees, and any other matter in this connection that the commission may deem relevant; and be it further

Resolved, That it is the sense of the Congress that the railway companies, their officers and employees, should give their hearty support and cooperation to the Interstate Commerce Commission in its investigation, deferring pending controversies over questions at issue until that commission may be able to complete its investigations and make its report to the Congress.

Mr. NEWLANDS. Mr. President, I desire to make a brief statement.

The joint resolution which I have offered provides in brief that the Interstate Commerce Commission shall proceed immediately to investigate and report to Congress upon the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question whether railroad revenues, based on existing rates for transportation, will admit of equally favorable terms to all classes of railroad employees, and any other matter that the commission may deem relevant.

In form it originates with a committee of the Chamber of Commerce of the United States, composed of 12 members, which has been making a study of the railroad situation, under instructions received from the annual meeting of the national chamber last February. The resolution in this form has been submitted to a referendum vote of all the commercial bodies in the United States affiliated with the national chamber. It has been indorsed by the largest vote that has been cast on any referendum. Three hundred and sixty-six organizations, situated in 43 States, the District of Columbia, and Hawaii, filed ballots. At the end of the forty-fifth day allowed for consideration the result was 987¾ votes in favor and 29¼ votes against, each organization being allowed from 1 to 10 votes, according to the number of its members.

I ask leave to insert in the RECORD the referendum pamphlet containing the report of the committee, the arguments for and against the resolution, and the ballot, which were sent to each organization to vote upon, and also a bulletin, dated June 16, giving the result of the vote and the actual vote of every organization that took part in the balloting, arranged by States and cities.

On March 29, 1916, the four brotherhoods, comprising all the men employed on moving trains, presented their demands for an eight-hour day and pay at the rate of time and a half for overtime. Before the usual 30 days had expired, the brotherhoods requested a conference with the railroad managers, which took place in New York beginning June 1. One week ago the conference came to an abrupt close when the railroad operators, in reply to a question of the brotherhoods as to whether they would accede to the demands, refused to do so. The brotherhoods are now engaged in taking a strike vote, which, when accomplished, within a period of four to six weeks, if favorable, will grant to the four leaders the power, in their discretion, to call a strike.

The resolution is drawn from the point of view of the public as an interested party in the controversy. It would be difficult to exaggerate the calamity that would result from a tie-up of freight of all the railroads of the United States in one week. No legislation exists on the statute books for preventing such a calamity should either party refuse to submit to arbitration. Neither can maintain its position, if, when the facts are presented, public opinion based on these facts is against it. It is

with a view to ascertaining a just conclusion through a nonpartisan quasi judicial body which has the necessary facilities for doing the work expeditiously that this resolution is introduced.

I ask that the matter referred to be inserted in the RECORD.

The VICE PRESIDENT. Is there any objection?

Mr. REED. Mr. President, I have tried very hard to hear all that the Senator said, but was unable to do so on account of the confusion. What is the matter which the chamber of commerce voted on?

Mr. NEWLANDS. The matter that the chamber of commerce voted on was whether Congress should be called upon to act upon a certain resolution presented to the various chambers of commerce and boards of trade throughout the United States, which resolution I have just offered. That resolution provides for an inquiry. Does the Senator wish me to state the resolution itself, or did he hear it?

Mr. REED. No; I did not hear it. The substance of it is all I want.

Mr. NEWLANDS. Well, the substance of the resolution is that the Interstate Commerce Commission be directed immediately to investigate and report to Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved; the relation of wages to railroad revenues; the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees; and any other matter in this connection that the commission may deem relevant.

Mr. REED. Mr. President, I have no objection to the Interstate Commerce Commission making that kind of a report, but I understand the Senator wants to introduce into the RECORD the entire proceedings of the New York Chamber of Commerce——

Mr. NEWLANDS. Not the New York Chamber of Commerce. This is the National Chamber of Commerce of the United States of America.

Mr. REED. Together with the literature which they sent out and the votes of each of the subsidiary organizations. Is that the document the Senator has in his hand?

Mr. NEWLANDS. Yes; it is the document.

Mr. REED. It is about as large as a copy of the daily CONGRESSIONAL RECORD in itself, is it not?

Mr. NEWLANDS. Oh, no; it is a document of about 10 pages only and in very large print. It will not take much space, and I think it is simply a fair statement, so far as I have read it, of both sides of the controversy, without any attempt to take sides regarding it.

Mr. REED. A fair statement of both sides of the controversy made by the chamber of commerce?

Mr. NEWLANDS. Yes; made by the committee of twelve, which has been engaged in investigating the matter for some time.

Mr. REED. It seems to me that to put in the arguments sent out by a committee of that kind and to put in the votes in detail would be to cumber the RECORD unnecessarily. It would be on a par with putting into the RECORD something that the Federation of Labor might send out and then putting in the action of each labor organization, which would take a vast amount of space. The original action of either one of these bodies might be proper, but the detailed vote, it seems to me, is wholly unnecessary.

Mr. OVERMAN. I call for the regular order.

Mr. REED. I do not wish to object to the Senator's proposition, but it seems to me——

Mr. NEWLANDS. I can not imagine anything that is objectionable in this, and I state that I think it will be informative. So far as I am concerned, I should be very glad to see any action of the labor organizations themselves——

The VICE PRESIDENT. The regular order is the request of the Senator from Nevada to have the resolution submitted to the Senate now.

Mr. NEWLANDS. No; I do not ask that the resolution be submitted to the Senate now. I ask that it be referred to the Interstate Commerce Committee. All that I ask is that this memorandum may be inserted in the RECORD.

The VICE PRESIDENT. Is there objection to the insertion in the RECORD of the document referred to by the Senator from Nevada?

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Nevada what is the purpose of having it inserted in the RECORD?

Mr. OLIVER. I object, Mr. President.

Mr. OVERMAN. I call for the regular order.

The VICE PRESIDENT. There is an objection.

Mr. NEWLANDS. Then, Mr. President, I move that this matter be printed in the RECORD. It is some 10 pages in length.

Mr. VARDAMAN. I should like to have the Senator from Nevada answer my question.

Mr. NEWLANDS. I will do so. I will state what this pamphlet consists of.

Mr. LODGE. Mr. President, is not this debate out of order?

The VICE PRESIDENT. It is clearly out of order.

Mr. LODGE. I make the point of order, then, that it is out of order.

The VICE PRESIDENT. But there is no way in which the Chair can stop it when Senators will not stop speaking at the request of the Chair.

Mr. NEWLANDS. Is it out of order for me to reply to the inquiry of the Senator from Mississippi?

The VICE PRESIDENT. The whole debate, after there was an objection, has been out of order.

Mr. NEWLANDS. Would it be in order for me to move that this matter be inserted in the RECORD?

The VICE PRESIDENT. The Chair rules that there is no way to move to put anything into the RECORD. It either goes in by unanimous consent, or, at an appropriate time, the Senator must read it into the RECORD.

Mr. REED. Mr. President, in the interest of getting this matter cleared up, does the Chair understand that I made an objection?

The VICE PRESIDENT. No. The objection was to the further continuance of the discussion and a demand for the regular order.

Mr. VARDAMAN. The Senator from Pennsylvania [Mr. OLIVER] objected.

PRICE OF ANTHRACITE COAL.

Mr. HITCHCOCK. I submit a resolution and ask that it be read.

The resolution (S. Res. 217) was read, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, requested to make an immediate investigation into the operations and accounts of the leading companies producing anthracite coal, for the purpose of ascertaining the facts concerning the recent increase in the price of anthracite coal, and report the same to the Senate during the present session of Congress, if possible.

Resolved. That the commission be requested to include in its report a showing of the relation between the cost of labor and the price of anthracite coal prior to said increase and at the present time.

Mr. HITCHCOCK. I ask unanimous consent for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

Mr. HITCHCOCK subsequently said: Mr. President, this morning the Senate, on my motion, adopted a resolution requesting the Federal Trade Commission to make a certain investigation of the prices of anthracite coal. I ask unanimous consent to have printed in the RECORD, immediately following the resolution, certain correspondence between the Federal Trade Commission and the Attorney General and the report of a telephone conversation following the last letter.

The PRESIDING OFFICER (Mr. CLAPP in the chair). Is there objection to the request? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 6, 1916.

The FEDERAL TRADE COMMISSION,
Washington, D. C.

GENTLEMEN: It has been stated in the public press, with apparent authority, that having agreed to an advance in wages the railroad coal companies will now use that as an excuse for materially increasing the price of anthracite coal to consumers

It has been brought out in the various legal proceedings against the anthracite railroads that on similar occasions in the past when wages have been advanced the railroad coal companies, on the pretext of increasing prices for the purpose of meeting the increased cost of production resulting from the higher wages, have made much greater increases than were necessary for that purpose.

Since January 1, 1900, there have been three general advances in the wages of mine workers in the anthracite regions, exclusive of the present advance.

In October, 1900, wages were advanced approximately 10 per cent. In the fiscal year immediately preceding this advance (July 1, 1899–June 30, 1900) the cost of production of the Philadelphia & Reading Coal & Iron Co., whose mines are amongst the most expensive to operate, was $1.67 per ton. In the fiscal year immediately following (July 1, 1900–June 30, 1901) its cost of production was $1.826 per ton, an increase of $0.156 per ton, which includes not only the increase due to the advance in wages but the increase due to all other factors. On the other hand, the same company (the others following suit) increased prices by $0.232 per ton on all sizes, making the excess of price increase over cost increase $0.076 per ton.

On November 1, 1902, there was another general advance in wages of approximately 14 per cent. In the fiscal year immediately preceding this advance (July 1, 1901–June 30, 1902) the cost of production of the Philadelphia & Reading Coal & Iron Co. was $2.066 per ton. In the fiscal year immediately following (July 1, 1902–June 30, 1903) its cost

of production was $2.199 per ton, an increase of $0.133 per ton, which includes not only the increase due to the advance in wages but the increase due to all other factors. On the other hand, the same company (the others following) increased prices by $0.494 per ton on all sizes, making the excess of price increase over cost increase $0.363 per ton.

Undoubtedly the prices immediately following the wage increase in 1902 were abnormally high, due to the scarcity of coal in consequence of the long strike. It will be fairer, therefore, to take the prices prevailing in the fiscal year ended June 30, 1904, as the basis for comparison. This would show an excess of price increase over cost increase of $0.245 per ton

In 1912 another advance in wages took place, amounting to about 5.6 per cent net. Again prices were increased on the pretext of meeting the resulting increase in the cost of production. On this occasion the House of Representatives directed the Bureau of Labor to make an investigation. The bureau found that whereas the advanced wages increased the cost of production only $0.09 per ton, prices were increased $0.25 per ton, making the disparity between price increase and cost increase $0.16 per ton.

The report of the Bureau of Labor states:

"Following the agreement of May 20, 1912, the wholesale price of anthracite coal was advanced by the mining companies about 25 cents per ton when all sizes are taken into consideration. The advance in miners' wages under the above agreement and the increase in wages granted to men not specifically covered by the agreement was equivalent to an increase of between 8 and 10 cents per ton in the cost of labor, or an average increase of about 9 cents per ton for the anthracite region as a whole. Deducting this increase in labor cost from the increase in the selling price per ton, it will be seen that the prices realized by the coal-mining companies were increased about 16 cents per ton more than was required by the new scale of wages alone." (H. Doc. No. 1442, p. 33.)

As the total consumption for some years past has been in the neighborhood of 75,000,000 tons, this excess of price increase over cost increase following the advance in wages in 1912 meant a surtax upon consumers of about $12,000,000 annually.

In view of these facts, I take the liberty of suggesting that if the advance in wages just agreed upon shall be followed, as in the past, by an increase in the price of coal to consumers the Federal Trade Commission, under the authority of section 6 of the act creating it, institute a searching investigation into the operations and accounts of the great producing companies for the purpose of ascertaining all the facts upon which such increase in price may be based, including the relation between any increase in the cost of production due to advance of wages and the increase of profits caused by the increase in price.

Very truly, yours,

T. W. GREGORY,
Attorney General.

—

MAY 9, 1916.

Hon. THOMAS W. GREGORY,
Attorney General, Washington, D. C.

SIR: The commission has given careful consideration to your letter of May 6 pertaining to the anthracite-coal industry.

If the situation should develop as you suggest, the commission will be glad to take the matter up with you further, with a view to making such investigation as the public interest may require.

By direction of the commission.

Very respectfully, BRACKEN, *Secretary.*

An inquiry at the office of the Federal Trade Commission is answered by the information that since the above correspondence, about June 1, wages were increased about 12 cents per ton and the wholesale price of coal about 30 cents per ton.

AFFAIRS IN MEXICO.

Mr. WORKS. Mr. President, on the 14th of January last I introduced a joint resolution (S. J. Res. 78) authorizing intervention in the Republic of Mexico. That has been now something over five months ago. The joint resolution was referred to the Committee on Foreign Relations. In view of the inquiry which I desire to make in respect to it, and in order to refresh the memory of the Senate, I should like to have the joint resolution read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 78) authorizing intervention in the Republic of Mexico was read as follows:

Whereas the Republic of Mexico is and has been for a long time without a government, and as a consequence her territory has been devastated, her laws set at defiance, her people robbed, murdered, and driven from their homes and their property destroyed; and

Whereas American citizens residing and sojourning in Mexico have been murdered and robbed, their wives and daughters outraged, and their property confiscated and destroyed; and

Whereas our people have no protection from any power or authority in Mexico and none from their own country; and

Whereas it is the duty of this Government to protect its citizens in their lives, their liberty, and their property at home and abroad: Now therefore be it

Resolved, etc., That the President of the United States is hereby authorized and directed to intervene in the Republic of Mexico for the protection of the lives and property of American citizens residing and sojourning therein and for the establishment and maintenance, as long as it may be necessary, of a stable government in Mexico, adequate for the protection of the lives, the liberty, the independence, and the property of its people.

Second. That the President, as Commander in Chief of the Army and Navy, be, and he is hereby, authorized and directed to use the Army and Navy forces, or so much thereof as may be necessary, to carry out the objects and purposes above set forth.

Third. That when a stable and efficient government is firmly established in Mexico, adequate for the protection of its people in their rights, and of citizens and subjects of foreign nations therein, it shall be the duty of the President and of Congress to withdraw and surrender such government to the people of Mexico upon such conditions and under such guaranties of continued protection to American citizens and citizens and subjects of other nations residing or sojourning therein as are just and reasonable.

Mr. WORKS. Mr. President, I have been content up to this time to allow this joint resolution to remain in the Committee on Foreign Relations without action. It seems to me, however, that the time has now come when this matter should not be left to action by the Executive Department of the Government, but that some action should be taken by Congress. I think it is exceedingly important, if we are forced to enter Mexico, that we should do it under a declaration of Congress as to what the purpose of going into that country is, and what our intentions are; so that not only the people of our own country, but the people of other nations may know and understand what the purpose and the object of the United States are in taking this very important step.

My purpose in bringing the matter before the Senate this morning is to inquire of the chairman of the Committee on Foreign Relations [Mr. STONE] as to what action has been taken by the committee upon the joint resolution, and what may be expected in the near future?

Mr. STONE. Mr. President, the Committee on Foreign Relations have not taken any action on the joint resolution. It is still before the committee. It has not been reached in the course of its business in a way that the committee felt that any affirmative action should be taken; at least none has been taken. What the committee may do with the joint resolution I am not prepared to say.

Mr. WORKS. Mr. President, I did not call up this matter this morning with any intention of precipitating debate about it. It seemed to me, however, that we have reached a point in our relations with Mexico when something should be done by Congress.

It was intimated—I do not know whether or not it is true—that the President intended to address Congress on the subject. I have no official notification of that fact. I had determined to present the matter in this way before having that intimation. It may be that the President will come before Congress, and then we may act more intelligently respecting the matter.

I myself feel very strongly that the conditions in Mexico are such that we can not justly delay this matter longer. I want now, in connection with my remarks, to submit what I said at the time I introduced this resolution, which was very brief, explaining my views on the subject. I did not want to take up time in repeating what I then said.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The matter referred to is as follows:

"Mr. WORKS. Mr. President, I do not desire to discuss the merits of the resolution I have offered at this time. I only want to say that up to this time the whole responsibility of dealing with the Mexican situation has been allowed to rest upon the President. It is a grave responsibility. He has been severely criticized for his policy of watchful waiting. I think we have all sympathized with the President in his hope that conditions in Mexico would right themselves without forcible interference on our part. I very much fear that that hope no longer has any foundation to rest upon.

"Congress alone has power to declare war, and that is what intervention in Mexico means. Therefore Congress should courageously assume responsibility for whatever is to be done in that unfortunate country, and not leave it to rest upon the Executive Department of the Government.

"I have offered the resolution in such form as to present the direct issue involved. There is no reason why we should seek to divide the responsibility with any other country or impose it upon the President. It is our responsibility, and we should meet it calmly and courageously, and that without delay.

* * * * * * *

"Mr. President, I assume entire responsibility for the resolution that I have offered. The Republican Party is not responsible for it. Not a single Senator on this side of the Chamber except myself is responsible, directly or indirectly, for the resolution that has been offered. I join in the hope expressed by the Senator from Missouri that this question may not be made a political one.

"The resolution was not offered with any idea or intention of criticizing the conduct of the President in dealing with this grave and important question. I think it is unfair to the President that Congress should sit idly by and do nothing more than to criticize the course of the President, because I think the responsibility rests upon us and not upon the President of the United States.

"Something should be done in this emergency by somebody to relieve the situation as it exists to-day. American citizens are losing their lives in Mexico day after day as the result of the

conditions that prevail there. If Congress comes to the conclusion that we should leave matters as they are without affording protection of any kind to our citizens in that country, well and good. If, on the other hand, it should be believed by Congress that steps should be taken, even to the extent of intervention, to protect our citizens in Mexico, then I think it is a matter that Congress should deal with and not the President.

"I have been one of those who have been exceedingly reluctant to take strong measures in dealing with affairs in Mexico. I have sympathized very much with the view of the President that we should resort to all proper means in advance to prevent intervention or war, but I must confess that I see no hope ahead of us at this time except through that means. If other Senators, if Congress, can find some better means of protecting our citizens in Mexico than that of resorting to force, and that shall be successful, nobody will be more gratified than myself; but my position about it is this: We have been talking about this question and agitating it day after day since Congress met in this session. We are accomplishing nothing by that means. Senators on the other side are contending that it is an attack upon the President of the United States, and are defending it upon that theory alone. But, Senators, that is not the question to be determined. It is not a question whether the President is right or wrong. The question is—and we should assume the responsibility of it—What shall be done by the American Government in order to protect its citizens in Mexico? We have no right to shift that responsibility upon the executive department or upon any other country. It is a question that we should deal with frankly and courageously and determine what the country ought to do under these circumstances.

"I have submitted this resolution for the purpose of making that direct and positive issue for Congress to determine whether we shall do the one thing or the other, and I am quite content to leave it in the first instance to the Committee on Foreign Relations and finally to the Congress of the United States."

Mr. WORKS. Mr. President, I wish to say to the chairman of the Committee on Foreign Relations that I hope this joint resolution will receive consideration; and if it does not within a reasonable time, I may feel called upon to move to discharge the committee from its consideration in order to bring it before the Senate. Of course I am not disposed to do this until the committee has had full opportunity to consider the joint resolution.

SOURCES OF NITROGEN COMPOUNDS (S. DOC. NO. 471).

Mr. LODGE. Mr. President, I ask leave to have printed as a public document a paper by Chester G. Gilbert, of the Smithsonian Institution, on the sources of nitrogen compounds in the United States. It is a short and a very valuable paper.

The VICE PRESIDENT. Without objection, it is so ordered.

REFORM OF JUDICIAL PROCEDURE.

Mr. JONES. I have an article in the Southwestern Law Review relating to the reform of judicial procedure. It seems that there is a bill on the calendar dealing with that subject. It is an article by Hon. Lewis R. Works, judge of the superior court of Los Angeles County, Cal. It is not very long. I think it is a very clear and concise article with reference to this important subject, and I ask that it may be printed in the RECORD.

Mr. SMOOT. What is the subject?

Mr. JONES. It is on the reform of judicial procedure. We have a bill on the calendar relating to the subject, one that has already passed the House. I think it is a very valuable contribution to that proposition.

Mr. SMOOT. Why not have it printed as a public document?

Mr. JONES. I want to have it in the RECORD. Then I will know where to get it.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

THE REFORM OF JUDICIAL PROCEDURE.

[By Hon. Lewis R. Works, judge of the superior court of Los Angeles County, Cal.]

The courts of the United States, whether State or Federal, enjoy in some respects the confidence, while in others they rest under the severe displeasure of the people of the country. Our court system, headed as it is by the Supreme Court of the United States, the greatest judicial tribunal of earth, is justly considered to be an excellent one, if we ask only whether its pronouncements are righteous and just. By this it is not meant to be asserted that the courts have reached perfection in the subject matter of their decrees; but only that in that regard they exhibit as high a degree of efficiency as properly may be expected in a human institution of such a character. But when we come to consider the methods employed and, more especially, the time wasted in the courts, on the way to decree or judgment, the situation is entirely different. The people justly complain of the wearying grind and circumlocution of judicial procedure. And this complaint is, after all and in practical effect, a complaint which goes to the sum total of the effectiveness of the courts in their work, for it boots but little that controversies are in the abstract justly decided if they are so long in being decided that the end does not do entire, or at least substantial, justice for the victor and against the loser. If the mills of the courts do "grind exceeding small," they often grind so slowly that it were better, in particular cases, if they had not been called upon to grind at all, and many a "successful" litigant finds himself at the end of a course of years much in the position of an actual loser, because of the great time expended on his cause, together with the worry incident to such an expenditure.

ENCROACHMENTS UPON THE FUNCTIONS OF THE COURTS.

The feeling that the courts move at a snail's pace, long ago perceived, has lessened gradually and is lessening daily the respect of the public, not only for the courts themselves, but for the administration of justice generally. And in more recent years the feeling has inspired a course of legislation throughout the country the effect of which is to deprive the courts of considerable portions of their time-honored jurisdiction. The Congress and the legislatures of the different States have passed laws confiding to various boards and commissions the solution of large classes of controversies originally cognizable by the courts. It is to be remarked that the central and naturally the attractive attribute of these boards and commissions in the exercise of their functions is that of speed, and speed is secured through the operation of systems of procedure which in a large measure are unclogged and untrammeled by forms, and which are direct and positive in their movements. In short, the machinery of these boards and commissions has been made particularly strong in the respects in which the machinery of the courts has been shown to be particularly weak.

These encroachments upon the functions of courts are likely to increase unless court procedure is greatly simplified until the ordinary judicial tribunals are left with little to do. In an address delivered at Portland, Oreg., in August, 1915, Herbert Harley, secretary of the American Judicature Society, after urging and predicting an effective reform of judicial procedure, said of what may be termed the "board and commission" movement:

"If we looked only upon this swiftly growing movement we might easily forecast a day not far distant when our courts, still dignified and ritualistic, would be holding an empty bag, good for nothing but spanking deliquent juveniles, keeping books for dead men, sorting out crazy folk, marrying spoony couples, and collecting bills for the grocer and the butcher. But we may defer despondency until we shall have tried further the development of the business management principle."

There is at present a stimulated movement throughout the country for the reform of judicial procedure, but it is somewhat sad to assert that the movement is not altogether uninfluenced by the fear of the legal profession that the "board and commission" movement is destined to shear the courts of much of their powers and thus curtail the activities, not to say the incomes, of lawyers unless they proceed, both speedily and vigorously, to "clean house."

THE HISTORY OF REFORM IN JUDICIAL PROCEDURE.

We must not be led, however, into the belief that this country is the only place nor the present the only time in which a reform of judicial procedure has been found necessary. The need for such a reform has existed in every country and in every age. In his admirable "History of the Reign of Ferdinand and Isabella," Prescott says, after referring to various reforms inaugurated by the young sovereigns, after their accession:

"Whatever reforms might have been introduced into the Castilian judicatures, they would have been of little avail without a corresponding improvement in the system of jurisprudence by which their decisions were to be regulated. This was made up of the Visi-Gothic code, as the basis, the fueros of the Castilian prince, as far back as the eleventh century, and the 'Siete Partidas,' the famous compilation of Alfonso the Tenth, digested chiefly from maxims of the civil law. The deficiencies of these ancient codes had been gradually supplied by such an accumulation of statutes and ordinances as rendered the legislation of Castile in the highest degree complex, and often contradictory. The embarrassment resulting from this occasioned, as may be imagined, much tardiness, as well as uncertainty, in the decisions of the courts who, despairing of reconciling the discrepancies in their own law, governed themselves almost exclusively by the Roman."

The promulgation of the codes, pandects, and institutes of Justinian, of the Code Napoleon, the passage of the English judicature act of 1873, the inauguration by David Dudley Field in New York, in the middle of the last century, of the movement for the codification of the law in the various States of the Union, while in some instances covering reforms of substantive as well as of adjective law, are but instances, most of them exceedingly tardy and long delayed, in which attempts have been made to relieve against the pressure of constant but little varying need for reform in judicial procedure.

THE FORMAL REQUIREMENTS OF PROCEDURE.

The reason for such a state of affairs is not far to seek. The courts can discharge their functions only subject to the limitations and restrictions imposed by regulations purely formal, purely "adjective," in their character and necessarily more or less complex. Jones says at the first and second pages of his work on the Law of Evidence:

"However desirable it might be in legal controversies involving the rights of property or the liberty of the citizen, if every fact which might have the slightest bearing on the issue could be adduced, it is manifest that the limitations which surround judicial tribunals render this impossible. Courts are so organized that there must be some limit to the facts which may be given in evidence, as there must be an end of litigation. * * * It is true the reformers have zealously attacked and broken down many of the artificial barriers which formerly prevented suitors from bringing the facts on which they relied to the ear of the court or jury; but it is hardly possible that the courts of civilized countries will ever seek to administer justice without the use of fixed, and to some extent arbitrary rules of evidence."

The principles requiring the existence of rules of evidence equally demand some formal limitations upon the manner of commencing actions, the number and character of persons who may sue or be sued, either singly or together, the manner of stating causes of action or defenses, the manner or propriety of joining different causes of action or different defenses in the same pleading, upon the forms and kinds of motions and demurrers, and upon the many other steps incident to the prosecution and defense of actions from complaint in a trial court to remittitur from an appellate court. In short, the work of the courts is to a great extent necessarily built upon form, form, form.

The existence of so prominent a percentage of formal procedural requirements in the law unavoidably renders the vigorous reform of procedure a perennial need. The practice of the law differs from the practice of all other professions in a most remarkable respect. In every endeavor of the lawyer in the judicial forum he is pitted against

an active adversary of his own kind. What the first wants and earnestly strives for, the second as earnestly opposes. If we take the other great learned professions for purposes of comparison, we at once realize that no such contests occur in the practice of medicine. In his individual cases no physician is opposed by another physician who strives mightily to nullify and reverse the efforts of the first. In such a profession there is no attempt to "win" upon the part of one as against another who is equally determined to win. In the law the very essence of its practice lies in the query, "Who shall win?" To the lay mind, at least, and in the minds of many lawyers, the able and successful attorney is the attorney who wins a high percentage of his contests. Verily, with the lawyer, to the victor belongs the spoils: Emolument, reputation, honor. On this account and also because of the very nature of the feelings engendered in the human mind by the spirit of present contest, even the lawyer of high ideals is under constant temptation, against which he has as constantly to fight, to regard a lawsuit as a game of skill, the blood-stirring end of which is a verdict or decisions favorable to him. Here, indeed, there appears a similarity between the practice of the law and of medicine. The physician, and perhaps more especially the surgeon, is in danger of regarding the human body as an insensate mechanism upon which he may tinker; the lawyer, of seeing in his client but a pawn in a fascinating game.

If this pitfall may be seen in the way of the high-minded lawyer, what may be said of that considerable percentage in the profession who know naught of the courts in their true relation to the problems of mankind, as tribunals for the parceling out of justice, and not for the registration of victories. To these men it is everything to win. What golden opportunities are afforded them in a maze of procedural rules. They may resort to forms to embarrass their adversaries, they may hide behind forms to protect and screen themselves. Under such practices forms are added to forms; and conflicting constructions of forms, and ever-ramifying rules adding to or explaining them, constantly spring into being and ever-increasing confusion results. Forms erected by one generation in aid of the administration of justice become, ere a new generation has appeared upon the scene, grossly glaring instruments of injustice and of delay.

THE NATIONAL DEMAND FOR REVISION.

If it be true that all other times and all other countries have known the need of a reform of judicial procedure, it can not be gainsaid that this time and Nation do know such a need. California, together with most of the other States in the Union, is actually suffering under the demand. Our Code of Civil Procedure, which went into effect in 1873, 43 years ago, has never had a systematic revision. It has been amended in various of its sections many times, however, during the intervening years, but the work has been partial, unsystematic, and unscientific. The code is to-day both obsolete and an alarming piece of patchwork.

At the 1915 convention of the California State Bar Association a motion was adopted for the naming of a committee, to report at the session of 1916 "upon the advisability of changing the practice act so that purely procedural matters may be prescribed by rule of the supreme court rather than by legislative enactment." The committee consists of R. S. Gray, Garrett W. McEnerney, Percy V. Long, and Walter Perry Johnson, of San Francisco, and Joseph P. Loeb and Lewis R. Works, of Los Angeles, although William J. Hunsaker, of the latter place, was but recently also a member, having been forced to resign because of the press of his practice. It will be noted that this committee, under its strict powers, can only report upon the advisability of delegating to the supreme court of the State the power to govern and regulate procedure by rules of court. Nevertheless, it is quite possible that the body will present a list of advisable procedural reforms, either as a part of its report or as an appendix to it. The committee has such a plan under actual consideration.

It hardly seems worth while to present an epitome of the respects in which judicial procedure requires reforming, as the changes which might be wrought are exceedingly numerous, and range from matters of great moment and of wide scope to things of the smallest import, although no rule or point of procedure is so unimportant as not to deserve being made exactly right, if it can be so made. Nevertheless, there may be pointed out, with profit, a few of the salient reforms now being urged by the modern thought upon the subject.

THE SIMPLIFICATION OF PLEADINGS.

It may truly be said that every lawsuit in California is unduly delayed by the rules regarding pleading. The system we use, and which is used in nearly all the other States, is archaic and should not much longer be borne. As far back as 1873 the courts of England were put under a system of pleading much in advance of the complex one under which we now labor; and the celebrated municipal court of Chicago, a wonderfully efficient and businesslike tribunal, was a few years ago erected upon a foundation, so far as pleading is concerned, equally as simple and direct. Speaking of that court, Herbert Harley said, in the address already mentioned:

"Judge Stephen Foster was sent to London to learn of the modern English practice, and upon his return a few simple rules, 34 in number, were drafted. They have not been changed since, and under them the miracle of freeing pleading from deadly formality has been fully accomplished. The essence of the rules lies in plain common sense. The plaintiff must at the beginning set forth the substantial facts upon which he bases his claim in an informal and brief statement, supported by affidavit in all cases of liquidated damages. The defendant, then, in order to get a footing in court, must show under oath that he has meritorious defense. Every year thousands of causes are determined by entering judgment on default because the defendant dare not file the affidavit of merits. In other Illinois courts these actions would clog the calendars for months or years.

"While the simple pleadings have tremendously reduced the amount of time wasted in trying incidental issues, it has not been possible to change the rules of evidence, so that simple trials may take an entire day and more involved ones a week or more, in this court as in others."

PROPOSED ABOLITION OF THE DEMURRER.

Another great reform in the field of pleading lies in the impending extirpation of the demurrer, the handmaiden of delay and the enemy of justice. It is no uncommon thing to hear it asserted that the special demurrer should be abolished, and that relic of the past doubtless will soon be no more, in most jurisdictions at least; and it is now occasionally, and with great reason, demanded that the general demurrer should likewise be laid to rest.

THE JURY SYSTEM.

The time-honored "bulwark of liberty," the jury system, is the target of many of those who demand less of form and less of delay in the procedure of the courts. Various plans are proposed as conducive to the speedier selection of juries and the proponents of jury reform measures range from those who suggest plans of the character just mentioned to those who inveigh against the continuance of the jury system in any form whatever, at least in civil cases; and the names of the latter, if they are not legion, make a most respectable list.

In a report to the National Economic League, made by a committee consisting of Charles W. Eliot, Louis D. Brandeis, Moorfield Story, Adolph J. Rodenbeck, and Roscoe Pound, it is said:

"It is probable that we make too much use of the jury as a tribunal for ordinary civil causes. The delay and expense involved in jury trials are very great, and wherever the volume of litigation is large and courts are in session continually, service upon juries has become a grave burden upon the citizen. It is worthy of consideration whether there are advantages in jury trial of ordinary causes upon debt or contract and commercial cases to compensate for the expenditure of time and money which such trial requires. Even in actions upon tort, now that workmen's compensation acts are removing from the forum cases in which plaintiffs looked to juries to mitigate the law, it may be doubted whether jury trial should be used so widely."

THE NEED FOR EFFICIENCY IN THE CONDUCT OF COURTS.

With the mention of these two or three points which have been selected from the myriad suggestions of needed reforms, within the strict realm of procedure, properly so-called, we may turn to one or two proposals affecting the interior conduct and management of the courts themselves. The demand for expert business management, startling as it may seem, has been made and is being made upon the tribunals of justice, and if there be places in which expert business management should not be the order of the day, it is certainly not in the courts, it being understood that the term is applied to the true business or administrative side of courts and to no such part of their activities as would interfere with due and proper deliberation, without delay, in arriving at decisions.

In the first place, every trial court consisting of more than one judge should specialize in its work to as high a degree as the various kinds of causes submitted for its decision will permit. Where each judge on such a bench is working upon a particular line of litigation and bending his energies to the mastering of the problems continually involved in that line, a high degree of contribution to the efficiency of the court must necessarily result. In most courts composed of a number of judges, there are usually criminal branches, probate branches, and the juvenile court, and sometimes other specializations, but there are probably no courts in this country, with the exception of the municipal court of Chicago, in which a proper degree of specialization has been attained. Of that court Herbert Harley says:

"At the beginning the Chicago court had the same measure of specialization that was common in other cities. Certain judges sat in police court and others took their quota of civil causes. It soon became evident that certain classes of causes could be segregated upon special calendars and handled separately to advantage. One judge, for instance, could take care of all the replevin, attachment, and garnishment causes, and become so expert that no lawyer could excel him in knowledge of the statute law and decisions. To another judge was assigned all the actions for the recovery of possession of real estate. The quasi-criminal actions brought under city ordnance by summons were also segregated. The court was becoming organic. Judges were becoming specialists. Increased output of a higher quality was observable. For the first time the conspicuous need for specialist judges in a unified court, as against specialized tribunals with hit-or-miss judges, was met."

In the second place, and notwithstanding the fact that each judge of a trial court must sit by himself and must be responsible for the handling of the causes distributed to him, there should rest in a presiding judge, or in the majority of the court, the authority to remove individual judges from the performance of work for which they are not fitted; and that authority should not merely there rest, it should be vigorously and fearlessly exercised. Authority to handle all other business or administrative affairs of the court, not having to do with the duty of each judge as to his individual causes, should be similarly vested and exercised. Upon these questions the act creating the municipal court of Chicago provides as follows:

"The chief justice, in addition to the exercise of all the other powers of a judge of said court, shall have the general superintendence of the business of said court; he shall preside at all meetings of the judges, and he shall assign the associate judges to duty in the branch courts from time to time, as he may deem necessary for the prompt disposition of the business thereof, and it shall be the duty of each associate judge to attend and serve at any branch court to which he may be so assigned. * * * The chief justice shall also superintend the preparation of the calendars of cases for trial in said court and shall make such classification and distribution of the same upon different calendars as he shall deem proper and expedient. * * * It shall be the duty of the chief justice and the associate judges to meet together at least once in each month * * * and at such other times as may be required by the chief justice, for the consideration of such matters pertaining to the administration of justice in such court as may be brought before them. At such meetings they shall receive and investigate or cause to be investigated, all complaints presented to them pertaining to the said court, and to the officers thereof, and shall take such steps as they may deem necessary or proper with respect thereto."

This act, in this and in other provisions which might be quoted, vests the chief justice of the court with most unusual powers, it must be confessed; and it may be questioned whether the great and acknowledged success of these and other provisions of the act in the conduct of the business of the court may not be due to the dominating and, at the same time, persuasive character of the justly celebrated Harry Olson, who has been the presiding justice of the tribunal since its organization; and whether it may not be doubted to be safe or advisable to vest such powers in one judicial officer designed to work hand in hand with a number of associates.

In passing, it may be remarked that the judges of the superior court of the State of California in and for the county of Los Angeles, now 18 in number, have long held regular monthly meetings, and hold frequent special meetings to consider the business of the court, and that a majority of them frequently exercise most of the powers vested by the language above quoted in the chief justice of the Chicago court.

THE UNIFICATION OF THE JUDICIAL SYSTEM.

There is another proposed reform in the constitution of courts, not relating to their interior management nor subject to their internal control which may be mentioned. It is the movement for "unified

courts," so called, and the principle behind it may be stated in the language of Prof. Roscoe Pound, dean of the Harvard University Law School, as follows:

"The whole judicial power of each State * * * should be vested in one great court, of which all tribunals should be branches, departments, or divisions. The business as well as the judicial administration of this court should be thoroughly organized so as to prevent not merely waste of judicial power but all needless clerical work, duplication of papers, records, and the like, thus obviating expenses to litigants and cost to the public."

The idea of a high degree of specialization in the work of judges, already mentioned in this paper, is at the base of the movement for unified courts. In the report of the National Economic League, above referred to, Prof. Pound and his associates said:

"Effective administration of justice in the urban communities of to-day requires a unification of the judicial system whereby the whole judicial power of the State shall be vested in one organization, of which all tribunals shall be branches or departments or divisions. In organizing the personnel of this unified judicial department, the cardinal idea should be to permit the entire judicial force of the Commonwealth to be employed in the most effective manner possible upon the whole judicial business of the Commonwealtn, aiming to have specialist judges rather than specialized courts. Multiplication of tribunals is the first attempt of the law to meet the demand for specialization and division of labor. Yet it is at best a crude device. The need is for judges who are specialists in the class of causes with which they have to deal. This need may be met by specialized courts with specialized jurisdiction. But it may be met also by a unified court with specialist judges, to whom special classes of litigation are assigned."

It needs but another quotation from Prof. Pound to complete a very general view of the character of the movement now under mention:

"To achieve the end of specialist judges rather than specialized courts, the entire judicial power should be committed to one court. This court should be constituted in three chief branches: (1) County courts or municipal courts; (2) a superior court of first instance; and (3) a single ultimate court of appeal."

The unified court plan was put into operation in Great Britain under the judicature acts of 1873 and 1875 and the American Judicature Society, a strong organization with headquarters at Chicago, is devoted to the work of procuring its adoption throughout the United States and has prepared a carefully formulated judicature act to be used generally in prosecuting the work.

HIGHER STANDARDS OF LEGAL EDUCATION DESIRABLE.

It is time to curtail mention of further phases of the movement for the reform of procedure and of the business of the courts, a movement which is receiving such careful attention throughout the land; but it yet remains to note a few general features basic to the need for such reforms. The principal reasons for the existence of so many courts, with so many judges, and for the heavy volume of business in their hands, lie in the frailties of human nature. A vast percentage of the causes which reach the courts should never find place there. Compromise of difficulties, instead of litigation, should be the rule; but we probably may not justly expect warfare in the courts to end until long after the world shall have become satiated with the more sanguinary kind of war. Nevertheless, there are certain questions having to do with the alarming mass of causes in our courts which, in justice to humanity, we may not overlook.

Much ill-advised litigation is launched through the sheer incompetency of lawyers, and the statement is not surprising, for it requires considerable ability to determine, in many instances, whether a would-be plaintiff has a meritorious cause, and the best of lawyers will frequently commence actions which are without merit. Therefore, to the end that our courts may not be clogged with foolish litigation and that the number of our judges may increase in a lessening ratio to the increase in our population, as well as to the end that the poor layman may not unduly suffer from "the slings and arrows of outrageous" advice, let us dedicate ourselves to the idea that the standards of legal education and the requirements for admission to the bar be maintained at a high mark.

But it is not merely from the incompetent lawyer that we suffer in the matter of foolish litigation. We have with us his wiser but less praiseworthy brother, the man who commences the unmeritorious action, knowing that it is not meritorious, or at least doubting its merit, in order to secure the fee involved. He is the man who knows naught of the administration of justice, but who sees in every court room but another Monte Carlo in which he may conduct his games of chance. To protect ourselves from these gentry we should see to it that the profession is kept pure and that its standards are ever kept on high.

It would not be amiss for every lawyer to keep constantly before him the thought, too often utterly forgotten, that he is an "officer of the court," that the court is a place in which justice, with all the sacred meaning of the word, is to be administered. He might also well remember that, upon his admission to practice the law, he took an oath to support the Constitution and laws of the land, and that his oath, as well as the traditions of his calling, imposes upon him a serious, almost holy, moral obligation.

SPEECH OF REAR ADMIRAL BENSON.

Mr. THOMAS. Mr. President, I have a copy of the speech delivered by rear Admiral William S. Benson, United States Navy, Chief of Naval Operations, in response to the toast "The Navy" at a dinner to the alumni given by the Naval Academy Graduates' Association on Thursday evening the 1st instant. I ask unanimous consent that it may be inserted in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

SPEECH OF REAR ADMIRAL WILLIAM S. BENSON, UNITED STATS NAVY, CHIEF OF NAVAL OPERATIONS, IN RESPONSE TO THE TOAST "THE NAVY," AT A DINNER TO THE ALUMNI GIVEN BY THE NAVAL ACADEMY GRADUATES' ASSOCIATION, ON THURSDAY EVENING, JUNE 1, 1916.

Mr. Toastmaster, fellow graduates, and guests, in calling upon me to answer to the toast "The Navy," the object of the graduates' association is, I take it, to satisfy, perhaps, the expectation of the service that I give an account of my stewardship as Chief of Naval Operations.

I may preface my remarks by saying that, as time has gone on and the work of the office has developed, more distinctly outlining some of the vast problems involved, I have become more and more fully convinced that those who conceived the idea of creating by law a Chief of Naval Operations have, in the establishment of this office "builded better than they knew." In speaking on this subject, I do so without any intention of making odious comparisons and without any desire to attempt to enlarge upon the importance of the work or to magnify what has been already accomplished; and yet, in order to be quite sincere and candid I must say that upon taking up this work a little over one year ago I started practically from the ground. There were then certain elements of routine being carried out which might in a way be called the fragments of organization, but certainly nothing more. There was no data from which the chief of the office could obtain information at short notice. Only a few hours after assuming office it was necessary that a vessel of a certain class be sent from Hampton Roads to New York, and it took hours to find out just what vessels were available in that vicinity, and particularly what ones were suitable for the duty to be performed. There was no definite data at hand relating to matériel or personnel. In order to find out about matériel it was necessary to send to some other office and get information piecemeal. Information as to personnel and as to the relation between personnel and matériel could only be obtained by consulting the several bureaus' files. In fact no information except what was given in certain regular publications was available to show the relative strength of the various nations of the world. So it was necessary literally to begin at the bottom. It is true there were some efforts at organization which had been carried forward nearly to completion. A board for the organization of the radio service had made its report and recommended an organization for adoption, but this report had not been approved, and the older unformed system in the radio service was still in vogue. Messages for radio transmission were sent out by telephone to Arlington, if received during ordinary office hours, and were given attention by the Arlington operators at their convenience. Messages received at night from Arlington or elsewhere had to await the opening of the office the next morning before being decoded and delivered.

Such facts as these serve to indicate the conditions formerly existing and are recounted simply that the service may know what has been done since the establishment of this office and what is being done now, and I want especially to emphasize them in order that the service may have a true estimate of the situation and not be led astray or unduly influenced by what seems to have been a persistent effort during the past year or so on the part of certain persons and in certain elements of the press to try to create the impression, not only in the mind of the public but even in the minds of naval officers themselves, that nothing has been done in the department to improve conditions. And let me state here that the conditions which I have found to exist could not in any degree be laid at the door of the Secretary. He has at all times shown the most earnest interest and the most cordial sympathy in all the various features recommended for the development of this office, and he has given particular attention to every measure tending to increase its efficiency and the efficiency of the service in general.

The report of the board on the organization of communications, which I have already mentioned, has since been approved and is now in operation, and I do not hesitate to express the firm belief that it is the most thorough and efficient organization of its kind to be found either in the service or out of it. The office space occupied by the Chief of Naval Operations and his staff has been expanded from its formerly overcrowded condition to include nine rooms. These rooms have been cleaned, renovated, and equipped, and they are now kept in a condition that leaves little more to be desired. One of these rooms has been fitted up especially to meet the needs of the communication service. A soundproof compartment has been constructed in which the radio operators are on constant watch day and night, and a space adjoining this compartment has been fitted for the telegraph and telephone operators. A commissioned officer day and night keeps watch to code and decode and to receive and send messages of every character without delay.

The subject of extending communications throughout the world has been given careful attention and, under the direction of Capt. Bullard, the superintendent of the naval radio service, phenomenal progress has been made toward the establishment of a system by which communication within our own country may be developed and improved and, in cooperation with the systems in Pan American countries, expanded throughout the Western Continent. The subject of radio telephony has, through the cooperation of Capt. Bullard and his men with the telephone companies, reached a development little short of marvelous. At the instance of the superintendent of radio, the various companies interested in this question agreed to mobilize their utilities and hold a demonstration which would show to what extent their systems of communications could be used. Some two weeks ago, when this demonstration took place, I sat in my office and within the short space of time of less than two hours I transacted business by land wire and radio telephone with the commandant at the Puget Sound Navy Yard, the commanding officer at Yerba Buena, San Francisco, the commandant at the Mare Island yard, the naval station at New Orleans, the aeronautic station at Pensacola, the commandant of the Charleston Navy Yard, the commanding officer of the *New Hampshire*, then at sea off the Capes of Virginia, the commandant of the Philadelphia yard, the president of the war college at Newport, and the commandant of the Boston yard. Communication was most satisfactory and conversation between myself and the officers with whom I talked was taken down by a stenographer in my office, so that a complete record of all business transacted was available at once.

Soon after the appointment of the Chief of Naval Operations the duties of the aid for material were transferred by the order of the Secretary of the Navy to the cognizance of the Chief of Naval Operations and were placed immediately in the hands of one of his assistants. This change has served to provide positive means for the Chief of Naval Operations constantly to keep in touch with the material condition of the fleet and with the preparedness of individual vessels for active service. Work of the material bureaus is quickly coordinated under the immediate knowledge and assistance of the office of operations.

A plan of organization of the fleet on a large scale has been worked out and is now in operation. This plan is so arranged as to provide an organization for the entire naval force of the United States, or for any portion of it in any part of the world. The various elements of the fleet have been given definite organization and flag officers have been detailed to the command of each, so that it may be justly said that the fleet is for the first time completely and thoroughly organized.

One of the first steps taken for the improvement of the organization of the fleet was with a view to the betterment of the submarine service, and to this end an officer of high rank has been detailed to command the submarine flotilla

The subject of aviation also has been given especial attention and every effort has been directed toward concentrating the development of

aircraft toward a definite service. Aircraft have been placed in the same category as other craft, and the various bureaus have been assigned specific duties bearing upon their construction and development and have assumed the responsibility for the work coming within the cognizance of each.

A thoroughly digested and well-developed plan of mobilization for the entire fleet in the event of war has been submitted to the department and approved. Each bureau and office in the department has been assigned its particular duties in connection with this plan and reports quarterly to the department giving in detail the progress of each toward preparedness to accomplish its task in mobilization.

The General Board has deliberated on the list of available merchant vessels useful for naval purposes in case of war and has determined the characteristics required for the special assignment of each. Guided by these requirements, the board of inspection and survey is now engaged in making a careful inspection of these merchant vessels, reporting for each the necessary alterations and equipment to fulfill the duty to which they have been assigned in the naval auxiliary service. Each merchant vessel inspected is assigned to a certain yard, where, in the event of need, it would be altered and equipped for naval service and where it would be supplied and repaired. The necessary equipment and supplies for such vessels are being sent as rapidly as possible to the yards at which these ships would be outfitted, so that in the case of emergency or war this work will be accomplished in the least possible time. Records are being kept at the department in such condition that complete data are immediately available showing just what vessels could be used, what alterations would be necessary, and in preparation for the event all details, even to the drawing up of contracts, are being perfected in advance.

In past years the organization of naval districts has been merely a nominal one. The plan for the organization of naval districts has within the year been taken in hand and has been worked out in every detail. Each naval district will be organized according to a common scheme, and the general plan, together with a sample organization for one district, will be furnished to each naval district for filling in all data as to number and class of vessels, the organization and duty of personnel, etc. The question of mine localities within our ports and along our shores has been studied, and the number of mines for each district and for our outlying defenses has been determined. Officers have been assigned to the various duties in the district for war service, and the distribution of vessels for the district defenses has been made, each vessel being assigned to its well-defined function in the defense.

Plans have been completed for the mobilization of the Naval Militia, and detailed instructions have been prepared providing that each step in the mobilization shall proceed without interruption and with the utmost expedition. In addition, special attention has been directed to peace-time training of the Naval Militia, and arrangements have been made for sending the Naval Militia to sea this summer on board nine of the older battleships not attached to the active fleet. Arrangements have also been made for a cruise with citizen volunteers for training on the general principle of the Plattsburg encampments conducted by the Army, and during four weeks in the latter part of August and the first half of September these volunteers will cruise at sea and will exercise during the last week with motor boats in conjunction with the battleships, destroyers, and submarines, working out such problems as would arise in time of war.

The organization of the ships in reserve has been given special attention. Not only have the complements been increased, but special attention has been paid to the ratings of the men on board, so that the important stations will at all times have a sufficient number of well-trained men properly to break in the additional personnel that would be required to fill the complements. The ships are kept in material readiness, so that it will be necessary only to fill the complements in order that they may be ready to join the active fleet. A system of periodical inspection of every ship belonging to the Navy has been established, and its good results are already apparent.

Regulations have been drawn up by a joint board for the proper control of the Coast Guard, which automatically comes under the Navy in time of war.

In response to the request of the department, the General Board has been indefatigable in making out the plans and selecting the locations for advanced bases and in determining the location of submarine bases and working out the detailed plans for their development.

The annual period of overhaul for vessels has been discontinued. The old system, under which for 3 months (and often for a longer period) in every 15 vessels of the fleet lay at a navy yard unready in material respects and demoralized in personnel. These demoralizing influences, due to stagnation at navy yards, were well known to every officer, and it will be appreciated that they must have had a very bad effect upon the Navy. It was only natural under the old system of lengthy overhauls that spare parts would be used up and important work postponed that could have and should have been done at once in order to keep the ships in first-class condition. Such prolonged periods of inactivity at a repair yard during which the unavoidable disorder incident to the pressure of large numbers of workmen on board, and sometimes with the added discomfort of climate, could not help but have a very serious and detrimental influence upon the ships' personnel, besides immensely increasing the expense of maintaining the fleet.

At the present time practically every vessel of the fleet is ready to perform its designed duty, except possibly the *Georgia*, which is to have new boilers installed, and the *Connecticut*, which is having extended boiler work done, one or two of the earlier submarines now being utilized for experimental purposes and some of the later destroyers.

The equipment of my office has been greatly improved and added to. Data on all essential subjects have been collected and kept near at hand, and are constantly being added to. Because of this improvement, I was able, when called before the House Naval Committee during the present session, to give full and exact information of our own and the other principal navies of the world, and was able to show not only in figures but graphically to the eye the number and type of ships of each of the principal navies of the world. Photographic silhouettes of the ships of the several navies were made and pinned upon sheets in groups according to type, so that a clear idea of the relative strength of the various fleets could be obtained at a glance. These sheets will eventually be placed upon the walls of one of the offices.

An annual program of operations of the fleet has been worked out and adopted, and has so far been followed without difficulty. There is no reason to believe that it can not be successfully followed as a standard yearly program In my office there are kept data and records from which, at a moment's notice, one can determine the whereabouts of every vessel of the service, and within a very few minutes the position of any merchant vessel can be located. On the walls of the office general charts and charts of places of special interest throughout the world are kept on chart rolls in the most convenient manner for easy reference. In another office there is a roll on which are maps showing the interior subdivisions of various countries and giving almost every kind of desirable information connected with the naval service.

Cooperation between the various bureaus and offices of the department with the office of the Chief of Naval Operations has been most cordial and complete, and the practical result has been all that could be desired. One day in each week the Secretary holds in his office a council composed of the chiefs of bureaus, heads of the various offices, the Assistant Secretary of the Navy, and the Chief of Naval Operations. At these meetings various questions of importance affecting the whole service are considered, the progress of work on ships discussed, new enterprises gone into, and a decision arrived at under the most favorable circumstances for wise action. Through these councils all are kept informed of important work and a hearty cooperation followed by satisfactory execution of the Secretary's decisions is the result. In addition to this weekly council, the Secretary of the Navy, through his own efforts, has organized a naval advisory council, known as the Naval Consulting Board, which, with his approval and sympathy, is collecting vast stores of information regarding the industrial resources of the country and is perfecting a plan for the utilization of these industries for the support and assistance of the Army and Navy for the defense of the country in time of need.

A thoughtful consideration of the work that has been accomplished will show that all is being done now that could reasonably be expected from a so-called General Staff. In my opinion, the organization that exists in the department and that is now in successful operation is accomplishing in a purely American and businesslike manner all that could possibly be expected from the creation of a general staff, and is, I believe, doing this in a much more satisfactory way. It is folly to talk of or to advocate clothing a Chief of Staff or a Chief of Naval Operations with authority independent of the head of the Navy. Such independent authority would lead only to confusion and would do great harm. The fact that the bureaus as now constituted represent the different sections of the General Staff, that they have their special appropriations, and are responsible for the proper expenditure of moneys under their control and of the proper development and operation of the various parts of the Naval Establishment under their cognizance, gives, in my opinion, to the organization of the Navy Department a distinctive strength and an added efficiency not possible under a so-called General Staff organization. The present organization should be made stable and permanent, and if legislation is necessary to make this absolutely sure, then there can be no doubt that such legislation should be enacted, but in considering any legislation care should be taken that too great restriction is not imposed upon the freedom of action of the head of the Navy.

I desire to add that all the results I have related have been accomplished with the Secretary's assistance. No new legislation has been necessary, and all that has been required of me has been to present the need and desirability of changes and improvements in order to receive the Secretary's sympathetic attention. He does not blindly yield to suggestions, but gives them the most earnest and thoughtful consideration. As the Secretary has often reiterated, his only requirement is that the proposed change shall add to the efficiency of the Navy, in order that both the Navy's personnel and matériel may be capable of rendering and may be made to render 100 per cent efficiency. This policy of 100 per cent efficient service has been the basic creed of the Office of Operations, and when we shall have fulfilled that policy every unit of the fleet will at all times be read to perform its functions, whatever the occasion that may require its service.

WATER-POWER DEVELOPMENT.

Mr. WEEKS. Mr. President, I ask unanimous consent that an extract from an address delivered by Daniel W. Mead, professor of hydraulic and sanitary engineering, University of Wisconsin, Madison, Wis., on "The practical side of water-power development," be printed as a public document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. Mr. President, I think that article ought to go to the Committee on Printing for action. That is the usual course.

The VICE PRESIDENT. Is there an objection? Does the Senator from Florida object?

Mr. FLETCHER. I ask to have it go to the committee.

The VICE PRESIDENT. It will go to the Committee on Printing.

THE FUTURE OF CULEBRA.

Mr. WARREN. Mr. President, I have here an article from the New York Sun of June 18, 1916, entitled "Are subterranean gases cause of Panama Canal slides," written by Hon. Thomas Kearns, of Utah, formerly a member of this body, which, with the editorial comment upon it by the Sun, I should like to have printed as a public document, omitting the pictures but including two diagrams. I regard the article an interesting and valuable contribution to the subject on which it treats.

Mr. FLETCHER. I ask to have the article go to the Committee on Printing.

Mr. WARREN. I ask that none of the illustrations be inserted except a diagram.

The VICE PRESIDENT. There being an objection, the article will be referred to the Committee on Printing.

WIND RIVER RESERVATION, WYO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 733) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, which was to strike out all after the enacting clause and insert:

That any person who, prior to the passage of this act, made homestead entry on the ceded portion of Wind River Reservation, in

Wyoming, who has not abandoned the same, whose entry is still existent and of record, and who has been unable to secure water for the irrigation of the land covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months, and upon payment of all sums remaining due on said land, as provided for by the act of March 3, 1905.

Mr. WARREN. The House has amended the Senate bill, and I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EVA M. BOWMAN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 136) for the relief of Eva M. Bowman.

Mr. CLAPP. I move that the Senate disagree to the amendment and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. ASHURST, Mr. LANE, and Mr. CLAPP conferees on the part of the Senate.

COURT OF PRIVATE LAND CLAIMS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1840) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909, which was, on page 2, line 7, to strike out "section."

Mr. GALLINGER. On behalf of the Senator from New Mexico [Mr. CATRON] and at his request I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On June 21, 1916:

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals.

On June 22, 1916:

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee, at Winchester, Tenn.;

S. 142. An act for the relief of Mrs. George A. Miller;

S. 1326. An act for the relief of Vilhelm Torkildsen;

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve;

S. 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907;

S. 4550. An act granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation, at Vancouver, Wash.;

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel;*

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank; and

S. J. Res. 47. Joint resolution authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes.

On June 22, 1916:

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana;

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.;

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River, in Virginia; and

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River, at or near Pascagoula, Miss.

STATUE OF ZEBULON BAIRD VANCE.

Mr. OVERMAN. Mr. President, in accordance with a notice which is found upon the calendar, given some two weeks ago, and also in accordance with a resolution adopted by the Senate, I send forward a letter from his excellency the governor of North Carolina, and ask that it may be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the letter.

The Secretary read as follows:

STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT,
Raleigh, June 20, 1916.

To the Senate and House of Representatives of the United States, Washington, D. C.

GENTLEMEN: I have the honor to inform you that the General Assembly of North Carolina, by joint resolution, directed that the governor and council of state procure a statue of her illustrious citizen, Zebulon Baird Vance, governor, Member of the House of Representatives, and Senator, to be placed in Statuary Hall, the Capitol, Washington, D. C., pursuant to the act of Congress. By virtue of said resolution the governor, with the approval of the council of state, appointed William A. Hoke, Mrs. M. V. Moore, Miss Laura Lindsay Carter, Clement Manly, and John Henry Martin a commission to procure and have said statue erected.

I am informed by the commission that the statue, made by Gutzon Borglum, has been duly placed in position and is now ready to be presented to you. As governor of the State of North Carolina, it affords me pleasure to present to the people and Government of the United States the statue of Zebulon Baird Vance, distinguished soldier, citizen, and statesman.

Your obedient servant, LOCKE CRAIG, *Governor.*

Mr. OVERMAN. Mr. President, I offer a concurrent resolution, and ask that it be read. Later I shall ask unanimous consent for its present consideration.

The resolution (S. Con. Res. 24) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of Zebulon Baird Vance, presented by the State of North Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State of North Carolina for the contribution of the statue of one of its most eminent citizens, illustrious for the high purpose of his life, and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of North Carolina.

Mr. OVERMAN. Mr. President, with the completion of the two wings added to the old Capitol, one now occupied by the House of Representatives and the other by the Senate, the old House of Representatives was left deserted and silent. The scenes enacted there in that old Chamber for 50 years were only a precious memory, and the echoes made by the noise of footsteps only recalled the eloquent voices which had once so stirred the Members who sat there to make laws for their country.

For the utilization of this deserted Chamber many plans were submitted. The late Senator Morrill, then a Member of the House, finally submitted the following plan, which was approved and became a law on the 2d day of July, 1869:

The President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national Statuary Hall for the purpose herein indicated.

His remarks in speaking to the passage of this bill are worthy to be quoted here, and were as follows:

Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—

Nature formed but one,
And broke the die in molding.

Its democratic simplicity and grandeur of style and its wealth of association, with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.

It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past, civil, military, and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspiration and new incentives?

"To scorn delights and live laborious days?" and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerasably fixed their names on the pages of history.

North Carolina, one of the old original thirteen States, now claims her right and the happy privilege to place in that gallery of renowned statesmen, heroes, soldiers, and patriots one of her foremost citizens, illustrious and distinguished for his services to his State and his country, both in peace and in war—a patriot and a leader among men, idolized by all his people.

For 50 years the State of North Carolina failed to avail herself of this generous offer of Congress. But when the time came to make selection of him to be so greatly honored and revered, among all the great and noble men of the State from its early history, distinguished Americans, patriots, statesmen, lawyers, judges, builders of the State and country, great Senators and governors, as they all passed in review the eyes of the people instinctively turned upon one man, and with one accord, without a dissenting voice, selected the great commoner, Zebulon Baird Vance.

As the beautiful mountains in which he first saw the light towers over the lovely valleys lying below, as Mount Mitchell, the highest peak east of the Rocky Mountains, towers over the other peaks of the Appalachian Range, out of which it lifts its lofty head, at the foot of which Senator Vance built his beautiful home, so in the hearts of his countrymen he towers over all the great array of men who had become distinguished in the State and our country's history. He had loved them, led them, and suffered with them in the dark days, in the days of distress and gloom, amid the storms, their distress, and defeat; and then after the storm was over, after the disaster, the suffering, the distress, and defeat he led them in sunshine and to triumphant victory.

He had faithfully represented them in the House of Representatives. He had led them and fought with them upon the bloody field of battle. He had served them in the executive chair so ably and conspicuously that he became far and wide renowned as the greatest of the war governors; and when the clouds had passed away and the evil days had gone, again as their governor upon its ruins had helped to rebuild the old State, and with great ability and eminent statesmanship for more than 12 years had served them in the Senate, and finally had died at his post of duty. He loved the people and the people loved him as few public men had ever been loved.

His heroic statue now stands in Statuary Hall with Washington and Lincoln, Lee and Grant, Webster, Clay, Calhoun, and with other renowned statesmen and patriots whose States have placed them there for our countrymen to admire and revere, and that they may derive "fresh inspiration and new incentives" to their country's honor and glory.

In this age of commercialism we are inclined to forget the men whose high ideals and devotion to duty have aided in the upbuilding of this great Government and the preservation of the immortal principles upon which it was founded. In the mad rush for place and position it is well to have just such object lessons as are found in that gallery of statesmen to remind us that our happiness and the blessings of liberty we enjoy are interwoven with the efforts, hardships, and the accomplishments of those who have lived before us. The history of those lives is the history of our country.

Senator Vance's ancestors were of Scotch-Irish descent. They settled in North Carolina before the Revolution, and both his paternal and maternal ancestors fought in that great struggle for independence—one at Valley Forge with Washington and the other at Ramseurs Mill and Kings Mountain. Both aided in the erection of this wonderful superstructure which guarantees political liberty and individual freedom. From them he inherited his great courage, his patriotism, and his rugged honesty. Senator Vance had combined in him the humor and known wit of the Irish, and the logic, the perseverance, the insight, and love of liberty of the Scotch. Upon the hustings, in the office, the social circle, in every company and on every occasion he enlivened it with his wit, brightened it with his humor, and charmed it with his jovial good nature.

He was born in the county of Buncombe, on the 13th day of May, 1830, in the Blue Ridge Mountains, near the French Broad River, whose waters dash, sing, and roar over the rugged rocks on through the great forests between the great mountains on to the sea.

He spent his early life upon the farm. He acquired a good education in the village school, and when prepared he attended Washington College, Tennessee, and then one year at the university of the State; read law and received his license to practice, and soon thereafter was elected county attorney.

At the age of 21 he was elected county attorney, at the age of 24 he was elected to the house of commons, at the age of 28 he was elected to Congress, and at the age of 30 was reelected to Congress for a second term. At the age of 31, in 1861, he volunteered for the war and was elected captain and then colonel of the famous fighting Twenty-sixth Regiment North Carolina State troops in the Confederate Army. At the age of 32 he was elected governor of the State of North Carolina, and at the age of 34 he was reelected governor for a second term. At the age of 40 he was elected United States Senator, but was denied admission upon the ground that his political disabilities had not been removed. At the age of 46 he was again elected governor of his State. At the age of 49 he was again elected to the United States Senate and took his seat, and every six years thereafter was reelected to the Senate until his death in this city at the age of 64 years, having been elected four times to this great body. Thus step by step, from his early manhood, higher and higher his people heaped promotions and honors upon him and elevated him to positions of confidence and trust, in all of which positions he achieved distinction. He never betrayed his people. He served them in all these positions with fidelity and great ability and never a breath of scandal or criticism of his integrity and honesty was ever made against him by either friend or foe.

While at the front fighting with his regiment to one of his constituents who was urging him to give his consent for the people of his district to elect him to the Confederate Congress, he replied as follows:

> You remember well the position I occupied upon the great question which so lately divided the people of the South. Ardently devoted to the old Union and the forms which the Federal fathers established, I clung to it so long as I thought there was a shadow of a hope of preserving, purifying, or reconstructing it. And you will also remember that in the last official communication I had the honor to make to my constituents as their Representative I pledged myself in case all our efforts for peace and justice at the hands of the North should fail, that their cause was mine, their destiny was my destiny, and that all I had and was should be spent in their service. Those hopes did fail, as you know, signally and miserably fail; civil war was thrust upon the country and the strong arm of northern despotism was stretched out to crush and subdue the southern people. I immediately volunteered for their defense, in obedience not only to this promise, but also, as I trust, to patriotic instincts; and I should hold this promise but poorly fulfilled should I now, after having acquired sufficient knowledge of military affairs to begin to be useful to my country, escape its obligations by seeking or even accepting a civil appointment.

He had been elected to Congress in 1854 as a State Rights American. At home and in Congress he was an outspoken Union man. He loved the flag his fathers had fought to establish, but he also believed, as he had been taught, that his first duty was to his State. When his State, which had voted in April, 1861, to stay in the Union, finally had to take her choice whether to fight with and for her neighbors or against them, on the 20th of May, a month following, unhesitatingly seceded from the Union, he, as was his duty to do, went with his people and at once volunteered to fight in their defense, and he went into the war with his whole heart and soul. He was making a speech at Asheville, in his district, for the preservation of the Union when Mr. Lincoln's proclamation arrived and was handed him. His hand came down and his voice raised for volunteers for the war.

Some time after this the people of the State began to hold meetings and in the press began to call upon him to consent to allow them to run him for governor. Time and again he was importuned to do so, and then from the battle front he wrote to a friend as follows:

> Believing that the only hope of the South depended upon the prosecution of the war at all hazards and to the utmost extremity so long as the foot of an invader pressed Southern soil, I took the field at an early day, with the determination to remain there until our independence was achieved. My convictions in this regard remain unchanged. In accordance therewith I have steadily and sincerely declined all promotion save that which placed me at the head of the gallant men whom I now command. A true man should, however, be willing to serve wherever the public voice may assign him. If, therefore, my fellow citizens believe that I could serve the great cause better as governor than I am now doing, and should see proper to confer this great responsibility upon me, without solicitation on my part, I should not feel at liberty to decline it, however conscious of my own unworthiness.
>
> In thus frankly avowing my willingness to labor in any position which may be thought best for the public good, I do not wish to be considered guilty of the affectation of indifference to the great honor which my fellow citizens thus propose to bestow upon me. On the contrary, I should consider it the crowning glory of my life to be placed in a position where I could most advance the interests and honor of North Carolina, and, if necessary, lead her gallant sons against her foes. But I shall be content with the people's will. Let them speak.

He was elected governor in 1862 and was reelected in 1864, and during this most stormy, trying, and saddest period of the State's history he served with the highest executive ability and exhibited a degree of wisdom, far-seeing sagacity, and ability for organization rarely ever seen in any man. He equipped and sent to the Confederate Army more troops than any other Southern State. Her soldiers were better clad and her people had more comfort at home.

All the ports of the South had been blockaded and soon after his inauguration he conceived the idea of "running the blockade," and organized a fleet of blockade runners from Wilmington, N. C., to European and South American ports, by means of which he was enabled to export cotton and receive in exchange shoes, cloth, cotton cords, and other necessities of life for the soldiers and people at home, which he successfully carried on during nearly the entire war. In every county he organized relief societies to save the poor from starvation, and did every-

thing possible that could be done to care for the women and children while his soldiers were away fighting in defense of the State. He upheld the rights of the courts and the individuals, and refused to suspend or allow to be suspended the great writ of habeas corpus.

At the close of the war he was arrested and confined in the old Capitol Prison, but when the records were shown of his kind treatment of the 10,000 starving Union soldiers confined at Salisbury, in his State, his appeal to his own people to share their scanty subsistence with them, and his appeal to the authorities of the North for an exchange of prisoners, he was granted an early discharge. He returned home, sad at heart, to share with his people their poverty and defeat. He began the practice of the law for a livelihood, but his people called upon him again to serve them and lead them.

In the great campaign of 1876, when the people of the State determined to rid themselves from carpetbag misrule and the rottenness and corruption that then obtained in high places, from the insult and oppression of the misguided negro—their former slaves—from the chaotic conditions that then prevailed in the State, they again called upon Gov. Vance to be their Moses to lead them out of the wilderness of their troubles and humiliation; and the Democratic Party, with which he had allied himself, selected him as their standard bearer and nominated him for governor. The Republicans had nominated one of the ablest debaters in that State, and then in joint canvass they began one of the ablest, bitterest, and most exciting campaigns ever known or ever will be known again in that State.

Mr. President, although quite a young man, I was with him occasionally in that campaign and with others followed him to his different appointments in the State. I saw the great multitude of men, women, and children who flocked to see him and hear him. I saw the great cavalcades that came cheering to welcome him and escort him on the highways to his appointments. Many of them would follow him about from appointment to appointment and never tire of hearing him. I have seen that great form rise to speak and then the wild cheering. I have heard him address the multitude, at times moving them to tears, at times moving them to uncontrollable laughter at his sallies of wit and humor; have heard those delightful anecdotes with which he clinched some of his strongest points, heard his unanswerable logic, his fierce invective, ridicule, and sarcasm, and his flow of eloquence, and altogether, like a mighty torrent, it would carry the crowd with him and would so warm their hearts that with mighty cheers—

> They threw their hats
> As they would hang them on the horns of the moon,
> Shouting their exultation.

"They heard him with rapture and exultant joy." I have seen that magnificent presence of his rise when the masses, wrought up to great excitement, like the waves of the sea in a great storm wrought up to wildest fury, when it seemed they were almost ready to mob his opponent, lift his arm and wave his hand for order, and in a moment they were as quiet as the grave and were listening in respectful silence to the great speech of his opponent. He always had wonderful control of his audience. It was one triumphant march from the mountains to the sea. He was elected. Nothing could stop the great victory which came to him.

With his election came peace, race antagonism was in a measure allayed, and the old Commonwealth started on its onward march upward to happiness and prosperity. Red strings, Ku Klux, and secret political societies of all kinds were heard of no more. Frequent murders, arson, rape, riots, and rapine ceased. Justice was administered to all alike by the courts, good order was restored, and the people who builded this great Commonwealth came into their own again.

He began at once to plan for the settlement of the great debt that was burdening the people, to provide for the education of the white people and the black people alike, to provide for the care of the insane, the deaf, dumb, and blind, and relieve the people of the terrible burdens under which they were then suffering, all of which, in a measure, matured. He called a great meeting of the colored men of the State to meet at the capitol and addressed them in words of wisdom and tenderness, advising them that he was their governor; and the kindly advice he then gave had its effect to this day and accounts somewhat for the cordial relations which now exists between the races in that State.

He honored me with a position, with his confidence and his friendship. I was closely associated with him and knew him in the executive office and in the home circle. I loved him for his uniform kindness. I admired him for his genius, his great courage and patience under most trying circumstances. I enjoyed his brilliant conversation and his rich, rare, and racy fund of anecdotes, his humor, and jovial disposition. While his soul was full of wit and humor, he was serious and often engaged in the deepest thought, and found time to write his celebrated lecture upon the "Scattered Nation."

Perhaps the only thing for which he was seriously criticized while governor was his too free use of the pardoning power. I have seen the little blind girl pleading for the pardon of her aged father, the wife pleading for her husband, and the mother for her boy bring him to tears. His great tender heart could not resist their appeals. Tenderness, sympathy, and mercy were part of his nature. He would often yield when he knew that his action was taken in the face of adverse opinion. Free from egotism, he was one of the most approachable of men, and the executive chamber was always open to all comers without regard to their standing in life. His majestic form, his resonant voice, his long flowing locks, the merry twinkle of the eye, and his simple manners, his open-heartedness, impressed everyone who came in his presence. They felt they stood in the presence of a great man, but were unafraid and at once felt at home.

His people would not permit him to remain long in the executive chair, and two years after he had been inaugurated governor he was elected to the Senate and was sworn in as a Member of this body on the 4th day of March, 1879. He at once took high rank in this body and was recognized as one of its greatest debaters. He was on some of the most important committees, but his greatest work was upon the Finance Committee. Perhaps his greatest speech here was upon the tariff question. He carefully attended to the wants of his constituents, was very industrious, and contributed by his wisdom to many important public measures.

His great reputation had preceded him here, and he suffered not by his close associations with his colleagues, in his service here, or by his activities in the Nation's counsels.

Imbued with the doctrine of State rights, loving the South, her people and her tradition with a fervor amounting to passion, he viewed with distrust and suspicion every measure which seemed to him to point to a centralization of power in the Federal Government.

Imbued with the spirit of chivalry, with high ideals of honor and a lover of the truth, he was ever on the side of right and justice, and the cause of the people found in him a bold and steadfast champion.

Among his colleagues in the Senate there were great men of great minds and great ability; statesmen of long and large experience, but with them he suffered not by comparison.

He was a great reader of the Bible and had an abiding faith in the truth of the Christian religion and the immortality of the soul. Not in years, but worn with cares, duties, honors, and responsibilities of a long life of arduous service to his people and his country, having completed his work, his great soul passed into eternity, and the people of his State without regard to party, race, sex, or creed bowed their heads in sorrow. Women wept and strong men shed tears as they walked along the streets.

Three times governor of a great State; twice elected to the House of Representatives; four times elected to the United States Senate. Can there be found in the annals of our history such a record?

To perpetuate his memory his native county has erected a great monument to him in the city of Asheville, his people a bronze statue of him in the beautiful capitol grounds, and his State now has placed in the abiding place of the Nation's immortals, in bronze, his chiseled form and features in memory of the deeds of the past and to be an inspiration to those who come after us to kindle the fires of patriotism and stir the hearts of the youth of the land to greater and nobler endeavor for the glory and honor of our great country.

Like a granite pillar chiseled from his own native quarries, his life rises above us, lofty and massive, and yet graceful. It rises above the clouds of troubles and hardships he endured, and, sun kissed; it stands in the light of heaven, a monument of a glory that is past and a guide to that which is to be.

> The potentates on whom men gaze,
> When once their rule has reached its goal,
> Die into darkness with their days.
> But monarchs of the mind and soul,
> With light unfailing and unspent,
> Illumine fame's firmament.

Mr. LODGE. Mr. President, when I entered the Senate, in March, 1893, Senator Vance was one of its ablest, best-known, and most popular Members. My acquaintance with him was necessarily brief, because within a year after my coming into the Senate Senator Vance died. It is no slight evidence, how-

ever, of the power of his personality and of his personal attraction that I felt that by his death I had lost a friend, for he had made me his friend in those few short months. I was a young man and on the other side, politically, but nevertheless he dwells with me now as one of the most vivid memories of my early days in the Senate and stands out a marked and gracious figure in my visions of the past.

Others far better qualified than I will trace here his distinguished career, both in war and in peace. All that I can hope to give is the impression made upon me during the brief year in which I knew him. He had a strong personality, as I have already said; but, unlike some strong personalities, his carried with it nothing but a sense of kindliness and humor, for which delightful qualities indeed he was conspicuous. When he died the feeling that came uppermost, I think, in the minds of all who knew him in the Senate was not of the eminent public man or of his services in the field and in public life. It was that we had lost a friend, a man who had awakened in us the warm feelings of affection. But there was another side to Gov. Vance, far more important even than this, and which I see now more clearly than I did at the time. He was a fine example of a certain type of man who had fought on the Confederate side during the Civil War. There were many of these men in the Senate in those days; now, alas! there are very few. Then for the first time I was brought into personal contact with them. I had been bred in an atmosphere of intense hostility to the principles for which they had fought. I widely disagreed with most of their political views; but I was not long in the society of these men in the Senate—these men of whom Gov. Vance was such an admirable example—without learning keenly to appreciate their strong qualities. Their theories of political action which had guided them in the past, and which guided them then, were not mine and never could be; but they were men of principle and of conviction, and for their principles they had not only fought but they were ready to sacrifice themselves to them if need came in the less dangerous but more insidious trials of public life. They were men of traditions. They had the old American traditions strong within them, as did the men from the North, who fought against them. What I mean precisely by this it would take more time to explain than I have to give, but I think everyone who knows and loves our history will understand what I mean.

Above all, Gov. Vance and those who shared his principles and had fought with him in the Civil War, were men who believed profoundly that there were certain things for which the individual life ought to be sacrificed, and that there were higher ideals to be followed than living in comfort and safety with opportunity to accumulate money. They were to the fullest extent like those whom they met in arms upon the battle fields of the Civil War, of the race of men who fought the Revolution, and they resented dishonor or humiliation for their country as they would have resented it for themselves. Rather than have their Nation undergo humiliation or be dishonored, rather than sacrifice principles in which they believed, they were ready to fight, and if need be give their lives. They and the men who fought for the Union, however they differed, went to war in the same spirit, which has, I believe, at all times ever been the true American spirit. When it is extinguished, then the end of the Republic is not far off.

In Gov. Vance one saw first his wit and humor, his geniality and good comradeship, and everyone loved him for these most attractive qualities. But as one came to know him better one felt that he was a representative of those by whose toil and sacrifice and courage great nations are made. Nobody could doubt for a moment that Gov. Vance would die rather than be

> One of a Nation, who, henceforth, must wear
> Their fetters in their souls.

Therefore North Carolina does well to give his statue to the Nation, and we do well to honor and recall his memory here.

Mr. SMITH of Georgia. Mr. President, citizens of North Carolina have made records for patriotism, from the days of the Mecklenburg Declaration of Independence on down to the present time, unsurpassed in the annals of history. Her sons have rendered distinguished service as lawyers, as soldiers, and as statesmen.

The bench has never been occupied by greater jurists than Gaston, Iredell, Ruffin, and Pearson. To the brilliant galaxy of American soldiers North Carolina contributed, among others, Gens. Graham, McDowell, Hoke, and Hill. Her statesmen have given splendid service to the entire country, and from among their number may be mentioned Macon, Mangum, Graham, and Merriman.

When the question arose in North Carolina of selecting from her distinguished sons one whose statue should grace the National Statuary Hall, the citizens of that State found many worthy of the place. It might well have been expected that difficulty of decision would develop, but there was no division of sentiment as to who should be chosen. With one voice North Carolinians named him, Zebulon B. Vance, and no one questions that the naming was justly made.

I knew him from my childhood to the hour of his death. He was devoted to the University of North Carolina and visited that institution frequently. There he was always a guest of my father, who was a professor of the university. I was at his bedside through the long, long night when he died. It is a privilege to join with North Carolinians and pay tribute to his memory.

He was a great executive officer. He was governor of North Carolina during the Civil War, and as a result of his calm, forceful, determined administration of the affairs of the State, North Carolina's troops were the best clad and the best fed of any of the troops of the Southern States.

Of him it can justly be said he was the most successful and valued governor of a Southern State during the Civil War. But I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

He was a great legislator, wise, thoughtful, tireless, progressive, practical. If his public services had been limited to his legislative career he would rank among the first, but I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

He was a wonderful orator. With powerful logic he could array facts in simple language, clear and convincing. With a humor and a wit never equaled, he could delight his audience, while he charmed them with his pathos and won them with his logic. But I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

If I may name what I believe placed Zebulon B. Vance above all others with his constituents, I would say it was his intense, all-controlling, all-sustaining love for his State and his people. He loved them with a great, unfailing love. It was a love which unselfishly led him in his every thought and act, which dominated his life, which was his very life. There never was a moment when that love failed to control and inspire him in their service or when he would not willingly have died for his people and his State.

North Carolinians knew how he loved them, and they almost worshipped him in return. Great deeds make great men, but a great, unselfish love for his people made every act of the life of this wonderful man an act of loyal, joyous service to the people of North Carolina and to his fellow men.

He had faith in the power of love and rejoiced in the service which it produced; and if he were here to speak to-day, and were permitted to select from his marvelous record a tribute to his memory to account for the honor which his constituents have given him, I believe he would have us say, "His whole life was given to the service of his people, he loved them so; he loved his fellow men."

The beautiful lines of Leigh Hunt suggest, but do not adequately present, the love of this son of the old North State:

ABOU BEN ADHEM AND THE ANGEL.

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the twilight in the room,
Making it rich, like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said,
"What writest thou?" The vision raised its head,
And with a look made of all sweet accord
Answer'd, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel. Abou spoke more low,
But cheerily still, and said, "I pray thee, then,
Write me as one who loves his fellow men."
The angel wrote and vanish'd. The next night
It came again with a great wakening light,
And show'd the names whom love of God had blest;
And lo! Ben Adhem's name led all the rest!

Mr. OVERMAN. Mr. President, I ask for the adoption of the concurrent resolution which I have heretofore submitted and which has been read.

The concurrent resolution was unanimously agreed to.

Mr. OVERMAN. Mr. President, I now offer the concurrent resolution which I send to the desk.

The VICE PRESIDENT. The Secretary will read the concurrent resolution submitted by the Senator from Noth Carolina.

The concurrent resolution (S. Con. Res. 25) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zebulon Baird Vance presented by the State of North Carolina, 16,500 copies, with suitable illustration, of which

5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of North Carolina.

SENATORS IN NATIONAL CONVENTIONS.

Mr. MYERS. Mr. President, I move that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. MARTINE of New Jersey. If the Senator will pardon me, with his permission, I ask unanimous consent to make a few observations, utterly nonpartisan in character, with reference to the activities of the members of the great parties of the United States in the recent political conventions.

The VICE PRESIDENT. The Chair hears no objection.

Mr. MARTINE of New Jersey. Mr. President, we have but just returned from the great nominating conventions held by the two great political parties. What a superb demonstration their action presented of how we, in free democratic America, change our rulers! Be it said to the everlasting credit and honor of our country, these conventions have placed before the people four honorable and patriotic citizens as nominees for President and Vice President.

Mr. President, we have been quite accustomed to hear that the United States Senate, as a body, has outlived its usefulness; that its Members cut no figure at home and have little or no influence abroad. In order to dispel such an impression and to discount, to some degree at least, the somewhat prevalent but unjust estimate that the Senate of the United States is a useless and antiquated institution, without much influence at home and of slight regard abroad, I think it will be of some interest to recount the part taken by the Members of the Senate in the recent conventions of the great political parties. This hastily prepared recital may seem inadequate and possibly invidious, and yet no possible slight is intended for any of my colleagues who figured to any extent in the proceedings of these great national gatherings.

In the first place, the presiding officer of the Senate, the Hon. THOMAS R. MARSHALL, was renominated for Vice President of the United States by the Democratic national convention. He was presented in a ringing speech by the honored Senator from Indiana [Mr. KERN]. Four distinguished Members of the Senate—Messrs. WEEKS, SHERMAN, CUMMINS, and LA FOLLETTE—were active candidates for the presidential nomination in the Republican convention. The claims of each for the honor were duly set out in splendid nominating speeches, and each received a respectable number of votes from loyal supporters.

A Member of the Senate, Mr. HARDING, of Ohio, was both the temporary and permanent presiding officer of the Republican convention, and had the honor of sounding his party's so-called "keynote" for the campaign.

Another Member of the Senate—Mr. JAMES, of Kentucky, was the permanent presiding officer of the St. Louis convention, and covered himself with glory and reflected honor upon his party while serving in that most responsible position.

Senator LODGE, of Massachusetts, was chairman of the committee on platform, and had much to do with the drawing of that important pronouncement in the Republican convention. He had associated with him upon the subcommittee of that committee Senators SUTHERLAND, of Utah; BORAH, of Idaho; OLIVER, of Pennsylvania; WADSWORTH, of New York; and FALL, of New Mexico. Thus the Senate Members comprised two-thirds of the membership of the subcommittee, and thereby absolutely framed and formulated the chart of party faith.

Senator STONE, of Missouri, was chairman and master spirit of the committee on platform in the St. Louis convention. He chose four of his colleagues upon this floor as members of the subcommittee, as follows: Mr. WALSH, of Montana; Mr. HOLLIS, of New Hampshire; Mr. MARTIN, of Virginia; and Mr. POMERENE, of Ohio. Upon the committee proper there were also Senators THOMPSON, of Kansas; RANSDELL, of Louisiana; JOHNSON, of Maine; WILLIAMS, of Mississippi; and PITTMAN, of Nevada. Also the keen and active service of the junior Senator from Indiana [Mr. TAGGART] was everywhere apparent.

Upon the important committee on credentials, and at its head, always controlling its decisions and directing its counsels, in the Republican convention, was Senator SMOOT, of Utah. This service by no means measures the activities of that Senator in the great gathering, for he was chairman of the special conference committee appointed by the convention to confer with a like committee from the Progressive convention that sought to formulate a basis for a harmonious reunion of the divergent bodies, at one time so wide apart. He had with him upon this delicate mission Senator BORAH, of Idaho. There is no question that these gentlemen had a most potent influence in bringing about a much better understanding between the once belligerent factions of Republicanism. There is little question that they drew the diplomatic report of the all-night harmony conference that Senator SMOOT later on read in the Republican convention.

In this connection it may be well to note the friendly visit of Senator BORAH to the Progressive convention, which he was invited to address. If ever a better speech was delivered upon a like occasion, or one better calculated to bring about a friendly feeling and disposition for harmony, I have not read it.

In the St. Louis convention, appearing before the subcommittee on platform in argument for or against certain planks, and everywhere casting rays of sunshine and inspiration, were Senators JOHN SHARP WILLIAMS, of Mississippi, and FRANCIS G. NEWLANDS, of Nevada.

In the conferences, manipulations, harmony proceedings, and real nominee-making circles of the Chicago Republican gathering there were prominent always Senators PENROSE, of Pennsylvania; WADSWORTH, of New York; SUTHERLAND, of Utah; BRANDEGEE, of Connecticut; LIPPITT, of Rhode Island; SMITH of Michigan, and, unquestionably, others whose names do not now occur to me as marking the ante and extra convention proceedings.

In the suffrage debate at St. Louis the eloquent voices of Senators WALSH, of Montana, and PITTMAN, of Nevada, rose triumphantly above the din, and these splendid advocates were rewarded by the adoption of that plank in the platform.

Senator REED, of Missouri, was one of the eloquent gentlemen who addressed the great St. Louis love feast upon a universal demand for his appearance on the platform.

Senators SAULSBURY, of Delaware, and TILLMAN, of South Carolina, were also there.

Mr. President, let me refer to a number of ex-Senators who played an important part in the Republican convention, namely, Senator Fairbanks, Senator W. Murray Crane, Senator Chauncey Depew, Senator Elihu Root, Senator Theodore E. Burton, Senator William P. Jackson, and also Senators CATRON, PENROSE, and SMOOT.

At the Democratic convention it was Senator HUSTING who introduced a resolution on Americanism. Then, too, it was Senator OWEN who was mentioned as a candidate for the Vice Presidency, but he most graciously withdrew in favor of our honored and efficient Vice President, Hon. THOMAS R. MARSHALL.

It was Senator THOMPSON who moved to suspend the rules in order that Hon. William J. Bryan might address the convention.

Senator JOHN SHARP WILLIAMS for a time presided as chairman of that great convention.

Several Senators are named upon the committees of both conventions that are to formally advise the nominees of the actions of the respective bodies.

Who, in the face of this array of facts, will ever hereafter proclaim that the United States Senate is a lifeless and uninfluential body and that it cuts no figure in national politics? This record is fairly astounding. History has heretofore recorded nothing like it.

Let us gird up our loins, hold up our proud heads, and march onward to yet greater accomplishments.

ORDER OF BUSINESS.

Mr. MYERS. Mr. President, I renew my motion, made before I yielded to several Senators, that the Senate proceed with the calendar under Rule VIII.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CLAPP in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Page	Smoot
Bankhead	Husting	Phelan	Sterling
Beckham	James	Pittman	Swanson
Brady	Johnson, Me.	Poindexter	Thomas
Bryan	Johnson, S. Dak.	Pomerene	Thompson
Chamberlain	Jones	Ransdell	Townsend
Clapp	Lane	Reed	Underwood
Clark, Wyo.	Lewis	Saulsbury	Vardaman
Culberson	McLean	Shafroth	Walsh
Cummins	Martin, Va.	Sheppard	Warren
Curtis	Martine, N. J.	Sherman	Williams
Dillingham	Myers	Shields	Works
Fletcher	Newlands	Simmons	
Gallinger	Norris	Smith, Ga.	
Harding	O'Gorman	Smith, Md.	

Mr. MARTINE of New Jersey. I beg to announce the absence of the senior Senator from West Virginia [Mr. CHILTON] on important public business.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is absent from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. CUMMINS. Mr. President——

Mr. MYERS. Mr. President, I ask that my motion be put.

Mr. CUMMINS. I rose to suggest an amendment to the amendment that is now pending, which is the pending question.

Mr. MYERS. I must make a point of order that the question which is before the Senate should be put.

Mr. BANKHEAD. I will say to the Senator from Iowa that the Post Office bill is not yet before the Senate.

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that the Senator from Montana has the floor.

Mr. CUMMINS. The Senator from Iowa stands corrected. I assumed that it was after 2 o'clock.

Mr. MYERS. I renew my motion.

The PRESIDING OFFICER. It has been moved that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. SMOOT. Mr. President, it is 10 minutes to 2 o'clock, and we could do nothing with the calendar in that time; so what is the use of wasting that 10 minutes?

Mr. SMITH of Georgia. Mr. President, possibly that may be true for the day; but there are a number of us who think that the process of recessing has involved a waste of time. The unfinished business does not hold the Senate until 6 o'clock. The Senators in charge of it on the floor of the Senate get tired before proper adjourning time, and we quit an hour before proper adjourning time. We have taken an hour, then, out of the morning hour——

Mr. POINDEXTER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Washington raises a point of order, which he will state.

Mr. POINDEXTER. I demand the regular order.

Mr. SMOOT. Then we can vote on the motion; that is all.

Mr. SMITH of Georgia. I was just speaking in behalf of the regular order.

My MYERS. I ask for a vote on my motion. I think that is the only thing in order.

The PRESIDING OFFICER. Unless objection is made——

Mr. BANKHEAD. Mr. President, as there seems to be some confusion in the Chamber about what is in order and what is not, I move that the unfinished business be laid before the Senate.

Mr. MYERS. Mr. President, I object to that, and make the point of order that it is not in order. I have made a motion which is pending, and it is not a motion for which a substitute motion may be offered.

Mr. BANKHEAD. If I am out of order, I will withdraw the motion.

Mr. MYERS. I ask for a vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana that the Senate proceed to the consideration of the calendar under Rule VIII. Those in favor of the motion will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. MYERS. I ask for the yeas and nays, Mr. President.

Mr. POINDEXTER. Mr. President, I object to that, and make the point that it is out of order, and that the rules provide for taking up the calendar under Rule VIII at the conclusion of the morning business.

Mr. WILLIAMS. I call for the regular order.

Mr. MYERS. I ask for a division on the vote.

Mr. POINDEXTER. I demand the regular order.

Mr. MYERS. I join the Senator from Washington in demanding the regular order. This is the regular order. I only made the motion to keep somebody else from making a different motion.

The PRESIDING OFFICER. The regular order would be the consideration of the calendar under Rule VIII.

Mr. MYERS. Then I call for the regular order.

Mr. SMOOT. Mr. President, what was the decision of the Chair as to the vote on the motion of the Senator from Montana?

The PRESIDING OFFICER. The Chair was rather of the opinion, although not very decisively, that the "ayes" had it.

Mr. SMOOT. If that is the decision of the Chair, then, of course, the regular order is the calendar under Rule VIII, unless a motion is made to take up the unfinished business.

THE CALENDAR.

The PRESIDING OFFICER. The Secretary will report the first bill on the calendar.

PUBLICATION OF LAND-OFFICE NOTICES.

The first business on the calendar was the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices.

Mr. SMOOT. Let that go over, Mr. President.

Mr. MYERS. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Montana moves that the Senate proceed to the consideration of the bill, notwithstanding the objection. Those in favor of the motion will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. MYERS. I ask for a division, Mr. President.

The PRESIDING OFFICER. The Chair is of the opinion that the "noes" have it. A division is asked for. Those in favor of proceeding with the consideration of the bill will please stand while they are counted by the Secretary. [A pause.] Those who are opposed will now stand. [A pause.]

Mr. MYERS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. One thing at a time.

Mr. MYERS. If I wait a moment, I will be too late. [Laughter.] I demand the yeas and nays on the question, Mr. President.

The PRESIDING OFFICER. The "ayes" have it.

Mr. MYERS. Then I withdraw my motion.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices.

The PRESIDING OFFICER. The Senate has previously had this bill under consideration as in Committee of the Whole. The bill is still in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I ask the Secretary to state the amendment which was offered by the Senator from New Mexico [Mr. FALL].

The PRESIDING OFFICER. The Chair has been advised that that amendment has already been acted upon and has been rejected.

Mr. SMOOT. I wish to say to the Senator from Montana that the Senator from New Mexico [Mr. FALL] was interested in this bill and desired to speak upon it.

Mr. MYERS. May I interrupt the Senator for a minute? I can clear all that up.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do.

Mr. MYERS. On the last day when that bill was considered—the Senator from Utah was not here—the amendment of the Senator from New Mexico [Mr. FALL] was put to a vote and defeated.

I asked the Senator from New Mexico on the floor if he would oppose the further consideration of the bill, even in his absence, or if he had any objection to its being considered in his absence, and he repeatedly stated, as the CONGRESSIONAL RECORD will show, in the very plainest and strongest possible terms, that he waived all objection and had no objection to its coming up at any time hereafter, either in his absence or otherwise. That is all in the CONGRESSIONAL RECORD and is a matter of public record. It all occurred right here on the floor of the Senate.

Mr. SMOOT. I will say that I have no objection to the bill personally, but——

Mr. MYERS. I was satisfied that the Senator would not object personally.

Mr. SMOOT. But I do know that the Senator from New Mexico asked me not to allow the consideration of the bill.

Mr. MYERS. That is all done away with. I call the Senator's attention to the CONGRESSIONAL RECORD of the 3d day of June, 1916. He will find the whole thing set forth there, and the disclaimer of the Senator from New Mexico of a desire for any further delay.

Mr. SMOOT. I will take what the Senator from Montana says as being the fact.

Mr. MYERS. I am very glad to have the Senator do so.

Mr. SMOOT. Therefore I shall not offer any further objection to the consideration of this bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIRCUIT AND DISTRICT JUDGES.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over on objection.

Mr. SMITH of Georgia. I move that the Senate proceed with the consideration of the bill without regard to the objection.

Mr. CUMMINS. On that I ask for the yeas and nays.

Mr. SMOOT. I ask for the yeas and nays.

Mr. SMITH of Georgia. Mr. President, we will have to lay aside the bill at 2 o'clock, and there are only two minutes left. It would take that time to call the yeas and nays, so——

Mr. SMOOT. We might as well call them, because we want a quorum here when we take up the bill, anyhow.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

Mr. SMITH of Georgia. I will renew this motion to-morrow morning.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, Me.	Phelan	Smoot
Brady	Johnson, S. Dak.	Pittman	Sterling
Bryan	Jones	Poindexter	Thomas
Chamberlain	Kern	Pomerene	Thompson
Clapp	Lane	Ransdell	Townsend
Culberson	McLean	Reed	Walsh
Cummins	Martine, N. J.	Shafroth	Warren
Fletcher	Myers	Sheppard	Williams
Harding	Newlands	Sherman	Works
Hardwick	Norris	Simmons	
Husting	Overman	Smith, Ga.	
James	Page	Smith, Md.	

Mr. CUMMINS. My colleague [Mr. KENYON] is absent from the city on account of severe illness in his family. I make this announcement for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is unavoidably absent on official business and also that the Senator from Kentucky [Mr. BECKHAM] is likewise absent on official business.

The PRESIDING OFFICER. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators and Mr. O'GORMAN, Mr. SAULSBURY, Mr. UNDERWOOD, and Mr. VARDAMAN answered to their names when called.

Mr. CURTIS, Mr. DILLINGHAM, Mr. LA FOLLETTE, Mr. LEWIS, Mr. LEE of Maryland, Mr. BORAH, Mr. SHIELDS, Mr. HITCHCOCK, Mr. MARTIN of Virginia, and Mr. SWANSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments; agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES conferees on the part of the Senate.

POST OFFICE APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 10484, the Post Office appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Just before adjournment last evening an amendment was made to the pending amendment in the first line, the intention of which was to limit the application of the amendment to railways. In order to make the amendment consistent, there will have to be a slight change in the phraseology in other parts of the amendment. So I ask to perfect my amendment by inserting, after the word "matter," in line 1, page 2, the words "by railway common carriers"; also by inserting, in line 9, page 2, after the word "all," the word "railway"; also by inserting, after the word "any," in line 12, page 3, the word "such," and by inserting, in line 21, after the word "any," the word "such."

These changes will make the amendment apply only to railway mail common carriers, and I take the privilege of modifying the amendment accordingly.

The PRESIDING OFFICER. Without objection, the modification will be made.

Mr. NEWLANDS. Mr. President, I concur most heartily in the amendment suggested by the Senator from Iowa. I think this change ought to have been made years ago. I believe that the Interstate Commerce Commission as a quasi-judicial body acting as the instrumentality of Congress in the regulation of interstate commerce should be called upon to determine all questions relating to the charges of carriers whether to individuals or to the public itself. It is the only fair way of regulating railway carriers and regulating the pay that is to be paid to the railway carriers for carrying the mail. Congress organized this tribunal for the purpose of determining such questions, and there seems to be no reason why it should not submit the question of railway-mail pay as it has all other questions relating to the compensation of carriers to this tribunal of its own creation.

Mr. President, I shall not dwell further on that subject for I believe it is the sense of the Senate that that amendment should be adopted.

I will bring up again the matter which I brought up this morning relating to the contemplated strike by a portion of the employees of the railroads of the country, some 300,000 in number, who are employed now upon freight trains, and constituting, I believe, about one-fifth of all the railway employees. I offered this morning a resolution which had been framed by the National Chamber of Commerce after a referendum address to all the member bodies some weeks ago, and which was almost unanimously indorsed by those bodies.

I asked this morning to have inserted in the RECORD a few pages from their report upon this matter containing the reasons for their support of the resolution and giving an outline of arguments in favor of the committee's report and another outline of arguments against the committee's report. The whole matter seems to have been very fairly considered by this chamber of commerce in the public interest, and without any expression as to the merits of the controversy, but simply as to the desirability of having this question settled without a lockup of transportation such as is threatened. The insertion in the RECORD was objected to by the Senator from Missouri [Mr. REED] and the Senator from Pennsylvania [Mr. OLIVER]. I saw them afterwards and they told me they had no objection to its insertion, and I will ask leave to insert these pages from the report of the Chamber of Commerce of the United States in connection with my remarks during the morning hour.

Mr. LA FOLLETTE. Mr. President, the Senator of course can put the document which he has in his hand into the CONGRESSIONAL RECORD by reading it, but I object most emphatically to its going into the RECORD except it be read in. I can not make objection to that. If I could I would, because I understand exactly what this Chamber of Commerce of the United States is doing. It is taking the place of the old and discredited associations of manufacturers of the United States. It sent out one of these prepared arguments for and against the seamen's bill some months ago to the local chambers of commerce throughout the country. It was a most partisan presentation of the subject.

I have not examined the document which the Senator from Nevada has in his hand, but if the arguments pro and con on the seamen's bill is any measure of the fairness of the arguments presented on this measure, then, Mr. President, the votes of the various local chambers of commerce of the country, based upon what was presented to them, would be entirely misleading as a record of fair public opinion.

Of course, the only purpose in submitting this document is to influence the action of Congress, and any Senator can readily understand that the crux of the whole matter is the fairness of the presentation of both sides.

The Chamber of Commerce of the United States of America, meeting here in Washington from time to time, takes up public questions, and for the purpose of influencing public opinion it prepares a statement on one side and a statement upon the other side of questions of importance. Then it sends out those statements to the chambers of commerce of the different cities of the country, and upon the presentation made by this chamber of commerce the various local bodies vote for or against the measure.

Anyone can readily see, Mr. President, that the action of the local chambers of commerce over the United States will depend entirely upon how this question is presented to them, whether it be presented faithfully, whether it presents all the arguments upon both sides. So that gets to be the kernel, the marrow, of the whole business; and the only purpose of taking this census of the local chambers of commerce and the only purpose of putting it in the CONGRESSIONAL RECORD is to influence congressional action.

So, Mr. President, knowing that in one instance at least the chambers of commerce of the United States acted in the interest of the Shipping Trust of this country and secured a condemnation of the seamen's bill which gave freedom to the seamen of this country and which is helping more than any one other one act, more than subsidies can help to build up an American merchant marine—knowing, sir, that they secured by a partisan and biased statement of the seamen's bill a condemnation of it from these local chambers of commerce, I am suspicious of their action here.

I suppose I am trespassing upon the patience of the Senator from Nevada, who has the floor.

Mr. NEWLANDS. I am very glad to hear the statement of the Senator.

Mr. LA FOLLETTE. And probably I am trespassing upon the patience of the Senate; but I have a good deal within me which I am going to present at an opportune time on this question of the increase in the wages of the trainmen of the country.

Mr. President, I look with a good deal of suspicion upon anything that might be used to muzzle and handicap the men who run the trains on railroads in this great country of ours from securing a limitation of their hours of service to eight hours.

It fell to me to present to the Congress of the United States the first limitation that was ever put by law upon the hours that these trainmen can be compelled to work. I fought on this floor for days to get the consideration of a bill limiting the work hours of these men.

I sometimes feel almost ashamed, Mr. President, that I ever stood here to put a 16-hour limitation upon that service; but at the time the records in the Interstate Commerce Commission showed that engineers, conductors, and train crews were being compelled to run from 30 to 70 and even 100 hours without a moment's rest. The columns of the papers of this country were filled with accounts of accidents and the slaughter of innocent people. I did not mean to go into this at all, but, Mr. President, influences were strong enough on this floor in the interest of the railroads, so that when I presented the proposition 10 years ago to limit the hours of service to 16 hours it required days and days of effort to secure consideration for the bill. Senators would appear on this floor, respond to a roll call on a quorum call, and retire almost in a body to the cloakrooms, so that when the vote was taken upon the question of taking the bill up for consideration a quorum would not vote. I can cite Senators to that record. It is one of the black pages in the history of the Senate. Again and again was that thing repeated here, Senators running back into the cloakrooms to break a quorum, so that the bill could not even be considered, and then returning to answer to their names when the roll was called to determine whether a quorum was present or not. Finally by persistence there was wrested from this body an agreement to consider the bill at the next session and to vote upon it, and of course when it came to a vote nobody dared go on record against it. It passed overwhelmingly, and a limitation was put upon the work hours of train crews of this country of 16 hours. It has been partly observed and it has been often violated by the railroads.

Now, the men who sit in the cramped positions in engine cabs, with their hands on the throttle, every faculty concentrated, every nerve tense for eight hours, on whom depend the lives of the people who are being transported by the trains, are contending for a limitation of eight hours' continued service.

Mr. President, those men ask for an eight-hour limitation. It is a reasonable limitation. All the scientific investigations made in this country with respect to accidents, not only on railroads but in all places where dangerous machinery is used, is to the effect that as the wear and tear and concentration of mind and of muscle and of nerve begin to tell upon the man accidents begin to multiply. In any factory in the United States where the strain is prolonged, if you take the time schedule of accidents, you will find the accidents multiply enormously late in the day. So it is with these trainmen.

Mr. President, of course the engineers and the conductors are pretty well paid, as compared with some employments, but it is to be remembered that they serve under exceptional conditions. I do not know of many men who are employed on a wage scale in this country upon whom such a responsibility rests as upon the engineers and the conductors and the trainmen. I do not know of many men who serve in employments that are hazardous who break down so early in life as do these men, more especially, perhaps, the engineers, sitting hour after hour in a cramped and strained position, taking the hard jars that they must take of the engine, with all its weight, as it thunders over the rails. Mr. President, I do not know of any set of men in this country who relatively suffer to so great an extent loss of life and horrible bodily mutilation in accidents as do these men.

The referendum vote taken by the chamber of commerce and set forth in the document proposed to be inserted in the RECORD is based upon a statement very ingeniously contrived to show that engineers receive more in wages than some men who are not employed in such hazardous and exacting service, but not taking into account the limitation of their life of effective service; not taking into consideration the strain, exactions, and concentration required in that service; and not taking into consideration the fact that they are compelled to give up the home life, that they have to live on the road, that they have to meet expenses that men differently employed do not have to meet.

I might occupy the attention of the Senate for a considerable period in reciting the differences between the exactions made of these trainmen and those with whom this document, from the little that I glean from its reading, would make comparison. I merely suggest that, Mr. President, without going into details; but the difference between the statement set forth in the document and the just demands of these trainmen which are not presented in the document, and which were not considered and were not suggested for the consideration of the various boards of trade of the country, in a measure will tend to show how imperfect and how short of meeting the fair requirements of a justly argued proposition upon both sides is this method of submitting a referendum to the boards of trade of the United States and using the result in an effort to influence the action of Congress.

Mr. President, I can not stop the document from going into the CONGRESSIONAL RECORD; but, in this imperfect and far from exhaustive statement, I have set out some things which I think may tend in a measure to balance the effect of its publication in the RECORD.

Mr. NEWLANDS. Mr. President, the Senator from Wisconsin complains that upon a similar referendum made by the National Chamber of Commerce regarding the shipping bill a prejudiced and unfair statement of the facts was made with a view to influencing public opinion, and particularly the action of the constituent chambers of commerce of the National Chamber of Commerce. I know nothing of that controversy; I never saw the document constituting that referendum; and it is impossible for me to make any answer regarding it. I can only say that I believe that every respectable organization in the United States that seeks to mold public opinion upon any subject is entitled to a hearing, and that a national chamber of commerce, composed of the representatives of all of the boards of trade and chambers of commerce in the country, is, by reason of its intimate connection with the business and transportation of the country, entitled to be heard upon a subject so important as that of transportation, the tying up of which involves also the tying up of the commerce of the entire country. I think it is quite proper that such an organization should give consideration to such an important question, and that it is quite right that it should present its views respectfully to the Congress of the United States upon the subject. Other organizations are entitled to the same hearing. It is only by discussion that a sound public opinion can be formed.

I am aware that chambers of commerce are sometimes subjected to attacks in legislative bodies as representing selfish interests and of seeking to impress upon legislation such selfish interests. I have no doubt the charge is sometimes, perhaps often, true; and yet that fact would not prevent me from presenting to the Congress of the United States an expression of opinion by such a body, any more than some discreditable things that are said with reference to labor organizations and the terrorism which they inspire would prevent me from presenting their views and conclusions for the consideration of Congress. In presenting such views I do not indorse them.

What, however, is the matter which the National Chamber of Commerce has had under consideration? The question as to whether it is proper or humane to establish an eight-hour day? No; they do not pretend to enter into that inquiry. Let me say that, so far as my individual views are concerned, I have always been for an eight-hour law, and I have voted gradually to extend it wherever I had the opportunity; for I believe that eight hours is a sufficient time for a man to work in any matter involving the labor of the hands. The question which this National Chamber of Commerce is considering is the pos-

sible effect of a tie-up of transportation; and they are seeking to avert that tie-up by having a quasi-judicial inquiry made as to all the facts that relate to the employment of labor by the great common carriers of the country.

Thus far we know that only a part of the labor employed by common carriers—less than a third, I believe—has been able by concerted action to secure from their employers recognition of their just claims, and that outside of them stand over a million of unorganized laborers, who thus far have been unable to present in any concrete form their demands.

This is becoming a very important question, first, as to whether these increases are being proportionately distributed among all the laborers of the railroads instead of being apportioned only to a favored portion. The National Chamber of Commerce wishes an inquiry to be made with reference to all labor. They doubtless realize, as every business man realizes to-day, that, as a result of a constant increase in taxes, of a constant increase in wages, of a constant increase in the cost of supplies, the expenses of the railway carriers are increasing. If their income increases in the same proportion, it will have no effect upon dividends; but if the increase in income does not keep pace with the increase in these various operating expenses—the increase in the cost of supplies, the increase in the cost of interest paid, and so forth—then it must have an effect upon dividends. Well, many say these dividends have been swollen and that they ought to be reduced. That may be so; and yet to my knowledge we have had no judicial or quasi-judicial inquiry as to that fact. I dare say it is so with reference to some railways, and that it is not so with reference to others.

There is a commission organized with a view to determining such questions, but it never has started upon such a general inquiry. That commission is the Interstate Commerce Commission. We all know, however, that, as a result of the constant increase in fixed charges and in operating expenses, it has been much more difficult of late for the railways to get money for development and improvement than it has been in the past.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Yes.

Mr. BORAH. As a practical proposition, in view of the tremendous amount of work which now devolves upon the Interstate Commerce Commission, and in view of the fact that we are daily or weekly passing provisions here, such as are found in the pending Post Office appropriation bill, imposing upon them other great burdens, how long would it take the Interstate Commerce Commission to make this proposed investigation?

Mr. NEWLANDS. I should say it would take them a couple of months to do so.

Mr. BORAH. I had supposed it would take five or six months.

Mr. NEWLANDS. It might take more than a couple of months. I can not say. But, at all events, it is an investigation which should be made.

Mr. BORAH. But the thought occurred to me——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada further yield to the Senator from Idaho?

Mr. NEWLANDS. I yield to the Senator.

Mr. BORAH. I was simply going to say that as a practical proposition the thought had occurred to me that there ought to be some way by which to make the investigation, if it is going to be made, within such time as the men who are in the employment of railroad companies could afford to give to the investigation. They would not want to have it turned over to a body whose duties forbid them investigating it within any reasonable length of time.

Mr. NEWLANDS. Mr. President, I may say that there will come up before the Interstate Commerce Committee, when the joint resolution is referred to it, the question as to whether the Interstate Commerce Commission shall make this inquiry, or whether some special commission shall make it, or whether the Board of Mediation and Conciliation shall make it, or whether Congress through a special committee shall make it. That is a mere matter of method, but there is no doubt that the inquiry must at some time be made.

We can perhaps endure it if the railways themselves are the only sufferers, if the stockholders are the only sufferers; but if there is a reflected injury to the entire public, arising out of the fact that railway building is stayed and railway development and improvement are checked by reason of these conditions, the public and the entire commerce of the country suffer.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. Certainly.

Mr. HITCHCOCK. I should like to ask the Senator if the law which was enacted a year or two ago, largely at the instance of the Senator from Nevada, does not make it the duty of the Board of Mediation and Conciliation to act in such cases as the one which has now arisen? Is it not now the duty of that board to offer its services and to take the proper steps to investigate this controversy, which threatens the prosperity of the country?

Mr. NEWLANDS. It is the duty of the board, and, as I understand, that board has already been at work between the contending parties; and one of the contending parties, the railroads themselves, has made an unconditional refusal to consider the question of this increase. How much further the Board of Mediation is going I do not know.

Mr. HITCHCOCK. Will it not simply result in confusion to institute independent proceedings by another commission already overburdened with work, when the law provides that the Board of Mediation and Conciliation is the proper body to carry on the investigation and to act as intermediaries?

Mr. NEWLANDS. That may be so, Mr. President, and the Committee on Interstate Commerce may so conclude. I am not prepared to say to-day that I shall vote for this resolution; but I thought it well to introduce it as a starting point for investigation by the Interstate Commerce Committee, with a view to determining, first, whether now is the time to legislate upon the subject at all, and, second, if so, through what agency.

Mr. CUMMINS. I rise to a parliamentary inquiry. What is the pending question?

The PRESIDING OFFICER. The pending question is the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the bill known as the Post Office appropriation bill.

Mr. CUMMINS. I thought it was the request made by the Senator from Nevada for the insertion of certain matter in the RECORD.

The PRESIDING OFFICER. That was objected to.

Mr. NEWLANDS. It will be necessary for me to read that matter, inasmuch as the Senator from Wisconsin [Mr. LA FOLLETTE] has objected.

Mr. CUMMINS. Was there objection made, I ask?

The PRESIDING OFFICER. There was objection made to the insertion of the matter without reading.

Mr. CUMMINS. Mr. President, I wish to appeal to the Senator from Nevada, who is eminently a just man, and ask him whether he thinks it is quite fair to interject this discussion, which is entirely removed from the amendment which is the pending question, into the debate on the amendment which I have offered? I do not underrate the importance of the matter to which the Senator from Nevada is addressing himself, but will there not be a more appropriate time for the consideration of the subject which he is now presenting?

Mr. NEWLANDS. I will state that I had no expectation when I brought this matter up that it would take so much time. I had no idea that any objection would be interposed to the insertion of this matter in the RECORD, as the objections made this morning have been disposed of, but the Senator from Wisconsin has objected.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. NEWLANDS. Yes.

Mr. OLIVER. May I ask the Senator if the only objection that has been made to the insertion of the matter was the objection made this morning?

Mr. NEWLANDS. Oh, no.

Mr. OLIVER. Mr. President, I am deeply impressed with the necessity of expediting the business of this Chamber, and, in order to save time and to enable the Senate to proceed with its business in order, I will withdraw the objection, so far as I am concerned.

The PRESIDING OFFICER. The Chair will state that a subsequent objection was made to the insertion of this matter in the RECORD without reading.

Mr. NEWLANDS. Mr. President, it is only fair to myself now that I should go on and read this statement. If it were the prejudiced statement which the Senator from Wisconsin suspects, I might be under criticism for intruding it upon the attention of Congress, but I wish to put it in the RECORD, so that the Senate can judge for itself. I will read from it; it is not long:

REPORT OF THE COMMITTEE ON THE RAILROAD SITUATION.

APRIL 10, 1916.

TO THE BOARD OF DIRECTORS OF THE CHAMBER OF COMMERCE OF THE UNITED STATES:

The railroad committee, whose appointment was authorized by the chamber of commerce at its annual meeting in February, 1916, having painstakingly pursued its inquiry into the subject assigned to it, begs leave to submit the following report:

Your committee is profoundly impressed with the gravity of the existing situation and with the importance of having the people of the

United States realize how seriously every interest will be affected by the threatened interruption of railroad traffic.

Your committee is also convinced that, notwithstanding the burdens at present resting upon the Interstate Commerce Commission, there is no more important service which the commission could undertake in the public interest than that hereafter proposed, nor is there any other existing agency which enjoys the confidence of the men, the railroads, and the public, and is in every respect qualified to conduct an accurate and impartial investigation of the questions involved in the present controversy.

Your committee therefore recommends that the board of directors of the Chamber of Commerce of the United States take steps to secure immediately by referendum a vote from its constituent members approving the introduction into the Senate and the House of Representatives of a joint resolution, substantially as follows:

"Whereas the controversy has arisen between the railroads and certain of their employees relating to a shortening of the hours of labor without corresponding decrease in pay, and for increased compensation for any service performed in excess of the daily period prescribed, may lead to a serious interruption of the railroad service with disastrous effect upon the public welfare and upon the commerce of the Nation: Now, therefore, be it

"*Resolved, etc.*, That the Interstate Commerce Commission be, and it is hereby, directed immediately to investigate and to report to the Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees, and any other matter in this connection that the commission may deem relevant; and be it further

"*Resolved*, That is is the sense of the Congress that the railway companies, their officers, and employees should give their hearty support and cooperation to the Interstate Commerce Commission in its investigation, deferring pending controversies over questions at issue until that commission may be able to complete its investigations and make its report to the Congress.

COMMITTEE ON THE RAILROAD SITUATION,
HARRY A. WHEELER, *Chairman*.

OUTLINE OF ARGUMENTS IN FAVOR OF THE COMMITTEE'S REPORT.

I. The public has a paramount interest in having before it an authoritative and nonpartisan statement of the facts regarding wages paid by the railroads to their employees; the public is a deeply interested party to any dispute between railroads and their employees, and is entitled to a clear and authoritative statement of the facts.

The United States has more than 250,000 miles of railway operated as a public utility. In dependence upon the lines of railway the agriculture, mining, manufacturing, and merchandising of the whole country have been developed in such a way that unimpaired and uninterrupted railroad service is vital to every business and every community. With the exception of the Great Lakes, no inland waterways are extensively utilized; for use even of the Great Lakes transportation by rail is ordinarily essential at either the eastern or the western terminus of the water route.

As consumers as well as in the position of producers all members of the public are interested in the operation of the railroads. In the hearings of the Five Per Cent case, decided in 1914, it was estimated that each year the railroads haul 12 tons for every person in the United States; on these 12 tons the freight charges are in the neighborhood of $23. If these estimates are correct, the annual freight bill for each head of a household is about $100.

Not only are there most important national interests in the railroads as public utilities which daily perform the services by law required of such utilities, but a large number of persons have a proprietary interest through ownership of stock and bonds. This proprietary interest, divided among hundreds of thousands of persons with little or no information regarding the details of railroad operation, can probably be estimated conservatively at $15,000,000,000; at least the most recent statistics of the Interstate Commerce Commission, for 1912, indicate the total railway capital at $20,000,000,000, and the National Securities Commission in 1911 stated that over 20 per cent of outstanding capital was held by the railroads themselves.

The public interest in means of transportation has been emphasized by the courts. Some of the expressions of the United States Supreme Court have been: "Railroad corporations being the recipients of special privileges from the State, to be exercised in the interest of the public * * * their business is deemed affected with a public use." "A common carrier can not be exonerated from his duties by anything except the clearly expressed assent of the parties concerned." "A common carrier exercises a sort of public office, having public duties to perform from which he can not be excused without the consent of those concerned."

The public character of the railroads of the country, in which the interest of the public in uninterrupted and efficient operation is transcendent, makes it highly important that authoritative information should at once be placed before the public regarding any controversies between employers and employees out of which detriment to great national interests might come.

II. Information regarding the relations of the railroads in all respects other than with their employees is available, or is being gathered; there should be no exception with respect to the relation of employer and employee.

The Interstate Commerce Commission publishes monthly a statement of the revenues and the operating expenses of railroads which are of such a size as to have general interest. Every year it publishes for each of the important roads detailed statistics in a large volume, the preliminary abstract of which, issued in advance of the completed volume, contains for each road some 500 items ranging from the rentals received from locomotives and the expenditures for fences along the right of way to the tons of freight moved and the number of coal cars which are owned. Statistics are published to show the number of employees in train service who at any time have been on duty more than 16 consecutive hours, with an indication of the causes which led to long hours of service. Repeatedly, at the direction of Congress, investigations have been made into the finances and the management of railroads, and special reports published. Since 1913, and at a present yearly public expense of $3,000,000 or more, the original cost and the cost of reproduction new are being ascertained for all the railroads of the country.

Information which is now made available or is being assembled shows the degree of safety with which railroads are operated, the equipment with which they undertake to perform their public duties, the disposal in expenses, interest, dividends, etc., of the freight charges and passenger fares they collect, and the value of the property upon which they can ask a reasonable return through their charges to the public. Nevertheless, the wages and salaries paid to their employees and officers are made public only in gross sums and in general averages, and the public, unaccustomed to the complex form in which wages for many kinds of railroad services are customarily stated, has no means of knowing the purport of requests made for increased wages and no data by which it can compare either existing or proposed wages in railroad service with wages in other occupations.

III. In having railroad wages adequate to obtain efficient service and to return a proper compensation in view of American standards and in knowing that freight and passenger revenues are not dissipated in extravagant wages the public has a special interest because of the service it has a right to exact and the rates it pays.

The cost of operating a railroad, in which expenditures for wages form a great part, has repeatedly been held by the Interstate Commerce Commission to be a proper element for consideration when it is determining whether or not the rates charged for service to the public are reasonable; the element of cost of operation, however, is not necessarily controlling. For example, in 1912 the commission said it could not, from the point of view of public policy and humanity, ignore the wages and standard of living of railway employees or of miners when it was examining the freight rates on coal.

To the necessity of having railroads so manned and equipped as to provide adequate service the Interstate Commerce Commission has several times referred. In 1910 it said: "We must be conscious in our consideration of these rate questions of their effect upon the policy of the railroads and, ultimately, upon the welfare of the State. This country can not afford to have poor railroads, insufficiently equipped, unsubstantially built, carelessly operated." In the Five Per Cent case of 1914 the commission pointed out that the railroads "must provide a prompt and safe service, and they are held to a strict responsibility for injuries to travelers using their facilities and for losses or damage to property which they undertake to carry."

IV. The Interstate Commerce Commission is the proper body to make the investigation and the report proposed.

By law the commission now requires detailed reports from the railroads regarding their activities, revenues, and items of expenditure; the commission also has authority to require the railroads to make "specific answers to all questions upon which the commission may need information." Accordingly, the commission already has in its files much material for such a report as is proposed. It has organized and experienced staffs for investigation and for compilation of statistics, and it has power to gather from the railroads such additional information regarding wages as it may need. In 1914, when considering the Five Per Cent case, it did not hesitate to require the roads to prepare from waybills specific data concerning the corn, hay, cattle, lumber, etc., they carried in a certain month, and to go into details regarding their disposal of old wheels.

Under a Federal policy now well recognized, questions of banking and questions of railroad transportation are segregated from other questions and are referred to expert bodies. The gathering and presentation for public information of data regarding wages paid in railroad service should not be made an exception to this policy, but should be placed with the Interstate Commerce Commission.

No other independent Federal agency organized to be nonpartisan and with a record of actual abstention from partisanship is prepared to undertake the immediate investigation proposed. No new agency could be created which would command the same respect from all parts of the public or which could proceed without delay. The Interstate Commerce Commission is so well equipped to undertake the task in question that the commission would be justified, in the event it found such a course necessary, in temporarily ceasing from some of its usual activities in order that it might assume this investigation.

I will call the attention of the Senator from Wisconsin to the fact that then follows the outline of arguments against the committee's report, which seems to be fairly balanced.

OUTLINE OF ARGUMENT'S AGAINST THE COMMITTEE'S REPORT.

I. The Interstate Commerce Commission already has too much work and should not be asked to assume more duties.

Under existing law the commission has so many duties and such a volume of work that on April 17, 1916, the House of Representatives passed a bill enlarging the membership from seven to nine. In the last year for which the commission has reported, the year ending with October, 1915, it received 6,500 informal complaints, decided 902 formal cases, conducted 1,500 hearings in which 200,000 pages of testimony were taken, carried on a number of special investigations which included such important matters as the readjustment of transcontinental and intermediate rates in connection with the new route created by the Panama Canal, received and scrutinized 149,000 changes in rates filed by the railroads, and conducted the valuation of railroad properties which is in progress. Even this statement is not a complete summary of the activities of the commission, which in many respects need more of its attention rather than less.

II. Wages are connected with operation; the commission has never had jurisdiction with respect to operation, and consequently is not especially prepared for the task.

Aside from investigation into the efficiency of block signals and a limited jurisdiction in connection with the law which fixes maximum hours of consecutive duty for train-service employees and telegraphers, the commission has had little to do with the physical operation of the roads to which any question of wages is related. The ordinary jurisdiction of the commission, with respect to rates, concerns the traffic department of railroad management; the operating department is separate and distinct, with problems peculiarly its own.

III. The usefulness of the commission in performing its present duties could not be increased by the inquiry proposed, and it might be impaired.

Any attempt by a public body to make an investigation into facts which are the basis of an existing controversy, in which the public is not as yet directly a party, contains many possibilities of biased and partisan criticism. As such criticism directed against the commission in connection with the investigation proposed would not relate to its ordinary duties, the general acceptance of its conclusions in its proper sphere might be seriously impaired and public detriment result.

IV. Congress is expected to enact at this session a provision for an investigation of the conditions relating to interstate commerce and the necessity of further regulation.

The joint congressional committee which is proposed in a pending bill, introduced to follow a suggestion made by the President last December, could at once consider whether or not new agencies are needed to furnish the sort of information which it is proposed to gather, or itself might undertake to obtain and publish the data.

If Congress preferred not to leave the question of having information gathered to the joint committee, it could create a new agency, since the relation of employer and employee in the case of a public utility with 2,000,000 persons on its salary lists and pay rolls, and paying in salaries and wages yearly sums upward of a billion and a quarter dollars, may properly be considered worthy of the attention of a separate agency of the Government.

If an existing agency is to be used, the Federal Board of Mediation and Conciliation might be appropriate. Its members and staff have acquired much information and experience relating to railway wages; for this agency is maintained under special statutes for the express purpose of endeavoring to prevent disputes between railroads and their employees from interfering with the rights of the public to have unimpeded transportation facilities.

Mr. President, it strikes me that that is a fair statement of both sides of the controversy, without taking either side, except in favor of an investigation by a quasi judicial body; and surely the chamber of commerce can not be charged with lack of wisdom in recommending that the tribunal that should make this inquiry should be the tribunal which has been organized as the servant of Congress for the purpose of aiding it in the exercise of its power with reference to the regulation of interstate commerce.

Mr. President, it is perfectly obvious that a great public wrong will be done if the operation of the railroads is in any way interfered with. A controversy has arisen between the railroads and one-tenth of their employees, 300,000 in number, having the capacity to paralyze absolutely the transportation of the country; and they announce that they are about to determine now, by a referendum vote addressed to every one of these organizations throughout the country, the question whether their four representatives shall have the power at any moment of time to tie up and to paralyze the commerce of the country. If they have that power and are willing to exercise it, then the public is in great danger; and the question is, How can that danger be averted? By legislation which will make every employee of a common carrier a public servant, the abandonment of whose job would be an act of disloyalty to the public itself and to the Government? We are not prepared for that. The only way in which we can avert this great danger is by reason and persuasion, and reason and persuasion must be based upon facts.

What facts have we? Has there ever been any classification of the railway employees of the country, their wages, and their hours? None whatever that I know of. What effect will this proposed diminution in hours have upon the increase of the operating expenses of the railways? No one knows.

The railway employees say that it will increase those operating expenses only $20,000,000 annually. The railroads say that it will increase them $100,000,000 annually. Which one is right?

If the increase in the cost of operation of the railways is $100,000,000 annually, is that hundred million dollars to come out of the dividends of the stockholders, the profits to which they think themselves entitled, or is it to come out of the public, by reason of the imposition of increased rates?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. THOMAS. The Senator says that the contention of the railroads in this controversy is that if the demands of the men are granted it will result in an increase of railway expenses of $100,000,000 annually. Is not that just about the amount which certain banking interests in New York City, in their manipulation of the New York & New Haven road, took from that road?

Mr. NEWLANDS. I am not informed as to that.

Mr. THOMAS. And whose was the loss of that manipulation?

Mr. NEWLANDS. It should be the loss of the men who made the manipulation.

Mr. THOMAS. Unquestionably; but does it not also fall upon consumption? Now, I am not prepared to talk about this subject very much at present, but it seems to me that if the present methods of railroad manipulation are to go on, and these enormous sums are to be extracted from the railway interests, it will be quite as well to have some of it go to the men who operate these roads as to have all of it go to a small combination of men who use the credit of the railroads for the purpose of destroying them.

Mr. NEWLANDS. I quite agree with the Senator that as between the money which is to go to favored stockholders by manipulation and the money that is to go to the operatives by increase of wages, I much prefer the latter. What I say, however, is that we have no accurate data upon the subject. There must be, then, an inquiry by somebody, because if we are to engage in reason and persuasion instead of a resort to absolute power over the operatives of the roads we must have the facts; and if the claims of the men are just, their demands should be granted upon those facts; and if they result in an increase of the operating expenses of the railroads, some arrangement must be made by which the railroads shall receive an income sufficient to cover these operating expenses, unless the railroads are now enjoying an income above what they are entitled to; yet we have no proof with reference to either of these questions.

I imagine that the cost of labor on these railroads must be a very large percentage of the total operating expenses; I do not know how much. The Supreme Court decision requires the Interstate Commerce Commission, in fixing the rates, to take into consideration the value of the roads, the amount of stock and bonds issued, the operating expenses, the taxes, and other considerations; and yet we have never reduced these considerations to any definite data. We do not know yet, to-day, the value of the roads. We are ascertaining it, and it will take five years longer to ascertain it. We complain that there have been overissues of stocks and bonds, but we do not know how much. But the fact remains that as a result of these uncertainties the investment in railway securities has almost ceased within the past year or two.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. NEWLANDS. I do.

Mr. BANKHEAD. I want to ask the Senator if he would not be willing now to postpone the remainder of his very interesting address until we can consider for a short time the matter before the Senate, the unfinished business? In that connection I desire to remind the Senator that this bill must be passed before the 1st of July, if it is possible. I hope we shall be able now to proceed to its consideration, if the Senator from Nevada will kindly consent to that course.

Mr. NEWLANDS. Mr. President, I think the Senator from Alabama has a right to complain of this intrusion. It was not my purpose to intrude so long a discussion upon this subject. I simply thought I would get this matter in the RECORD. The Senator from Wisconsin [Mr. LA FOLLETTE], however, made some remarks regarding the substance of this paper itself, and made some observations which I thought rather reflected upon me for intruding this matter at all upon the attention of Congress; and I felt that I owed it to myself to make a fair statement. I will not take more than a few moments longer. I will close in three minutes.

Mr. BANKHEAD. Very well. In that connection I wish to suggest that I thought the Senator from Wisconsin was mistaken in his generalship when he objected to printing this matter in the RECORD. If it had been printed in the RECORD I will almost guarantee that no Senator would have read it. Now, they have been compelled to listen to it. Therefore it has gotten some publicity.

Mr. LA FOLLETTE. I might observe, Mr. President, that very few of them have listened to it.

Mr. NEWLANDS. Well, that is true of most debates in the Senate.

Mr. President, I believe that this matter ought to be looked into now by the Interstate Commerce Committee. I am not prepared to say that the action provided for by this resolution is the right action, but it seems to me that it is the time now for this committee to summon before it the chiefs of these great railway organizations and the chiefs of the railways themselves, and ask them what objection they have to an investigation of this kind, so that we will obtain the facts upon which we can base an appeal to the reason and the judgment of both the carriers and their employees. I can not but believe that such a discussion at this time will bring both sides to a realization of the fact that the public has some rights in this matter; that at a time when we are engaged in serious difficulties with a neighboring country and in diplomatic controversies with countries abroad, and when the economic conditions are such as to make everybody view with apprehension any derangement of interstate commerce, it is, above all, incumbent both upon the employers and the employees to keep their heads, to get the facts, to appeal to the reason and the judgment of the entire American people, so that public opinion will back up the proper determination of this matter.

Mr. LA FOLLETTE. Mr. President, I regret very much that my objection did not exclude from the RECORD the matter which the Senator from Nevada has taken the time to read into the RECORD. That makes it necessary for me to follow it with some facts which, I think, will supplement somewhat the side of the employees, which is very unfairly and very imperfectly stated in the matter which the Chamber of Commerce of the United States sent out to the local chambers of commerce of the country in order to get just the votes that would be satisfactory to the great railroad interests.

Now, Mr. President, I am going to ask the indulgence of the Senate, or so many of its Members as are represented here this afternoon, while I record a few facts which I think are pertinent to this subject. The purpose—I will not say the only purpose, but the effect—of the insertion in the RECORD of this matter from the Chamber of Commerce of the United States is to influence public opinion, and therefore I desire that there shall go along with it some data which will more evenly balance the matter which has been presented.

I begin, Mr. President, by reading a brief statement, published in a very unbiased magazine of the country, to which I contributed.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LA FOLLETTE. With very great pleasure.

Mr. NEWLANDS. May I ask the Senator, with a view to sparing the feelings of my friend the Senator from Alabama [Mr. BANKHEAD], whether it will suit his convenience to have the matter to which he refers inserted in the RECORD?

Mr. LA FOLLETTE. Oh, no; oh, no! I can make it so much more impressive, Mr. President, by reading it.

Mr. THOMAS. And interesting.

Mr. LA FOLLETTE. And much more interesting; and it is pretty well written, too, for I wrote it myself. [Laughter.] It appears in La Follette's Magazine of April, 1916:

AN EIGHT-HOUR DAY FOR TRAINMEN.

In the second session of the Fifty-ninth Congress I made a long fight for a 16-hour limit as a maximum working day for trainmen. Senators opposed to the measure resorted to a protracted filibuster to defeat it. That legislation was in the interest of fairer treatment for the men and greater safety for the traveling public. Like the opposition of the steamship companies to the seamen's bill, it illustrates the blind greed of corporate monopoly in resisting every measure to secure decent and humane conditions, reasonable hours, reasonable compensation for employees, and an utter disregard for the lives of patrons whenever it interferes with profits.

The 16-hour law for trainmen afforded some small measure of relief where its provisions were observed, but it has been shamefully evaded. The reports of the Interstate Commerce Commission for the year ending June 30, show that there were 261,332 cases where 16 hours of continuous service was exceeded by train and engine men. Each violation involves a crew of five men, hence more than a half a million were compelled to work more than 16 hours in continuous service last year. Five thousand were on duty 27 hours and 800 were forced to remain on duty in nerve-racking train service more than 65 hours continuously.

The railway employees are engaged in a public service. It is the business of the public to redress their wrongs. Reasonable working hours for trainmen lie at the foundation of safe and efficient service. It is the most fundamental basis for the slogan, "Safety first."

For the first time in history, the several railroad brotherhoods are a united organization—400,000 strong—asking for an eight-hour day and "time and a half pay" for overtime.

This is a reasonable demand. The railroads are very prosperous. Their employees are entitled to a fair share in this prosperity. The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, increased 45 per cent.

With the increased size of engines and length of trains and the improved devices for handling freight, labor costs the railroads less now—even though they pay more wages—than it did 20 years ago. The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

The railroads claim, as always, that they are entitled to all this gain, but they are not. They are public servants. The court has determined they are entitled to a fair return on the money invested.

They are receiving much more than a fair return on the money invested. They can afford to divide profits with their employees.

Nearly all the leading trades and industries have adopted the eight-hour day. When the struggle was on the employers almost universally contended, as the railroads are now contending, that the shorter day would be ruinous. But experience demonstrates that the shorter workday makes for greater efficiency and increased output of a better product. This is especially true in all occupations of continuous concentrated effort under exacting mental and physical strain.

Extra pay for overtime is conceded in most of the great lines of industry.

Some 18 railroads are now working their employees on an eight-hour basis. These roads are prosperous.

Many railroads have been wrecked in the last decade through dishonest financial operations. The New Haven is a notable example.

These roads have not suffered loss through shorter hours or better pay of employees.

A thorough reorganization of railroad operation upon the sound basis of a sufficient force of men to handle the business within a reasonable working day, will make for higher efficiency, greater safety, and less delay in train operation.

An eight-hour statute, with extra pay for overtime, will make the law self-enforcing.

The railroads are circularizing the farmers, arguing that because farm labor is performed with no limit to the hours of service, railway employees require no statutory protection.

This is a cunning appeal. But the farmer will not be caught by it. He knows that the elementary reason for limited hours of service lies in the character of the service. The trainmen are employed in a business of great hazard, severely exacting in the draft which it makes upon certain mental and physical functions. The engineer, confined to a space scarce larger than a coffin, grasping throttle and lever, his eyes fixed upon the track ahead, mind and senses alert, concentrated for hours without relaxation or change, exhausts his vital forces in less than half the time that they would be overtaxed by another occupation where the conditions are wholly different. So, in a measure, with the firemen, conductors, and brakemen in their respective lines of labors and responsibility.

The companies also contrast the wages of the railway employees with the amount paid for farm labor. But the farmer knows that he feeds and houses his farm hands, while the railway employee must pay rent and maintain his home, besides buying all his own meals in the eating houses and railway hotels along the run, making heavy inroads upon his earnings every month.

And finally the farmer understands, as the public does generally, that better pay for 400,000 railroad employees means better homes for their families, better opportunities for their children, and, indirectly, a measure of increased prosperity well distributed over the country.

The demands of this body of 400,000 industrious, efficient, intelligent men should be granted without contest. The great masses of the people are behind them.

The facts here presented bear upon the statement and the observations submitted by the Senator from Nevada as to whether or not the railroads were sufficiently prosperous to meet this demand of their employees. I say, in this editorial:

This is a reasonable demand. The railroads are very prosperous. Their employees are entitled to a fair share in this prosperity.

I do not know that Senators are aware of the fact that some years ago the railroads of the country established here in Washington an organization, very strongly equipped with statisticians and economists, known as the Bureau of Railway Economics. They issue bulletins from time to time, presenting statistics which will support railway contentions for increased transportation charges upon the people of this country. They are very watchful. They have drawn into their service some of the ablest economists of the country, some men who have made reputations as writers and as authors of works upon the public side of railway control, who have been weaned from their earlier devotion to public interest to enlist in the better-paid service of these corporations.

There is, Mr. President, no organization, no bureau of information, no aggregation of economists and statisticians issuing matter from month to month for the protection of the public, presenting the side of the shipper and the consumer, but here in this Capital City of our Nation is builded up a powerful railroad organization that presents a lopsided statement of facts and statistics to influence not only public opinion and Congress but for the effect that it shall have upon the very tribunal which the Senator from Nevada would make the arbiter in this contest between the railway employees and the railroads of the country.

Now, I am going to quote just a word from this Bureau of Railway Economics as to the profits of the railroads of the country:

The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same month for five preceding years, increased 45 per cent.

Do Senators get that? In 1910 the railroads of this country applied to the Interstate Commerce Commission for an advance in rates, particularly in western territory. There was a prolonged investigation. The Interstate Commerce Commission of that time was the strongest, I believe, and I think it is the consensus of opinion that it was then the strongest that it has been in its history, unless it be compared with the commission as originally organized. After a most thorough and comprehensive investigation, the Interstate Commerce Commission in 1910 rendered a decision covering an enormous field of traffic in this country, denying any advance in rates and ruling that the railroads were receiving all that they were entitled to. November, 1910, is one of the five months embraced within the five-year period covered by the Bureau of Railway Economics which I have just read. Some of the other years, if not all of them—and I think all of them except one—recorded the highest net earnings of the railroads of this country of any years since the establishment of the Interstate Commerce Commission.

So, Mr. President, that statement of the Bureau of Railway Economics boasts that the net income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, showed an increase of 45 per cent in net earnings.

If November, 1915, was 45 per cent better in net earnings than November, 1910, then it is fair to assume that the whole year of 1915 was very much better than the whole year of 1910. Yet when the railroads attempted to raise their rates in 1910 the

Interstate Commerce Commission denied their application on the ground that they were earning enough. If they were earning enough in 1910, how about their earnings in 1915, when their own bureau states that they were 45 per cent above the average of the same months for five years preceding?

Mr. President, it is true that the railroads in what is known as official classification territory, seizing upon an extraordinary situation late in 1914, made their application for an increase in railway rates from the Interstate Commerce Commission and secured from that commission an advance in rates. I have been reluctant, sir, to comment upon that decision on this floor, a decision in what is known as the Five Per Cent Advance Rate case.

I have regarded it for many years, sir, as important, if possible, that the Interstate Commerce Commission should hold the confidence of the people of this country as an unbiased and unprejudiced body before whom these great issues might be tried out. But, sir, when it is made necessary I am bound to say that the decision rendered by the commission in that case has made me reluctant to submit to the Interstate Commerce Commission any more propositions or questions of importance than the law brings before them in the ordinary course of its administration.

I was a member of the House of Representatives when the original Interstate Commerce Commission act was passed. I supported as best I could by voice and vote the enactment of that law. I have given many years of my life to the study of the problems involved in railway transportation. I have in some measure been instrumental in building up in one of the States of this Union the most thoroughly scientific regulation of transportation by a commission that any organized Government in the world can exhibit. Here and elsewhere, for many years, I have been a supporter and defender of the Interstate Commerce Commission.

But, Mr. President, we have witnessed changes in the commission and changes in its decisions since it denied the application of the railroads to advance rates in 1910.

The so-called Five Per Cent Rate case of 1913 and 1914, in which the railroads finally succeeded in getting a favorable decision from the Interstate Commerce Commission, is a notable instance of the change which has come. Since that time there have been many other advances in rates.

The Five Per Cent Rate case was instituted before the commission in May, 1913.

It was thoroughly investigated by the commission. Mr. Brandeis was employed to assist in the work. More than a year was given in preparation and trial of the case.

It was then decided against the railroads on July 29, 1914.

Some time thereafter the commission reopened the case, upon the application of the railroads, and decided it in their favor December 15, 1914, by a divided commission.

While this case was before the commission, the railroads organized a nation-wide conspiracy to influence the commission to decide the case in its favor.

It had its inception at a meeting of railroad presidents held April 30, 1913, just two weeks before the application for an advance in rates was filed with the commission.

They established bureaus in Philadelphia and elsewhere from which they supplied false and misleading material for publication in newspapers throughout the country.

They enlisted the services of bankers' associations, the chambers of commerce of the country, commercial clubs, and merchants and manufacturers' associations to pass and forward resolutions addressed to the Interstate Commerce Commission, making special, partisan pleas in support of an increase in rates for the railroads.

Inspired by the railroads, thousands of personal letters and telegrams were written and sent by influential business men to members of the commission, to pursuade or drive them to decide the case for the railroads.

Through the insidious and powerful influence of the railroads the metropolitan press, the magazines, and the weekly papers were induced to print articles and editorials—in all, something like 22,000—to coerce the judgment of the commission in favor of a decision increasing rates, and prepare the public mind to accept such a result without revolt.

The mail of the Interstate Commerce Commission was loaded down with marked copies of these articles and editorials.

In the hope that an exposure of the iniquitous proceeding might afford some protection to the commission and the public against its continuance in this case, I introduced and secured the passage of a Senate resolution calling upon the commission to transmit all such communications received up to that time to the Senate.

Senators who were then present will remember that I addressed the Senate upon the subject of the organized campaign which was being systematically conducted by the railroads through such means to influence a decision in their favor by the commission. I laid a great mass of the letters, telegrams, editorials, magazine articles, resolutions, and marked press clippings before the Senate; and, in order that the public might be fully advised of the great wrong, printed the material in the CONGRESSIONAL RECORD. It covered 358 pages of the RECORD.

The law makes it the duty of the commission to require proof before increasing rates. The law presumes that the existing rates are high enough. It requires specific evidence establishing the fact that any rate or rates are so low as to be unjust and unreasonable before the commission is warranted in making an order to increase such rates. To increase the rates without the specific proof, to permit fear or favor to influence a decision, is to violate the law which the commission is chosen to administer.

Mr. President, it was a body blow to railway regulation when the Interstate Commerce Commission reversed the decision which it had rendered July 29, 1914, denying the application for an increase in rates and granted the increase in rates on the 15th of December, 1914.

Mr. President, railroad regulation by commission has had no better friend, if I say it myself, on this floor or anywhere in this country than I have been. Throughout my public life I have advocated railway regulation by a commission clothed with power not only to regulate railway rates but to be so thoroughly and so scientifically informed that it could intelligently pass upon all questions affecting rates and service.

Sir, when I entered the Senate of the United States, January, 1906, the law regulating interstate commerce required the commission to ascertain and fix reasonable rates, but there was nowhere in the law any measure of reasonable rates, or any means provided by or through which the commission could ascertain a reasonable rate.

Upon what must a reasonable rate be based? Upon first the cost of operation; second, the cost of maintenance; and third, a fair valuation of the property. The interstate commerce act of 1887 provided that the commission should be informed as to the cost of operation, and as to the cost of maintenance. But the law withheld, and every time the law was revised Congress carefully withheld from the Interstate Commerce Commission the most important element essential in ascertaining a reasonable rate, namely, the fair value of the property. It is no more possible to determine a reasonable rate which the railroads should be permitted to charge, than to determine what would be a fair profit for a manufacturing business to pay without knowing the amount of capital invested in the business. Mr. President, when I entered the Senate and proposed that the Interstate Commerce Commission be authorized to secure the value of the railroads of the country, Senators rebuked me by leaving the Chamber in a body. I pressed the subject upon the attention of the Senate at every opportunity from 1906 until 1913. Finally in March, 1913, with an organized public opinion behind it, the bill for the valuation of the railway property of the country passed the Senate without a dissenting vote.

The Interstate Commerce Commission is at present engaged in the great undertaking committed to them by that bill. The time of the commission is fully occupied with its regular duties to which is added the burden of ascertaining the value of railway property. No special investigation should be referred to them by Congress at this time. There is no rational basis for them to find a true economic answer to rates or wages until they determine the fair value of railroad property.

Mr. GORE. There is no sea level.

Mr. LA FOLLETTE. My epigrammatic friend from Oklahoma suggests that there is no sea level to measure by. Of course there is not.

You may send this proposition, I will say to the Senator from Nevada, as to what the railroads can afford to pay in wages to the men who operate their trains, to the Interstate Commerce Commission, but the commission have no data from which they can determine the profit of the railroads. They guess at every question submitted to them.

Mr. NEWLANDS. Mr. President, may I ask the Senator from Wisconsin whether it does not follow from his reasoning that the Interstate Commerce Commission ought never, during this entire period, to have made either an increase or a reduction in rates?

Mr. LA FOLLETTE. Mr. President, it follows from my reasoning that the Interstate Commerce Commission never had any accurate scientific data from which to determine whether a rate per se was a reasonable rate. All they could do was to measure any rate that was questioned by the rates that the railroads were fixing for other hauls like in distance and char-

acter and make the best guess they could as to whether the rates were relatively equal. They never had, and the Senator must know that they never had, the information upon which to determine whether the rates were reasonable in fact or not.

Mr. NEWLANDS. Mr. President, I will say with reference to that that I have always concurred in the view so insistently advocated by the Senator from Wisconsin that a valuation of all our railways was essential in order to enable the Interstate Commerce Commission to perform its functions. All I can say is that if the Interstate Commerce Commission has not during this intervening period had the data upon which it could fix an increased rate it has not had the data upon which it could fix a reduction of rate, and hence it follows logically that no action whatever should have been taken by the Interstate Commerce Commission during this period. I admit the difficulties under which the Interstate Commerce Commission has operated.

Mr. LA FOLLETTE. If the Senator from Nevada so early and so insistently contended that the valuation of the railroads was an essential to the determination of reasonable rates, it might be asked by some student of his record why he, as a member of the Interstate Commerce Committee, failed to demand legislation for railway valuation. The Interstate Commerce Commission was declaring in every annual report which it made from 1903 down to 1913 that it was impossible for them to fix reasonable rates without first ascertaining the value of the railroad property, and appealing in each of those reports in 1903, 1904, 1905, 1906, and on down through the years for authority from Congress to get the valuation of the railway property of the country.

Mr. NEWLANDS. I will state that I do not recall a time during the time that I have been a member of the Interstate Commerce Committee when I have not favored and advocated a valuation of the railroads.

Mr. LA FOLLETTE. I will say that the CONGRESSIONAL RECORD does not show that the Senator from Nevada ever raised his voice in favor of the valuation of the railways of the country until after 1906, when I made a two days' appeal on this floor for railway valuation. In 1903 the Interstate Commerce Commission appealed in its report to Congress for power and for an appropriation upon which to get the value of the railroads of the country, saying that they could not fix a reasonable rate without it. In 1904 they repeated it, in 1905 they repeated it again, in 1906 they repeated it again; and then in 1906 the Interstate Commerce Committee, of which the Senator from Nevada was a member, reported out a bill which omitted that great fundamental requirement for railroad valuation for which the Interstate Commerce Commission had pleaded with Congress from 1903. Those are historical facts.

Mr. NEWLANDS. Will the Senator state when he entered the Senate?

Mr. LA FOLLETTE. I entered the Senate on the 4th day of January, 1906. I was sworn in on that day.

Mr. NEWLANDS. All I can say is that I certainly gave very hearty support to the Senator's measure and that prior to that time whatever bills were presented were presented not by the present party in power but by the opposite party.

Mr. LA FOLLETTE. Yes; but in 1906——

Mr. NEWLANDS. Now, I can not recall whether or not I moved any amendment.

Mr. LA FOLLETTE. I can.

Mr. NEWLANDS. But the Senator is certainly very unfair in indicating that I have not been always uniformly for the valuation of the railways.

Mr. LA FOLLETTE. I do not say the Senator was opposed to it. I say the record of his committee and the record of Congress does not show, and he can not show, that he ever supported it prior to 1906. When I advanced it in 1906 on this floor the Senator was particularly solicitous to know what it was going to do to the people who had invested in railroad securities.

I said in answer to the Senator at that time it did not make much difference to me; that they bought as they would buy any other speculative property, under the rule of caveat emptor; that it was their business to know the value of the securities in which they invested; and that the Government was not obligated to insure to speculative investors in railroad securities a profit at the unjust expense of the people of this country.

Mr. LEWIS. May I interrupt the Senator from Wisconsin?

Mr. LA FOLLETTE. Certainly; I yield.

Mr. LEWIS. I was attracted by the statement of the Senator calling attention to the 5 per cent increase, and subsequently to an additional increase of rate ordered by the Interstate Commerce Commission within the last year and the year before. I will ask the Senator from Wisconsin if his attention has been attracted in the last few days to a report emanating, or charged to come, from the Interstate Commerce Commission showing that the railroads have made $1,000,000,000——

Mr. LA FOLLETTE. I have seen that.

Mr. LEWIS. In one year.

Mr. LA FOLLETTE. I have seen it.

Mr. LEWIS. If such is approximately true, upon what basis of justification can it be urged that there was any necessity for the increase to which he referred, which was granted by the Interstate Commerce Commission?

Mr. LA FOLLETTE. I thank the Senator for his interruption. It but emphasizes what I say. There was no justification for that increase. It was made upon a spurious showing. No man need to do more than read the briefs of the attorneys upon both sides and the testimony to be convinced of that.

Two of the strongest members of that commission dissented from the increase, Mr. Chairman Harlan and Mr. Commissioner Clements, both of them saying what no living man can dispute, that in granting the increase the majority of the commission violated the law of their organization; that the law which created it empowered the commission to advance rates or to decrease rates only upon a convincing showing that the existing rate was unreasonable; that it was either too high and should be reduced or too low and should be increased. The two members of the commission who dissented from that opinion stated in their dissenting opinions that there was no testimony before the commission and no evidence taken by the commission tending to show that a single one of the great body of rates that were advanced was unreasonable at the time.

The commission introduced into the opinion which they rendered, speculations about the effect of the European war upon railway securities, that interest rates might be advanced. They wrote into that opinion considerations which Congress might properly take into account as a legislative policy in dealing with problems induced by the European war. But, sir, it is the function of the Interstate Commerce Commission to administer the law under the rules prescribed in the act which gave it being. It is never the province of an administrative commission to declare a legislative policy of government.

The reason why Congress fixed the rule for the Interstate Commerce Commission that rates should be reasonable was because Congress could not delegate to the Interstate Commerce Commission the right by its decisions to determine a legislative policy. That is what they did in that decision. They decided that because a great world war was creating a disturbance in transportation, and might affect interest rates on railroad securities, that the Government of the United States ought to guarantee railroads a certain profit on their business. Of course, other lines of business were likewise temporarily suffering inconvenience and loss. And other lines of business had to meet the conditions without Government aid. But the commission decided to protect the railroads at the expense of the people.

The law did not give them that power and there is no justification for their action.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. I do.

Mr. CUMMINS. If the Senator from Wisconsin will pardon me, I think it ought to be stated with reference to the decision to which he has just referred, and which was rendered upon the record made up in the proceedings of 1913, which took into account the revenues of the railway companies at their low point, that the aggregate revenues of all the railways then under consideration were sufficient after paying the cost of maintenance, operation, taxes, all fixed charges, including interest upon bonds, to pay 8.2 per cent upon the common stock of all these railways; and it was that earning which the commission held to be inadequate.

Mr. LA FOLLETTE. Well, the commission did not in the first decision hold the earnings of the railroads to be inadequate. It decided against the increase for which the railroads applied. Then, when the war came on, the railroads applied for a rehearing of the case, and upon the rehearing the increase of which I have just been speaking was granted.

Mr. CUMMINS. That is true, Mr. President; but I simply wanted it to appear in the RECORD at this point that the revenues as a whole were shown to be sufficient to pay 8.2 per cent upon the common stock of all the railways, and I never could understand how anyone could reach the conclusion that under such earnings the rates as a whole ought to be advanced.

Mr. LA FOLLETTE. Mr. President, I think the Senator from Iowa may be correct in his figures, as based upon the brief of Mr. Thorne, but as based upon the findings of the commission it is not my recollection that the findings of the com-

mission are in agreement with the figures which are given by the Senator. It was, however, apparent, Mr. President, as I now remember, that there was some evidence that the small areas, described as "central classification territory"——

Mr. CUMMINS. Western freight association territory.

Mr. LA FOLLETTE. No; I mean the small areas within the official classification territory, known as "central classification territory."

Mr. CUMMINS. That is in the official classification territory.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. WEEKS. I rose to ask the Senator from Iowa [Mr. CUMMINS] to the earnings of what year he referred in the statement which he made. I might suggest to the Senator from Wisconsin [Mr. LA FOLLETTE] that the attorney of the Interstate Commerce Commission, notwithstanding this $100,000,000 to which he has just referred, I understand, reported that he thought that the rate ought to be increased.

Mr. LA FOLLETTE. Mr. President, if the Senator from Massachusetts voted against the confirmation of L. D. Brandeis upon any such flimsy pretext as that, he voted without any evidence upon which to rest his vote. Brandeis, as the attorney for the Interstate Commission, contended from first to last that, while in order to adjust the rates and to equalize them, certain passenger rates in "central classification territory" ought to be advanced, if they would cut off the free services the railroads would not need any additional revenue.

Mr. WEEKS. Mr. President, that was not the reason I voted against Mr. Brandeis. There were other reasons which seemed to me to be sufficient.

Mr. LA FOLLETTE. And which perhaps were no better.

Mr. WEEKS. However, in order to correct the record and to have the record complete, I want to ask the Senator from Iowa to what year he was referring?

Mr. CUMMINS. I referred principally to the year 1913. This proceeding was begun early in 1913. The original decision was rendered, I think, in June, 1914.

Mr. LA FOLLETTE. It was rendered July 29, 1914.

Mr. CUMMINS. It was rendered in July, 1914. A rehearing was applied for shortly thereafter, and the decision upon the rehearing occurred probably some time in July or August.

Mr. LA FOLLETTE. Oh, no. The declaration of war in Europe in 1914 came on the 1st day of August, and the application for a rehearing and the decision were all after that period.

Mr. CUMMINS. I think it was after the 1st of August, 1914.

Mr. LA FOLLETTE. It was a considerable period after that time; and, as the Senator will remember, the war was referred to in the decision which was rendered.

Mr. CUMMINS. The decision upon the rehearing occurred some time, I think, in the latter part of 1914, did it not?

Mr. LA FOLLETTE. That is correct. The decision in favor of the railroads was rendered on December 15, 1914.

Mr. CUMMINS. And the earnings that were taken into account principally were those for 1913, supplemented by those of the early months of 1914; and those were the months of low earnings upon the part of the railway companies.

Mr. WEEKS. My recollection is that the Interstate Commerce Commission figures for the fiscal year 1914 show an earning of 4¼ per cent on the capital stock of the railroads of the United States, and I think an investigation will show that those figures are correct, as reported by the commission.

Mr. CUMMINS. Mr. President, the Senator from Massachusetts is mistaken about the matter, I am sure. He is now referring to all the railways in the United States.

Mr. WEEKS. Yes; I am.

Mr. CUMMINS. I referred to the railways of the official classification territory, concerning whose earnings the testimony was very full and exhaustive. While I may not be correct about it, I think the Senator from Wisconsin may be in error, for I believe that the railway companies themselves admitted that the net revenues—there was some dispute about the adjustment and bookkeeping—that the net revenues of the railways in this territory would pay more than 8 per cent upon the common stock. I am not now speaking of 8 per cent upon the entire capitalization, for there was deducted from the gross earnings the rate of interest which they were actually paying upon the bonds, which represented about one-half of the entire capitalization.

Mr. LA FOLLETTE. What about the preferred stock?

Mr. CUMMINS. There was deducted on account of the preferred stock the rate of dividend that was actually paid.

Mr. LA FOLLETTE. Mr. President, it is not of particular value in this discussion for the Senator from Massachusetts [Mr. WEEKS], the Senator from Iowa [Mr. CUMMINS], and myself to split hairs or to make fine distinctions about the rates which the railroad companies were earning upon their stock in that year. Their stock represented no investment. The stock of the railroads of the country, as a whole, have been issued without one dollar of investment represented in the issue. The railroads of this country have been built, and can be rebuilt to-day, even with the advance in the cost of material, upon which the Senator from Nevada [Mr. NEWLANDS] has dwelt at such length, for the bonded indebtedness of the railroads of the United States. It is the history of all railroad building, sir, that the people have furnished the capital that built the railroads. The Senator from Massachusetts shakes his head in dissent. I give this as the uniform method of railroad construction. If there be exceptions to it, my study—and it has been reasonably diligent, beginning back thirty odd years ago—has missed it.

Railroads are built in this way: A company is organized and secures a right of way. The right of way is gotten with the payment of but little money. Communities, counties, States are stimulated to believe that the building of the railroad will be a tremendous advantage to them. Their cooperation is secured in the bonding of the towns, in the bonding of the cities, in the bonding of the counties. In many cases farmers have given farm mortgages to promote the building of railroads in this country. The right of way is secured—secured by gifts, by donations. On top of it the bonds of the communities are offered.

Then, Mr. President, a construction company is organized. The construction company takes over the company that secured the right of way, and takes over all it has. Then the construction company proceeds to carry out the construction of the road in a very rough and elemental way. Then it presents to the financiers the proposition of bonding the entire enterprise. It is the history of railroading in the United States that the amount of bonds which have been issued upon each of these enterprises has been sufficient to cover all the expenses of securing the right of way, all the expenses of organization, all the expenses of agents to work upon public sentiment; every dollar of expense is included in the amount for which the property is finally bonded.

The bonds are issued, the railroad is built; and stocks are then issued, which represent no dollar of money, which go into the hands of the promoters of the enterprise as a clear gift.

Then, what follows, Mr. President? After the construction company has again passed over its organization and its titles to another organization that is finally named the railroad corporation, as it operates the property, the operation of the road begins. It begins upon a rate basis that requires the public to pay interest upon the bonds, which represent all the capital put into the business, dividends upon the stock which represent no dollar of investment; and enough more to create a surplus. The surplus is made the basis of a sinking fund ultimately to redeem the bonds, thus making the public pay for all the capital, and enough more to build the property over again and make it a real railroad, and to provide for permanent improvements. The surplus which the railroads of the country have created under the rates which they have been able to tax the people of this country have been sufficient to make the permanent improvements which they have made. The tunnel under the Hudson River was built out of surplus. The great Pennsylvania depot——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. OLIVER. I can not allow that statement to be made without challenging it. The tunnel under the Hudson River, built by the Pennsylvania Railroad Co., was built out of stock subscriptions issued at from 20 to 40 per cent above the par value; in other words, the par value of the stock being $50 a share, the Hudson River Tunnel was built by additional stock issued at a minimum of $60 a share.

I want to say also that from the very day the Pennsylvania Railroad was incorporated—I think it was in 1846—there never has been a single share of stock issued that did not represent at least $50, the par value thereof, in cash. I can not allow such misstatements to be made on the floor of the Senate without raising my voice in protest.

Mr. LA FOLLETTE. I am glad to have yielded, although not asked to do so by the Senator from Pennsylvania, to enable him to make his protest. It signifies nothing. Although the accuracy of his statement is in nowise admitted as correct, it signifies absolutely nothing. Every single improvement which has been made by the railroads of this country has been made out of exactions upon the public in unreasonable railroad rates,

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. WEEKS. May I call the Senator's attention to the fact that there has not been a railroad security issued in the State of Massachusetts for 25 years which has not been issued under the direction of the public-service commission and at a price fixed by the public-service commission, and that probably nine-tenths of the railroad stock issued in Massachusetts or under Massachusetts law during the past 25 years has been issued at a premium?

Mr. LA FOLLETTE. Mr. President, what does that signify in a State which has permitted the public to be exploited by the New Haven system, robbing everybody in sight? You may put upon the transaction——

Mr. LIPPITT. Mr. President——

Mr. LA FOLLETTE. Wait just a moment; just one of you at a time.

Mr. LIPPITT. Well——

Mr. LA FOLLETTE. Just hold yourself in restraint for a few moments. You may put upon the face of these transactions the sanction of an appearance of compliance with decent business methods, but, Mr. President, it ill behooves the representatives from New England, who have been on this floor at all times the apologists and the defenders of the system that prevails in that section, which is exemplified by the operations of the New Haven Railroad Co.——

Mr. LIPPITT. Will the Senator yield?

Mr. LA FOLLETTE. Not quite yet. Can you wait a moment?

Mr. LIPPITT. I can; but the Senator is continually making misstatements. He has already been corrected in two.

Mr. LA FOLLETTE. Will the Senator wait until I yield before he takes the floor?

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LIPPITT. I will not take the floor at all if the Senator objects.

Mr. LA FOLLETTE. Of course, the Senator can not take it, if I object, until I get through.

Mr. LIPPITT. I will not try to do so, if the Senator objects.

Mr. LA FOLLETTE. I do not object if the Senator will wait until I indicate that I have answered his colleague from New England.

Mr. President, I remember some years ago that I arraigned the railroad policy of New England, that I even ventured to criticize on this floor—and it was the first public criticism of that road made on the floor of the Senate—the operations of the New Haven Railroad, and I recall that the Senator from Rhode Island and the Senator from New Hampshire, who is not present now, I regret to say, came quickly to the defense of that institution, with the statement that there was not any suggestion of monopoly rates in that section and that nobody in New England was complaining. Why, at the very time that these gentlemen were on their feet making that statement, I had in my possession thousands of pages of testimony, taken in Boston, in a hearing by the Interstate Commerce Commission of shippers all over that section complaining that their rates had been unjustly advanced; that they were being denied fair treatment by the railroads in the matter of furnishing cars; that they were suffering in every conceivable way from the injuries which monopoly can impose upon any community when monopoly is intrenched.

Mr. President, I am not surprised that I got a "rise" from New England. Her representatives on the floor of the Senate have been the defenders of a system in New England which permitted, sir, in violation of the Sherman Antitrust Act, and in violation of the act of the Massachusetts Legislature, the New Haven Railroad to absorb the Boston & Maine Railroad, which was its chief rival and competitor in that territory and which permitted the New Haven Railroad to buy up every trolley line, every traction line, every electric line of any description operating throughout New England territory and between that territory and New York.

Mr. THOMAS. And every steamboat line.

Mr. LA FOLLETTE. Aye; and as suggested by the Senator from Colorado, they did not stop with that, but, when they had consolidated transportation under the one single control of the New Haven Road through all that territory by land, what did they do next? They went out, in violation of the Sherman antitrust law and bought up all the water transportation from Maine to New York. They swept the sea of any competition, gathered it into the control of the same organization——

Mr. WEEKS. Mr. President——

Mr. LA FOLLETTE. I am not prepared to yield yet. I will yield when I get to a good resting place.

Mr. WEEKS. I am afraid I will forget some of the misstatements the Senator is making.

Mr. LA FOLLETTE. Take them down; but do not interrupt me to interject remarks into my speech improperly and in violation of the rules of the Senate. The Senator knows his rights.

Mr. WEEKS. I do.

Mr. LA FOLLETTE. I say to you, Mr. President, that there came no protest from the Senator from Massachusetts or from the Senator from Rhode Island or from any other Senator from New England while this iniquity was going on in that great section of this country, which subjected all the shippers of manufactured products to a monopoly that enabled the railroad to exact what rates they pleased. The testimony taken by the Interstate Commerce Commission is that they advanced the rates and reduced the service. Those two things always follow when monopoly controls. I care not whether it is monopoly in manufacture or monopoly in transportation, two things logically result: First, an advance in rates. Why? They have the power. Second, the deterioration, if it be a manufactured product, in the quality of the product. Why? Because they have a monopoly and can make the article as poor as they please, and the public, obliged to buy of them, must pay the price. If it be a public-service company, there follows an advance in rates and a deterioration in the service. That is what the shippers of New England complained of in the mass of testimony, a copy of which I have in my possession and have had for years, taken by Mr. Prouty, a member of that commission, and the other members of the commission, who conducted the inquiry in New England at that time.

Mr. President, that was not all that the people of that community suffered. Monopoly, in its greed to be a monopoly, in reaching for power to squeeze the public, does not hesitate at the price which it pays to achieve monopoly; and this New Haven organization paid grossly excessive prices for the various transportation properties which it absorbed, not under its own name always—oh, no; the absorption of the steamboat companies would be made under another name, and the absorption of the trolley, electric, and traction companies under another name. But you found, Mr. President, the evidence of the community of ownership of all these institutions in the interlocking directories; and when investigations came, the investigations conducted by the Interstate Commerce Commission down in Boston and elsewhere in New England, the investigations conducted by the Interstate Commerce Commission under the resolution introduced by the Senator from Nebraska [Mr. NORRIS], who is giving me his attention—when all these investigations were made, Mr. President, it then became very apparent that—I will not say "extravagant," that does not fit the case—that reckless, criminal prices were paid for these properties. It made no difference, to those who were buying them, what they paid. One piece of railroad which the New Haven acquired, the name of which does not just at this moment come to me, of 15 miles, to complete its dominion over a certain territory, was paid for at the rate of $250,000 a mile, as I remember.

Mr. NORRIS. The Westchester.

Mr. LA FOLLETTE. The Westchester, as the Senator from Nebraska suggests. What did they care if the public had to "pay the piper"? And when monopoly completes its dominion over any territory, its reign is absolute; the people are helpless.

Mr. President, the railroads of this great country have exactly the same history as the New Haven disclosed when it came to be investigated in court and investigated before the Interstate Commerce Commission.

The Frisco, the Rock Island, the Illinois Central—go where you will, throughout the land, if you had an investigation, and the cover had been ripped off, you would find the same scheme of public robbery. All this time we have had the Interstate Commerce Commission, to which the Senator from Nevada is so anxious to refer this question of wages, in order that we may get an equitable adjustment between the companies and the employees who are now some of them being compelled to sit in the cabs of their engines and hold on to the lever and the throttle, as shown by what I have read to you, a period sometimes of 65 hours, in violation of a law that is upon the statute books.

Now, if the Senator from Massachusetts would like to get in for a little while, I will yield. That will be quite satisfactory to me. Indeed, I think that is a better order of the day.

Mr. WEEKS. I think so myself.

Mr. LA FOLLETTE. I remember very well that the venerable Senator from Maine, Mr. Frye, said to me one time, in the closing days of his service upon this floor: "There can no

longer be, in the Senate of the United States, important debates upon any question. Speeches prepared with care"—I am not now speaking of my performance, I beg the Senators to believe—"can not be delivered coherently. Instead of arguments we have conversations, and they do not rise much above the level and importance of conversations in the cloakrooms."

I believe that it would contribute much to the dignity and the importance and the value of debate upon this floor if Senators were permitted to make their arguments as they are required to make them in court, where a connected argument contributes to the consideration which the court is to give to the case, and counsel who are to close make their notes upon the statements and the arguments, and follow with arguments against those which have been made.

Mr. LIPPITT. Mr. President, I hope the Senator from Wisconsin has not forgotten that he was going to yield to me. I notice that he agreed to yield to the Senator from Massachusetts, although I think I made a prior request.

Mr. LA FOLLETTE. I will yield to the Senator from Rhode Island if he desires it.

Mr. LIPPITT. I was only going to say——

Mr. BANKHEAD. Mr. President, will the Senator from Rhode Island yield to me for just a moment?

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LIPPITT. The Senator from Wisconsin is yielding to me. If it is agreeable to the Senator from Wisconsin——

Mr. LA FOLLETTE. I must yield to the Senator from Rhode Island first.

Mr. BANKHEAD. I just wanted to make an observation.

Mr. LA FOLLETTE. I will yield to the Senator from Alabama for the observation as soon as the Senator from Rhode Island is through.

Mr. BANKHEAD. The Senator from Rhode Island may consume the balance of the session. He may not give us an opportunity during this legislative day.

Mr. LA FOLLETTE. I think it would be courteous for me to yield to the Senator from Rhode Island if he desires to make his observations now.

Mr. LIPPITT. I should like to yield to the Senator from Alabama, but I will not take more than two or three minutes.

When I interrupted the Senator from Wisconsin he had made two statements which had been contradicted upon the floor. Instead of replying to those he started to make another statement in regard to the New Haven Railroad, in which he referred to the robbery of that road. It only occurred to me to suggest, in answer to that statement, that the directors of that road have been tried for those offenses and acquitted by a jury. He followed up that statement by saying that I had supported New Haven monopoly rates on this floor. The Senator is entirely in error in that statement, and he can find no occasion when I supported monopoly railroad rates. So far as I know I have never discussed on this floor the rates that were charged by the New Haven Railroad.

He then followed up that statement by the assertion that the New Haven road, after having absorbed all the trolleys in New England, had proceeded to absorb all the water transportation in New England, and that it was done in violation of the Sherman law. I wish to say to the Senator from Wisconsin that practically all of the water transportation of the New Haven road had been owned by it for years before the Sherman law was passed. Much of it dates from an ownership of 50 years. So far from being against the wishes of the people of New England, and so far from its being the fact that he has in his possession statements of the people of New England desiring that the connection between the railroad and the water transportation should cease, I will say to the Senator that practically every important shipping interest in New England has petitioned the Interstate Commerce Commission to keep intact the relations between water and rail transportation in New England; and a resolution to that effect was passed by a unanimous vote of the Legislature of Rhode Island.

I have seldom heard in 10 minutes so many incorrect statements made upon this floor as I have listened to within the last 10 minutes. They have been contradicted not only by me but by two other Senators. The Senator from Wisconsin thinks he should be allowed to continue indefinitely to make statements of this sort. I have no doubt it would be very convenient for his argument to do that, but I think it does not tend to clarify the argument, or tend to any useful result.

Mr. LA FOLLETTE. Mr. President, it is always the device of those who have the weaker side to inject into a discussion a denial, on the theory that one Senator's denial is as good as another Senator's statement. The Senator from Rhode Island has stated that the New Haven has always owned a majority of these water transportation lines. I put my statement against his, and I tell him that he has not stated the fact. I put into the CONGRESSIONAL RECORD the acquirement of the lines, naming them, naming the time when they were acquired; and I say to the Senator from Rhode Island—and it is sufficient answer to anything else he says—that the original complaint filed against the New Haven Railroad for violating the Sherman antitrust law charged the acquiring of these water lines as a violation of that law.

Mr. LIPPITT (from his seat). They were mistaken.

Mr. LA FOLLETTE. They were not mistaken; and Mellen came to the White House, after the complaint was drawn in which they were included, and persuaded Roosevelt, as President, to have them taken out of the complaint. He testified to that fact before the Interstate Commerce Commission in its most recent investigation of these affairs. The effect of taking that out of the complaint so weakened the complaint that when the administration changed and Taft came in, Wickersham gave it as his reason for dismissing the case against the New Haven.

Those are the facts. The New Haven did not own those lines. It bought them to get a monopoly; and the records of the courts and the records of the transactions disprove the statements of the Senator from Rhode Island.

I can not at this moment, after two or three years, without delaying the proceedings of the Senate, put my hand upon the RECORD in which the Senator from Rhode Island stood up here and denied that there was any monopoly control of rates, and defended the rates that the New Haven monopoly was then inflicting upon the people of New England; but it is to be found in the RECORD——

Mr. LIPPITT. Not from me.

Mr. LA FOLLETTE. From the Senator from Rhode Island, as is the defense made at the same time. I put my statement against that of the Senator.

Mr. LIPPITT. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. LIPPITT. It is not within the function of any Senator to get up and say that statements I have made are false without at least giving me the opportunity to reply to him. The facts of the case are that what I was talking about was the ownership of the steamship lines by the New Haven Railroad, and not a discussion of railroad rates that were paid or a defense of them.

Mr. LA FOLLETTE. Mr. President, I have not the RECORD at hand. My recollection of it is very distinct. I can only put my statement against that of the Senator. I know that I was charging at the time on the floor that the New Haven had a monopoly of transportation in the New England section, and the Senator from Rhode Island and the Senator from New Hampshire denied the statement and said that nobody in New England was complaining of transportation conditions, when, at the very time, there was sitting in Boston a section of the Interstate Commerce Commission—Commissioner Prouty—taking testimony; and more than 600 pages of testimony complaining about the monopoly rates and the bad service that this monopoly transportation company was furnishing were of record before that commissioner. Now, that is the fact about it.

Mr. LIPPITT. Mr. President, the Senator is perfectly correct when he says that I demonstrated to the Senate——

Mr. LA FOLLETTE. No; the Senator did not demonstrate anything. He simply denied the statement that I made, just as he is doing to-day.

Mr. LIPPITT. Well, then, I denied the statement that the Senator made, which was incorrect then and is now, that the New Haven had a monopoly of water transportation between New England and New York. I denied that then and I deny it now; but that is not a discussion of rates.

Mr. LA FOLLETTE. Mr. President, I can not prevent the Senator, so long as I extend to him the courtesy of the floor in my time, from continuing to make a misstatement as to what transpired at that time; but he does not give any strength to it by reiteration.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. LA FOLLETTE. I will yield to the Senator now for just a moment. I wish to proceed as rapidly as possible.

Mr. BANKHEAD. I merely rise to call the Senator's attention to what happened yesterday evening when we were considering the unfinished business of the Senate, commonly called the Post Office bill. The Senator came to me and said that he was compelled to leave the city at an early hour in the evening—about 5 o'clock or half past 4—and asked me if I would not consent to allow the matter to go over without a vote until to-day,

To oblige him, as I always am glad to do, I did consent, and the Senate adjourned at that time. Now, I did that in the confident belief, and certainly with the hope, that when the Senator came into the Senate to-day he would be willing that the Senate should proceed with the consideration of the unfinished business which was interrupted yesterday evening to oblige him.

The situation is that we lost two hours yesterday and to-day we have lost five hours. The bill has not been touched upon. There has been no consideration of it at all. What I want to do is to appeal to the Senator, as I appealed successfully this morning to the Senator from Nevada [Mr. NEWLANDS], to postpone the further discussion of this subject until some future time and let us proceed for a little while with the consideration of the business that is properly before the Senate. I feel confident that he will do that.

Mr. LA FOLLETTE. When the Senator has concluded I will answer him.

Mr. BANKHEAD. I have concluded.

Mr. LA FOLLETTE. Then the Senator may resume his seat, and I will answer him.

Mr. BANKHEAD. I prefer to stand.

Mr. LA FOLLETTE. The Senator can scarcely expect to curtail the debate by making such a statement as he has made here. When the amendment was pending last night, when the Senator was sitting in the seat where the Senator from North Dakota [Mr. JOHNSON] now sits, I approached and asked whether or not there was to be a vote upon that amendment before the adjournment. He stated there would not be a vote upon it. I told him I was very glad to know it, because I was called from the Chamber to go to a train, and I wanted to vote upon it, but that if there was to be no vote upon the amendment before the adjournment I would feel free to leave. I did leave, and the debate continued. The Senate did not adjourn upon that statement of mine, and the Senator does not state the fact. The Senate continued in session for 30 minutes after I left the Senate Chamber.

Mr. BANKHEAD. Mr. President, I should like to make another——

Mr. LA FOLLETTE. Mr. President, I do not yield just now.

Mr. BANKHEAD. I——

Mr. LA FOLLETTE. Mr. President, I beg the Senator's pardon. I will yield a little later if he desires.

I left the Senate Chamber. I made no contract with the Senator from Alabama that there should be a vote to-day or at any other time upon the amendment pending. I simply said that I wished to vote upon it, and if it was to be voted upon that night I wanted to know it. I left the Chamber 30 minutes before the session ended, and the debate continued 30 minutes, and when the Senate got ready it adjourned.

Mr. President, I have not been at all responsible for the time consumed this afternoon. A matter has been injected into the RECORD that in my opinion was entitled fairly to an offset and to a statement of the other side. I have heretofore taken no time of the Senate upon the Post Office appropriation bill, and I shall conclude as speedily as I can, and the end of the observations I have to submit will be reached very soon unless I am interrupted.

I should be glad to have the attention of the Senator from Nevada [Mr. NEWLANDS], who has dwelt at length upon the greatly increased expense and burden to the railroads of the higher wages that they have to pay their employees. I say to him that the records of this Bureau of Railway Economics, together with the statistics furnished by the Interstate Commerce Commission, show that the labor cost per ton-mile unit of freight transportation is less to-day than it has been for a great many years. The reason for that is that one engine pulls three times the freight to-day that an engine did in 1907. [Reading:]

> The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, increased 45 per cent.
>
> With the increased size of engines and length of trains and the improved devices for handling freight, labor costs the railroads less now—even though they pay more wages—than it did 20 years ago. The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

Did you get that, Senators? The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

Mr. President, I have additional material which I would be very glad to incorporate in the RECORD at this time, but I will reserve that material for another occasion should any effort be made later to refer the controversy between the employees and the railroads to the Interstate Commerce Commission.

Mr. WEEKS. Mr. President, I recognize the desire which the chairman of the Committee on Post Offices and Post Roads has to proceed with the consideration of this bill, and every Senator must feel an equal desire to further the passage of the appropriation bills as rapidly as possible. Recognizing that feeling, I do not care to take the time to discuss a question which has nothing really to do with the pending amendment to the committee amendment of the bill.

I have, innocently enough, I think, afforded the Senator from Wisconsin an opportunity to do what he delights in doing—that is, scolding somebody and using superlatives. When I injected an innocent statement about what the public service commission of Massachusetts had done for 25 years, a statement which he did not attempt to controvert and which no one could deny, he took occasion to attack Massachusetts, the New Haven Railroad, and other matters which relate to the territory which I in part represent.

I am not going at this time to answer or make any comments upon that particular attack. I think I will adopt the policy which he has just announced, and at some future time, and I hope not very far in the future, take occasion to point out some of the errors in the numerous statements which he has made this afternoon, which, to my mind, can be demonstrated as being wrong in principle and wrong in fact.

Mr. POMERENE. Mr. President, the pending amendment is the one offered by the senior Senator from Iowa [Mr. CUMMINS], and I wish to present a few remarks concerning it.

I realize that for some years there has been a serious controversy between the Post Office Department and the railways of the country as to the method of compensation and the amount of compensation. This controversy has extended so long that it has given rise to serious doubt in the minds of Senators and Representatives in Congress as to what should be done, and it may be of interest very briefly to state the situation as I understand it.

Under the present law, the railroads are paid by the rule of weight, and this weight is determined once every four years. In August, 1912, Congress provided for the parcel post. Necessarily this has increased very largely the use of the railroads in distributing this class of mail matter. The Postmaster General in his last report estimated that about 1,000,000,000 parcels were distributed through the Post Office Department each year. If there were any irregularities and any injustice done to the railroad companies or to the Government before this parcel-post law was enacted, with this great increase in the uses of the railroads due to it those irregularities and this injustice must also have increased.

The question is, What plan shall be adopted? Shall the rule of weight continue? Or shall we adopt the rule of space, or a combination of the two? Students of the subject differ. I can understand how a very great injustice might be done under one rule of compensation if all the parcels mailed were ladies' bonnets. I can understand also how another great injustice might be committed if all the parcel-post packages consisted of metallic castings. Now, whether we shall have the one rule or the other, or a combination of the two, I, as one Senator, do not know, and I have not as yet heard an intelligent reason given in favor of the one at the expense of the other, or whether or not there should be a combination of the two.

I take it that this is one of the questions that ought to be determined by experts who have devoted a lifetime of study to the subject.

Now, what are the alternatives that are presented to us? The House in the measure which it has recently passed, and which is now in its amended form pending before the Senate provides *the rule of space*, but apparently the Members of the House were not contented with this rule, because they have conferred upon the Postmaster General the authority to increase the compensation which may be paid, if in his judgment for any reason that compensation may not be enough, and that increase is to be reported to Congress.

Mr. HARDWICK. If the Senator will pardon me, the House also provided for an appeal to the Interstate Commerce Commission.

Mr. POMERENE. I was just proceeding to that very point. More than that, they cast discredit upon the plan they have adopted by saying we will not only give to the Postmaster General the authority to increase the compensation but we further discredit him by providing that this whole matter shall be referred to the Interstate Commerce Commission. Then they are not content with that course. They would have the findings of the Interstate Commerce Commission reported back to Congress for their further investigation; with the study they have already given, covering a period of months, they have not come to a conclusion which is even satisfactory to themselves. Now, the matter comes to the Senate and it is referred to the Senate Committee on Post Offices and Post Roads. After deliberating upon this subject, giving it every attention, and

with a sincere desire, I have no doubt, to properly solve the problem so as to do exact justice between the Government and the railroads, they provide not a method of compensation but they say that *the present method of weight* shall continue until this matter shall be investigated by the Interstate Commerce Commission, and then their conclusions shall not be controlling, but they shall come back here to Congress for the purpose of further investigation.

The course of this legislation has demonstrated, to my mind, very clearly that with all the information this committee has been able to gather they are not satisfied with the present law, and they are not able to determine what would be a fair compensation between the railroads and the Government.

Now, the Senator from Iowa presents his amendment, and in my judgment it more nearly meets the situation than any other proposal which has been presented to this Chamber or to the other House. What is it? In brief, it is that this subject shall be referred to the Interstate Commerce Commission; that they shall call before them the Postmaster General and the representatives of the railroads and let each side present their case; and then the commission shall determine what shall be a just method and amount of pay as between the Post Office Department and the railroad companies.

I take it for granted that there is not a Member of this Chamber who wants the railroads to be either overpaid or underpaid. We ought to arrive at an exact figure which would give them a reasonable compensation for the service they are rendering to the Government, and that the Government and the people will cheerfully pay.

But, Mr. President, it has been suggested in my hearing several times that there is a very serious objection to this course, growing out of the fact that we are delegating a legislative power to a commission. I recognize the fact that we may go to extremes along that line, but we did not hesitate to delegate the power of legislation, if it is properly so called, to the Interstate Commerce Commission to determine the rates as between the railroads and shippers and passengers. This tribunal was created by the Congress of the United States as a court to which passengers and shippers and the railroads could go to have their grievances redressed; and, humanly speaking, it is as capable as any other tribunal in the determination of questions of this character, because it was first built for that purpose, and it has been filled with and surrounded by men who are expert upon the subject.

We recognize the fact that in all freight matters there are classifications. They may depend in part upon weight, in part upon space, in part upon the value of the thing shipped. The determination of questions of this character is not new to them. They, in my judgment, can arrive at a right conclusion more nearly than we who are not expert upon the subject.

Is the Congress of the United States in a position where it can say to every shipper and to every railroad as between the two the charge for your shipment shall be controlled by the judgment of this tribunal and then in the next breath take the position that we have no confidence whatever in the judgment of this tribunal when it comes to a determination as to what the Government shall pay for services which may be rendered by the railroad companies for the Government?

Mr. President, the only difference, it seems, between the suggestion which is made by the Senate committee and the Senator from Iowa is this: The Senate committee would have the findings of that commission turned back to the Congress for the purpose of approving or disapproving them or of modifying them in whole or in part. The Senator from Iowa says that the findings of this commission ought to be conclusive for the time being. But he goes on further and says that if within six months thereafter or subsequently it shall appear either that the Post Office Department or the railroads themselves are dissatisfied with the rates which have been prescribed by the Interstate Commerce Commission, then there can be a reinvestigation and a new finding.

It seems to me that if we have faith in this tribunal to fix rates for transportation both of passengers and freight we ought to be willing to abide by its judgment when it comes to that portion of the freight which is transported for the Government and which we call mail.

Mr. President, without meaning any reflection whatever upon any Member of the House or the Senate, I do not see how there can be any serious objection made to the suggestion embodied in the amendment of the Senator from Iowa. We do not have the expert knowledge which will enable the Senate to decide this question. The committee in charge has not furnished it. The members admit they have not been able to get it. They suggest the reference of the subject to the Interstate Commerce Commission, which can get it. Let their conclusions be controlling, or at least until we get better light, and we can then change the rates to be paid. I hope the amendment of the Senator from Iowa will prevail.

Mr. BANKHEAD. Mr. President, I should like to have the attention of the Senator from Iowa [Mr. CUMMINS]. I want to ask the Senator from Iowa if he will not be willing to accept a modification of his amendment on page 2, beginning in line 2, after the word "therewith," to read as follows:

And prescribe the method for the annual ascertainment of such rate or compensation?

Mr. CUMMINS. Mr. President, may I ask if the amendment would then read "and the service connected therewith and prescribe"—what?

Mr. BANKHEAD. It would read "and prescribe the method for the annual ascertainment of such rate or compensation." That is, when they are considering this matter and determining what is a fair and just rate, they may prescribe a method of ascertaining hereafter what it should be.

Mr. CUMMINS. In the understanding of the Senator from Alabama, would that have the effect to give to the department the power to change the rate from year to year?

Mr. BANKHEAD. No. This refers to the Interstate Commerce Commission, and not to the department.

Mr. CUMMINS. Will the Senator please read the amendment as proposed to be modified?

Mr. BANKHEAD. As proposed to be modified, the amendment would read as follows:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter and the service connected therewith and prescribe the method of the annual ascertainment of such rate or compensation and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing.

That is the modification of the amendment which I submitted to the Senator from Iowa a few days ago.

Mr. CUMMINS. I am not quite able to comprehend just what the modification of my amendment proposed by the Senator from Alabama would accomplish. I will read it for my own enlightenment.

And prescribe the method—

"Prescribe the method" for whom?

Mr. BANKHEAD. Prescribe it for themselves; determine for the railroads and for the department itself; it is a general prescription to determine the method for the annual ascertainment of such rate or compensation; that is, if under the provisions of the Senator's amendment the department or the railroads should conclude that the rates were not exactly fair and just there might be a rehearing, a reascertainment; and while they have made this rate and put it into effect, at the same time they can prescribe the method by which a rehearing or a refixing of rates may be determined.

Mr. CUMMINS. If the Senator from Alabama will observe, the amendment itself provides that—

Either the Postmaster General or any carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had.

Mr. BANKHEAD. That is true.

Mr. CUMMINS. Is it in the Senator's mind that the commission shall determine whether the compensation shall be based upon space or upon weight?

Mr. BANKHEAD. They may do either.

Mr. CUMMINS. Is that the thought in the Senator's mind?

Mr. BANKHEAD. Yes; they may do either. When they are fixing the rate under the provision, they may fix it on weight or space or a combination of the two or in any other method.

Mr. CUMMINS. I think I suggested to the Senator from Alabama that I saw no objection to his suggestion; but I did not then understand it just as he now proposes it. When the commission shall have fixed the rate or fixed the compensation, it must necesarily have prescribed a method. How could it fix the compensation without prescribing or adopting a method?

Mr. BANKHEAD. They have absolutely done that when they first fix the rate; but if there shall be an occasion for a change of those rates on an application of the department or of the railroads, it is believed that the matter might be very much simplified by some regulation of this sort.

Mr. HARDWICK. Mr. President, if the Senator from Alabama will yield to me, I think I can give the Senator from Iowa an instance in which this language would probably apply. If the commission should determine upon a system of weights, we will say, that would mean annual weighing; that is all. That is what it means as nearly as I can understand it.

Mr. CUMMINS. I assume, therefore, that it must mean that the commission is to prescribe a rule by which or through which the Postmaster General is to determine from time to time how much shall be paid. I am not sure about the scope of the language.

Mr. BANKHEAD. I do not think the matter is so important as to lead to a controversy over it.

Mr. CUMMINS. I am not, however, prepared to accept the suggestion just at this time.

Mr. BANKHEAD. There is another suggestion, Mr. President, that I should like to make, which is on page 3, line 6, of the amendment, immediately after the word "received," to strike out the words "by each carrier," so that it will read "to be received at such stated times as may be named in the order."

Mr. CUMMINS. I have no objection to that, Mr. President. In my opinion, it does not change the sense of the provision at all.

Mr. BANKHEAD. I think not.

Mr. CUMMINS. I am willing that those words shall be stricken out of the amendment.

The VICE PRESIDENT. The Senator from Iowa modifies his amendment to that effect.

Mr. BANKHEAD. Now, on page 4, I should like to suggest to the Senator this modification of the language of his amendment:

The existing law for the determination of mail pay shall continue in effect until the Interstate Commerce Commission under the provisions hereof fixes the fair, reasonable rate or compensation for such transportation and service and determines the method for the annual ascertainment of such rate or compensation.

That, however, is the same modification of the amendment to which the Senator objects, and I do not now insist upon it.

Mr. CUMMINS. I prefer to leave that matter in the hands of the Interstate Commerce Commission, for I can not conceive that the commission can fix the rate without prescribing the method of its procedure.

Mr. HARDWICK. If the Senator will pardon me, the commission should have some general rule and apply it everywhere.

Mr. CUMMINS. I am sure that the amendment gives the commission ample scope in that respect.

Mr. BANKHEAD. Now, on page 3 of his amendment, beginning in line 21, I should like to call the attention of the Senator from Iowa to this provision:

In the case of any carrier which has received directly or indirectly through succession a public-land grant, the value of the grant or donation shall not be considered in determining the value of the railway property.

Under the law as it is and has been for a number of years, Mr. President, when it is ascertained what these land-grant railroads are entitled to receive for carrying the mail, a 20 per cent reduction is made. I should like to ask the Senator from Iowa if, in his opinion, his provision here would be more satisfactory to the Post Office Department or to the Government than the present existing law, which is so well understood and which has been applied for so many years?

Mr. CUMMINS. Mr. President, it is impossible for me to see how a general law can be applied to a carrier and to a rate fixed for the carrier and subordinate the action of the commission to a contract. I have inserted that paragraph because, in my opinion, the value of property which has been contributed by the public through donations—a land grant or other such contribution—ought not to be considered in determining the value of the property which renders the public service.

I think it is the law now, but it is controverted by some very able students of the subject, and I want to put it beyond any controversy. Therefore I can not accept the suggestion that a certain named or prescribed deduction shall be made.

Mr. HARDWICK. Mr. President, if the Senator will pardon me for just a moment, under the existing law when the rates of railway mail pay are fixed for the railroads generally a 20 per cent deduction is made from the compensation paid the land-grant railroads; in other words, we give them 80 per cent of what we give a railroad which has had no land grant from the Government to aid in its construction. The language of the amendment of the Senator might give some trouble along this line. The amendment contains this provision:

In the case of any carrier which has received, directly or indirectly, through succession a public-land grant the value of the grant or donation shall not be considered in determining the value of the railway property.

Does the Senator mean by that the value of the grant for donation at the time the donation was made? It may be greatly enhanced, as the Senator knows, at the time when the valuation is made.

Mr. CUMMINS. That is another subject under dispute.

Mr. HARDWICK. I think the language of the amendment of the Senator leaves it in dispute.

Mr. CUMMINS. In the valuation proceedings now going forward in the Interstate Commerce Commission the railway companies claim that their rights of way, which have been immensely enhanced in value by reason of the development of the country, although given to them or to their predecessors by the Government, shall be valued upon the basis of the cost of reproduction—that is, the cost of acquiring a similar right of way at the present time. Under this rule they hope to very greatly, and, as I think, very improperly, increase the value of the property upon which the public must pay a reward. So far as this matter is concerned, I want to put that dispute at rest, and say that it is our judgment, at least, that they are not entitled to that value in making up the aggregate value of their property.

With regard to the deduction of 20 per cent, however feasible that might be as a matter of contract, if the commission fixes a certain rate for the transportation of mail over a railroad which has received a donation or contribution from the Government, I do not believe it is within our constitutional power to say that, because it has received something from the Government, its pay shall be reduced 20 per cent.

Mr. HARDWICK. If the Senator will allow me to interrupt him right there, every one of these grants contained such conditions. It is a matter of contract between the Government and the railroads. They agreed to carry the mail, I think in most cases, at such rates as the Postmaster General might prescribe.

Mr. CUMMINS. Originally that is, but not from year to year.

Mr. HARDWICK. No; but when the grants were made a condition of that sort was inserted as a matter of contract. I do not think there will be the slightest trouble of the character suggested by the Senator.

Mr. CUMMINS. Mr. President, I have no objection to excepting any contract of that sort from the operation of this amendment, but I do not believe it could be imposed as a matter of law.

Mr. BANKHEAD. Mr. President, I do not think there can be any doubt about the fact at all that the arrangement whereby 20 per cent is deducted from the gross payment to the land-grant railroads is a matter of contract, and my recollection is that it is included in the grant itself.

Mr. HARDWICK. It is in the franchise.

Mr. BANKHEAD. It is in the franchise; and it is also true that the Union Pacific and some of the other land-grant railroads have a similar contract with reference to the transportation of troops.

Mr. CUMMINS. I did not have that thought in mind, and I will be perfectly willing to accept an amendment which will provide that no railroad which enjoyed a land grant shall receive more than it has agreed to receive under the grant.

Mr. HARDWICK. Mr. President, if the Senator will excuse me just a moment, of course the manner in which he has used the word "value" in the amendment might leave open that whole controversy about whether value at the time the grant was made is meant or the present value of the property granted. Why is it not safer to follow the plan now followed by the existing law, which is based on contract in every case, and merely to make a 20 per cent deduction in the case of these railroads?

Mr. CUMMINS. Simply because I do not believe it would be constitutional. I do not believe we have the power to pass a law of that kind.

Mr. HARDWICK. Congress has done it, and it has been sustained. I do not say that the Supreme Court of the United States has passed on it, for the railroads in question have not been in a position to controvert it, because in the franchises which they were granted as a condition of the grant they made an agreement which warranted and authorized that provision.

Mr. CUMMINS. As I said a moment ago, I am entirely willing to accept an amendment that shall retain the full benefit of the contract made under the land grants, and if the Senator from Alabama and the Senator from Georgia will offer such an amendment, I will have no objection to it.

Mr. HARDWICK. I think we can perfect an amendment in the language of existing law providing generally in the case of land-grant railroads that a deduction shall be made of 20 per cent, as now authorized by law. That is what ought to be done.

Mr. CUMMINS. I think that will be satisfactory; but the amendment suggested by the Senator from Alabama does not contain that provision.

Mr. HARDWICK. No; it does not cover that.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. STERLING. I should like to suggest an amendment to the amendment of the Senator from Iowa. It seems to me that the question as to the basis of compensation should be embodied in the amendment proposed by the Senator. I do not think it is so embodied in terms, nor do I think it was quite embodied in the amendment proposed by the chairman of the committee [Mr. BANKHEAD]. It is a proposition, of course, that has been considered by various commissions for the last 35 or 40 years. I refer to the space or the weight system, or a combination of the two. I will indicate where I think such an amendment ought to be made in the amendment of the Senator from Iowa. Beginning in line 7, on page 1, I would have the paragraph read:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time—

Now, interline the following:

upon such basis as to space or weight, or a combination of the two, as to it may seem just—

Then, following, the language of the Senator's amendment—

the fair and reasonable rates and compensation for the transportation of such mail matter—

And so forth.

Mr. CUMMINS. Of course, Mr. President, that raises the same question presented by the amendment suggested by the Senator from Alabama. I can not conceive how the Interstate Commerce Commission can fix the compensation or rate of compensation without adopting either the weight or space basis, or both, and possibly other factors as well.

Mr. STERLING. But let me say to the Senator that heretofore and up to the present time the compensation has been based on weight. The Interstate Commerce Commission might say, "We will consider no other factor than weight in determining the compensation." I should like to see the amendment in such terms as to call upon the Interstate Commerce Commission to consider other factors as a basis for the compensation.

Mr. CUMMINS. I have no objection to an amendment which will require the commission to consider the various bases and other factors as well. I do not want to confine the commission to the space theory or the weight theory, or to a combination of both, because there are other factors. For instance, much will depend upon the speed of the train, the character of the train, and the character of the car. All these things must be taken into account in determining the compensation.

Mr. HARDWICK. They can consider that. The Senator from South Dakota is right, I think, in suggesting to the Senator that it will improve his amendment to provide that the Interstate Commerce Commission shall adopt some system of determining rates, and then shall determine what rates are proper under the system they do adopt. I suggest to the Senator from Iowa the language of the committee amendment, because it is very carefully worked out on that point and meets all the objections he has just urged. Let me read it:

The commission shall also hold hearings and thoroughly investigate the so-called "space" plan and the so-called "weight" plan of railway mail pay, and any combination of the two, and any other plan that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable, both to the Government and the railroads, for the carrying of the mails.

If that language were inserted, I do not think there could be any objection of that sort to it.

Mr. CUMMINS. But that language was intended to apply to a plan that involved a report to Congress on the part of the commission.

Mr. HARDWICK. It can be drafted, though, just as well in the form of an amendment to this.

Mr. CUMMINS. I shall be very glad to look over any amendment; but I think that needs to be rather carefully stated.

Mr. VARDAMAN. Mr. President, I desire to ask the Senator from Iowa a question. As I understand, the Senator's amendment does not prescribe any plan upon which the mail shall be carried. It leaves that entirely with the Interstate Commerce Commission to determine.

Mr. CUMMINS. No; it does not. It leaves it entirely with the Postmaster General. The Postmaster General is to file an application with the Interstate Commerce Commission setting forth the service which he desires, the character of the trains or cars or the speed of the train, the conditions of the service; that is to say, what supplemental service is required from the railway companies with regard to it. All these things are to be determined by the Postmaster General and embodied by him in a petition or application to the Interstate Commerce Commision. Then a hearing ensues, and the commission determines what the service which the Postmaster General requires of the railway companies is worth; that is, the fair compensation for that service.

Mr. VARDAMAN. It is not left discretionary with the commission to suggest a different service which might be less expensive?

Mr. CUMMINS. No; there is no such authority given in this amendment for the suggestion of a different service. I have assumed that the Post Office Department is the proper department to determine what service is required for the advantage of the people, and I leave it with the Interstate Commerce Commission to say what the Government shall pay for that service.

Mr. VARDAMAN. For the service prescribed by the Postmaster General? I think the commission ought to be permitted, if it is going to be charged with the investigation of this matter at all, to suggest as to the best plan or mode of carrying the mail.

Mr. STERLING. Then, Mr. President, under the theory of the Senator from Iowa, the Postmaster General would be left to settle himself this very much mooted question as to whether we should have the space or the weight system.

Mr. CUMMINS. Not at all; because the space theory and the weight theory are simply factors or standards that are used to determine compensation. They do not relate at all to the character of the service. The Postmaster General desires a 60-foot car on a passenger train or a storage car on a passenger train. Now, whether it is to be paid for according to its weight or whether it is to be paid for according to the space occupied is entirely immaterial so far as the commission is concerned. The commission is simply authorized to say what the Government shall pay for that car moved a certain distance. It may say that it ought to be paid for according to the weight in the car; it may say that it ought to be paid for according to the space that is put at the service of the Government; but it is not a substantive matter. It is simply a part of a process used to ascertain what the compensation shall be.

Mr. HARDWICK. Mr. President, if the Senator will yield now, I think I have this thing drafted so that we can at least submit the idea. I agree entirely with the Senator from South Dakota about this matter. One of the great controversies is as to what system or plan you are going to adopt, and there can be no just determination of rights unless that preliminary question and more general question be first settled—according to my opinion, at least.

Now, let me suggest this—I have drafted it exactly as it appears—I suggest striking out the words in the Senator's amendment, after the word "determine," in line 8 of the first page, "from time to time" and inserting the following:

What system of fixing the rates for railway mail pay is just and reasonable, whether the so-called space plan or the so-called weight plan, or any combination of the two, or any other plan or system that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and to the railroads for carrying the mail, and what are fair and reasonable rates and compensation—

Following the Senator's language. In other words, I would first, if we should put it exactly as I have drawn it there, require them to determine what is the system or plan that they are going to adopt, not confining them to any one plan, not even to one of the two that are most generally discussed, but let them determine which system they will apply, and what are just and reasonable rates under that system. Would the Senator be willing to do that?

Mr. CUMMINS. I will ask the Senator please to read it again, so that I may get the connection.

Mr. HARDWICK. All right. I will start with the Senator's amendment and read just a word or two; then I will read it as it would be amended when I get through. I am reading from the Senator's amendment now:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine what system of fixing the rates for railway mail pay is just and reasonable, whether the so-called space plan or the so-called weight plan or any combination of the two or any other plan or system that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and to the railroads for carrying the mail, and what are fair and reasonable rates and compensation thereunder—

I would insert the word "thereunder"—

for the transportation—

And so forth.

Now, if the Senator will pardon me, I will try to elaborate that just a little.

Mr. CUMMINS. I shall be very glad to hear the Senator.

Mr. HARDWICK. The reason why I suggest that is this: It might be that the Post Office Department would submit to the Interstate Commerce Commission only one plan under the

Senator's amendment, as it stands now. That is a matter of great consequence—whether the weight plan is right, or whether the space plan is right, or whether a combination of both might not be better, which is somewhat larger. By this amendment I would require the Interstate Commerce Commission to pass, first of all, on the preliminary and general question as to what plan or system they are to adopt; and then, having determined that general and preliminary question, I would go on, as the Senator does, and require them to determine what are just and reasonable rates under whatever plan or system they do adopt.

Mr. CUMMINS. Mr. President, to me the proposition seems illogical. The Postmaster General is not given the authority to determine anything about the space plan or the weight plan, or which plan he prefers. The Postmaster General is to say to the Interstate Commerce Commission what service he wants; and it is immaterial to him, under this view of it, whether the Interstate Commerce Commission requires that service to be paid for by space or by weight. I can not conceive how the Interstate Commerce Commission can fix or determine compensation without first determining the basis on which the compensation is to be adjusted.

Mr. HARDWICK. If the Senator will pardon me again, I quite agree with the Senator; and yet the thing that he can not believe there is any trouble about is where all the trouble comes. The railroads say that the plan of the Post Office Department is to force them to a space basis, so that they may load a given amount of space with an unlimited quantity of merchandise, or one limited only by the space, and divert a great deal of their light traffic from ordinary private carriage into the Government parcel post. They insist that under those circumstances nothing is fair and just except the weight basis. Now, I am not indorsing that contention, but I am showing the Senator how it is absolutely necessary to determine how much of that contention is sound and how much of it is unsound before you can go into the more specific question as to what rates are reasonable and just. They say that a space system will do them grave injustice and will ruin a great many of the smaller railroads of the country.

Mr. CUMMINS. Mr. President, I am utterly unable to see just the bearing of the proposed amendment. This is referred to the Interstate Commerce Commission. The Interstate Commerce Commission has up for consideration the inquiry: "How much shall the Government pay for a post-office car or a storage car per mile or per hundredweight in the car?" Now, the Interstate Commerce Commission must adopt a compensation for the service which is based upon some theory. If it adopts the space theory, it will say, "The Government must pay so much for every mile which the car passes over."

Mr. HARDWICK. For a certain amount of space.

Mr. CUMMINS. If it adopts the weight basis, it must say, "The Government shall pay so much per hundredweight in a car transported over a given distance." The Senator is asking that the commission be given the power, theoretically, to adopt one basis or the other.

Mr. HARDWICK. If the Senator will pardon me, I hate to bother him, but we get at the truth better in this way. There is one trouble about that. The reason why it is necessary to specify these things is that under the existing law, which will not be repealed by this amendment of the Senator's nor by the Post Office bill, weight is the only basis adopted. Therefore the commission, in the absence of some sort of legislation on the subject, might feel that they have no right to do anything except to adopt the weight basis; and we do not want them to feel that way.

Mr. CUMMINS. That is the only consideration which appeals to me at all.

Mr. HARDWICK. I want to leave them the full liberty to adopt whichever plan they think is best, and I am afraid they might not have it under existing law as the Senator's amendment stands.

Mr. CUMMINS. I am inclined to say that I have no objection to that amendment.

Mr. HARDWICK. We will try to put it in better shape overnight.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Will the Senator from Georgia send the amendment to the desk?

Mr. HARDWICK. If the Senator is willing, I will try to do it in the morning. We are not going to vote on it this evening. I will try to draft it a little more carefully.

The VICE PRESIDENT. It has been so frequently modified that the Secretary has not the exact language of the amendment.

Mr. BRYAN. Mr. President, I offer an amendment to the pending bill and ask that it may be printed.

The VICE PRESIDENT. The amendment will be printed. The pending amendment is the amendment of the Senator from Iowa.

Mr. BRYAN. I offered an amendment, Mr. President. I think it would be the pending amendment now.

The VICE PRESIDENT. The Chair has no knowledge on that point save that the Senator from Florida offered an amendment and asked that it be printed and lie on the table.

Mr. BRYAN. I asked that the amendment be printed. I did not suppose that would prevent it from being read. The amendment is to the pending bill, but it is an amendment to the text of the bill.

Mr. HARDWICK. But it is not in order to displace the other one.

Mr. BRYAN. It has to be voted on first, as I understand.

The VICE PRESIDENT. Is it to the text of the bill?

Mr. BRYAN. It is.

The VICE PRESIDENT. The Secretary will read it.

Mr. HARDWICK. So is the amendment of the Senator from Iowa, if the Chair please.

The VICE PRESIDENT. No; it is to the text of the substitute.

The SECRETARY. It is to the part proposed to be stricken out.

The VICE PRESIDENT. The amendment of the Senator from Florida has precedence, if it is to the House text.

The SECRETARY. On page 54 it is proposed to strike out lines 6 to 26, inclusive. The committee amendment does that.

Mr. BRANDEGEE. Mr. President, are we not now taking up the bill for committee amendments?

The VICE PRESIDENT. Yes; we are considering committee amendments; but the pending committee amendment is an amendment which strikes out a portion of the text, and the rule surely is that where amendments are offered to the text——

Mr. BRANDEGEE. Is this amendment offered to that part of the text which it is proposed to strike out?

The VICE PRESIDENT. It is.

Mr. BRANDEGEE. Oh, very well.

The SECRETARY. On page 54 it is proposed to strike out all of lines 6 to 26, both inclusive, as the committee proposes to do, and in lieu thereof to insert:

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation of the justness and reasonableness of the rates of railway mail pay fixed under this section, and if it finds that they are not just and reasonable for the service performed for the Government by the railroad mail carriers it shall make findings of what rates are just and reasonable and shall certify such findings to the Postmaster General, who shall adopt such rates, and, where greater or less than the rates fixed under this section, shall readjust the compensation of the carriers in accordance therewith. No change shall be made in the rates fixed by the Interstate Commerce Commission except by the commission after investigation, which shall be made only upon application of the Postmaster General or the representatives of railroads with an aggregate mileage of at least 25 per cent of the mileage of the railroads carrying mails.

Mr. VARDAMAN. Mr. President, a parliamentary inquiry. What is that amendment? Where is it to come in the bill?

The SECRETARY. It is in lieu of the matter proposed to be stricken out on page 54, beginning with line 6 and ending on line 26.

Mr. HARDWICK. I raise a question of order on the amendment proposed by the Senator from Florida, that, not being a committee amendment, being merely an amendment to the text of the House bill, it is not in order until the committee amendments have been disposed of.

Mr. BRANDEGEE. The pending committee amendment does not commence until page 55.

Mr. BRYAN. This part of the bill is not a committee amendment.

Mr. HARDWICK. It is the House text which the committee proposes to strike out.

Mr. CUMMINS. I rise to a question of order, that the amendment offered by the Senator from Florida is not in order until the pending amendment is disposed of.

The VICE PRESIDENT. The Chair is not in possession of a copy of the bill. Where does the amendment of the committee begin?

Mr. BRANDEGEE. The part for which the amendment of the Senator from Iowa is a substitute is stated on the face of it. It begins at line 1, page 56, and goes to line 11, page 57.

Mr. BRYAN. I am relying on Rule XVIII of the Senate.

Mr. VARDAMAN. The amendment of the Senator from Florida is an amendment to the amendment of the committee.

Mr. HARDWICK. No; it is not.

The VICE PRESIDENT. As the Chair gets this matter, the committee amendment starts in by striking out, commencing after the word "directed," in line 22, on page 42, all the House text down to and including the word "section," in line 5, on page 55, and in lieu thereof it proposes to insert, commencing at

line 6, page 55, down to the end of the bill. The amendment of the Senator from Iowa, of course, is an amendment which is directed to the portion proposed to be inserted by the committee amendment, but the amendment of the Senator from Florida is to the original House text, and under the rule of the Senate it must be in order, because the Senate has a right to perfect the part proposed to be stricken out before it can vote upon the part proposed to be inserted.

Mr. BANKHEAD. Is that question now disposed of?

The VICE PRESIDENT. The ruling of the Chair is disposed of, that the amendment of the Senator from Florida is in order and is now pending.

EXECUTIVE SESSION.

Mr. BANKHEAD. I understand the Senator from Florida does not intend to press consideration of his amendment to-night, but simply wishes to have it printed and pending, to go over until to-morrow. In that case I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. STONE. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate took a recess until to-morrow, Friday, June 23, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 22, 1916.

RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

John F. Costello, of the District of Columbia, to be recorder of deeds for the District of Columbia.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Herbert M. Lord, Quartermaster Corps, to be lieutenant colonel from March 4, 1913, vice Lieut. Col. Beecher B. Ray, whose recess appointment expired by constitutional limitation March 3, 1913.

Maj. Robert S. Smith, Quartermaster Corps, to be lieutenant colonel from March 27, 1914, vice Lieut. Col. George F. Downey, promoted.

MEDICAL CORPS.

Capt. Nelson Gapen, Medical Corps, to be major from May 26, 1916, vice Maj. Deane C. Howard, promoted.

CAVALRY ARM.

First Lieut. Robert F. Tate, Eighth Cavalry, to be captain from June 3, 1916, vice Capt. Francis Le J. Parker, Twelfth Cavalry, detailed in the General Staff Corps.

First Lieut. Sebring C. Megill (Cavalry), Signal Corps, to be captain from June 3, 1916, vice Capt. Harry N. Cootes, Thirteenth Cavalry, detailed in the General Staff Corps.

Second Lieut. Robert S. Donaldson, Thirteenth Cavalry, to be first lieutenant from June 3, 1916, vice First Lieut. Robert F. Tate, Eighth Cavalry, promoted.

COAST ARTILLERY CORPS.

Capt. Edward Kimmel, Coast Artillery Corps, to be major from June 12, 1916, vice Maj. Alston Hamilton, detached from his proper command.

Capt. John R. Proctor, Coast Artillery Corps, to be major from June 12, 1916, vice Maj. Robert E. Wyllie, detached from his proper command.

First Lieut. Clifford L. Corbin, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. Edward Kimmel, promoted.

First Lieut. Lloyd P. Horsfall, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. John R. Proctor, promoted.

First Lieut. Charles G. Mettler, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Philip H. Worcester, detached from his proper command.

First Lieut. Charles B. Gatewood, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Charles G. Mettler, whose detail in the Ordnance Department is continued.

First Lieut. Joseph H. Pelot, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Charles B. Gatewood, whose detail in the Ordnance Department is continued.

First Lieut. Morgan L. Brett, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. James H. Pelot, whose detail in the Ordnance Department is continued.

First Lieut. Forrest E. Williford, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. Morgan L. Brett, whose detail in the Ordnance Department is continued.

Second Lieut. Charles N. Wilson, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Clifford L. Corbin, promoted.

Second Lieut. Austin G. Frick, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Lloyd P. Horsfall, promoted.

Second Lieut. Sydney S. Winslow, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Forrest E. Williford, promoted.

MEDICAL CORPS.

To be captains in the Medical Corps with rank from June 7, 1916, after three years' service, under the act of Congress approved April 23, 1908:

First Lieut. Benjamin B. Warriner, Medical Corps.
First Lieut. William D. Herbert, Medical Corps.
First Lieut. Stephen H. Smith, Medical Corps.
First Lieut. George F. Lull, Medical Corps.
First Lieut. Charles C. Hillman, Medical Corps.
First Lieut. Sidney L. Chappell, Medical Corps.
First Lieut. Fletcher O. McFarland, Medical Corps.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

First Lieut. Frank Wiley Wilson, Medical Reserve Corps, to be first lieutenant in the Medical Corps, with rank from June 7, 1916, vice Capt. William H. Moncrief, promoted May 23, 1916.

PORTO RICO REGIMENT OF INFANTRY.

Arturo Moreno, of Porto Rico, to be second lieutenant in the Porto Rico Regiment of Infantry, with rank from November 25, 1910.

NOTE.—The person named is now serving as second lieutenant in the Porto Rico Regiment of Infantry under the name Arturo Moreno Calderon. This message is submitted for the purpose of changing the name of the nominee.

CHAPLAIN.

Rev. Edmond J. Griffin, of the District of Columbia, to be chaplain, with the rank of first lieutenant, from June 19, 1916, vice Chaplain Alexander P. Landry, Twelfth Cavalry, resigned May 25, 1915.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the Navy from the 3d day of June, 1916:

Henry M. Mullinnix,
Norman P. Earle,
Ralph E. Davison,
Don P. Moon,
Russell S. Berkey,
Robert C. Bourne,
George F. Hussey, jr.,
Thomas J. Keliher, jr.,
Osborne B. Hardison,
Hugo Schmidt,
Russell S. Hitchcock,
Clinton E. Braine, jr.,
Willis C. Sutherland,
Laurance F. Safford,
Arthur C. Miles,
William M. Fechteler,
Frank W. Wead,
Robert A. Awtrey,
Conrad A. Krez,
Charles A. Baker,
Tuthill Ketcham,
Donald M. Carpenter,
Harris K. Lyle,
Gerald F. Bogan,
Sidney E. Dudley,
Leon S. Fiske,
Earl M. Major,
William F. Loventhal,
Paul R. Glutting,
Harold M. Horne,
Walter E. Borden, jr.,
Arthur T. Emerson,
Arthur C. Geisenhoff,
Grover C. Klein,

William F. Boyer,
Bartley G. Furey,
Willard A. Kitts, 3d,
Bertram J. Rogers,
Carroll W. Hamill,
John A. Terhune,
Clinton H. Havill,
Lew W. Bagby,
Byron S. Dague,
Lyman K. Swenson,
Frank E. Beatty, jr.,
Gail Morgan,
Woodbury E. MacKay,
Gilbert F. Bunnell,
Stanton F. Kalk,
Thorwald A. Solberg,
Clifford H. Roper,
Edward P. Sauer,
Augustus J. Selman,
John H. Carson,
Milton O. Carlson,
Robert B. Carney,
Arthur W. Radford,
George F. Martin,
John A. Vincent,
Bernard F. Jenkins,
Boyd R. Alexander,
Edwin S. Earnhardt,
Edward L. Ericsson,
Frederick B. Craven,
Richard R. Claghorn,
John M. Bloom,
John E. Williams,
Jesse L. Kenworthy, jr.,
Webster M. Thompson,
Albert E. Schrader,
Louis R. Vail,
William R. Casey,
Dennis L. Ryan,
Paul S. Goen,
Harry Van C. Baugh,
Andrew De G. Mayer,
Arnold H. Bateman,
Charles G. Halpine,
Charles T. Joy,
John S. Watters, jr.,
Alva J. Moore,
Walter W. Webb,
Nelson N. Gates,
Henry L. Phelps,
Benjamin R. Holcombe,
Archer W. Webb,
Charles G. Berwind,
John E. Reinburg,
William L. Keady.
Charles J. Wheeler,
Theodore T, Patterson,
John A. Sternberg,
George P. Brewster, jr.,
Samuel P. Ginder,
Henry B. Broadfoot,
Van H. Ragsdale,
John Wilkes,
Robert J. Walker,
Robert B. Twining,
Homer L. Grosskopf,
William P. Bacon,
Henry N. Fallon,
Wilbur W. Feineman,
Maxwell Cole,
Bruce P. Flood,
Henry J. White,
Oscar W. Erickson,
Gilbert W. Sumners,
Henry C. Merwin,
James M. Steele,
Arthur D. Burhans,
Casper K. Blackburn,
Amos B. Root,
Thomas D. Warner,
Paul W. Rutledge,
T. De Witt Carr,
Albert M. Rhudy,
Charles P. Cecil,
Calvin T. Durgin,
Humbert W. Ziroli,
James A. Scott,
Julius W. Simms,
William E. Miller,
George F. Chapline,
Douglas C. Woodward,
Armistead C. Rogers,
John S. Roberts, jr.,
John D. Price,
Norman O. Wynkoop,
James B. Ryan,
William W. Schott,
Sidney W. Kirtland,
Walter B. Cowles,
Joseph H. Lawson,
Stanwix G. Mayfield, jr.,
Richard E. Webb,
Edwin F. Cochrane,
Charles T. Gilliam,
Gilbert C. Hoover,
Thomas V. Cooper,
Walter S. Carrington,
Newbold T. Lawrence, jr.,
Roy K. Jones,
Martin B. Stonestreet,
Heman J. Redfield,
Richard H. Jones,
Lowell Cooper,
Linton Herndon,
Andrew C. McFall,
Leon F. Brown,
Herbert S. Jones,
Herbert J. Grassie,
Robert N. Kennedy,
Isaiah Parker,
Carl H. Hilton,
Chaplin E. Evans,
James K. Davis,
George D. Price,
Cassin Young,
Carlyle Craig,
Knefler McGinnis, and
James P. Compton.

Robert B. Greenough, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 25th day of May, 1916.

Asst. Surg. Charles P. Lynch to be a passed assistant surgeon in the Navy from the 19th day of February, 1916.

Asst. Civil Engineer Glenn S. Burrell to be a civil engineer in the Navy from the 17th day of March, 1916.

Asst. Civil Engineer Henry G. Taylor, with rank of ensign, to be an assistant civil engineer in the Navy, with rank of lieutenant (junior grade), from the 17th day of March, 1916.

Ensign Walter D. La Mont to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Nelson W. Hibbs to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Harold H. Little to be a lieutenant (junior grade) in the Navy from the 8th day of December, 1915.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1916:

James C. Jones, jr.,
Adolph von S. Pickhardt,
George W. Wolf,
Frank L. Johnston,
John A. Brownell,
Chapman C. Todd, jr.,
Paul Cassard,
George M. Tisdale,
Wilbur J. Ruble,
Arthur G. Robinson,
Frederic W. Dillingham,
William W. Meek,
Paulus P. Powell,
Earl H. Quinlan,
Clarke Withers,
Leo H. Thebaud, and
Gordon Hutchins.

The following-named ensigns to be assistant naval constructors in the Navy from the 7th day of June, 1916:

Everett LeR. Gayhart,
George A. Andrews,
Thomas M. Searles,
Earl F. Enright, and
Frederick G. Crisp.

First Lieut. Calvin B. Matthews to be a captain in the Marine Corps from the 2d day of June, 1916.

Second Lieut. George W. Van Hoose to be a first lieutenant in the Marine Corps from the 2d day of June, 1916.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 3d day of June, 1916:

Walter H. Sitz,
William G. Hawthorne, and
Oscar R. Cauldwell.

MEMBER OF EXECUTIVE COUNCIL OF PORTO RICO.

José C. Barbosa, of Porto Rico, to take effect July 16, 1916. (Reappointment.)

REAPPOINTMENT IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Gen. James B. Aleshire, Quartermaster General, to be Quartermaster General, with the rank of major general, for the period of four years beginning August 24, 1916, with rank from August 24, 1912.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Louis A. Craig, Coast Artillery Corps, to be second lieutenant of Field Artillery, with rank from July 14, 1913.

Second Lieut. Charles L. Kilburn, Third Field Artillery, to be second lieutenant in the Coast Artillery Corps, with rank from July 14, 1913.

SECOND LIEUTENANTS IN THE QUARTERMASTER CORPS.

Under the provisions of section 9 of an act of Congress approved June 3, 1916, the pay clerks herein named, arranged alphabetically, for appointment as second lieutenants in the Quartermaster Corps, with rank from June 3, 1916:

Selden B. Armat.
Francis J. Baker.
Wallace F. Baker.
Stephen R. Beard.
Orva E. Beezley.
John Q. A. Brett.
George C. Brigham.
Dudley M. Brown.
Richard L. Cave.
Jerome Clark.
Eugene Coffin.
Lute E. Collier.
Edward T. Comegys.
Walter D. Dabney.
William F. Daughton.
William M. Dixon.
Guy R. Doane.
Charles B. Eckels.
George Z. Eckels.
Charles F. Eddy.
Edwin F. Ely.
Ed. N. Enders.
Clarence M. Exley.
Horace G. Foster.
Seymour H. Francis.
Otto W. Gralund.
Carl Halla.
James R. Hezmalhalch.
Joseph A. Hill.
Ernest P. Hoff.
Eugene O. Hopkins.
Henry S. Hostetter.
Percy G. Hoyt.
Charles R. Insley.
Franklin C. Kearns.
Montgomery T. Legg.
Claude J. Liebert.
William J. Lisle.
Elmer E. Lockard.
George F. Lovell.
James MacKay.
Alexander C. McKelvey.
William A. MacNicholl.
Herbert A. Main.
Frederick A. Markey.
James A. Marmon.
Alfred J. Maxwell.
Dana W. Morey.
Emmett C. Morton.
Frank T. Neely.
Erskine Neide.
David Nicholson.
Robert G. Nunan.
Arthur A. Padmore.
Frank E. Parker.
Thomas S. Pugh.
Horace G. Rice.
Frank H. Richey.
Harold G. Salmon.
Jerome F. Sears.
Frank B. Shelly.
Harrison W. Smith.
Hastie A. Stuart.
Will T. Taber.
Louis M. Thibadeau.
William W. Thrall.
Walter S. Vidor.
Hardie A. Violland.
Wilhelm P. A. T. Von Hartung.
George N. Watson.
Archie H. Willis.
Horace E. Wilson.
Samuel C. Wilson.

FIRST ASSISTANT COMMISSIONER OF PATENTS.

Robert F. Whitehead, of Virginia (now Assistant Commissioner of Patents), to be First Assistant Commissioner of Patents, effective July 1, 1916, vice James T. Newton, appointed an examiner in chief.

ASSISTANT COMMISSIONER OF PATENTS.

Francis W. H. Clay, of Pittsburgh, Pa., to be Assistant Commissioner of Patents, vice Robert F. Whitehead, appointed First Assistant Commissioner, effective July 1, 1916.

EXAMINER IN CHIEF, PATENT OFFICE.

James T. Newton, of Georgia (now First Assistant Commissioner of Patents) to be an examiner in chief in the Patent Office, effective July 1, 1916, to fill an original vacancy created by the act approved May 10, 1916 (Public, No. 73).

Samuel E. Fouts, of North Carolina (now a second assistant examiner in the Patent Office) to be an examiner in chief in the Patent Office, effective July 1, 1916, to fill an original vacancy created by the act approved May 10, 1916 (Public, No. 73).

POSTMASTERS.

ALABAMA.

Green B. Avery to be postmaster at Lanett, Ala. Office becomes presidential July 1, 1916.

J. Franklin Davis to be postmaster at Andalusia, Ala., in place of James F. Brawner. Incumbent's commission expired January 15, 1916.

Charles B. Searcy to be postmaster at Abbeville, Ala., in place of Augustus L. Hawley, removed.

Charles R. Talbot to be postmaster at Elba, Ala., in place of W. S. Mullins. Incumbent's commission expired January 15, 1916.

CALIFORNIA.

H. O. Blohm to be postmaster at Upland, Cal., in place of James F. Monroe, resigned.

Alpharetta Gilham to be postmaster at Barstow, Cal., in place of C. E. Kendrick. Incumbent's commission expired May 20, 1916.

Edward K. Loosley to be postmaster at Montague, Cal. Office becomes presidential July 1, 1916.

William Weber to be postmaster at Soledad, Cal., in place of H. J. Schumann. Incumbent's commission expires July 18, 1916.

Bessie B. Wightman to be postmaster at Antioch, Cal., in place of James F. Saunders, removed.

W. W. Yandell to be postmaster at Bishop, Cal., in place of Mrs. J. C. Miller. Incumbent's commission expired April 5, 1916.

COLORADO.

Oren F. Frary to be postmaster at Durango, Colo., in place of W. W. Parshall. Incumbent's commission expires July 18, 1916.

James E. Gordon to be postmaster at Springfield, Colo. Office becomes presidential July 1, 1916.

Amy R. Kruchten to be postmaster at Flagler, Colo., in place of Edward H. Kruchten, deceased.

George R. Painter to be postmaster at Telluride, Colo., in place of D. Lee Staley, resigned.

George B. Wick to be postmaster at Las Animas, Colo., in place of John A. Murphy. Incumbent's commission expires July 18, 1916.

DELAWARE.

John H. Gooden to be postmaster at Wyoming, Del., in place of Harry B. Johnson. Incumbent's commission expired April 5, 1916.

John G. Jester to be postmaster at Felton, Del., in place of W. T. Bradley. Incumbent's commission expired June 12, 1916.

FLORIDA.

James Messer to be postmaster at Tallahassee, Fla., in place of Alexander McDougall. Incumbent's commission expired June 7, 1916.

GEORGIA.

Susie McAllister to be postmaster at Fort Gaines, Ga., in place of T. C. Peterson. Incumbent's commission expired June 7, 1916.

T. F. Sykes to be postmaster at Villa Rica, Ga., in place of H. G. Roberds. Incumbent's commission expires July 7, 1916.

H. S. Tucker to be postmaster at Lumber City, Ga., in place of C. B. Beacham. Incumbent's commission expired April 11, 1916.

Herschel S. White to be postmaster at Sylvania, Ga., in place of Mytilene Cooper, resigned.

IDAHO.

F. J. Rodgers to be postmaster at Midvale, Idaho. Office became presidential January 1, 1916.

ILLINOIS.

Martin V. Conklin to be postmaster at Princeville, Ill., in place of H. J. Cheesman. Incumbent's commission expires July 18, 1916.

Patrick E. Hughes to be postmaster at Wilmington, Ill., in place of Don A. Spurr. Incumbent's commission expired May 17, 1916.

John Kray to be postmaster at Des Plaines, Ill., in place of Louis Wolfram. Incumbent's commission expires July 18, 1916.

H. Chester McAuliff to be postmaster at Franklin Park, Ill., in place of A. E. Wasson. Incumbent's commission expires July 18, 1916.

INDIANA.

Robert C. Cosby to be postmaster at Cayuga, Ind., in place of Charles Hosford. Incumbent's commission expired June 5, 1916.

John T. Mohere to be postmaster at Kramer, Ind., in place of John Perry. Incumbent's commission expired June 12, 1916.

Theodore W. Englehart to be postmaster at Brazil, Ind., in place of Edward C. Schuetz, deceased.

IOWA.

J. W. Dole to be postmaster at Fairfield, Iowa, in place of William G. Ross, resigned.

Harry C. Graves to be postmaster at Madrid, Iowa, in place of E. P. Dalander. Incumbent's commission expired January 8, 1916.

Bert McKinley to be postmaster at Morning Sun, Iowa, in place of T. J. Ochiltree. Incumbent's commission expired May 17, 1916.

Edgar F. Medary to be postmaster at Waukon, Iowa, in place of Peter S. Narum. Incumbent's commission expired May 17, 1916.

Thomas J. Snodgrass to be postmaster at New Market, Iowa, in place of Isaac W. Abbott. Incumbent's commission expired April 5, 1916.

KANSAS.

E. S. Craft to be postmaster at Lewis, Kans., in place of W. S. Lyman. Incumbent's commission expired June 14, 1916.

B. M. Dreiling to be postmaster at Hays, Kans., in place of Harvey J. Penney, resigned.

A. L. Tear to be postmaster at Sedgwick, Kans., in place of H. S. Mueller. Incumbent's commission expires July 27, 1916.

KENTUCKY.

John D. Hartman to be postmaster at Fleming, Ky. Office becomes presidential July 1, 1916.

Robert J. Scott on be postmaster at Wilmore, Ky., in place of Frank W. Rice. Incumbent's commission expired May 1, 1916.

LOUISIANA.

Lear Mary Linck to be postmaster at Bonami, La., in place of Lear Mary Hesser. Name changed by marriage.

MAINE.

William J. Storer to be postmaster at Wells, Me. Office becomes presidential July 1, 1916.

MARYLAND.

John T. Culver to be postmaster at Forest Glen, Md., in place of George M. Wolfe, resigned.

Arthur H. Uhler to be postmaster at Reisterstown, Md., in place of S. S. Yingling. Incumbent's commission expires July 16, 1916.

MASSACHUSETTS.

James Y. Deacon to be postmaster at Nantucket, Mass., in place of Charles F. Hammond. Incumbent's commission expired December 18, 1915.

John F. McManomin to be postmaster at North Chelmsford, Mass., in place of Charles F. Scribner. Incumbent's commission expired January 18, 1916.

MICHIGAN.

Andrew K. Burrows to be postmaster at Port Austin, Mich., in place of Lee R. Wallace. Incumbent's commission expires July 16, 1916.

John F. McCann to be postmaster at Ypsilanti, Mich., in place of Richard L. Owen. Incumbent's commission expired April 9, 1916.

H. Kirk White to be postmaster at Owosso, Mich., in place of Edmund O. Dewey. Incumbent's commission expired April 5, 1916.

MINNESOTA.

Catherine I. Cashman to be postmaster at Eden Valley, Minn., in place of Peter L. Cashman, resigned.

Byron J. Mosier to be postmaster at Stillwater, Minn., in place of Frank Withrow. Incumbent's commission expires July 29, 1916.

MISSISSIPPI.

J. O. Bennett to be postmaster at Louisville, Miss., in place of Sidney M. Jordan. Incumbent's commission expired May 28, 1916.

John C. King to be postmaster at Senatobia, Miss., in place of John C. Clifton. Incumbent's commission expired June 12, 1916.

Samuel H. Jones to be postmaster at Como, Miss., in place of A. M. Patterson, jr. Incumbent's commission expired May 28, 1916.

MISSOURI.

Thomas F. Donaldson to be postmaster at Kennett, Mo., in place of L. H. Johnson. Incumbent's commission expires July 24, 1916.

John C. Frazier to be postmaster at North Kansas City, Mo., in place of John C. Frazier. Office became presidential April 1, 1915.

Ernest W. Jewett to be postmaster at Shelbina, Mo., in place of A. F. Huggins. Incumbent's commission expires July 13, 1916.

A. J. McKinney to be postmaster at Cabool, Mo., in place of Frank A. Hardin. Incumbent's commission expired June 5, 1916.

Ancil Milam to be postmaster at Macon, Mo., in place of C. L. Farrar. Incumbent's commission expires July 13, 1916.

Anthony Thoreson to be postmaster at Concordia, Mo., in place of W. H. P. Walkenhorst. Incumbent's commission expires July 13, 1916.

MONTANA.

William A. Francis to be postmaster at Virginia City, Mont., in place of J. Z. Clem. Incumbent's commission expired June 14, 1916.

NEBRASKA.

Henry Dhooge to be postmaster at Wilber, Nebr., in place of T. J. Taylor. Incumbent's commission expired April 25, 1916.

Hugh M. McGaffin to be postmaster at Polk, Nebr., in place of Amos W. Shafer. Incumbent's commission expired April 25, 1916.

Clyde D. Wilson to be postmaster at Broken Bow, Nebr., in place of Jules Haumont. Incumbent's commission expires July 18, 1916.

NEW HAMPSHIRE.

Arthur L. Sherman to be postmaster at Lisbon, N. H., in place of L. L. Blodgett. Incumbent's commission expires July 27, 1916.

NEW JERSEY.

Millicent J. Eicks to be postmaster at Leonia, N. J., in place of William H. Eicks, deceased.

M. Eugene Hoffman to be postmaster at White House Station, N. J., in place of Peter Latourette, resigned.

Francis F. Hummel to be postmaster at Dover, N. J., in place of C. H. Bennett. Incumbent's commission expired April 3, 1916.

Marda Jolly to be postmaster at Old Bridge, N. J., in place of Herbert Appleby. Incumbent's commission expired December 14, 1914.

Warren H. Stagg to be postmaster at Westwood, N. J., in place of Frank M. O'Shea. Incumbent's commission expired April 15, 1916.

NEW MEXICO.

James Walker to be postmaster at Estancia, N. Mex., in place of William D. Wasson, removed.

NEW YORK.

Joseph W. Cain to be postmaster at Adams, N. Y., in place of Frank S. Kenyon, resigned.

Frank J. Nearn to be postmaster at Central Valley, N. Y., in place of Henry D. Ford, removed.

William M. Wagner to be postmaster at Savona, N. Y., in place of William E. Joint, declined.

NEVADA.

Michael E. Nevin to be postmaster at Virginia City, Nev., in place of T. W. O'Connor. Incumbent's commission expires July 18, 1916.

NORTH CAROLINA.

M. P. Critcher to be postmaster at Boone, N. C. Office became presidential January 1, 1916.

NORTH DAKOTA.

Peter Hengel to be postmaster at Anamoose, N. Dak., in place of G. F. Abelein. Incumbent's commission expired June 5, 1916.

OHIO.

P. C. Fullerton to be postmaster at Lodi, Ohio, in place of J. D. Carpenter. Incumbent's commission expires July 30, 1916.

J. D. Turner to be postmaster at Chardon, Ohio, in place of Clifford N. Quirk. Incumbent's commission expires July 13, 1916.

H. E. Zimmerman to be postmaster at Loudonville, Ohio, in place of W. J. Weirick. Incumbent's commission expires July 7, 1916.

OKLAHOMA.

Herman J. Fleming to be postmaster at Canton, Okla. Office becomes presidential July 1, 1916.

Roy Tennison to be postmaster at Commerce, Okla., in place of Alva P. Daniel, deceased.

OREGON.

E. D. Alexander to be postmaster at Stayton, Oreg., in place of William A. Elder, removed.

PENNSYLVANIA.

Percy Brewington to be postmaster at Benton, Pa., in place of John J. Mather. Incumbent's commission expired May 10, 1916.

Stephen J. Downs to be postmaster at Union City, Pa., in place of C. E. B. Hunter. Incumbent's commission expires July 13, 1916.

C. W. Dundon to be postmaster at Edinboro, Pa., in place of H. L. Cooper. Incumbent's commission expired May 31, 1916.

John D. Moore to be postmaster at Bridgeville, Pa., in place of D. M. Bennett. Incumbent's commission expired June 7, 1916.

Daniel Lennon to be postmaster at Galeton, Pa., in place of Fred V. Balch. Incumbent's commission expired May 20, 1916.

SOUTH DAKOTA.

Lynus K. Harris to be postmaster at Frankfort, S. Dak., in place of W. L. Butler, resigned.

TENNESSEE.

Clarence A. Templeton to be postmaster at Jellico, Tenn., in place of M. V. Siler. Incumbent's commission expired January 24, 1916.

TEXAS.

William T. Henderson to be postmaster at Odessa, Tex. Office becomes presidential July 1, 1916.

Thomas E. Neill to be postmaster at Van Horn, Tex., in place of W. A. Daugherty, resigned.

J. T. Rountree to be postmaster at Cooper, Tex., in place of C. V. Rattan. Incumbent's commission expired June 12, 1916.

Martha B. Waters to be postmaster at Thrall, Tex. Office becomes presidential July 1, 1916.

UTAH.

J. R. Lambert to be postmaster at Roosevelt, Utah, in place of C. L. Ashton. Office became presidential January 1, 1916.

VIRGINIA.

Gabriella R. Cochran to be postmaster at The Plains, Va., in place of G. R. Cochran. Incumbent's commission expires July 29, 1916.

Milton E. Gee to be postmaster at Meherrin, Va. Office becomes presidential July 1, 1916.

Burns N. Gibson to be postmaster at East Falls Church, Va. Office becomes presidential July 1, 1916.

Harvey D. Hall to be postmaster at Lawrenceville, Va., in place of A. W. Harrison. Incumbent's commission expired May 1, 1916.

Emmett L. Wade to be postmaster at Vinton, Va. Office becomes presidential July 1, 1916.

VERMONT.

Fred H. Pierce to be postmaster at Orleans, Vt., in place of Alton G. Baird, resigned.

WASHINGTON.

E. H. C. Ramm to be postmaster at Twisp, Wash., in place of C. J. Casad. Incumbent's commission expires July 13, 1916.

WEST VIRGINIA.

M. Grundy Gilmer to be postmaster at Matoaka, W. Va. Office becomes presidential July 1, 1916.

Charles L. Watkins to be postmaster at Shinnston, W. Va., in place of C. S. Randall. Incumbent's commission expires July 16, 1916.

WISCONSIN.

George M. Breakey to be postmaster at Alma Center, Wis., in place of G. M. Breakey. Office became presidential January 1, 1916.

Clarence L. Jordalen to be postmaster at Deerfield, Wis., in place of C. L. Jordalen. Office became presidential January 1, 1916.

Andrew Kaltenbach to be postmaster at Potosi, Wis., in place of Andrew Kaltenbach. Office became presidential January 1, 1916.

Daniel W. McNamara to be postmaster at Montello, Wis., in place of Charles Brown. Incumbent's commission expires July 23, 1916.

Charles H. Prouty to be postmaster at Genoa Junction, Wis., in place of C. H. Prouty. Incumbent's commission expired December 20, 1915.

John Schreibeis to be postmaster at Menasha, Wis., in place of J. C. Capron. Incumbent's commission expires July 23, 1916.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 22, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, our hearts instinctively turn to Thee for inspiration and guidance in the present crisis. We are brought face to face with the horrors of war and we most fervently pray that the differences which have brought us in contact with a neighboring nation may be wisely and peacefully adjusted without further bloodshed, that harmonious relations may be established to the good of all concerned. In the world's broad fields of endeavor there is room enough for brain and brawn without the clash of arms and the horrors that follow in its wake. Hear us, O Lord, and guide us by Thy holy influence, that Thy kingdom may come and Thy will be done in this and all lands, in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Diplomatic and Consular appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Consular and Diplomatic appropriation bill, disagree to the Senate amendments, and ask for a conference. The Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed as conferees Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14303, the fortifications appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SHERLEY. Mr. Chairman, when the bill was up for consideration before there was pending an amendment offered by the gentleman from Illinois [Mr. TAVENNER], it being the only matter remaining to be considered in connection with the bill. I thought that perhaps some understanding might be had as to the debate that was desired on that amendment.

Mr. MANN. I think that everybody knows what the amendment is; we have had it discussed a number of times.

Mr. SHERLEY. I have no desire to unduly prolong the consideration of the bill, and at the same time I want to afford proper opportunity for the discussion of the amendment.

Mr. KEATING. Those interested in the adoption of the amendment would like about 30 minutes.

Mr. MANN. Make it 30 minutes on a side.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that there be 30 minutes' debate on a side on the amendment offered by the gentleman from Illinois, and all amendments thereto, one half to be controlled by the gentleman from Illinois, Mr. TAVENNER, and the other half by the gentleman from Illinois, Mr. MANN.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on the pending amendment be limited to one hour, one-half to be controlled by the gentleman from Illinois, Mr. TAVENNER, and one-half by the gentleman from Illinois, Mr. MANN. Is there objection?

There was no objection.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes. I am a new Member and have not occupied the time of the House unduly since I have been here. There is a matter here that affects my district, and I ask as a favor that the House grant me the privilege of speaking for 10 minutes.

Mr. MANN. Upon what subject?

Mr. CALDWELL. On the appropriation for fortifications, or sites for fortifications. I understand that they are to purchase certain property at Rockaway Peninsula, which is in the district that I have the honor to represent. I have examined the title of the property, I have examined the property, and there are matters here that ought to be brought to the attention of the House. I ask the House to grant me time to tell the committee what I know about it.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the committee for 10 minutes, not to be taken out of the allotted time. Is there objection?

Mr. SHERLEY. I have no desire to prevent the gentleman from making a statement touching the Rockaway matter, but I am not willing to open up the bill. When that item was reached I purposely put in the RECORD all the data I had touching the matter, and then was the opportunity for the gentleman or anyone else to discuss the subject fully. I am not willing to delay this important bill by opening up the matter again. I do not object to the gentleman speaking for 10 minutes if he so desires.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Chairman, this appropriation bill carries $1,400,000 for the purchase of sites for fortifications and the reclamation of land. It is the understanding, as I learn, between the committee and the War Department that the property to be purchased is one site on the Pacific coast and the other on the Rockaway Peninsula, which lies in the second congressional district of the State of New York, which I represent.

I have examined the title to the property in a cursory way; I have discussed the title with men who have searched titles in Queens County, N. Y., and I am authorized to say that William A. Ball, who has searched more titles in Queens County than any other man, says that the United States Government now has title to the property that would be purchased with this money. The facts are in 1808 the first record title upon this property appears. The title there was stated in a partition proceeding, and since that time there are records in the Queens County courthouse of title showing that the United States Government owned and maintained a blockhouse on the end of the peninsula where now stands the United States life-saving station, and that since that time the peninsula has grown to the extent of several miles by accretion. The railroad companies have a title from those who claim to own by adverse possession.

Adverse title has never been established against the United States Government, and in no case that has ever been tried in the courts has the United States been made a party. In my opinion the title, therefore, to this property that has been made by accretion belongs to the United States Government, and I think that any bill that carries an appropriation of more than a million dollars to buy property against which the United States Government certainly has claim of title should never be passed, unless there be a proviso that the money should not be paid for property to which we have the title or claim of title until the question has been litigated. Again, they propose to pay here in the neighborhood of four thousand and odd dollars per acre for this property. It is more than 3 miles from the nearest railway station. There is no road leading to it except one, almost impassable. You can not get to it in any kind of an automobile except some very high-powered machine or a very light one that has considerable power.

You can hardly go there on foot or by wagon and team or by boat that draws any considerable amount of water. The land itself is mostly about 18 inches above high-water mark, and every winter the storms sweep the water across the peninsula, and anything you build there would be swept away, unless built up with high embankments and proper sea walls; and in addition to that, across the bay, within half a mile, is Barren Island, where they destroy and render up the dead horses and animals that die in the State of New York, and it stinks, and stinks so badly that at times in the summer it is almost impossible for the people to live there. The highest valuation that I have ever been able to find anybody who was disinterested would put on this property was $2,000 an acre, and the consensus of opinion is $1,500 an acre, and I do not believe that because there has been an option delivered to the War Department of this Nation fixing the value at $4,000, which is fictitious, and in accordance with the schemes as set out in the letter sent here by Mr. Sharp and read to the House—I do not believe under those circumstances that we should permit any department of this Government to pay such an outrageous price for a piece of property at a time when the Government is under stress such as it is to-day. We have a condemnation law, and I propose that this condemnation law ought to be invoked in this case, in which event the title to this property and the value of it would be determined, and if we need it, and it does not belong to us, let us pay every cent it is worth and get it. I am in favor of preparedness and I am in favor of protecting New York City. It needs protection. It is the capital of the Nation in point of size; it is the center of wealth of the world to-day. It needs protection, but because of this condition there is no reason why we should let any set of real estate operators mulct the Treasury of the United States to the tune of a million dollars [applause], and I say to you that if this bill is not amended I am against it, first, last, and all the time, from top to bottom, and I propose to move to recommit the bill.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDWELL. Yes.

Mr. SHERLEY. Is there any reason why the Department of Justice or the War Department should expend a dollar under the terms of the bill for any land they now own or a dollar more than the real value of the land which they acquire?

Mr. CALDWELL. There is no reason why they should do it; but the proposition is that I, for one, do not propose to set aside the responsibility which I owe to this Government and to the people who sent me here and deliver into the hands of any branch of this Government the right to spend this money that I have appropriated when I should not have appropriated it.

Mr. SHERLEY. The gentleman thinks his judgment is better than that of the Attorney General?

Mr. CALDWELL. It is upon that question, and I will stand anywhere in the court or anywhere else and defend it.

Mr. BUTLER. Is there anything in this bill which obliges the Government to buy this land?

Mr. CALDWELL. No; but it permits it to be done, and I do not propose to have that done. The city of New York was mulcted in nearly the same amount of money for a similar piece of property on this peninsula. The same crowd of people in the sale of Dreamland Park mulcted the city of New York for about the same amount. The same crowd of people mulcted the city of New York on the marginal railway proposition, and they did it all with the same scheme and plan as they started out to do it here.

Mr. ANTHONY. Does the gentleman mean to imply that there is a conspiracy to unload this property on the Government?

Mr. CALDWELL. I believe so, and I am here to fight it.

Mr. ANTHONY. What are the grounds for that statement?

Mr. CALDWELL. The grounds are these: The city of New York purchased a park over near this proposed site. In that park they offered the city an option, and that option was used for the basis of a valuation, and the valuation was fixed on the option and the city of New York paid more than twice the value of that property. They followed the same plan in the Dreamland proposition. That went into the courts, and they followed the same plan in the marginal railway proposition, and that is in the courts, and the courts have scored these people for their action in the Dreamland proposition. It was tried by another crowd of real estate operators in the East River Park, in the county which I have the honor to represent, and there the question was thrashed out, and instead of paying over a million dollars we succeeded in condemnation proceedings in getting an award of less than $700,000, and the matter is now being litigated, and if we start the same kind of condemnation proceedings here the United States Government will be protected as was the county of Queens in that last proceedings, and I want the protection.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MILLER of Delaware. Where is the provision in the bill?

Mr. CALDWELL. The provision in the bill will be found on page 3, lines 15 to 17, and I particularly call the attention of the House to the fact that in the hearings before this committee, on page 96, you will find these questions:

Mr. SHERLEY. This item is evidently for the purchase of land at Rockaway Beach?

Col. WINSLOW. One million five hundred thousand dollars is for the purchase of land at Rockaway Beach. Then there is another large item for the purchase of land for the new defenses at San Francisco.

Then, on page 107:

Mr. SHERLEY. And the department desires a sufficient sum appropriated to buy the site indicated at San Francisco and at Los Angeles, and at least the red area at Rockaway Beach—

Referring to a map submitted to the committee which is not set forth here for our information—

Col. WINSLOW. Yes.

And that is all the testimony that was before your committee that I have been able to find.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, in view of the statement made by the gentleman from New York, I would like to address the House for five minutes touching the matter to which he has referred.

The CHAIRMAN. The time not to come out of the time of one hour fixed?

Mr. SHERLEY. Yes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to address the House for five minutes, the time not to be taken out of the one hour's time allowed. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman, when this matter was up I particularly called attention to what was proposed in regard to the item for the purchase of sites. One of the most important things in connection with the fortifications of New York is the procurement of land at Rockaway Beach. That land is chosen not for any other reason than the military reason of being the one place where it is thought necessary to put this fortification. I had read from the Clerk's desk the letters of Mr. Sharp in order that the House might have full information—the gentleman from New York, who now seems to think that the House might have been misled into doing something it did not intend to do, not being then present or aiding in presenting information to the House—as I say, I caused to be read the letters of a real estate man there—a Mr. Sharp—criticizing those who claim to own this land and the value at which it was, as he thought, proposed to be sold to the Government. I stated then that I knew of no way by which the Government could properly protect itself in a matter of this sort if it could not rely upon the Department of Justice and the War Department and the right to condemn in the courts. I was not willing then, I am not willing now, upon the allegations made to refuse to make appropriations for the purchase of land that is of the utmost importance to this country; and it is important that that land should be acquired at as early a date as possible. I took occasion in my speech to call to the attention of the War Department and the Department of Justice the allegations that have been made touching this land that they might take the proper steps to protect the Government against paying a false price for the land, and in the event that we owned the land from paying any price.

I have personally brought it to the attention of the War Department and the Secretary of War. I do not believe there is any reason why the Government can not protect itself. I am willing to concede that there are a lot of rogues in the gentleman's district who desire to mulct the Government, and I took occasion to say that one of the things that is particularly depressing is, when it comes to a matter of the utmost importance to the Government, to find that the patriotism of its citizens frequently stop with their pocketbooks. But there is nothing in this that warrants the House, in my judgment, declining to make available funds to acquire land so imperatively needed. Then if this Government can not, through its proper machinery, protect itself from being robbed, we have indeed come to a deplorable situation.

But I am unwilling to believe that the Department of Justice is not able to pass upon the question of title as well as the gentleman from New York [Mr. CALDWELL]. I am unwilling to believe that the War Department or the officers of the Army are unable to prevent a false price being paid, and I must assume that in case of condemnation proceedings that at least 12 honest men can be found in the gentleman's district, or in that jurisdiction, to do justice to the Government of the United States.

Mr. CALDWELL. I will say that is the only thing I ask, that this be taken by condemnation.

Mr. SHERLEY. There is nothing to prevent its being taken by condemnation, and every fact has been brought out and brought out openly. I took particular pains in the absence of the gentleman to bring all the facts to the attention of the committee and stated that I did so in order that there might not be any misunderstanding about the matter.

Mr. Chairman, that is all I desire to say in connection with it.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the committee for five minutes, not to be included in the time heretofore allowed. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, the report of the Endicott Board in 1886 provided for a mortar battery at Plum Island as part of the defenses of the city of New York. Nothing was done toward the erection of that battery. The changes in the topography of Rockaway Point, the improvements in high-power guns, developed the fact that Plum Island would not be the best place for the establishment of a very essential defense for the city of New York. For several years the War Department has been discussing plans to complete the defenses of the city of New York, and in the last Congress it was stated that the plans would be so far advanced that the completed scheme would be submitted to Congress at this session. It has been determined to erect certain high-power guns and mortars at Rockaway Point, and the department asked authority, or asked the money, to enable it to purchase the land deemed essential for that purpose. It was stated that an option had been obtained upon the certain land deemed necessary for those guns. After the committee had completed its investigation Mr. Sharp, a real estate man in the County of Queens, in New York, wrote me, I believe, four different letters, which contained statements of the facts referred to by my colleague from New York [Mr. CALDWELL]. I conferred with the gentleman from Kentucky [Mr. SHERLEY], who had charge of the bill, in reference to the matter, and it was determined that without any other information to enable the committee to determine exactly what the situation was that that information should be submitted to the Department of War, so that when the United States was ready to proceed to procure the property desired it would have this information to guide it in its conduct. During the consideration of the bill the gentleman from Kentucky placed in the RECORD a letter which was sent to the Attorney General by Mr. Sharp, inclosing the four letters which had been sent to me by him, and, in addition, made a comprehensive statement covering fully the entire matter.

So that the executive department of the Government has all the information available from the sources referred to as to the possible claims of the Government to the property itself and as to the advisability of paying the price at which it has been proposed to be offered. The city of New York has acquired through condemnation proceedings property in the vicinity for a public park, and the price fixed in the option is the price awarded to the owners of that property in the condemnation proceedings. I know the price awarded in the condemnation proceedings has been criticized severely as excessive and inde-

fensible. My recollection is, although I am not certain, that the award has been sustained in the appellate court. There are a number of questions as to the title of the land under water. The city of New York has been claiming title to the land under water in Jamaica Bay. Within the past month the lower court in an action which had been pending for the purpose of determining whether title to the land under water belonged to the upland owners or to the city of New York has decided in favor of the upland owners. The committee had this information, that as an essential feature of the defenses of the city of New York certain guns must be erected at this particular locality.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The War Department, upon the information in its possession, believed that the maximum sum required to acquire the property, if it had to be paid for, was the sum provided in the bill. The War Department and the Department of Justice have been furnished with all of the information which has been received by the committee as to the probability that the Government has title and that the price at which the land has been offered is excessive. It is very rarely that Congress is able to determine what the value of a particular tract of land may be, particularly land located as this is, where there are not frequent sales to establish the market value. The committee has done——

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. CALDWELL. If the option carries a certain price, this option is submitted by the War Department to your committee, and the money is requested, and this House then appropriates that amount of money, will not the courts under the decision rendered in the city case of the said park be compelled to sustain that the full amount?

Mr. FITZGERALD. Not at all. In the city case and in the condemnation proceedings in the State of New York my recollection of the law is that the option is not admissible as to value. And we have not reported any specific sum to be paid for this property. Included in an amount appropriated for the acquisition of sites is a sum sufficient to meet what the War Department believes will be the outside price that must be paid for this land. Since that was done the War Department and the Department of Justice have had submitted to them the information that raises a question as to whether the Government itself does not actually own the land, as to the propriety of paying the price at which it has been offered. In the conduct of the business of the Government all that the legislative body can do is to provide the administrative officers with the means and the power to do what is essential for the public defense and then rely on the administrative officers to see that the Government is not improperly mulcted for money it should not pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask for another minute.

The CHAIRMAN. Without objection, the gentleman will be granted one minute more.

There was no objection.

Mr. FITZGERALD. This land is claimed to be owned by the Southern Pacific Railroad Co. or one of its subsidiary companies. I know the real estate man in Brooklyn who represents the owners of the land in the negotiations with the city. He is connected with the concern known as the Realty Associates. He had been connected with a concern known as the Neponsit Real Estate Co., from which the city of New York purchased the land for the park. The information which I received as to values and as to whether the title might be in the Government I immediately turned over to the gentleman from Kentucky [Mr. SHERLEY] and arranged that he should take the matter up with the Secretary of War. That is as far as we were able to go to see that the interests of the Government were protected.

Mr. HICKS. This property, as I understand, has been made by the ocean?

Mr. FITZGERALD. Yes; it is made by accretions, and it adjoins property now in the possession of the Lighthouse Service, about which, if I am not mistaken, there was some litigation and an adjustment between the Government and the claimants to the property.

Mr. HICKS. May I ask my colleague if the Title Guarantee & Trust Co. has guaranteed the title on that property to the Southern Pacific Railway Co.?

Mr. FITZGERALD. I do not know, but I do not believe it would be important, because adverse possession can never be sustained against the Federal Government; and if there be no record title and the Federal Government establishes its right, the guaranty of a title company would not defeat the Government claim.

Mr. TAVENNER. Mr. Chairman, I would like to ask the gentleman from Kentucky if he has charge of the time?

Mr. SHERLEY. There has been one hour of time granted, one-half to be controlled by the gentleman from Illinois [Mr. TAVENNER] and 30 minutes by the gentleman from Ilinois [Mr. MANN].

Mr. TAVENNER. Mr. Chairman, I read the statement of the——

Mr. DILLON. Mr. Chairman, I ask unanimous consent that the amendment be first read.

The CHAIRMAN. Without objection, the amendment will be again read.

The Clerk read as follows:

Amendment offered by Mr. TAVENNER: Page 14, line 18, after the word "rate," strike out the period and insert in lieu thereof a colon and the following:

"*Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

[Mr. TAVENNER addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I yield eight minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment proposes to stop the pay of the superintendent or overseer where a stop watch is used, and, secondly, it prevents the payment of a bonus or excess pay to any workman who happens to be more efficient than other workmen; in other words, it reduces the workmen to a common level and prevents anyone from rising above that level in compensation. To that extent it is subject to criticism, and I hope before we get through that some one in favor of the amendment will tell us why a workman who is thoroughly efficient, more so than other workmen with whom he competes, should not receive extra compensation for that efficiency.

Mr. KEATING. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield, I have not the time.

Mr. KEATING. I will get the gentleman two minutes more if he will answer the question.

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. KEATING. I want to say to the gentleman that there is nothing in the amendment which will prevent the recognition of superior efficiency in workmen. There is nothing in the amendment which will prevent one workman from receiving one rate of pay and another workman from receiving another rate of pay. The only thing is to prevent two forms of compensation—the bonus and the premium system.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to the second section of the amendment:

Nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

In other words, if he is rated at $3 a day and is worth $4, he can not receive any more than the $3.

Mr. KEATING. The gentleman is mistaken.

Mr. MOORE of Pennsylvania. I say that gentlemen can answer the suggestion, and I hope they will—why a man, who is efficient, faithful, and dutiful in a public establishment, can not receive extra compensation for extra efficiency or for work above the average.

That all workmen are not agreed upon this question I pointed out a year or so ago. The gentleman from Illinois referred to the fact that some one might produce a petition of 400 men from some arsenal, which I presume referred to the publication by me in the RECORD of a petition of 400 or 500 men from the Frankford Arsenal. In view of the fact that the gentleman has called up this matter, probably in anticipation, I will send it to the Clerk's desk to be read. It shows that all workmen, organized and unorganized, are not of one mind on the question whether or not their pay shall be at a fixed sum, and that no matter how hard they work or how efficient they are, they shall receive no more. I ask that the communication be read.

The Clerk read as follows:

THE FRANKFORD ARSENAL ASSOCIATION,
Philadelphia, Pa., January 28, 1915.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: The committee named below, representing 400 employees of the Frankford Arsenal, earnestly protest against the legislation in the Army bill depriving us of our premium rate of compensation, which was established at this arsenal over five years ago to the mutual satisfaction of all concerned. The enactment of this legislation means an annual loss to us of about $44,972. You are requested to use your utmost endeavors to have this legislation struck out by the upper House of Congress or so modified that we will not be deprived of our increased earnings under the premium system.

Very respectfully,

JOSEPH B. MOSS,
HARRY G. PENN,
JOHN JESBERGER,
Committee.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, with all respect to the gentleman advancing this amendment, if that statement is true, the workmen who are honestly striving to serve the Government are deprived of $44,000 of earnings that they would have received if this amendment had not gone into the Army bill. In other words, instead of representing the workmen, this amendment takes the money away and prevents them exercising the functions that God has given them to serve the Government.

Now, since that time I have received two petitions which bear upon this matter in another way. They pertain to certain provisions in another appropriation bill, but the arguments set out in behalf of the workmen apply here. I send the first petition to the desk to be read.

The Clerk read as follows:

PHILADELPHIA, PA., *January 5, 1916.*

Hon. J. HAMPTON MOORE,
House of Representatives, United States, Washington, D. C.

SIR: The undersigned petitioners employed at Frankford Arsenal again take the liberty of inviting your attention to the following provision of law contained in the act of Congress approved March 4, 1913, providing for the legislative, executive, and judicial expenses of the Government:

"SEC. 4. That section 7 of the general deficiency appropriation act approved August 26, 1912, is amended to read as follows:

"SEC. 7. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of the departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees, whose duties are of a similar character and required in carrying on the various manufacturing or constucting operations of the Government."

You will see from this legislation that clerks, minor clerks, skilled office laborers, draftsmen, assistant draftsmen, and the chemists employed at this arsenal can not receive any increase in compensation which is in excess of that paid for the same or similar services during the preceding year. It does not make any difference if a clerk or draftsman increases in efficiency and makes himself more valuable to the Government, he can not be paid any more this year than he was paid last year if his services are the same or similar. This legislation does not take into consideration even the increased cost of living for which additional compensation is usually allowed by employers. If a clerk or draftsman should be employed at a trial salary and with a promise that if he made good he would receive additional compensation the following year, such a promise could not be legally carried out, and yet such a method of hiring men is not unusual in all walks of life.

You will further observe that this section does not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees, whose duties are of a similar character, required in carrying on the various manufacturing or constructing operations of the Government. We believe that the clerks are just as necessary to manufacturing operations as any helper or assistant in any shop. Why should there be a difference between the men who sweep the floor, oil the shafting, run the elevators, etc., and the skilled office laborers who attend to the time cards, job cards, and various requisitions for material needed in the shops? The condition of employment for these clerks in the shops is just the same as for the other workmen who are exempted in the proviso from the operation of the law. Furthermore, the mechanical work in the shop is largely done by mechanics, but from drawings prepared by draftsmen. Without these drawings the mechanic could not work with the dispatch and accuracy required at a Government establishment. The leading draftsmen visit the shops and are just as much a part and parcel of this manufacturing plant as are the men who actually operate the machines.

A professional man, like the chemist, may make a valuable discovery for the Government, but there will be no reward for him unless the pay for the same or similar service was higher in the preceding fiscal year.

The provision exempting mechanics, artisans, laborers, etc., must have had in view that these men will have their rate of compensation increased by reason of increased efficiency, by reason of higher rate of pay paid for similar services by outside establishments, or by an increase in the cost of living. If all these three results are good reasons for increasing the pay of the exempted employees, they are just as good reasons for increasing the pay of clerks, draftsmen, etc., who are not exempted by the proviso referred to. The clerks at this arsenal are not high-priced employees; a large proportion receive as low as $540, $600, and $660 per annum, which is only the pay of the skilled laboring class. Surely Congress does not desire to prevent these low-priced clerks from receiving increased compensation if they have increased their efficiency or if it costs more to support them. A few men drawing $600 per annum have families, and Congress can not expect a man to raise a family if he has no better outlook than $600 per annum for his services. A number of the draftsmen receive $900 to $1,000 per annum, which is only the pay of machinists and toolmakers, who are in the exempted class. The highest rate of pay paid draftsmen at this arsenal is $2,200 per annum and to clerks $1,800 per annum, but these men are not only draftsmen and clerks, but executives having broad responsibility.

It should also be noted that this legislation does not work for the benefit of the Government, in that is makes it difficult to retain efficient employees. The work performed by the clerks and draftsmen is of such a nature that it takes some time for them to become familiar with their duties and with the Government method of transacting business. When a clerk or draftsman realizes the legal obstacles in the way of his obtaining an increase in compensation, he seeks employment elsewhere, and particularly in the case of the better grade of employees, who are generally graduates of a commercial or technical institution, such employment is not hard to obtain. These employees have acquired a knowledge of Government methods at the expense of the Government, and when they resign the valuable experience acquired by them is lost to the Government. This does not apply in the case of mechanics, artisans, laborers, etc., who in general have to devote little or no time to acquiring a knowledge of Government methods and are, as a rule, as efficient on the first day of their employment as at any time thereafter, and vacancies in these exempted classes therefore mean little or no loss to the Government. It would seem, therefore, that the advantage of modifying the present legislation so as to remove the restriction on increased compensation for clerical and technical positions is apparent.

Employees, whether mechanics, artisans, clerks, draftsmen, or others, in so far as their value to their employer is concerned, are rated by the same method, and the reasons for increasing an employee's compensation are the same for a mechanic as for a clerk. It therefore appears to the undersigned that the provision above mentioned, creating different standards for consideration in the treatment of Government employees and resulting in unfair discrimination against certain classes of employees, is one that Congress would correct when brought specially to its attention.

The conditions as outlined above were brought to your attention several months ago, and a petition was also addressed to the Secretary of War, in which his attention was invited to the discriminatory legislation referred to above and requesting him to bring this situation to the attention of the Congress with recommendation that proper legislation be enacted which would enable clerks, draftsmen, and other office men at the manufacturing arsenals and navy yards to be paid a higher rate of compensation than that paid during the preceding fiscal year when their efficiency demands it, when there is a corresponding increase in the rate of pay paid for similar services by outside establishments, or when an increase in the cost of living justifies it. It was also suggested to the Secretary of War that if the provision referred to in paragraph 1 of this letter were worded as follows, it would accomplish the purpose desired by the undersigned:

"*Provided*, That this section shall not apply to mechanics, artisans, storehouse keepers, their helpers and assistants, laborers, or any other employees, including clerks, draftsmen, and technical employees, whose duties are of a similar character and are required in carrying on the various manufacturing and constructing operations of the Government."

A letter was received from the Secretary of War under date of July 13, 1915, in which he acknowledged receipt of this petition, and stated that he would submit to the next Congress a draft of legislation designed to place all employees of the War Department on an equal footing in regard to their right to increased compensation for increased efficiency in the same class of work.

Respectfully, ——— ———.

Mr. MOORE of Pennsylvania (interrupting the reading). Mr. Chairman, I ask unanimous consent to print the remainder of the letter in the RECORD. The letter continues to say that there is a discrimination against a certain class of workmen. This is all pointed out in the letter. I am sorry it can not be read on account of time, because I think it would be informative to the House. It indicates that there are a number of workmen who want to do faithful service and who object to being held down to a common wage level.

But here is another communication received March 4, 1916, and also numerously signed by the workmen, that I hope there will be time to have read in full. I send it to the Clerk's desk.

The Clerk read as follows:

THE FRANKFORD ARSENAL ASSOCIATION,
Philadelphia, Pa., March 1½, 1916.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your attention is invited to the provision of law contained in the act of Congress approved March 4, 1913, providing for the legislative, executive, and judicial expenses of the Government. In a few words, this law provides that draftsmen, clerks, and other salaried Government employees can not be paid any more in one fiscal year than in the preceding one for the same or similar services.

It will be readily understood that this provision of law offers no encouragement whatsoever for a draftsman or other salaried employee of this or any other arsenal to increase his efficiency or make a special effort to develop increased value on his part to the service.

Under the abnormal conditions which obtain at the present time in private establishments manufacturing munitions and other war material a demand has been created for experienced men, and the various arsenals and other Government institutions have been looked to for such help. While the average Government employee realizes that positions with such establishments are possibly of a temporary nature they accept them because they have no assurance that their increasing worth to the Government will benefit them by reason of the above-mentioned restriction placed on the increase in compensation.

We would appreciate it very much if you would bring the justice of our cause before the chairman and other members of the Senate Committee on Appropriations who will have charge of the legislative, executive, and judicial bill on its receipt from the House of Representatives with the request that a proper clause be inserted which will relieve the clerks, draftsmen, and other salaried Government em-

ployees from the discrimination which at the present time exists against them by reason of the act of Congress dated March 4, 1913.

Yours, very respectfully,

F. A. STEGMAN,
President.
JOHN J. L. MERGET,
Secretary and Treasurer.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to say in conclusion that because of this efficiency business at the arsenal from which these petitions come, many of the best men have gone into private establishments at higher wages than the Government pays. The Government has been losing the services of these capable men while private establishments have been getting the benefit of them.

Mr. TAVENNER. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] contends that there is no way under the provisions of this amendment to increase the pay of employees. I want to call the attention of the House to the fact that in all Government establishments they have a system of grading mechanics and all employees, and the Government itself and its officers can pay to each and every individual of their mechanical force any pay that they see fit under the rating system, consequently there is no force to the gentleman's argument that there is no opportunity for the ambitious employee. They can pay them $4 a day or $10 a day, and they get paid for efficient service; and I want to call attention to this fact, and it is testified to by Gen. Crozier before the Committee on Labor. Under the day-labor system they permitted only 10 men, first-class machinists, in the Watertown Arsenal to reach the first class out of several hundred mechanics, and the 10 men were only receiving $3.52 per diem; but under the Taylor system they claimed to permit the lowest-paid mechanics to reach the same standard of efficiency and the same rate of pay as the higher-skilled mechanics; but under the old day system there was no incentive for a mechanic to increase his efficiency and output, while under the Taylor system, the driving system, the system that breaks down the man, they will agree to pay him a bonus and premium but they take two-thirds of it away from him. I want to say to the gentleman that the manner in which the petition from the Frankford Arsenal was obtained will be touched upon by the gentleman from Colorado [Mr. KEATING], but in case the gentleman does not have the time to go into the matter, I will incorporate Gen. Crozier's testimony in the RECORD at this point:

Mr. NOLAN. Did you understand at the time this measure was pending before the House in the last session that you would be compelled to stop the payment of premiums and bonuses; that is to say, where you had set a task, that you would be compelled to stop the bonus or premium system, and that this bill would be retroactive?

Gen. CROZIER. I did not think that. I did not think the order was retroactive. I forbade the payment of premiums, except such as had accrued at the time of the receipt of the order.

Mr. NOLAN. In other words, you prohibited any further effort on the part of the officials of the Frankford Arsenal to pay a bonus or a premium from that day on?

Gen. CROZIER. Yes, sir.

Mr. NOLAN. Why did you issue that order at a time when this proposition had not become law?

Gen. CROZIER. Because I wished the employees to understand what they were threatened with. I wanted to get before them, by practical experience, what was going to be their lot if this legislation were passed.

Mr. NOLAN. Didn't they have that experience before you introduced that system?

Gen. CROZIER. They had had it a long time before.

Mr. NOLAN. How long before?

Gen. CROZIER. I introduced the premium system at Watertown Arsenal in 1911. I introduced the Taylor efficiency system in 1909. It went on for two years before we started the premium system.

Mr. NOLAN. As I understand it, this petition came from the Frankford Arsenal. How long had the bonus and premium system been enjoyed over there?

Gen. CROZIER. I can not say, for the reason that the Frankford Arsenal, like the Springfield Arsenal and the Rock Island Arsenal, is an establishment where that kind of payment had been going on for many years. I had not employed at that time in those places any systematizer or expert in shop management, with reference to the introduction of such a system. As Watertown Arsenal was one where there had been no piecework, I did employ a systematizer, so that date is more distinctly in my mind. The Watertown Arsenal does not lend itself to piecework payment.

Mr. NOLAN. Do you think it is proper, Gen. Crozier, for a man holding your high position in the Government service to issue an order of that kind for the purpose of working up the employees, if I may use that term?

Gen. CROZIER. I think it is not only proper, but I think it is my duty to inform the employees who are concerned of anything of that kind which it is pending, and how it is likely to affect them.

Mr. NOLAN. Is there not a distinct difference between informing them of the effect of the legislation and putting into effect through an order the force of such legislation before you knew that Congrss was going to adopt it?

Gen. CROZIER. There is a difference, of course. By putting that order into effect I showed what would happen if Congress adopted this legislation, further than to merely inform these people. You must certainly know that to inform people of something which is impending in the future and may arise is not nearly so effective a way of making them thoroughly aware of what is involved as to put it into effect at once.

Mr. NOLAN. Following this out to its logical conclusion or its last analysis, suppose any officer of the Army should put into effect an order that affected the enlisted men while legislation was pending in Congress that would prohibit a certain system being abolished—a system that had been installed by Army officers—what effect would that have on the discipline of the men in the Army and on the entire establishment?

Gen. CROZIER. It might have a good effect. I would not be certain that it would have a good effect unless I knew the case.

Mr. NOLAN. Is it good policy?

Gen. CROZIER. In this particular instance I think it was good policy, although it did not accomplish what I hoped it would. This legislation was conceived, or was said to be conceived, in the interest of the employees. I wished to let them see whether it was in their interest or not, and a great many of them thought it was not.

Mr. NOLAN. You purposely put it into effect for the purpose of creating opposition to the amendment?

Gen. CROZIER. I put it into effect for the purpose of letting them see how it would affect them.

Mr. NOLAN. And for the purpose of causing opposition to it?

Gen. CROZIER. I thought it would have that effect in some degree.

Mr. NOLAN. You thought so?

Gen. CROZIER. Yes, sir.

Mr. NOLAN. At the Watertown Arsenal?

Gen. CROZIER. Yes, sir; to a certain extent.

Mr. NOLAN. As a general proposition did it have the same effect at Watertown Arsenal, where the entire time system had been applied, and not part of it? You said, as I understood it, that the stop-watch system had not been introduced at Frankford, but at Watertown?

Gen. CROZIER. Yes, sir.

Mr. NOLAN. That, as I understand it, is the most objectionable feature of this system. Did it have the same effect at the Watertown Arsenal as it did over there?

Gen. CROZIER. No, sir; it was not so extensive.

Mr. NOLAN. I am going to ask now in regard to Watertown. Do the officials of the Watertown Arsenal give the employee consideration by consulting with him regarding the amount of bonus or premium to be paid?

Gen. CROZIER. No; they do not. The rule under which a bonus or premium is paid is well understood, and all employees who apply at the Watertown Arsenal for work are informed that that system is in operation there when they apply, so that they come to work under the system with a full knowledge that it is in operation.

Mr. NOLAN. Then the system itself determines the bonus or premium to be allowed to the employee and the employee has no voice in the matter at all?

Gen. CROZIER. He has just the same kind of voice as he has in his wages. The employee is only asked with regard to his wages when he comes there, if he is willing to go to work for a certain sum. That is the only question he is asked.

Mr. NOLAN. He knows when he goes to work what his day rate will be and what rating he will have?

Gen. CROZIER. Yes, sir; he knows when he goes to work.

Mr. NOLAN. And he generally knows pretty well all the ratings in the arsenal when he goes there?

Gen. CROZIER. Yes, sir.

Mr. NOLAN. After he goes there you place him under this system in all its phases. Do you then give him any voice in the matter of determining the amount of bonus or premium he may receive over and above his day rate?

Gen. CROZIER. That is to say, do we tell him, when we give him a job of work, and give him the time in which it can be done, or the time in which he is expected to do it, that he will be given so much more if——

Mr. NOLAN (interposing). Do you consult with him as to what is a reasonable bonus or premium and as to whether or not it is satisfatory to him?

Gen. CROZIER. No, sir. He is privileged, if he chooses to do so, to say that the time is too short, and that he can not earn that premium in the given time. They oftentimes do say that.

* * * * * * *

Mr. KEATING. Let us refer now to this Frankford Arsenal order. You issued an order before the rider on the military bill reached the Senate. What was the nature of that order? I did not catch it when you made your statement.

Gen. CROZIER. I directed the suspension of the payment of all premiums except such as had accrued at the time of the receipt of the order.

Mr. KEATING. Did you notify the workmen that the premium system would be abolished in case the rider carried?

Gen. CROZIER. I intended that to be the effect, except that I realized the rider was attached only to the *Army* bill. I fully expected that the same rider would be attached to the fortifications bill, and I have never been able to understand why it was not.

Mr. KEATING. How much of a reduction did that cause in the salaries of the employees affected?

Gen. CROZIER. The best estimate can be formed by looking at the table which I have handed to the stenographer. Applying it to the month of January, my recollection now is that the premiums paid in January, 1916, were $3,300. That kind of an order applied to the force existing this last January would have reduced the pay of the establishment $3,300.

Mr. KEATING. When did you revoke that order?

Gen. CROZIER. As soon as the issue was determined by the passage of the bill with that legislation attached.

Mr. KEATING. You went back to what system?

Gen. CROZIER. I stopped the premium payments at the Frankford Arsenal. I went back at the Watertown Arsenal to the system which had prevailed before I issued the order.

Mr. KEATING. What about the Frankford Arsenal?

Gen. CROZIER. There I changed from the premium system to the piecework system.

Mr. KEATING. What was the result on the salaries of the employees?

Gen. CROZIER. I do not think there was very much effect after that, as compared with what their salaries had been before I issued the order, because by an easy arrangement a piecework system of payment was devised which gave the same pay as the premium system had given.

Mr. KEATING. You succeeded in that way in evading the will of Congress?

Gen. CROZIER. I succeeded in avoiding the application of the reduction. I can not say it was the will of Congress, because one of the prominent advocates of your legislation—when I say "your" I do not

mean you personally—said it was not intended to apply to the piece-work system.

Mr. KEATING. Would you share his view in case we passed this bill?

Gen. CROZIER. That may have been what he thought was the intention. It is a difficult matter to find out just what is intended by legislation sometimes.

Mr. KEATING. You knew this gentleman's ability as a lawyer?

Gen. CROZIER. I did not rest on that. I appealed to the comptroller.

Mr. KEATING. You would not accept the comptroller's opinion, after the penalty was attached?

Gen. CROZIER. I would not.

Mr. KEATING. It would be comparatively easy to determine what the will of Congress was, and execute it, would it not?

Gen. CROZIER. It would be then up to me to avoid the risk of directing an officer to perform an act which might be a criminal offense.

Mr. KEATING. Didn't you understand that when Congress added that rider it wished the premium and bonus systems to be abolished in Government work?

Gen. CROZIER. I had no way of knowing the will of Congress except by its legislation. I can perhaps throw a little light on the latter by saying: The Member of Congress who proposed that amendment, and at whose instance it was added to the law, was aware, before it was too late to attach that same kind of a rider to the fortifications bill, that without attaching it the legislation would not apply to funds under the fortifications bill, and he did not seek to do that.

Mr. KEATING. You did not seem to experience any particular difficulty in interpreting the law when you issued the order suspending the bonus system at Frankford Arsenal.

Gen. CROZIER. The law applies to Frankford. Do you mean Watertown Arsenal?

Mr. KEATING. You issued an order at Frankford which you say you intended as a warning to the employees as to what would occur in case it went into effect.

Gen. CROZIER. Yes, sir.

Mr. KEATING. Then, after the rider was put into effect, you came forward with a scheme by which you evaded the plain intent of Congress, but you did not tell the workmen you had that in mind when you issued the first order.

Gen. CROZIER. You say I evaded the plain intent of Congress. I did not evade it in the opinion of the comptroller.

Mr. KEATING. How about Frankford Arsenal? Was that order issued under a misapprehension of what this legislation meant or intended?

To be perfectly frank, you attempted to show these employees what you thought the effect of this legislation would be if it passed, and after the rider was adopted, you found means by which you could avoid the purpose of the legislation?

Gen. CROZIER. I found means by which I saved them from the disadvantages of the legislation.

Mr. KEATING. You did not suggest there was a way out of it when you issued the warning?

Gen. CROZIER. I did not.

Mr. KEATING. You referred to this legislation that was pending and you warned them if the legislation was passed a certain situation would be created, and you did that for the purpose of getting them to protest to Senators and Representatives?

Gen. CROZIER. I did that for the purpose of allowing them to protest if they wanted to.

Mr. KEATING. You are warning them that in case certain legislation was enacted a certain condition would be created, and instead of that you created an entirely different situation?

Gen. CROZIER. I found a way of saving them from it.

Mr. KEATING. You think it is perfectly proper, do you, for the Chief of Ordnance of the United States Army to conduct himself in that fashion?

Gen. CROZIER. I do.

Mr. KEATING. While legislation is pending in Congress?

Gen. CROZIER. I do.

Mr. NOLAN. I have a petition here from 190 of the unskilled workers of the Watertown Arsenal, protesting against the Taylor system and wanting it abolished; and I want to read a letter that I have received from the Secretary in submitting it:

PETITION APPENDIX.

To Our Worthy Congressman and House of Representatives:

The 190 unskilled and underpaid workers in this arsenal submit this "Appendix" to our petition of June 8, 1916.

By our phrase "the entire Taylor premium system" we mean the whole of the infernal imp, as constituted to crush humanity to the lowest depths of animal existence.

Since we are intelligent beings, and not cattle or even a part of the machine we operate, we have a right to be heard.

The flower of American youth was sacrificed for freedom from tyranny and slavery, yet are not our conditions worse to-day?

The Israelites in Egypt at the time of Moses complained of taskmasters and abuse; can we boast of better things?

The Egyptians may teach as they live, but we believe in the fatherhood of God and the brotherhood of man to man, and are sure His greatness can deliver us from this bondage.

Can a person be worse than having to work hard and starve at the same time? This is our attitude. For example, one of this committee of three has a family of five and another member has a family of seven to support on a wage of $12 each per week. Is it not time the Government should hear the cries of their suffering servants trying to raise a family for the good of their country on food that costs less than 4 cents a meal for each person, faring worse than criminals in our prisons?

Is it not time we look to our worthy Congressmen for relief from this dreadful environment?

We do not receive $1 a week more than the Government paid many years ago, when $1 in its purchasing capacity was equal to $3 to-day, according to the methods of living.

When this committee was called upon by our commanding officer to receive his reply to our requests for higher wages, we were told that we are paid as much as is paid in this vicinity for similar work. Yet we are under the impression that the civil-service examination should place us above the average consideration. The towns, cities, and contractors are paying to common laborers from $15 to $18 per week for 44 hours.

We called our commanding officer's attention to the fact that the Government should take the lead in being an ideal employer, and set an example of paying living wages to its employees, which was ignored. Therefore we appeal to Congress for the worthy consideration that the Nolan bill be made a law the earliest moment during this session of Congress.

It is not preparedness parades but a proper system of life and contentment that creates real patriotism.

If we should be compelled by our Government to continue to starve while we work, we must necessarily speak to the Nation for relief.

We are your servants in hope of justice.

JOHN GREENE,
NICHOLUS J. YOUNG,
FRED S. FRYE, *Secretary,*
Committee.

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APPENDIX COMMENTARY.

If our worthy Representatives need more light on our "Appendix," our committee is pleased to give reasons why they oppose the long-petted idol of the management of this arsenal.

We contend that a system or systems, regardless of names, that do not offer equal opportunities to all, that give a few persons advantages at the expense of the many, is very unjust and merits our new name, "infernal imp," until our friends supply us with a better name, to wit, "annihilation."

The secretary will give a few extracts of a letter sent a few days ago to the Congressman of this district, Hon. F. W. DALLINGER.

This is our first example: When the time has been set on a job and another person is put to do the work, perhaps a little more efficient and the conditions more favorable, and he is cut, cut, and cut until very little is left for adverse circumstances, what of efficiency? And should a helper be called upon to assist under such condition he is made a double slave, being the slave of a slave for $2 a day only, not more than enough for his own personal use nowadays, regardless of the special advice of our ex-President Roosevelt to raise large families—yes; on empty dinner pails.

We will take another example: When the "unskilled labor," so called, getting a wage of $2 to $2.24 a day, is put to do the work of mechanics, the only difference being in wage and premium, which is nearly half in favor of the mechanic, what of the boasted efficiency?

I asked a machinist that makes big premium what is meant by the "bonus system," to which he replied, "I do not know, unless it is the two-thirds premium that is taken out of our 'bones' to benefit the useless."

The writer some months ago was put to slushing the finished parts of a gun carriage in order for shipping. My pay was 25 cents per hour, and I was allowed 96 hours short time on the job, viz, 96 hours at 25 cents, making $24. I received one-third of the whole amount, it being $8. You will kindly bear in mind that the slushing premium slip called for slushing only. Yet afterwards I was compelled to do painting along with the slushing, all on the slushing premium slip, each part taking about half my time and energy, so that thereafter I only got about $5 on the job instead of $8, the balance going to another party. After complaining of this injustice I was soon removed from the erecting shop to the machine department, where I am still working for a wage "only" of $2 a day, and am expected to support a family of five on that amount, and the price of living is still rising. To whom shall I look for advice?

Since I have been on this job several unmarried men, I am pleased to say, have been promoted to machine operators, getting an increase in wages, etc., and they should have very much more. But strange to say, as it is nothing has been done for the men supporting families. When transferred I was told that they required a good man in the machine shop. So I am here ever since and practically starving because of my efficiency. My wife, who is sick by the environment, has to do washing and beg to get along. What can the public think of the Taylor system of administration at this arsenal? For the system can only be known by its management.

Many things on this line should be exposed that condemn the system, and I know of nothing of mutual interest that commend it.

A man told me to-day because of sickness he was discharged after working here for 30 years. But friendly aid had him reinstated. Then in two or three months his pay was reduced to $1.50 a day.

Four men were put to unload two cars of coke and one car of sand, and three of the men received premium on the job and the fourth man received none. Then the fourth and same person was put to unload a car of coal, which he did in five minutes less than short time, and he was told again he would not receive premium. This shows the administration of the system to us.

Now, if our worthy Congressmen can yield to the question, we will present our last example and let their good judgment decide as to which of the three names is the most appropriate for such a creature.

A poor man working in the yard was crushed by falling shot, breaking his leg in three places, etc., where he was left for over one hour in that mangled condition before receiving proper care or attention.

The safety-first notices are plenty, yet the rush and tear for premium makes danger imminent to all.

Our committee kindly submits best wishes to Congress for relief, desiring earnestly to have the "square deal" exchanged immediately for a "straight deal."

F. S. FRYE, *Secretary,*
106 Summer Street, Watertown, Mass.

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WATERTOWN, MASS., *June 8, 1916.*

Hon. JOHN I. NOLAN,
House of Representatives.

DEAR SIR: In reply to your letter, we, the undersigned, unskilled and underpaid workers in this Watertown Arsenal, petition for the Nolan bill to be made a law at the earliest moment. We also make an emphatic protest against the entire Taylor premium system as used in this arsenal, and earnestly petition to have it abolished, as stated in our letter to you May 29, 1916.

Thomas Leamy, Michael Lynch, M. F. Tureney, J. Doherty, M. J. Sheridan, C. Morrin, C. K. Spellman, D. Doherty, Owen Lacy, William T. Hezlett, William L. Greene, O. Peterson, O. Topalian, Timothy Scanlon, John Hehir, Harry Friendson, M. Walsh, C. Hill, F. A. Bailey, M. Kelly, J. Gilday, T. J. Wilson, Frederik L. Hoppermann, William F. Whalen, J. A. Ganley, J. Maloney, P. McKenoe, S. Obrine, H. Pitts, C. Sullivan, D. Callahan, J. A. Poppleton, W. M. Costello, James Blake, P. Kilbrin, M. Manning, A. Dituller, P. Maguire, J. J. Pettit, R. Fallon, L. Chinlli, J. O'Driscoll, F. B. Chaplin, J. H. Mulrean, H. T. Neville, Patrick Holden,

T. J. Keeler, John J. Burke, Eldridge Sherman, George A. Pennington, A. J. Grund, T. F. Kelly, Timothy Murphy, Thomas P. Dexter, Hon. W. J. Fitzgerald, Michael D. Skehan, J. E. Withrow, M. Murphy, M. Grosso, P. McDonald, J. Neell, Jo. Fey, J. Swift, Joe Finlyhan, J. McGhoghelan, T. Morran C. Beckwood, Frank J. Powers, M. J. Murphy, John F. Mollonophy, W. H. Billings, Israel Kritzman, John L. Gallagher, Cyril E. Rogers, James H. Burns, John J. Keefe, Jonny Mehan, J. F. Kelly, J. Gallagher, J. J. Murphy, C. Murphy, W. Lyons, J. Callaghan, T. Connaughton, W. J. Shea, M. J. Eagle, J. Kelley, T. Dunn, M. Tierney, P. Roche, J. Daly, J. Dennehy, Y. P. Regan, J. G. Furgerson, John Dixon, John De Sorey, Clarence Jones, Chas. Davis, James Kendall, Thomas M. Brogan, Glovchino Di Luzio, Van Carlton, Thomas L. Fanacy, Michael E. Sullivan, T. Mulholland, M. C. Brien, Stephen P. Connelly, John Hart, Francesco di Felice, Pasquale di Luzio, William J. Driscoll, J. E. Ryan, J. O'Brien, G. A. McDonough, I. Barnoth, James Shea, John Kugis, M. Finn, M. F. Calnan, J. J. Murphy, T. Flanagan, J. Manning, John J. Lehan, Thomas J. Lyons, J. J. Moran, T. J. Riley, I. T. Shea, Charles S. Bassett, Denis O'Brien, Louis Kolander, Owen C. Needham, Eddie St. John, C. H. Gammons, Peter Cunnoff, Peter Miller, James T. Lovely, Joseph W. Carter, J. J. Britt, J. J. Costello, William Fitzgerald, Victor Miller, J. J. Gahan, E. L. Eadle, W. W. Scherrer, D. H. Ross, T. J. Ward, P. P. Haverty, M. Egan, W. Burk, T. F. Phelan, James H. Pomfrey, George Thomas, George Furlong, J. T. O'Connor, B. W. Griffin, P. S. McCarty, John Greene, Arthur Leonard, B. F. Lord, Hugh H. McDonald, Fred S. Frye, G. E. Wahl. J. H. Fulz, D. F. Doolan, W. P. Gill, A. Davis, N. J. Young, J. Mulhern, M. Barry, M. H. Haverty, J. E. Leighton, P. Kelly, J. C. Dieschman, M. Farraher, Daniel O'Brien, Terrence Quirk, Martin Twohy, Peter McCafferty, George L. Veno, A. F. Franz, D. Lyons, J. Vahey, J. McLaughlin, A. R. Ross, J. B. Fitzpatrick, M. McDermott, D. J. Walsh, T. Breman, T. Griffin, P. R. L. Smith.

Mr. NOLAN. I tried to illustrate here the other day that this system is nothing more nor less than an opportunity on the part of the efficiency experts to wipe out the piecework system, that was obnoxious because it had a tendency to speed up the workers, but under the piecework system the employee got for the last piece upon which he was employed the same amount of money he got for the first piece, while under this bonus and premium system the task is 100 per cent, and if a man should do an extra 100 per cent he would receive 33⅓ per cent of the amount for the second 100 per cent that he received for the first 100 per cent, the employer or the Government in this instance taking 66⅔ per cent of his earnings. That is the bonus and premium system as illustrated under the Taylor system of scientific management and practiced in the Watertown Arsenal. I want to call attention to the fact that all of the propaganda that has been going throughout this country is due to the fact that 8 or 10 scientific-management experts and efficiency engineers have established a bureau in New York and have been collecting sums of money and circularizing the country, and 9 out of every 10 men, and 9 out of every 10 institutions, that have been petitioning Members of Congress do not know what the Taylor system is, never had it installed in their workshops, because the men will not work under it.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. DALLINGER. I want to ask the gentleman how large a proportion of the employees in the Watertown Arsenal are those 190 of which he speaks?

Mr. NOLAN. This is the organization of the unskilled workers. One hundred and ninety unskilled workers sent this petition. We have petitions from the machinists, the molders, the blacksmiths, the pattern makers, and practically every trade in the arsenal, protesting against the introduction of this system.

The CHAIRMAN. The time of the gentleman from California has expired.

[By unanimous consent Mr. NOLAN was granted leave to extend his remarks in the RECORD.]

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DALLINGER to the amendment by Mr. TAVENNER: Add at the end thereof the following words:

"The prohibitions contained in this proviso, however, shall not apply to the work done in any department of a Government arsenal where a majority of the employees of said department shall request the commanding officer of said arsenal in writing to establish in said department an efficiency system or to continue therein any efficiency system which may then be in operation in said department."

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I have an arsenal in my district, the Watertown Arsenal, to which the gentleman from California [Mr. NOLAN] has just referred. I have spent a good deal of time during the last two or three months in trying to find out what are the real wishes of the men who work in that arsenal and who live in my district, and I have tried various methods and have collected quite a lot of information. There are a good many men in the arsenal who believe in the Taylor system, or in some system of efficiency. On the other hand, there are other men who are opposed to it. It seems to me extraordinary that this Congress should pass an amendment in this form to prohibit any efficiency system in any arsenal, even if all of the men ask for it. My amendment provides that if a majority of the men in any department request in writing the commanding officer of that arsenal to have the system retained or a new system adopted, then it shall be done, and the prohibitions contained in the Tavenner amendment shall not apply. Nothing could be fairer than that. In those private concerns where efficiency methods have been inaugurated it has been done with the cooperation of the men, and where it has been done with the cooperation of the men it has been successful. The trouble with the Taylor system in some of these arsenals is that the men were never consulted in regard to it, and the result is there has been antagonism, the men have not cooperated, and no system can be successful without the hearty cooperation of the men. If this amendment is adopted, it gives the men in any department a chance to ask for it, if they so desire. If the other men do not want it, they need not have it. That is the whole substance of it. It seems to me that we ought to adopt some such amendment as this and not say in this grave crisis in the Nation's affairs that no efficiency system shall be allowed in Government arsenals, regardless of what the men who work in them desire. If this very fair amendment which I have offered is not adopted, I shall be compelled to vote against the amendment offered by the gentleman from Illinois [Mr. TAVENNER].

Mr. TAVENNER. Mr. Chairman, I desire to present this letter from a committee of machinists employed at the Watertown Arsenal, and have it read at the Clerk's desk.

Mr. FOCHT. Mr. Chairman, I would like to say to the gentleman from Illinois that I am very heartily in favor of all legislation that might be for the benefit or for the uplift of labor, and I would like to have the gentleman answer the proposition of the gentleman from Massachusetts [Mr. DALLINGER].

Mr. TAVENNER. I will yield to the gentleman—how many minutes?

Mr. FOCHT. I would like for the gentleman to answer it; the gentleman is advocating this.

Mr. TAVENNER. I will answer it. Mr. Chairman, I ask to have that letter read.

The CHAIRMAN. In the gentleman's time?

Mr. TAVENNER. In my time.

The Clerk read as follows:

OFFICE OF SECRETARY, 11 FAIRFIELD STREET,
Watertown, Mass., May 31, 1916.

Hon. CLYDE H. TAVENNER, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: The undersigned committee, representing over 95 per cent of the machinists employed at the Watertown Arsenal, have been authorized by the employees concerned to advise Congress, through you, that the provisions of House bill 8665, or any clauses having a similar intent, incorporated in appropriation bills and providing for the abolition of elemental time study and the premium or bonus system of payment at the Watertown Arsenal, are favored by these employees.

It has been brought to our attention that an impression is prevalent in some quarters in Washington that the employees at the Watertown Arsenal do not object to the Taylor system. We wish to assure you that this is absolutely untrue. At least 95 per cent of the employees would have this system abolished to-morrow if it were possible, and common sense shop practice substituted in its place. It is true that a few individuals have taken it upon themselves to write Members of Congress, stating that they favor the system.

We are aware that the foremen at the arsenal have presented a form letter to a number of the workmen and have requested them to forward a copy of it on to Congress. Their wishes may have been complied with, but these are only exceptions.

A few of the employees who have been especially favored in securing liberal premiums on good jobs may be willing to fasten this system on all the rest of the employees in order to retain their advantage, but they have no authority to speak for anyone else but themselves.

We wish to advise you that our views are correctly represented by the attitude of the American Federation of Labor and through our personal representative, N. P. Alifas. While we have referred Members of Congress to an efficiency engineer by the name of Minor Chipman as an authority on the evil conditions existing at the Watertown Arsenal, we have not accepted his views as to what action should be taken to relieve the situation.

We are advised that he is opposing this legislation. He has no authority from us to do this, and we hope the distinction will be understood. Mr. Chipman has severely criticized the system in operation at the Watertown Arsenal. In this we agree with him; we do not, however, agree that the particular system which he may desire to have introduced is any better. We understand that he is also advocating scientific management and is in favor of the very things that we are so earnestly protesting against, namely, the elemental time study and the premium or bonus systems.

We deny that the premium system is of any financial advantage since we do not consider that we are getting the prevailing wage scale in private employ in this vicinity, unless the premium is included with our daily wage. Our daily earnings, including premium and all,

are no more than Government institutions in this vicinity are paying for straight daywork.

You can rest assured that at least 95 per cent of the employees at this arsenal will be glad to see your bill passed and the Taylor system discontinued for all time.

Thanking you for your earnest efforts in our behalf, we are,

Very respectfully, yours,

G. W. GREENWOOD,
H. H. BEATON,
A. LE ROY,
Committee of machinists employed at Watertown Arsenal.

Mr. TAVENNER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has used 3 minutes in the reading of the letter, making 18 in all used by the gentleman from Illinois.

Mr. TAVENNER. I would like to have the other side use some time.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by incorporating some letters and telegrams I have received on this subject.

The CHAIRMAN. Without objection, permission is granted.

There was no objection.

Mr. GORDON. Now, Mr. Chairman and gentlemen of the House, I believe that this whole opposition to time study and premium payments as prescribed in the Taylor system is based upon a misapprehension. I have given some time and attention to a personal investigation of this question, and I am convinced that there is no legitimate objection to the Taylor system where I have seen it applied. I have seen it in operation, and I can not for the life of me see why any man who is willing to have his employer know, and to know himself, how much product he turns out in a given time should be opposed to this system. This is undertaking to enact into law the leveling system of socialism to an extent greater than any proposition that I have ever seen before a legislative body. Why if you have a number of men in your employ and one turns out more of a given product than the other should not he receive more money for his work?

Mr. TAVENNER. Will the gentleman yield?

Mr. GORDON. No. [Laughter.] I have only five minutes, and how can I yield? I would like to have the gentleman answer that question; he has not answered it yet, but answer it in his own time, of course. [Laughter.]

Now, the gentleman from Illinois [Mr. TAVENNER] starts his speech by saying that the object of the Taylor system is to speed up a man to the highest pitch and then require all the men to conform to the standard thus established. Now, I submit in all fairness, is there a man in this House who believes that statement is true?

Mr. KEATING. I do.

Mr. GORDON. Does the Government of the United States have in its employ to-day any foreman or superintendent who would use the men under him in that way? If it has, he ought to be discharged forthwith. I deny it absolutely. That is not the purpose of the Taylor system. If you want to stand over your men with a whip and compel them to work to the highest pitch, you do not need the Taylor system or any other system to do it; all you need to do is to stand there and watch them.

The object of this amendment is to prohibit all means and methods of time measurement and premium payments. The gentleman from California [Mr. NOLAN], the labor leader here, says that the men are not opposed to time measurement, that they are willing to have their employers know how much they do in a given time. That is all the Taylor system does. I can not for the life of me see why any honest man who works for a living should object to having his employer know how much work he does in a given time. If he does an honest day's work he will receive a day's pay. If he does more than the average man does he will receive more than a day's pay. Now, this system is in operation among many of the leading manufacturing establishments in the city of Cleveland, Ohio. I shall insert in the RECORD some letters from those gentlemen and others, and I have not received a single objection or protest from anyone in Cleveland against time measurement and premium payments. I have personally investigated it, and I undertake to say the largest cloak and clothing manufacturing establishment in the United States, in the city of Cleveland, applies this system. I have visited their plant and talked with their men, and I understand they pay the highest wages of any similar establishment in the United States, and they have that system. If there is any opposition to it there I have never learned of it. Not opposed to any time-measuring device? A time-measuring device is a method—I do not care whether you call it a stop watch or any other kind of a watch—by which you determine how much time is required to turn out a given product or any constituent part of that product, and pay men on that basis for what they do. That is a time-measuring device. [Applause.] What is the objection to it?

The telegrams and letters referred to are the following:

CLEVELAND, OHIO, *June 20, 1916.*

WILLIAM GORDON,
Care of House of Representatives, Washington, D. C.:

We protest against adoption of Tavenner amendment to fortification bill.

V. D. ANDERSON CO.

CLEVELAND, OHIO, *June 19, 1916.*

Hon. WILLIAM GORDON,
House of Representatives, Washington, D. C.:

We are strongly opposed to the enactment into law of such an assault upon the development of efficiency in public and private establishments as contemplated by resolution offered by Mr. TAVENNER in connection with fortifications bill, and ask you to vote against said resolution.

THE NATIONAL MALLEABLE CASTINGS CO.

CLEVELAND, OHIO, *June 19, 1916.*

Hon. WILLIAM GORDON, M. C.,
Washington, D. C.:

We earnestly request you to oppose Tavenner amendment to fortifications bill.

SANDUSKY CEMENT CO.

CLEVELAND, OHIO, *June 20, 1916.*

Hon. WILLIAM GORDON,
House of Representatives, Washington, D. C.:

Tavenner amendment to fortifications bill is dangerous legislation, harmful to industry, and should be defeated.

THE AMERICAN MULTIGRAPH CO.

CLEVELAND, OHIO, *June 20, 1916.*

WILLIAM GORDON,
Washington, D. C.:

We strongly protest against adoption of Tavenner amendment to fortifications bill; trust you will oppose it.

THE STANDARD WELDING CO.

CLEVELAND, OHIO, *June 20, 1916.*

WILLIAM GORDON,
House of Representatives, Washington, D. C.:

Protest against Tavenner amendment to fortification bill.

HYDRAULIC PRESSED STEEL CO.

NATIONAL CARBON CO.,
Cleveland, Ohio, June 14, 1916.

Hon. WILLIAM GORDON,
Congressman from Ohio, Washington, D. C.

DEAR SIR: The Tavenner bill (H. R. 8665) and the Van Dyke bill (H. R. 8677) would, we believe, place a great handicap upon governmental activities. One of the reasons for our industrial progress is that private manufacturers are making use of the most approved and efficient methods, and any other course would place our industries out of the running in world competition. We would consider it most unfortunate if Congress should by these laws deprive the Federal Government of the benefit of methods which the industrial world looks upon with favor. Outside of the fact that this legislation would do an injustice to the more efficient mechanics, expenditures would also be increased in any preparedness program.

It is our hope that you will oppose the Tavenner and Van Dyke bills.

Very truly, yours,

NATIONAL CARBON CO.,
J. S. CRIDER,
Vice President and General Manager.

CLEVELAND, OHIO, *June 20, 1916.*

Hon. WILLIAM GORDON,
House of Representatives, Washington, D. C.

SIR: It hardly seems necessary for us to write you and register our protest against the adoption of the Tavenner amendment to the fortifications bill, which is under consideration before the House of Representatives at the present time, as we do not believe that you favor the adoption of the Tavenner amendment at this time when industrial preparedness is receiving so much attention. We do not believe that there can be any danger of laws being favorably acted upon by the present House of Representatives that would so handicap this Government and establish precedent for other similar laws to follow later on.

Yours, very truly,

THE HILL CLUTCH CO.,
H. MORRISON,
Sales Manager.

EFFICIENCY SOCIETY,
New York, June 19, 1916.

To Members of Congress:

Under date of January 21, 1916, before his elevation to the Supreme Court, Mr. Louis D. Brandeis, an eminent advocate of the workers, wrote us as follows:

"Referring to the proposed congressional legislation to prohibit the introduction or use of time study and premium payments in Government establishments:

"In my opinion any such restriction upon the conduct of Government establishments would be highly inadvisable. The purpose for thus proposing the legislation is doubtless one which all of us would approve. Increased efficiency ought not to be purchased at the expense of health and other qualities essential to good citizenship and the general welfare, but no one can doubt that increased efficiency is essential to the public welfare; that we have not yet learned how best to secure that efficiency;

and that the most important element in securing efficiency is the knowledge of facts—to the ascertainment of which time study is a means.

"To prohibit time study and premium payment is as crude a method of affording to the workingman proper protection as the proverbial 'burning of the house to roast the pig.'"

We respectfully request you to consider this in connection with the Van Dyke and Tavenner bills and appropriation riders.

Yours, truly,

A. W. KIMBER, *Secretary.*

—

THE GREAVES-KLUSMAN TOOL CO.,
Cincinnati, Ohio, June 19, 1916.

Hon. WM. GORDON,
Washington, D. C.

DEAR SIR. We learn that an antiefficiency rider similar to the one placed on the naval appropriation bill will be introduced by Mr. TAVENNER as part of the fortifications bill to come before the House Tuesday, June 20. This measure would not be popular in Cincinnati.

A vote in Cincinnati shops by men operating under premium or bonus plans would be overwhelmingly in favor of their retention, and we believe this opinion prevails generally throughout the State of Ohio.

Compensation must be based upon production.

Premium and bonus plans afford opportunity for each individual to increase his earnings in proportion to his merit. Ohio has always been a progressive State. Its industrial laws rank foremost amongst those of the States of the Union. Its manufacturers and its artisans cooperate in large measure for the betterment of each.

To write into the laws of the country a measure such as has been added to the naval bill and is proposed to be added to the fortifications bill, characterizing as criminal methods of compensation which are the result of years of study, both by employee and employer in this State, is to stultify the intelligence of both and would undoubtedly meet with their earnest disapproval.

We earnestly ask you to vote to strike out the Tavenner rider.

Very sincerely, yours,

S. H. RECK.

—

GERMAN-AMERICAN BUTTON CO.,
Executive Offices, Rochester, N. Y., June 21, 1916.

Hon. WILLIAM GORDON,
Washington, D. C.

DEAR CONGRESSMAN: We want to appeal to you to oppose the legislation before Congress aimed to prevent the use of time study and the stop watch in Government work and premium payments to Government workmen. This proposal is based on absolute and utter misunderstanding. The stop watch or some time-measuring device is essential to the determination of rates that are really accurate and fair to the worker. It is used only to determine the rates. It is never held over the operator afterwards, and once rates are determined its use ceases.

Bonus and premium payments are a true recognition of efficiency and mean sharing with the worker the savings effected. Proposed legislation appears in Tavenner House bill, also Van Dyke post-office bill, and naval appropriation bill as reported. To approve this anti-efficiency legislation would be a crime and surely a grave injustice to American labor. Workers in plants where rates are correctly established by scientific time studies and where proper bonus payments are given will all strongly approve and indorse their use.

Very truly, yours,

GERMAN-AMERICAN BUTTON CO.,
HENRY T. NOYES, *Treasurer.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAVENNER. Mr. Chairman, I desire to consume only one moment to bring out the fact with reference to the statements that every employee will receive exactly the same wage under the amendment I have offered. That is a mistaken impression. I will read from a statement of Col. Wheeler, the commandant at the Frankford Arsenal, who, when testifying before a special committee of the House three or four years ago, said:

We have at present 146 machinists, 1 receiving $3.68 per day, 5 receiving $3.52 per day, 27 receiving $3.28 per day, 65 receiving $3.04 per day, 33 receiving $2.80 per day, 14 receiving $2.56 per day, and 1 receiving $2.40 per day.

Thus it will be seen that the arsenal workers are graded, the men in the different grades receiving a different scale. The pending amendment does not in any way interfere with this custom.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. TAVENNER. Yes, sir.

Mr. MADDEN. Does not the gentleman know a man by the name of Henry Ford in the United States?

Mr. TAVENNER. Yes, sir.

Mr. MADDEN. Has the gentleman made any investigation of the character of the time system he employs in the making of automobiles?

Mr. TAVENNER. I know something about it. He uses the good parts of it and not the man-killing parts. This amendment does not in any way affect the sane and reasonable features of efficiency systems. Standardization and the systemization are not in any way affected by this bill.

Mr. MADDEN. If my colleague will allow me to suggest——

Mr. TAVENNER. I have only a few minutes, and have given all remaining time to the gentleman from Colorado [Mr. KEATING]. The gentleman can get time from the other side, however.

Mr. CANNON. Will the gentleman allow me a question?

Mr. TAVENNER. I have not any more time.

Mr. CANNON. Will the gentleman allow me to ask him a question in good faith?

Mr. TAVENNER. I will yield for a brief question.

Mr. CANNON. I will be glad to know, inasmuch as I have listened with great interest to the gentleman, how it is ascertained that several men get $3.60, if that is what they do get, and some machinists get only $2.70?

Mr. TAVENNER. That is explained here, but I have not the time to read it. I understand that a man's production, steadiness in employment, sobriety, and general efficiency are taken into consideration in determining ratings. For instance, there are some men—old men who have worked for the Government a great many years—not able now, perhaps, to do as much work as when they were younger and stronger, and the commandant of the arsenal does not want to discharge them, and he puts them in the lowest grade and pays them at a lower rate than other men who are at the height of their usefulness.

Mr. CANNON. If the gentleman will allow me?

Mr. TAVENNER. I regret I can not yield any more. My time has been given to others.

Mr. CANNON. I wish to ask a question in good faith, in order to determine how I shall vote.

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman, this amendment proposes to abolish an efficiency system which has been used by the Government, especially in the Watertown Arsenal, for over six years. That system has been approved by every Secretary of War, Republican and Democrat, that we have had since it was inaugurated. The present Secretary of War, Mr. Baker, is strongly in favor of it, as was his predecessor, Mr. Garrison. Now, I am opposed on principle to Congress interfering with the administration of a great department of the Government or with the methods of a great department of the Government, especially when those methods are approved by the greatest efficiency experts in the world. The head of a Government department is charged with the responsibility of conducting that department in an efficient manner, and when Congress comes in and wishes to interfere with the administration or the methods of a department it ought to be very positive that it is right.

Now, this question, Mr. Chairman, is a good deal a question of fact. What are the facts? Is this system a benefit to the Government or is it not? Is it injurious to the Government employee or not? The question is whether we can rely upon the heads of our great departments; the testimony of the superintendents of these shops; the testimony of the Secretary of War upon the facts regarding the use of the time-study and the premium system.

Now, the Secretary of War, Mr. Baker, has written the Speaker of this House that this system is working well in the Watertown Arsenal. He says that it would be a serious mistake to abolish it. He also says to the Speaker of this House, in a letter that has been published in the RECORD, that the men are not overworked, that their health has not been impaired in the least, that it does not injure the men in any way, but, on the contrary, that this system is beneficial to the men. He also testifies that every man in the Watertown Arsenal under this premium system is not only getting his day's wages the same as are provided by other shops, but he is getting on an average over $10 a month more by reason of these premiums.

These are some of the facts the Secretary of War gives us, and Gen. Crozier, the head of the Ordnance Department, corroborates him. These facts can not be successfully contradicted. If we believe these Government officials when they say that the time study is working successfully and is beneficial to the Government in increasing the output and to the men in raising their wages, what good reason is there for Congress to abolish it?

What is a time study, and what is it used for? A time study is employed simply to ascertain the best way of doing a job. There may be three or four mechanics on similar jobs, all doing it in different ways. They put time watches upon them to see which is the best, the quickest, and most efficient way of doing that piece of work. The time study is employed often in determining not only the best way of doing the work but the machine best adapted to it. You can do the same piece of work on different machines. The time study is made of doing a piece of work on these different machines to see which machine is best adapted for that piece of work and upon which machine it can be done in the most efficient and quickest way. It is a serious thing to abolish all time study. In doing so you prevent getting the accurate knowledge that is necessary in order to obtain the cost of any article manufactured. In fact, the day plan is a time study, but when a certain work does not take a day, but so many minutes or hours, a time study is very necessary. You

take it in the paper mills. Here is a man who goes to work to operate a paper machine that costs $75,000. The employer wants to know the man who can work the machine most efficiently, and so tries different men on it. One man can operate efficiently one machine and not another. If they are allowed to make a time study, they can easily find out the right man for the right machine, and thus place the man where the is most efficient.

Gen. Crozier says the use of the time study has not resulted in throwing men out of employment, but in shifting men about, and by means of it he has been able to get the right man for the right job and has thereby increased the output of his arsenals nearly 100 per cent. What is the premium system? The premium system simply provides that if a man does more than just simply an average day's work he is entitled to get pay for it.

Mr. JOHNSON of Washington. Is not the premium or bonus system in nearly all cases offset by a system of penalties and fines?

Mr. BROWNE. Not in the Watertown Arsenal. I want to say here that the Watertown Arsenal has been investigated two or three times, and no investigating committee has said that we ought to abolish this system that this bill proposes to abolish. And when in the last Congress we passed a law which we thought would abolish the time study and the premium system in the Watertown and other arsenals, it caused great dissatisfaction among the men themselves. I have the testimony here of Gen. Crozier to prove this statement. A large petition, signed by several hundred workmen, who were against the abolition of the premium system, was presented to him asking him to retain the premium system. This petition can be found in my minority report on the Tavenner bill, pages 39 and 40.

If you abolish the premium system, you simply offer no incentive to a man to do more than an average day's work, no matter how strong and capable he may be. What is the result of that? If a man does not get any pay for doing his best, he simply works more slowly, and, as a result, the slowest man on your job sets the pace for your whole shop. In my opinion the only hope for labor, the only hope for shorter hours and increased wages, is in efficiency, increasing the output of an establishment. That was shown in the Watertown Arsenal. When Gen. Crozier adopted this system over six years ago, he increased the output very greatly. He claims he increased the output 100 per cent. As a result, the men are getting premiums, an average premium of over $10 a month. The men are also getting an 8-hour workday and 15 days' leave of absence with full pay and 13 Saturday afternoons off, besides the usual legal holidays. This does not look like oppression.

My friends say that Gen. Crozier and the Secretary of War, if they are allowed to use the time-study and premium systems, systems that are used by private manufacturers all over the land to the satisfaction of themselves and their employees, they are going to oppress the laboring men working under them. If the men in those high positions were mean enough to oppress the laboring man and abuse a system of that kind, here is a safeguard; we already have a law in which we provide for arbitration. Any man in the Watertown Arsenal or any of the other arsenals, if he has a grievance, can have his grievance placed before an arbitration board and can have it arbitrated there. If he does not like the decision, he can appeal to Gen. Crozier. If he does not like Gen. Crozier's decision, he can appeal to the Secretary of War. And I want to say right here, Mr. Chairman, that in the six years that they have had the time study and the premium system in the Watertown Arsenal there has not been a single appeal on the ground that the men have been overworked or overspeeded or that the time-study or premium system were oppressive. The only argument made against the premium system by the men who oppose it on this floor is that the premium that the Government offers for efficiency is going to overstimulate the laboring man. Let us look at that for a minute. If a premium is going to overstimulate a laboring man and make him work too hard, would not that same man, if he was working for himself, have the same incentive to hurry up and speed up as he would if he was working for a premium? [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAVENNER. Mr. Chairman, how much time is remaining on this side?

The CHAIRMAN. Nine minutes.

Mr. MANN. And how much on this side?

The CHAIRMAN. Five minutes.

Mr. TAVENNER. I yield one minute to the gentleman from Minnesota [Mr. VAN DYKE].

Mr. VAN DYKE. Mr. Chairman, I simply want to direct the attention of the House to a speech found in the CONGRESSIONAL RECORD of June 3, made by myself upon this subject as it relates to the Post Office Department. It has been tried out in that department and found to be wanting. On a test taken on Friday, October 15, 1915, out of a total of 206 men only 72 measured up to the standard and 134 fell below the standard. That test was taken at Cincinnati.

I do not believe it is the purpose of Congress to enact legislation that will allow economy in any branch of the service when the very best service to the public is not obtained. It is only a few years ago that in this same branch of the service speed tests were put into operation. This was tried out and found wanting. For reasons hereinbefore stated, it was found that it was a very impractical proposition.

By an order effective May 25, 1915, signed by Mr. J. P. Johnston, the general superintendent of the Railway Mail Service, the "speed test" was officially rejected.

This order of the general superintendent was issued following a unanimous recommendation made by all of the division superintendents of the Railway Mail Service. The division superintendents in conference adopted a resolution advising that for service reasons the "speed test" be discontinued.

One of the division superintendents who participated in this conference made the following statement:

> After considering the question thoroughly, we decided that it was for the best interests not only of the service but of the clerks as well that the speed tests be abolished as a part of our efficiency rating system.

Mr. TAVENNER. Do the other side wish to consume any more of their time just now?

Mr. MANN. Will there be only one more speech over there?

Mr. TAVENNER. One more.

Mr. MANN. I yield the remainder of my time, five minutes, to my colleague [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for five minutes. [Applause.]

Mr. MADDEN. You can not standardize men by law, and you ought not to try to do it. There ought not to be anything done to prevent men from making the best they can of themselves. [Applause.] When you take away from a man the incentive to make progress you stop the wheels of enterprise, and this law or any other law similar to it ought not to be enacted, for it will do just that. I asked my colleague [Mr. TAVENNER] if he knew a man named Henry Ford and whether Henry Ford applied some system to ascertain what it costs him to make automobiles. He would not let me get that into the question. I will tell you what Henry Ford does. He puts his automobiles on an endless chain, and the men who assemble them must work just as fast as the chain moves. Yet he pays the highest wages that are paid by any man who employs labor. There is no objection to Henry Ford's system by my colleague; no, not a bit. Why should there be any objection to the system employed by the Government of the United States? Once I worked for 50 cents a day myself. I worked at a trade. If I had been compelled then, as you seek to compel men now, not to try to make progress, I would still be working at the trade. [Applause.] You want to make every man get the same standard of wages. You do not allow an employer to pay one man less than another is paid. The man who can do the job in 6 hours does not work half as hard as the man who works 8 and even 12 hours to do the same job. I know that, because I have tried it. The man who can do the job in 6 hours has a scientific knowledge of his business and he does not have to work hard. He uses his brain; but the other man has not the capacity and can not become an expert, hence he must work hard because he does not possess the scientific knowledge and can not acquire it. Now, the men who have made their mark in the world are the men who have used their heads and who have not been restricted in their right to use them. Do you want progress among the human race? All right; leave them free to compete with each other, and let the best man win. I could not run a foot race with some of you men, but I might be able to beat you in some other way. Now, in the line where I am superior to you I ought to have a right to take advantage of my superiority. In the line where you are superior to me you ought to have that same right, and there ought not to be any statute law written to prevent men from making progress. Why, you will have them all on a level. You will send them back to the Paleozoic age, where everybody was a savage, where civilization was unknown, and where progress was never thought of. What makes men great? It is their ability to do things better than anybody else. What makes a man valuable? His value depends entirely upon his ability to do a thing that somebody else can not do, or to do it better than somebody else does it, or to do it more cheaply than somebody else does it.

And that does not mean that he is a slave; not at all. It means that he is able to keep pace with the onward march of

civilization and is able to successfully compete with those who are engaged in the same line of endeavor that he is from all over the world. I want to say to you that legislation of this kind is un-American and ought not to be adopted. [Applause.] You do not help labor by the passage of such legislation; you hurt it. Every man should be encouraged to better his condition, to elevate himself. You can not make men by law. You should not by law prevent them from making themselves. I want to see ability recognized wherever found, whether in the sewer, on the farm, in the machine shop, in the Congress, or in the White House. [Applause.]

Mr. TAVENNER. Mr. Chairman, I yield eight minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I would call the attention of the House to the fact that most of those who are opposing the amendment offered by my friend from Illinois [Mr. TAVENNER] want to use the stop watch on other men, and that those who are supporting the amendment have had the stop watch used on them. That is the issue, my friends, clear and distinct.

Back of the opposition to this amendment stands Mr. J. A. Emery, of the National Association of Manufacturers. During the last Congress, after the Mulhall investigation had suspended Mr. Emery's activities, this identical amendment was placed on the Army and Navy bills without a protest. This year, Mr. Emery, acting for the National Association of Manufacturers, has stirred up opposition to this proposition.

In the time allotted to me I can not do more than answer one or two suggestions which have been submitted. Let me say, first of all, that there is nothing in this amendment which prevents the adoption of an efficiency system—absolutely nothing. The only thing this amendment does is to prevent the use of a stop watch and the premium and bonus system; and when gentlemen tell you that it prevents the adoption of an efficiency system in any branch of the Government service, they are either attempting to deceive you or they do not know what they are talking about.

As evidence of that, let me call your attention to the fact that the Navy Department in the navy yards of this country has an efficiency system, which I submitted to this House a few days ago, covering 16 pages of printed matter, and not a word in it about a stop watch or the premium or bonus system. A great many efficiency engineers declare that the use of the stop watch on a human being does not make for efficiency, but, on the contrary, makes for inefficiency, that it destroys the human machine.

The distinguished gentleman from Illinois [Mr. CANNON] said that his vote depended on the question of how you could determine whether a man was worth $2.50 or $3.50 or $4 unless you used a watch. If his vote depends on that, we have his vote right now. There is not an efficient foreman in this country, there is not an efficient superintendent in this country, who does not now in actual practice grade his men. There is nothing in this amendment which prevents one workman getting more than another workman in the same shop. That proposition would be determined, as it has been for centuries, by efficient superintendents, guided by the skill and productivity of employees, determining that John Smith should have $2.50 a day, Mike Kelly $3 a day, and some one else $3.50 a day. That is the common practice among employers all over the land.

Now, my friend the gentleman from Ohio [Mr. GORDON] has referred to the cloak makers of Cleveland. He has investigated their condition, he says, but I wonder if he knows that the men who used to work in the cloak industry in Cleveland attempted to form unions and were driven out by the advocates of the stop-watch system and their places taken by women?

Mr. GORDON. I do not, and it is not true.

Mr. KEATING. It is, and if the gentleman will investigate it he will ascertain those facts.

Mr. GORDON. But I know better.

Mr. BROWNE. Will the gentleman yield for a question?

Mr. KEATING. No; I have not the time. The gentleman from Massachusetts offered an amendment providing that if the employees in the arsenal shall petition for the "stop-watch" and premium and bonus systems they shall be granted. I am opposed to that proposition being tacked onto this amendment, and I will tell you why.

In January, 1915, when we attached the antistop-watch riders to the Army and Navy bills Gen. Crozier wired to the commandant of the Frankford Arsenal and told him to suspend the payment of all premiums and bonuses. That was almost six months before the law took effect, and before it had been passed by the Senate of the United States.

It has been testified to on the floor of this House by a distinguished Member of this body that the foremen in that arsenal went to women who had been getting $1.45 and $1.75 a day under the premium system by exerting themselves to the limit of human endeavor and told them that if these riders became law their salaries would be cut to $1.16 a day. "And," said the foreman, "you will have to turn out just as much as you did when you were paid $1.50 or $1.75 a day."

It was under that kind of pressure that the employees of the arsenal sent to Congress the protest that the gentleman from Pennsylvania has read here. After the antistop-watch rider had become law this same Gen. Crozier boasted before the Labor Committee that he had discovered a scheme by which he could nullify the evident intent of Congress. If you adopt the amendment offered by the gentleman from Massachusetts, Gen. Crozier will put the screws to every employee in every arsenal under his jurisdiction and force them to sign petitions asking for the installation of the stop-watch system.

I am not willing that we should give Gen. Crozier a further opportunity to oppress the men and women who are subject to his orders.

I want Congress to write into these appropriation bills provisions which are so clear they can not be evaded.

The CHAIRMAN. The time of the gentleman from Colorado has expired. All time has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that both amendments may be again reported.

The Clerk again reported the amendments.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 92, noes 88.

Mr. KEATING. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Colorado [Mr. KEATING] and the gentleman from Massachusetts [Mr. DALLINGER].

The committee again divided; and the tellers reported—ayes 91, noes 95.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 111, noes 94.

So the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14303, the fortifications appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Before the votes are taken on the fortifications appropriation bill and the amendments thereto, with the consent of the House the Chair desires to make two or three remarks. There are three rules in this House that are habitually violated, generally, the Chair thinks, without any intention of doing so. One of them is that a Member from his seat shall not inject remarks into the speech of the gentleman who has the floor. To do so works for bad order. Half the time the Member who is making the speech is so busy making it that he does not catch the exact remark that the man sitting in his seat makes, and it does not give the Member who has the floor a fair chance. The Chair intends to enforce that rule rigidly from now on, no matter who violates it. [Applause.]

Another rule of the House is that Members shall not crowd about the Clerk's desk when the roll is being called. Members keep coming up and disturbing the Clerk during a roll call, asking whether they are recorded, or how they are recorded, or desiring to be recorded when they have no right to be recorded. It casts suspicion upon the integrity of the proceedings.

Third, Members ought not to put their feet on top of the benches in front of them. It makes a bad impression on everyone.

Is a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, I ask for a separate vote on the Tavenner amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on agreeing to the Tavenner amendment.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 117, answering "present" 14, not voting 106, as follows:

YEAS—197.

Abercrombie	Dooling	Kincheloe	Rucker
Adamson	Doolittle	King	Russell, Mo.
Aiken	Dowell	Lazaro	Sabath
Alexander	Dupré	Lenroot	Schall
Almon	Eagan	Lesher	Scott, Pa.
Anderson	Ellsworth	Lever	Shackleford
Ashbrook	Elston	Linthicum	Shallenberger
Aswell	Estopinal	Littlepage	Sherwood
Austin	Fatley	Lloyd	Shouse
Ayres	Farr	Lobeck	Siegel
Bailey	Ferris	London	Sims
Bell	Finley	McClintic	Sinnott
Borland	Foster	McCracken	Steagall
Britt	Fuller	McCulloch	Steele, Iowa
Brumbaugh	Gallagher	McDermott	Stephens, Cal.
Buchanan, Ill.	Gandy	McGillicuddy	Stephens, Tex.
Buchanan, Tex.	Gard	McKellar	Sterling
Burke	Godwin, N. C.	McLemore	Stone
Burnett	Good	Mapes	Sutherland
Byrnes, S. C.	Goodwin, Ark.	Martin	Sweet
Byrns, Tenn.	Gray, Ala.	Mays	Swift
Caldwell	Gray, Ind.	Meeker	Switzer
Campbell	Green, Iowa	Morgan, Okla.	Taggart
Candler, Miss.	Hadley	Moss, Ind.	Talbott
Cantrill	Hamlin	Murray	Tavenner
Caraway	Hardy	Neely	Taylor, Ark.
Carew	Harrison	Nelson	Taylor, Colo.
Carlin	Haskell	Nicholls, S. C.	Thomas
Carter, Mass.	Hastings	Nolan	Thompson
Carter, Okla.	Hawley	North	Tillman
Cary	Hayden	Oldfield	Tinkham
Casey	Heflin	Oliver	Towner
Chandler, N. Y.	Helgesen	Overmyer	Tribble
Cline	Helvering	Park	Van Dyke
Collier	Hensley	Phelan	Vare
Connelly	Holland	Porter	Venable
Conry	Hollingsworth	Quin	Vinson
Cox	Howard	Rainey	Watkins
Crisp	Huddleston	Raker	Whaley
Crosser	Hughes	Ramseyer	Williams, T. S.
Cullop	Hulbert	Randall	Wilson, Fla.
Curry	Hull, Iowa	Rauch	Wilson, Ill.
Davis, Tex.	Igoe	Rayburn	Wilson, La.
Decker	Jacoway	Reavis	Wingo
Denison	James	Reilly	Wise
Dent	Johnson, Wash.	Ricketts	Woods, Iowa
Dickinson	Keating	Roberts, Nev.	Young, Tex.
Dies	Kennedy, Iowa	Rodenberg	
Dill	Kettner	Rouse	
Dixon	Key, Ohio	Rubey	

NAYS—117.

Anthony	Focht	Kitchin	Scott, Mich.
Bacharach	Fordney	Kreider	Sherley
Beakes	Foss	La Follette	Sisson
Beales	Frear	Langley	Sloan
Bennet	Gardner	Lehlbach	Smith, Mich.
Black	Garland	Loud	Snell
Browne	Garner	McArthur	Snyder
Browning	Garrett	McKenzie	Sparkman
Burgess	Glynn	McLaughlin	Stafford
Butler	Gordon	Madden	Stedman
Cannon	Gould	Magee	Steele, Pa.
Capstick	Greene, Mass.	Mann	Stephens, Miss.
Chiperfield	Greene, Vt.	Matthews	Stephens, Nebr.
Clark, Fla.	Hamilton, Mich.	Miller, Del.	Stiness
Coady	Hay	Mondell	Temple
Copley	Heaton	Montague	Tilson
Costello	Hernandez	Moore, Pa.	Timberlake
Crago	Hicks	Moores, Ind.	Treadway
Cramton	Hill	Nichols, Mich.	Volstead
Dale, Vt.	Hinds	Norton	Walsh
Dallinger	Hood	Oakey	Wason
Darrow	Hopwood	Olney	Watson, Pa.
Dempsey	Howell	Page, N. C.	Watson, Va.
Dillon	Humphreys, Miss.	Paige, Mass.	Webb
Dyer	Husted	Parker, N. J.	Wheeler
Edmonds	Hutchinson	Rogers	Wood, Ind.
Emerson	Johnson, S. Dak.	Rowe	Young, N. Dak.
Fairchild	Kearns	Russell, Ohio	
Fess	Keister	Sanford	
Flood	Kelley	Saunders	

ANSWERED "PRESENT"—14.

Booher	Gregg	McKinley	Steenerson
Dewalt	Guernsey	Padgett	Tague
Fitzgerald	Humphrey, Wash.	Sears	
Glass	Lee	Slemp	

NOT VOTING—106.

Adair	Danforth	Graham	Kennedy, R. I.
Allen	Davenport	Gray, N. J.	Kent
Barchfeld	Davis, Minn.	Griest	Kiess, Pa.
Barkley	Doremus	Griffin	Kinkaid
Barnhart	Doughton	Hamill	Konop
Blackmon	Driscoll	Hamilton, N. Y.	Lafean
Bowers	Drukker	Hart	Lewis
Britten	Dunn	Haugen	Lieb
Bruckner	Eagle	Hayes	Liebel
Callaway	Edwards	Helm	Lindbergh
Charles	Esch	Henry	Loft
Church	Evans	Hilliard	Longworth
Coleman	Fields	Houston	McAndrews
Cooper, Ohio	Flynn	Hull, Tenn.	McFadden
Cooper, W. Va.	Freeman	Johnson, Ky.	Maher
Cooper, Wis.	Gallivan	Jones	Miller, Minn.
Dale, N. Y.	Gillett	Kahn	Miller, Pa.
Moon	Parker, N. Y.	Roberts, Mass.	Stout
Mooney	Patten	Rowland	Sulloway
Morgan, La.	Peters	Scully	Sumners
Morin	Platt	Sells	Walker
Morrison	Pou	Slayden	Ward
Moss, W. Va.	Powers	Small	Williams, W. H.
Mott	Pratt	Smith, Idaho	Williams, Ohio
Mudd	Price	Smith, Minn.	Winslow
Oglesby	Ragsdale	Smith, N. Y.	
O'Shaunessy	Riordan	Smith, Tex.	

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. GRAHAM (against) with Mr. GALLIVAN (for).

Mr. MORRISON (against) with Mr. HUMPHREY of Washington (for).

Mr. SEARS (against) with Mr. SCULLY (for).

Mr. SMITH of Idaho (against) with Mr. BLACKMON (for).

For the session:

Mr. DEWALT with Mr. MCFADDEN.

Mr. LIEBEL with Mr. ROWLAND.

Until further notice:

Mr. FITZGERALD with Mr. GILLETT.

Mr. HART with Mr. POWERS.

Mr. HILLIARD with Mr. DRUKKER.

Mr. HULL of Tennessee with Mr. KIESS of Pennsylvania.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. WARD.

Mr. SMITH of Texas with Mr. GRIEST.

Mr. PADGETT with Mr. LAFEAN.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. PRICE with Mr. MUDD.

Mr. GREGG with Mr. STEENERSON.

Mr. MORGAN of Louisiana with Mr. COOPER of West Virginia.

Mr. BOOHER with Mr. CHARLES.

Mr. TAGUE with Mr. KENNEDY of Rhode Island.

Mr. BARKLEY with Mr. MILLER of Minnesota.

Mr. O'SHAUNESSY with Mr. SMITH of Minnesota.

Mr. ADAIR with Mr. SELLS.

Mr. MCANDREWS with Mr. PRATT.

Mr. GRIFFIN with Mr. DAVIS of Minnesota.

Mr. DRISCOLL with Mr. BRITTEN.

Mr. DALE of New York with Mr. ROBERTS of Massachusetts.

Mr. HELM with Mr. FREEMAN.

Mr. DOREMUS with Mr. BARCHFELD.

Mr. BARNHART with Mr. PLATT.

Mr. SLAYDEN with Mr. MCKINLEY.

Mr. POU with Mr. MORIN.

Mr. BRUCKNER with Mr. MOONEY.

Mr. MOON with Mr. COLEMAN.

Mr. DAVENPORT with Mr. HAMILTON of New York.

Mr. EVANS with Mr. HAYES.

Mr. JONES with Mr. KINKAID.

Mr. OGLESBY with Mr. BOWERS.

Mr. FIELDS with Mr. COOPER of Ohio.

Mr. WM. ELZA WILLIAMS with Mr. SULLOWAY.

Mr. PATTEN with Mr. WILLIAMS of Ohio.

Mr. RAGSDALE with Mr. KAHN.

Mr. SMALL with Mr. GRAY of New Jersey.

Mr. SMITH of New York with Mr. COOPER of Wisconsin.

Mr. WALKER with Mr. DUNN.

Mr. STOUT with Mr. MILLER of Pennsylvania.

Mr. SUMNERS with Mr. DANFORTH.

Mr. LEWIS with Mr. HAUGEN.

Mr. HAMILL with Mr. MOTT.

Mr. DOUGHTON with Mr. PARKER of New York.

Mr. FLYNN with Mr. MOSS of West Virginia.

Ending July 22:

Mr. CALLAWAY with Mr. PETERS.

Ending June 26:

Mr. LEE with Mr. WINSLOW.

Mr. ALLEN with Mr. LONGWORTH.

Mr. TAGUE. Mr. Speaker, I am paired with the gentleman from Rhode Island, Mr. KENNEDY. I voted "aye." I desire to withdraw that vote and answer "present."

The name of Mr. TAGUE was called, and he answered "Present."

Mr. GLASS. Mr. Speaker, I am paired with my colleague from Virginia, Mr. SLEMP. I voted "no." I desire to withdraw my vote and answer "present."

The name of Mr. GLASS was called, and he answered "Present."

Mr. DEWALT. Mr. Speaker, I am paired with my colleague, Mr. MCFADDEN, who is ill. I voted "no." I desire to change my vote and answer "present."

The name of Mr. DEWALT was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time: was read the third time.

Mr. CALDWELL. Mr. Speaker, I move to recommit the bill, with instructions to report the same back forthwith, with the following amendment.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CALDWELL. I am opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CALDWELL moves to recommit the bill, with instructions to report the same back forthwith with the following amendment:

"Page 3, line 17, after the figures '$1,400,000' insert: '*Provided*, That nothing herein shall be construed as authorizing the payment of any money for land on Rockaway Peninsula, N. Y., to which the United States has title or a claim of title until the same has been adjudicated adversely to the United States: *And provided further*, That no more than $2,000 per acre shall be paid unless a larger sum shall have first been determined to be the value thereof in a condemnation award.'"

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Speaker announced the noes seemed to have it.

Mr. CALDWELL. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Nine gentlemen have arisen, not a sufficient number, and the yeas and nays are refused. The question is on the passage of the bill.

Mr. SHERLEY. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 165, noes 9.

So the bill was passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

H. SNOWDEN MARSHALL.

The SPEAKER. The Chair directs the reporter to record the fact to go in the RECORD that the Speaker signs this warrant for H. Snowden Marshall in the presence of the House.

The Chair does not think it necessary but some gentlemen did.

EXTENSION OF REMARKS.

Mr. OLNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the efficiency of the Department of Commerce.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the subject of the efficiency of the Department of Commerce. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, on the request of Mr. SUTHERLAND, Mr. Moss of West Virginia was granted indefinite leave of absence on account of illness.

NATIONAL PARK, TERRITORY OF HAWAII.

Mr. FERRIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Oklahoma [Mr. FERRIS] rise?

Mr. FERRIS. I desire to call up the bill H. R. 9525, the Hawaiian park bill, to ask to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to call up the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9525) to establish a national park in the Territory of Hawaii.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair announced the following conferees: Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT.

SUNDRY CIVIL BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, the sundry civil appropriation bill, with Mr. HAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, when the committee rose Monday evening tellers had been ordered on a vote on an amendment offered by the gentleman from New York [Mr. SANFORD].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, after line 6, insert "For the improvement of Government-owned roads within the arsenal grounds, $10,000."

Mr. FITZGERALD. Mr. Chairman, tellers had been ordered on that.

The CHAIRMAN. The gentleman from New York, Mr. SANFORD, and the gentleman from New York, Mr. FITZGERALD, will take their places as tellers.

The committee divided; and the tellers reported—ayes 59, noes 63.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Repairs of arsenals: For repairs and improvements at arsenals, and to meet such unforeseen expenditures as accidents or other contingencies during the year may render necessary, including $150,000, or so much thereof as may be necessary, for machinery for manufacturing purposes in the arsenals, $300,000.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

QUARTERMASTER CORPS.

Military posts: For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including the installation therein of plumbing and of heating and lighting apparatus; but no part of this sum shall be used for the purchase of land for construction of buildings at Coast Artillery posts, nor for the establishment of any disciplinary barracks, $127,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I hope that what I say will not precipitate any partisan debate. Of course we have to supply barracks for soldiers. Whether the allowance is sufficient, of course I do not undertake to say. I am not sure where the soldiers will be during the next fiscal year.

I have in my hand one of the afternoon papers, the Washington Times, making a statement which, I think, is worthy to be called to the attention of the House and to the country. It is a little article following a conference with President Wilson to-day by Postmaster General Burleson. Burleson stated that this Government had not yet learned who is to blame for the Carrizal fight between the Carranzistas and the American troops. Until that is determined, he said, "no course of action can be decided upon."

It says:

Although Burleson declared he had not talked anything but politics with the President, he and Secretary of War Baker were in the President's office at the same time, and upon leaving the White House Burleson said—

And I am assuming, at least, for the purpose of calling attention to the matter, that what Burleson is reputed to have said—and it is put in quotation marks in the article—may be somewhere near correct. Burleson said:

We have not yet been informed who is to blame for this latest Mexican trouble. If it is learned that Americans were to blame, that Americans precipitated the fight, then I think we should have the courage to admit it. If the Mexicans were to blame—well, then, that would mean more talk.

If the Americans were to blame, we will apologize; if the Mexicans were to blame in murdering our troops, we will continue to talk. [Applause on the Republican side.]

The Clerk read as follows:

Disposition of remains of officers, soldiers, civilian employees, etc.: For interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers including acting assistant surgeons, and enlisted men of the Army active list; interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field or at military posts within the limits of the United States; interment of military prisoners who die at military posts; removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines, interred in fields or abandoned private and city cemeteries; and in any case where the expense of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Govern-

ment for such services out of this sum, but no reimbursement shall be made of such expenses incurred prior to July 1, 1910, $57,500.

Mr. MANN. Mr. Chairman, I move to amend, on page 70, line 17, by striking out the word "expense" and inserting the word "expenses."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Gettysburg National Park: For continuing the establishment of the park; acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts and compiled without censure and without praise; preserving the features of the battle field and the monuments thereon; compensation of civilian commissioners, clerical and other services, expenses, and labor; purchase and preparation of tablets and gun carriages and placing them in position; and all other expenses incidental to the foregoing, $42,500.

Mr. BEALES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 73, line 12, strike out the figures "$42,500" and insert "$57,500, of which $15,000 shall be expended to improve unfinished portions of roadway within the limits of the park."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEALES. Mr. Chairman, the amount of money I ask for in addition to the amount appropriated in the bill was the amount I asked for in the early days of the session. It is for the Emmittsburg Road and the Taneytown Road. It has the approval of the chairman of the commission and the Secretary of War, and was reported to the House and put upon the Unanimous Consent Calendar. There seems to be an objection to this bill passing under unanimous consent, for the reason that it carries with it an appropriation. I ask therefore an amount.

Mr. BAILEY. What roads are these?

Mr. BEALES. They are the Emmittsburg Road and the Taneytown Road, within the borders of the national park, and have been given to the United States Government by the State of Pennsylvania.

Mr. BAILEY. What is the length of these roadways?

Mr. BEALES. Thirty-five hundred feet on each one to the limits of the national park.

Mr. BAILEY. And further, if this $15,000 were appropriated, would it not complete the drive?

Mr. BEALES. It would complete the road to where the State of Pennsylvania takes it up and makes a macadam road out of it. This portion of the road for which I have asked the appropriation has already been ceded to the United States Government by the State of Pennsylvania.

Mr. BENNET. Do I understand the gentleman to say that this matter was considered by the Committee on Military Affairs and then favorably reported to the House?

Mr. BEALES. Yes, sir; and has the approval of the Secretary of War.

Mr. BENNET. And the commissioners who have charge of this park?

Mr. BEALES. Yes, sir.

Mr. FITZGERALD. Under the law the commission has absolutely the say as to how this money should be expended, and any such attempt as this is legislation and is subject to a point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from New York what authority he has for saying it would be out of order to appropriate the sums, putting a limitation on the appropriation?

Mr. FITZGERALD. I think it would control the discretion, as this does, of the authority that has the expenditure of the money.

Mr. HAY. That would apply to every sum that was appropriated. If that is true, it would not direct an appropriation bill in the expenditure of any particular sum. If there was an appropriation made of a lump sum, the Chair would like to see what authority the gentleman from New York may have.

Mr. FITZGERALD. I have not any authority just now.

The CHAIRMAN. The Chair overrules the point of order. Does the gentleman from New York want to submit an authority?

Mr. FITZGERALD. I think there is authority to that effect. I will look and see.

The CHAIRMAN. The Chair will give the gentleman an opportunity.

Mr. FITZGERALD. I will reserve it while the gentleman is making his statement.

Mr. MONDELL. It occurs to me the item is not subject to a point of order. If the Chair will note——

The CHAIRMAN. The Chair so far agrees with the gentleman from Wyoming, unless the gentleman from New York can cite some authority that will change the opinion of the Chair.

Mr. MONDELL. Very clearly this committee has authority to construct, improve, and repair roads within the boundaries of this national park. The item to which this is an amendment provides for the acquisition of land and for surveys, maps, constructing, improving, and maintaining avenues, roads, and bridges; and the Chair is entirely familiar with the rulings which make it in order to provide that of an appropriation made for a variety of purposes a certain amount may be used for some specific purpose.

Mr. FITZGERALD. If the Chair will look at section 3854, Volume IV, Hinds' Precedents, those are the authorities that apply. This amendment is mandatory. This is an affirmative direction to spend a certain amount on a certain road.

The CHAIRMAN. The gentleman from New York must be perfectly familiar, as the Chair is, with numerous provisions in appropriation bills providing that a certain amount of an appropriation shall be spent for a certain purpose, and the Chair never has known a provision of that sort to be held subject to a point of order. The Chair overrules the point of order. The question is on the amendment.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. The estimate submitted by the Gettysburg National Commission for maintenance and for the work essential in the park during the next fiscal year have all been allowed by the Committee on Appropriations. Every dollar asked by that commission has been included in the bill. This matter could not have been of such importance or desirability as to necessitate our action, because the commission did not request it. In view of the fact that no information has been submitted and the commission did not ask for the money, I hope the amendment will not be agreed to.

Mr. BEALES. Mr. Chairman, in reply to the gentleman from New York, I wish to state that the commission in charge of the national park at Gettysburg made a request for this amount of money for these roads and asked me to introduce a bill in the House, which I did, and a favorable report upon it has been made by the Secretary of War.

Mr. MANN. Mr. Chairman, I presume it was the Committee on Military Affairs that reported the bill. The gentleman from Pennsylvania [Mr. BEALES] introduced it. That bill provided that this improvement should be made and that the money for it should be appropriated. I suppose that bill went to the Committee on Military Affairs. It was reported to the House by the proper committee. It came up once or twice in the House on the Calendar for Unanimous Consent. I do not think anybody else except myself was prepared to object to it. I asked to have it passed over because I thought if an appropriation were to be made, it ought to be made in the sundry civil appropriation bill, where it belongs. That is, an appropriation for this purpose ought to be made in this bill and not in a separate bill. I supposed that the Committee on Appropriations were willing, because, as far as I knew, they had no objection to the passage of that special bill.

Mr. FITZGERALD. There is no very pressing need for it. Commissions and heads of departments will approve any proposition submitted to them for the spending of money, but when they are required to submit estimates in accordance with law for the moneys that should be requested from Congress for necessary purposes during the fiscal year, they then do not ask for money which it is not highly important that they should have. Of course if they are asked whether they approve a proposed expenditure, they say yes. Now, they did not ask for this money in their estimates. Congress has treated the Gettysburg National Park very generously and never refused any money that that commission asked from Congress and said was necessary. I think we ought not to force money upon them for the purpose of approving requests which they never made until a Member of Congress suggested to them that it would be a good thing to appropriate the money. We can not conduct the business of the Government in that way. If we did, we could not raise enough money to pay the bills that would be imposed upon us.

Mr. MANN. Now, if I may use a little of my time——

Mr. FITZGERALD. We need the money for other purposes.

Mr. MANN. I am glad to yield to the gentleman.

Mr. FITZGERALD. I will give the gentleman my time.

Mr. MANN. I have the floor. The Committee on Military Affairs, having jurisdiction of this bill, reported it favorably. It would have passed, so far as the Committee on Appropriations are concerned——

Mr. FITZGERALD. I think the gentleman is mistaken. I had to be away, and I asked the gentleman if he was going to object

to it, and he said he was. If not, I should have had somebody else object to it.

Mr. MANN. Oh, the gentleman had nothing to do with it.

Mr. FITZGERALD. That happened, at any rate.

Mr. MANN. I supposed the gentleman was perfectly satisfied to let this bill pass. I thought the gentleman came to me to remove my objection to the bill.

Mr. FITZGERALD. Did the gentleman ever know me to prevail upon him to withdraw his objection to any bill?

Mr. MANN. It was a proper matter for the Committee on Appropriations to include in the sundry civil bill. I supposed that the gentleman was in favor of exercising jurisdiction and of having this item included in the sundry civil bill on the floor, and I suggested to the gentleman from Pennsylvania [Mr. BEALES], the author of the bill, that the proper way to do was to offer an amendment on the sundry civil bill. I am taken utterly by surprise by the attitude of the gentleman from New York now.

Mr. KREIDER. Mr. Chairman, it seems to me that this controversy is entirely as to the method to be pursued to secure the necessary funds to build these roads through the Gettysburg National Park. There seems to be no question about the necessity of the roads nor about the amount to be appropriated. The objection seems to be because the gentleman from Pennsylvania [Mr. BEALES] introduced a bill instead of having the commission include this amount in their estimate which was handed to the Committee on Appropriations. I do not believe we ought to split hairs on the method when the funds are actually needed for proper and necessary improvements. It is not likely that the commissioners of the park would have asked for this appropriation had they not seen the absolute need of it. I believe that the membership of this House are sufficiently acquainted with the national park at Gettysburg so that they should not reject this amendment. I can not see any good reason why the gentleman from New York [Mr. FITZGERALD] should oppose the amendment simply upon the ground that the commissioners did not ask for the appropriation when they made their estimates, which would have secured the inclusion of the appropriation in this bill. I hope the amendment will be adopted and the money forthcoming, so that the road can be built for the improvement of this park, which is one of the sacred spots in the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BEALES].

The question was taken; and on a division (demanded by Mr. BEALES) there were—ayes 18, noes 23.

Accordingly the amendment was rejected.

Mr. BEALES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the amendment that has just been disposed of.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

ENGINEER DEPARTMENT.

Yellowstone National Park: For maintenance and repair of improvements, $135,000, including not to exceed $7,500 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $10,000 for maintenance of the road in the forest reserve leading out of the park from the south boundary, to be expended by and under the direction of the Secretary of War: *Provided*, That no portion of this appropriation shall be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the time when they will be cleared by seasonal changes.

Mr. FITZGERALD. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 74, at the end of line 3, insert the following:

"And including not exceeding $5,000 for purchase, operation, maintenance, and repair of motor-driven and horse-drawn vehicles to be used for inspection of roads and road work."

The committee amendment was agreed to.

The Clerk read as follows:

For improvement, care, and maintenance of various reservations, including maintenance, repair, and operation of two motor-propelled passenger-carrying vehicles to be used only for official purposes, $30,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 76, line 9, after the word "repair," insert the word "exchange," and after the word "of" at the end of that line insert the words "one horse-drawn and."

The committee amendment was agreed to.

The Clerk read as follows:

For improvement and maintenance of Judiciary Park, $2,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I noticed the other day that some law officer of the Government—I suppose the proper one; I do not remember whether it was the Attorney General or not—in reference to the Smithsonian grounds, held that they were not public grounds in the city of Washington. The Superintendent of Public Buildings and Grounds submitted to the Attorney General, or some other law officer of the Government, the question whether the Smithsonian grounds were under his control and came within the law that prohibited the erection of public buildings on these grounds without the consent of Congress. The decision was that the grounds did not come within the prohibition; that the Smithsonian Regents could do what they pleased on the grounds. I had supposed that the Smithsonian grounds were public grounds. We appropriate for their maintenance, and I supposed that we appropriated for their maintenance under the care and control of the Superintendent of Public Buildings and Grounds, but possibly it is through the Smithsonian Institution.

Mr. FITZGERALD. I am not familiar with the decision to which the gentleman refers. I have assumed that the Smithsonian grounds were a part of the Mall and that they were under the control of the Superintendent of Public Buildings and Grounds. The parkway act relative to the District, as I recall, makes all public places a part of the park system and under the care of the Superintendent of Public Buildings and Grounds.

Mr. MANN. There is no doubt that a decision was rendered. The question arose in connection with the desire of the Smithsonian Institution to erect an art gallery, I think.

Mr. FITZGERALD. For the Frear art collection?

Mr. MANN. Yes; and the matter came before Col. Harts, who submitted it to the law officer of the Government.

Mr. FITZGERALD. My recollection is that the Secretary of the Smithsonian Institution on several occasions when discussing the proposition of a building for the Frear collection expressed the hope that Congress would consent that the building which Mr. Frear intended to make provision for his collection would be located on a site within the Smithsonian grounds.

Mr. MANN. And very likely Congress would have readily consented; but, not having that trustful faith in Congress which all officials ought to have, the Secretary of the Smithsonian Institution or some one else, instead of asking the consent of Congress, asked and obtained an opinion that the consent of Congress was not required and that we had nothing to do with it. I do not know whether the same thing is true of the Agricultural grounds or not.

Mr. FITZGERALD. There is a provision in the sundry civil act approved August 24, 1912, as follows:

Hereafter there shall not be erected on any reservation, park, or public grounds of the United States within the District of Columbia any building or structure without express authority of Congress.

Mr. MANN. I understand, that is what I say, the law officer of the Government has held that the Smithsonian grounds did not come within that prohibition, and yet they ask us to pay the expense of maintaining them as public grounds. Let the Smithsonian Institution wake up and either fish or cut bait. If they have the jurisdiction, let them raise the money as they can.

Mr. FITZGERALD. We have absolute control over the grounds.

Mr. MANN. I do not know whether we have or not. I think the Attorney General's office decided that we did not have. Of course, we always have sufficient jurisdiction over any grounds to appropriate money for their care and maintenance.

Mr. FITZGERALD. We have too much jurisdiction in that direction. I have not seen the decision to which the gentleman refers.

Mr. MANN. The question has arisen and been disposed of since this bill was reported.

Mr. FITZGERALD. I know at different times the Secretary of the Smithsonian Institution discussed the fact that Mr. Frear intended to donate his very valuable collection to the Smithsonian Institution, and intended to make provision to construct a building to house the collection. The belief was that Congress would very gladly donate a place for the erection of the building.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word, for the purpose of getting further information relative to the Mall. I notice that on the ground formerly occupied by the old Sixth Street Station, the building which was removed a few years ago by President Roosevelt, there are certain kinds of playgrounds there.

Mr. FITZGERALD. Public tennis courts.

Mr. STEPHENS of Texas. What authority have the people who use them to have the courts established there?

Mr. FITZGERALD. Those are public tennis courts, provided by the Superintendent of Public Buildings and Grounds under the authority which he has.

Mr. STEPHENS of Texas. The gentleman is aware that after that station was removed there was quite an embankment

upon the grounds, which was put there by the railroad company under an agreement, an old law, when the buildings were erected by permission of the United States Government on these grounds, and my understanding has always been, though I have not examined the law closely, that those grounds were to be restored to their original condition at some subsequent time. They certainly have not been restored. There is an embankment there five or six hundred feet long and several feet high, which constitutes an embarrassment, or, rather, places the grounds in a very awkward situation. I think the grounds should be restored to their original condition when the buildings were put there by the railroad company.

Mr. FITZGERALD. That is a matter of administration. I know that possibly those things would be more efficiently attended to if I were doing it.

Mr. STEPHENS of Texas. Does the gentleman know of any law by which that station was removed, or what became of it, or what authority existed at the time for its removal?

Mr. FITZGERALD. It was removed by order of the President. That was a very notable incident in the history of the Republic. The President of the United States by Executive order directed that that public building should be demolished, although no law giving him any authority to do so existed.

Mr. STEPHENS of Texas. Should not the embankments about there at the same time also have been removed, so as to restore the grounds to their original condition?

Mr. FITZGERALD. I can not enter into that question.

Mr. STEPHENS of Texas. I was trying to extort an opinion from the gentleman.

Mr. FITZGERALD. That is a matter of what the executive officers should do. All I can do is to keep them from getting too much money, without finding fault because they do not expend it. I am not familiar with that matter, I will say to the gentleman from Texas, and do not know whether the railroad company is under obligation to remove that embankment or not. The tennis courts which are now occupying the site of the old station have been placed there out of an appropriation carried in this bill by the Superintendent of Public Buildings and Grounds and as a part of a movement to utilize certain of the public reservations for recreation purposes, and it was deemed that that would be a use that would be desirable.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JAMES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the subject of pensions.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For care and maintenance of Potomac Park, $15,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. Why is this particular appropriation in line 21 for the care and maintenance of Potomac Park carried in the sundry civil appropriation bill instead of the District appropriation bill?

Mr. FITZGERALD. The appropriations for the care of all of the public parks in the District of Columbia are carried in this bill because they are under the Superintendent of Public Buildings and Grounds. The property belongs to the United States.

Mr. BENNET. There are certain parks, such as Dupont Circle and McPherson Square, that I have in mind, and I would like to know if there is any distinction as to them and if it is the fact that they do not belong to the United States while this park does?

Mr. FITZGERALD. They all belong to the United States, and they are all in this bill.

Mr. BENNET. But such parks as I have named, Dupont Circle and McPherson Square, do not belong to the United States?

Mr. FITZGERALD. They do belong to the United States, and they are carried in this bill. Some of the smaller ones are not named specifically, but there is a general appropriation. Lafayette Park and Garfield Park are named.

Mr. BENNET. Take Rock Creek Park. Is it because that is not owned by the Government that it is in the District bill?

Mr. FITZGERALD. The title to Rock Creek Park is also in the United States, but it is carried in the District bill.

Mr. BENNET. Is there any particular reason?

Mr. FITZGERALD. We carry in this bill the parks that are under the control and jurisdiction of the Superintendent of Public Buildings and Grounds.

Mr. BENNET. Is that governed by some statute?

Mr. FITZGERALD. There is a statute which designates what part of the parking system is under the control of that officer.

Mr. BENNET. I simply was struck by the fact that apparently all of this is in the District of Columbia, and that there was a District of Columbia appropriation bill.

Mr. FITZGERALD. It is all under the Superintendent of Public Buildings and Grounds, who is an Army engineer, and who has control. The policing of them is carried in the legislative bill. Of course, the cost of them is borne one-half by the District and one-half by the United States.

Mr. BENNET. So that the fact that they are put in the sundry civil appropriation bill does not relieve the District of paying for one-half of the cost?

Mr. FITZGERALD. Not at all. There is a special provision that requires that expense to be borne half and half.

The Clerk read as follows:

For care and improvement of the portion of Potomac Park east of the railroad embankment, $15,000.

Mr. HULBERT. Mr. Chairman, I move to strike out, page 77, line 2, the figures "$15,000" and insert in lieu thereof the figures "$40,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 77, line 2, by striking out "$15,000" and inserting "$40,000."

Mr. HULBERT. Mr. Chairman, the only purpose of this amendment is to accelerate the work of the improvement of Potomac Park east of the railroad embankment. I understand that $25,000 additional can be very profitably used this year. I do not care to discuss the amendment, but will ask unanimous consent to extend my remarks in the RECORD.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HULBERT. Yes.

Mr. STAFFORD. Will the gentleman inform the committee what is the extent of the park that is east of the railroad embankment which will be affected by this improvement?

Mr. HULBERT. Well, that would be entirely in the discretion of the engineer.

Mr. STAFFORD. No; I am inquiring as to the extent of the area of Potomac Park that is east of the railroad embankment.

Mr. HULBERT. All of East Potomac Park is that portion which is east of the railroad embankment.

Mr. STAFFORD. I thought that was already improved, and that the area south was that which needed most improvement.

Mr. HULBERT. Well, of course, as you go east on East Potomac Park along the driveway there is a good deal of the park that has not been improved. The retaining wall has been practically constructed all the way along. The greensward is in a much better condition toward the railroad embankment than to the east end of this park. Toward that end the trees, shrubbery, and grass and, in some places, the weeds have grown wild, and I suppose it is for that part of the park that this $15,000 was appropriated. I understand, however, that the work has not been progressing as rapidly as it was desired it should, and that the purpose in view, of accelerating the improvements because ultimately, I take it, the entire provision, as recommended by the War Department in House Document 1038, is going to be adopted and that an additional $25,000 will be no great burden on the Government, and it will enable the performance of an amount of work for that particular park that can be expeditiously and economically done during the coming year.

Mr. STAFFORD. Will the $25,000 additional permit the dredging of the contemplated lagoons or the erection of the stadium and the other improvements contemplated for this park?

Mr. HULBERT. I do not know; it would be in the discretion of the Superintendent of Public Buildings and Grounds.

Mr. STAFFORD. I thought as the gentleman has taken this interest in the matter he would have some definite information as to what work was contemplated by the additional appropriation.

Mr. HULBERT. This $25,000 would be expended by Col. Harts in the exercise of his discretion.

Mr. STAFFORD. It would not go very far toward excavating the contemplated lagoons or the building of the proposed stadium?

Mr. HULBERT. Not a great ways, but it would be encouraging. I wish the circumstances of our finances were such that a substantial appropriation could be made and made directly applicable to the beginning of the erection of the stadium proper.

Mr. STAFFORD. When we are voting $20,000,000 for an armor-plate plant and $20,000,000 for a nitrate plant and $20,000,000 or $30,000,000 for shipbuilding, does not the gentleman think we could proceed with this much-needed improvement by increasing that amount?

Mr. HULBERT. I not only think so, but I will point out to the gentleman, if I may, that these needed improvements combine essential elements that you do not find in anything else that has come before the House. In the first place, the improvement of East Potomac Park not only gives Federal recognition to athletics, which we have been the one great country to neglect to date—not only gives great stimulus to the upbuilding of the American youth by encouraging him in athletic competition, but if you will provide us with the means we have been asking for at East Potomac Park by 1920——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULBERT. I ask unanimous consent for an extension of five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HULBERT. If you will give us the improvements which we ask for, as a delegate to the Amateur Athletic Union of the United States of America, metropolitan district, I feel sure that we will be successful in bringing to this country at that time the Olympic games, which are not being held this year because they were appointed to be held in Berlin and, of course, it is realized that it is impossible to hold them there or anywhere else this year as there would be so few competitors from the few neutral nations that it would not be worth while to hold those games, and if we were to bring the next great Olympiad here in 1920 we would be performing a great aid to humanity, because you would bring here at the close of the war—and we hope the great European conflict will be over by that time—the representatives of every nation now engaged in the war which is raging over there, and certainly nothing could be more commendable than such an effort at that time. It would assist in reuniting the bonds of international fraternity which have been so torn asunder in this bloody conflict. [Applause.]

Mr. BENNET. Will my colleague yield?

Mr. HULBERT. I will.

Mr. BENNET. Does not my colleague hope that at least some part of this $25,000 will be expended by Col. Hart in advancing the building of that stadium?

Mr. HULBERT. I hope so.

Mr. BENNET. Then I am for the amendment.

Mr. HULBERT. I thank the gentleman. I wish more of my colleagues would evidence the same spirit and vote for it.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. If it is adopted, not a penny can be expended on account of a stadium. This bill carries $5,000 more than is provided for the current year. This money is for the purpose of setting out trees and furnishing flower beds, and so forth, to East Potomac Park. East Potomac Park has been the special care of the Committee on Appropriations, which originated and developed and built it up. However desirable it may be to build a stadium for public games, there are many other more essential things to be done before that is commenced. This is not the time for its consideration. After careful thought the committee recommended what would be a liberal sum of money for the purpose for which it can be used. It is not suggested even by the man in charge of this work that $40,000 be appropriated.

Mr. STAFFORD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. Will the gentleman inform the committee what improvements will be covered by the $15,000 here appropriated?

Mr. FITZGERALD. Setting out trees and planting a part of the park east of the embankment, and nothing else.

Mr. STAFFORD. Will it get rid of the weeds and underbrush that covers most of the park at the south?

Mr. FITZGERALD. That is a reason for it. It can not be done in one year. It could not be done wisely and economically by being done at once.

Mr. STAFFORD. The gentleman does not contend that they could not get rid of the weeds in one year?

Mr. FITZGERALD. The first thing done was to extend the road around that portion of the park. Then the trees have been set out, and then plans have to be promulgated as to how the balance should be laid out. We treat these parks very liberally and very generously, and it would be a great mistake to try to force the development of this park in a manner that would not be best for the ultimate improvement of it. I hope the amendment will not be agreed to.

The CHAIRMAN (Mr. Cox). The question is on the amendment offered by the gentleman from New York [Mr. HULBERT].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. HULBERT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 24, noes 20.

Mr. FITZGERALD. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. HULBERT and Mr. FITZGERALD took their places as tellers.

The committee again divided; and there were—ayes 39, noes 33.

Mr. FITZGERALD. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. Evidently there is not a quorum present, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adair	Foss, Ill.	Kincheloe	Pou
Austin	Freeman	Kinkaid	Powers
Barchfeld	Gallivan	Konop	Pratt
Barnhart	Gillet	Lafean	Price
Blackmon	Glynn	Lee	Reavis
Britten	Graham	Lehlbach	Roberts, Mass.
Browne	Gray, N. J.	Lever	Rodenberg
Bruckner	Green, Iowa	Lewis	Rouse
Brumbaugh	Griest	Lieb	Rowland
Callaway	Griffin	Liebel	Rucker
Campbell	Hamill	Lindbergh	Saunders
Candler, Miss.	Hamilton, N. Y.	Linthicum	Scott, Pa.
Charles	Harrison	Loft	Scully
Chiperfield	Hart	Longworth	Sears
Coleman	Hastings	McAndrews	Slayden
Cooper, W. Va.	Hayes	McDermott	Slemp
Cooper, Wis.	Helm	McFadden	Sloan
Copley	Henry	McKellar	Small
Cullop	Hilliard	McKinley	Smith, Minn.
Dale, N. Y.	Hollingsworth	Maher	Sparkman
Dale, Vt.	Houston	Miller, Del.	Steenerson
Danforth	Howell	Miller, Minn.	Stephens, Miss.
Davis, Minn.	Husted	Morgan, La.	Stout
Dooling	Hutchinson	Morin	Sulloway
Doremus	James	Moss, Ind.	Sumners
Doughton	Johnson, Ky.	Moss, W. Va.	Walsh
Driscoll	Johnson, S. Dak.	Mott	Ward
Drukker	Johnson, Wash.	Mudd	Webb
Dunn	Jones	Neely	Williams, W. E.
Edwards	Kahn	O'Shaunessy	Williams, Ohio
Esch	Keating	Overmyer	Wilson, Ill.
Fairchild	Keister	Parker, N. Y.	Winslow
Ferris	Kennedy, R. I.	Patten	Wood, Ind.
Fields	Kent	Peters	Young, N. Dak.
Flood	Key, Ohio	Platt	
Flynn	Kless, Pa.	Porter	

The committee rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, finding itself without a quorum, he caused the roll to be called, when 290 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered in the Journal, under the rule.

The SPEAKER. A quorum being present, the committee will resume its session.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York [Mr. HULBERT].

Mr. BENNET. I ask unanimous consent that the amendment may be reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment again.

The Clerk read as follows:

Page 77, line 2, strike out "$15,000" and insert "$40,000."

Mr. BENNET. I move to strike out the last word, for the purpose of asking——

Mr. FITZGERALD. I make the point of order that debate is not in order. The committee is dividing.

The CHAIRMAN. The committee is dividing. Debate is not in order.

Mr. MANN. There was no vote at all, because there was no quorum, and the Chair held that there was no vote. Debate is not closed until the negative vote is taken. Now, while we went through the motions of taking a vote, that was all set aside, for the reason that there was no quorum present. Debate has not been closed on this amendment.

Mr. FITZGERALD. It has been closed. The committee divided, and then a demand was made for tellers. The debate had already been ended.

Mr. HULBERT. Mr. Chairman, we are involved in a case——

The CHAIRMAN. The Chair is inclined to think that debate has been exhausted.

Mr. MANN. The Chair is very much in error, then.

Mr. FITZGERALD. I think the Chair is correct.

Mr. MANN. Debate was exhausted, except on a motion to strike out the last word.

Mr. FITZGERALD. All debate is exhausted. We were dividing on the amendment.

Mr. MANN. Debate is in order, under parliamentary rules, after the affirmative vote is taken.

Mr. FITZGERALD. There was both an affirmative and a negative vote.

Mr. MANN. Oh, but that was all set aside, because there was no quorum present. That is the reason we are taking the vote over again. The whole proceeding was set aside, because the point of no quorum present was made by the gentleman from New York [Mr. FITZGERALD], which set aside the vote and vacated it.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I do insist on it.

The CHAIRMAN. The present occupant of the chair may be in error, but he sustains the point of order.

Mr. HULBERT. Mr. Chairman, I desire to submit a request. This amendment is predicated on the theory of sportsmanship, and I ask unanimous consent——

Mr. FITZGERALD. I object to any debate.

Mr. HULBERT. I am rising for the purpose of asking unanimous consent. I ask unanimous consent that I may have one minute, for the purpose of making a statement applicable to the amendment.

Mr. FITZGERALD. Well, I object.

The CHAIRMAN. The gentlemen from New York will take their places as tellers.

The committee again divided; and the tellers reported—ayes 99, noes 101.

Accordingly the amendment was rejected.

The Clerk read as follows:

To continue construction of necessary retaining walls in Meridian Hill Park, and grading incident thereto, $25,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This is an item of $25,000 to continue the construction of retaining walls for Meridian Hill Park. If there is a useless expenditure of money going on in Washington anywhere it is in the construction of that fence, uglier than a mud fence, on Sixteenth Street, as a retaining wall for Meridian Hill Park. But I suppose that, the House having just refused to make an appropriation of $25,000 for the improvement of a park where it would have been of great service, will proceed to spend $25,000 to erect what one might properly call a mud fence along on Sixteenth Street, where every dollar put into it adds to the ugliness of it. It does not do any good. The stone wall is of no value. You might just as well put a pig in a parlor as to put this retaining wall on Sixteenth Street.

Mr. MONDELL. Mr. Chairman, I am pleased to see that we have an addition to the art commission in the person of the gentleman from Illinois. The gentleman from Illinois is no more pleased with the Meridian Hill Park wall than the art commission is with some other work that the committee has inaugurated. Most of us think the building of that wall along the high embankment of Meridian Hill Park is a very great improvement. The only other thing that could have been done would have been to have cut the hill down some 20 or 25 feet at the highest point, which would have involved some expensive terracing. I am not sufficiently versed in that sort of thing so that I would want to make a decision as between the terracing and the wall, but I think when the wall is completed, and the other work for the development of the park, it will make a very handsome improvement, and I think when it is all completed the gentleman from Illinois himself will feel better about it than he does now.

Mr. MANN. I hope so. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. Does the gentleman know how high the wall projects above the level of the ground at the north end?

Mr. MONDELL. I do not know that I do.

Mr. MANN. I did not suppose the gentleman had seen it. If he had, he would agree with me.

Mr. MONDELL. I have seen it. Does the gentleman know how high it is?

Mr. MANN. Yes.

Mr. MONDELL. How high?

Mr. MANN. About 3 feet.

Mr. MONDELL. Above the ground?

Mr. MANN. Above the level of the ground.

Mr. MONDELL. At the upper end of the park?

Mr. MANN. Yes.

Mr. MONDELL. It is higher than that, and I am willing to agree with the gentleman that up at the upper end of the park, the last 200 feet, after they get onto the top of the hill, there is ground for a difference of opinion as to whether that wall ought to have been built, but the gentleman was criticizing the entire wall.

Mr. MANN. And this appropriation is for that purpose. I did criticize the entire wall because it is so ugly.

Mr. MONDELL. They might have it painted.

Mr. MANN. Any kind of paint would improve it, but that is not the way to construct a wall.

Mr. SIMS. I want to ask the gentleman from Wyoming one question. The gentleman will remember that when Congress was induced to buy that hill to make a park, one of the arguments was that Rock Creek Park was too low and to far from heaven, and this was the highest point about Washington, and therefore nearer heaven than any other point in Washington, and it was bought because it was so high. I hope no gentleman will want to grade it down, because that would destroy the very foundation of the argument for its purchase.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RIORDAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines;

H. R. 15007. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 15006. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 13669. An act to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.;

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River, near Terral, Jefferson County, Okla.;

H. R. 393. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes; and

H. R. 11286. An act for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1840. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909; and

S. 733. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13383) entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For improving the site of the old high-service reservoir, at the southeast corner of Wisconsin Avenue and R Street NW., which is made a part of the park system of the District of Columbia, under the Chief of Engineers, United States Army, $5,000.

Mr. BENNET. Mr. Chairman, I reserve a point of order. I want to know why this particular piece of ground should be made a part of the park system.

Mr. FITZGERALD. It is an abandoned reservoir located in the northern part of the Georgetown section. With an expenditure of $5,000 it can be made a very attractive park. Provision is made to include it in the park system so as to put it under the care of the Superintendent of Public Buildings and Grounds.

Mr. BENNET. Are there any buildings on the place?

Mr. FITZGERALD. No; there is an old reservoir, very high, in the center, with quite a considerable lot of land around it. If improved, it will be a desirable place for the residents adjacent to this land.

Mr. BENNET. Will it make a real breathing place for the people?

Mr. FITZGERALD. Yes; and there are no small parks in that section.

Mr. BENNET. I withdraw the point of order.

The Clerk read as follows:

One half of the foregoing sums under "Buildings and grounds in and around Washington" shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. HULBERT. Mr. Chairman, I move to strike out the last word. While the amendment offered to page 77, line 2, to increase the appropriation for Potomac Park east of the railroad embankment failed of passage, I desire to congratulate the committee on the fact that they have by the provision at the top of page 78, appropriating $50,000 for a field house, recognized the necessity for undertaking the general plan of improvement recommended by the War Department in House Document 1038 and provided for in H. R. 14905. In that connection I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HULBERT. The matter referred to is as follows:

AMATEUR ATHLETIC UNION OF THE UNITED STATES,
OFFICE OF SECRETARY-TREASURER,
New York, May 8, 1916.

To those interested in recreation and outdoor sports:

The Amateur Athletic Union of the United States desires your cooperation in a movement for a national recreation ground and stadium in East Potomac Park, Washington, D. C., the preliminary plans for which have been prepared by the War Department under the direction of Col. William W. Harts, United States Army. The Hulbert bill, of which a facsimile is shown on fourth page, provides for the construction of a national playground, with facilities for all pastimes, including a stadium. It will be a credit to our country and provide a place for holding national championships in all sports.

The accompanying diagram and detailed description shows how comprehensive is the plan for which an appropriation of $1,545,397 is recommended. You are earnestly requested to indorse this plan, and write or telegraph to your Congressman and Senator immediately, urging a favorable vote upon it.

Yours, very truly,

GEO. J. TURNER, *President.*
FREDERICK W. RUBIEN,
Secretary-Treasurer.

P. S.—A hearing on this bill will be held at Washington, D. C., before the congressional Committee on Appropriations, of which Congressman FITZGERALD of Brooklyn is chairman, on May 12, at 2 p. m.

—

A bill (H. R. 14905) for the improvement of East Potomac Park as a public recreation ground.

Be it enacted, etc., That the sum of $1,545,397 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be made available as requested and to be expended under the direction of the Secretary of War for the improvement of East Potomac Park as a public recreation ground, in accordance with the comprehensive plan approved by the War Department and set forth in House Document No. 1038, Sixty-fourth Congress, first session.

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Transportation: Extension of the city car lines into the ground, with loops at the stadium and the boat harbor, near the field house. Stadium loop will be used on large occasions only. Ferries at the boat harbor and at stadium communicate with South Washington.

Stadium: The center portion has concrete seats for 6,000 persons, the two wings temporary wooden seats for 8,000 more.

On large occasions circus seats can be placed around the open end on the stadium to further increase the seating capacity.

The back slopes on the stadium are covered with trees, which furnish shade to the seats when the sun is low.

A one-third-of-a-mile running track with a 220-yard straightaway is partly inclosed by the stadium.

Bathing pools: Two sand-beach bathing pools of 1½ acres each, with locker houses accommodating 500 bathers at one time.

Wading pool: Between the bathing pools and near a 2-acre grove having swings, etc. Accommodation is thus provided for a large number of children.

Football: Two fields adjoin the stadium; they can be used for minor sports also.

Baseball: Thirteen fields are so arranged that most of them are provided with shade for the spectators; the backstops are made removable.

Parade ground: Sixty acres in extent and overlooked by the stadium.

Boat harbor: For the safe accommodation of canoes and other small craft, most of which would be kept in the four boathouses upon its banks; the one on the left would be a renting boathouse.

A channel connects with the Potomac River; it keeps the boathouse fresh and separates the quiet from the noisy sports.

Field house: Opposite the boat harbor and overlooking the golf course; it is provided with baths, lockers, and toilets, and has luncheon facilities and ample porches.

Croquet and Roque: Ten croquet and three roque courts located between the field house and the boat channel; spectators' seats are located between the courts.

Basket ball: Four courts between the field house and the tennis courts.

Tennis courts: Thirty-one courts located at the southernly side of the field house and boat harbor. They are inclosed by wire cages and provided with seats for spectators.

Croquet: There is a permanent field located near the river end of the boating channel.

Golf: One hundred acres, comprising an 18-hole course and a 9-hole course.

Straightaway for horses: One-half mile long and located on the Potomac side of the golf course.

Soft driving road: One and a half miles, between the boat channel and Lookout Point.

Park drives: Three and a half miles of border and cross drives.

Automobile parking: Parking spaces for 500 automobiles, located as follows: Between the railroad and the stadium, adjoining the football field, wading pool, boathouses, tennis courts, straightaway for horses, and at Lookout Point.

Horse shelter: Near the automobile park at Lookout Point.

Lookout Point: The southernmost point of the recreation grounds; provided with boat landings and shaded seats.

Picnic grounds: In the many groves about the grounds.

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THE HULBERT STADIUM BILL.

[Extract from hearings before subcommittee of House Committee on Appropriations, consisting of Messrs. JOHN J. FITZGERALD (chairman), SWAGAR SHERLEY, WILLIAM P. BORLAND, FREDERICK H. GILLETT, and FRANK W. MONDELL, in charge of sundry civil appropriation bill for 1917, on the subject of H. R. 14905, a bill for the improvement of East Potomac Park, Washington, D. C., as a public recreation ground, May 12, 1916.]

STADIUM IN EAST POTOMAC PARK.

STATEMENT OF HON. MURRAY HULBERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK.

The CHAIRMAN. Gentlemen, you are here, I understand, upon the improvement of Potomac Park east of the railroad embankment. Do you wish to make a statement?

Mr. HULBERT. Mr. Chairman, this is a hearing on H. R. 14905, and I want to thank the chairman and the gentlemen of the committee for their consideration in having thus early given us a hearing upon the matter. Having the privilege of discussing the subject when the matter comes up on the floor, I do not desire to trespass upon the time of the gentlemen who have, at considerable inconvenience, come here from Baltimore, New York, and other cities, and unless the committee desires to hear Col. Harts, I shall content myself with simply introducing the gentlemen who have been good enough to appear here in support of this measure.

STATEMENT OF MR. GEORGE J. TURNER, PRESIDENT AMATEUR ATHLETIC UNION OF THE UNITED STATES.

Mr. TURNER. Mr. Chairman, I only have a very few words to say. It gives me great pleasure to appear before your committee in behalf of Congressman HULBERT'S stadium bill, and I sincerely hope you can see your way clear to recommend the passage of this measure. The erection of this stadium will be of great interest to all athletes and all lovers of athletic sports in the United States. Gentlemen, I shall not take up any more of your time because I know there are a number of gentlemen present who would like to speak a good word for this bill, and I want to thank you for the privilege of appearing before your committee.

Mr. HULBERT. Mr. Chairman, may I now introduce Mr. Justice Weeks, of the New York Supreme Court?

STATEMENT OF HON. BARTOW S. WEEKS, OF NEW YORK.

Mr. WEEKS. Mr. Chairman, I have some difficulty in determining exactly what I should say to your committee in favor of a measure which it would seem to me must so naturally appeal to all of you without anything being said in its favor. In the first place, it is manifestly a most proper and suitable development of a property here in Washington, in the Capital of the Nation, along lines which are modern and very important and necessary at the present time; a development of the recreation feature, an opportunity for the children and youth of large cities to have the green fields and the fresh air, and in that respect it presents a live issue—if I may so describe it—that appeals to everyone in the United States, especially those who live in the crowded cities where they have not those opportunities, and equally to those who come from the districts where they have the green fields easier of access and who appreciate how much those in the cities lose because of the fact that that privilege is denied them so frequently. But this represents more than that. It represents an effort—and it is especially on that behalf that I am speaking here as one of the American Olympic committee, and as representing the Amateur Athletic Union of the United States—to develop along the lines of athletic improvement an opportunity for the United States in the future, possibly in 1920, to open its arms to a friendly contest in connection with the Olympiad of 1920.

As you are all familiar, undoubtedly, some years ago there was a revival of the old Olympic games under the auspices of the international Olympic committee, and those games have been held, and another one was to have been held in Berlin in 1916, this year. Of course, that Olympiad now can not be held; but in 1920 another one should be held, and where is there a more fitting place to hold it than in the Capital of the United States of America? There speaks the language of our great Nation. It will afford an opportunity for the warring nations to meet in friendly rivalry in a neutral country, and there we can have a stadium, if this park is developed, that would be an incentive to all the nations of the world, and from that point of view I think it is especially important. Of course, the development may not all be made at once, but this gives a starting point or a center to which the efforts of those who are interested in the Olympic games can be directed.

Now, you may not all be familiar with the scope of the Amateur Athletic Union and with its influence. We have in the American Athletic Union nearly 20,000 young men registered and recorded as amateur athletes, spread over the entire United States. Our membership includes about 550 clubs with a total membership of certainly over one-half a million men. The investments of these various clubs mount up into the millions of dollars, and all of that is the development of a competitive desire in the improvement of the physical manhood. It all tends to the general improvement of the man in the belief that thereby you generally improve his citizenship. And so, speaking for them as well as for the Olympic committee and in the interest of the great field of recreation development that has spread and is spreading through this country, we urge upon you, especially, that you give the most favorable consideration to the opportunity afforded here in the Capital of the United States for the development of this playground.

The CHAIRMAN. Judge, has any municipality such a stadium?

Mr. WEEKS. None; such stadiums as we have are all college stadiums. The nearest approach to a municipal stadium is the Lewisohn Stadium in connection with the College of the City of New York; and, unfortunately, up to the present time that stadium has not been opened for general purposes. It is still restricted to the use of the college students except on special occasions, such as the Shakespeare tercentenary, when a permit was granted for it to be used. I am pleased to say that I understand an effort is going to be made to open that stadium during the summer months when the college is not actually in session, so that advantage may be taken of it.

The CHAIRMAN. How many spectators will that stadium accommodate?

Mr. WEEKS. I think not more than fifteen or twenty thousand.

Mr. HULBERT. Ten thousand comfortably.

Mr. WEEKS. But there is no municipal stadium. Many of the large cities have their playgrounds; they have their bathing beaches, and all that; but there is not yet any municipal stadium, and it seems to me most eminently fitting that the opportunity here afforded for a national stadium, one that could be used for all purposes of that kind, should not be lost.

The CHAIRMAN. Have you any knowledge of the attendance at these Olympiads?

Mr. WEEKS. I think the attendance at Stockholm on some days was over 40,000, and the attendance at Shepherds Bush in 1908 was 60,000.

Mr. GILLETT. At what season of the year do they come?

Mr. WEEKS. They come generally in July.

Mr. GILLETT. It would never do to have it in Washington in July.

Mr. WEEKS. Undoubtedly in early July they could be held with perfect propriety here. This picture shows the opening of the first Olympic games in Athens in 1896 and shows the rebuilding of the stadium there.

Mr. MONDELL. Foreign countries have municipal stadiums quite extensively?

Mr. WEEKS. Yes; for instance, the one at Stockholm is a municipally built stadium, and likewise the one at Athens. The one at Athens was presented to the Government by a Greek, but the other countries not only have built these stadiums for the Olympic games, but they have fostered and developed the contestants for the games. Other countries, for years before the Olympic games were held, have employed instructors to develop their teams and to present their competitors in the best possible shape, and the men who have competed from other countries have been sent to those games by the countries themselves. In the United States we have always had to finance our own athletic teams, and even where we had certain Army officers who went on our riding teams and some of our fencing teams, we even had difficulty in getting anything more than the barest transportation paid for their horses. The United States has been very, very far behind in any effort of liberality toward enterprises of this kind in the past; but, in spite of all that, we have, as you know, maintained the athletic supremacy of the United States against the world in every branch of sport where we had anything like a fair chance; and, undoubtedly, if a stadium could be built here, if not at the present time, in the development of this scheme, I believe it would be a distinct step in advance for the Nation in the development of the young men, and a distinct step in advance for the Nation in placing itself so that it can open its arms to the other nations of the world in 1920.

Mr. HULBERT. Mr. Chairman, may I now present Mr. Gustavus T. Kirby, the chairman of the advisory committee of the Intercollegiate Athletic Association of the United States?

STATEMENT OF MR. GUSTAVUS T. KIRBY.

Mr. KIRBY. Mr. Chairman and gentlemen of the committee, the question was asked Judge Weeks as to the time when Olympic games might be held, and if it were possible to hold them here in Washington. As one who for more than 20 years past has had a great deal to do with the athletics of the American universities I think I can speak correctly when I say that the main reason the Olympic games at Athens, Paris, London, and Stockholm were held in July, and not earlier than that date, was because of the impossibility of our college athletes finishing their college courses and getting there on time; and it was due to the recognition on the part of the countries of the world, not only of the desirability but of the necessity for the success of the games, of American representation, which would include not only those out of college but those in college, that the date was set as late as July. Now, if the games were ever held in this country there is no reason at all why the foreign contestants should not be able to come here in June, because their semesters are entirely different from those of our American universities and colleges, so that the climatic conditions of Washington, as we all are aware, being rather heated later in July, would not have any real bearing on the situation, because those games could readily be held in June.

Relative to stadiums, the stadium in Stockholm was planned to seat between 40,000 and 50,000; the one in London at Shepards Bush seated well over 70,000; the one which was erected in Berlin for the Olympic games projected to be held in 1916, if I remember correctly, was designed to seat over 100,000, was it not, Mr. Wendell?

Mr. WENDELL. Not so large as that. I was there at the opening of it, and I would say not more than 50,000.

Mr. KIRBY. There is a one-third of a mile track, Mr. Wendell, and I am pretty sure the figures were well over 75,000 and close to 100,000; but, so far as the necessity of large stands of that kind are concerned, it is only looking into the future. I take it that what we have before us now is a plan which is subject to those possibilities, perhaps.

The hope of those appearing before your committee is that those possibilities will be speedily realized, but we can quite well understand that in a large project of this kind one must make haste slowly. The first thing, of course, is to get the ground reserved for this special purpose. That, I take it, is what the bill does, among other things. Therefore it is altogether proper that one's attention should be called to similar projects in other cities and what they have accomplished and what they have failed to accomplish. For example, a live issue in the city of New York at the present time—and I speak feelingly, because I am one of the recreation commissioners of the city of New York—is the Riverside Drive. Now, if it had not been for the foresight of the citizens of the upper west side of the city of New York there never would have been any Riverside Drive. That section was practically reserved for a park. But if those citizens with civic pride and foresight had only looked into the future or planned a little more wisely than they did the present turmoil which is going on and this present plan for the expenditure of millions of dollars would have been unnecessary, because then they could have done what you gentlemen have opportunity to do to-day, not only to plan for the section to be set aside, but plan for the definite use of that section.

Here you have what, to those of us who have spent years in work of this kind, is believed to be a splendid layout. I speak not merely as a man closely in touch with athletics, but as one who helped, with others, to organize the National Playground Association of America, and one who has traveled far and near over this country seeing playgrounds, finding out their necessity, and studying the best means of laying them out, and I can say to you, being somewhat of an expert in those matters, that this layout is a splendid one, largely for the reason that it takes care of all ages and it takes care of all kinds of sports, those that you can enter into without having to go down into your pockets to buy implements, and not only those which people with more money can take part in. So no one can complain; on the other hand, everyone can be satisfied. Then again, in this plan, you should remember that a field, no matter how well laid out it is, is practically useless unless you have proper supervision. The playground is actually a menace unless it is properly supervised. So, in making your definite plans to use this, do not stop when you approve of the general layout, but plan for the supervision of the various bits of athletic and play activities which are to be in the various parts of this proposed stadium.

You have here baseball diamonds; you have got to have some one look after them. You have here a playground for the kiddies, and you should have some one there who knows how to direct their play, see that they do not hurt each other, and get the best out of that which is there. You have here opportunities for boating, and there is nothing more necessary than to have supervision over that, otherwise you will have dangers and accidents and consequent damage suits against the District of Columbia, whose city you are here to guard.

If I may speak from the standpoint of the college athlete, I say to you that there is a great demand for an athletic field of this kind for Olympic games and for games of the Amateur Athletic Union, which takes care of thousands of athletes not in the colleges. I can assure you that the Intercollegiate Athletic Association will be only too delighted to be able to hold its games elsewhere than at the two places open to it—the stadium on Soldiers' Field at Harvard and the athletic field of the University of Pennsylvania, Franklin Field, Philadelphia. Give us a field here that is worth while, and I can assure you they will be delighted to bring to Washington the big intercollegiate championships to be held the last Friday and Saturday in May of each year, the oldest organization of its kind in this country. Then, there is the bigger and even more important part, the part which affects the citizens of Washington, from the little boys and girls to the older men and women, the furnishing of an opportunity to have wholesome and well-directed play. It seems to me that Washington not only owes this duty to its citizens, but it owes this duty to the entire United States, because this city, above every other city in this country, is where people come and where you could furnish an object lesson in this work, it being one of the most progressive and popular subjects to-day.

I thank you very much for the courtesy of this hearing.

Mr. HULBERT. The next gentleman I am going to call on is not only the first American but the first athlete ever to have won the 100-yard, 220-yard, and 440-yard intercollegiate championship, Mr. Everet J. Wendell.

STATEMENT OF MR. EVERET JANSEN WENDELL.

Mr. WENDELL. Mr. FITZGERALD and gentlemen of the committee, I am very highly honored in being allowed to say a word on this occasion. I shall confine my remarks principally to the international Olympic games, as the other points have been touched on so successfully by Judge Weeks and Mr. Kirby. I am one of the three international Olympic commissioners from America. I have not had a chance—only having gotten to town late last night—to confer with my two associates, Prof. William M. Sloane and Mr. Allison V. Armour; but we have had many conversations on the subject and I think I can fairly say that I voice their opinion as well as my own when I say that if the Olympic meeting should be held in America there is nothing that would be nearer to the hearts of all of us than to have it held in Washington. All of us have a great deal of pride in having visiting men from other countries see the representative side of our country.

When the Olympic games have been held in Europe in the past they have been held in the capital, and each meeting has been graced by the presence of the King or Emperor, or whatever the particular royal designation happened to be, and should those games ever be held in America we would want them graced by the presence of our President, and we would want them to have the representative legislators of our Union there. We should want the games held under those dignified auspices. I can not say positively what the chances are as to the Olympiad of 1920. We had arranged to have the Olympiad held in Berlin within the next two months. For two years the committee has not been able to meet, owing to the sad conditions on the other side, but so far as our records are concerned the Olympiad is to be held in Berlin, although, of course, it will not be held there. As to 1920 I can not say positively, and can not tell anything about the meeting here in that year until the committee is called together on the other side and when conditions there make it possible for them to be called together. But intimations have been made that it would be agreeable to some of those on the other side to have the Olympiad held here in our country; that it might be difficult to find a place where the warring nations and their representatives could be gotten together so soon after the war as 1920 on the other side under conditions agreeable to all of them. Should it eventuate that the Olympic meeting of 1920 could be held in this country, it would be the very thing to have it held in Washington.

However, I think, gentlemen, it might be necessary, perhaps, for you to have a little preliminary enthusiasm and instead of having it come as an entirely new idea perhaps it might be well for you to make your arrangements for it. If this admirable bill and plan should go through, I think it would lay the foundation for a much more successful meeting if it should ever be held in America. The plan for a stadium, as drawn upon this plan, is not ideal for the purposes of international games. I have had an exceedingly pleasant talk with Col. Harts, and he assures me that in such an event the plan could be so extended or the plans could be so changed temporarily as to provide for a satisfactory stadium, and that additional seats could be provided outside of the 6,000 seats which are provided for in this plan, and that a temporary arrangement could be made for a stadium of any shape starting from that basis. So I think there would be no difficulty in that direction. If you realized how tremendously the American athlete is admired on the other side, if you realized how all the other nations looked up to us here as representing athletics, you would appreciate very keenly the importance of this thing.

When arrangements were made to hold the international games in Berlin, every one of the nations that wanted to compete sent over to America for an athletic trainer. There was one in Germany, there is still one in Sweden, and they wanted one in France. In fact, I do

not think a single nation that intends to go in earnestly for possible success in the Olympic games would ever think of being without an American trainer, and I hope with all my heart that the word will go forth into all of those nations of the world that in this representative city of our Nation the legislators are deeply interested in the subject, and that they want to have the thing properly done; that they want to have it properly presented to the world. I hope word will go forth, and go forth soon, that arrangements are on foot to have these perfectly wonderful athletic grounds so splendidly laid out, and that plans are on foot to improve civilization in the greatest country in the world.

Mr. HULBERT. Mr. Chairman and gentlemen, the next speaker whom I desire to address you is a man who has labored arduously in the cause of athletics. He was the president of the New York Athletic Club; he is now the president of the American Olympic games committee, and it was largely through his liberality that the United States was able to send a team over to Stockholm, which captured first prize and won this enduring fame which has just been referred to by the last speaker. I now introduce Col. Robert M. Thompson.

STATEMENT OF COL. ROBERT M. THOMPSON.

Col. THOMPSON. Mr. FITZGERALD and gentlemen of the committee, I know that you must, in your congressional minds, be considering this question: Upon what national ground you are justified in making an appropriation for this purpose. So far as you represent the Washington part, that is all right; but for the greater and national part you may ask why. I will tell you why. On our Olympic team going to Stockholm we had representatives from every State from Maine to San Francisco and north of the Mason and Dixon line. Curiously enough, there was not an athlete on that team from south of the Mason and Dixon line, except some Army officers who went over on the riding team. But that will never happen again, I do not believe.

Now, that shows this movement is national in its scope; that it has a tremendous effect upon the well-being and athletic development of the young I know, and if any of you gentlemen have taken an interest in athletics you will know it, too. You will know that our team was believed to be the product of a trained gladiatorial team, prepared by years of preparation. When I explained, as I did, to the representatives of the different governments that nobody knew who was to compose the team until 48 hours before we sailed for Stockholm they would not believe me. But our team was selected by the process of elimination, having tryouts in various centers and a final tryout in New York, and the winners over the winners were the people who went, and it was because of the great clientele back of the great number of young men who for years had been training themselves and improving their physique that we got the team we did get. There are few people in America who appreciate how we did stand. You probably read in the papers that a good many of the Americans were placed one, two, and three. They had three flagstaffs there in that stadium. When the flag in the center went up it represented No. 1; on the right hand there was a flag drawn up which represented No. 2; and on the left hand a flag drawn up which represented No. 3; and I can tell you our American hearts were stirred when three American flags went up time after time. But what our people do not appreciate is that if the three men who won those races had dropped out the three American flags would have gone up just the same.

In the Marathon race we did not win. A South African came in and won it, because they did not run according to orders, while our men ran true to orders. We had 10 to start and all of them finished, but when they came in the South African fell across the line, while our people ran across and could have gone on running. The leader of the English national committee said to me that the shape in which our men finished was one of the most startling things to him. Very few of us stop to think what it means to prepare for Olympic teams. It means years of making the best of one's physique; it means living a sober, chaste, and active life, and that is the example you will be setting the young men of the country by the establishment of such a place as is here provided. The expenditure seems to be a great item; but, after all, what is it? It will send ahead the whole of the United States; and think what it means to our young men. Believe me, it is serious and it is important.

Mr. HULBERT. Mr. Chairman and gentlemen, may I present Mr. Anthony J. Barrett, the chairman of the athletic committee of the Irish-American Athletic Club, of New York, which has participated in every set of Olympic games and won a greater number of points than any other athletic club which competed?

STATEMENT OF MR. ANTHONY J. BARRETT.

Mr. BARRETT. Mr. Chairman and gentlemen of the committee, the advisability of building a national playground has been so conclusively demonstrated by the preceding speakers that it would be mere surplusage for me to add anything to what they have said in that respect, and I will confine my remarks to the peculiar appropriateness of having the playground in the location selected by Col. Harts. I think it is peculiarly appropriate that the national playground should be in the shadow of the National Capitol and on the historic banks of the Potomac. It seems to me that a playground situated in that particular locality will do more to instill in the minds of the young men coming from all over the country—from Texas, from Oregon, Maine, and California—a spirit of broad Americanism than anything else and instill in their minds an appreciation of the greatness of the country and the need for an intense national feeling. We need playgrounds where the different elements of our population can meet frequently, know each other's characteristics, and by that means form a great American people.

You would not have so many heterogeneous elements if those various elements had an opportunity to know each other better, and no place could be more appropriate for the meeting of the different elements that compose our population than a national playground under the shadow of the National Capitol, where they know there could be no antagonism, but only the rivalry to excel. It seems to me that as statesmen you are interested not only in the present moment but in posterity, in future generations of Americans. The American young men who, four or five hundred years from now, may travel from any part of the country to meet his competitors in the national stadium at Washington, can look back on a long series of national championship meetings held here and can feel a pride in realizing that he knows the great national champions of America, men who compete not for money, not for sordid gain, but for something idealistic, pure athletism. There is nothing which approximates more closely lofty patriotism than competition in athletic sports. I will take the liberty of bringing to your attention the fact that people from all over the country, in every hamlet, every log cabin, every village and town, are keenly interested in the affairs of Washington. In their morning papers they turn to the Washington news to see what is developing in the National Capital. It is rather nice for those people to read about the statesmanlike acts of their national representatives, to read of the combats of the intellectual giants who congregate here, inspired by lofty patriotism, and how nice it would be if, in the same columns, they could read about the athletic triumphs of the men who compete here in a national stadium.

I think, gentlemen, for these and many other reasons, which appeal strongly to your keener intelligence, that you will see the advisability of making an effort to have an appropriation made for this national stadium.

Mr. HULBERT. Mr. Chairman and gentlemen, I would not want to close this hearing without introducing to you the president of the Metropolitan Association of the Amateur Athletic Union of New York and secretary-treasurer of the Amateur Athletic Union of the United States, Mr. Frederick W. Rubien.

STATEMENT OF MR. FREDERICK W. RUBIEN.

Mr. RUBIEN. Mr. Chairman, there is not anything that I have to say other than to call attention to the CONGRESSIONAL RECORD of May 8, in which an interview given to a New York newspaper man was published in the extension of the remarks of the Hon. CHARLES P. COADY. That covers my views on the matters under discussion.

(Said interview was entitled "Why American athletes lead—System, thoroughness, and unflagging effort chief causes, says F. W. Rubien—Advance ever under way—Sports far more general over here than in other lands and boys better trained—Favors national stadium—A. A. U. heartily favors project for great field at Washington, where 1920 Olympics may be staged," and will be found printed in full on page 8618, CONGRESSIONAL RECORD.)

* * * * * * *

I would like to read a letter from the mayor of Chicago, William Hale Thompson, who is one of the delegates at large of the Amateur Athletic Union. He says:

"I am writing to say that I appreciate the appointment as a member of a committee to be present at the hearing on the bill introduced in Congress providing for the erection of a stadium in Washington, and I regret that it will not be possible for me to be present and participate in the hearings that will be held Friday, May 12, upon the subject.

"Realizing the importance of encouraging a healthful recreation, some 16 years ago while a member of the city council, I was instrumental in the passage of an ordinance creating a children's playground, which was the beginning of the great system now in operation in this city.

"I congratulate you on having interested Congress to consider the building of a stadium for the encouragement of athletics, which, I believe, our Federal Government has been rather slow in recognizing."

I have received hundreds of letters from all over the country praising us for our stand in this matter and hoping that the efforts of the Amateur Athletic Union will be successful. I might call attention to the fact that every member of this delegation is an amateur; there is not a professional instructor present or anyone interested in athletics in any way who receives pay for his work. We are all giving our time and labor to develop the American youth, and we feel that something ought to be done by the Federal Government to erect a model playground and stadium in the city of Washington.

Mr. HULBERT. Mr. Chairman, if I may have your permission and that of the committee, I would like to ask a question of Col. Thompson. I want to ask him how many nations participated in the Olympic games at Stockholm?

Col. THOMPSON. My recollection is that there were 39 nations represented by athletes at the games. Now, gentlemen, remember that in 1920 the United States will be the only first-class Nation where it will be possible for these nations that are now at war to come together. It would be a good thing if we could bring these nations together here, have them meet under our auspices and bring about the same state of mind that prevailed after the Stockholm games, when America had more influence than any other nation in the world. At the congress held in Paris in 1914, just before the war broke out, anything the United States asked for was granted, but anything that any other nation asked for was attacked and defeated.

Mr. EAGAN. Was that an athletic congress?

Col. THOMPSON. Yes, sir. It was a congress called for the purpose of passing rules which would have governed these 1916 games at Berlin. We were the leaders; they accepted our athletic leadership in every way. Now, if we get them over here in 1920 we will have the greatest chance in the world of renewing friendships and extending our influence. It is an important factor. There is no question but that those games had a great deal to do with the international relationship that now exists. It was the meeting not of your politicians, not of your diplomats, not of your armies and your navies, but of the people, young men representing, as they did, every walk in life, meeting the same type of people, making acquaintances and sending word back to their homes as to just what the people were. The result of that meeting unquestionably was to advance our influence in every way.

Mr. EAGAN. If these Olympic games were held here, is it likely that they would attract a great many athletes from the Latin American countries?

Col. THOMPSON. Yes, sir; they would unquestionably come. You have no idea how many of the countries were represented. There were representatives from the Orient, from Japan, from Siam, from China; there were representatives from Chile, from Argentina, and from Brazil; there were representatives from every European country, and in the Olympic games all of the countries represented were known as nations. For instance, Finland, although politically a part of Russia, was considered as a distinct nation; Bohemia, although a part of Austria, was treated as a nation. South Africa, New Zealand, Australia, and Canada stood individually; they did not come as a part of Great Britain.

Mr. EAGAN. Is it not true that men who compete in these contests are drawn from that class of the population in their respective countries that in subsequent years achieve prominence in the political and commercial affairs of their respective nations?

Col. THOMPSON. That is very largely true; yes. Speaking for the United States, 90 per cent of them were college graduates or undergraduates. For instance, the Kaiser's son was one of Germany's representatives on one of the teams. From France came men distinguished in every walk in life, and from every nation came distinguished men. I think it is true that about one-half of the membership of the international committee have passed away, having been killed in this war.

Mr. WENDELL. Not so many as that.

Col. THOMPSON. Well, it seems to me I am getting the names of so many who have been killed that it would appear to be that many who have been killed in that war.

Mr. KIRBY. The contests in the Olympic games are not limited to field and track events; there are other branches, such as riding, fencing, etc. In the competitions they have the very finest exponents of the military side, and also the very finest exponents of fencing and horse riding and the other gentleman sports of the other side, as they might be termed. They are all active participants in the Olympic games.

Col. THOMPSON. When we marched into the stadium on the opening day our men appeared to great advantage. They were taken in charge on board ship, and on the last four days before getting to Finland Col. Foltz, of the Army, who was there with a riding team, trained them in marching, so that when they marched in they had such a military bearing and marched together so well that the Europeans were convinced they were a military body. But it was simply the adaptability of the young men; it was their intelligence; they threw themselves into it so heartily that such an appearance was made possible.

After we came back a French athletic paper said, "You may talk about American training, you may talk about their trainers, you may talk about this or that, but until you can inspire your men with the same patriotic feeling that those young men showed you can not compete with them." Those athletes locked themselves up in their rooms each night and kept away from the temptations all around them; they kept away from the things which all young men like to do; they came back to the ship and went quietly to bed and, day after day and week after week, lived an exemplary life until the games were finished, and all because they were there representing the United States and not representing themselves.

Therefore, for its effect upon the national spirit and as an aid toward the preparation of the young men of the country to take care of their bodies, it is a big inducement to have this stadium in Washington. New York or any of the other great cities is not the best place for them to go, but it is much better that they should come here and learn the lessons of patriotism under the shadow of the Capitol.

Mr. GILLETT. Is not your main reason for wanting it located at Washington the fact that Washington would be the most appropriate place for holding the next Olympiad, and the fact that they would not consider having it in this country in 1920 without it?

Col. THOMPSON. No, sir; I would not put it that way. I think it should be regarded in this way. I doubt whether it would be contingent upon that; yet the event has come to be regarded as so important a matter that all the other nations send it to their capitals.

Mr. MONDELL. But the fact that it was to be held here might be a controlling factor in the decision of whether it would come to the United States?

Col. THOMPSON. I think that might be a controlling factor, that they were inviting them to the capital of the country.

Mr. EAGAN. Do you think that Washington, being so far removed from the great centers of population, would be at a disadvantage?

Col. THOMPSON. No, sir; on the contrary, I think that Washington is just large enough for it. Take, for instance, the city of Stockholm. The city made itself a part of the celebration, and everybody, from the King down to the lowest and commonest porter, was celebrating the Olympiad.

Mr. EAGAN. It is the custom to have the Olympian games at the capital of the nation in which they are held?

Col. THOMPSON. That is true of every country except this. We had it at the beginning at the St. Louis Exposition. We had it at St. Louis, but it was not a very successful affair. It has been held at Paris, France; London, England; Stockholm, Sweden; and at Athens. Therefore, if it came here again, I should personally feel, whether you build a stadium or not, we should have the Olympiad to take place in Washington, in any event.

Now, one thing more, and perhaps I might speak on this from my own point of view, because of my interest in Annapolis and West Point. Those great games between those two national universities are now held in New York and Philadelphia, and they are made the occasion for a great public outbreak. This is the place for those games. They would not have gladiatorial contests here, but they would come here for those games, and that alone is reason enough for putting up that stadium.

Mr. HULBERT. Mr. Chairman, I am mindful of the fact that we were to suspend at 3 o'clock. Something was said by one of the previous speakers with reference to the fact that there was no city owned stadium. Although the far West is not represented here to-day, at least, in the personality of any representative, it nevertheless is representative in the fact, if my information is correct, that it has by precept and example done in the city of Tacoma, Wash., what we are trying to do here in the city of Washington to-day. I would like to ask Mr. Kirby whether that is correct.

Mr. KIRBY. It is correct that the city of Tacoma, Wash., took advantage of a good location to erect on what was vacant land of practically no value the most beautiful athletic field and stadium in the world. It has a natural slope, with the seats rising up on each side of the hill—the stadium having a seating capacity of some 40,000 people—looking out toward Puget Sound. The city makes use of that stadium in the best possible way. There it has not only athletic meets but there it has its large civic gatherings; there it has its big musical entertainments, both by instruments and by choruses of thousands of voices; there it has great meetings and demonstrations, and there one can speak and be heard by over 20,000 people. Now, that is the way that city took advantage of just such an opportunity as is before the city of Washington to-day.

Mr. EAGAN. Are the stadiums at Berlin and Paris municipally owned?

Mr. KIRBY. The one at Stockholm is, also the one at Berlin. The one at Shepherds Bush, London, was quasi-private property, started in connection with an exposition, as was ours at St. Louis. The one at Stockholm, the one at Berlin, and the newly erected stadium between St. Petersburg, or Petrograd, and Peterhof, Russia, are city owned, and I think the city owns the one at Paris.

Mr. EAGAN. Have the national Governments of those countries done anything toward providing stadiums?

Mr. KIRBY. Yes, sir; the one at Berlin, if I am correctly informed, was constructed entirely under the Imperial Government.

Col. THOMPSON. It was built entirely at the expense of the Imperial Government.

Mr. KIRBY. As showing the warm bond of friendship formed at Stockholm, it might be of interest to say that on the entrance gate of the Stockholm stadium is a large plaque, designed by Dr. Tate McKenzie, of the University of Pennsylvania, and presented to the Government of Sweden by the American Olympiad committee, and accepted by that Government as a friendly act on the part of the United States.

Mr. HULBERT. There are a number of other gentlemen here whom, with the kind permission of the committee, I would be glad to introduce. I want to correct one impression by saying that in addition to the stadium at Tacoma, Wash., there is a city-owned stadium in the congressional district which I have the honor to represent. The Lewisohn Stadium, which has been referred to, is owned by the city of New York, and we are going to make an arrangement through Mr. Lewisohn and the mayor of the city of New York to open it during the summer months after the City College closes for the use of the people of the city.

The CHAIRMAN. It belongs to the City College?

Mr. HULBERT. It belongs to the city of New York. The City College is a city institution.

The CHAIRMAN. It was not built by the city, was it?

Mr. HULBERT. It was erected by Adolph Lewisohn upon public property and presented to City College and is maintained by the city of New York. The gift was made by Mr. Lewisohn with the understanding that it would be thrown open to the public.

I would like to have noted the presence of Mr. George Minor, president of the Harlem Athletic League, which embraces some 12 athletic clubs, all in my congressional district; Mr. P. J. Conway, president of the Irish-American Athletic Club; and Mr. Latrobe Cogswell, of Baltimore, president of the South Atlantic Association of the A. A. U. There are also a number of my colleagues present, some of whom may desire to speak on the subject.

The CHAIRMAN. They can be heard at some other time.

The Clerk read as follows:

Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Has it been decided that this language "driving of horses and vehicles" authorizes automobiles? It seems peculiar language to cover automobiles.

Mr. FITZGERALD. That is for transportation for the occupants of the White House.

Mr. MANN. I understand; I am not complaining about that; but the language is "driving of horses and vehicles."

Mr. FITZGERALD. That is the language that has been carried for years, and under it automobiles have been obtained for the White House.

Mr. MANN. I am aware of that. I ask if it has been decided that this covers automobiles. I suppose it went into the bill in this form at the time our Democratic friends were declining to purchase an automobile for the Speaker, and wanted to conceal the fact and put it in under the form of "driving of horses and vehicles."

Mr. FITZGERALD. It has been in here for a great many years, and motor-propelled vehicles have been purchased under it for eight or nine years.

Mr. MANN. I do not think it has been in this form as long as the gentleman thinks. It used to be "horses and vehicles." In other words, we still appropriate guilelessly for horses and carriages because we were afraid on that side of the House to say automobiles.

Mr. FITZGERALD. The gentleman is not reading it carefully; this is for the purchase, maintenance, and driving of horses and vehicles.

Mr. MANN. I have read it carefully; I have read it in the House seven or eight times in the last five minutes.

Mr. FITZGERALD. It is for the purchase, maintenance, and driving of horses and vehicles, and that is the common expression.

Mr. MANN. The gentleman can not find it in any appropriation bill, and he has reported quite a number. He offered an amendment this morning for automobiles, but not in this language, and there is no other place where we appropriate for automobiles in that language. No one who has any respect for the English language would put it in that way.

Mr. FITZGERALD. It is for automobiles; and if anybody objects to automobiles, let him do so.

The Clerk read as follows:

For hospital, including the same objects specified under this head for the Central Branch, $52,000.

Mr. ANTHONY. Mr. Chairman, I would like to ask the chairman of the committee a question. I notice that the proviso has been omitted that has heretofore been carried in the bill in this item.

Mr. FITZGERALD. It was omitted for the reason that heretofore the proviso carried in this item was that oil should not be used if it cost more than coal. There has been an unprecedented increase in the cost of oil, and it is believed that very likely it will cost several thousand dollars more in the next fiscal year to use oil than it will to use coal. In order to use coal, however, it is necessary to install, at a considerable expense, a plant that will be required to handle the coal most economically, and that would cost $90,000. The committee determined not to include the proviso on account of the exceptional

conditions, but wait until the next session and see whether the prospects are that oil is going to be so much greater in price. Figuring the price of oil at 3.7 cents, which is high compared to what it has been, it is estimated that with oil it will cost $68,000; with coal, stoker fired, $55,000; and coal, hand fired, $64,000. In order to have coal stoker fired it would necessitate installing an apparatus that would cost $90,780, and to have coal handled by hand would involve an expenditure of $26,265. It seemed to the committee that conditions were abnormal just at present and that it would be unwise to appropriate for a change under the existing conditions. If the proviso is inserted in the bill and this year the price of oil continues, it would be impossible to purchase the oil, and unless $90,000 were appropriated to install the apparatus to permit the burning of coal it would be impossible to utilize coal, so that the home would be in the unfortunate position of being unable to obtain any kind of fuel in order to heat and maintain it.

Mr. ANTHONY. Has the gentleman noticed the statement of Col. Wadsworth, the Inspector General, on page 476 of the hearings, where he makes the unequivocal statement that if he is compelled to use the most economical fuel this year, unquestionably they would have to use coal?

Mr. FITZGERALD. He made that statement, but that necessitates the expenditure of $90,000 for the apparatus. If oil is to continue in the future at about the same level of cost that it has been in the recent past, then undoubtedly it will be more economical to use coal, and I have no doubt that the proper thing to do would be to provide——

Mr. ANTHONY. Mr. Chairman, I have a little information for the chairman of the committee. Has the chairman been informed that the Standard Oil Co. itself, which makes this fuel oil at the Sugar Creek Refinery, has ceased the use of the fuel oil at its plant and instead buys coal for its own fuel?

Mr. FITZGERALD. No; I am not sufficiently in touch with the Standard Oil Co. to be furnished with that information so quickly.

Mr. ANTHONY. I will say that I am in touch with them, and that I heard that statement made on the floor the other day, and yesterday telegraphed the Standard Oil Co. and received a reply that it was true, that in the plant where they make this fuel oil for the Leavenworth home they themselves burn coal for fuel, and yet this bill puts the Government in the attitude of paying freight on that fuel oil, transporting it to a distance, and using it for fuel.

Mr. FITZGERALD. Mr. Chairman, the situation is just as I have explained it, that it has been more economical to burn oil, and that if the provision that has been in the bill for several years is incorporated this year and oil maintains the same level of price that it has in the recent past, under the provision it would be impossible to purchase oil. They could not use coal unless they obtained the apparatus required, which will necessitate an appropriation of $90,000. The committee believed it wiser to permit the expenditure for the next year of about $4,000 more for the purchase of oil than it would be to install the $90,000 worth of apparatus because of the abnormal condition which exists. It is impossible to have a situation there where the plant will be such that you can change from coal to oil as the price fluctuates. What has to be taken into consideration is what is the most economical thing covering a course of years.

If oil is to continue at the high price it has been, and if next year the results show that it would be more desirable and economical to burn coal, even with this investment, I have no doubt that the committee would be glad to provide for the change back to coal. They did burn coal at one time, and it was found it was cheaper to burn oil, and they changed the system. Then comes an unusual situation, and it appears that in the immediate future it will be cheaper to burn coal. The committee thought it wiser to continue the situation as at present until in the course of a few months it will be determined whether this increase of oil is to continue.

Mr. ANTHONY. This controversy, as the gentleman remembers, has been going on for four or five years, and the situation is a good deal as the gentleman says. To make the change will involve a considerable expense for extra equipment. All along I have contended, and I believe, it is an undoubted fact that coal itself is and has been the cheapest fuel under all circumstances, and the question has been with the committee I think in the past that it was not warranted in making this change because of the expenditure necessary to convert the plant back to the facilities for burning coal. My argument is now, I will say to the gentleman, that we have reached the time when it would easily be an economy to the Government to make that change, even if it cost $75,000 to-day for the new steam plant, because there is easily a difference this year of $15,000 between coal and oil.

Mr. FITZGERALD. There is a difference of only $4,000.

Mr. ANTHONY. Let me explain to the gentleman why that is so. For some reason in the hearings the first figures the gentleman had from the board of managers have not been put into the hearings, and I believe the board of managers have resorted to a little trickery in attempting to deceive the gentleman's committee.

Mr. FITZGERALD. We have printed everything that has been presented to us.

Mr. ANTHONY. Let me say to the gentleman that I was present in the committee room when the board furnished the first set of figures. Under the first set of figures, based on the questions asked by the gentleman from Wyoming [Mr. MONDELL], the board stated it showed a difference of $13,000 in favor of coal. Col. Wadsworth admitted it did, and then, on February 12, Col. Wadsworth sent to Leavenworth and got the governor of the institution to make an entirely new statement, which has been furnished to the gentleman's committee, and which has been substituted for the original statement, which puts an altogether different face on the situation.

Mr. FITZGERALD. We put into the report what Col. Wadsworth said. It is perhaps clearer in the report than I could quote it to the gentleman, because it involves going over the figures. He says:

> The governor of the Western Branch is a very conservative business man and has put together the figures in very good shape. I would like for this report to go into the record as a part of my statement.

And the Committee on Appropriations has printed in the record that report.

Mr. ANTHONY. If you will read that modified report printed here, you will find absolutely no saving on the face of it. I am borne out by the questions of the gentleman from Wyoming [Mr. MONDELL], who remarked during the committee hearing, "Your figures show a difference of $13,000 in favor of coal."

Mr. FITZGERALD. I will read what the gentleman is hunting for and can not find, on page 478:

> This shows an annual saving for hand-fired coal of $4,217.50 and by stoker-fired coal $13,505, as against use of oil.

That statement, the gentleman said, was not in the hearings. It is here. We print everything that is furnished us.

Mr. ANTHONY. Nevertheless, the figures of this supplemental report—and it is a supplemental report, because it was gotten up and dated from the time the discussion first started before the committee, and figures are used there that are apparently padded on their face, I will say to the gentleman——

Mr. FITZGERALD. I do not think so.

Mr. ANTHONY. I think they are, with the intent of deceiving your committee. Let me point to something, for the information of the gentleman. The governor of the home, in his report, says it will take 26,000 tons of coal for the next year. Directly in opposition to that is the report of the United States Bureau of Mines, which the gentleman from New York secured two years ago, which estimates 16,000 tons as being sufficient for that purpose. Now, there is apparently too wide a range of difference in these estimates. So it seems to me the committee is placing reliance upon——

Mr. FITZGERALD. Where does the gentleman read from?

Mr. ANTHONY. I am reading from the supplemental report filed——

Mr. FITZGERALD. What page?

Mr. ANTHONY. Page 477.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent for 10 minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. The board of managers undoubtedly knew when they came before the Committee on Appropriations this year that they would be unable longer to use fuel oil at the price they will have to pay for it. Last year they paid $1.14 a barrel. This year it has jumped to $1.70 a barrel, which is the very least they could buy it for, and on this basis, I will say to the committee, and the figures are borne out by all the figures that can be made of these two prices, if the Government is to continue burning oil at that institution, there will easily be a difference of $15,000 to $18,000, in my opinion, between the cheapest coal and the price at which you will be able to buy oil.

Now, granting the statement of the gentleman from New York, that it will take $75,000 to $90,000 to change the power plant at that institution, it will still be economy for the Gov-

ernment to make that change. In five years' time the Government would earn the price of that plant.

All experts will agree that oil will never be as cheap as it has been in the last few years. The only way you will get cheap oil again in this country will be through the discovery of new fields. When new fields were opened up a few years ago in Texas and Oklahoma, oil was cheap, and fuel oil, the refuse product, was sold very cheaply, and that was the reason this home went on the oil basis. Now, those days are past. Oil is climbing sky high, and it is absolutely ruinous for any business industry to continue using fuel oil.

I can not find a single business industry in that entire country—none of the great manufacturing plants, none of the big packing plants located in the same city, Kansas City—that now uses oil for fuel. The only place where it is used is at this Government institution at Leavenworth. This institution is located in a coal-mining field. It is a local industry, and, naturally, the spectacle of the Government using this expensive oil causes a great deal of local controversy on that point, and that is the reason why I am interested and why I am bringing the matter to the attention of the House.

Now, I think the proper way for the House to proceed is to put a limitation on this appropriation compelling the board of managers to use the most economical fuel. If it will require the construction of a modern steam plant there, by all means build the new steam plant. Let me say, further, to the gentleman from New York that the Leavenworth home is the only home that has an antiquated steam plant at the present time. Before the committee last year information was brought out that every other old soldiers' home had a modern plant and that the Leavenworth plant is the only antiquated one, and, of course, for that kind of a plant oil may be the most efficient fuel; but the plant itself should be made modern, and I believe that the conditions there justify the expenditure, and that at this time the committee should put a provision in the bill for the cheapest fuel, for oil will never again go back to the old low figures, and if this Government will proceed to make the proper installation the better off the Government will be.

Mr. HOWARD. Will the gentleman yield for an interruption?

Mr. ANTHONY. I will.

Mr. HOWARD. The gentleman makes the statement that crude oil will never be back to the old figures. Now, why should not crude oil recede in price very rapidly after this European condition is over?

Mr. ANTHONY. Let me say to the gentleman I gave the reason; that in my opinion unless new oil fields are opened up you will not get oil back to the old figures which prevailed when the fields of Louisiana, Texas, and Oklahoma were first opened up.

Mr. HOWARD. The statistics of the Bureau of Mines show there were 8,460,000 barrels more of crude oil produced in 1915 than 1914, and it is simply a combination of unrestricted trusts that have gotten together that has made the price of gasoline and crude oil go sky-high.

Mr. ANTHONY. I will say to the gentleman we are up against this condition of prices. We have conditions for a Government establishment——

Mr. RAGSDALE. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. RAGSDALE. Does not the gentleman know right now there is a great restriction of the amount of oil and gasoline to be furnished, that if we could open up the Tampico oil field and put it on the market——

Mr. ANTHONY. Let me say to the gentleman that the fuel oil from that field would never get into this local market.

Mr. RAGSDALE. If that oil was put into competition it would affect the entire market?

Mr. ANTHONY. That might be. I want to quote to the House the statement of the United States Geological Survey on the relative economy of oil and coal.

Under their investigations they claim that 76 pounds of water can be evaporated by coal for 1 cent; that only 58 pounds of water can be evaporated by oil for 1 cent, comparing the prices for coal and oil that were then prevailing, the $2.10 per ton for coal and the 69 cents per barrel for oil prevailed at the time these figures were made. Now coal is $2.50 a ton and oil is $1.70 a barrel. I hope the House, in view of the present emergency that confronts the Government, admitted, as it is, by the board that with the provision for the most economical fuel it will have to burn coal, will leave this provision in; and then, if economy demands coal there, let the Government practice economy. The institution needs a new power plant. Let us have it, and do away with all this controversy concerning it. I offer this amendment, and I hope the gentleman from New York will accept it.

The CHAIRMAN (Mr. FOSTER). The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the semicolon in line 12, page 91, the following:
"*Provided*, That no part of this sum shall be used for fuel oil if coal as a fuel can be procured more economically.

Mr. ANTHONY. Mr. Chairman, I want to say further that I have here a letter from one of the coal companies operating in that field, stating that the soldiers' home authorities have already asked for bids for both oil and coal, so as to be prepared for any action this House may take on that question or of the new conditions which I have shown do exist. It shows that they have asked for 37,000 barrels of fuel oil for the coming year, which at $1.70 per barrel would cost $62,900. It shows that the estimate is 18,000 tons of mine-run coal at $2.50 a ton, which will cost $45,000, a difference in favor of coal of $17,000. Of course there are the circumstances that the gentleman from New York has told the House about. Here is the added expense of using oil. It will possibly require a new plant; and, gentlemen, it is my judgment that it will be economy to equip that plant to use coal, and I hope the House will do it.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. There has been a controversy as to whether coal or oil should be used as fuel in this home. In 1907, because of the excessive cost of coal in this home, the plant was changed to an oil-burning plant. The average cost of oil in the nine years has been $0.0211 a gallon. Recently, because of the abnormal conditions, oil has increased until the price is $0.037 a gallon. The Committee on Appropriations two years ago had an independent investigation made by the Bureau of Mines and by the Quartermaster's Department of the Army, and both of the reports were practically in harmony, and both were to the effect that it was cheaper to continue burning oil at that institution. Both of those reports disclosed the fact that it would require the expenditure of $90,000 to change the existing plant to a coal-burning plant; and if that were done, and oil thereafter increased in price, it would be impossible to use the oil because the plant had been changed to be utilized for coal. Now, in the investigations that were made—and the gentleman from Kansas has not made the matter very clear—it appears that in 1907, the last year that coal was used in that institution, 23,435 short tons were consumed, and to that, on account of increased radiation since installed, should be added 3,327 additional short tons. In the calculation made by the Bureau of Mines and by the officials of the home the amount of coal to be used was fixed at 16,538 long tons. Thirty-one per cent less coal than was actually consumed the last year that coal was used, and the price that the gentleman now speaks of—$2.50 a ton—is 36 cents less than the Bureau of Mines estimated that coal could be obtained for. Now, it seemed to the Committee on Appropriations that, considering the average cost for a period of nine years for oil and coal, the saving has been in favor of oil over the stoker-fired coal $13,000 a year, and from hand-fired coal of $22,000 a year.

Mr. ANTHONY. The gentleman surely does not mean that.

Mr. FITZGERALD. I do mean it, and I am reading it from the report of a competent and efficient person.

Mr. ANTHONY. I do not think the gentleman can show, even by the most biased figures, that there is a saving effected.

Mr. FITZGERALD. I decline to yield further. I did mean it, and I just read it, and I have read it from the statement that was made to the Committee on Appropriations.

Mr. ANTHONY. Where did you get the report? You say there is a saving. Where is it?

Mr. FITZGERALD. The gentleman will find it on page 478 of the hearings before the committee.

Mr. ANTHONY. That is the annual operating expense and not saving.

Mr. FITZGERALD. I will read it again. It says that, substituting the amount, the average price of fuel or fuel oil during the period of nine years while it was down to $2.11 per gallon, 1,650,000 gallons of oil at $0.0211 a gallon would amount to——

Mr. ANTHONY. Will the gentleman yield?

Mr. FITZGERALD. I will not.

Mr. ANTHONY. The gentleman from New York interrupted me, and I was very liberal with him.

Mr. FITZGERALD. I decline to yield at present.

Mr. ANTHONY. I was calling the attention of the——

Mr. FITZGERALD. I decline to yield to the gentleman, and I hope his remarks will not be included in what I say.

The CHAIRMAN. The gentleman from Kansas understands the rules of the House, the Chair is sure.

Mr. FITZGERALD. I decline to yield to the gentleman at present.

Mr. ANTHONY. All right.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. I have the same trouble every time this matter comes up. The gentleman from Kansas [Mr. ANTHONY] does not wish to have the information presented to the committee. I have no interest in this matter except to do what is best for the Government. Two investigations were made in order to satisfy the gentleman from Kansas and the Committee on Appropriations as to what was the proper thing, one investigation by the Bureau of Mines and one by the Quartermaster's Department of the Army. After those reports were submitted the gentleman from Kansas attempted to convince the House that they were both biased against coal. I take it they were acting in the best interests of the Government. Now, this report shows that, taking these figures, figuring on coal at $2.50 a ton instead of $2.86—which the Bureau of Mines said would be the probable price—the cost for oil was $42,415; for coal, stoker-fired, $55,000—and that would require an investment of $90,000; for coal, hand-fired, $64,000. That would require an investment of $26,000.

Now, what would reasonable, sensible men do, in view of the fact that there has been this saving of $13,000 annually for nine years over coal hand fired and $22,000 a year over coal stoker fired? When an unusual situation arises and the price of oil is abnormally high, would it be sensible to expend $90,000 to change the plant so that oil might never be used again and the use of coal in this plant would be compulsory? The committee has done the reasonable thing. Here is an abnormal situation. No one can tell at present whether oil will continue on this high level. Unquestionably it will cost $4,000 more to burn oil next year than it would to use coal stoker fired, but the committee thought it better to permit this expenditure of $4,000 for the next year rather than to spend $90,000 in changing this plant from an oil to a coal plant, thereby making it impossible to ever again utilize oil as a fuel if it cheapens in price. The committee thought it better to wait and ascertain at the next session of Congress whether this abnormal level is to be maintained. The board of managers stated that they favored oil. Col. Wadsworth, the inspector general, said:

> The prices of to-day would suggest that we turn to coal; but if you will take the prices covering a period of nine years you will see that there is a considerable saving in favor of oil, and we hardly feel that we ought to accept to-day's prices for oil as representing a permanent condition and turn to burning oil.

It is an abnormal condition, and that is the view the committee has taken. I am not interested in the question of whether this institution burns coal or oil. It is immaterial to me, but I am interested in having the Government obtain the most economical fuel, and I am not in favor of making this investment for a coal plant when we are apt to be at the mercy of the local coal dealers. Why, we had a coal deposit right on the home grounds, and it has been leased to the people who want to sell the coal to the Government. Instead of retaining that and utilizing it as a fuel in the home, we turned it over to people who are now anxious to have us invest $90,000 in order that they may sell us our own coal, which they would be mining under a lease. If we had been buying that coal, or coal of the locality, for the past nine years at the price of $2.50 a ton, it would have cost us over $200,000, but at the price at which the Bureau of Mines says it can be obtained it would have cost us nearly $400,000 more than we bought the oil for.

I hope the amendment will not be agreed to.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. I think the mistake the committee is making in this instance is that it has allowed itself to be guided by figures which have been furnished to the committee mainly for the purpose of influencing it to allow the board to continue to burn oil. One of the members of the board of managers, in conversation just at the time of the hearing before the gentleman's committee, said to me, "Sure, it is going to cost us more money to use oil instead of coal this year, $15,000 more perhaps; but it is such a clean, nice fuel, let us use it." I contend, gentlemen, that is not the way that the Government of the United States should run its business. It may be nice for these gentlemen to have clean fuel, easy to handle and easy to burn, but the taxpayers of the country demand that the Government shall use economy in the transaction of its business affairs, and one of the things that the people of the country are objecting to now is the way that our governmental expenses are running into billions of dollars, and this one item that comes from the committee impresses itself on my mind as an example of exactly the way billion-dollar sessions of Congress are made. I believe earnestly and honestly that the right thing to do, instead of going by figures that are furnished perhaps for the purpose of misleading the committee, is to take the figures as they exist to-day; and as the chairman of the committee admits that the price of fuel oil has mounted up 30 per cent more than it was last year we should take the situation as it exists and provide a proper limitation on the appropriation.

Mr. MONDELL. Mr. Chairman, we have no means of knowing whether the present price of oil in this Kansas territory is to be maintained or not. If oil continues to be as high as it now is, it will be the part of wisdom to change this plant from an oil-burning to a coal-burning plant. As a matter of fact, the committee considered pretty thoughtfully and carefully the question of making that change this year, but I do not believe we would have been justified in making the change without being more fully assured than at present that the high price of fuel oil is permanent. In my opinion it would not be wise to change from oil to coal in a temporary way. True, without any very great expenditure, we might arrange to burn coal at this plant, but we would not so burn it in a very economical or satisfactory way. When the plant is changed from an oil-burning to a coal-burning plant it should be thoroughly overhauled and remodeled, and the necessary changes made in order to burn the coal economically and satisfactorily.

If oil remains as high as it is now during the coming fiscal year, the long fight which our gallant young friend from Kansas has made will have been won. He is entitled to have won it before now, if earnest and energetic effort should have its reward, for he certainly has been very earnest and energetic in this matter. As a member of the committee I should have been very glad indeed to have seen my way clear to have approved of the change from oil to coal burning that he desires. I am inclined to think that it will be brought about by the logic of events next year, because, whatever our friend from Georgia, who made some remarks upon the subject a few moments ago, may think, the present high price of oil is not, in the opinion of those well informed, the result merely of combination. It may be partly the result of combination, but the result to a much greater extent of the working of the law of supply and demand; of largely increased demand and the decrease of supply compared with the demand. The supply may have increased, but the demand has increased far more. Oil is being shipped out of my State by the trainload to Canada. We had no Canadian market a year or two ago. They would probably take practically all of the Wyoming product if they could get it, if it were not for the fact that some of it is contracted to go elsewhere. With the tremendously increased demand at home and abroad, without an increased production equal to the increased demand, it is inevitable that the price should advance.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CAMPBELL. Is it not true that the decrease in production of the crude oil that produces largely gasoline has had more to do with the increase in the price of gasoline than any other one thing?

Mr. MONDELL. That is probably true. The increase in certain fields in the output of fuel oil does not help the matter any.

Mr. CAMPBELL. That does not increase the oil that produces the gasoline.

Mr. MONDELL. There are certain great oil fields, among them the greatest oil fields in the Union, whose product has no relation to or effect on the price of gasoline.

While I am on this subject I want to call the attention of the committee to one very interesting fact. I particularly want to invite the attention of gentlemen who have been seeking causes for the increased cost of gasoline to one cause which has apparently been overlooked. There has been a great increase in the demand for gasoline. There should have been a great increase in the production of gasoline in order to meet that demand. The Interior Department has been working earnestly and continuously and effectively to prevent an increase in the supply of gasoline in the fields that give the most promise of increased yield. The most hopeful field for gasoline-producing oil in the United States to-day is the State of Wyoming. Our oil territory extends from the extreme northeast to the extreme southwest corner of the State, nearly or quite 400 miles in length and 200 miles in width.

A large part of this oil territory is public land, and within the last three years, as they have learned of the presence of oil in the sands of that territory, prospectors, wildcatters, oil de-

velopers from all over the country have flocked to Wyoming. They have taken their chances, gone out great distances from railroads, studied the geological formations, and, having finally come to the conclusion certain localities gave promise of oil, have set up their drills and gone to work. In about every instance where oil has been found in that way the Geological Survey has recommended the withdrawal of the lands and they have been withdrawn from entry. Such a withdrawal operates except as to the solitary quarter section on which the drill was operating or on which an oil discovery had been made. This great and glorious Government has not discovered or developed any oil; its agents have discovered no domes or anticlinals, but have sat around on the fences beside the way stations, under the shadow of the water tanks by the lonely stations on the far-stretched pioneer railway lines, and whenever they have seen a drilling rig go by they have followed it, and whenever they have found or heard of a driller who had actually discovered oil they have proceeded to take the land away from him, except the particular tract upon which he happened to be drilling.

An oil field a long distance from a railroad must have considerable production in order to make it pay to build a pipe line to the railroad. If no land can be made productive except a small area on which the oil discoverer is working, a hundred or two or three hundred acres, the area is not large enough to warrant the building of a pipe line, and so the withdrawal absolutely prohibits development. The only way that our people have been able to develop any of our fields is where there happened to be patented land that could be secured or where people were fortunate enough to plant several drills and get them to work before the agents of the Government got wind of their operations.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask for five minutes more.

Mr. FITZGERALD. I ask unanimous consent, Mr. Chairman, that all debate on the pending amendment close in 10 minutes.

Mr. ANTHONY. Reserving the right to object, will not the gentleman make it 15 minutes?

Mr. FITZGERALD. I will make it 15 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the pending amendment close in 15 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, this subject of fuel for the soldiers' home at Leavenworth has been before the committee repeatedly, and the committee has given it probably more careful attention than any other one item connected with these homes. At the time the change was made from coal to fuel oil, fuel oil was not only abundant and cheap in that territory, on account of the recent developments in that section, but the price of coal was rather unsatisfactory. That was before the establishment of the Bureau of Mines and before the Bureau of Mines had established the British thermal units as the test of coal furnished to Government institutions. At that time coal was selling to Government institutions on a flat rate at so much per ton, without regard to the heating quality of the coal. Of course the coal which was nearest to the point of consumption had an almost universal monopoly of those Government contracts; but that condition has changed. The Bureau of Mines now is required to demonstrate the heating value of coal that is submitted under Government contracts and determine whether a coal at a certain price is cheaper in its heat-producing value than a coal at a certain other price. Now the coal in the Government institutions is bought upon a fairer basis, which permits competition in coal and the shipment of coal in from farther points. Up to that time the coal mines in Leavenworth had absolutely had a monopoly of furnishing coal to the institution at Leavenworth. I would be inclined under present conditions to favor the burning of coal, because I believe that in the long run coal is going to be the most dependable fuel in that section of the country. The whole of the Missouri Valley is underlaid with a big strata of coal and it is good and comparatively cheap.

I would not be inclined to favor the burning of oil if it were a new propcsition, because the production of oil is limited, compared with the enormous demand for oil at the present time. It is true that new oil fields may come in, but we have no means of knowing that. Coal, we know, is all in sight, and there is ample coal to supply us; so that if it were a new proposition I would be inclined to think that the amendment of the gentleman from Kansas was worthy of consideration, and I would approach it from that standpoint. The committee was anxious to find some economy at the present time for changing back from oil to coal, but we found that it would cost $26,000 to change the heating plant from the present oil-burning plant to a coal-burning plant or hand-fired coal. We know that firing coal by hand with the enormous cost of labor—and with the added age of the old soldiers in that home we get very little labor out of them—the cost is extremely high as compared with the cost of firing with oil. The only thing worthy of consideration is stoker-fired coal. To change to a plant permitting stoker-fired coal would make an initial expenditure of $90,000. It is utterly impossible to figure out any economy with the plant we have there now burning oil to change that plant and make a stoker coal-firing plant for the sake of the saving apparent now upon the face of the price.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BENNET. Mr. Chairman, I rise for the purpose of asking the gentleman from Wyoming [Mr. MONDELL] two questions. What are "domes" and "anticlinals"?

Mr. MONDELL. The gentleman must know what a dome is. There is one on this building, a fine one.

Mr. BENNET. I do not know what a dome in an oil field is.

Mr. MONDELL. A dome in an oil field is a point where there has been an upward pressure on the geological formations which has raised the geological structures and formations at that point above the corresponding formations of the surrounding territory, forming a dome. Ordinarily these geological uplifts, raised by pressure from below, extend for a considerable distance through the country, forming anticlinal ridges. Sometimes they rise in the form of a dome.

Mr. BENNET. And what is an anticlinal?

Mr. MONDELL. It is a geological wave or ridge, with the strata dipping down both ways from the upper point of the raise of the formation as distinguished from a synclinal, which is the trough of the wave.

Mr. BENNET. Having gotten all that information, I would like to ask the gentleman what possible reason there can be for the Government pursuing the course it must be pursuing, because the gentleman states that it is pursuing it, namely, of absolutely depriving oil prospectors of their chance to find oil under these domes and anticlinals and synclinals?

Mr. MONDELL. A number of years ago certain people came to the conclusion that private ownership of the oil fields and the coal fields was not a good thing; that is, the development under private ownership was not a good thing, and that the Federal Government should retain the fee in oil and coal lands and lease the land for the production of coal or oil. Some of the Government departments are very much interested in that kind of legislation, and they have been promoting it very industriously and very earnestly for many years. They have taken the position that certain people who are not particularly inclined to that sort of thing may become inclined to it if conditions are created under which it is the only possible way in which the opportunity to develop the country can be secured.

Mr. BENNET. That is really the information I was looking for. I think possibly the gentleman could have put it in fewer words. [Laughter.] In the moment or two that possibly remain to me I will say——

Mr. TAYLOR of Colorado. Will the gentleman permit an interruption?

Mr. BENNET. Not just at this moment. I will say, despite the length of the explanation of the gentleman from Wyoming, I still sympathize with those western people in some of the hardships which I think they undergo, and if they ever bring the right kind of legislation before the House I will vote for it with pleasure.

Mr. TAYLOR of Colorado. I am very glad indeed for the gentleman's sympathy, and we would like to have the sympathy of a good many more people in this House.

Mr. BENNET. I will say to the gentleman he gets a good deal more than my sympathy at times; he gets my vote.

Mr. TAYLOR of Colorado. We appreciate it very highly, and I want to corroborate what the gentleman from Wyoming has said——

Mr. BENNET. I believe it.

Mr. TAYLOR of Colorado. Because I may say the Government agents in their activity are the greatest wet blanket to and interference with development that possibly can be. Whenever any enterprising person starts out and finds an oil field, if he fortunately or unfortunately happens to find it, why the country around it is immediately withdrawn and development is stopped. It is the most absurd performance, it seems to me, that can be enacted in this country, but that is the policy at present.

Mr. BENNET. If the gentleman will allow me to interrupt him in my own time [laughter], why does not the gentleman bring in some sort of legislation which would tend to correct it?

Mr. TAYLOR of Colorado. We have done so, but we can not get anything in this House of that sort.

Mr. BENNET. I have never seen any brought on the floor.

Mr. TAYLOR of Colorado. We have tried very hard to bring out such measures from the Public Lands Committee, for the purpose of opening up the oil fields and encouraging the people to develop them and gain something when they are developed.

Mr. BENNET. There are always a considerable number of western men on the Committee on Public Lands.

Mr. TAYLOR of Colorado. We are simply a drop in the bucket in the whole Congress. There are only about 36—you might say 6 or 8 per cent of the House—and then all the western men are not entirely together on the subject, so it is very difficult to try to develop our country at best.

Mr. BENNET. I will give the gentleman a piece of homely advice, and that is you will not go very far unless you get the western people together on some system.

Mr. TAYLOR of Colorado. That is the difficulty.

Mr. ANTHONY. Mr. Chairman, I want to thank the gentleman from Wyoming [Mr. MONDELL] for the salve which he spreads so freely indicating next year's promises, but I think that if the committee intends to do it eventually the sooner the better it will be for all concerned, and in this connection I might remind the members of the Committee on Appropriations that it is well to take some figures that come from the members of the board of managers with a grain or two of salt, especially in view of the fact that during the last year about $55,000 of the Government's funds, intrusted to the care of members of this board, have mysteriously disappeared in investments in the securities of wildcat mining companies in Colorado. Miraculous as it may seem, a member of this board of managers, whose word and whose figure are absolutely taken at par by the Committee on Appropriations of the House, has invested Government trust funds in wildcat mining securities in Colorado bearing 7 per cent interest—in securities which, upon investigation, the Inspector General of the War Department has pronounced probably worthless and the Government is stuck for a big sum of money, and in fact criminal prosecutions are now even being talked of, and I fear only too often committees of this House are inclined to take judgment on business matters coming from men of that sort rather than the opinion expressed by Members of this House who know what they are talking about.

Mr. TAYLOR of Colorado. Who is to blame for this squandering of the Federal money?

Mr. ANTHONY. In what respect?

Mr. TAYLOR of Colorado. I say, who is to blame for it, the State of Colorado?

Mr. ANTHONY. I think so, in offering temptation to lead otherwise honest humanity astray.

You ought to have a blue-sky law in Colorado that would prevent the selling of this sort of stuff to unsuspecting investors like the managers of soldiers' homes.

Mr. TAYLOR of Colorado. It seems to me the managers of the soldiers' homes ought to investigate it before investing the funds.

Mr. GARD. In any event, it is not fair to charge the entire proposition to the managers?

Mr. ANTHONY. I said one of the managers.

Mr. OGLESBY. Is this one of the men to whom you refer?

Mr. ANTHONY. The gentleman is manager of the local home from which this report came. He is one of the officers of the institution that furnished these figures, and he is the superior officer.

Mr. OGLESBY. Do I understand the gentleman thinks that that reflects upon the correctness of the figures furnished by other members of this board?

Mr. ANTHONY. It goes to show that we should take some of these statements with a grain of salt and form our own opinions, without taking unqualifiedly the figures given by all subordinate officials to Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ANTHONY. Division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 26.

So the amendment was rejected.

The Clerk read as follows:

In all, $163,000.

Mr. GANDY. Mr. Chairman, I move to strike out the last word. If I can have the attention of the chairman, by the way of explanation of an amendment which I shall offer, I want to say that the Battle Mountain Sanitarium was established in 1902, and the building plan as contemplated, the original plan, has been completed, with one exception, and that is the entryway or entrance at the driveway.

Mr. FITZGERALD. We fixed that up last year.

Mr. GANDY. That was the footway which leads to the institution. The old temporary gate which was installed at the driveway at the time of construction is still there. I want to say to the Members of the House that this sanitarium is located in a tourist belt; there are thousands of tourists every year who drive up this incline to the sanitarium, and this gateway should be in keeping with the rest of the magnificent institution that the Government has placed there. I was under the impression that the matter would be properly taken care of. I have here a letter from the president of the national board of managers, under date of November 17, 1915, telling me that the item would be included in the estimates for this year, but it was omitted. I also have a copy of an estimate for the work, to $2,464. With that preliminary statement I offer the following amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the gentleman offers the following amendment, which the Clerk will report:

The Clerk read as follows:

Page 94, after line 19, insert: "For the improvement of the driveway, including the construction of stone columns and arch and the purchase and installation of gates, $2,300."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. GANDY. Now, it is barely possible, Mr. Chairman, that that might be subject to a point of order, but I have some doubts as to that. It is simply for the continuation of a work that is authorized by statute, was provided for in the original plan, and is one piece of the work that has never yet been finished. If it was something that was entirely new, I concede that the point of order would be well taken, but being for the completion of the plant that the Government has there I do not believe that it is subject to the point of order. I trust that the gentlemen of the House in considering this will by their votes make possible the erection of such a suitable archway and the installation of such a gate as will be a credit to the sanitarium which the Government has at Hot Springs, S. Dak.

Mr. FITZGERALD. I am inclined to believe, Mr. Chairman, that the limit of cost fixed on this institution is definite, and that the amount of money has already been appropriated. I will have the information in a moment. I will say that no such estimate was made to the committee and no suggestion that there was any necessity for such improvement. Last year the attention of the committee was called to the fact that there should be an improvement in the nature of a stairway to obviate the necessity of the inmates making a very long and tiresome climb, and the committee, when the information was presented to them, recommended the appropriation. But no suggestion of this has ever been brought to the attention of the committee.

Mr. GANDY. I understand the statement of the chairman is correct that it has not been brought to the attention of the committee, and I will explain how it was left out of the bill. I hold in my hand a letter from the president of the board of managers, in which he said it would be included in the estimate. There are two ways by which it is possible to climb the hill to the sanitarium at Hot Springs—one by the footway, the stairs, and the other by the incline or driveway. And this is for the arch at the driveway where the automobiles go up to the sanitarium.

The CHAIRMAN. Does the gentleman from New York insist on the point of order?

Mr. FITZGERALD. I think that the point of order is good. I will state to the gentleman from South Dakota that I am not at liberty to accept amendments of this character.

At a future time, if the matter comes up in a regular way, I am sure the committee will be very glad to consider it with a view of doing anything that reasonably ought to be done; but I am not in a position to assent to it under the circumstances. The act of March 3, 1903, put a limit of cost and appropriated the entire sum for the establishment. I have it here.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The headquarters of the National Home for Disabled Volunteer Soldiers shall be established and hereafter maintained at the Central Branch, National Military Home, Ohio, and shall occupy for offices, without expenditure for rent, any general or post fund building.

Mr. ANTHONY. Mr. Chairman, I should like to reserve a point of order on that paragraph, that it is new legislation. I should like to ask the chairman of the committee what this is.

Mr. FITZGERALD. The item fixing the headquarters at Dayton is put in at the request of the board of managers. Heretofore the custom has been that whenever a new president has been selected for the board of managers, he has established the office of the board of managers at his home town. They stated that they would have saved $3,000 a year in rent. At the Dayton home they have ample facilities. The storehouses are there. It is the depot of distribution. It is the most centrally located home, and they stated that it would obviate a source of continual trouble and annoyance, and result in much better and more efficient administration. When Col. Wadsworth was president of the board he had the office of the home in New York, and they would have moved the office to Dayton at that time if it had not been for the fact that the treasurer, Maj. Harris, who had been so long connected with the home, was not in a position to leave New York. When Col. Close succeeded Col. Wadsworth as president of the home, he decided to move the office to Kansas City, Mo. Maj. Harris then announced that it would be impossible for him to make arrangements to leave New York, and he resigned. Now, Col. Close has been superseded as president, and all of the members of the board expressed the wish that Congress would fix the headquarters at the Daytor home definitely and permanently, in the interest of economy.

Mr. ANTHONY. As a general rule, though, the gentleman would not approve of allowing the president to take the general offices over the country with him?

Mr. FITZGERALD. That is what we are trying to stop.

Mr. ANTHONY. I simply want to recall the fact that three years ago I offered practically this same amendment, and it was rejected by the committee. I said then that the headquarters should be taken from New York to one of the more centrally located homes.

Mr. FITZGERALD. The objection to it at that time was on account of Maj. Harris. The gentleman from Kansas will recall that he was connected with the home for a great many years. He had established a home in New York with one of his married children. He was around 70 years of age. He had reached the period in life when it was impossible for him to give up that home and establish a new one, and when it was finally decided by the board, under the direction of Col. Close as president, to move the office to Kansas City, he was compelled to quit the service of the board. The members of the board are unanimously of the opinion that the accommodations in Dayton, and the fact that the great supplies are there and that it is centrally located, make it desirable to locate the office there. Personally I myself, and I think other members of the committee, have been in sympathy with the movement, and it was merely at the earnest request of the board, on account of Maj. Harris, that this was not done before.

Mr. ANTHONY. If the gentleman will permit, I will say that I agree with his statement that it undoubtedly is an economy, that the headquarters should be located in one of the Middle Western or Central States. I withdraw the point of order.

Mr. GARD. Will the gentleman from Kansas yield for a moment? I wish to say that under the administration of the former president, Col. Close, there was an expenditure in Kansas City of something like $3,000 a year for rent, which now has been entirely done away with. Upon the governmental reservation in the central branch home there is abundant room. Offices have been fitted up there in splendid quarters, without additional expense.

Mr. ANTHONY. I want to say to the gentleman that I agree with him that it is the thing to do to locate the headquarters at one of these central homes, where the members of the board will have the opportunity of getting acquainted with the local conditions and the homes themselves, and I think it is a fine thing.

Mr. GARD. I am thoroughly in accord with what the gentleman says.

The Clerk read as follows:

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings, pay of one clerk, mechanics, gardeners; fertilizers; repairs to pavements, walks, and roadways, $30,000.

Mr. DECKER. Mr. Chairman, I move to strike out the last word. I do this for the purpose of reading a short paragraph from the Nevada Daily Mail, of Nevada, Mo. During the discussion of the Hay military bill I took occasion to say some words relative to my faith in the dependence that could be put in the National Guard of the State of Missouri, and also saying that I believed the same would apply to other States. I hold in my hand a paper published in the city of Nevada, Mo., of Tuesday, June 20. The call for the National Guard, as you remember, was issued on Sunday night, and this paper, the Nevada Daily Mail, says:

"All organizations of the National Guard have reported to Gen. Clark to-day that they are assembled at their armories ready to move. All now have the strength required by the War Department, but they are being recruited to full war strength. Not a single officer or enlisted man has failed to respond. Gen. Clark issued an order to-night for the troops to move to Nevada to-morrow, and the entire National Guard will be in camp on the State rifle range near here for breakfast Wednesday morning, ready to move to the border when the War Department so directs Gen. Clark. The signal corps will be the first troops to arrive."

[Applause.]

The Clerk read as follows:

So much of the Agricultural appropriation act for the fiscal year 1916 as authorizes the use of the Maltby Building and the buildings on the west side of New Jersey Avenue between B and C Streets NW. in Washington, D. C., by the Department of Agriculture is repealed.

Mr. HAWLEY. Mr. Chairman, I want to inquire of the chairman of the committee the purpose of the paragraph just read, by which the Department of Agriculture is deprived of the use of the Maltby Building and other buildings in that section, and whether that will interfere with the operations of the department?

Mr. FITZGERALD. The agricultural bill a year ago carried a provision authorizing the Department of Agriculture to use the Maltby Building. That building has been condemned four or five times. It is so unsafe that after they inquired into the matter they declined to use it. The ground on which the building stands is needed for park purposes. The Superintendent of the Capitol Building and Grounds says that the Maltby Building is not only unsafe but that if they were to put people in there and a fire should take place there would undoubtedly be a very serious loss of life. Under the circumstances the Department of Agriculture have never taken advantage of the law, and we are repealing it in order that they may go ahead and demolish the building.

Mr. HAWLEY. Do the remarks of the gentleman apply to the other buildings?

Mr. FITZGERALD. The other buildings are not suitable. They are old residences; but the Maltby Building was the principal one that it was designed to reach. It would be a misfortune to have the department utilize it.

Mr. MANN. If the gentleman will yield, I raised this same question when the Agricultural appropriation bill was up in the Committee of the Whole, and the gentleman from South Carolina [Mr. LEVER], in charge of that bill, stated then that the Agricultural Department had never used these buildings and had no use for them, and that he understood the sundry civil bill was to carry an item repealing the authority for their use. That is what this is.

The Clerk read as follows:

Courthouse, Washington, D. C.: For restoration and reconstruction of the exterior and interior of the courthouse, Washington, D. C., including all material, personal and other services, and for each and every purpose in connection therewith, to be expended under the direction of the superintendent of the Capitol Building and Grounds, $200,000, one-half to be paid out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. This item carries a considerable amount which was not called to the attention of the committee when we were considering the bill. I would like to inquire what is proposed in the reconstruction of the courthouse as provided in this item. I presume this refers to the building in Judiciary Square?

Mr. FITZGERALD. Yes. The exterior of the building, if the gentleman is familiar with it, is in very bad condition. The building is so arranged in the interior as to afford very inadequate accommodations. The members of the court had the Superintendent of the Capitol make an extensive investigation, and they believe that with this expenditure the building can be put in such shape that it will supply the needs of the District for its purposes for the next 30 or 40 years. Unless something is done there is likely to be initiated a movement for a new courthouse that would require an expenditure of several million dollars.

Mr. STAFFORD. The gentleman does not propose to erect a new building out of this fund by altering the structure?

Mr. FITZGERALD. What is proposed to be done is to face the building with sandstone, tie it in, and rearrange the interior.

Mr. STAFFORD. Why would not stucco plaster, which was formerly used, be as well suited to resurface it?

Mr. FITZGERALD. The Superintendent of the Capitol stated that with an expenditure of $30,000 or $40,000 to replace the stucco on that character of building would be unwise because it could not be applied in a way to make it permanent. In addition to the outside work the rearrangement of the interior is very important. The justices of the court say that there is absolutely no modern sanitary arrangement for female witnesses, and that the interior arrangement is very deplorable. The exterior and interior work can be carried on at the same time, and with this expenditure this building can be converted into a desirable, substantial building.

Mr. STAFFORD. May I inquire whether the commissioners have made any recommendation along these lines? To me it seems a large amount for the alteration of an old building that is obsolete.

Mr. FITZGERALD. Oh, it is not obsolete.

Mr. STAFFORD. I know it is well constructed, but the interior arrangements are ill suited for the uses of the building.

Mr. FITZGERALD. It is proposed to rearrange the interior as well.

Mr. STAFFORD. The gentleman recognizes that $200,000 is a large sum to be expended on a building where the exterior needs reconstruction and the interior needs complete remodeling.

Mr. FITZGERALD. The Superintendent of the Capitol thinks that it is a well-constructed building.

Mr. STAFFORD. There is no question about that; it is of brick with heavy walls, and I suppose it will require considerable money to alter it.

Mr. FITZGERALD. The alteration of the building for these six courts will supply the place of a building which, if authorized, would cost two to three million dollars, and it seems much more desirable to rearrange the interior and improve the exterior of this building, which has a good deal of historic value, and obtain quarters that would be thoroughly satisfactory for years for the needs of this court, and it is on that theory that it will result in a very great saving to do this rather than to wait for a movement initiated for another building. The judges of the court who are working there are very anxious to have these alterations made in accordance with plans that have been worked out. Chief Justice Covington and the other judges believe that it will supply the needs of the District for 50 years to come.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

Restoration of lands in forest reserves: To enable the Secretary of the Interior to advertise the restoration to the public domain of lands in forest reserves or of lands temporarily withdrawn for forest reserve purposes, $15,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I do it for the purpose of asking the chairman of the committee a question in reference to a paragraph we have passed on the same page, page 102, where I find this language:

And of hearings in disbarment proceedings $35,000.

Does the Government have to pay for the proceedings for disbarment?

Mr. FITZGERALD. There are some small sums that are expended for that purpose. These are proceedings brought for the disbarment of attorneys practicing in the Interior Department, guilty of improper practices in land cases. The expense is largely, if I recall correctly, occasioned by taking the testimony in the proceedings.

Mr. CULLOP. Does that apply to the proviso which is as follows:

Provided, That where depositions are taken for use in such hearings the fees of the officer taking them shall be 20 cents per folio for taking and certifying same and 10 cents per folio for each copy furnished to a party.

Mr. FITZGERALD. That was not in connection with disbarment proceedings. This language is inserted on account of this condition: In various States various fees have been fixed by law and there was a great deal of confusion, and this was put in to make uniform the fees for taking the testimony in these land cases. There have been very few disbarment proceedings lately, and I do not know that they are taking any depositions now.

Mr. CULLOP. Do these hearings relate solely to the practice of attorneys before the Department of the Interior?

Mr. FITZGERALD. These depositions are taken in the public-land States where the land is located. That is what the latter part refers to. The expenditures in the disbarment proceedings are insignificant. They have not averaged several hundred dollars in the last five or six years.

Mr. CULLOP. Still, I see the sum here is $35,000.

Mr. FITZGERALD. Thirty-five thousand dollars is to pay the expenses of hearings in land cases, and then, because there have been occasional small expenses connected with the disbarment proceedings, that item is included so that there might be some fund out of which the expenses of disbarment proceedings may be paid.

Mr. MONDELL. Two or three hundred dollars a year.

Mr. CULLOP. I should think a great department like the Interior Department, with the large number of lawyers they have there, and other officers, with the small number of these proceedings, they could take some of its employees from among their number who could attend to these cases without extra appropriation.

Mr. FITZGERALD. There is very little expense. It is very rare that it happens, but there have been times when there was some necessity for it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. There have been times when there has been necessity to incur some of the expense, and the department was embarrassed because there was no provision made for it, and so it was included here. The item is for field hearings, but occasionally something might occur. It is an insignificant part of the work under that. My recollection is that there have been practically no disbarment proceedings now in some time.

Mr. MONDELL. The amount spent for proceedings in disbarment cases, I think, has never amounted to more than two or three hundred dollars, possibly, in a year, and sometimes for a series of years nothing at all.

Mr. CULLOP. Still whatever sum used could be taken from this appropriation of $35,000?

Mr. MONDELL. Yes; and that is an item that is but an infinitesimal portion of this entire appropriation.

Mr. CULLOP. Mr. Chairman, I withdraw the pro forma amendment.

Mr. FITZGERALD. Mr. Chairman, I wish to make this statement to the Members. To-morrow I understand that the gentleman from Virginia [Mr. HAY] proposes to bring up for consideration a resolution relative to the use of the National Guard in the present emergency. The Army appropriation bill is still undisposed of. There are some deficiency estimates that have been sent in that it might probably be possible to have considered next week. In order that the Members may be advised of it, I shall ask the House to-morrow to sit quite late at night, and hope that Members will make arrangements accordingly, in the hope that we may complete the sundry civil appropriation bill before adjournment to-morrow. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15836, the sundry civil appropriation bill, and had come to no resolution thereon.

REMAINS OF CHARLES H. BINGHAM.

The SPEAKER laid before the House the following Senate resolution:

IN THE SENATE OF THE UNITED STATES,
June 20 (calendar day, June 21), 1916.

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 15282) entitled "An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa."

The SPEAKER. Without objection, the proceedings by which the bill H. R. 15282 was passed will be vacated, and the bill will lie on the table.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section, to be known as section 7.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 31. An act for the relief of John L. Sevy;

S. 4476. An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin

Islands, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912;

S. 5777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing, maintaining, distributing, and supplying of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii; and

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota.

S. 5244. An act authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden;

S. 3928. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes;

S. 3764. An act to consolidate certain forest lands in the Florida National Forest;

S. 3722. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

S. 3580. An act releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla.;

S. 3581. An act authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida;

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo";

S. 3344. An act to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes;

S. 3203. An act authorizing the Secretary of the Interior to sell certain lands to the city of Lemmon, S. Dak.;

S. 33. An act for the relief of Daniel M. Frost;

S. 1741. An act for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park;

S. 1066. An act authorizing leave of absence to homestead settlers upon unsurveyed lands; and

S. 3132. An act providing for the sale of certain lands in the State of Washington, and for other purposes.

EXTENSION OF REMARKS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Tavenner amendment.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Friday, June 23, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers reports on preliminary examination and plan and estimate of cost of improvement of Mermentau River, La., with a view to the removal of obstructions to navigation in and near the mouth (H. Doc. No. 1232); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War of the 21st instant, submitting an urgent estimate of appropriation in the sum of $6,000 for furnishing such commissions as are required for officers of the Army under act approved June 3, 1916, "for making further and more effectual provision for the national defense, and for other purposes" (H. Doc. No. 1233); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, of this date, submitting urgent estimates of appropriations required for the service of the War Department for the current fiscal year 1916 (H. Doc. No. 1234); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, of this date, submitting an urgent estimate of appropriations in the sum of $301,819.69, required by the War Department for the service of the fiscal year 1916, under the title of "Transportation of the Army and its supplies" (H. Doc. No. 1235); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, of the 21st instant, submitting an estimate of appropriation in the sum of $30,000, under the title, "Pay, etc., of the Army," fiscal year ending June 30, 1917, for clerks and messengers at headquarters of the several Territorial departments, Territorial districts, tactical divisions and brigades, and service schools necessary account of the passage of the national defense act, June 3, 1916 (H. Doc. No. 1236); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 14868) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes, reported the same with amendment, accompanied by a report (No. 841), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 16473) for the relief of William W. Danenhower, reported in lieu thereof a resolution (H. Res. 270) referring to the Court of Claims the papers in the case, accompanied by a report (No. 838), which said resolution and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 13354) to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor, reported the same with amendment, accompanied by a report (No. 839), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 7733) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased, reported the same with amendment, accompanied by a report (No. 840), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. KALANIANAOLE: A bill (H. R. 16577) to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914; to the Committee on the Territories.

By Mr. RIORDAN: A bill (H. R. 16578) providing for purchase of site and for public building at New Brighton, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Nebraska: A bill (H. R. 16579) to provide for the erection of a public building in the city of Schuyler, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. KREIDER: A bill (H. R. 16580) providing for the support of the wives and minor children of enlisted men in active service of the armed forces of the United States; to the Committee on Military Affairs.

By Mr. HULL of Iowa: A bill (H. R. 16581) to provide for the purchase of additional lands and the enlarging of the United States post office at Iowa City, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 16597) to amend an act approved June 9, 1916, being Public No. 86; to the Committee on the Public Lands.

By Mr. HAY: Joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes; to the Committee on Military Affairs.

By Mr. KEATING: Resolution (H. Res. 271) providing for the consideration of H. R. 16560; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16582) granting an increase of pension to John H. Day; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 16583) granting an increase of pension to George D. Adamson; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 16584) granting a pension to Peter S. Perkins; to the Committee on Pensions.

Also, a bill (H. R. 16585) granting a pension to Washington Badgley; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 16586) granting a pension to Christine Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16587) authorizing the Secretary of the Treasury to compensate J. C. Maxfield for injuries received while employed in the Rock Island Arsenal; to the Committee on Claims.

By Mr. LOBECK: A bill (H. R. 16588) granting an increase of pension to James Doyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16589) granting a pension to Alexander Culton; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 16590) for the relief of George Le Clear; to the Committee on Military Affairs.

By Mr. MOONEY: A bill (H. R. 16591) granting an increase of pension to Joseph I. Kidd; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 16592) granting a pension to Catherine Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16593) granting a pension to Hulda T. Houser; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 16594) for the relief of James Birney, alias James Brady; to the Committee on Military Affairs.

By Mr. SNYDER: A bill (H. R. 16595) to reinstate former Lieut. W. S. Barringer in the military service of the United States; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 16596) granting an increase of pension to John Cragan; to the Committee on Invalid Pensions.

By Mr. BOOHER: Resolution (H. Res. 269) for the relief of George W. Welty; to the Committee on Claims.

By Mr. MILLER of Delaware: Resolution (H. Res. 270) referring bill (H. R. 16473) for the relief of William W. Danenhower, with accompanying papers, to the Court of Claims; to the Committee of the Whole House.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of South St. Paul Branch, No. 10, National Association Bureau of Animal Industry Employees, indorsing House bill 16060; to the Committee on Agriculture.

By Mr. BAILEY: Protest of Mr. and Mrs. J. K. Warren, Miss Mary Warren, Charles M. Warren, John Marshall, Mrs. D. Marshall, E. T. Marshall, Margaret Work, Charles Ripple, Myrtle Huffman, Anna Huffman, Robert Huffman, Ruth Sauers, Anna M. Fox, Mr. and Mrs. Mart Huffman, Mrs. C. B. Marsh, Frank Howard, Ophelia Howard, Mary Howard, Mrs. Sauers, Miss Laura Sauers, Mr. Albert Sauers, Mrs. Richard Hoffman, Charles I. Helsel, William B. Falstick, G. H. Cole, Philip Mellon, William Burkhart, E. R. Dixon, Rose Huth, D. L. Anderson, Gladys F. Wallace, L. M. Litzinger, Bessie Taylor, Mrs. Annie Kelly, Miss Alicia Burns, Mrs. Lena Ager, Mrs. H. B. Keller, Mrs. A. L. Walker, and A. Bucy, all of Johnstown; Mrs. J. A. McGinnis and Mrs. Jess Carns, of Portage; Mrs. O. P. Conrad, of Wilmore; Mrs. Irene Fife, of Dunlo; Mrs. M. A. Tobin, Lloydell, and C. H. Leopold, of Blairsville, all in the State of Pennsylvania, against the passage of House bill 9671, to establish price control; to the Committee on Interstate and Foreign Commerce.

By Mr. BOOHER: Papers to accompany bill for relief of heirs of George Welty; to the Committee on Claims.

By Mr. CAREW: Memorial of Missouri Bankers' Association, favoring Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES: Memorial of citizens of Niskayuna, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of S. M. McDill, guard United States Penitentiary, Atlanta, Ga., favoring the Nolan minimum-wage bill; to the Committee on Labor.

By Mr. DILLON: Petition of citizens of Union County, S. Dak., opposing passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. DOOLING: Memorial of the Merchants' Association of New York, relative to Senate amendment 33 to the rivers and harbors bill (H. R. 12193); to the Committee on Rivers and Harbors.

By Mr. EVANS: Petition of women of Havre, Mont., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Memorial of the Merchants' Association of New York, relative to Senate amendment 33 to the rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. LONDON: Petition calling upon Congress and the President to forthwith recall the United States troops from Mexico, as the only possible preventive "against a horrible continental war," by 1,180 citizens through the Anti-War League of America; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Chicago Post Office Clerks' Association, Branch 6, U. N. A. P. O. C., protesting against transfer of temporary clerks from Washington, D. C., to Chicago money order division; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petitions of International Association of Machinists, Local No. 1, and Railway Employees' Department of St. Louis, Mo., favoring passage of House bill 11168; to the Committee on Naval Affairs.

By Mr. O'SHAUNESSY: Memorial of Charity Organization Society of Newport, R. I., favoring passage of Kern-McGillicuddy compensation bill; to the Committee on Reform in the Civil Service.

Also, petitions of New England Butt Co., United States Bobbin & Shuttle Co., and the Beaman & Smith Co., all of Providence, R. I., opposing the Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

By Mr. PRATT: Petition of Elmira Knitting Mills, Elmira, N. Y., Mr. Casper G. Decker, president, opposing the passage of the price-fixing law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Branch, in Elmira, N. Y., of the woman's section of the Navy League of the United States, Mrs. Frances Reynolds Lawson, chairman, favoring the making of America safe by a thorough preparation against war; to the Committee on Military Affairs.

By Mr. RAKER: Petition of Hon. Edward Hyatt, of California, against Federal legislation for the collection of inheritance tax; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of Frau Oehlrich and 30 others of Nebraska, favoring the Emerson resolution relative to shipments of milk to Europe; to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petition of William J. Dale and 7 other citizens of Polk and Norman Counties, Minn., protesting against the passage of Senate bill 5677, for the proper observ-

ance of the Sabbath day in the District of Columbia; to the Committee on the District of Columbia.

By Mr. STINESS: Papers to accompany House bill 16576, granting an increase of pension to Margaret F. Boyle; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: Petition of John M. Shindler and 39 others of Gackle, and citizens of Driscoll and Sterling, N. Dak., against bills to amend the postal lwas; to the Committee on the Post Office and Post Roads.

Also, petition of John Vietz and 39 others, of Gackle, and citizens of Driscoll and Sterling, N. Dak., against Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *June 23, 1916.*

(Legislative day of Thursday, June 22, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the Post Office appropriation bill, and the pending amendment is the amendment of the Senator from Florida [Mr. BRYAN].

Mr. SMOOT. Mr. President, I hardly think we can begin business this morning with only five or six Senators in the Chamber. For that reason I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Hardwick	O'Gorman	Sterling
Bankhead	Hitchcock	Oliver	Swanson
Broussard	Husting	Overman	Taggart
Bryan	James	Page	Thomas
Chamberlain	Johnson, Me.	Pittman	Thompson
Clapp	Johnson, S. Dak.	Ransdell	Tillman
Clark, Wyo.	Jones	Reed	Townsend
Clarke, Ark.	Kern	Saulsbury	Underwood
Culberson	Lane	Shafroth	Vardaman
Cummins	Lodge	Sheppard	Walsh
Curtis	Martine, N. J.	Sherman	Warren
Dillingham	Myers	Shields	Weeks
Gallinger	Nelson	Simmons	Williams
Gronna	Norris	Smoot	Works

Mr. MARTINE of New Jersey. I beg to announce that the Senator from West Virginia [Mr. CHILTON] is absent from the Senate on official business. I ask that this announcement may stand for the day.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained by reason of illness in his family.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from Florida [Mr. BRYAN].

WASHINGTON ASYLUM HOSPITAL.

Mr. JONES. Mr. President, I do not want to say anything in reference to the pending amendment, but I have here a protest signed by some twelve or thirteen hundred citizens of the District of Columbia, protesting against a change of the Washington Asylum Hospital from the present site to a site near Fourteenth Street in the Northwest. The protest is short, and I ask that it may be printed in the RECORD and then that it be referred to the Committee on Appropriations.

There being no objection, the memorial was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Protest against the removal of the Washington Asylum Hospital to the site between Georgia Avenue, Fourteenth, Upshur, and Allison Streets NW.

Whereas it is planned by the Commissioners of the District of Columbia and the Board of Charities to use the appropriation requested for a new municipal hospital, in case it is obtained, for the purpose of removing the Washington Asylum Hospital from its present location on Reservation No. 13, where it has been established for 70 years, and placing it under the name of the Municipal Hospital upon the site between Georgia Avenue, Fourteenth, Upshur, and Allison Streets NW.; and

Whereas the placing in a substantial residential neighborhood of an institution which cares for so many alcoholics, dope fiends, mental suspects, and persons suffering from vice diseases, and brought in largely by the police, would be highly prejudicial to the personal and property interests of the residents of the said neighborhood and of those who must travel upon the car lines which will be used by the inmates of the hospital and their associates and by the sick from all sections of the city in traveling to and from the hospital and the dispensary to be run in connection with it:

Now therefore, We, the undersigned residents, property owners, and taxpayers, respectfully but earnestly protest to Congress against any appropriation under the terms of which it will be possible to remove the Washington Asylum Hospital from its present location on Reservation No. 13, and to place it, under the name of the Municipal Hospital, or any other name, on the site between Georgia Avenue, Fourteenth, Upshur, and Allison Streets NW.

NEW JERSEY STATE TROOPS.

Mr. MARTINE of New Jersey. Mr. President, I ask unanimous consent to read a short letter that I have received from the adjutant general of the State of New Jersey. Is there objection to reading it at this time?

The VICE PRESIDENT. No one seems to object.

Mr. MARTINE of New Jersey. I desire to read this personal letter that I have just received from the adjutant general of the State of New Jersey, and I am frank to say that I am quite proud to read it here in this body:

STATE OF NEW JERSEY,
OFFICE OF THE ADJUTANT GENERAL,
Seagirt, June 22, 1916.

DEAR SENATOR MARTINE: On Monday morning, June 19, we received an order from the President calling for a brigade of Infantry, a squadron of Cavalry, two batteries of Field Artillery, a Signal Corps company, a field hospital, and an ambulance company. Mobilization orders were at once issued, and at 3 o'clock yesterday afternoon—

That is, on the 20th—

all of these troops, at maximum peace strength, were in camp at Seagirt, and within a few hours thereafter were under canvas. All horses and mules, amounting to about 900, are either here or en route.

Under the rules of the War Department we are not furnished equipment for more than maximum peace strength. When organizations are ordered to recruit to war strength the extra equipment is supposed to be shipped to the mobilization camp at the time the order for mobilization is issued. We have, as I said before, brought all our men to camp without one slacker.

* * * * * * *

I believe that the State of New Jersey, which is the first to mobilize, has proven that you made no mistake in making the statement you did and in backing the citizen-soldiers of this State.

Very truly, yours,

WILBUR F. SADLER, Jr.

I am very anxious to present this inasmuch as many of our earnest and patriotic associates of this body were so utterly opposed to what they called the tin soldiery of the National Guard.

Mr. REED. I should like to ask the Senator when the New Jersey troops did mobilize?

Mr. MARTINE of New Jersey. I will read the statement again.

Mr. BANKHEAD. Mr. President, I am compelled to demand the regular order.

Mr. MARTINE of New Jersey. I appreciate the situation, but I should like to read the statement again.

The VICE PRESIDENT. Under the peculiar situation about the rules of the Senate the Senator from New Jersey is addressing the Senate on the amendment of the Senator from Florida [Mr. BRYAN] to the Post Office appropriation bill.

Mr. BANKHEAD. Of course, if the Senator is discussing that he is in order.

Mr. MARTINE of New Jersey. Mr. President, I have no desire to further detain the Senate, but if I may be permitted to respond to the Senator from Missouri I will say that the statement from Wilbur F. Sadler is that on Monday morning, June 19, he received an order from the President calling for a brigade of Infantry, and they were organized and mobilized on the next day, the 20th, at Seagirt.

I only want to impress upon the Senate, and particularly upon my friend, the Senator from Missouri [Mr. REED], this fact, as he is one of those who talked about the National Guard being a "tin guard."

Mr. REED. I did?

Mr. MARTINE of New Jersey. Did you not?

Mr. REED. I was the only man who effectively defended them.

Mr. MARTINE of New Jersey. Then I retract it with all apology in the world.

ADDRESS BY SENATOR CLAPP, AT DULUTH, MINN.

Mr. WORKS. Mr. President, out of order, I ask unanimous consent to have printed in the RECORD an address delivered by the junior Senator from Minnesota [Mr. CLAPP] at Duluth, Minn., on May 30.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MEMORIAL DAY ADDRESS DELIVERED BY HON. MOSES E. CLAPP, UNITED STATES SENATOR FROM MINNESOTA, AT THE MEMORIAL DAY EXERCISES HELD AT DULUTH, MINN., MAY 30, 1916.

"Veterans, this hour is solemnly dedicated to the memory of your departed comrades, and recognizing this sacred trust, I shall to-day deal only with those problems which are involved in the permanent greatness of the Republic, which your valor saved from dismemberment. For after all, the greatest tribute those who follow can pay you is the faithful guardianship of the legacy you have left us.

CAUSE OF CIVIL WAR.

"Volumes have been written as to the cause of the Civil War, as to the principle which animated those who sought to destroy the Union, and yet the cause can be summed up in one brief expression—greed, and the lust for that power necessary to support the demands of greed. On the other hand, the spirit which animated those who battled to preserve the Union was that spirit of sacrifice which had inspired man in the historic struggle which finally culminated in the establishment of this Republic, exalted, however, in the Civil War to a higher plane than ever before. For, in the past, men had been inspired, in part at least, by the sense of defense, by resistance to oppression, and held together by the cohesive force of a common danger. But the Civil War involved the question whether there existed a spirit sufficient to serve as an inspiration to sacrifice, in the maintenance of the integrity of the Republic against the claim, by a large number of its citizens, of the right to separate, and when the separation would not involve the liberty or directly materially affect the welfare of those who would be called upon to make the sacrifice essential to maintaining its integrity.

"You and your departed comrades answered that question by your patriotism and valor, and when Lee's shattered squadrons melted away at Appomattox the world had learned the lesson that man was not only willing to sacrifice when his rights were involved but that he was willing to sacrifice for the broader welfare of humanity, as involved in the perpetuation of one great and powerful Republic, rather than trust that welfare to the uncertain guardianship and weakness of its dismembered portions.

"In teaching the world this lesson the citizen soldiery of 1861 was exalted to a plane where man had never stood before, and this exaltation was a fitting inspiration to that altruism which, half a century later, prompted the youth of our land to go forth and battle, not for their own rights but that the people of Cuba might be freed from the palsied but oppressive hand which medieval Spain had reached forth and laid upon them.

FACE NEW PROBLEM.

"While you left us the priceless legacy of a reunited Republic, there came with that legacy another problem which your thinning ranks sadly admonish us can not be solved by you, but must be solved by those who come after. This is the problem we inherited from you, whether we can preserve that virility of citizenship; that spirit as distinguished from the mere form of free institutions; that genuine liberty which involves justice and equality for all. To do this we have to meet that tendency to decay incident to the extremes of abject poverty on the one hand, and the excess of wealth on the other, those twin forces which ever lead to a weak and degenerate citizenship; we have to meet that greed and its attendant lust for power to support its demands, which ever seeks to subordinate the hollow form for the real spirit of free institutions, and enslaves the energy of mind and body under the guise of an overlauded but unreal freedom; we have to meet those forces which thrive upon the destruction of the morals of the people, for immorality and vice are incompatible with a strong and virile citizenship. As human progress has ever kept pace with the broadening of the human equation as a force in government, it follows that the forces which weaken and demoralize citizenship and subordinate the energies of the many to the purposes of the few must to accomplish their purpose destroy the real spirit of free institutions and leave only their shadow.

"To guard itself against this effort is the vital problem of free government. In the language of Lincoln, 'A nation of freemen will live forever, or must perish by suicide.' Now, in a republic the citizen exercises a more direct influence upon governmental policies, and it follows, from this relation, that under a republic more than a monarchy every single force opposed to the general welfare turns to government, either to secure special advantage or immunity in legislation, or, failing in that, to secure immunity in the administration of the laws, the passage of which it has been powerless to prevent.

HUMAN EQUATION.

"The force which has always been arrayed against progress and the broadening of rights has always sought to minimize the human equation with which it had to deal, and hence has ever been opposed to the spirit of real democracy; and well it might be, for a genuine democracy, one in fact as well as in form, is the surest guaranty of the morals of a people essential to a vigorous citizenship, and the surest guaranty of that justice and equality which lies not only at the foundation of human rights but is the basic principle upon which real national greatness must rest.

"This problem involves not only our permanent greatness but it also involves our historic mission, for if this Nation has any mission other than to give to the world something of the radiated form of free government, it is to meet the new condition and carry into a nation's civil life that virility of citizenship, that purity of purpose, that spirit of justice involved in the establishment of the form of free government.

PROBLEMS MUST BE MET.

"These conditions must be met and this problem solved, and, in the light of history, in the failure of other forms, it can only be solved by the establishment and maintenance of a genuine democracy. In the establishment of a real democracy we must meet the same force—that is, the same lust for power—which so sullenly retreated before that historic advance which led to free government.

MENACE TO FREE GOVERNMENT.

"The force which would destroy the real spirit of free government menaces it at every point and, like a beleaguering army, sends forth its sappers and miners to prepare the way for the assaulting column. Already, under the guise of maintaining the Constitution, an attack has been launched against the spirit of real democracy. In the old struggle were the battle-ax and spear, while in this new struggle is involved that respectability which has always been the shield of reaction; the glitter and glamor of the dominion over property; its supposed power to withhold or bestow benefaction; its dwarfing of courage and enslavement of the mind. We must guard against the false concept of the possession of wealth and its supposed benefaction.

"Already we have in this country too many who feel that the few should sit around the banquet board heaped so high that some crumbs must fall, that the gathering of such crumbs be regarded as a privilege bestowed upon the many. There are too many who, in fear and trembling, accept the crumbs forgetful of the basic fact that wealth is the product of the activities of all.

STRUGGLE FOR DEMOCRACY.

"In the struggle for genuine democracy it will not do for us to content ourselves with the thought that the sole mission of this Republic is to see itself reflected in a rapidly developing republican growth throughout the world. We may well rejoice that such has been the result of the establishment of our Republic, and every American may well feel a thrill of pride as he contemplates a world-wide tendency to a transition from monarchy to republic. But we can not develop, nor even preserve the spirit of our own institutions, by simply basking in the refulgence of a reflected sunlight, even though it may be traced to the influence radiating from the Republic which we have established. No great nation ever fell before external forces until first weakened by internal forces. In all ages a favorite instrument in the hands of that power which struggled against the advancing spirit of liberty was the dazzling picture of foreign conquest ever so effectively employed to deaden the sensibilities of a people to the wrong and oppression visited upon them. Proud of our influence in the world-wide sphere of thought, purpose, and development, as we have a right to be, let us not make the mistake of those who have gone before, but realize that our mission to the world and our duty to the world, grand and splendid as it may be, is secondary, after all, to our mission in the development of a true democracy at home, and a duty to ourselves in preserving our institutions from those causes to which can be traced the wreck and ruin of empires in the past.

WORLD-WIDE INDUSTRIALISM.

"So, too, of our boasted world-wide industrial triumph. It may justly appeal to our pride to be told that the products of our industrial activities can be found everywhere, indicating the coming of a world-wide industral supremacy, but such pride, laudable as it is, must not blind us to conditions prevailing in the great centers of industry. We can not still the voice of protest, nor conceal the wreckage of humanity. We can not efface the resentment born of industrial conflict, silenced for the time only by the show of armed force, merely by the boast of a world-wide industrial supremacy. This should not, however, deter us from seeking that supremacy, but should impel us to development and the maintenance of that spirit of justice and equality that will enable us not only to secure a world-wide supremacy but at the same time strengthen and insure its permanency by basing it upon the peaceful and harmonious cooperation of the industrial forces at home, which can only be done through the medium of exact justice and equality of opportunity.

FREE GOVERNMENT AT HOME.

"The first and all-important triumph which we should achieve is the triumph of the spirit of free government at home and in

contemplating the reflected glory born of our republican institutions and our industrial supremacy we must not allow either to blind us to the sense of our duty to America.

"We can not emphasize too strongly the necessity of looking back and behind every wrong to discover the force that is responsible for that wrong. We must, of course, ever seek to have regard for law and insist that the cure for its miscarriage must be through orderly methods. Still we must recognize that it is the principle of justice which we should reverence and for every wrong committed and every unjust burden imposed we must trace it to the human agency that is responsible for it, because only in proportion as we disillusionize the abstraction and see the man behind the injustice will we awaken to a sense of the imposition and seek an orderly remedy for its abatement.

SURVIVAL OF THE FITTEST.

"Another instrument, rather a slogan of the old struggle, was the inhuman cry 'the survival of the fittest.' This cry we still hear echoed to-day, but we must remember that it is the law of the brute world and had its place where everything was subordinated to inordinate greed and power, and man was but the plaything of that brutal spirit personified by such power. The very fundamental of democracy is the right of all to exist with equal privilege and opportunity. If we are to reap the benefits of that human association called 'government,' all must participate in the making and administration of its policy.

GROWTH OF FREE GOVERNMENT.

"A genuine democracy must be found in the genesis of man's struggle for the form of free government. He first awakened to the thought that the glitter and glamor of royalty was unreal; then to the thought that no man—no truly human being—was ever good enough, or wise enough, to be the self-constituted guardian of the welfare of others; then to the thought—which was the real mainspring of progress toward civil liberty—that man was not made to be laid as a sacrifice on the altar of royal ambition; and then he grasped the thought that even the moat-protected parapet was powerless to stay God's eternal purpose of justice, arrived at through human sacrifice; and then it blossomed forth into free government in the birth of this Republic, and he found its realization in the thought that the common welfare should be the goal of human association and that humanity, in the concrete, is able, under divine guidance, to develop its own instrumentalities.

PEOPLE SHOULD RULE.

"The opponents of democracy assert that it is unsafe to trust all to that broad equation called 'the people'; that there must be some limitation upon their power as a check upon their mistakes. To this challenge we would reply that if there is a single chapter in our country's history which any patriot would wish to have forgotten, that chapter does not record a mistake of the American people, but records the abuse of power, or the betrayal of democracy at the hands of the few. The opponents of democracy are fond of asserting that for the evils of democracy we are asking for more democracy. This is a false assertion. We should distinguish between the evils of a system, if it has any, and those evils which are foreign to it and opposed to its best purposes, and find lodgment in it only through the instrumentalities of and betrayal by the force opposed to the system itself.

"It is urged again by the opponents of democracy, and, strangely enough, by the chief beneficiaries of governmental generosity, that democracy develops a tendency on the part of the people to look to the Government for benefits, and that there is danger in the extension of this policy.

"Real, genuine democracy either contains within itself the element of the solution of the problem we are considering, or those who have laid down their lives in the effort to establish it have sacrificed in vain. We can not believe that this sacrifice has been in vain, for back of the spirit of sacrifice planted in the breast of man there must have been a divine purpose to the fruition of which sacrifice was essential.

"Veterans, every great achievement has a dual existence. It lives related to those who achieve; it may also live related to the great movement of humanity. But it has often happened in the past that the flower of a nation's manhood wrote into history some great achievement which, as their achievement, became immortal. But the fruit of the sacrifice was lost by those for whom it was made, and, aside from the achievement showing forth the valor and patriotism of those who wrought it, it has ceased to be of historic significance.

DEEDS OF THE DEPARTED.

"The achievement of your departed comrades and yourselves, as wrought out upon the battle fields of this Republic, will remain immortal. That immortality you and your comrades, living and dead, secured. It is yours, sacredly yours, and no betrayal of the legacy which we have inherited can ever rob you of that crown of heroic valor, of unselfish patriotism, the luster of which will brighten as time goes on. No betrayal of the legacy which we have inherited can rob you of the immortality of your achievement. On the other hand, whether that achievement becomes immortal as related to one of the greatest transitions in the history of the race will depend upon whether the American Republic is destined to serve only as a medium from which man passed from monarchy to the form of republic or whether this Republic in itself shall solve the problems born or the transition from the old to the new, and this depends upon us and those who are to follow.

"God grant that the American people, in preserving this legacy, may make your achievement as immortal in its relation to the story of humanity as you made it immortal in the annals of heroism. Despite the tendency of the day to subordinate altruism to commercialism, despite the tendency to blind ourselves to internal conditions in our contemplation of a world-wide influence, for one, I believe that the mission of our Republic is something more than to merely give to mankind as its contribution a world-wide extension of the form of free government; that its real mission is deeper and broader than that, being the development of a real democracy, calculated to develop the best and highest in citizenship, and that our people will find the inspiration to do this in recalling the achievements of yourselves and your departed comrades, for where will man find greater or grander inspiration?

INSPIRATION OF WARRIOR.

"In all ages man has gone forth to battle obedient to one of three conditions. He was inspired by the lust of conquest, or he went obedient to the conscript law, or the instinct of self-defense steeled his heart and strengthened his arm while he waged the warfare of defense. But in 1861 there was no thought of conquest. You scarcely knew what the conscript law meant, and no instinct of self-defense born of imperiled firesides prompted you. But lifted to an exalted plane, you went forth to battle and to die, that the spirit of free institutions might be preserved.

WHAT WOMEN DID.

"As with the manhood of 1861, so with the womanhood of 1861. In all ages woman has cheered man when he has gone forth to battle. Sometimes she has shared in the lust of conquest. Again she has yielded, with man, obedience to the conscript law, and again, she has shared with him the instinct of defense. But the womanhood of 1861 was lifted to a plane where womanhood had never stood before. There was no thought of conquest, scarce a knowledge of conscript law, and no imperiled firesides, but the womanhood of 1861 gave her benediction and bade manhood go forth to battle and, if need be, to die for the spirit of free institutions. We must not forget that it is not man alone who sacrifices in war; woman must ever bear her share of the sacrifice, and it detracts nothing from the meed of praise that is due you to say that, in your heroic achievement, you had the inspiration born of the comradeship of brave men, but the womanhood of 1861 knew nothing of that. No waving banners, no martial music, no comradeship of brave man in camp and on battle lines, but alone she kept her vigils and bore her burden as only woman can.

"Surely, inspired by the memory of the heroism and patriotism of that day, inspired by the mute eloquence of the graves of our heroic dead, the American people can not be recreant to that trust which your sacrifices committed to their care."

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Florida [Mr. BRYAN]. [Putting the question.] The noes seem to have it. The noes have it, and the amendment is rejected.

Mr. NORRIS. Mr. President, I was trying to ask for the yeas and nays on the amendment. The Senator from Florida himself is not in the Chamber, and I think we ought at least to have the yeas and nays on it.

The VICE PRESIDENT. The yeas and nays are requested on agreeing to the amendment of the Senator from Florida.

The yeas and nays were not ordered.

The VICE PRESIDENT. The amendment is lost, and the question recurs on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. BANKHEAD. The Senator from Florida was in his seat a moment ago. I am sure he will be here in a moment.

Mr. BRYAN entered the Chamber.

Mr. SMOOT. He is in the Chamber now.

Mr. BANKHEAD. He is now here. I do not think it is fair to him to vote down the amendment in his absence.

Mr. BRYAN. Then I move to reconsider the vote by which the amendment was rejected.

The VICE PRESIDENT. The Senator from Florida moves to reconsider the vote whereby the amendment submitted by him was rejected.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Florida [Mr. BRYAN].

Mr. BRYAN. Mr. President, I had not supposed that the Senator from New Jersey would conclude before I could return to the Chamber. I was called to the Marble Room for a few moments.

The amendment which I have offered does not differ in many respects from the substitute offered by the Senator from Iowa [Mr. CUMMINS]. The main difference is this: Under the amendment of the Senator from Iowa the present weight basis remains in effect until it is changed by order of the Interstate Commerce Commission. Under the amendment which I offered the space basis adopted by the House in the pending bill would go into effect and remain in effect until the Interstate Commerce Commission changes it.

My amendment authorizes the Interstate Commerce Commission to investigate the rates that the House bill contains. If the rates are too high or too low, it authorizes the Interstate Commerce Commission to put in just and reasonable rates.

It then provides that those rates shall go into effect, and that the Postmaster General shall carry them out. It then further provides that no change in the rates so established by the Interstate Commerce Commission shall be made except upon an application to the commission, either by the Postmaster General or by the railroad companies representing 25 per cent of the mileage engaged in the carriage of the mails.

The amendment which I have offered confers upon the Interstate Commerce Commission as completely as does the amendment of the Senator from Iowa the power to investigate and determine what is a just and reasonable rate.

So, then, Mr. President, we get down to the one proposition of difference of method in ascertaining the rate of pay of the railroad companies. The last clause of the amendment of the Senator from Iowa provides that the present weight basis shall remain in effect until changed by the Interstate Commerce Commission, if it is changed. I prefer the other plan, for this reason: Several years ago Congress constituted a joint commission to study this question, and after a study of some year or two that joint commission, consisting of Members of the Senate and the House, in a voluminous report advocated the abandonment of the plan of paying by weight and advocated the establishment of a new plan of payment according to the space used. If you give any weight to the finding of that commission, the House provision ought to be adopted; but if that is of no value, then you continue in effect the old system that has prevailed for so many years.

It seems to me, Mr. President, that the result of the study of the commission established by Congress is entitled to some weight. I may say that the House bill adopts the rates put into effect by the commission. If those are just rates, or if they are entitled to be considered prima facie fair rates, then the burden is upon the railroad companies to overturn those rates. If, on the other hand, the method of payment we have followed is unjust, that injustice continues until, by application of the Post Office Department, the Interstate Commerce Commission revises the rates. Then litigation ensues through the courts for several years; in other words, you leave the department without the advantage of putting into effect rates that the commission established by Congress has said ought to be put into effect, and allow the old rates, which that commission decided ought not to exist, to continue, and place the burden upon the Post Office Department to get rid of them. That may mean a delay of several years, and undoubtedly will mean that delay.

Mr. POMERENE rose.

Mr. BRYAN. On the contrary, if the rates found by this commission are reasonable and just, this act will put them into effect. If the companies complain, they go into the courts, and the rates advocated by this commission, advocated by the House bill, and advocated by the Post Office Department become effective, and the burden is upon the company to displace them. I now yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, since I rose the Senator from Florida has in part answered my question. There is not anything in the amendment offered by the Senator from Iowa [Mr. CUMMINS] which would prevent the Interstate Commerce Commission from adopting the space plan of payment as provided for in the House bill if they should consider that the proper and the just method to adopt.

Mr. BRYAN. Not at all. I realize that.

Mr. POMERENE. But, of course, under the Cummins amendment also, if either party should be dissatisfied after those rates are fixed, the question could still be opened up on the application either of the department or of the railroad companies.

Mr. BRYAN. Of course, it amounts to this, Mr. President, that under the amendment I offered, if the railroad companies are not satisfied, they go into court, if I may say so, to overturn the rates; but the rates go into effect at once.

Mr. POMERENE. Yes; but also under the plan adopted by the House, and which, as I understand, the Senator from Florida desires to have the Senate approve, the Post Office Department is given the right to overturn the rates set forth in the Post Office bill if the department should be of the opinion that those rates are not sufficient.

Mr. BRYAN. There is no question about that; and I submit now, even to the friends of the Cummins amendment, this proposition: It seems to be the sense of the Senate that the Interstate Commerce Commission shall fix the rates and put them into effect, and that the Post Office Department shall obey that order without ever coming back to Congress for Congress to put into effect a system of rates. The language of the House bill which it is proposed to strike out requires that after the finding by the Interstate Commerce Commission the rates shall come back to Congress for approval. Now, the Senator from Iowa is not in favor of that and the Senator from Ohio is not in favor of that. They both are in favor, whenever the commission gets charge of it, for them to fix the rates finally and conclusively; and though they are opposed to the House bill as thus amended, it seems to me that even they would be in favor of this amendment to the text of the House bill, because certainly it gives the final power to the Interstate Commerce Commission and does not require the matter to be brought back to Congress. In that respect it is exactly similar to the amendment of the Senator from Iowa.

Mr. CUMMINS. Mr. President, the Senator from Florida, I think, has misinterpreted my amendment in one respect. He has just stated to the Senator from Ohio that under my amendment, if the railway companies were not satisfied with the present system, they could apply to the Interstate Commerce Commission for a readjustment. That is not quite right.

Mr. BRYAN. No; I did not mean to give that impression.

Mr. CUMMINS. Under my amendment it is made the duty of the Postmaster General within three months to lay the whole subject before the Interstate Commerce Commission, after which ensues a regular hearing, with the railway companies as defendants.

Mr. BRYAN. Yes.

Mr. CUMMINS. The Senator from Florida made another answer to the Senator from Ohio, about which I have some doubt, and I desire to ask him whether I fully understood it. I think he stated that under his own amendment—that is, the amendment of the Senator from Florida—the Interstate Commerce Commission would be at liberty to adopt either the space basis or the weight basis, or both. I think the Senator from Florida is mistaken about that. He may have so intended it, but I think that, with his amendment adopted, the Interstate Commerce Commission would be compelled to adhere to the space basis, although it might fix an entirely different compensation for the space required. What is the opinion of the Senator from Florida about that?

Mr. BRYAN. I do not remember that I discussed that question, or that it was involved in any answer I had given the Senator from Ohio. The language is very similar to the language of the amendment of the Senator from Iowa, and is, in effect, that the Interstate Commerce Commission shall—

> make a thorough investigation of the justness and reasonableness of the rates of railway mail pay fixed under this section; and if it finds that they are not just and reasonable for the service performed for the Government * * * it shall make findings of what rates are just and reasonable.

That power is broad and would not limit the Interstate Commerce Commission, in my judgment, to a space basis.

Mr. CUMMINS. Mr. President, the Senator from Florida may be right, but it impressed me on first reading the amendment that inasmuch as the House bill declares definitely that, for instance, a 60-foot car shall have—I do not remember the exact amount—we will say 21 cents a mile and that inasmuch as that rate is referred under the Senator's amendment to the Interstate Commerce Commission, the entire authority of the commission would be to say whether 21 cents or 22 cents, or whatever the rate may be, is a reasonable one or not, or whether it should be 18 or whether it should be 30 cents.

Mr. BRYAN. The Senator can not find that in the language of the amendment, though.

Mr. CUMMINS. Not in the amendment of the Senator from Florida; but that is the language of the bill and that part of it is not disturbed by the amendment of the Senator from Florida.

Mr. BRYAN. I think it is; I think it authorizes the Interstate Commerce Commission to fix any just and reasonable rate upon any basis it may choose; but, if not, I submit——

Mr. CUMMINS. I am not at all positive that the Senator from Florida is not right. I was impressed with a doubt about it, however.

Mr. BRYAN. Whether that is true or not, under the view of the Senator from Iowa I should think he and Senators of the same mind would vote to substitute the amendment which I offer for the text of the House bill, because under my amendment the question does not come back to Congress. The Interstate Commerce Commission fixes these rates and relieves Congress of entering upon a question which the Senator argued yesterday Congress was not qualified to consider.

Mr. CUMMINS. While I believe that the Senate committee amendment as amended by my proposal is better than the one now proposed by the Senator from Florida, I do not want the Senator from Florida to assume that I intend to vote against his amendment. I shall express my view about that as soon as I have an opportunity to do so.

Mr. BRYAN. So, Mr. President, it seems to me that those who may be in favor of the amendment of the Senator from Iowa and who are in favor of conferring upon the Interstate Commerce Commission the power of fixing just and reasonable rates should vote in favor of the amendment which I have offered to the text of the House bill conferring that power, whereas the text of the House bill retains it in Congress for the final decision of the matter.

Mr. HARDWICK. Mr. President, if the Senator will allow me to interrupt him, I want to ask the Senator a question. If his amendment should be adopted and then the committee amendment unamended or as amended by the proposal of the Senator from Iowa should be adopted subsequently, that would destroy the effect of the proposal of the Senator from Florida entirely, would it not?

Mr. BRYAN. Undoubtedly; of course that is plain.

Mr. HARDWICK. I merely wanted to have that made clear.

Mr. BRYAN. Certainly, that is plain. There are two propositions. The text of the House bill as amended is one proposition, and the committee amendment or the Cummins substitute is the other proposition; and those of us who think that the matter ought to be referred to the Interstate Commerce Commission for decision should vote for my amendment, although they might prefer the amendment of the Senator from Iowa.

Mr. HARDWICK. They might want to strike it all out.

Mr. BRYAN. They might want to strike it all out. I am not sure whether the amendment of the Senator from Iowa relates back to the beginning of the committee amendment on page 55.

Mr. CUMMINS. My amendment, if I may answer the question, begins with line 1, on page 56.

Mr. BRYAN. I did not know whether or not the Senator had modified it. Then, Mr. President, we have on page 55 this sort of a proposition that is in conflict with the provision incorporated in the amendment of the Senator from Iowa. The amendment of the Senator from Iowa provides that the present method of determining railway mail pay shall continue until overturned, if it is overturned, by the Interstate Commerce Commission; but that part of the committee amendment on page 55 changes the law with reference to that, and orders an annual weighing wherever desired by the carriers, a weighing to be carried on by them. So, wherever they want it, they can have it, and wherever they do not want it they need not have it; indeed, it is specified that, where they do not desire it, the quadrennial weighing shall continue. I do not know whether or not any such instances exist, but I can easily imagine that where the weight has increased very much, the carriers would ask for a weighing, and where it has decreased they would allow the pay to continue under the quadrennial weighing plan.

Mr. CUMMINS. Mr. President, I am placed in a somewhat peculiar position in considering the amendment offered by the Senator from Florida. I am deeply convinced that the rates for railway mail pay ought to be fixed by the Interstate Commerce Commission. That is the result which I hope will be finally attained, and in all other matters of detail I am not so greatly interested. We must come finally to determine or vote upon the relative merit of the House provision as it may be amended and the Senate committee amendment as it may be modified upon the floor. I do not know what the outcome of that vote will be. I believe that the Senate committee amendment, modified by the proposal which I have presented, is better and will reach a wiser result than the House provision as proposed to be modified by the Senator from Florida; but if the Senate committee amendment is rejected, then it is my judgment—and I am very clear about that—that the amendment of the Senator from Florida vastly improves the House bill.

For these reasons I shall vote for the amendment proposed by the Senator from Florida; but when we come to vote as between the House bill and the Senate Committee amendment, if it is modified as I have proposed, I shall vote for the Senate committee amendment. I thought it was due to the situation that I should state these circumstances, because I may not have an opportunity to do so later.

Mr. HARDWICK. Mr. President, so far as I am concerned, I do not think the proposal of the Senator from Florida materially improves the House proposition. I do not think it is any worse, except that the Senator from Florida appears to provide—and, of course, I say that with all personal deference to the Senator—for a fair investigation of this matter, and at the same time, the result of his proposal, if it were adopted and the House proposal as amended by him prevailed, would be that we would decide this question first and investigate it afterwards; that we would first change existing law and an existing system that has been in force in this country for forty-odd years, and then afterwards have the Interstate Commerce Commission decide whether or not the change was proper; that is, if the language of the amendment proposed by the Senator from Florida can properly be given the construction for which he contends.

If it be true, as stated by the Senator from Florida, that the effect of his amendment would be to remit to the Interstate Commerce Commission for its final decision not only the question of what specific rates of railway mail pay are reasonable and just, but also the general and preliminary question as to what plan or system of fixing those rates and arriving at a just compensation.

So far as I am concerned, I do not believe that the proposal of the Senator from Florida on its face can possibly mean what he suggests. The proposal must be considered in connection with the text of the bill which it proposes to amend.

The House bill, as suggested by the Senator from Iowa, provides that a certain system of fixing railway-mail compensation, to wit, the space system, shall be adopted, and provides, with great particularity of detail, what that system shall be and what the rates established under it are to be. But the Senator from Florida then comes and proposes to amend that by providing an page 54 to strike out all from line 6 to line 26, inclusive, as the committee proposes to do, and in lieu thereof to insert:

> The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation of the justness and reasonableness of the rates of railway-mail pay fixed under this section.

Fixed how, under this section? Fixed on the space plan, fixed on a certain predetermined and settled plan, according to the text which he proposes to amend; and that part of the text he does not propose to change. So that if the proposal of the Senator from Florida were adopted, undoubtedly, judging language by its ordinary and usual meaning, the necessary effect of his amendment would certainly be to provide that the Interstate Commerce Commission should determine what rates were reasonable and just to be paid under the space plan; in other words, how much the Government should pay for a given amount of space, and whether the rates fixed in the pending bill are too high or too low, and to what extent, if any, they ought to be changed. I therefore find the same objection to the proposal of the Senator from Florida that I find to the text of the House bill.

Since the text of the House bill itself provides that the railroads, or the department, either, for that matter, may appeal to the Interstate Commerce Commission on the matter of these rates, personally I do not believe that the proposal of the Senator from Florida involves any material change from the original proposition of the House itself, except possibly this change:

The House provision did provide that such appeals should not be made by the common carriers unless 51 per cent joined in the appeal. Under the language proposed by the Senator from Florida, instead of requiring 51 per cent of them to agree before they can appeal from an unjust rate, he is not going to let them do it unless 25 per cent of them join in the appeal. So that the only material or substantial difference carried by the proposal of the Senator from Florida is that 25 per cent of the railroads may appeal under his proposal instead of 51, as fixed in the House bill.

Under the Cummins amendment and under the committee proposal as it would be amended by the Cummins amendment, any carrier could appeal. The Interstate Commerce Commission would fix the rates for all carriers after general and thorough hearings and after a full investigation of each question, and any carrier that felt that it was aggrieved could, within a specified time—I think it is six months—have the commission reopen the question again. As far as I am concerned, I think that is justice. I do not see why, if one man is being wronged, he shall have no redress unless 25 per cent or 50 per cent of other people that are being wronged will join in with him; or if only 1 per cent are being wronged or only 5 per cent are being wronged, I do not see why they should be remediless, unless it should also happen that either 25 or 51 per cent are also being wronged.

Mr. President, I do not believe, personally, that the proposal of the Senator from Florida greatly improves the House proposition. The House proposition itself, according to my mind, is manifestly unjust. I hope at a later time, when we have perfected the text of the House proposal either by accepting or by rejecting the proposal of the Senator from Florida, to submit some observations on that question. For the present I shall content myself with saying only one word on that question, and that suggested by the last observation of the Senator from Florida.

The Senator from Florida calls attention to the fact that in the first part of the committee's proposal the committee provides for an annual weighing of the mails instead of a quadrennial weighing, as now provided by law, but that we do that solely on condition, as he said, that the railroads want it. It is not that at all.

The only objection to annual weighing that has ever existed in the mind of any fair person who wanted both the Government and the railroads treated justly was the expense of it. That has been the only objection ever urged by any fair-minded person. The railroads, appreciating that, offered before the Senate committee to pay for annual weighing if we would have it done. They said that if the Congress would provide for annual weighing they could have their employees do it with very little expense to themselves, and that they would bear the entire expense. Therefore the committee, taking them at their word, provided for annual weighing at the expense of the railroads, and they declined to give it except in cases where the railroads met that expense, as they had professed their willingness to do.

Mr. BANKHEAD. Mr. President, will my colleague on the committee allow me to suggest, in connection with this weighing to be paid for by the railroads, that it would be done under the supervision and direction of the Post Office Department?

Mr. HARDWICK. Undoubtedly; that was another thing that the Senator from Florida said. He said the railroads were to do this. The language employed in this proposition is exactly what has always been employed in the law. Every weighing that we have ever had has been done under language just like this. We took it from the statutes. We simply provided that the railways should do it under the supervision and direction of the Postmaster General, and that is the way it has always been provided. We said that if the railroads insist that the weight of the mail is increasing so rapidly, especially on account of the addition of the parcel post—and the Postmaster General has been obliged to agree to that contention, because there are two separate sections of this bill where he has recommended increases in their pay because of the parcel-post business, and that no man objects to—and if they are right in their contention that there ought to be an annual weighing of the mails on account of the increase of the business, certainly no honorable or honest Government official who understands the question, no Member of either House or Senate who wants to do right about it, can insist that they ought to be required to carry mail or parcel-post matter or anything else for the Government for nothing.

If they are right, I say, on that point, then there ought to be an annual weighing. They came up and said: "We are treated unjustly about this matter. The Post Office Department itself admits it. The Post Office Department twice since the parcel-post system has been inaugurated has been compelled to recommend the enactment of legislation increasing our compensation by certain amounts, which are more or less guesswork, on account of this parcel-post business put on us. Now, we insist that an annual weighing will meet that situation; and if the Government of the United States is too poor to pay it, if the Post Office Department can not spare the funds to pay it, we will pay it ourselves." We felt it was simple justice to give them an annual weighing at their own expense, so that the Government of the United States might pay them for what they are actually doing now and not for what they did four years ago, when there was no such burden on them.

I do not know that I care to say more. Whether the proposal of the Senator from Florida is adopted or not does not seem to me a matter of any importance, because the proposal of the House, whether modified by the amendment of the Senator from Florida or not, is manifestly unjust, manifestly unfair, and the proposal of the Senator from Florida amounts to little more than saying this: "We will execute this criminal first and try him afterwards. We will settle this question first and investigate it afterwards."

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. HARDWICK. I do.

Mr. POMERENE. As I understand the amendment offered by the Senator from Florida, it would commit Congress to a space plan.

Mr. HARDWICK. It would, undoubtedly, and without the slightest investigation.

Mr. POMERENE. I was going to ask the Senator whether the Committee on Post Offices and Post Roads had investigated this question sufficiently to enable them to determine whether or not the space plan would be preferable to the weight plan?

Mr. HARDWICK. I thank the Senator for inviting my attention to that. That is something that I ought not possibly to have omitted from my observations at this stage of the proceedings.

Let me say that the Senator from Florida contends that the space plan is approved by the judgment of the congressional commission. There have been, I think, in the last 44 years, either four or five commissions that investigated the general subject of railway pay. Only one of them, to wit, the Bourne Commission of 1912—I believe it was organized in that year—undertook to deal with the space plan. It is true that the Bourne Commission did recommend a space plan for fixing the railway mail pay; but the only member of that commission who is on our committee, and the only one that I know of, as far as I know—there may be others—who is a Member of the Senate, the Senator from Alabama [Mr. BANKHEAD], the distinguished chairman of this committee, assured the committee that his investigations even as a member of the Bourne Commission were such that he did not believe in the space system, and had so stated at the time this investigation was concluded and when this report was made.

Mr. POMERENE. May I ask the Senator a further question while he is commenting upon this subject?

Mr. HARDWICK. Yes, sir.

Mr. POMERENE. Did the committee come to any conclusion with reference to the combined space and weight system which has been suggested?

Mr. HARDWICK. I am going to endeavor to answer that, too, in connection with the Senator's other question. The committee undertook to investigate this matter as much as it could. I will say to the Senator from Ohio and to other Senators who are interested that I, for one, studied it as hard as I could day and night during the whole time this question was up in the committee and pending before the committee. I was absolutely unable to arrive at a conclusion as to what is exactly right. Why? The gentleman connected with the Government service who knows more about this question than all the balance of them put together, Mr. Stewart, said before the committee that the space system undoubtedly would not do for the very small railroads of this country, and therefore, in proposing it in the legislation that the department proposed to the House of Representatives, they had to have special authority of law to authorize the Postmaster General to except such of these little roads as he thought best from the operation of the space system. In other words, the very small roads that carry pouch mail only cannot operate on the space system, and the Senator can readily see why.

The Senator from Florida says that this thing has been carefully worked out. I tell him that it has not, in my judgment; and I do not mean to state it brusquely when I say that. No commission that ever yet investigated railway mail pay investigated it at a time when the parcel-post system was in operation.

The Bourne Commission concluded its investigation before the inception of the parcel-post business; and the truth about this matter, in my judgment—I have arrived at that much of the truth, I think—is that the main contention, both on the part of the Government and on the part of the carriers, about this question, grows out of this very parcel-post business. What its effect will be on the volume of mail carried, of course, depends upon what the rates are, and how generally and liberally the parcel-post system is used by the people of the United

States. What its effect will be on certain classes of business that the railroads have handled in other ways, or that the railways have handled for the express companies, and what will be the effect upon the revenues of the railroads of adopting this space plan, no living man knows or can even guess. That is the trouble.

Do we want to treat the railroads unfairly about this matter? Do we want unjustly or inadvisedly to jump into something that may cost them a great deal of money? I think not. I have never been either accused or suspected of having any undue affection for the railroads of this country. I have never been on that side of the public questions involved in the controversies that raged about them; and yet I would be ashamed of myself if I did not want to treat them justly about this and every other matter. I do not believe in hanging people first and trying them afterwards. I do not believe in changing a system that has been in effect forty-odd years without any previous proposal to change it, a system that is in force in every civilized country on this earth except Canada—and Canada has only recently changed to the space plan—without some more investigation than we have had yet, and some investigation by somebody who can consider what effect the parcel-post business will have on this entire question and all of its ramifications, both from the standpoint of the Government and from the standpoint of the carriers.

That is the situation. We trust the Interstate Commerce Commission to investigate and finally pass upon questions for your people and for mine, Senators. They fix freight, passenger, and express rates for every citizen of this Republic; for every person, natural or artificial, within its limits. They are organized for that work. They are equipped for that work. We like to believe—and I do believe, for one—that they are suited for that work, and that they have the judicial temperament and the judicial environment and the judicial disposition to try questions of this sort fairly and justly. We do not believe that on the recommendation of the Post Office Department, even if it is backed, to some degree, although not exactly, by the findings of one commission out of four or five, we ought to undertake to settle offhand this great question.

Why, Senators, it seems to me that it would be wrong to run the serious risk that we take of doing somebody very great injustice if we act hastily in this matter. I believe, myself, that before we take quite such sudden or drastic steps as are proposed in the House legislation there should be thorough investigation. No member of this body knows anything about it yet.

Mr. POMERENE. Mr. President, may I offer a further suggestion to the Senator? It seems to me that by our legislation, or our attempt at new legislation, we have discredited the weight system. Now it is attempted by the House to adopt the space system, but they have thoroughly discredited it by saying that the Postmaster General may, under certain circumstances, change these rates if in his judgment they are not sufficient, and, secondly, they further discredit the Postmaster General by saying that the whole proposition may be referred to the Interstate Commerce Commission.

Mr. HARDWICK. On appeal.

Mr. POMERENE. And yet the amendment of the Senator from Florida would commit the Congress to the plan which they themselves have discredited.

Mr. HARDWICK. Exactly; and for that reason I am opposed to it. They are so certain that it will not work universally, and they are so certain themselves that it is not fair as a general system, that they have made this provision; and that is what I referred to just now, that Mr. Stewart made a statement about.

> The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where in his judgment the conditions warrant the application of higher rates than those herein specified and make report to Congress of all cases where such special contracts are made and the terms and reasons therefor.

Mr. Stewart, their great expert—and he is a great expert on this question—said that the reason why they put that in was that they knew that the space system would not do for the very small railroads of this Republic north, east, south, or west.

The Senator from Ohio is right. They admit all that. My own opinion is that what will be finally worked out will be some sort of a classification of the railroads. The space system probably will apply very well to some of the trunk lines, the weight system to other lines where the conditions are different, and a combination of the two, and probably other considerations besides either space or weight, will enter in many cases into determining what the rate should be. My own opinion is that, without prejudging this question, without ignoring the many difficult and important and intricate and involved transportation problems that are involved in it, without doing any injustice to the railroads or without doing any injustice to the department, we ought to submit this matter to the Interstate Commerce Commission, and my opinion is, further, to refer it to the commission with instructions to take the final action on it just as they do about every other rate—freight, passenger, and express—in this country, for your people and for mine.

Now, Mr. President, it is no disparagement of the Post Office Department or of the Postmaster General to suggest that the department and its chief executive officer are not in a judicial position about this matter. On the other hand, it is a matter of compliment to so state, because there never was a Postmaster General who was worth his salt who was not trying to do his very best for his great client, the Government of the United States, and trying to make the best showing that his department could make when the balance sheets are drawn up and submitted to the American people. Those are the motives that must be first with the Postmaster General, and I am commending them, not criticizing them. While he may be most efficient and entirely loyal to the Government of the United States and its interests, that does not qualify him for any judicial decision of this sort, on an issue where the question is, How much money shall his department pay out to the carriers for service in transporting the mail? On the other hand, we ought to be equally impartial and just to the railroads of this country.

Mr. President, this committee was unjustly assailed, slanderously assailed by a minor official of the Government, because it dared to express its opinion about this matter, and dared to assert what it thought was right and just to the public and to the railroads and to the Government. I am not going into that. It was a disgraceful episode that it will do no good to dwell upon, when that gentleman undertook to say that the committee had surrendered to the contention of the railroads.

He did not undertake to mention the fact that the great Merchants' Association of New York and 59 of the most important and influential chambers of commerce of the country had insisted that there ought to be a thorough investigation of this great question by the Interstate Commerce Commission before Congress should undertake to take any action upon it. He did not undertake to state, although he must have known it, that the representatives of the great Farmers' Union of this country came before your committee and urged that the matter be referred, either one way or the other, to the Interstate Commerce Commission.

Do you know why the merchants and farmers of this country are interested in the question? It is not only from a desire to see justice done, but because they know that unless we do justice and pay the railroads, not an unreasonable rate nor an exorbitant rate nor an unduly high rate but a just and a fair rate, and one that is moderately compensatory for the services they render, somebody else must foot the bill.

Fifty-nine million dollars are carried in this bill for the transportation of mail by the railroad companies. It is no present economy to adopt the proposition of the Senator from Florida and to provide that, pending the investigation of this question and its final determination, this new system shall go into effect and the entire system changed without investigation, because Mr. Stewart testified before the Senate Committee on Post Offices and Post Roads that if the roads were paid on the scale fixed in this bill the railroads of the country would receive $5,000,000 more than they do under existing law. Not only that, but the distinguished gentleman who is chairman of the Committee on the Post Office and Post Roads of the House of Representatives made substantially the same statement.

Now, nobody is favoring the railroads if they want to keep the existing law in force pending this investigation and determination of this question by this great semijudicial body.

Mr. NORRIS. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. NORRIS. I wish to ask the Senator in reference to the payment by the space system to the railroads of $5,000,000 additional if it is not true that the railroads are opposed to the space system and do not want the House provision?

Mr. HARDWICK. Yes. I will tell the Senator why. I say to you undoubtedly the railroads do not believe these estimates. The railroads do not think that the Post Office Department or the House chairman is right about it. They do not believe it is true. They believe that the discretion of the Postmaster General, the authorization given him under law—and by the way it has always been carried in the law; and I do not want to quibble about that—might be so exercised as to prevent them from receiving the maximum rates carried in the bill——

Mr. NORRIS. I wish to ask the Senator in this connection if there is anything in the contention that if the space basis is fixed as a matter of law it will enable the Postmaster General to economize in a way that he could not economize under existing law? Is it the belief of the railroads to any extent that they fear that although if they would carry the same number of cars they carry now they might be increased, but that the Postmaster General, if the space system were adopted by law, would be enabled to curtail the space somewhat and thus reduce the compensation?

Mr. HARDWICK. If the Senator will let me answer him, all those contentions are made and a thousand more. There is no question that the Senator or any Senator can suggest that has any pertinency to this great issue that has not been raised; and as to all of these questions and the contentions that are directly conflicting—and I must say in many cases the evidence is also directly conflicting—it would be utterly and absolutely impossible, with the duties that Members of the Senate and Members of the other House of Congress have upon them, for any considerable number of Senators or Representatives to determine the truth between these manifold and conflicting contentions.

For that reason I say we must submit it in one form or another to that great agency of Congress which has been organized and equipped to determine the truth of just such great issues as this, and that ought to be fair enough, and that, I believe, is fair enough to do simple and absolute justice between the Government and the department and the people on the one hand and the railroad companies on the other.

Now, just a word more and then I have finished. These farmers and merchants did not ask us to refer this question to the Interstate Commerce Commission entirely from motives of patriotism. They realized if they cut the railroad revenues materially in respect to this matter the railroads are bound to make it up somewhere else, either in freight or passenger rates. The railroads are bound to make a living; they are bound to pay their fixed charges; they must be allowed to earn a reasonable return on their investment. Therefore I say that it is not to the interest of the people of the United States to try to save money for this department of the Government unjustly at the expense of the carriers. Our own constituencies will have to foot the bill if you do. Not only every motive of justice and fair play urges us to have this question fairly investigated and justly determined, but every motive of self-interest for our constituencies impels us to adopt the same course.

Now I am through. As far as the proposition of the Senator from Florida is concerned, I regard it as utterly immaterial whether we adopt it or not. The House proposition is wrong, in my judgment, whether it is modified by the Senator's proposal or not.

Mr. VARDAMAN. Mr. President, I am not an expert on the question at issue before the Senate. I was, however, impressed with the fairness and justness of the space basis as it was presented to the committee by its advocates, and personally I should have preferred adopting the House provision and then referring the question to the Interstate Commerce Commission to determine whether or not the compensation to railroads as provided for in the bill was adequate.

I was not particularly moved by what the farmers and the representatives of the farmers' unions, and the boards of trade said to the committee. I saw what appeared to me to be a well-organized, carefully laid plan on the part of the representatives of the railroad companies to cripple the parcel-post system. The railroad companies were there looking after their own interest, and most of the gentlemen who came before the committee and asked the committee to refer this question to the Interstate Commerce Commission impressed me with the fact that they were there at the request of and in the interest of the railroad companies. That fact was manifest and the motive behind it all was unmistakable.

But I realize that the problems involved in this question require serious thought and careful consideration to understand and solve them. I am just as much opposed to doing the railroads an injustice as I am the humblest citizen of this Republic. To my mind the act of robbing the railroads involves the same moral turpitude that a law withholding the right of a square deal and the privileges of a freeman from a private citizen does.

The State can not afford to show partiality in dealing with its citizens. The public is the beneficiary of the parcel post. The transmission of the mail is a public necessity. Its purposes and designs are to serve the many rather than promote the private interests of the few. Above all things the statutes of this Republic must be just, and the rich and poor alike should share the benefaction of its righteous laws.

When the railroad companies render service to the Government, it is the duty of the people represented by the Government to pay the railroad companies adequately for that service. There should be no difference of opinion on that question. Many of my colleagues on the committee in the discussion of this question urged the course which was finally pursued by the committee and the amendment adopted which has been so clearly and forcibly stated by the eloquent and learned junior Senator from Georgia [Mr. HARDWICK]. They insisted that before we change the system which has been in vogue so long that the matter should be thoroughly investigated by the Interstate Commerce Commission and then with the light before us we could embark upon the new system knowing exactly what we were doing.

That argument appealed to me and I finally acquiesced in their conclusion.

We provided that the mails should be weighed annually by the railroad companies under the direction and supervision of a Government official, the railroad companies or their representatives telling us that that could be done at very little expense to them, because they had the men there to handle the mails. There was no special objection to that, though I doubt whether an injustice would be done if the mails were not weighed annually.

I had hoped that the committee amendment might be adopted without opposition. I wanted the evidence, I wanted all the data that the Interstate Commerce Commission is so well equipped for ascertaining, gathered and submitted to Congress, and then I wanted Congress to determine this question and settle it right. I do not share the opinion that Congress is incapable of dealing with the question.

Mr. President, I can not agree with my colleagues on the committee that this matter ought to be left to the Interstate Commerce Commission unconditionally. The tendency to government by commission is becoming too popular in this Republic to suit my democratic notions. To my mind such a policy will lead inevitably to disaster. The further you get away from the ballot box the more liable the functions of government are to be prostituted to personal, partisan, and selfish ends.

I am perfectly willing that this question should be submitted to the Interstate Commerce Commission for investigation and report, and therefore I trust the amendment offered by the committee may be adopted. The representatives of the railroads have expressed themselves as being satisfied with that method; the people will be satisfied with it. Then let the commission go on and investigate the matter and report the result of their investigation to Congress, and then let Congress take it in hand seriously and do the thing that is best to be done for the people of America.

Mr. President, I am very glad that my colleague on the committee, the brave and patriotic Senator from Georgia [Mr. HARDWICK], has seen fit to call to the attention of the Senate the unwarranted and inexcusable slander that was issued by the Fourth Assistant Postmaster General against the committee for doing its duty. The conduct of that officer was grossly improper, and it is a matter of which Congress ought to take further notice.

To have the character of the honorable Members of this body aspersed by an insignificant head of a bureau should not be tolerated. Added to the gross impropriety of his conduct, this self-constituted censor is guilty of the crime of misuse of public funds in the circulation of his base slander. If Senators are thus to be punished by having the filth and slime of slander which exudes from an unpunished underling smeared upon them for daring to do their duty to their constituents, the American people will soon lose that confidence that they always repose in the integrity and manhood of their representatives in Congress.

But returning to the question at issue, Mr. President, I think, as the Senator from Georgia has said, this question ought to remain as it is provided for by the committee amendment. The old system can be endured a short while longer without serious detriment to anybody, and after the Interstate Commerce Commission shall finish its investigation and submit the result of its study of this question to Congress, then Congress can proceed to legislate intelligently. Possibly an entirely new system or basis for the payment of the railroads and the perfecting of the Postal Service will be effected. But I do not want Congress to turn this matter over entirely to the Interstate Commerce Commission.

There is one thing that struck me in the investigation of this question before the committee. I think it is the first time in the history of the Government that the railroads have shown themselves perfectly willing to trust implicitly the Interstate Commerce Commission. I asked one of the railroad presidents who came before the committee how it is that they had changed their attitude toward the Interstate Commerce Commission; they

used to fight the commission. "Well," he answered, "we think they are doing right now." They may be. I trust they will do right in this instance. I want to give them an opportunity to investigate this subject and give the people of America the result of their investigation. But I am not in favor of delegating to commissions the power which Congress has arrogated to itself for all these years, and which I believe vital to the future welfare of the American people.

Mr. NORRIS. Mr. President, it seems to me that Congress ought to determine the system by which compensation for carrying the mails shall be reached. The railroad companies have a right to a reasonable pay for what they do, no matter what system may prevail, but it is not one of the provinces of the railroad companies any more than any other citizens to say to Congress the work shall be performed on this or that basis. We ought to be moved in the question it seems to me——

Mr. HARDWICK. Mr. President——

Mr. NORRIS. In just a moment I will yield to the Senator. We ought to be moved as to how the method of compensation should be reached, by what would be the most economical method, and whatever system we arrive at, then whatever the railroad company does in carrying the mail it must have reasonable pay for doing. I yield to the Senator from Georgia.

Mr. HARDWICK. I was just going to suggest to the Senator that I quite agree with him—we ought not to let the railroad companies fix the plan or system, yet I suppose the Senator will also agree with the statement that we ought to hear every reasonable argument they have to present and every objection they have to make about the matter.

Mr. NORRIS. Certainly, I agree to that. I do not want the Senator to get the idea now that I am complaining of the method pursued by the committee or by anybody else. I think they ought to be heard.

Their interests, however, as railroads are confined entirely to the compensation that they should receive for whatever they do. Their interest in general legislation may be the same as that of any other corporation or of any other individual moved by a patriotic or worthy purpose or motive; but the idea I am trying to convey is, that no matter what system we decide as a matter of law shall be adopted in weighing the mails, the question of compensation is a different proposition. In that the railroads which carry the mail have a different interest, and they are entitled to fair treatment and to fair pay. To my mind, however, whether their pay should be fixed on a space basis or on a weight basis is a question entirely of an economic nature, and we ought to decide it on that basis. When we have decided that, then the compensation to the railroads, so far as the railroads are concerned, becomes a direct question. They are entitled to more consideration, perhaps, than is the ordinary citizen because they have a direct interest in it; and we ought not to try to enact any system into law that would be unfair or unjust to anybody.

I approach the subject of the weighing of the mails with some hesitancy and some embarrassment, because I know it is a complicated matter, which I do not profess fully to understand, although ever since I have been in Congress I have tried to devote to it all the time I could spare. During 13 years' time I have seen practically every year a contest over the question of compensation for carrying the mails. It is a complicated subject. The law as it now exists, and has existed during all those years, is one which it is difficult to understand, and after one understands the law it is still more difficult to apply it and to get its actual application as it works in the weighing of the mails.

In addition to that, it is an expensive system; it costs a great deal of money. In addition to that, it is not fair; it is not the fairest way, either to the Government or to the railroads, especially when you weigh the mails but once in four years. I believe it has been said a good many times—and I think that has been the idea of those who framed the law providing for a weighing once in four years—that the rate was liberal, on the theory that, as a rule, the weight of the mail would increase. However, if you weigh the mail every year you increase the expense, and still you will not have arrived at a just system.

The weighing system, to reduce it down to an absolutely just basis, would require weighing the mail every day in every year, all the time. That would be fair. The only objection to that, as I understand, is the expense; it would be very expensive. When the committee brings in an amendment here providing that the mails shall be weighed once every year at their expense, if the railroads want it weighed, to my mind they have not provided any remedy for the difficult situation. Directly the railroads would pay it; it would be a legitimate expense on the part of the railroads; but economically the people in the end pay it, no matter what the amount is, and they ought to do so. It is proper; it is a proper charge for the railroads to make. So, as a matter of fact, if the railroad pays the expense, it will only be an additional railroad expense that must be made up either in the charge for carrying the mails or somewhere else; it must be paid for, and if the railroads make, let us say, 7 or 8 per cent on money invested, this is going to be one of the deductions which will be taken out, and there must be a sufficient contribution from some other source to make up that expense.

I speak of it in no spirit of criticism, because it would be a legitimate expense. I mention it only because, according to my idea, we have not solved anything when we have taken away the necessity of paying the bill from one pocket and put it over to another pocket. It must be paid by the people, if not in taxation directly to the railroads themselves for carrying the mail, then in the carrying of passengers or of freight, although it would come nearer reaching a just conclusion. I admit that. The objection to the system is its expensive nature.

Now, the committee propose that this matter shall be investigated by the Interstate Commerce Commission. Mr. President, in the last 13 years, since I have been a Member of Congress, somebody has been investigating this subject most of the time; but yet we have never changed the law. About three years ago—it was before I came to the Senate, though I know the report was made afterwards—we appointed a joint committee consisting of a certain number of members of the House Committee on the Post Office and Post Roads and a certain number of members appointed from the Senate Committee on Post Offices and Post Roads to investigate the question of mail pay. I believe it is conceded that that joint committee made a very diligent inquiry into the subject. I know I had conversation with members of the committee while the investigation was going on, and talked especially with the chairman, ex-Senator Bourne, a great many times about the work, and, in a general way, I knew what they were doing. They made an elaborate investigation. They were equipped for that investigation; they were provided with all the funds they needed; they employed all the experts they wanted; they were unlimited practically in the scope of the investigation. Mr. President, they reported here some time ago, but Congress did nothing. I take it that, if the Interstate Commerce Commission makes another investigation, the danger will be that when their report comes in it will lie on the table and molder until it is gray with age.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. NORRIS. I yield to the Senator.

Mr. HARDWICK. I desire to make one more suggestion. The great trouble we find about accepting without any qualification the recommendation of the last commission which investigated this subject is that the Parcel Post System had not then been inaugurated, and the commission did not calculate what its effect would be on any of the questions that they investigated or in reference to any of the conclusions which they reached. The Senator from Nebraska sees, of course, what a great difference that might make.

Mr. NORRIS. That would make a great difference in the compensation that would be paid; but, as I understand, whether we had the space basis or the weight basis, if we had a system providing that so much per pound should be paid or so much should be paid for space, as the Parcel Post System developed there would be greater compensation. It would increase automatically.

Mr. HARDWICK. Will the Senator pardon me for just another suggestion?

Mr. NORRIS. I yield; certainly.

Mr. HARDWICK. In Great Britain they seem to have reached a solution of that very troublesome question by allowing the railroads a certain percentage of the revenue derived from the carriage of parcel-post business, and I expect that is one of the ways that we may have to consider very seriously in this country.

Mr. NORRIS. Yes; and I think that is also done in France and in quite a number of other countries; in fact, in most of them. I think this expense of carrying the mail is compensated for to the railroads by a division of the proceeds. That is the system by which the express companies operate in this country. There is, however, not any proposition before the Senate now from the Senate Committee on Post Offices and Post Roads to have that matter investigated, as I understand. Perhaps the amendment will be broad enough to have it investigated by that committee.

This committee did not do it, but I presume the joint committee looked into it, and, in a general way, they reached the

conclusion that we ought to pay on a space basis. It may be that that report appealed to me because I had believed for a good many years that that was the proper solution of the problem.

Mr. President, as to the present system the ordinary citizen can not tell anything about it unless he makes a special study of the question. The ordinary Member of the House of Representatives and the ordinary Member of this body does not know much about the intricacies of the weighing of the mail and the compensation the railroads get for carrying it. We know in a *general way about* how much they get; we can read the statute, but the difficulties confronting the carrying out of the law under the weighing system are multitudinous and almost unlimited.

The space basis, it seems to me, is a simpler method. I was impressed by what the Senator from Georgia [Mr. HARDWICK] said in regard to what it was claimed by some people would be the result; that is, that it would increase the expense that the Government would incur if we adopted that system, although, as he very frankly admitted, the railroads are opposed to that change, and, of course, are opposed to it on the theory that it would decrease the compensation they would receive. It seems to me that might be important from a railroad standpoint, but it is not so important in considering the fundamental principle involved.

If any system we adopt is economically sound, the amount of compensation must depend upon the services rendered by the railroads; but I can see, I think—and I have heard many other gentlemen offer this as an argument on behalf of the railroads in opposition to the change and on behalf of the Government in favor of the change—that if we adopted the space basis as provided for in the House bill it would give to the Postmaster General an opportunity to bring about a great many economies. We ought to be in favor of that.

In other words, if that basis were adopted the Postmaster General would call upon the railroads for a certain amount of space for so many compartment cars on certain railroad lines to carry the mails. He would be moved, as the Senator from Georgia so well said, by a patriotic desire of economy to reduce the cost of the operation of his department as much as possible, and he would not call for any space that he did not need. The railroad companies, in my judgment—and I have talked with some railroad officials who have privately admitted that this is true—believe that by the practice of economy the amount of money paid to the railroads for carrying the mail in the aggregate would be reduced; but if that can be done and the railroads still get reasonable pay for what they do, then, as an economic proposition, we ought to do it. It looks in the direction of economy, and we ought to be in favor of economy so long as we do not interfere with efficiency.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. CUMMINS. May I suggest to the Senator from Nebraska that he ought not to accept the claims of either side of this controversy without the most careful scrutiny? For instance, upon the point the Senator is just discussing the ordinary weight of the mail in a storage car at the present time is about 6 or 7 tons; that is the average weight carried in one of those cars, which has a capacity for carrying 20 tons, we will assume, and that is the fact. Now, let us think of two cars starting from New York City to Chicago, one of them filled to its capacity with 20 tons of mail and the other, a precisely similar car, with a load of but 6 or 7 tons. It is prefectly obvious, of course, that it will cost the railway company more to carry the fully loaded car to Chicago than it will cost to carry the partially loaded car. The railway company is entitled to fair compensation for the service; and that fair compensation depends, in a measure at least, upon the cost of the service. If we accept the space basis, we would be compelled to plunge into this uncertainty—and in my judgment it would be just as uncertain and uneconomical as the weight basis—we would have to pay for that space upon the theory that there is some kind of load in it. What kind of load? Shall we pay for it upon the basis that it has 6 tons or 10 tons or 15 tons or 20 tons?

If in fixing the rate of compensation on the space theory we assume that the car will have 15 tons in it and we load it with but 6, we have greatly overpaid the railroad. If, on the contrary, we pay for it on the basis of, say, 10 tons, when, as a matter of fact, it is loaded with 20 tons, we will greatly underpay the railroad. There will be that uncertainty in the space basis, and nothing can eliminate it; it is not possible to eliminate it.

I agree that there is very great uncertainty about the weight basis, and, as I said yesterday, after having studied the matter with all the care I could, I am utterly unable to reach a conclusion with regard to the proper theory, although I am tending toward a combintion of both. Where the car is a peculiar car, fitted up for a post office, and where the facilities of the car are more important than the contents of the car or the weight of the car, then I am strongly inclined toward the space basis; but where the car is loaded to its capacity, just as an ordinary freight car is loaded, then I am very clear that the weight basis is the more economical for the Government as well as the more certain in its application. I wanted to suggest this to the Senator from Nebraska, because I know he has studied the same subject, and he desires to reach exactly the same result as I do.

Mr. NORRIS. Mr. President, the suggestions made by the Senator from Iowa are very illuminating to my mind. They do not, however, at least in any conclusive way, convince the mind that the space basis is not preferable to the weight basis. Whatever system we adopt, we will not be able to get, in every day of every year, exact justice. We do not get it now. The railroad companies do not get it in anything that they carry. They carry passengers now on a space basis, but they charge just as much to carry the Senator from Iowa from Washington to Chicago as they do to carry the Senator from Massachusetts; and yet everybody knows, without putting them on a scale to have a test of it, that there is more expense involved in carrying the Senator from Massachusetts to Chicago than there would be in the case of the Senator from Iowa. The Senator from Massachusetts comes nearer getting the worth of his money than the Senator from Iowa does. They will charge you so much per carload for hogs to go from my home town to the South Omaha market; and if the hogs are large and the combined weight is great, they get no more pay for it than though the hogs are only half that heavy. In carload lots it is a space basis, even in freight.

Mr. CUMMINS. Mr. President, I think the Senator from Nebraska is in error about that, in part at any rate. In a carload of hogs the weight is about the same, no matter what the size of the hogs may be. I suppose the larger the hogs the fewer there are to the car; but the railways have a minimum weight upon which the shipper must pay, no matter whether the hogs are there or not.

Mr. NORRIS. Yes; I think they do. In other words, if the shipper shipped one hog and got a car to ship it in he would have to pay for a good many hogs that he did not ship. There would be a minimum charge for that space.

Mr. CUMMINS. He would have to pay the rate on the minimum carload, whatever it might be.

Mr. NORRIS. Yes.

Mr. CUMMINS. But the illustration which the Senator from Nebraska has just given, in which the Senator from Massachusetts and myself were compared, is a very good one. It shows exactly what I tried to say a few moments ago, although the Senator from Massachusetts does not outweigh me so much as he does some other Senators in the Chamber. The passenger is carried on a space basis.

Mr. NORRIS. I want to say that I was referring entirely to physical weight in pounds. I had no reference to any other basis of comparison.

Mr. CUMMINS. The passenger business is done upon a space basis, really. The car is especially fitted for that work rather than to carry weight, just as certain postal cars are fitted for carrying the mail and the distribution of the mail while the car is traveling. I am very clear that the space basis is the most certain as well as the most economical for that part of the service; but I am just as clear that for the heavy mail—the ton mail, if you please—that is carried precisely like any other freight you can not eliminate eventually the factor of weight.

Mr. NORRIS. Well, of course, if we were going to be obsolutely accurate we ought to classify it, probably, like they do freight; but it is an impossibility to get absolute accuracy with regard to anything of this kind. We do not have absolute accuracy now in the transportation of passengers or freight or express or anything else. The weighing system, in order to be fair, ought to be put into force every day; that is, the mail ought to be weighed every day. Doing it once a year will only make the difference less and the wrong less than exists now. If we were going to fix a rate and only have a four-years' weighing, assuming, as we would naturally assume, that the post-office business would increase as time went on, probably we would fix a liberal rate, on the theory that before the four years were up they would be carrying a much larger volume in weight, and also in volume, than they would at the beginning of the four-year period. If we had a space basis, it would be automatic. If you could weigh the mail every day that would be automatic. No one contends for that, because it would probably cost more to weigh it than it would to carry it.

We eliminate, to begin with, the enormous expense of weighing the mails; and it does not make a particle of difference whether the Government pays it directly or whether the railroad pays it in the first place; the Government pays it in the end. It is in the bill. It belongs there, and you can not get it out. If we have a space basis, it is eliminated to begin with. It is automatic. If the parcel post, or any other part of our mail business, increases, the Postmaster General simply orders that much more space, and pays for what he gets, and he will not order any that he can not use. He will fill it up as much as he can to its capacity, which he ought to do. The railroads do that in their own business. Every man does that in his own business. If you can carry in two cars what you now carry in three, it is economy to carry it in two. It is economy both for the railroad and for the Government. Of course the railroad would rather carry it in three cars, because they would get pay for three cars; but coming down to an economic basis, it is an economy that in the end would redound to everybody to carry it in two cars instead of three, if you could reasonably do so.

It seems to me that the space basis is the proper one, and it seems to me that Congress ought to determine that by law, and that it is not any more the business of the railroads than it is the business of any other individual whether we are to provide by law that it shall be on a space basis or a weighing basis or any other basis. It is a principle that we ought to put into law and decide whether the pay should be by space or by weight.

In my judgment we eliminate a large amount of the difficulties and the intricacies that surround this railway-pay business if we adopt the space basis. We will put it on a basis where the ordinary citizen can read the law and understand it and see how it is applied in practice. There is not anybody except an expert that can do that now under the weighing system. The weighing system is unfair because under the law that exists now it is only weighed once in four years, and mail on one route may go up and on another one it may go down. In one case it is unfair to the railroad and in the other case it is unfair to the Government.

I believe—I should like to be corrected if I am wrong—that it costs $300,000 to weigh the mails, in round numbers. If it is weighed every year, it will cost four times more to weigh it than it will to weigh it once in four years. If you weigh it once in six months, it will cost eight times more—and disabuse your mind of the idea that the consumer does not pay the bill. The Government pays it, or its people pay it somewhere, and it is a proper charge. It is not automatic, and therefore it does not go up and down according to the volume of business done. The space basis does. We provide by law that we will pay by space. If the business goes down, we are paying the railroad companies less for doing less work. If the business goes up, we pay the railroad companies more for doing more work; and in either case it is just and fair.

On the question of rates, the amendment now pending, offered by the Senator from Florida, simply submits the question of rates to the Interstate Commerce Commission. If we submit anything to the Interstate Commerce Commission, that is all I believe we ought to submit.

Mr. CUMMINS. Mr. President, that is not the view taken by the Senator from Florida of his amendment. I asked him that question specifically, and he thought otherwise. He thought the whole matter would be submitted to the Interstate Commerce Commission. I confess that I agree with the Senator from Nebraska. I believe that the amendment would prevent the Interstate Commerce Commission from making any inquiry as to the merits of the space and the weight systems.

Mr. NORRIS. Did the Senator contend that the amendment he has offered would give the Interstate Commerce Commission authority to put into effect some other system?

Mr. CUMMINS. He said so this morning.

Mr. NORRIS. I am getting my idea from the amendment itself. I did not hear the Senator say that. I do not see how, on reading the amendment, anyone can get that idea, although I may not have read it carefully enough. I will read the amendment. In the first place, remember where this comes in the bill. It comes in the bill right after the place where the space system is provided for. The bill provides for the space system, just exactly how it shall operate, what it is, and what the pay shall be; and right after that comes this amendment, or it will come in there if it is adopted:

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation of the justness and reasonableness of the rates of railway mail pay fixed under this section, and if it finds that they are not just and reasonable for the service performed for the Government by the railroad mail carriers it shall make findings of what rates are just and reasonable and shall certify such findings to the Postmaster General, who shall adopt such rates, and, where greater or less than the rates fixed under this section, shall readjust the compensation of the carriers in accordance therewith. No change shall be made in the rates fixed by the Interstate Commerce Commission except by the commission after investigation, which shall be made only upon application of the Postmaster General or the representatives of railroads with an aggregate mileage of at least 25 per cent of the mileage of the railroads carrying mails.

To me it is perfectly plain that the only thing the Interstate Commerce Commission can do if that amendment is agreed to—and it will be their duty to do that—is to proceed to investigate the reasonableness of the rates fixed in the section that immediately precedes this amendment in the bill. If they find, for instance, that those rates are too high, they will certify not only that they are unreasonable and too high, but they will certify to the Postmaster General what is a reasonable and proper charge; and immediately the Postmaster General will put into effect those rates so certified to him, and they become the rates.

If later on, through changed conditions, these rates become unreasonable—either too high or too low—it provides that the Attorney General or the railroads representing 25 per cent of the mileage of the railroads of the country can apply again to the Interstate Commerce Commission; then they will make another investigation and fix the rates again, and those rates shall remain in effect until another application and another investigation are made. It ends the entire controversy, it seems to me, and I do not know how any man can complain, whatever system he may be favorable to, of the justness of the proposition. It gives the Government and it gives the railroads each the right to complain; and then, after investigation is made by the Interstate Commerce Commission, the rates that they find to be right are put into effect, and they remain in effect until, under the law, somebody feels aggrieved, either the Government or the railroads, and makes another complaint and has another investigation.

To my mind it is perfectly plain and perfectly simple. I do not see how anyone can construe that language to mean that it gives to the Interstate Commerce Commission the right to put in the weighing system. The bill to which this is an amendment provides specifically for the space system, and this is an amendment to that provision.

It seems to me that Senators who are opposed to the space basis, but who favor the weight system, ought still to vote for this amendment if they believe it would improve the House text. For instance, I am going to vote against the Senate amendment when we reach it, but I believe the amendment offered by the Senator from Iowa improves the Senate amendment. I am going to vote for it. I would rather have it in that form than in the form in which the committee have reported it. But whether his amendment is agreed to or not, as against the House provision in the bill, I am going to vote against the amendment when we finally come to that test, because I believe we ought to stop investigating. We have investigated enough. It is a question for Congress, anyway, to decide what system should be put into effect, whether weight or space; and I vote for space because, from what investigation I have been able to make, backed up in the main by the judgment of those who have studied it more than I, and in whom I have great confidence, I believe the space system is the most economical. So far as rates are concerned, they are provided for outside of that. The railroads will get what is coming to them, and what they are lawfully and justly entitled to, no matter which system is adopted.

Mr. HUSTING. Mr. President, if an excuse is needed for entering into a discussion of this question, it is because I have long been interested in this branch of the service, and I believe I may be able to throw some light on this subject. Therefore I venture to rise to address the Senate on the bill.

The primary objection that I have to the amendment of the Senator from Iowa is that it leaves the existing system as it is—first, the determination of railway pay according to the weight system, and, secondly, it in a way approves, or at least does not disturb, a change in that system in the way of weighing. I am referring particularly now to that part of the proposed amendment which deals with the annual weighing. The amendment of the Senator from Iowa begins on line 1, page 56, I believe, and it proposes to leave intact this part of the recommendation of the Senate committee which provides that—

from and after the passage of this act and not less frequently than once every year to cause the United States mails to be weighed simultaneously on all railroad mail routes for a period of 30 successive working days, and when such annual weighing is completed he shall readjust the annual compensation of railway mail pay on the basis of the average daily weight of all the mail carried on each route as ascertained by the actual weight taken, as herein provided, which readjustment shall be effective on and after the 1st day of July following such weighing.

The main argument in behalf of the Senate committee amendment, as I understand it, is that we are leaving the system of weighing, the system of railway compensation, where it is. I

want to take issue with that, and say that it is disturbing existing conditions very materially in favor of the railroads and against the Government.

This matter of railway mail pay has been a subject of a great deal of discussion and a great deal of investigation. I have had the department compile for me a history of the legislation upon this subject, which I should like to place in the RECORD as an appendix to my remarks. From this it appears that for a great many years, as far back as 1838, statutes were passed regulating the mail pay of railways. I do not propose to rehearse the whole history of this legislation here, but it gradually worked down into a system whereby the Government caused the weighing of mails to be made every four years, and the rate of mail pay was fixed on a basis which continued for years in that particular section. Although in fact there has been weighing each year in the United States, yet each quarter section of the United States is weighed only once in four years, and the mail pay—that is, the rate per ton-mile, or per hundred pounds per mile, or whatever the basis or unit of computation is—is based upon the weight procured in one year over a particular section of country and over a particular railroad in that section.

It clearly appears from this legislation that in fixing the rate per ton-mile, which was to continue for a period of four years, both the department and Congress and the railways took into consideration the anticipated increase in those four years, and consequently a higher rate per ton-mile was paid the railroads for that hauling than would have been paid if there had been an annual weighing.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. HUSTING. I yield.

Mr. HARDWICK. Has the Senator the authority for that statement, especially in view of two reductions——

Mr. HUSTING. For that reason I am going to put into the RECORD the history of railway mail-pay legislation.

Mr. HARDWICK. Something more than a mere statement, because I do not think that is a fact.

Mr. HUSTING. It is a history of legislation?

Mr. HARDWICK. I know, but who is the compiler?

Mr. HUSTING. And I am going to draw this inference from it.

Mr. HARDWICK. Can the Senator cite from the record to show what was done?

Mr. HUSTING. I am going to cite from the record the facts, and from those facts I am going to draw an inference, and I am now drawing an inference which I am trying to elucidate. I say, when the weighing was made once in every four years both the railways and the Government must have taken into consideration the anticipated increase in the weight during those four years and consequently raised the rate per ton-mile to a sum which would fairly and equitably cover the anticipated increase. I do not think it requires any specific testimony to that effect, because in all the discussions, not only upon this subject but upon every other subject involving railway pay——

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. HUSTING. Certainly.

Mr. HARDWICK. I wish to ask the Senator if that be true how he accounts for the horizontal reductions that were twice made, one of 10 per cent and the other of 5 per cent?

Mr. HUSTING. Horizontal reduction?

Mr. HARDWICK. If the Senator is right in that contention, on what theory and on what basis were the horizontal reductions made twice after the act of 1872?

Mr. HUSTING. I think that regular horizontal reductions might have been made without any reference to that part of it, on the general principle that it does not cost the railroads of the United States as much to haul a ton-mile of any freight or express as it did 50 years ago. This rate, as will appear from the record, that is now charged the Government I have no doubt in my mind is excessive compared with other services of like nature which the railroads are rendering the public generally. I think the effect of the general reduction of the expense of hauling a ton per mile would have warranted not only a 5 or 10 per cent horizontal decrease, but, as compared with the rates the ordinary citizen has to pay the railroads, would have warranted a far greater reduction.

That in no wise affects the proposition I am trying to make. I started to say that in every discussion I have ever heard about the adequacy of railroad compensation I have always heard argued the danger to the railroads resulting from the fear that they were not going to get compensation enough. I do not think it is very complimentary to the railroads to say that there will be danger to them because of fear of loss, because in their dealings with the Government and in their dealings with the people and in their dealings with others the railroads have found themselves well able to take care of their own interests and to see that they did not lose any profits.

I think there is a far greater danger, Mr. President, that the public will not get adequate service at fair prices than that the Government is going to do its business on an inequitable basis to the railroads. I have heard it argued over and over again that there is danger that the United States and its agents, its Cabinet officers, for instance, like the Postmaster General, acting like a tyrant, were going to crush the railroads. I have never been able to understand that solicitude, that anxiety, about the railroads not getting sufficient pay, because experience has shown that they have always gotten all that was coming to them. I might go further, and say that the history of every investigation has shown that they not only got all that was coming to them, but a great percentage more.

Now, that is a matter that is open to discussion. I think everybody understands it, believes it, and knows it. I think the railroads will agree themselves that it is a fact if we get them into a corner and ask them about it. That is not the danger at all. I have found that the danger usually, in connection with the public service, is that of the public being too solicitous through its representatives of the interests of the railroads, and too fearful lest some harm should come to these carriers.

There is no doubt in my mind that when the rates were fixed and mails weighed once in every four years there was taken into consideration the anticipated increase within those four years. I have not the slightest doubt that if the records were examined and this question discussed at all the record would show that in dealing with railroads and fixing the amount per ton-mile on the mail carried there was taken into consideration the percentage of increase in the preceding four years in the history of the development of the mail service and this was reflected in the rate per ton-mile. That is the position, those are the premises, upon which I am going to argue this case.

Now, what is proposed to be done. Why do you not let well enough alone and say we want to maintain the existing system until the Interstate Commerce Commission makes this change? That would at least be a consistent position. Then the question would merely resolve itself to one between the amendment of the Senator from Iowa and the amendment of the Senator from Florida.

They do not do that. What do they do? They say that the mail shall be weighed every year if the companies want them to make the weighing. They do not put in a provision that there shall be a weighing every year if the United States wants the mail to be weighed. In fact, under the provisions of this recommendation of the committee, the United States can not demand a weighing except once in every four years.

Now, what is going to be the consequence? The consequence is simply going to be that if the railroads find their mail increasing they will demand a weighing. If they find their mails decreasing on any particular line they will not demand a weighing. Is it fair to the Government that you should place within the hands of the railroad companies the right to say when they want a weighing?

There is talk here about the expense of weighing. The expense of weighing is a mere bagatelle compared with the tremendous amount of revenue that goes to the railway companies for carrying the mails.

Mr. HARDWICK. Will the Senator specify the amount?

Mr. HUSTING. I am told that it is $400,000 a year for one weighing all over the United States.

Mr. MARTINE of New Jersey. If the Senator will permit me, I think I recall very well the statement of the representatives of the railroad companies. They agreed to pay the entire expenses of the weighing, the mails to be weighed in the presence of any officer the Post Office Department might designate, the local postmaster, or any other officer.

Mr. HUSTING. I believe it says under the supervision of the Post Office Department.

Mr. HARDWICK. If the Senator will pardon me the Postal Union provides exactly the same as the existing law.

Mr. HUSTING. That may very well be. I am not dwelling on that, but I do say if the practice is going to be the practice which obtained a great many years ago then we are going back to a practice that has been condemned, because the mail, as a matter of fact, in the last 40 years has been weighed by United States Government officials. I have not compared the provisions of it, but regardless of what is in the law I want to

say to the Senator as a matter of fact, and I will make that statement on my own responsibility and that of the officers of the Post Office Department, they are weighed by men sworn in by the Post Office Department and not by employees of the railway company.

Mr. HARDWICK. Exactly. If the Senator will pardon me, that is exactly what this contemplates. We use exactly the same language that is now provided by law. We expect to have it done in exactly the same way.

Mr. HUSTING. That is another question. I am not addressing myself to that yet. The point I am addressing myself to particularly is that you are giving to the railroad companies the option to weigh or not to weigh when they see fit. Now, if to weigh or not to weigh is the question, then they are not going to weigh unless they are satisfied in their minds that they are hauling more mail than they did before.

Mr. HARDWICK. Has the Senator any doubt upon that?

Mr. HUSTING. I have not any doubt that it is increasing all the time.

Mr. HARDWICK. Therefore every one of them will weigh.

Mr. HUSTING. But I say this to the Senator, that when they are weighed in 1916 under the present system they are going to be paid on this basis of the weight and at a rate which already reflects the anticipated increase.

Mr. HARDWICK. Of course the Senator quite understands if that is his argument he is totally in error.

Mr. HUSTING. I am not sure——

Mr. HARDWICK. I will show him.

Mr. HUSTING. I am not able to put my hands on the precise direct evidence where it was said that when we make the rates we may expect the Government to pay for the anticipated increase; but I call the attention of the Senate to this proposition, that for the last 40 or 50 years there has been a weighing only every four years and that the railway companies have not been permitted to weigh again during the four years. The railroad companies know their business certainly as well as we know ours. When we enter into a rate agreement with the railroad companies for a four-year period the inference is inevitable that we are paying on that rate for four years.

Mr. HARDWICK. If the Senator will pardon me, I do not care anything about inferences. The testimony is undisputed the other way.

Mr. HUSTING. I should like to have my attention called to evidence which shows that the railroad companies did not in the four years include the anticipated increase.

Mr. HARDWICK. If the Senator pleases I do not want to ruin his speech, but I can cite him to the fact.

Mr. HUSTING. I should like to have the Senator cite that.

Mr. HARDWICK. I cite the Senator to the hearings before the Senate committee held April 14, 15, 17, 18, and 19, 1916, in which the executive officers of these companies claimed that the rate was not fixed in that way——

Mr. HUSTING. Oh, I did not——

Mr. HARDWICK. Let me finish; and in which they contended on the contrary that the rate was fixed absolutely literally on the exact weighing. I cite the Senator further to the testimony of Mr. Stewart, who appeared and undertook in detail to refute and deny and answer every statement that these men had made with which the department took issue, and as a matter of fact he did not make the slightest issue on that proposition, unless I am absolutely in error.

Mr. HUSTING. The Senator said he would cite some evidence.

Mr. HARDWICK. I have.

Mr. HUSTING. The opinion of the railroad company is not evidence.

Mr. HARDWICK. The Senator thinks not?

Mr. HUSTING. I do not think it is.

Mr. HARDWICK. The Senator does not think what people come and say before a committee is evidence?

Mr. HUSTING. Their opinion was to that effect, of course. Does the Senator say that is evidence?

Mr. HARDWICK. I did not say their opinion. It was their statement about facts that were absolutely undisputed and uncontradicted, and if the Senator wants to state it accurately he ought not to state——

Mr. HUSTING. I know I am stating the case accurately when I state that the practice has obtained during the last 40 years to fix the rate of pay as a basis upon the weighing once in every four years.

Mr. HARDWICK. I understand; but the Senator suggests now——

Mr. HUSTING. I will submit my own argument.

Mr. HARDWICK. All right; I think you had better.

Mr. HUSTING. I say when that has been the past practice and when you make an arrangement with a railroad company for so much per ton-mile of mail, and that was to obtain for four years and both the railroad companies knew it and the Government knew that the mails were increasing at the rate of 5 or 10 per cent every year, that that was taken into account in fixing the rate and that they were in fact paid for the increases from year to year. I say, if that is not true, then the railroad companies are not the financiers that I take them to be, and they do not know their business as I think they know their business, and the United States in a sense of fairness did not know its business as it always has in the past known its business in the way of giving equity to the railroads.

Now, you want to weigh the mail every year when the railroad companies want to do it. What does that mean? It means that they are enjoying a rate per ton-mile based upon an anticipated increase, reflected in an anticipated increase. Next year these railroads will receive cumulative compensation upon something they are already receiving by an increase in the basis of the weight, and in the third year and the fourth year likewise. It is compounding the payment; it is compounding the compensation. Those are the facts. They can not be successfully contradicted, in my judgment; and, as a matter of fact, they will increase the compensation of the railroad companies some two or three or four million dollars a year. That, even though the Senator from Georgia does not agree with me upon the premises, shows that as a matter of fact the basis of compensation does not remain stationary, as it is now. This bill means the adoption of a new policy, by which, when the railroads are rendering the same service they have rendered in the last 40 years, they are going to receive in compensation two or three or four million dollars more.

Mr. HARDWICK. Does the Senator mean the annual weighing will cost that?

Mr. HUSTING. It will result in this extra cost.

Mr. HARDWICK. The anticipated increases are already allowed for. We will have an annual weighing for that. Why should there be any more allowed for weighing than when the weighings are quadrennially made?

Mr. HUSTING. They are not satisfied with that, if the Senator pleases. It is based upon the anticipated increase.

Mr. HARDWICK. I understand. But if the Senator——

Mr. HUSTING. But the recommendation of the Senate committee is that we, the Government, are not satisfied to pay them so little; that we ought to pay them three or four million dollars a year more for the same service.

Mr. HARDWICK. The Senator wants to pay them just what they are entitled to receive.

Mr. HUSTING. Certainly. They have not seriously come before Congress, as I understand, to complain that they were not getting enough.

Mr. HARDWICK. Oh, the Senator is wrong. I hope the Senator will not make that statement. The very reverse is true. If the Senator will be willing to yield—and he has been so very nice in yielding——

Mr. HUSTING. Perhaps I have yielded the floor too often and the Senator will be taking as much time as I am taking myself.

Mr. HARDWICK. All right.

Mr. HUSTING. I say this, that this fight has started and revolves around the space basis and the weight basis, and now it has revolved itself around the point of not only abandoning the idea of the space basis, which has been recommended, but of going one better and providing the railroads with two or three or four million dollars additional for the same service that they have rendered in the past 40 years. In other words, we are going to change the basis of the weighing system itself. In the first place, we are going to give the three or four million dollars additional every year, and, secondly, we are going to give them the right to say whether or not they shall weigh the mails every year. In other words, it is going to be optional with the railroad companies whether they are going to have a reweighing or not.

Now, what does that mean? It means simply this. It is a matter of fairly common knowledge, at least it is a matter that is certainly within the knowledge of any man who knows anything about the railway mail service, that the schedules are arranged in such a manner as to attract to the trunk lines certain classes of mail. I forget just the time limit. I did know, at one time the time of carriage of a simple letter, for instance, between Chicago and St. Paul that can arrive in St. Paul an hour sooner by going over one line or a daily paper can get there an hour sooner even though the route is longer. The Government, in its desire to expedite the mail, will send it around that way. Now,

one thing I think will be conceded, that around the weighing time, and it is fixed for every four years and the days are numbered, when the weighing time comes around the railroad companies are not going to do anything to their schedules to deflect mail from those routes. If anything, they will be working up to something that will attract it. Knowing that the pay is going to be fixed for four years they will want all the mail that will legitimately come to them over their route. After the mail has been weighed they do not care so much whether that particular mail comes over their route or not, and some other railroad may make about weighing time another schedule which will attract mail to them. Now, if this is going to be done in this way, and if we are going to permit a reweighing, then these lines that have lost their mail are not going to ask for a reweighing. They will continue to charge the United States for the mail that is no longer carried and which has been deflected to some other line, and the company that enjoys the increase will ask, if it wants to do it, for a reweighing. So, we pay for carrying mail over one line and continue to pay and repay it again on some other line by virtue of an increase. It is simply putting our business matters in the hands of the railroad companies in a way that is unfair to the Government of the United States and the people of the country whom we represent.

Now, the objection I have to the amendment of the Senator from Iowa is that it leaves this annual weighing provision in the bill, and I think that this provision is absolutely indefensible. I do not think it is based on any good reason of justice, either to the railroads or to the people of the United States.

Now, getting down to the question of the amendment of the Senator from Florida, I favor that amendment because it leaves us the basis recommended by at least two commissions and recommended by the post-office authorities themselves. The amendment of the Senator from Florida does just exactly what the chairman of this committee recommended only a short time ago.

On this question of the space basis and weight basis I am talking concerning the practice as it now obtains. The portion which I have just been discussing resolves itself, as I understand it, into two different questions. One is a question of business policy and the other is a question of remuneration to the railroads. Those who favor the space basis do not claim that their system necessarily decreases the pay of the railroads. It is a matter as to how much the rate is going to be per ton per mile per car that is run upon these mail-carrying railroads. It is a question whether you are going to base your rate of compensation on tonnage or whether you are going to base it on the foot car space of the railway mail car. The rate is one thing, the basis is another, and as I think these matters are quite mixed up I want to see if I can not make it clear in the short space of time I wish to occupy, and disassociate this idea in the minds of those who are trying to understand as I am trying to understand this question. I say the mere fact that we adopt a space basis does not necessarily mean that the railroads are not going to get as much compensation. It is only a different way of arriving at the amount of pay they are to receive. It is a question of whether you are going to multiply a certain number of running feet per mile that the railroad company has carried or whether you are going to compute it by multiplying simply the number of tons per mile hauled by the railroads.

The question has arisen here as to who is better able to judge of that proposition—Congress and the Post Office Department on the one hand or the Interstate Commerce Commission on the other. As I understand, the subjects that properly go before the Interstate Commerce Commission are matters not of governmental policy but matters of pay, matters of fairness of compensation. I do not think that the question properly belongs to the Interstate Commerce Commission, as to whether or not we are going to adopt the space system or the weight system. All that the Interstate Commerce Commission ought to care about this proposition, and all that we ought to ask the Interstate Commerce Commission, is, What is a fair compensation to the railroads for carrying the mail? It ought not to make any difference or be of any material moment to the Interstate Commerce Commission whether we proceed on the space basis or on the weight basis; but the only question presented, if any, for the Interstate Commerce Commission to determine is how much we are going to pay the railroads.

There are some reasons why it is claimed by the Post Office Department and by the commissions that have investigated this matter that the space basis is the better basis. What are those reasons? The weight system, as has already been shown here, is at best very unsatisfactory. The weighing is done once in four years; it is done at a particular part of the year when, it seems, by common consent, it has been agreed that there is carried a fair average amount of mail in the United States, and yet that is only a guess. Nobody knows very much about it. There are 101 days cut out of the calendar year every four years in which to arrive at the average amount of mail that is probably carried for that year. Taking into consideration, as I said before, the increase in the mails for four years, the rate is fixed.

Now comes the Post Office Department and certain committees, and they say that the space basis is the better, because we know just how many cars are running every day in the United States, what is their capacity, and what distance they are hauled. That certainly makes for certainty. Certainly when we talk about equitable payments, the more certain the service is the better; the more clearly we know what service is being rendered, the nearer we can approximate an equitable compensation for that service.

ADVANTAGES OF THE SPACE PLAN.

The unit of service rendered by a railroad company in a passenger train, whether it be for carrying passengers, express, or mail, is the car space in the train devoted to the particular service. A full train is made up of passenger cars, with baggage car and express car or apartment in car devoted to express, and one or more full cars devoted to mails or, if the service be light, only an apartment in a car divided off and devoted to the mails is furnished. Where there is no other mail service on the train excepting the carriage of pouches and sacks of mails these are placed in the baggage car.

The railroad company endeavors to receive from its passenger rates, based upon the average number of passengers to a car, adequate pay for the operation of the passenger cars and all other expenses chargeable to that service. The average number of passengers to the car in 1914 was 10. For the service of furnishing and operating the express car it receives approximately one-half of the revenues the express company derives from its business in transporting express matter. It fixes this rate itself, and the amount presumably pays the company for the space occupied and service performed. The average load of a 60-foot express car is about 2.73 tons. The company furnishes the department full railway post-office cars, if required, or apartments in baggage cars if less than full cars are required. The service rendered is in hauling these cars with the mail in them and clerks in charge of the same, and in performing certain service in carrying the mails between stations and post offices, excepting where the department performs it. The pay the company receives for this service compensates it for the space furnished and service rendered. The average load for all mail cars equated to a 60-foot basis is about 2.39 tons.

It will be seen from this that the real unit of service is the space furnished and service performed in hauling the car and not the weight of the matter contained in the car. This applies particularly to passenger trains in which mail service is performed.

Although the present law provides for mail pay on the basis of weight of the mails carried and authorizes an additional payment where full railway post-office cars are furnished, the service is really performed at the present time on a space basis. The great bulk of the mails is carried in full railway post-office cars, apartment cars, and storage cars. This constitutes 96 per cent of the mail service which is now on a space basis so far as service is concerned, leaving only 4 per cent for the closed-pouch service, which is the carriage of pouches and sacks in baggage cars. Therefore all the service excepting the closed-pouch service is performed in authorized space or space which is called for by the department, which is the same thing as authorization. However, 90 per cent of the payment received by the railroads is based upon the weight of the mails carried and only 10 per cent based upon the special service of furnishing full railway post-office cars where they are needed. The full railway post-office cars and apartment cars are those in which the mails are distributed en route by clerks. The effect, therefore, of a bill authorizing adjustment on space would merely be to transfer the pay to the unit which actually measures the facility furnished and the service performed.

Payment upon the space basis compensates the railroads for the actual service rendered. It takes into account the frequency of the service, which the weight basis leaves out of consideration. It will pay each individual railroad fully for all the facilities furnished and service performed and will not overpay any of them. Under the present system some of the very large railroads upon which heavy storage mails are carried are overpaid proportionately to other roads for the service they perform, while other roads are comparatively underpaid for the service they render. The space basis would properly distribute among the carrying companies the railroad mail pay, adjusting it upon the basis of service actually rendered. This is one reason why the proposition is so strongly opposed by the large systems.

The space basis is a definite and scientific gauge for measuring the facilities furnished and service rendered. Under it a company will be paid for every mile of travel of a car or part of a car authorized by the department for the carriage of the mails. If the rate of pay be fixed with reference to the average passenger car-mile revenue received by the companies for the passenger service, with suitable reductions to compensate the Government for the difference between passenger service and mail service, there certainly can be no complaint that the roads will not be adequately paid.

The space basis will allow the department to effect great economies in the service by utilizing space authorized and paid for for the dispatch of mails which would otherwise be paid for at additional cost. This is particularly true with reference to the dispatch of mails on heavy lines out of large centers. Furthermore, there are in some cases storage cars carrying heavy storage mails out of large centers in one direction, but which return empty. Very often the space in working cars in one direction is fully used, but only partly used in the return direction. This provision will allow the Post Office Department to use this surplus space, for which payment would be made, in transporting empty equipment, which is now carried by freight, and thereby save that cost.

There are certain special provisions in the bill as passed by the House which, first, would enable the Postmaster General to arrange for the transportation of mail matter other than first class at rates not exceeding those which the Interstate Commerce Commission should find to be paid by express companies to the railroad companies for the transportation of express matter. Second, it would also give him authority to petition the Interstate Commerce Commission for a postal carload or less-than-carload rate for transportation of fourth-class matter and periodicals. Third, it would also allow him to arrange with railroad companies for a lower rate for less frequent dispatches of mail matter of the third and fourth classes and periodicals where it could be done without detriment to the public and the service. These matters were explained to the committee during the hearing as follows:

Senator HARDWICK. We can enlarge that, can't we?

Mr. STEWART. Yes. A provision of a bill now in conference removes the existing limitation requiring the Postmaster General to confine freight shipments to those now in effect in a part of the country. If this becomes law, the plan can be extended.

Senator HARDWICK. And that will make a very much larger saving?

Mr. STEWART. Yes.

The CHAIRMAN. Isn't there a large amount of parcel post going that way?

Mr. STEWART. No parcel-post mail is handled by freight.

Mr. HARDWICK. Most of it ought to go that way.

Senator VARDAMAN. Here is the point I want to bring out. That economy can be practiced by the Government—the Government can save in the general expense of carrying the mail without imposing any additional hardship upon the railroads?

Mr. STEWART. Surely.

Senator VARDAMAN. Paying them the same rates that Tom Smith and Bill Jones are paying for shipping their freight?

Mr. STEWART. Exactly; and we have a provision in this bill which authorizes that very thing.

Senator HARDWICK. What provision is that?

Mr. STEWART. There are three paragraphs in the bill bearing on this subject. They are on pages 45 and 46.

Senator HARDWICK. Read them and get them into the record.

Mr. STEWART. The first paragraph is on page 45, being the last paragraph on that page. It reads as follows [reading]:

"The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General."

The second provision is on page 46, the first paragraph [reading]:

"The Postmaster General is authorized, in his discretion, to petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General."

Senator VARDAMAN. I understand that heretofore that when postal material has been shipped that you have paid the regular freight rates?

Mr. STEWART. Yes, sir; we asked the companies to submit rates, and they submitted rates which were accepted by the department. This other provision follows on the same page, 46 [reading]:

"The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured thereby without material detriment to the service."

Under these provisions the department can go to competing railroad companies and say, "We have a number of carloads of mail moving from New York to large centers every day, and it is practicable to accumulate these carloads and ship them by any of several routes, what rate will you give us to Chicago, St. Paul, St. Louis, or Denver, on that carload business?"

Senator HARDWICK. In the end they ought to be able to handle the great bulk of third and fourth class mail matter in that way?

Mr. STEWART. Yes, sir; and we can give the same expedition that is given to express matter.

Senator HARDWICK. And fully as good service as that class of mail really requires?

Mr. STEWART. Yes, sir. Nobody expects fourth-class mail to be carried with the same expedition as letters, and the department does not attempt to do it now. In the dispatch of letters the department requires that they be moved on the fastest trains and in the most expeditious manner available; but we do not enforce this requirement with respect to parcel-post and other inferior classes of mail. The parcel-post mails are usually carried on the slower trains, and the local mails of that character, unlike letters, are not thrown off at catcher stations from moving trains.

Senator STERLING. Is there complaint on the part of any of the senders of such mail, as, for example, publishers of magazines, in regard to the sending of it by freight rather than in the regular mail?

Mr. STEWART. There is practically no complaint now. When the system was inaugurated there were some periodicals included whose publishers thought that a hardship was being imposed upon them, as might have been expected. When these cases were later considered some were taken out of the freight and given the mail movement. We moved 4,853 carloads of mail matter in that way in 1915, and there was practically no complaint. The publishers themselves, before the House committee in 1910, said to the department that it ought to transport magazines where practicable by freight.

Senator MARTINE. The delay does not amount to a very great deal, anyway. How many hours' difference is there between first-class mail and mail that would be shipped by freight?

Mr. MCBRIDE. The delay is from two to five days; but that is overcome to a large extent by arranging with the publishers to make advanced delivery to the post office. The magazines are usually printed a number of days in advance of the time when they are issued, and the publishers deliver them to us a sufficient number of days in advance to overcome the delay.

Senator HARDWICK. The object of these provisions to which you have referred and read into the record is to extend that economy further on those classes of mail?

Mr. STEWART. Yes, sir; and also to secure, through the instrumentality of the Interstate Commerce Commission, the same rates for this mail matter as the railroads charge the express companies.

Senator HARDWICK. And you would handle a good proportion of the parcel-post matter in that way?

Mr. STEWART. I think the great bulk of it would be handled under the authority of the last provision I read.

The next objection of the railroads to which I want to call attention is that made to the provision in the bill fixing a penalty of $5,000 for refusal to perform service.

* * * * * * *

BRIEF ON RAILWAY MAIL PAY.

The Post Office appropriation bill passed the House on February 28 last, containing legislation providing a new plan for authorizing and paying for the carriage of the mails by the railroads. The proposed legislation adopts the space basis with an adequate scale of rates, instead of the weight basis with additional pay for distribution space in some cases, which has been in operation since 1873. This space basis embodied in the bill was recommended by a joint congressional committee, which held exhaustive hearings during a period of two years, at which both the railroads and the department were given and took every opportunity to appear and to submit views. Substantially the same legislation passed the House last session and was agreed to in conference during the last hours of the session, but the whole bill failed of enactment becaue of lack of time for the two Houses to adopt the conferees' report.

The railroads were given a hearing at their own request before the House Committee on the Post Office and Post Roads before the bill was reported. They opposed the bill principally upon the ground that the space basis would permit, as they claimed, an extraordinary development of the Government's Parcel Post System at the expense of their express and freight business.

Recently the representatives of the railroads appeared before the Senate Committee on Post Offices and Post Roads and opposed the bill on the ground that, as they claim, the space basis will not be equitable to them, and have proposed, first, that Congress authorize annual weighings of the mails under the present provisions of law; second, that the railroad companies shall be relieved of the performance of substantially all service between the post offices and the railroad stations and that they be paid for space in apartment cars—baggage cars, part of which are used for mails—in addition to being paid for the weight of the mails carried therein, at pro rata of the pay now allowed for full cars devoted entirely to the mails; and, third, that the question as to the justness and reasonableness of existing rates as well as the practices and regulations of the Post Office Department affecting them be referred to the Interstate Commerce Commission for investigation and report to Congress with recommendation. In the draft of their substitute bill submitted to the committee it is not proposed by the railroads to give the commission any authority to inquire as to the desirability of the plan recommended by the joint congressional committee, namely, space. The presidents of several of the trunk lines also appeared and urged a reference of the question of regulation of rates to the Interstate Commerce Commission.

Officials of the department acquainted with the subject matter feel that this proposal of the railroads is lacking in sincerity, and has for its object the defeat of all present proposed legislation in the interest of the Government; the continuance of

the status quo under the existing antiquated plan and pay, with additional compensation; the entire elimination of the space plan recommended by the joint committee from consideration; and an indefinite postponement of a determination of all questions relating to rates until such time as the Interstate Commerce Commission should be able to thoroughly investigate and report and Congress should fortunately act thereupon, or such time as the commission should fix rates, if so authorized to do. This view is sustained by the following facts and those above stated:

The space basis instead of the weight basis for payment for railroad mail service was unanimously recommended to Congress by the joint congressional committee after two years' exhaustive investigation, during which every argument that could be advanced by the railroads was heard and considered. The same commission recommended a schedule of rates which, if adopted, will pay the railroads greater compensation per unit of service on the average than they now receive under the old system. The bill as it passed the House last session embodied substantially the space basis recommended by the joint committee and carried a schedule of rates somewhat lower, but which, in the opinion of the Post Office Department, were adequate for the service.

On account of the railroads' bitter opposition to the bill which was then centered upon the rates, the department itself suggested and prepared a clause for insertion in the bill giving the right to the railroads upon petition of 51 per cent of the control of the mileage represented in the mail service, and also to the Postmaster General to petition the Interstate Commerce Commission to investigate the justness and reasonableness of the rates provided in the bill at any time after one year after the same should become effective. The time specified was believed to be in the interest of the railroads as well as the Government, because it would allow an adjustment of the service to the provisions of the bill and furnish the data which would demonstrate the reasonableness or the unreasonableness of the rates provided. This provision was adopted by the conferees and included as an amendment to the bill. The whole bill failed, as above stated.

When the bill was again considered by the House committee at the present session the contention of the railroads was renewed for a reference of the matter to the Interstate Commerce Commission. As a concession to them the House committee, without objection from the department, included the clause providing for an inquiry by the Interstate Commerce Commission on the conditions above noted at any time after the bill should become effective, instead of after one year as provided in the previous bill, and the bill passed the House with this provision. Notwithstanding this effort to meet this demand of the railroads for a review of the rates named in the bill, the railroads are now insisting that Congress take no action in determining the plan or in fixing the rates as recommended by the joint congressional committee, but shall refer to the Interstate Commerce Commission for investigation the question as to the reasonableness of the present rates. No authority is to be given to inquire into the plan, whether it shall be weight or space.

The conclusion above stated, as to the purpose of the railroads appears irresistible.

It has been suggested that, as the Interstate Commerce Commission has been given jurisdiction to fix or review rates for passenger, express, and freight service performed by the railroads for the public generally, it should be given jurisdiction over rates for carrying the mails. There is a fundamental difference between the two relations. In the first relation the railroad is a common carrier for the public, and the Interstate Commerce Commission is a body created by Congress, under its power to regulate commerce between the States, with duties to enforce the common-law obligations of the railroads as common carriers and their statutory obligations to the public. In the carriage of the mails the railroads are not common carriers, but act as agencies of the Government performing a governmental function. It is especially appropriate in the latter case for Congress to act directly in fixing the rates for mail service or to determine the plan upon which the service shall be authorized. Of course, if Congress desires to delegate that power to an administrative body it has the right to do so, but the same reasons which make it advisable in the case of service for the public generally do not exist with reference to the service for the Government.

At all times since the first direct legislation in 1838, regarding rates for carrying the mails on railroads, Congress has retained to itself the fixing of the maximum rates and the designation of the plan under which they shall apply. Under the Constitution Congress is given power over the entire Postal Establishment and has retained direct control, the administration of its laws relating thereto being carried out by the Post Office Department, the administrative branch of the Executive. A delegation of any of its powers to the Interstate Commerce Commission would seem to be justified only on the ground of the intricacy of the problem.

The questions of rate and plan, however, have been thoroughly considered by a congressional joint committee, and the pending bill provides for a review at any time of the justness and reasonableness of the rates fixed. This provision meets all reasonable requirements.

The liberality of the rates provided in the pending legislation is shown by the following facts:

The appropriation for the transportation of mails by railroad routes and for railway post-office car pay for the fiscal year 1915 under the existing weight plan and rates was	$61,600,000
The appropriation for the same items included in the Post Office appropriation bill for the fiscal year 1916 under the existing weight plan and rates, but which failed of passage, was	62,874,000
The estimated cost of the service under the provisions of the space bill (based on conditions of service as then performed) as it passed the House in the appropriation bill making appropriations for the fiscal year 1916, but which failed of passage as above stated, is	65,772,369
The estimated cost of the service under the space bill last above mentioned (based on conditions of service as then performed) at the rates agreed to in conference, but which finally failed, is	66,948,031
The items of appropriation for transportation of the mails by railroad routes and for railway post-office cars carried in the pending Post Office appropriation bill for the fiscal year 1917 under the existing weight plan and rates is	63,582,000
The estimated cost of the service under the space bill (based on conditions of service as now performed) at the rates provided in the space bill incorporated in the Post Office appropriation bill for the fiscal year 1917, as it passed the House February 28, 1916, is	68,723,668

The first reference in the statutes to compensation for mail service performed by railroads is found in the second section of the act of July 7, 1838 (5 Stats. L., 283). This section provided that every railroad within the limits of the United States which then was or thereafter might be made and completed should be a post route, and directed the Postmaster General to cause the mails to be transported thereon, provided he could have it done upon reasonable terms, with the further limitation that he should not in any case pay more than 25 per cent over and above what similar transportation would cost in post coaches. The following year, by the act of January 25, 1839 (5 Stats. L., 314), a maximum of $300 per mile per annum was placed upon the amount that could be allowed by the Postmaster General for the transportation of mails on railroads.

Congress next touched upon this subject in 1845, when, by the act of March 3 of that year (5 Stats. L., 738), it provided as follows:

SEC. 19. *And be it further enacted*, That to insure, as far as may be practicable, an equal and just rate of compensation, according to the service performed, among the several railroad companies in the United States for the transportation of the mail it shall be the duty of the Postmaster General to arrange and divide the railroad routes, including those in which the service is partly by railroad and partly by steamboats, into three classes, according to the size of the mails, the speed with which they are conveyed, and the importance of the service; and it shall be lawful for him to contract for conveying the mail with any such railroad company, either with or without advertising for such contract: *Provided*, That for the conveyance of the mail on any railroad of the first class he shall not pay a higher rate of compensation than is now allowed by law; nor for carrying the mail on any railroad of the second class a greater compensation than $100 per mile per annum; nor for carrying the mail on any railroad of the third class a greater compensation than $50 per mile per annum. And in case the Postmaster General shall not be able to conclude a contract for carrying the mail on any of such railroad routes at a compensation not exceeding the aforesaid maximum rates, or for what he may deem a reasonable and fair compensation for the service to be performed, it shall be lawful for him to separate the letter mail from the residue of the mail and to contract, either with or without advertising, for conveying the letter mail over such route, by horse express or otherwise, at the greatest speed that can reasonably be obtained; and also to contract for carrying over such route the residue of the mail, in wagons or otherwise, at a slower rate of speed: *Provided*, That if one-half of the service on any railroad is required to be performed in the night season, it shall be lawful for the Postmaster General to pay 25 per cent in addition to the aforesaid maximum rates of allowance: *And provided further*, That if it shall be found necessary to convey over any railroad route more than two mails daily, it shall be lawful for the Postmaster General to pay such additional compensation as he may think just and reasonable, having reference to the service performed and the maximum rate of allowance established by this act.

It will be observed that under this act the Postmaster General was directed to arrange and divide the railroad routes into three classes, and he was authorized to contract with any railroad company, either with or without advertising for the carriage of mails on the routes, at a rate within the stated maximum for the three classes.

The oldest classes of mail transportation service are those known as the "star" and steamboat services. Star service includes the carriage of mails over the highways in coaches, by

mounted carriers, and so forth, and, as its name implies, steamboat service is the carriage of mails via lakes, rivers, and streams in power boats. It has been the practice for many years for the Postmaster General to have general lettings of these services and enter into contracts therefor for periods of four years. This practice antedated the inauguration of the carriage of mails by railroads and in entering into arrangements with the railroad companies for the service performed by them the Postmaster General adopted the plan of making four-year contracts at an agreed price, but within the maximum fixed for the different classes of routes.

No further legislation occurred until 1873, except that the act of 1872, revising the statutes relating to the Post Office Department, brought forward the provisions of the act of 1845. During the period from 1845 to 1873 the mails carried on railroads were transported under the provisions of the act of 1845, largely under contracts for four years made by the Postmaster General with the respective roads.

This is referred to in the annual reports of the Postmaster General for the years prior to 1873. In the report of 1867 the Postmaster General refers to the statute of 1845 and states that he had made arrangements to have weighed the mails carried by the railroads, in order to determine their size, and that such information would be used in making changes in the terms of the service as the then existing contracts should expire.

Again, in 1868 he speaks of the department, in anticipation of the close of the contract term for the transportation of the mails in certain States, entering upon a systematic revision and readjustment of the rates of pay on railroad routes in those States based upon returns from the weighing referred to in the previous report. He recites that "wherever the returns required or justified a change from the former rate a circular was addressed to the proprietors of the route submitting the offer of the department and explaining its purpose. In many instances the terms offered have after considerable correspondence been accepted and contracts made accordingly. In others, though formal contracts are not executed, the department has proceeded to settle for the service for the first quarter of the new term at the rates offered."

In 1869 he speaks of having ordered a weighing on the railroad routes in certain States in anticipation of the close of the contract term in such States and declares it to be the purpose of the department to have a similar weighing "near the close of the contract term in each of the four contract sections into which the country is divided, so that the readjustment of pay in every case may be made upon new and corrected returns."

In the report of that year the Postmaster General alluded to the complaints made by some of the principal railroad companies in relation to the alleged inadequacy of their compensation for carrying the mails and recommends a careful revision and readjustment by Congress of railroad compensation and the establishment of such rates as will be just and equitable to all concerned.

The following year, 1870, the Postmaster General refers to the readjustment of pay on railroad routes in certain States following the receipt of the returns from the weighing of mails carried thereon, and explains the increase in the cost for this service as being due to the increase in the size and importance of the mails in the section where "the new contract term commenced with the current fiscal year."

He again calls the attention of Congress "to the necessity of a revision and readjustment of the rates of compensation established by law for the transportation of mails on railroad routes," reciting that many carriers refuse to enter into contracts with the department, "alleging that they will not bind themselves by a permanent arrangement at the present prices," and concluding with the statement that "after a careful consideration of the subject I am satisfied that the compensation fixed by law is not a fair return for the important services rendered by railroad companies, and hence I repeat my recommendation that a readjustment of their pay be made by law, *and that at the same time they be required to enter into contract with the department as a condition precedent to drawing any increase of compensation.*"

In 1871 the Postmaster General notes the readjustment of pay for the new term on railroad routes in certain States in which the "regular four-year term of contracts" has expired, and refers to the recommendation in previous reports for a revision and readjustment of rates for raiload mail transportation, which he renews, stating that the act of 1845 should be so amended "as to allow a fair and reasonable increase of the compensation of railroad companies, *upon condition that they shall enter into contract with the department for the prompt and faithful performance of their duties.*"

These recommendations precede the act of March 3, 1873, providing for a general readjustment of pay on railroad routes. The primary purpose of this act is clearly stated in its first sentence as follows: "For increase of compensation for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter named." This is the answer of Congress to the many recommendations by the Postmaster General that the compensation for Railway Mail Service be increased. But in no part of the act, which, among other things, expressly provided that a weighing of the mails shall be had before a readjustment of pay was made on a route, is there any language indicating an intention by Congress to depart from the then existing and long-established practice of contracting for or fixing compensation on the routes for terms of four years following a weighing.

The weighing mentioned was ordered to be had after June 30, 1873, "and not less frequently than once in every four years thereafter." This general weighing began October 1, 1873, and in the report of 1874 the Postmaster General refers to it as follows:

> By act of Congress approved March 3, 1873, the Postmaster General was "authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes" upon conditions and at rates prescribed in the act. The principal consideration upon which the rates of pay were to be determined was the average weight of the mails, to be ascertained by an actual weighing for a number of successive working days, not less than 30, the law directing the weights to be taken "after June 30, 1873," so as to avoid including therein the mass of free matter sent through the mails for the few months preceding the expiration of the franking privilege at the date named. A call had been made in February, 1873, upon the railroad companies in the New York and New England section for a weighing in March, 1873, with a view to the readjustment of their pay for the new contract term commencing on the 1st of July of that year. The new act rendering the returns submitted under that call useless, another weighing was asked for, to commence October 1, 1873, not only in New York and New England, but throughout the country.

In the report of 1875 following the general weighing and readjustment required by the act of 1873 the Postmaster General notes the weighing and readjustment of pay on the routes in the States on which the new contract term commenced July 1, 1875, and in the report of the following year, 1876, he refers to the weighing and readjustment of pay on routes in the States in which the new contract term commenced July 1, 1876.

Congress, by the act of July 12, 1876, ordered a reduction of 10 per cent, effective July 1, 1876, from the pay of railroad companies for carrying the mails, and in the report of that year the Postmaster General refers to this act and states that at the date of its approval a number of railroad companies were under contract, duly executed in accordance with law, to carry the mails during a period not then expired at a rate of compensation which had been fixed by the provisions of the act of 1873, and that the Assistant Attorney General had held that such contracts were not affected by the reduction act.

At that time it was the practice of the department to enter into formal written contracts with the railroad companies for periods of four years, whenever it was possible to do so, and where such action could not be taken the department would state the pay on the routes for terms of four years. These formal contracts and the informal arrangements were considered by the Supreme Court of the United States in suits growing out of the action of the department in applying the act of 1876 reducing pay. The cases are the Chicago & North Western Railroad Co. against The United States, reported in One hundred and fourth United States, at page 680, and the Eastern Railroad Co. against The United States, reported in One hundred and twenty-ninth United States, at page 391.

In the report of 1877 the Postmaster General refers to the readjustment for the regular contract term of four years, commencing July 1, 1877, on routes in certain States, and in the report for the following year, 1878, he refers to the similar readjustment on railroad routes in certain States for the regular term of four years, commencing July 1, 1878. In the last-named report he also refers to the dissatisfaction on the part of railroad companies with the act of Congress of June 19, 1878, making a further reduction of 5 per cent in the compensation allowed railroad companies.

CONCLUSION.

From the foregoing it is established that at the time the act of 1873 was passed it was the practice of the department either to enter into formal written contract for terms of four years or to fix the pay on the routes without such contracts for similar terms, at rates of compensation agreed upon between the department and the carriers in the case of formal contracts or stated by orders of the Postmaster General in cases where such contracts were not entered into, such rates being within the maxima provided by the act of 1845. It is further established that this practice was continued without interruption

after the passage of this act, and that it was not intended by Congress by the legislation of 1873 to change this long-established practice, but that this act was merely designed to provide new maxima for the different classes of routes and to require that the routes be weighed before concluding contracts or fixing the pay within such maxima.

The conclusion that Congress did not intend by the act of 1873 to sanction annual weighings with the large increase in pay which would result therefrom is inevitable when it is considered that after an experience of only three years under this act with quadrennial weighings in effect, Congress saw fit to reduce the pay of the carriers 10 per cent, and two years later to order a further reduction of 5 per cent.

The joint congressional committee, known as the Bourne committee, of which Senator BANKHEAD, chairman of the present Post Office and Post Roads Committee, was a member, reported to Congress as follows upon space:

While one's first impression is that weight is the chief factor in determining all transportation costs and charges, a more careful consideration of the subject will show that this is not the case.

The bulk of the freight business is carried in what are known as carload lots. In the carload freight business space is taken into consideration in that a minimum weight per car, varying with the bulk of the commodity, is fixed, and the shipper must pay at least the minimum carload rate regardless of the amount of freight in the car. In fixing rates upon different commodities shipped in less-than-carload lots, the bulk of the commodity, as well as its weight, receives consideration. For example, a carriage or furniture that is taken apart and packed into a crate will be transported at a less charge than the same article shipped set up. The reason for the difference, although the weight be identical, is that in one instance less space is occupied than in the other.

The same principle obtains, in general, in fixing passenger rates. The charge is so much per passenger, whether the passenger be a heavy man or a light man. The same is true in the fixing of Pullman fares. A certain amount is charged for the use of a berth whether it be occupied by one or two persons.

The justification for this consideration of space in fixing transportation charges in the passenger service is that the car itself weighs more than its contents. This is also true in the case of mail. A storage car contains the largest quantity of mail which it is possible to ship in one conveyance; yet the steel storage car weighs about 50 tons, while the mail it carries usually would not exceed 10 tons. In the ordinary post-office car, however, so much of the space is used for the distribution of mail that on an average only 2 to 3 tons of mail matter is carried, while the car itself, if of steel, weighs some 60 tons.

It will readily be seen, therefore, that if the railroad company is required to haul 60 tons of car and only 2 to 3 tons of mail therein, the chief source of expense is in the transportation of the car, not in the transportation of its contents. If the Government, for the purpose of facilitating the rapid distribution of mail, chooses to load a car with only 2 to 3 tons of mail, it should pay the railroad on a basis that will afford a reasonable compensation for the hauling of both car and contents.

Heretofore the railroads have received their compensation in two classes: First, for the transportation of a certain quantity of mail ascertained by weight; and, second, a charge for space in and haulage of railway post-office cars 40 feet or more in length utilized for mail distribution in transit. This is an express recognition of the right of the railroads to compensation for hauling the working space. We are already on a partial-space basis.

It is to the interest of the Government, however, to fix the compensation on such a basis as will encourage the department and its employees to utilize all the space it is practicable for them to use. Naturally, it will be the desire of the department to make as good a record as possible for economical management. If the entire compensation be based upon a standard of space, the supervisory officials in the department will encourage and require their employees to utilize that space as fully and economically as possible. The judicious expenditure of public money will thus be encouraged and economic waste minimized.

ADVANTAGES OF SPACE BASIS.

We favor the adoption of space rather than weight as the basis for measuring the service rendered for the following reasons:

It permits fluctuation of mail pay with every material fluctuation in the service.

It eliminates the cost and inconvenience of the quadrennial weighing.

It eliminates the temptation for dishonest efforts to either deplete or pad mails during the weighing periods, because it abolishes all weighing.

It minimizes waste by encouraging the Post Office Department to utilize as nearly as possible all the space it pays for in mail cars.

It constitutes a system of compensation so definite, simple, and clear that any citizen can understand it and can know exactly what service each railroad is rendering, its rate of pay, and the amount of annual compensation.

Rapid development of the Parcel Post Service furnishes another strong reason for the substitution of space for weight as a basis of railway mail compensation. Since expansion of the parcel post the quadrennial weighing has become much more unsatisfactory as a means of determining the compensation to be paid for transportation.

The Department says, and these committees have said, that, knowing just what is done along the line of mail carrying, we can tell what that service is worth; that is not open to conjecture in the least. As I say, by reports, they could tell every mail car that is being run in the United States and know just how long that car is, how high it is, how broad it is, and how far it runs on any given day. That is not an unusual way of ascertaining railroad rates. Packers and brewers and refrigerator-line owners, for instance, are all paying on that basis; they pay so much per car, whether it is loaded to the maximum or not, and they pay, as I understand, upon a mileage basis and a space basis for a car so long for so many miles. That is the basis of their payment. Express cars, where they are used exclusively for express business, as I understand, are run on the same basis. They could figure on exactly just how much we would have to pay if the mail carrying were on a space basis now.

Because of some of the remarks made by the distinguished junior Senator from Georgia [Mr. HARDWICK] as to the unfairness of this method of trying and hanging a man before he is heard, I merely want to read some of the statistics compiled by the Post Office Department, to show what to-day, under the present method of running cars, if the mail-pay system were reduced to a space basis, it would cost the Government compared with the other system.

The appropriation for the transportation of mails by railroad routes and for railway post-office car pay for the fiscal year 1915, under the existing weight plan and rates was $61,600,000.

The appropriation for the same items included in the post-office appropriation bill for the fiscal year 1916 under the existing weight plan and rates, but which failed of passage, was $62,874,000.

The estimated cost of the service under the provisions of the space bill (based on conditions of service as then performed) as it passed the House in the appropriation bill making appropriations for the fiscal year 1916 * * * is $65,772,369.

That shows that under the present system, under the present service rendered, if computed on a space basis, the railroad companies would be receiving $3,000,000 more per annum than they are now receiving. Consequently no injustice would be done the railroad companies, because they would be receiving, as I say, $3,000,000 more than they are now receiving.

It may be asked, Why do the railroads object to the space basis if they would receive more compensation under the system proposed? The answer to that is that while it is a fact that running the number of cars that they are now running, of the size that they are now running, and running unnecessarily, they would receive $65,000,000 compensation a year. The fact of the matter is, however, that because the mail pay is on a weight basis no particular attention is paid to the number of cars that are being run and to the fact that the railroads are unnecessarily hauling up and down the line, or will be in the course of time, more cars than are really needed for the proper expedition of the mails. In other words, they fear that if this space system goes into effect, it will lie within the hands of the Postmaster General, in the transportation of the mails and their expedition, to put off cars and to put on cars in such a way that, properly attending to our business, we yet can make a saving of three or four or five million dollars a year. That is the reason why the railroads are objecting to it; but so far as fairness is concerned, for the service rendered to-day upon the number of cars they are actually running, they would receive more pay under the space basis than they are receiving under the weight basis.

Why should the railroad companies want to unnecessarily run cars up and down the lines that are not necessary to be run or why should the Post Office Department want it done? That brings us right down to this fundamental proposition, and that is why I think the position of the Postmaster General should be taken into consideration and the report of the committees, which have made a study of this proposition, should be considered. It will enable the Postmaster General to institute rules and regulations and methods of transporting the mail which, in the long run, will bring us results in millions of dollars of saving every year.

Something has been said here to the effect that this question is not very well understood; and perhaps that is true; but committees have passed upon it, and I have here a brief outline of what has been done by such committees on this question.

POSTAL COMMISSIONS THAT HAVE REPORTED FAVORABLY ON THE SPACE BASIS FOR ADJUSTING COMPENSATION TO RAILROADS FOR CARRYING THE MAILS.

The question of the proper basis for adjusting railroad mail pay has been before a number of congressional commissions from time to time, who have reported more or less favorably to the space basis, as follows:

The Hubbard Commission submitted its report, which is published in Senate Miscellaneous Document No. 14, Forty-fifth Congress, first session, December 14, 1877. There was a difference of opinion among the members of this commission, but the only report submitted was that signed by Mr. Hubbard and declaring in favor of the space basis.

The Elmer, Thompson, and Slater committee investigated the matter and made their report December 3, 1883, recommending in favor of space, with weight as a modifying element.

The Walcott Commission investigated the matter, and in its report in 1901, Fifty-sixth Congress, second session, House Report No. 2284, stated that while recognizing that the question of space must be considered as having strong influence upon the question of the reasonableness of the present railway mail pay,

the commission felt unwilling to recommend it as the controlling standard because of the impossibility with the evidence before it of applying the space basis.

The last Joint Congressional Committee on Postage on Second-Class Mail Matter and Compensation for the Transportation of Mail, commonly referred to as the Bourne Committee, made its report August 31, 1914, and after long and exhaustive inquiry, extending over a period of two years, recommended unqualifiedly the space basis. This committee consisted of Senators Bourne, Bankhead, Richardson, and Weeks, and Representatives Lloyd and Tuttle.

I understand an investigation was made by the distinguished chairman of this committee, who was then not the chairman, but the committee was headed by former Senator Bourne, of which the Senator from Massachusetts [Mr. WEEKS] was also a member. They decided in favor of the space proposition. I think the RECORD will show that the House of Representatives in the first session of 1914 passed a space basis bill substantially in the form in which it now is, and that in the session of 1915 it was passed in the House, brought over to the Senate, and recommended by the Senate committee. At least I have here a committee report favorable to it, which is signed by the senior Senator from Alabama [Mr. BANKHEAD] and by the Senator from Virginia [Mr. SWANSON], advocating this space plan. It certainly must have been clear to those committees then. It has twice passed the House of Representatives; it has been reported favorably to the Senate, and did not pass the Senate only because it was not reached in the short session and the Senate adjourned without passing upon the bill. It seemed, however, that it was reasonable and clear to those who then considered the question that the space system was the better basis, and I have not heard any sufficient reason—at least I have not heard a reason that appealed to me, or, in fact, have not heard it stated—why there has been any change in the attitude of the committee upon this proposition, or whether or not any new light has been thrown upon the subject. The RECORD shows, however, that it was clearly the opinion of two separate Houses of Representatives and of the Committee on Post Offices and Post Roads of the Senate at the last session that this space method should be adopted.

I have here a pamphlet entitled "Railway Mail Pay—An Outline of the Post Office Department's Position," containing in a brief but very thorough way the reasons why the space basis ought to be adopted.

Mr. LANE. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. HUSTING. Yes.

Mr. LANE. If the Senator from Wisconsin will allow me, he is a man who has made a study of this subject and has had experience along this line. He has information which would be of value to the Senate, and they are acting, to my personal knowledge, without considerable information which they need. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, let the roll be called.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	Myers	Smith, Md.
Borah	Hardwick	Norris	Smoot
Brady	Hitchcock	O'Gorman	Sterling
Broussard	Husting	Overman	Stone
Bryan	James	Page	Taggart
Clapp	Johnson, Me.	Pittman	Thomas
Clarke, Ark.	Jones	Poindexter	Tillman
Culberson	La Follette	Pomerene	Townsend
Cummins	Lane	Reed	Underwood
Curtis	Lea, Tenn.	Shafroth	Walsh
Fletcher	Lewis	Sheppard	Warren
Gallinger	McLean	Sherman	Williams
Gronna	Martine, N. J.	Shields	Works

Mr. CUMMINS. May I announce that my colleague [Mr. KENYON] is absent from the city on account of illness in his family? I desire the announcement to stand for the day.

Mr. MYERS. I am requested to announce that the Senator from South Dakota [Mr. JOHNSON] and the Senator from Vermont [Mr. DILLINGHAM] are necessarily absent on account of important official business.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on account of important public business, and also the absence of the Senator from West Virginia [Mr. CHILTON].

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum is present. The Senator from Wisconsin will proceed.

Mr. HUSTING. Mr. President, I was about to say that the Post Office Department has put itself on record in favor of the space plan. The pamphlet of the department gives many excellent reasons why that plan should be adopted, and it gives them so very well and so concisely and convincingly that I should be pleased to have them placed in the RECORD as part of my remarks.

The PRESIDING OFFICER. The Chair hearing no objection, it is so ordered.

The matter referred to is as follows:

THE WEIGHT BASIS.

AN ANTIQUATED, COMPLEX, UNBUSINESSLIKE, INEQUITABLE SYSTEM.

The law now governing railway mail pay provides for pay on the basis of the average daily weights of mails carried over authorized routes. It dates back to 1873.

Maximum rates of pay are prescribed in the law. These are applicable to the average daily weights carried upon authorized mail routes ascertained by weighings held once every four years. On each route the mails are weighed for a period of 105 successive days. The rates are arranged on a sliding scale, whereby, as the weights increase, the rates decrease.

The country is divided into four contract sections and the mails weighed successively in each section. That is to say, while a weighing occurs once in every four years on each particular route and in each contract section, a weighing occurs in one section each year. The average annual cost to the department for weighing the mails is $250,000.

In addition to the pay for weights the present law authorizes additional pay for railway post-office cars, 40 feet and more in length, at specified rates. This constitutes partial recognition of the space principle as a proper factor in making mail transportation rates.

The plan of 1873 has never been changed, although the rates were somewhat reduced by Congress in 1876, 1878, and 1907.

The weighings are costly and annoying, and interfere seriously with the operation of the service in the field. Compensation thus determined is not fairly distributed according to service rendered. The system lacks the elasticity to meet changing conditions and fluctuations of traffic that, with the growing of the parcel post, have been frequent and far-reaching.

Computation of pay under the old law with its several amendments is a complex process, little understood, and productive of endless and vexatious disputes.

The whole plan is unscientific inequitable in results, and needlessly complex.

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THE SPACE BASIS.

A SIMPLE, PRACTICAL, ACCURATE, JUST METHOD.

As far back as 1876 so much dissatisfaction with the weight system of determining railway mail pay existed that Congress provided for a commission, to be appointed by the President, to investigate the subject. A succession of inquiries by congressional commissions, by appointive commissions, and by the Post Office Department have followed.

Practically every such investigation, including that made by the joint committee of Congress which reported in 1914, resulted in the conclusion that the present system is inadequate, complex, cumbersome, and unbusinesslike, and in recommendations for the substitution either in whole or in part of the space basis for the weight basis.

HAULING A CAR 1 MILE MADE "UNIT OF SERVICE."

The space method now proposed by the Post Office Department adopts the "car-mile unit of service" as the basis upon which to make authorizations of and payments for the major part of the Railway Mail Service. This would mean rates of pay—which have been ascertained after thorough inquiry to be fair rates—for hauling standard full railway post-office, apartment, and storage mail cars 1 mile.

The new plan contemplates additional compensation in the form of terminal allowances for services not covered by the space payment, representing charges for loading mails, and for heating, lighting, cleaning, and switching mail cars at the terminals of car runs and provides for the retention of the weight basis for "closed-pouch service." The latter comprises a very small per cent of the mail traffic and requires so little space in trains and fluctuates in quantity to such an extent that the space system could not be easily adapted to it. By far the bulk of mail pay would be determined by the space-and-distance gauge.

DIFFERING RATES FOR VARIOUS TYPES OF CARS.

The standard mail car is 60 feet long and is usually 9 feet wide and 8½ feet high, inside measurements. Only the length is to figure, however, in determining pay.

There are two kinds of full mail cars—railway post-office cars and mail-storage cars.

The former, as the name signifies, are traveling post offices in which the mail is "worked"; that is, opened, distributed, assembled in packages or bags for individual post offices, other railway routes, and for stations and carrier routes in large cities. When an entire car is thus utilized it is called a "full railway post-office car."

The storage cars, as the name also implies, are traveling storehouses in which the mail is stored before and after being worked or for through carriage.

The railway post-office cars are equipped by the railroad companies, and must be heated and lighted while en route at the expense of the railroads. These expenses do not apply in the same degree to storage cars, which require only light and heat in a limited degree and provision for making stall separations. Hence for railway post-office car service, as it is called, a somewhat higher rate of pay should be allowed than for storage-car service. This is amply provided for in the scale of rates proposed.

APARTMENT CARS GET PROPORTIONATE RATES.

The volume of mail passing over the thousands of railway mail routes varies. On the heavy routes—New York to Chicago, New York to St. Louis, etc.—a number of full cars and storage cars are needed each trip. On other routes one full car, with or without a storage car, meets the need. On the majority of routes a half car or a quarter car suffices. To fit this condition a third class of railway mail car service is operated, known as apartment-car service. This requires combination cars, used in part for mail and in part for baggage or other railway business. At present these are of various lengths, but the proposed law provides for two standard sizes, viz, 30 feet and 15 feet.

Under the space system apartment-car service would be paid for at a rate proportionate to the full-car rate; for a 30-foot apartment, one-half the full-car pay; for a 15-foot apartment, slightly more than one-fourth the full-car rate.

CLOSED-POUCH SERVICE RETAINS WEIGHT BASIS.

"Closed-pouch" service is the carriage of United States mail pouches, locked or sealed, containing letter and paper mail, or sacks containing paper mail only, transported over a route without breaking bulk. As performed by the railroads, this service consists of the transportation of one, two, three, or more closed mail bags over routes or on trains upon which the mail traffic is not heavy enough to require special accommodations for distribution en route. These mails are in the custody of the baggageman, who receives and delivers them without the intervention of postal employees.

Manifestly, because of its fluctuating character and the fact that in many cases the mail involved consists of simply a pouch or sack, c mputation of pay for closed-pouch service on the space basis would be exceedingly difficult; hence the retention of the weight basis for this class of business. It is provided that the weighings of closed-pouch mails a id readjustment of pay for their carriage shall be made annually instead of quadrennially, as at present. The annual weighing, it is estimated, will cost the Post Office Department about $100,000.

NEW PLAN FAILED LAST YEAR BY A NARROW MARGIN.

The desirability of a revision of the laws governing railway mail pay has been recognized by postal administrations for many years, but no definite proposition was presented to Congress until August, 1911, when the department reported the results of an exhaustive inquiry commenced in 1907, and submitted a tentative plan for revising the laws upon the basis of space, with rates based upon the cost of the service to the companies plus a reasonable rate of profit.

Subsequent study and further information obtained during the progress of the investigations of the joint congressional committee having demonstrated that the cost basis was impracticable under present conditions, the department changed its view and submitted a new plan, essentially identical with the proposed law now advocated.

In June, 1914, this plan was presented by the chairman of the House Committee on Post Offices and Post Roads, Hon. JOHN A. MOON. Hearings on this bill were had before the proper committees of Congress.

PASSED THE HOUSE TWICE—AGREED TO IN CONFERENCE.

Twice by large majorities the House, in August, 1914, and January, 1915, approved the plan proposed by the Post Office Department. This plan carried the essential features of the recommendation of the joint congressional committee for a change to the space basis, except that it provided for retaining the weight basis for closed-pouch service. The joint committee advocated the space basis for all service. The plan provided for a scale of pay exceedingly liberal in the light of every factor that justly enters into the question of fixing reasonable compensation for carrying the mails, and assured the railroads a somewhat larger revenue per car-mile for carrying the mails than they are now receiving.

On the occasion of its first passage in the House, the mail-pay measure was incorporated, along with other needed postal legislation, in the Moon bill. Because of the congestion of legislation during the short session, it became apparent that the Moon bill could not be enacted, and hence the mail-pay section of the Moon bill was incorporated in the annual Post Office appropriation bill.

In essentials the department's plan was agreed to in the conference committee of House and Senate upon the appropriation, but a final vote upon the conference committee's report was not reached in the Senate.

NEW RATES COMPENSATE ALL CLASSES OF SERVICE.

Under the department bill the rates of railway mail pay are divided into two classes: (1) Car-mile line rates; (2) initial and terminal rates.

The former provide compensation for hauling the different sizes of standard mail cars and will constitute the bulk of the pay. The latter cover expenses of loading and unloading mails, switching, heating, lighting, and cleaning cars and other station expenses at the termini of the car runs.

This division of compensation into two parts, one of which provides special allowances for costs of terminal station service at points of origin and destination on all runs regardless of distance, for the first time allots pay with equitable recognition of long and short hauls. Initial and terminal costs vary little, whether the car run is 100 miles or 1,000 miles. The terminal allowances, which are the same regardless of the length of car run, will increase the pay per mile according to the length of run, the longer the trip the smaller the increase per mile.

The following is a schedule of rates proposed by the Post Office Department:

Car-mile line rates.

Class.	Unit.	Car-mile rate.
Full R. P. O. cars	60-foot cars	$0.21
Apartment cars	30-foot apartment	.10½
Do	15-foot apartment	.05¼
Storage cars	60-foot cars	.20

Initial and terminal rates.

Class.	Unit.	Initial and terminal allowance per single trip.
Full R. P. O. cars	60-foot cars	$4.00
Apartment cars	30-foot cars	2.00
Do	15-foot cars	1.00
Storage cars	30-foot cars	4.00

PASSENGER REVENUE LESS 10 PER CENT IS BASIS OF RATES.

The car-mile line rates are based primarily upon the average car-mile revenue earned by the passenger service of the country as reported to the Interstate Commerce Commission, with a suitable reduction to offset the difference in character between passenger and mail services. Many considerations applying to the carriage of the mails do not apply to the carriage of passengers, and facilities furnished by the railroads for passenger service differ materially from facilities furnished for mail service.

There is no justification for the claim that the mail service should participate fully in the enormous costs of elaborate terminals and station structures. The mails neither seek nor need housing in $100,000,000 buildings; in fact, the least expensive parts of stations are devoted to the mails, and very rightly so.

The initial and terminal rates are based upon estimates of the initial and terminal costs—loading, unloading, switching, etc., as stated above.

THE NEW SCHEDULE IS RESULT OF LONG STUDY.

The determination of the rates was a most difficult problem. Numerous bases were suggested, considered, and rejected.

The conclusion was reached after long and thorough inquiry that a 10 per cent reduction would approximately represent the proper difference between the passenger-service revenue and an adequate mail revenue.

Applied to 25.43 cents, the passenger-car-mile revenue for 1911 (the latest figure available at the time the rates were constructed), the 10 per cent reduction produced 22.89 cents as a fair mail revenue per 60-foot car mile. Applied to the passenger-car-mile revenue for 1912, 24.29 cents, the result is 21.87 cents. The 60-foot car-mile revenue received by the railroads at the rates provided in the department bill, based upon the service estimated as being necessary for the fiscal year of 1915, would be 22.96 cents.

TOTAL PAY WOULD BE INCREASED BY CHANGE.

The total mail pay upon the present basis, including both pay for weight and pay for space, for the fiscal year of 1915, was more than $59,000,000. The rates carried in the proposed law would have resulted in a payment for that year of about $62,000,000, estimated on the basis of the service in operation. For service as of present date the expenditure would probably be somewhat greater, although legitimate economies in the way of concentrated loading and dispatches and along other lines would, it is believed, tend to reduce such increase materially.

Although the facts would warrant a reduction of railway-mail compensation, the Post Office Department has not advocated this action.

"NOT EXCEEDING" CLAUSE IS UNJUSTLY ATTACKED.

The proposed law authorizes the Postmaster General to pay not exceeding the rates specified in it.

The railroads have contended that this and other phraseology of the bill give the Postmaster General arbitrary rate-making power which, it is insinuated, he would use to compel the roads to carry the mails for less than the maximum rates designated. By inference, the charge is made that the Postmaster General is seeking power he does not now possess, and it has been declared in so many words that he would use this power to oppress the railroads.

In every law enacted by Congress on the subject of railway-may pay since Congress first legislated, 77 years ago, in regard to the carriage of mails on railroads—July 7, 1838—the Postmaster General has been given free and full power to contract with a railroad for the carriage of mails at any rate within the maximum rates named in the several laws if he should be able to do so.

During the life of the present railway mail pay statute, passed in 1873, no Postmaster General has arbitrarily reduced rates, though under the law he has had full power to do so. The history of the service for the last 40 years sufficiently refutes the charge that the inclusion of the words "not exceeding" will give the Postmaster General power which he would use in an autocratic or unfair manner.

OPERATES TO PROTECT DEPARTMENT AND ROADS.

The flexibility of the provision "not exceeding" is absolutely necessary for practical administration, and works both in the interest of the Government and many of the railroads. If rates were absolutely fixed, the Government would be compelled to use the short line between the large mailing centers and could not give the competing roads having longer lines the privilege, as is done now, of hauling a part of the mails at the rate for the short line.

Also, if the rates were inflexible there would be innumerable instances in the conduct of the service involving disputes between the railroad companies and the department as to the precise amount due for service, and the usual order of the Postmaster General, which, if it fixes the rate within the maximum prescribed by law, has been held by the courts to be final, would only mark the beginning of numerous and vexatious lawsuits.

WHAT MAIL PAY MEANS TO PARCEL-POST SERVICE.

In little more than two years the parcel post has grown so rapidly that its annual traffic is now estimated at 1,000,000,000 parcels a year. This expansion demonstrates the public need and demand in this country for a service which for years has been provided in every other advanced nation on earth.

This tremendous burden of service has been successfully assumed by the postal establishment and is being performed at a margin of profit for the Government, notwithstanding the inordinately heavy transportation costs—at times amounting to double the transportation costs borne by the express companies upon a great part of their traffic—which the Government has been compelled to shoulder.

In the face of the unequal conditions the Government is doing an enormous parcel business at charges to the public much lower on the whole than were made by the express companies before the coming of the parcel post, and is giving express facilities alike to practically every township, hamlet, village, and city, great or small, in the United States.

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Upon the majority of the great mail routes mail and express transportation conditions are practically identical. The cost to the railroads of the incidental services rendered in transporting the mails on these routes is inconsiderable as compared with the great disparity in the returns from the two services. It follows from the inequality of transportation costs that the parcel-post rates to the public, for the higher weights, greatly exceed the express rates. Between New York and Chicago parcel postage is $1.20 for 20 pounds, as compared with an express rate of 68 cents. A more equitable scale of mail pay would make possible a readjustment of parcel postage upon the higher weights and long hauls, would expand the public's transportation facilities, and would still give the railroads adequate compensation under their own standard of what constitutes adequate compensation, to wit, a "commercial rate."

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The railroads are receiving from the Government amounts which for hauls of any considerable length exceed by about 2 to 1 the amounts they receive from the express companies for like and similar service.

ADVANTAGES OF THE SPACE BASIS.

INCREASE OF SERVICE IS AUTOMATICALLY PAID FOR—JUSTICE TO ALL THE RAILROADS—BETTER FACILITIES FOR HANDLING PARCEL-POST MATTER ASSURED.

Under the space basis of payment provided in the Moon bill and in the appropriation bill, and agreed to by the conference committee on the latter, fluctuations in service would be promptly recognized and compensated.

If the expansion of the parcel post resulted in need of additional space, it would be paid for. At the same time the department would have opportunity for economies in the utilization of the authorized space to its maximum capacity, which entirely proper action would work no injustice to the railroad companies because they would still be paid for all space provided.

It is the belief of the department officials, and of many railroad officials as well, that the space plan would enable all service furnished according to the needs to be properly compensated; in other words, the department would pay for what it receives, and the railroads would receive pay for all service furnished.

SQUARE DEAL ASSURED TO ALL THE RAILROADS.

Under the space plan each company will receive compensation for all service performed by it, and changes in service requiring additional space will be immediately recognized by authorization of additional space and pay. This will eliminate complaints regarding cases wherein heavy diversions of mail are made from one route to another without changes in pay, which are continually occurring under the existing weight system.

Under the present law it is often asserted that the pay is inequitable between companies, in that there may be two routes carrying the same weight of mail upon one of which the space and facilities required may greatly exceed those required on the other route, notwithstanding which each company receives the same pay. The new plan will correct inequalities of this kind.

EXISTING RATES PAY FOR FOUR-YEAR INCREASE OF MAIL.

Under the present law one of the principal complaints of the companies has been that during the four-year period between adjustments the increased weights of mails carried by them are transported without compensation. The railroads advance this as their principal argument for annual instead of quadrennial weighings, asserting that it is inequitable and unjust to require them to carry the accretions without additional pay.

The department has taken the position that the rates provided in the existing law were fixed high enough to cover the increased regular mails to be carried during the term. Nevertheless cases have arisen where schedule changes or unusual conditions have resulted in diverting to a line a considerable quantity of mails not theretofore carried and not weighed on that line, with a corresponding reduction in weights carried on the line from which diverted. Unless the weights diverted equal at least 10 per cent of the average daily weight on any of the routes involved, the department is without authority to restate the pay and correct the inequity.

The proposed law corrects these inequalities, and the administration of the service under its provisions will enable the department to compensate the railroads for all service performed. Fluctuations in the volume of mail which require the furnishing of a greater or lesser amount of space than regularly authorized can be met by the authorization on lines where such conditions obtain of a certain amount of space beyond the regular authorizations to be used and paid for when needed. This extra space would, of course, not be used if surplus space is available on another line affording equal service for the mails involved.

SAVES $600,000 A YEAR ON RETURNING EQUIPMENT.

There is usually a preponderance of mail tonnage in one direction, and the space required in that direction is necessarily greater than is needed in the return movement. Under the provisions of the proposed law the maximum space needed in either direction is to be determinative of the space to be paid for in return.

On account of the heavier movement of mails in one direction the equipment used to inclose the mails naturally accumulates after use at points remote from the centers where the mails originate. Under existing law this equipment is returned to points where needed by freight at considerably less expense than if returned by mail. The annual cost of such service aggregates about $600,000.

Under the new plan, which specifies that the companies shall be paid for the round-trip movement of a car of the maximum size needed in either direction, there will probably be a surplus of unused space available in the return movement which may be utilized for the carriage of a greater part, if not all, of this returning empty equipment without additional cost and with a saving of its transportation cost by freight. Other opportunities for the use of return empty space paid for and not needed for mails will no doubt present themselves in the carriage of supplies and stamped paper for the service and of periodicals now sent by fast freight.

CARS WILL BE USED TO THEIR CAPACITY.

The tendency under the space plan will be to load authorized cars to the maximum consistent with the conditions required for distribution and handling. Under the weight basis, where the weight is paid for, no matter whether transported in postal cars, baggage cars, or storage cars, the tendency is to relieve the distributing cars wherever possible and carry mails in baggage or storage cars.

Under the space basis the space in the authorized railway post-office cars will be utilized to capacity before authorizing additional space in storage or baggage cars, thus relieving the baggage cars of their loads. The new plan also affords opportunity for consolidating mails for transportation between large centers where more than one line is available and the utilization of all authorized space to capacity before it will be necessary to authorize additional space for additional mails.

In cases where several partly loaded cars are now carrying the mails, it will be practicable to concentrate the mails in a less number of cars, thus securing the most economical loading and reducing the car mileage to be paid for to the minimum. This will provide an entirely proper economy with no burden on the railroads.

POSTAL EXPRESS SHIPMENTS.

EMPTY MAIL BAGS SHIPPED BY EXPRESS TO AVOID THE HIGH MAIL RATE.

The department is authorized by law to ship by mail, from November 15 to January 15, empty mail bags ordinarily sent by freight. Mail bags may go by express at any time, but are customarily shipped by freight unless an emergency arises, as the express rate is usually more than double that of the freight rate.

During the recent holiday period it was found that shipments could be made by express at a lower rate than by mail between many points, and the express service was utilized to a considerable extent at an average saving of 37½ cents per hundred pounds over the cost had they been sent in mail trains, and the railroad companies get only 50 per cent of the express rate.

The following table shows some of the points between which the department shipped mail bags by express during the holiday season of 1915, the mail and express rates, and the amount saved in each case by using express:

Points.	Rate per pound.		Excess of mail rate over express rate.	Amount saved.
	Express rate.	Mail rate.		
Burlington, Vt.-Boston, Mass	$1.15	$1.52	$0.37	$16.17
Cincinnati, Ohio-Washington, D. C	1.90	2.07	.17	4.07
Corinth, Miss.-Mobile, Ala	1.55	2.08	.53	42.22
Corinth, Miss.-Nashville, Tenn	1.55	2.79	1.24	194.74
Corning, N. Y.-Boston, Mass	1.50	1.86	.36	32.65
Decatur, Ill.-Chicago, Ill	1.00	1.09	.09	43.64
Elmira, N. Y.-Boston, Mass	1.25	1.79	.54	65.70
Hornell, N. Y.-Boston, Mass	1.50	2.04	.54	176.33
Hornell, N. Y.-New York, N. Y	1.30	1.37	.07	4.19
Huron, S. Dak.-St. Paul, Minn	1.80	4.95	3.15	45.08
New York, N. Y.-Chicago, Ill	2.40	2.51	.11	29.92
Ohio City, Ohio-Cincinnati, Ohio	.75	1.99	1.24	117.47
Parkersburg, W. Va.-New York, N. Y	1.90	1.93	.03	3.72
Parkersburg, W. Va.-Pittsburgh, Pa	1.00	1.10	.10	18.01
Phoenix, Ariz.-Kansas City, Mo	6.50	6.85	.35	17.98
Rouses Point, N. Y.-Boston, Mass	1.15	1.40	.25	7.74
Rutland, Vt.-Boston, Mass	.90	1.08	.18	18.51
Salida, Colo.-St. Louis, Mo	4.65	7.40	2.75	81.36
Vanceboro, Me.-Boston, Mass	1.50	1.59	.09	4.99
Watertown, N. Y.-Boston, Mass	1.25	1.49	.24	81.36
Watertown, N. Y.-New York, N. Y	1.20	1.31	.11	8.34
				1,014.19

Keen competition leads roads to take less than maximum pay.

To share in mail transportation between competitive points many railroads enter into "equalization agreements" with the Post Office Department under which they perform service for less than the maximum pay under the law. Under these agreements, the companies accept the low rate in order to retain the carriage of the mails.

The following table shows the companies now carrying mail under "equalization agreements," the points between which mail is carried under these agreements, the maximum pay authorized by law in each such case, the pay accepted by the carriers to meet competition, and the resulting per cent of reduction from the maximum pay.

Companies.	Points.	Maximum pay per annum under the law.	Pay per annum accepted to meet competition.	Decrease, per cent.
Atlantic Coast Line	Washington-Jacksonville	$39,691.68	$38,459.15	3.11
Western Railway of Alabama—Louisville & Nashville	Lynchburg-New Orleans	12,002.50	11,608.63	3.28
Pennsylvania Lines	Washington-Pittsburgh	4,165.34	3,215.34	22.81
Southern Pacific—El Paso & Southwestern—Rock Island Lines	Los Angeles-Kansas City	5,475.80	4,492.20	17.96
Burlington—Northern Pacific	Chicago-Spokane	22,186.57	20,991.38	5.39
San Pedro, Los Angeles & Salt Lake City—Oregon Short Line, Union Pacific—Chicago & Northwestern	Los Angeles-Chicago	35,133.36	31,798.36	9.49
Great Northern	St. Paul-Butte—Spokane-Seattle	102,833.46	93,690.06	8.89
Baltimore & Ohio	Chicago-Pittsburgh	14,489.52	13,228.46	8.70
New York Central	New York-Chicago	1,385,207.90	1,310,745.11	5.38
Michigan Central	Detroit-Chicago	9,713.51	9,503.05	2.17
Wabash	Cleveland-Granite City	28,712.65	27,990.04	2.52
Burlington	Chicago-Union Pacific Transfer	451,573.26	444,228.33	1.63
Illinois Central	Chicago-Evansville	11,986.58	8,520.46	28.91
Northern Pacific	St. Paul-Minneapolis—Boundary Line	18,255.78	14,514.35	20.49
Detroit, Toledo & Ironton	Springfield-Lima	655.31	223.50	65.89
Minneapolis & St. Louis	St. Paul-Minneapolis—Des Moines	7,923.34	7,124.54	10.08
Minneapolis, St. Paul & Sault Sainte Marie	St. Paul-Minneapolis—Boundary Line	11,162.12	8,878.41	20.46
Milwaukee	Chicago-St. Paul	779,296.76	667,238.05	14.38
Missouri, Kansas & Texas	St. Louis-Sedalia	4,987.99	3,672.57	26.36
Wabash	St. Louis-Kansas City	34,133.49	31,768.85	6.93
Chicago & Eastern Illinois	Chicago-St. Louis	157,631.18	137,254.03	12.93

THE SPACE BASIS

Eliminates troublesome and expensive weighing;
Provides a system of rates definite and understandable;
Utilizes facilities paid for to a maximum capacity;
Pays for service actually rendered and for space furnished; and
Will enable the department to proceed with its plans for the expansion of the parcel post.

Mr. HUSTING. I have already gone over the reasons why I think, and why the Post Office Department thinks, and why the committees who have investigated this matter think, the space basis is the proper plan. It makes for efficiency; it makes for certainty; it makes for equity; and in the long run it is going to put the Post Office Department upon a basis where the Postmaster General can have a voice in the matter of expense.

How is it to-day? Congress provides how much postage shall be charged for a given service; it prescribes how much shall be paid to the railroads per pound, and virtually takes out of the Postmaster General's hands the instituting of economies in the service. Every time the Postmaster General renders his report and we read it and find a deficit in his department, what do we do? We blame the Postmaster General. He is the man upon whom the responsibility rests; he is the man who has got to stand the responsibility and take the blame for such deficit every time; and yet when it comes to running that department, when it comes to saying what shall be done, what do we find here? Do we find a disposition to help the Post Office Department in the running of its business? Do we find here any respect for the ideas of the Postmaster General or for his recommendations concerning a matter of so vital importance as this? No; we find only condemnation. There has been some very severe condemnation of a public official—the Fourth Assistant Postmaster General—who in his zeal probably exceeded the bounds of respect due to the Senate and to Senators, but who, nevertheless, in his letter, a copy of which I have here, at least discloses a desire to serve the people and the public. It is true he has said something in the letter that I do not think was necessary to be said, yet he has pointed out certain facts, and the facts are these, as I understand—and I should like to be corrected if I am wrong—that the Post Office Department's suggestions were overruled in every instance upon this question before us and the recommendations of the railroads were accepted instead.

Are those the facts? If they are, I feel that the recommendations of the Postmaster General should have been entitled to greater weight than those of the railroads.

I can not get myself into the frame of mind where I could regard the Senate as a judicial body, as a body which sits in judgment upon every department of the Government and passes upon the recommendations of Cabinet officers and other officials from a judicial standpoint. The Supreme Court is a judicial body, but, as I understand it, the Congress of the United States is a legislative body. I believe it has been elected to represent the people of the United States and to legislate in their interest. I can not understand why, whenever matters of importance of this kind, affecting the very welfare of the people themselves, come up, a department should be put upon trial, should be made to stand almost as a culprit before the people. I can not understand why this department should be thus confronted by its persecutors, the railroads, and should be called upon to defend itself against the awful charge of trying to save some money for the people of the United States, and of trying to run the Post Office Department in such a way that the people will get the most benefit out of the mails at the cheapest rate.

I have heard considerable said here about regulating railroad rates. I have listened to one distinguished Senator say here yesterday, in effect at least, that, even if we paid the railroads too much for the service rendered in the carrying of the mails, yet, after all, it was reflected in the lowering of rates to the public at large on other commodities. I should like to suggest that if we had proceeded upon that theory years and years ago we might still be paying 4 or 5 cents for a letter and at least a cent an ounce for newspapers. I think a sounder proposition is that if the price of carrying the mails is reduced it will be reflected in lower postage. Whom would you rather trust about the benefits that are going to dribble down to the public—the railroads, which we pay more than they are entitled to receive and who thus, as it is claimed, will lower the rates to the public at large, or the Post Office Department, which is striving, as I am sure its officials have been striving, to economize in the service, to make the service efficient, and to give the people the best service at the lowest possible expense?

But reverting once more to this proposition that when we save somthing for the railroads in one field we are going to feel it correspondingly in another field, I was very much impressed with what my colleague, the senior Senator from Wisconsin [Mr. LA FOLLETTE], said yesterday about the raising of the rates 5 per cent in 1913. I think this raise was made unjustly. I think he showed that it was done without any good provocation or excuse. However, let us say it was justly done. We know the rates were raised, and we also know that business has increased. The net earnings have increased, as was shown by my colleague, 45 per cent. The net earnings of the railroads have increased 45 per cent in the last year. Now, according to the theory advanced here, we ought to be now enjoying cheaper rates, because the earnings of railroad companies have increased 45 per cent. Has anybody seen any notices posted anywhere to the effect that the railroads have lowered their rates? Have they even taken off this 5 per cent that was put on top of their rates in 1913? We have got prosperous years now, and the treasuries of the railroads are to-day in a very prosperous condition.

I will tell you how it appears to me that this scheme works, and I am not going to ask the Senate to take my word for it, but only the story of experience. When rates are raised in the lean years they stay fixed and the public continues to pay those advanced rates no matter what the later earnings of the railroad companies are.

I point to this fact to prove it. Notwithstanding the fact that rates were raised 5 per cent in 1913, there has been no disposition shown on the part of the railroads to take off the increase now, when they admit that they are earning 45 per cent more than they did when the 5 per cent was put on. That gives them a margin of at least 45 per cent more earnings than they were getting in 1913.

I say it does not work out that rates are lowered when profits increase, and I can not follow the line of argument at all which proceeds on the theory that the scales are so adjusted by the Interstate Commerce Commission that every fluctuation of the earnings of a railroad company is reflected in the rates. There is no such elasticity as that in rate making. In fact, it seems that when rates are determined at any time they become a rigid, immovable thing, and the only time they are ever changed at all, as this 5 per cent increase will be changed, I take it, is when some more lean years come on, and another boost will be given, because the railroads are not earning then as much as they think they ought to be.

I say that this bill puts us in the attitude of trying the Postmaster General. His worst offense, as I understand it, is that he is trying to make a bargain with the railroads to carry our mails at a price that is fair and compensatory, and under a system that will give the people the best service for their money. Instead of that, we are going to take the whole matter out of the realm of contract, and we are going to burden the Interstate Commerce Commission with a new question for them to solve. It is a question between the sovereign itself, the United States, and one of its servants, one of its creatures to which the sovereign itself has given life. The proponents of this bill are going to put us, the sovereign, on the same plane with the railroads, and try us both before the Interstate Commerce Commission.

For years the matter of railway mail pay has been a matter of contract pure and simple, a contract between the Postmaster General and those with whom he was doing business. He was acting for the United States. Of course, the matter crept into legislation more or less, but even to-day the carriage of mails is a contract proposition, nothing less and nothing more. The business manager of our Post Office Department comes here and tells us what is the best way of doing our business and how to get the cheapest rates, and he backs it up by arguments. Not only does he back it up by arguments, but his space system is supported by committee reports, one of which is signed by the distinguished chairman of the Post Offices and Post Roads Committee himself. These reports say that the space system is the best way of doing this business. He comes here and presents this matter to us, presents his arguments, his reasons for knowing that is the best thing to do. Now, whose advice do we take? Why, we take the advice of the railroad companies themselves, their representatives who appeared before the committee, and we let them dictate the business policy of the United States in its post-office dealings.

What is our business here in the Senate, in this Congress? One of our chief concerns, as I see it, is to run our post-office business on that basis which will bring the best results, and I, for one, want to look at it from the standpoint of the United States itself, and not from the standpoint of those who are either going to profit or lose by whatever method we adopt. If the United States, through its representatives, is not going to look out for the interests of the department and the interests of the United States, whom do we expect is going to do that for us? Have we any right to presume that the railway companies, who are themselves interested parties, are safer and better advisers to this body than the Postmaster General himself?

It has been said here that this is an abstruse proposition, that we can not all go into it, that we can not all understand it. Very well; let us grant that. Grant that we do not understand it clearly, and grant that we have got to go to somebody for advice. Where should we go? To whom should you want to go for advice? Men that have made this a particular study? Men who are intrusted with this business, like the Postmaster General himself? Men who do know its details, because they have made it their business to be informed concerning railway mail carriage? Or should you go to the other parties interested from a private viewpoint and ask their advice?

I think the reasons advanced by the Post Office Department are sufficient and good reasons for the adoption of the space basis. It is clear that under the space system we would know just where we are. Every day the Superintendent of the Railway Mail Service could order his cars. We would know every day just exactly how many cars are running, how long they are, and how much it is costing us to carry the mails. When times of light mail come, we could pull off the cars and run the service on a schedule of less cars. We could increase the number of cars and their capacity when times of heavy mails come. We could do this as every other business does it—like the packers do it, for instance. They do not send out a dozen cars when they can fill up only 10, and pay on the basis of the use of 12 cars. They regulate their business, and they do business with the number of cars that they need.

It seems to me that that is a plain business proposition. The space system is certain; it is equitable. The railway companies will get pay for every car they run, for every car that is actually needed. Why should they get any more?

I think that we would be right in giving the Post Office Department the benefit of the doubt in its demand for this basis; and I also think that when the department shows by the rates actually incorporated in this bill that it would produce $65,000,000 for the railroads for the year 1915, it proves that there is no chance for any unfairness at all. The carriers would get, even under the present number of cars that are run, more pay than they are getting under the weight system. But what the space system would do is this: Hereafter, in the expansion of mails, we are going to take care of the number of cars that we need, and not run more cars or more crews than the business warrants; and, therefore, we are going to put our post-office business on a plane where everybody can understand it and where the country will save a sufficient amount to make it appear to everybody that this is the proper way of doing business.

Now, coming down to the question of the Interstate Commerce Commission passing upon this question of pay. That is left in the amendment of the Senator from Florida. The most radical and important difference between the amendment of the Senator from Florida and the amendment of the Senator from Iowa is that in the amendment of the Senator from Florida annual weighings are not permitted; and if annual weighings are not permitted it is going to save us between two and three and four million dollars a year. In the second place, the amendment of the Senator from Florida would permit the Post Office Department to put into effect its basis of railway pay, and to fix a rate and still leave to the Interstate Commerce Commission the right to change that rate by way of increasing it or decreasing it.

To recapitulate, I say that the provision in the Senate amendment which does not permit the present weighing system to obtain, but which adds two or three or four million dollars a year to railway pay for increases to which they are not entitled, because they are already reflected in the rate, in my opinion can not be successfully defended on any ground, either of fairness to the railroads or of fidelity to the public service. I say, in the second place, that the Postmaster General, who is invested with the authority to manage our postal affairs and who is going to be charged with the responsibility for any deficit that may obtain, should be given the benefit of the doubt, if there is any doubt, and his recommendations should be accepted unless there are grave reasons why they should not be accepted. When he comes in and tells us, and, as I say, these committees have told us, and I repeat again that the chairman of the present committee signed those reports and recommended this very system, it seems to me that there should be no good reason why the Senate should not adopt that recommendation and let it stand as a business policy. Then, if you want to leave to the Interstate Commerce Commission this question concerning the rate of pay, you can leave it to them.

I share somewhat the feeling that others appear to have here in this body as to whether they are better able than the Post Office Department to judge what the United States ought to pay. There are certain reasons why the United States mails should be given a rate that is, if anything, lower than the ordinary rate. We are the largest customer of the railroads. The amount of material which they carry for us is certain. This amount can be estimated almost to the pound every day. A good many of the railroad trains could not run at all unless they got our business.

The railroads are our creatures. They are public-service corporations. They are engaged in the business of serving the public. In carrying the mails they are rendering a public service. The United States is not making any money out of its mails. It is trying to serve the public, all of the public, every man, woman, and almost every child in the country, in the way of carrying the mails as expeditiously and as cheaply as possible. We are not in the same situation as men or corporations who are running their business for profit, because the profit goes into their pockets; but here the carrying of the mails is something that is beneficial to everybody, including the railroads themselves. In times of strikes, as we know, the presence of the United States mails has placed the seal of sanctity upon the trains, and the Government has stood back of its mails and prevented strikes. There are a great many things that the railroads enjoy and a great many things that they have to do with us in our business that is far different from what they have to do with private parties.

I presume that if we had put in their charters originally, when they were first organized, provisions that they should carry the mails for a price far below what others paid for the carrying of commodities, they would have been glad to have obtained the charters on that basis, and anxious to carry the mails on that basis. Even now the provision appears in the bill that roads that received empires of land as subsidies are cut off 20 per cent. Some Senators say that it is confiscatory to make them receive less than others. It is not confiscatory if it is fair; and it is fair, purely on a dollars-and-cents proposition, to charge the United States for a service less than others are paying for a like service. Everybody knows that when things are carried in carload lots it is done more cheaply. But the truth of the matter is not only are we not paying less than everybody else but I venture to say that we are paying more for the same service than the railroads charge private parties for the same service. In fact, the railroads are charging us more than they are charging ordinary individuals. Right here in this pamphlet that I have are some things that show the truth of this statement. It appears that we can do business to-day with the express companies cheaper than we can do it with ourselves. The United States can ship mail matter by express cheaper than it can ship it over its own mail routes. Here in this pamphlet, that I am going to have printed in the RECORD, I will just mention a few of them.

The table I have here shows some of the points between which the Post Office Department shipped mail bags by express during the holiday season of 1915, the mail and express rates, and the amount saved in each case by using the express.

Here is the rate from Burlington, Vt., to Boston, Mass., the rates being per hundred pounds: Express rate, $1.15; mail rate, $1.52; amount saved, $16.17.

Cincinnati, Ohio, to Washington, D. C.: Express rate, $1.90; mail rate, $2.07; amount saved, $4.07.

Corinth, Miss., to Mobile, Ala.: Express rate, $1.55; mail rate, $2.08.

Corinth, Miss., to Nashville, Tenn.: Express rate, $1.55; mail rate, $2.79.

I could go down the list here, but here is one I will mention: Salida, Colo., to St. Louis, Mo.: Express rate, $4.65; mail rate, $7.40; amount saved, $81.36.

We are talking about the United States getting cheaper rates. We frank our official material; we do not pay postage rates; and yet when it comes to hauling mail pouches on our own mail routes we save money by patronizing the express companies. They can haul our own mail cheaper than we can haul it ourselves. I understand that you can take the amount per hundred pounds on the express tariffs, and you will find that almost without any exception the amount of express returns to the railroad companies are away below what the United States, the railroad's biggest customer, has to pay for the same service. I understand the railroads haul the express at certain rates and divide. I think there are some tables here—I have them somewhere here—showing that they divide the amount charged, the express company taking half and the railroad company taking half. But these same railroads charge the United States, as shown here in this table, more, and a great deal more, for hauling material in the Railway Mail Service than they charge private corporations hauling express.

So there is no need of feeling alarmed that the railroad companies are going to be underpaid. I say that in all these discussions I have not learned anything and I have never seen

anything by which it can be shown that the railroads ever performed any service for the United States for which they charged the United States as fair a rate as they are charging the public for the same service.

Senators get up here and say that we must be fearful, we must be careful, in legislating that we do not exercise the power of a czar or a tyrant to compel these poor railroads to do service for us at a price that is going to put them in the hands of receivers. They are simply putting the railroad companies upon the same plane and par with the United States itself, and putting every officer, every department, on trial, so that it almost has become a matter of great courage for any men who are connected with any department to appear before any committee or any body here and try to uphold the United States Government itself. It appears as though it were a matter not to be commended, but to be frowned down upon, for anyone to come and say that they want to try to do business for the United States on a fair plane to the United States. In all the discussions I have heard here the main question has been, "Are we treating these railroad companies fairly?" I say a burning question in this country and in all the United States is, "Are the railroads treating the people of the United States fairly? Are they treating the Government fairly—the Government that created them, the Government that subsidized them, and the Government that ought to regulate them?"

For every hundred voices that are raised in behalf of any railroad company, I do not believe there is one raised in the interest of economy of government. I say I do not think this is a judicial body that ought to go into session and consider this thing merely from a judicial standpoint. I venture to say that the interests of the United States ought to be considered from the representative standpoint. The courts will take care of other phases of these propositions, and the courts do take care of them; but there is no need to fear of doing injustice to any of these institutions. No injustice has ever yet been done them. Through all the decades of legislation the most solicitous care has been taken not to invade the rights of the railroads or any other institution of that kind. The tendency, I say, is too strong in this direction, and there is no need of being so fearful about the railroads being underpaid.

We talk here as though taxes and the expenses of running the Government were taken from nowhere; but every dollar saved, for instance, by the Post Office Department, saves that dollar in somebody's pocket from which it otherwise must come.

I feel that in this matter the department should be upheld. I want to say, for the Post Office Department and this administration, that the only criticism I have ever heard about this department is that it has been too careful of the people's rights in this matter. Whatever criticisms have gone out against this department have been directed against it because it is trying too hard to lop off some of the dead limbs, to improve the service, and to vitalize it, to systematize it, to bring it into something resembling a business institution. The department is trying to do these things now. They come here with this railway mail pay space proposition and say, "This is a good thing to do. These are our reasons for it. If you want to put us in a position where we can save money for the Government and where we can promote the efficiency of the service, here is an opportunity for you to do so." I say, whose advice shall we take—those who are intrusted with this important business or those who have a business interest in it?

Upon my request the Post Office Department submitted to me the following facts on the subject:

The question of railway mail pay, stated in the plainest terms and stripped of the technical terminology of the service, may be explained thus:

All railroads are paid for carrying the mails on a weight basis and certain roads, where a large amount of space is required for the purpose of distributing mail in transit, are paid additionally on a space basis for the operation of distributing cars over 40 feet in length.

The rates of pay on a weight basis are on a sliding scale, from $42.75 per mile per annum where the average weight of mails per day carried over the whole length of the route does not exceed 200 pounds, up to $171 per mile per annum where the average weight of mails per day carried over the whole length of the route is as high as 5,000 pounds, after which limit of weight the pay is $20.30 additional for each additional 2,000 pounds per day up to 48,000 pounds per day, and $19.24 per mile per annum for each additional 2,000 pounds in excess of 48,000 pounds per day. Allowances are also made for intermediate weights. Land-grant railroads are paid but 80 per cent of the foregoing rates. These rates are allowable under the acts of March 3, 1873, July 12, 1876, June 17, 1878, March 2, 1907, and May 12, 1910.

The foregoing rates apply to all mail carried on trains, whether in pouches carried in baggage cars, thrown off by a railway employee (which constitutes what is known as "closed-pouch" service), in storage cars in bulk, or in cars in which mail distribution is performed by traveling post-office employees. The railroads must furnish space for receiving, handling, and distributing mail on their trains. If the amount of mail worked on the trains can be accommodated in less than 40 feet of space no additional compensation for the space is paid to the roads, but when the space required for distributing mail is greater than can be accommodated in less than 40 feet of space the railroads are paid for the use of the postal cars at the rate of $25 per mile per annum for a 40-foot car, $27.50 per mile per annum for a 45-foot car, $32.50 per mile per annum for a 50-foot car, and $40 per mile per annum for a car 55 feet or more in length for a daily round trip of service.

The history of the legislation fixing rates for mail pay on a weight basis shows several marked decreases in the rates of pay by various acts of Congress since 1873. By the law of that year the rate for 200 pounds average daily weight was fixed at $50 per mile per annum and for 5,000 pounds at $200 per mile per annum. The law of July 12, 1876, made a flat reduction of 10 per cent in each of the weight rates established by the law of March 3, 1873, and also provided that land-grant railroads shall be paid only 80 per cent of the regular rates. The law of June 17, 1878, made a further reduction of 5 per cent in the weight rates, and the law of March 2, 1907, made a still further reduction of 5 per cent in the weight rates on all routes carrying a daily average of more than 5,000 pounds and a reduction of 10 per cent in the rates on routes carrying a daily average weight of more than 48,000 pounds. Finally the act of May 12, 1910, reduced land-grant rates on routes carrying over 5,000 pounds daily.

The rate of pay on the weight basis under existing law is based upon the average daily weight of mails carried over the respective routes, the average daily weight being ascertained by an actual weighing of the mails for 105 consecutive days once in every 4 years. These weighings are held in the spring of the year, which has been generally conceded to be an average mail-moving period. The sole exception to this spring weighing is in the New England States, where the mail is weighed in the fall. The country is divided into four sections, and each year the mail in one section is weighed. The cost to the Government of weighing the mails is approximately $300,000 a year. The law (act of Mar. 3, 1875) stipulates that the mails shall be weighed by employees of the Post Office Department. Under the practice the weighings are conducted by the Railway Mail Service, the expense being borne by the department and paid out of the railroad transportation appropriation, as provided by law. The railroad companies furnish the scales and the weight cards upon which to report the weights and provide additional help to handle the mails where needed.

With the rate of pay and the determination of the pay thus stated, the attached table showing the classes of routes according to the average daily weight carried, their number and length, transportation pay per annum on a weight basis, ton-miles per annum handled, and pay per ton-mile for the entire service will be clearly understood.

The service required of the railroads consists of the carriage of the mails on the trains and the transportation of the mails between the post office and the station at all post offices which are terminal points of mail routes, except where the Post Office Department maintains screen-wagon service for that purpose, and at post offices along the routes where the distance between the post office and station is 80 rods or less by the shortest practicable route, and an agent is employed and other provision is not made by the department. Where the post offices are more than 80 rods from the station the Post Office Department carries the mail. The delivery of the mail by the railroads to post offices at terminal points or stations en route within the 80-rod limit is known as "side-and-terminal service," and compensation for this service, as expressed by the Court of Claims, must be regarded as having been taken into consideration in the rates of pay fixed by the various acts of Congress for the hauling of the mails. In the administration of this side-and-terminal service the Post Office Department has been steadily absorbing more and more of it and is constantly relieving new and short lines of this service within the discretion allowed by the law. The railroads are also required to transfer mails at junction points to the station of a connecting railroad whose station is not more than 80 rods distant and an agent is employed; to furnish space and facilities at stations for the handling, storage, and transfer of mails; to load mails upon trains and to unload them from trains; and to erect mail cranes for the exchange of mails from moving trains at way stations. They are also required to construct, fit up, heat, light, and maintain all cars used in the Postal Service at their expense and to construct them according to plans approved by the Post Office Department. Railroads carrying the mails must carry them on any train they operate when directed by the Postmaster General, together with the persons in charge thereof, and suitable penalties are provided for refusal.

Where changes in the routing of mails occur between the weighing periods involving as much as 10 per cent of the mail taken from a line and added to another line, it has been the practice to weigh the mails affected and readjust the compensation in accordance with the act of August 24, 1912. Under legislation just passed readjustments under these circumstances may be made regardless of the amount of mail involved.

The new plan of adjusting railway mail pay advocated by the department and passed by the House of Representatives substitutes space for weight as the basis for measuring the service performed, supplemented by initial and terminal charges to cover expenses incurred by the railroads in loading and unloading mails and for heating, lighting, cleaning, and switching mail cars at terminals of car runs. The "car-mile" is made the unit of service, and rates of pay are named for each mile of service of standard sized mail and storage cars and of trains carrying closed pouch mails, the latter class being those carried in baggage cars in the custody of railroad employees. The car-mile line rates are graduated so as to slightly increase pay as the sizes of cars decrease, as will be seen from the schedule following. The initial and terminal rates are similarly graduated.

The following is a schedule of rates carried in the bill as it passed the House of Representatives:

Car-mile line rates.

Class.	Unit.	Car-mile rate.
Full R. P. O. cars	60-foot cars	$0.21
Apartment cars	30-foot apartment	.11
Do	15-foot apartment	.06
Storage cars	60-foot cars	.21
Closed pouch service	7-foot space	.03
Do	3-foot space	.01½

Initial and terminal rates.

Class.	Unit.	Initial and terminal allowance per single trip.
Full R. P. O. cars	60-foot cars	$4.25
Apartment cars	30-foot cars	2.75
Do	15-foot cars	2.00
Storage cars	30-foot cars	4.25
Closed pouch service	7-foot space	.50
Do	3-foot space	.25

The car-mile line rates are based principally upon the average car-mile revenue earned by the passenger service of the country as reported to the Interstate Commerce Commission, with a reduction to offset the difference in character between passenger and mail services. Many considerations applying to the carriage of the mails do not apply to the carriage of passengers, and facilities furnished by the railroads for passenger service differ materially from facilities furnished for mail service. Thorough inquiry led to the conclusion that a 10 per cent reduction would approximately represent the proper difference.

Applied to 25.43 cents, the passenger car-mile revenue for 1911—the latest figures available at the time the rates were constructed—the 10 per cent reduction produced 22.89 cents as a fair mail revenue per 60-foot car mile. Applied to the passenger car-mile revenue for 1912, 24.29 cents, the result is 21.87 cents. The 60-foot car-mile revenue received by the railroads at the rates above set forth, based upon the service estimated as being necessary for the fiscal year of 1917, would be 23.89 cents.

The division of rates into two parts, one of which provides special allowances for costs of terminal-station services on all train runs, regardless of distance, gives recognition to long and short hauls. Such costs are practically the same for all trains, whether they run 50 or 500 miles, and the spreading of the terminal allowances over the mileage of the trains serves to increase the pay per mile, according to the length of run, the longer the trip the smaller the increase per mile.

The services required of the railroads under the provisions of the bill are practically identical with the requirements under present law. There has been expressed in the proposed law all necessary existing laws and regulations relating to the railroad mail service in a clear and definite manner, so as to leave no room for conjecture as to the terms under which service will be performed by the railroads.

The Post Office Department favors the space basis as the measure of railroad mail service, because it will eliminate the troublesome and expensive weighings necessary under existing law; because it provides a system of rates definite and understandable in lieu of the present complex schedule of rates; because it will enable the department to utilize the facilities paid for to their maximum capacity, with resulting economy; because it will pay for service actually rendered and for all space furnished; and, finally, because it will provide the needed elasticity to meet changing conditions and fluctuations in service, which the present system lacks, by automatically increasing pay as the space required increases. It constitutes a method at once simple, practical, accurate, and just—one that will compensate fully all railroads for all the service they perform.

The objections of the railroads to the space-basis plan briefly summarized are that the measure of pay as provided by the bill is too low; that the rates can not increase under its provisions; that the rates are not compensatory for the service rendered; that possible economies in loading and dispatches effected by the department will be against the interests of the railroads; that the space plan reverses service conditions; that it will admit of the wholesale transfer of freight and express business to the mail business to the railroads' disadvantage; and that the administrative difficulties are so many as to render the measure impracticable. The department claims that each of these criticisms is amply met by the provisions of the bill itself. With reference to the first claim—that the measure of pay is too low—the answer is that it is based upon the average car-mile revenue received from passenger service by the railroads throughout the United States and is only about 5 per cent lower than that average revenue. The joint committee of Congress seriously considered a reduction of 10 per cent below that average revenue as being proper.

The claim that the rates can not increase is met by the provision of the bill which provides that the rates fixed therein are subject to review by the Interstate Commerce Commission upon application of the roads or of the department. There is an elasticity in this respect in the proposed bill that does not exist under present law under which there can be no increases in the rates without legislation. With reference to the claim that rates are not compensatory for the service rendered, it is only necessary to point out that they are higher than express rates per unit of service, more than double the freight rate per unit of service, and very close to the average car-mile revenue for passenger service, which the joint committee concluded was a fair measure of payment for mail service rendered. As to the claim that the space plan reverses service conditions, it appears to be based upon the theory that the railroads are now paid 90 per cent on weight and 10 per cent on space, and that if the space basis be adopted those conditions will be reversed. As a matter of fact, the amount they are paid on weight and space is no criterion whatever, because 96 per cent of the service is now on the space basis, although, for the purposes of payment, 90 per cent is based on weight and 10 per cent on space. All of the mail service, excepting closed-pouch service, is performed in authorized space, or space called for by the department, which is the same thing as authorization. The effect of this bill is to properly transfer the pay so that the measure of service shall be upon the space basis instead of upon the antiquated weight basis.

Referring to the claim that the bill will result in the wholesale transfer in freight and express to mail, attention is invited to the fact that this complaint is based upon the wrong premise that the very large increase in mail resulting from the establishment of the parcel-post system would be accentuated under the space basis, and that under it the departmet would be able to carry very heavy loads in mail cars at a very low rate, so low, it is alleged, as to compete with the freight business. It is only necessary to compare freight rates and parcel-post rates charged to the public to demonstrate the fallacy of this premise, as it is shown that in order to secure the business to compete with freight it will be necessary to reduce parcel-post rates charged to the public very greatly, in some cases more than 200 per cent, as were shown by specific instances presented to the Senate committee at its hearings. Furthermore, the physical conditions in the mail cars are not such as to admit of any such degree of loading as it is claimed would result under this bill. The cars can not carry such loads of mail and the quantity of mail would not be sufficient to accumulate the quantities claimed.

As to the administrative difficulties, it may be said that the department's officers do not anticipate any insuperable difficulty in the administration of the service upon the space basis, inasmuch as the service now is practically upon the basis of space, and the change in method provided by this bill merely changes the measure of service for the purpose of payment from weight to space.

—

MEMORANDUM RELATING TO PROVISION REGARDING WEIGHINGS AS CONTAINED IN BILL REPORTED BY SENATE COMMITTEE.

The bill provides that annual weighings are to occur only on the routes where the railroad company shall do the weighing. In other cases the mails are to be weighed quadrennially. This would establish two systems of adjustments for railroads carrying mails in the same territory; one for a period of one year and the other for a period of four years. It is well known that it is necessary to authorize diversions of mail from one route to another on account of changes in schedule. It might result that by reason of the schedule changes mails that are weighed upon one class of routes might thereafter be diverted and carried and weighed upon the other class of routes, and thus result in double payment for those particular mails in all cases where it would be impracticable to identify them.

Furthermore, it is a fact that there will be decreases in weights of mails carried on a route after it has been weighed, and where the pay has been adjusted and such decreases occur, the railroad company, being aware of it, would not seek a weighing the following year, but would defer it and thereafter be paid on a higher basis than the actual conditions on the route justify.

It has been suggested also that under this double system of adjustments competing railroad companies operating between important cities would be able to so arrange their schedules that one company might secure the weights of the competitive mails during the annual weighing and thereafter change its schedule, causing a diversion of such mails to the competing line. After this had occurred, the former carrier could decline to pay for the weighing and the department would be compelled to defer the weighing of this route until four years had elapsed, but in the meanwhile would be under the necessity of weighing and readjusting pay on the competing line, thereby paying twice for the carriage of this mail.

The merits of the space basis as against the weight basis and the ampleness of the rates prescribed in the bill passed by the House and rejected by the Senate Committee on Post Offices and Post Roads are set forth with great positiveness and detail in the report of the joint commission of Congress, commonly known as the Bourne commission. This report was signed by Senators Bourne, Bankhead, and Weeks and Representatives Lloyd, Tuttle, and Richardson. In a memorandum published on page 7 of the Bourne Commission report, signed by Senator Bankhead and Representatives Lloyd and Tuttle, appears this paragraph:

"As the investigation progressed nearly every one connected with it changes his views, and no one should be criticized for doing so. The country has the benefit of the most exhaustive, thorough, and conclusive investigation that has ever been made on the subject of railway mail pay, and full credit should be given to all who have contributed to this result."

In reading the Bourne commission report in connection with the bill passed by the House of Representatives at this session of Congress fixing the space basis and the rates of pay, it should be borne in mind that the bill is the plan of railway mail pay advocated by the Bourne commission and is essentially the bill passed by the House at the previous session of Congress and favorably reported by the House and Senate conferees composed of Senators BANKHEAD, SWANSON, and PENROSE and Representatives MOON, FINLEY, and MADDEN.

It is this bill that the department is urging, upon such high authority and after such careful consideration given to it by the joint commission of Congress, by the House of Representatives, and a conference committee of the two Houses, as the basis and rate of pay pending an investigation of the reasonableness of the rates therein fixed by the Interstate Commerce Commission upon the application either of a majority of the railroads or of the Postmaster General. As you know, the railroads are opposing legislation on this basis and in lieu of legislation are asking for another investigation of the subject so thoroughly covered by the joint congressional committee.

The Post Office Department, upon my request, has submitted the following estimates on the cost of carrying mail:

It is estimated that the proposition to weigh the mails simultaneously on all railroad routes for 30 successive working days, as provided in the Post Office appropriation bill for 1917, would involve an additional expenditure for the fiscal year of 1918 of approximately $5,000,000 for railroad transportation of the mails in excess of the cost for the same service under present law. The method of arriving at the estimate is detailed below:

For the fiscal year of 1919 the estimate of additional expenditure is $3,900,000. No estimate for subsequent years has been made, but it is believed that it will be about $4,000,000 a year for two years beyond 1919, after which the annual increase will probably be from 4 per cent to 5 per cent per year.

It is difficult to estimate the cost of conducting the weighings. If the provision of the bill requires the railroad companies to bear that expense, the only cost devolving upon the department will be that for the clerical work connected with the tabulations and adjustments, the annual cost of which would probably not exceed $100,000. For the reasons expressed in another memorandum, the department does not favor the proposition to require the companies' employees to weigh the mails under Government supervision and direction, and if Congress directs an annual weighing at the expense of the companies the suggestion is made that the weighing be performed by sworn employees of the Government, as prescribed in present law, and the expense thereof to be charged back to the companies.

Estimate for fiscal year 1918.

	Annual rate.
First section (term 1913–1917), July 1, 1913	$11,092,271.25
No additional cost in that part of first section which would ordinarily be weighed in spring of 1917, including the States of New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and West Virginia. If the annual weighing period should be fixed in spring of 1917 there will be a six months' increase in weights on routes in New England, on which the regular quadrennial weighing is due to be held in the fall of 1916. Annual rate on those routes July 1, 1913, was $1,871,608.26. Figuring 16 per cent increase for four years, the rate following the weighing in fall of 1916 will be $2,171,065.58 ($1,871,608.26×0.16=$299,457.32+$1,871,608.26=$2,171,065.58). Two per cent of $2,171,065.58=$43,421.31.	
Second section (term 1912–1916), July 1, 1912	5,552,710.83
Weighed in spring of 1916. A new weighing in spring of 1917 will give one year's increase in weight with corresponding increase in pay. Estimating that the increase in pay resulting from the weighing of 1916 will equal 15 per cent, the annual rate on July 1, 1916, will be $6,385,617.45. It is estimated that subsequent increases in this section will not exceed 3 per cent a year, therefore a weighing in spring of 1917 will increase the annual rate 3 per cent, or $191,568.52.	
Third section (term 1915–1919), July 1, 1915	20,011,333.46
Weighed in spring of 1915. A new weighing in spring of 1917 will give two years' increase of weight, with corresponding increase in pay. Nineteen hundred and fifteen weighing showed an increase of 18.81 per cent, or 4½ per cent a year. This increase, however, based on annual rate, including parcel-post allowances. Based on annual rate, September 1, 1911, following previous weighing, the increase was 19.88 per cent, or about 5 per cent a year. For two years, therefore, the increase would be 10 per cent of $20,011,333.46, or $2,001,133.34.	
Fourth section (term 1914–1918), July 1, 1914	20,088,355.29
Weighed last in spring of 1914. A new weighing in spring of 1917 will give three years' increase in weight, with corresponding increase in pay. Nineteen hundred and fourteen weighing showed an increase of 16.74 per cent, or 4.2 per cent a year. This, however, was increase over annual rate, including parcel-post allowances. Based on annual rate July 1, 1910, the increase was 17.91 per cent, or 4½ per cent a year. For three years, therefore, the increase would be represented by 13½ per cent of $20,088,355.29, or $2,711,927.96.	

RECAPITULATION.

First section	$43,421.31
Second section	191,568.52
Third section	2,001,133.34
Fourth section	2,711,927.96
Total	4,948,051.13

For 1919.

First section:	
Annual rate July 1, 1917 (estimated)	$12,867,034.25
4 per cent increase for one year	515,681.38
Second section.	
Two years' increase on annual rate shown in 1918 estimate	383,137.04
Third section:	
Three years' increase on annual rate shown in 1918 estimate	3,001,700.01
	3,900,518.43

Mr. LANE. Mr. President, it seems to me there is a good deal of confusion between the advocates of the Government's paying for space and those who advocate its paying on a schedule based upon weight. It is a good deal like the "pot calling the kettle black." Either way is fair if it is honestly handled. Both methods lead to injustice if they are not handled on a basis of fairness and honesty. The fact is, I think the Government should contract upon the basis of a classification which will include both methods.

Anyone who has ever handled freight or weighed it or measured it knows that if you are transporting heavy materials, the transportation companies charge by weight. If they are lighter articles, they charge for space. That may be fairly adjusted in either case, and in either case it may be unfair. A ton of pig lead occupies but a small amount of space. A ton of cotton or some other light material, such as baled hay or cordwood, that are carried by the transportation companies, occupies a great deal of space. You can base all of the schedules alike, either upon weight or upon space. Either can be taken advantage of by a transportation company; and it depends upon who does the weighing and who does the measureing in either case as to whether or not the rates are fair. The Government is entitled to a fair rate in transportation, and so is the railroad company.

Paper is heavy. It is almost as heavy as some mineral ores. If the railroad company is to be compelled to carry a car full of that kind of material and pack a car full of it it will lose money unless an enormous space rate is paid. Much depends upon the way freight is loaded on a car or the way the measurements are made as to whether or not the freight rate is fair.

I have known men who could make 15 cords of wood out of every hundred cords by the manner in which they piled it, and to the average man who would glance at it it would look as though it were piled properly on the space occupied. I have known transportation companies who would measure up bulky articles such as wagons, and measure from the rear to the tip of the pole or tongue, and gain over half a ton of freight by the transaction.

If the Government compels the railroad companies to furnish cars of so many cubic feet dimensions and then is allowed to pack that car themselves to the limit of its capacity, that is perfectly fair if the rate paid for the space is also fair, if the rate is based justly on what is due the railroad company. If on the other hand, the mail is loosely spaced and thrown in promiscuously the Government might easily lose by that method.

I think perhaps the Government has had to pay too much on the present weight plan. I have bought material and had it transported in railroad cars where if the Government had the space rate fixed upon the car it would lose 2 or 3 tons on every car for the reason that the capacity of the car was overestimated. The subject is not a hard one to deal with. Anybody who is familiar with space and weight rates, any traffic manager, any purser on a steamboat, any stevedore or freight agent who is familiar with classifications can almost measure it up with the naked eye. It is easy. There is much confusion here on the subject. If the Government wishes to buy space on the cubic contents of a car with fair packing, bearing in mind also the weight of the articles shipped, it is perfectly fair. You can ship pig lead if you please or pig iron by space rates, and it is fair if the weight of material is considered. You can not fill up a car to the limit of its space with pig iron or ore without wrecking it. It will not carry over 30 to 40 tons. You can load it to its limit in one-fifth of the space that would be required for carrying wheat or baled hay or loose mail bags. There is no reason why there should be any contention over the subject at all. The Government can buy on either plan with perfect safety if the transportation companies will measure fairly and weigh fairly and that is not hard to do.

Mr. President, the whole thing hangs upon honest dealing by both parties—the shipper and the transportation company. In some instances the railroad companies, the smaller lines and shorter lines which have to carry their freight over mountains or heavy grades, have lost money through the business of carrying the Government mails. There is one such road in our State. The railroad company should be relieved from such injustice, and that can be done without any trouble whatever. On the other hand, other railroad transportation companies have carried the mail matter of this Government at enormous and extortionate rates, and that should be stopped. The whole question should be submitted to experts. They are not hard to secure. In this matter it is the easiest problem to solve that has come before this body since I have been a Member of it, so far as I can recall. If they will go at it justly and honestly with a pair of scales and a measuring stick, it will not be hard to ascertain the average weight and cubic measurement of the mail which is shipped over the railroads. First weigh it and then measure it, or vice versa, and an average can be struck which will not vary 1 per cent in five years.

Neither the Government nor the railroad company need lose money. And the railway company can be paid a fair and just rate, and one in regard to which they would have no right to protest, if that simple method were adopted. There is no mystery about it. I have had to stow freight on the deck of a steamer. And later, when I acted as purser, I have measured and weighed it, and I know what I am talking about in this respect. I have bought thousands of cords of wood by measurement and have seen it shrink from 10 to 25 per cent in repiling. The proposition is not a hard one. There is, however, to my mind a more serious objection to this provision, and that is having to rest the price to be paid to the decision of a commission which is entirely aloof from and out of reach of the people. It is unfair to the Postmaster General to compel him to carry on the business of the Post Office Department under a limited appropriation, and at the same time put some one in authority over him to set the price he must pay for a large part of the service attached to his department. It is unjust to him and it ought not to be. They can make or break him at will. It makes him responsible for rates to be paid which he has no voice in fixing. It fixes a charge upon his department from which he can not escape, and that is not fair.

If the Postmaster General is a business man capable of carrying on the affairs of the Post Office Department—and if he is not he should not be appointed—he is capable enough and

intelligent enough to employ people to ascertain the actual facts in relation to the charges to be made and paid for the conveyance of the mails throughout the country, and he ought to have the right of a voice in the matter. It is unfair to hold him responsible if you do not give him that liberty. We are treating him unjustly.

We are binding his hands and holding him responsible for the acts of others, and it is unfair, and nobody could hold the position under those circumstances for a quarter of a minute and retain his self-respect. No self-respecting man could afford to do it. He would merely tell the Government, "You have put before me unknown conditions which I may be able to fill or may not, and I refuse to be held responsible for the acts of a set of gentlemen whom the people never see and who never see the people, who sit in inclosed quarters out of reach and touch of the people who can not recall them or hold them responsible." No man who wishes a good name for himself and his family ought to be asked to accept such a position. It is unfair to him to bind him to the decision respecting freight rates to be paid by him by a set of gentlemen, if you please, who, to our personal knowledge, a short while ago allowed certain railroads in this country to fix and collect rates based upon millions upon millions of watered stock, washed off upon the people by a set of crooks, for which they had not expended one dollar to purchase so much as a tie or a steel rail, fixed upon the people at a rate by which they must pay a 5 per cent increased freight rate, fixed and legitimatized, if you please, by a set of gentlemen to whom are to be referred the rates which the same people and others are to pay for the transportation of the mails of this country. I seriously object to it. There is too much bureaucracy, too much autocratic power vested in bodies which are far removed from and out of reach of the people who have to pay the price.

A better plan, in my opinion, would be to refer it to them for their consideration for hearings and for findings and then have that information submitted to the Postmaster General and to Congress to render the decision which is to be final.

Mr. HARDWICK. If the Senator will pardon me, that was the original recommendation of the committee.

Mr. LANE. Yes; I favor that. This other amendment does not provide for that. The amendment goes on further and allows the commission to say whether or not certain postal routes may be established and where, if at all, and that is delegating the authority of Congress, the authority of the Senate, "the greatest deliberative body in the world"—they themselves acknowledge it—to a body that is entirely aloof from them and out of their reach and beyond the power of recall. I do not favor that type of Government.

We are having a little too much government by autocratic bureaus, if you please, where the laws of this body laid down in plain and simple language are buried, or rendered nugatory, or vetoed by some rule of some department or other which overrides the laws of Congress.

I would hesitate a long, long time before I would place the final decision in the hands of a body which had fastened unfair rates onto the little homes of the men and women who live on the hillside and are clearing out the brush and timber and digging out stumps and working for their families half fed and half clothed, earnestly working to build a home and to educate their children. I would prefer to leave the decision in the hands of Congress. It makes mistakes and makes them often, yet it and its acts can both be recalled.

You need not bother about which rate—weight or space—is adopted. In either case it can be adjusted so as to be entirely fair to both parties. I have felt myself almost in despair in regard to this amendment and other amendments which have been offered here to see the trend of this body in this respect and the helplessness of the people whose welfare is involved in the subject.

So easy of solution, so simple to refer it to that commission for their findings and advice, without empowering them to make a decision, however, that be binding and final. With hundreds and hundreds of men in every large city, where even the drayman and the truckman knows what his load weighs and its measurements, it will be no trouble to check it up without prejudice to anyone and settle it on its merits. That is what I should like to see done.

There is one provision in here which partly provides for that course, and if that one could be adopted you would have the right plan. You will never get it on a measurement or space or weight rate unless you go to the foundation of the subject. Everybody knows what a ton of iron weighs, but not everyone knows what it measures or how much space it occupies; but the solution is easy. A carload of mail bags can be piled so as to occupy twice as much space or half as much space, depending entirely on whether they are piled loosely or in a shipshape manner, such as a good stevedore would use if he wanted to save space.

Mr. BANKHEAD. Mr. President, I am sure now that all of us thoroughly understand this question. It seems to me that we ought to be permitted to vote upon this amendment. I wish to remind the Senate that to-morrow is virtually a holiday; that we can do no business to-morrow. That carries us over until Monday. In a little more than another week the fiscal year will have come to a close. While I have no disposition to limit reasonable debate that goes to the merits of this measure, I do believe the Senate ought to be willing now to vote on the amendment of the Senator from Florida, and I hope we may have a vote. To that end I suggest the absence of a quorum.

Mr. GALLINGER. Will the Senator permit me to say just a word?

Mr. BANKHEAD. Certainly; I withhold the demand for the present.

Mr. GALLINGER. Mr. President, I sympathize with the Senator in his desire to have a vote not only on this amendment but on the bill. I think the Senator must feel very kindly toward those of us who have not consumed any time in this debate, which has seemed to some of us to be almost interminable.

Mr. President, I am not responsible, nor is this side of the Chamber responsible, for the legislation of the Senate, but I chance to be a member of the Committee on Appropriations, and my time has been given almost entirely to the consideration of appropriation bills. I want to say to my Democratic friends that in the 25 years I have been here I do not recall any instance when the appropriation bills were in as bad a shape at this date in the session as they are at the present time. Some of those bills will fail so far as being approved by the end of the fiscal year is concerned; there is no question about it. I sincerely hope that at least the great appropriation bill for the conduct of the Post Office Department will not be in that number. The Senator has managed it with consummate kindliness and generosity to all the Senators who wished to speak, and I think we all ought now cooperate with the Senator to get a vote not only upon the pending amendment but on the bill itself as speedily as possible.

Mr. BANKHEAD. I thank the Senator very much for his suggestions. They are certainly timely and go to the very marrow of the situation. I now renew my suggestion of the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Lippitt	Sheppard
Brady	Harding	McLean	Sherman
Brandegee	Hardwick	Martin, Va.	Smoot
Broussard	Hitchcock	Martine, N. J.	Sterling
Bryan	Hollis	Newlands	Taggart
Clark, Wyo.	Husting	Norris	Thomas
Culberson	James	Oliver	Townsend
Cummins	Johnson, Me.	Overman	Underwood
Curtis	Johnson, S. Dak.	Page	Vardaman
Dillingham	Jones	Pittman	Walsh
Fletcher	La Follette	Poindexter	Weeks
Gallinger	Lane	Pomerene	
Gore	Lea, Tenn.	Ransdell	

The VICE PRESIDENT. Fifty Senators have answered the roll call. There is a quorum present.

Mr. BRYAN. I ask for the yeas and nays on agreeing to my amendment.

The yeas and nays were ordered.

Mr. JONES. Let the amendment be read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 54 it is proposed to strike out all of lines 6 to 26, both inclusive, as the committee proposes to do, and in lieu thereof to insert:

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation of the justness and reasonableness of the rates of railway mail pay fixed under this section, and if it finds that they are not just and reasonable for the service performed for the Government by the railroad mail carriers it shall make findings of what rates are just and reasonable and shall certify such findings to the Postmaster General, who shall adopt such rates, and, where greater or less than the rates fixed under this section, shall readjust the compensation of the carriers in accordance therewith. No change shall be made in the rates fixed by the Interstate Commerce Commission except by the commission after investigation, which shall be made only upon application of the Postmaster General or the representatives of railroads with an aggregate mileage of at least 25 per cent of the mileage of the railroads carrying mails.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Florida.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. JONES (when his name was called). I have a pair for the week with the junior Senator from Virginia [Mr. SWANSON] and I therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the senior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. LODGE (after having voted in the negative). I have a general pair with the senior Senator from Georgia [Mr. SMITH], who is absent. I have, however, authority from him to vote on this question, so I shall let my vote stand.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is absent from the Senate because of illness in his family.

Mr. HOLLIS. I have a pair with the junior Senator from New York [Mr. WADSWORTH], but I transfer that pair to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. OLIVER (after having voted in the affirmative). I have ascertained that the Senator from Oregon [Mr. CHAMBERLAIN] has not voted. I have a pair with that Senator, and I therefore withdraw my vote.

Mr. GALLINGER (after having voted in the negative). I have voted, but I feel constrained to announce that I have a tentative pair with the Senator from New York [Mr. O'GORMAN]. While I very likely would be at full liberty to vote, I feel it safer to transfer that pair to the Senator from Minnesota [Mr. NELSON], and let my vote stand.

Mr. DILLINGHAM. In the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

Mr. SIMMONS (after having voted in the negative). I wish to inquire whether the Senator from Minnesota [Mr. CLAPP] has voted.

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from Indiana [Mr. KERN], and will let my vote stand.

Mr. BECKHAM. I transfer the pair I have with the senior Senator from Delaware [Mr. DU PONT] to the Senator from California [Mr. PHELAN], and vote "yea."

Mr. HARDWICK. I desire to announce the unavoidable absence of my colleague [Mr. SMITH of Georgia]. This announcement may stand for the day. The Senator from Massachusetts [Mr. LODGE], with whom my colleague is paired, was especially authorized to vote on the amendment of the Senator from Florida [Mr. BRYAN].

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 25, nays 34, as follows:

YEAS—25.

Ashurst	Hitchcock	Lee, Md.	Thomas
Beckham	Hollis	Norris	Thompson
Bryan	Husting	Page	Walsh
Cummins	James	Pittman	Williams
Fletcher	Johnson, S. Dak.	Pomerene	
Gore	La Follette	Sheppard	
Harding	Lea, Tenn.	Smoot	

NAYS—34.

Bankhead	Hardwick	Newlands	Smith, Ga.
Borah	Johnson, Me.	Overman	Smith, Md.
Brady	Lane	Poindexter	Smith, Mich.
Brandegee	Lewis	Ransdell	Smith, S. C.
Broussard	Lippitt	Shafroth	Stone
Culberson	Lodge	Sherman	Sutherland
Curtis	McLean	Shields	Swanson
Gallinger	Martin, Va.	Simmons	Tillman
Gronna	Myers	Sterling	Wadsworth

NOT VOTING—36.

Catron	Fall	O'Gorman	Taggart
Chamberlain	Goff	Oliver	Townsend
Chilton	Hughes	Owen	Underwood
Clapp	Jones	Penrose	Vardaman
Clark, Wyo.	Kenyon	Phelan	Warren
Clarke, Ark.	Kern	Reed	Weeks
Colt	McCumber	Robinson	Works
Dillingham	Martine, N. J.	Saulsbury	
du Pont	Nelson	Smith, Ariz.	

So Mr. BRYAN's amendment was rejected.

Mr. CUMMINS. Mr. President, in view of the discussion this morning concerning the proper interpretation of the amendment offered by the Senator from Florida [Mr. BRYAN] I desire to modify the amendment which I have offered, and which I understand is now the pending question. It has been doubted whether the amendment just voted upon adopted the space basis; whether the Interstate Commerce Commission in the consideration of the question would be bound by that plan in fixing the rate of compensation. It has been my purpose in the amendment that I have offered to leave the whole question to the Interstate Commerce Commission. I want it to be free to adopt or to proceed upon either the space plan or the weight plan, or upon both, according to its judgment of the most accurate and effective way of reaching the final result. I therefore ask that my amendment be modified by inserting after the word "therewith," in line 2, on page 2, the language which I send to the desk.

The PRESIDING OFFICER. The modification of the amendment suggested by the Senator from Iowa will be stated.

The SECRETARY. On page 2, line 2, after the word "therewith," it is proposed to insert the following:

Prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation.

Mr. CUMMINS. I also ask that immediately before the word "the," in line 16, page 3, there be inserted the words "for the purposes of this act." I do not think they are strictly necessary, but I believe the amendment will be a little clearer with those words in it. The beginning of the paragraph would then read:

For the purposes of this act the Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation and ascertainment of the justice and reasonableness of freight, passenger, and express rates to be paid by private shippers.

I also ask that lines 1, 2, and 3, on page 4, be stricken out. They become unnecessary in view of the fact that an amendment has been adopted to my amendment limiting its application to railways. With those suggestions——

Mr. HARDWICK. I hope the Senator will yield to me. I have a couple of amendments to his amendment to suggest that I think will be acceptable.

Mr. CUMMINS. Just a moment. With those suggestions, I am quite ready to have a vote upon my amendment with just this word. I will not prolong the debate.

Mr. WILLIAMS. Mr. President, I want to ask the Senator from Iowa a question for information. I want to see if I understand the situation. The only difference, then, between the bill as reported by the Senate committee and the amendment of the Senator from Iowa is that the committee propose to leave the Interstate Commerce Commission to inquire and make a report to Congress, whereas the Senator from Iowa proposes to leave the Interstate Commerce Commission to determine the rates.

Mr. CUMMINS. That is the whole difference. I desire to point out the difference between the amendment which I have proposed to the committee amendment and the amendment proposed by the Senator from Florida [Mr. BRYAN] to the House bill. I voted for the amendment proposed by the Senator from Florida because, if the House plan is to prevail—which I hope it will not—but if it is to prevail finally I believe that the amendment of the Senator from Florida will better the bill. Therefore I voted for it.

The difference between the amendment proposed by the Senator from Florida and my amendment is practically that there was committed by his amendment to the Interstate Commerce Commission simply the rates which should be paid for the space occupied by the Government in the transmission of mail. One of the great, vital questions of dispute, one that must be settled by somebody, is whether the space plan or the weight plan or a combination of both shall be used in order to ascertain the proper compensation. I have proceeded upon the theory that the question I have just named ought to be answered by the Interstate Commerce Commission. I do not believe it can deal intelligently and adequately with the problem unless it has the authority to adopt the space theory, if it likes to and if it

thinks best, or the weight theory, if it thinks proper, or a combination of the two.

I have already said that in my opinion there can be no just and final and reasonable solution of the question without adopting both the weight and the space plans for the ascertainment of compensation. I now yield to the Senator from Georgia.

Mr. HARDWICK. Mr. President, I want to suggest two short amendments, which I hope the Senator from Iowa [Mr. CUMMINS] will accept. First, on page 3 of his amendment, I propose to strike out from line 21 to line 24, inclusive, and to insert in lieu thereof the following:

The Interstate Commerce Commission shall allow to railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on condition that the mails should be transported over their roads at such price as Congress should by law direct only 80 per cent of the compensation paid other railroads for transporting the mails and all service by the railroads in connection therewith.

That is the substance, if not the exact language, of the existing statute. If the Senator will pardon me, the reason why I offer the amendment is that I am afraid if this provision were left in the bill as the Senator has drawn it the Interstate Commerce Commission could not undertake, or would not undertake, to determine those rates until they could complete the valuation of all railroad properties, and that might delay the matter indefinitely.

Mr. SHAFROTH. May I ask the Senator from Georgia a question, Mr. President?

Mr. HARDWICK. The Seantor may do so, with the permission of the Senator from Iowa [Mr. CUMMINS], who has the floor.

Mr. SHAFROTH. Why does the Senator from Georgia fix the compensation at 80 per cent?

Mr. HARDWICK. Because that is the amount now fixed by law, and it has been so for many years.

Mr. SHAFROTH. That has been the compensation which the railroads have been paid in the past?

Mr. HARDWICK. Yes, sir. That is the law; and, by the way, it was upheld by the Supreme Court of the United States in One hundred and forty-seventh United States Reports. The court said these contracts authorized that to be done.

Mr. CUMMINS. Mr. President, I have great doubt about the proposal made by the Senator from Georgia, and I accept it simply because I believe that the criterion which he proposes would probably give to the Government a lower rate than the plan which I have suggested.

The part of my amendment which the Senator from Georgia seeks to strike out is this, that in the ascertainment of the value of the property which renders the service the donations or grants which have been made by the public to the railroad companies shall not be considered. I think that is just and fair and right; but I have no idea that the plan I have suggested, which seemed to me to be the more logical one, would result in as great deduction as the amendment suggested by the Senator from Georgia. Inasmuch, however, as we are all anxious to have a vote, I am willing to accept that amendment.

Mr. HARDWICK. I understand the Senator accepts that modification. Just one other suggestion. On page 4, line 4, I suggest that there be inserted, after the word "pay," in the Senator's amendment, the words "except as herein modified."

Mr. CUMMINS. That simply accommodates——

Mr. HARDWICK. It makes it plainer.

Mr. CUMMINS. It simply accommodates the amendment to the alteration which I have just accepted.

Mr. HARDWICK. Yes, sir.

Mr. CUMMINS. I have no objection to that.

Mr. President, upon the amendment as modified I ask for the yeas and nays.

Mr. NORRIS. Mr. President, before the Senator takes his seat, I should like to ask him a question. I think I was under some misapprehension with regard to his amendment. I was mistaken in the part of the Senate committee amendment it struck out. I announced that I was favorable to it, and that I expected to vote for it, but I notice now, in reading the heading of the amendment as it is printed, that it does not strike out any of the committee amendment on page 55. Is that true?

Mr. CUMMINS. My amendment begins with line 1, on page 56.

Mr. NORRIS. I was under the impression that it commenced on line 6, page 55, and was a real substitute for the whole Senate committee amendment.

Mr. CUMMINS. I did not include that in my amendment because it relates to a different subject. I am opposed to that part of the committee amendment on page 55, and if any Senator moves to strike it out, I shall vote for the motion.

Mr. NORRIS. If the Senator had included it in his amendment, it would be stricken out if his amendment should be adopted.

Mr. CUMMINS. It is not properly part of my amendment.

Mr. NORRIS. Why not?

Mr. CUMMINS. Because it does not relate to the same subject.

Mr. NORRIS. But if the Senator's amendment is agreed to and enacted into law, I want to ask if the result will not be that the Interstate Commerce Commission will begin an investigation not only of rates but as to the space and the weighing systems, and from that investigation it will approve one or the other or both in modified form, and thereafter that procedure will be followed? Is that right?

Mr. CUMMINS. I assume that whatever rule or plan fixing compensation is adopted by the commission will be followed, because that is the intent of the amendment.

Mr. NORRIS. That is the way I read it. The point I want to make is that the portion of the committee amendment on page 55 not being stricken out, it will still leave in the amendment the provision that the present system shall continue and that the weighing of the mails shall be undertaken once every year instead of once every four years. If the Senator is going to provide by his amendment for an investigation by the Interstate Commerce Commission to ascertain which method is proper, it seems to me he ought to strike out of the committee amendment which he seeks to amend the provision for the weighing of the mails every year; in other words, his amendment permits a continuation of the system, although the Senator says he wants to leave to the Interstate Commerce Commission the determination of the question whether or not it shall be continued.

Mr. CUMMINS. I think the Senator from Nebraska has probably overlooked the last four lines of my amendment. Whether the words on page 55, if adopted, would be a part of the existing law, I am not sure; but, in any event, the existing law with regard to the ascertainment of railway mail pay continues only until the Interstate Commerce Commission acts.

Mr. NORRIS. Let me ask the Senator, that being true—and I understand that to be the effect of the amendment—why should we, then, in the very amendment by which we are going to submit this question to the Interstate Commerce Commission undertake to amend the law, as does that portion of the committee amendment which the Senator's amendment does not propose to strike out?

Mr. CUMMINS. I do not think we should continue it, but I have not attempted to correct every defect in the committee amendment. I have just said that it is open to any Member of the Senate to move to strike out those words on page 55, and if such a motion is made I shall vote for it.

Mr. NORRIS. Yes; but the Senator must recognize that the parliamentary situation is such that no amendment offered to his amendment will be in order, because it would be in the third degree, and if we wait until his amendment is voted on, it may be too late. It seems to me that the Senator's position is not a logical one, if I may be permitted to go that far. If I knew, for instance, that that part of the committee amendment would be stricken out, together with the part which the Senator does seek to strike out, I would not hesitate to vote for his amendment.

I think it would be a great improvement; but it does not seem to me that it is logical for us in one part of the committee amendment, which will remain if the Senator's amendment is adopted, to provide for an amendment of the existing law so that the weighing shall take place every year instead of every four years and then give to the Interstate Commerce Commission the right to do away with it all. If we are going to let the existing law stand until that is done, I would not have any objection to that; but I can not understand why the Senator would want to omit from his amendment the striking out of that part of the Senate committee amendment which, to my mind, is very objectionable.

Mr. CUMMINS. I will explain it very fully to the Senator from Nebraska. In the first place, in my opinion the last four lines of my amendment relate to the law that is in existence at the time this bill is passed, and that the Senate committee amendment, found on page 55, would be wholly inoperative; but, if I am wrong with respect to that, and the annual weighing provided for on page 55 should be introduced, it can be continued only so long as the proceeding is pending before the Interstate Commerce Commission, and that plan ends the moment the Interstate Commerce Commission acts.

I assume that in a very brief period—a year or something like that—we will have the decision of the Interstate Commerce Commission, and, therefore, it does not become very material what weighings are had in that time. These are the things which minimize or reduce the effect of this matter. But

I now tell the Senator from Nebraska in perfect candor that I want the question referred to the Interstate Commerce Commission, and I want to confine my proposition within the narrowest possible limits, so as to provoke the least possible objection. I want my amendment to pass, and I do not want to arouse objection to it which, it seems to me, is not relevant or material. If the Senator from Nebraska, the moment my amendment is voted upon, whether it prevails or not, desires that part of the amendment stricken out, he can move to do so, and his motion will be in order. Then we can have a vote of the Senate upon that proposition without impairing the probability of the success of the amendment which I have proposed.

Mr. NORRIS. Mr. President, when the Senator says that I can make a motion to strike out the portion of the committee amendment on page 55, he knows that that motion would come after the adoption or rejection of the Senator's amendment. If the Senator's amendment is agreed to and such a motion as the Senator suggests I can make should then prevail, the result I desire would be accomplished; but if the Senator's amendment should be agreed to and then the amendment he suggests I should propose should be defeated, according to my way of looking at it the provision would be left in a worse condition than it was before.

I want to call the Senator's attention to the fact that, as he says, it may be held that the portion of the committee amendment on page 55 is existing law and that it will be in force. Suppose the Interstate Commerce Commission decides, upon investigation, that the weighing system is proper, then the existing law, with this objectionable language in it, will provide that the mail must be weighed every year. That would be what we would have if the commission should reach that decision. If this language should be stricken out, and it was held that the existing law providing for a weighing every four years prevailed—and it could not be held otherwise—there would be that much expense at least saved.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. I yield.

Mr. WEEKS. I should like to call the Senator's attention to the fact that the existing law does not require a weighing every four years, but not less frequently than once in four years; in other words, the Postmaster General may have the mail weighed now every two years or every year under the provisions of the existing law.

Mr. NORRIS. Yes; and he does not do so for one reason only, as I understand, and that is the matter of economy. We can weigh the mails often enough so that the expense of weighing the mails and keeping track of this system of paying for carrying them will cost more than the carrying of the mails themselves.

Mr. TOWNSEND. Is that the reason the Senator objects to this amendment?

Mr. NORRIS. That is one objection to it.

Mr. TOWNSEND. The amendment provides that the expense shall be borne by the railroads.

Mr. NORRIS. I apprehend the Senator was not present when I addressed the Senate a little while ago. I may be wrong, but my theory is that it does not make a particle of difference whether the weighing is paid for by the railroads or by the Government; the people eventually have to pay the bill anyway. If the railroads pay it, it is one of their legitimate expenses, which very properly can be charged up, and they will either get enough in excess from the Government for carrying the mails or they will charge enough to make up that expense in passenger and freight rates.

I am thoroughly of the belief that we ought to have the space system. Whether or not the Senator's amendment prevails, I expect to vote for the House provision; but, laboring under the impression that the amendment of the Senator from Iowa struck out all of the committee amendment, I had intended to vote for his amendment.

Mr. CUMMINS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. THOMPSON. Mr. President, may we have the amendment stated as modified?

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The Secretary read as follows:

All railway common carriers are hereby required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions, and with the service prescribed by the Postmaster General and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith.

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter by railway common carriers and the service connected therewith, prescribing the method or methods by weight or space or both or otherwise for ascertaining such rate or compensation, and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing.

The procedure for the ascertainment of said rates and compensation shall be as follows:

Within three months from the passage of this act the Postmaster General shall file with the commission a statement showing the transportation required of all railway common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business; the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry. The commission may require the statement of any facts which it deems relevant to the investigation. The Postmaster General shall also state what he believes to be the reasonable rate or compensation the several carriers should receive. Thereupon the commission shall give notice of not less than 30 days to each carrier so required to transport mail and render service, and upon a day to be fixed by the commission each of said carriers shall make answer and the commission shall proceed with the hearing as now provided by law for other hearings between carriers and shippers or associations.

All the provisions of the law for taking testimony, securing evidence, penalties, and procedure are hereby made applicable.

At the conclusion of the hearing the commission shall establish by order a fair reasonable rate or compensation to be received at such stated times as may be named in the order, for the transportation of mail matter and the service connected therewith, and during the continuance of the order the Postmaster General shall pay the carrier from the appropriation herein made such rate or compensation.

Either the Postmaster General or any such carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had.

For the purposes of this act the Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation and ascertainment of the justness and reasonableness of freight, passenger, and express rates to be paid by private shippers.

The Interstate Commerce Commission shall allow to railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on condition that the mails should be transported over their roads at such price as Congress should by law direct only 80 per cent of the compensation paid other railroads for transporting the mails and all service by the railroads in connection therewith.

The existing law for the determination of mail pay, except as herein modified, shall continue in effect until the Interstate Commerce Commission under the provisions hereof fixes the fair, reasonable rate or compensation for such transportation and service.

Mr. GALLINGER. Mr. President, it is not an important matter; but I observe that as the Secretary read the amendment it provides that certain things shall be done "within three months after the passage of this act." I suggest to the Senator from Iowa that "the approval of this act" would be better.

Mr. CUMMINS. That is quite satisfactory to me.

The VICE PRESIDENT. That modification will be made.

Mr. GORE. Mr. President, I should like to ask the Senator from Iowa if he would have any objection to fixing a date on or before which the commission would conclude the hearings and make the order provided for in this amendment? These hearings and investigations have a tendency to drag their slow length along for a good many years. This is a matter, on account of the Government's interest, that ought to be concluded without delay.

Mr. CUMMINS. Mr. President, I do not believe we could say to the Interstate Commerce Commission that it must enter its order on or before a particular time.

Mr. GORE. I would suggest that ample time be allowed. It would be in the nature of giving this hearing or investigation precedence over others. For my own part, I should like to see the commission directed to report before the 1st day of next February, so that we could review their order before the passage of the next bill, and certainly before the next fiscal year begins.

Mr. CUMMINS. I very much hope that it will be done before that time, but I have never favored a mandatory suggestion of that sort. I think the Interstate Commerce Commission must do its work in this respect having due regard for all its labor and all its duties. I can not conceive that it will postpone it a single day beyond the time necessary for the investigation.

Mr. GORE. I will say that my idea was that they might permit it to take its regular course, after matters that have been filed before this.

Mr. CUMMINS. I would be perfectly willing, if the Senator from Oklahoma desired to offer an amendment saying that it should be given the preference——

Mr. GORE. That will virtually accomplish what I had in mind. I should be glad if the Senator would accept an amendment of that sort.

Mr. CUMMINS. Does the Senator from Oklahoma offer an amendment?

Mr. GORE. I shall be glad to do so. I should like to have the Senator from Iowa suggest where the amendment should be

inserted. I have not the matter sufficiently in mind to determine the point. Would it answer to insert, at the conclusion of this amendment—

That the hearing herein provided for shall be given precedence over other matters pending before the commission.

Something of that sort is what I have in mind.

Mr. CUMMINS. I have not any objection to that, but I do not feel well enough assured of its wisdom to offer the amendment myself.

Mr. BANKHEAD. Mr. President——

Mr. GORE. I am not sure that I would be in order in offering the amendment myself. The Senator could accept it. As the yeas and nays have been ordered, I am not sure that I could offer it now.

Mr. BANKHEAD. I want to ask the Senator from Oklahoma if he would not be satisfied to put in there the words "at the earliest practicable time"?

Mr. GORE. Oh, I think that would substantially accomplish the purpose; yes, sir. I do not want this hearing to have to take the regular course and abide its time, giving ordinary hearings about claims and other incidental matters precedence over this. I think the public interest in this matter ought to entitle it to precedence, but I think the suggestion of the Senator would undoubtedly have weight with the commission.

Mr. HARDWICK. I think it would comply with the Senator's suggestion if there were inserted, right after the word "directed," in line 8, page 1, if the Senator from Iowa will accept the modification, the words "as soon as possible," so as to read:

The Interstate Commerce Commission is hereby required and directed, as soon as possible——

Mr. BRANDEGEE. Mr. President, if the Senator will allow me, that same suggestion occurred to me; but upon reading further I observed that the very same line contemplates a continuing proceeding and a number of repeated hearings. They may from time to time do it, and I do not think it would exactly be applicable as the Senator has stated it.

Mr. GORE. I do not think it would be so essential in regard to the subsequent hearings, because we would be operating under the order of the commission; but I think the Senate hearing ought not to be allowed to drift along as the express investigation did.

Mr. CUMMINS. I am quite willing to accept the suggestion of this amendment, "as soon as practicable"——

Mr. GORE. I think that will accomplish the purpose.

Mr. CUMMINS. To be inserted after the word "directed," on line 8, page 1.

The SECRETARY. On page 1, line 8, after the word "directed," it is proposed to insert "as soon as practicable."

The VICE PRESIDENT. The Senator from Iowa accepts the modification. The yeas and nays have been ordered on the amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

Mr. GALLINGER (when his name was called). Making the same announcement as on the former vote of the transfer of my pair, I vote "yea."

Mr. HOLLIS (when his name was called). I transfer my pair with the junior Senator from New York [Mr. WADSWORTH] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. JONES (when his name was called). I have a pair for the week with the junior Senator from Virginia [Mr. SWANSON], and therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the Senator from Oregon [Mr. CHAMBERLAIN], but I am at liberty to vote on this amendment. I vote "yea."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is detained from the Senate by reason of illness in his family.

Mr. THOMAS (when his name was called). Announcing the same pair as heretofore and its transfer, I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call as to my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. CLARKE of Arkansas. I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. I understand that if he were present he would vote as I intend to vote. I therefore vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from California [Mr. PHELAN] and will allow my vote to stand.

Mr. JOHNSON of Maine. I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the senior Senator from Indiana [Mr. KERN] and will vote. I vote "yea."

Mr. JONES. I transfer my pair with the junior Senator from Virginia [Mr. SWANSON] to the junior Senator from Utah [Mr. SUTHERLAND] and will vote. I vote "yea."

Mr. MARTINE of New Jersey. I desire to announce a pair existing between the senior Senator from Oregon [Mr. CHAMBERLAIN] and the junior Senator from Pennsylvania [Mr. OLIVER]. I am further requested to announce a pair existing between the senior Senator from West Virginia [Mr. CHILTON] and the senior Senator from New Mexico [Mr. FALL].

Mr CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas, 50, nays, 15—as follows:

YEAS—50.

Bankhead	Gore	Oliver	Sterling
Brady	Harding	Overman	Taggart
Brandegee	Hardwick	Page	Thomas
Broussard	Hitchcock	Pittman	Thompston
Bryan	Johnson, Me.	Pomerene	Townsend
Clark, Wyo.	Johnson, S. Dak.	Ransdell	Underwood
Clarke, Ark.	Jones	Reed	Walsh
Culberson	Lea, Tenn.	Shafroth	Warren
Cummins	Lewis	Sherman	Weeks
Curtis	Lippitt	Shields	Williams
Dillingham	McLean	Simmons	Works
Fletcher	Martin, Va.	Smith, Md.	
Gallinger	Myers	Smoot	

NAYS—15.

Ashurst	Hollis	Lee, Md.	Sheppard
Beckham	Husting	Martine, N. J.	Stone
Borah	La Follette	Norris	Vardaman
Gronna	Lane	Poindexter	

NOT VOTING—30.

Catron	Hughes	O'Gorman	Smith, Mich.
Chamberlain	James	Owen	Smith, S. C.
Chilton	Kenyon	Penrose	Sutherland
Clapp	Kern	Phelan	Swanson
Colt	Lodge	Robinson	Tillman
du Pont	McCumber	Saulsbury	Wadsworth
Fall	Nelson	Smith, Ariz.	
Goff	Newlands	Smith, Ga.	

So Mr. CUMMINS's amendment to the amendment of the committee was agreed to.

Mr. NORRIS. Mr. President, I desire to call the attention of the Senate now to one or two provisions of the amendment as amended. Part of the amendment now consists of what the committee reported, and part consists of the amendment just adopted, offered by the Senator from Iowa.

In the amendment as thus amended there is this provision about the annual weighing of mails:

Provided, That such annual weighing shall only be had in those cases in which railroad companies carrying the mails shall perform the work of weighing the mails under the supervision and direction of the Postmaster General and without expense to the Government: *Provided further*, That in case any contractor for a railway mail route shall refuse or fail to perform the work of weighing without expense to the Government, then the mails on such route shall be weighed quadrennially in the manner above provided.

In the first place, Mr. President, at least as I look at it, it makes no difference in the end, as an economic proposition, whether the railroad pays the expense of weighing or whether the Government pays it. The people have to pay it in the end. It will cost a lot of money to weigh the mails and, whoever does it, it will constitute a legitimate and a legal expense that will naturally and properly be chargeable against either the railroads or the Government. The railroads, of course, if they pay it, will have to get enough pay out of the Government in order to make a reasonable compensation for their work. So, economically speaking, it is a dead loss to the people of the country every time they must put up the expense of weighing the mails. Now, what will happen? It is provided that there shall be a weighing every year if the railroads put up the money. If they do not put it up, then there shall be a weighing once every four years.

Now, I want to submit, and I submit it without any criticism—it will be the proper business policy for a railroad to take that course—that in a case where the mails have decreased—and the railroads could have a good deal to do with the decreasing and diverting of the mail from one route to

another by taking off trains or something of that kind, making it necessary, for the proper handling of the mails, for the Post Office Department to dispatch the mails by some other route—when that occurred, and the mails were very materially reduced over any route, the railroad company would have the right to have the mails weighed on the line to which they had been diverted, where they had been increased, or on the other line, for that matter. They would have the right to have them reweighed every year on every line if they wanted to, but they would have them weighed on the line where there was an increase, and get pay on that basis; but where there was a decrease, and they were getting paid for a larger amount of mail than they were actually carrying, of course they would not have any weighing. We could not expect them to do so.

It seems to me that if this provision were enacted into law, that result would happen; and one or more lines of railroad owned by the same company or controlled by the same interests could bring it about, if they desired to do so, by a change of schedule of their passenger trains. The Post Office Department would divert the mails to put them on the line where they could carry them the most expeditiously, and then, when they were transferred, the railroad company getting the mails and getting the increased amount of business would have them weighed. There would be nothing wrong that far; but the other railway company that did not carry them afterwards, and was getting paid on the basis of the time that it did carry them, of course would not have them weighed.

The result would be, it seems to me, an extravagant proposition for the Government, always. It would be paying for the carrying of the mails twice in many instances—once where they had first been weighed by the Government, and subsequently after they had been diverted and weighed again upon the application of the railroad companies.

It seems to me, therefore, that this amendment, as now amended, containing this kind of a provision, ought to be defeated, and the provision of the bill as passed by the House, providing for a space system of weighing, ought to prevail.

Mr. TOWNSEND. Mr. President, I recognize that it is very easy to criticize any measure, if one desires to do so; and the arguments of the Senator from Nebraska indicate, to my mind at least, that he is searching for some objection.

This provision for annual weighing was put into the bill largely at the suggestion of representatives of the railroads, because of the complaint they had that the quadrennial weighing did not deal justly with them; that the mails were constantly increasing, and that this had been especially so since the parcel post was established. They thought, and the Postmaster General agreed with them, that compensation based upon quadrennial weighing of the mails, increasing rapidly as they had been during the last few years, was not as just as would be that based on annual weights.

The committee did not feel, however, inasmuch as this was a matter largely to accommodate the railroads, that the Government ought to be put to the expense of paying the bills. The Senator from Nebraska says it makes no difference to the people in the end whether the railroads pay for the weighing or whether the Government pays for it. That has not been the common understanding in reference to this and other similar matters. The railroads have objected in all instances to regulations being placed upon them, because of the expense. They have felt that they could not get from their patrons the whole expense imposed upon them by legislation.

This provision was put in the bill, as I say, for the purpose of trying to deal equitably with the railroads in reference to the mails, and was not objected to by the department; indeed, it asked the Congress to pay extra railroad compensation for the parcel-post increase of mails. It is clear that if we want to be just, and if we are paying the railroads for the weight of mails carried, we ought to know what the weight is.

It should make no difference in our legislation whether we are dealing with a railroad or with a citizen of the Government; it is entitled to justice. Now, maybe we are paying the carriers too much. Annual weights will determine whether that is so or not. Maybe we are not paying them enough, as they contend we are not, under the weight system now in existence. Annual weights will more nearly determine that question.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. TOWNSEND. Yes.

Mr. NORRIS. I concede the Senator's good faith. I want to suggest to him, however, that when he suggests that I am looking for something to find fault with, he is going a good way in questioning my motive in objecting to this. Now, I want to ask him a question.

Mr. TOWNSEND. Very well.

Mr. NORRIS. Does the Senator suppose that if this provision becomes a law a railroad company will ever ask for an annual weighing unless there is an increase in the mail that is carried?

Mr. TOWNSEND. I suppose not.

Mr. NORRIS. Does the Senator believe, then, that if they should have a reweighing in that case—and I concede they should—the same rule should not apply to the Government, and that if there is a decrease, and they are getting paid for something they do not carry, that the Government ought not to have the right to get a reweighing also?

Mr. TOWNSEND. I can not imagine a case where there would be a decrease. Now, the Senator has suggested that the railroads can materially divert the mails. I do not believe that can be done. No weighing can be had without the consent and approval of the Postmaster General and under his direction. This amendment provides exactly how it shall be done.

Mr. NORRIS. The Postmaster General can not control the trains that a railroad company will run.

Mr. TOWNSEND. Oh, but the Postmaster General can control the routes. He can control the trains upon which the mails shall be carried.

Mr. NORRIS. Let me ask the Senator a further question.

Mr. TOWNSEND. All right.

Mr. NORRIS. The New York Central and the Nickel Plate—of course, I am not assuming that they would do this—are both owned by the same company, and run from Chicago to New York City. Suppose that there was a mail train on the Nickel Plate road running between Chicago and New York carrying a large amount of mail, and it was a fast train; and then, after the mail was weighed on the New York Central, which runs parallel to the Nickel Plate and belongs to the same company, and the compensation agreed on in the case of that road and the other road, too, was fair, and everything done right, suppose that the Nickel Plate company should take off its fast train or make a local train of it, and instead of going from Chicago to New York City in 24 or 30 hours, it should take three days to get there, would not the Postmaster General have the mail that was being carried on that train diverted to the New York Central train? When that was done, the New York Central could immediately ask for a reweighing on that line; and the Government would have no right and no authority of law to give a reweighing on the other road, from which the mail was diverted.

Mr. TOWNSEND. Mr. President, of course the Senator could imagine that the moon was made of green cheese. He can imagine a proposition here that could not and would not exist under any circumstances. A proposition such as he suggests is unthinkable to me. The railroads are not going to manipulate things in that way. The weighing can not be had whenever the railroads demand it, but can occur only once a year and under direction of the Postmaster General. This is only a temporary provision which the committee proposed for the purpose of tiding over a condition between now and the time when the Interstate Commerce Commission should have made its investigation and reported to Congress. All agreed that it was right. There was not a dissenting voice, even from the department, against the proposition. It was believed to be equitable, fair, and just to both the Government and the carrier. The only objection to it at all was the cost. The committee thought the Government ought not to be put to the expense.

I have replied to the Senator's argument by saying that the extra cost of annual weighing would not come out of the people. The great expense now to the Government in weighing the mail is in the employment of weighers. The railroads have already men in their employ who can, under the direction of a Government employee, weigh the mails. The expense, therefore, will not be great to the carriers; it will be practically nothing to the Government. Now I yield again to the Senator from Nebraska.

Mr. NORRIS. Does not the Senator think that the Government ought to have the same right to reweigh every year that the railroad companies are given?

Mr. TOWNSEND. Certainly, if it wants that right. I have no objection to that at all.

Mr. NORRIS. But that is not in the law. The Government has no authority under this bill to do such a thing.

Mr. TOWNSEND. No; and the occasion will probably never arise for it.

Mr. NORRIS. But the Senator knows because the railroad wants an opportunity to weigh it is given. He wants to give them the opportunity when the mail is increased.

Now, I want to ask another question. Does not the Senator know of his own personal knowledge, of his own experience, of many instances where the mails have been diverted on account

of a change in the schedule of trains where it has practically all been diverted from one route to another?

Mr. TOWNSEND. I know that.

Mr. NORRIS. That is what I claim, and this will enable the railroad companies to do that. The Senator answers by saying it is imagination, that it might be similar to imagining that the moon is made of green cheese.

Mr. TOWNSEND. The unthinkable part of it, though, is that that would be done for the purpose of increasing weight at weighing seasons. An emergency case might arise when the mails would be diverted from a single line, but what was added to one line must be taken from another. The average would remain the same. The Postmaster General could prevent such attempts to defraud the Government, even if the railroads were foolish enough to make them.

Now, if the Senator thinks that the mails are going to grow less with our enlarged and increasing postal system, let me tell him he is mistaken. The mails are going to grow greater every year. If he can imagine a case when the mails will be less next year than they were this his apprehensions can be overcome by inserting a provision that the Government can weigh every year if it wants to do so.

Mr. BANKHEAD. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Alabama.

Mr. BANKHEAD. Does the Senator from Nebraska think that any number of railroads can divert the mails from one road to the other at their own free will without the order of the Postmaster General giving permission to make the diversion?

Mr. TOWNSEND. I have stated that they could not. I answered the Senator that the railroads could not make a permanent diversion of the mails, because they are under practical contract with the Government to carry over certain routes, which can not be changed at the will of the railroads.

Mr. NORRIS. Not only can they do it, but they have done it to my personal knowledge. There is no green cheese in that. It can not be answered by saying that I am a dreamer or that I am imagining something. I have had a talk with Post Office Department men. I can point the Senator to the record and demonstrate it to him. Although I may have an imaginative mind, there is something that has been done, and the Post Office Department said, and I think properly, that they had no control over the trains that could be operated on railroads.

Mr. TOWNSEND. The Senator's experience has been quite different from my own. My attention was called to several cases, when I was in the House of Representatives, where an attempt had been made to divert the mail and discontinue service, and the Second Assistant Postmaster General prevented it. He ordered that it should not be done, and it was not done.

But I repeat, if the Senator can imagine that there will come a time when the railroads would not want an annual weighing on account of decreased mail, and he desires to insert in the bill a provision that the Government can take annual weighings whenever it desires so to do, I certainly would have no objection to his doing it.

I did feel that if annual weighings were had the railroads ought to pay the expense of them. Nobody before the committee raised the objection that the Government or anybody else could suffer from such a provision. Therefore it seemed to me that what we propose is entirely proper, but I think it is really of little importance now that the Cummins amendment has been adopted, whether the mails are weighed annually or quadrennially. There probably can be but one weighing, anyway.

I simply rose, however, for the purpose of replying to what I felt was an indefensible objection, something that was not founded in fact.

Mr. HUSTING. Mr. President, I do not understand that there is an amendment to the amendment pending. If not, I will move to amend by striking out lines 6 to 24, inclusive, on page 55. That is the part that is objected to by the Senator from Nebraska.

I have already spoken upon this part of the bill. I do not propose to go into it at length again except that I want to recapitulate the point I tried to make a little while ago.

This matter now has been referred to the Interstate Commerce Commission. It is proposed by the Senate to be taken out of the hands of Congress and taken out of the hands of the Postmaster General and put in the hands of the Interstate Commerce Commission upon the ground that they are better able to judge of the fairness or unfairness of the compensation now received by the railroads. But in doing so and so declaring they have amended the present method of compensation, and it is inconsistent with the general policy that is now adopted to leave this paragraph in the bill. In other words, the bill as now framed does not propose to leave the method as it now is. It proposes to amend it by providing for annual weighing. When you put that in the bill you might just as well put in there the provision that we hereby appropriate between three and five million dollars annually over and above what the railroads are now receiving. If we do that we say we do not know whether they receive a fair compensation or not.

You are legislating into this bill something that is going to cost the Government between three and five million dollars, according to the figures I have just given from the Post Office Department, and you are going to pay the railroads between three and five million dollars more annually than they are now receiving, and you are doing that in the same bill where you say the Senate does not know whether they are receiving fair pay or not, and the Postmaster General does not know, and that we are going to leave the whole matter to the Interstate Commerce Commission. Yet you are not leaving it to the commission. You do not leave the contract as it is. You amend the contract by adding between three and five million dollars more a year to the compensation of the railroads than they are now getting.

I say either one theory or the other is correct; and, if that matter is going to be left to the Interstate Commerce Commission, why not leave it all to them for them to say whether it shall be decreased or increased, whether we shall proceed along the lines of a quadrennial weighing or whether we shall proceed upon the space basis? I say it is inconsistent with the spirit of the amendment adopted.

As far as the diversion of mail is concerned, I have heard the remarks of the Senator from Michigan [Mr. TOWNSEND] and the remarks of the Senator from Nebraska [Mr. NORRIS]. I think perhaps each from his own point of view is correct, and that perhaps no mail train can be taken off or a line of mail substituted without some acquiescence on the part of the Postmaster General, but here is where the diversion of the mail occurs. No one, I think, will claim that the fast trains of any line can not reduce their time an hour or two or that another line can not increase their time an hour or two; and the moment you do that you are diverting a certain line of mail between certain points, and will gain an additional hour or two by reason of the change. So the Postmaster General will be compelled to instruct his postal clerks to throw that mail over to such a train as will go an hour or two faster than another train. Take thousands and thousands, yes, hundreds of thousands, of pieces of mail, and you have an absolute diversion of a certain line of mail leaving certain points at a certain time and consequently there is such a diversion, and, as the Senator from Nebraska says, this matter has occurred over and over again.

I make that statement not only on my own responsibility but on the responsibility of the head of the department, who says that not infrequently the train time is increased or decreased between certain points. The railroads increase or decrease the time at will or as expediency demands. So it not infrequently occurs that railroads which during a time are running on fast schedule during weighing time, some time within the next four years change their time in such a way that they are not carrying the mail that they did before, diverting it to some other source, or they are carrying more obtained from some other source.

The idea is just this. We need not close our eyes to it. I said before, and I say again, when the mails are weighed at the end of each quadrennial period the rate per ton-mile or per 100 pounds per mile is made with reference to the natural and probable increase of those four years. That is the reason why they are getting so much per 100 pounds per mile. It is because of the expected increase in the mail during the next four years.

The Senator says on account of the parcel post there has been an unusual increase in the mail. That is true no doubt, but that has existed for four years, and the probable increase is already in mind and was at the last weighing.

Mr. HARDWICK. If the Senator will pardon me, will he yield for an interruption?

Mr. HUSTING. Certainly.

Mr. HARDWICK. I think the Senator is mistaken. The committee was informed that there had been no weighing since the inception of the parcel post, and the two sections of the bill which we put in were put in at the request of the department, because they had to compensate the railroads in some way for that service.

Mr. HUSTING. The Senator certainly must be mistaken when he makes the broad statement that there has been no weighing. There is a weighing every year, and in four years every section has been reweighed since the institution of the

parcel post, and that went into effect before the present administration.

Mr. HARDWICK. The Senator will let me modify the statement. On the bulk of the railroads there has been no weighing.

Mr. HUSTING. Again I say that on every quarter there is an annual weighing in some part of the United States. Now, I do not know just when the parcel post went into effect. It certainly went into effect before the present administration. Can the Senator enlighten me? If my recollection is correct, it went into effect during the Taft administration. There has been weighing every year since that time in a different quarter section of the United States, and if there have been four weighings there has been a complete reweighing on every railroad in the United States, because in four years they cover the entire field. I do not think anyone will deny that, and I think the records of the department will show it.

Mr. HARDWICK. I will not interrupt the Senator, of course, unless he is willing.

Mr. HUSTING. Certainly, I yield.

Mr. HARDWICK. That is not the fact. Both the railroads and the department officials stated to Congress that since the parcel post went into effect it has been done on a part—possibly half—of the railroads; never on all of them.

Mr. HUSTING. I know from my experience that there was a weighing of one-quarter part of the United States mail every year. I am informed that there has been no change in that practice.

Mr. HARDWICK. The Senator is right about that. There is no dispute about it.

Mr. HUSTING. Consequently there was a weighing in 1913, in 1914, and in 1915, and, if a weighing has not already been had, the mails are now to be weighed in 1916. Four quarters make a whole, and if a quarter of the United States mail has been weighed each year, as has been the practice since time immemorial, then, as a matter of fact, there has been a weighing on all the roads throughout the United States.

Mr. HARDWICK. If the Senator will pardon me a moment, the parcel post went into effect January 1, 1913, if I recollect.

Mr. HUSTING. I do not know just the exact date.

Mr. HARDWICK. In 1913 there was very little parcel-post mail, so that is not reflected upon that year.

The 1916 weighing has not yet occurred; so there have been only two out of the four quarter sections weighed, according to my understanding, that reflected at all the parcel-post matter.

Mr. HUSTING. One is being weighed now or has been weighed. Three-fourths of it at least has been weighed. In four years there have been four weighings, including the first.

The point I want to make clear is that in making those weighings we took into consideration—and it was reflected in the rate—the natural increase of railway mail, and that in voting for an annual weighing of the railroad mail you are paying cumulatively, you are compounding your payments and paying over again for something already paid in the original standard. You are not paying it once over, but you are paying it four times over before the end of the year. Not only that, but, as a matter of fact, leaving out all inference, leaving out all theories, you are voting additional pay to the railroads of between three and five million dollars a year, when the committee is insisting they are letting the railway mail pay proposition alone, and they propose to submit it to the Interstate Commerce Commission. It does seem to me that if we are going to leave it to the Interstate Commerce Commission—to which I am opposed, and I shall vote against the amendment—I do not believe in foreclosing our rights to question the results they are going to reach. I say if that is the theory of the Senate—and that, I understand, is the theory taken by the vote—and the overwhelming desire, then it does seem to me to be consistent we should let the compensation stand where it is and let the Interstate Commerce Commission fix it, if they are going to fix it without our meddling with it in the least.

I can not understand why in saying that we do not understand enough to pass upon the fairness of the compensation, that we do not know enough to legislate in regard to it, that we must put it into the hands of the Interstate Commerce Commission, we at the same time put into this bill an appropriation of from three to five million dollars, saying that they are not getting enough, and that is the reason why we are going to give them three to five million dollars, when at the same time we are saying we do not know whether they are getting enough or not.

Mr. WEEKS. The Senator has frequently referred to giving the railroads from three to five million dollars in addition to what they are receiving. On what estimate is that statement based?

Mr. HUSTING. On figures given me by the department, which will appear in to-morrow's RECORD or probably——

Mr. WEEKS. Who connected with the department gave the information?

Mr. HUSTING. The gentleman I referred to is Mr. Praeger, the Second Assistant Postmaster General.

Mr. WEEKS. How long has Mr. Praeger been Second Assistant Postmaster General?

Mr. HUSTING. The Senator will have to ask some one else; I do not know.

Mr. WEEKS. Does the Senator suppose that those figures are correct?

Mr. HUSTING. Yes, sir.

Mr. WEEKS. I think I could demonstrate if I had time to do it that they are probably not correct. I wish to ask the Senator on what authority were they based?

Mr. HUSTING. They are based, I understand, on the increase of the weight of mails in the past and the probable amount of increase in the future, each having relation to the other.

Mr. WEEKS. Does the Senator know what the increase has been annually in years past?

Mr. HUSTING. I have no doubt that the reports show just what the increase is. I understand it is between 5 and 10 per cent a year—something of that kind.

Mr. WEEKS. If the Senator thinks that this increase amounts to from three to five million dollars, he is quite inaccurate.

Mr. HUSTING. The Senator is stating his opinion, and perhaps he is correct. I am stating my opinion on the authority of the Post Office Department. They give the figures and the reasons for it. I do not claim to have any personal understanding of it, but the Senator from Massachusetts knows one thing, and we all know one thing, that there is an increase of mail from year to year. The argument was made only a few moments ago on the floor by one of the Senators that there could not be any such thing as a decrease, because we are increasing every year from year to year. We all know that. But assuming that it is not $3,000,000 or $5,000,000 a year, but assuming that it is two and a half million dollars, assuming that it is $2,000,000, you are still voting an appropriation of $2,000,000 over and above what they are receiving now, when we admit by our vote that we are not competent to legislate upon the question of fair compensation.

I again suggest that this be stricken from the bill. It is entirely inconsistent with the idea of referring the matter to the Interstate Commerce Commission. I therefore move to strike out from line 6 to line 24, inclusive, on page 55.

Mr. BANKHEAD. I hope that motion will not prevail.

Mr. HUSTING. I ask for the yeas and nays.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McLean	Shafroth
Bankhead	Hardwick	Martin, Va.	Sheppard
Beckham	Hitchcock	Martine, N. J.	Sherman
Borah	Hollis	Myers	Smith, Md.
Brady	Husting	Nelson	Smoot
Brandegee	James	Norris	Sterling
Bryan	Johnson, Me.	O'Gorman	Thomas
Clark, Wyo.	Johnson, S. Dak.	Oliver	Thompson
Culberson	Jones	Overman	Townsend
Cummins	La Follette	Page	Vardaman
Fletcher	Lane	Poindexter	Walsh
Gallinger	Lee, Md.	Pomerene	Weeks
Gore	Lewis	Ransdell	Williams
Gronna	Lippitt	Saulsbury	Works

The VICE PRESIDENT. Fifty-five Senators have answered to their names. There is a quorum present. The pending amendment is the amendment of the Senator from Wisconsin [Mr. HUSTING] to the amendment of the committee, on which he has asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr HOLLIS (when his name was called). I announce my pair and its transfer as before and vote "yea."

Mr. JONES (when his name was called). Again announcing my pair with the junior Senator from Virginia [Mr. SWANSON] I withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the Senator from Minnesota [Mr. CLAPP] to the junior Senator from California [Mr. PHELAN] and vote "nay."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I again announce the absence of my colleague [Mr. SMITH of Arizona] on account of illness in his family. I will let this announcement stand for the day.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as before I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oregon [Mr. CHAMBERLAIN] and vote "nay."

The roll call was concluded.

Mr. SAULSBURY. I have a general pair with the Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. CLARK of Wyoming (after having voted in the negative). I desire to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. Having a pair with that Senator I withdraw my vote.

Mr. OLIVER. I transfer my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to my colleague [Mr. PENROSE] and vote "nay."

Mr. HARDING (after having voted in the affirmative). I notice that the junior Senator from Alabama [Mr. UNDERWOOD] has not voted. I therefore withdraw my vote, because of my general pair with him.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The result was announced—yeas 20, nays 35, as follows:

YEAS—20.

Ashurst	Gore	Johnson, S. Dak.	Poindexter
Brady	Gronna	La Follette	Reed
Bryan	Hollis	Lane	Sheppard
Cummins	Husting	Lee, Md.	Thompson
Fletcher	James	Norris	Vardaman

NAYS—35.

Bankhead	Lodge	Page	Sterling
Borah	McLean	Pomerene	Thomas
Brandegee	Martin, Va.	Ransdell	Townsend
Culberson	Martine, N. J.	Shafroth	Walsh
Hardwick	Myers	Sherman	Warren
Hitchcock	Newlands	Shields	Weeks
Johnson, Me.	O'Gorman	Simmons	Williams
Lea, Tenn.	Oliver	Smith, Md.	Works
Lippitt	Overman	Smoot	

NOT VOTING—40.

Beckham	Dillingham	Lewis	Smith, Ga.
Broussard	du Pont	McCumber	Smith, Mich.
Catron	Fall	Nelson	Smith, S. C.
Chamberlain	Gallinger	Owen	Stone
Chilton	Goff	Penrose	Sutherland
Clapp	Harding	Phelan	Swanson
Clarke, Ark.	Hughes	Pittman	Taggart
Clark, Wyo.	Jones	Robinson	Tillman
Colt	Kenyon	Saulsbury	Underwood
Curtis	Kern	Smith, Ariz.	Wadsworth

So Mr. HUSTING's amendment to the amendment of the committee was rejected.

Mr. HITCHCOCK. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended. The committee amendment has not yet been disposed of.

Mr. HITCHCOCK. Excuse me, I did not understand that.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. TOWNSEND. What is the question, Mr. President?

The VICE PRESIDENT. The question is on the committee amendment as amended.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

Mr. VARDAMAN. Let the amendment be stated.

Mr. LA FOLLETTE. If the question is on the committee amendment as it now stands, I ask for the yeas and nays.

The VICE PRESIDENT. The question is on the committee amendment as amended by the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. LA FOLLETTE. I ask for a record vote on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence I withhold my vote.

Mr. HARDING (when his name was called). I note the absence of my general pair, the junior Senator from Alabama [Mr. UNDERWOOD], but I understand he would, if present, vote as I am about to vote on this amendment, and therefore I vote "yea."

Mr. HOLLIS (when his name was called). Announcing my pair and its transfer as before, I vote "nay."

Mr. JONES (when his name was called). Again announcing my pair for the week with the junior Senator from Virginia [Mr. SWANSON], I withhold my vote.

Mr. SAULSBURY (when his name was called). I announce my pair and withhold my vote.

Mr. SIMMONS (when his name was called). I make the same transfer as that announced on the previous vote and vote "yea."

Mr. SMITH of Maryland (when his name was called). Transferring my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Nevada [Mr. PITTMAN], I vote "yea."

Mr. THOMAS (when his name was called). I announce the same pair and transfer as before and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arkansas [Mr. ROBINSON], I vote "yea."

The roll call was concluded.

Mr. SIMMONS. The Senator to whom I transferred my pair has entered the Chamber since I announced my transfer. I withdraw that announcement and transfer my pair to the Senator from Louisiana [Mr. BROUSSARD] and allow my vote to stand.

Mr. BECKHAM. Transferring my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

Mr. PITTMAN. I understand that I have been paired by transfer. If I were at liberty to vote, I would vote "yea."

Mr. HARDWICK (after having voted in the affirmative). Has the junior Senator from Kansas [Mr. CURTIS] voted?

The VICE PRESIDENT. He has not.

Mr. HARDWICK. I have a general pair with that Senator, but I understand that if he were present he would vote the same way that I would, and I will therefore let my vote stand.

Mr. REED. I transfer my pair to the Senator from Oregon [Mr. CHAMBERLAIN] and vote "yea."

Mr. TOWNSEND. I desire to announce that the Senator who is paired with the junior Senator from Missouri [Mr. SMITH of Michigan] would, if he were present, vote "yea."

Mr. SMITH of Maryland. I withdraw the transfer that I made and will vote without a transfer, knowing that the Senator from Vermont [Mr. DILLINGHAM], if present, would vote as I vote. I vote "yea."

Mr. PITTMAN. I vote "yea."

Mr. GRONNA (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. As I can not get a transfer, I am compelled to withdraw my vote.

Mr. MARTINE of New Jersey. I have been requested to announce the following pairs:

The Senator from Oklahoma [Mr. OWEN] with the Senator from New Mexico [Mr. CATRON].

The Senator from West Virginia [Mr. CHILTON] with the Senator from New Mexico [Mr. FALL].

The Senator from South Carolina [Mr. TILLMAN] with the Senator from West Virginia [Mr. GOFF].

The Senator from Arkansas [Mr. CLARKE] with the Senator from Utah [Mr. SUTHERLAND].

The result was announced—yeas 44, nays 12, as follows:

YEAS—44.

Bankhead	Lea, Tenn.	Overman	Smith, Md.
Brandegee	Lippitt	Page	Smoot
Bryan	Lodge	Phelan	Sterling
Culberson	McLean	Pittman	Thomas
Cummins	Martin, Va.	Pomerene	Thompson
Fletcher	Martine, N. J.	Ransdell	Townsend
Harding	Myers	Reed	Walsh
Hardwick	Nelson	Shafroth	Warren
Hitchcock	Newlands	Sherman	Weeks
James	O'Gorman	Shields	Williams
Kern	Oliver	Simmons	Works

NAYS—12.

Ashurst	Hollis	La Follette	Poindexter
Beckham	Husting	Lane	Sheppard
Gore	Johnson, S. Dak.	Norris	Vardaman

NOT VOTING—39.

Borah	Curtis	Kenyon	Smith, Mich.
Brady	Dillingham	Lee, Md.	Smith, S. C.
Broussard	du Pont	Lewis	Stone
Catron	Fall	McCumber	Sutherland
Chamberlain	Gallinger	Owen	Swanson
Chilton	Goff	Penrose	Taggart
Clapp	Gronna	Robinson	Tillman
Clark, Wyo.	Hughes	Saulsbury	Underwood
Clarke, Ark.	Johnson, Me.	Smith, Ariz.	Wadsworth
Colt	Jones	Smith, Ga.	

So the amendment of the committee as amended was agreed to.

Mr. REED. Mr. President, I desire to say that the amendment just agreed to, for which I voted, is, in my judgment, faulty in that it does not preserve the right of the Government to weigh the mails oftener than once in four years if

it sees fit so to do. I desire to give notice now that I reserve the right to amend the section in the Senate; but in the meantime I intend to submit the amendment to the committee, in the hope that they will accept it.

The VICE PRESIDENT. The Secretary will report the next amendment of the committee.

The next amendment of the Committee on Post Offices and Post Roads was, on page 58, after line 7, to insert:

SEC. 17. That the act of June 6, 1900 (ch. 801, 31st Stat., p. 660), be amended to read as follows:

"All periodical publications issued from a known place of publication at stated intervals as frequently as four times a year by State departments of agriculture and of labor and industry and of State boards or departments charged with the enforcement of laws regulating the distribution and sale of food, dairy, and drug products, or any of these, shall be admitted to the mails as second-class mail matter: *Provided*, That such matter shall be published only for the purpose of furthering the objects of such departments: *Provided further*, That such publications shall not contain any advertising matter of any kind."

Mr. HARDWICK. Mr. President, I desire to offer, on behalf of the senior Senator from Missouri [Mr. STONE], who is absent, the amendment which I send to the desk.

The VICE PRESIDENT. To this amendment?

Mr. HARDWICK. Yes; to this amendment, section 17.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 58, line 16, after the word "food," it is proposed to insert the word "poultry."

Mr. HARDWICK. The committee has no objection to that amendment, and I accept it.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BANKHEAD. I desire to return to page 19, line 20 for the purpose of offering an amendment.

The VICE PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. On page 19, after line 19, it is proposed to insert:

That section 16 of the act entitled "An act to amend the act approved June 25, 1910, authorizing the postal savings system, and for other purposes," approved May 18, 1916, be and the same is amended by striking out the words "on and after July 1, 1916."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee.

The amendment was agreed to.

The VICE PRESIDENT. Are there further committee amendments?

Mr. THOMAS. Mr. President, I should like to inquire of the Senator having the bill in charge what the effect of the amendment will be?

Mr. BANKHEAD. This amendment was sent up by the Post Office Department, and there is a letter accompanying it. It is rather long. Perhaps it would be well for the Secretary to read the letter to show what it is.

Mr. THOMAS. I think that would be desirable.

Mr. SHAFROTH. I should like to have the amendment stated, so that we may understand what it is.

The VICE PRESIDENT. There is not any amendment pending. The Chair has already declared it adopted. We are just finding out whether or not there are any more committee amendments.

Mr. VARDAMAN. Mr. President, in order that the matter may be understood, I move to reconsider the vote by which the amendment was adopted. The Senator from Colorado wishes to know what it contained.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi.

The motion to reconsider was agreed to.

The VICE PRESIDENT. Now the amendment is pending.

Mr. HARDWICK. Now, let the Secretary read the letter.

The VICE PRESIDENT. The Senator from Colorado has requested that the amendment be read. The Secretary will read it.

The SECRETARY. On page 19, after line 19, it is proposed to insert:

That section 16 of the act entitled "An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes," approved May 18, 1916, be, and the same is, amended by striking out the words "on and after July 1, 1916."

Mr. HITCHCOCK. Now, Mr. President, I ask for the reading of the letter. That will explain the amendment.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the letter.

The Secretary read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 19, 1916.

Hon. J. H. BANKHEAD,
Chairman Senate Committee on Post Offices and Post Roads.

MY DEAR SENATOR: The department urgently recommends that section 16 of the postal savings act, approved May 18, 1916, be amended by striking out the words "on and after July 1, 1916." The said section is as follows:

"That on and after July 1, 1916, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to $1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall, in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly."

The same provision appeared in the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917 (H. R. 10484, 64th Cong.), as it passed the House of Representatives. It was, however, eliminated from the bill when reported to the Senate by the Committee on Post Offices and Post Roads.

The Comptroller of the Treasury has advised informally that the said section will not accomplish the purpose intended, and I so informed the Senate committee by letter dated April 24, 1916.

The act of Congress approved March 3, 1883 (22 Stat., 602), provides, among other things, that when the compensation of a fourth-class postmaster, exclusive of the commissions on money-order business, shall amount to $250 a quarter for four consecutive quarters, and the gross receipts for the same period shall amount to $1,900, the Auditor for the Post Office Department shall so certify to the Postmaster General, who shall assign the post office to its proper class and fix the salary of the postmaster accordingly.

There are upward of 200 post offices where the compensation of the postmasters amounts to $1,000 each for four consecutive quarters, but not to $250 for four consecutive quarters each, which can not be advanced to the presidential grade under the law approved May 18, 1916, until October 1, 1917.

It is therefore recommended that the following clause be inserted on page 19, line 20, of the Postal Service bill now pending before the Senate:

"That section 16 of the act entitled 'An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes,' approved May 18, 1916, be, and the same is, amended by striking out the words 'on and after July 1, 1916.'"

Respectfully,

A. S. BURLESON,
Postmaster General.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HITCHCOCK. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, after the word "department," at the end of line 22, on page 22, the following:

And provided also, That when railway mail clerks are arbitrarily detached from train service and assigned to service in terminal railway post offices their salaries shall not be reduced, and they shall be entitled to the same salaries and promotions as if retained on road duty.

Mr. HITCHCOCK. I ask the chairman of the committee if he will not accept that amendment.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I believe the committee will not object to the amendment which I offer and send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, after line 24, it is proposed to insert at the bottom of the page the following as a separate paragraph:

The Postmaster General is hereby authorized to conduct experiments in three or more communities for the purpose of determining the most practical means of extending the operations of the parcel post in the direction of promoting the marketing of farm products and furthering direct transactions between producers and consumers. Such investigation will further include the consideration of the effects on the Rural Free Delivery Service such extension of the parcel-post system will have, and report of conclusion reached shall be made to Congress. For the purpose of pursuing such experiments and investigations the sum of $10,000 is hereby appropriated, to be paid as other appropriations in this act.

Mr. HARDWICK. I will suggest to the Senator that the amendment ought to come in after the conclusion of line 18, on page 34.

Mr. FLETCHER. I have no objection to that.

The SECRETARY. It is proposed to insert the amendment just read after line 18, page 34.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEEKS. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, beginning with line 19, the item reads:

For village delivery service in towns and villages having post offices of the second or third class, $250,000.

It is proposed to add the following proviso:

Provided, That letter carriers employed in the village delivery service shall be paid at the same rate and in accordance with the provisions of the act or acts governing compensation for letter carriers and substitute carriers in the city free delivery service.

Mr. BANKHEAD. I have no objection to that amendment, Mr. President.

The amendment was agreed to.

Mr. MARTINE of New Jersey. I desire to offer an amendment to be inserted on page 14 after line 13.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, after line 13, insert:

Provided, That the act approved August 24, 1912, an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," be, and the same is hereby, amended to include post-office laborers in the list of those to receive compensation for overtime, as well as to be allowed compensatory time on one of the six days following the Sunday on which they perform service.

Mr. BRYAN. Mr. President, I raise the point of order on the amendment that it is a private claim and not estimated for.

The VICE PRESIDENT. Does the Senator from New Jersey claim that the amendment is in accordance with any law?

Mr. MARTINE of New Jersey. I do not know that it is.

The VICE PRESIDENT. It is just a private claim?

Mr. MARTINE of New Jersey. That is the position taken.

The VICE PRESIDENT. It goes out on a point of order.

Mr. MARTINE of New Jersey. It is a just and proper amendment, it seems to me. I am not prepared to argue with the Senator from Florida upon the question of the point of order, nor do I care to say anything, but it does seem to me that every reason of propriety and good sense requires its insertion in the bill.

The VICE PRESIDENT. It is a private claim.

Mr. NORRIS. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Insert a new paragraph at the end of section 1, page 35, after line 9, as follows:

That on and after July 1, 1916, upon all mail matter of the first class, when deposited in any post office or branch post office for delivery within the limits of said post-office delivery district, or on any star or rural free-delivery route emanating from said post office, the rate of postage chargeable shall be 1 cent for each ounce or fraction thereof.

Mr. BANKHEAD. I am compelled to raise the point of order on the amendment.

Mr. NORRIS. I will ask the Senator if he will withhold the point of order for a few moments.

Mr. BANKHEAD. Very well; I will withhold it.

Mr. NORRIS. I hope that the Senator from Alabama will not raise the point of order. I admit that the amendment is subject to a point of order. The effect of the amendment, if adopted, would be in substance to provide for 1-cent postage on sealed letters—drop letters, so called—ordinarily delivered in the city where they are deposited in the post office. It seems to me, in the first place, that if this were adopted it would mean such an increase in this kind of postal business that instead of decreasing the revenues of the Post Office Department it would increase them. The only objection I have ever heard to this kind of a proposition is that it would decrease the postal revenue.

A letter now deposited in a city of free delivery in order to be delivered in the city must have a 2-cent stamp on it if it is sealed. As a matter of fact, the profit the Government makes on a drop letter is greater than on any other activity of the Post Office Department. These letters are not carried on railroad trains. Hence they are never handled more than once, and that is at the post office where they are deposited. There is a good deal more than half of the work eliminated in this kind of letters than with the ordinary mail that is carried on trains.

There is no expense by the carrying of these letters by a railroad, because they are not handled on railroads, and moreover it would not increase to any perceptible degree the expense of the local post office, because the machinery is already in existence for handling this kind of mail. The postal employees are already there. The Government is making and would make at 1 cent an immense profit on this kind of business.

It is only fair, it seems to me, that the business men of the country, who want to take advantage and who would take advantage of this kind of a law, if it were a law, having the advantage of 1-cent postage upon drop letters, ought to be allowed the privilege by law of doing it.

As I said, as far as I know there has never been an objection made to it except decreases in the revenues that are anticipated on account of such a step, but, as a matter of fact, I believe that the enormous increase in this kind of business would be so great that instead of decreasing it would increase the revenues of the department.

Men would use the Post Office Department in a thousand ways that they are not able to use it now on account of being compelled to pay 2-cent postage.

Mr. BANKHEAD. I renew my point of order with the statement that this very identical question was submitted to the Post Office Department and they advised the committee that it would affect the Post Office revenues by many million dollars.

The VICE PRESIDENT. The point of order is sustained.

Mr. LEWIS. May I tender an amendment and ask the attention of the chairman of the Post Office Committee to the amendment?

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, at the end of line 2, insert a colon and the following proviso:

Provided, That section 5 of the act approved August 24, 1912, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," be, and is hereby, amended to read: "In cases of emergency, or if the needs of the service require, clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid at a rate 50 per cent higher than their salaries as fixed by law.

Mr. LEWIS. Mr. President, the object of this tendered amendment——

Mr. BRYAN. If the Senator will pardon me a moment, I desire to raise the point of order that it is general legislation on an appropriation bill, and I want the point of order to be pending. Of course, I withhold it that the Senator may submit his views.

Mr. LEWIS. Mr. President, of course with the point of order made, my remarks are ostensibly addressed to the point of order. Pending a point of order, therefore, I wish to state my purpose.

The post-office men in the city of Chicago sent this matter to me, with the following explanation, that in the Government Printing Office here at Washington and in the navy yard at Washington and in the general Government service at Washington the rate contained in this amendment is that which applies. They claim that the post-office men in Chicago are working all day, worried and worn, absolutely fatigued, and are compelled by the exigencies of the situation there at Chicago to work all night as well, and yet they are paid only a very small sum in addition to their pay. They request that they shall be allowed the same rate that is paid to the other Government employees in the different departments I have spoken of.

This amendment is tendered to obtain that result. I should like very much to have it submitted to the Senate, and I think on its equities it would be passed. The point of order, I fancy, made by the Senator from Florida is that it is new legislation. Am I right, may I ask the Senator?

Mr. BRYAN. The point of order is that it is general legislation on an appropriation bill.

Mr. MARTINE of New Jersey. Mr. President, I should like very much to amend the Senator's proposition by adding the word "laborers" as well as "clerks."

Mr. LEWIS. If I understand, Mr. President, the Senator from New Jersey would like to tender his amendment to my amendment adding the word "laborers" where the words "post-office employees" occur.

Mr. MARTINE of New Jersey. I suppose it would receive the same fate as did my amendment, for it has the same purpose. The only difference is that I propose to add the word "laborers" to the clerks mentioned by the Senator from Illinois in his amendment.

Mr. LEWIS. I am unable to oppose the point of order on a parliamentary defense. I must recognize that its legal status is well taken. I only wish the committee could withhold it and allow this equity to be done. If, in the prosecution of what they feel to be their necessities, they can not do so, I am unable, upon legal grounds, to oppose the point of order.

Mr. HARDWICK. Will the Senator pardon me?

Mr. LEWIS. I yield to the Senator from Georgia.

Mr. HARDWICK. The committee could not possibly waive the point of order for this reason: These men work only eight hours a day now and when they work overtime they are paid the same rate of pay. The Senator proposes to increase it by one-half. There has been no estimate for it. We do not know how much it would cost if applied all over the United States. Of course, on the floor we could not agree to such an amendment until we had some idea of the cost and made some provision for the expense. That is the reason, I infer, the Senator from Florida insists on his point of order.

Mr. LEWIS. I can understand the position announced by the Senator from Georgia, and my only justification is that the position I do assert here is the one that is carried out in all the other departments of the Government here. But I must recognize the legal point raised by the committee, and I am unable to defend against it upon any parliamentary rule. I submit it to the Chair for a ruling.

The VICE PRESIDENT. The point of order is sustained.

Mr. LEWIS. I shall at a later time revive the subject in a bill.

Mr. WEEKS. After line 2, page 24, I move to insert:

That hereafter the Postmaster General may transfer, under such regulations as he may prescribe, clerks from post offices of the first and second classes to the railway mail service, and clerks from the railway mail service to post offices of the first and second classes, at salaries not exceeding the salaries which the clerks are receiving at the time of such transfers, which are only to be made with the consent of the said clerks.

Mr. BANKHEAD. I have no objection to the amendment.

Mr. WEEKS. I understand the committee accepts it.

The amendment was agreed to.

Mr. ASHURST. Mr. President, if there are no further amendments I wish to submit some observations very briefly.

Mr. REED. I wish to offer an amendment.

Mr. ASHURST. I beg the Senator's pardon.

Mr. REED. I offer the following amendment. I move to add at the end of line 8, section 7, page 36, the following:

Any person who has passed a civil-service examination and has served continuously in any department or departments of the Government in the District of Columbia for more than 10 years shall be eligible for promotion or transfer to any other department in the Government service in the District of Columbia.

Mr. BANKHEAD. There is no objection to that amendment.

The amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. OLIVER. I understand the Senator from Arizona has offered an amendment which he expects to call up.

The VICE PRESIDENT. Does the Senator from Arizona offer an amendment?

Mr. ASHURST. I have an amendment pending, but the hour is so late now that on the whole I have concluded to wait until Monday.

Mr. HARDWICK. We want to finish the bill to-night.

Mr. BANKHEAD. We want to finish it this evening.

Mr. ASHURST. If we are going to finish the bill to-night, I will go ahead now.

Mr. SMOOT. I wish to say to the Senator from Alabama that there are a number of Senators on this side who understood that the motion of the Senator from Arizona to strike out section seven would go over until Monday.

Mr. BANKHEAD. Why are they away?

Mr. SMOOT. Because of the lateness of the hour and there was talk of an executive session. I think they have gone now to their offices. They may not have left there, but if we are going to insist upon the conclusion of the bill, then I must, before they leave their offices, suggest the absence of a quorum, so that they can get here.

Mr. HARDWICK. We hope to finish the bill. If the Senator will pardon me, of course the Senator knows the situation.

Mr. SMOOT. I am not talking for delay.

Mr. HARDWICK. I know, but let us make the point of no quorum and, after securing a quorum, proceed to final action upon the bill.

Mr. ASHURST. Mr. President, I wish to say that I have no doubt that what the Senator from Utah says is absolutely correct. I have given no assurances to anyone.

Mr. HARDWICK. Neither has the committee.

Mr. SMOOT. I know that to be the case, and for that reason I suggest the absence of a quorum.

Mr. REED. Before the Senator makes the suggestion, as the Senator from Arizona, I understand, desires to make some remarks on his motion, there will be plenty of time to get the absent Senators here without taking the time for a roll call.

Mr. SMOOT. The Senator will understand that the only way they could receive notice in time is by having the roll called. We could not telephone to each one of them.

Mr. REED. The Senator from Arizona will take some time.

Mr. SMOOT. I suppose the speech of the Senator will take three-quarters of an hour.

Mr. ASHURST. About 35 minutes.

Mr. SMOOT. Therefore, for that reason, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	Overman	Sterling
Bankhead	Kern	Page	Stone
Beckham	La Follette	Phelan	Thomas
Brandegee	Lane	Pittman	Thompson
Bryan	Lea, Tenn.	Pomerene	Tillman
Culberson	Lewis	Ransdell	Townsend
Cummins	McLean	Reed	Vardaman
Gallinger	Martin, Va.	Saulsbury	Walsh
Gronna	Martine, N. J.	Shafroth	Warren
Harding	Myers	Sheppard	Weeks
Hardwick	Nelson	Sherman	Williams
Hitchock	Norris	Smith, Md.	Works
Husting	Oliver	Smoot	

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. ASHURST. Mr. President, I submit an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 38, it is proposed to strike out section 7, as follows:

SEC. 7. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

Mr. ASHURST. Mr. President, my personal inclination would be, of course, to postpone this discussion until Monday, but the patience which the distinguished chairman of the Committee on Post Offices and Post Roads [Mr. BANKHEAD] has exercised makes it incumbent upon me to proceed now, inasmuch as he says he wishes to complete the bill to-night.

"BLUE-TAG" CONTROVERSY.

Mr. President, I am opposed to section 7 of the pending Post Office appropriation bill, because, if enacted, its effect would be to empower the Postmaster General to determine, in his discretion, what newspapers and magazines may and what may not be carried by the mail trains. In reaching a solution of the question the Postmaster General would be called upon to decide what news and articles were "timely" and what were not "timely," and this would of necessity set up a censorship of the press.

The "blue-tag" controversy arose as follows: On August 22, 1911, the then Postmaster General, Frank H. Hitchcock, promulgated Order No. 5750, which in effect provided that, beginning September 1, 1911, certain periodical mail matter theretofore carried by fast mail should thereafter be carried by freight.

I ask unanimous consent to include in the RECORD Order No. 5750, being the first "blue-tag" order issued.

The VICE PRESIDENT. Without objection, it is so ordered.

The order referred to is as follows:

(Order No. 5750.)

AUGUST 22, 1911.

Beginning September 1, 1911, certain publications heretofore carried in railway post offices will be transported by freight, which will involve an advance in mailing by the publishers, a longer time in transit, and more or less irregularity in the time of arrival at the office of destination. The publishers have been accorded the privilege of printing on the wrapper of each copy or bundle of their publications, as a part of the address, directions as to the date on which delivery is desired. Postmasters are accordingly instructed to withhold from delivery until the morning of the date specified any magazine or other periodical publication or bundle of magazines or periodical publications bearing such instructions on their face or wrapper as part of the address.

Mr. ASHURST. On August 26, 1911, another order was issued by the same Postmaster General, directing that beginning September 1, 1911, periodical publications issued monthly, semimonthly, bimonthly, or at longer intervals, should be termed "blue-tag" matter and should thereafter be specially labeled with blue tags attached to each sack. The order refers to various routes and designates the publications, and I will also ask permission to include that in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

AUGUST 26, 1911.

Beginning September 1, 1911, periodical publications issued monthly, semimonthly, biweekly, or at longer intervals, and sample copies of all publications designated by the department for the different States shown in the list below, will be termed "blue-tag matter" and be specially labeled with blue tags attached to each sack, and when dispatched over railroad lines of the third contract section will be withdrawn from the regular mail and instead be forwarded by fast-freight service in direct cars between the points named below:

Between Buffalo, N. Y., and Chicago, Ill.; Cincinnati, Ohio; Council Bluffs, Iowa (U. P. transfer); Kansas City, Kans.; St. Louis, Mo.; and St. Paul, Minn.

Between Pittsburgh, Pa., and the same points as from Buffalo, N. Y.

Between Chicago, Ill., and Buffalo, N. Y.; Cincinnati, Ohio; Council Bluffs, Iowa (Union Pacific transfer); Kansas City, Kans.; Pittsburgh, Pa.; St. Louis, Mo.; and St. Paul, Minn.

Between St. Louis, Mo., and Kansas City, Kans.

Between Canton, Ohio, and Chicago, Ill.
(To be comprised of To-day's Magazine.)
Between Cleveland, Ohio, and Chicago, Ill.
(To be comprised of Railroad Trainmen and Locomotive Engineers' Journal.)
Between Rock Island, Ill., and Chicago, Ill.; Council Bluffs, Iowa (Union Pacific transfer); Kansas City, Kans.; and St. Paul, Minn.
(To be comprised of the Modern Woodmen of the World.)
Between Springfield, Ohio, and Buffalo, N. Y.; Chicago, Ill.; Council Bluffs, Iowa (Union Pacific transfer); Kansas City, Kans.; Pittsburgh, Pa.; St. Louis, Mo.; and St. Paul, Minn.
(To be comprised of Women's Home Companion.)
When blue-tag matter is dispatched via Buffalo or Pittsburgh, the following States will be forwarded to the respective points named, except that made-up routes and directs for post offices will be forwarded to the nearest shipping point to the point or post office:
To Chicago, send matter for Illinois, Iowa, and Wisconsin.
To Cincinnati, Ohio, send matter for Alabama, Kentucky, Cincinnati, Ohio, and Tennessee.
To Council Bluffs, Iowa (Union Pacific transfer), send matter for northern California, Hawaii, Idaho, Nebraska, Nevada, Oregon, South Dakota, Utah, and Wyoming.
To Kansas City, Kans., send matter for Arizona, southern California, Colorado, Kansas, Kansas City and St. Joseph, Mo.; Mexico, New Mexico, Oklahoma, and western Texas.
To St. Louis, Mo., send matter for Arkansas, Louisiana, Mississippi, Missouri, and Texas.
To St. Paul, Minn., send matter for Alaska, Minnesota, Montana, North Dakota, and Washington.
When blue-tag matter is dispatched via Chicago, Ill., the above instructions will be observed, and in addition thereto the matter for offices in the States named below will be forwarded as follows:
To Cincinnati, Ohio, send matter for Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, and Cincinnati, Ohio.
To Buffalo, N. Y., send matter for Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.
To Pittsburgh, Pa., send matter for Delaware, District of Columbia, Maryland, New Jersey, and Pennsylvania.
When blue-tag matter is dispatched via St. Louis, this mail for States directed to be forwarded to Kansas City, Kans., and to Council Bluffs, Iowa, will be sent to Kansas City, Kans.
The rates given, being for freight shipments, contemplate a minimum weight of 20,000 pounds, and cars containing less than this minimum weight should be withheld from dispatch and mails to the amount of 20,000 pounds included before billing and dispatch.
The waybills to be used will be of the Government form, printed in green ink with initial letter "M" prefixing the serial number. These are issued in quadruplicate. The first form, being the bill of lading, will be signed by the agent of the railroad making the shipment and forwarded by mail to the consignee. The second form is the shipping order, and should be delivered to the agent of the railroad making the shipment. The third form should be forwarded by mail to the Second Assistant Postmaster General, Division of Railway Adjustments, Washington, D. C. The fourth form is the memorandum bill of lading to be retained by the consignor.
The cars destined to Chicago, Ill., should be labeled to, and the bill of lading consign the car to, the Union Depot Terminal R. P. O., Chicago, Ill.
For Council Bluffs, to the U. P. Transfer Terminal R. P. O., Council Bluffs, Iowa.
For St. Louis, Mo., to the Union Depot Terminal R. P. O., Annex Station, St. Louis, Mo., care of Terminal Railroad Association, Eighteenth Street yard.
The cars for the other points named will be labeled to and waybilled to the postmaster at the respective offices, and those for Kansas City, Kans., should be in care of Northwestern Garage & Storage Co., Seventh Street and K. C. Northwestern tracks.
The waybills should describe the contents of the cars as "Periodical mail matter (magazines)," giving the number of sacks and gross weight. The blank spaces should be carefully filled out, the routing being in accordance with the established routes named in Daily Bulletin 9598, August 19, 1911.
The railroad companies whose bids for the transportation of this mail have been accepted will assume the cartage charges at the points of shipment and at destinations, to be included in the freight bills at the rates the department has ascertained. Such cartage will be performed by the following transfer companies, but no payments should be made by postmasters on account of such cartage:
At Chicago, Ill.: Joseph Stockton Transfer Co.
At Cincinnati, Ohio: James Buckles Transfer Co.
At Cleveland, Ohio: General Cartage & Storage Co.
At Kansas City, Kans.: Northwestern Garage & Storage Co.
At St. Louis, Mo.: St. Louis Transfer Co.
At St. Paul, Minn.: Frank J. Dunn.
At other shipping points and at other destinations the service will be performed without expense to the department, as the cost of cartage has been absorbed in the freight rates accepted.
The details of conducting the shipping will be invested in the Railway Mail Service. Transfer clerks will be assigned at the different freight depots to perform the necessary duties in connection therewith and to weigh the mails from September 1 on the railroad routes established from that date.
The weights shown on the waybills must be the actual scale weights, carefully taken, at which the railroad companies will have a representative to take the joint weights.
No matter bearing postage stamps affixed will be included in freight shipments.

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AUGUST 31, 1911.

The instructions of August 26, 1911, covering the shipment of periodical mail matter by fast-freight service, are hereby modified as follows:
Additional shipments will be made from Kansas City, Mo., to Chicago, Ill., to be comprised of the Household, published at Topeka, Kans.
Also from Omaha, Nebr., to Chicago, Ill., to be comprised of Sovereign Visitor, published at Omaha, Nebr.
In lieu of the cartage charges at U. P. Transfer, Council Bluffs, Iowa, there will be allowed an unloading charge of 25 cents per ton, which will be assumed by the railroad company whose bid has been accepted for the transportation of this mail.
The weights of these shipments will be taken on post-office scales as far as practicable. "Catch" tickets should be given to the transfer company taking the mail from the post office to the railroad depot, showing the number of sacks and the weight of mails. Where weighing upon post-office scales is impracticable and the railroad team scales are used and a charge for the use of such scales is made, an allowance to cover such charge is authorized, and the railroad company performing the transportation will be credited with such charge when added on separate vouchers to the freight transportation bills.
In case a car containing blue-tag matter in transit is disabled or is reported in bad order by the railroad company and it is necessary to transfer the contents to another car, the facts concerning such transfer will be telegraphed by the agent at the point of transfer to the railroad official at headquarters. Such facts will be then reported to the Superintendent of Railway Mail Service at the railroad terminal, who in turn will report the facts regarding the transfer of contents and the number of the new car to this office, Division of Railway Adjustments.

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SEPTEMBER 9, 1911.

The blue tags used on sacks containing periodical mail matter to be shipped by fast-freight service must be removed from sacks at time of emptying.
Publishers and others must be cautioned not to use blue labels or blue tags on any sacks except on mail matter designated as "blue-tag" periodical mail.

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SEPTEMBER 19, 1911.

The instructions of August 31, 1911, relating to shipments of periodical mail matter from Kansas City, Mo., to Chicago, Ill., are hereby modified to include also the following publications:
Knights and Ladies of Security, Topeka, Kans., and Poultry Culture, Topeka, Kans.
Also modify the instructions of August 26, 1911, relating to shipments of this matter from Springfield, Ohio, to include also the following publications:
Household Journal, Farm News, and Poultry Success (except for States of New York and Pennsylvania).

Mr. ASHURST. Upon these orders, which I have included in the RECORD, and certain other orders of the Postmaster General, arose what was then and is now termed the "blue-tag" controversy. The reasons given by the then Postmaster General for the promulgation of the "blue-tag" orders were—so he alleged—that their operations would result in saving a considerable sum of money to the Government by utilizing less expensive methods of shipment, and he laid especial emphasis upon the suggestion that, in his opinion, the transportation by freight of certain second-class mail would insure a quicker handling of the first-class mail. For a time "blue-tag" matter was carried in the first contract section, but later the method of transporting certain periodicals by fast freight was extended to another contract section, and in this connection it may be mentioned that the country is divided into four weighing sections, one to be weighed each year under the quadrennial weighing system. The first section comprises the New England States—New York, Pennsylvania, New Jersey, Maryland, Virginia, West Virginia, and North Carolina; the second section comprises practically all of the Southeastern States; the third section comprises the States of Ohio, Illinois, Iowa, Michigan, Indiana, Minnesota, and Missouri; while the fourth section comprises practically all of the States west of the Missouri River.

Immediately upon the installation of the "blue-tag" system it was recognized throughout the whole country as giving a distinctive and valuable advantage to one magazine or periodical over another magazine or periodical of the same character, published in the same locality. The "blue-tag" system was the subject of wide discussion, and various arguments were urged against its continuation. Amongst other objections, it was alleged that the "blue tagging" favored one class of publishers at the expense of others in the same class; that the power of the Postmaster General in this respect was practically unlimited; that such power and authority might be applied at his discretion; and that certain magazines and periodicals of a particular class were favored and permitted to go by fast mail while other magazines or publications of the same class were required to go by freight. One of the chief objections made was that the orders of the Postmaster General, directing that certain publications of a particular class should go by fast mail while others of the same class should go by freight, placed in the Postmaster General's hands the power practically to say whether a particular magazine should expire or survive.

The "blue-tag" order was widely attacked as being un-American in character and obnoxious to the principle of "equal rights to all and special privileges to none."

It was asserted with great force that the operation of the "blue-tag" system placed in the hands of the Postmaster General a denial to certain persons of the equal benefit of the law. It was asserted that the "blue-tag" system placed the property, the means of livelihood, and the investment of a magazine owner within the hands of the Postmaster General, and that by virtue of orders "blue tagging" a magazine or periodical and thus requiring such particular magazine or periodical to go by freight instead of the mails, advertisers in the magazine "blue tagged" and thus handicapped would become dissatisfied and complaints would be made from subscribers about the delay in receiving the same. One of the most vigorous complaints was that the "forms" would be required to be "locked" or closed

several days in advance of the accustomed or regular date of the magazine's going to press, so that the magazine might be printed and placed upon the freight trains at a date sufficiently early to reach the subscribers at the usual and accustomed time, and that the early going to press, the early "closing" of the "forms," and the delays occasioned by the danger and tediousness of freight transportation would thus render the news and current matters in the "blue-tagged" publications stale, untimely, and of no interest. The "blue-tag" system was assailed by many well-informed and thoughtful persons throughout the United States as a method that savored of an odious bureaucracy instead of representative government, and upon the ground that it placed the Postmaster General in the position of a supreme autocrat, where his mere will or ipse dixit could control the material destiny of any magazine or newspaper which saw fit to criticize the policies of an administration. Now, it must be borne continually in mind that the "blue-tagged" publication, which was required to go by freight and thus be subjected to the delays of freight transportation, was required to pay the same rate of postage as its competitor that was privileged to go by fast mail.

Mr. HITCHCOCK. Mr. President, will the Senator submit to an interruption?

Mr. ASHURST. I will.

Mr. HITCHCOCK. I should like to inquire whether the orders to which the Senator refers are general in character and lay down any rule under which the "blue tag" is applied to certain publications?

Mr. ASHURST. They are special. I will read some of them, which I have already included in the RECORD, to give that information. For instance, we will say, amongst other things it was ordered that between Buffalo, New York, and Chicago, Cincinnati, Council Bluffs, Kansas City, and St. Louis, certain magazines should go by freight.

Mr. HITCHCOCK. Was the order limited to monthly magazines or did it include weeklies?

Mr. ASHURST. It included monthly magazines. However, it must not be forgotten that the Postmaster General had full power to include bimonthlies, weeklies, or dailies, and I know of some monthlies which were required to rearrange their business affairs and publish as weeklies in order to be exempt from the operation of this "blue tag" order. On this point I will ask the Secretary now to read a statement I have received from the editor of the Rural Free Delivery News. I ask the Secretary to read that statement at this point because it specifically answers the question of the Senator from Nebraska.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

STATEMENT OF W. D. BROWN, EDITOR OF THE "R. F. D. NEWS."

In the late fall of 1911, the "R. F. D. News" was put under a "blue tag" order. My paper at that time was a monthly and was issued on the first day of each month. The December, 1911, issue which was put in the mails on the first day of December, 1911, did not reach my subscribers in Illinois until about the 25th of December, 1911. This was caused by my mail being delayed at Pittsburgh. The papers were forwarded from Washington to Pittsburgh by mail train and there thrown out and held until a solid carload of mail to go by freight toward the West was accumulated. This resulted in the delay above mentioned.

This unusual delay necessitated my changing the periods of publication of the R. F. D. News from a monthly to a weekly, and this resulted in a net loss of $5,000 in advertising contracts by the R. F. D. News during the first year of the change. My contracts for 1912 had all been made up and signed for a monthly issue of twelve numbers, but after the change it was necessary for me to carry the same advertising 52 times in my weekly issue without any additional pay. The R. F. D. News is now a weekly.

Mr. HITCHCOCK. Mr. President, I understand that the R. F. D. News changed from a monthly to a weekly in order to escape this proscription.

Mr. ASHURST. Yes, sir.

Mr. HITCHCOCK. Can the Senator explain how that change would enable it to escape it?

Mr. ASHURST. Because the weeklies at that particular time were not "blue tagged."

Mr. HITCHCOCK. What is the situation now? Does the "blue tag" only apply to monthlies?

Mr. ASHURST. To monthlies. I may not be accurate, but I am not aware at this time that any weeklies are "blue tagged."

Mr. HARDWICK. It only applies, if the Senator will pardon me, to monthlies now.

Mr. ASHURST. I thank the Senator. I thought that was true, but it must be borne in mind that under the law up until 1912 the Postmaster General had plenary power to include monthlies, quarterlies, bimonthlies, weeklies, or dailies.

Mr. HITCHCOCK. Well, Mr. President, as I understand the amendment that was attached to the Post Office appropriation bill in 1912, it prohibited the Postmaster General from extending the "blue-tag" system any further. If he was only applying it to monthlies at that time, I presume he had no power after the enactment of that amendment to extend it to weeklies.

Mr. ASHURST. I think that would be the logical result.

Mr. WALSH. Mr. President——

Mr. ASHURST. I yield.

Mr. WALSH. I did not get the information which it seemed to me the question of the Senator from Nebraska was calculated to elicit, and that is, How did this particular magazine come to suffer this discrimination? Did the Postmaster General follow any rule in the selection of magazines, or did he select arbitrarily, upon considerations satisfactory to him, such particular magazines as he desired?

Mr. ASHURST. I do not wish to do the former Postmaster General an injury. He is not a public officer at this time; but during his service as Postmaster General he or his assistants in the department set up, or alleged that they set up, as a rule or standard that would be their guide in determining what should be "blue tagged" what was timely and what was current; that is to say, a magazine which, in the opinion of the Postmaster General did not contain current news—timely news—was "blue tagged."

Mr. President, what is "timely" to the distinguished Senator from Montana might not be of interest or timely to me; and there is where the objection first arose. The publisher said, "Why, my articles are timely and should reach my subscribers promptly."

Mr. TOWNSEND. Mr. President——

Mr. ASHURST. Well, I yield to the Senator.

Mr. TOWNSEND. I ask the question simply for information. I understand the law was changed so that the prohibition against the shipment of publications by freight applies to the first and second mailing divisions in the United States, and that that prohibition has been in operation, so far as those divisions are concerned, for the last year only.

Mr. ASHURST. The Senator is correct about that.

Mr. TOWNSEND. Now, may I ask the Senator if he has learned of any dissatisfaction arising out of that order, so far as those divisions are concerned?

Mr. ASHURST. Mr. President, I have not learned of any recent dissatisfaction.

Mr. REED. The statement which the Senator had read showed some dissatisfaction.

Mr. ASHURST. Of course the writer of the statement that was read described some injury that occurred to him three or four years ago.

To illustrate the absurd, the grotesque, results that were evolved by the workings of this "blue-tag" system, permit me to give a few examples. For instance, the Grocers' Magazine, a monthly publication, was required to go by freight, while the Tea and Coffee Trade Journal, also a monthly publication, was permitted to go by mail; both of these publications dealt with the same general subject; one was published in Boston, the other in New York. There was a publication called Printing Art, one of the finest types of printing papers, which was required to go by freight and thus necessarily subjected to all the dangers of freight transportation and slow delivery as well, while the Inland Printer, also a magazine devoted to the printers' art, was carried by mail. The National Harness Review was compelled to go by freight, while the Hardwood Record was privileged to go by mail. The Monumental News was required to go by freight while the American Stone Trade was privileged to go by mail. The Progressive Age, which dealt with gas, electric, and water supply, was required to go by freight, while the Embalmers' Monthly was privileged to be sent by the fastest mail. The Western Druggist was required to go by freight, while the Metal Industry was permitted to go by fast mail. American Women, American Education, and a publication in Lynn, Mass., called Water Wagon, were required to go by freight, while the Brewers' Journal, the Western Brewer, and the Brewer and Malster were permitted to be carried by fast mail.

Mr. THOMAS. Does the Senator mean to say that the "American Women" was required to go by slow freight? [Laughter.]

Mr. ASHURST. It was; and also the "Water Wagon."

Mr. MARTINE of New Jersey. I suggest, Mr. President——

Mr. ASHURST. I knew I would get a "rise" out of somebody in referring to the "Water Wagon." [Laughter.]

Mr. MARTINE of New Jersey. I suggest that the Senators from Massachusetts be called in. [Laughter.]

Mr. ASHURST. Oh, yes—the "Water Wagon" by slow freight; the "Brewers' Journal" by fast mail. A publication known as Office Appliances was required to go by slow freight, while its competitor, called Business Equipment Journal, was permitted to go by fast mail. The Medical Standard was required to go by freight, while the Bakers' Helper was permitted to go by fast mail.

I ask the especial attention of Senators from the mining States to this: Mines and Minerals, a splendid publication, by Mr. Rufus Foster, of Scranton, Pa., which dealt with mining matters and gave interesting and up-to-date information as to first aid to injured in case of mine accidents, was required to go by freight. This publication, Mines and Minerals, was a monthly magazine with a circulation of about 12,000 copies per month and was necessarily limited to mining districts. Its transportation by freight instead of by the mails, I am informed, proved a serious detriment to its publisher and especially to the subscribers in the States in which that publication was read extensively; that is to say, in the Rocky Mountain and the Pacific Coast States. The forms were required to be locked early, thus rendering the news stale and uninteresting, by reason of the length of time required for freight transportation.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. ASHURST. I yield to the Senator from Ohio.

Mr. POMERENE. Do I understand that the Senator objects to having any of these publications go by freight, or is he simply objecting to the fact that an injustice or a discrimination has taken place between the different publications?

Mr. ASHURST. The Senator has my view. I object to the discrimination.

Mr. POMERENE. Has the Senator formulated a rule which would do away with that discrimination, and at the same time not leave the department or the Government under the obligation to give a fast mail service to the publication which might just as well go by freight or by some slow train?

Mr. ASHURST. Mr. President, so far as I am personally concerned, if Congress should require all second-class matter to go by freight that might not be so gross a discrimination. But I do say that where they both pay the same rate—mark you, the man who is blue tagged, and whose magazine goes by slow freight, pays the same rate as the man whose magazine goes by fast mail—they should have the same service.

Mr. POMERENE. I agree with the Senator that there ought to be no discrimination as between these different publications; but I was wondering whether or not the Senator had some amendment to offer which might be just both toward these publications and toward the Government as well.

Mr. ASHURST. Mr. President, my philosophy of life is to make only one fight at a time. My contest now is to get section 7 eliminated, preserve the status quo, and then we may discuss what, if anything, further should be done.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether he has any statistics as to the amount of saving there is to the Government by reason of sending this matter by freight?

Mr. ASHURST. I have. Since the blue-tag order went into effect on the 1st day of September, 1911, the Government has saved $5,557,879.60—quite a saving, Mr. President. But for the mere saving of dollars are we going to beat down one of the cherished principles of American Government? Are you going to say to a rich and opulent publisher who has numerous subscribers, "You may go by fast mail," but to the poor man, with slender means and with no opulent subscribers, possibly advocating an unpopular cause, "In order that we may save some money we will require you to go by slow freight at the same rate paid by your competitor who goes by mail"?

Mr. President, while I cheerfully give the figures, I decline to allow this question to descend to the level of how much money we are going to save. An American principle is at stake. Are we, as a Government, going to say to one man, publishing a magazine of a particular class, "You may go by fast mail for 1 cent a pound," and to another publisher, his competitor in the same city, "You must go by slow freight at 1 cent a pound"? It is the discrimination to which I object.

Mr. THOMAS. Mr. President——

Mr. ASHURST. I yield to the Senator from Colorado.

Mr. THOMAS. Does not the last statement of the Senator suggest the real remedy—a difference in charge for the different methods of transportation, thus giving every publisher the opportunity to make his choice of the two methods of conveying his periodicals through the mails?

Mr. ASHURST. That is a very pertinent suggestion, Mr. President.

Another grotesque result worked out was as follows: The Retail Coal Man was permitted to go by fast mail, while the Coal Dealer, being identically of the same character and kind of publication and being also a monthly, was compelled to go by slow freight. Consider, for instance, that the Cement World and the Cement Era were both published in Chicago, were both devoted to the same industry, while one was compelled to go by freight and the other permitted to go by fast mail.

The Review of Reviews, the World To-Day, Current Literature, and the World's Work were required to be carried by freight, while the Wine and Spirits Circular and a series of like publications, the Fur Trade Review, and the Soda Fountain, were permitted to go by mail. The following, among other publications, were exempt from the "blue-tag" system at the beginning of the service; that is to say, were permitted to go by mail:

American Brewer, Bonfort's Wine and Spirit Circular, Brewers' Journal, Cold Storage and Ice Trade Journal, Fur Trade Review, Journal of the American Bankers' Association, Motor Boat, Motor Boating, Playthings, Silk, the Soda Fountain, Toilettes, American Album of Fur Novelties, and American Musical and Art Journal.

Mr. BANKHEAD. Mr. President——

Mr. ASHURST. I yield, of course.

Mr. BANKHEAD. I should like to ask the Senator what the situation would be if his motion should prevail and section 7 of this bill should be stricken out? That does not give any remedy for the matter that is now being handled under the blue-tag system, does it?

Mr. ASHURST. The Senator is correct about that. It simply preserves the status as it has existed since 1912. It keeps it from getting worse.

Mr. POMERENE. May I ask the Senator a further question? If this section were stricken out, then what would be the authority of the Post Office Department over the subject matter?

Mr. BANKHEAD. The Postmaster General would then have the same authority that he had when he put this order into effect.

Mr. POMERENE. What was it?

Mr. BANKHEAD. Discretion.

Mr. ASHURST. First, the Postmaster General had unlimited discretion; but the law that was passed by the Sixty-second Congress and approved in August, 1912, restrained him in this way. There is a provision in section 1 reading as follows:

> From and after the passage of this act the Post Office Department shall not extend or enlarge the present policy of sending second-class matter by freight trains.

That is the law to-day. It is now proposed to repeal that provision, so that the Postmaster General will have the discretion which he had September 1, 1911, to wit, plenary power.

Among the magazines that were blue-tagged and were required to go by freight were the following:

American Woman, Hearth and Home, Church Messenger, Little Bible Lesson, Zion Trumpet and Homiletic Magazine, Record of Christian Work, Advocate of Peace, American Primary Teacher, Atlantic Monthly, Christian Science Herald, Christian Science Journal, Christian Science Quarterly, Education, Farm Poultry, Life and Light for Women, Missions, Missionary Herald, Pilgrim Teacher and Sunday School Outlook, Popular Educator, Primary Education, School Arts Book, Woman's Missionary Friend, Water Wagon, Smith College Bulletin, Smith College Monthly, Good Housekeeping, American Education, Longshoreman, American Baby, American Homes and Gardens, American Machinist, American Marine Engineer, American Review of Reviews, American Tailor and Cutter, Bible Class Manual, Blacksmith and Wheelwright, Boilermaker, Catholic World, Good Government, Pearson's Magazine, and B'nai B'rith News.

It should be observed in this connection, however, that while a large number of these magazines and publications were required to go by freight, the editors of some of the "blue-tagged" publications stated that they had no objection to these publications going by freight, and consequently stated that they would adapt themselves to the order of the Postmaster General, would go to press earlier, and thus comply with the orders requiring them to send their publications upon freight trains. Likewise, in the same connection, it must be remembered that the editors of a number of such publications communicated with the then Postmaster General calling his attention to the fact that their magazine had been required to go by freight while their competitors were permitted to send by mail, and many of them set forth complaints to the effect that such order would cause

their advertising to dwindle and their subscribers materially to decrease.

Mr. WEEKS. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. WEEKS. I want to ask the Senator if, after all, this is not a question of administration? The statement he has just made leads me to ask that question. I was chairman of the Post Office Committee in the House when this orginal provision was adopted, and it was adopted after talking with a great many publishers of magazines and other periodicals, many of whom said that it would make no difference to them, as there was no current news in their productions.

Mr. ASHURST. The Senator is correct.

Mr. WEEKS. If the Post Office Department would confine the sending of periodicals by freight to those in which there is no current news, undoubtedly the publishers could adjust themselves to it; and therefore it is entirely a question of administration.

Mr. ASHURST. That is quite true. I am going now to give one more illustration.

Mr. CUMMINS. Mr. President——

Mr. ASHURST. I yield.

Mr. CUMMINS. I ask the Senator from Arizona if this is not a statement of the facts relating to the law which is proposed to be repealed by section 7?

The Postmaster General had authority to send any kind of mail on any kind of train he might select. He established a policy, namely, that of sending all mail matter of this character published not more frequently than once a month upon freight trains. That order, however, included some publications which had current news printed in them. Upon application to the Postmaster General several—indeed, I think possibly more than 50—of these publications were relieved from the order which required them to be transported upon freight trains, and they were put back upon the passenger trains. In this juncture the act which is sought to be repealed was passed, and the Postmaster General was required not to enlarge the policy which he had adopted. The result of that was that since that time no other publications have been put upon the freight trains.

If this law is repealed, it will be a declaration by Congress that the Postmaster General can put upon a freight train any publication that he desires to carry in that way. I think it will make a very great difference in the status of the matter if this law is repealed; for, if it is not repealed, there will be no publications sent on freight trains that are not now sent upon such trains or that do not fall within the classification which the Postmaster General adopts.

Mr. THOMAS. Mr. President, I do not understand that section 7 is designed to repeal the existing law.

Mr. ASHURST. Yes; it does.

Mr. THOMAS. Its purpose is to extend it.

Mr. CUMMINS. No; it repeals the law which contains the prohibition.

Mr. ASHURST. It repeals the existing law.

Mr. THOMAS. I stand corrected.

Mr. FLETCHER. Mr. President, is it not a fact that section 7 does not deal with the policy, but, rather, with the scope and application of the present law? It does not intend, as I gather, to provide that there would be an extension of the policy or an extension of the exercise of the functions now authorized by existing law, but it would simply enable the Postmaster General to extend to the whole country the same identical policy that is now being pursued with reference to two sections of the country. That would be my understanding of the application of the law.

Mr. ASHURST. In addition to that, if the Senator will pardon me, the Postmaster General would have the power to place additional magazines—weekly, biweekly, semimonthly, or daily—under the blue tag.

Mr. FLETCHER. He would have no additional power as far as policy was concerned. The power would be simply to extend over larger territory than he is now permitted to exercise that power over.

Mr. ASHURST. And to say what magazines should go over this territory by freight trains.

Now for another illustration of the absurd, grotesque, and illogical results brought about by the workings of this "blue-tag" system: For instance, there was a magazine called The Cavalier, issued by Mr. Munsey. It was a weekly; it was permitted to go by fast mail; it contained fiction purely, without pictures; it was printed on cheap paper, and made no pretense whatever of carrying current news; indeed, it was not even timely in respect to news. But Munsey's Magazine, issued by the same publisher (Mr. Munsey), which was printed on excellent paper, contained topics of timeliness and of interest to the public, with every reason existing why it should promptly be delivered, was "blue tagged" and required to go by mail. One of the issues contained an article entitled "A nation in revolt against political bosses," by Mr. Munsey himself.

I have already stated that a number of publishers of these various magazines that were "blue tagged" commended the decision of the Post Office Department and endeavored to cooperate with the department to the best of their ability, but I am informed and have reason to believe that when some of them offered to cooperate with the Post Office Department they had no idea that the department would be a party to the evolvement of such unfair, grotesque, and illogical results as were brought about. Moreover, some publications were intimidated into agreeing to accept the system by the attempts then being made to increase their postage rates, many of whom would have been driven out of business by such increase. Some of the editors were much harried and perplexed, and saw, or thought they saw, that to bend cheerfully in this instance to the will of the department might in some way relieve them from the danger of having their postage rates enormously and oppressively increased. Moreover, many publishers accepted and acted upon the statement made by the department that a very small delay would be occasioned in transporting their publications; for they assumed, as was entirely reasonable, but which unfortunately was not the fact, that the Post Office Department had entered into actual engagements and arrangements with the railroads by which the railroads were to give these publishers some kind of regular freight service.

It is true that a number of these editors, as I say, consented to this course, and recommended the blue tag; but it is also true that upon a careful reading of the hearings it will be disclosed that many of them believed that the department had already worked out some system of rapid freight transportation by which the dangers and delays of ordinary freight transportation might be obviated. It must be remembered that these publications are dumped out, unloaded, as would be a bale of cotton or a bale of wool, and left there until possibly a carload has accumulated for a particular point. These publications suffer all the dangers and all the delays that are incident to the roughest freight transportation.

Mr. GALLINGER. Mr. President——

Mr. ASHURST. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have been necessarily detained from the Senate during much of the debate on this bill, and my information concerning it is not very accurate. This particular point is one to which I have not had time to give any special consideration; but I will ask the Senator if I am correct in the supposition that if his motion carries it will not remedy the condition of things that the Senator is pointing out at the present time?

Mr. ASHURST. It will simply prevent them from getting any worse.

Mr. GALLINGER. Yes. All that the motion would accomplish would be to prevent the repeal of a law which provides that it shall not be extended? Am I correct in that?

Mr. ASHURST. The Senator is correct.

Mr. GALLINGER. I wanted to know, because I think perhaps there are abuses that ought to be corrected, but I have not had time to examine the matter very carefully.

Mr. ASHURST. Mr. President, in the spring and summer of 1912 the heat of popular resentment against this system swelled into a great volume. The Senate Committee on Post Offices and Post Roads held hearings on the question, before which committee a number of the publishers were heard. Considerable testimony was taken. The Committee on Post Offices and Post Roads of the Senate, then as now, was composed of some of the most able, thoughtful Members of the Senate. On the committee at that time was the Senator from Kansas, Mr. Bristow, a man of large experience in matters relating to the Post Office Department. Referring to page 38 of the hearings, we find that Senator Bristow asked the following question:

Senator BRISTOW. I would like for you to tell me why the Printing Art is sent by freight and why the Inland Printer is sent by mail?

Mr. STEWART. I will be glad to refer to my files in which we have sample copies.

Senator BRISTOW. They are two well-known magazines of exactly the same character, and solicit business from the same constituents. I would like for you to tell me why one is sent by mail and one by freight?

Mr. STEWART. Presumably the reason is that one carries matter of a nature which the department believed was timely in its character and the other did not.

Senator BRISTOW. The matter is exactly of the same character. If your distinction as to what is timely and what is not, is no more intelligent than your decision of what is contained in those two magazines, the whole business is a fake. * * *

Again, page 40, Senator Bristow made the following statement:

Senator BRISTOW. The Curtis Publishing Co. practically produces carloads of its publications, so they do not suffer the delay of these men who do not publish such large amounts. I am talking about something I have some personal knowledge of, and that is the reason I bring it up.

You say, "timely matter." I am acquainted with both of these publications and I have received them at my office for many years. They are exactly the same thing, except the tastes of different men are demonstrated in the two journals.

Now, referring to the former Second Assistant Postmaster General:

Now, some clerk in your office decides that one of these shall go by freight and the other by mail, and that is the end of it. These great publications are discriminated against, and no living man can tell why. The next clerk may simply change and put the Inland Printer on the freight list and the other in the mail. You think you can run a department on these big business interests that way without the grossest injustice?

Mr. STEWART. I think the subject is susceptible of improvement in the matter of handling those details, Senator Bristow. We have up to the present time worked the matter out as best we could under existing conditions.

Senator BRISTOW. Again, I want to call your attention to this fact. Men who publish trade journals of this kind have their life's work and their fortunes in them. It is the work of a lifetime to get them up. Can you blame them for feeling extremely bitter when these losses occur—not only the financial loss, but it is their child, it is the creation of their life's work; and to have it destroyed by an order arbitrarily this way undoubtedly causes them to have this bitter feeling. Do you expect men to submit to that without most violent protest?

Again (p. 44), Senator Bristow made the following timely observation:

Senator BRISTOW. Can you formulate a statute so that the publisher could go to some one, if he feels that he himself could not construe the statute, and get a construction of the statute, so that he will know what his rights are without depending on the opinion of somebody in the department whose opinion will vary according to the number of individuals who pass upon these things?

Mr. STEWART. I am inclined to think that can be done as accurately as the administration of other laws.

Senator BRISTOW. We have never had anyone heretofore in my time to make a discrimination. The very thing that endangers the discretion that is necessary to vest in administrative officials is either by improper abuse or an impractical order by some one who has not any conception of what it will result in.

The CHAIRMAN. That is through inattention or through ignorance?

Senator BRISTOW. Yes. But here you are. They are undertaking to do by Executive order a thing that is not practicable under such an order. It menaces not only the country, but causes doubt as to whether it is safe to permit discretion to be lodged in executive officials.

Mr. STEWART. That, of course, involves a much broader question, which has not been discussed at all, as to whether Congress, under all this state of facts, shall say they do not want the matter transported in this way.

On page 139, Senator Bristow referred to certain publications that were blue tagged and said:

Senator BRISTOW. They had to have the current comment up to that time or the paper will absolutely die of a dry rot. You would absolutely destroy your paper.

Mr. STEWART. The Review of Reviews did not submit any evidence to show that they have been damaged in any way.

The CHAIRMAN. They couldn't, General; I do not think your point is well taken, because they did not have an opportunity during the short period of the experimentation to submit such evidence.

Mr. STEWART. They represented to the department that their period of renewing subscriptions was in the fall, from October to January, and stated that injunction only could protect their interests during that period, and yet they came before your committee, notwithstanding the fact that they had been in the freight since the 1st of September, and did not submit to you evidence to show that they ever lost a single subscription.

Senator BRISTOW. That demonstrates, to my mind, that the department does not understand this business. Any man that understands the matter knows that irregularity of circulation will injure the business, and the publisher will suffer next year from the thing that has happened this year in the publication of his periodical.

Mr. STEWART. The Review of Reviews urged the theory of immediate loss.

Senator BRISTOW. Why would Mr. Shaw be so worked up by this matter if he is not injured?

Mr. STEWART. Why doesn't he show his injury, if he is injured?

The CHAIRMAN. He is worked up because he feels that a discrimination has been made against him.

Senator BRISTOW. That demonstrates to my mind that the department has gone ahead in this matter and has no conception of the injuries being done to hundreds of men.

Mr. STEWART. That statement is not warranted by anything in the evidence.

Senator BRISTOW. It almost approaches to the gravity of impeachment of an officer that will do what has been done with regard to these publications.

Mr. STEWART. Unfortunately, Senator, you were not in here to hear the testimony of the department this morning. I think your opinion would be quite different if you had heard that testimony. We have shown that this movement has been urged by members of the committees of Congress and the Postal Commission and has been acquiesced in by the large number of the publishers themselves since we have begun it.

Senator BRISTOW. I can understand how the publishers when they were being threatened with the doubling of the rates would be glad to go into freight or anything else in order to avoid that calamity. I can not understand why the Post Office Department should within the last year or two consider that one of its principal aims is to go after the publication business and try to injure a number of men who have spent their lives in developing worthy enterprises.

The chairman of the Committee on Post Offices and Post Roads, when this hearing was held, was Hon. Jonathan Bourne, whose grasp of the complications and workings of the post-office system was equal to that of any man, and he asked the following questions of Gen. Stewart, then the Second Assistant Postmaster General (see p. 135 of the hearings):

The CHAIRMAN. Do you think that you have satisfactorily solved this problem under your action of September 1, 1911, in initiating what is known as the "blue-tag system"?

Mr. STEWART. I do; with the exception of these difficulties which may be adjusted under the legislation we are asking. Furthermore, we are asking that the plan be specifically authorized as set forth in our proposed amendment.

The CHAIRMAN. Do you avoid the seeming discrimination as between individuals who pay the same rate and expect the same service on the same compensation?

Mr. STEWART. We would not in all cases, but I beg to call your attention to the fact that in most of these cases the patrons of the mails have agreed to and commend the project.

The CHAIRMAN. Well, is it not a discrimination, as a matter of fact?

Mr. STEWART. It is a discrimination, but not in the offensive sense of the word "discrimination." It lays down the rule that we will carry monthlies and semimonthlies on fast freight trains, and we will carry all other second-class matter in the fast mail trains; to that extent it is undoubtedly a discrimination, but not a discrimination in the offensive sense of the word.

The CHAIRMAN. Can you prepare a regulation or rule that will apply to all periodicals and magazines of second-class mail matter which will make a clean line of demarcation as to what portion of second-class mail matter must go by fast mail without any right on the part of the department to decide, and what portion of second-class mail matter must go by freight without any right on the part of the department to decide?

Mr. STEWART. Yes, sir; and this proposition which I have suggested, with the elimination of this clause, will accomplish that; the clause to which I refer is this:

"And that the Postmaster General may except from this provision those publications which, because of their nature and purpose, require the earliest possible delivery."

The CHAIRMAN. Who is to determine that?

The Senator from Georgia, Hon. HOKE SMITH, then a member of the Senate Post Offices and Post Roads Committee. He is one of the most eminent of American statesmen. He made the following suggestion to the committee (see pp. 114–115):

Senator SMITH of Georgia. Now, the difficulty about your situation is the question of discrimination, allowing some to have one service arbitrarily and others another service at the same charge. The way to remedy that would seem to be to let the blue tag stand at the present charge and permit the use of the mail cars to those who prefer it at a higher charge.

* * * * * * * *

Senator SMITH of Georgia. Still, if the plan were in our minds of working it out so as to let the blue tag stand and charge a different rate for those magazines that go by mail cars, the two would be inseparably connected. I would not myself be willing to leave the situation so that a portion of the mail could be required to use the blue tag and a portion be given the mail cars and charge them both the same rate.

The CHAIRMAN. In other words, you want the same service at the same rate?

Senator SMITH of Georgia. If the same rate is charged, it seems to me that they are entitled, if they demand it, to the same——

STATEMENT OF DR. ALBERT SHAW.

Dr. SHAW. My name is Albert Shaw; my occupation is that of editor of a magazine called the Review of Reviews, and I am also president of the company which publishes the Review of Reviews.

* * * * * * * *

You might ask, and reasonably, why we have not made a great outcry about this. You understand that where an administrative order of that kind could not possibly be carried on very long successfully it seemed better not to advertise to our subscribers and to the whole world that we were thrown out of the mail service which had been built up through long years in this country on the plan of expedition.

The CHAIRMAN. Your objection is not to the degradation of being carried by freight, but it is to the discrimination that an individual sees fit to make?

Dr. SHAW. That is my fundamental objection.

So, Mr. President, after careful consideration and investigation by the committee, the Post Office appropriation bill for the fiscal year ending June 30, 1913, being the bill upon which the hearings were held, and from which I have quoted, was reported by the chairman of the committee, Mr. Bourne, and the bill carried certain appropriations and showed some increases which had been added by the Senate committee. On page 1 of the report the following appears:

The principal item of the increase is $2,598,000 additional for transportation of the mails, because of the recommended restoration of magazines and periodicals to mail trains where now sent by freight.

That committee, after a careful consideration and hearing all sides, added $2,598,000 for additional transportation of the mails in order that equality might again be restored among these various magazines. In other words, the Senate committee was perfectly willing to recommend and did recommend an increase of $2,598,000 as the price of maintaining the immortal principle of equal rights to all and special privileges to none. The com-

mittee also made the following recommendation, found on page 5 of the report:

RESTORATION OF MAGAZINES TO MAIL TRAINS.

The Senate amendment which carries with it the largest increase in appropriation is that which requires that second-class matter now transported on freight trains shall from September 1, 1912, be carried in the regular mail trains, as was the practice prior to the establishment of what is known as the "blue-tag" service. This charge will require an additional appropriation of $2,390,000 for inland transportation by railroad routes and $208,000 additional for railway post-office car service, a total increase of $2,598,000.

After giving an extended hearing to magazine and periodical publishers or their representatives, and after hearing the statements and arguments of officials of the Post Office Department, the committee indorsed the principle that all second-class matter paying the same rate of postage should have the same character of service, so far as speed of transportation is concerned. In reaching this conclusion we intend no criticism upon the effort of the department to economize in transportation expenditures, but we are of the opinion that the freight service involves difficulties which the department did not foresee, and we are convinced that it is absolutely impossible for any official to declare that one periodical shall go by freight and its rival shall go by mail train, without doing irreparable injury in many instances. We do not believe that any man should be permitted to exercise the discretionary power over private business which this "blue-tag" service confers upon the Postmaster General.

This conclusion upon our part was strengthened by the consideration of many instances of the sending of one periodical by freight and another periodical, to all appearances of practically the same character, by mail. The department admits that in some instances a wrong was done, and that by reason of the fact that railroads are paid upon the basis of a quadrennial weighing the wrong can not be corrected if suffered during the weighing period and not discovered until the weighing period has closed. No publisher should be required to endure uncertainty as to the continuance of this mail service upon an equality with his rivals who pay the same rate of postage.

When the bill reached the Senate there was some discussion, and on August 13, 1912, the Senator from Georgia [Mr. SMITH] said (vol. 48, CONGRESSIONAL RECORD, 62d Cong., 2d sess.):

Mr. President, the Post Office Department undertook to provide a plan for the transportation of periodicals by freight. It undertook to classify them as between those that carried news and those that did not. I do not sustain the classification the Post Office Department made. It caused a good deal of friction.

When the bill returned from conference it contained the following provision in section 1 thereof:

From and after the passage of this act the Post Office Department shall not extend or enlarge its present policy of sending second-class matter of freight trains.

The conference report was adopted by both Houses, the President signed the bill, hence the provision just quoted is existing law.

This question therefore arises by reason of the fact that the bill now contains, to wit, in section 7 thereof, a provision to the effect that said section 1 of the Post Office appropriation bill for the fiscal year ending June 30, 1913, is repealed in so far as it prohibits the Post Office Department from extending or enlarging the existing policy of sending second-class matter by freight trains.

I have introduced an amendment in the form of a motion to strike section 7 from the pending bill, and in entering my motion and arguing in support of the same it is a happy circumstance that I may do so under such favorable auspices, for I am entirely unembarrassed even by the shred of a suggestion of partisanship or political bias.

The high character of Postmaster General Burleson and his devotion to the public service place him far above and beyond the most remote intimation of a desire to accomplish the enactment of section 7 of the pending bill for the purpose of punishing, penalizing, or destroying any publication or magazine whatsoever. The honorable attempts of Postmaster General Burleson to economize in his department and save every dollar possible are creditable to him to the last degree.

But, Mr. President, the question involved here is a fundamental one running to and searching the very vitals of our form of Government. The power to "blue tag" a publication is practically unlimited and it may be applied at discretion to magazines of one class and not to other publications of the same class. It may be directed to exempt certain favored publications in gross discrimination against an unfavored publication, yet both the favored and the unfavored pay the same rate of postage. Such "blue-tagging" orders would mean that the publication or periodical thus discriminated against would suffer serious handicap, great loss of prestige and circulation, and perhaps financial ruin. Its competitor, shipping by the regular mails, would be given a tremendous advantage and would be required to pay no higher rate of postage than the magazine discriminated against.

So far as I am aware, none of the supporters of section 7 of the pending Post Office appropriation bill has as yet suggested that any Postmaster General would take steps so extreme as to enter an order providing for the transportation of the daily newspapers by freight instead of by mail. Indeed, I doubt if anyone whose opinion is worth while believes that the present Postmaster General would wantonly seek to cripple and hamper any daily newspaper by requiring it to go by freight instead of the mails. Yet, Mr. President, we must remember that if section 7 becomes a law, the Postmasters General of the future would have the power to require daily newspapers as well as monthly and weekly magazines to go by freight instead of the mails. American politics are uncertain. The constituency of Aristides still survives and makes itself manifest at times; the struggle for political supremacy at times waxes hot and transcends the bounds of fair dealing. In order to aid a political party and to assist in bringing victory to its standards men frequently perform deeds of doubtful propriety—deeds that they would scorn to perform for their own advancement or promotion. We must not forget that in political contests men's passions and spirits amid the whirlwinds and tornadoes of politics rise to a high tide, and honest men are frequently moved to extreme resentment against this or that publication which may justly or unjustly, fairly or unfairly, criticize their actions and misconstrue their motives.

I have not the slightest fear that the present Postmaster General could be moved to resentment or moved to do an injustice, but who is there so wise as to say who will be Postmaster General five years from to-day?

Mr. GALLINGER. Does the Senator really think that, at any time, 5 years from now, or 10 years from now, or 1 year from now, any man would be placed in that responsible position who would, for political purposes, discriminate on the matter the Senator is discussing?

Mr. ASHURST. I just said in answer to the distinguished Senator that men may be moved to extreme resentment sometimes by reason of this or that publication unfairly criticizing them. Let us hope that it will never occur.

Mr. GALLINGER. The Senator must know what would become of that Postmaster General very speedily if he should do that. I think the Senator has undue fear on that point. I am not now saying whether I favor the Senator's motion or whether I favor the blue-tag law or not, but on that point I think the Senator ought not to allow himself to believe that any Cabinet minister would so demean himself as to make a discrimination in publications, whether they are weekly or monthly or daily, for political purposes. I can not conceive it.

Mr. ASHURST. It is a very happy commentary on human nature that our distinguished friend, after a long and useful life, has such great faith in politicians. I wish I had the same faith that he has.

The evolution of politics in the future may—we hope it will not—bring to the Presidency or to the head of the Post Office Department, a man so impatient of newspaper criticism that he would condescend to "blue tag" an opposition daily paper in order to cause delay in its reaching its subscribers, with resultant loss of prestige and revenues to such newspaper. If the people of the United States could be assured that a man of as high a character as the present Postmaster General would forever occupy the position, they might feel that the enactment of section 7 of the present law was a mere brutum fulmen, a harmless thunderbolt; but nevertheless the people would oppose the section on principle because they feel that no man, however high his character, however wise and prudent, should have such absolute power over the distribution of current intelligence. It is not fair to any Postmaster General to tempt him with the power to crush, cripple, or destroy an unfriendly publication, or, through the method of the "blue tag," to dislocate its avenues of reaching its subscribers, especially when we remember that his discretion may not be reviewed or reversed by any tribunal.

I have examined the authorities with some care, and have reached the conclusion that should this proposed section 7 become a part of the laws of the United States and should the Postmaster General under such law issue an order "blue tagging" a publication, and practically annihilating the same, no relief could be obtained on the part of the publication by resorting to a judicial tribunal.

In other words, if the Postmaster General misuses his power, or exercises the same oppressively, the publication discriminated against has no appeal.

I stated a moment ago—and I am not going to weary the Senate by reading decisions bearing upon the law of the case—but if any Postmaster General should enter an order blue-tagging, we will say, any particular publication, be it a daily or a weekly, however unjust such blue-tagging might be, however oppressive that order might be, there is no appeal to a judicial tribunal.

In solving this question the pertinent statutes to be considered are the following:

Section 388, Revised Statutes: Whereby an executive department of the Government is created, known as the Post Office Department, and the head of such department is known as the Postmaster General,

"who shall be the head thereof and shall be appointed by the President, by and with the advice and consent of the Senate."

Section 396, Revised Statutes: Which provides that it shall be the duty of the Postmaster General:

(1) To establish and discontinue post offices; * * *

(9) To superintend generally the business of the department and execute all laws relative to the Postal Service.

Section 161, Revised Statutes: Which provides that the head of each department is authorized to prescribe regulations not inconsistent with law for the government of his department, conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

Section 3964, Revised Statutes: Which provides that all the waters of the United States during the time the mail is carried thereon, all railroads or parts of railroads which are now or hereafter may be in operation, all canals during the time the mail is carried thereon, all plank roads during the time the mail is carried thereon, and the country roads on which mail is carried to courthouses, etc., are all established as post roads.

Section 3965, Revised Statutes: Wherein the Postmaster General shall provide for carrying the mail on all post roads established by law as often as he, with due regard to productiveness and other circumstances, may think proper.

Section 3974, Revised Statutes: Wherein it is provided that, whenever, in the opinion of the Postmaster General, the Postal Service can not be safely continued, the revenues collected, or laws maintained on any post road, he may discontinue the service on such road or any part thereof until the same can be safely restored.

Section 4975, Revised Statutes: Which provides that the Postmaster General may, when he deems it advisable, contract for the transportation of the mails to and from any post office.

Section 3, chapter 180 (30 Stat. L., p. 355; 1 Supp., p. 246): Which provides that the Postmaster General shall, in all cases, decide upon what trains and in what manner the mails shall be conveyed.

Section 4 of the same act: Which provides that all cars or parts of cars used for the Railway Mail Service shall be of such style, length, and character, and furnished in such a manner as shall be required by the Postmaster General.

Section 4000, Revised Statutes: Which provides that every railway company carrying the mails shall carry on any train which may run over its road and without extra charge all mailable matter directed to be carried thereon with the person in charge of the same.

Section 4002 (as amended by 1 Supp., pp. 110, 187, and by the act of Mar. 2, 1907, and Oct. 4, 1910): The maximum rates to be paid to carriers for the transportation of the mails are fixed.

Section 13, act of July 12, 1876 (1 Supp., p. 110): Whereby a reduction of 20 per cent in these rates is made in the compensation of railroads enjoying Government land grants.

Section 3877, Revised Statutes: Whereby second-class mail matter is defined to embrace all matter exclusively in print and regularly issued at stated periods from a known office of publication without addition by writing, mark, or sign.

The provisions of paragraph 4 of the act of March 3, 1885 (1 Supp., 483): Whereby the rate on all such mail matter is fixed at 1 cent per pound or fraction thereof. (Even this 1 cent per pound on publications of the second class is not charged upon the distribution of one copy to each subscriber residing in the county where the same is printed.) (See sec. 26, act of Mar. 3, 1879; 1 Supp., 240.)

Section 3994, Revised Statutes: Wherein it is provided that when the amount of mail matter to be carried on any mail route is so great as to seriously retard the progress or endanger the security of the letter mail, or materially increase the cost of carriage at the ordinary rate of speed, the Postmaster General may provide for the separate carriage of the letter mail at the usual rate of speed; but the other mail matter shall not be delayed any more than is absolutely necessary, having due regard to the cost of expedition and the means at his disposal for effecting the same.

Section 3999, Revised Statutes: Wherein it is provided that if the Postmaster General is unable to contract for carrying the mail on any railway route at a compensation not exceeding the maximum rates herein provided, or for what he may deem a reasonable and fair compensation, he may separate the letter mail from the other mail and contract, either with or without advertising, for carrying such letter mail by horse express or otherwise, at the greatest speed that can reasonably be obtained, and for carrying the other mail in wagons, or otherwise, at a slower rate of speed.

Section 7, act of March 3, 1879 (1 Supp., 246): Wherein mailable matter is divided into four classes; sections 8, 14, 17, and 20 of said act define the four classes of mail matter; section 14 provides that the conditions upon which a publication shall be admitted to second-class matter are as follows:

"(1) It must regularly be issued at stated intervals and as frequently as four times a year, bearing date of issue, and be numbered consecutively.

"(2) It must be issued from a known office of publication.

"(3) It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as define printed books for preservation from periodical publications.

"(4) It must be originated and published for the dissemination of information of a public character or devoted to literature, the sciences, arts, or some special industry, and have a legitimate list of subscribers: *Provided, however,* That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes or for free circulation or for circulation at nominal rates."

From the foregoing statutes the following may clearly be deduced:

(1) That the Post Office Department is an executive branch of the Government, and the Postmaster General the head of the department.

(2) That the broadest possible discretion is vested in the Postmaster General in the management of the affairs of the Post Office Department.

(3) That substantially every highway, whether by water, by rail, or over the ordinary routes throughout the country, is a post road.

(4) That the Postmaster General is vested with power to determine over which of these post roads mail shall be carried. (Sec. 3965.)

(5) To decide upon what trains and in what manner the mails shall be conveyed (Sec. 3, 1st Supp., p. 246.)

(6) That the only limitation fixed upon him is the maximum amount of money which he shall pay to carriers for handling the mails, and the postal rates which shall be charged upon the different classes of mails.

DISCRETIONARY POWERS OF HEADS OF EXECUTIVE DEPARTMENTS.

The Supreme Court has sustained a fraud order of the Postmaster General directing the return to sender of all registered letters directed to a concern operating a plan by which a small number of members would necessarily receive a large profit at the expense of a larger number; the opinion does not, however, indicate clearly whether the court treated the Postmaster General's determination as final, or whether it was passing directly upon the question at issue. (Public Clearing House *v.* Coyne, 194 U. S., 497.)

The Supreme Court has also upheld a department order that mail directed, without a street address, to a corporate name shared by two concerns located in the same city should be delivered to the corporation having first adopted the name in question at that place; the court declined in this case "to interfere in the administration of a great department like that of the Post Office by an injunction, which directs the department how to conduct the business thereof, where the party asking for the injunction has no clear right to it." (Nat. Life Ins. Co. *v.* Nat. Life Ins. Co., 209 U. S., 317, 325; Central Trust Co. *v.* Central Trust Co., 216 U. S., 251.)

The courts will not review the determination of the Postmaster General in a doubtful case that a particular corporation is conducting a lottery; "the settlement of the question undoubtedly involved the exercise of judgment and discretion, and this very fact operates to take his duty out of the mere ministerial class, and therefore beyond the control or review of the judicial department of the Government by means of mandamus or injunction." (Enterprise Saving Association *v.* Zumstein, 67 Fed., 1000, 1006.)

"The law devolves on the Postmaster General, in the discharge of his executive functions, the duty of determining 'whether or not a corporation is engaged in fraudulent representations,' and the courts will not interfere with his action or reverse his finding where the complaining party has had a reasonable opportunity to be heard in its defense, unless the case on which the head of the department has acted is one where, upon the state of facts laid before the officer, it is legally impossible to hold that the complaining party was engaged in obtaining money through the mails by false or fraudulent representations, so that such a finding, when made, may be characterized not as an erroneous finding but rather as a mistake of law." (Missouri Drug Co. *v.* Wyman, 129 Fed., 623, 629.)

In the case of a fraud order against a person who had been acquitted on a criminal charge for the same offense, the court held that the acquittal was not res judicata; "there are many acts of executive officials which are not reviewable by the courts, and in a case of this character a preliminary injunction should not issue unless the court is clearly convinced that plaintiff will ultimately prevail." (Sanden *v.* Morgan, 225 Fed., 266, 269.)

In the case of a fraud order the court will merely inquire whether there was fraudulent or arbitrary action on the part of the Post Office Department, and whether there was an erroneous interpretation of the postal law. "It can not review his decision and substitute its judgment for his upon the questions of law and fact confided by law to his discretion." (Branaman *v.* Harris, 189 Fed., 461, 464.)

Where Congress had authorized the Secretary of Commerce and Labor to deport an alien in case he "shall be satisfied" that such alien "has been found in the United States in violation" of the immigration laws, the Supreme Court held that since there was substantial evidence on which the Secretary based his order, and "no contention that the hearing was not fairly conducted, the finding of the Secretary upon the question of fact is binding upon the courts," even though the criminal courts had acquitted the alien on the same charge. (Lewis *v.* Frick, 233 U. S., 291, 300, citing Low Wah Suey *v.* Backus, 225 U. S., 460, 468; Zakonaite *v.* Wolf, 226 U. S., 272, 275.)

SECOND-CLASS PRIVILEGES.

A.—SUPREME COURT.

The decision of the Postmaster General refusing to grant second-class privileges to a periodical of which each number was devoted to the work of one of the world's greatest musicians was upheld by the Supreme Court in the following words:

Where the decision of questions of fact is committed by Congress to the judgment and discretion of the head of a department, his decision thereon is conclusive; and even upon mixed questions of law and fact, or of law alone, his action will carry with it a strong presumption of its correctness, and the courts will not ordinarily review it, although they may have the power and will occasionally exercise the right of so doing. Upon this principle, and because we thought the question involved one of law rather than of fact, and one of great general importance, we have reviewed the action of the Postmaster General in holding serial novels to be books rather than periodicals; but it is not intended to intimate that in every case hereafter arising the question whether a certain publication shall be considered a book or a periodical shall be reviewed by this court. In such case the decision

of the Post Office Department, rendered in the exercise of a reasonable discretion, will be treated as conclusive. (Bates *v.* Payne, 194 U. S., 106, 109.)

B.—LOWER FEDERAL COURTS.

Where the Postmaster General had refused second-class privileges to a certain periodical, the court, in refusing "to compel the Postmaster General to disregard the conclusion arrived at in the discharge of his official duty and readmit the publication to the mails as second-class matter," declared: "We think it sufficient to say that from its examination in the light of the arguments addressed to it, we are not convinced that Wiener Chic is a periodical in the ordinary meaning of the term." (U. S. ex rel. Reinach *v.* Cortelyou, 28 App. D. C., 570.)

Second-class mailing privileges may not be withdrawn without a hearing on that point; it is not sufficient that there has been a hearing with respect to the number of bona fide subscriptions. A determination of the number of bona fide subscriptions is final if made after a hearing, even though "no evidence" in support of the finding is given and "it is impossible for the court to determine how the conclusions were reached by the Postmaster General and whether these conclusions are correct and supported by proper proofs; but, as Congress has seen proper to intrust this entire matter to the Postmaster General, the courts are powerless to interfere." (Lewis Publishing Co. *v.* Wyman, 152 Fed., 787, 799. In this case the court indicated the belief that the power of the Postmaster General is parallel to that of the Secretary of Labor in immigration cases.)

DISCONTINUANCE OF POST OFFICES.

By the provisions of Revised Statutes 3864, "Congress, by necessary implication, authorized the Postmaster General to discontinue any post office whenever it should appear to him to be expedient and proper; and having exercised that discretion, it is not possible to hold that the discontinuance was unlawful." (Ware *v.* United States, 4 Wall., 617, 633.)

The Review of Reviews instituted an action. I quote from Federal Reporter, volume 192, page 352 et seq.:

REVIEW OF REVIEWS CO. AGAINST HITCHCOCK ET AL.

[192 Fed., 359.]

Ward, circuit judge. This is a motion for an injunction pendente lite against the defendants, who are, respectively, the United States Postmaster General and the United States postmaster at New York City, prohibiting them from carrying into effect an order of the department dated August 25, 1911. The defendants waive all questions of jurisdiction so that the motion may be disposed of.

The order prescribes that all periodicals issued monthly, semimonthly, or at longer intervals shall be labeled with blue tags and termed "Blue-tag matter," and that the same shall go by fast mail trains to Buffalo and Pittsburgh, and from those points by fast freight trains through a territory called the "Third contract section" to distributing points therein, if destined for points west of Chicago and Cincinnati, and again by fast mail trains if for points farther west.

The average cost to the Government for the transportation of second-class mail matter is 8 cents a pound, for which it charges only 1 cent a pound. The cost for transportation to far west points is much more than 8 cents a pound. The reason for the discrimination which the order makes in the transmission of different kinds of second-class matter is that the Government finds that it costs more to transport monthly and semimonthly periodicals than it does to transport weekly and daily periodicals. The average haul of the former is 1,048 miles, of the weekly 507 miles, and of the daily 271 miles. Curtailment of expense somewhere in the service is necessary, because of the very large annual deficiency. The order is intended to proportion the cost of the service to the Government more nearly to the charge it makes. The Postmaster General estimates that by this division of second-class mail matter the Government will save this year $1,400,000, and within the next three years $3,000,000 a year. The order affects an immense number of periodicals—according to the defendants, some 1,700—published at intervals of more than a week. The complainant publishes such a monthly periodical, called the American Review of Reviews, and its grievance is that the order gives a preference to weekly periodicals competing with it, in that they arrive at destination sooner than its periodical does. It is said that the Review of Reviews will arrive at distant points in the West, not on the 1st day of the month, as intended, but five or six days later, and so its discussion of contemporary events will be proportionately stale, and it will lose subscribers.

I assume for the purpose of this motion that the complainant will suffer irreparable injury, which leaves as the only question, Is the order illegal?

It is true that certain monthly trade periodicals have been exempted from the operation of the order, as to which the defendants say that they contain current market information which the public needs as speedily as possible. It is said, further, that a few monthly magazines which do not need the same speed as the Review of Reviews are also exempted. It is not apparent why these exemptions are made; but they do not injure the complainant in any way, as the periodicals are not competitors, and I have no doubt that upon application to the department they will be withdrawn.

The Postmaster General can not exclude from the mail as second class what is in fact second-class matter. (Payne *v.* Railway Publishing Co., 20 App. D. C., 581.) Nor can he refuse to deliver mail matter to the addressee, unless expressly authorized by Congress to do so. (School of Magnetic Healing *v.* McAnnulty, 187 U. S., 94; 23 Sup. Ct., 33; 47 L. Ed., 90.) And, of course, he can not charge more than the legal rate of 1 cent per pound for carrying second-class mail. The order under consideration does neither of these things. The complainant's mail matter is carried as second class and at second-class rates. The order requiring it to be transported in the "third contract section" by fast freight, instead of fast mail, seems to me reasonable. If the Postmaster General unfairly or from an improper motive were to relax the order as to certain periodicals, which is the intimation, no court could be expected to correct this unfairness by striking a reasonable order down, and likewise it would be no ground for securing to the complainant an improper exemption that some one else had been given it. Such a preference would be a pure matter of administration, to be corrected by the President, or, if necessary, by impeachment. (Art. II, sec. 4, U. S. Constitution.) It would not be a denial of the equal protection of the laws to the complainant, in violation of the fifth amendment to the Constitution.

The motion is denied.

That is the only case exactly in point I have been able to find.

Thus, when we perceive that courts are powerless to grant relief to an editor discriminated against, through the medium of the "blue-tag" system, we should refuse further to extend the operations of a system so fraught with possibilities of harm, oppression, and injustice.

Mr. SHAFROTH. Does not the Senator recognize that the present law giving monthly magazines the privilege of sending mail matter through the mails at 1 cent a pound, when it costs the Government 5½ cents a pound, is a very great favor to them?

Mr. ASHURST. If we are going to put this controversy on the plane of saving money, let me observe that all the papers in the United States have circulation in their own county free, and I favor it. If you will abolish the free circulation in the county, you will save $700,000 a year. Is there a Senator here who will vote to abolish the county free circulation? No. Why not? Because it would destroy the ancient policy of this Government to encourage the dissemination of literature, so that we may have informed public opinion, because without an informed, enlightened public opinion the Republic is a failure. It is the historic policy of this Government from the days when Benjamin Franklin took charge of the postmastership of the Colonies, it has been our American policy to see that information was distributed, and distributed at a loss if necessary, but distributed to the people. It is better to have an informed public opinion than to have money in the Federal Treasury.

Of course, it would save money. The Army does not pay money dividends, the schools do not pay money dividends, but we have our moral, educated, learned men and women as dividends. The Navy does not pay profits, but it affords security to the country. The dividends of the Post Office are the dissemination of information among the people. It is a part of the policy of our American popular Government.

Mr. SHAFROTH. I think the Senator's statement with respect to the circulation is good, and I have always believed in giving a low rate, but it does seem to me that when we have magazines that can be delayed probably only a day or two by reason of it we ought to have some regard to economy in the determination of that question.

Mr. ASHURST. If the Senator is correct, let it apply to all classes. If it is deemed wise to increase the postal rates, let it apply to all of a class.

The publishers of the United States who have protested against the enactment of section 7 of the pending Post Office appropriation bill do not charge wrongful intent upon the part of the Post Office Department, or upon the part of those who drafted the bill. They do not believe it is the intention of the present Post Office Department or the present Postmaster General to abuse the power thus proposed to be given him. The publishers have the same confidence in his exalted character and his spirit of fairness that is so generally shared. But the publishers do believe that the lodgment of such vast power in the hands of one man—that man necessarily a member of a dominant political party and subject to the political pressure which can be brought to bear upon a man in his position—is a great injustice to the public, to the press, and to the Postmaster General as well.

They hold that no political party should lay itself open to the shadow of an intimation of a wish to enact laws that may militate against the distribution of free speech upon terms of exact equality.

Mr. President, I am going to conclude. I have already adverted to the efforts of the present Postmaster General to retrench and reduce expenditures to the lowest reasonable point, and have stated that such efforts and desires should challenge our admiration, yet, Mr. President, this is a matter more important than expense. The number of dollars that are to be counted in this question dwindle as so much worthless sand when compared to the principle here involved, and just as there are at times lawsuits that are more than lawsuits, when they become contests for the upholding and sustaining of an American principle or civil polity—just so this proposed legislation towers above the question of dollars, for it issues a challenge to the American principle of government. The issue dwarfs into insignificance the number of dollars that may be saved. I wish again to state that, in my opinion—I am not giving the figures accurately, but approximately—

the amount saved each year if all the sections of the country were put under the "blue-tag" system would approximate $1,500,000, and I repeat that the amount saved has been $5,447,879 in a little over four years. But proposed legislation sometimes challenges a governmental system, and I can readily conceive that such legislation may be proposed in the best of good faith. But we can not for any reason depart from our ancient policy of rigidly adhering to the principle that all men are equal before the law, and that if the richest and most powerful newspaper in the land is privileged to go by mail, the small, obscure, struggling daily is entitled to the same privilege. By the same token, if a monthly magazine, with a large number of subscribers, with numerous opulent advertisers, devoted to the support of a certain cause, subsidized by influential and wealthy men, is permitted to go by mail, the struggling magazine, with few advertisers, with slender means, or perhaps on the verge of bankruptcy, advocating another and different, perhaps an unpopular, cause, is entitled to the same right and privilege.

The preservation of American liberty requires ceaseless effort and vigilance on the part of the citizens. The slightest relaxation or violation of the principle of absolute equality before the law may tide us over some slight present embarrassment and in the immediate future lead to some apparent, not real, advance and gain, but in the long future the precedent will arise to vex, plague, and perplex us.

It has been, I repeat, our historic American policy to encourage by low postal rates the easy and frequent dissemination of current intelligence. The extent to which this has proved successful in our American life should never for a moment be overlooked. Many magazine and newspaper enterprises, those with limited and slender resources as well as those which occupy more fortunate situations, have been established on the faith of our policy of low postal rates and easy and equal means of distribution. In this progressive age, when thoughtful persons are taking forward steps, we should do nothing which would in any way seriously hamper the circulation upon equal facilities and terms of useful and current information.

I was talking last Tuesday with a distinguished Senator of the United States, who told me that what to him was current was probably not current to any other Senator, to wit, that in the magazines he always read the advertisements first, and secured much valuable information from them. So what may be palatable to you, sir, or what may be timely to you, would not be at all timely to me. For myself, I do not usually read the advertisements. What some other Senators read, I scarcely read; but are you going to say that because the Postmaster General thinks that a certain particular class of articles is timely they may go by mail and that because he thinks a certain article, which, perchance, may criticize his policies, is untimely, it shall go by frieght? It resolves itself to a question of human nature. There never was a man who could be an impartial judge in his own case. The speeches we deliver here we think are timely. Others may not think so. What we read with avidity we say is timely. We want more of it. Any article praising a Senator he thinks is timely. Others may not give it the respect of a passing glance. I object to having any kind of censorship set up that will delay, impede, or obstruct the distribution of literature upon equal terms. If a change in the postal rates be thought wise, let it apply to all of a particular class. If new means and methods of transportation be thought expedient, let such means be adopted as will secure, without exception, equal opportunities to all. The object of placing on second-class matter a rate much below that of any other class of mail was for the very purpose of encouraging the circulation of news and literature of educational value. We lose money on the transportation of newspapers and magazines, but our returns, compensations, and rewards are reaped in an informed public and an unshackled press.

Mr. BRYAN. Mr. President, would the Senator mind stating how much money we lose?

Mr. ASHURST. Well, I will try to give the figures.

Mr. BRYAN. I will give them to the Senator. The amount is $81,000,000 a year.

Mr. ASHURST. Very well. Will the Senator now vote to require all the magazines and all the newspapers to pay a cent a pound?

Mr. BRYAN. They do that now.

Mr. ASHURST. They circulate in the county of publication free. They do not pay anything when circulated within the county of publication.

Mr. BRYAN. The Senator need not worry about that. I have voted that way several times.

Mr. ASHURST. I know the Senator has. He is usually voting for the best interests of his country. He is a distinguished Senator. He has not only as to this measure but as to all others served the public and served his State and the country in a way and in a capacity that whatever may be his future his service here will afford him and his friends much gratification. He has here rendered valuable public service. I have finished, Mr. President.

I ask unanimous consent to include into the RECORD as an appendix an article by myself entitled—

HOW THE PEOPLE WON A FREE PRESS.

The privileges which the English-speaking people hold to be of inestimable value, to wit, suffrage—based upon patriotism and integrity instead of upon property—a free press, and freedom of religion, have not been easily acquired or easily maintained. The contest for a free and untrammeled press has been just as keen and intense as the contest for a free ballot.

In England, until the expiration of the licensing act, May 3, 1695, it was by no means certain that the publication of a newspaper was not illegal. The Court of Star Chamber delivered an opinion that it was unlawful to publish without license, and, indeed, near the close of the reign of Charles II, the judges pronounced that it was a misdemeanor at common law to publish any news of a political nature without the express approval of the licensors of the King.

Even John Milton's "Paradise Lost" narrowly escaped severe mutilation, and with difficulty obtained "leave to print" from the King's licensors.

A fair sample of the unfriendly attitude of the aristocratic classes toward the newspapers at this time is well disclosed by Sir Roger L'Estrange, who, in May, 1680, in first exercising his authority as licensor and censor of the press, and in explaining the attitude of the privileged and ruling classes, amongst other things, said:

"A newspaper makes the multitude too familiar with the actions and councils of their superiors and give them (the multitude) not only an itch but a kind of colorable right and license to be meddling with the Government."

Article I of the first amendment to the Constitution of the United States was a rampart reared for the protection of the American people against those persons who believed that republican governments were dangerous delusions, and for the security of the people against legislative, executive, and judicial usurpations, just as the Bill of Rights and the Great Charter were reared by the English people for their own protection against the encroachments of the royal prerogative.

PURPOSE TO SHIELD GOVERNMENT.

Even the Congress of the United States once passed a law—act of July 14, 1798—which declared it to be a crime to publish any false, scandalous article concerning Congress or the President, and making it unlawful to stir up sedition against the United States.

The manifest purpose of this sedition law was to shield the Federal Government from damaging criticism and, among other things, to assist in the reelection of John Adams as President by preventing any criticism of his administration. The sedition law was of a transient nature, limited to short duration, and expiration of effluxion of time on March 4, 1801.

The constitutionality of the sedition law was vigorously assailed with great ability and earnestness and was defended with equal vigor. This sedition law was impugned as being directly oppose to the letter and spirit of the Constitution of the United States and as wholly inconsistent with the rights of citizens and the liberty of the press.

It never came before the United States Supreme Court, but Mr. Vice President John C. Calhoun, writing in August, 1832, said that from the date of the formation of the Constitution, in 1787, down to 1832 only one question of a political character had been settled in the public opinion, and that that question was the unconstitutionality of the sedition law.

FREEDOM OF THE PRESS.

In some attempts to vindicate the sedition law of July 14, 1798 it was contended that the freedom of the press guaranteed by the first amendment to the Constitution of the United States was only such freedom as was guaranteed to the press by the common law of England, and that under and by the terms of this amendment to the Constitution Congress was simply prohibited from abridging the "common-law freedom" of the press.

A mere statement of this contention will at once disclose to our view its extreme danger and harmfulness, for had such a construction been adopted it would have guaranteed only a very narrow, restricted, or, rather, no freedom of the press, for, as above pointed out, the judges in England at the close of the reign of Charles II had pronounced it a misdemeanor to publish any news of a political nature without the authority of the duly appointed licensors.

It is difficult to estimate the number of prosecutions conducted under this sedition law, but sufficient it is to observe that each prosecution still further served to swell the tide of indignation against it and its authors, and the heat of popular resentment against the sedition law was undoubtedly one of the features of the campaign which promoted the triumph of Thomas Jefferson and the defeat of John Adams in 1800.

Of course, it will be remembered that "liberty of the press" does not mean that anyone is thereby licensed to print false scandals of other persons, but it simply means that all persons have the right to speak and print their opinions upon any subject whatever, without any prior restraint on or any subsequent penalty for publishing, so long as they do not injure another in his or her person, reputation, or property, and do not attempt forcibly to subvert the Government.

We in this age, who are not restrained to establish and publish a newspaper or print our sentiments therein, and who march in a phalanx on election day to the polling places, there to exercise our great American prerogative, seem to think that these rights were born with us, are inherent in us, and seemingly it never occurs to us that our patriotic ancestors gave up their liberty, shed their blood, and sacrificed their lives in order that we might enjoy these privileges. (New York American.)

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arizona.

EXECUTIVE SESSION.

Mr. BANKHEAD. Mr. President, I am advised that there are other Senators who desire to speak upon this section of the bill, and I am further advised that if the vote is taken this afternoon a demand for the yeas and nays will be made, which

evidently will disclose the absence of a quorum. I fear that we shall not be able to get a quorum during this afternoon, and therefore I am going to ask unanimous consent that the bill may be temporarily laid aside, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 31. An act for the relief of John L. Sevy;

S. 33. An act for the relief of Daniel M. Frost;

S. 1066. An act authorizing leave of absence to homestead settlers upon unsurveyed lands;

S. 1741. An act for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park;

S. 3132. An act providing for the sale of certain lands in the State of Washington, and for other purposes;

S. 3203. An act authorizing the Secretary of the Interior to sell certain lands to the city of Lemmon, S. Dak.;

S. 3344. An act to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barancas and Fort McRee Military Reservations, Fla., and for other purposes;

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo";

S. 3580. An act releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla.;

S. 3581. An act authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida;

S. 3722. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

S. 3764. An act to consolidate certain forest lands in the Florida National Forest;

S. 3928. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden;

S. 4476. An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Islands, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912;

S. 5244. An act authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with;

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota; and

S. 5777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing, maintaining, distributing, and supplying of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

HOUSE BILL REFERRED.

H. R. 14303. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of L. D. Beck, of Greenland, N. H., praying for prohibition in the Hawaiian Islands, which was referred to the Committee on Pacific Islands and Porto Rico.

He also (for Mr. GOFF) presented memorials of Rev. G. A. Stevens and 188 other citizens of Morgantown, W. Va., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also (for Mr. GOFF) presented petitions of sundry citizens of Martinsburg, W. Va., praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. WILLIAMS presented memorials of sundry citizens of Enid, Tallahatchie County, Miss., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. PHELAN presented a memorial of the California State Board of Equalization, remonstrating against the imposition of an inheritance tax, which was referred to the Committee on Finance.

He also presented the memorial of Mrs. J. B. Eiver and sundry other citizens of San Diego, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Chino, Cal., praying for an appropriation for the construction of a military road from the Atlantic to the Pacific coasts, which was referred to the Committee on Military Affairs.

Mr. MYERS. I present a resolution adopted by the women voters of Glasgow, Mont., in favor of the passage at this session of the resolution for the submission of the Susan B. Anthony constitutional amendment, which I ask may be printed in the RECORD, together with the signatures.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

RESOLUTION OF WOMEN VOTERS OF GLASGOW, MONT.

Resolved, That we, women voters of Glasgow, Valley County, Mont., assembled in conference in the city of Glasgow, on Monday, June 19, 1916, urge that the dominant party in Congress shall give the proper facilities for the passage of the Susan B. Anthony amendment before the adjournment of the present Congress. Be it further

Resolved, That a copy of this resolution be sent to the party leaders in our National Capital and to the members of the Montana delegation.

Unanimously adopted.

Mrs. JOHN M. LEWIS,	Mrs. THOS. DIGNAN,
Mrs. M. REULER,	Mrs. A. WALTER HURD,
Mrs. HENRY A. YOTTER,	Mrs. JOHN BJORSTAD,
Mrs. W. E. RHODES,	Mrs. G. W. RAPP,
Mrs. DAN MCKAY,	Mrs. ORA FRANCES MCINTYRE,

Officers for the Glasgow Branch of the Congressional Union.

Mr. PAGE presented a memorial of sundry citizens of Stratton and Jamaica, in the State of Vermont, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER (for Mr. GOFF):

A bill (S. 6442) granting an increase of pension to Charles Gilmore (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 6443) for the relief of Brooke Gwathmey Bird; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 6444) for the relief of Elijah L. Gum (with accompanying papers); to the Committee on Military Affairs.

By Mr. GRONNA:

A bill (S. 6445) to correct the military record of John M. Rock (with accompanying papers); to the Committee on Military Affairs.

By Mr. VARDAMAN:

A bill (S. 6446) to amend the act of Congress approved February 1, 1890, entitled "An act to provide certificate of honorable service to those who have served in the United States Navy or Marine Corps who have lost their certificate of discharge"; to the Committee on Naval Affairs.

By Mr. O'GORMAN:

A bill (S. 6447) to amend section 10 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, relating to immigration in the Canal Zone; to the Committee on Interoceanic Canals.

By Mr. MYERS:

A bill (S. 6448) for the relief of Wyllys A. Hedges; to the Committee on Claims.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6449) granting an increase of pension to Samuel S. Wilson; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6450) for the relief of Warren H. Twining; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 6451) authorizing the President to reinstate George Hill Carruth to the United States Military Academy as a cadet in the fourth-class year; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $100,000 for the continuation of the post-office building at New Haven, Conn., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $32,400 for nine law clerks, one each for the Chief Justice and Associate Justices of the Supreme Court, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment providing that hereafter no money appropriated shall be used for printing, binding, and blank-book work unless such work is done by the Government Printing Office, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that the sum of $500,000 shall be available for the reprinting of 1,000 extra copies of the annual report of the Superintendent of the Coast and Geodetic Survey for the fiscal year 1915, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that neither House shall authorize any matter to be printed in the CONGRESSIONAL RECORD except such as shall be spoken or read in order, unless the same shall be referred to its Committee on Printing, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment providing that no appropriation shall be expended for the services of any person whose nomination as a member of the excise board has been rejected by the Senate, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CUMMINS submitted an amendment proposing to appropriate $150,000 for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861–1865, to enable them to unite in participation of a national reunion and peace jubilee to be held within the Vicksburg National Military Park October 16, 17, 18, and 19, 1917, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PHELAN submitted an amendment proposing to appropriate $700,000 to construct and equip two steam Coast Guard cutters for service on the Pacific coast and the Alaskan waters, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MYERS submitted an amendment proposing to appropriate $290 to pay Wyllys A. Hedges, ex-receiver and special disbursing agent at the United States land office, Lewistown, Mont., on account of salary paid Joseph E. Lamb as clerk at $1,200 per annum from January 5, 1913, to March 31, 1913, inclusive, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment providing that any officer of the Navy ordered by the Secretary of the Navy as industrial manager in charge of the industrial work and activities at any navy yard or naval station shall have had a total previous service of at least seven years in the industrial work of navy yards, naval stations, or naval industrial establishments, etc., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $300,000 for remodeling the old machine shop, building No. 18, navy yard, Portsmouth, N. H., etc., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. RANSDELL submitted an amendment proposing to appropriate $50,000 toward the construction of a new quarantine station at New Orleans, La., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. WILLIAMS. I ask unanimous consent to give notice of a proposed amendment to Rule X of the Standing Rules of the Senate, amending Rule X, Special Orders, by inserting after the second paragraph of clause 2 of Rule X the following clause, to be numbered 3:

3. No Senator shall be permitted to give notice in advance that at a time named in the future he will address the Senate, and it shall be the duty of the Presiding Officer to enforce the provisions of this clause upon his own motion.

LAND IN THE DISTRICT OF COLUMBIA.

Mr. VARDAMAN (by request) submitted the following resolution (S. Res. 218), which was referred to the Committee on the District of Columbia:

Resolved, That the Commissioners of the District of Columbia be, and hereby are, directed to furnish to the Senate information as to the area, the assessed value of the ground, the assessed value of the improvements, and the yearly taxes payable on the following squares: 12; south of 12; 21, 22, 60, 61, 62, 83, 84, 87, 88, 104, 123, 124, 125, 128; north of 128; 144, 145, 146, 147, 222, 223, 251, 252, 317, 318, 326, 327, 343, 372, 373, 374, 403, 427, 452, 484; west of 484; 485; north of 516; south of 516; 517; north of 518; south of 518; 528, 529, 562, 563, 564, 567, 569, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634.

COMMITTEE SERVICE.

On motion of Mr. KERN, it was

Ordered, That Senator HENRY F. HOLLIS, of New Hampshire, and Senator HENRY F. ASHURST, of Arizona, be, and are hereby, appointed members of the Committee on Education and Labor to fill the vacancies occasioned by the resignation of Senator UNDERWOOD and the death of the late Senator Shively, of Indiana.

RURAL CREDITS—CONFERENCE REPORT (S. DOC. NO. 472).

Mr. HOLLIS. I desire to submit the conference report on the rural-credits bill. It is a unanimous report, and I ask that it be printed as a document, and also that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2986 to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment to the title of the bill, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter proposed by the House insert the following:

"That the short title of this act shall be 'the Federal farm-loan act.' Its administration shall be under the direction and control of the Federal farm-loan board hereinafter created.

"DEFINITIONS.

"SEC. 2. That wherever the term 'first mortgage' is used in this act it shall be held to include such classes of first liens on farm lands as shall be approved by the Federal farm-loan board, and the credit instruments secured thereby. The term 'farm-loan bonds' shall be held to include all bonds secured by col-

lateral deposited with a farm-loan registrar under the terms of this act; they shall be distinguished by the addition of the words 'Federal,' or 'joint stock,' as the case may be.

"FEDERAL FARM-LOAN BOARD.

"SEC. 3. That there shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this act and of all acts amendatory thereof, to be known as the Federal farm-loan bureau, under the general supervision of a Federal farm-loan board.

"Said Federal farm-loan board shall consist of five members, including the Secretary of the Treasury, who shall be a member and chairman ex officio, and four members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the four members to be appointed by the President, not more than two shall be appointed from one political party, and all four of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board; they shall receive an annual salary of $10,000 payable monthly, together with actual necessary traveling expenses.

"One of the members to be appointed by the President shall be designated by him to serve for two years, one for four years, one for six years, and one for eight years, and thereafter each member so appointed shall serve for a term of eight years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm-loan commissioner, who shall be the active executive officer of said board. Each member of the Federal farm-loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

"The first meeting of the Federal farm-loan board shall be held in Washington as soon as may be after the passage of this act, at a date and place to be fixed by the Secretary of the Treasury.

"No member of the Federal farm-loan board shall, during his continuance in office, be an officer or director of any other institution, association, or partnership engaged in banking, or in the business of making land-mortgage loans or selling land mortgages. Before entering upon his duties as a member of the Federal farm-loan board each member shall certify under oath to the President that he is eligible under this section.

"The President shall have the power, by and with the advice and consent of the Senate, to fill any vacancy occurring in the membership of the Federal farm-loan board; if such vacancy shall be filled during the recess of the Senate a commission shall be granted which shall expire at the end of the next session.

"The Federal farm-loan board shall appoint a farm-loan registrar in each land-bank district to receive applications for issues of farm-loan bonds and to perform such other services as are prescribed by this act. It shall also appoint one or more land-bank appraisers for each land-bank district and as many land-bank examiners as it shall deem necessary. Farm-loan registrars, land-bank appraisers, and land-bank examiners appointed under this section shall be public officials and shall, during their continuance in office, have no connection with or interest in any other institution, association, or partnership engaged in banking or in the business of making land-mortgage loans or selling land mortgages: *Provided*, That this limitation shall not apply to persons employed by the board temporarily to do special work.

"The salaries and expenses of the Federal farm-loan board, and of farm-loan registrars and examiners authorized under this section, shall be paid by the United States. Land-bank appraisers shall receive such compensation as the Federal farm-loan board shall fix, and shall be paid by the Federal land banks and the joint-stock land banks which they serve, in such proportion and in such manner as the Federal farm-loan board shall order.

"The Federal farm-loan board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal farm-loan board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

"Every Federal land bank shall semiannually submit to the Federal farm-loan board a schedule showing the salaries or rates of compensation paid to its officers and employees.

"The Federal farm-loan board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

"The Federal farm-loan board shall from time to time require examinations and reports of conditions of all land banks established under the provisions of this act and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act and shall prepare and publish amortization tables which shall be used by national farm-loan associations and land banks organized under this act.

"The Federal farm-loan board shall prescribe a form for the statement of condition of national farm-loan associations and land banks under its supervision, which shall be filled out quarterly by each such association or bank and transmitted to said board.

"It shall be the duty of the Federal farm-loan board to prepare from time to time bulletins setting forth the principal features of this act and through the Department of Agriculture or otherwise to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this act, instructing farmers how to organize and conduct farm-loan associations, and advising investors of the merits and advantages of farm-loan bonds; and to disseminate in its discretion information for the further instruction of farmers regarding the methods and principles of cooperative credit and organization. Said board is hereby authorized to use a reasonable portion of the organization fund provided in section thirty-three of this Act for the objects specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects.

"FEDERAL LAND BANKS.

"SEC. 4. That as soon as practicable the Federal farm-loan board shall divide the continental United States, excluding Alaska, into twelve districts, which shall be known as Federal land-bank districts, and may be designated by number. Said districts shall be apportioned with due regard to the farm loan needs of the country, but no such district shall contain a fractional part of any State. The boundaries thereof may be readjusted from time to time in the discretion of said board.

"The Federal farm-loan board shall establish in each Federal land-bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal farm-loan board, any Federal land bank may establish branches within the land-bank district.

"Each Federal land bank shall be temporarily managed by five directors appointed by the Federal farm-loan board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal farm-loan board shall fix. They shall choose from their number, by majority vote, a president, a vice president, a secretary, and a treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal farm-loan board.

"Said temporary directors shall, under their hands, forthwith make an organization certificate, which shall specifically state:

"First. The name assumed by such bank.

"Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

"Third. The amount of capital stock and the number of shares into which the same is to be divided: *Provided*, That every Federal land bank organized under this act shall by its articles of association permit an increase of its capital stock from time to time for the purpose of providing for the issue of shares to national farm-loan associations and stockholders who may secure loans through agents of Federal land banks in accordance with the provisions of this act.

"Fourth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act. The organization certificate shall be acknowledged before a judge or clerk of some court of record or notary public and shall be,

together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the farm-loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection.

"The Federal farm-loan board is authorized to direct such changes in or additions to any such organization certificate, not inconsistent with this act, as it may deem necessary or expedient.

"Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession until it is dissolved by act of Congress or under the provisions of this act.

"Third. To make contracts.

"Fourth. To sue and be sued, complain, interplead, and defend, in any court of law or equity, as fully as natural persons.

"Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them, and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure and appoint others to fill their places.

"Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal farm-loan board, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

"Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

"After the subscriptions to stock in any Federal land bank by national farm-loan associations, hereinafter authorized, shall have reached the sum of $100,000, the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section.

"The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of nine members, each holding office for three years. Six of said directors shall be known as local directors, and shall be chosen by and be representative of national farm-loan associations; and the remaining three directors shall be known as district directors, and shall be appointed by the Federal farm-loan board and represent the public interest.

"At least two months before each election the farm-loan commissioner shall notify each national farm-loan association in writing that such election is to be held, giving the number of directors to be elected for its district, and requesting each association to nominate one candidate for each director to be elected. Within 10 days of the receipt of such notice each association shall forward its nominations to said farm-loan commissioner. Said commissioner shall prepare a list of candidates for local directors, consisting of the 20 persons securing the highest number of votes from national farm-loan associations making such nominations.

"At least one month before said election said farm-loan commissioner shall mail to each national farm-loan association the list of candidates. The directors of each national farm-loan association shall cast the vote of said association for as many candidates on said list as there are vacancies to be filled, and shall forward said vote to the farm-loan commissioner within 10 days after said list of candidates is received by them. The candidates receiving the highest number of votes shall be elected as local directors. In case of a tie, the farm-loan commissioner shall determine the choice.

"The Federal farm-loan board shall designate one of the district directors to serve for three years and to act as chairman of the board of directors. It shall designate one of said directors to serve for a term of two years and one to serve for a term of one year. After the first appointments, each district director shall be appointed for a term of three years.

"At the first regular meeting of the board of directors of each Federal land bank it shall be the duty of the local directors to designate two of the local directors whose term of office shall expire in one year from the date of such meeting, two whose term of office shall expire in two years from said date, and two whose term of office shall expire in three years from said date. Thereafter every local director of a Federal land bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the board of directors shall be filled for the unexpired term in the manner provided for the original selection of such directors.

"Directors of Federal land banks shall have been for at least two years residents of the district for which they are appointed or elected, and at least one district director shall be experienced in practical farming and actually engaged at the time of his appointment in farming operations within the district. No director of a Federal land bank shall, during his continuance in office, act as an officer, director, or employee of any other institution, association, or partnership engaged in banking or in the business of making or selling land mortgage loans.

"Directors of Federal land banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal farm-loan board.

"CAPITAL STOCK OF FEDERAL LAND BANKS.

"SEC. 5. That every Federal land bank shall have, before beginning business, a subscribed capital of not less than $750,000. The Federal farm-loan board is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof.

"The capital stock of each Federal land bank shall be divided into shares of $5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

"Stock held by national farm-loan associations shall not be transferred or hypothecated, and the certificates therefor shall so state.

"Stock owned by the Government of the United States in Federal land banks shall receive no dividends, but all other stock shall share in dividend distributions without preference. Each national farm-loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it in deciding all questions at meetings of shareholders, and no other shareholder shall be permitted to vote. Stock owned by the United States shall be voted by the farm-loan commissioner, as directed by the Federal farm-loan board.

"It shall be the duty of the Federal farm-loan board, as soon as practicable after the passage of this act, to open books of subscription for the capital stock of a Federal land bank in each Federal land-bank district. If within 30 days after the opening of said books any part of the minimum capitalization of $750,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon 30 days' notice with the approval of the Federal farm-loan board; and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance as called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated. Thereafter no stock shall be issued except as hereinafter provided.

"After the subscriptions to capital stock by national farm-loan associations shall amount to $750,000 in any Federal land bank, said bank shall apply semiannually to the payment and retirement of the shares of stock which were issued to represent the subscriptions to the original capital 25 per cent of all sums thereafter subscribed to capital stock until all such original capital stock is retired at par.

"At least 25 per cent of that part of the capital of any Federal land bank for which stock is outstanding in the name of national farm-loan associations shall be held in quick assets, and may consist of cash in the vaults of said land bank, or in deposits in member banks of the Federal Reserve System, or in readily marketable securities which are approved under rules and regulations of the Federal farm-loan board: *Provided*, That not less than 5 per cent of such capital shall be invested in United States Government bonds.

"GOVERNMENT DEPOSITARIES.

"SEC. 6. That all Federal land banks and joint-stock land banks organized under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regula-

tions as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. And the Secretary of the Treasury shall require of the Federal land banks and joint-stock land banks thus designated satisfactory security, by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. No Government funds deposited under the provisions of this section shall be invested in mortgage loans or farm-loan bonds.

"NATIONAL FARM-LOAN ASSOCIATIONS.

"SEC. 7. That corporations, to be known as national farm-loan associations, may be organized by persons desiring to borrow money on farm-mortgage security under the terms of this act. Such persons shall enter into articles of association which shall specify in general terms the object for which the association is formed and the territory within which its operations are to be carried on, and which may contain any other provision, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. Said articles shall be signed by the persons uniting to form the association, and a copy thereof shall be forwarded to the Federal land bank for the district, to be filed and preserved in its office.

"Every national farm-loan association shall elect, in the manner prescribed for the election of directors of national banking associations, a board of not less than five directors, who shall hold office for the same period as directors of national banking associations. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as said board of directors shall determine. The board of directors shall elect a president, a vice president, and a loan committee of three members.

"The directors and all officers except the secretary-treasurer shall serve without compensation, unless the payment of salaries to them shall be approved by the Federal farm-loan board. All officers and directors except the secretary-treasurer shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business, and shall be shareholders of the association.

"It shall be the duty of the secretary-treasurer of every national farm-loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to pay over to borrowers all sums received for their account from the Federal land bank upon first mortgage, as in this act prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors and in accordance with the by-laws of the association. It shall be the duty of the secretary-treasurer, acting under the direction of the national farm-loan association, to collect, receipt for, and transmit to the Federal land bank payments of interest, amortization installments, or principal arising out of loans made through the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the association. He shall furnish a suitable surety bond, to be prescribed and approved by the Federal farm-loan board for the proper performance of the duties imposed upon him under this act, which shall cover prompt collection and transmission of funds. He shall make a quarterly report to the Federal farm-loan board upon forms to be provided for that purpose. Upon request from said board, said secretary-treasurer shall furnish information regarding the condition of the national farm-loan association for which he is acting and he shall carry out all duly authorized orders of said board. He shall assure himself from time to time that the loans made through the national farm-loan association, of which he is an officer, are applied to the purposes set forth in the application of the borrower as approved, and shall forthwith report to the land bank of the district any failure of any borrower to comply with the terms of his application or mortgage. He shall also ascertain and report to said bank the amount of any delinquent taxes on land mortgaged to said bank and the name of the delinquent.

"The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm-loan associations, and the salary of the secretary-treasurer, shall be paid from the general funds of the association, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of 6 per cent per annum, from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment.

"Ten or more natural persons who are the owners, or about to become the owners, of farm land qualified as security for a mortgage loan under section 12 of this act, may unite to form a national farm-loan association. They shall organize subject to the requirements and the conditions specified in this section and in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors may consist of five members only, and instead of a secretary and a treasurer there shall be a secretary-treasurer, who need not be a shareholder of the association.

"When the articles of association are forwarded to the Federal land bank of the district as provided in this section, they shall be accompanied by the written report of the loan committee as required in section 10 of this act, and by an affidavit stating that each of the subscribers is the owner, or is about to become the owner, of farm land qualified under section 12 of this act as the basis of a mortgage loan; that the loan desired by each person is not more than $10,000, nor less than $100, and that the aggregate of the desired loans is not less than $20,000; that said affidavit is accompanied by a subscription to stock in the Federal land bank equal to 5 per cent of the aggregate sum desired on mortgage loans; and that a temporary organization of said association has been formed by the election of a board of directors, a loan committee, and a secretary-treasurer who subscribes to said affidavit, giving his residence and post-office address.

"Upon receipt of such articles of association, with the accompanying affidavit and stock subscription, the directors of said Federal land bank shall send an appraiser to investigate the solvency and character of the applicants and the value of their lands, and shall then determine whether in their judgment a charter should be granted to such association. They shall forward such articles of association and the accompanying affidavit to the Federal farm-loan board with their recommendation. If said recommendation is unfavorable, the charter shall be refused.

"If said recommendation is favorable, the Federal farm-loan board shall thereupon grant a charter to the applicants therefor, designating the territory in which such association may make loans, and shall forward said charter to said applicants through said Federal land bank: *Provided*, That said Federal farm-loan board may for good cause shown in any case refuse to grant a charter.

"Upon receipt of its charter such national farm-loan association shall be authorized and empowered to receive from the Federal land bank of the district sums to be loaned to its members under the terms and conditions of this act.

"Whenever any national farm-loan association shall desire to secure for any member a loan on first mortgage from the Federal land bank of its district it shall subscribe for capital stock of said land bank to the amount of 5 per cent of such loan, such subscription to be paid in cash upon the granting of the loan by said land bank. Such capital stock shall be held by said land bank as collateral security for the payment of said loan, but said association shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may, in the discretion of the directors, and with the approval of the Federal farm-loan board, be paid off at par and retired, and it shall be so paid off and retired upon full payment of the mortgage loan.

"In such case the national farm-loan association shall pay off at par and retire the corresponding shares of its stock which were issued when said land-bank stock was issued.

"The capital stock of a Federal land bank shall not be reduced to an amount less than 5 per cent of the principal of the outstanding farm-loan bonds issued by it.

"CAPITAL STOCK OF NATIONAL FARM-LOAN ASSOCIATIONS.

"SEC. 8. That the shares in national farm-loan associations shall be of the par value of $5 each.

"Every shareholder shall be entitled to one vote on each share of stock held by him at all elections of directors and in deciding all questions at meetings of shareholders: *Provided*, That the maximum number of votes which may be cast by any one shareholder shall be 20.

"No persons but borrowers on farm-land mortgages shall be members or shareholders of national farm-loan associations. Any person desiring to borrow on farm-land mortgage through a national farm-loan association shall make application for membership and shall subscribe for shares of stock in such farm-loan association to an amount equal to 5 per cent of the

face of the desired loan, said subscription to be paid in cash upon the granting of the loan. If the application for membership is accepted and the loan is granted, the applicant shall, upon full payment therefor, become the owner of one share of capital stock in said loan association for each $100 of the face of his loan, or any major fractional part thereof. Said capital stock shall be paid off at par and retired upon full payment of said loan. Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding.

"Every national farm-loan association formed under this act shall by its articles of association provide for an increase of its capital stock from time to time for the purpose of securing additional loans for its members and providing for the issue of shares to borrowers in accordance with the provisions of this act. Such increases shall be included in the quarterly reports to the Federal farm-loan board.

"NATIONAL FARM LOAN ASSOCIATIONS—SPECIAL PROVISIONS.

"SEC. 9. That any person whose application for membership is accepted by a national farm loan association shall be entitled to borrow money on farm-land mortgage upon filing his application in accordance with section 8 and otherwise complying with the terms of this act whenever the Federal land bank of the district has funds available for that purpose, unless said land bank or the Federal farm-loan board shall, in its discretion, otherwise determine.

"Any person desiring to secure a loan through a national farm loan association under the provisions of this act may, at his option, borrow from the Federal land bank through such association the sum necessary to pay for shares of stock subscribed for by him in the national farm loan association, such sum to be made a part of the face of the loan and paid off in amortization payments: *Provided, however,* That such addition to the loan shall not be permitted to increase said loan above the limitation imposed in subsection fifth of section 12.

"Subject to rules and regulations prescribed by the Federal farm-loan board, any national farm loan association shall be entitled to retain as a commission from each interest payment on any loan indorsed by it an amount to be determined by said board not to exceed one-eighth of 1 per cent semiannually upon the unpaid principal of said loan, any amounts so retained as commissions to be deducted from dividends payable to such farm loan association by the Federal land bank, and to make application to the land bank of the district for loans not exceeding in the aggregate one-fourth of its total stock holdings in said land bank. The Federal land banks shall have power to make such loans to associations applying therefor and to charge interest at a rate not exceeding 6 per cent per annum.

"Shareholders of every national farm loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

"After a charter has been granted to a national farm-loan association, any natural person who is the owner, or about to become the owner, of farm land qualified under section 12 of this act as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of the association by a two-thirds vote of the directors upon subscribing for one share of the capital stock of such association for each $100 of the face of his proposed loan or any major fractional part thereof. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section 12 of this act.

"APPRAISAL.

"SEC. 10. That whenever an application for a mortgage loan is made to a national farm-loan association, it shall be first referred to the loan committee provided for in section 7 of this act. Said loan committee shall examine the land which is offered as security for the desired loan and shall make a detailed written report signed by all three members, giving the appraisal of said land as determined by them, and such other information as may be required by rules and regulations to be prescribed by the Federal farm-loan board. No loan shall be approved by the directors unless said loan committee agrees upon a favorable report.

"The written report of said loan committee shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

"Before any mortgage loan is made by any Federal land bank, or joint-stock land bank, it shall refer the application and written report of the loan committee to one or more of the land-bank appraisers appointed under the authority of section 3 of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

"Forms for appraisal reports for farm loan associations and land banks shall be prescribed by the Federal farm-loan board.

"Land-bank appraisers shall make such examinations and appraisals and conduct such investigations, concerning farm-loan bonds and first mortgages, as the Federal farm-loan board shall direct.

"No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors of any national farm-loan association shall appoint a substitute to act in his place in passing upon such loan.

"POWERS OF NATIONAL FARM-LOAN ASSOCIATIONS.

"SEC. 11. That every national farm-loan association shall have power:

"First. To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district.

"Second. To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section 12 of this act.

"Third. To acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business.

"Fourth. To issue certificates against deposits of current funds, bearing interest for not longer than one year, at not to exceed 4 per cent per annum after 6 days from date, convertible into farm-loan bonds when presented at the Federal land bank of the district in the amount of $25 or any multiple thereof. Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds issued by a Federal land bank or in first mortgages as defined by this act.

"RESTRICTIONS ON LOANS BASED ON FIRST MORTGAGES.

"SEC. 12. That no Federal land bank organized under this act shall make loans except upon the following terms and conditions:

"First. Said loans shall be secured by duly recorded first mortgages on farm land within the land-bank district in which the bank is situated.

"Second. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan, at a rate not exceeding the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits at a rate not exceeding 1 per cent per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than 5 years nor more than 40 years: *Provided,* That after 5 years from the date upon which a loan is made additional payments in sums of $25 or any multiple thereof for the reduction of the principal, or the payment of the entire principal, may be made on any regular installment date under the rules and regulations of the Federal farm-loan board: *And provided further,* That before the first issue of farm-loan bonds by any land bank the interest rate on mortgages may be determined in the discretion of said land bank subject to the provisions and limitations of this act.

"Third. No loan on mortgage shall be made under this act at a rate of interest exceeding 6 per cent per annum, exclusive of amortization payments.

"Fourth. Such loans may be made for the following purposes and for no other:

"(a) To provide for the purchase of land for agricultural uses.

"(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm; the term 'equipment' to be defined by the Federal farm-loan board.

"(c) To provide buildings and for the improvement of farm lands; the term 'improvement' to be defined by the Federal farm-loan board.

"(d) To liquidate indebtedness of the owner of the land mortgaged, existing at the time of the organization of the first national farm-loan association established in or for the county in which the land mortgaged is situated, or indebtedness subsequently incurred for purposes mentioned in this section.

"Fifth. No such loan shall exceed 50 per cent of the value of the land mortgaged and 20 per cent of the value of the permanent, insured improvements thereon, said value to be ascertained by appraisal, as provided in section 10 of this act. In making said appraisal the value of the land for agricultural purposes shall be the basis of appraisal and the earning power of said land shall be a principal factor.

"A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

"Sixth. No such loan shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land, the Federal land bank may permit said mortgage and the stock interests of the vendor to be assumed by the purchaser. In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within 60 days of such death, to assume the mortgage and stock interests of the deceased.

"Seventh. The amount of loans to any one borrower shall in no case exceed a maximum of $10,000, nor shall any loan be for a less sum than $100.

"Eighth. Every applicant for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the Federal farm-loan board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

"Ninth. Every borrower shall pay simple interest on defaulted payments at the rate of 8 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, liens, judgments, or assessments which may be lawfully assessed against the land mortgaged. Taxes, liens, judgments, or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of 8 per cent per annum. Every borrower shall undertake to keep insured to the satisfaction of the Federal farm-loan board all buildings the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at time of loss, and, at the option of the mortgagor and subject to general regulations of the Federal farm-loan board, sums so received may be used to pay for reconstruction of the buildings destroyed.

"Tenth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal farm-loan board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, become due and payable forthwith: *Provided*, That the borrower may use part of said loan to pay for his stock in the farm-loan association, and the land bank holding such mortgage may permit said loan to be used for any purpose specified in subsection fourth of this section.

"Eleventh. That no loan or the mortgage securing same shall be impaired or invalidated by reason of the exercise of any power by any Federal land bank or national farm-loan association in excess of the powers herein granted or any limitations thereon.

"Funds transmitted to farm-loan associations by Federal land banks to be loaned to its members shall be in current funds, or farm-loan bonds, at the option of the borrower.

"POWERS OF FEDERAL LAND BANKS.

"SEC. 13. That every Federal land bank shall have power, subject to the limitations and requirements of this act—

"First. To issue, subject to the approval of the Federal farm-loan board, and to sell farm-loan bonds of the kinds authorized in this act, to buy the same for its own account, and to retire the same at or before maturity.

"Second. To invest such funds as may be in its possession in the purchase of qualified first mortgages on farm lands situated within the Federal land-bank district within which it is organized or for which it is acting.

"Third. To receive and to deposit in trust with the farm-loan registrar for the district, to be by him held as collateral security for farm-loan bonds, first mortgages upon farm land qualified under section 12 of this act, and to empower national farm-loan associations, or duly authorized agents, to collect and immediately pay over to said land banks the dues, interest, amortization installments, and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby.

"Fourth. To acquire and dispose of—

"(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

"(b) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it, for a longer period than five years, except with the special approval of the Federal farm-loan board in writing.

"Fifth. To deposit its securities, and its current funds subject to check, with any member bank of the Federal Reserve System, and to receive interest on the same as may be agreed.

"Sixth. To accept deposits of securities or of current funds from national farm-loan associations holding its shares, but to pay no interest on such deposits.

"Seventh. To borrow money, to give security therefor, and to pay interest thereon.

"Eighth. To buy and sell United States bonds.

"Ninth. To charge applicants for loans and borrowers, under rules and regulations promulgated by the Federal farm-loan board, reasonable fees not exceeding the actual cost of appraisal and determination of title. Legal fees and recording charges imposed by law in the State where the land to be mortgaged is located may also be included in the preliminary costs of negotiating mortgage loans. The borrower may pay such fees and charges or he may arrange with the Federal land bank making the loan to advance the same, in which case said expenses shall be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the limitations provided in section 12.

"RESTRICTIONS ON FEDERAL LAND BANKS.

"SEC. 14. That no Federal land bank shall have power—

"First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this act.

"Second. To loan on first mortgage except through national farm-loan associations as provided in section 7 and section 8 of this act, or through agents as provided in section 15.

"Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section 12 of this act, and those taken as additional security for existing loans.

"Fourth. To issue or obligate itself for outstanding farm-loan bonds in excess of twenty times the amount of its capital and surplus, or to receive from any national farm-loan association additional mortgages when the principal remaining unpaid upon mortgages already received from such association shall exceed twenty times the amount of its capital stock owned by such association.

"Fifth. To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act.

"AGENTS OF FEDERAL LAND BANKS.

"SEC. 15. That whenever, after this act shall have been in effect one year, it shall appear to the Federal farm-loan board that national farm-loan associations have not been formed, and are not likely to be formed, in any locality, because of peculiar local conditions, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board.

"Such loans shall be subject to the same conditions and restrictions as if the same were made through national farm-loan associations, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

"No agent other than a duly incorporated bank, trust company, mortgage company, or savings institution, chartered by the State in which it has its principal office, shall be employed under the provisions of this section.

"Federal land banks may pay to such agents the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers; and in addition may allow said agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan, such commission to be deducted from dividends payable to the borrower on his stock in the Federal land bank.

"Actual expenses paid to agents under the provisions of this section shall be added to the face of the loan and paid off in amortization payments subject to the limitations provided in subsection 9 of section 13 of this act.

"Said agents, when required by the Federal land banks, shall collect and forward to such banks without charge all interest and amortization payments on loans indorsed by them.

"Any agent negotiating any such loan shall indorse the same and become liable for the payment thereof, and for any default by the mortgagor, on the same terms and under the same penalties as if the loan had been originally made by said agent as principal and sold by said agent to said land bank, but the aggregate of the unpaid principal of mortgage loans received from any such agent shall not exceed ten times its capital and surplus.

"If at any time the district represented by any agent under the provisions of this section shall, in the judgment of the Federal farm-loan board, be adequately served by national farm-loan associations, no further loans shall be negotiated therein by agents under this section.

"JOINT-STOCK LAND BANKS.

"SEC. 16. That corporations, to be known as joint-stock land banks, for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds, may be formed by any number of natural persons not less than 10. They shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every joint-stock land bank shall consist of not less than five members.

"Shareholders of every joint-stock land bank organized under this act shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

"Except as otherwise provided, joint-stock land banks shall have the powers of, and be subject to all the restrictions and conditions imposed on, Federal land banks by this act, so far as such restrictions and conditions are applicable: *Provided, however*, That the Government of the United States shall not purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations.

"No joint-stock land bank shall have power to issue or obligate itself for outstanding farm-loan bonds in excess of 15 times the amount of its capital and surplus or to receive deposits or to transact any banking or other business not expressly authorized by the provisions of this act.

"No joint-stock land bank shall be authorized to do business until capital stock to the amount of at least $250,000 has been subscribed, one-half thereof paid in cash and the balance subject to call by the board of directors, and a charter has been issued to it by the Federal farm-loan board.

"No joint-stock land bank shall issue any bonds until after the capital stock is entirely paid up.

"Farm-loan bonds issued by joint-stock land banks shall be so engraved as to be readily distinguished in form and color from farm loan bonds issued by Federal land banks, and shall otherwise bear such distinguishing marks as the Federal farm-loan board shall direct.

"Joint-stock land banks shall not be subject to the provisions of subsection (b) of section 17 of this act as to interest rates on mortgage loans or farm loan bonds, nor to the provisions of subsections 1, 4, 6, 7, and 10 of section 12 as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made which are not secured by first mortgages on farm lands within the State in which such joint-stock land bank has its principal office, or within some one State contiguous to such State. Such joint-stock land banks shall be subject to all other restrictions on mortgage loans imposed on Federal land banks in section 12 of this act.

"Joint-stock land banks shall in no case charge a rate of interest on farm loans exceeding by more than 1 per cent the rate of interest established for the last series of farm loan bonds issued by them.

"Joint-stock land banks shall in no case demand or receive under any form or pretense any commission or charge not specifically authorized in this act.

"Each joint-stock land bank organized under this act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this act. Such bonds shall be in form prescribed by the Federal farm-loan board, and it shall be stated in such bonds that such bank is organized under section 16 of this act, is under Federal supervision, and operates under the provisions of this act.

"POWERS OF FEDERAL FARM-LOAN BOARD.

"SEC. 17. That the Federal farm-loan board shall have power—

"(a) To organize and charter Federal land banks, and to charter national farm-loan associations and joint-stock land banks subject to the provisions of this act and in its discretion to authorize them to increase their capital stock.

"(b) To review and alter at its discretion the rate of interest to be charged by Federal land banks for loans made by them under the provisions of this act, said rates to be uniform so far as practicable.

"(c) To grant or refuse to Federal land banks or joint-stock land banks authority to make any specific issue of farm-loan bonds.

"(d) To make rules and regulations respecting the charges made to borrowers on loans under this act for expenses in appraisal, determination of title, and recording.

"(e) To require reports and statements of condition and to make examinations of all banks or associations doing business under the provisions of this act.

"(f) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sums of all surety bonds required under this act, and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

"(g) To require Federal land banks to pay forthwith to any Federal land bank their equitable proportion of any sums advanced by said land bank to pay the coupons of any other land bank, basing said required payments on the amounts of farm-loan bonds issued by each land bank and actually outstanding at the time of such requirement.

"(h) To suspend or to remove for cause any district director or any registrar, appraiser, examiner, or other official appointed by said board under authority of section 3 of this act, the cause of such suspension or removal to be communicated forthwith in writing by the Federal farm-loan board to the person suspended or removed, and in case of a district director to the proper Federal land bank.

"(i) To exercise general supervisory authority over the Federal land banks, the national farm-loan associations, and the joint-stock land banks herein provided for.

"(j) To exercise such incidental powers as shall be necessary or requisite to fulfill its duties and carry out the purposes of this act.

"APPLICATIONS FOR FARM-LOAN BONDS.

"SEC. 18. That any Federal land bank, or joint-stock land bank, which shall have voted to issue farm-loan bonds under this act, shall make written application to the Federal farm-loan board, through the farm-loan registrar of the district, for approval of such issue. With said application said land bank shall tender to said farm-loan registrar as collateral security first mortgages on farm lands qualified under the provisions of section 12, section 15, or section 16 of this act, or United States Government bonds, not less in aggregate amount than the sum of the bonds proposed to be issued. Said bank shall furnish with such mortgages a schedule containing a description thereof and such further information as may be prescribed by the Federal farm-loan board.

"Upon receipt of such application said farm-loan registrar shall verify said schedule and shall transmit said application and said schedule to the Federal farm-loan board, giving such further information pertaining thereto as he may possess. The Federal farm-loan board shall forthwith cause to be made such investigation and appraisement of the securities tendered as it shall deem wise, and it shall grant in whole or in part, or reject entirely, such application.

"The Federal farm-loan board shall promptly transmit its decision as to any issue of farm-loan bonds to the land bank applying for the same and to the farm-loan registrar of the district. Said registrar shall furnish, in writing, such information regarding any issue of farm-loan bonds as the Federal farm-loan board may at any time require.

"No issue of farm-loan bonds shall be authorized unless the Federal farm-loan board shall approve such issue in writing.

"ISSUE OF FARM-LOAN BONDS.

"SEC. 19. That whenever any farm-loan registrar shall receive from the Federal farm-loan board notice that it has approved any issue of farm-loan bonds under the provisions of section 18 he shall forthwith take such steps as may be necessary, in accordance with the provisions of this act, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor.

"Whenever the Federal farm-loan board shall reject entirely any application for an issue of farm-loan bonds, the first mortgages and bonds tendered to the farm-loan registrar as collateral security therefor shall be forthwith returned to said land bank by him.

"Whenever the Federal farm-loan board shall approve an issue of farm-loan bonds, the farm-loan registrar having the custody of the first mortgages and bonds tendered as collateral security for such issue of bonds shall retain in his custody those first mortgages and bonds which are to be held as collateral security, and shall return to the bank owning the same any of said mortgages and bonds which are not to be held by him as collateral security. The land bank which is to issue said farm-loan bonds shall transfer to said registrar, by assignment, in trust, all first mortgages and bonds which are to be held by said registrar as collateral security, said assignment providing for the right of redemption at any time by payment as provided in this act and reserving the right of substitution of other mortgages qualified under sections 12, 15, and 16 of this act. Said mortgages and bonds shall be deposited in such deposit vault or bank as the Federal farm-loan board shall approve, subject to the control of said registrar and in his name as trustee for the bank issuing the farm-loan bonds and for the prospective holders of said farm-loan bonds.

"No mortgage shall be accepted by a farm-loan registrar from a land bank as part of an offering to secure an issue of farm-loan bonds, either originally or by substitution, except first mortgages made subject to the conditions prescribed in said sections 12, 15, and 16.

"It shall be the duty of each farm-loan registrar to see that the farm-loan bonds delivered to him and outstanding do not exceed the amount of collateral security pledged therefor. Such registrar may, in his discretion, temporarily accept, in place of mortgages withdrawn, United States Government bonds or cash.

"The Federal farm-loan board may at any time call upon any land bank for additional security to protect the bonds issued by it.

"FORM OF FARM-LOAN BONDS.

"SEC. 20. That bonds provided for in this act shall be issued in denominations of $25, $50, $100, $500, and $1,000; they shall run for specified minimum and maximum periods, subject to payment and retirement, at the option of the land bank, at any time after five years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and terms to be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 5 per cent per annum.

"The Federal farm-loan board shall prescribe rules and regulations concerning the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

"Farm-loan bonds shall be delivered through the registrar of the district to the bank applying for the same.

"In order to furnish farm-loan bonds for delivery at the Federal land banks and joint-stock land banks, the Secretary of the Treasury is hereby authorized to prepare suitable bonds in such form, subject to the provisions of this act, as the Federal farm-loan board may approve, such bonds when prepared to be held in the Treasury subject to delivery upon order of the Federal farm-loan board. The engraved plates, dies, bed-pieces, etc., executed in connection therewith shall remain in the custody of the Secretary of the Treasury. Any expenses incurred in the preparation, custody, and delivery of such farm-loan bonds shall be paid by the Secretary of the Treasury from any funds in the Treasury not otherwise appropriated: *Provided, however*, That the Secretary shall be reimbursed for such expenditures by the Federal farm-loan board through assessment upon the farm-land banks in proportion to the work executed. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal farm-loan board.

"SPECIAL PROVISIONS OF FARM-LOAN BONDS.

"SEC. 21. That each land bank shall be bound in all respects by the acts of its officers in signing and issuing farm-loan bonds, and by the acts of the Federal farm-loan board in authorizing their issue.

"Every Federal land bank issuing farm-loan bonds shall be primarily liable therefor, and shall also be liable, upon presentation of farm-loan bond coupons, for interest payments due upon any farm-loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm-loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed by the Federal farm-loan board against solvent land banks liable therefor in proportion to the amount of farm-loan bonds which each may have outstanding at the time of such assessment.

"Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm-loan bonds as provided in this section.

"Every farm-loan bond issued by a Federal land bank shall be signed by its president and attested by its secretary, and shall contain in the face thereof a certificate signed by the farm-loan commissioner to the effect that it is issued under the authority of the Federal farm-loan act, has the approval in form and issue of the Federal farm-loan board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of United States Government bonds, or indorsed first mortgages on farm lands, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond.

"APPLICATION OF AMORTIZATION AND INTEREST PAYMENTS.

"SEC. 22. That whenever any Federal land bank, or joint stock land bank, shall receive any interest, amortization, or other payments upon any first mortgage or bond pledged as collateral security for the issue of farm loan bonds, it shall forthwith notify the farm loan registrar of the items so received. Said registrar shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit. Whenever any such mortgage is paid in full, said registrar shall cause the same to be canceled and delivered to the proper land bank, which shall promptly satisfy and discharge the lien of record, and transmit such canceled mortgage to the original maker thereof, or his heirs, administrators, executors, or assigns.

"Upon written application by any Federal land bank, or joint stock land bank, to the farm loan registrar, it may be permitted, in the discretion of said registrar, to withdraw any mortgages or bonds pledged as collateral security under this act, and to substitute therefor other similar mortgages or United States Government bonds not less in amount than the mortgages or bonds desired to be withdrawn.

"Whenever any farm loan bonds, or coupons, or interest payments of such bonds, are due under their terms, they shall be payable at the land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal Farm Loan Board, payment of any farm loan bond or coupon or interest payment may, however, be authorized to be made at any Federal land bank, any joint stock land bank, or any other bank, under rules and regulations to be prescribed by the Federal Farm Loan Board.

"When any land bank shall surrender to the proper farm-loan registrar any farm-loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm-loan bonds to an amount equal to the farm-loan bonds so surrendered, and it shall be the duty of said registrar to permit and direct the delivery of such mortgages and bonds to such land bank.

"Interest payments on hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm-loan bonds as they become due.

"Whenever any bond matures, or the interest on any registered bond is due, or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this act, the full face value thereof shall be paid to the holder.

"Amortization and other payments on the principal of first mortgages held by a farm-loan registrar as collateral security for the issue of farm-loan bonds shall constitute a trust fund in the hands of the Federal land bank or joint-stock land bank receiving the same and shall be applied or employed as follows:

"In the case of a Federal land bank—

"(a) To pay off farm-loan bonds issued by said bank as they mature.

"(b) To purchase at or below par farm-loan bonds issued by said bank or by any other Federal land bank.

"(c) To loan on first mortgages on farm lands within the land-bank district, qualified under this act as collateral security for an issue of farm-loan bonds.

"(d) To purchase United States Government bonds.

"In the case of a joint-stock land bank—

"(a) To pay off farm-loan bonds issued by said bank as they mature.

"(b) To purchase at or below par farm-loan bonds.

"(c) To loan on first mortgages qualified under section 16 of this act.

"(d) To purchase United States Government bonds.

"The farm-loan bonds, first mortgages, United States Government bonds, or cash constituting the trust fund aforesaid, shall be forthwith deposited with the farm-loan registrar as substituted collateral security in place of the sums paid on the principal of indorsed mortgages held by him in trust.

"Every Federal land bank, or joint stock land bank, shall notify the farm-loan registrar of the disposition of all payments made on the principal of mortgages held as collateral security for an issue of farm-loan bonds, and said registrar is authorized, at his discretion, to order any of such payments, or the proceeds thereof, wherever deposited or however invested, to be immediately transferred to his account as trustee aforesaid.

"RESERVES AND DIVIDENDS OF LAND BANKS.

"SEC. 23. That every Federal land bank, and every joint-stock land bank, shall semiannually carry to reserve account 25 per cent of its net earnings until said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired, said balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached the sum of 20 per cent of the outstanding capital stock, 5 per cent of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments, or principal on any first mortgage, by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

"After deducting the 25 per cent or the 5 per cent hereinbefore directed to be deducted for credit to reserve account, any Federal land bank or joint-stock land bank may declare a dividend to shareholders of the whole or any part of the balance of its net earnings. The reserves of land banks shall be invested in accordance with rules and regulations to be prescribed by the Federal farm-loan board.

"RESERVE AND DIVIDENDS OF NATIONAL FARM-LOAN ASSOCIATIONS.

"SEC. 24. That every national farm-loan association shall, out of its net earnings, semiannually carry to reserve account a sum not less than 10 per cent of such net earnings until said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of said association.

"Whenever said reserve shall have been impaired, said credit balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached said sum of 20 per cent, 2 per cent of the net earnings shall be annually added thereto.

"After deducting the 10 per cent or the 2 per cent hereinbefore directed to be credited to reserve account, said association may, at its discretion, declare a dividend to shareholders of the whole or any part of the balance of said net earnings.

"The reserves of farm-loan associations shall be invested in accordance with rules and regulations to be prescribed by the Federal farm-loan board.

"Whenever any farm-loan association shall be voluntarily liquidated a sum equal to its reserve account as herein required shall be paid to and become the property of the Federal land bank in which such loan association may be a shareholder.

"DEFAULTED LOANS.

"SEC. 25. That if there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this act, the national farm-loan association or agent through which said mortgage was received by said Federal land bank shall be notified of said default. Said association or agent may thereupon be required, within 30 days after such notice, to make good said default, either by payment of the amount unpaid thereon in cash, or by the substitution of an equal amount of farm-loan bonds issued by said land bank, with all unmatured coupons attached.

"EXEMPTION FROM TAXATION.

"SEC. 26. That every Federal land bank and every national farm-loan association, including the capital and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

"Nothing herein shall prevent the shares in any joint-stock land bank from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the bank is located; but such assessment and taxation shall be in manner and subject to the conditions and limitations contained in section 5219 of the Revised Statutes with reference to the shares of national banking associations.

"Nothing herein shall be construed to exempt the real property of Federal and joint-stock land banks and national farm-loan associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed.

"INVESTMENT IN FARM-LOAN BONDS.

"SEC. 27. That farm-loan bonds issued under the provisions of this act by Federal land banks or joint-stock land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

"Any member bank of the Federal Reserve System may buy and sell farm-loan bonds issued under the authority of this act.

"Any Federal reserve bank may buy and sell farm-loan bonds issued under this act to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under subsection (b) of section 14 of the Federal reserve act approved December 23, 1913.

"EXAMINATIONS.

"SEC. 28. That the Federal farm-loan board shall appoint as many land-bank examiners as in its judgment may be required to make careful examinations of the banks and associations permitted to do business under this act.

"Said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national bank examiners under the national bank act, the Federal reserve act, and other provisions of law. Whenever directed by the Federal farm-loan board, said examiners shall examine the condition of any national farm-loan association and report the same to the farm-loan commissioner. They shall examine and report the condition of every Federal land bank and joint-stock land bank at least twice each year.

"Said examiners shall receive salaries to be fixed by the Federal farm-loan board.

"DISSOLUTION AND APPOINTMENT OF RECEIVERS.

"SEC. 29. That upon receiving satisfactory evidence that any national farm-loan association has failed to meet its outstanding obligations of any description the Federal farm-loan board may forthwith declare such association insolvent and appoint a receiver and require of him such bond and security as it deems proper: *Provided*, That no national farm loan association shall be declared insolvent by said board until the total amount of defaults of current interest and amortization installments on loans indorsed by national farm-loan associations shall amount to at least $150,000 in the Federal land bank district, unless such association shall have been in default for a period of two years. Such receiver, under the direction of the Federal farm-loan board, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, with the approval of the Federal farm-loan board, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association, on such terms as the Federal farm-loan board or said court shall direct.

"Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the Federal farm-loan board, and also make report to said board of all his acts and proceedings. The Secretary of the Treasury shall have authority to deposit at interest any money so received.

"Upon default of any obligation, Federal land banks and joint-stock land banks may be declared insolvent and placed in the hands of a receiver by the Federal farm-loan board, and proceedings shall thereupon be had in accordance with the

provisions of this section regarding national farm-loan associations.

"If any national farm-loan association shall be declared insolvent and a receiver shall be appointed therefor by the Federal farm-loan board, the stock held by it in the Federal land bank of its district shall be canceled without impairment of its liability, and all payments on such stock, with accrued dividends, if any, since the date of the last dividend shall be first applied to all debts of the insolvent farm-loan association to the Federal land bank and the balance, if any, shall be paid to the receiver of said farm-loan association: *Provided*, That in estimating said debts contingent liabilities incurred by national farm-loan associations under the provisions of this act on account of default of principal or interest of indorsed mortgages shall be estimated and included as a debt, and said contingent liabilities shall be determined by agreement between the receiver and the Federal land bank of the district, subject to the approval of the Federal farm-loan board, and if said receiver and said land bank can not agree, then by the decision of the farm-loan commissioner, and the amount thus ascertained shall be deducted in accordance with the provisions of this section from the amount otherwise due the said national farm-loan association for said canceled stock. Whenever the capital stock of a Federal land bank shall be reduced, the board of directors shall cause to be executed a certificate to the Federal farm-loan board, showing such reduction of capital stock, and, if said reduction shall be due to the insolvency of a national farm-loan association, the amount repaid to such association.

No national farm-loan association, Federal land bank, or joint-stock land bank shall go into voluntary liquidation without the written consent of the Federal farm-loan board, but national farm-loan associations may consolidate under rules and regulations promulgated by the Federal farm-loan board.

"STATE LEGISLATION.

"SEC. 30. That it shall be the duty of the farm-loan commissioner to make examination of the laws of every State of the United States and to inform the Federal farm-loan board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages.

"Pending the making of such examination in the case of any State, any Federal farm-loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm-loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, said Federal farm-loan board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon said farm-loan commission may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

"At the request of the executive of any State the Federal farm-loan board shall prepare a statement setting forth in what respects the requirements of said board can not be complied with under the existing laws of such State.

"PENALTIES.

"SEC. 31. That any applicant for a loan under this act who shall knowingly make any false statement in his application for such loan, and any member of a loan committee or any appraiser provided for in this act who shall willfully overvalue any land offered as security for loans under this act, shall be punished by a fine of not exceeding $5,000, or by imprisonment not exceeding one year, or both. Any examiner appointed under this act who shall accept a loan or gratuity from any land bank or national farm-loan association examined by him, or from any person connected with any such bank or association in any capacity, shall be punished by a fine of not exceeding $5,000, or by imprisonment not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this act. No examiner, while holding such office, shall perform any other service for compensation for any bank or banking or loan association, or for any person connected therewith in any capacity.

"Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by any land bank or national farm-loan association, now or hereafter authorized and acting under the laws of the United States; or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by any such bank or association, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issued, or purporting to have been issued by any such bank or association, knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.

"Other than the usual salary or director's fee paid to any officer, director, or employee of a national farm-loan association, a Federal land bank, or a joint-stock land bank, and other than a reasonable fee paid by such association or bank to any officer, director, attorney, or employee for services rendered, no officer, director, attorney, or employee of an association or bank organized under this act shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No land bank or national farm-loan association organized under this act shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a national farm-loan association or land bank without first having obtained express permission in writing from the farm-loan commissioner or from the board of directors of such association or bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this paragraph shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.

"Any person connected in any capacity with any national farm-loan association, Federal land bank, or joint-stock land bank who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits thereof, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree thereof, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a national farm-loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.

"Any person who shall deceive, defraud, or impose upon, or who shall attempt to deceive, defraud, or impose upon, any person, firm, or corporation by making any false pretense or representation regarding the character, issue, security, or terms of any farm-loan bond, or coupon, issued under the terms of this act; or by falsely pretending or representing that any farm-loan bond, or coupon, issued under the terms of this act by one class of land banks is a farm-loan bond, or coupon, issued by another class or banks; or by falsely pretending or representing that any farm-loan bond, or coupon, issued under the terms of this act, or anything contained in said farm-loan bond, or coupon, is anything other than, or different from, what it purports to be on the face of said bond or coupon, shall be fined not exceeding $500 or imprisoned not exceeding one year, or both.

"The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction, any person or persons violating any of the provisions of this section.

"GOVERNMENT DEPOSITS.

"SEC. 32. That the Secretary of the Treasury is authorized, in his discretion, upon the request of the Federal farm-loan board, to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise ap-

propriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by farm-loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $6,000,000 at any one time.

"ORGANIZATION EXPENSES.

"SEC. 33. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal farm-loan board, for the purpose of carrying into effect the provisions of this act, including the rent and equipment of necessary offices.

"LIMITATION OF COURT DECISIONS.

"SEC. 34. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"REPEALING CLAUSE.

"SEC. 35. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

ROBERT L. OWEN,
HENRY F. HOLLIS,
DUNCAN U. FLETCHER,
KNUTE NELSON,
ASLE J. GRONNA,
Managers on the part of the Senate.

CARTER GLASS,
M. F. PHELAN,
RALPH W. MOSS,
E. A. HAYES,
EDMUND PLATT,
Managers on the part of the House.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 242. Joint resolution to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

Mr. BANKHEAD. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m. Friday, June 23, 1916) the Senate adjourned until to-morrow, Saturday, June 24, 1916, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate Friday, June 23 (legislative day of June 22), 1916.

POSTMASTERS.

ILLINOIS.

W. C. F. Albrecht, Dundee.
John H. Daley, Tampico.
William H. Meyer, Lombard.

MARYLAND.

Alcenus E. Cooper, Denton.
Raymond L. Westerfield, Port Deposit.

MICHIGAN.

Walter G. Fogel, Pittsford.
C. W. Hartwell, Reading.
Henry J. Lynch, Mayville.
G. D. Mason, Montague.
Earl Q. Stanley, Alden.

MISSOURI.

Thomas F. Donaldson, Kennett.
John C. Frazier, North Kansas City.
Ernest W. Jewett, Shelbina.
A. J. McKinney, Cabool.
Ancil Milam, Macon.
Anthony Thoreson, Concordia.

NEW JERSEY.

Francis F. Hummel, Dover.

TENNESSEE.

Clarence A. Templeton, Jellico.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 23, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father in heaven, arouse all the latent powers within us for good, that they may crowd out the evil tendencies of our being and fit us for the work Thou hast called us to do, that with clear minds, honest hearts, and earnest efforts we may meet all the requirements and thus grow intellectually, morally, spiritually into the life eternal under the spiritual leadership of the world's Great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1062. An act relating to the duties of registers of the United States land offices and the publication in newspapers of official land-office notices;

S. 6242. An act authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia;

S. 3699. An act to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot; and

S. 5900. An act providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington.

The message also announced that the Senate had passed the following concurrent resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring). That the statue of Zebulon Baird Vance, presented by the State of North Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State of North Carolina for the contribution of the statue of one of its most eminent citizens, illustrious for the high purpose of his life, and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of North Carolina.

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zebulon Baird Vance presented by the State of North Carolina, 16,500 copies, with suitable illustration, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of North Carolina.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 136) for the relief of Eva M. Bowman, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ASHURST, Mr. LANE, and Mr. CLAPP as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3699. An act to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot; to the Committee on the Public Lands.

S. 1062. An act relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices; to the Committee on the Public Lands.

S. 6242. An act authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia; to the Committee on Interstate and Foreign Commerce.

S. 5900. An act providing for the disposal of certain lands in block 69 in the city of Port Angeles, State of Washington; to the Committee on the Public Lands.

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring), That the statue of Zebulon Baird Vance, presented by the State of North Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State of North Carolina for the contribution of the statue of one of its most eminent citizens, illustrious for the high purpose of his life, and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of North Carolina—

to the Committee on the Library.

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zebulon Baird Vance presented by the State of North Carolina, 16,500 copies, with suitable illustration, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of North Carolina—

to the Committee on Printing.

AUTHORIZING THE PRESIDENT TO DRAFT THE NATIONAL GUARD AND ORGANIZED MILITIA, ETC.

Mr. HAY. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of House joint resolution 242 and to consider the same in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Virginia asks unanimous consent to discharge the Committee on Military Affairs from the further consideration of joint resolution 242 and that the same be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I would like to inquire whether any time would be given to a discussion of this question of the validity of the law authorizing the militia to go outside of the United States? I understand that the department is proceeding upon the theory that because of an opinion of the Attorney General in 1912 the law which was enacted by Congress and signed by the President of the United States was not constitutional, and it is the first time I ever knew that an ex parte opinion of the department was sufficient to overrule a law solemnly enacted by Congress, and to nullify it as unconstitutional. I would like to be heard upon that question at some time.

Mr. HAY. Mr. Speaker, I would say to the gentleman from Minnesota that that is not the question involved in the consideration of this resolution. Under the Army reorganization act recently passed that act provided that in time of war the Congress would authorize the President of the United States to draft the Organized Militia. Now, this resolution proposes to give him that power in time of emergency, and it has no reference whatever to the constitutional question involved in the law to which the gentleman has called attention.

Mr. STEENERSON. I have seen reference to this resolution in the newspapers. I have not read the record of it and I have not seen the resolution, but it occurred to me from reports concerning the authority of the Government to send the militia outside of the United States that——

Mr. HAY. It is a question of draft; it is not a question of whether or not we can send them out of the bounds of the United States.

Mr. STEENERSON. Would there be any opportunity for discussing the question?

Mr. HAY. Certainly; under the five-minute rule the gentleman will have opportunity.

Mr. STEENERSON. Well, Mr. Speaker, I withdraw objection.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That whenever in his opinion an emergency exists which demands the use of troops in addition to the Regular Army of the United States, the President be, and he is hereby, authorized to draft into the military service of the United States, under the provisions of section 111 of the national defense act approved June 3, 1916, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof, any or all members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and any and all members of the National Guard and Organized Militia Reserves, to serve for the period of the emergency unless sooner discharged.

Mr. HAY. Mr. Speaker, I offer an amendment.

Mr. MANN. Is this the first reading?

The SPEAKER. It is the first reading.

Mr. HAY. Mr. Speaker, I move to dispense with the first reading.

The SPEAKER. The gentleman from Virginia moves to dispense with the first reading. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Will there be any general debate?

Mr. HAY. There would not be under the unanimous-consent agreement, but the gentleman can have an opportunity.

Mr. CANNON. I am asking for information; I am seeking information all along the line.

Mr. HAY. There has been no general debate provided.

Mr. CANNON. As the bill is being considered in the House as in the Committee of the Whole House on the state of the Union, I suppose on the first reading of the bill there would be general debate.

Mr. HAY. I think not.

The SPEAKER. No; when the House is considering a bill in the House as in the Committee of the Whole House on the state of the Union there is only the five-minute debate.

Mr. CANNON. And no general debate?

Mr. HAY. I will be glad to extend time to the gentleman.

Mr. CANNON. I simply desire time to ask some questions on it, and five minutes is not a great while. However, it might be cured by unanimous consent, if the questions were pertinent and the gentleman or any other Member here was in condition to answer the questions, without reference to the five-minute rule.

Mr. HAY. I think there will be no trouble about that.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amend, page 1, line 3, by striking out the words "whenever" and "his," and insert the word "the" in place of the word "his"; and, after the word "opinion," insert the words "of the Congress of the United States," and, after the word "emergency," insert the word "now"; and, in line 5, before the word "the," insert the word "and."

Mr. FESS. Read it as amended.

Mr. ANTHONY. Let the Clerk read the language as amended.

Mr. HAY. I can read it to the House as it would read.

Mr. GARDNER. I suggest to the gentleman that the words "be and he," line 5, be stricken out in order to make it read properly.

Mr. HAY. The way it would read is as follows:

That in the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and the President be, and he is hereby, authorized——

Mr. GARDNER. Ought not "be and he" be stricken out to make sense?

Mr. HAY. Why, "and the President be, and he is hereby, authorized."

Mr. GARDNER. The gentleman is correct.

The SPEAKER. The Clerk will report the matter as it will read, provided these amendments are agreed to.

The Clerk read as follows:

Page 1, line 3, "That in the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and the President be, and he is hereby," etc.

Mr. GARDNER. Will the gentleman yield?

Mr. HAY. Yes, sir.

Mr. GARDNER. Would it not be better to say, "*Resolved*, That the President be, and he is hereby"?

Mr. HAY. I do not think so.

Mr. GARDNER. Let me read to the gentleman as it is now:

Resolved, That in the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and the President be, and he is hereby, authorized—

It seems to me that "*Resolved further*" is necessary.

Mr. HAY. The whole thing is a resolution. "*Resolved*, That he be" is a part of the whole sentence. That is perfectly clear, I think.

Mr. BENNET. Just as a matter of style and taste you use the words "the Congress of the United States." Now, from the Constitution down, whenever we refer to Congress we say

"Congress." Why drag in "the United States." There is only one Congress, and we are it.

Mr. HAY. Well, there is a Congress of the Argentine Republic.

Mr. BENNET. We are the Congress. Inasmuch as this is an historic resolution, it might as well be right. When the President sends a message he does not say to "the Congress of the United States." He says "Congress."

The SPEAKER. The gentleman from Massachusetts offers an amendment to the Hay amendment, which the Clerk will report.

The Clerk read as follows:

After the word "and," line 5, insert the word "that," so that it will read:

"In the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and that the President be"——

Mr. HAY. Mr. Speaker, I accept the amendment of the gentleman from Massachusetts.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment was agreed to.

The SPEAKER. Now, the gentleman from New York proposes to offer an amendment to the Hay amendment.

Mr. BENNET. Mr. Speaker, I move to strike out the words "of the United States."

Mr. HAY. I do not see any reason for doing that.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out after the word "Congress," in line 3, the words "of the United States."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment was rejected.

Mr. CHIPERFIELD. Mr. Speaker, I do not desire at this time to offer an amendment, but I do desire to ask for information of the chairman of the committee if I may be permitted. This resolution speaks in the present tense, of course. I would like to inquire if it be his opinion that under the present conditions of the Army reorganization bill, and prior to the militia of the various States taking the oath that is prescribed by the Army reorganization bill, that the power exists either in Congress or in the President of the United States to draft into the service of the United States the militia of the various States?

Mr. HAY. I think so, undoubtedly.

Mr. CHIPERFIELD. Then, let me ask the gentleman one more question, and I will not further trespass either on the time of the committee or on the time of the gentleman. What provision of the Army reorganization bill do you think gives that power at the present time?

Mr. HAY. I do not think there is any provision in the Army reorganization bill that gives the President the power to draft the National Guard for this purpose. Therefore this resolution is introduced. The provision in the Army reorganization bill gives him power when he is authorized by Congress to do so to draft the National Guard for the period of the war. This is not regarded as a war. It is regarded now as an emergency, and this resolution is introduced for the purpose of conferring upon him the power to draft the National Guard and the Organized Militia of the States during this emergency.

Mr. CHIPERFIELD. Mr. Speaker, in order that I may at least present my view of the matter, I want to make a motion at the proper time to strike out the last word.

Mr. GARNER. Will the gentleman from Illinois permit me to interrupt the gentleman from Virginia before he takes his five minutes?

Mr. CHIPERFIELD. Yes, sir; but I wish to make the motion to strike out the last word.

Mr. GARNER. That is all right. Will the gentleman from Virginia yield?

Mr. HAY. I will.

Mr. GARNER. If I understand the distinction between the present law, recently passed, and this resolution, the present law only authorizes the President to draft the militia during the period of war, and this authorizes him to draft them during an emergency? That is really the essential feature of this resolution, as I understand it?

Mr. HAY. During this emergency.

Mr. GARNER. Now, may I ask further in that particular? Does this resolution, taken in connection with the defense act, authorize the President to send these forces to any part of the world?

Mr. HAY. Yes.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. HAY. I yield to the gentleman from Wyoming.

Mr. MONDELL. What is the interpretation of the gentleman from Virginia of the words:

To serve for the period of the emergency unless sooner discharged?

Does he understand that the enrollment would be in that language for the period of the emergency, an indeterminate period, to be terminated by the President when in his opinion the emergency ceased to exist?

Mr. HAY. Yes.

Mr. MONDELL. The enrollment would be for the period of the emergency?

Mr. HAY. During the emergency.

Mr. MONDELL. Or in the discretion of the President could he make the enrollment under this bill for a definite period?

Mr. HAY. I think not. I think he could only do it during the emergency, because nobody could tell when the emergency would cease.

Mr. MONDELL. That would be the condition under which the men would be enrolled?

Mr. HAY. Yes.

Mr. MONDELL. And it would then rest with the President to determine when the emergency would cease to exist?

Mr. HAY. Yes.

Mr. TEMPLE. Will the gentleman yield on that point?

The SPEAKER. To whom does the gentleman from Virginia yield?

Mr. HAY. To the gentleman from Pennsylvania.

Mr. TEMPLE. It seems to me that under the amendment already agreed to with regard to the opinion of the President, the President is the judge of the emergency? The proposed amendment is to say that "in the opinion of Congress an emergency exists." Now, the emergency is to terminate sometime; but is that time to be "in the opinion of the President," as provided in the original form of the bill, or is it to be in the opinion of the Congress?

Mr. HAY. I do not think the original form provided that the President should state when the emergency ended.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield for another question?

Mr. HAY. Yes; I yield for a question.

Mr. TEMPLE. It would state when it would begin, but not when it would end. I think that is purely a technical question. Of course, if it was necessary, the President could state to the Congress that the emergency had ceased to exist, and the Congress could pass a resolution so stating?

Mr. HAY. To that effect; yes.

Mr. TEMPLE. There was another fact under discussion. As it formerly read the provision was, "whenever in his opinion an emergency exists." Now, we propose to say that "in the opinion of the Congress of the United States an emergency exists, and the President be, and he is hereby," and so forth. It seems to me there is a little awkwardness there, and the sentence would have more vigor if we would say, "*Resolved*, That an emergency now exists and the President is hereby authorized," expressing no opinion, but the fact; "*Resolved*, That an emergency now exists." That is in our opinion, of course, but we do not need to say so.

Mr. HAY. It seems to me that Congress must state that it has an opinion on this question.

Mr. TEMPLE. It seems to me to be an uncertain thing to say, "in the opinion of Congress an emergency exists." Why not say definitely that there is an emergency?

Mr. HAY. We are saying it definitely now.

Mr. ROGERS, Mr. GARDNER, and Mr. BUTLER rose.

The SPEAKER. To whom does the gentleman yield?

Mr. HAY. I will yield first to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Is it the purpose of the gentleman from Virginia to amend the title to conform to the amendment that has just been adopted?

Mr. HAY. Yes.

Mr. ROGERS. By striking out the words "under certain conditions"?

Mr. HAY. No; I do not see any reason for that.

Mr. ROGERS. It seems to me "that under certain conditions" should be amended. I find in the title that it points to the future and a different occasion, whereas the amendment makes specific the situation, not confining the operation of this law to this particular time.

Mr. HAY. I think possibly the gentleman is correct in that. Now, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, there being no opportunity for general debate, may I submit one or two interrogatories that go to the whole question of this resolution at the present time?

Mr. HAY. I have no objection if the House has none.

Mr. GARDNER. There being no other opportunity to do so. As to this question of those 116 courts-martial for certain enlisted men who turned up and refused to serve from the three States of Texas, Arizona, and New Mexico, will their status be changed by the passage of this resolution in any way?

Mr. HAY. If those cases have been made up and are now pending before a court, I do not suppose the passage of this resolution would have any effect on them.

Mr. GARDNER. Has the gentleman any information as to the necessity of a draft for the reason that men are unwilling to serve?

Mr. HAY. No; I have not.

Mr. GARDNER. Let me ask the gentleman this question: I have been informed by an officer of high rank in the War Department that, in addition to those 116 men enrolled in the militia of those three States that were called upon some weeks ago to send those troops—besides those 116 men who turned up and refused to serve—1,040 militiamen from those three States whose names were borne on the rolls did not turn up at all. Is that a fact?

Mr. HAY. I do not know. I have not been advised about that.

Mr. GARDNER. Is it not a matter that this Congress ought to be advised about?

Mr. HAY. That may be, but I hardly think that on a resolution of this sort we should take any steps——

Mr. GARDNER. I think we should have fullest knowledge when we are adopting a draft as to why we are doing so.

Mr. HAY. If the gentleman will introduce a resolution of inquiry, I will be glad to report it at once.

Mr. GARDNER. A little later I want to elaborate a little and explain the two different explanations that have been given.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. HAY. I will.

Mr. MADDEN. In section 111 of the national defense act the following language appears:

> When Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve.

Now, the question that occurred to me is whether the declaration that an emergency exists, taken in connection with the language of section 111 of the national defense act, is a declaration of war.

Mr. BENNET. If the gentleman from Virginia will permit, before the gentleman answers that——

Mr. HAY. That is a matter of opinion.

Mr. MADDEN. I would like to have the gentleman's opinion.

Mr. HAY. I do not think this resolution that we are now considering could be considered as a declaration of war; but I take it that if war should be determined upon, or, rather, if the President should determine to come to Congress and ask the Congress to pass a resolution declaring war, he would at the same time ask authority to use the armed land forces of the United States in excess of the Regular Army.

Mr. MADDEN. The question that occurred to me was whether, if we pass the resolution which is now pending, the President would be required to come back to Congress if a declaration of war was deemed to be necessary.

Mr. HAY. Undoubtedly. I do not think there is any doubt of that.

Mr. MADDEN. I think we are declaring war here.

Mr. BENNET and Mr. BUTLER rose.

The SPEAKER. To whom does the gentleman yield?

Mr. HAY. I will yield to the gentleman from New York [Mr. BENNET] and then I will yield to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BENNET. Is there not a more real danger that, taking this resolution and section 101 together, they might be construed to be a declaration that a state of war now exists, because in the portion of the act that the gentleman from Illinois [Mr. MADDEN] read occur the words "to serve therein for the period of the war"? Is it not rather important that we should have some declaration at least from the chairman of the Committee on Military Affairs that there is no intention of construing this resolution as a resolution declaring the existence of a state of war?

Mr. HAY. I was just saying that this resolution does not contemplate a declaration of war or a declaration that a state of war exists.

The very terms of the resolution only ask to have this done in the emergency which now exists, which is not war.

Mr. BENNET. And I presume that we should all understand from that that an existing emergency is our duty to protect our own borders from invasion, without any question of an existing state of war.

Mr. HAY. That is true.

Mr. BENNET. That is a rather important question. Now, I want to ask a rather unimportant question. In section 111 I notice that when he speaks of this same subject, he having drawn the resolution, he simply uses the expression "when Congress." In this amendment he uses the expression "the Congress of the United States." I should like to ask him which is the correct expression?

Mr. HAY. I have no doubt that both of them are correct.

Mr. MANN. Mr. Speaker, section 111 of what I believe is now styled the national-defense act, the Hay law, provided that when Congress should declare that the Regular Army was not sufficient, we might authorize the President to draft the National Guard, in which case they should be drafted for the period of the war. This matter was discussed informally in the House several days ago among Members upon the floor, it being stated by the public press that the War Department would ask Congress to pass a joint resolution authorizing the President to draft the National Guard under section 111 of this national-defense act; and the question was raised among Members whether that section clearly contemplated that it should take effect after a declaration of war. The matter was laid over informally. My understanding is that the present resolution was drafted by the War Department, and that the gentleman from Virginia [Mr. HAY], the chairman of the Committee on Military Affairs, introduced it in the form in which it came to him. As sent to us it provided for a permanent enactment authorizing the President, so long as it remained upon the statute books, either now or 50 years from now, if it had not been changed, whenever in his opinion an emergency existed, to draft the National Guard for the period of the emergency. I dare say that no one in the House would be in favor of that proposition. The Hay Act carefully preserved the right of Congress to determine whether a draft should be made or not, and the amendment which is now offered by the gentleman from Virginia [Mr. HAY] to his resolution undertakes to declare that Congress determines that an emergency now exists, and provides for drafting for the period of the emergency. I do not think the gentleman was quite correct when, as I understood him, he said that the President would determine when the emergency ceased to exist. The President, of course, would have power to discharge drafted men whenever he pleased, but as Congress declares the emergency to exist, I do not think anybody except Congress could declare that it ceased to exist. Of course, he could discharge the men, but that is under another law. Now, what I think we are entitled to know is whether the Executive advises us formally or informally that an emergency does exist.

Mr. BUTLER. That is what I am after.

Mr. MANN. While I think we should make the declaration that an emergency exists, I do not think we should do it unless we are advised by those in charge that an emergency does exist.

Mr. BUTLER. Where is the President's message on it?

Mr. MANN. I am not insisting that the President should send a message to us, or that we should have any formal statement; but I think for our own protection, and because reponsibility goes with power, the gentleman from Virginia ought to be able to inform us, in addition to the information we read in the public prints, that the War Department says an emergency does now exist, and that we make the declaration partly based upon that fact. I doubt the advisability of Congress ordering the extreme remedy of a draft of men, something that never has been done before except under the greater stress of war, unless we have some statement that an emergency does exist.

Mr. HAY. Will the gentleman permit me?

Mr. MANN. Certainly; that is what I am after.

Mr. HAY. Mr. Chairman, I will say to the gentleman and the House that I am advised, and it was expected that I should state to the House—and I thought the mere fact of introducing the resolution, which, as the gentleman says, was handed to me as coming from the War Department—that that very fact would indicate that in the opinion of the Executive this emergency does exist; and I am authorized to state, through a communication made to me by the Secretary of War, that the Executive does think that an emergency now exists and that this resolution is absolutely necessary to meet that emergency.

Mr. MANN. I am very glad to have the gentleman make that statement.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I ask for five minutes more.

The SPEAKER. The gentleman asks for five minutes more. Without objection, it is so ordered.

Mr. MANN. I want to ask a question or two in reference to this joint resolution, not only in reference to this section but the other section, if I may. Possibly it may save time to get the information.

Mr. TOWNER. Mr. Speaker, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. TOWNER. In view of the fact that the resolution declares what the law already says—that whenever in his opinion an emergency exists, the President be, and so forth—is it the idea of the gentleman that any indirect statement coming to us as it has now come to us, from the chairman of the Military Affairs Committee, would be a declaration by the President that in his opinion an emergency exists?

Mr. MANN. I think possibly the gentleman does not understand the present status of the joint resolution before the House. It is proposed to change that declaration so that Congress declares that the emergency exists.

Mr. TOWNER. I was not aware of the amendment.

Mr. MANN. I do not undertake to say whether Congress should make the declaration or the President should make the declaration, but I am quite sure the Congress ought not to confer upon the President by permanent statute, for all time, or so long as that remains upon the statute books, the power at any time to draft the National Guard at his will.

Mr. SMITH of Michigan. Is it not true that the President has that authority already, to repel invasion?

Mr. MANN. It is not true that the President has any power to draft anybody. He has power to call upon the National Guard.

Mr. SMITH of Michigan. I notice a difference between the word "draft" and calling them out or commanding them. He has the power to command them to come. The law requires that they shall go out at the call of the President, as I read the law.

Mr. MANN. This resolution provides not only for the drafting of the National Guard but of the Organized Militia of the several States, and so forth. Am I right or wrong in supposing that the provision in reference to drafting the Organized Militia is in here because the National Guard status may not have been arrived at by all the Organized Militia in the several States?

Mr. HAY. The gentleman is correct about that. The oath that is required under the new act has not yet been taken by all of the National Guard throughout the country, and therefore the words "Organized Militia" were put in to cover that.

Mr MANN. The Hay Act contemplates requiring members of the National Guard to take an oath which practically gives them somewhat of a national status. And I suppose one of the purposes of that is to see that we have national jurisdiction over them. Now, we do not have that authority over the Organized Militia or the so-called National Guard who have not come in under the provisions of the Hay Act. Is there any question in reference to our authority to draft the National Guard who have not yet accepted the conditions of the Hay Act?

Mr. HAY. I think not; I think Congress has the power to confer on the President the right to draft any persons; he may draft all red-headed men or anybody.

Mr. MANN. I very much question whether he can draft all red-headed men; they would make it pretty hot for him. [Laughter.]

Mr. HAY. I mean that when Congress gives the President the power to draft he can draft anybody he pleases.

Mr. CALDWELL Will the gentleman yield?

Mr. MANN. Yes.

Mr. CALDWELL. I would like to get the gentleman's interpretation——

Mr. MANN. I am seeking interpretation myself.

Mr. CALDWELL. I would like to have the gentleman answer this question: Under this proposed resolution it appears to me that a man drawn into the National Guard, no matter what his enlistment might be, is drafted until the emergency disappears.

Mr. MANN. He is drafted for the period of the emergency unless he is sooner discharged

Mr. CALDWELL. And why would he be discharged?

Mr. MANN. I should say that if Congress declared that the emergency exists it would take the same authority to declare that the emergency had ceased to exist. We could make that declaration at any time; but if in fact the emergency did cease to exist and we did not declare it the President would have the power to discharge the men regardless of our action.

Mr. CALDWELL. The point I had in mind was this: Suppose a man had enlisted for a period of three years and had served all of his term of enlistment except 30 days. In the meantime his business had become such that he did not want to reenlist, and we drafted him for the emergency, which continued for 20 years. Could we keep him there 20 years or could he get out at the end of his enlistment? The regular soldier goes out at the end of his term of enlistment.

Mr. MANN. He would be drafted for the period of the emergency. I think myself it would be wiser if there were some limitation as to the time of service put in in connection with the period of the enforced enlistment.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HUDDLESTON. I want to call the gentleman's attention to the fact that not only the Organized Militia but the militia reserves are proposed to be drafted and compelled to serve, men who have been out of the militia for years.

Mr. HAY. I think the gentleman is mistaken about that. There would have to be some organization, and the mere fact that a man has been in the Organized Militia would not bring him under the terms of this resolution.

Mr. MANN. No; this is in relation to the Organized Militia; the mere fact that a man has been in the militia does not subject him to the draft. I suppose there will be some common sense used, but I don't know. [Laughter.] I would like to ask in reference to section 2, if I may. I do not want to take up very much more time. Under section 2, in reference to tactical units, would the President have the power to name officers in any branch of the National Guard who enlist, except where they are combined with others and require a superior officer?

Mr. HAY. The President has the right when the draft is made to name the officers of the different commands, and as a matter of fact he has heretofore and he would now undoubtedly name the officers who were in command of these organizations. Take a case, for example, where a State has not a brigade, where one State has one regiment and some other State has two, and those three regiments are put into a brigade. The President would have the right to name the brigadier to command that brigade. Or, if a State did not have a full regiment, if it had only one battalion, and a regiment had to be made up of different units, then the President would name the colonel of the regiment.

Mr. MANN. Sections 1 and 2 of this resolution under the gentleman's amendment are of a temporary nature, and section 3 is a permanent provision. It defines the relative status of officers of the Regular Army and of the National Guard, but it does not provide the status of the volunteer forces. Does the gentleman think it desirable to enact into a permanent statute a provision which necessarily is incomplete, so far as permanent law is concerned?

Mr. HAY. I think the gentleman will find in the volunteer act a provision as to the rank of volunteers.

Mr. MANN. I do not think the volunteer act provides for this, because it was not authorized at that time.

Mr. HAY. And therefore this act only applies to the Regular Army officers and officers of the Marine Corps, and of the drafted forces.

Mr. MANN. This act gives preference to Regular Army officers.

Mr. HAY. All acts do.

Mr. MANN. It gives preference to the Regular Army officers over the drafted forces. Now, then, where would the volunteer officers come in, because the volunteer act gives the Regular Army officers preference over the volunteer officers. Where will they come in in connection with the National Guard draft?

Mr. HAY. After the National Guard.

Mr. MANN. There is no such provision in the law.

Mr. HAY. There is not now, but when the volunteers are called for there will be. I think possibly it might be well to define in this connection the position in rank to be taken by officers of the Volunteer Army in the event the Volunteer Army is raised.

Mr. MANN. Of course I do not profess to be an expert on military legislation, but it would seem to me that the rest of this act being temporary in nature, this provision might be temporary, and that if volunteer officers are called for, you might properly say where they shall come in.

Just a word more, Mr. Speaker. The situation in Mexico is not an easy one for any of us, either the citizens of the United States or the people of Mexico. I do not know whether the troops ought to be kept in Mexico or brought out. It is quite evident to anyone, I think, that the troops of one country can not go into and remain in the heart of another country against

the will of that country without producing friction and probably war. It may be that we can not bring our troops out of Mexico at present. I can not see what good they are doing in Mexico. They are not carrying out at the present time the policy for which they went into Mexico; but it seems to me quite certain that if we are to keep the troops in Mexico doing something or doing nothing, with the consequent friction that comes from that fact, it is absolutely essential that we materially increase our armed forces. If our regular troops are to stay in Mexico, we must prepare against the probability of war. Whether war should be declared or not, war of a kind now actually exists. The whole theory of the recent Hay law is that the National Guard constitutes the defense of the country, following the Regular Army, and the time has arrived, it seems to me now, if we are to maintain the position we have taken in regard to Mexico, when we must put the purpose of that act into effect. If the National Guard is to be our reliance, we must now call upon them; and if the theory of the Hay law, which the House approved, that the National Guard could be called upon and compelled to serve, is to be our reliance, I think that it is proper that we should put it into effect now and know that we have men in training and in the field to do those things which may become necessary under a wise or under a blundering administration.

Several Members rose.

The SPEAKER. The Chair will recognize the gentleman from Illinois [Mr. CHIPERFIELD] for five minutes, because he promised to do so half an hour ago.

Mr. CHIPERFIELD. Mr. Speaker, I am most heartily in favor of the widest possible use of the National Guard when any emergency exists that requires their services, under proper limitations. I am heartily in favor of the provisions of section 1 of this resolution under the declaration as made by the chairman of this committee that in the opinion of the President that an emergency exists requiring such use.

I have been filled with a good deal of admiration for the gallant manner in which the National Guard of this country have responded to the present call and for the enthusiasm with which they are ready to give their services to the country. [Applause.]

But, Mr. Speaker, out of respect for the National Guard, and with deference to their enthusiasm and to their rights, it occurs to me that the period of their service should be made absolutely certain and in no event to extend beyond the duration of the real emergency.

Under this resolution the President of the United States would have the right to say that the emergency continues to exist for one year or for five years or forever.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. CHIPERFIELD. Yes; but I will ask the gentleman to be brief.

Mr. CALDWELL. Does the gentleman not think it would be wise to limit the period of the service under this draft of the period of enlistment of each individual man?

Mr. CHIPERFIELD. I do not. As a National Guardsman I believe that the service of every National Guardsman in this crisis of our country should be coexistant with the crisis. I do not think it should be prolonged indefinitely under any pretext or excuse, but I believe that so long as the crisis reasonably exists that the service of the National Guardsman should be at the call of his country.

There is another thing, however, to which I desire to direct the attention of the Members of the House, and I respectfully ask the attention of the chairman of the committee upon this proposition.

By this resolution and by the laws which you have enacted heretofore you are absolutely wiping out the militia of the United States. You are destroying the militia of the United States, after it is once drafted, unless you remedy it by the terms of this resolution.

Section 111 of the Army reorganization bill provides, without going into detail, that—

all persons so drafted shall from the date of their draft stand discharged from the militia.

So when you call the National Guard into service under this emergency situation, you may continue to use them as a national force during the emergency, but under the terms of the law as it exists to-day when the emergency is over and they are discharged as a national force they are also discharged from the date of the original draft from the militia of the various States, and you have no militia left in the United States. That ought to be safeguarded.

You may say that these men will reenlist. Well and good, but millions of dollars and years of time have been devoted to the building up of the National Guard, and when you call them under this resolution you absolutely discharge them by the terms of section 111 as State militia, and thus you destroy their organization and leave the country without the second line of defense.

I have too much respect for the National Guard organization and I have too much regard for the welfare of the country to sit quietly by and see a condition created where when the emergency is over the National Guard is out of business completely.

I think it ought to be corrected at this time, and I think it ought to be that the members of the National Guard shall stand discharged for the period of the emergency, leaving the National Guard intact hereafter, and I respectfully call this phase of the situation to the attention of the chairman of the committee.

So far as the resolution itself is concerned, I think it will meet with the hearty approval of the National Guard to enable them to respond for the emergency, but I think in all fairness that the duration of the emergency ought to be no longer—and not by the opinion of any man, or in his discretion, but absolute—than that when the emergency is over Congress shall see that these men are discharged and returned to civil life. I think that situation ought to be taken care of at this time. [Applause.]

Mr. BUTLER. Mr. Speaker, this is not altogether a strange performance to me. It is almost 20 years since I joined with the then Members of this House in authorizing the President of the United States to intervene in Cuban affairs. It was with our declaration that the Spanish-American War had its beginning. The President of the United States delivered to us a message before we gave him the authority. In that message he assigned several reasons for the intervention which we authorized. Thus the facts were placed on record before Congress made the decree. President McKinley summed up the reasons and then said he awaited the action of Congress. The response came quickly and with practical unanimity. The grounds for our conclusion were made plain to the world. They were made by the highest authority to be found in the whole Republic. They were not disputed by any American. They were held by mankind to be just, and the action of Congress was justified.

But where are the records upon which to base our judgment here? Who states the facts from which Congress shall conclude an emergency exists? Do we have the knowledge within ourselves, or shall we listen to the reports brought to us through unofficial channels?

When this resolution first appeared it had in it language which constituted the President of the United States the discoverer of this great event and the judge of the necessity. Why has the judge been changed? When did the change take place and why the necessity for it? let me ask the gentleman from Virginia. He knows my great esteem for him; and I now give him the assurance that I am ready to vote for any measure that will assist the President of the United States to maintain the dignity, preserve the honor, and secure the safety of our people [applause]; but I wish to have the ease of mind which a look at the record will give me, and a conscientiousness that there is some authority for this grave action beyond the mere statement of a Member of this House, but whose word I do not doubt or question. We have nothing here beyond the statement of the chairman to authorize the passage of this resolution. The President understands better than Congress whether or not an emergency exists. He has the official knowledge, and we live on reports alone. Why does not he speak to us? And yet, anticipating as I do the effect of this act, I am ready to assume my share of the responsibility which its adoption brings. I know that this act will result in the destruction of human life, the destruction of property, and perhaps a war for years to come. Ought there not to be some official statement put upon this record to justify us now and hereafter in the passage of this resolution? Why was the responsibility taken from the President and given to us? We have not been consulted here. Why should we not be advised now? The President has told us heretofore what he had done and what he proposed to do. Why not state the causes for this war we are drifting toward? He told us why he landed at Vera Cruz. Why should he not now declare this emergency? Why does he not now at this time make known to this Congress the reasons for the passage of this resolution which he wishes and which he shall have, and which will involve us in unhappiness and in trouble and tears for years to come? Nothing have we here except a message brought to this House by the gentleman from Virginia, the chairman of this committee, told him by somebody in the War Department——

Mr. HAY. I will say it was the Secretary of War.

Mr. BUTLER. That is higher authority than the gentleman gave heretofore.

Mr. HAY. No; I made that statement to the gentleman from Illinois, but the gentleman was not listening.

Mr. BUTLER. I was listening and I was endeavoring to understand. I restate my willingness and my readiness to assume my share of the responsibility with full knowledge of the consequences, but I do wish that we had an expression from the President of the United States that an emergency exists and that it becomes necessary for Congress to pass this resolution. Mr. Speaker, that is all I have to say.

Mr. MOORE of Pennsylvania. Will the gentleman yield before his time expires? I wish to ask the gentleman one question.

Mr. BUTLER. I yield to the gentleman.

Mr. MOORE of Pennsylvania. The gentleman has long been a Member of this House, and was here when the Spanish-American War broke out. Is it not a fact that President McKinley sent a message to this House informing it of the situation——

Mr. BUTLER. And gave four reasons, with which I am as familiar as a saint is with the Lord's Prayer.

Mr. MOORE of Pennsylvania. And we have not the information we ought to have that such an emergency exists?

Mr. BUTLER. None whatever, and that is what is troubling me; but, I repeat, I am ready to vote for this resolution.

Mr. HUDDLESTON. Mr. Speaker, we are considering this resolution under very unusual circumstances. It was introduced only yesterday. It was issued in print only to-day. None of us have had a chance to read it. None of us but the gentleman who introduced it has given it study. No committee has considered it. The Committee on Military Affairs, to which it was referred, has not had a meeting. We have here before us a piece of unbaked legislation which, in my opinion, is of tremendous importance and of stupendous possibilities.

The word "draft" under some circumstances is a very good word; under other circumstances it is a most hateful and obnoxious word. When it means to force an American citizen into a uniform, when it means to conscript an American boy to go to fight against his will, when it means to take men out of their homes and put them upon the field of battle, it becomes to me a most hateful word. I regret to fear exceedingly that this is the interpretation that must be placed upon the word "draft" as it occurs in this resolution.

The resolution proposes to draft not only the National Guard, organized under the Army reorganization act, but it proposes to draft all the Organized Militia of the States; and on top of all that it proposes to draft all the Organized Militia Reserves and put them in uniform and send them into Mexico to do battle, for that is what is really intended. Let us look at this thing squarely and directly and with open eyes. The Army reorganization law provides for certain things to be done before militiamen are amenable to its terms. A great part of our militia, so I am informed, have not been organized under the Army reorganization act. There was another law in force when they volunteered for service as militiamen or as National Guardsmen in their States. The law under which those men enlisted in the National Guard did not give the power asserted by the Army reorganization act. They have neither agreed nor undertaken to do the things that the Army reorganization act requires them to do. So far as they are concerned, they are citizens, standing in the same attitude, and have assumed no additional obligations to those of other citizens. Some of the States have militia reserves, composed of men who have served in the militia and gone into the reserves after having served the period of their enlistment. No discrimination is made between any of those men by the terms of this resolution. All, without distinction, are forced into service. It is proposed here to levy upon those men, to conscript them, to send the conscripting officers into their homes and put them under arrest and carry them as unwilling conscripts into the ranks to fight.

Are we ready for that? Are we willing to stand for it? Have we come to the point when, no emergency existing in the large sense of the word, our Nation not being at war, when no powerful adversary threatens us—have we come to the time when, under such circumstances, we are going to force men into the Army? Other Representatives may be ready to vote for conscription; I am not.

The SPEAKER. The time of the gentleman has expired.

Mr. WALSH. Mr. Speaker, I offer an amendment as a substitute for the amendment of the gentleman from Virginia [Mr. HAY].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, after the word "that," strike out "whenever" and insert "if," and after "emergency" insert "now," so that the same will read:

The SPEAKER. Is that intended as a substitute for the Hay amendment?

Mr. WALSH. Yes, sir; as a substitute, so that the first line will read:

That if, in his opinion, an emergency now exists which demands the use of troops—

And so forth.

Mr. Speaker, this is an important matter upon which we are called to pass, and it may, and very likely will, bring serious and grave results. I submit, sir, that we ought not to be expected to pass a resolution upon a matter of such grave import expressing the opinion of the Congress that an emergency now exists which will result in setting in action forces in a manner that may well be, and undoubtedly with some justification will be, considered by the Nation on our border as an act of war. Heretofore the situation has been handled as a military policy by the Executive of this Nation, and I do not now speak in criticism of the course he pursued; but, Mr. Speaker, it is not because of any act of the Congress that to-day our troops are upon foreign soil, menaced by armed forces, and regarded as hostile invaders. It is not by reason of any specific authorization heretofore enacted, I submit, that we should now give authority to send further troops upon foreign soil with the dire consequences which loom across a darkening sky until at least more authentic information than has been given us up to the present time is laid before us. This is indeed a serious situation, Mr. Speaker, and I submit here, coinciding with the views of the gentleman from Pennsylvania [Mr. BUTLER], that it is sufficiently critical for the Chief Executive of this Nation to lay before us some facts and advise us as to what has resulted from the action that has heretofore been taken. I have no disposition to quibble, sir, but this is a question of military expediency, and the forces we set going here to-day may result in death and misfortune to many of our citizens. We have never shirked; but why stop at expressing an opinion that an emergency exists? Why not go the full length and admit what nonofficial advices seem to indicate—that a state of war exists? Whatever be decided upon the question raised by my amendment, let me say solemnly that I am ready to give him all the authority necessary to enforce the rights and the dignity of the United States. I am prepared to vote for the resolution as originally drafted, or with the amendment suggested by the chairman of the Military Affairs Committee. But I respectfully submit it were better, in view of the existing status and of the impending future, to continue the discretion of the Chief Executive to determine if, in his opinion, an emergency now exists, and to vest him with authority to take all necessary steps in the crisis. If we say that, in the opinion of the Congress, an emergency now exists we are acting merely upon a verbal message from the Secretary of War to the effect that an emergency exists, voiced here upon the floor by the distinguished chairman of the Committee on Military Affairs, the able gentleman from Virginia [Mr. HAY]. But we have not even a letter from the President. But that is not a part of the official record, Mr. Speaker; at least, when the history of this Congress is written many pertinent facts will be missing, and I submit that we should have a message or a report in writing. We insist on that in the most trivial matters, and there is the greater reason in this instance, which the future may disclose to be the most serious action taken by this Congress. We all know what resulted in Europe in 1914 when the Russian Government began to mobilize its troops upon the border. Germany construed that as an act of war, and if we to-day, in expressing our opinion that an emergency exists, authorize these troops to be sent to the border or to cross that border onto foreign soil, it can be construed as equivalent to an act of war, if, indeed, as I said before, a state of war does not already exist between our Nation and Mexico. I submit, sir, that it is better to leave it to the Chief Executive of this Nation, the Commander in Chief of our military and naval forces, to exercise his discretion, and let him come before the Congress if a situation arises which further complicates matters and ask us to place on the record specifically and expressly a declaration of war. Let us not here to-day pass a declaration of war by indirection. [Applause.]

Mr. SHERLEY. Will the gentleman yield?

Mr. WALSH. I will.

Mr. SHERLEY. Is there any difference in effect between the gentleman's amendment and the one offered by the gentleman from Virginia [Mr. HAY]? If you are willing to give to the President power to call the militia into the service of the country

and to use them across the border, is there any difference, so far as international relations are concerned, from the Congress authorizing such use by its expression of the existence of an emergency?

Mr. WALSH. Mr. Speaker, in reply I would say in effect that there is a difference; that under my amendment we ask the Executive to continue to assume the sole responsibility that he has heretofore borne, and I am willing to assume, properly so, without Congress having expressed any opinion that might have been construed as a declaration of war. Let the President decide when the emergency arises, and let us give him full authority to act when he so decides. In this way we can at the proper time take all measures necessary for our interests, whether the crisis continues for a few months or for years.

Mr. SHERLEY. The gentleman is complaining because of the fear of that action. Nobody can blind himself to the fact that an emergency exists.

Mr. WALSH. We have no knowledge except by the papers.

Mr. SHERLEY. We have knowledge of the facts. Now, if the gentleman will permit, is there any difference between our authorizing the President to declare an emergency and our saying that an emergency exists?

Mr. WALSH. I submit, Mr. Speaker, that there is.

Mr. HAY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. HAY. I rise to oppose the amendment of the gentleman from Massachusetts [Mr. WALSH].

The SPEAKER. The chairman of the committee, of course, has the right of way.

Mr. HAY. And I also want to ask that the debate on this amendment and all amendments to this section be closed in a reasonable time.

Mr. GARDNER. Mr. Speaker, I would like to ask whether under section 4 of Rule XVI it is now in order to move to postpone further consideration of this resolution until a day certain.

The SPEAKER. Of course, it is always in order to do that.

Mr. GARDNER. I move to do that.

Mr. FITZGERALD. The gentleman is not recognized yet. The gentleman from Virginia [Mr. HAY] has the floor.

Mr. GARDNER. I asked to find that out.

The SPEAKER. There is a limitation on that. You can not take a man off the floor. The Chair will recognize the gentleman from Massachusets when the gentleman from Virginia finishes.

Mr. HAY. Mr. Speaker, I ask unanimous consent that all debate on the amendment now pending and amendments thereto and amendments to the section close in one hour.

The SPEAKER. The gentleman from Virginia asks unanimous consent that all debate on the amendment pending and amendments to the amendment pending and to the section itself be limited to one hour. Is there objection?

Mr. STEENERSON. Reserving the right to object, I would ask the gentleman if I could have 10 minutes. I understood when I withdrew the objection originally that I was to be recognized, but I have not been recognized yet. I would like to have 10 minutes in which to discuss this very question of draft.

The SPEAKER. The Chair can not guarantee anybody 10 minutes.

Mr. HAY. Mr. Speaker, I ask that one half of the time be controlled by the gentleman from Kansas [Mr. ANTHONY] and the other half by myself.

The SPEAKER. The gentleman adds to his original request that one half of the hour be controlled by himself and the other half by the gentleman from Kansas [Mr. ANTHONY].

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I ask if I could be allowed 10 minutes of that time.

Mr. ANTHONY. Reserving the right to object, I want to ask the gentleman from Virginia if he can not make that an hour and a half? There are many requests on this side.

Mr. HAY. I will make it an hour and a half.

Mr. STEENERSON. Will the gentleman give me 10 minutes?

Mr. ANTHONY. I would give the gentleman 5 minutes.

Mr. STEENERSON. I can not agree to this unanimous consent unless I get 10 minutes. I reserve the right to object.

Mr. DYER. Mr. Speaker, I ask that the time be 1 hour and 35 minutes, 5 minutes to be controlled by the gentleman from Minnesota, which, with 5 minutes which the gentleman from Kansas will give him, will satisfy the occasion.

Mr. STEENERSON. I will say that I was the chairman of the committee at the time this legislation originated.

The SPEAKER. The gentleman from Missouri——

Mr. ANTHONY. I would like to say to the gentleman from Virginia that there is such an insistent demand for time, that I would like to make it 2 hours.

Mr. HAY. I will make it 2 hours.

The SPEAKER. The request is changed to 2 hours.

Mr. STEENERSON. Still reserving the right to object——

The SPEAKER. The Chair will suggest to the gentleman from Minnesota that he is entitled to 5 minutes under this rule. This is the 5-minute rule. Now, if he can get the House to extend his 5 minutes——

Mr. DYER. I make that request, Mr. Speaker.

The SPEAKER. The gentleman from Missouri [Mr. DYER]——

Mr. HAY. Mr. Speaker, I ask unanimous consent that the general debate on this proposition, or debate on the proposition, shall be for 2 hours, one half to be controlled by the gentleman from Kansas [Mr. ANTHONY] and the other half to be controlled by myself.

The SPEAKER. Is there objection?

Mr. STEENERSON. Reserving the right to object, Mr. Speaker, I would like to know if I can get the 10 minutes I asked for?

The SPEAKER. The Chair can not inform the gentleman.

Mr. HAY. Does the gentleman object?

Mr. STEENERSON. No; I do not want to object; but it seems to me I should be given the opportunity to be heard.

Mr. GARDNER. Reserving the right to object, Mr. Speaker, I wish to inquire as to the status of my inquiry as to my right to move to postpone.

A MEMBER. Regular order!

Mr. GARDNER. Mr. Speaker, I ask that the gentleman who wishes to proceed in regular order will rise in his place and say so. I am proceeding in the regular order.

The SPEAKER. When the gentleman from Virginia [Mr. HAY] yields the floor, the Chair will recognize the gentleman from Massachusetts [Mr. GARDNER] to make his motion to postpone.

Mr. GARDNER. But, Mr. Speaker, I am trying to interpose a parliamentary inquiry in regard to the debate on the motion to postpone, which, under the rules of the House, is one hour. Now, the question is whether, by consenting to the request of the gentleman from Virginia [Mr. HAY], I have abrogated my right to debate the motion to postpone.

The SPEAKER. Whenever the gentleman from Virginia [Mr. HAY] yields the floor, the Chair will recognize the gentleman from Massachusetts to make his motion to postpone, and then we will proceed under the rules of the House. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

Mr. HAY. Now, Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CALDWELL].

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair will take care of the gentleman's rights.

Mr. HAY. I was going to yield some time.

The SPEAKER. No; you can not yield the floor to do that.

Mr. FITZGERALD. Oh, Mr. Speaker, the House has just agreed to the gentleman's request.

The SPEAKER. The Chair knows, but that does not prevent the motion to postpone.

Mr. FITZGERALD. Oh, yes it does.

The SPEAKER. What authority has the gentleman for making such an assertion as that?

Mr. FITZGERALD. The authority of the House.

The SPEAKER. The gentleman will produce it.

Mr. FITZGERALD. The House has just agreed to two hours' debate, one-half to be controlled by the gentleman from Virginia [Mr. HAY] and one-half by the gentleman from Kansas [Mr. ANTHONY]. No one is entitled to the floor or can get the floor except by recognition of those gentlemen. The House has just agreed to that.

The SPEAKER. That does not suspend all the rules of the House.

Mr. FITZGERALD. There is no doubt about it, Mr. Speaker. The gentleman from Massachusetts [Mr. GARDNER] will have to defer his motion until this debate is concluded. There is no question about it. The House has just agreed that those two gentlemen shall control the time for two hours. The gentleman from Massachusetts can not intervene now.

For instance, Mr. Speaker, let me call the attention of the Chair to this: A motion for the previous question is of higher privilege than the motion to postpone to a day certain, but the gentleman from Massachusetts could not take those gentlemen off the floor to intervene with a motion of the previous ques-

tion. The motion for the previous question and the motion to lay on the table are more highly privileged than the motion to postpone to a day certain. Yet no one can intervene with any motion in view of the order just made by the House to proceed for two hours' debate.

Mr. GARDNER. Mr. Speaker, I think the gentleman from New York [Mr. FITZGERALD] is correct in his contention, in all probability. At the same time it was resting on that supposition that the Chair thought otherwise, that I did not withhold my consent to the request of the gentleman from Virginia [Mr. HAY]. But under the circumstances I withdraw my motion to postpone, or rather I withdraw seeking recognition at the present time. But I wish to interpose another parliamentary inquiry as to whether or not, at the termination of this debate, it will then be in order to make the motion?

The SPEAKER. Undoubtedly it will, if you get recognition from the Chair before anybody else does [laughter], and the Chair will state this, that having been forewarned that the gentleman desires to make that motion, when this two hours' debate is over the Chair will recognize the gentleman from Massachusetts, unless somebody makes a superior motion. I hope the gentleman understands as well as the Chair does what is the status of these different motions.

Mr. HAMILTON of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMILTON of Michigan. Does it necessarily follow, under unanimous consent, that the debate shall commence at once?

The SPEAKER. That has been the universal practice of the House.

Mr. HAMILTON of Michigan. But it did not fix the time when the debate should commence.

The SPEAKER. It did not fix the time when it should begin, but it fixed the length of it.

Mr. HAMILTON of Michigan. Yes.

The SPEAKER. And the universal practice of the House, so far as the Chair knows, is that when an order of that kind is made the debate commences instanter. The gentleman from Virginia [Mr. HAY] is recognized.

Mr. HAY. Mr. Speaker, I yield to the gentleman from New York [Mr. CALDWELL].

The SPEAKER. The gentleman from New York [Mr. CALDWELL] is recognized.

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield for just a moment in order that I may ask that an amendment may be reported and be considered as pending with the discussion?

Mr. HAY. I have no objection.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Let it be considered as pending.

The Clerk read as follows:

Amendment offered by Mr. CHIPERFIELD: At the end of line 5, page 2, insert "and when so discharged, the organizations shall return to their former States as National Guard organizations."

Mr. HAY. Now, Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CALDWELL].

The SPEAKER. The gentleman from New York [Mr. CALDWELL] is recognized for five minutes.

Mr. CALDWELL. Mr. Speaker, there has been a statement made here to the effect that certain words in this section were incorporated for the reason that it was desirable to draft into the service of this country at this time the Organized Militia of the various States that have not——

Mr. CHIPERFIELD. Mr. Speaker, before the gentleman proceeds further, I wish to say that the Clerk made an error in reading my amendment.

The SPEAKER pro tempore (Mr. GARNER). Without objection, the Clerk will again report the amendment offered by the gentleman from Illinois [Mr. CHIPERFIELD].

The Clerk read as follows:

Page 2, at the end of line 5, insert "and when so discharged, the organizations shall return to their former status as National Guard organizations."

Mr. CALDWELL. Mr. Speaker, the statement was made here that certain words were put into this paragraph for the purpose of drafting into the service of the United States members of the National Guard as they existed before the Hay bill went into effect, because they had not as yet taken the new oath of office. Now, I particularly direct your attention to section 61 of the act approved by the President June 3, 1916. That section provides:

No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed in this act.

And when that act was signed the State militia went out of business, and we have no State militia except those who have taken the new oath of office; and those who have taken that new oath of office have taken it in the belief that they would serve in accordance with the law as we passed it on June 3. Under that law men who joined the State militia and took the oath of the United States took an oath that they would serve for the period of three years in active service and three years as reservists, and that during those six years they would be glad to bare their bodies to the enemies of this country and give up their lives if need be in defense thereof. But there is nothing in that oath and there was nothing in the proposition put to those men that by taking this oath of office they would serve for 20 years, or 10 years, or 7 years, or 6 years and 1 day. They proposed to serve during the term of their enlistment. When you enlist a man in the Regular Army as a regular soldier he serves four years with the colors and three years with the reserves, making seven years in all, and no matter what the emergency, when his seven years of service have expired he goes home to his mother, if she be still living, or to his wife and children, feeling that he has performed his duty to his country. Now, gentlemen, when you have voted on the Hay amendment I propose to offer an amendment which will limit the service of these men who, in their patriotism, have volunteered to defend the country in its hour of emergency to the extent that these men shall not be required to serve longer than the period of their enlistment; and I am going to ask the Clerk to read my proposed amendment.

The SPEAKER pro tempore. Without objection, the amendment will be read.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 2, line 5, after the word "discharged," insert "*Provided*, That nothing herein shall be construed as extending the period of service of any such member beyond the period of his enlistment."

Mr. CALDWELL. Now, Mr. Speaker, I want to impress upon this House this one great thing, that the American people have always been fair to their soldiers. These men have taken the oath of office, and they are the only National Guardsmen in the Nation.

Mr. HAMILTON of Michigan. What is the period of enlistment under this resolution?

Mr. CALDWELL. Under this resolution the period of the draft is as long as the emergency exists. When we went into the Philippines we stayed there for nearly 20 years, and we are likely to stay more than 10 years more. Who is going to say how long the emergency will be?

Mr. HAMILTON of Michigan. Precisely that. A man enlists during the period of the emergency, evidently. The gentleman's amendment proposes that he shall not be required to serve beyond the period of his enlistment.

Mr. CALDWELL. Certainly.

Mr. HAMILTON of Michigan. Well, the period of his enlistment is the period of the emergency.

Mr. CALDWELL. No; under my amendment a National Guardsman will go out of the service, if he wants to, after his period of enlistment, and some one else can take his place.

Mr. ANTHONY. I yield five minutes to the gentleman from Illinois [Mr. CANNON]. [Applause.]

Mr. CANNON. Mr. Speaker, I shall vote for this joint resolution. I think it might well be amended in some particulars. It is proposed to be amended in one important particular, which improves it. I believe we ought to dispose of this resolution promptly, without postponing it.

As to the President, who is Commander in Chief of the Army and Navy, and who has much capacity to talk, whether he should transmit a written message or whether he would come before the House and Senate and deliver it in person, I do not know. Perhaps that is a matter of taste, although he has been quite content in talking to the last Congress and to this Congress, when he had something perhaps of not as much importance as this to communicate. [Applause.] However, when this resolution is passed, the Secretary of War vouching for it and the President signs it, then he is for it, and his friends can not say Congress forced this proposed law upon him.

There is a good deal of talking about an emergency and about a declaration of war. Why, you may call a spade a trowel, but that does not make it a trowel. You may say there is no war; yet, with or without authority under the law, they are fighting down in Mexico. So, whatever you call it, whether an emergency or a war, they are at it. Now, so far the President is responsible, because this is the first time that he has consulted Congress, though once before——

Mr. SHERLEY. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. SHERLEY. Congress once before authorized the President to send the Army——

Mr. CANNON. Was that the Vera Cruz matter?

Mr. SHERLEY. It was not limited to a particular place or time, and the forces are there under authority expressed by Congress. [Cries of "Oh, no," on the Republican side.]

Mr. CANNON. It followed what happened at Vera Cruz, and if I recollect aright—I was not in that Congress—it was after the transaction.

Mr. BUTLER. It was.

Mr. CANNON. And Congress gave him an indorsement. Now, has there been any authority for going over into Mexico at this time?

Mr. HAMILTON of Michigan. In that very message did not the President state to Congress that he did not need the authority of Congress?

Mr. CANNON. Very well; but that Congress fell over itself to ratify what he had done. [Applause.] Now, it seems to me we ought to quit splitting hairs. If the President of the United States chooses to call this an emergency, when it is a war, that does not change it. It is a war and not an emergency. I have no gratification in criticizing the President; and yet I have in my hand the morning Washington Post, containing a communication that I presume the Secretary of State was authorized to communicate to the diplomatic representatives of this continent. With the consent of the House, I will put it in my remarks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. Well, all right. [Applause.]

Mr. ANTHONY. Does the gentleman want more time?

Mr. CANNON. You might give me two minutes more.

Mr. ANTHONY. I yield to the gentleman from Illinois two minutes more.

Mr. CANNON. Mr. Speaker, I will ask unanimous consent very briefly to extend my remarks.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. CANNON. Now, there was a condition of copartnership between the President and Carranza and Villa, the bandits. That partnership ceased when Huerta was put out of Mexico after a year, and then the copartners quarreled with each other. We are trying to find and punish one, and the other is saying that we can not stay in Mexico. The devil is to pay and no pitch hot. [Laughter.]

When is this to cease? Can we scatter thousands of soldiers performing police duty along the long southern border for protection? What is defense? If you want to defend and defend well, you can not wait for the robbers and bandits to come up to the border and cross into the United States, destroying the property and taking the lives of our citizens. When our soldiers cross over into Mexican territory, if anybody can call it anything else than war I would be glad to know the difference between war and what it would be necessary to do; and if we are to defend against Mexico, if we are to defend against Mexican attacks and Mexican anarchy, we must so act that either they or we will establish a responsible Government in Mexico. [Applause.]

I insert, by leave of the House, the letter of Secretary of State—Mr. Lansing—to the diplomats of foreign countries, as follows:

DIPLOMATS NOTIFIED BY LANSING OF UNITED STATES ATTITUDE TOWARD MEXICO.

Secretary Lansing yesterday sent a memorandum to the diplomatic representatives of South and Central American nations reviewing the situation existing between the United States and Mexico, and announcing that if hostilities should eventuate the purpose of the United States would be to defend itself against further invasion and not intervene in Mexican affairs.

The memorandum, dated June 21, follows:

"I inclose for your information a copy of this Government's note of June 20 to the secretary of foreign relations of the de facto Government of Mexico on the subject of the presence of American troops in Mexican territory. This communication states clearly the critical relations existing between this Government and the de facto Government of Mexico and the causes which have led up to the present situation.

"Should this situation eventuate into hostilities, which this Government would deeply regret and will use every honorable effort to avoid, I take this opportunity to inform you that this Government would have for its object not intervention in Mexican affairs, with all the regrettable consequences which might result from such a policy, but the defense of American territory from further invasion by bands of armed Mexicans, protection of American citizens and property along the boundary from outrages committed by such bandits and the prevention of further depredations by force of arms against the marauders infesting this region and against a Government which is encouraging and aiding them in their activities.

"Hostilities, in short, would be simply a state of international war without purpose on the part of the United States other than to end the conditions which menace our national peace and the safety of our citizens."

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, it is sometimes difficult to tell whether gentlemen are criticizing the administration because it does not go to war, or because it has endeavored to avoid war.

There is now pending in the House a resolution that makes available the trained militia forces of the United States for immediate use. The gentleman from Virginia [Mr. HAY] proposes to amend the resolution so that it shall read that the Congress declares that an emergency exists, and to authorize the President to utilize the National Guard as a part of the Regular Army. It means to utilize the National Guard if necessary beyond the borders of the United States.

The gentleman from Massachusetts [Mr. WALSH] proposes that Congress shall not declare that such an emergency exists, but that if the President believes an emergency to exist he shall have the same power as now proposed to be given.

Does anybody in this House doubt the existence of an emergency? Is anybody here unfamiliar with what has happened in Mexico and on our border during the past three years? Is anyone ignorant of the fact that a large portion of the Regular Army of the United States is now in Mexico threatened by the armed forces of the Mexican Government in the field, and warned by military authorities that if they do anything other than to march toward their own country they will be attacked? Is anyone ignorant of the fact that our forces engaged in the conduct of a legitimate enterprise for which they went into Mexico were fired on yesterday at Carrazal, resulting in some being killed, some wounded, and others taken captive by hostile forces? Is anyone here unaware of the fact that officers and men of the Navy of the United States on a proper mission in Mexico were fired on yesterday at Mazatlan? Do we not all know that a situation exists that may require instant action upon the part of the Executive—the marshaling of all of the available military resources of this Government, mayhap for war, mayhap for defense, but in a great military enterprise that if it continues means war, whatever else it may be called? If anybody in this House does not know that this emergency exists, if he is so ignorant of what has happened and what is being done to be unable to say that that emergency does not exist, he should not vote for this resolution.

When the Hay bill was before the House the wording of certain provisions of the act was discussed and the gentleman from Illinois [Mr. MANN], speaking about the language, said he did not know what the language should be, but he declared:

I do think, however, that when a situation is so delicate that the President thinks that war is imminent, he ought not to make it public, he ought not to say so so that anyone knows that that is his opinion; that he ought to be able to go ahead without saying so.

That is what the gentleman from Virginia now proposes, not to put the President of the United States in the attitude of expressing an opinion that war is imminent, not to have him as the head of the Government do anything or take any action that may precipitate war, but to put into his hands the power to mobilize and utilize the military resources of all available military strength of this Government, so that if the necessity does arise he will not have to wait for action by Congress, but will be in a position to act for the best interest of the country. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker and gentlemen of the House, it seems to me that there is no room for doubt that an emergency exists. The President has called into the service of the United States a large part of the National Guard of the various States. This in itself is his announcement to the people of the United States and to the world that there is such an emergency. Why he has not thought it wise to say so to the Congress of the United States I do not know. He has said so practically to everybody else, but he has not asked us directly for any action. We have, of course, a message from the Secretary of War that comes to us through the chairman of the Military Committee. We know that an emergency exists. We ought not to stand on our dignity at such a time. Even though we have not been formally notified by the President that a necessity has arisen for the use of troops in excess of those of the Regular Army, we may act on our knowledge. I hope that this resolution may be amended so as to fix some limit to the term of service that may be required of the men it calls for. If it is so amended I shall certainly vote for it.

The National Guard has been called out, I believe, under the terms of the Dick bill, which provides for the use of the National Guard within or without the territory of the United

States. I believe that is the exact language of that law as amended by the act of May 27, 1908—"within or without the territory of the United States." To be sure, the Attorney General—not the present Attorney General—has given it as his opinion that the provision allowing the use of the guard outside of the boundaries of the United States is unconstitutional. I believe the gentleman from Minnesota is going to discuss that after awhile.

Mr. HULBERT. Mr. Speaker, will the gentleman yield?

Mr. TEMPLE. My time is too short. I believe it is the first time in the history of the Government that such expression of opinion has been allowed to override the law passed by the Congress of the United States.

The boys that enlisted in the National Guard, organized under the Dick law as amended in 1908, knew that they could be called into the service of the United States for duty during the term of their existing enlistment. It is now proposed to draft them for an indefinite period. That provision of the resolution now under discussion ought to be changed before we come to the final vote. Within the last week I spent a few days at home, and I know that boys were enlisting upon the call of the President, because they believed that the country required their services. They were volunteering. Men whose time had expired were reenlisting, some of them coming back from distant States to do it. It is now proposed that we say to them, "We are going to draft you for as long as we please, no matter what the terms of your enlistments are." We are not treating those boys fairly and we are not encouraging the spirit of patriotism. [Applause on the Republican side.] We are making drafted men of volunteers. The new bill, I understand, does not go into effect until the 1st of July.

Mr. HAY. The gentleman is mistaken about that.

Mr. MANN. It is in effect now.

Mr. TEMPLE. These men are called out under the terms of the Dick law, are they not?

Mr. HAY. I do not so understand it.

Mr. TEMPLE. Announcement has been so made.

Mr. HAY. I do not know who made it.

Mr. TEMPLE. That announcement has been made in certain of the States where men are being enlisted, and those men are not treated fairly if we draft them for an indefinite period.

I recognize that the new bill providing for the reorganization of the Army and of the National Guard is the law of the land, but many of its provisions have not gone into effect and can not go into effect until the appropriations for the next fiscal year become available. That will be on the 1st of July. The new law provides that in certain States the existing National Guard shall be recognized pending its reorganization to conform to the terms of the new act. Here is the language of the act, section 70—

> Enlisted men in the National Guard of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this act for the unexpired portion of their present enlistment contracts.

There is a like provision also for commissioned officers of the National Guard. In the States referred to in that section, the provisions of the new law for reorganizing the National Guard and changing the period of enlistment from three years to six have not gone into effect. If the pending resolution should be passed without amendment it would take the men into the service of the United States not only for the unexpired portions of their present enlistment contracts, but for an indefinite period.

The only provision in the new law for calling the National Guard into the service of the United States reads as follows:

> When Congress shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve for the period of the war unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve.

Congress has not authorized the call provided for in this act; if that had already been done there would be no necessity for passing the resolution now under discussion; therefore I have accepted the statement that the call under which the National Guard is now being mobilized was the call provided for in the Dick law, under the terms of which the President may call out the Organized Militia without waiting for any authorization by Congress. The language of the Dick law is as follows:

> Whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion.

And so forth.

Whether under the Dick law, which does not require any authorization by Congress, or under the new act without the authorization which it requires, the National Guard is being mobilized for service which the country needs. We should modify this measure so as to fix a definite term of service, and we should in all honor and honesty recognize as Volunteers the men who are responding to the call, for they are offering themselves as willingly as men ever offered and will obey as loyally whatever orders the President may give them.

Mr. TEMPLE. Mr. Speaker, fearing that I may not have time to finish, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, it seems to me that it is very hard to please our Republican friends who deem it proper to criticize the course of President Wilson, whatever he may do, touching the Mexican situation. I remember that on that side of the aisle in 1913 and throughout all of the hot days of 1914 those gentlemen were rearing upon their hind legs, complaining and ranting because the President of the United States did not send the armed forces into Mexico; and now when the watchful-waiting policy that the American people indorse has been justified, when the President of this Republic has patiently considered the emergencies as they have arisen, and when the crucial hour has come and the dignity of the United States requires that the armed forces be sent to the borders of Mexico, and even beyond into that disturbed Republic, we have gentlemen on that side objecting to this resolution which is necessary to cause the national military forces already organized to be at once mobilized and ready for the emergency as it may be occasioned by conditions there. Mr. Speaker, 145,000 national guardsmen in this Republic are anxious and willing that this resolution shall be passed, and when the gentleman from the State of Pennsylvania [Mr. TEMPLE] says that it is a reflection upon those men because the word "draft" is in this resolution he does not know and understand the patriotic motives that inspired these men to enlist in the National Guard to serve the United States. It is as plain as the noonday sun that the men who are real national guardsmen are anxious to go to serve the country on the border, and even in Mexico. The President of this Republic is entitled to this resolution. Every fair-minded man who knows anything at all, if he has sense enough to be a Member of this Congress, is aware of the fact that a serious emergency is now at hand. We must pass this resolution and do all other things necessary in voting men, money, and guns and ammunition to fully empower the President to defend and protect the dignity and honor of our country against Mexican aggression. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Mr. Speaker, will the gentleman yield me a little more time?

Mr. HAY. I am very sorry, but I have not got it.

Mr. ANTHONY. Mr. Speaker, I yield four minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I think that Members, at least some of them, forget that the militia has already been called into service. It is called into service under the power and authority of the President of the United States, who is authorized to do so in case of invasion or to execute the laws of the United States. Certainly he is amply justified in calling the militia or the National Guard into service under his constitutional rights, and has done so. We have this proposition now before us in this resolution that these men already called into service are to be drafted and made a part of the Army of the United States under the authority of section 111 of the Hay Act. It occurs to me that it was not contemplated that this should be done except in case of war. It will be noticed by gentlemen upon reading the terms of this section that it provides "when Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army"—contemplating, as it seems to me, the usual course of procedure in cases where war is declared by Congress and when by its act authority is given to the President of the United States to call the armed forces of the country into use. It

seems to me that this view is very strongly, if not absolutely, shown by the language used in section 111, because it says "to serve therein for the period of the war unless sooner discharged"—not during the existence of an emergency. We have to consider this resolution under the terms of the Hay Act in regard, not to an emergency, but with regard to the continuance of war. We may have a condition of war, but we have not declared war, and until we have declared war it occurs to me that we have not authority under this act to call for these men under a draft of the President to serve as is suggested in this resolution.

However, this joint resolution will have the effect of law if adopted and will repeal the terms of the Hay Act if inconsistent. It is entirely proper, therefore, to consider the resolution on its merits.

Section 111 of the Hay Act provides for drafting the National Guard into the service of the United States. It was intended to force the unwilling men into service. In our earlier wars parts of the militia refused to serve outside the boundaries of the country, and it was in contemplation of a recurrence of such conditions that this provision was inserted in the act. Under its terms Congress is given the determination as to whether this drastic action shall be taken. Certainly it was not contemplated that it would be taken unless necessary. A draft has never been popular with the American people, because it implies a want of patriotism on the part of those who are thus compelled to serve whether they consent or not. A drafted man carries an imputation of unworthiness. If men are ready and willing to serve voluntarily, they should not be forced to do so.

Conditions at present are no justification for a draft. As long as the National Guard is to serve only as a border patrol to protect the people and the property within the territory of the United States from invasion by Mexican bandits, and as long as for such service the National Guard is entirely competent and entirely willing to serve, the draft measure is not required and should not be used. If a further invasion of Mexico is intended, that will mean war, and a draft would be authorized. Still, I do not believe it should even then be used unless necessary. I do not believe it wise or justifiable to cast an aspersion upon the patriotism of men who are willing and glad to serve their country voluntarily and to follow the flag wherever their country's interests require without compulsory process.

For these reasons I regret that this resolution is now presented. I shall support it with reluctance, because I believe it unnecessary. Just at this time, when the National Guard are making such a splendid response to the call of duty all over the country, I can not believe it wise or just to them to discredit their patriotism and to cloud their service by a draft, which in effect says to them, "It makes no difference whether you are willing or not, you must serve." Especially is this true when by every act we are shown that compulsion is unnecessary and that the National Guard are ready and willing to give voluntarily loyal service and complete devotion to the country whenever and wherever it needs such service.

Mr. ANTHONY. Mr. Speaker, I yield eight minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I am sure there is no one who does not desire to do everything in his power to uphold the hands of the President of the United States in an emergency like this, but we have here a proposition in this resolution to draft certain members of the National Guard. That is to say, it is proposed in this resolution to authorize the President to compel members of the National Guard to render military service. Is it not strange that this last resort of a nation in a crisis should be exercised upon the most patriotic of all our citizens that are members of the National Guard of the various States—men who at their own expense and in their own time have been preparing themselves to serve their country in case of need—that they, forsooth, shall be picked out as the men who will be compelled to serve against their will? I think this strange result is due to a lot of blundering legislation, for which Congress is not altogether to blame.

I want briefly to recall to the Members here the legislative history of the militia. I happened in 1908 to be chairman of the Committee on the Militia, and there was a general demand throughout the country for a revision of the Dick law passed in 1903. The National Guard, represented by very able gentlemen of the different States and of the War Department, came before our committee and were heard on the proposed law. That law is the law referred to by the gentleman from Pennsylvania [Mr. TEMPLE], and among other things it authorized the employment or calling forth, as the Constitution says, of the militia, to repel invasion and to serve within or without the United States. We heard Gen. Davis, the Judge Advocate General of the United States Army, together with his staff of lawyers in the War Department. There were several very eminent lawyers on the committee, not counting the chairman. Among others I recall Mr. Floyd, of Arkansas, a very able lawyer, and for many years a member of the Committee on the Judiciary. We discussed this matter pro and con, and concluded that it was perfectly constitutional to enact this law to authorize the employment of the militia outside of the United States for the same reasons that we employ any army—that is, to repel invasion, actual or threatened, or to enforce the laws of the Union. That was in 1908. In 1912, during the administration of President Taft, the question arose as to sending an expeditionary force to Mexico, and the War Department for some reason wanted the opinion of the Attorney General, and it framed a question that was entirely unusual and extraordinary, because it contemplated a state of facts that showed it was the intention of the Government to violate international law. The question was put to the Attorney General:

> Whether or not, under existing law, the President has authority to call forth the Organized Militia of the States and send it into a foreign country with the Regular Army as a part of an army of occupation, especially should the United States intervene in the affairs of such country under conditions short of actual warfare.

To send an army into a foreign country short of actual war! Well, the obvious answer was, it was unlawful to send an army into any foreign country, whether it was the Regular Army or the Militia. That is unconstitutional under the law, but on the strength of the opinion of Attorney General Wickersham the War Department was upset entirely. They at once assumed that the great authority of the Attorney General was enough to override the law. Heretofore we had supposed that it took a judicial decision to nullify laws as being unconstitutional, but here is an opinion—an ex parte opinion—of the Attorney General, which on its face misquotes the Constitution which I have heretofore pointed out—an ex parte opinion of Attorney General Wickersham made to serve to overturn a solemn act of Congress which was enacted by both Houses and signed by the President of the United States. The War Department assumed that that law was unconstitutional, and they went to work to invent some law whereby they would authorize the National Guard to serve outside of the United States in an emergency, which is outside of the reasons described in the Constitution.

In 1914 the gentleman from Virginia [Mr. HAY] reported the Volunteer Army act which provided for the reenlistment of the militia in the Volunteer Army. I asked him at that time if the main reason for that provision of law, which sought to transform the militia into a volunteer army, was not the opinion of the Attorney General made upon a supposititious case which could not legally exist, and he admitted that that was the excuse and the reason for providing for this transformation of the militia into a volunteer army. This same excuse or reason, I understand, was put forth by the department for asking for the recent reorganization act, whereby they seek to transform the National Guard into the United States Army.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STEENERSON. I would like to have the 10 minutes I understood I was to have.

Mr. ANTHONY. I will state to the gentleman we have been forced to cut the allowance down to accommodate the Members who desire to speak. If the gentleman insists on having the two minutes more, I will give it to him.

Mr. STEENERSON. I hope I will not be considered rude in asking for the 10 minutes.

The SPEAKER pro tempore. The gentleman from Kansas controls the time.

Mr. ANTHONY. If the gentleman insists on the two minutes more, I will have to give it to him.

Mr. STEENERSON. I do.

Mr. ANTHONY. Mr. Speaker, I yield the gentleman two minutes additional.

Mr. STEENERSON. The trouble is that owing to this misunderstanding of what constitutes the National Guard we have got into this difficulty with some of the militia. The gentleman from Massachusetts stated there were a thousand members of the National Guard of the various States who had failed to come in since the militia was called forth by the President of the United States. The gentleman from Virginia, I believe, stated some 1,000 failed to answer the call and refused to serve, and this, as I understand it, is the emergency that requires the passage of this resolution authorizing the drafting of these men.

Now, these men would not refuse to answer to the call if their legal status was clear. It is a result of this bungling legislation, of jumping at a conclusion that the act of 1910 was uncon-

stitutional because somebody said so, without hearing any argument upon it and without any judicial decision upon the question. That is the cause of these militiamen throughout the country having doubt about their rights in the premises. It is not lack of patriotism in these men. I dare say the members of the National Guard through every State of the Union are the most patriotic of all our citizens. They have all given proof of that by their volunteering to serve and training for war, and here, although I am perfectly willing to do everything in my power to support the Government and support the President, yet it seems to me that this term "draft" casts a reflection upon members of the National Guard, which we ought not to have done, and if there is any way to avoid it I should like to see it avoided. There ought to be found some other word, like "enlist," "enroll," or the like.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. STEENERSON. Mr. Speaker, I would like to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

I here insert my remarks on the voluntary Army bill, April 27, 1914:

"Mr. STEENERSON. As I understand this bill, it does away with the Organized Militia to the extent that they come into this volunteer force.

"Mr. HAY. It does away with the Organized Militia as such in time of war. That is, I mean if the Organized Militia wants to be a part of the force that is going to war it must volunteer.

"Mr. STEENERSON. And it must cease to be an Organized Militia of the State.

"Mr. HAY. Yes.

"Mr. STEENERSON. The necessity for that is the opinion of the Attorney General, rendered a couple of years ago, that the Organized Militia law, act of March 21, 1908, the bill for which was reported by me as chairman of the Committee on Militia, providing that the militia might be called out and sent either within or without the United States—that that law was unconstitutional.

"Mr. HAY. Yes.

"Mr. STEENERSON. And it is to obviate that constitutional objection that this bill is written, endeavoring to transfer the militia into a volunteer army.

"Mr. HAY. That is one reason.

"Mr. STEENERSON. Is not that the principal reason?

"Mr. HAY. I can not say that that is the principal reason for this bill. We would have to have volunteers anyway, because the Organized Militia would not be sufficient.

"Mr. STEENERSON. If the ruling of the Attorney General should turn out to be erroneous, that the Organized Militia law amendment to the Dick law referred to, if that law should be determined to be constitutional, so that it would be legal and constitutional for the President to send the Organized Militia outside the United States, then the necessity for this provision would not exist.

"Mr. HAY. No; it would not.

"Mr. STEENERSON. I want to say to the House that the only authority was the ruling of Attorney General Wickersham on that point, and when the Committee on Militia considered the Dick law and amendment that was requested by the War Department it contained this provision, that the militia might be used outside the United States. The Judge Advocate General of the United States Army made an elaborate argument and cited many authorities, to the effect that when the President calls forth the militia pursuant to a declaration of war it is in reality and effect to execute a law of the Union, and therefore within the Constitution.

"The opinion of the Attorney General of February 17, 1912, to the Secretary of War was in answer to the following question:

"Whether or not under existing laws the President has authority to call forth the Organized Militia of the States and send it into a foreign country with the Regular Army as a part of an army of occupation, especially should the United States intervene in the affairs of such country under conditions short of actual warfare?

"The question seems to have been unfortunately framed, for under the conditions specified it is at least open to grave question whether the President could legally send any army whatever into a foreign country. It seems to me that the sending of an army by the President into a foreign country 'under conditions short of actual warfare' would ordinarily be an act of war and would be illegal unless previously authorized by law; that is, by declaration of war in due form enacted by Congress. Commenting on the clause of the Constitution which says—

"The Congress shall have power to provide for calling forth the militia to execute the laws of the Union, to suppress insurrection, and to repel invasions—

"The opinion says:

"What is certainly meant by this provision is that Congress shall have power to call forth the militia in aid of the civil power, for the peaceful execution of the laws of the Union, wherever such laws are in force and may be compulsorily executed.

"But Congress is nowhere authorized to call forth the militia. That power rests with the President. All that Congress can do is to provide by law for calling it forth. It is the President who, as Commander in Chief of the Army and Navy of the United States and of the militia, does the calling and not Congress.

"The whole opinion is based upon the theory that the laws of the United States have no extraterritorial force. Speaking of ordinary laws, that is true; but there are other laws of the United States that do have extraterritorial force and which do require to be executed. Congress has the power to 'define and punish piracies and felonies on the high seas and offenses against the law of nations.' Manifestly laws enacted in pursuance of this authority operate extraterritorially. Congress also has power under the Constitution 'to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.' Obviously laws enacted pursuant to this authority also have an extraterritorial force and require to be executed. The same can be said of laws enacted pursuant to the authority 'to raise and support armies, to provide for the maintenance of the Navy, and to make rules for the government and regulation of land and naval forces.' There are three cases in which the militia may be called forth by the President: First, to execute the laws of the Union; second, to suppress insurrections; and third, repel invasions.' The power to declare war is vested in Congress and is legislative in its character, and its exercise is an act of Congress and a law and is subject to the approval of the President. To repel invasions or suppress insurrections requires no declaration of war, and hence no law. It is one of the duties of the Executive of the United States, incident to his office, to do both of these things without any further legislation; that is, suppress insurrections and repel invasions. But offensive war must be commenced by a declaration of war, and the power to declare war is in Congress, and therefore must be preceded by a law which requires execution.

"At the time of the adoption of the Constitution the Regular Army consisted of 75 men; 50 were at West Point and 25 were at Pittsburgh, and the framers of the Constitution recognized full well that Congress was not under the slightest obligation to establish a standing army or to provide for any other military forces than the militia, with a view to national defense, and volunteer forces seem not to have been known to the framers of the Constitution, for it is a subject never mentioned either in that instrument or in the debates. The first appearance of volunteer forces seems to have been in 1812. The militia was used in the War of 1812, in the War with Mexico, and in the Civil War, and was sent beyond our borders whenever necessary, and when so sent they were sent to execute the laws of the Union, enacted pursuant to the Constitution.

"The act of May 27, 1908, 'To further amend the act entitled "An act to promote the efficiency of the militia,"' etc., provides for the calling forth of the militia by the President, and that he may specify in his call the period of time for which such service may be required, and that the militia so called shall continue in the service during the term specified, either within or outside of the territory of the United States. The question of the constitutionality of this provision was carefully considered before its enactment, and I have seen no reason since to change my opinion as to its validity.

"The construction adopted by the Attorney General wipes out of the Constitution the first cause for calling forth the militia entirely and makes the clause read as if it said 'to suppress insurrection and repel invasions for the purpose of enforcing the laws of the Union,' but as the sole object and purpose of suppressing insurrections and repelling invasions is to enforce all domestic laws, both of the States and the Union, such a limitation on the power to call forth the militia would be absurd.

"Besides declarations of war there are, as we have seen, other laws of the Union, authorized by the Constitution, that operate extraterritorially, and require to be executed. These laws do not follow, but accompany our flag wherever our forces may be. Assuming, therefore, that circumstances could arise when it would be lawful in time of peace to send an army of occupation

into a foreign country, it could only be to execute those other laws of the Union, and therefore the use of the Army and the militia for such an enterprise rests exactly upon the same footing, and there is as much authority for the one as the other.

"Mr. HAY. I did not yield to the gentleman to make an argument.

"Mr. STEENERSON. Of course, we are going to pass this bill because of the emergency that now exists. We will stand by the President and give him what he asks for the defense of the Nation and its honor. At the same time it will be well to bear in mind that this measure, so far as it relates to the militia, is revolutionary in character. It wipes out the militia and allows its men a preference in enlisting in the new volunteer force. The Constitution of the United States provides that Congress shall have power 'to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.' Under this bill not only have the States nothing to say about officering the transformed militia organizations, but only those men are accepted whom the United States accepts, the same as new recruits."

Mr. McKENZIE. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Speaker, as I understand it, if we pass this legislation it will give the President the authority to send these drafted troops into Mexico. I would like to ask the chairman of this committee if that is a true statement.

Mr. HAY. He would. That is the purpose of it.

Mr. FARR. Then, Mr. Chairman and gentlemen of the House, this practically is a declaration of war.

Mr. HAY. I should say that the purpose of the resolution is to give the President control of these troops, and if in his opinion it is necessary he can send them.

Mr. FARR. Without further action on the part of the House?

Mr. HAY. Yes.

Mr. FARR. Then I repeat that this is a declaration of war.

Our forces are now in Mexico by the courtesy of Carranza. An arrangement was entered into with Carranza, as the head of the Government recognized by the President of the United States, to permit our troops to go there and catch Villa if we could. We have not succeeded, and Carranza, the head of the de facto Government of Mexico, so recognized by the President, requests that American soldiers be withdrawn.

Mr. GORDON. And if the President had never sent these troops into Mexico would the gentleman still think it a declaration of war to pass these resolutions?

Mr. FARR. But the fact that we are keeping these troops in Mexico against the protest of recognized Mexican authority means that we are in a belligerent state. The civilized world recognizes that fact, and history will write it down as an unrighteous proceeding and make this country responsible for the bloodshed that may follow. We are trespassers in Mexico today. Let us reverse the situation and suppose Mexican troops were on our soil under the arrangement that our soldiers are in Mexican territory, and the President should say, "We want you to retire," what would we do? We would regard that as trespassing. We are trespassers. If we want war, let the President proceed along the present lines, continue our troops in Mexico, and conflicts will be certain. In our consciences we will call it an unrighteous war, a war that will lose hundreds of thousands of our people, with its awful wake of sorrow and misery, and cost millions and millions of dollars of American money.

Mr. GARRETT. Do I understand the gentleman to assert that our troops being there now is unjustifiable?

Mr. FARR. It is unjustifiable. We have no right on that soil. And so far as what happened up to the raid on our troops at Columbus, it is a closed book. We can not go back of that as a reason for war NOW. It is true that we have cause to arraign the Mexican Government for many and serious things that they have done to our people, and we have been patient and tolerant, but the moment that we entered into the agreement with Carranza and he permitted our troops to enter Mexico on a punitive expedition, and that under certain conditions we would permit Carranza's troops to come into our territory, precludes as a justification for war to-day what happened previously to this agreement.

The fact is that long before this we should have had sufficient troops on the Mexican border to protect our people and their interests. That would have prevented the attack at Columbus and made unnecessary the punitive expedition—the cause of our most serious trouble with Mexico.

Does the issue of war rest with Carranza? Have we no responsibility?

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Speaker, I want to ask unanimous consent that I may extend my remarks and insert in them a letter that I sent to Mr. Burleson day before yesterday.

The SPEAKER pro tempore. Without objection, the gentleman's request will be granted.

There was no objection.

Mr. DAVIS of Texas. Now, gentlemen, I am inherently a a man of peace. My life has been one of turmoil, but I have always believed in peace, but there are times when war is an absolute necessity and righteous. There was a time when God Almighty Himself commanded the sun to stand still while his chosen army crushed a heathen despotism that righteousness, religion, and justice might prevail over the land through war as a last resort. We have borne intolerance, outrage, rapine, and plunder that no nation on earth would have permitted. We have borne it realizing our great strength. But the time has come when, in a stretch of nearly 2,000 miles, for 20 miles inside the border families can not go to sleep at night except in dread of invasion and outrage. In scores of towns they put out pickets at night before they go to bed, dreading the consequences of nightfall. We have seen our homes ruthlessly outraged and the sanctity of our homes desecrated. We have seen our property stolen and carried across the river to make booty for freebooters, and we have borne it all because we are cognizant of our strength and willing to extend mercy because there is no stable government in Mexico. We have tried in every honorable way to help establish a government there. I have indorsed the policy the President has taken thus far. I indorse the move here to-day. We have reached a point where we must do something. Religion demands it; justice to ourselves demands it; business demands it; civilization demands it. We have a serious situation in Mexico, whether we call it war or not. We did not call it war when we moved against the Black Hawks and other Indians, but we called it stopping the riots and outrages of an irresponsible people. Under the Monroe doctrine we must do something. Can we say to the world that our neighbor Republic shall wreck itself and outrage civilization and deny them the right to go into Mexico and take care of their own rights and we refuse to take care of them and their property? That is wrong in the sight of God and wrong in the sight of humanity. The time has come, gentlemen, when we must do something; we must tranquilize Mexico for ourselves, for them, and for humanity. [Applause.]

The situation is not only acute and stressful but it has reached a stage that demands immediate relief. War, with me, must be a last resort, and in this case that point has been reached. I repeat that God Almighty Himself, while teaching the world to love peace for its glory and tranquillity, commanded the sun to stand still while His army crushed an intolerable and unscrupulous foe to the peace and harmony of civilization. So it is with us and Mexico. Our homes desecrated and outraged, on our own soil we have suffered murder, rapine, and plunder; and yet in the name of our great strength and power we declined to interfere and crush a weak and war-torn neighbor. But to forbear longer would not only be humiliating and exasperating, but would tend to invite further aggression. Civilization demands now that this great Republic act and settle the Mexican problem with dispatch, certainty, and security. We can not justly refuse to allow foreign peoples to go there and take care of themselves and their property unless we assume the responsibility to take care of their rights. This is one of the virtues of the Monroe doctrine and must be respected by us.

This letter to Gen. Burleson amplifies my views and feelings on this very vexing problem:

JUNE 20, 1916.

Hon. A. S. BURLESON,
Washington, D. C.

DEAR FRIEND BURLESON: Though a devout lover of peace, standing for war only as a last resort, I think we should now intervene in Mexico.

As a measure of self-protection we owe it to our own country. Under the Monroe doctrine we owe it to the other nations whose rights, peoples, and property, like our own, have been shamefully and wantonly disregarded and abused by Mexico. Knowing our strength and power, we have been extremely patient with this war-torn country. Having a high regard for the friendship of Mexico and the Latin countries south of her, President Wilson has used all honorable means to avert a conflict. So long as their slaughter and butchery toward our people was confined to their own territory we undertook in good faith to warn our people out of their country and suffered unspeakable outrages rather than invade their country.

We have aided in every honorable effort that sought to tranquilize that country and give them a stable government. Their incursions now bring murder, outrage, and savage banditism into our own country. This we can not tolerate or condone. The American people, in their own homes, following their own peaceful pursuits, must be

protected. Our people have been ruthlessly slain and robbed by a guerrilla warfare carried on against us on our own soil by the people of Mexico. That is their answer and return for all our kindness, all our forbearance and generous forgiveness and fortitude for the past three years.

I am not an advocate of dollar diplomacy and of sacrificing men to save money invested under rules of aggression and imperialism in foreign countries in a scramble for world power. But the vast millions of business investments in Mexico deserve consideration. That is a neighbor country, lying at our own door, and people who are there in honorable and fair enterprise have a right to expect protection against wholesale cruel assassination and of willful destruction of their property.

I have indorsed to the fullest the whole course of the administration in dealing with this vexing Mexican problem. It has been prompted by the noblest impulses and directed with the sublime purpose of preventing war if possible. The President's action now must have the patriotic response of all loyal citizens. Two thousand miles of border line and several millions of our people look to the administration for protection, and civilization looks for and demands that we settle the Mexican problem and restore peace.

As one who is often referred to as an extreme pacifist, I write this letter tendering my hearty support to the President's program.

With best wishes,

J. H. DAVIS.

Mr. McKENZIE. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, I realize that to say anything here it is necessary to fire rapidly and fall back speedily. I have high respect and regard for the chairman of this Military Affairs Committee. I realize the hindrances and interferences that have met him in his work.

I wish to make several observations that, I believe, reflect the common sentiment of not only the Democratic side of the House but the Republican side. Just a few days ago I was up in my home in Pennsylvania. My business manager is a captain in the National Guard there, and has been for a number of years. When the call was issued to mobilize those men, there were enough additional men volunteered to make half a dozen companies. Therefore, I indorse what was observed by my young friend a while ago on the Democratic side when he said he regarded as odious and obnoxious the word "draft." I do not believe it is necessary to use any "draft" to recruit 500,000 men or a million men in Pennsylvania alone if it is necessary.

And a second observation is that I regret exceedingly to see this great National Guard of the United States absorbed by the Federal Army, and then, after serving for what has been called an emergency, cease to exist as an arm of our military force. And another mistake which will be commented upon adversely, if ever the President was criticized for anything, although I do not stand here, my friends, and criticize, but I merely want to make some observations, and that is because of the fact that he falls short in not assuming his share of responsibility in this entire matter by a failure to come here and lay his cards on the table and tell the country and this Congress what it is all about—this marshaling the hosts from every State and not telling Congress, which is the true lawmaking body, about it. We alone in the last analysis are responsible. We must go back to the people and say why we really declared war without having official knowledge of what it was about. I sincerely trust that before this resolution passes the President, whom I respect and will support in every movement involving the honor of our country, will feel it to be his duty to the American people and to disarm any critic who may undertake to declare that this is more of a political campaign than a military one, and that situation will be remedied if he comes here and tells the Congress upon what exigency he takes this action. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. McKENZIE. Mr. Speaker, I yield four minutes to the gentleman from Vermont [Mr. GREENE].

The SPEAKER pro tempore. The gentleman from Vermont [Mr. GREENE] is recognized for four minutes.

Mr. GREENE of Vermont. Mr. Speaker, I think we all realize that at this time it may be inopportune to undertake to anticipate too many legal, constitutional, or judicial objections to the possibilities that may lie within the text of this proposed resolution. We are confronted by an emergency in some form or another, whether anybody at the White House declares it or not, and not so much by the vague theories that may be engendered by speculation as to what this emergency may lead to.

I only want to discuss or touch upon, as well as I can in the four minutes allotted to me, two or three points that have been raised here, and will attempt to indulge in no oratory about it.

The question is raised as to what will be the status of these National Guard troops when the emergency has passed, inasmuch as there is no distinct provision in the act of June 3, 1916, that they shall resume their status as National Guardsmen which they occupied before the emergency arose that called them into the service of the United States. While the law does not make an explicit and mandatory direction as to what shall finally become of the troops called into service under this draft, yet I think you will discover upon reflection that it was wisely omitted from the statute, because if troops called into the Federal service under section 111 of the act of June 3, 1916, should—and God forbid—be employed in the field in war for one or two or three years and should have performed splendid veteran service in defense of the flag of the county, it would simply be imposing an additional burden of sacrifice and hardship upon them to say that as a matter of compulsion at the end of that service they should immediately go back and resume their service as National Guardsmen.

It ought to be left optional with an individual member enrolled in the service whether, having performed almost the "last full measure of devotion," he should go back and take up National Guard work again. Perhaps they will have done all that a soldier may be expected to do, and it may be left for other men to fill the ranks in the National Guard made vacant by their sacrifice and heroic service.

Another thing that is suggested here is that the term "emergency" is indefinite and that no one can tell whether they are likely, under some construction or whim of a man empowered to construe the law, to be retained in the service two or three or four years, or whatever it may be, because there is no express limitation of the "emergency." A prominent feature of the fundamental basis upon which our English-speaking parliamentary system is grounded is the power of the purse in the hands of the Commons. No Executive can maintain an army in the field any longer than the Congress is willing for him to do so, and any longer than the Congress will furnish the money to keep the soldiers there. [Applause.] King Charles the First learned that, and all English-speaking men have profited by the example.

Then, as to the use of this odious word "draft," I quite agree with you all that if that word "draft" stood alone in the meaning which is applied to it in the dictionary, it is an odious word. It does seem to mean service under compulsion. But it was written in the act of June 3, 1916, not to make certain that these men would go under compulsion, but to make certain that these men who wanted to be Federalized soldiers, wanted to be a part of the Federal Army, without any constitutional doubt intervening between their willingness to serve and the opportunity of service, could sign an enlistment paper, consenting to the word "draft," so that their own patriotic purpose might be accomplished without the possibility of any intervening law or construction of law to prevent. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Vermont has expired.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

The SPEAKER pro tempore. The gentleman from Missouri [Mr. BORLAND] is recognized for five minutes.

Mr. BORLAND. Mr. Speaker, I intend to support the Hay amendment to this resolution and to oppose the Walsh amendment.

The resolution as originally drawn provided that the President of the United States, when in his opinion an emergency exists, might call into action these forces. The Hay amendment provides specifically that Congress now declares that an emergency does exist that authorizes the President to call for these forces. The Walsh amendment is an attempt to replace the original proposition of the responsibility of the President.

I need scarcely remind you that this is not a declaration of war, and yet it is of so high a nature that Congress should retain within its own control the decision as to when the emergency exists requiring the use of these citizen soldiers. An attempt to place that responsibility upon the President of the United States is an attempt to evade a responsibility which this Congress must assume and ought to assume, and in the last analysis shall assume. It will not evade the responsibility to put the decision again upon the President of the United States. Gentlemen say, on the other side, or covertly criticize the actions up to date, that they are anxious and willing to support the President and the administration in the policy it thinks right. I want to call the attention of gentlemen to the fact that if they keep the responsibility in the House of Representatives they are the sole judges on their own oath and conscience as to when the emergency exists. No man can escape the responsibility now or hereafter by voting for or against this resolution on the ground that the President of the United States should have assumed and does assume the responsibility. If any gentleman on that side of the House or on this side, upon his oath as a representative of the people in this Congress, believes that an emergency does not exist, it is his constitutional duty to vote against it, and his

vote for it can not be excused upon the ground that he is doing it to sustain the President of the United States. [Applause.]

It belongs with this Congress, and it should remain with this Congress. I want to call your attention to the fact that we can not close our eyes to the existence of the emergency. Ever since October, 1912, a condition of revolution has prevailed in the country adjoining our southern border.

Mr. NORTON. Will the gentleman yield?

Mr. BORLAND. I would be glad to, but I feel that I have not the time.

Mr. NORTON. How long does the gentleman think this emergency has existed?

Mr. BORLAND. An emergency is usually something that culminates, and I think this is one that has culminated. There have been two constitutional governments in Mexico since October, 1912. Both of them have gone down. To-day there is a de facto government in Mexico, a government which has been recognized as a de facto government since the 9th of October, 1915, a government which apparently can not discharge the duties of maintaining civil order and protecting its border adjacent to our southern States. Since that condition of affairs exists, gentlemen can take the responsibility upon their own consciences of voting against calling out an adequate military reserve for that purpose. The responsibility is as much upon them as it is upon any member of the executive. During all that time raids have occurred into American territory. American lives and property have been sacrificed.

Mr. McKENZIE. I yield two minutes to my colleague [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Chairman, in the haste of drawing my amendment, with the idea of returning the militia to the National Guard, I think the proper language was not used. I now ask unanimous consent to withdraw my amendment and to substitute another one, which I ask to have reported in my time, and with that I will yield the floor.

Mr. MANN. The gentleman need not have it reported in his own time, but as a matter of right.

The SPEAKER pro tempore. The gentleman asks unanimous consent to withdraw his amendment and to offer another.

Mr. MANN. He has a right to withdraw it. We are in the House. He withdraws his amendment and offers another.

The SPEAKER pro tempore. The Chair thinks he should put the request of the gentleman from Illinois [Mr. CHIPERFIELD]. If he wants to ask unanimous consent, he ought to have that right.

Mr. CHIPERFIELD. I will accept the suggestion of our leader.

The SPEAKER pro tempore. The gentleman withdraws his amendment and offers another, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHIPERFIELD: In line 5, after the word "discharged," insert "*Provided*, That all persons so drafted from the date of their draft stand discharged from the militia during the period of their service under such draft."

Mr. CHIPERFIELD. I have submitted this to the chairman of the committee, and I think it is acceptable to him. I yield back the remainder of my time.

Mr. McKENZIE. I yield four minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Speaker, I would not vote for this resolution as it is written and sent to us by the War Department unamended, because I think there is danger of extending the Executive function over the legislative function, and that that danger is quite apparent in this as well as in other Congresses. We are the war-declaring power, but this might authorize the Executive to make war. I hesitate to vote for the amendment as suggested by the chairman of the committee, and which is now before us, because it is a specific statement that there is an emergency now existing. We do not have all the facts upon which to make such a statement. I would very much prefer to leave that to the source of the information, which is the Executive Department. I would prefer to vote for the amendment offered by the gentleman from Massachusetts [Mr. WALSH], which says "if an emergency exists now, in the opinion of the President." He has the information, but he has not communicated it to us. I would not want to say "whenever an emergency exists." That would be general delegation of power upon any emergency. The two are quite different. The Walsh amendment limits the authority to the present situation.

However, I want to make this specific statement to this House as to what I think is the duty of the Congress on an occasion of this kind. While the specific facts are not clear as they have come through the press, and are not considered as official, yet we do know certain things. We do know that our troops are in Mexico, and if they went in without the consent of the de facto government it was an act of war. If they went in with the consent of the de facto government, it is not an act of war. Going in with the consent of the de facto government, and now being ordered out by the de facto government, if we do not withdraw I am sure there can be but one result. We have been ordered to withdraw. Now, as to whether we ought to withdraw or not, I say emphatically that we ought not. We can not under the circumstances come out at this moment. We are there, and whether we went in orderly or not—I believe we did—I would have preferred that we had quelled the bandit in a different way. But we are in, we have not yet gotten what we went after, and I do not believe that the American people would consent to our coming out at the orders of the head of the de facto government under the circumstances, and I would hesitate long before I would vote to withdraw our troops at this time.

I think, my friends, that it ought to be conceded on both sides of the House that the Mexican situation is a distressing one. I do not believe that the watchful-waiting policy will ever be indorsed by the American people. It has been most unfortunate, and the attitude of the administration has been both academic and amateurish.

When Madero was killed, but nine days before Wilson was inaugurated, Taft properly conceded to the incoming administration the right to indicate its wish, and not to turn over the Government to Wilson with a war.

Wilson came to the Congress on the 27th of August, six months after his inauguration, to lay before the Congress the Mexican situation.

His animosity toward Huerta was well known. His instructions to John Lind, his personal representative dispatched to Mexico, indicates his conception of duty toward the country. Here are his words as reported by him to Congress on the 27th of August touching Huerta:

A satisfactory settlement seems to us to be conditioned on—

(a) An immediate cessation of fighting throughout Mexico, a definite armistice solemnly entered into and scrupulously observed;

(b) Security given for an early and free election in which all will agree to take part;

(c) The consent of Gen. Huerta to bind himself not to be a candidate for election as President of the Republic at this election; and

(d) The agreement of all parties to abide by the result of the election and cooperate in the most loyal way in organizing and supporting the new administration.

It was at this time the President announced he would lay an embargo on shipment of arms to Mexico. This was to cripple the de facto government, as it would not affect the revolutionists, since the shipments were to the de facto government. Here are his words:

For the rest, I deem it my duty to exercise the authority conferred upon me by the law of March 14, 1912, to see to it that neither side to the struggle now going on in Mexico receive any assistance from this side of the border. I shall follow the best practice of nations in the matter of neutrality by forbidding the exportation of arms or munitions of war of any kind from the United States to any part of the Republic of Mexico—a policy suggested by several interesting precedents and certainly dictated by many manifest considerations of practical expediency.

It was at this time it was suggested that Americans leave Mexico. If the embargo on arms to Huerta was right, then the lifting of it on behalf of Carranza was a frightful blunder.

On the 20th of April, 1914, the President again addressed Congress on "Our dealings with Huerta." Here is where he asked Congress to cooperate with him in virtual expulsion of Huerta unless he salutes our flag.

In his address on the issue, he said:

Such a salute Gen. Huerta has refused, and I have come to ask your approval and support in the course I now purpose to pursue.

This Government can, I earnestly hope, in no circumstances be forced into war with the people of Mexico. Mexico is torn by civil strife. If we are to accept the tests of its own constitution, it has no government. Gen. Huerta has set his power up in the City of Mexico, such as it is, without right and by methods for which there can be no justification. Only part of the country is under his control. If armed conflict should unhappily come as a result of his attitude of personal resentment toward this Government, we should be fighting only Gen. Huerta and those who adhere to him and give him their support, and our object would be only to restore to the people of the distracted Republic the opportunity to set up again their own laws and their own government.

This request was to land our marines ostensibly to compel the salute. Before the authority was given, and while it was being discussed in the Senate, our marines were landed in Vera Cruz. A score of our boys were killed, and at least 200 Mexicans were killed.

Mr. Speaker, when the President made his appeal to this House, I confess I did not like the President's statement that he was fighting Huerta only. I felt then, as I feel now, he had no constitutional nor human right to say that Huerta must go, nor that he could not be a candidate for election. This was a question not for us to determine.

I felt then, as I feel now, he could not upon any sort of grounds justify a position to force the Huerta, the only sort of government then in Mexico, out, unless he was prepared to accept what would follow the going.

Notwithstanding my deep convictions on this point, I, of course, knew that landing our marines for whatever purpose on Mexican soil was an act of war, and believing the time had come for decisive action, I gave him the support he asked.

I did not expect it to be a marching up the hill in order to march down again and a further invitation for insult.

The flag was never saluted, but Huerta was driven out. His departure was but a signal for conditions to go from bad to worse.

The intervening days which saw flirtation with Villa, and final recognition of Carranza, and the raising of the embargo upon arms, could lead but to one end—total confusion and pitiable impotence. If to recognize Huerta was wrong, then the recognition of Carranza was worse than wrong.

On January 8, 1915, the President expressed himself at Indianapolis as follows:

I hold it as a fundamental principle, and so do you, that every people has the right to determine its own form of government; and until this recent revolution in Mexico, until the end of the Diaz reign, 80 per cent of the people of Mexico never had a "look-in" in determining who should be their governor or what their Government should be. Now, I am for the 80 per cent. It is none of my business, and it is none of your business, how long they take in determining it. It is none of my business, and it is none of yours, how they go about the business. The country is theirs. The Government is theirs. The liberty, if they can get it, and God speed them in getting it, is theirs. And so far as my influence goes while I am President nobody shall interfere with them.

These words are ominous in the light of the present moment. He continues:

That is what I mean by a great emotion, the great emotion of sympathy. Do you suppose that the American people are ever going to count a small amount of material benefit and advantage to people doing business in Mexico against the liberties and the permanent happiness of the Mexican people? Have not European nations taken as long as they wanted and spilt as much blood as they pleased in settling their affairs, and shall we deny that to Mexico because she is weak? No.

This orgy of blood spilling has continued unabated. It began with the death of Madero. It was continued under Huerta, then by Carranza, then by Carbajal, then by Gutierrez, then by Garza, with its culmination in Villa, and now by the combined groups of Mexican bandits.

I will not say this blood spilling is the sort of thing our President declared at Indianapolis should not be interfered with so long as he was President.

But I here and now declare that it is the inevitable outcome of such utterances backed by "watchful waiting." Mr. Speaker, the murderous attacks upon our border, the assassinations at Columbus, N. Mex., which are but items of a protracted campaign of outrages, demand drastic action. If life means anything, if national honor has any significance, such events can not be tolerated. The President is justified in demanding reparation. I doubt the wisdom of the punitive expedition. A reward for the murderers, dead or alive, would have assured the capture without our attempting what is bound to end in conflict.

But we went into Mexico. It is now too late to ask the wisdom of it. We are there. We are ordered out. We will not come out until our mission is satisfied. I am convinced that the de facto government, now tottering on its last legs, has sought this episode as an opportune time and incident to attempt to unify the Mexican factions. I therefore have small hope that its head will act the better part, but I fear will insist upon his demands. The President's recent note depicts a situation too grave to let pass and too serious to permit withdrawing now. It continues:

Continuous bloodshed and disorders have marked its progress. For three years the Mexican Republic has been torn with civil strife, the lives of Americans and other aliens have been sacrificed; vast properties developed by American capital and enterprise have been destroyed or rendered nonproductive; bandits have been permitted to roam at will through the territory contiguous to the United States and to seize, without punishment or without effective attempt at punishment, the property of Americans, while the lives of citizens of the United States who ventured to remain in Mexican territory or to return there to protect their interests have been taken, in some cases barbarously taken, and the murderers have neither been apprehended nor brought to justice.

We are in Mexico, in my opinion, in all probability to stay, and just as surely as we are in this Chamber that means war, and we might as well face it. With that statement of my deep conviction I am willing to uphold the dignity of the Nation and to vote for the resolution. I would prefer to vote for the Walsh amendment. If that can not carry, I will vote for the Hay amendment, because I am sure that we will not come out of Mexico, for if we do it will mean war ultimately, because it will still be an unsettled problem of the border, and if we do not it is almost certain war anyway, and we might as well face it. This is no time to quibble over the past. It is a question of the moment. A decisive stand is the best possible insurance now. We can not correct the inevitable fruits of "watchful waiting" by withholding our vote to take care of a situation which all of us deplore has developed at our very door and while we have had our eyes wide open. There is but one thing now to do—command the situation as befits a great Nation.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Speaker, some time ago, when the Army reorganization bill was before the House, there was quite a discussion with regard to that feature of the bill which provided that when war is imminent or upon the declaration of war certain things should be done. A substitute was offered by my colleague from New York [Mr. BENNET] containing the words "when in his judgment the public interests may require." My colleague at that time affirmed his belief that this House and the people of this country could put their trust in the President to exercise that right with care, caution, and prudence. But the majority of the Members of this House, and, if my recollection serves me right, a majority of the Members upon that side of the aisle, voted against that amendment, because they contended that it would usurp into the hands of the Executive a power which belongs to this House alone.

Their attention was called to the fact that President Polk, in connection with the Mexican War, took the Army of the United States into Mexico and then notified Congress that a state of war existed by the action of Mexico. I recall that men asserted on the floor of the House at that time that it should not be left to the discretion of one man to determine when war was imminent, and that there should be a restricted provision in the bill making it necessary that the President of the United States should come back to this House for his authority; and that, Mr. Speaker, is what has been done to-day in the presentation of the resolution which has been offered by the chairman of the Committee on Military Affairs, and I intend to support it. [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. HULBERT. I can hardly yield in the five minutes allotted to me, but after I have put in the RECORD what I have secured the time to do, if I have any time left, I will be glad to yield. The gentleman from Pennsylvania [Mr. TEMPLE] has referred to the opinion of an Attorney General of a previous administration who, he said, declared unconstitutional that provision of the Dick law which gave the Government the right to send the militia outside of the borders of the United States. I want to ask unanimous consent to extend my remarks in the RECORD, by including the opinion of former Attorney General Wickersham, rendered on the 17th of February, 1912, upon the question whether or not under existing law the President has the authority to call forth the Organized Militia of the States and send it into a foreign country with the Regular Army, as a part of the army of occupation. I concede that in his opinion the Attorney General held that it could not be used for such a purpose, but he also explicitly declared that there could be no doubt of the right of the President of the United States, without specific authority other than that conferred by existing law, to send the militia of the several States and Territories under this decision along with the Regular Army across the border for the purpose of repelling an invasion. Some gentlemen have asserted that there is great danger—and I do not think there can be any doubt about it—that we will be invaded by a superior force from the south of us unless we supplement the members of the Regular Army who are already there, and the President has the authority under this decision. [Applause.] But he asks the authority and concurrence of Congress. This is a time for patriotism, not of partisanship.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The opinion referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, February 17, 1912.

The SECRETARY OF WAR.

SIR: I have the honor to respond to your note of the 8th instant, in which you ask my opinion upon the following question:

"Whether or not, under existing laws, the President has authority to call forth the Organized Militia of the States and send it into a foreign country with the Regular Army as a part of an army of occupation, especially should the United States intervene in the affairs of such country under conditions short of actual warfare."

From very early times, in both England and this country, the militia has always been considered and treated as a military body quite distinct and different from the regular or standing Army; governed by

different laws and rules, and equally different as to the time, place, or occasion of its service. One of the most notable points of difference is this: While the latter was in the continued service of the Government and might be called into active service at all times and in all places where armed force is required for any purpose, the militia could be called into the actual service of the Government only in the few special cases provided for by law. Their service has always been considered as of a rather domestic character, for the protection and defense of their own country, and the enforcement of its laws.

This has always been the English doctrine; and in some instances acts of Parliament have expressly forbidden the use of the militia outside of the Kingdom.

Our ancestors who framed and adopted our Constitution and early laws got their ideas of a militia, its nature and purposes, from this, and must be taken to have intended substantially the same military body, with the same limitations of the occasion and nature of their service If they had intended to enlarge this, they would have said so, just as they have when they intended to further limit or restrict the occasion or nature of their service.

When the Constitution gives to Congress the power "to raise and support armies" and to provide "for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions" and makes the President "the Commander in Chief of the Army and Navy of the United States, and the militia of the several States when called into the actual service of the United States," it is speaking of two different bodies, the one Regular Army, in the continuous service of the Government and liable to be called into active service at any time or in any place where armed force is required, and the other a body for domestic service and liable to be called into the service of the Government only upon the particular occasions named in the Constitution. And acts of Congress relating to the Army and the militia must have the same construction.

It is certain that it is only upon one or more of these three occasions—when it is necessary to suppress insurrections, repel invasions, or to execute the laws of the United States—that even Congress can call this militia into the service of the United States or authorize it to be done.

As "insurrection" is necessarily internal and domestic, within the territorial limits of the Nation, this portion of the sentence can afford no warrant for sending the militia to suppress it elsewhere. And even if an insurrection of our own citizens were set on foot and threateningly maintained in a foreign jurisdiction and upon our border, to send an armed force there to suppress it would be an act of war which the President can not rightfully do.

The term "to repel invasion" may be, in some respects, more elastic in its meaning. Thus, if the militia were called into the service of the General Government to repel an invasion, it would not be necessary to discontinue their use at the boundary line, but they might within certain limits at least) pursue and capture the invading force even beyond that line, and just as the Regular Army might be used for that purpose. This may well be held to be within the meaning of the term "to repel invasion."

Then, too, if an armed force were assembled upon our border, so near and under circumstances which plainly indicated hostility and an intended invasion, this Government might attack and capture or defeat such forces, using either the Regular Army or the militia for that purpose. This, also, would be but one of the ways of repelling an invasion.

But this is quite different from and affords no warrant for sending the militia into a foreign country in time of peace and when no invasion is made or threatened.

The only remaining occasion for calling out the militia is "to execute the laws of the Union." But this certainly means to execute such laws where, and only where, they are in force and can be executed or enforced. The Constitution or laws of the United States have no extraterritorial force, and can not be compulsorily executed beyond or outside of the territorial limits of the United States.

It is true that treaties made in pursuance of the Constitution are, equally with acts of Congress, the supreme law of the land; but their observance, outside of our own jurisdiction, can not be enforced in the same way. The observance and performance, outside of our own jurisdiction, of treaty stipulations and obligations are left much to the honor, good faith, and comity of the other contracting party, reenforced at times by a regard for the consequencies of a breach. We can not send either the Regular Army or the militia into a foreign country to execute such treaties or our laws. Such an invasion of a foreign country would be an act of war.

Outside of our own limits "the laws of the Union" are not executed by armed force, either regular or militia.

The Constitution had already given to Congress the unlimited power to declare war at any time and for whatever cause it chose. It did not, in this provision, attempt the useless thing of giving to Congress an additional power to declare war, or to afford an additional ground for doing so.

What is certainly meant by this provision is that Congress shall have power to call out the militia in aid of the civil power for the peaceful execution of the laws of the Union, wherever such laws are in force and may be compulsorily executed: Much as a sheriff may call upon the posse comitatus to peacefully disperse a riot, or execute the laws.

Under our Constitution, as it has been uniformly construed from the first, the military is subordinate and subservient to the civil power, and it can be called upon to execute the laws of the Union only in aid of the civil power and where the civil power has jurisdiction of such enforcement. Even the Regular Army can be thus called upon only on such occasions; and, certainly, the militia can not be thus called upon at any other.

Then, as the civil power is without force in a foreign country, and as even the Regular Army can not be sent into another country to there execute the laws of the Union, it follows that the Constitution confers no power to send the militia into a foreign country for the purpose stated in the question here considered. On the contrary, by its specific enumeration of the only occasions for calling out the militia, it clearly forbids this.

In all this I am not unmindful that nations sometimes do make hostile demonstrations and use armed force to compel the observance by another nation of its treaty obligations and sometimes send armed forces into another country to protect the lives and rights of its own citizens there.

I shall briefly notice these in their application to our own country, its Constitution, and laws. It will be observed, and as controlling and conclusive of the present question, that, in case of a hostile demonstration against or a forcible attack upon another nation to enforce its treaty obligations, or to punish their infraction, there is no question involved of executing the laws of the invading nation, for such laws have no force or existence there. While the Constitution makes itself and the laws and treaties in pursuance thereof the supreme law of the land, it is only in our own land where such laws are supreme or of any force. As to the other contracting party, a treaty is a mere compact, depending for its observance upon the good faith, comity, or other moral considerations. The Constitution can not make itself or the treaties or laws made under it the supreme law of any other nation, or give to either any force or existence beyond our own borders. So that when an armed force is used to compel the observance of treaty obligations or to punish or obtain compensation for their violation, there is no question of executing any law of the Union, for there is no such law there. It is but the forcible compelling of the observance of an agreement or compensation for its breach. The provision referred to does not warrant the use of the militia for this purpose.

Just so, it is, when in troublous times an army of occupation, large or small, is sent into a foreign country to protect the lives and the rights of our own citizens. Here, too, no law of the Union is being executed by such invasion, for no law of the Union exists, or can be enforced there.

While it is the duty of every nation to afford proper protection to foreigners who are lawfully within its borders, yet this is not because of any law of the nation of which such foreigners are subjects, for no such law exists, or has any force there. No one can say in such a case that we are executing or enforcing any law of the Union. We are but aiding or compelling the foreign government to execute its own laws and to perform its own duty. As no law of the Union is being executed by such invasion, the militia can not be called out under this provision to take part in it. As no law of the Union can exist or be in force in any foreign country the militia can not be called out to enforce any such law there.

The plain and certain meaning and effect of this constitutional provision are to confer upon Congress the power to call out the militia "to execute the laws of the Union" within our own borders, where, and where only, they exist, have any force, or can be executed by anyone. This confers no power to send the militia into a foreign country to execute our laws, which have no existence or force there, and can not be there executed.

If authority is needed for the conclusion here reached the following may suffice:

In Ordronaux, Constitutional Legislation, page 501, it is said:

"The Constitution distinctly enumerates the three exclusive purposes for which the militia may be called into the service of the United States. Those purposes are: First, to execute the laws of the Union; second, to suppress insurrection; and third, to repel invasions.

"These three occasions representing necessities of a strictly domestic character, plainly indicate that the services required of the militia can be rendered only upon the soil of the United States or of its Territories. * * * In the history of this provision of the Constitution there is nothing indicating that it was even contemplated that such troops should be employed for purposes of offensive warfare outside the limits of the United States. And it is but just to infer that the enumeration of the specific occasions on which alone the militia can be called into the service of the General Government was intended as a distinct limitation upon their employment.

"Being the ministers of the law to enforce its commands, they can only be summoned by the lawmaking power to act within the extent of its jurisdiction and in the manner prescribed by the Constitution. They can not consequently be used to invade the territory of a neighboring country or to enforce any public rights abroad. * * *

"The militia of the States restricted to domestic purposes alone are to be distinguished, therefore, from the Army proper of the United States, which, whether in the form of regular troops or volunteers, may be used to invade a foreign country as well as to repel the attack of foreign enemies."

And Von Holtz, Constitutional Law, page 170, it is said, "the militia can not be taken out of the country."

In Kneedler v. Lane (45 Pa. St., 238), Judge Strong, speaking for the court, said:

"Apart from the obligations assumed by treaty, it is well known that there are many other cases where the rights of a nation and of its citizens can not be protected or vindicated within its own boundaries. But the power conferred by Congress over the militia is insufficient to enable the fulfillment of the demands of such treaties, or to protect the rights of the Government or its citizens in those cases in which protection must be sought beyond the territorial limits of the country."

And see Houston v. Moore (5 Wheat., 1) and Martin v. Mott (12 Wheat., 19, 27).

It is true that the act of January 21, 1903, as amended by the act of May 27, 1908 (35 Stat., pt. 1, 399), provides:

"That whenever the President calls forth the Organized Militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia, so called, shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President."

But this must be read in view of the constitutional power of Congress to call forth the militia only to suppress insurrection, repel invasions, or to execute the laws of the Union. Congress can not, by its own enactment, enlarge the power conferred upon it by the Constitution; and if this provision were construed to authorize Congress to use the Organized Militia for any other than the three purposes specified, it would be unconstitutional. This provision applies only to cases where, under the Constitution, said militia may be used outside of our own borders, and was doubtless inserted as a matter of precaution, and to prevent the possible recurrence of what took place in our last war with Great Britain, when portions of the militia refused to obey orders to cross the Canadian frontier.

I think that the constitutional provision here considered not only affords no warrant for the use of the militia by the General Government, except to suppress insurrection, repel invasions, or to execute the laws of the Union, but, by its careful enumeration of the three occasions or purposes for which the militia may be used, it forbids such use for any other purpose; and your question is answered in the negative.

Respectfully,

GEO. W. WICKERSHAM,
Attorney General.

[By unanimous consent, Mr. STEPHENS of Texas, Mr. FARR and Mr. FESS were given leave to extend their remarks in the RECORD.]

Mr. ANTHONY. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, if the President of the United States is prepared to declare to the Congress that an emergency exists, I am prepared to vote him all the support he deems necessary. The President has made no such declaration in this instance, but a message has come to the House, through the chairman of the Military Affairs Committee, that the Secretary of War has indicated that there is a necessity for the passage of this resolution.

I do not think we should be asked to pass this resolution with the Hay amendment attached on any such meager information as has been given to the House. What we are about to do is to take over upon Congress responsibility for the drafting of the National Guard by declaring that an emergency exists, about which the President has given us no official information. Our responsibility here is that of direct representatives of the people. We have as much right to information warranting a declaration of war as has the President himself. It is due to us that we should have sufficient information before we vote the people of the country into war or before we vote them into taxes to sustain war; but, as a matter of fact, there has been no official communication upon this very serious matter, even such as we would require from any one of the departments before we passed the most trivial legislation. For one, I object to Congress constantly submitting itself on grave and important questions to some other will than its own. We have had too many instances of legislation passed without that careful deliberation which this body ought to insist upon as a matter of right.

The Constitution of the United States provides what the duties of the President shall be. He is undoubtedly the Commander in Chief of the Army and the Navy of the United States and he has power to call out the militia, but the President has no right to declare war without the consent of Congress nor to impose taxes upon the people for the purposes of war without consulting that body. The right to declare war is specifically conferred upon Congress, because Congress is supposed to be more closely in touch with the plain people, who have to do the fighting and who must bear the burden of supplying revenue. The President has taken to himself certain powers with respect to sending armed forces into Mexico which might fairly be challenged under the Constitution. If Congress has any rights under the Constitution with respect to these matters, undue advantage should not be taken of them even by the President. We are here as Representatives of a sovereign people to act on matters of vital interest to their welfare, even in the matter of taxes, life, and death. Presidents have recognized this coordinate jurisdiction in numerous instances. President McKinley was not above coming to Congress to ask its support and its confidence before we embarked upon the Spanish-American War. He made plain to this body the difficulties which confronted him and he received unanimous support. An appropriation of $50,000,000 was voted to him without question.

President Wilson, who is a great historian and whose present responsibilities are very great, can not be oblivious of the coordinate jurisdiction of Congress in the matter of a declaration of war. The President has gone far beyond other Presidents in coming to Congress in person. He has been upon the rostrum yonder time and time again, and we have listened to the oral delivery of his suggestions. In this very matter of Mexico he has been here at least twice—once to tell us about his policy of "watchful waiting" and again to urge us to support him in a declaration of war upon one Victoriano Huerta. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, of course it was impossible in four minutes to fully discuss so serious a question as that of drafting for an indefinite period of service in the Regular Army of the United States 100,000 young men attached to the National Guard of the various States who are to be taken from their homes to engage in a perilous service at the discretion of the President. But under leave to extend these remarks I will continue what I had hoped to say in the four minutes allotted to me. I observed that the President had been here to tell Congress about his "watchful waiting" policy, which resulted in Americans being driven from Mexico without the protection of their flag, and that on another occasion he had addressed the Congress, requesting its support in his war upon Gen. Victoriano Huerta, the President of Mexico.

What President Wilson said in his second address on Mexico had to do with an alleged insult to the American flag on a small boat in Tampico Harbor. The President sought to have the flag saluted, and in the course of his address stated that he had already sent the American fleet under Admiral Mayo—

to insist that the flag of the United States should be saluted in such a way as to indicate a new spirit and attitude on the part of the Huertistas.

That was in April, 1914—two years and more ago.

Then the President, who had already made his declaration, said to the Congress:

Such a salute Gen. Huerta has refused, and I have come to ask your approval and support in the course I now propose to pursue.

Later on in his address the President, recognizing the right of Congress to be consulted in matters of this kind, said:

No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President, but I do not wish to act in a matter possibly of so grave consequence except in close conference and cooperation with both the Senate and House. I therefore come to ask your approval that I should use the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from Gen. Huerta and his adherents the fullest recognition of the rights and dignity of the United States, even amidst the distressing conditions now unhappily obtaining in Mexico.

In this instance the President came to Congress, and, while circumstances were not of so momentous a character as those which now seemingly confront us, he laid his war proposition before the Congress, as under the Constitution it was his duty to do, and he obtained the sanction of this body to go ahead. There was very little debate upon the matter because of the desire of Congress to support the President, even though he had sent our warships upon an apparently hostile errand before Congress officially knew anything about it.

Gentlemen say we have sufficient information about the present Mexican situation to warrant us in passing this resolution, relieving the President of the necessity of declaring an emergency, sufficient to draft the National Guard, and putting that responsibility over upon Congress, even though there has been no official word or line from the President or his Secretary of War. Gentlemen in their haste to pass the so-called Hensley peace resolution, shortly before the outbreak of the European war, gave the same kind of assurance then. They told the House that because some newspaper reported that Winston Churchill had recommended a year's cessation of naval construction, therefore the United States Congress should fall in line and recommend that all shipbuilding for naval purposes should stop for one year. That resolution was contested by so few Members that it passed almost unanimously, and the United States was on record at the outbreak of the European war as favoring no more battleships. We had no word at that time from any department on the subject. It was an instance of loose legislation, notwithstanding it gave expression to an idealistic dream.

I am inclined to believe that a serious situation confronts us in Mexico, but I am not wholly willing that the Congress, which has not been consulted or even informed as to the sending of American troops into a foreign country, shall be obliged to assume entire responsibility for that condition. If the President needs the 100,000 young men whom we are now to draft for the Regular Army service, he should at least inform us of that fact. The young men who have enlisted are ready and anxious to serve their country, and I assume that we have been put in such a position in Mexico as to require their services. I shall vote to give the President authority to send them wherever needed to uphold the honor and the dignity of the flag, but I shall do so regretting that the true conditions, as known to the President and the War Department, are not more fully confided to the representatives of the people assembled in Congress.

Mr. ANTHONY. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Speaker, I want to assure you that I have no criticisms to make at this time regarding our diplomatic and other relations between the United States and Mexico. I do, however, want to say a word about this resolution.

We seem to be agreed that we are here to support the President of the United States in any emergency which may arise, and I take it that we do this as citizens and not as partisans. However, in considering a resolution of this kind we have another duty to perform. We are legislating here not only for the head of the Army, but we are legislating here for the men and boys of this country who shoulder the rifles and follow the flag wherever they are told to go; and I want to say that it makes a great deal of difference how these men are called and under what terms and conditions they are taken into the service of the United States. They are not concerned about this to-day. These young men who are flocking to the colors are not asking

about the terms of enlistment or anything of that kind, but in the years to come, after 6 months or 12 months or 2 years or 3 years of service for their country they and their friends will be asking and wondering what the terms of their service were and why their rights were not properly safeguarded. I know the chairman of this committee too well, I believe, to think that he would want any resolution put through here which would not safeguard the rights of these men who are going to the colors. I take it that if the obligation prescribed in the new Army act had been taken by these National Guardsmen it would make no difference what kind of a resolution we passed here, whether it prescribed the terms of enlistment or not; but inasmuch as that oath has not been taken, I think it a vital matter that a limit be put upon the time for which these men shall be taken into the service of the United States. I am not so much concerned as to what shall happen to the National Guard in this country when this emergency is over.

In 1898 and 1899 there emerged from the old National Guard a better guard than we had when war was declared upon Spain. The men came back. Probably 50 per cent of the reorganized companies were composed of men who had seen service, but the younger element also came in, and they promptly formed the new regiments. We have provided in our Army reorganization bill a reserve battalion for each regiment. I am not concerned so much as to that, but I have a vital concern about the safeguarding of the rights of these men who are being called to the colors, and I believe it is very necessary that some limitation should be placed upon the length of this service. Another thing. I do not want to see this mobilization carried on just as an emergency very long, because we are calling hundreds of thousands of our citizens into the Army, and they will receive no benefits from the volunteer soldier acts which have been passed in the past; none of the pension laws will be applicable to them save the ones applicable to the Regular Army, and none of the benefits which would accrue to the volunteer soldier in time of war will be coming to them, because they are serving really in time of peace; so I do not want this emergency continued very long. This joint resolution properly amended should be adopted. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. ANTHONY. Mr. Speaker, I yield four minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, this resolution and this day call the Congress of the United States to the performance of a serious and solemn duty. If by voting against this resolution we could prevent war, I would vote against it. If by voting against this resolution we could postpone war, I would vote against it. We are confronted with a state of war that already exists in Mexico, and that was inevitable from the very hour the President, on his own responsibility, sent the troops of the United States into Mexican territory.

This action on the part of the Executive followed a series of blunders covering a period of three years. All these blunders led in the direction of war. Instead, therefore, of this resolution being before the Congress for consideration to-day—not at the direct request of the President of the United States, but by his direction left on our front steps—it should have been before Congress the very day the President sent the Army of the United States into the interior of a foreign country that was already in arms. [Applause.]

There has never been an hour since our troops entered Mexico that war has not been inevitable. The question now is to sustain our troops that are already in the field. The question now is to prevent prolonging the war. The question now is to prevent the slaughter of our soldiers by giving them proper support. It is a matter of duty that squarely faces the Congress of the United States, whether the President has been willing to do his duty or not. He should have taken such steps as the consequences of his first step made necessary or he should not have taken the first step.

The President should have been upon this rostrum yesterday or this morning telling Congress and the country the exact state of our troops that he sent into Mexico. Our soldiers are there by his direction; they need support. We are taking what is the common knowledge of all men as a basis for action, and are acting upon our responsibilities as Representatives to aid and support our soldiers whom the President sent into the interior of a foreign country—itself an act of war. A condition of war has existed ever since. A state of war exists to-day. There was a battle on yesterday. Men wearing the uniform of our country were killed in battle. Others wearing our uniform were taken as prisoners of war and held as prisoners by the soldiers of a foreign country. No one knows what their fate is or shall be. They must not be abandoned to the fate to which the President seems willing to leave them. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. HAY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, one can not say very much in three minutes, and there is a great deal to be said here. I do not like some of the arguments that have been advanced upon the Republican side. It seems that they are playing politics. There are men who would play politics at the grave of a brother. The gentleman who preceded me, the gentleman from Kansas [Mr. CAMPBELL], did not have the courage to vote against an appropriation of money for the Villa expedition. That was the time to deliver the speech that he has delivered just now. It is not for him to criticize. The real question before Congress at this moment is, Shall the Army of the United States be sent to protect the border of the United States or shall it be permitted to invade the territory of Mexico? The right to use the National Guard must be restricted to the territory of the United States. That is the only way to save the country from war. Protect your own border, and withdraw the Army from Mexico.

There is no dishonor in withdrawing from Mexico. You are a hundred million strong. Mexico is distracted, writhing in the agony of revolution, small, miserable, helpless. No one will doubt that you are powerful enough to defeat Mexico; you are not asked to retire before a stronger army; you are not withdrawing before a superior power; you are not retreating because you are afraid; but you do retire from Mexican soil because you are afraid to commit a wrong, to do an injustice; and I submit that to be afraid to do a wrong, to be afraid to commit an injustice, is not cowardly, but a manly thing. There is no glory in licking a weaker fellow. Nor is any question of dignity involved. It has been Mexico's misfortune to be ruled by foreign capital. The American people are not seeking either revenge or acquisition of Mexican territory. The American investor has no higher claims to security than the Mexican people themselves. He has chosen to invest American capital in Mexico. Shall he be permitted to drag the American Army with him to protect his investment?

In what positions do you put yourselves, Democrats, responsible for the conduct of the Government?

The President has been proclaimed the great pacificator. The hope has been held out to the world that he will not only keep the United States out of the maelstrom of war, but that he will help to restore peace to Europe. Shall all these hopes be blasted? If you once enter Mexico, you will never withdraw from it without appropriating a large slice of Mexico. The same influences that have forced the Villa outrage and then the blundering Villa expedition, will force the retention of the invaded Mexican territory, all, of course, in the name of American dignity, and as compensation for the blood which the American people will pour out. Perhaps I am too much of an optimist, but I refuse to abandon the hope that the President will for the sake of this Republic, for the sake of unfortunate Mexico, for the sake of Europe, anxiously looking to him to pick up the torn threads of international peace, continue to keep this country free from the horrors, the crimes, and the insanities of war.

The SPEAKER. The time of the gentleman has expired.

Mr. LONDON. Mr. Speaker, may I ask unanimous consent to speak for five minutes, not to be taken out of the time agreed upon?

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes, not to be taken out of the time agreed upon.

Mr. HAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Virginia objects.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL.]

Mr. MONDELL. Mr. Speaker, the President of the United States, acting within his authority and on his responsibility, has called to the Federal service certain organizations of the National Guard. In view of the situation which exists upon the Mexican border it seems altogether probable that it will be necessary to use those troops to guard the border and very possibly some of them in Mexico. In that condition of affairs it is essential that those troops shall take the oath and undergo the enrollment that is necessary for foreign service. We are called upon now to legislate upon that point. We have not

made the situation in Mexico—that is, Congress has not. Congress is not responsible for the situation in Mexico and on the border. The American people will finally determine upon whom the responsibility for that situation rests; but we have the responsibility, in view of the situation there known to us—not officially, it is true, but through the newspapers—and that responsibility we are about to discharge by the passage of this resolution, which will make the militia available for service in Mexico in case they shall be needed there.

I do not like the word "draft" in this resolution. It is not necessary. I do not want these boys to go to the border as "drafted" men. [Applause.] Therefore I shall offer an amendment, which will leave the resolution just as effective under the law as in its present form, substituting the words "enlist" and "enroll" for the word "draft." With such a change in the language of the resolution our boys will go from every State in the Union to the border and across the border if it becomes necessary in the maintenance of American honor as enrolled and enlisted and not as drafted men. [Applause.] The adoption of this resolution can not be properly construed as an act of war or necessarily in contemplation of war. It is an act made necessary in order to so increase our available forces that we may be in position to protect our border and protect American rights whatever may happen.

Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN], or such time as remains on this side.

Mr. MANN. Mr. Speaker, we are really in a state of war now. We know it. I think we are justified in taking action such as has been suggested here. I will remind the House that in 1898 preceding the Spanish War my distinguished colleague from Illinois [Mr. CANNON] introduced in the House a joint resolution, I believe, or a bill, providing for the appropriation of $50,000,000 for the national defense. Everyone knows that that was preliminary to the Spanish War in the hope of preventing it, but with the intention of preparing for it. We did not then wait for a special message from President McKinley on the subject. I do not think we had as much information in the House at that time in regard to the situation as we have now. I am glad to say that at that time that resolution was passed by a vote of 313 yeas to no nays. [Applause.] It represented the attitude of the Congress as being solidly in favor of a defense of our national honor and the realm. I believe that whenever the occasion rises that requires our united action in behalf of our country we will stand united. I think that the emergency now, under all the circumstances of the case, requires that we should have the National Guard enter the service as the Regular Army of the United States [applause] and be prepared for the worst, hoping that this step may help to bring about that peace which we seek but which we do not now have. [Applause.]

Mr. HAY. Mr. Speaker——

Mr. OGLESBY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. OGLESBY. Will the gentleman from Virginia allow me to ask a question before he begins?

Mr. HAY. Yes.

Mr. OGLESBY. I have not the slightest doubt but what the members of the National Guard will go to this war whether it is drafted or whether enlisted or how you word it, but what I would like to know is this, whether the gentleman proposes to make any provision in his other bill which is now being considered to take care of the families of those men who go, which families would otherwise be left destitute? I know of a number of instances in my district where the families of those men would be left destitute unless some provision were made.

Mr. HAY. I will say to the gentleman I expect to offer an amendment to this resolution providing for that very thing. [Applause.] Mr. Speaker, there has been so much confusion, apparently, about the question of enlistment and the question of volunteering and drafting that I desire to call the attention of the House to the reason why the word "draft" is used in this resolution. There is no way under the Constitution that the Organized Militia of the States can be used beyond the confines of the United States so long as they remain militia, and therefore when we passed the reorganization law we provided that when Congress came to the conclusion that the land forces of the United States should be used in excess of the Regular Army the President should be allowed to draft the National Guard, because the National Guard is to-day the second line, or, I might say, almost the first line, of defense. The National Guard have told us over and over again that they have enlisted, that they have gone into the service for the purpose of rendering service to the National Government, and if they had not had that hope the National Guard would not have been to-day what it is, and therefore I will say, without fear of contradiction, that the word "draft," as used in this resolution, is not obnoxious to members of the National Guard. [Applause.] They are in the service with the full knowledge that they may be called and may be drafted into the service of the United States. They want to go, they are ready to go, to the defense and the aid of the soldiers of the United States who are now in peril in Mexico, and they are not quibbling about a word. [Applause.]

Mr. Speaker, I think there is some force to the suggestion of the gentleman from Pennsylvania [Mr. CRAGO] that there should be some limitation put upon the term of service of these troops; and, therefore, at the proper time I shall offer an amendment providing that their term shall not be longer than three years, which is the term of service in the Regular Army and in the National Guard both. I am opposed to the amendment of the gentleman from New York [Mr. CALDWELL], which proposes that these men shall——

Mr. CALDWELL. If the gentleman will permit, I will say I will withdraw my amendment if he will introduce his.

Mr. HAY. Very well.

As to the amendment proposed to my amendment by the gentleman from Massachusetts [Mr. WALSH], the amendment which I propose lodges—or, rather, keeps—within the jurisdiction of the Congress what it has always kept—the right to say when troops should be called for in excess of the Regular Army. I believe that Congress ought not to surrender that right, and to say that the President should take the responsibility of saying that an emergency exists and that Congress should not say so seems to me a quibble and a begging of the question. Why, gentlemen, we know that an emergency does exist, and why are we afraid to take the responsibility of declaring that fact and taking steps to send soldiers to protect and to aid and to assist in preserving the lives and the honor of the soldiers of the United States who are rightfully in Mexico and who at any moment may be attacked and who, if they do not have the aid which we send them, may be murdered, as some have already been murdered. I, for one, am not ready to quibble in a situation of this kind. I want to see this thing done, and done now.

I have heard gentlemen talk about preparedness a great deal on this floor, and now one of the men and apostles of that creed wants to postpone this measure of active preparedness which we are now proposing. I say, as the gentleman from Illinois [Mr. MANN] said, this is a matter largely of preparedness, to meet an emergency, and, if possible, thereby to get peace; but if there is no peace, then let us be ready, and ready now, not only to send men there, but to give to the President of the United States all the men, all the money, all the ammunition, all the things that will enable him to successfully maintain and uphold the honor of this country. [Loud applause.]

The SPEAKER. The question is on the amendment of the gentleman from Virginia [Mr. HAY] as amended.

Mr. HAY. Mr. Speaker, I understand that the gentleman from Massachusetts [Mr. WALSH] offers an amendment to my amendment, and the question is on the amendment to the amendment.

The SPEAKER. The Clerk informs the Chair that that was adopted.

Mr. HAY. Oh, no. The amendment that was agreed to was the amendment of the gentleman from Massachusetts [Mr. GARDNER].

The SPEAKER. The Clerk will report the amendment of the gentleman from Massachusetts [Mr. WALSH].

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 3, after the word "That," strike out the word "whenever" and insert the word "if"; and after the word "emergency," insert the word "now," so that the same will read:

"*Resolved, etc.*, That if in his opinion an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, the President be, and he is hereby"—

And so forth.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 24, noes 122.

So the amendment was rejected.

The SPEAKER. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Speaker, I offer a further amendment.

Mr. MANN. There is an amendment pending offered by my colleague.

Mr. HAY. I understand that, but mine comes first. His comes at the end.

The SPEAKER. The Chair understood the gentleman from New York [Mr. CALDWELL] to make some kind of an agreement.

Mr. HAY. The gentleman said that he would withdraw his amendment when I offered mine. But I withdraw mine now for the amendment of the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CALDWELL. Mr. Speaker, I withdraw my amendment now, to get it out of the way.

The SPEAKER. The vote will be taken on the amendment of the gentleman from Illinois [Mr. CHIPERFIELD]. The Clerk will again report the amendment.

The Clerk read as follows:

Page 2, line 5, after the word "discharged," insert:
"*Provided*, That all persons so drafted shall from the date of their draft stand discharged from the militia during the period of their service under said draft."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Now, Mr. Speaker, I move to amend, in line 5, page 2, by striking out the words "the emergency" and inserting the words "three years," so that it will read:

To serve for a period of three years unless sooner discharged.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 5, strike out the words "the emergency" and insert in lieu thereof the words "three years," so that the lines will read: "To serve for the period of three years unless sooner discharged."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, in reference to the amendment that was just adopted, does not the gentleman think it might be wiser to say to serve for the period of the emergency "not to exceed three years, unless sooner discharged"?

Mr. HAY. I think myself that the emergency is going to be for a very short period.

Mr. MANN. It seems to me that perhaps that might be a wiser provision.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the amendment just agreed to be reconsidered and the amendment suggested by the gentleman from Illinois be accepted in its place.

The SPEAKER. Without objection, the amendment just voted on and agreed to will be reconsidered, and the gentleman from Illinois [Mr. MANN] offers an amendment in lieu thereof.

Mr. MANN. To insert, after the word "emergency," the words "not exceeding three years," so that it will read:

To serve for the period of the emergency, not exceeding three years, unless sooner discharged.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 5, after the word "emergency," insert the words "not exceeding three years."

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to amend the amendment by striking out the word "three" and inserting the word "two."

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] moves to strike out the word "three" and insert the word "two," making it two years instead of three.

Mr. FITZGERALD. Mr. Speaker, I do not think the gentleman from Pennsylvania should do that, because the three-year amendment has already been adopted.

Mr. MOORE of Pennsylvania. Does the gentleman think this war is going to continue three years?

Mr. FITZGERALD. I do not know whether there is going to be any war at all.

Mr. MOORE of Pennsylvania. If so, these young men who are to be drafted ought to be advised so that they can make their arrangements. I insist upon my amendment, Mr. Speaker, striking out "three" and inserting "two."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania demands a division.

The House divided; and there were—ayes 25, noes 126.

So the amendment was rejected.

Mr. HAY. Mr. Speaker, I offer an amendment as a new section.

The SPEAKER. The gentleman will wait just a moment. The question is on agreeing to the Hay amendment as modified by the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. ANTHONY. Mr. Speaker, will the gentleman from Virginia permit me to ask him a question?

Mr. HAY. All debate is over.

Mr. ANTHONY. I would like to ask the gentleman a question.

Mr. HAY. Then I will yield.

Mr. ANTHONY. How does the gentleman construe the words "unless sooner discharged by the President"? Can he discharge them?

Mr. HAY. Surely.

Mr. ANTHONY. I think the President has the authority to discharge an enlisted man, but I doubt whether he has the authority to discharge a commissioned officer.

Mr. HAY. He can muster him out.

Mr. ANTHONY. It occurred to me it might be more explicit.

The SPEAKER. The question is on agreeing to the Hay amendment as modified by the Mann amendment.

The amendment as modified was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. MONDELL: Page 1, line 6, strike out the word "draft" and insert the words "enlist and enroll."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. HAY. Mr. Speaker, I offer a new section.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. HAY].

The Clerk read as follows:

New section, after line 5, page 2, insert:
"The sum of $1,000,000 is hereby appropriated, to be expended under the direction of the Secretary of War and under such rules and regulations as he may prescribe, for the purpose of maintaining, at a cost of not more than $50 per month, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge therefrom, which family during the term of service of said enlisted man has no other income, except his pay, adequate for the support of said family; and the word 'family' shall include dependent mothers and sisters, as well as brothers under the age of 14 years."

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman from Virginia permit me to ask him whether he would accept an amendment including dependent fathers? Fathers are not mentioned.

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman accept that?

Mr. HAY. I will.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask that the word "fathers" be inserted.

Mr. SMITH of Michigan. I would like to ask the gentleman from Virginia if he would include the word "mothers"?

Mr. HAY. It is already there.

Mr. MOORE of Pennsylvania. I know of instances where there are dependent fathers.

Mr. HAY. I accept the amendment.

Mr. FERRIS. Mr. Speaker, will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. FERRIS. Has any estimate been made as to what this thing will cost?

Mr. HAY. No estimate has been made, because it has not been possible in the time within which this emergency arose to have an estimate given.

Mr. FERRIS. Let me ask the gentleman another question. We have appropriated $100,000,000 for 450,000 militia or National Guard. If the 450,000 men were secured and filled up to that extent, what would it cost?

Mr. HAY. I can not say, for the reason that some of these men are rich men.

Mr. MADDEN. What difference does it make what it costs? [Applause.]

Mr. HAY. A large number of them are single men, who have no families dependent upon them, and until the War Department can ascertain which of these men's families are entitled to this relief it is impossible to tell what it will cost or how many men it will affect.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the amendment may again be reported.

Mr. HAY. And include the word "fathers."

The SPEAKER. The Clerk will, in the first place, report the Hay amendment as a new section and then the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Page 2, following line 5, insert a new section, as follows:

"The sum of $1,000,000 is hereby appropriated, to be expended under the direction of the Secretary of War and under such rules and regulations as he may prescribe, for the purpose of maintaining, at a cost of not more than $50 per month, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge therefrom, which family during the term of service of said enlisted man has no other income, except his pay, adequate for the support of said family; and the word 'family' shall include dependent mothers and sisters, as well as brothers under the age of 14 years."

Amendment offered by Mr. MOORE of Pennsylvania: "Insert the word 'fathers' following the word 'mothers' in the second from the last line of the amendment, so that the amendment will read: 'and the word "family" shall include dependent mothers, fathers, and sisters, as well as brothers under the age of 14 years.'"

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I wish to inquire whether the term "enlisted man" in the proposed amendment would cover enlisted men of the Regular Army?

Mr. HAY. It would not.

Mr. STAFFORD. Of course, this is a distinct and substantive piece of legislation?

Mr. HAY. Sure.

Mr. STAFFORD. And I assume it is not intended to cover the enlisted men in the Regular Army, but only those in the National Guard?

Mr. HAY. It relates only to the National Guard.

Mr. MADDEN. Mr. Speaker, I move to strike out the last word. I think this legislation suggested in the amendment of the gentleman from Virginia [Mr. HAY] is the most humanitarian expression of public sentiment that has ever been proposed in this House. [Applause.] There is nothing on earth that the people of America should not do to maintain in comfort the wives, children, and dependents of those who offer their lives to the service of their country. I hope there will not be a dissenting vote, either on the passage of this amendment or of the resolution when it is amended. [Applause.]

Mr. TAGGART. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. TAGGART. A parliamentary inquiry. I do not want to make a speech.

The SPEAKER. The gentleman will propound his inquiry.

Mr. TAGGART. Does the word "family" include the wife, where there are no children?

Mr. HAY. Why, certainly; of course it does.

Mr. TAGGART. There have been lawsuits on that question——

The SPEAKER. If that is a parliamentary inquiry addressed to the Speaker, he will answer it in the affirmative. [Applause.]

Mr. TAGGART. I want to put a question to the chairman of the committee, if he will answer it.

Mr. HAY. I yield to the gentleman.

Mr. TAGGART. There are exemptions to a family in some States, and there have been some lawsuits to determine whether or not the wife, there being no children, could claim those exemptions. The word "wife" is not mentioned in this amendment.

Mr. HAY. If there is any question about it, Mr. Speaker, I will ask that the word "wife" be included.

The SPEAKER. Without objection, the amendment of the gentleman from Pennsylvania [Mr. MOORE] will be agreed to.

There was no objection.

Mr. HAY. Now, Mr. Speaker, I desire further to amend by inserting after the word "family" the words "out of any moneys in the Treasury not otherwise appropriated."

The SPEAKER. Without objection, the word "wife" will be included in the amendment.

Mr. MANN. Reserving the right to object, I should like to know if this is a congressional determination that a man's wife is a part of his family?

Mr. HAY. I had always believed that a wife was a part of a man's family.

Mr. MANN. Everybody knows it. What is the use of our declaring it? We might as well say that a man's children are a part of his family.

Mr. HAY. The gentleman from Kansas insists that a lawsuit has arisen in some State upon the very question as to whether a man's wife is a member of his family.

Mr. MANN. We are not governed by lawsuits in Kansas. I think it is a reflection on our intelligence to declare that a man's wife is a part of his family.

Mr. HAY. If they are separated, or something of that kind, there might be some question. I do not think it will do any harm to put it in.

Mr. MANN. Or if a man's wife is dead, then are the children a part of his family? It is a silly question.

Mr. FESS. Mr. Speaker, I should like to ask the gentleman, Does the limitation of age apply both to brothers and sisters? It says "sisters and brothers under 14."

Mr. HAY. No; it says, "as well as brothers under the age of 14 years." I drew it so that the limitation of age should not apply to sisters.

Mr. FESS. The limitation of age applies to brothers only?

Mr. HAY. Just to brothers.

Mr. ROGERS. Mr. Speaker, would the gentleman consider favorably a proposition to increase that age limit from 14 years to 16 years?

Mr. HAY. I think a boy 14 years of age can take care of himself.

Mr. ROGERS. In many States he is not allowed full freedom to labor. He has to go to school, and so forth.

Mr. HAY. I think this is pretty liberal.

The SPEAKER. Does the gentleman from Virginia desire to withdraw the amendment about wives?

Mr. HAY. I did not offer it. The gentleman from Kansas suggested it.

Mr. TAGGART. I move that the word "wife" be included.

The SPEAKER. The gentleman from Kansas moves to include the word "wife" in this amendment.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. KEARNS. I would like to ask the gentleman a question.

Mr. TAGGART. Mr. Speaker, I demand a division. The word "family" does not include the wife where there are no children.

The House divided; and there were—ayes 104, noes 67.

Accordingly the amendment to the amendment was agreed to.

Mr. HAY. Mr. Speaker, will the clerk report the last amendment that I suggested—about the appropriation?

The SPEAKER. The clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAY: After the word "appropriated," in the first line of the amendment, insert the words "out of any moneys in the Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. GARDNER. Mr. Speaker, I have an amendment which I wish to send to the desk.

The SPEAKER. The gentleman will send it up.

The Clerk read as follows:

Add, at the end of the new section, the words:

"*Provided*, That the same allowances be made to the families of soldiers in the Regular Army."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Add, at the end of the new section, the following:

"*Provided*, That the same allowances be made for the families of soldiers in the Regular Army."

Mr. HAY. I make the point of order that this resolution does not deal with the Regular Army, but deals entirely with the National Guard, and therefore it is not germane.

The SPEAKER. Does the gentleman from Massachusetts desire to be heard?

Mr. GARDNER. It is clearly out of order, Mr. Speaker.

The SPEAKER. Of course it is.

Mr. GARDNER. I should like to have a few minutes.

The SPEAKER. Does the gentleman from Virginia reserve the point of order?

Mr. HAY. I reserve the point of order.

Mr. GARDNER. Mr. Speaker, that is just the sort of thing that kills the Regular Army. [Applause.] It is just a sheer piece of injustice, such as we are always performing. It is no wonder that we can not get enlistments in the Regular Army when we deny Regulars the same treatment which we grant to militiamen. These Regulars are the ones that do the real fighting. These militiamen are going into camp for instruction. We know it. We pretend that the National Guard is going down to Mexico to do the fighting, but at heart we do not expect them to do anything except guard the lines of communication and police the border. We go through this humbug day after day, knocking the soldiers and officers of the Regular Army. Everyone knows that the Regulars did the fighting in the Spanish War, but we pretend that it was the Volunteers. Now, let us look these facts squarely in the face. [Applause.]

Mr. HAY. Mr. Speaker, I must take issue with the gentleman from Massachusetts [Mr. GARDNER]. These men are just as liable to do the fighting as the men in the Regular Army,

and are just as willing to do it as the Regular Army. [Applause.] And they will do it just as well as the Regular Army when they get in the presence of the enemy. [Applause.] The Regular Army men are men who make a profession of arms. They go into the Regular Army for the purpose of making a career out of it. These men in the National Guard are called from their business suddenly, without any warning; they leave their families behind them; they have to leave them. They stand upon a very different footing from the soldiers in the Regular Army, and we ought to take care that they are encouraged so that when the time comes and we want other men they will be ready to volunteer to give their services to the country, knowing that their wives, sisters, and mothers will be taken care of by the Government. [Applause.] I insist upon the point of order.

The SPEAKER. The point of order is sustained. The question is on the amendment.

The amendment was agreed to.

Mr. STINESS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, after line 5, add a new section as follows:
"The provision of section 112 of the national defense act of June 3, 1916, shall be applicable to any officer or enlisted man drafted into the service of the United States pursuant to section 1 of this joint resolution."

Mr. HAY. Mr. Speaker, I do not want to take the gentleman from Rhode Island off his feet, but the provisions of the defense act are that when any officer or enlisted man of the National Guard is drafted into the service of the United States in time of war and is disabled by reason of wounds or disability received or incurred while in active service of the United States in time of war he shall be entitled to all the benefits of the pension law.

Mr. MANN. But that does not apply to this case.

Mr. HAY. No; it does not, but I think it ought to. I am willing to accept the amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Rhode Island.

Mr. HUDDLESTON. Mr. Speaker, I want to ask the gentleman from Virginia a question. Where soldiers are sons of dependent fathers who formerly belonged to the Confederate States' Army, will those fathers be entitled to these benefits?

Mr. HAY. Beyond a doubt.

Mr. HUDDLESTON. I wish to call the gentleman's attention to the fact that he is mistaken.

Mr. HAY. If I am mistaken, why did the gentleman ask me the question?

Mr. HUDDLESTON. I thought the gentleman knew the law.

The SPEAKER. The question is on the amendment offered by the gentleman from Rhode Island.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That when organizations the members of which are drafted under the provisions of this resolution do not constitute complete tactical units the President may, by combining such organizations, organize battalions, regiments, brigades, and divisions, and may appoint officers for such units from the Regular Army, from the members of such organizations, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, or members of the Officers' Reserve Corps, as provided in section 38 of the national-defense act of June 3, 1916, officers with rank not above that of colonel to be appointed by the President alone and all other officers to be appointed by the President, by and with the advice and consent of the Senate.

Mr. BENNET. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman from Virginia who are the persons duly qualified to register under section 23 of the act of Congress approved January 21, 1903.

Mr. HAY. That will apply to such people who take an examination as to their being eligible for duty in time of war or in an emergency.

Mr. BENNET. Can the gentleman state whether there are quite a number of these persons?

Mr. HAY. Yes; the gentleman from Massachusetts [Mr. GARDNER] is one.

Mr. BENNET. So that they will have a discretion to appoint officers from three sources—the Regular Army, the drafted militia, and from this list.

Mr. HAY. Yes.

Mr. GREENE of Vermont. I suppose the chairman of the committee has taken notice of the fact that in the text of that act referred to in the section of the resolution we are considering there is an express provision that these men who are to go on the list for a commission may not be put into the Organized Militia.

Mr. HAY. The gentleman called my attention to it this morning.

Mr. GREENE of Vermont. I only asked the question so that the gentleman might put his views upon that point in the RECORD.

Mr. HAY. I will try to do that.

The Clerk read as follows:

SEC. 3. That whenever in time of war or public danger two or more officers of the same grade are on duty in the same field, department, or command, or organizations thereof, the President may assign the command of the forces of such field, department, or command, or any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers of the same grade shall rank and have precedence in the following order without regard to date of rank or commission as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, officers of forces drafted into the military service of the United States: *Provided*, That officers of the Regular Army holding commissions in forces drafted into the service of the United States shall rank and have precedence under said commissions as if they were commissioned in the Regular Army; but the rank of officers of the Regular Army under their commissions in the forces drafted into the service of the United States shall not for the purpose of this article be held to antedate muster or draft into the service of the United States.

Mr. GARDNER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, lines 21 and 22, after the word "that," strike out "whenever in time of war or public danger" and insert "under the emergency described in section 1 of this act."

Mr. GARDNER. Mr. Speaker, I am not so anxious about striking out the words "war or public danger," but I do think there ought to be the insertion of the words "pending the emergency described in section 1 of this act," because it might be an emergency which did not involve public danger.

Mr. HAY. How would the gentleman draft the amendment leaving out the words "war or public danger"?

Mr. GARDNER. By inserting after the word "danger" the words "or pending the emergency described in section 1 of this act" or "during the emergency described in section 1 of this act."

Mr. HAY. "Pending the emergency declared in section 1 of this act"?

Mr. GARDNER. Yes.

Mr. HAY. I have no objection to that amendment as amended.

Mr. GARDNER. Then, Mr. Speaker, I ask unanimous consent to so modify my amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAY. I understand that after the word "danger" the gentleman proposes to insert the words "or the emergency declared in section 1 of this act," not striking out anything?

Mr. GARDNER. That is correct.

The SPEAKER. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 2, line 22, after the word "danger" insert the words "or during the emergency declared in section 1 of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the Clerk be permitted to change the numbering of the sections.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the Clerk be allowed to rearrange the numbers of the sections. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on agreeing to the joint resolution.

Mr. HAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 334, nays 2, not voting 99, as follows:

YEAS—334.

Abercrombie	Aswell	Booher	Buchanan, Ill.
Adamson	Ayres	Borland	Buchanan, Tex.
Aiken	Bailey	Bowers	Burgess
Alexander	Barkley	Britt	Burke
Allen	Beakes	Britten	Burnett
Almon	Bell	Browne	Butler
Anderson	Bennet	Browning	Byrnes, S. C.
Anthony	Black	Bruckner	Byrns, Tenn.
Ashbrook	Blackmon	Brumbaugh	Caldwell

Campbell	Garrett	Linthicum	Sears
Candler, Miss.	Glass	Littlepage	Shackleford
Cannon	Glynn	Lloyd	Shallenberger
Cantrill	Godwin, N. C.	Lobeck	Sherley
Caraway	Good	Loft	Sherwood
Carew	Goodwin, Ark.	McArthur	Shouse
Carlin	Gordon	McClintic	Siegel
Carter, Mass.	Gray, Ala.	McCracken	Sims
Carter, Okla.	Gray, Ind.	McCulloch	Sinnott
Cary	Green, Iowa	McDermott	Sisson
Chandler, N. Y.	Greene, Mass.	McGillicuddy	Sloan
Chiperfield	Greene, Vt.	McKellar	Small
Church	Gregg	McKenzie	Smith, Idaho
Clark, Fla.	Griest	McLaughlin	Smith, Mich.
Cline	Griffin	McLemore	Smith, Minn.
Coady	Guernsey	Madden	Smith, N. Y.
Collier	Hadley	Magee	Snell
Connelly	Hamill	Mann	Snyder
Cooper, Ohio	Hamilton, Mich.	Mapes	Sparkman
Copley	Hamilton, N. Y.	Martin	Stafford
Cox	Hamlin	Matthews	Steagall
Crago	Hardy	Mays	Stedman
Cramton	Harrison	Meeker	Steele, Iowa
Crisp	Haskell	Mondell	Steele, Pa.
Crosser	Hastings	Montague	Steenerson
Cullop	Haugen	Moon	Stephens, Cal.
Curry	Hawley	Moore, Pa.	Stephens, Miss.
Dale, N. Y.	Hay	Moores, Ind.	Stephens, Nebr.
Dale, Vt.	Hayden	Morgan, Okla.	Stephens, Tex.
Dallinger	Heflin	Mott	Sterling
Darrow	Helgesen	Murray	Stiness
Davenport	Helm	Neely	Stone
Davis, Minn.	Helvering	Nelson	Sweet
Davis, Tex.	Hensley	Nicholls, S. C.	Swift
Decker	Hernandez	Nichols, Mich.	Switzer
Dempsey	Hicks	Nolan	Taggart
Denison	Hill	Norton	Tague
Dent	Hinds	Oakey	Tavenner
Dickinson	Holland	Oglesby	Taylor, Ark.
Dies	Hollingsworth	Oldfield	Taylor, Colo.
Dill	Hood	Oliver	Temple
Dillon	Hopwood	Olney	Thomas
Dixon	Howard	Overmyer	Thompson
Doolittle	Howell	Padgett	Tillman
Doughton	Hughes	Page, N. C.	Tilson
Dowell	Hulbert	Paige, Mass.	Timberlake
Drukker	Hull, Iowa	Park	Tinkham
Dupré	Hull, Tenn.	Parker, N. J.	Towner
Dyer	Humphrey, Wash	Phelan	Treadway
Eagan	Humphreys, Miss.	Porter	Tribble
Eagle	Hutchinson	Price	Van Dyke
Ellsworth	Igoe	Quin	Venable
Elston	Jacoway	Ragsdale	Vinson
Emerson	James	Rainey	Volstead
Esch	Johnson, Wash.	Raker	Walsh
Estopinal	Jones	Ramseyer	Wason
Evans	Kearns	Rauch	Watkins
Farley	Keating	Rayburn	Watson, Pa.
Farr	Keister	Reavis	Watson, Va.
Ferris	Kelley	Reilly	Whaley
Fess	Kennedy, Iowa	Ricketts	Wheeler
Finley	Kettner	Riordan	Williams, T. S.
Fitzgerald	Key, Ohio	Roberts, Nev.	Williams, Ohio
Flood	Kincheloe	Rodenberg	Wilson, Fla.
Focht	King	Rogers	Wilson, Ill.
Fordney	Kitchin	Rouse	Wilson, La.
Foster	Kreider	Rubey	Wingo
Frear	La Follette	Rucker	Wise
Fuller	Langley	Russell, Mo.	Wood, Ind.
Gallagher	Lazaro	Russell, Ohio	Woods, Iowa
Gandy	Lee	Sabath	Young, N. Dak.
Gard	Lenroot	Sanford	Young, Tex.
Gardner	Lesher	Saunders	The Speaker
Garland	Lever	Schall	
Garner	Lewis	Scott, Mich.	

NAYS—2.

Huddleston	London

NOT VOTING—99.

Adair	Flynn	Lieb	Pou
Austin	Foss	Liebel	Powers
Bacharach	Freeman	Lindbergh	Pratt
Barchfeld	Gallivan	Longworth	Randall
Barnhart	Gillett	Loud	Roberts, Mass.
Beales	Gould	McAndrews	Rowe
Callaway	Graham	McFadden	Rowland
Capstick	Gray, N. J.	McKinley	Scott, Pa.
Casey	Hart	Maher	Scully
Charles	Hayes	Miller, Del.	Sells
Coleman	Heaton	Miller, Minn.	Slayden
Conry	Henry	Miller, Pa.	Slemp
Cooper, W. Va.	Hilliard	Mocney	Smith, Tex.
Cooper, Wis.	Houston	Morgan, La.	Stout
Costello	Husted	Morin	Sulloway
Danforth	Johnson, Ky.	Morrison	Sumners
Dewalt	Johnson, S. Dak.	Moss, Ind.	Sutherland
Dooling	Kahn	Moss, W. Va.	Talbott
Doremus	Kennedy, R. I.	Mudd	Vare
Driscoll	Kent	North	Walker
Dunn	Kiess, Pa.	O'Shaunessy	Ward
Edmonds	Kinkaid	Parker, N. Y.	Webb
Edwards	Konop	Patten	Williams, W. E.
Fairchild	Lafean	Peters	Winslow
Fields	Lehlbach	Platt	

So the joint resolution was passed.

Mr. MANN. Mr. Speaker, if I may have a moment——

The SPEAKER. Without objection the gentleman from Illinois will be recognized for two minutes. [After a pause.] The Chair hears no objection.

Mr. MANN. Mr. Speaker, while I hope that the pairs will be announced, still as far as this side is concerned if any gentleman on that side is paired with a Republican Member I take the responsibility of saying that he is entitled to vote notwithstanding the fact, and I hope the same may be true of this side of the House, as both sides would vote the same way. While the House can not take any official action in reference to this and the pairs may be announced, still the pairs will not be binding to prevent gentlemen voting on this resolution. [Applause.]

Mr. FITZGERALD. I ask unanimous consent just to make a statement of half a minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I arranged to pair with the gentleman from Massachusetts, Mr. GILLETT, during the two political conventions. The gentleman from Massachusetts is ill at home and unable to be present. I have taken, however, the liberty to vote for this resolution because I am convinced that if the gentleman from Massachusetts were present he would vote for the resolution also.

Mr. ALLEN. May I have a moment?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ALLEN. Mr. Speaker, I am paired this week with Mr. LONGWORTH. I know that he would vote for this measure if he were present, and I am therefore taking the liberty of voting, notwithstanding I am paired with him.

Mr. GREGG. Mr. Speaker, I have a pair with the gentleman from Minnesota, Mr. STEENERSON, and when my name was called he was not on the floor and I therefore voted "Present," so I ask to vote "aye," as he has seen fit to vote.

The Clerk announced the following pairs:

From June 3 to July 22:

Mr. CALLAWAY with Mr. PETERS.

From June 22 to June 26:

Mr. TALBOTT with Mr. HAYES.

From June 19 to June 26:

Mr. ALLEN with Mr. LONGWORTH.

From June 3 to June 26, inclusive:

Mr. LEE with Mr. WINSLOW.

Until further notice:

Mr. SUMNERS with Mr. DANFORTH.

Mr. WALKER with Mr. DUNN.

Mr. TAGUE with Mr. KENNEDY of Rhode Island.

Mr. PATTEN with Mr. LEHLBACH.

Mr. RIORDAN with Mr. WARD.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. MORGAN of Louisiana with Mr. COOPER of West Virginia.

Mr. WILLIAM ELZA WILLIAMS with Mr. SULLOWAY.

Mr. GLASS with Mr. SLEMP.

Mr. JONES with Mr. MOONEY.

Mr. SLAYDEN with Mr. MCKINLEY.

Mr. RANDALL with Mr. MILLER of Delaware.

Mr. POU with Mr. KAHN.

Mr. HENRY with Mr. GRAY of New Jersey.

Mr. DOREMUS with Mr. CHARLES.

Mr. ADAIR with Mr. FAIRCHILD.

Mr. BELL with Mr. GOULD.

Mr. MORRISON with Mr. LAFEAN.

Mr. O'SHAUNESSY with Mr. FOSS.

Mr. WEBB with Mr. ROBERTS of Massachusetts.

Mr. STOUT with Mr. FREEMAN.

Mr. BARNHART with Mr. COOPER of Wisconsin.

Mr. MCANDREWS with Mr. KINKAID.

Mr. LIEB with Mr. HEATON.

Mr. GALLIVAN with Mr. AUSTIN.

Mr. EDWARDS with Mr. SELLS.

Mr. HART with Mr. CAPSTICK.

Mr. FLYNN with Mr. ROWE.

Mr. DOOLING with Mr. SCOTT of Pennsylvania.

Mr. MAHER with Mr. KIESS of Pennsylvania.

Mr. OVERMYER with Mr. HUSTED.

Mr. HILLIARD with Mr. COSTELLO.

Mr. MOSS of Indiana with Mr. COLEMAN.

Mr. DRISCOLL with Mr. BACHARACH.

Mr. SCULLY with Mr. PLATT.

Mr. SMITH of Texas with Mr. MUDD.

Mr. CONRY with Mr. BOWERS.

For balance of session:

Mr. GARNER with Mr. BARCHFELD.

Mr. CASEY with Mr. PARKER of New York.

Mr. KONOP with Mr. MILLER of Minnesota.

For the session:

Mr. FIELDS with Mr. LANGLEY.

Mr. LIEBEL with Mr. ROWLAND.

Mr. DEWALT with Mr. MCFADDEN.

Mr. STEELE of Pennsylvania with Mr. GRAHAM.

Mr. TAGUE. Mr. Speaker, I promised to pair with the gentleman from Rhode Island, Mr. KENNEDY. I voted "aye," and he also desires to vote "aye."

The name of Mr. TAGUE was called, and he voted "aye."

Mr. LANGLEY. Mr. Speaker, I am paired with my colleague Mr. FIELDS. He would vote "aye," if he were present, and I therefore vote "aye."

The name of Mr. LANGLEY was called, and he voted "aye."

Mr. LEE. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. WINSLOW. If he were here, he would vote "aye," therefore I desire to vote "aye."

The name of Mr. LEE was called, and he voted "aye."

Mr. GUERNSEY. Mr. Speaker, I have a pair with the gentleman from Tennessee, Mr. HOUSTON. I voted "aye," and if he were here he would vote "aye."

The name of Mr. GUERNSEY was called, and he voted "aye."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "aye."

The result of the vote was announced as above recorded.

Mr. HAY. Mr. Speaker, I move to amend the title.

The SPEAKER. In what respect?

Mr. HAY. "And certain other purposes."

Mr. MANN. That is all in there; the title does not need amendment.

Mr. HAY. Very well. Mr. Speaker, I ask unanimous consent that all gentlemen may have five legislative days in which to print remarks on this joint resolution.

The SPEAKER. The gentleman from Virginia asks unanimous consent that all gentlemen have five legislative days to extend their remarks in the RECORD on this bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, though I believe I will not, it is such a refreshing thing to turn to the CONGRESSIONAL RECORD of 1898, at the time we passed the $50,000,000 appropriation by a unanimous vote, and find the RECORD contains only what took place and is not padded with a lot of long, diffused, and, I was going to say confused, information, but some of it is not. However, I shall not object.

Mr. HAY. The only reason I am making the request is that a good many gentlemen have asked me to do so. I am not going to put in anything myself.

Mr. MANN. I understand; I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

On motion of Mr. HAY, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER. Mr. Speaker, I ask unanimous consent that the two gentlemen who voted against the joint resolution may have five legislative days in which to change their votes.

Mr. HAY. Mr. Speaker, I move to reconsider the vote by which House joint resolution 242 was passed, and lay it on the table.

The motion was agreed to.

NOTE OF SECRETARY OF STATE LANSING TO THE SECRETARY OF FOREIGN AFFAIRS OF THE DE FACTO GOVERNMENT OF MEXICO (H. DOC. NO. 1237).

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the note addressed by the Secretary of State to the Secretary of Foreign Affairs of the de facto Government of Mexico, dated June 20, and also that it may be printed as a House document.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to have printed in the CONGRESSIONAL RECORD the letter of Secretary of State Lansing to the Secretary of State of the de facto Government of Mexico, and also asks to have it printed as a House document. Is there objection?

Mr. NORTON. Mr. Speaker, reserving the right to object, will the gentleman have any objection to have printed as a House document the letter of Secretary Aguilar, of May 22?

Mr. FLOOD. If the gentleman desires, I have no objection.

Mr. NORTON. That would be interesting and I make that suggestion to the gentleman.

The SPEAKER. The Chair will put the request of the gentleman from Virginia first.

Mr. MANN. Reserving the right to object, I understand the gentleman from Virginia asked unanimous consent to print this also as a House document. Does the gentleman know whether any action has been taken by the Senate in reference to this?

Mr. FLOOD. I think not—certainly there has not been.

Mr. MANN. I would be very glad myself to have extra copies printed of the House document.

Mr. STAFFORD. Reserving the right to object, is the gentleman aware of the fact that one of the gentlemen who has spoken this morning—the gentleman from Illinois [Mr. CANNON]—has already requested unanimous leave to print the very communication which he now seeks to have incorporated in the RECORD? What is the need of having it incorporated in the RECORD twice?

Mr. FLOOD. Mr. Speaker, I am asking to have it made a House document.

Mr. STAFFORD. Part of the speech was in the RECORD the other day.

Mr. FLOOD. The gentleman from Illinois read a part of it.

Mr. MANN. It is the best Republican document I have seen.

Mr. FLOOD. I ask that it be printed as a House document and in the RECORD.

Mr. STAFFORD. It has already been printed in the RECORD as a part of the remarks of the gentleman from Illinois [Mr. MANN]. What is the need of having it twice in the RECORD of the same date?

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to have a reply to the question.

Mr. FLOOD. As a part of the speech. Would not the gentleman from Illinois put it all in? The gentleman from Illinois [Mr. MANN] put part of it in the other day.

Mr. CANNON. Mr. Speaker, I asked leave to insert it as a part of my remarks and intend to print it as a part of my remarks. The gentleman, as I understand, intends to make a document of it.

Mr. STAFFORD. I have no objection to having it printed as a document.

Mr. FLOOD. Mr. Speaker, I modify my request and ask to have it printed as a House document.

The SPEAKER. The gentleman from Virginia asks unanimous consent to print the letter of Secretary of State Lansing to the secretary of foreign affairs of the de facto government of Mexico as a public document. Is there objection? [After a pause.] The Chair hears none.

NOTE OF THE SECRETARY OF FOREIGN AFFAIRS OF THE DE FACTO GOVERNMENT OF MEXICO.

Mr. NORTON. Mr. Speaker, I ask that the note of secretary of foreign affairs of the de facto government of Mexico of May 22 be published as a public document.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

WITHDRAWAL OF PAPERS.

Mr. YOUNG of North Dakota, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Alfred J. Henry (Rept. No. 1134, H. R. 18166, 2d sess., 63d Cong.), no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, on June 3 I asked leave to print as a part of my remarks a part of the speech of the Secretary of War. Now I ask unanimous consent to print the balance of that speech.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, the sundry civil appropriation bill, and I wish to give notice, Mr. Speaker, that I hope the Members will remain here until about 11 o'clock to-night in order to finish this bill.

Mr. BUTLER. Why not say 11.30 to-night?

Mr. FITZGERALD. Well, midnight.

Mr. MANN. It is out of order. It was the intention yesterday, as stated by the gentleman last evening, to keep the House in session late this evening, with the view of passing the sundry civil bill to-night, because possibly we might be able to dispose of the Army appropriation bill to-morrow. Of course, that is out of the question now. You can not get through the sundry civil bill to-night, but it does not make any difference to me, so far as I am concerned.

Mr. FITZGERALD. If we sit to-night, it will be possible to pass the bill by to-morrow, and I think we should try to pass it. Saturday night Members do not wish to remain here.

Mr. MANN. If we run until 7 o'clock to-night, we could pass the bill to-morrow without any trouble.

Mr. FITZGERALD. I think if we sat until 10 or 11 o'clock we surely would get through.

Mr. MANN. It is a matter of convenience to the Members. It is quite certain now under the ordinary practice of the House that if you sit late to-night, after what has been going on to-day, you can not do much business to-morrow.

Mr. FITZGERALD. If we sit late to-night and meet at 11 o'clock to-morrow, we can finish the sundry civil bill.

Mr. MANN. I think we can finish the sundry civil bill to-morrow, anyhow.

Mr. FITZGERALD. Some matters later on may give rise to some discussion. The bill has proceeded very rapidly. I think it desirable that this bill gets to the Senate.

Mr. MANN. I think it ought to be passed to-morrow, but if we make fairly good progress this afternoon I think we will be able to run until 7 o'clock to-night with the expectation, if necessary, to meet at 10 o'clock in the morning.

Mr. FITZGERALD. I hope the Members will arrange to stay here, if necessary, to-night.

Mr. MANN. Well, let us accommodate the Members of the House. If it is necessary, we will meet at 10 o'clock in the morning, but do not let us run later than 7 o'clock to-night.

Mr. FITZGERALD. I simply wish Members to know, so that they will not make other arrangements for to-night. I have to work anyway, and I would like to have company.

Mr. MANN. So far as I am concerned, I have made my arrangements to stay here to-night. I would just as soon stay here as to work at home.

Mr. FITZGERALD. Not only does the Senate committee not wish to work on a Sunday, but as soon as this bill is finished in the House it will be necessary for me to start on some urgent deficiency bill.

The SPEAKER. What is the request?

Mr. FITZGERALD. It is necessary for the Members to be here, and, if necessary, to stay late.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HULBERT, for five days, on account of illness in his family.

To Mr. EAGAN, for five days, on account of illness in his family.

To Mr. BRITT, indefinitely, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. HULBERT. Mr. Speaker, before I depart on that leave of absence I desire unanimous consent to extend my remarks in the RECORD by inserting an editorial from the New York American of yesterday on the subject of mobilization.

The SPEAKER. The gentleman from New York Mr. [HULBERT] asks unanimous consent to extend his remarks in the RECORD by inserting the editorial indicated. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I make the same request—to insert an editorial from the Albany Evening Journal.

The SPEAKER. The gentleman from New York [Mr. BENNET] asks unanimous consent to extend his remarks in the RECORD by printing the editorial indicated. Is there objection?

There was no objection.

SUNDRY CIVIL BILL.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, the sundry civil bill. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, the sundry civil bill, with Mr. HAY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $700,000: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied in whole or in part by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and to survey under such other acts as provide for land grants to the several States and Territories, and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, except railroad land grants, and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations. The surveys and resurveys provided for in this appropriation to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation, not exceeding $200 per month each, as he may prescribe, except that the Secretary of the Interior may appoint not to exceed two supervisors of surveys, whose compensation shall not exceed $250 per month each, and, except in the District of Alaska, where a compensation not exceeding $10 per day may be allowed such surveyors and such per diem in lieu of subsistence, not exceeding $3, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and actual necessary expenses for transportation, including necessary sleeping-car fares, said per diem and traveling expenses to be allowed to all surveyors employed hereunder and to such clerks who are competent surveyors who may be detailed to make surveys, resurveys, or examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States: *Provided further*, That the sum of not exceeding 10 per cent of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public-land survey corners wherever practicable:

Mr. MONDELL. Mr. Chairman, I have offered an amendment, which the Clerk has before him.

The CHAIRMAN (Mr. BURNETT). The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Mr. MONDELL offers the following amendment: Page 104, line 9, after the word "prescribe," insert "except in Alaska, where a compensation not exceeding $300 per month each may be allowed such surveyors." In line 10, after the word "appoint," strike out the words "not to exceed two supervisors" and insert in lieu thereof the words "a supervisor." In line 11 strike out the sum "$250" and insert in lieu thereof the sum "$300." In line 11 strike out the word "each" and insert the following: "And not to exceed 10 surveyors, who may be employed in a supervisory capacity, whose compensation shall not exceed $250 per month each."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. MONDELL. Mr. Chairman, I should not have offered this amendment had I not come to the conclusion, after pretty careful consideration, that perhaps the subcommittee had not gone into this item as fully as it should have done. It was considered, and the committee finally concluded that this authorization of increases asked for by the department should not be made. After very carefully considering the matter from every standpoint it seems to me that the department should be authorized to allow the increases if we are to do justice by these officials.

The situation is a rather peculiar one. The practice has grown up in the Land Office of fixing the salaries of field officials of all classes on the theory that a per diem in lieu of subsistence of $3 a day could and should be paid such officials when at headquarters as well as in the field. The result of that policy of the department was that the field employees of the General Land Office practically received $90 a month in addition to their regular salaries. Last April or May a year ago the comptroller held that these officials were not entitled to the per diem in lieu of subsistence unless they were in the field; that they were not entitled to the per diem when they were at headquarters. That holding was probably correct according to the law, but it upset the pay system of the Public Land Office field service.

The committee, taking all this into consideration, did allow the increases asked by the Land Office for the greater part of its field service. You will find on pages 100 and 101 the item for the payment of those men who were employed in the protection of the public lands, amounting to $475,000, and under that item the committee authorizes an increase in compensation of not to exceed $500 per annum for certain classes of officials.

It is not, of course, understood or believed by the committee that every one of these clerks will have his salary increased by $500. It is the intent of the commissioner, as stated to the committee, to increase salaries to the extent which he finds necessary to reimburse employees for loss of pay by reason of the opinion of the comptroller to which I have referred.

Now, the same condition exists in the surveying division that exists in the division having charge of depredations on the public lands.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HUMPHREY of Washington. I want to ask the gentleman, whether, if the amendment which he has offered is adopted, it will take care of the situation in Alaska, where they complain because they have been deprived of this $3 a day for subsistence?

Mr. MONDELL. The amendment which I have offered is the language proposed by the department in order to meet the situation in Alaska and in the States created by the decision to which reference has been made. It does authorize an increase of not to exceed $600 per annum in the salaries of surveyors in Alaska.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield further?

Mr. MONDELL. Yes.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether or not under the language now carried in the bill it results in the reduction of the compensation of the surveyors in Alaska?

Mr. MONDELL. The comptroller's decision resulted in the reduction of the compensation of practically every man in the field force of the General Land Office—the surveyors, the special agents, the men charged with inquiring into the depredations upon public timber, all of them, or at least many of them, were affected by this decision, because all of them had, I believe, been receiving their per diem. The men in Alaska were not affected any more than were the men in the balance of the country. They were affected in the same way, and the amendment I have offered takes care of them.

As a member of the committee, I think it is my duty to present every side of this matter to the House. This argument may be made with regard to this class of employees, as distinguished from the payments made to certain other employees of the field service. Some of the men employed in the field service, particularly the men employed at and about field-service headquarters, are in the field only a portion of the time, some of them, perhaps, only a small portion of the time; and by reason of the comptroller's decision those men suffer a loss of possibly as much as from $600 to $800 a year. Men at headquarters practically all the time, or a large portion of the time, lose the per diem during that period; and the increases I have proposed may not compensate such men for the entire loss they have suffered under the comptroller's decision. Now, when it comes to the matter of surveyors, it may be urged with a good deal of force that a surveyor should be in the field, that his business is in the field, that the major portion of the time, at least, he should be actively engaged in field service; and when he is, of course, he receives the per diem, because the comptroller's decision was only to the effect that the per diem could not be paid when the man was at headquarters.

As to surveying in Alaska, however, owing to the short season there, even though the men are transferred to other work, they may lose nearly six months in the year from actual field service. The balance of the time might, I assume, be occupied in service at or about headquarters. The other surveyors should not be at headquarters, it seems to me, more than three or four months in the year. If they are at headquarters three months a year on an average they have lost by the comptroller's decision about $275 to $300 a year. If they are in the field as much as it seems they should be they would not lose as much as $500, that is, the men who are employed otherwise than in Alaska.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. The commissioner tells us, however, that it is not intended, anticipated, or proposed to increase these salaries more than is necessary to compensate these men for the amount they lose, owing to the decision of the comptroller. If a man's service is such that he should be in the field 10 months in the year, then his salary will not, I assume, be increased as much as $500 per annum. If his service is such that he must be at headquarters the major portion of the time, and his salary has been fixed on the basis of per diem all the time, it will be necessary to give him the full increase of $500 in order to compensate him for his loss under the decision, and in some cases the increase of $500 might not, I assume, give him as much as he is now receiving. These matters were not, so far as the surveyors are concerned, pressed upon the subcommittee as forcefully as they should have been.

I do not think that under the circumstances the subcommittee is subject to criticism for what it did or what it failed to do, but as a member of the subcommittee I had some doubts about the justice of our action at the time, and those doubts have been strengthened as time has passed, and I have carefully inquired into this matter. It is very clear to me that unless we do adopt an amendment of this kind these men will, some of them at least, suffer a decrease in their salaries of from $300 to $500 a year. They are now suffering such a decrease by reason of the comptroller's decision, and they will continue so to suffer unless we adopt this language. It is not intended to give these employees of the Government, much as they may deserve it, more than they have been receiving. With some knowledge of what private parties pay men of this class, I am confident that the pay they have been receiving from the Government is not on the average greater, and in some cases is less, than the same class of men receive for the same kind of work in private employment. This amendment is necessary, not to increase salaries, but in order to maintain salaries as they were before the decision to which I have referred.

The committee has uniformly refused to increase the salaries carried in this bill, though there are many paid under it whose salaries and wages should be increased, and therefore we are not perhaps justified in increasing these salaries, but we should at least save these men from a decrease of compensation.

Mr. FITZGERALD. Mr. Chairman, this matter was considered thoroughly by the committee. The rather surprising practice had grown up of making these allowances to the men not only when in the field but also when at headquarters. In my opinion, that was a very extraordinary provision. The special agents who were employed in the Interior Department were very largely men who had been in the service a great many years, as a result of which they had become very expert. They had been receiving this compensation, and it seemed to the committee that perhaps it would be an injustice to do anything other than to continue to permit them to receive the same amount of money that they had been receiving. In the survey work it is somewhat different. Until the fiscal year 1912 this survey work was done by contract. In 1912 the system was initiated by the Government of doing the survey work itself, and the same practice was started of allowing this subsistence to the men employed, while stationed at their headquarters. If that practice is to prevail, then all these field men will get this allowance all of the time, whether in the field or at headquarters. If we grant it to these field men, every field man in every other department of the Government will be justified in asking some modification of his compensation, so that he will receive this allowance not only while in the field but while at his headquarters. As a matter of fact, there was an effort made to provide in the very same way for all the special agents in the Internal-Revenue Service, and it was impossible to estimate just how large the additional expense would be. Now, the gentleman from Wyoming [Mr. MONDELL] is very familiar with surveys. He is familiar with the market price of the services of such men. I am sure that from long years of experience he knows that the provision made here for these men is reasonably fair. That is about all we can expect to do, not to be perfect but just to be reasonably fair, and when we have attained that stage of perfection where our actions can be characterized as reasonably fair, then we are doing justice to the employee and justice to the people of the United States. Less than that I would not do. More than that I can not do.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Washington.

Mr. HUMPHREY of Washington. Is the gentleman from Wyoming correct in his statement that this will result in decreasing the compensation of the surveyors in Alaska about $600 per annum?

Mr. FITZGERALD. If the compensation be changed at all, it is an accomplished fact. This provision will not change the compensation they are actually receiving now.

Mr. HUMPHREY of Washington. It will not give them what they have been receiving.

Mr. FITZGERALD. It will not permit them to receive as much as they would prior to the decision of the Comptroller of the Treasury, which cut off this allowance to them at headquarters and which was intended to be given them only in the field. It is done, and they are going on very nicely, and we should not stir up sleeping dogs.

Mr. HUMPHREY of Washington. This one is very much awake.

Mr. FITZGERALD. I believe that the compensation paid now is as reasonable as could be expected. We can not indulge in these wholesale grants of very liberal compensation in view of all the things for which we must provide money.

Mr. COX. How much would this proposed amendment involve?

Mr. FITZGERALD. I can not stop to calculate that in the gross. It would take money out of the Treasury that the committee believes should not be taken out for that purpose, and the principle is the same whether the sum be large or whether it be small. Under the circumstances I am compelled to insist on the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman——

Mr. FITZGERALD. Does the gentleman want to discuss this matter?

Mr. HUMPHREY of Washington. Yes.

Mr. FITZGERALD. I hope everybody from the public-land States will not want to discuss it.

Mr. HUMPHREY of Washington. I was going to suggest that there was one way that the gentleman could stop the talk, and that was by withdrawing the point of order to the amendment. I am sorry that the gentleman made the remark that he did just before he took his seat, in view of the fact that he has been pleading with us to sit here to-night and help him out. As a matter of fact, this is a reduction of compensation by a ruling of the department. These men have for seven or eight years——

Mr. FITZGERALD. Oh, the gentleman should not exaggerate; for three years.

Mr. HUMPHREY of Washington. I was taking the statement of a member of the committee.

Mr. FITZGERALD. If I was as careless with money as the gentleman is with figures, the Treasury would be bankrupt. [Laughter.]

Mr. HUMPHREY of Washington. The reason I am careless with the facts is that I got the information from a member of the gentleman's committee. Hereafter I will look somewhere else when I want accurate information. But whether it has been one year or ten years, it is a fact that the compensation of these men has been reduced from what Congress undoubtedly intended that they should receive and from what they did receive.

No one ever complained that they were overpaid, and it does seem to me to reduce the salary at this time of these surveyors in Alaska $600 a year is unjust. I do not believe that the Members of the House would do it if they had an opportunity to vote on it. Living in Alaska to-day is higher than it ever was, and these people have been at expense, and to reduce their wages $600 a year I say is unjust. I am satisfied that if the Members of the House had an opportunity to vote on it they would not do it.

Mr. FITZGERALD. I have not the same confidence in the gentleman's prophetic power as the gentleman has.

Mr. HUMPHREY of Washington. If the gentleman has not let him give us a vote.

Mr. FITZGERALD. I have no objection to doing anything the gentleman can do under the rules of the House.

Mr. HUMPHREY of Washington. The gentleman says he has no faith in my prophecy, but he does not dare to test it.

Mr. FITZGERALD. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I move to amend, on page 105, line 5, by inserting after the word "approval" the word "of." I ask unanimous consent that the gentleman from Ohio [Mr. McCULLOCH] may proceed for five minutes in relation to another matter.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 105, line 5, after the word "approval," insert the word "of."

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the gentleman from Ohio [Mr. McCULLOCH] may have five minutes?

There was no objection.

A METHOD PROPOSED TO TAKE THE TARIFF OUT OF POLITICS.

Mr. McCULLOCH. Mr. Chairman, millions upon millions of dollars are being appropriated by Congress for various purposes, and as I have listened to the discussions on the floor of the House I have been impressed with the fact that a great deal more consideration is being given to finding ways and means of spending money than of providing ways and means of raising money. Next week, if I am properly informed, certain important revenue measures will be brought up for the consideration of the House. I have always been a strong believer in what is termed indirect taxation rather than direct taxation. I believe that the best method of raising revenue for carrying on the Government is by levying protective tariff rates of duty on imports. The history of the fiscal policy of this Government proves that sufficient revenue for the needs of the Government is always raised under the operation of a protective tariff. Sometime ago I introduced a tariff-commission bill which provides for a new method of fixing tariff rates of duty, and in order that the Members of the House may have an opportunity to consider the provisions of that bill in the light of the arguments which I shall advance in their support, I have asked the privilege at this time of presenting these arguments.

I should not presume to take the time of the House under the present stress of important business in a general discussion of the tariff, but I have asked for the privilege of addressing the House in order that I may present for its consideration certain propositions which, so far as I have been able to find in my investigations, have never been presented in just the form in which it is my purpose to bring them before the House. I was told early in my service here that there had been so much discussion of the tariff on the floor of the House that it is threadbare, and that I probably could not hope to present anything that is new. I do not say that my propositions are new, but I do say there are phases about them which have never before to my knowledge been presented.

BELIEVES IN PROTECTION.

I think that it is fair for me to say at the outset that I believe in the protective-tariff principle as a legitimate policy of government. I believe that in view of our development and standard of living a protective tariff is absolutely necessary if we are to maintain prosperity in normal times and the higher wages paid in this country as compared with the wages paid abroad. But while I believe in protection I do not believe in high protection, but reasonable and fair protection. I believe that rates of duty should be fixed so as to equalize the differences in the cost of production at home and abroad as nearly as they can be determined, and I was opposed to adding to the foregoing provision "plus a reasonable profit." I am against the Government guaranteeing profits, or attempting to do so, whether large or small, by protective-tariff rates of duty. If the American manufacturer and producer is placed upon an equal basis with the foreign manufacturer and producer, that is all he ought to ask from the Government in the way of protection, for the question of profit will take care of itself. The foreigner can not do business successfully without profit any more than the American manufacturer can afford to do so. The question of profit, therefore, is legitimately one of competition.

The propositions which I shall present will probably not meet the approval of the high protectionists. They certainly will not meet the approval of the free trader, or of those who believe in tariff for revenue only, but they should meet the approval of those who believe in a just, equitable, sound, and reasonable protective tariff.

PROMPTED BY EXPERIENCES.

I feel that it is but fair to the House and to myself to say that I would not attempt a discussion of this subject, important and broad as it is, if it were not for the fact that I have had some practical experience in dealing with the subject, not as a Member of this body, but from the outside. I mention this in order that the House may consider what I may have to say somewhat in the light of that experience, and that Members may have some idea of how some persons on the outside of this Chamber view the method and manner in which this tariff question has been handled by Congress. I appeared before the Ways and Means Committee and the Finance Committee of the Senate each time the tariff was up for consideration and public hearings were had since 1908, presenting briefs and arguments in regard to certain paragraphs, and I want to say that it was a marvel to me that such an important business proposition so vital to the welfare of all the people of this country should have been handled in such an unbusinesslike manner as the tariff was handled by Congress. [Applause on the Republican side.] No one would think of deciding a lawsuit on the testimony of the parties in interest alone if it were possible to secure unbiased and impartial testimony. Yet in considering the tariff question those who made up the record of information and evidence were the parties in interest—the American manufacturer on the one side and the importer and foreign manufacturer on the other side, volunteer witnesses in many cases testifying without being

sworn. I hope I may be pardoned for saying that to me the hearings were farcical and the results in many instances deplorable. [Applause on the Republican side.]

So long as the tariff question is in politics, and it will be in politics just so long as the tariff policy of this country is settled by platform pledge and not by law, tariff rates of duty will be fixed as a result of pull and political influence, vote trading, logrolling, and wirepulling rather than by a consideration of the facts and conditions upon which just and equitable rates should be determined and fixed.

OPPOSES THE SYSTEM.

My attack, or my objection, to put it milder, is against the system or the method that has been followed in dealing with this great subject. So long as this system remains Members of Congress are to be excused for endeavoring to secure for their constituents the best possible rates of duty, and I have observed that the most ardent advocates of a tariff for revenue only or free trade are sometimes the most aggressive champions of protection for the industries in their own districts, although against protection for everybody else, and as long as the tariff question remains in politics rates of duty will be fixed largely upon political influence. I think the time has come when the system should be changed and the tariff taken out of politics and rates of duty fixed in accordance with some just and equitable standard which will insure adequate protection to all. I shall not presume to hope that my poor efforts will bring it about, but I feel that it is my duty to present my views frankly and honestly, with the hope that in the future, if not in the present, some good may be accomplished.

STRONG BELIEVER IN TARIFF COMMISSION.

It is because of the injustice that has resulted and is bound to result from ex-party proceedings that has made me a strong believer in a tariff commission, or in any body that will secure accurate and impartial information which can be used in fixing tariff rates of duty—and while I am in favor of a commission for that reason, and shall probably support and vote for the tariff commission provided in the bill now under consideration by the House, yet I feel that the commission provided for in the Rainey bill would fall far short of meeting the situation. I feel that it is a commission advocated for political expediency; that it is not intended to accomplish the big, broad, and important results that the people hope may be accomplished by a tariff commission, namely, the fixing of tariff rates of duty scientifically, equitably, and justly. I believe that if the Rainey bill is passed in its present form, the same conditions which have confronted us will continue and that the individual interests of the constituents of Members of Congress will still be paramount in the fixing of rates; that the tariff will still be in politics; and that the old logrolling, vote-trading, wirepulling methods will continue.

FAVORS IMMEDIATE REVISION OF TARIFF.

Before I state my propositions I want to say that I believe that the first step that should be taken ought not be the creation of a tariff commission, but an immediate revision of the tariff along protective tariff lines, and then after the tariff is revised the commission should be created and proceed with its investigations, making readjustments and changes as the necessities may arise. I believe that the tariff should be revised immediately, because I regard the Underwood tariff law as destructive and clearly in the interests of the foreign producer. I believe that in normal times if it remains in operation it will result disastrously to all the people of this country and bring on depression and hard times, and especially do I believe that that will be true when the European war is over.

But our friends on the other side of the Chamber have declared in their platform adopted at St. Louis last week that—

We reaffirm our belief in the doctrine of a tariff for the purpose of providing sufficient revenue for the operation of the Government economically administered and unreservedly indorse the Underwood tariff laws as truly exemplifying that doctrine.

Therefore, the only hope of those who believe that the Underwood law has been a failure and would be dangerous in normal times is that there may be a revision of the tariff after March 4 next along protective-tariff lines by a Republican Congress.

A SETTLED TARIFF POLICY.

The bill I introduced providing for the creation of a tariff commission contains four sections in addition to the provisions of the Rainey bill as originally introduced. Sections 1 and 2 of my bill are the same as sections 1 and 2 of the Rainey bill, and create a tariff commission composed of six members and provide for their appointment and their compensation. The sections also provide for the organization of the commission.

Section 3 of my bill, which is a new section, provides—

SEC. 3. Tariff rates of duty on all articles imported from any foreign country into the United States, except as hereinafter provided, which articles come into competition with the same kind or similar articles manufactured in the United States, shall be fixed at an amount equal to the difference in the cost of the production of said articles in the United States and said foreign countries as nearly as it is possible to determine that difference; said difference to be computed by taking into consideration—

First. Relative labor cost.
Second. The relative material cost.
Third. Relative capital investment necessary.
Fourth. Relative fixed charges and overhead expense.
Fifth. Industrial and trade conditions and relative labor efficiency.

Should this section be adopted and made a part of the law it would settle until repealed the tariff policy of the country. Until there is a settled tariff policy provided by law the tariff question will remain in politics and in all presidential campaigns be one of the most important, if not the paramount issue; and after each presidential election the tariff will in all probability be revised, and the same uncertainty which has existed in regard to the tariff during all these years will continue.

HOW TO TAKE THE TARIFF OUT OF POLITICS.

The first step, therefore, necessary to be taken in order to get the tariff out of politics is to provide a definite tariff policy by act of Congress. So long as the tariff policy of this country remains only a platform or party pledge the uncertainty in regard to the tariff which has held back the industries of this country for half a century will continue.

Section 3 which I propose has two advantages: First, if adopted it will take the tariff out of politics; second, it provides for a just and equitable tariff policy. To equalize the difference in the cost of the production of articles at home and abroad as the section provides, placing the American manufacturer on an equal basis with the foreign manufacturer is, to say the least, fair. If rates of duty are fixed on a basis that will equalize the difference in American and foreign costs, they will protect the American wage earner and the high wages paid in this country as compared with wages paid in foreign countries, and enable the American manufacturer to hold the American market, providing he is content with a reasonable profit. It will prevent the foreign manufacturer and producer from underselling the American manufacturer and producer in our own market because of the lower cost of production abroad. It is all the honest American manufacturer ought to ask for, and this Government should not do less in protecting American industries, American enterprises, and American institutions against foreign competition. My proposition is that the tariff policy of this country should be determined by Congress and not alone by party platform pledge, and if it is possible for parties to carry out tariff policies such as are promised in the planks of their platforms, it is possible for the Congress of the United States to settle the question by statute law.

The agitation for a nonpartisan tariff commission has resulted from and is based upon the growing sentiment of the people, the manufacturers, the business men, and the laboring men that the tariff question be settled. The people will not stand much longer for the tariff being made the football of politics, especially after they know that there is a remedy within the power of the Congress of the United States. It is the most important business proposition with which Congress has to deal, and has a more far-reaching effect upon the individual welfare, happiness, and prosperity of the people than any other measure. Any mistakes in regard to the tariff will cause more widespread disaster, suffering, and hardship than mistakes in regard to any other question, and no man charged with responsibility who hesitates to do his duty in dealing with this important question, or who bows to party advantage which it may be claimed will be gained by this question remaining unsettled, will be able long to retain the confidence of his constituents and those whom he represents.

COMMISSION TO CALCULATE RATES.

Having created the commission by sections 1 and 2 and determined the tariff policy of the country by section 3, I add to my bill a section which I designate section 4, providing that the commission shall carry into effect the tariff policy of the country as determined by section 3 by fixing and promulgating the rates of duty.

Section 4 provides:

SEC. 4. That it shall be the duty of said commission to proceed at once to investigate and determine the difference in the cost of production of the articles named in the paragraphs in the several schedules of the existing tariff law and to arrive as speedily as possible at their conclusions as to the amount of rate or rates in each particular case or item which will be necessary to equalize the difference in the cost of production of the said article or articles in the United States and foreign countries; and said commission shall have the power to issue an order changing the existing rate or the rate then existing so as to make it conform to the conclusion reached by said commission as to the

amount which will equalize said difference; but in no case shall said rate so fixed be less than said difference so determined; and upon the issuing of said order said rate shall be the amount of the tariff duty which shall be paid before any such article shall be cleared at the customhouse and received into this country. The orders of said commission shall be promulgated and proper notice given the customs officers throughout the United States and shall be effective from the date named by said commission: *Provided*, That every rate so adjusted by the commission shall at all times be subject to change on modification by Congress: *Provided further*, That said commission shall not fix rates of duty or issue any order or orders fixing rates of duty on the following-named class of articles, but such rates of duty shall be fixed by Congress: Tobacco and articles manufactured in whole or in part therefrom; spiritous and vinous liquors and all articles which come within this classification of luxuries. The commission shall not issue any order or orders or fix any rates of duty on or in regard to articles which do not come into competition with similar articles manufactured in the United States, but such rates of duty shall be fixed by Congress.

Section 4 providing that the tariff commission shall have the power to investigate in this country and abroad American and foreign costs and calculate the rates of duty on all competitive articles except only tobacco, liquors, and luxuries, and promulgate the rates of duty which will equalize the difference in the cost of production at home and abroad on the various articles enumerated in the paragraphs and schedules of the then existing tariff law, will insure the prompt and efficient carrying out of the policy provided in section 3 and relieve Congress of the fixing of tariff rates of duty on these competitive articles. Sections 3 and 4, should they be enacted into law, will stop the logrolling, vote trading and wirepulling which have characterized the enactment of every tariff law since the beginning of this Government. They will insure that tariff rates of duty will be fixed equitably and that the procedure will be free from politics. They will create confidence in the minds of the people in our tariff system, and will remove the prejudice that has heretofore existed in regard to protective tariff rates of duty. The protective tariff system will be regarded as a legitimate policy of government which safeguards the welfare and prosperity of all the people instead of being regarded as a graft system being used in the interests of the special interests and the capitalists.

That politics and pull have entered into the fixing of tariff rates of duty by both the Democrats and Republicans is beyond question or argument. That the special interests have secured special favors from both Democrats and Republicans has been a common charge which has been sustained in the opinion of many by the facts. Sections 3 and 4 will eliminate all this and be a godsend to the country.

OBJECTIONS ADVANCED TO PLAN.

There have been two objections which I regard worthy of consideration urged against these two sections:

First. That these sections would be unconstitutional as being a delegation of legislative power; and

Second. That Congress should not give up its powers even though it could do so constitutionally, but should retain and hold to itself the right to fix rates of duty and not delegate that executive power to a commission.

FIRST OBJECTION.

I shall put in the RECORD, in connection with my remarks, a brief summarizing the decisions in regard to the delegating of legislative powers. But for the purpose of my argument in favor of these sections and their constitutionality, I desire to call attention at this time to but one decision, which, in my judgment, states the rule:

The general rule as to the delegation of power has been expressed by the Supreme Court of the United States, speaking through Mr. Justice Day, as follows:

The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts with a view to making orders in a particular matter within the rules laid down by the Congress.

The policy fixed by section 3, it being determined by law that tariff rates of duty must be fixed on competitive articles so as to equalize the difference in the cost of production at home and abroad, the duty is left to the commission to effectuate the legislative policy declared in the statute. The commission has no option in the matter, but it must calculate the rates and promulgate them, a duty which is only ministerial or executive, as will be shown by the brief I shall place in the RECORD. The right of Congress to delegate this power or authority is sustained by a number of decisions of the Supreme Court of the United States, and it does not amount to a delegation of legislative power or authority.

SECOND OBJECTION.

In regard to the second objection which has been raised that Congress should not give up its powers, I have only this to say, that it is a short-sighted statesmanship that refuses to hear a proposition which will benefit the whole people, which will settle in a businesslike way the most important business proposition with which Congress has to deal, that will result in just and equitable rates of duty being fixed, that will settle and remove the uncertainty which has existed in regard to the tariff during all these years because the representatives of the people would have to give up some power. It would seem to me to be the part of wise statesmanship and patriotic public duty to be willing to forego a little power in order to accomplish such important and far-reaching results. For myself, I am willing in the interests of the people, the laboring man, the business man, and the manufacturer to give up a little power in order that they all may be helped and the country at large may have the benefits which will result from a settled protective tariff policy in this country. I know that these sections will take away from my party its strongest and greatest issue, because the Republican Party is right upon the tariff question. The principle of protection will prevail because any other principle, such as tariff for revenue only or free trade, as history has shown, always results disastrously to the business of the country. But I am willing to give up that issue, and I believe that the Republican Party should be big enough and broad enough to be willing to give up that issue in the interests of our common country.

SUPPORT HOPED FOR.

These sections should have the approval and support of Republicans generally, because they write into the statute law of the land the protective-tariff principle. I have ventured to hope that they might have the support of northern Democrats who have come to believe that a fair and honest and just protection is necessary to our prosperity, those who are willing to abandon a theory and face the cold, hard fact that rates of duty that are less than the difference in the cost of production at home and abroad must either result in reduced wages to American workmen or loss of business to American enterprise. I have entertained no hope that the theoretical Democrat, without practical experience, who believes in tariff for revenue only or free trade, would accept my views; but practical northern Democrats, living in industrial communities and in the environment of industrial activity, should be able to see the practical side of this question, and I had ventured to hope that some such might be willing to support a fair proposition, even though it means writing into the law of the land the protective-tariff principle.

The fact that the administration has recommended and a Democratic majority has reported a bill creating a tariff commission at first seemed to me an abandonment on the part of the Democratic Party of the tariff-for-revenue-only theory, because a tariff board is absolutely unnecessary in carrying out a tariff-for-revenue-only policy. But the fact that in the Democratic platform adopted at St. Louis the old tariff-for-revenue-only theory was reaffirmed and the Underwood tariff law indorsed can only mean that the recommendation of a tariff board by the Democratic majority is done for the purpose of political expediency. But while the theory of the party is for a tariff for revenue only, yet I am convinced that a large percentage of the rank and file of the party and of the membership on this floor are for equalizing the difference in the cost of production of articles at home and abroad, whether you call that protection or use some other name; and it is because of that fact that I have ventured to hope that my position and my proposition might be supported, not only by Members upon this floor on the other side of the Chamber, but be approved by the people of the country generally, regardless of their party affiliations.

PUT TEETH IN THE BILL.

Section 5 of my bill should be adopted by those who desire to make the commission effective, even though my sections 3 and 4 be rejected.

Section 5 provides:

SEC. 5. In connection with the investigations of the commission of the relative cost of production of said articles in the United States and foreign countries said commission shall have the power to conduct its investigations in foreign countries by sending its members or its agents into any foreign country for said purpose, and the commission shall have the power to issue an order refusing admission into this country of the goods, wares, or merchandise of any foreign manufacturer, or goods, wares, or merchandise manufactured in any foreign country should said manufacturer, the exporter, or the importer thereof, or his or its agents, refuse to furnish said commission with the information or facts requested by the commission, or should said foreign manufacturer refuse to furnish the commission with or to produce any books, papers, or documents relating to any matter pertaining to such investigation, or should any of the officers or agents of said manufacturer, importer, or exporter refuse to appear and testify under oath and give the evidence required by the commission in making its investigations: *Provided*, That said order refusing the admission of the goods of any foreign manufacturer, or goods from any foreign country, shall only become effective after the President of the United States has

issued a proclamation approving the order of the commission. When any such order of the commission has been approved by the President of the United States and his proclamation has been issued said order shall be placed in the hands of the proper customs officers by the commission and become effective as of the date determined by the commission and remain effective until the same is canceled by the order of the commission. Said order of cancellation shall also be approved by the President of the United States and shall only become effective on his proclamation.

Those who are in favor of a tariff commission, if they are sincere, should not refuse to make it an effective instrument for accomplishing the results for which it is intended. Right here I desire to say again that in my opinion the man who believes that a tariff commission is necessary in fixing tariff rates of duty for revenue only, either does not know what he is talking about or he is trying to fool somebody. You do not need to know anything about the relative cost of articles in America and European countries if all you want to do is to fix rates of duty for the purpose of revenue only. All you need to know in fixing revenue rates is how much revenue a rate will probably yield. But accurate information is necessary in fixing tariff rates for the purpose of protection, and in order not to injure American industry and that the American wage may be maintained. To accomplish this you need information, not only in regard to American costs but you must have information in regard to foreign costs. What will it benefit the American producer and how will it aid the American Congress in fixing protective rates of duty to have only one side of the proposition, to know only about the American costs?

The Rainey bill, should it be enacted into law as it now stands, will only serve to disturb American industry and American business, and to harass American business men by examining their books, and will get no results that amount to anything. We have enough commissions now that only disturb business without accomplishing any real good. We have enough commissions that provide soft berths for politicians and others and do no real service. The tariff commission, to be effective, must have the power to get foreign costs and there is no provision in the Rainey bill for getting foreign costs in an effective way. Section 5 would put teeth into the Rainey bill, and should it be adopted it will result in the commission having the power to get information in regard to foreign costs which will enable it to make its calculations as to the rates of duty that will equalize the difference in the cost of production at home and abroad. In order that no treaty arrangements may be violated by an order refusing to permit the goods to come into this country as provided in section 5, or of the country that refuses to give the commission information as to foreign costs, section 5 provides that the order shall not be issued except on the proclamation of the President of the United States. The President without doubt would make a thorough investigation of treaty arrangements and international relations before issuing such a proclamation which would safeguard us against any undue discriminations which might otherwise result from such an order.

SECTION 5 CONSTITUTIONAL.

The decisions I have referred to and which are summarized in the brief I shall put in the RECORD settles, in my opinion, the constitutional power of Congress to delegate the executive authority provided in section 5 to the commission and the President. The only reason that anyone might have for refusing to incorporate into the Rainey bill section 5 is that it is not desired to make the commission an effective instrument for the purpose for which it is intended and to fool the people of this country into believing that this Congress is doing something that will relieve this tariff situation when, in fact, they are only further complicating an already complicated system.

HEARINGS PROVIDED FOR.

SEC. 6. The commission shall in its discretion grant hearings to any American or foreign manufacturer, his or its agents or representatives, or to any person or organization upon a proper showing being made to said commission that the facts to be presented to the commission are material and would assist the commission in arriving at a proper conclusion in regard to any matter it has under consideration or is investigating, or in regard to any rate fixed by said commission.

Said hearings shall be held at such places and be subject to such rules as the commission shall determine. At such hearings any person may appear before the commission, subject to such reasonable limitation upon the amount of and duplication of testimony and arguments, or may be represented by an attorney or attorneys, and may file any written statement or documentary evidence bearing upon any matter which the commission may have under investigation or in regard to any rate fixed. Every vote and official action of the commission and of every member thereof shall be entered of record.

Section 6, providing for hearings, will insure to the American and the foreign manufacturer an opportunity of appearing before the commission and be heard in regard to the fixing of rates of duty, and while I do not regard it as so important a section as sections 3, 4, and 5, yet it will insure to those interested an opportunity to bring before the commission any facts and figures which will enable it to fix its tariff rates of duty equitably and justly.

OTHER SECTIONS.

The other sections of my bill are the same as the Rainey bill as originally introduced.

CONCLUSION.

In conclusion I desire to say that I have endeavored to show and to present a practical method for taking the tariff out of politics and for settling the tariff question by statute law. I believe that the sections which I have proposed would be constitutional if enacted, that the method is sound, and that should these sections be adopted they will accomplish all that I claim for them.

I believe confidently that the great mass of our people desire this tariff question settled, and that they will not approve of any captious arguments advanced in opposition to the question being settled. Even though my various propositions are not accepted at this time, yet I remain confident in the belief that the day will come when they will be accepted, and if I do nothing more on the tariff during my term in Congress than to leave the germ of the thought that the provisions of my bill contain, namely, that this question can be settled by law and should be settled by law, I will feel that I have accomplished a great deal.

A.—POWER OF CONGRESS TO REGULATE FOREIGN COMMERCE.

The power conferred upon Congress to regulate foreign and interstate commerce, like all other powers vested in Congress, is "absolute and complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution." (Gibbons *v.* Ogden, 9 Wheat., 1, 196; Brown *v.* Maryland, 12 Wheat., 419, 446; Kidd *v.* Pearson, 128 U. S., 1, 16; Interstate Commerce Commission *v.* Brimson, 154 U. S., 447, 471; Brennan *v.* Titusville, 153 U. S., 280, 300; Leisy *v.* Hardin, 135 U. S., 100, 104; United States *v.* Joint Traffic Association, 171 U. S., 505, 571; Monongahela Navigation Co. *v.* United States, 148 U. S., 312, 336; Lottery Case, 188 U. S., 321, 353, 356; Buttfield *v.* Stranahan, 192 U. S., 470, 492; Addyston Pipe, etc., Co. *v.* United States, 175 U. S., 211, 228; Louisiana *v.* Texas, 176 U. S., 1, 21; Scranton *v.* Wheeler, 179 U. S., 141, 159; Compagnie Francaise *v.* Louisiana State Board of Health, 186 U. S., 380, 389; Northern Securities Co. *v.* United States, 193 U. S., 197, 333, 350.)

B.—DELEGATION OF POWER.

The general rule as to the delegation of power has been expressed by the Supreme Court of the United States, speaking through Mr. Justice Day, as follows:

"The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress." (Interstate Commerce Commission *v.* Goodrich Transit Co., 224 U. S., 194, 214, cited and followed in Kansas City S. Ry. *v.* United State, 231 U. S., 423, 443.)

The same applies to delegation of the powers of Congress to the President, or to an administrative officer, for example:

A. TARIFF PROVISIONS, CONTINGENT UPON DETERMINATION OF FACT BY THE PRESIDENT, SUSTAINED.

The tariff act of 1890 (26 Stat., 567, 612) directed the President to suspend the free admission of sugar, etc., and to declare the operation of certain duties prescribed in the act, "Whenever, and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable." The court, in upholding the validity of this provision, said: "That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution.

The act of October 1, 1890, in the particular under consideration, is not inconsistent with that principle. It does not, in any real sense, invest the President with the power of legislation. * * * When he ascertained the fact that duties and exactions, reciprocally unequal and unreasonable, were imposed upon the agricultural or other products of the United States by a country producing and exporting sugar, molasses, coffee, tea, or hides, it became his duty to issue a proclamation declaring the suspension, as to that country, which Congress had determined should occur. He had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation, in obedience to the legislative will, he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves, permitting the free introduction of sugars, molasses, coffee, tea, and hides from particular countries should be suspended, in a given contingency, and that in case of such suspensions certain duties should be imposed." (Field *v.* Clark, 143 U. S., 649, 692; Lamar, J., and Fuller, C. J., dissenting from the opinion.)

B. PROHIBITION OF IMPORTATIONS UNDER STANDARD FIXED BY SECRETARY OF THE TREASURY SUSTAINED.

The act of March 2, 1897 (29 Stat. 604) prohibited the importation of "merchandise as tea which is inferior in purity, quality, and fit-

ness for consumption to the standards provided in section 3 of this act. Section 3 directed the Secretary of the Treasury, on the recommendation of a board of seven experts appointed by him to "fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States." The court said that this statute "but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior quality, or unfit for consumption, or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard, and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. * * * We may say of the legislation in this case, as was said of the legislation considered in Field v. Clark, that it does not, in any real sense, invest administrative officials with the power of legislation. Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce would not be efficacious." (Buttfield v. Stranahan, 192 U. S., 470, 496.)

C.—STATUTORY PRECEDENTS FOR PROHIBITION OF IMPORTATIONS.

A. DEPENDING ON LABOR CONDITIONS IN FOREIGN COUNTRIES.

"That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision." (38 Stat., 195.)

The same provision occurred in earlier tariff acts beginning with that of 1890.

B. DEPENDING ON EXERCISE OF POWER BY AN EXECUTIVE OFFICER.

President authorized to prevent importation of adulterated food or drink, and goods from countries discriminating against American products. August 30, 1890 (26 Stat., 415, secs. 4, 5).

President authorized to prevent introduction of persons or property from countries where contagious diseases are prevalent. February 15, 1893 (27 Stat., 452, sec. 7).

Secretary of the Treasury authorized to prevent importation of adulterated or inferior tea. March 2, 1897 (29 Stat., 604-607); May 16, 1908 (35 Stat., 162).

Secretary of Agriculture authorized to declare birds and animals injurious to agriculture, and therefore prohibited. May 25, 1900 (31 Stat., 188, sec. 2; Crim. Code, sec. 241).

Secretary of the Treasury authorized to establish censorship of imported photographic films. October 3, 1913 (38 Stat., 151, par. 380).

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I observe that this section deals generally with the subject of surveys and lands. I desire to say a word or two about what might be called the promised land in connection with it. Whenever a party comes into power that has been out for some time, the members of the party are desirous of holding public office. It is a laudable ambition which afflicts Republicans as well as Democrats, and next to the Republican Party the party that I admire most is the Democratic Party. I desire to let my Democratic colleagues in on this information that there are jobs that ought to be filled by deserving Democrats. Ever since the 28th of February there have beeen a lot of good places going to waste, and what has been detaining the President of the United States I do not know. About that time a treaty with Haiti was confirmed, and that treaty by article 2 provided for two of the best jobs the President has to give away; that is, the President of Haiti must appoint a general receiver and a financial adviser, selected by the President of the United States. Those two jobs ought to be worth about $1,000 a month.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. FITZGERALD. Does not the gentleman know that the difference between a Democratic administration and a Republican administration is that under the Democratic administration positions are only filled in the interest of the public service, while under a Republican administration they are filled for the benefit of some members of the party? [Laughter and applause on the Democratic side.]

Mr. MANN. Will the gentleman yield?

Mr. BENNET. It was that kind of talk that fooled the people four years ago, but they have got over it.

Mr. MANN. Does the gentleman know whether ratifications of that treaty have been acknowledged?

Mr. BENNET. They have, some weeks ago.

Mr. MANN. Then it has been done very recently.

Mr. BENNET. It has been done, and the President could fill those places if he wanted to.

Mr. MANN. They had not been exchanged when we passed the bill here.

Mr. BENNET. That was nearly two months ago.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. MONDELL. Did the Democratic Party not have a rather painful experience down in that region in connection with an appointment to a position of this sort? A gentleman—it is not necessary to mention his name—who came from the city which my friend in part so ably represents held a responsible position in that section for a time, and in connection with him the administration had a rather painful experience. Does the gentleman suppose that that painful experience, fresh in their minds, has anything to do with their zeal in making these further appointments down there in the West Indies?

Mr. BENNET. I do not know. I am laying these jobs open to the whole United States. I am not confining them to the city of New York at all.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HICKS. Is this promised land to which the gentleman refers the promised land that is located on the east end of Long Island?

Mr. BENNET. Oh, there is no promised land there.

Mr. HICKS. Oh, the whole east end of Long Island is promised land.

Mr. BENNET. I know, but whenever they make you a promise in relation to Long Island you find that it is under water. I have been through that. I am alluding to real things. Here are two $12,000 jobs that they have in this article, and then you can place men without reference to the civil service up to 5 per cent of the collections and receipts of customs duties, unless by agreement otherwise between the two Governments, and I suppose they mean by that that they could appoint more if the Governments agree. Under Article XIII they can appoint engineers. Anybody can be an engineer. It does not say what kind of an engineer—no examination is prescribed. I think an engineer of the Democratic Party would be a very valuable thing in Ohio, New York, New Jersey, or Missouri in October next, and I am doing my party an ill service perhaps in calling attention to the fact, but I want my Democratic friends to get busy. I hate to think of these Democrats standing around with their tongues hanging out, deserving Democrats, looking for jobs when the time is so short.

Mr. FITZGERALD. Oh, there is no hurry about that. We have five years yet in which to fill those places.

Mr. BENNET. Oh, after the 4th of next March we will attend to these details, but up to that time they ought to do their duty.

Mr. MANN. Does not the gentleman think that it is very much to the credit of Secretary Lansing and the administration that these positions in the foreign service have not been made a football for spoils politicians?

Mr. BENNET. If this treaty was necessary, if this legislation was proper, if these positions were necessary, then the places ought to be filled, and this being a Democratic administration I am willing that they shall be filled by Democrats, and hope they will be.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $150,000.

Mr. TIMBERLAKE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 107, line 17, strike out "$150,000" and insert "250,000, of which $100,000 may be used to test the existence of artesian and other underground water supplies suitable for irrigation or domestic purposes in the arid and semiarid regions by boring test wells."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order. It is not authorized by law.

Mr. TIMBERLAKE. Mr. Chairman, will the gentleman reserve the point of order?

Mr. FITZGERALD. I will reserve it for five minutes.

Mr. TIMBERLAKE. Mr. Chairman, in my judgment, this is a very necessary increase to the appropriation made to this department. In a locality in my district there is an area of about 15 or 18 square miles, that has been settled for the last five or six years. It is land that is equal to the best in general appearance. It was settled upon and improved by the early settlers, and I will say that there is not a vacant 160 acres in that area to-day, and there has not been any permanent water found except in one or two portions of the area. They came in there in an early day and did not try for permanent water for awhile, until they could get their other improvements ready, as very often is the case in that country. They dug shallow wells and were able to find pockets of water that were equal to their use for a time, but when they began to think about putting down permanent wells they found that they were unable to get water. I have received a number of petitions from people in this locality, pray-

ing for relief—one man put down 100 holes on his 160 acres to a depth—some of them—of 125 to 150 feet, and he has no water at the present time anywhere near his improvements. He has one well a mile and a half from his improvements, where at a great depth he has found a little water. It is growing less and less all of the time, and he is of the opinion that it will be as the other holes have proven to be, serving water for a little while and then drying up. The Geological Survey is of opinion that it is authorized to do this character of work, and it is only for the reason that they have not been provided with funds sufficient to carry it on that they have rejected the petitions. The Senate last year added such an amendment as this to the Agricultural appropriation bill, but it was not agreed to in conference, and it is the opinion of the department that an appropriation of this kind would lend great aid to a great many people interested, and it is in the interest of these people that I am asking that this appropriation be increased.

On what ground does the gentleman from New York insist that it is not in order?

Mr. FITZGERALD. It is not authorized by law.

Mr. TIMBERLAKE. Is not the Geological Survey authorized by law to do this kind of work? They hold in a letter that was presented at the hearing before the Senate committee that they are authorized to do that kind of work. The authority to gauge streams, to determine the water supply of the United States, and the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing waters, is within the prerogative of that office, and the Senate so considered the matter as in their judgment to approve of the claim made by the department and added to the appropriation bill the amount of $100,000. It, however, as I have stated, was not agreed to in conference. I would like to read a portion of a letter from the Geological Survey:

The legislative status of the question of Government test wells is that without question the Geological Survey has authority for such work in the wording of the appropriation item which for a number of years has provided for investigations of underground currents and artesian wells. Unfortunately, however, the appropriation of $150,000 under this item is inadequate for carrying on the stream gauging and other investigations relating to water resources already in progress. It would therefore be impossible to use any of that amount for drilling test wells without serious loss to work already in progress. It was to meet this condition that the estimates prepared the past year for submission to the present Congress included an addition of $100,000 to this item, making the total appropriation asked for $250,000, with specific mention of the purpose to test the existence of underground water supplies by boring wells. As included in the Book of Estimates, this item is worded as follows:

"For gauging streams and determining the water supply of the United States, the investigation of underground currents, and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $250,000, of which $100,000 may be used to test the existence of artesian and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells; one-half to be immediately available."

I desire to quote the following from a letter from R. D. George, State geologist, Colorado geological survey:

Among the most persistent of these inquiries have been those from the southern part of Lincoln County. There is in that locality a high level plain 150 square miles in extent, of rich, productive land, even under dry-farming conditions, but the problem of finding an adequate supply of water for house and stock is unsolved. The depth to the Dakota water-bearing sandstone is probably not less than 3,000 feet. This is prohibitive, so far as individual effort and expenditure are concerned, and would be a tremendous community burden for settlers on dry lands.

Would it not be a legitimate and commendable activity for the Federal Government to undertake to test the question of a possible water supply for this community? The development of this part of the State is just as dependent upon a water supply as is that of the areas in which the Government has undertaken irrigation projects. These people have put up a splendid fight and are a very desirable type.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TIMBERLAKE. I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The gentleman from New York makes the point of order, and the point of order is sustained.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to strike out the last two words. I want to corroborate all my colleague [Mr. TIMBERLAKE] has said regarding the amendment which he has offered. There certainly could be no more advantageous expenditure of the Government's money than by a judicious prospecting for water upon the great plains of the West in various portions of the arid regions, and it does seem to me that with all the expenditures of millions and millions of dollars that the Government of the United States is spending in developing in all directions in the Agricultural Department especially, that this committee ought to have provided means, if possible, for the extension of this artesian water-development work. I feel that they have not given the matter the consideration that its importance deserves. While I do not mean to criticize them, at the same time, in my judgment, an expenditure of money toward the development of artesian water, the ascertainment of the underground flow of water throughout the arid regions of the West, is of tremendous importance to the development of that country. It is something that can not be handled by private enterprise. Men can not afford to spend thousands of dollars for the purpose of getting water for only his homestead claim of 160 acres of land, and under the public-land laws he would be not only limited to that amount but the chances are he would be penalized if he tried to get any more. For that reason I do feel that the committee ought to favorably consider this amendment and ought not to insist upon the point of order against it.

Mr. TIMBERLAKE. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 107, line 17, strike out "$150,000" and insert "$200,000."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For inquiries and investigations concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, with a view to economic development, and conserving resources through the prevention of waste; to inquire into the economic conditions affecting the industry, including equipment, supplies, and expenses of travel, and subsistence, $70,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 110, line 4, after the sum "$70,000," insert the following: "Of which sum not exceeding 10 per cent may be used during the fiscal year 1917 for personal services in the District of Columbia."

The question was taken, and the amendment was agreed to.

Mr. NORTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 110, after line 4, add a new paragraph, as follows:

"For special investigation of lignite coals with a view to their most efficient treatment and use, especially with reference to their utilization in producing fuel for internal-combustion engines and in supplying benzine, toluene, and other basic materials required by the dyestuff and related chemical industries, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on that. I will reserve the point of order for five minutes.

Mr. NORTON. Mr. Chairman, I trust the chairman will accept this meritorious amendment.

One of the most important questions at the present time before the people of this country is the price and supply of gasoline and crude petroleum.

Due to the rapid development and the growing uses of automobiles and other internal-combustion engines during the past few years and the consequent increased use of gasoline for power production, the supply of gasoline and crude petroleum, from which for the most part gasoline is obtained, threatens soon to be exhausted. The production of crude oil in the United States and the entire world during the past 15 years is given in the following table, which summarizes in round numbers the total marketed production of crude petroleum in the United States from 1900 to 1915, inclusive, and shows for comparison the crude oil production of the entire world during that period, in barrels of 42 gallons:

Year.	United States.	Entire world.
1900	63,600,000	149,100,000
1901	69,400,000	167,400,000
1902	88,800,000	182,000,000
1903	100,500,000	194,800,000
1904	117,100,000	218,300,000
1905	134,700,000	215,400,000
1906	126,500,000	214,000,000
1907	166,100,000	264,900,000
1908	178,500,000	285,100,000
1909	183,200,000	298,400,000
1910	209,000,000	327,000,000
1911	220,400,000	345,700,000
1912	222,900,000	352,500,000
1913	248,400,000	384,700,000
1914	265,800,000	400,500,000
1915	[1] 267,400,000	[2]

[1] Estimated. [2] No figures available.

This shows that last year the production of crude petroleum in the United States amounted to 267,400,000 barrels. The production of gasoline in the United States last year amounted to about 41,000,000 barrels. It is estimated by the United States Geological Survey that the amount of crude petroleum remaining in the oil fields of the United States is 7,629,000,000 barrels.

The following table gives the production of the 10 principal oil fields of the United States up to and including the year 1915, and shows the present gasoline favor of each field and the percentage of exhaustion of each field:

Field.	Present gasoline factor (per cent).	Production including 1915 (millions of barrels).	Estimated percentage of exhaustion.
Appalachian	25	1,150	74
Lima-Indiana	12	438	93
Illinois	18	251	60
Mid-Continent	18	617	50
North Texas	20	44	41
Northwest Louisiana	20	58	47
Gulf Coast	3	236	79
Colorado	20	11	79
Wyoming	20	12	5
California	2½	835	34

With the exception of the Appalachian field, the Lima-Indiana field, and the Colorado field, all of these oil fields in the United States have had their principal development since the year 1900.

Taking into account the productive possibilities of all pools demonstrated to contain oil, as well as the productive possibilities of untested areas in which the geologic evidence is promising, the following conservative estimates of the percentage of exhaustion and of the quantity of petroleum that remains available for commercial extraction has been made by the Bureau of Mines:

Field.	Estimated percentage of exhaustion of total oil content.	Petroleum remaining in fields (barrels.)
Appalachian	70	481,000,000
Lima-Indiana	93	31,000,000
Illinois	51	244,000,000
Mid-Continent	25	1,874,000,000
North Texas	8	484,000,000
Northwest Louisiana	22	124,000,000
Gulf	13	1,500,000,000
Colorado	65	6,000,000
Wyoming and Montana	2	540,000,000
California	26	2,345,000,000
Total		7,629,000,000

At the present rate of consumption of gasoline and crude petroleum, this estimated supply would last the United States for only about 26 years. Thus it is at once seen that a serious question confronts us to discover some other source of supply for motor spirits, or a substitute for gasoline.

Recent investigations that have been carried out on a small scale by Prof. Babcock, of the University of North Dakota, at the substation of the State School of Mines, at Hebron, N. Dak., disclose that the lignite coal fields of the United States contain an almost inexhaustible supply of light oils which can be used in internal-combustion engines as a substitute for gasoline.

It is estimated by the United States Geological Survey that the original supply of lignite coals in the United States is 1,087,514,400,000 short tons.

Lignite coal is found chiefly in the western part of the United States, in the territory extending from Texas, through Colorado, Wyoming, Montana, and the Dakotas. In this area there is a comparative scarcity of bituminous coal and a negligible quantity of anthracite coal.

The railroad industries requiring fuel of a high character are obliged to haul bituminous coal from the East or to employ petroleum or otherwise burn raw lignite. The main objections to the use of raw sub-bituminous coal—sometimes called black lignite—and the brown lignite are: It rapidly weathers and disintegrates; it fires spontaneously.

When used on locomotives it throws sparks for long distances, setting fire to crops and houses; moreover, much of the fuel is wasted under forced draft.

On the other hand, to transport bituminous coal and anthracite coal from the East is expensive.

While petroleum is satisfactory to the fuel users, it is becoming increasingly expensive, and it is exceedingly wasteful to use the raw oil as a fuel. Moreover, the resources, as I have called attention to, are becoming rapidly depleted, and the country must look for other sources of mineral oil than that from petroleum wells.

Lignitic coals of the Western States vary widely in composition, containing moisture as mined ranging from 10 to 40 per cent, and ranging in appearance from the sub-bituminous coal or high-grade black lignite (which behaves very similar to bituminous coal) to the brown lignite, found in some parts of North Dakota and Texas, which is little more than peat.

Necessarily there is quite a variation in composition which requires careful investigation to determine what method will produce the best briquets and the maximum quantity of by-products.

In 1909 a small experiment station was started by the College of Mining Engineering of the University of North Dakota, at Hebron, under the direction of Prof. E. J. Babcock, and the last few years a cooperation was effected on a very small scale with the Federal Bureau of Mines in order that the results might be published and thus be of benefit in the study and utilization of the lignites on the Government lands. At this experimental station, a description of which is given in Bulletin 89 of the Bureau of Mines, entitled "Economic Methods for Using Waste Lignites," briquets have been made which have withstood handling and weathering for six months or more in the open air. This was made from lignite which would begin weathering and disintegrating in a few days. They have also been dried and burned in a type of furnace and tried on local railroad locomotives. It is reported that one ton of briquets was equal to one ton of the best bituminous coal in keeping up steam, and equal to a ton of the best anthracite coal for use in furnaces and heating stoves.

The analysis of the briquets is not unlike that of the Pocahontas coals, except for slightly higher ash. The briquets are almost smokeless. The briquets which have been made have employed tar for a binder, the tar being brought from the east. Petroleum residues would be available for the same purpose, and one line of investigation would be to determine the best binder in the various localities where lignite is produced. Some tar is produced in the carbonization of the lignite, but not sufficient to make the briquets, and moreover it is probable that in most cases the tar derived would be of greater value on account of the by-products that could be produced than the ordinary tar of commerce.

In the carbonization of lignites, as demonstrated by Prof. Babcock, very important by-products are produced. These products vary widely with the lignite and with the degree to which carbonization is carried. The yield of gas is large for the partly dried lignite, reaching 10,000 to 12,000 cubic feet per ton, according to Prof. Babcock, which is about the same as that from a high-grade bituminous coal. Further, the evolution of gas is much more rapid. The residues may be briquetted. The gas has been tried in gas engines, and tests made in comparison with standard city gas, and it was found that the lignite gas was especially satisfactory. It is believed that there is a large field for the production of power through the establishment of large by-product plants.

Ammonia and tar are also produced in the carbonization of the coal. According to Prof. Babcock, approximately 50 pounds of tar can be recovered from 1 ton of partly dried lignite. This tar is very high in paraffin ingredients. Prof. Babcock estimates that there is produced from a ton of dried lignite coal at different temperatures 5 to 6 gallons of crude lignite oils, 2 gallons of crude benzol, 2 to 3 gallons of hard tar, 50 to 60 pounds of ammonia sulphate, and 20 pounds of tar acids. Benzol is one of the compounds used in the manufacture of dyestuffs and explosives, and is an excellent substitute for gasoline for use in internal-combustion engines. Prof. Babcock has also produced by distillation from lignites oil which has been found to be unusually well suited in the concentration of ore by the flotation process. It is evident to anyone who has given the subject consideration that our western lignite coals present a field for investigation which promises very much for the development of those parts of the country hitherto retarded by the lack of fuel in its various forms and also offers the greatest possibilities through the enormous amounts of lignite in substitution for petroleum, which is intrinsically too valuable to the country to permit its use as a fuel.

The investigation should be carried on in the most practical way possible to obtain information regarding the different lignite fields and how each can best be utilized. Such work will not necessarily have to be carried on by the establishment of local stations, but can be most economically and best done at the general stations in the West where the materials may be shipped for testing.

One important use for lignite which deserves further development is that in the gas producer. This would be eminently of advantage where it is desired to obtain power at points where

water was scarce and where the by-products would be of less value on account of difficulties and expense of transportation.

From the carbonization of lignite coal, can be obtained unpurified gas that has a heating value of upward of 400 British thermal units per cubic foot. From 10,000 to 12,000 cubic feet of volatile gas is contained in each ton of ordinary western lignite coal.

The work that is proposed to be carried on, under authority of the amendment I have offered, is work that unquestionably should be done by the United States and is one of the most important steps that can, at this time, be taken, in the way of industrial preparedness for our immediate and future needs in this country.

Prof. Babcock, who is the leading authority in this country on lignite coals, their composition, and the commercial and economic possibilities of these coals, has told me that the limited investigations that he has already carried on, which has disclosed the presence in these coals of high-grade tars, tar acids, including carbolic acid, and the basic elements used in the manufacture of aniline dyes and high explosives, has opened up marvelous economic and commercial possibilities, that he feels certain wider and more complete investigations and experiments would show to be practical and would point the way for the establishment of manufacturing plants throughout the country to briquet this coal and to use the by-products from the briquetting process in different commercial activities.

In Germany during the present European war it is reported that large quantities of benzol is being produced from lignite coals for use in internal-combustion engines. The statistics of 1913 show that Germany in that year mined 87,000,000 tons of lignite, which was about the same amount of bituminous coal mined. Most of the lignite mined was briquetted and sold at practically the same price as briquets of bituminous coal.

The tremendous importance of securing a large supply of a good substitute for gasoline such as benzol has proven to be is better understood when the fact is considered that in the United States to-day the horsepower of gasoline internal-combustion engines is twice that of the horsepower of all engines driven by steam.

As I have already stated it is estimated that the total supply of lignite coal in the United States is 1,087,514,400,000 short tons. Now, from each ton of lignite in the process of briquetting, upward of two gallons of benzol can be secured in addition to other valuable by-products, as tar, tar acids, ammonia compounds, etc.

While the estimated supply of crude petroleum in the ground in the United States is sufficient to supply the present rate of consumption in the United States for about 26 years, the quantity of benzol that can be secured from carbonization or distillation of our lignite coals would, at the present rate of consumption, meet our needs for use in all kinds of internal-combustion engines for more than a thousand years.

The lignite coal fields are widely distributed, being found in Alabama, Louisiana, Mississippi, Texas, Wyoming, North Dakota, South Dakota, Montana, Washington, and other States.

It is estimated that there are 697,921,200,000 short tons of lignite in North Dakota, 1,020,300,000 tons in South Dakota, and 23,000,000,000 tons in Texas.

There should be appropriated at this time at least $100,000 to carry out a thorough and complete investigation of the commercial practicability of the use of lignite coal as a fuel in briquetted form and of the value of its by-products for use in internal-combustion engines, and for supplying the basic elements needed in the manufacture of aniline dyes and high explosives. But I have offered this amendment proposing an appropriation of $50,000 with the hope that the chairman of the committee will accept this amendment as a compromise amount for the actual amount that is needed and which should be appropritated for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. I ask unanimous consent that I may continue for 10 minutes more.

Mr. MONDELL. I hope the gentleman will be allowed to continue for 10 minutes.

Mr. FITZGERALD. Mr. Chairman, I am compelled to insist on the point of order. What is the use of talking about it? I will read it if he will put it in the RECORD.

Mr. NORTON. I wish to speak in opposition to the point of order if the gentleman insists on making it. The organic law establishing the Bureau of Mines authorizes this item.

Mr. FITZGERALD. There is no question about the point of order.

The CHAIRMAN. Has the gentleman the law?

Mr. NORTON. Yes; it is entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910. Section 2 reads as follows:

SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the approval of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions, and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; to investigate explosives and peat; and on behalf of the Government to investigate the mineral fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient mining, preparation, treatment, and use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

Mr. FITZGERALD. Mr. Chairman, this amendment goes away beyond the organic act.

Mr. NORTON. It is clearly within the provision of the second section of the organic act.

Mr. FITZGERALD. Not at all.

Mr. NORTON. It is certain that an appropriation for this purpose will be provided for by the Senate if not by the House, as it is a subject of such importance and great possibilities that investigation can not be delayed.

Mr. FITZGERALD. It will not gain any headway by making threats here or there, either.

Mr. NORTON. The statement is not made by way of a threat. If the gentleman had given the subject any consideration, he would know there is great necessity and need for this investigation.

Mr. FITZGERALD. The department has never asked it nor have they suggested it, and have never discussed it.

Mr. NORTON. I will say to the gentleman that the department is highly in favor of this.

Mr. FITZGERALD. The department is in favor of getting every dollar that anybody suggests to spend. That is a different thing from what I said.

Mr. NORTON. As to this item I do not think that is a fair statement so far as the Bureau of Mines is concerned.

Mr. FITZGERALD. Investigations of lignite have been made only recently. We have investigated lignite coal and are investigating it now. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the employment of personal services and all other expenses in connection with the establishment, maintenance, and operation of three mining experiment stations, authorized by the act approved March 3, 1915, $75,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to strike out the last word. I merely want to say that this is the most far-reaching and best provision in this entire bill. It is of tremendous importance to the West, and I am delighted to see it in here.

I think I am the author of this provision. I started in nearly seven years ago by introducing a bill providing for the establishment of a metalliferous mining experiment station at Silverton, Colo. The enterprising citizens of that city are the originators of this idea, and they and I have been diligently working upon it ever since, and I earnestly hope that in all fairness the first one of these mining experiment stations established in the United States will be located at Silverton, Colo. That town and that mining district is most deservedly entitled to it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For such additional personal services as may be necessary for the care and maintenance of the new buildings at Pittsburgh, $14,305.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 110, in line 25, strike out the sum "$14,305" and insert in lieu thereof the sum "$4,305."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For purchase or lease of necessary land, where and under such conditions as the Secretary of the Interior may direct, for the headquarters of mine rescue cars and construction of necessary railway sidings and housing for the same, $1,000: *Provided*, That the Secretary of the Interior is authorized to accept any suitable land or lands, buildings, or improvements, that may be donated for said purpose.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 111, in line 19, after the word "same," insert the following: "or as the site of an experimental mine and a plant for studying explosives"; and at the end of line 22, after the word "purpose," insert the following: "and to enter into leases for periods not exceeding 10 years, subject to annual appropriations by Congress."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the amendment.

Mr. FITZGERALD. Mr. Chairman, this was intended to be inserted. It was to permit the making of a lease for the experimental mine that the department now has near Pittsburgh and for making leases for periods of 10 years, subject to annual appropriations.

Mr. STAFFORD. What is the purpose of the first amendment, that following the word "same," line 19?

Mr. FITZGERALD. The department now has an experimental mine near Pittsburgh. It has been loaned or leased to the department for a year at a time. In this mine they set up the ordinary timbers that are used in mining and experiment with explosives. In order to enable them to continue the use of that mine they want authority to lease it.

Mr. FOSTER. I will say to the gentleman from Wisconsin that they are using explosives in a very large tube. Down where the old experimental department was located, near the arsenal at Pittsburgh, they are building a new building, and will move out of the old one. That was on ground owned by the War Department. They are moving up on the hill where the new building is. It is so close to some of the buildings that they can not use this apparatus there for the investigation of explosives. They put gas in a large drum and that explodes. So they are moving it out 15 miles from Pittsburgh, on land owned by the Pittsburgh Coal Co. They pay a nominal rental of $100 a year for this land where they have an experimental mine, where, as stated by the chairman, they show the effects of explosions in the mines.

Mr. STAFFORD. This will not involve any monetary obligation on the part of the Government?

Mr. FOSTER. Not in the least.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws his reservation of a point of order. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter in the absence of the Director of the Bureau of Mines the assistant director of said bureau shall perform the duties of the director during the latter's absence, and in the absence of the Director and of the Assistant Director of the Bureau of Mines the Secretary of the Interior may designate some officer of said bureau to perform the duties of the director during his absence.

Mr. BENNET. Mr. Chairman, reserving a point of order, what is the purpose of this paragraph?

Mr. FITZGERALD. The work of the Bureau of Mines is such that both the director and assistant director are frequently required to be out of Washington, and it is desired that the Secretary of the Interior may designate somebody as acting director so that he may sign the necessary official papers, and thus expedite the work of the department.

Mr. BENNET. I withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws the point of order. The Clerk will read.

The Clerk read as follows:

In all, Bureau of Mines, $965,005.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to change the total to $955,005 instead of $965,000. It is the correct total.

Mr. BENNET. Reserving the right to object, Mr. Chairman, was the other a typographical error—the Pittsburgh matter?

Mr. FITZGERALD. Yes; a printing error. This total was correct. The other was a typographical error.

Mr. BENNET. I understand.

The CHAIRMAN. The Clerk will read.

The Clerk reads as follows:

Klamath project, Oregon-California: For maintenance, operation, continuation of construction, and incidental operations, $180,000; together with the unexpended balance of the same appropriated for this project for the fiscal year 1916.

Mr. CLINE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. CLINE. I do so for the purpose of making a request in behalf of my colleague, Mr. BARNHART, who is detained in Indiana because of serious illness in his family. He desires to extend his remarks in the RECORD on the subject of the pension legislation of the first session of the Sixty-fourth Congress.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that his colleague [Mr. BARNHART] may have the right to extend his remarks in the RECORD on the pension legislation of the first session of the Sixty-fourth Congress. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to change the word "same," in line 13, page 117, to the word "sum." It is a typographical error.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All moneys refunded except repayments of construction and operation and maintenance charges, under the provisions of the act shall be a credit to the appropriation for the project from or on account of which the collection is made and shall be available for expenditure in like manner as if said sum had been specifically appropriated for said project in this act.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. I wish to inquire of the chairman what is the purpose to be accomplished by this new phraseology carried in the paragraph?

Mr. FITZGERALD. At the bottom of page 118?

Mr. STAFFORD. Yes.

Mr. FITZGERALD. The Reclamation Service houses and subsists its employees and charges them for the accommodations. This is to permit the appropriation for each project to be used for that purpose and reimbursed by the payments made into it by the employees.

Mr. STAFFORD. Then the only sums refunded are of the character that the gentleman refers to? It says:

All moneys refunded, except repayments of construction and operation and maintenance charges, under the provisions of the act shall be a credit to the appropriation for the project.

I thought that particular language might include other moneys besides those designated by the gentleman.

Mr. FITZGERALD. The only moneys that are obtained are payments under incidental operations and payments under the permanent operations, and then these moneys that are received from employees. There are some moneys also which are received from the sale of power on some of the projects.

Mr. STAFFORD. Why should the moneys received from power be refunded? I can understand why these amounts that are incidental to the construction should be credited to the appropriation, but why should charges for power be so credited?

Mr. FITZGERALD. They are not included. The only payments are those of the employees. We have a number of incidental operations in connection with the projects, such as the running of mess houses and hospitals, and in a few cases mercantile stores, where there is a continual income and outgo. They almost always show some profit. We have not included in our statement the gross investment to make the appropriation look larger than it is, because that money keeps going back. It is only these incidental operations. The others are not appropriated. They are applied to the cost of construction and go into the reclamation fund.

Mr. STAFFORD. Would any accounting be had of these incidental funds under the method suggested?

Mr. FITZGERALD. Oh, yes; they have to be accounted for just the same; but it is to enable the moneys obtained in that way to be utilized as a part of the work of the project.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order, after the explanation given.

The Clerk read as follows:

Alaska Engineering Commission: For carrying out the provisions of the act approved March 12, 1914 (38 Stats., 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," to continue available until expended, $6,247,620.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee what progress has been made in the construction of the railroad in Alaska? How much money has thus far been expended, and what has the engineering commission done up to this time?

Mr. FITZGERALD. There has been appropriated so far $5,000,000. The Alaska Northern Railroad has been purchased under the authorization.

Mr. MADDEN. Was that the Guggenheim road that we talked so much about?

Mr. FITZGERALD. No; that is not the Guggenheim road, but is the other road, running from Seward to Kern Creek, a distance of about 70 miles. The cost, I think, was about $1,300,000. It is conceded by everybody that the price was very reasonable. That railroad is now being improved and put in condition so as to enable it to be operated and supplied with rolling stock. The purpose is to continue along Turnagain Arm to a place known as Anchorage Junction, which is about 5 miles from Anchorage, on Cooks Inlet, a distance, as I recall, of about 55 miles. We have started at Anchorage on Cooks Inlet—which, however, is not an all-the-year ice-free port—to build the main line to Fairbanks. The distance is over 400 miles. We had already graded and laid rails a distance of about 20 miles to the Matanuska River, and the work is to be continued to the Matanuska coal fields, a distance of 35 miles from Anchorage, and also to be continued up the main line toward Fairbanks. It is hoped that during the coming fiscal year sufficient work will have been done to enable coal to be shipped from the Matanuska coal fields to Anchorage, and by water from Anchorage on Cooks Inlet to wherever it may be desirable to ship it. The work along Turnagain Arm is very heavy in character, and is necessary to connect the line from Anchorage Junction with the terminus of the Alaska Northern Railroad at Seward. My recollection is that the work has all been done very much within the original estimate, and that the railroad to Fairbanks, with this branch to the Matanuska coal fields, including the purchase of the Alaska Northern and its rehabilitation, and the providing of the rolling stock for the whole system, will be completed for about $28,000,000. I may be mistaken, but that is my recollection.

Mr. MADDEN. The original expense was intended to be $50.000,000, was it?

Mr. FITZGERALD. No; $35,000,000 was the limit of cost. The commission has on it Mr. Edes, who is commended as one of the most expert railroad locators and builders of the West, and Lieut. Mears, who built the relocated Panama line.

Mr. MADDEN. According to the amount of money already expended, how many years will it take to complete the road?

Mr. FITZGERALD. I think we have not an estimate of that. I think they figure that it will take two or three years.

Mr. MADDEN. When the bill was up for consideration at first it was stated that we would be able to build the road within a year. Another statement made was that all the men who had built railroads in Alaska were a lot of highway robbers and violators of the law. Notwithstanding that I notice that the Government has invested its money in the purchase of the roads which the "highway robbers" built.

Mr. FITZGERALD. I think those "highway robbers" were supposed to be in the other road. The statement was made at one time that the Guggenheims had invested in cash $22,500,000 in that road from Cordova, that they had not issued any bonds, that they had put their own money into it, and that the probabilities were they never would get it out. I never had much sympathy with the policy that prevented men who had the means, and who were welling to expend their money in the development of that Territory, from going ahead and developing it. I think some arrangement should have been made by which private capital and private enterprise would have been encouraged to build roads.

The CHAIRMAN. The time of the gentleman his expired.

Mr. MADDEN. I will ask for about a minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. MADDEN. I should like to know what it was that the Government purchased from the Alaska Northern Railroad Co., if they had to rebuild the road?

Mr. FITZGERALD. The right of way had been graded for 70 miles, but they had very light rails on it, and the bridges and culverts were not sufficiently heavy to carry the character of rolling stock and loads that it is intended shall be operated on the line, so that it will be necessary to build heavier culverts and bridges and to lay heavier rails. What has been purchased is the right of way, the graded road.

Mr. MADDEN. So we paid $19,000 a mile for the right of way to the company that owned the road?

Mr. FITZGERALD. Yes; all graded and ready to lay the tracks.

Mr. MADDEN. It was stated in the House that we might build the road for $20,000 a mile. I never thought so; I thought it would cost $70,000 or $80,000 a mile. What has it cost to rehabilitate the road?

Mr. FITZGERALD. My recollection is that we have expended $300,000 or $400,000 on the road. The company has spent about a million dollars more than we are paying for it.

Mr. MADDEN. We are spending about $300,000 more on it.

Mr. FITZGERALD. But that includes the equipment. I have not looked into this matter for some time, but I went into it very exhaustively at the time of the deficiency hearings.

Mr. NORTON obtained leave to extend his remarks in the RECORD.

The Clerk read as follows:

Authority is granted to purchase during the fiscal year 1917, from the appropriation made for the construction and operation of railroads in Alaska articles and supplies for sale to employees and contractors, the appropriation to be reimbursed by the proceeds of such sales.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking my colleague if his attention has been called to the figures in line 21.

Mr. FITZGERALD. I was just about to ask that the Clerk be authorized to change the figures 1917 from numerals to words.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

Yellowstone National Park: For administration and protection, including not exceeding $300 for maintenance and repair of horse-drawn passenger-carrying vehicles for use of the superintendent in making inspections of the park, $5,500.

Mr. FESS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman from Wyoming [Mr. MONDELL] about the Yellowstone National Park and the management of the hotels. There are several hotels there, and I want to ask him what relationship there is between the management of those hotels and the Government.

Mr. MONDELL. The hotels are run under leases granted by the Secretary of the Interior.

Mr. FESS. Is there any limitation as to what shall be charged in the way of accommodations for rooms, and so forth?

Mr. MONDELL. In granting leases the Secretary fixes the maximum of all charges, as I understand it.

Mr. FESS. Mr. Chairman, I want to make a statement to the Members of the House. At the Grand Canyon Hotel a party with which I was traveling, 52 in number, reached there in the afternoon of last September in the midst of a snowstorm. There were 52 in the party, as I recall, among them the chief chemist of the Cooper Union Institute of New York, accompanied by his wife, also a member of the Chicago Board of Trade, Mr. Brainard, and party; also the head of one of the large publishing houses of New York with a party, and many others who travel much in this and other countries. When we reached there it was declared by the chief clerk that there was no room with a bath or with heat unoccupied. I, with my wife, was shoved off into a very cold corner of one of the most handsome hotels I ever saw. The room had no heat, no radiator. One lady, with daughter and niece, was given but one room for the three. I found that other parties I have mentioned were similarly treated. When we protested, because this was the first time I had received this kind of treatment, I was told that there were no rooms unoccupied. I asked to see the proprietor. I was told he could not be seen. I demanded to see him. After some trouble in getting an interview with the head man whose name, as I recall, was Mr. Cheatam, a suggestive name, I found that they had closed up one floor, but they finally agreed to open it up by the orders of the manager. I still complained on behalf of the rest of the party to the disgust of the hotel men. There was very great inconvenience to our entire party, which was finally cared for in a reasonable manner. I thought that it would be my duty to make a statement to the Members of the House.

If there is any doubt as to the accuracy of my statement, I would be glad to insert in the RECORD letters from various parties who traveled in the party written to me after they reached home. These letters were written as a protest against such treatment of the public in this famous park.

Mr. MONDELL. Did the gentleman inform the Secretary of the Interior of the happenings which he has now related?

Mr. FESS. I did not.

Mr. MONDELL. In view of the fact that these hotels are under the Secretary's control, that would have been the proper thing to do.

Mr. FESS. I will say that I shall do that, because I think the people of the country should not be treated in that way. I

feel, not as a mischief-maker, but I think it is my duty to make notification of this kind of treatment of the public.

Mr. MONDELL. I think the Interior Department endeavors to have the hotels—I think it insists that the hotels furnish the best accommodations possible under the circumstances and conditions for travelers. I think it is the duty of the traveler who feels that he has not been fairly treated to inform the Secretary in regard to those matters.

Mr. MANN. I suggest to the gentleman from Ohio that he take it up with Mr. Mather, the assistant to the Secretary, and that he will receive considerate attention. Mr. Mather is the man who has charge of these matters, and he is very enthusiastic about the park.

Mr. FESS. I want to state that my treatment in all other hotels was very satisfactory, but in this hotel it was simply brutal, and I think it ought to be called to the attention of Members. I shall act in accordance with the suggestions and lay the matter before the department. I am not complaining of prices but of treatment of guests in hotels where prices are sufficiently high to justify gentlemanly conduct on the part of management and clerical force.

Mr. BENNET. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio [Mr. FESS] in order to ask the gentleman from Wyoming [Mr. MONDELL] a question.

Mr. MONDELL. Mr. Chairman, I hope the gentleman will not assume that I have anything to do with these hotels.

Mr. BENNET. Mr. Chairman, I noticed in a popular periodical the other day a statement that the Grand Canyon was rendered uncomfortable for visitors because of the operation of the mining laws; that some man filed a placer claim or something of that sort under the United States laws where there were no minerals and thereby he has prevented the improvement of the Grand Canyon by the United States Government, and that there were places in the Grand Canyon and on the rim of the canyon and other places where the concessionaires, if they had the opportunity, would make great improvements for the comforts of the people that travel there, but that these mining claims which were valueless, and they gave figures tending to show they were valueless, absolutely prevented the development of that great natural wonder for the comfort of visitors. I will be glad if anyone can give me any information about that.

Mr. FITZGERALD. Mr. Chairman, the situation to which the gentleman refers is in connection with the Bright Angel Trail from one of the hotels to the foot of the canyon. Some years ago some one filed mining claims almost from the beginning of the trail down. I do not know that there has been very much operation there, although it has been a pretty good producer in that the person who has the claim extracts one good American dollar from everybody who goes down the trail into the canyon. I recollect that some years ago the Secretary of the Interior stated that a proceeding had been brought to test the legality of the claim, to ascertain whether it was possible to dislodge this operator upon the American public, but what the result of that proceeding was I do not know.

Mr. BENNET. Is there any way by which that blackmail, for apparently it is nothing more nor less than blackmail, the holding up of the public, can be done away with?

Mr. FITZGERALD. The man has a mining claim and he says there are valuable minerals in the ground, and naturally his opportunities to work his claim would be interfered with by a constant stream of persons passing over his property, which is about the only available part over which one can travel. The Bright Angel Trail is very steep and a difficult trail, and this claim covers part of it, and there is no way to get around it. I recollect that the department did start some proceedings. I do not know whether they succeeded in them. Of course, it is possible that that tax upon visitors to the canyon will be stopped. There is a legitimate claim there and it may be necessary to buy him out, but probably the revenue derived from visitors going down the trail is greater than any revenue that would be derived from minerals in the claim.

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to state that I think the concessionaires hold up the public a whole lot more than any mining interest there. I think they are the people who ought to be regulated rather than anyone who has a mining claim. I think a mining claim down in the valley is a pure fake. I do not think there is any mining there, but, on the other hand, I know that my former colleague, Congressman Martin, from Colorado, was arrested there last summer simply because he drove his automobile 3 or 4 feet out of the main line. He was taken down to Phoenix and kept three days before he could get out. I feel that that system is an outrage and that the Government ought to do something to prevent the imposition on the innocent visitor there.

Mr. FITZGERALD. Of course a man can not be permitted to recklessly run an automobile around the rim of that canyon without serious injury to himself. It might have been necessary——

Mr. TAYLOR of Colorado. But he simply ran it a few feet outside of where some concessionaire said he had no right to be.

Mr. KEATING. Congressman Martin lives in my home town. He was not driving his automobile recklessly.

Mr. FITZGERALD. I did not say that he was.

Mr. KEATING. The suggestion was that he might have been. He is a very conservative chauffeur. The fact is there is some arrangement by which automobiles are not permitted on this road, and it is an arrangement that should be abolished.

Mr. FITZGERALD. That is the road where carriages take visitors up the canyon?

Mr. KEATING. Yes.

Mr. FITZGERALD. It is not a safe thing to have automobiles on that road with visitors in these carriages, with the possibility of horses becoming frightened and visitors being unceremoniously precipitated six or seven thousand feet down the valley.

Mr. KEATING. Is it not a fact that these men who own the carriages for traveling around the canyon have trouble——

Mr. FITZGERALD. Oh, yes; but these automobiles are not always as careful as they ought to be, either in the city or in the vicinity of the Grand Canyon, and it is not unreasonable——

Mr. TAYLOR of Colorado. Is it not true the automobilists are the tourists, who have the right to go over this country, and ought any horse concessionaire be allowed to regulate him in that way?

Mr. FITZGERALD. I think reasonable regulations should be made for the protection of the public. Now, I have been along that road up toward some other points in the Grand Canyon, and there are some places where a spirited team—and they have nothing but spirited teams in the West—if an automobile came by, might be frightened so that the lives of the persons in the carriage would be endangered; but I think provision has not yet been made that makes it safe to have automobiles operate in that part of the country.

Mr. TAYLOR of Colorado. I feel——

Mr. FITZGERALD. Of course, I have no doubt that that is a very extraordinary and unjustifiable case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. But that is not under consideration now, and I hope the gentleman will dismiss it. It is not in this bill.

Mr. TAYLOR of Colorado. Well, it came up——

Mr. FITZGERALD. It came up like a shower; now let it disappear.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I do not know how many Members of the House have noticed a recent book or pamphlet gotten out by the Interior Department advertising the national parks. The Members ought to get hold of these advertisements and examine them and have some of them sent into their districts. There is likely to be a large number of American people visit the national parks this summer. These pamphlets are very interesting. I think the department made some arrangement by which the railroad companies interested in carrying people to the parks have paid the expenses of the issuance of this pamphlet.

Mr. FITZGERALD. About $37,000.

Mr. MANN. I understood it was over $40,000.

Mr. FITZGERALD. Well, something in that vicinity.

Mr. MANN. They are not issued at Government expense. We have also pending in the House a bill providing for some kind of national park service in the Interior Department at not very great expense, which I think possibly may come before the House before a great while. It is undoubtedly true that owing to the situation on the other side of the Atlantic the opportunity for the American people to visit the great natural scenery of the United States in our parks is likely to be taken advantage of more now than ever before. There can be no wiser thing than to let the American people know that if they want to see nature they may see it in the United States and keep the money at home rather than think that they have to go to Switzerland to see the Alps.

Mr. TAYLOR of Colorado. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. TAYLOR of Colorado. Does not the gentleman think it would be a wise expenditure of money for the House to provide for the publication of more of these documents and not rely entirely upon the railroads having them printed?

Mr. MANN. Well, possibly so. I do not know. The railroads, however, in this case have furnished the money, and the railroads are interested, of course, to the extent of carrying the people. I understand these pamphlets are printed in sufficient number to supply very generously the people who may be interested in such things.

Mr. TAYLOR of Colorado. They are not printed so Members of the House can have any appreciable number of them.

Mr. MANN. My recollection is that the department asked me, *and I suppose* they have asked Members, to send in names.

Mr. TAYLOR of Colorado. For 100.

Mr. MANN. For one hundred, but I have not yet availed myself of that permission; but that number goes quite a good ways.

Mr. TAYLOR of Colorado. Oh, yes; but if we had a thousand apiece it would be money well expended.

Mr. MANN. Of course the gentleman does not need them.

Mr. TAYLOR of Colorado. I think every Member of the House should send them to his constituents.

Mr. MANN. No gentleman from Colorado needs to send them into his own district to advertise the great beauty of the Rocky Mountains. That is seen on every side in Colorado. [Applause.]

Mr. TAYLOR of Colorado. I think they ought to be sent all over the United States.

The Clerk read as follows:

For procuring feed for buffalo and salaries of buffalo keepers, $3,000.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 122, line 23, after the figures "$3,000," insert the following:

"For investigating and ascertaining the terms upon which land can be secured near Prairie du Chien, Wis., and McGregor, Iowa, to establish a national park, to be known as the Mississippi Valley National Park, how much land will be donated by the owners to the Government, and the expense of acquiring by purchase any part of the land not so donated, $1,000: *Provided further*, That the Secretary of the Interior is authorized to accept patented lands that may be donated for said park purposes."

Mr. FITZGERALD. Mr. Chairman, I make a point of order that that is not authorized by law.

Mr. HAUGEN. Mr. Chairman, I recognize it is subject to a point of order, but I hope the gentleman will not make it.

Mr. FITZGERALD. Does the gentleman want five minutes?

Mr. HAUGEN. No; I do not want to take up the time.

Mr. FITZGERALD. Then, Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman makes the point of order to the amendment, and the point of order is sustained. The Clerk will read.

The Clerk read as follows:

Rocky Mountain National Park, Colo.: For protection and improvement, $10,000.

Mr. TIMBERLAKE. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 125, line 4, strike out "$10,000" and insert "$26,937.50."

Mr. FITZGERALD. Mr. Chairman, I make a point of order on that. The amount that can be expended upon that park annually is $10,000. This is not authorized by law.

Mr. TIMBERLAKE. Will the chairman of the committee withhold his objection?

Mr. FITZGERALD. I will reserve it.

Mr. TIMBERLAKE. Mr. Chairman, it is true that the Appropriations Committee was barred from making a larger appropriation than this for the park by reason of the clause that was attached to the bill at the time of the organization of the park, which was that without authorization of Congress there should not be appropriated more than $10,000 a year annually for its maintenance. Now, Mr. Chairman and gentlemen of the committee, we have a wonderful national asset there. It will not produce unless we improve it. It is short-sighted in Congress not to develop that park, which belongs to the United States. Seventy-five thousand dollars would make it accessible to the people, and in a short time would repay to the United States every dollar of expense. Colorado has two national parks—the Mesa Verde and the Rocky Mountain National Parks. They are the only two parks within the confines of the United States that are restricted in this way. The proceeds derived from these parks are placed in the General Treasury, while the application of this to other parks is not required. The money collected from other parks is spent for improving them. Now, instead of——

Mr. SHERLEY. How much are the receipts that you have gotten from these parks?

Mr. TIMBERLAKE. The gentleman from Kentucky understands that this park was organized only last year. I will say to him that, according to the records that were kept, even after the park was opened, even though it was late in the season, 31,000 people visited it. The Mesa Verde Park, which is small and in the southern part of the State, is only about one-sixth as large as this and it carries an appropriation for $10,000, and last year about 615 people saw what is to be seen in that park. With the notice that has been given by the press throughout the United States and with the impetus to see the United States, as suggested by the gentleman from Illinois [Mr. MANN], during the next year, I have no hesitancy in saying that there will be at least 75,000 people come to view the beauties of that park. And we need to have it improved, and I have simply added here in this amendment the estimate made by the superintendent of parks, Mr. Mather, who is also the Assistant Secretary of the Interior, and I believe this Congress will be short-sighted, indeed, if it does not allow at least that amount of appropriation.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. TIMBERLAKE. Yes.

Mr. STEPHENS of Texas. Will the gentleman inform the House how they collect any revenues for the use of this park? Do you charge the sightseers who visit the parks?

Mr. TIMBERLAKE. There are concessions for automobiles, and other concessions. I am sorry I can not explain all the sources of revenue. No admission fees are charged. There are fees charged for automobiles, the same as in the Yellowstone National Park.

Mr. RAKER. Will the gentleman yield?

Mr. TIMBERLAKE. I yield.

Mr. RAKER. What is the charge for automobile service in the park?

Mr. TIMBERLAKE. Now, I can not answer that question definitely. I should have informed myself. It is $5, I understand, in the Yosemite Park, also in the Yellowstone Park.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. TIMBERLAKE. I hope the chairman will withdraw his point of order and that this amendment will prevail.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I insist on the point of order.

Mr. TAYLOR of Colorado. I would like to inquire of the chairman of the committee if the committee would not be disposed to allow these Colorado parks to be granted the same concession that the other national parks all over the United States are granted, and allow them to take, out of the little receipts there may be, the money to expend toward the development of those parks. It is certainly a discrimination toward the Rocky Mountain National Park and the Mesa Verde Park in Colorado to take the receipts, and they ought to be given the permission that all the other parks are given except one, to expend them on roads and trails.

Mr. FITZGERALD. We will look into it very carefully next session.

Mr. TAYLOR of Colorado. Why make that discrimination against that park?

Mr. FITZGERALD. This park was established only a year ago. It is really a municipal park for the benefit of the city of Denver. The gentleman ought not to crowd us too fast. Does he think it is fair to press us too fast on these parks?

Mr. TAYLOR of Colorado. As a matter of fact, we agreed to take the bill, of course, at the limitation of $10,000, but we do feel that there is no good reason why, even with that limitation, those two parks in Colorado should not have the receipts.

Mr. FITZGERALD. If it should develop that revenues are obtained out of that park amounting to anything, it may be that we will be able to perfect an arrangement. In the Mesa Verde Park they do not amount to anything.

Mr. TAYLOR of Colorado. Why should you not give it to them?

Mr. FITZGERALD. The tendency is to take away the receipts instead of giving them to the parks, because it would be a permanent appropriation, which is the least desirable form of spending public money, so that instead of increasing the amount for the parks the tendency is to take it away. It is not taken away from the other parks because of the hope that in the effort to obtain reasonable charges for the concessions made, that being a little incentive for recommendations of appropriations, the department may be induced to make these concessionaires pay reasonable prices for the concession. In the Mesa Verde Park there were only 387 visitors during the year.

Mr. TAYLOR of Colorado. No; there were 650.

Mr. FITZGERALD. There were 654 visitors, I think. I did make a mistake. In the Rocky Mountain National Park the only concessions would be some small charge to automobilists, and if anybody erects a hotel up there, as a matter of fact, there will not be any revenues from the hotel privileges, because some enterprising citizens of Denver are already arranging to erect a very satisfactory hotel and a system of camps just outside the boundaries of the park, so that the people will have the benefits of the park without any price. I insist on the point of order.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. HAUGEN. Mr. Chairman, in support of the amendment I desire to say House bill 12122, introduced by me, a bill to establish a national park to be known as the Mississippi Valley National Park, near Prairie du Chien, Wis., and McGregor, Iowa, was referred to the Committee on the Public Lands, and by it referred to the Department of the Interior with request for report thereon.

The Secretary in his letter to Hon. SCOTT FERRIS, chairman of the Committee on the Public Lands, under date of April 13, 1916, suggests that consideration of the bill be deferred until an appropriation of $1,000 is made to inaugurate and complete an investigation of the lands proposed by the bill to be set side for park purposes. In view of the location, its beauty, the general interest taken in establishment of the proposed park, its location and beauty, generally considered second to none and generally referred to as "the Switzerland of Iowa," I was in hopes that no point of order would be made. Now that the point of order has been made, and if the gentleman is going to insist upon his point of order, I shall not at this late hour take up the time of the House to discuss the point of order or the amendment, as it is clearly subject to a point of order, but simply ask unanimous consent to extend my remarks by having printed in the RECORD the Secretary of the Interior's letter referred to and clippings from the Decorah Republican and Des Moines Register and Leader, received in to-day's mail:

DEPARTMENT OF THE INTERIOR,
Washington, April 13, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. FERRIS: Your letter of April 7, 1916, has been received, inclosing with request for report thereon H. R. bill No. 12122, to establish a national park to be known as the Mississippi Valley National Park, near Prairie du Chien, Wis., and McGregor, Iowa.

In response thereto I have to state that this bill is substantially the same as Senate bill 4585, to establish a national park to be known as the Mississippi Valley National Park, near Prairie de Chien, Wis., and McGregor, Iowa, on which a report was made to the Senate Committee on Public Lands by department letter of March 29, 1916, copy of which is herewith inclosed.

The suggestion therein made that consideration of the bill be deferred until an appropriation of $1,000 is made to inaugurate and complete an investigation of the lands proposed by the bill to be set aside for park purposes, is equally applicable to the measure under consideration.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

PARKS FOR THE PEOPLE.

Says the Decorah Republican: "Congress has passed a bill creating a national park out of the crater country in Hawaii, 75,000 acres in all. The same amount of money would have made parks along the upper Mississippi and of vastly more benefit to the country."

The above is true. How many people of the Middle West will ever be able to go to Hawaii and sit among the craters to eat their picnic dinners and enjoy an outing? Of course, it is all right to keep these craters for the benefit of posterity, a sort of curiosity for this and coming generations. But what the Middle West wants and insists on is one or more national parks within striking distance of a one or two days' trip at least; a recreation ground for the benefit of the population of the upper Mississippi Valley. Preserve the craters out in the wind-swept wastes of the Pacific, of course, but at the same time give the people, who are paying for these things, at least one or even more parks in the Mississippi Valley with its population of millions, most of whom can never go to Hawaii.

BEAUTY NEAR AT HAND.

The following editorial appeared in the Des Moines Register and Leader, regarding the Switzerland of Iowa:

"With vacation time coming on apace, it is worth recalling that Iowa has offered what all agree is a fitting site for a national park, and the suggestion may not be out of place that a section worthy of purchase by the Government is worth visiting by the people of this State.

"Comparatively few Iowans are familiar with the wonderful scenery of northeastern Iowa. We do not realize that topography of Allamakee and Clayton Counties is almost the duplicate of the White Mountain region of Vermont, differing more in the nature of the rock formations than in general appearance, while the Iowa park region is further beautified and dignified by the Mississippi River flowing past the foot of the great bluffs.

"National interest in northeastern Iowa is bound up more with historical associations than the native beauty of this region. The area suggested for a national park is furthermore but a small tract of land, but a few square miles out of a region stretching 100 miles in length.

"Summer is the ideal time to get acquainted with northeastern Iowa, and the Register would suggest that many automobiles be headed in that direction, or that the Mississippi River trip will open a world of pleasant surprises to those who do not know what wonders we have near at hand."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Crater Lake National Park, Oreg.: For protection and improvement, and repairing and extension of roads, $8,000.

Mr. THOMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. FITZGERALD. I suggest to the gentleman that he wait for the Wind Cave paragraph. [Laughter.]

Mr. THOMPSON. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Wind Cave National Park, S. Dak.: For improvement and protection, $2,500.

Mr. THOMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 125, after line 18, insert a new paragraph, as follows: "Platt National Park, Okla.: For improvement and protection, $8,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. I appreciate the difficulties under which I am laboring. This park is not a national park, except in name. It has never been established, and it is like a waif. Congress tried to give it to the State of Oklahoma, but the State rose up in indignation and declined to receive it. [Laughter.] Congress then tried to give it to the town of Sulphur Springs, where it is located, but the people of that community threatened to vacate the community if the park were donated to it. [Laughter.] It is the chief industry of Sulphur Springs, Okla. If anyone were to believe the statements made by the residents of that prosperous and enterprising community, the population would increase to such an extent that the broad plains and expanses about the park would be so crowded that no one would be able to live there. Because of the wonderful health-giving properties of these springs, 30,000 visitors go to Sulphur Springs annually, but not a cent of revenue comes to the United States Government.

If this appropriation were allowed it would be necessary to maintain the springs. There may be peculiar reasons, which are not necessary to mention here, why the gentleman from Oklahoma [Mr. THOMPSON] thinks it desirable to continue this park. The Committee on Appropriations sympathizes with the gentleman from Oklahoma, but the belief was that, having expended $10,000 within the current year to replace the damage and ravages of nature and storms, if an appropriation were not made the patriotic and enterprising spirit of the people of Sulphur Springs would see to it that this glorious and beautiful and essential place would not be neglected. I hope the gentleman from Oklahoma will withdraw his amendment. [Laughter.] I hope at least he will do that until there is a larger attendance of Members present, so that there may be a fair test had on this question. We should encourage the people there to do something to support the Government. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

Conduct of customs cases: Assistant Attorney General, $8,000; assistant attorney, $3,000; special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General, as authorized by section 30 of the act of August 5, 1909, $36,000; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General; supplies, printing, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General, $26,000; in all, $73,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking my colleague [Mr. FITZGERALD] a question.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I notice that these customs appropriations are under section 30 of the act of Congress of August 5, 1909. Was not that the tariff act of that year?

Mr. FITZGERALD. Yes; the Payne law.

Mr. BENNET. Was not that superseded by the Underwood Act, or was this section continued?

Mr. FITZGERALD. It was not superseded.

Mr. BENNET. It has not been interfered with in any way by the Underwood Act?

Mr. FITZGERALD. No. They are busy over there.

Mr. BENNET. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

For bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York and the northern district of Illinois: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the court: *Provided further*, That no such persons shall be employed during vacation; expenses of circuit and district judges of the United States and the judges of the district courts of the United States in Alaska and Hawaii, as provided by section 259 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; meals and lodging for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court, and meals and lodging for jurors in Alaska, as provided by section 193, Title II, of the act of June 6, 1900; and compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $250,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking my colleague if the judges of the circuit court of appeals are still correctly described as circuit judges? Of course, the circuit court as such has been abolished, but the circuit court of appeals still exists. I wondered whether the judges of that court are still correctly described as circuit judges rather than judges of the circuit court of appeals?

Mr. MANN. I am quite sure that they are.

Mr. FITZGERALD. Yes; the circuit court was abolished, but the circuit judges are now appointed to the circuit court of appeals.

Mr. MANN. The statute describes them as circuit judges.

Mr. FITZGERALD. While they abolished the circuit court, they did not abolish the circuit judges. They were continued and assigned to the circuit court of appeals.

Mr. BENNET. All right. It occurred to me that possibly, as frequently happens, the old language was continued.

Mr. FITZGERALD. Oh, the Department of Justice are very particular about these matters, and they are checked up by the Committee on Appropriations.

Mr. BENNET. There are the four remaining judges who were appointed to the Commerce Court. What has become of them?

Mr. FITZGERALD. There were five additional circuit judges created, who were assigned for a certain period to the Commerce Court——

Mr. BENNET. In the beginning.

Mr. FITZGERALD. And it was provided that at the end of five years they were to be assigned to the circuit court and other circuit judges designated—I think by the Supreme Court—to serve in the Commerce Court.

Mr. MANN. They were described as circuit judges.

The CHAIRMAN (Mr. SAUNDERS). Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For support of United States prisoners, including necessary clothing and medical aid, discharge gratuities provided by law, and transportation to place of conviction or place of bona fide residence in the United States or such other place within the United States as may be authorized by the Attorney General; support of prisoners becoming insane during imprisonment, and who continue insane after expiration of sentence who have no friends to whom they can be sent; shipping remains of deceased prisoners to their friends or relatives in the United States and interment of deceased prisoners whose remains are unclaimed; care and treatment of guards employed by the United States who may be injured by prisoners while said guards are endeavoring to prevent escapes or suppress mutiny; expenses incurred in identifying and pursuing escaped prisoners and for rewards for their recapture; and not exceeding $2,500 for repairs, betterments, and improvements of United States jails, including sidewalks, $625,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman from Kansas [Mr. ANTHONY] desires to offer an amendment on one of these Leavenworth items, I do not remember which one. I hope that if we run through them the gentleman from New York will not object to returning to the item to which the gentleman from Kansas desires to offer an amendment.

Mr. HOWARD. If the gentleman will yield, I know the amendment which the gentleman from Kansas wants to offer. I have talked to him about it. It is an item further over, and I expect to offer a similar amendment to the item for the Atlanta Penitentiary.

Mr. FITZGERALD. Does the gentleman from Kansas want to get leave to offer an amendment to this paragraph some time to-morrow?

Mr. MANN. I do not know which paragraph it is. It is one of the Leavenworth paragraphs.

Mr. HOWARD. It is on line 19, page 143.

Mr. FITZGERALD. Whatever it is——

Mr. MANN. The gentleman will not object?

Mr. FITZGERALD. No; I will not object.

The CHAIRMAN (Mr. HAY). The Clerk will read.

The Clerk read as follows:

For salaries: Warden, $4,000; deputy warden, $2,000; chaplains—1 $1,500, 1 $1,200; chief clerk, $1,800; physician, $1,600; pharmacist and physician's assistant, $1,000; bookkeeper and record clerk, $1,200; stenographer, $900; 2 clerks, at $900 each; engineer and electrician, $1,500; 2 assistants at $1,200 each; steward and storekeeper, $1,200; superintendent of farm and transportation, $1,200; 2 teamsters, at $600 each; head cook, $1,000; 3 captains of watch, at $1,000 each; guards, at $70 per month each, $43,000; in all, $75,100.

Mr. HOWARD. Mr. Chairman, I want to offer an amendment, in line 23, page 142, to strike out "$70" and insert "$80."

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 142, line 23, strike out "$70" and insert "$80."

Mr. FITZGERALD. I reserve a point of order, Mr. Chairman.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, for several years I have recognized the fact that there is one class of men in the Government service who are underpaid. The guards at the Atlanta Federal prison and at the Leavenworth prison get only $70 a month. The guards at McNeil Island get the same amount of money, but they get their house rent and certain incidental expenses free, which is the equivalent of about $100 a month. My information as to Atlanta—and the same is true at Leavenworth—is that in the last two years there has been an increased demand for men, and in my country any ordinary man can go out now and make from $3 to $3.50 and $4 a day as a carpenter. They get from 45 cents to 65 cents an hour in the city of Atlanta. An ordinary carpenter can get that amount for his work.

Because of the low pay of these guards they are continually leaving the prison to get better employment on the outside. It is absolutely essential to discipline and good conduct and the efficiency of the working force that these prisoners become acquainted with their guard, and that the guard shall know every little idiosyncrasy of each prisoner. He is over them, giving the same care every day. They understand him and become acquainted with him, and the prisoners become attached to him, and he gets a high efficiency in work and deportment. It is absolutely essential that these guards be made contented with their surroundings and their salary. House rent, provisions, and everything else have gone up in the city of Atlanta, where these men live. They have to pay their street car fare, for the prison is located in the suburbs of the town. There is not one of them that can save a penny out of the mere pittance of $70 a month. They have to stand a civil-service examination. The requirements for an education and a moral character are very strict, and this is a class of men that is underpaid for the services rendered.

I have asked for $10 a month increase for these men. That is all I have asked for at this time. The superintendent of prisons has assured me that in the next appropriation bill—and the same assurance was given to me last year—he would put the guards on a graduated scale and make a maximum salary of $100 a month. He recognized that they are underpaid, but he failed to make any estimate to meet this emergency of high prices and low wages. I have asked for this increase, and I appeal to the gentleman from New York not to make a point of order against this little item, this little increase of salary for these men who work every day, Sundays included, and who at any time they are called upon have to respond to the demands of the warden. I know that there is not a man on the floor of the House who would not vote to give this $10 increase until the Attorney General can make his estimate, and I hope the gentleman will not insist on his point of order.

There is not a finer body of men in the employ of the Government than these guards. They are brave, sober, patient, even-tempered men, of high moral character, engaged in a work of restoring the human derelict to society. They deserve much more than I have asked for them.

Mr. FITZGERALD. Mr. Chairman, I have no discretion, I am the slave of the committee, and the committee has refused to make the recommendation, and I must perform my duty. I insist on the point or order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

In all, National Training School for Boys, $44,776.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 17 to offer the following amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 17 to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 17, after line 5, insert the following:
"New Haven, Conn., post office: For continuation, $100,000."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 26 to offer the following amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 26 to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, line 12, strike out the words "continuation, $500," and insert in lieu thereof "site and continuation, $2,500."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15836, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 393. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes;

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.;

H. R. 15006. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 15007. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines;

H. R. 13669. An act to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River at the city of Wabash, Ind.; and

H. R. 11286. An act for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows;

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5910. An act authorizing the sale of the lighthouse reservation at Scituate, Mass.;

S. 733. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming;

S. 1840. An act to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909;

S. 4026. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio; and

S. 5863. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at half past 10 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at half past 10 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

And then, on motion of Mr. FITZGERALD (at 6 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Saturday, June 24, 1916, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting estimate of appropriation for continuation of Woodward (Okla.) post office and courthouse (H. Doc. No. 1238), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 20) authorizing the county of Gunnison, Colo., to purchase certain public lands for public-park purposes, reported the same with amendment, accompanied by a report (No. 842), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10774) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, reported the same with amendment, accompanied by a report (No. 843), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. DALE of New York: A bill (H. R. 16598) granting leave of absence with pay to all members of the National Guard now employed in the Federal service of the United States and District of Columbia; to the Committee on Reform in the Civil Service.

By Mr. SIEGEL: A bill (H. R. 16599) making a crime the disclosure of grand-jury minutes by a stenographer or any other person; to the Committee on the Judiciary.

Also, a bill (H. R. 16600) making a crime the disclosure of grand-jury proceedings by a grand juror; to the Committee on the Judiciary.

Also, a bill (H. R. 16601) making a crime the disclosure of the finding of an indictment previous to the accused person being taken into custody; to the Committee on the Judiciary.

By Mr. PADGETT: A bill (H. R. 16602) to promote the efficiency of the Naval Militia, to provide for the service of the Naval Militia in time of war, and for other purposes; to the Committee on Naval Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 16603) to amend section 14 of the seamen's act of March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16604) to authorize the commissioners of Lycoming County, Pa., and their successors in office to construct a bridge across the west branch of the Susquehanna River, from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKMON: A bill (H. R. 16605) to require and authorize payment of Government employees same salary now received by them for a period of one year who are bona fide members of the National Guard, provided that such members of the National Guard do service as now required by law; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 16606) providing for a memorial to Miss Clara Barton in the building being erected for

the use of the American National Red Cross; to the Committee on the Library.

By Mr. COADY: A bill (H. R. 16607) to provide aid for the dependents of enlisted men of the National Guard mustered into or serving in the service of the United States; to the Committee on Appropriations.

By Mr. SMITH of New York: A bill (H. R. 16629) for the compensation of Government employees who serve in the Army or Navy; to the Committee on Military Affairs.

By Mr. VINSON: A bill (H. R. 16630) authorizing and directing the Secretary of the Treasury to extend the time of payment of the amount due the Government by the city of Augusta, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of New York: A bill (H. R. 16631) for the regulation of salaries in the custodian service of the Treasury Department; to the Committee on Expenditures in the Treasury Department.

By Mr. BOWERS: A bill (H. R. 16632) to provide for the purchase of a site and the erection of a public building thereon at Romney, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16633) to provide for the purchase of a site and the erection of a public building thereon at Berkeley Springs, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16634) to provide for the purchase of a site and the erection of a public building thereon at Moorefield, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16635) to provide for the purchase of a site and the erection of a public building thereon at Keyser, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

By Mr. HULBERT: Resolution (H. Res. 272) for the relief of civil employees of the Federal Government who are members of the National Guard or Naval Militia of the several States, Territories, or the District of Columbia; to the Committee on Reform in the Civil Service.

By Mr. GRIFFIN: Resolution (H. Res. 273) to investigate the Post Office Department; to the Committee on Rules.

By Mr. GARDNER: Resolution (H. Res. 274) directing the Secretary of War to furnish the House certain information regarding the National Guard of Arizona, New Mexico, and Texas; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16608) granting an increase of pension to William A. Rose; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 16609) granting an increase of pension to Thomas P. McNanly; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 16610) granting an increase of pension to Paul Hanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16611) granting an increase of pension to Michael Ryan; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 16612) granting an increase of pension to Joseph C. Hammond; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 16613) granting a pension to William F. Rogers; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 16614) granting a pension to Mrs. Charlotte Perkins; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 16615) authorizing William J. Casey, of Norwalk, Conn., to submit to the Court of Claims his claim for damages on account of injuries received by him; to the Committee on Claims.

By Mr. HOLLAND: A bill (H. R. 16616) granting a pension to Lucy W. Lockwood; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16617) granting an increase of pension to David Lawver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16618) granting an increase of pension to Jacob Yoh; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 16619) granting a pension to Calvin J. Newman; to the Committee on Pensions.

Also, a bill (H. R. 16620) granting a pension to John L. Legg; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 16621) granting a pension to John Presley Adams; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 16622) granting a pension to Carl Olson, late of the United States Navy; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 16623) granting an increase of pension to Alice Barkley; to the Committee on Pensions.

By Mr. SIEGEL: A bill (H. R. 16624) for the relief of Patrick Doonan; to the Committee on Claims.

By Mr. SNYDER: A bill (H. R. 16625) granting an increase of pension to Ogden Lowell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 16626) granting an increase of pension to Martin Cade; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 16627) granting a pension to Charlotte A. Hopkins; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 16628) granting a pension to John J. Camac; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 16636) granting a pension to Robert T. Rowland; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 16637) granting an increase of pension to Mina W. Allender; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 16638) to indemnify Susan Sanders for expenses incurred and services rendered in behalf of the Cherokee Indians; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Department of Colorado and Wyoming, Woman's Relief Corps, approving the Ashbrook widows' pension bill, House bill 11707; to the Committee on Invalid Pensions.

Also (by request), memorial of Woman's Relief Corps, of Department of Colorado and Wyoming, against arrangement of the Star-Spangled Banner into medleys of patriotic airs; to the Committee on the Judiciary.

By Mr. ASHBROOK: Memorial of First Presbyterian Church of Newark, Ohio, favoring Article XVIII to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BAILEY: Protest of Charles F. Kuckuck, Mrs. W. A. Slick, Mrs. Emma Halferty, Mrs. J. H. Geisel, Mrs. A. B. Stutzman, Mrs. Thomas A. Daley, Mrs. Charles F. Kuckuck, Mr. Thomas A. Daley, Mrs. J. H. Ale, E. E. Ale, M. V. Ale, Mrs. P. D. Clauson, Miss Pauline Clauson, Miss Agnes Clauson, Kerstine Clauson, Mrs. Mary Rhinehart, Mrs. Nancy J. McLaughlin, J. J. Blough, Mrs. Roy Oyler, Mr. and Mrs. Alexander Fornwalt, Robert Galbreath, Mrs. Rose E. Fornwalt, B. Becker, W. E. Sigfried, George W. Hatcher, Charles Ahrens, William Will, Joseph L. Ross, A. Gabriel, S. M. Friedman, Joseph Grachan, H. G. Heubach, A. K. Schmidt, J. Vacha, A. Stein, A. F. Roshon, Samuel B. Keafer, Clita E. Black, Columba Haberkorn, Mrs. John Holzmann, Mrs. George Haberkorn, Miss Anna Mae Griffith, Mrs. O. R. Sanner, Mrs. Joshua Griffith, Miss Dorothy Baumgardner, Mrs. C. L. Falstick, Miss Clara M. Kist, Mrs. M. Kist, and Mrs. John Boltz, all of Johnstown, Pa., against the passage of House bill 9671, to establish price control; to the Committee on Interstate and Foreign Commerce.

Also, petition of M. Schwentz, of Altoona, Pa., opposing preparedness; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: Papers to accompany bill for relief of Robert T. Rowland; to the Committee on Pensions.

By Mr. DALE of New York: Petition of General Federation of Women's Clubs, favoring House bill 42, a bill granting to United States courts the privilege of parole; to the Committee on the Judiciary.

Also petition of Aurelia L. De Weese, of Denver, Colo., relative to suffrage amendment; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Memorial of San Lanham Camp, U. C. V., in the interest of the John N. Tillman bill; to the Committee on Appropriations.

By Mr. DYER: Petition of Society of the Chagres of St. Louis, Mo., relative to reward for civilian employees of the Panama Canal; to the Committee on Appropriations.

By Mr. ESCH: Petitions of sundry citizens of the State of Wisconsin, against House bill 437, to make Star-Spangled Banner national anthem of the United States; to the Committee on the Judiciary.

By Mr. EVANS: Petition of women of Glasgow, Mont., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of Frank M. Salvis, of Brooklyn, N. Y., relative to setting clocks back one or two hours; to the Committee on Labor.

By Mr. GRAY of Indiana: Petition of Mrs. Oliver Wallace and others, of Milton, Wayne County, Ind., favoring bill for censorship of motion pictures; to the Committee on Education.

By Mr. KETTNER: Petition of Edwin B. Farwell, of Mecca; Harry C. Kennedy and L. J. Christmas, of Palm Springs, in the State of California, favoring the telegraphers' bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. W. Beimfoh, secretary Merchants' Association, of Watsonville, Cal., favoring 1-cent postage law; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. Mary Jones-Mentzer, of San Francisco (Cal.) Civic League, favoring House bill 13666, for establishment of an institution for the feeble-minded in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of R. P. Wallace, secretary County Auditors' Association of California, of Woodland, and Ray W. Baker, secretary California Tax Collectors' Association, protesting against a Federal inheritance tax; to the Committee on Ways and Means.

Also, petition of E. V. Lewis and 7 others, of Redlands, Cal., favoring the Warren bill; to the Committee on Military Affairs.

Also, petition of John Howell, secretary of the Booksellers' Association, of San Francisco, Cal., favoring Stevens bill on price maintenance; to the Committee on Interstate and Foreign Commerce.

Also, petition of Louis Joseph, of Big Pine, Cal., against Stevens bill on price maintenance; to the Committee on Interstate and Foreign Commerce.

Also, petition of Miss Mary Crawford, corresponding secretary Contemporary Club, of Redlands, Cal., favoring passage of Linthicum resolution; to the Committee on Rules.

Also, petition of Charles L. Jacobs, of High School Building, San Jose, Cal., favoring Smith-Hughes bill; to the Committee on Education.

Also, petition of Mrs. W. A. Runnels and 51 others, of National City, and Mrs. J. B. Ewer and 67 others, of San Diego, Cal., protesting against House bill 652, for Sunday closing in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of C. W. Olson and 59 others of Escondido, Cal., protesting against House bill 13778, authorizing the Postmaster General to exclude from the mails certain publications; to the Committee on the Post Office and Post Roads.

Also, petition of J. William Brown and 77 others of San Diego, Cal., protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. NOLAN: Petitions of Board of Supervisors of Contra Costa County, Cal., and California State Assessors' Association, and Board of Supervisors of San Mateo County, Cal., protesting against imposition of a Federal inheritance tax; to the Committee on Ways and Means.

By Mr. RANDALL: Petition of First Methodist Episcopal Church of Casa Verdugo, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Memorial of Ashley Woman's Club of North Dakota, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Ashley's Woman's Club of North Dakota, favoring House bill for inspection of dairies; to the Committee on Agriculture.

SENATE.

SATURDAY, *June 24, 1916.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou dost draw us to Thyself with an infinite love. Thou dost speak to us with the gospel of infinite patience. Thou dost deal with us as a kind father with his children. Thou dost lead us forward into paths of achievement in life by the example and merit of an infinite sacrifice.

We pray that we may enter upon the service of this day, our service to our fellow men, under the inspiration of the gospel of peace. Do Thou lay Thy hand upon us and upon all of this land, upon all who are in places of influence and power and authority. Make them to know Thy will, and give us all the grace and wisdom to desire Thy will to be the policy of our Nation.

We pray that Thou wouldst look with Thy tenderest mercy upon those who represent us not only in this country but beyond the border, who are in places of danger, and who may be called upon for sacrifice. Do Thou, we pray Thee, in Thy infinite mercy and wisdom lead us out of the turmoil and strife of this day into the paths of peace. For Christ's sake. Amen.

THE JOURNAL.

The Journal of the proceedings of the legislative day of Thursday, June 22, 1916, was read and approved.

The VICE PRESIDENT. The presentation of petitions and memorials is in order. [A pause.] Reports of committees. [A pause.] The introduction of bills.

THE NATIONAL DEFENSE.

Mr. REED. I send to the desk a bill and ask to have it read, after which I ask that it be referred to the Committee on Military Affairs.

The bill (S. 6452) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, was read the first time at length, as follows:

Be it enacted, etc., That section 101 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and is hereby, amended by inserting at the end of said section the following:

"*Provided*, That the pay of the National Guard and the Naval Militia, when called into the service of the United States, and the pay of any volunteer army or navy, while in the service of the United States, shall be as follows: First sergeant, $45 per month; sergeant, $40 per month; corporal, $35 per month; private, $30 per month, the pay of all officers in rank above first sergeant to be the same as is now received by officers of corresponding rank in the Regular Army or Navy.

"The provisions of this amendment shall be in full force and effect from and after its passage and approval."

Mr. REED. Mr. President, I ask the indulgence of the Senate for a moment. This bill is intended to substantially double the pay of the privates of the National Guard and to moderately increase the pay of noncommissioned officers when the guard is called into active service. The Army pay is practically where it was during the late Civil War. There has been a slight increase, but no such increase as has kept pace with the general advance in wages paid in civil occupations or with the magnified cost of living.

Of course we all understand that the soldiers of the Civil War received a very small stipend. Our country was then poor, compared with its present condition. It was torn by civil strife and was in the very crisis of its fate. Even at that time the pay was a miserable pittance. But in the 50 years which have since elapsed the value of a dollar has decreased more than 50 per cent. Thirty dollars a month to-day has not the purchasing power of $15 a month 50 years ago.

The young men who are now being called into service, which will take them to our border and possibly far beyond, are from avocations in life which, on the average, undoubtedly pay them much more than the amount named in this bill. The sum stipulated, of course, will in no way compensate them for the financial loss they will suffer in loss of salaries and positions, to say nothing of the other financial losses naturally and necesarily incident to a severance of home and business relations.

But, Mr. President, the things that induced me most to offer this bill are the movements already organized or being organized by people of big hearts and kindly dispositions, these movements having for their object the creation of charitable organizations to look after the dependent families of those who may be at the front.

An additional impelling reason is found in the fact that a bill was yesterday passed by the House of Representatives by a very large vote appropriating $1,000,000 to care for the dependent families of the soldiers of the National Guard. I commend the spirit back of that bill. I likewise commend the sentiment which inspired those who are organizing the charitable associations I have referred to. In each instance is reflected the generosity and kindness of heart of all who have been aiding in the movements referred to.

But I am opposed to placing our troops, who in this emergency come from the civil walks of life, in a position where their families must become the objects of either private or public bounty. I believe this Government is great enough and rich enough to afford to pay the boys who have enlisted a sufficient amount of money so that they can at least to some substantial degree contribute to the support of those who are dependent upon them.

I do not want to see these gallant young men sent to the front under conditions which will compel them to trust the care of their loved ones to the charity of Congress or to the voluntary benefactions of kindly disposed citizens. I think the right thing to do is to pay them enough so that they can care for those they leave behind. If I could have my way the amount stipulated in the bill I have introduced would be substantially increased.

We all hope the service of the members of the guard will be short; that they will speedily return to their homes; that there may be no more bloodshed; but, Mr. President and Senators, no man to-day with open eyes and open mind can doubt the fact that a most serious condition of affairs exists. No man can safely prophesy when these gallant young men may come back to their firesides. It may be months; circumstances which are within the possibilities may stretch the months into years. I do not want them to fight as paupers. I do not want them to fight with the sickening fear in their hearts that wife or child or father or mother at home is compelled to subsist upon public charity or private aid. I want them to feel, if they must fight, that a great Government is at least willing to give them enough money from month to month so that the objects of their love and affection may not be dependent upon alms.

Mr. President, I said a moment ago that I would ask the reference of this bill, but I now ask unanimous consent that the bill be placed upon its immediate passage.

Mr. GORE. Mr. President, I admire the munificence of the Senator from Missouri. We are certainly embarking upon our career of militarism with a munificence and a magnificence that is worthy of this opulent Republic.

Mr. President, I am not sure that this proposal is consistent with that white-heat enthusiasm, with that splendid Americanism which has just been discussed and which is now being exploited the country over with so much acclaim and with so much eclat. I am not sure that this proposal comports with that matchless heroic virtue which we are now parading from the eastern unto the western sea.

It seems to me that this is rather an impeachment of the patriotism of these gallant heroes. It is a reflection upon their Americanism. Shall we, upon the very threshold of militarism, undertake to commercialize, undertake to capitalize the heroic virtues of our gallant defenders? Shall we reduce the most patriotic sentiments of the human heart to a common denominator of dollars and cents? Can you measure patriotism by the dollar mark? It seems to me that these young heroes would resent this imputation, this reflection upon their self-devotion and their love of country.

Those who plead for militarism—those who defend war defend it upon the ground that it develops heroic virtues and the sentiment of self-sacrifice. Now, sir, shall we squander those fruits of war by undertaking to capitalize the heroism, the devotion, and the patriotism of our defenders?

As suggested by the Senator from Missouri, the House on yesterday passed a joint resolution to grant a pension of $50 a month to the families of those who are sent to the front. Since the world began such an astounding proposition was never presented, either to an intelligent or to a patriotic people—$50 a month to the families of those who are sent to the front while they yet survive! If one of these soldiers should unhappily be slain in battle, shall we then withdraw the $50 a month from his dependent family? Is not this a precedent for a universal pension of $50 a month?

Such favoritism was never shown to the veterans of the Civil War, who were engaged in actual war, in a stupendous war. This favoritism has never been shown to any of the proud defenders of this great Republic.

Mr. President, one of the evils which I have apprehended from militarism, from raising up in this country a military caste, is the danger that Congress would not have the courage to resist the demands and the exactions of such a caste.

I know how Congress quails before 40,000 organized rural mail carriers in the United States. That the rural mail carriers now receive $100 a month instead of $200 is due rather to their forbearance and is not due to the courage of the Congress. They are organized; and I saw this Senate upon the selfsame day vote down a proposition to provide for an agricultural census in the United States to lay the foundation of industrial organization, agricultural mobilization, industrial and agricultural preparedness, upon the ground that it would cost $2,300,000. Before the sun set upon that economical day Congress voted $2,700,000 to rural mail carriers, to pay them, as I remember, $2,700,000 more than was "nominated in the bond."

The 40,000 rural mail carriers were organized, while the 6,000,000 farmers were unorganized. I criticize the Senate rather than the carriers. If 40,000 rural mail carriers can exert such a persuasive influence over Congress, what will the Congress do in the face of 400,000 National Guardsmen when they are efficiently organized? I know that they are not without political influence. This I have witnessed in my own time, in my own experience. Now it is proposed to double their pay in the service and to grant their families $50 a month even before they have drawn their swords.

Their response to their country's call must, of course, challenge the admiration of their countrymen, inspired as they are by the love of country, by the lofty and heroic sentiments of patriotism.

Shall we treat these soldiers as milksops and mollycoddles? Shall we send with these soldiers their valets, chiropodists, and manicurists to attend them? Shall we then by implication convey the idea that they are summer soldiers, that they are sunshine patriots, that they are knights of the drawing-room? I would prefer to treat them as real soldiers. Would they not prefer to be treated as real soldiers?

Mr. President, the best thing for this country to-day is to look "grim-visaged war" in the face. It is not a pastime, neither is war a plaything. We must deal with war as war. You can not smooth his wrinkled front with honeyed words nor with golden gifts. This is a practical question and must be dealt with in a practical way, with deliberation and with due regard not for the soldiers only, but with regard to the Public Treasury and the public generally.

Mr. President, I shall feel obliged to object to the second reading of the bill.

Mr. REED. Mr. President, except for the very remarkable performance of the Senator from Oklahoma [Mr. GORE] I would not take the time of the Senate to utter a further word.

First, let me say that no member of the National Guard, and no one speaking for them or in their behalf, and no other person of whatsoever condition or estate ever suggested to me the introduction of this bill. The implication, therefore, contained in the Senator's remarks that the bill was introduced at the suggestion of the National Guard, and that "they are already here clamoring for money" and "trying to capitalize their patriotism" is one which springs from his own overheated and superexcited brain.

In the phraseology of the Senator, I am not "afflicted with military rabies." To employ my own language, neither am I oppressed with peace imbecility. Between those two extremes stands the great body of American citizens who possess common sense, who abominate war, and who love peace, but who nevertheless propose to maintain this Nation's honor at whatsoever cost.

The Senator states that this is an attempt "to capitalize patriotism"? That is a phrase which naturally comes to the lips of a phrasemonger; but it has no relation whatever to the conduct of these young men, who only a few days ago said good-by to father and mother or to wife and child, some of them for the last time. To impute to these gallant Americans the motive of having entered the Government service "for pay," or to charge that they are now here "clamoring for pay" is to besmatter with filth those who are manifesting the noblest attribute of American citizenship. To sit safely and serenely behind a mahogany desk, secure in a salary of $7,500 a year, and to sneer at the young men in khaki uniforms who are already in camp preparing to defend our country, is an office that is unworthy the Senator from Oklahoma.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. Yes; I yield.

Mr. GORE. I will wait until the Senator concludes.

Mr. REED. To refer to these volunteer soldiers as "young men who need to have chiropodists and manicurists sent along with them" is an insult to patriotism and manhood. I saw the Washington guards as they mobilized, I saw them with swinging step sweep along the streets of the Capital through a downpour of rain, I know that from Maine to California they have marched to camps uncomplainingly, carrying heavy packs upon backs unaccustomed to burdens. They were the few from amongst the millions of the country who were leaving their jobs and their homes to go into camp to obey orders, and if the orders come, to go into the field and onto the red line of battle. Yet the Senator refers to them as "summer soldiers" and "sunshine patriots" who "ought to have chiropodists and manicurists with them." The Senator from Oklahoma should not have been guilty of such a statement. In his cooler moments, when the oratorical fervor has passed and judgment has resumed its throne the memory of his words will bring a blush to his cheek.

Mr. President, what is there in the proposal of my bill of an alarming nature? Of course objection having been made, the bill will have to go over until a later day, but what is there of an alarming nature about it? It is simply proposed to raise the pay of these volunteers while they are on the field of duty to the paltry pittance of $30 a month; to pay them substantially twice the amount paid to the soldiers of the Civil War. Is there

anything wrong in that in view of the fact that wages have more than doubled since the Civil War, and wealth has increased many times over? It gives them not enough money to buy the things that could have been bought with the $13 a month that was paid the soldiers during the late war, and yet no man ever dared charge that men who fought in the great Civil War were fighting for money; the whole world knew they were fighting for their country.

These men to-day are not going forth to fight for money. They would not fight for money if you paid them ten times the sum named in the bill. They are fighting for their country, and the question that we must ask ourselves is this: "While they are fighting, while they are upon the alkali plains, while they suffer, for they will suffer, shall we sit in luxury here and decline to give them enough so that they can send a few dollars home to their people?" True, I may be accused of anticipating and of describing conditions which do not yet exist. True, war has not yet been declared. I hope we shall not find it necessary to take that tragic step. But the situation I have described will quickly follow a declaration of war if such a declaration is made.

An appeal is made by the Senator to the farmer. He states that the farmer is not being cared for. Mr. President, the farmer is cultivating his fruitful fields; the farmer is harvesting from year to year his bountiful crops; the farmer in many instances is proprietor of the soil. In the last analysis he is the most independent citizen of this Republic. He never has needed to come and ask for alms or support from the Government. We have seen fit to expend hundreds of millions of dollars for the purpose of promoting and encouraging agriculture. That is right, that is proper; but, Mr. President, because every dollar that has been asked for the promotion of agriculture has not been poured out, because some few people wanted more money than was given, affords no reason why this country should say to these boys who are being wrenched from their homes, from their profitable occupations, "You shall make all the sacrifices that are to be made." That is no reason why we should say to them, "The country will let your people starve while you are fighting for its preservation and honor." It is no reason for saying to them, "The country will turn you over to the tender mercies of the kindly disposed who organize charitable institutions," or "It will itself investigate and, if your families are starving or in want, it will then pay them a dole as mendicants."

I am sorry my friend from Oklahoma made the speech he did. We all want peace and we do not want militarism; but let me tell the Senator from Oklahoma that, as certain as the sun shines in the heavens, this country is going to place itself in a position so that it can defend itself. The defense force will either be composed of professional soldiers, men who make fighting a business, men whose homes are in camps and whose ambitions are along the line of military preferment and advancement, or we will have another kind of an army—an army gathered from the body of the people, one that, after serving a short time, will melt back into the body of the people; we will have such an organization as the National Guard, or else a volunteer army, or enforced military service, or a vast professional standing army.

Mr. President, I know the young men who went into camp the other day. I know their type and kind. They are young farmers, young mechanics, young laboring men, young doctors, young lawyers, and students. They have left their homes; they have gone out to do their duty. Perhaps many others must be called for. The question we are to settle as soon as this bill is reported back is whether these men shall be paid a pauper's stipend or whether they shall receive a compensation that will enable them in some degree to take care of their folks at home.

Mr. GORE. Mr. President, I felt certain if I could only touch the nobler sentiments in the heart of the Senator from Missouri that he would exemplify those splendid virtues which I know so well always preside over the matured judgments of his mind and the finer feelings of his nature. I rejoice to find that my old-time opinion of him has been justified by his remarks. I am delighted to find that we are in perfect accord touching these splendid young soldiers.

The Senator suggests that any intimation that the members of the National Guard are commercializing their patriotism is but to besmatter them with filth. I entirely agree with the Senator; indeed, sir, that is exactly the point I was making. I had a finer opinion of the National Guard than that which is implied in the pending bill or in the resolution which passed the House of Representatives on yesterday. I suggested, Mr. President, that the bill and the resolution were an impeachment of their patriotism. Sir, I was defending them and their patriotism against such commercial imputations. Whether we call it an impeachment of their patriotism or besmattering them with filth is merely a matter of taste as between "phrasemongers."

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. REED. Will the Senator permit me to interject?

Mr. GORE. Certainly.

Mr. REED. God save me from all such defenses.

Mr. GORE. Mr. President, the Senator has a right to choose his defenders. My purpose was to make exactly the point which the Senator so eloquently made. In referring to these bills I did not impute them to the National Guard.

Sir, I thought their patriotism towered above such commercial and sordid considerations. I did not intimate that the National Guard was responsible for this act. I should lament for my country if its defense must be committed to the hands of men who upon the day of their calling out come to the Congress in an effort to appraise their patriotism and to assess their Americanism.

I did not besmatter the National Guard with filth. I was undertaking to interpose a shield to protect them against their friends, who would besmatter them with filth, if the Senator be pleased to employ that classic phrase.

Mr. REED. Will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. I do.

Mr. REED. If the Senator meant to pass an encomium on the National Guard and to relieve them from all responsibility for the bill I presented, what did he mean when he charged that we were creating a political machine of a half million men, who would be here clamoring constantly for extra pay and for pensions? What did he mean if he did not mean that the National Guard were engaged in that very effort?

Mr. GORE. Mr. President, I will say that while the National Guard is under this splendid burst of patriotism I acquit them of any such consideration as the Senator in this bill imputes to them; but I think, sir, in a Republic we ought to protect ourselves against the possibility of evil.

I am not certain that in the days to come the National Guard will not yield to other impulses of human nature.

What is the danger, the Senator asks. We pay, 51 years after the Civil War has closed, $158,000,000 in pensions annually. We increased the pensions of a certain class four years ago some eight or ten million dollars. A measure passed the House only the other day, and is now pending in the Senate or in one of its committees, to add still another class and to increase the regular pension roll some eight or ten million dollars. There is a bill pending now to place on the potential pension list 400,000 possible widows of the Spanish-American soldiers and veterans.

What is the danger? Our definition of "danger" may differ. I see a danger to the taxpayers. I see a danger to the Public Treasury when I see a resolution pass another body proposing now, before a single National Guardsman has reached the front, to give his family such a bounty as was never heard of and that was never thought of in the annals of human warfare or in the annals of congressional extravagance. Perhaps it would be unparliamentary—perhaps, indeed, it would be unjust—to say that it was born of maudlin sentimentalism.

Mr. REED. Mr. President——

Mr. GORE. I yield to the Senator.

Mr. REED. Mr. President, I do not intend to debate the bill which has passed the House, but when the Senator says that it is unprecedented in all history that measures should be taken for the support of the families of soldiers who are at the front I call his attention to the fact that at the present time the British Government is proceeding exactly along that line. My understanding is, although I do not speak with certainty, that the French Government is doing the same thing; and I have not the slightest doubt but that the German Government in like manner is looking after the families of its soldiers at the front.

Mr. GORE. Mr. President——

Mr. REED. I think, when the Senator says that nothing in all history furnishes a precedent for appropriations for the purpose of taking care of the families of soldiers who are giving their time and their lives in the country's service, that he is not as consistent with the historical facts as he usually is.

Mr. GORE. Why, Mr. President, of course I yield to the historical records in the case, and if the French Government or if the British Government is to-day paying $50 per month to the family of any soldier at the front in actual war, then I shall correct my statement; but I hope the Senator will provide the

Senate with the official proof that any Government on the face of the earth at any time ever granted a pension of $50 a month to the family of a soldier at the front, and that, too, before the war had begun; and, if he furnishes such proof, I shall apologize to him and to the Senate.

Mr. President, it is the precedent that is objectionable. I infinitely prefer the bill offered by the Senator from Missouri to the resolution which passed the House on yesterday. I feel constrained, in view of the tendency, to hit the movement on the head at every juncture of its progress through Congress; but if there is to be a choice between the two, I should infinitely prefer the proposal of the Senator from Missouri, because it would preserve in greater measure the sense of self-respect on the part of the soldier. When self-respect is gone on the part of the soldier he is no fit defender of the welfare or the destiny of a great nation.

The appropriation in the House resolution will carry out the purposes for which it was designed for the period of one week. It is either the thin edge of the wedge, it is either the nose of the camel, or it is a miserable sham and delusion. They would mock the hopes of the soldier if they intend that this sum is to be the "be-all" of this policy, or else they deceive the American people and the taxpayers if they intend for them to believe that this sum shall be the "end-all" of this policy. It would last for one week; but it would serve as a precedent. Anybody who has had experience with pensions or with any other advance upon the Public Treasury, knows the fatal dangers of precedents. I desire to protect the Treasury; I desire to protect the people of this country against the beginning of such a policy.

So far as pacifists and those who are mad with war are concerned, that is largely a matter of definition. For my own part I do not believe in "peace at any price" unless that means at the price of war, if need be. There is no American so base that would be a "bondsman." I do not feel called upon to parade my Americanism or to proclaim my patriotism from the housetops morning, noon, and night. Now, Mr. President, I renew my objection.

Mr. THOMAS obtained the floor.

Mr. REED. Mr. President, if the Senator from Colorado will pardon me just an instant, since the Senator from Oklahoma has been speaking a Senator handed me a copy of the Daily Times, of Florence, S. C., of June 20. I desire to read, without comment, the following short paragraph:

Private Robert Kirk, of the Florence Rifles, was notified by the War Department last night of his appointment to a lieutenancy in the Philippine Constabulary at a salary of $100 per month. Mr. Kirk, however, declined the post by wire, preferring to remain with his company and go with them to-morrow to Camp Styx, preparatory to the mobilization of the National Guard of the State on the Mexican border.

The act needs no encomium.

Mr. GORE. It demonstrates exactly my contention.

Mr. SHERMAN. I wish to inquire if the Senator will yield a moment until I read a telegram, which is pertinent.

Mr. THOMAS. With pleasure.

Mr. SHERMAN. The telegram is dated at Camp Lincoln, Springfield, Ill., June 23, 1916, and is addressed to myself:

[Telegram.]

CAMP LINCOLN,
Springfield, Ill.

United States Senator LAWRENCE Y. SHERMAN,
Washington, D. C.

MY DEAR SENATOR: I suppose you noticed that employers of Chicago are really paying the National Guard and that the Government's contribution is a small percentage. Of course all the employers are not doing this so a number of our soldiers are working for the Government for criminally small compensation. Even if this situation would be tolerated the fact remains that in certain indispensable trades we can not get men for the Army pay at the present time. We are absolutely unable to obtain sufficient horseshoers. Isn't it about time to bring up in Congress the question of adequately paying our soldiers?

Maj. ROBERT R. MCCORMICK.

I wish to add the explanation that this is signed by Maj. Robert R. McCormick, of Chicago, who is a major of the Cavalry regiment that is now in Camp Lincoln. They have rendezvoused at that point in the course of preparation for mustering into the Government service for the purposes designed on the Mexican border or beyond the border. The men constitute in this command a Cavalry regiment that has been organized for a number of years. They maintain themselves largely out of their own means. Even the State has not provided sufficient to maintain the horses and the equipment together with the stabling required during the intervals when they are not in the service.

This Cavalry regiment, Mr. President, is an old one, and most of these officers are men of some means and are able to make this contribution, but the privates in the ranks are not. They are drawn, as the Senator from Missouri says, from all ranks. Men who are in the ranks of unskilled labor, from the railroad service in various departments, in yards, shops, and offices, together with professional men, farmers, and others, constitute the rank of this Cavalry regiment that will be called, and is prepared for service in the event they are mustered into the ranks of the Government.

Mr. THOMAS. Mr. President, I shall detain the Senate but a moment. We have used much valuable time of the present session in discussions foreign to the subjects under consideration, but I think the time thus used this morning, and particularly by the Senator from Oklahoma [Mr. GORE] has been well employed.

My purpose in rising can be briefly stated. Although I have not heard everything said by the Senator from Oklahoma, what I have heard commends itself to my warm approval. I do not think he intended, as I do not, to reflect upon the patriotism of any man or of any organization, but I affirm, Mr. President, that this is no time for appropriations based either upon sentiment or of expediency; and particularly do I deplore the introduction at present of bills which are certain to justify, although they may not have been so intended, the impression that men can be secured to defend their country only by and through the lure of pecuniary reward.

Mr. President, I believe the country should be defended. We all do. But God have mercy upon the Republic if the time ever comes when its institutions must be defended by an army of mercenaries! No such danger at present menaces us. I trust it never will. But it is as true as the night follows the day that progressive increases of compensation beget a spirit of avarice wholly inconsistent with a spirit of patriotism, and confounds the two in the denunciations of those who for the purest purposes would protest against them.

Mr. President, the demands upon the American Treasury are appalling. Large as they are, they must be swollen to greater dimensions if perchance the present difficulty with Mexico shall ripen into active war and the spirit of ultrapreparedness shall overcome the conservative judgment of a majority of the Congress. The money for them must come from somewhere, and where if not from the producing and consuming energies of the people? Our increased expenditures necessarily mean increased taxation; and the unorganized taxpayer must be protected, if at all, by that spirit of economy and conservatism in the Congress of the United States, which presumably represents the Nation, and which is the only stop-gap between the Treasury and those who are making constant and increasing demands upon it.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. I yield for a question.

Mr. REED. Does the Senator from Colorado think, if it shall transpire that our troops were led into a trap and deliberately slaughtered, that this country ought to take some action with reference to it?

Mr. THOMAS. Mr. President, if I have intimated anything to the contrary I have been extremely unfortunate.

Mr. REED. I do not mean that the Senator did. If the country then is to take some action, and it is certainly taking preparatory action, does the Senator think that the taxpayer who stays at home and makes a hundred dollars a month ought to complain if out of his abundance he should give a few dollars to the man who is sacrificing his time, his salary, his job, in order to protect the taxpayer and the honor of the Nation the taxpayer lives in?

Mr. THOMAS. Oh, Mr. President, I of course do not occupy that position, nor do I assume that the pay of the soldier is based at all upon the principle of compensation. I might reply by asking the Senator if he thinks that inasmuch as $30 a month is nothing but a pittance now and his argument be good, he should not insist that the man at the front should receive $100 a month, and thus be placed upon a par with his man who stays at home and earns that amount? Of course, it is not a question of dollars and cents when we are face to face with the necessity of war, but it is then a question, Mr. President, as to the extent to which without danger expenditures can be limited; and of all times when the spirit of economy should be exercised, the hour when the greatest and gravest demands are to be made upon the public revenues is that time, due consideration being paid, of course, to the requirements of the hour and the necessities of a complete defense.

My criticism is not a personal one, yet I can perceive, Mr. President, that the action of the other House to which the Senator from Oklahoma referred and that the proposal contained in the bill now under consideration may be but the beginnings, and the precedents as well, for similar demands prompted and promoted by organizations which, as the Senator from Oklahoma has very forcibly declared, now exercise power-

ful influence upon the legislation of Congress, an influence which must increase, as it grows by what it feeds upon.

Mr. President, I have occupied a longer time than I intended. Let me add, however, that there are subjects of importance pending here besides our foreign relations and the consequences which are liable to grow out of them, not the least of which are the needed expenditures and the corresponding revenue. These need our earnest care. Ours is not yet, and I hope may never be, a bleeding country. But we have a bleeding Treasury; and I am one of those who believe that we should defend and fight for our bleeding country, and can do so in part by fighting for and defending our bleeding Treasury. When the hour of reckoning comes, Mr. President, when the vast sums which we must raise for modern exigencies shall have been expended, and the taxpayer takes account of the expenditure of the revenues which he has been required to furnish, he will require an accounting more important, more far-reaching, and more permanent in its consequences to us than the demands of specific organizations, each and all of which, whatever their other purposes may be, seem not only to expect but demand some support at the hands of the National Government.

Mr. President, the spirit seems to be abroad among the people that the purpose of the Government is to contribute to their personal welfare and material equipment, with no corresponding duty of the citizen to the Government. Patriotism, Mr. President, is something to be displayed and to manifest itself in the prosy days of peace, through its arts and accomplishments, expressed in those affairs of ordinary legislation which do not command applause or excite attention, but which in the end are the chief support, as they are the real objects of popular government.

Mr. LEE of Maryland. Mr. President, while there are so many Members of the Senate present this morning I call their attention to a bill that I introduced two days ago upon the subject that has been just now under discussion, namely, a bill to provide maintenance for the dependents of National Guardsmen and volunteers who may be called to the colors under the present exigency. I will ask that the bill be read, so that if I have occasion later on to offer it as an amendment to the House resolution it will be better understood.

The VICE PRESIDENT. Is there any objection?

Mr. TOWNSEND. Mr. President, I do not want to object if there is any likelihood of the Senator's getting this matter up for consideration, which I think is extremely doubtful. It seems to me that we ought to proceed with the regular business of the hour.

Mr. LEE of Maryland. If the Senator objects to its being read by the Secretary, I shall be pleased to read it myself as part of my own remarks.

Mr. TOWNSEND. If the Senator does not recognize the point I am trying to make I shall call for the regular order, but I should like to know what the Senator has in mind.

Mr. LEE of Maryland. The Senator has, with commendable patience, listened this morning to the discussion of this subject in a general way. He has seen a very marked difference of opinion develop between two Senators, extreme differences of opinion on this subject; and I simply wished rather briefly to lay before the Senate a more conservative suggestion, absolutely consistent with the practice of all foreign countries to-day, on this subject of the maintenance of the dependents of absent soldiers.

Mr. TOWNSEND. As I understand, the Senator does not expect to get any action on his measure, and this whole matter, as I understand, is coming up for discussion in the regular order at a later time. I can not quite understand the object that the Senator has in mind now.

Mr. LEE of Maryland. I simply wished to read a very short bill, and would have been through with the subject by this time if the Senator had not interposed an objection which he did not interpose to the four other Senators who have addressed the Senate on the same subject.

Mr. TOWNSEND. I do not object now to a short statement on the part of the Senator.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read the bill (S. 6431) to provide aid for the dependents of enlisted men of the National Guard mustered into or serving in the service of the United States, as follows:

Be it enacted, etc., That the Secretary of the Interior, acting as far as possible through the Commissioner of Pensions, is hereby directed to cause immediate inquiry to be made through such agencies as he may select or create, as to the person or persons who may be dependent for support upon any and all of the enlisted men of the National Guard of the several States mustered into the service of the United States under the recent order of the President of the United States, or otherwise serving under the orders of the President of the United States. And the Secretary of the Interior is hereby authorized and directed, in behalf of the United States and out of the funds hereby appropriated, to pay to or for the use of such dependent or dependents, through such agencies as the Secretary of the Interior may select or create, a sum of money for each such enlisted man having such dependent or dependents, not ordinarily to exceed $30 per month: *Provided*, That the Secretary of the Interior may make such rules or pass such orders as may reduce to a sum less than $30 per month per enlisted man the amount distributable in certain cases or classes of dependents: *And provided further*, That on order of the Secretary of the Interior, in special instances, the amount distributable monthly may be increased not to exceed $2 per day in any case.

SEC. 2. That the sum of $2,650,000 is hereby appropriated and made immediately available, out of any money in the Treasury of the United States not otherwise appropriated, to make such payments to meet necessary expenses of administration and to put into operation at the earliest date the foregoing plan for the relief of the dependents aforesaid, and for such period of time and under such general rules as the Secretary of the Interior may direct and approve.

SEC. 3. That whenever the President shall be authorized by Congress to call for Volunteers, the Secretary of the Interior shall cause immediate inquiry to be made as to the dependents of such Volunteers, and as the enlisted men are accepted for service, and as preliminary information for the use of Congress in making provision for the dependents of Volunteers.

Mr. LEE of Maryland. Mr. President, the distribution proposed by this bill is not to the soldier; it is for maintenance, payable directly to his dependents. It is the nearly universal practice of foreign Governments of civilized countries to make this distribution under present conditions of war; and all of the European countries make this distribution, in times of peace as well as in times of war, with one exception. Roumania does not make the distribution in time of peace.

It is proposed in the joint resolution for drafting in the National Guard just come over from the House that the War Department shall make this distribution. That seems unwise at this time. The distribution should be made through the Bureau of Pensions, which is already provided.

The War Department, Mr. President, is extremely busy at this moment—extremely busy. The militia of all the States have rallied with a marvelous unanimity to the support of the country in this crisis. A great event has taken place, Mr. President—an event perhaps as significant and as important in our history as any that may come out of this trouble with Mexico. The balance of the Constitution has been preserved by the patriotism of the National Guard of this country. There has been an obvious combination at work generally and in the Halls of Congress to do away with all forms of State troops; to do away with all troops who have even the local association of which Alexander Hamilton approved. Yet, Mr. President, the patriotism of our people expressing itself through the National Guard has come to the assistance of the Nation at this crisis, and has practically ended that question. The balance provided for by the Constitution between the States and the Nation upon this great military question has been preserved. The National Guard has shown itself to be a National Army in a national crisis and the false cry of "48 little armies in 48 States" has been answered, has been met by the action of the people.

Under such circumstances, with the War Department four or five days behind time already in the distribution of arms, of rifles, of shoes, of horses for cavalry and batteries, of mules for the rapid-fire gun companies, of many of the essentials that go to make up the equipment of soldiers. The guard has responded and is waiting in the field for the equipment not yet supplied. To put upon the War Department, as the House resolution proposes, the inquiry as to the dependents among 100,000 families and the distribution to the dependents of these soldiers of this large sum of money is almost preposterous.

We have a department of the Government, the Pension Office, organized, equipped, ready to make this inquiry as to the dependents, and ready to make the distribution to the dependents, without embarrassing the military administration of the Nation at this crisis.

In the Regular Army, Mr. President, first enlistments are made on the theory of taking no married men into the service, and the enlisted personnel of the Regular Army has few dependents. This is perfectly obvious from the fact that the personnel, the rank and file of the Regular Army, have been willing to enlist in times of peace for a number of years upon a compensation of 50 cents a day. In all the old and similar types of military establishments, where young men and boys only were enlisted, provision for dependents was not necessary. Our Civil War was an illustration of that policy of making war with very young soldiers. On the northern side especially the war was fought by boys. But in all great modern armies, reaching all classes of the population, it has been found necessary to use older men as well and also to provide for the dependents of the men called to the colors. Switzerland has the most economically administered system of all European armies,

perhaps, and there is provision for the families and dependents of the soldiers in the Swiss military law.

Similar provision has been made and is now operating throughout Europe. The following countries now provide for the dependents of the rank and file, and make this provision not only in time of war, but in time of peace as well: Austria-Hungary, Belgium, France, Germany, Great Britain, Switzerland, Italy, and Russia. As I said a little while ago, Roumania is the only exception to this rule, because she discontinues the allowance in times of peace. The plan of this bill is not only humane and based on present example, but is absolutely necessary, unless a very considerable percentage of the enlisted personnel of the National Guard is to be excused from duty.

The professional soldier of the United States Army costs, on the average, $1,100 per annum per man in times of peace. The citizen soldier costs less than one-fourth of that in times of peace, and his maintenance will not reach that sum in times of war; but no modern army of size and efficiency, including men as well as boys, is possible unless the dependents are provided for when the breadwinner is called to the colors.

The amount, $2,650,000, indicated in this bill to provide for the dependents of the enlisted men of the National Guard entering the service of the United States is based upon the supposition that 25 per cent of such enlisted men have dependents. In some commands it will be more and in others less. The minimum daily wage or family income at this season of the year is not less than $1.75 per day, which would be about $45 a month. The average enlisted man receives at least $15 a month pay. This proposed appropriation is based upon the theory that $1 a day additional would be sufficient. If 100,000 men are mustered in and 25,000, or one-fourth, have dependents, it would require $25,000 a day for dependent outlay.

It is proper to call attention to the fact that the European laws do not consider these allowances as in the nature of charity. They describe them as justice to the soldier who is called away from the maintenance of his family.

This bill carries an amount for 100 days on this basis and $150,000 estimated for extra expenses of administration.

This bill also directs the Secretary of the Interior to institute an inquiry as to the dependents of volunteers, should they be authorized by Congress and called for by the President. The purpose of the bill is to increase in numbers and improve in ability the available men for war; and it should have more effect upon the efficiency of the fighting force than any other form of pension expenditure. This distribution is a distribution in advance, to promote efficiency, and is not a distribution after a war in recognition of the necessities of subsequent dependents. This is a provision that will enable a large percentage of the men who are now with the colors to stay there, and will enable a large percentage of men who can not now join the colors to join them, and with the knowledge that their families are in their absence cared for by the country.

GOVERNMENT EMPLOYEES IN NATIONAL GUARD.

Mr. MARTINE of New Jersey. Mr. President, I desire to introduce the following joint resolution, and ask that it be read.

The joint resolution (S. J. Res. 146) relative to compensation to be given employees of the Government who enlist in the military service of the United States was read the first time by its title, as follows:

Whereas, in response to the President's call for troops to quell disturbances on the Mexican border, thousands of men who were in the employ of the Government as clerks and in other positions have enlisted in the service of our country: Therefore be it

Resolved, etc., That in all cases of service in the Army and Navy of the United States of clerks or other employees of the Government, said employees shall continue to be paid by the Government the full wages as received by them before said enlistment in addition to the regular wages as soldiers of the Government; and be it further

Resolved, That their respective positions shall be held open to them upon return from the Army or Navy as far as practical.

Mr. MARTINE of New Jersey. I will say, in connection with the joint resolution, that I am prompted to present it from the fact that in my Commonwealth several great industrial concerns, for instance, the Edison concern, with nearly 5,000 employees, have declared to their employees that their wages shall go on in the event of their enlistment and that their places shall be kept open for them. That is true of the American Telephone & Telegraph Co.; it is true of the American Lithograph Co., the Amalgamated Paint Co., and I might mention scores of other industries in my State which have pursued the same course. It seems to me that is but just. The compensation of $20 a month is a most miserable pittance.

The controversy which has been had to-day I feel is most unfortunate and unseemly. It is not a matter of the $20 or $30 that these men shall receive that shall stimulate them, but it is a prime necessity to keep the wolf from the door; and I say that we would be almost inhumane if we did not quite willingly accede to this proposition. I was struck by a cartoon in the New York Tribune, entitled "Will it come to this?" and depicting a workman going to work, with factories all about him and a large signboard with an inscription reading, "Abandon all patriotism, ye who enter here."

I regret sincerely, as I have said, the controversy which occurred awhile ago. As much as I love the Senator from Oklahoma I feel that he was very unfortunate in some of the remarks he made. God knows I am a man of peace. I abhor and hate the very thought of war, and I will not vote one dollar, nor would I vote one man, for use in the acquisition of territory or for the purpose of further aggrandizement or for so-called glory; but to stay the bandits and the bloody hands of the villains who have burned the homes of our citizens on the border, desolated towns, and slaughtered men and women, I will go the limit in defense of my country.

I earnestly ask, Mr. President, that this joint resolution which I have introduced may have immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. GORE. Mr. President, this simply illustrates the tendency which I referred a few moments ago, and I object.

Mr. MARTINE of New Jersey. Mr. President, God knows it is a good tendency. I can not imagine what atmosphere or what food a man should have lived on in Oklahoma which would cause him to oppose a tendency of this kind and stanch the kindly wellsprings of his heart.

Mr. GORE. It is not altogether a matter of food.

The VICE PRESIDENT. The Chair will call the attention of the Senator to the fact that he is transgressing the rules of the Senate.

Mr. MARTINE of New Jersey. I have no desire to transgress the rules, but I feel earnestly on this matter.

The VICE PRESIDENT. It is not a question of a desire to transgress the rules; it is a question of what is said, and it must not be repeated.

LANDS IN WASHINGTON.

Mr. POINDEXTER. Mr. President, a short while ago the consideration of a private bill on the calendar, for the confirmation of patents to certain Indian lands, was objected to by the Senator from Kansas [Mr. CURTIS]. Since that time I have had negotiation with the Senator from Kansas, and have agreed with him upon an amendment to the bill. The bill has already been read once. It is a private bill; and I ask, out of order, for its present consideration. It is Order of Business 226, House bill 8092.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that certain patents heretofore issued in the names of Mary Seaples, Silico Saska, Theressa Klate, Osella, Felix, Mesil, and Louis Judge, to certain designated tracts of land in the State of Washington, be ratified and confirmed as fee-simple patents without restrictions against alienation as of their dates of issuance.

Mr. POINDEXTER. I offer an amendment, which I send to the desk. It has been agreed upon by the Senator from Kansas and myself.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add a new section, to be known as section 2, and to read as follows:

SEC. 2. That any of said Indians may present in the Court of Claims any claim they may have for loss or damage accruing to them through any breach of trust by the United States concerning said lands, and if the Court of Claims shall find any such breach of trust it shall render judgment for any loss or damage that may have accrued to any of said Indians thereby, and the measure of such loss or damage shall be the excess, if any, of the reasonable value of said lands when sold by said Indians, over and above the price actually received by said Indians therefor, together with reasonable interest on such excess sum, if any. An appeal may be taken from the final judgment of the Court of Claims therein to the Supreme Court of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, I offer an amendment to the bill. I will simply say that it covers another allotment similar to those already covered by the bill, and that it has been reported on favorably by the Indian Bureau.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "meridian," in line 22, on page 2, it is proposed to insert the following:

and a similar patent in the name of Wapato Charley for the west half of the northeast quarter and the northeast quarter of the northwest quarter of section 19, township 23 north, range 20 east of the Willamette meridian.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORDER OF BUSINESS.

Mr. FLETCHER. Mr. President, I asked unanimous consent on yesterday to consider Calendar No. 490——

Mr. SMOOT. I call for the regular order.

Mr. MYERS. Mr. President, I hope the Senator from Washington will not call for the regular order just at this time. I understood him, as I was leaving the Chamber, to ask unanimous consent for the consideration of a bill of his, and I stepped out to notify the Senator from Florida that he might call up a little bill which my colleague [Mr. WALSH] objected to the other day, but which objection I understand he has withdrawn.

Mr. POINDEXTER. The Senator from Montana is under a misapprehension. I did not call for the regular order.

Mr. SMOOT. I called for the regular order, and I want the regular order to proceed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 9625) to establish a national park in the Territory of Hawaii, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 733. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming;

S. 1840. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909;

S. 4026. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio;

S. 5863. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.;

S. 5910. An act authorizing the sale of the lighthouse reservation at Scituate, Mass.;

H. R. 393. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes;

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.;

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7;

H. R. 11286. An act for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows;

H. R. 13669. An act to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.;

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines;

H. R. 15006. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana; and

H. R. 15007. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana.

PETITIONS AND MEMORIALS.

Mr. HUSTING presented memorials of sundry citizens of Wisconsin, remonstrating against any change in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against appropriations being made for sectarian purposes, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to make "The Star Spangled Banner" the national anthem, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Woman's Board of Missions for the Pacific, of San Francisco, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Women's Club of La Jolla, Cal., and a petition of the Ebell Club, of Los Angeles, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

Mr. JOHNSON of South Dakota presented memorials of sundry citizens of Canistota and Montrose, in the State of South Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Elk Point, S. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. VARDAMAN. I have a letter from the president of the Pascagoula National Bank, of Moss Point, Miss., which I ask may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the communication was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

PASCAGOULA NATIONAL BANK,
Moss Point, Miss., June 16, 1916.

Hon. JAMES K. VARDAMAN,
United States Senate, Washington, D. C.

MY DEAR SIR: There is at present pending before their respective committees what is known as the Pomerene bill (S. 6001) and McFadden bill (H. R. 12988).

These, as we understand, are companion bills, and the passage of one obviates the necessity of the other. We presume you are familiar with terms thereof, and consequently unnecessary to repeat here.

Along with all country bankers members of the Federal Reserve System, we are vitally interested in their passage, and therefore trust we are not presumptuous or intruding in respectfully urging you to lend your support and influence to the measures.

We can not see wherein the passage of one or the other will weaken the present Federal reserve statute, but, on the contrary, will remove one of the obstacles which State banks now urge to becoming members of the system.

We trust you will give the question your careful consideration, and would appreciate an expression.

With best wishes, we are,

Yours, very truly, H. C. HERRING, *President.*

Mr. VARDAMAN. I have received a letter from the cashier of the First National Bank of Biloxi, Miss., with reference to the bill S. 6001, known as the Pomerene bill, which proposes to amend section 19 of the Federal reserve act. I ask that the letter be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the letter was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

THE FIRST NATIONAL BANK OF BILOXI,
Biloxi, Miss., June 16, 1916.

Hon. JAMES K. VARDAMAN,
United States Senate, Washington, D. C.

DEAR SIR: We will appreciate it if you will support Senate bill No. 6001, known as the Pomerene bill, which is an amendment to section 19 (a) of the Federal reserve act, so as to permit country banks to

keep one-fourth of their required reserves with reserve city correspondents within a radius of 300 miles, or within the Federal reserve district.

Very truly, yours,

E. C. TONSMEIRE, *Cashier.*

Mr. OVERMAN. I have a telegram from Joseph Hyde Pratt, secretary of the North Carolina Good Roads Association, relating to Federal aid for good roads, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WRIGHTSVILLE BEACH, N. C., *June 23, 1916.*

Senator L. H. OVERMAN,
Washington, D. C.:

Resolutions passed by road convention resolved that the North Carolina Good Roads Association, in convention assembled at Wrightsville Beach, N. C., with 1,000 delegates in attendance, herewith petitions and requests the conference committee of the United States Congress to take early and favorable action on the Federal-aid road bill, so that it can be passed at the present session of Congress.

JOSEPH HYDE PRATT, *Secretary.*

Mr. OVERMAN. I have a memorial adopted by the ministers and lay delegates of the Seventh-day Adventist denomination of the North Carolina Conference held at Statesville, N. C., remonstrating against the enactment of legislation to restrict religious freedom, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

A memorial to the honorable the Senate and House of Representatives of the United States.

The ministers and lay delegates of the Seventh-day Adventist denomination of the North Carolina Conference, assembled in annual convention at Statesville, on June 20, 1916, beg leave to address the following memorial to you concerning certain un-American bills now pending before Congress:

As citizens of the United States who have the general welfare of the Nation at heart we are exceedingly jealous that the fundamental principles of civil and religious liberty guaranteed to each individual by the Federal Constitution be not jeopardized and overridden by the enactment of statutes which are in direct opposition to these sacred guaranties and immunities.

Three press bills—H. R. 491, H. R. 6468, and H. R. 13778—are now pending before Congress which, if enacted into law, would create a one-man censorship of the press, and might result in the complete destruction of the freedom of the press without recourse to our courts.

Four religious measures are also pending, viz, S. 645, S. 5677, S. J. Res. 42, and H. R. 652, which, if enacted, would commit Congress to the subject of religious legislation, would establish the Christian religion and some of its religious institutions as the legal religion of the Government, and would penalize every dissenter and nonconformist because of his faith and practice.

We regret that Congress has ever been asked to legislate in favor of a religious institution concerning which there is so divergent a religious sentiment as the Sunday and Sabbath questions. We are in harmony with the following sentiments expressed in the Senate Report on Sunday mails, by Mr. Richard Johnson, of Kentucky, who was chairman of the Senate Committee on Post Offices and Post Roads, January 19, 1829:

"The proper object of government is to protect all persons in the enjoyment of their religions as well as civil rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy. * * * It is not the legitimate province of the legislature to determine what religion is true or what false. Our Government is a civil and not a religious institution. Our Constitution recognizes in every person the right to choose his own religion and to enjoy it freely without molestation. * * *

"Among all the religious persecutions with which almost every page of modern history is stained no victim ever suffered but for the violation of what government denominated the law of God. To prevent a similar train of evils in this country, the Constitution has wisely withheld from our Government the power of defining the divine law. * * * If the principles are once established that religion or religious observances shall be interwoven with our legislative acts, we must pursue it to its ultimatum."

We believe that the Sabbath ought to be observed with piety and due respect to God, but we do not believe that any man should be compelled to observe Sunday or any other day as long as he is a free moral creature and has the liberty to be religious or nonreligious by choice. Enforced religion can only engender hypocrisy instead of true piety. It makes slaves out of free men. Congress has no more right to prohibit legitimate and honorable business on Sunday because the church demands it than it has to prohibit church services on show day because the show demands it.

We believe that Sunday laws are not only un-American but un-Christian. Neither Christ nor His apostles sought at any time to enforce their teachings by the force of civil statutes and penalties.

We, as Seventh-day Adventists, feel that we have a just reason to remonstrate against these compulsory Sunday bills. The enactment into law of Sunday legislation has subjected many of our members to hardships and cruel persecutions. A revival of the Sunday blue laws always opens the way for religious bigotry to stir the smoldering embers of persecution; and it is impossible to set a bound beyond the limits which it dare not go.

We, therefore, ask your honorable body to refrain from any course which may lead again to the persecution of individuals or sects who have the divine and constitutional right to differ on points of religious dogmas, and to enjoy the free exercise of their religious functions in such a manner and at such a time as they may choose, provided the exercise of that choice respects the same and equal rights of their neighbors.

And we, your memorialists, beg leave to assure you that we are kindly disposed to support the government of our country, and to maintain a due submission to the lawful exercise of its authority in purely civil matters.

Signed by order of the convention:

J. B. LOCKEN, *President.*
C. R. CALLICOTT, *Secretary.*

TETON NATIONAL FOREST, WYO.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 12208) adding certain lands to the Teton National Forest, Wyo., reported it with an amendment and submitted a report (No. 537) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAGGART:

A bill (S. 6453) granting an increase of pension to Smith Corbett;

A bill (S. 6454) granting an increase of pension to James E. Harris; and

A bill (S. 6455) granting an increase of pension to John G. Henness; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6456) granting an increase of pension to William J. Love; to the Committee on Pensions.

By Mr. BECKHAM:

A bill (S. 6457) granting an increase of pension to Benjamin Tackett (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 6458) granting a pension to Grace Elizabeth Brown (with accompanying papers); to the Committee on Pensions.

A bill (S. 6459) for the relief of George W. Sharp (with accompanying papers); to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 6460) waiving the age limit for admission to the Medical Corps of the United States Navy in the case of W. Culbert Lyon; to the Committee on Naval Affairs.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6461) granting an increase of pension to Thomas Black (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6462) to pay to the Cincinnati Gas & Electric Co. a judgment in its favor against the collector of internal revenue of the southern district of Ohio; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate $1,500 for the addition of a kitchen and bathroom to the lodge in the Salisbury (N. C.) National Cemetery, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to increase the appropriation for objects not named, Coast and Geodetic Survey, from $3,000 to $3,700, and so forth, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WALSH submitted an amendment proposing to appropriate $132,160 for the administration, improvement, and construction of roads, etc., in the Glacier National Park, Mont., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

MARTIN HUHN.

Mr. MARTINE of New Jersey submitted an amendment intended to be proposed by him to the bill (H. R. 1528) for the relief of Martin Huhn, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Claims.

THE LIGHTHOUSE SERVICE.

Mr. LIPPITT submitted an amendment intended to be proposed by him to the bill (S. 21) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 6, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 7, 10, 13, 14, 15, 16, 17, 18, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 14 of the matter inserted by said amendment strike out "$5,000" and insert in lieu thereof "$6,000"; and the Senate agree to the same.

LEE S. OVERMAN,
WESLEY L. JONES,
Managers on the part of the Senate.
H. D. FLOOD,
CYRUS CLINE,
Managers on the part of the House.

The report was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR BRADLEY.

Mr. JAMES. Mr. President, in accordance with the notice heretofore given, I send to the desk the following resolutions (S. Res. 219) and ask that they may be read and adopted.

The VICE PRESIDENT. The resolutions will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. JAMES. Mr. President, WILLIAM O'CONNELL BRADLEY was born near Lancaster, Ky., in Garrard County, March 18, 1847. He departed this life on May 23, 1914, in the city of Washington. His father was Robert Bradley, one of Kentucky's most brilliant lawyers, and his mother was Ellen Totten Bradley.

Senator BRADLEY was educated in the public and private schools of the community, but he never had the advantages of a college education. When he was 14 years of age he twice ran away from home and joined the Union Army, but each time because of his youth he was taken from the Army by his father. In 1861 he served as a page in the Kentucky Legislature.

In 1865, when he was only 18 years of age, he was given a license to practice law by special act of the Kentucky Legislature. The bill provided that he might be licensed if found competent by two circuit judges. An examination was held, and he was found competent and admitted to the bar to practice law. He quickly took high rank as a lawyer in our State and became very active in the practice of law in both State and Federal courts, the United States Circuit Court of Appeals, and the Supreme Court of the United States.

At the age of 20 years Senator BRADLEY was married to Miss Margaret Robertson Duncan, of Lancaster, Ky.

In 1870 he was elected county attorney in Garrard County. This was considered a very great political triumph for a young man of Republican faith, for the county was overwhelmingly Democratic. He was the nominee of the Republican Party for Congress in the eighth congressional district of Kentucky in 1872 and 1876, and in both campaigns, which were heated and fiercely contested, he made creditable races. The district, however, was largely Democratic, and while he reduced somewhat the Democratic majority, he was unable to win. In these campaigns he demonstrated great power as an orator, great ability as a debater, and won for himself a State-wide reputation.

In 1879 he was nominated for attorney general by his party in Kentucky, but on account of ill health declined it. In 1887 he received the Republican nomination for governor of Kentucky, while Gen. Simon Bolivar Buckner, the great Confederate general, was the nominee of the Democratic Party. This race for governor between Senator BRADLEY and Gen. Buckner attracted national attention, and although Gen. Buckner won the race it was by a greatly reduced Democratic majority. In 1895 Senator BRADLEY again received the Republican nomination for governor, and after a remarkably brilliant campaign was elected by a majority of 8,912, carrying with him to victory all of his associates upon the State ticket. He served the State as governor for four years.

Four times Senator BRADLEY was nominated for United States Senator and voted for in the Kentucky Legislature by the Republican Party, but his party was in the minority. During these contests it was the highest honor that could be accorded to one of its members to be selected as the candidate of the Republican Party in Kentucky for United States Senator. In 1908 he was finally elected United States Senator for a term of six years.

Senator BRADLEY was seven times selected by his party as a delegate at large to the Republican national convention. He made the speech for Kentucky seconding the nomination of Gen. Grant for President in 1880. His friends have always claimed for this speech that it was one of his greatest efforts.

It was a very eloquent and stirring speech. He was one of the "immortal 306" who voted for Grant first to last, and he often referred to that fact with pride. In 1884 he was the leader on behalf of the South in its efforts to defeat the reduction in the representation of the Southern States in the national convention. At the Republican national convention in 1904 he made a speech seconding the nomination of Theodore Roosevelt for President.

Senator BRADLEY was three times elected a member of the Republican national committee of Kentucky. The State delegation was instructed for him for President in 1896, and he was many times voted for in the Republican national conventions for Vice President.

In 1889 President Harrison appointed him minister to Korea, but he declined the appointment. President Arthur appointed him to conduct the prosecution on the part of the Government in the case of the star-route contractors, but he also declined that appointment.

Senator BRADLEY was often honored by his State in the national conventions by being elected chairman of the Kentucky delegations and serving in other very important posts and positions.

Kentucky was more generous to Senator BRADLEY than it has ever been to any other Republican in its history. He was the only Republican who was ever elected in Kentucky as governor and United States Senator. He was truly the father of the Republican Party in our State, its best beloved leader, greatest orator, and most splendid debater.

He had more joint debates with Democrats in Kentucky than any other Republican who ever lived in our State. His party was proud of him and always gathered with confidence to hear him in debate with any of the leading Democrats of the State, for they felt certain they had a champion worthy of any foe, and in this they were never disappointed. He lifted the Republican Party in Kentucky from almost hopeless minority to victory in the State.

As a lawyer Senator BRADLEY ranked with the very first in the whole country. He was engaged in many of the great legal battles in our State. Before a jury in advocacy of a cause he was wonderfully magnetic and powerful. In other addresses upon various subjects he displayed great learning and brilliancy.

His address in dedication of the Kentucky monument on the Chickamauga battle field in 1899 will take rank with the world's great orations. What a wide contrast there was in that speech, breathing the sweet eloquence of a reunited country and paying tribute alike to the heroes of the two contending armies, and his fiery eloquence which stirred the Republican national convention in 1880 as he plead for Grant's renomination for a third term! How the years had mellowed and softened him! Pleading for Grant's renomination, he said:

> He gave voice and strength to the proclamation which struck the shackles from 4,000,000 of fellow creatures. The merciless slave driver tremblingly read it by the flash of his victorious cannon. He pinned it on the breast of murderous treason with a million loyal bayonets.

But in his great dedication speech at Chickamauga 19 years later he used the words:

> It is equally true that those who were fortunately defeated were inspired by sincere devotion to principles conscientiously believed to be just; that they fought with valor equaled alone by those who opposed them, but never surpassed, and their heroic suffering and bravery entitle them to the admiration of all mankind.

And it was Senator BRADLEY's hand that wrote the inscription on that monument:

> As we are united in life, and they united in death, let one monument perpetuate their deeds, and one people, forgetful of all asperities, forever hold in grateful remembrance all the glories of that terrible conflict which made all men free and retained every star on the Nation's flag.

Here is a concrete example of how time wrought its glorious work of reuniting a once estranged people. Time, with its noiseless march through the passing years, teaches the eloquent tongue that thrilled the thousands assembled in national convention with martial eloquence to charm a multitude in generously just tribute to the men who wore the gray, who fought and fell for a lost cause, as well as those who fought in triumph for a

glorious Republic, according to each the same sincerity, bestowing upon all the same tribute of heroism. It was the same spirit and tolerance of men upon both sides of that awful struggle—remembered now only to recount the deeds of heroism of the bravest armies that ever clashed upon field of glory.

The sons of soldiers dead, the sons of soldiers living, caught the fine spirit of which Senator BRADLEY'S eloquence is but a type, and now we vie with each other in paying tribute to men of both the South and the North who followed the standards of opposing armies and pointing with devotion and love to the dearest colors ever knit together in a banner of the free, waving above a happy and reunited people bound together in patriotic love with bands stronger than steel.

Senator BRADLEY easily ranked as the South's greatest Republican. He numbered his friends among the men of all parties. In the discharge of his official duties he willingly served all the people. He was nonpartisan in his service to the people of Kentucky. No one ever claimed Kentucky as his home who did not find him a willing aid and of great assistance. He was good-natured, kind-hearted, and a wonderful entertainer. He was proud of Kentucky's hospitality and always sought to emulate it. In his death Kentucky lost one of her greatest citizens. He had rendered distinguished and signal service to the whole people. His party lost its greatest leader, and they may truly say, "Ulysses has gone and left behind him none strong enough to bend his bow."

Here in the Senate there were few men who ever served that had the warm affection which was accorded Senator BRADLEY. His colleagues will long remember him affectionately.

His name will live in Kentucky, and his deeds will form a part of its history. His friends were legion, and while death comes to us all, it could not have touched a citizen of Kentucky and caused more sorrow and tears than were occasioned when Senator BRADLEY was summoned to the court of God. Truly we may say, "Pale Death knocks with impartial foot at the cottages of the poor and at the towers of kings."

He is greatly missed and will be long loved and remembered in thousands of Kentucky homes.

Mr. TOWNSEND. Mr. President, sometimes when I reflect upon the slight attention given by Senators to memorials of their departed colleagues I am impressed by the thought that it might be well to discontinue the practice of setting apart a day for memorializing deceased Congressmen; but when, upon more mature reflection, I recall that the custom is founded upon one of the deepest sentiments of life, I offer no protest, for I then believe that while post-mortem eulogies can not affect the dead, they can and do help the living. On such occasions the mind recalls only good; and in the midst of the sometimes bitter and strenuous strife of public life it is well for Congressmen and for the country to formally pause and consider death, the twin mystery of life.

I do not know how it seems to you, Senators, but I am convinced that the benefits from public and private life are lessened and fall far short of their possibilities for good because of the failure to grasp and understand the truths that love, not hate; kindness, not bitterness; sympathy, not indifference, are the essential qualities of true greatness, and therefore of highest usefulness. The longevity of real congressional service is not measured by the number of Congresses of which a man was a Member, but by the influence for good which he exerted while in Congress. It is true, of course, that long public service under a democracy implies exceptionally good service, but it is not conclusive proof of that fact. The man who, in a single term, inspired his associates and constituents to better thought and living will be found in the trial balance to have done more for his country and his countrymen than has he of many terms whose legislative record includes only numerous abstract, technical enactments, and many brilliant and bitter speeches. This is an occasion when men stop for a moment at least and take account of stock.

I saw the late Senator WILLIAM O. BRADLEY for the first time at the national Republican convention in Chicago in 1888. I did not meet him there, but I heard him speak, and I was impressed with his apparent mental strength and virility. He was then in the very prime of his vigorous manhood. He was called before the convention and before gatherings in the hotels, and he always was equal to the occasion and inspired his hearers with enthusiasm. I did not see him again until he came to the Senate, and I did not meet him formally until I entered this body on March 4, 1911.

Soon after coming here I became personally and well acquainted with him, for he was a kindly, lovable man, and attracted men to him. He loved his friends, and they were loyal and true to him. This fact is proven by the many positions of public trust which he, a Republican, held in the Democratic State of Kentucky. I knew him as a gentle soul, who saw the good and ignored the bad; and yet, being somewhat familiar with his life history, I know that his had been a strenuous career. At times his soul was stirred to its very depths over matters of wright and wrong, and he pursued in unlimited degree the courage of his convictions. Up until the last years of his life he was an antagonist whom no wise man voluntarily courted.

He had been in the Senate two years when I entered it, and I shall not forget his uniform kindness to me. He was my friend, as I was his; and I am grateful for the invitation to pay my brief tribute of respect to his memory.

During nearly all the time of his service in the Senate he was a great sufferer from physical sickness; but his heart was always well, and his love and generosity are somewhat of the compensation which has come to me for service in the United States Senate.

Mr. WORKS. Mr. President, I am not going to deliver a formal or prepared eulogy upon the life and services of Senator BRADLEY. I only want to say a very few words of kindly sympathy for the memory of one whom I respected and admired as a man and loved and esteemed as a friend.

I did not know Senator BRADLEY personally until I came to the Senate and found him here. In his earlier life and mine we had lived in adjoining States, and I had known much of his valuable services to his State and his country. When I met him here I was from the beginning drawn to him by his kindly, genial, and generous disposition. From the first of my acquaintance with him he was afflicted with a disease that he understood to be incurable. He was waiting for the end, realizing that it was near; but through it all he was cheerful and patient to a degree. This high qualification of his character excited my most profound sympathy and admiration. It is these great qualities of his that have endeared him to thousands of the American people, not only in his State of Kentucky, but all over the country, and particularly here in the Senate Chamber. They are qualities that will keep his memory green in their minds and hearts for all the years to come.

His was a character to be emulated. It was a great example to others. It gives me great pleasure to have this opportunity to say these few words in commemoration of his life and as a token of my high esteem for him as a man and a friend.

Mr. WILLIAMS. Mr. President, I shall not dwell upon the date or moment of birth or death nor on the life opportunities of Gov. BRADLEY, later a member of this body from the great State of Kentucky, nor upon how he availed himself of those opportunities. Those things will be found, in a general way, in the Congressional Directory, and have been, or will be, presented more specifically and interestingly by others.

I never knew Gov. BRADLEY until he and I met as United States Senators upon this floor. My experience and training and environment had been such that I had always entertained, and then entertained, a very stubborn prejudice against Southern white Republicans. That prejudice was dissipated like snow melts under the sunshine, so far as he was concerned, as soon as I was brought into intimate personal contact with Senator BRADLEY.

He was one of the most human men I ever knew—large-hearted, unstinted in hospitality, sunny in temperament, with good, hard sense, a proper sense of proportion, and consequently a lively sense of humor. Genialness was one of his most marked traits.

During our service here together he tied himself to me by very many acts of kindness and by very many kindly words. He "had friends" because he "showed himself friendly," and in that respect heeded the express words of wisdom of the wise King of the Jews.

It affords me pleasure to express my high idea of the man; his frankness; his courage of conviction; his open-hearted ways; his sturdy consistency of purpose.

He was not "of my tribe" politically, but he was a splendid and true member of his tribe, thoroughly American and thoroughly loyal to his own ideals. I sincerely grieved when he passed through "the valley of the shadow of death" into the great unknown. A friend had gone, and we do not make and hold many.

We can all place our wreaths, with honor to ourselves, upon his grave and mingle our regrets with the regrets of those who knew him best and loved him best.

Mr. WARREN. Mr. President, perhaps the most accurate measure of the personality and character of a public man is found in the opinion of him held by his political opponents or adversaries. In the rough-and-tumble game of politics, in the

no-quarter features of political warfare, especially as carried on in the so-called border States occupying the line which once separated the North from the South, the man who can go through a political campaign and retain the personal friendship of his political foes is an unusual character. The man who can battle politically for a lifetime and go down to his grave beloved personally, alike by political friend and foe, is a marvel.

Such a man was our former beloved colleague, WILLIAM O'CONNELL BRADLEY, who died in this city at his post of duty on Saturday evening, May 23, 1914, and to whose memory we to-day devote this session of the United States Senate.

I shall speak briefly of the political incidents of our friend's career, as they bear out that trait of his character to which I have alluded—the capacity to make and hold personal friends regardless of political differences.

As we have been told, he was the only Republican who ever served both as governor of Kentucky and as a United States Senator from that State.

Before he became of voting age he was fighting in the political battles which always are waged furiously in Kentucky. Before he was 21 years of age he was admitted to practice law, and at the age of 23 was elected county attorney of Garrard County. At the age of 25 he was Republican elector for the eighth congressional district, and a little later ran for Congress as a Republican, but was defeated. He again made an unsuccessful race for Congress in 1876. He was four times chosen Republican national committeeman for Kentucky, and went as delegate at large from Kentucky to five Republican national conventions. Four times he was chosen as the Republican caucus nominee for United States Senator. His first race for governor was made against Gen. Simon Bolivar Buckner, in 1887, when he was defeated by 17,000 majority, the preceding Democratic majority in the gubernatorial election being 47,000. He declined an appointment by President Harrison as United States minister to Korea and an appointment by President Arthur as special attorney to prosecute the noted "star-route" cases.

He was not in politics for appointive places but for the thrill of the campaign and the contest at the polls.

He finally won success in his political warfare, and was elected governor of Kentucky in 1895 over Gen. P. Watt Hardin, whom he defeated by 9,000 majority. He served as governor for four years. In February, 1908, he was elected to the United States Senate, and just prior to his death had announced that, on account of ill health, he would not be a candidate for reelection.

He was a noted political campaigner, and his services on the stump extended beyond the limits of his own State in many national campaigns. The late Senator Thomas H. Carter, of Montana, once said that he considered Senator BRADLEY the best campaign orator he had ever heard. Loyalty to his friends was one of his predominating qualities; and he was one of the famous 306 delegates who voted for 37 ballots for Gen. U. S. Grant for a third term in the Republican national convention held in Chicago in 1880.

In our personal association with Senator BRADLEY during the five years and two months he was with us in this body we who served with him recall the predominating traits of his character—adherence to principle, loyalty to friends, generous and genial treatment of his colleagues, regardless of party.

For every employee of the Capitol, no matter how humble his position, he invariably had a cheering word of salutation and a friendly smile.

He was generous, not for the rewards of generosity, but because that was a fundamental trait of his being. Failing in one instance in getting a claim through Congress for a constituent, he paid the claim himself.

And so he lived his life—adamantine in devotion to what he considered the correct principles of government, gentle and yielding in his touch with humanity.

His political opponents spoke of him in kindly terms.

His Kentucky colleague in the Senate—he himself an orator of fame—once said of him:

> He was one of the most genial of men, and he was a prince among his fellows. He was a distinguished lawyer, a great orator, and a profound statesman. His followers in Kentucky idolized him, and they will love his memory as they loved him in his life.

Another of his Kentucky colleagues—Hon. SWAGAR SHERLEY—said:

> He was the most distinguished Republican of Kentucky. While a pronounced partisan, his partisanship was secondary to his loyalty to his State. A more intensely loyal Kentuckian I never knew. He always had the respect of his opponents and the genuine affection of those fortunate to personally know him. He rendered conspicuous service to his State and country, and his death brings sorrow to all Kentuckians.

The Courier-Journal of Louisville, which in a score of hard-fought political campaigns had employed the genius-tipped pen of its talented editor, Henry Watterson, to oppose him, had this tribute to make when his battles were ended:

> WILLIAM O'CONNELL BRADLEY was the most affectionate and the kindliest of men in his familiar intercourse. He was sprung from a branch of that great line which gave Ireland its mightiest orator, and he possessed many of the characteristics of that extraordinary man. Certainly in persuasive powers no Kentuckian of his time could approach him before an audience of Kentuckians. He had eloquence and humor and common sense. That he became governor and Senator—the two most coveted gifts the people have to bestow—in a State where his party was in a woeful minority attests his genius and resources as a party leader. His fidelity to his personal associates, his political following, and his public duty were conspicuous and constant. He lived through trying times and shone undimmed to the last. The Courier-Journal, which entertains for his talents admiration and for his personality hearty good will, tenders his family the assurance of its profound sympathy and sorrow.

On that spring day in his home city of Frankfort, as I looked across the open grave of our friend in the beautiful cemetery where his body was being laid at rest, I saw the thoughtful faces of many of Kentucky's public men—the governor, once our colleague here, and all of the State, county, and city officials. I saw the grief-stricken faces of his family and close friends and the solemn, respectful faces of hundreds of citizens who had gathered to pay him the last token of reverence and respect.

As I saw this great gathering of officials, relatives, friends, and neighbors, and witnessed the sincere manifestations of sorrow over the death of our colleague, I felt the conviction that he had not lived in vain; that he had played well his part in the wonderful drama of life; and that although the forum, the hustings, and the legislative halls would know him in the flesh no more forever, his memory would not fade nor his influence perish, and that his long fight for the principles of government in which he believed would prove an inspiration for his countrymen to follow for years to come.

Mr. KERN. Mr. President, no man has lived in vain who by reason of fine impulses and noble deeds has been able to attach to himself a great body of friends, who have borne him such affection in life that they continue to cherish and honor his memory long after he has "gone for ever and ever by." Where a man so lives after death in the memory of those who knew him best that they never tire of recounting his noble traits and generous acts there is proof positive of that nobility of soul which above all other things attests true greatness.

WILLIAM O. BRADLEY was blessed and cheered by the friendship of the best men and women in the land. Not only did the people of his own beloved Commonwealth delight in honoring him, but in him there were such rare qualities of head and heart that wherever he went he gathered to himself friends in every walk of life who gave him generously of their affection, and who now delight to honor his memory. Kentucky and Indiana are sister States. We of Indiana have always been proud of the kinship which has brought the two Commonwealths into commercial, political, and personal relationship of the most intimate character, and it was doubtless by reason of this relationship that I became very familiar with the high reputation of WILLIAM O. BRADLEY long before I had the pleasure of personal acquaintance; for his fame as a lawyer of ability and orator of great eloquence and power extended throughout the Middle West long before the people of Kentucky bestowed upon him the great honors which brought him prominently before the people of the entire country.

When the announcement was made in 1895 that the splendid Democratic Commonwealth of Kentucky had for the first time in her history chosen a Republican governor, the attention of the Nation was challenged, and it became a matter of common inquiry amongst men of all parties as to what manner of man it was who had thus been able to induce the people of that rock-ribbed Democratic State to ignore traditions, cast party differences to the winds, and bestow the greatest honor in their gift upon a stalwart Republican leader, who in all the fierce political struggles in which he had engaged had fearlessly proclaimed his party faith, and on those battle fields had never shown sign of yielding, but had always promptly returned a blow for every one he had ever received.

It was learned then that it was because of his splendid courage and knightly qualities thus manifested that the brave and chivalrous people of his State came to respect and admire him as one of Kentucky's true sons; that while he differed from the majority on questions of governmental policy, he was a man of high ideals, infinite courage, and possessed all those splendid qualities of head and heart which cause the name "Kentuckian" to be honored in every land beneath the sun.

And so when he came to this body his fame had preceded him. Much was expected of him, and he measured up fully to the

hopes of his friends. In his discussion of public questions he commanded the attention of both sides of the Chamber, and by his fidelity to duty under all circumstances won the confidence of the country.

But it was because of his great heart, his sympathetic nature, his gentleness of spirit that his comrades here so loved him that in his death each felt that he had suffered a distinct personal loss.

I came to know him well and to love him greatly.

We lived at the same hotel here in Washington, and, seeing him and conversing with him almost every day, I had opportunity to know of the greatness of his heart and the whiteness of his soul—his faithfulness to public duty and the great love he bore to his fellow men, manifested every day of his life.

I witnessed the fortitude and cheerfulness with which he bore the suffering which disease brought to him in the last years of life. Without a murmur of complaint he proceeded to the last in the discharge of his public duties like the hero that he was.

Mr. President, Kentucky has given to the Nation many great men. She can justly boast of the illustrious names of her distinguished sons who have represented her in this body, for those of Clay, Crittenden, Breckenridge, Beck, and Carlisle illumine the history of the Republic; but, sir, Kentucky never gave to her country a son who possessed finer courage, more exalted patriotism, greater heart, or whiter soul than WILLIAM O'CONNELL BRADLEY. Peace to his memory!

Mr. NELSON. Mr. President, during the immediate period preceding the Revolutionary War and during the continuance of that struggle many of the frontiersmen and backwoodsmen dwelling in the eastern slopes and valleys of the Allegheny Mountains pressed westward over and across the mountains and made the first settlements in the future State of Kentucky. They trekked through Cumberland Gap and other less notable passes. They were to a large extent of Scotch-Irish ancestry, and were a brave, virile, and aggressive—though to some extent unlettered—people, but better qualified than any other class to cope with the Indians and to subdue the wilderness. They were followed and, to some extent, interspersed with people from the eastern plains and the tidewater lands, who were chiefly of English stock, and who were rather more cultured and occupied a higher social plane than the backwoodsmen. In course of time these two elements blended and assimilated into a homogeneous people, constituting one of the best types of American citizenship, the cradle and nursery of great statesmen, great judges, and great warriors who have left their permanent and enduring impress on the life of our Nation.

It is a most remarkable fact that while the colonists on the east of the Allegheny Mountains were engaged in their struggle for independence, these pioneers of Kentucky, with those of Tennessee, were engaged in the no less bloody task of adding an empire to the future Republic, and ridding it, to a great extent, of the incubus of the savage aborigines. In their zeal for exploration, settlement, and conquest, under the leadership of that great Virginian, George Rogers Clark, they pressed across the Ohio and seized and occupied the Illinois and Wabash country, thereby laying the foundation for securing, by the final treaty of peace with England, the vast domain bounded on the west by the Mississippi River and on the north by the Great Lakes, an empire then scarcely known to the people dwelling on the east side of the Allegheny Mountains.

Eight years after the close of the Revolutionary War and two years after the adoption of the Federal Constitution, Kentucky, without any preliminary Territorial government, was, in 1791, admitted into the Union, being the first addition to the original thirteen States. From the time of her admission into the Union, Kentucky assumed a leading part among the sisterhood of States by reason of the fact that so many of her sons were gifted with a high order of talents for the management of public affairs. Her statesmen were among the leaders of the country and oftentimes exercised a controlling influence in the affairs of government. Not the least among the galaxy of her statesmen was our late departed colleague, WILLIAM O. BRADLEY, who departed this life on the 23d of May, 1914, in the sixty-eighth year of his age and the last year of his term. He was a native son of Kentucky, descended from an intellectual, virile, and aggressive ancestry among the pioneers.

Without the advantages of a higher or college education, his native intellectual abilities and energy were nevertheless such that at an early age he attained a leading place at the bar among the many able and prominent men of the profession. He was well versed in the fundamental principles of law, and was an able and successful trial lawyer, especially effective in his arguments before juries. His ability and reputation as a lawyer brought him an extensive practice in both the State and Federal courts. And to this work, when not engaged in the public service, he chiefly gave his attention. Though a thoroughgoing Republican in a State normally Democratic, yet he had many friends and admirers among the Democrats, so that at every election at which he was a candidate he always polled a considerably greater vote than the normal vote of his party.

In 1895 he was elected governor of his State by a plurality of nearly 9,000, in which office he served with high credit and ability, and in February, 1908, he was elected to the United States Senate by the legislature. As a Member of the Senate he proved to be very industrious and attentive to public business and a most excellent, ready, and effective debater, always good-natured, and always ready to take and give blows. He was genial, kind-hearted, and loyal to his friends. Sunshine and good will beamed from his countenance and was a part of his nature. The humble and the lowly could always have his attention and his help, and hence he was always near and dear to the popular heart. He was opposed to ostentation and display. He never had his eyes set on the galleries when he was addressing the Senate, but, rather, aimed to make his case plain and to enlighten and instruct his colleagues. Senator BRADLEY was a man who had grown into public favor through his native ability, his energy, his perseverance, and his loyalty. He never sailed under false or sham colors. What he believed in he advocated openly and aboveboard. Guile and dishonesty were foreign to his nature. His public life and his public service, though varied and highly valuable, were, after all, but the outer shell of the noble soul and the brave heart that was his. He was a typical son of Kentucky, a sample of its bravest and best. In the words of the poet, he had a love for his country and his State as though they were his daughters, ready to smoke the pipes of peace or to hurl the tomahawks of war, hatred of shams and innovations, pride in our common country and her Stripes and Stars. His mortal remains are buried in the soil of Kentucky, but that immortality of the soul that was his abides with us as "by day a pillar of a cloud and by night in a pillar of fire."

Mr. LEWIS. Mr. President, I was requested by the distinguished senior Senator from Kentucky, Mr. JAMES, to add a word to these ceremonies. I gladly accept the invitation and avail myself of the privilege.

This is what is termed the proceedings of obituary. The world at large usually regards such as a mere form. Generally it is esteemed throughout the country that these are enconiums by courtesy, not by desert.

I am sure that I, in common with thousands of others who had occasion to read of the proceedings of obituary in this body and in the other House, had concluded they were mere matters of form; that some one had to comply with them; that invariably some hollow expression was indulged in as a mere ceremonial performance.

It was not until it befell to my experience to observe the tender associations which are woven in the public service that I realized how false was that standard which the public had applied concerning the private estimate we public men have of those who serve with us as public agents. We know the man; the public know the official. We know the character; the public know the reputation.

Mr. President, I have the advantage of the eminent Senator from Mississippi, who distinguishes his State by the brilliant services he renders in this body, Senator WILLIAMS, in that I, though a Southerner, came into this body without any prejudice whatever against the white Republicans of the South, as the Senator concedes was his conviction. I had lived in the North and in the West so long that I had been divorced from such sentiment, if ever it possessed me.

I likewise had the advantage of the eminent leader of the majority, Senator KERN, of Indiana, who, having had a long personal acquaintance with the distinguished deceased previous to his service here, was naturally prejudiced in his favor. Such is the effect of personal association which ever weaves a kindly regard because of its confidences.

I did not know the distinguished Senator from Kentucky before I came to serve in this body. I have no memory that I had ever beheld him, however much I had heard of him. It was here in this body where I made the first acquaintance. It was the close touch with him as a Senator that enabled me to form an estimate that I am delighted to express upon this occasion. This opportunity, which though solemn in its aspect, could give gladness to those who are privileged to participate, in that it enables them to do justice to a departed noble man.

Mr. President, we live in an interesting hour. The Old World is dying around us. Civilization is shattered. Creation seems confused. Heroes of the earth are being buried, but we have

not time to mark their passing. Kings are being dethroned, Emperors shaken from their seats, but we are removed from the cataclysm. The eminent soldier of Britain, Lord Kitchener, sank to his grave through the surging waves without more than an echo through the world. We were too busy; affairs of the life or death of nations possess us.

My mind reverts to the summer of 1898, when I was a Member of the House of Representatives. The Spanish-American War was on and the world disturbed with martial disorder. In Europe, Bismarck passed out, but America had little time to note the great loss to Germany. Within five days after, Gladstone, of England, breathed his last salutation to earthly glory, but America had concerns so serious she neglected in her public Houses to pay her tribute to the statesman of British liberty and constitutional justice.

Here in America at the same period the distinguished Republican Party and America itself lost an eminent citizen and statesman in James G. Blaine; and yet we did not pause to note the loss or pay tribute to the acknowledged virtues; so busy were we with things that concerned us so closely in our national destiny, we neglected the duty to those at a distance.

My mind adverts at this moment to a passage of Lecky; I think it is in his History of European Morals. Descanting upon that temper of mind of man which regards things at a distance as of no concern to him, the writer invites attention to one who sits upon a river bank and says, "Behold." More concern to him are the dead leaves that float upon the stream than the thousands that are dying of hunger on the Ganges.

Mr. President, we are some distance removed from these falling worlds, these dying kings, these dethroned emperors, these crumbling empires. With those, sir, we do not concern ourselves more than we would with that which in a panorama attracts the gaze sometime and like a picture removed passes from the vision.

Here, however, in this assemblage the single death of one unit of our organization shocks the soul and awakens our sentiment. We bemoan the loss. Why? Because in that particular loss we note the loss of a man. Creation may build empires, my brother Senators; civilization may establish kingdoms, and upon both may rear rulers whom we call kings or emperors. With scepter they may sway their dominion with the power of life and death. But, after all, Heaven's noblest creation, as we know, is a man, and when thrown close enough to see the emotions in one of our brothers we attest that of God's noblest creation, is an honest man; then we stand in reverence; we are glad to bow in worship; we pay him tribute because we feel that after all, life's great compact with civilization has been executed and exhibited to earth; a man standing square before his fellows, and just before his God.

How do we test such a one, Mr. President? We test him, sir, by his acts as we see him. We are remitted to the great Scripture law proclaiming that by the fruits of a tree ye shall know it. We behold this branch of civilization and see what it blooms and what it ripens, and by that we test, condemn, or praise it.

When I first came to the acquaintance of Senator BRADLEY I was new in this body. Like all men who come here I had the timidity, I had the hesitancy, and with whatever audacity or courage we might be possessed we quail in the presence of our first undertaking. This is the most critical legislative body in the English-speaking world. It fell to my lot to engage in a debate with one of our eminent colleagues on the other side, carrying with it, of course, those partisan differences which are so natural to conflicts arising on both sides of this Chamber. It was at the conclusion of this that Senator BRADLEY, to whom I had never spoken, came over to greet me with a kindly message, reminding me that he knew some of my relations in Kentucky. He told me that he had done me the compliment to observe my public course, and he approved some of the things upon which much difference had been expressed. He gave me counsel and friendly encouragement.

You can readily understand, Mr. President, how close that man at once came to me. That which Senator NELSON, of Minnesota, has just exquisitely expressed appealed to me—the man in his nature, that quality which the distinguished Senator from Minnesota adverted to, the courage and the generosity of the nature within him. Those were the virtues which the Senator from Kentucky, his eminent colleague, correctly adverted to. That courage that was admired in conflict, that justice that was ever perceived, to prove itself in every form of life, that attribute of kindness, of goodness, that expression of character that wanted to serve another, awakened in me a desire to know the man more fully. Thereafter from time to time it fell to me to then engage with him in personal conversation and official contact. Day after day, on occasion upon occasion, I learned thus to know him. What attracted me most, and here I delight to speak of it, was the want of cant in the man, was the absence of hypocrisy. He was a noble soul in his speech; in his political debates I recall his assault upon the policy of Democracy upon a tariff question, then his oration upon foreign relations. Standing at his desk he proclaimed his impeachment. He made no apologies. He sought in no wise to qualify his views to cultivate favor of the undecided. He differed from his colleagues, he assailed with virulence, denounced with vigor, and reached his conclusion with confidence. He hurled them against his political antagonist like a warrior, and then afterwards met his adversary in private affairs as a friend. It was such quality as that, sir, that attracted me to the nobility of his nature.

If it be true, as Senator WARREN, of Wyoming, adverted here, and Senator NELSON, of Minnesota, that these were the signal elements that went to make up the Kentucky character, I send my praise to so glorious a Commonwealth that should have signaled her existence by so splendid an example.

Sir, I therefore praise where I saw the desert; and while we all sorrow at a death, if it affords an opportunity to certify to those who loved him the esteem in which he was held by his opponents, his antagonists, what must be their conclusions concerning those who worship at the shrine of his capacity, where eloquence flashed from intellect and logic converted by its wisdom?

Mr. President, there was one other feature to the man that attracted me. I do not know whether his colleagues had occasion to observe it. It was his interesting form of religion. He bore no outward pretense. He was not a Pharisee, who robed himself in the garb of a professed virtue. He was but a man realizing that duty was to be kindly to his fellow men. After all that is the real test of a Christian, the fulfillment, if I recall, of James, in his Epistle—the kindness to the bowed widow, the service to the deserted child, keeping oneself unspotted with the cruelties of the world. This was to him, as it was to the great apostle, "religion pure and undefiled."

I am not aware that he professed the creed of church, but, Mr. President, there rises to my mind a legend you may permit me to suggest as expressive of his faith—the definition of his religion:

Sir John Lubbock was not known as a man of Christian pretensions. He was one who had no church creed, but he tried to live the life of a fellow man. He had given bread to the hungry. He had lifted the fallen. He had sought to console misery. He dreamed that he died and went to heaven. He reached the gates of heaven, and at the outer portal he was notified to behold. He did. He saw the followers of the churches sitting beneath their banners. At the right was the golden cross, and there were assembled the Catholics. They sat in the gleaming beauty of the Madonna. In a white-surpliced choir sat the Methodists, and by the crystal fount the Baptists. The watcher at the gate accosted Sir John, saying, "What is your religion, and where will you sit?" Just then the Master beheld Peter interrogating at the gate Sir John, and he came forward, and behold it was Sir John. Sir John responded, saying, "I know not church. I know duty. I have given bread to the hungry; I have lifted the fallen; I have spoken kindly to those who suffered; I have buried the dead; I have tried to live by that which a man should live by, some duty to his fellow men." Just then the Master, hearing all, rushed to the gate and said, "Ah, Sir John, it is you. We know much of you up here. We have heard much of you and your deeds. Come in, Sir John; come in and sit you down wherever you please." So of that manner of man was this man, Senator BRADLEY. Let us believe that by the test of his manly life, by the nobility of his soul, by his deeds of goodness, he, too, heard from his Master the summons at the gate, saying, "Come in; come in; and sit you down wherever you please." There may he repose with his Father and his God.

Mr. OVERMAN. Mr. President, until I came to the Senate this morning I did not know that I was expected to make any remarks on this occasion. I have, therefore, no prepared address, but I could not sit silent without saying just a word in memory of my deceased friend, without laying at least a simple little wild flower upon the tablet to his memory.

He was my friend. I was his friend. I think every Senator upon this floor was his friend. I doubt whether any man who sat here with him had more personal friends than had Senator BRADLEY.

Sometime ago, Mr. President, I purchased 10 volumes of a book entitled "Choice Selections of Southern Literature." Sitting in my library one afternoon looking over those volumes, I saw under the head of "Choice Epitaphs and Inscriptions"—

and I may say in passing that these selections were by Dr. Alderman, president of the University of Virginia, and one of the leading educators of the South—a sentiment uttered by Senator BRADLEY. On the battle field of Chickamauga stands a magnificent monument erected not to the Confederate dead, not to the Union dead, but to the heroes both of the Union side and of the Confederate side. An inscription is placed upon that monument, a short extract taken from the inaugural message of Senator BRADLEY to the Kentucky Legislature, urging that an appropriation be made for the purpose of erecting the monument. I desire to put into the RECORD that inscription. It is there in marble that will live longer than what we may say here, probably, and it shows his breadth of character, his love for his fellow men, his patriotism, and his statesmanship. I quote that inscription, as follows:

KENTUCKY MONUMENT.

In the Chickamauga National Park, dedicated May 7, 1899. The words are from a message of former Gov. WILLIAM O. BRADLEY:

"As we are united in life, and they united in death, let one monument perpetuate their deeds, and one people, forgetful of all asperities, forever hold in grateful remembrance all the glories of that terrible conflict which made all men free and retained every star on the Nation's flag."

Kentucky was divided in the Civil War. Many of her sons fought in the Northern Army, and many in the Southern; and there were no braver soldiers on either side. Senator BRADLEY cast his fortunes with the side of the North.

Senator BRADLEY was great of soul. He was full of music, poetry, and song. I have noticed him when at times he would wander from the Republican cloakroom into the Democratic cloakroom, where he was always a welcome visitor. He invariably enlivened us with his humor, his delightful anecdotes, and his very interesting reminiscences. He was a man of humor, of wit, and of true eloquence. I have heard him at times upon the floor when he showed that he was an orator equal to any in this Chamber. I judge that not only by his eloquence, but by his logic and the systematic way in which he always had his subject arranged. He always commanded the closest attention of the Senate.

I say, Mr. President, that I loved him because he was close to me. We were associated together frequently. I served upon committees with him. I remember the delightful entertainments, in old Kentucky style, which he occasionally gave to his friends, and I was always one of his guests. They were indeed feasts of reason and joy to the hearts of all. He loved his friends. He loved little children. He loved the people of his State, and served them faithfully and well. He passes into the great beyond beloved by all his colleagues, and his people greatly mourn his sad departure. I trust that when he passed over the river he met his "Pilot face to face."

Mr. SMOOT. Mr. President, the Senate of the United States to-day pays tribute to the memory of one of Kentucky's noblest and most gifted sons, the late Senator WILLIAM O'CONNELL BRADLEY, of whom it may well be said, in the words of Byron:

Thy days are done; thy fame begun;
Thy country's strains record
The triumphs of her chosen son.

No history of Kentucky will be true to the facts unless the life and character of Senator WILLIAM O. BRADLEY play an important part. In every sphere of public and private activity the luster of nobility of character and force possessed by this remarkable American entered.

He was born near Lancaster, Ky., March 18, 1847, the only son of Robert M. and Ellen Totten Bradley. His father was one of Kentucky's greatest lawyers. The Civil War wrecked the father financially, and the son at the age of 14 ceased to attend school and ran away from home, joined the Union Army, first as recruiting officer in Pulaski County, and later as a private soldier at Louisville; but on account of his youthfulness he was taken from the Army by his father on each occasion. He entered the law office of his distinguished father and became so well qualified to practice that at the age of 18, by special act of the General Assembly of Kentucky, he was licensed to practice before the courts of Kentucky, and rapidly rose in the profession until he was foremost among the leading lawyers of that great State.

He entered politics in 1869, and the following year was elected prosecuting attorney. In 1884 President Arthur selected him to prosecute the "star-route" cases, but it is said that the Attorney General denied a full prosecution and he withdrew from the case. He was the first Republican ever elected Governor of Kentucky. He was a familiar figure in every Republican national convention for a quarter of a century. In February, 1908, he was elected to the United States Senate for the term ending March 3, 1915.

He received the degree of LL. D. from the Kentucky University. He was renowned from one end of the country to the other as an orator of marked ability. Many honors were conferred upon him by the people of Kentucky; indeed, so numerous were they that it would become tiresome for me to mention them all.

Few Kentuckians ever lived a life so filled to the brim with public honors as was his, or perhaps gained a higher place in the esteem of their fellow citizens. These honors were not attained by accident of birth, but by his eloquence, his logic, his energy, his personal magnetism and unquestionable honesty. His knowledge of our country's needs, his broad, dispassionate view of all public questions, his conservatism and his rare legal ability did much for the Nation and won for him a place among the great men of our times.

I count as one of the great pleasures of my life the acquaintance and friendship of Senator BRADLEY. How I enjoyed his association, how he enjoyed his visits to my home, how my children looked forward to his coming to spend the evening with them. The hours so spent were ones never to be forgotten. He never tired of singing the praises of the splendid qualities and noble characteristics of the people of the South, and would always remind my children that their grandfather, Abraham Owen Smoot, was born in the blue-grass country of Kentucky, in sweet Owen County, a country God always smiles upon.

It was next to impossible for anyone to resist the charm of his old-time manners, plainly visible in their exquisite taste and homely kindliness, showing no distinction of social caste or of age. He was free and generous to a fault. He never was so happy as when he was making others happy. There was something inspiring about the friendship he bore for those who were near to him. He possessed the gift of a perfect hospitality, and I doubt whether a man ever lived who exercised it with more graciousness. This can be testified to by nearly every Senator who occupied a seat in this body during the short service of Senator BRADLEY in the Senate. In addition to the happy gift as a matchless host he possessed the happy faculty of telling a story in such a way that gave his hearers a lasting impression of the point he wished to illustrate. Many of his stories were based upon great events in the history of our country. I suggested to him a short time before his death that he should select and have published his best stories, as I was confident they would prove a great benefit to the American people. I suggested this same thing to the late Senator Taylor, of Tennessee, only one week before his death. Senators BRADLEY and Taylor were among the most gifted story tellers of our country.

A man may possess all the gifts and qualifications that Senator BRADLEY possessed and still not be personally popular with the masses. Not so in his case. No man was easier to approach, and at all times he was willing to place himself upon a par with the humblest of his constituents with whom he came in contact. He was the idol of a large portion of the people of Kentucky. There was one political virtue which he always adhered to, and that was gratitude to his friends. He never used man to further his ambitions and then sacrifice him when occasion demanded it. He was true to those who served him. In most of the political contests in Kentucky he was the center of the battle and the enemy always directed their criticisms toward him. Defeat never dismayed nor did reverses discourage him. He was a faithful friend, a brilliant lawyer, a fearless and painstaking public servant. Thus he lived and thus he died. God was good to him in giving him a combination of virtues and talents seldom given to man, and rarely when given do they work in harmony as in the life of Senator BRADLEY.

He was no demagogue, but at all times a loyal advocate and an outspoken champion of the principles for which he stood. No selfish ambition ever kept him silent or made him swerve from his duty to his people. His honesty was known, admired, and esteemed throughout the length and breadth of the country. He was earnest, diligent, and faithful to every trust reposed in him. His clean life and character, without a stain, are his best monument.

Upon his deathbed and during the last two hours of his life he exerted all the power at his command in delivering a speech upon national questions as if he were standing in his place in the Senate Chamber. His last words spoken in this life were delivered as if answering an interruption by a fellow Senator, as follows: "I can not yield to the Senator; my time is limited." No further word was said; no further struggle for life ensued. Senator BRADLEY was dead.

His life's work is over, his remains rest beneath the sod of his beloved Kentucky. He is not dead, but sleepeth, his soul having passed on to Paradise to continue his work in connection with his Maker, for—

Death's but a path that must be trod
If man would ever pass to God.

I feel assured from his private life and public career that Senator BRADLEY, so true, so patriotic, so honorable, has passed into a brighter and happier existence in the great beyond.

In the silence of the receding world he heard the great waves breaking on a farther shore and felt upon his wasted brow the breath of the eternal morning.

Mr. BECKHAM. Mr. President, since I came to the Senate some months ago as a successor to the late Senator BRADLEY, I have heard many Senators who served with him speak of him in terms of kindness and of pleasant recollection of his genial and attractive personality. His popularity as a Member of the Senate seems to have been well established and his death brought genuine sorrow to his associates here, as it did to his many friends and admirers in Kentucky. This has not been surprising to me, for, in an acquaintance with him of about 20 years I came to know him well and to appreciate not only his ability as a leader of men, but also the charm of manner and personal magnetism by which he bound people to him in devoted friendship and achieved remarkable success in his political and professional life.

He was a natural leader; his influence over his followers was extraordinary, and those who opposed him always knew that they had a foeman worthy of their steel. Upon the stump or at the bar he possessed a forcible and persuasive style of oratory. As a debater he was ready, quick, and formidable. But at the same time he was courteous and fair to his opponents.

It was chiefly through his skillful leadership and power as an orator that his party won its first victory in Kentucky. In that year of 1895 he was the nominee of his party for governor. He saw with keen delight the division and dissension within the ranks of the Democratic Party; he played upon and aggravated those differences with a master's hand; and through the divided sea of Democracy he led his minority forces toward the promised land of victory with an adroitness and skill that even his opponents had to admire.

Owing to unusual conditions prevailing in the State at that time, his four years' service in that office was not, in my opinion, congenial or agreeable to him. Of an impulsive and generous nature he did not possess that quality of patience nor that poise of temperament so essential to one in a high executive position. He was better equipped for service in a legislative assembly than in the office of governor, just as he was far more successful as an advocate at the bar than he would have been as a judge on the bench. He found, I imagine, his most congenial service in the Senate, where he is so kindly and pleasantly remembered by those who served with him.

My acquaintance and relations with Senator BRADLEY for 20 years were unique and peculiar. During that turbulent period of political conditions in Kentucky, he and I were always on opposite sides. While he was governor, and I was a member of the legislature, and at one session speaker of the house, I was not in accord with his administration; and then when I was governor, after him, I never heard of his giving expression to any extravagant praises of my administration. In the session of the general assembly of 1908 he and I were the opposing candidates of our respective parties for the United States Senatorship, and he was elected.

Our political differences were wide and fundamental. We differed upon those issues which divided the two great political parties, and we differed also upon those issues which in recent years in our State have caused divisions within each party. Sometimes in the heat of one of those overheated campaigns which we occasionally have in Kentucky he and I may have said things about each other a little harsher than we would have said in calmer moments.

And yet, Mr. President, with all of these political differences and rivalries between us, he and I always preserved the most cordial and friendly personal relations. The intensity of campaign contests between us may have, at times, temporarily strained, but they never broke those relations between us. I always found him a courteous and knightly antagonist. He was a manly and courageous fighter. He knew well how to deal blows and he knew equally well how to receive them. In his home, where I was sometimes a guest, he was a genial and hospitable host.

In the many discouraging and disappointing features of political life, it is always refreshing to one who takes an active part in it, to meet on terms of generous consideration and of mutual respect those who differ with him and who recognize the wise and salutary principle that the weapons of political warfare shall be laid aside in all other relations among men. The line that divides political parties in their differing ideas of governmental policies should never appear in the social affairs of the people, nor in their broader responsibilities and obligations as citizens of this Republic. Firmness of conviction is not diminished by a due respect for the opinion of those who differ with us.

It is to the great credit and honor of the United States Senate that in no other body of men on earth is that principle of respect for the opinions of others more constantly regarded and practiced. The aisle which divides this chamber is not like the international boundary line between two unfriendly nations. It simply represents certain, or sometimes uncertain, differences of opinion between us as to what is the best for our common country, all of us equally interested in its welfare and in the prosperity and happiness of its one hundred millions of people.

Senator BRADLEY had the proper conception of this idea in his public career, and it was illustrated in the fact that his death was deeply mourned upon both sides of this chamber, regardless of political divisions.

In his death the State of Kentucky lost one of its more interesting and forceful leaders of the past generation, and the many thousands of his friends and admirers there join with us to-day in paying tribute to his memory.

Mr. President, as a further mark of respect to the memory of the late Senator BRADLEY, I move that the Senate adjourn.

The PRESIDING OFFICER (Mr. STERLING in the Chair). The question is on agreeing to the motion of the Senator from Kentucky.

The motion was unanimously agreed to; and (at 1 o'clock and 53 minutes p. m.) the Senate adjourned until Monday, June 26, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 24, 1916.*

The House met at 10.30 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of light, life, truth, justice, love, liberty, Thy blessing, we beseech Thee, attend us; that we may be guided by Thy wisdom, upheld by Thy power, inspired by real patriotism, that every legislative act may be in full accord with the eternal fitness of things; that even-handed justice may be meted out to every citizen; that our national and international policies may be to safeguard our rights and further the genius of our Republic; that kindness, with firmness, may characterize our acts at home and abroad. Let the everlasting arms be about the parents, kindred, and friends of those who have been sacrificed on the altar of our country in the recent conflict. Guide and protect our soldiers in their efforts to uphold and sustain justice and liberty. And Thine be the praise, in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

HERBERT C. HOOVER.

Mr. ELSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article appreciative of the work of Mr. Herbert C. Hoover, a Californian, who is at the head of the Belgian relief.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

ORDINANCE OF 1787.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address delivered by Hon. Addison C. Harris, of Indiana, upon the question of whether the ordinance of 1787 is in force in the five States that were carved out of the Northwest Territory.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. HAY in the chair.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent for a moment to return to the item relative to the pay of guards at the Leavenworth Penitentiary.

Mr. FITZGERALD. Mr. Chairman, it was understood that the gentleman could offer his amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, I understand that any amendment looking to an increase in the pay of the guards at the Leavenworth Penitentiary is subject to a point of order, and that a point of order has already been made and sustained to a similar amendment just offered by the gentleman from Georgia [Mr. HOWARD] in behalf of the guards at the Atlanta Penitentiary. I want to call attention, however, to a few facts with reference to the pay of the guards at these institutions. I was in hopes that the committee would take into consideration that these men are performing a very hazardous class of labor and one which is poorly recompensed by the Government. These men are receiving $70 a month for their work, and it is interesting to note what the States are paying for like services. The State of Montana pays the guards at its penitentiaries $100 a month and fuel. The State of Massachusetts pays $100 a month and house rent; Colorado, $90 a month and house rent; California, $90 a month and house rent; New York, $90 a month and house rent; Utah, $85 a month and house rent; and Ohio, Connecticut, Illinois, Nebraska, and Kansas are all paying more, together with considerable allowances of house rent, uniforms, and things of that kind.

The gentleman from Georgia [Mr. HOWARD], who is likewise interested in the same item for his institution, and I appeared before the Committee on Appropriations. We were somewhat encouraged by the attitude of the subcommittee, which stated that at some future time it hoped to take up the matter of raising the salaries of a great many of these underpaid employees of the Government covered by the sundry civil appropriation bill. I hoped that the committee would act this year strictly on the merits of the proposition of increasing the pay of the guards. I only regret that it will not be reached this year by the committee. The hazardous nature of this work is but little understood by Members of the House. At Leavenworth not a year passes that some of these guards are not either killed or injured in the performance of their duties.

There is a greater risk and mortality among those guards than there is among the same number of men in the Regular Army in active service. Just a few months ago, while in the performance of his duty, one of the guards at Leavenworth was killed and two or three more have been wounded by attacks of convicts; and owing to the hazardous nature of the work, it is just and proper that they should receive greater compensation than $70 a month. I trust that the committee and the House at the first opportunity will give the matter consideration and that this bill may be amended so as to give relief this year instead of waiting for another session of Congress.

As compared with the flat pay of $70 per month paid by the Federal Government to guards at the United States penitentiary at Leavenworth, the House will readily see the necessity of increasing the pay of these men by glancing over this table of rates paid in some of the State penal institutions:

Montana: $100 and fuel.
Massachuretts: $100 and house rent
Colorado: $90 and house rent.
California: $90 and house rent.
New York: $90 and house rent.
Utah: $85 and house rent.
Ohio: $75 and house rent.
Connecticut: $75.
Illinois: $60 to $70 and full maintenance.
Illinois Reformatory: $50 to $65 and full maintenance.
Ohio Reformatory: $75 ten years ago.
Nebraska: $50 to $55 and full maintenance.
Kansas. $56.50 to $66.60, with free uniforms, 6 tons of coal, ice at 75 cents per ton, excess coal at $1 per ton, and State houses at $4 per month.

As one of these guards well says:

These are all the figures I have at present that I can say are correct or nearly so. They are, however, sufficient to show that we receive less than guards at State prisons, for we have nothing free, not even our uniforms. Some of the States have an 8-hour system and 6 days a week, while we have none of these. Some State institutions have one guard for every 10 men, while we have about 25 men to each guard, and when the three shifts are considered each guard averages about 75 men. This does not take into consideration those guards on the walls, which would raise the average to about 85 men for each guard. This makes the position more hazardous, requires more work, and the exercise of cooler judgment. There is not a crew of more loyal, competent, and intelligent guards anywhere; in fact, the Government requires of us a greater degree of intelligence and efficiency than any of the States.

We take the position that there should be some sort of automatic provision for increase based on tenure. This is the complement of merit of the civil-service method, and is in use in other branches of the civil service. We also take the position that having passed the examination and having successfully weathered the probationary period, we are entitled to an automatic increase; if not, then we are really not entitled to the place, for what man in private life does not reward the faithful employee who has been efficient, loyal, and trustworthy?

Mr. MONDELL. Mr. Chairman, it is true that the committee gave a hearing upon this matter to the gentleman from Kansas and two or three others who appeared before the committee, and the committee was impressed by the arguments made. In view of the present cost of living, and in view of the character of the service rendered, the hours of service, these salaries are lower than they should be. There should be an increase, in my opinion; but that is also true with regard to many Government employees, particularly those receiving the smaller salaries. Many of these salaries were fixed many years ago, when the cost of living was much less than it is now, and in many cases similar employees paid by States or by private individuals have been advanced in pay, while the pay of these Government employees has continued the same for a great many years. The committee came to the conclusion that under circumstances as they now exist, owing to the condition of the Public Treasury, the difficulty of raising revenues to pay the increased appropriations of the Government—at least a majority of the committee did—that they could not at this time provide any general increase of these salaries. There are practically no increases of salaries carried in the bill, or but very few.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Did the committee give any consideration to the much-merited and much-needed increase of salaries for the custodians of public buildings——

Mr. MONDELL. It did.

Mr. STAFFORD. Who are receiving virtually starvation wages, and have been for a number of years past?

Mr. MONDELL. As one member of the committee, I think the small salaries of some of the custodians constitute a scandal. We are not at all justified in continuing the small compensation paid these people.

Mr. STAFFORD. What relief does the gentleman hold out to these employees, who have been petitioning Congress these many years for increases in salary, and nothing yet has been done for them?

Mr. MONDELL. A Republican administration is the hope that I hold out to them—a Republican administration which we hope will reduce the cost of living; or if that shall not be possible under world and national conditions, then an administration of affairs that will bring sufficient revenue so that we can, without burdening the people, increase these salaries and compensations. That is all the hope that I can hold out to them at the present time, in view of the attitude of the majority of the committee and Congress.

Mr. STAFFORD. Mr. Chairman, if the gentleman will yield——

Mr. MONDELL. I yield.

Mr. STAFFORD. To me this question should not be considered as a partisan one.

Mr. MONDELL. Oh, I am not considering it as a partisan question, understand; I am considering it as a question of justice. I regret that it is not possible to do these people justice now.

Mr. STAFFORD. In the legislative committee framing the legislative, executive, and judicial appropriation bill our subcommittee was very solicitous to provide for the underpaid employee. Here is another subcommittee where it is acknowledged, and has been acknowledged for years past, that the employees throughout the country who are ridiculously underpaid, with no relief whatever given or promised them except the vague hope of the indefinite future.

Mr. MONDELL. Well, it is not a vague hope, I will say to my friend. It is a very confident hope, the hope of a change of administration under which the revenues of the Government will be such, derived from such sources, not burdensome to the people, that we can do justice to these underpaid servants of the people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting some facts in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am afraid the expectation of the gentleman from Wyoming [Mr. MONDELL] about a Republican administration will be disappointed, but if he were unfortunately

to succeed in that ambition I know that his ambition for a better fiscal system will be disappointed, because I recall that when the Sixty-first Congress opened it was a Republican Congress under a Republican President. The very first thing that confronted us was a deficit in the Treasury. That deficit had occurred under the Dingley tariff bill which up to that time was the highest tariff bill we had ever had.

It was not very long after that until we passed the Payne-Aldrich bill, and by that time the deficit under that particular kind of a method of raising revenues had grown so grievous that they adopted a portion of the Democratic method of raising revenue and put a tax upon the incomes of corporations, thereby confessing that a tariff tax, of which they were so fond of bragging, was utterly inadequate to raise the revenue even under that particular administration. Of course the needs of the country were much less then than at the present time. But now they have a candidate for President who undertook to defeat an amendment to the Federal Constitution permitting a general income tax. If he had been successful, as fortunately he was not, they would have to rely now entirely upon a tariff tax and a tax upon excises and corporations, but fortunately the country is not in that situation. The country is in the situation now where the revenues from the income tax were more than $71,000,000 for the fiscal year ending June 30, 1914; $80,000,000 for the fiscal year ending June 30, 1915; and $110,000,000 for the fiscal year ending June 30, 1916. The greater part of that revenue did not exist under the Payne bill; none of it existed under the Dingley bill. Under the revenue law that will be brought in here shortly by the Democratic Committee on Ways and Means the income tax will be still further enlarged and extended over sources of incomes which have been escaping taxation, and by a further investigation of the Treasury the loopholes will be closed up, and a bill will be brought in which with the increasing prosperity of the country will produce a still larger income tax, and therefore a great many of the gentleman's fears will disappear.

Mr. MONDELL. Will the gentleman yield?

Mr. BORLAND. Yes, in a minute; but I want to suggest to the gentleman that if his candidate for President is really sincere in this opposition to the income tax, he put his platform on that proposition for the repeal of all income taxes and let the people decide as to this fiscal question as to whether they prefer the fiscal system of the Sixty-first Congress or whether they prefer the fiscal system of the Wilson administration. Now I yield to the gentleman.

Mr. MONDELL. In the midst of this glorious condition—which exists, in fact, only in the mind of the gentleman from Missouri—of an overflowing Treasury and abundant prosperity—admitting, however, for the sake of argument, it does exist—under these circumstances, in view of the cost of living being higher than it ever has been in the history of the country, why did not the gentleman approve the increasing of the salaries of these low-paid Government officials provided for in this bill?

Mr. BORLAND. I need not remind my colleague that our committee has raised the salaries of the low-paid employees.

Mr. STAFFORD. Where?

Mr. BORLAND. In the Library, if I may just——

Mr. STAFFORD. That is not the gentleman's committee; that is the legislative committee. The gentleman's committee has not done anything toward raising the salaries of these low-paid men.

Mr. BORLAND. I am glad to take some little credit. Where we found them low paid, we increased them in some instances.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, the gentleman from Missouri [Mr. BORLAND] can not escape the responsibility by claiming that he has made provision for increasing the low-paid officials provided in this bill, as such is not the fact. It is true another subcommittee of the Committee on Appropriations, of which I have the honor to be a member, did provide for increasing the lower-paid officials of the Government, because we found it was not right for persons engaged in the departments in Washington to be employed at starvation wages, or approaching starvation wages, while confronted with the high cost of living.

But here we have large numbers of employees throughout the country who have no voice at the National Capital except through their Representatives, and who pray every year for increases. Custodians of public buildings receive the paltry sum of $50 a month or $60 a month, and yet nothing has been done by this subcommittee. The gentleman from Missouri [Mr. BORLAND] can not come in here and use a cloak to excuse him for his default by saying the committee has done something when it has done naught. The time has come when these employees should be considered and something should be done for increasing their salaries. There is no excuse because the revenues of the Government are not sufficient for not increasing the salaries to a reasonable compensation of these employees, who have been long in the service and deserve increase of salary. They have not pressed me to make any special appeal in the matter, but it has been called to my attention from time to time, and I think that this committee should make some recommendation and provide soon some fair increase of salary, so that these married men employed in the custodian work at our public buildings can at least have a living wage.

Mr. FITZGERALD. Mr. Chairman, I wish a minute. There is a lot of mysterious talk going on here about the subcommittee doing this and the subcommittee doing that. The bills of the Committee on Appropriations are the work of the Committee on Appropriations and carry the policy of the committee. The gentlemen are dreaming when they talk about subcommittees formulating policies one way or the other. We have done everything that can be reasonably expected, and much more than ever was done when the gentleman's party was in power.

With those few observations, I hope we can proceed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Point Vincente, Cal., Light Station: For establishing a light and fog-signal station at Point Vincente, Cal., $80,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Has this light station been authorized?

Mr. FITZGERALD. All of the lighthouse stations are authorized by law. This particular item was authorized in the act of March 3, 1915.

The Clerk read as follows:

LIGHTHOUSE SERVICE.

General expenses: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same; purchase and maintenance of one motor cycle for service in the Hawaiian Islands; establishment of post lights, buoys, submarine signals, and fog signals; establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed $550 in cost; construction of necessary outbuildings at a cost not exceeding $200 at any one light station in any fiscal year; improvement of grounds and buildings connected with light stations and depots; wages of laborers attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessel; reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year; fuel and rent of quarters where necessary for keepers of lighthouses; purchase of land sites for fog signals; rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which, in consequence, can not be made permanent; rent of offices, depots, and wharves; traveling expenses, including per diem in lieu of subsistence allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; mileage; library books for light stations and vessels, and technical books and periodicals not exceeding $1,000; all other contingent expenses of district offices and depots; and not exceeding $10,000 for contingent expenses of the offices of the Bureau of Lighthouses in Washington, $2,790,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word, just for the purpose of remarking in passing that when the Agricultural appropriation bill was before the House, some of the distinguished members of the Committee on Appropriations jumped all over a lot of items because there were such large amounts appropriated in lump sums, though I do not recall any items of lump-sum appropriations that amounted to so much as $2,790,000, which is the lump-sum item of this appropriation, and which covers nearly everything under the sun in the Lighthouse Service. I do not mean to complain, but just to remind them that people in glass houses ought to be careful about throwing stones.

Mr. FITZGERALD. We can not build Rome in a day. We are doing it gradually and by degrees. We will get this in such shape as to satisfy both the gentleman and myself and any obtrusive critic who may comment on the situation.

The Clerk read as follows:

Office force: Chief accountant, $2,500; chief of division of library and archieves, $1,800; clerk to superintendent, $1,800; clerks—3 at $1,800 each, 3 at $1,650 each, 4 at $1,400 each, 8 at $1,200 each, 5 at $1,000 each, 10 at $900 each, 6 at $720 each.

Mr. HOWARD. Mr. Chairman, I make the point of order against the language in line 24, after the word "force," the

words "chief accountant," on page 152. The point of order is that it is a change of existing law. The designation of this officer carried in the law is "disbursing agent." I make the point of order against the words "chief accountant."

Mr. FITZGERALD. Mr. Chairman, I move to amend by inserting after the words "office force," the words "disbursing officer."

Mr. HOWARD. Is not the old language "disbursing agent"? I think it is.

Mr. FITZGERALD. It is "disbursing agent."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after "office force," in line 24, the words "disbursing agent."

The Clerk read as follows:

Topographic and hydrographic draftsmen: 2 at $2,400 each, 3 at $2,200 each, 3 at $2,000 each, 3 at $1,800 each, 3 at $1,600 each, 3 at $1,400 each, 3 at $1,200 each, 2 at $1,000 each, copyist draftsman, $1,000.

Mr. HOWARD. Mr. Chairman, in line 3, page 153, after the words "hydrographic draftsmen," I move to amend by inserting "1 at $2,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 153, in line 3, after the word "draftsmen," by inserting "1 at $2,500."

Mr. FITZGERALD. I reserve a point of order on that, Mr. Chairman.

Mr. HOWARD. Mr. Chairman, I would like to make a statement as briefly as I can about a condition that has been brought to my attention by some of my own constituents as well as by Members of the House, and that has arisen since the Committee on Appropriations has acted on this particular item. The demand for nautical charts has increased by leaps and bounds since the unusual activity in shipping. Chambers of commerce of different seaport cities throughout the country have been insistent in their demands upon the Hydrographic Office for charts. It may be an astounding fact to present to this House, but as a matter of fact there are 170 nautical charts out of print. They can not be obtained by navigators, and ships to-day are going to sea without any revised nautical charts. In other words, it is like an engineer on a railroad leaving a terminal without any orders on which to run. They do not know anything about the shifting sands and shoals, and in a great many cases the Pacific coast has not been surveyed at all. Now, let me briefly present to the——

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. HOWARD. Yes, sir.

Mr. HAMILTON of Michigan. How often are these nautical charts revised?

Mr. HOWARD. As often as any change is necessary for the safe navigation of ships occasioned by changes in shoals, and so forth. Now, then, I want to state it briefly, and I ask unanimous consent, Mr. Chairman, to put into the RECORD certain evidence to sustain the position taken by the department.

The CHAIRMAN. Without objection, that will be done.

Mr. HOWARD. In the first place, there are 30,000 more nautical charts ordered this year than during the previous fiscal year, representing 100,000 more impressions by printing presses. There are 170 charts now out of print that are unobtainable by masters of vessels, or about 25 per cent of the entire number issued by the Coast and Geodetic Survey. There are 6,000 orders unfilled, and complaints have been received from steamship companies, individual owners of vessels, chambers of commerce, and so forth, and more complaints are coming in each day.

The public pays for those charts and the money goes back into the United States Treasury. Every dollar that is expended by this department in making these charts is reimbursed to the Government by the payment in full of a reasonable price for the charts furnished. The draftsmen and printers are working overtime. Men in the printing section are underpaid and receive no pay for continued overtime work. The cost of paper has risen from 16 cents to 22½ cents per pound. Paper will cost about $20,000 during the fiscal year 1917, as against $12,000 in 1916.

The items asked for in the amendment are necessary to correct this condition. The first essential for the safety of our Navy and merchant marine, thereby protecting human life and commerce, is a nautical chart, and they can not be furnished in the numbers required under the present appropriation.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I ask for just a minute or two more. Then I will not ask for any more time.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. HOWARD. Now, here is a general summary of the condition as it actually exists. As I stated in the outset, as a member of the committee it is somewhat embarrassing to me to offer amendments to this bill, but a portion of the necessity has arisen since this bill was made up. I think the condition is a serious one, and I think it will not only appeal to the chairman of the committee, but also to every other gentleman of this House, that if such a condition exists—and the condition is stated to exist by the chief in charge of this bureau—then we ought to correct it. The Government is out of pocket nothing. It is reimbursed for these charts.

Now, to recapitulate: There is a 25 per cent increase in the demand for these charts over previous years. There is a 50 per cent increase in the impressions. There is a 37½ per cent increase in the cost of the paper, and no provision is made for additional labor and other funds for materials.

Now, just the other day, along the Pacific coast, near the city of Seattle, or north of the city of Seattle, a ship ran afoul of an uncharted rock. Forty-one lives were lost. The vessel itself was lost, and I am informed by the chief of this bureau that if that vessel had had a proper chart that occurrence would not have happened.

Mr. FITZGERALD. What difference would it have made if the rock was uncharted?

Mr. HOWARD. The proposition is this: The appropriation had been cut; no provision had been made for launches to carry on the wire drag work in that field. The department claims—and from the showing that is made I am satisfied it is true—that the appropriations are not sufficient to carry on in an efficient manner this work.

Now, for instance, you take the *Gedney*, the only ship that the Coast and Geodetic Survey has. That ship went to sea for six years after it had been condemned by our expert engineers as being unsafe, and just a few weeks ago that vessel was sold, and I think it brought the enormous sum of about $8,000 or $10,000 for junk.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. HAMILTON of Michigan. That was too much.

Mr. HOWARD. I think it was sold as junk. Under the permission granted, Mr. Chairman, I submit the following as a part of my remarks:

PETITION.

The undersigned shipowners, ship agents, ship brokers, pilots, and others interested in maritime affairs are seriously disturbed over the failure in the sundry civil appropriation bill to provide adequate funds to enable the Coast and Geodetic Survey to properly equip itself for continuing the important work of surveying and charting the coastal waters of the country, also Alaska, Hawaiian Islands, Philippine Islands, and Porto Rico, in order to meet the demands of our enlarging American merchant marine for a sufficient supply of nautical charts which are an absolute necessity for the protection of commerce and life. Realizing the seriousness of this situation, we hereby petition the Boston Chamber of Commerce to request the New England Senators and Representatives in Congress to urge the incorporation in the sundry civil appropriation bill of an amendment to provide the bureau with the necessary funds (1) to meet the demands of the maritime interests for charts; (2) to purchase a sufficient number of launches to be used for wire-drag work; (3) to provide the bureau with a suitable vessel to replace the one formerly engaged in charting the Alaskan coast.

Names, business, and addresses of the following shipowners, ship agents, ship brokers, pilots, and others interested in maritime affairs.

C. H. Maynard, agent, Merchants & Miners' Transportation Co., Pier No. 2, Northern Avenue, Boston, Mass. Main office at Baltimore, Md., owners of the following steamships:

Berkshire, Cretan, Dorchester, Essex, Gloucester, Grecian, Howard, Indian, Juniata, Kershaw, Lexington, Merrimack, Ontario, Parthian, Persian, Powhatan, Quantico, Suwannee, Somerset, Nantucket, Tuscan.

L. F. Packer, steamship *Onondaga.*

Austin Linscott, steamship *Governor Dingley.*

Calvin Austin, Eastern Steamship Corporation.

C. W. Chadwick & Co., ship brokers and agents, 70 Long Wharf.

Potter Transportation Co., shipowners, New York; Boston office, 70 Long Wharf.

Splane Bros., ship brokers and agents, 284 State Street.

David W. Simpson, ship brokers and agents, 282 State Street.

O. A. Gilbert, Boston ship brokerage company, 160 State Street.

W. C. Nickerson, steamship *Indian,* Merchants' & Miners' Transportation Co.

H. F. Hammond, customhouse broker, 20 Long Wharf.

H. H. Crowell, steamship *Jas. S. Whitney,* Eastern Steamship Corporation.

Mr. Nickerson, assistant manager Boston Towboat Co., owners tugs *Mercury, Pallas, Neptune, Saturn, Taurus, Juno, Confidence, Peter W. French, Wm. Sprague, Dione, Vim, Zetes,* and *Vesta.*

Pocahontas Navigation Co. (Inc.), shipowners, 131 State Street, Boston.

A. C. Lombard's Sons, steamship agents, 110 State Street, Boston.

Metropolitan Coal Co., by Edward Hamlin, president, 20 Exchange Place, Boston.

S. P. Burton & Co., coal shippers, 50 Congress Street.

New England Coal & Coke Co., shipowners, coal shippers, etc., 111 Devonshire Street, Boston. Charles Skentelbery, marine superintendent.

Field & Cowles, insurance, 85 Water Street.

George S. Hudson, yacht owner, 171 Tremont Street.
Boston Molasses Co., Felix Taussig, president, shipowners, 173 Milk Street.
L. M. Crowell, master mariner, 310 Atlantic Avenue.
H. L. Colberth, master mariner, Eastern Steamship Corporation.
F. E. Brown, master mariner, Eastern Steamship Corporation.
J. E. Southworth, grain exporter, 202 Chamber of Commerce Building.
P. J. O'Toole Co., grain exporters, 511 Chamber of Commerce Building.
J. H. Dizer, master, Ocean Steamship Co.
Boston Insurance Co., marine and fire insurance, 87 Kilby Street, Boston.
Mather & Co., Edwin R. Booth, attorney, average adjusters, 33 Broad Street, Boston.
Rogers & Webb, shipowners and steamship agents, 110 State Street, Boston.
C. C. Decker, master mariner, Boston.
Boston & Gloucester Steamship Co., E. S. Merchant, general manager, Boston.
N. J. Doane, vice president Doane Tow Boat Co., Boston.
C. F. & G. W. Eddy (Inc.), exporters, Chamber of Commerce Building, Boston.
Stetson Cutler & Co., lumber manufacturers, Boston, Mass.
Henry W. Peabody & Co., importers and steamship agents, Boston, Mass.
C. H. Sprague & Son, steamship operators, Boston, Mass.
Walter, Friend & Co., ship brokers, Boston, Mass.
Furness, Withy & Co. (Ltd.), steamship agents, Boston, Mass.
Cunard Steamship Co. (Ltd.), Charles Stewart, steamship owners, Boston, Mass.
Sanderson & Son, P. E. Nason, steamship agents, Boston, Mass.
Charles V. Dasey & Son, steamship agents, Boston, Mass.
Charles Hunt & Co., ship and steamship agents, Boston, Mass.
H. & A. Allan, steamship agents, Boston, Mass.
John H. Thomas, manager White Star Line and Leland Line, Boston, Mass.
Brown Bros. & Co., George A. Nash, bankers, Boston, Mass.
C. B. Swett, master mariner, Bath, Me.
George H. Woolley, treasurer, Commercial Towing Co., Boston, Mass.
Frank C. Pierce, master mariner, Boston, Mass.
Frederick C. Bailey, pilot commissioner, Chamber of Commerce Building, Boston, Mass.
John H. Frost, pilot commissioner, Chamber of Commerce Building, Boston, Mass.
Peter H. Crowell, president Boston Marine Society, Chamber of Commerce Building, Boston, Mass.
John L. Manson, master mariner, Chamber of Commerce Building, Boston, Mass.
Aberdeen H. Child, master mariner, Chamber of Commerce Building, Boston, Mass.
Samuel Pray, master mariner, Chamber of Commerce Building, Boston, Mass.
Caleb R. Kelley, port warden, Chamber of Commerce Building, Boston, Mass.
Robert W. Lavender, port warden, Chamber of Commerce Building, Boston, Mass.
Fred A. Crowell, port warden, Chamber of Commerce Building, Boston, Mass.
Patterson Wylde & Co., steamship agents, Chamber of Commerce Building, Boston, Mass.
James F. Bliss, ship chandler and vessel owner, 91 Broad Street, Boston, Mass.
Albert F. Bemis, president Bemis Bro. Bag Co., importers and manufacturers, 40 Central Street, Boston, Mass.
J. G. Crowley, general manager, Coastwise Transportation Co., 40 Central Street, Boston, Mass.
H. P. Cannon, president, Darrow-Mann Co., coal, 40 Central Street, Boston, Mass.
R. R. Freeman, shipowner, 131 State Street, Boston, Mass.
Crowell & Thurlow Steamship Co.; Lewis K. Thurlow, treasurer; owners, 131, State Street, Boston, Mass.
J. S. Winslow & Co.; Eleazer N. Clark, president; owners, Portland, Me.
United Fruit Co.; W. Anderson, manager, marine department, Board of Trade Building, Boston, Mass.
John S. Emery & Co. (Inc.); A. C. Emery, treasurer; ship brokers, 114 State Street, Boston, Mass.
John H. Low, Boston pilot, Lewis Wharf, Boston, Mass.
I. Clarence Bailey, Boston pilot, Lewis Wharf, Boston, Mass.
Clifford E. McField, Boston pilot, Lewis Wharf, Boston, Mass.
C. W. Frye, Boston pilot, Lewis Wharf, Boston, Mass.
W. H. Lewis, Boston pilot, Lewis Wharf, Boston, Mass.
Sydney J. Treats, Boston pilot, Lewis Wharf, Boston, Mass.

MAY 25, 1916.

To the executive committee and board of directors:

The attention of the committee on maritime affairs has been called to a deplorable condition in the United States Coast and Geodetic Survey Bureau as a result of insufficient funds to properly carry on the work of this important department of the Government service.

A petition signed by a large number of shipowners, ship agents, and others interested in maritime affairs, has been filed with the committee asking that the chamber request our Senators and Representatives in Congress to urge the adoption of an amendment to the sundry civil appropriation bill which will provide the bureau with the necessary funds (1) to meet the demands of the maritime interests for important charts; (2) to purchase five launches to be used for wire-dredge work along the coast; and (3) to provide the bureau with a suitable vessel to replace the one formerly engaged in charting the Alaskan coast which was condemned last year and had to be abandoned.

The great increase in American shipping during the past two years has greatly increased the demand for nautical charts, and the demand will steadily increase with the growth of our merchant marine. It is an absolute necessity for the protection of life and commerce that vessels should be provided with these guides to navigation. During the present year 30,000 more of these charts have been ordered than in former years. As a result the supply of some of the charts has been entirely exhausted. In fact, many vessels sailing from Boston have been obliged to leave port without Government charts, and have had to rely on their old charts, which, in most cases, are incorrect. This is a serious matter.

The demands of the Navy Department for charts for naval vessels draw heavily upon the output of the Coast and Geodetic Survey, and are given first consideration. It is, therefore, obvious that the shortage in charts falls largely upon the owners of vessels engaged in regular commerce.

If the bureau is to keep pace with the demand for charts, it is absolutely necessary that (a) there should be an increase in the office force at Washington, which, although now working overtime, is unable to keep up with the demand, and (b) an increase in the appropriation for the purchase of chart paper and for modern presses to take the place of the antiquated hand presses now used.

If the present staff is compelled to work overtime indefinitely, the better class of the employees will be driven to other branches of the Government service where overtime work is not continually required, or to positions outside the Government service. The bureau would then be in a worse position than it is now, because chart work is of a very technical nature and a new draftsman must have considerable experience before he is able to do it correctly.

Provision should also be made for the employment of a number of additional draftsmen and lithographers to prepare and print the charts promptly.

The charts have to be prepared on a special and very durable kind of paper. The price of the paper has gone up nearly 50 per cent since the commencement of the European war, and the appropriation in the past has been so small that the bureau has been obliged year by year to reduce the supply of "seasoned" paper, and it is now compelled to use practically all "green" paper. It is very essential that the paper should be "seasoned," for if it is used when "green," it is liable to contract or expand and thus make the charts inaccurate, which is a very serious matter.

The present presses upon which this work is done are antiquated and insufficient to meet the present demands. It is necessary, if the charts are to be printed with the necessary rapidity, that money be provided for a new, modern type two-color lithographic printing press to replace some of the hand presses now in use. This would also mean a substantial reduction in the cost of printing the charts, for the cost of printing four charts on a modern type two-color press is the same as the cost of printing one on the present antiquated hand presses.

The ridiculousness of the whole situation with reference to the charts is shown by the fact that the printed charts are sold for the cost of paper and printing.

Certain portions of our coast constitute veritable ocean graveyards because of submerged rocks. The entire coast of Massachusetts, and, in fact, all the New England coast, must be wire-dragged in order to insure the safety of human life and commerce. At the rate at which the department has been able to do this work, owing to the inadequate appropriations provided, it will take many years to complete it, whereas the work ought to be done promptly. The appropriation for the Coast and Geodetic Survey Bureau heretofore has not been sufficient to permit the purchase of launches for wire-drag work and as a result the bureau has been forced to hire launches each summer at a rental out of proportion to the value of the launch. In many cases the entire superstructure has had to be changed in order to adapt it to the needs of the bureau and when the season is over the superstructure must be removed so that the launches may be placed in their former condition, to be returned to the owners—an expensive method of conducting the department.

The importance of this wire-drag work, which, with great accuracy and at a very small cost, discovers all obstructions in the territory dragged, is shown by the fact that recently at a point close to the entrance to the main shipping channel at Boston Harbor a mass of rock was discovered over which there were only 28 feet of water, whereas the old chart gave a depth of 43 feet. One such hidden obstruction in an important channel is likely to cause a loss to shipping and a loss of life greater than the expense of the annual upkeep of the entire bureau. Not more than three weeks before this obstruction was discovered a United States battleship, costing nearly $10,000,000, came into Boston Harbor over this course, where the water was supposed to be over 40 feet deep, and had the good fortune to miss hitting this rock.

At present the bureau has no vessel with which to carry on the survey of the Alaska coast line that is capable of doing work outside of protected waters. Last year the vessel which was in use was condemned by the steamboat inspectors, and had to be abandoned. There is urgent need of an appropriation for a new vessel to replace the one condemned. In Alaska there are about 26,000 miles of coast line, only 3,000 miles of which have been surveyed, and as the only way to reach the ports of that country is by water, it follows that with 23,000 miles of shore line yet to be surveyed, it is very important that the survey work should be pushed.

In the past 15 years the average loss of vessels in Alaskan waters due to lack of charts has been 100 per cent a year more than the amount appropriated by the Government for survey work. The insurance premium on a vessel going to Alaska is very high because of the dangers encountered in using these waters, due to the failure of the Government to chart them. One vessel, costing $500,000, had to pay $100,000 insurance. The coastal waters of Alaska are becoming more and more important to the rest of the country. New England is dependent upon Alaska for about 75 per cent of the halibut which it consumes, and the fishing industry of that country is becoming of greater importance each year.

An amendment to the sundry civil appropriation bill has been introduced by Senator JOHNSON of Maine, which would give the Coast and Geodetic Survey Bureau the necessary appropriations to enable it to properly equip itself to furnish the much-needed nautical charts, to purchase five launches to be used for wire-drag work, and to provide the bureau with a suitable vessel to replace the one formerly engaged in charting the Alaskan coast.

The committee on maritime affairs heartily indorses the petition received from the maritime interests and recommends that the chamber strongly urge our Senators and Representatives in Congress to use their best efforts to have the Johnson amendment or some similar amendment incorporated in the sundry civil appropriation bill.

Respectfully submitted.

JEROME JONES, *Honorary Chairman,*
WILLIAM C. BREWER, *Chairman,*
EDWARD E. BLODGETT,
JOHN G. CROWLEY,
RICHARD R. FREEMAN,
CHARLES H. MAYNARD,
FRANK B. MCQUESTEN,
CHARLES STEWART,
WILFRID O. WHITE.
Committee on Maritime Affairs.

Mr. FITZGERALD. Mr. Chairman, the statement of the gentleman from Georgia [Mr. HOWARD] shows how unsafe it is to rely upon information furnished by the bureau chiefs. I do not claim that I represent as large a maritime port as my colleague on the committee from Georgia, but I do represent a port of very considerable importance in the United States. I am somewhat in touch with the maritime interest in the port of New York, and I have not received a single complaint from any shipping concern as to inability to obtain all of the charts and post pilots and other literature and data to be obtained from this bureau.

The truth of the matter is that the heads of all the Government services——

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Oregon?

Mr. FITZGERALD. Yes; I will yield.

Mr. SINNOTT. I have a statement from the head of that bureau——

Mr. FITZGERALD. The gentleman is speaking of the head of the bureau. I am talking about the men who use the charts——

Mr. SINNOTT. Stating that a vessel left New York and put in a request for 223 charts, and of the 223 charts they could supply only 64, because the others were out of print. Another ship leaving New York——

Mr. FITZGERALD. Why do they not print them?

Mr. SINNOTT. Another ship wished 27 charts, and only 17 were supplied. That is from the head of the bureau.

Mr. FITZGERALD. I will say the gentleman is speaking about information furnished by the head of the bureau. I am speaking about the fact that the maritime interests of the country have communicated with us in no way about this matter.

I know something about bureau chiefs and their requests and demands. I know that this bureau asked $21,000 two years ago for presses. My recollection is the capacity is such that in a week they could have turned out the entire year's output of charts from the bureau, and I was somewhat severely criticized because I was unwilling to supply a plant that in two weeks could do the entire year's work.

It is to be hoped that gentlemen, as they become acquainted with the bureau chiefs and Government officials who are anxious to extend and enlarge the jurisdiction and work of their bureaus, will not be stampeded by information coming from such sources alone. I assume—and it is not a violent assumption—that the Members of the House have some information upon some matters themselves, and in acting in their representative capacity they use that ordinary common sense as Members of Congress that it was necessary for them to use in order to become Members of Congress.

Mr. HOWARD. Will the gentleman from New York yield for just one moment?

Mr. FITZGERALD. Yes; I yield.

Mr. HOWARD. I do not know about the conditions existing in the gentleman's port, but I want to say to the gentleman that here is a petition sent to the Secretary of Commerce by the shipowners and the shippers, constituting about 95 per cent of that class of our citizens from the port of Boston.

Mr. FITZGERALD. I can get them from any port in the United States in the same way.

Mr. HOWARD. Stating the deplorable conditions of their shipping interests on account of their repeated demands upon the Coast and Geodetic Survey for these nautical charts and the inability of this department to furnish them.

Mr. FITZGERALD. I can get petitions from everybody in the shipping business if I go about it in the same way, and those petitions are never sent to me any more, because when they start up that sort of an agitation somebody who does not just know how these things are done makes the mistake of sending me the communication originating in the bureau—sent to him in order to have him write the letter. Now they have adopted the policy of not sending those things to me, because somebody may make the mistake of letting the cat out of the bag.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Why can they not furnish these charts to shipowners when they ask for them?

Mr. FITZGERALD. I do not know. Why do they not print them?

Mr. MANN. That is what I am asking. Why do they not print them?

Mr. FITZGERALD. They say they are out of print. Why do they not print them?

Mr. MANN. They sell them, do they not?

Mr. FITZGERALD. Yes.

Mr. HOWARD. But that money is not reappropriated. They can not use it.

Mr. FITZGERALD. Of course it is not reappropriated. This bureau has been anxious to have a permanent indefinite appropriation of all the receipts that it obtains from the sale of these charts, but it has not succeeded in obtaining that legislation, and is not likely to obtain it.

Mr. MANN. I hope not, but why do they not print them?

Mr. HOWARD. Because they have not the force or facilities to do it.

Mr. MANN. It does not take much force to print them.

Mr. FITZGERALD. The gentleman's proposed amendment is merely to promote one man.

Mr. HOWARD. No; it is to give them an additional employee.

Mr. FITZGERALD. To promote one man in the bureau by giving him $100 more than he is now receiving.

Mr. HOWARD. I beg the gentleman's pardon.

Mr. FITZGERALD. I know, because I have investigated it, and I make the point of order.

Mr. MONDELL. Will the gentleman withhold his point of order?

Mr. FITZGERALD. I do not want to get into a general discussion of this matter.

Mr. MONDELL. This is a rather important matter, and I should like to discuss it briefly.

Mr. FITZGERALD. Oh, I hope we can defer it to some other time. If we start a discussion of this matter here, it is going to take up a lot of time uselessly.

Mr. MONDELL. I do not think it takes up time uselessly to discuss a matter that is entitled to discussion.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. FITZGERALD. Wait until I find out if it is going to take a whole lot of time. If it is, I shall insist on the point of order. Is there a general desire to be heard?

Mr. McARTHUR. I desire to be heard.

Mr. FITZGERALD. This is on an amendment to increase a salary $100. I shall have to insist on the point of order.

Mr. HOWARD. I should like to be heard on the point of order.

Mr. FITZGERALD. I insist on the point of order.

The CHAIRMAN. The gentleman from Georgia desires to be heard on the point of order.

Mr. HOWARD. I insist that this amendment is simply to provide an increase in the working force, one man additional in the bureau, that the number of employees is not fixed by the statute, and that this House under the law has a right to add a hundred employees, if it wants to do so, to meet the necessities of this particular bureau; that there is no fixed employment except as carried from year to year in the current appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair has sustained the point of order. The gentleman knows it is subject to a point of order.

Mr. MONDELL. The gentleman knows nothing of the sort. In my opinion it is not subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order. The clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAKER having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The message also announced that the President had approved and signed bills and joint resolution of the following titles:

On June 21, 1916:

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals.

On June 22, 1916:

S. J. Res. 47. Joint resolution authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes;

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.;

S. 142. An act for the relief of Mrs. George A. Miller;

S. 1326. An act for the relief of Vilhelm Torkildsen;

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve;

S. 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907;

S. 4550. An act granting to the Portland, Vancouver, & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.;

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel;*

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank;

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.;

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia; and

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across Pascagoula River at or near Pascagoula, Miss.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Astronomical, geodetic, tidal, and miscellaneous computers: One $2,500, 2 at $2,200 each, 2 at $2,100 each, 2 at $2,000 each, 3 at $1,800 each, 3 at $1,600 each, 4 at $1,400 each, five at $1,200.

Mr. HUMPHREY of Washington. Mr. Chairman, I understand that the gentleman from Georgia is going to offer these different amendments, and I am glad that he is, as he is a member of the committee. I want to refer to some of the statements that were made a few moments ago by the gentleman from New York, the chairman of the committee [Mr. FITZGERALD]. I do not know why these charts are not furnished. I know what the department says is the reason—and I have reason to believe—that they are not furnished. I call the attention of the gentleman from New York to this fact, that in a paper I received from Seattle this morning the statement is made that there are vessels now being held in the harbor because they can not get the charts that are required before sailing. That did not come from the department, and that was not inspired by any letter, so far as I know.

There is another matter that I presume the gentleman from Georgia will offer an amendment to correct; and while I am on my feet I want to call attention to it for a moment, because the gentleman from New York [Mr. FITZGERALD] referred to it.

The department says that the vessel *Bear* that was wrecked a few days ago on the Pacific coast in all probability was wrecked because of the fact that she did not have proper charts showing the currents and where that rock was located. I do not know whether that is true or not, but the department makes this statement, that if they could have an additional appropriation of $6,000 they could prepare charts that would tend to prevent some of these wrecks that have occurred on the Pacific coast. Take the case of the *Valencia*, that was wrecked out at the entrance of Juan de Fuca, when 115 lives were lost, one of the greatest tragedies that ever occurred on that ocean. The head of the department informs me that it was due to the fact that they did not have proper charts showing the currents in those waters, and that all that would be necessary to enable them to proceed with that work would be an addition of $6,000. If these statements are true, if it is a fact that these wrecks are occurring because Congress refuses to appropriate the small sum of $6,000, it is an outrage that words can not describe. I would like to have some information from the chairman of this committee, to know whether those statements are true or not. If what the department says is true, is it possible that we shall refuse to appropriate the small sum of six or seven thousand dollars, which may prevent these terrible wrecks?

Mr. FITZGERALD. Oh, those statements are very much exaggerated. Last year we gave them six assistants, and we have increased the appropriation. We did not give them all they asked for, and nobody with the slightest modicum of sense would have done it on the statement made before the committee. It was a most absurd and ridiculous statement. The statements are exaggerated. Somebody imagines that if their peculiar views were suddenly adopted and put into effect the millennium would arrive; but it will not.

Mr. HUMPHREY of Washington. Now, if the gentleman will let me have some of my time.

Mr. FITZGERALD. The gentleman asked me for information, and I am doing my best. I did not wish myself into the controversy. The gentleman stands there insisting that I shall give him information, and if he does not want it he should not ask for it. He ought not to stand there thundering at me when I am enlightening him——

Mr. HUMPHREY of Washington. Will the gentleman yield? [Laughter.]

Mr. FITZGERALD. I think my time has expired. [Laughter.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Washington asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. The gentleman says he is doing his best, but I am not satisfied with his best. I would like a little more specific information—and the gentleman can give it in his own time—as to whether or not this particular statement in regard to these charts is true, the specific statement being made to me by the head of the department that they do not have sufficient sums to continue the printing of the charts.

Mr. FITZGERALD. Whom does the gentleman mean when he says the "head of the department"?

Mr. HUMPHREY of Washington. Dr. E. Lester Jones.

Mr. FITZGERALD. The gentleman from Washington disturbs me, because I have heard him repudiate as unreliable statements relating to the Department of Commerce. I am surprised that he should allow the department to persuade him by any statements it can make that the situation is so serious as to cause the excitement that he displays to-day.

Mr. HUMPHREY of Washington. Oh, well, the things that I complain about in the Department of Commerce I am not talking about here. I am not taking their opinion on matters political, for I do not think that is their business. I do not think it is the business of the Department of Commerce to regulate the politics of the country. I may disagree with them on political matters.

Mr. SINNOTT. Will the gentleman yield?

Mr. HUMPHREY of Washington. In just a moment. I have never raised any question about the accuracy of information furnished by the Department of Commerce except politically. I am trying to find out something from the gentleman from New York, whether he thinks it is correct. The information I have is—and this is the specific information that comes to me—that Congress refuses to appropriate $6,000, and they do not have sufficient force in the Coast and Geodetic Survey to make these maps, and that if these ships had had these maps it would have prevented these wrecks. I say, if this is true, Congress is guilty of an inexcusable outrage if we refuse to make an appropriation for the amount that will furnish these maps that will give safety to the ships on the Pacific coast.

Mr. FITZGERALD. The appropriation for 1913 for field expenses for survey and resurvey on the Atlantic coast has been $65,000. This bill carries $90,000. For the surveys and necessary resurveys on the Pacific Ocean from 1913 until the end of 1915 the appropriation was $165,000. For the current year we give them $200,000, and this bill carries $225,000. This is in addition to some other small increases. We have dealt very liberally with them. We have not given them every dollar that they asked for, but we have given them increases of nearly 40 per cent in their field force and reasonable increases in their office force. I do not know what the particular $6,000 that the gentleman speaks of is for, but the committee endeavors to give them the money that will make the wire drag possible and utilize the vessels as long as they can. We did not give them the money to keep them going when they are to be out of commission. I think they have no cause for complaint of the provision that is made for them in this bill.

Mr. HUMPHREY of Washington. What I am trying to do is to get some information.

Mr. SINNOTT. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. SINNOTT. Some criticism was made a moment ago on account of information coming from Dr. Jones, the head of the bureau. On page 1153 of the hearings you will find that Secretary Redfield stated that they now have an order for a thousand charts that is unfilled, and that the demand for charts has

increased in the last year from 207,000 to 364,000, or nearly 50 per cent.

Mr. HUMPHREY of Washington. Now, Mr. Chairman, I just want to say this much for Dr. Jones. I have known him ever since he has been in the department. He has been on the Pacific coast several times, and I know he has taken great interest in this work. I believe he is absolutely sincere in what he says. I am satisfied that he is not attempting to deceive anyone, and I am trying to find out the facts. Now, I will go back to the specific problem again. The statement I got from the department is—and they furnished the statement at my request; I asked Dr. Jones to give me all the information he could—and his specific statement is that they do not have sufficient maps showing these currents on the Pacific coast, and that the lack of having these maps has caused these wrecks.

I asked him about the *Valencia*, which was one of the most pathetic occurrences that ever happened upon the Pacific Ocean, and he said that was probably due to the fact that the captain of that vessel did not know these currents, and I asked him whether or not that could be remedied. He said it probably could have been, that this was one of the branches of work that they were pursuing. I asked him what was the trouble, and he said, "We do not have a sufficient amount of money to continue that work as it ought to be continued." I then inquired of him how much he needed, and he said a little over $6,000. I asked him again, to be specific, "If you are given that appropriation to do that work, can you furnish these charts showing these currents that will tend to prevent these wrecks," and he said it could be done, and it was his judgment that if they had had proper maps on the *Valencia* and on the *Bear*, those two wrecks would not have occurred. If that information is true, certainly there is no man in this House who wants to withhold that appropriation, and that is the particular item I am trying to bring to the attention of the committee at this time.

Mr. BENNET. Mr. Chairman, I desire to be recognized in opposition to the amendment offered by the gentleman from Washington [Mr. HUMPHREY]. In common with my colleague from New York [Mr. FITZGERALD], I can say that the maritime interests of that port have not addressed to me one single communication in relation to this alleged dearth of charts. I do not want the statement of the gentleman from Georgia [Mr. HOWARD] to go out uncontradicted as to the situation in relation to charts. When a man starts out with a new ship he gets a set of charts. Every week or so he gets from some one of the departments, not necessarily from the Coast and Geodetic Survey, information as to changes in conditions, and if he is a careful mariner, as most of them are, he makes a notation on his chart of the changes. The gentleman from Washington [Mr. HUMPHREY] says that if they had more money they could do more to investigate currents. Of course, that is so; and the House ought to realize that 200 years after we are all dead the Coast and Geodetic Survey, or its successor, will be investigating the currents on the different coasts of the United States.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HUMPHREY of Washington. I just want to suggest that a good many have already died because they have not been investigated.

Mr. BENNET. I am coming to that. It is very easy to say that if they had $6,000 they would have found out a particular change in a current. That may or may not be so. We have thousands of coast lines, and it is absolutely ridiculous to assume that if they had had this particular small sum they would have investigated that particular current off the western coast, and if they had done that they would have found it.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. NOLAN. Does the gentleman from New York think the average master mariner is competent to mark a chart where a mistake of one one-hundredth of an inch would throw his vessel off its course 50 miles?

Mr. BENNET. If the average master mariner can not make that indication on his chart, then he is not competent to proceed by chart where such a slight deviation would bring on a catastrophe, and he ought not, under the laws of the United States, to be in charge of a vessel of that class in waters such as the Pacific Ocean, with a license to navigate all oceans.

Mr. NOLAN. I would suggest to the gentleman that if he would investigate he would find that there is not one man in a hundred who is master of a ship who is competent to make the necessary changes on these charts that are so fine and minute, to keep himself right in navigating.

Mr. BENNET. Mr. Chairman, possibly the gentleman and I are not experts, but I take the liberty of disagreeing with him as to that. And now as to these surveys: The port of New York is the largest and most populous port, from a seafaring standpoint, that there is in the United States, and ships have been going in and out of it for nearly 300 years, and yet it is only about 10 years since, off Pier No. 1, which is down off the Battery, where Fort Amsterdam was, they discovered what is known as a pinnacle rock, and they found that in the ordinary way—by a ship hitting it. These pinnacle rocks are all over our thousands of miles of coasts. It would take untold millions of dollars, hundreds of thousands of men, and ships that it would take years to construct to begin to make the thorough kind of survey that will disclose every rock. They have to take a wire rope, with two ships, and absolutely drag the bottom of the ocean in order to find the existence of all these pinnacle rocks. In relation to sand bars and things of that sort, which will wreck a ship as thoroughly as a pinnacle rock, not only do they have to do that in the beginning, but they have to keep it up all of the while. Respecting this particular $6,000, I want to call the attention of the House to the fact that this item has nothing in the world to do with that. This is an item in relation to astronomical, geodetic, tidal, and miscellaneous computers, and it just means giving a man a job. I am not opposed to giving a man a job ordinarily, and if there were reasons shown I would be inclined to vote for it.

Mr. HOWARD. Does the gentleman recall that only a few months ago in the harbor of New York there was an uncharted shoal discovered by some navigator in an accident there, and it was referred to the other day by the gentleman from Pennsylvania [Mr. MOORE] in his speech—that that actually occurred in the harbor of New York?

Mr. BENNET. Of course, an uncharted shoal would not appear on a chart. That will be apparent even to my friend from Georgia.

Mr. HOWARD. A rock, or whatever it was.

Mr. BENNET. Or a rock either.

Mr. HOWARD. Some obstruction. It was a pinnacle rock, I am informed, that was uncharted.

Mr. BENNET. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending paragraph close in two minutes.

Mr. MONDELL. Mr. Chairman, I want to have 10 minutes, if I can have it.

Mr. McARTHUR. And I want to have 5.

Mr. FITZGERALD. I will make it 17 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York that all debate on the pending paragraph close in 17 minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from New York is recognized for two minutes.

Mr. BENNET. Mr. Chairman, I just want to say to the gentleman that, of course, ships will run on pinnacle rocks and will be doing that a hundred years from now.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BENNET. In one second—and that within the bounds of any reasonable appropriation and with all the experts that we could hire we could not so chart our coasts as to prevent that.

Mr. HOWARD. When a ship does find one of the pinnacle rocks does not the gentleman think it ought to be charted to keep other ships from running upon it?

Mr. BENNET. Mr. Chairman, within two hours after any ship strikes any pinnacle rock that is known here in Washington, and within 24 hours after that the news of that new obstruction to navigation is sent to every part of the United States.

Mr. JOHNSON of Washington. Except the Pacific coast.

Mr. BENNET. Yes; the Pacific coast and the Atlantic coast and everywhere else, and a careful mariner makes notation that there is a new obstruction to navigation ascertained.

Mr. HAWLEY. Will the gentleman yield?

Mr. BENNET. I do.

Mr. HAWLEY. Until examination has been made and scientific ascertainment of the exact location, what advantage is it to him to know that there is a danger to navigation somewhere in certain waters?

Mr. BENNET. As I say, the news is sent out within 24 hours, and also the department puts a buoy over that particular obstruction——

Mr. HAWLEY. Not unless they have the money to go and by scientific means establish where the obstruction is.

Mr. BENNET. Well, but this particular item would not give them one additional dollar to do that, and we are taking up all this time to give a good deal of misinformation to the country—not now alluding to my own speech—in a way that will not be at all helpful.

Mr. McARTHUR. Will the gentleman yield?

Mr. BENNET. I will.

Mr. McARTHUR. The gentleman made a statement a few moments ago that this work of wire dragging took a great many years and untold millions of dollars and 100,000 men. Does the gentleman base that statement upon any accurate scientific knowledge he has or experience?

Mr. BENNET. I base it upon the fact that they have been doing the most modern things possible in the harbor of New York for 250 years and are still occasionally finding pinnacle rocks even there.

Mr. MONDELL. Mr. Chairman, I can add my testimony to that given by the two gentlemen from New York to the effect that none of my seafaring constituents have made any complaint in regard to the failure to print and get out these charts. The information I have does come from the bureau, and it comes from the bureau because the bureau is informed and because it is the business of the bureau to inform the Congress.

I do not live on the seacoast and therefore I do not claim to have the knowledge of these deep-sea affairs that gentlemen living on the coast should have, but when the gentleman from New York [Mr. BENNET] says that wire-drag work must be continued indefinitely for all time and cost untold millions I must submit that the gentleman is speaking at least without careful thought. If there is any one thing in connection with the work of the Geodetic and Coast Survey that when once done is completed for all time it is wire dragging, and it is the wire dragging that develops the pinnacle rocks. The wire drag is dropped to where the depth of water allows the deepest seagoing vessels and it finds every pinnacle to that depth. Pinnacle rocks do not grow, as far as I am informed, and therefore unless some time in the future we will have vessels deeper than 45 feet draft we shall not find any pinnacle rocks after a certain area has been once wire dragged.

Now, with regard to the item relative to which I say with all respect to the Chair he erroneously ruled on the point of order directed to the appropriation offered by the gentleman from Georgia, the survey asked for four new men and they made it as plain as a pikestaff that if they did not need four new men at least they did need two for the preparation of these charts.

We gave them one. We gave them a copyist draftsman, at $1,000. If that amendment is subject to a point of order, then the whole paragraph is subject to the point of order, and therefore any amendment to it, the point of order not having been raised, that was germane to it could be properly made. We gave them one copyist draftsman, the lowest-priced man, a clerk who is put in the office to learn the business. There is no question with regard to the condition of affairs. We have been increasing the appropriations for the Coast and Geodetic Survey, both for coast and geodetic work on the seas and the coasts and inland, for a number of years, during which time we have not increased the office force. They have been doing a largely increased amount of work in the field and on the seas, and we have not increased the draftsmen necessary to prepare the maps and keep up with the increased work. It developed in the hearing before the committee that many surveys have been made the maps of which were not given to maritime men, vessel owners, and vessel masters for a year and more than a year after the surveys had been made. That is true to a lesser extent with regard to the inland work of the survey. They have not had force enough in the office to keep the maps up with their field work. It is not so important that the maps and plats of that kind of work be current as it is that the maps and plats of the work at sea should be current.

I am not sure that the wrecks on the Alaskan coast, to which the gentleman from Washington [Mr. HUMPHREY] has referred, would have been avoided if we had more maps and more plats. I am rather inclined to think those wrecks were more due to failure to study currents and give information in regard to them. It may, for all I know, have been partly due to taking a chance on a dangerous coast.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. In a moment. It is, however, certain that a considerable part of the work they have been doing in the matter of surveys has not been charted for a long time after it was performed.

Now, the gentleman from Illinois asks why these people were not given maps, why their requests for maps were not filled. One of the difficulties with this bureau is that we have not increased the printing force, and the printing force has been working overtime; but in spite of that fact, they have not been able to keep up with their map work. Now I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Is it not a fact that the surveys in Alaska, in the Philippines, in Porto Rico, and other of our possessions have drawn heavily upon the regular work of that office?

Mr. MONDELL. Well, they have not drawn heavily to the detriment of the work on the Atlantic coast, where the gentleman is interested. I think they have been carrying on the Atlantic coast work perhaps as rapidly as they would have carried it on otherwise.

Mr. MOORE of Pennsylvania. My interest here is general. I would like to see every coast protected.

Mr. MONDELL. They have been doing some work in the Philippines and have done something in Alaskan waters, but not as much as they should have done.

Mr. MOORE of Pennsylvania. If the gentleman pleases, does he know anything about the ability of the Coast and Geodetic Survey to hold its men on the vessels in view of the wages paid in other branches of the service?

Mr. MONDELL. They have great difficulty in holding their men because those men belong to one of the classes to which reference has been made here, who are not receiving as good pay as men in private service doing the same kind of work.

Mr. HAWLEY. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. HAWLEY. Has not the demand on the part of the Navy for these charts greatly increased in the past year?

Mr. MONDELL. It undoubtedly has, owing to the disturbed condition of affairs. The Navy has called on the service for an unusual number.

Mr. HAWLEY. And the Navy must be served with the charts before private concerns can be served?

Mr. MONDELL. Certainly.

Mr. HAWLEY. One further question: Are not the presses used by the survey old-fashioned and slow-operating hand presses?

Mr. MONDELL. That is largely true. I think they have one power press.

Mr. HAWLEY. That is not the press on which these charts are printed?

Mr. MONDELL. There is a press made that is much better than the one we are using—is more economical. It should be put in and it will be put in as soon as the Treasury is in condition under Republican administration to put it in. Nevertheless, the maps published by the Coast and Geodetic Survey are deemed by everybody to be the best of the kind in the world.

Mr. HAWLEY. Are there any charts printed on other than hand presses?

Mr. MONDELL. I am not certain. I think so.

Mr. OLNEY. Mr. Chairman, I am entirely in sympathy with the efforts of the gentleman from Georgia to increase the efficiency of the Department of Commerce, and I trust that the appropriations will be so increased that we will have all the coast charts which we will really need, as well as five or six of the wire-drag launches. The gentleman from Georgia referred to a letter from the Boston Chamber of Commerce, and I will read to the House that portion of it which refers to the coast charts and the wire-drag work:

> The directors have unanimously voted to urge the Senators and Congressmen from the coast districts of New England to favor amendments to the sundry civil appropriation bill providing additional funds to enable the Coast and Geodetic Survey to produce charts in the number and with the rapidity necessary to meet the demands for them, and also enough additional funds to enable the bureau to purchase five launches for wire-drag work and to secure the building of a new vessel to carry on the survey of the Alaskan coast in place of the one which was condemned and abandoned last year.

I wish to call to the attention of the House the work which the wire-drag launches have done on the coast of Massachusetts. As we all know, this system of finding pinnacle and other rocks did not come into vogue until about 10 years ago. The old system of sounding was used. With that system the lead would go off a pinnacle rock on a tangent, and the wire drag was found more efficacious for finding these pinnacle rocks than that system. I know that off the coast of Scituate in the last 15 months a pinnacle rock was found about 15 feet below the surface of the sea. Hovering about that rock at that time were two or three battleships that were maneuvering and were drawing about 33 feet, and if one of those battleships had struck that pinnacle rock it would have been instantly wrecked. And then, too, off the coast of Alaska within a year they found 7 feet below the surface of

the sea, by a wire-drag launch, a pinnacle rock 750 feet tall, with a diameter of about 200 feet, which is 200 feet taller than the Washington Monument, where, if a revenue cutter or other boat had come in contact with it, either would have been wrecked I can not begin to tell you what good work the wire-drag launches are doing on the New England coast.

Mr. MOORE of Pennsylvania. Is the gentleman familiar with the discoveries around about Buzzards Bay, which are increased in importance by reason of the Cape Cod Canal. As late as 1914 the wire drag found not less than 50 shoals at the entrance of Buzzards Bay, which is now come into maritime importance by reason of the opening of the said canal, and naval vessels in particular are now used inside of this course.

Mr. OLNEY. Yes. Now, it may be of interest to note that the wire-drag launches drag a buoy about 200 feet to the stern of the launch. And it acts just like a bobber acts when a young chap gets a fish on it. When the drag strikes an obstacle like a pinnacle rock or other rock this will bob up and down and indicate at once to the officers of the launch that a danger spot exists there.

Mr. BORLAND. I wish to say to the gentleman that the committee has listened in sympathy to the request for an increase for wire-drag service, and the committee gives them an increase in this bill. The item we are on now is not the item at all.

The CHAIRMAN. All time has expired.

The clerk read as follows:

Electrotypers, photographers, lithographers, plate printers and their helpers, engineer, and other skilled laborers: One $2,000, one $1,800, one $1,700, one $1,600, one $1,400, eight at $1,200 each, two at $1,000 each, two at $900 each, five at $700 each.

Mr. HUMPHREY of Washington. Mr. Chairman, I wish to offer amendments to that paragraph, and I ask unanimous consent to offer them all at one time. In line 22 increase the sum "$2,000" to "$2,500," and strike out "one" and make it "two at $1,800," and strike out "one" and make it "two at $1,600," and increase to "five," in line 24, and the amount from "$700 each" to "$800 each."

The CHAIRMAN. The clerk will report the first amendment.

The Clerk read as follows:

Line 22 strike out "$2,000" and insert "$2,500."
Strike out "one" where it occurs the second time and insert "two."

The CHAIRMAN. The question is on agreeing to the first amendment.

Mr. FITZGERALD. The gentleman is asking unanimous consent to offer them all. I am going to reserve a point of order against the amendment.

The CHAIRMAN. The Chair thinks they had better be made one at a time.

Mr. FITZGERALD. The gentleman asked unanimous consent to offer them all at once. And I ask that they be reported so that we can know what they are.

Mr. MANN. He has a right to offer them as one amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HUMPHREY of Washington:
"On page 153, under the heading 'Electrotypers, photographers, lithographers, plate printers and their helpers, engineer, and other skilled laborers':
"Line 22, insert 'one $2,200,' in lieu of 'one $2,000.'
"Insert 'two $2,000 each' in lieu of 'one $1,600.'
"Insert 'two $1,800' in lieu of '$1,600.'
"Insert 'two at $1,600 each.'"

Mr. FITZGERALD. Mr. Chairman, I make a point of order against it.

Mr. HUMPHREY of Washington. Will the gentleman reserve his point of order a moment?

Mr. FITZGERALD. I think not.

Mr. HUMPHREY of Washington. I think the gentleman had better reserve it for a minute or two.

Mr. FITZGERALD. I make it, Mr. Chairman.

Mr. HUMPHREY of Washington. I hope the gentleman will reserve it for a minute or two.

Mr. FITZGERALD. I will reserve it for five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman and gentlemen, I am not going to take up more than a few minutes of time. I will not take up the five minutes, even if the gentleman from New York would permit it. But I want to call your attention to a fact, and that is the statement of Dr. Jones that these increases are necessary in order to secure the maps that we have had so much talk about.

Now, the gentleman from New York, Mr. BENNET, and the other gentleman from New York, Mr. FITZGERALD, state that they have not had any complaints from their shipping people in regard to the shortage of maps or about these difficulties that have been generally complained of. I called attention a moment ago to the fact that a newspaper I received from Seattle this morning contained an item about vessels being held up because they are unable to secure charts. Every commercial organization in my city and other organizations interested in shipping have either wired or written to me about this matter, so that if it is a question of complaints it shows that the people on the Pacific think there is some difficulty, whatever may be the situation in New York.

I think these increases ought to be made. The amount is small, considering the value that would come if these statements are correct, and I have every reason to believe that Dr. Jones's statements are true. I know he is trying to do the right thing, and I am sure he knows what he is talking about.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

Mr. HUMPHREY of Washington. Yes.

Mr. BORLAND. I want to call the attention of the gentleman to the fact that in this particular case the estimates sent in by the department was largely a matter of promotion and increases of salary, without any corresponding increase in the force. There was a slight increase in force asked for, but in almost all the cases referred to by the gentleman they are purely increases of salary for a certain number of men; increases which may be desirable, but which are not as intimately connected with the matter of increase of work as the gentleman would have us believe.

Mr. MOORE of Pennsylvania. Is not that a matter that is desirable, to have a well-paid and adequate force, just as in the case of the men on the ships?

Mr. BORLAND. That is true; but these are principally $2,000 and $2,500 men who are to be increased. In most of the other cases requests are made to increase the low-salaried people.

Mr. HUMPHREY of Washington. I did not yield to the gentleman from Missouri to take up all my time. There are two or three increases of salary asked for; that is true; but in two instances, at least, double the number of men are asked for.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MOORE of Pennsylvania. Is it not absolutely necessary to keep on charting, since channels and shoals change, and it is absolutely necessary to renew the work from year to year?

Mr. HUMPHREY of Washington. Yes. And there has been an increased demand on account of the increased activity of the Navy and on account of the increased activity of shipping brought on by the war. Dr. Jones states, and we know his statement is correct, that he is having a great deal of difficulty in retaining some of the very best men he has in the office.

Mr. MOORE of Pennsylvania. He has about 10,000 miles of coast to cover.

Mr. HUMPHREY of Washington. Yes; and it does seem to me that, as a question of a few dollars, this policy is inexcusable when you consider the tremendous importance of the subject and how much a few dollars may mean. But I suppose I can not keep the gentleman from New York [Mr. FITZGERALD] from making the point of order if he insists on making it.

Mr. MANN. Mr. Chairman, I confess I can not understand why there should be so much trouble about getting these charts. I suppose the vessels in the service have charts pertaining to the course over which they have been. Most of them are engaged in going over the same course.

I apprehend that these gentlemen who have stated that there was a great demand for charts heretofore printed, which demand could not be fulfilled, have not quite understood the situation. Some foolish person may have desired to purchase a chart which is out of date, and they have not been able to furnish it to him, like some foolish Members of Congress at times ask for an old farmers' bulletin which has been superseded by a new bulletin on the subject, and they are told that it is out of print.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will when I finish this statement. I did not interrupt the gentleman, by the way.

Mr. HUMPHREY of Washington. No; and if the gentleman had I would have been glad to yield.

Mr. MANN. I do not know whether the gentleman would or not. He frequently declines. But I will yield in a minute. I suspect that the gentleman from Washington will complain soon that he can not get Farmers' Bulletin No. 47, which was out of date years ago, 247 having been issued in its place. I do not know whether those numbers are correct or not.

Mr. HAWLEY. They are not.

Mr. MANN. I yield to the gentleman from Washington now.

Mr. HUMPHREY of Washington. I want to tell the gentleman of the information that I had. Dr. Jones informed me

that the demands he had were for maps that were the most valuable and the most generally used.

Mr. MANN. Well, up to date I have not reached the gentleman from Washington except in my last remark. I was referring to the statements of various gentlemen on the floor, that ship captains and owners who had asked for large numbers of maps, two or three hundred in number, had not been able to get them all, because there were no copies on hand; and the reason why there are no copies on hand is they have quit printing them; they are out of date; they have been superseded.

Now, of course, the Coast and Geodetic Survey performs a very useful function. It has been in the service for over 80 years, if I recall correctly.

Mr. MOORE of Pennsylvania. It has just celebrated its one hundredth anniversary.

Mr. MANN. I know. I attended its one hundredth anniversary, but I think that really went back before it was in the service. But it will be in the service of the Government a hundred years or a thousand years hence, and still will be discovering many things. And yet my friend from Washington thought that if they had $6,000 more last year they would have discovered something that they knew nothing about before, and that information came from the superintendent of the service. How could the superintendent of the service last year have told that he would discover something then unknown to him if he had had $6,000 more, when he will be discovering new things as long as he is in the service, and the service will long after he and his grandchildren are planted under the ground?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. The Committee on Appropriations have recommended, and this bill carries, an increase for this service of a very large amount, for the general work I believe nearly $100,000. I wish that this Department of Commerce would feel some responsibility for economy in the public service. In these times, when we are compelled to expend large sums of money for unusual things, the Department of Commerce in every branch of it is insisting upon greatly increased appropriations for the ordinary things. If you should give this Coast and Geodetic Survey $400,000 or $500,000, or $400,000,000 or $500,000,000, they would not complete the survey next year. There would still be work to be done. You can not finish it all next year, nor in the next decade. This is a time when we ought to be economical in ordinary things; and if there is any branch of the public service that has no idea whatever of economy, it is the Department of Commerce. In the Coast and Geodetic Survey, in the Lighthouse Service, in all of the services in that department, which are for ordinary expenses, they are complaining that they want more money. I hold in my hand the annual report of the very able and distinguished Secretary of Commerce, formerly a Member of this House, for whom I have a high personal regard. I have read his long report of 229 pages "from kiver to kiver." A large share of it consists in abuse of Congress. He seems to consider that his proper duty is to scold Congress. That is not the duty of an executive officer of the Government. The fact that he was formerly a Member of the House is no reason why he is at liberty to scold Congress constantly. We make the appropriations in the light of the information that is furnished, and when we make them it is the duty of these executive officers to go ahead and spend the money as best they can, taking what they are given, instead of occupying their time in scolding Congress because it does not do something different. If they will perform the functions of their offices better and do less scolding, the Government will be greatly served. [Applause.]

The CHAIRMAN. Does the gentleman from New York insist on the point of order?

Mr. FITZGERALD. I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Office expenses: For purchase of new instruments, including their exchange, materials and supplies required in the instrument shop, carpenter shop, and drawing division, books, scientific and technical books, journals, books of reference, maps, charts, and subscriptions; copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; photolithographing charts and printing from stone and copper for immediate use; stationery for office and field parties; transportation of instruments and supplies when not charged to party expenses; office wagon and horses or automobile truck; heating, lighting, and power; telephones, including operation of switchboard; telegrams, ice, and washing; office furniture; repairs, traveling expenses of assistants and others employed in the office sent on special duty in the service of the office; miscellaneous expenses, contingencies of all kinds, and not exceeding $3,400 for extra labor, $50,000.

Mr. HAWLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 154, line 22, strike out "$50,000" and insert "$66,000."

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment is to enable the service to secure a supply of paper for the printing of these charts. No other concern in the country prints these charts, and consequently the paper is not kept in stock by manufacturers. It must be specially made at the order of the department. When first made the paper, being thick and heavy, contains considerable moisture. After a time it seasons, and in the seasoning contracts. If the charts are printed on the paper when it is fresh, the seasoning of the paper distorts the charts, so that mariners using them will be out of their courses, although following strictly what should be their courses as laid down in the chart. The paper that has been in stock for years and which was seasoned is practically exhausted. It should be kept for a considerable time in the storehouse to dry naturally. It can not be kiln-dried satisfactorily. The purpose of this addition of $16,000 to the total amount in the paragraph is to enable them to restock with this paper in sufficient quantity to meet the demands of the years immediately coming, with seasoned paper, and an increased quantity is needed because of the materially increased demand for charts from the Navy and commercial vessels.

Mr. STAFFORD. Will the gentleman yield? Can the gentleman inform the committee for what number of years the bureau will be stocked with paper if this amendment is carried?

Mr. HAWLEY. It will not stock the bureau for more than two years, according to the estimates submitted as to the amount used each year, but it will enable them to have on hand some duly seasoned paper for printing these charts. The price of this paper has materially increased since the beginning of the European war.

These three things make necessary this increase in the appropriation: First, the increased demand of many thousands of charts per year; second, the increase of the price of paper; and, third, the need of holding a large supply in stock in order that it may become well seasoned prior to being used.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. To show the enthusiasm of these gentlemen, they now propose amendments far in excess of the estimates submitted by this department. As the gentleman from Illinois [Mr. MANN] pointed out, the estimates for this service for the next fiscal year were about $700,000 in excess of the appropriation for the current year, eliminating from the current year's appropriation $289,000 for new vessels. The committee recommended appropriations of $115,000 in excess of the current year, an increase of about 11 per cent in the appropriation. If we made the same total increase of appropriations for all the departments of the Government, it would take $120,000,000 additional over the ordinary expenses of the Government. There is no necessity for this storing up of paper in advance, and I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: On page 154, after line 22, insert:

"One vessel for the Coast and Geodetic Survey, including equipment, $320,000; five launches for the Coast and Geodetic Survey, including equipment, $75,000."

Mr. FITZGERALD. I make the point of order that these vessels are not authorized by law. We gave them a new vessel last year.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUMPHREY of Washington. I move to strike out the last word. The information I have is that the only Coast and Geodetic Survey vessel, the old *Gedney*, some 41 years old, has been sold, and, according to the statement of the department, they have no vessel to take its place, and that work out on the Pacific coast will end.

Mr. MANN. May I ask the gentleman from Washington a question?

Mr. HUMPHREY of Washington. Yes.

Mr. MANN. Does the gentleman know that they are constructing two new vesels under the appropriation we made for the current fiscal year?

Mr. HUMPHREY of Washington. I understand that they are; but the statement I have received is that they have no vessel to take the place of the *Gedney*.

Mr. MANN. If this amendment went in, before the money could be utilized the two vessels authorized last year would be constructed.

Mr. HUMPHREY of Washington. They want an additional one. I will ask the gentleman from New York, Is it true that there is no vessel provided to take the place of the old *Gedney*, which they had in the Coast and Geodetic Survey, which was sold?

Mr. FITZGERALD. Two new vessels were provided last year, and the appropriation for that purpose was $289,000. This year they wanted $508,000 for two new vessels to take the place of the *Patterson* and the *Gedney*, which we thought we could not recommend at this time.

Mr. HUMPHREY of Washington. Mr. Chairman, another thing they complain about is that they have no launches to use in wire dragging, that they have to hire launches, and can only hire them during the fishing season, when there is a great demand for them, and it costs a great deal more to hire them than it would to buy them. If that is true, it seems to me that the launches ought to be provided, because wire-dragging work is going to be necessary for many years, and, it seems to me, it would be economy to keep small launches for that work rather than to hire launches every season.

The gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD] both lectured me and other gentlemen on the ground of economy.

Mr. FITZGERALD. I did not lecture the gentleman; he ought not to identify me with that assertion.

Mr. HUMPHREY of Washington. I heard a great deal said about the practice of economy. I am in favor of practicing economy, but not where human life is involved, and in this particular instance, where we want a survey of the Alaskan waters, it does involve human life. My good friend, the gentleman from New York [Mr. BENNET], was talking about the way they mark those rocks. I can tell him how they mark the rocks in Alaskan waters: They mark them with vessels wrecked on them. You go up there to-day and you will see rocks marked in that way by wrecks. The last trip I made I noticed two vessels which marked rocks, and that was not the only mark there was on them.

Mr. BENNET. Is it not a fact that unquestionably the whole coast of the Atlantic and the Pacific would have to be dragged and redragged in order to be sure that there were no pinnacles of rock?

Mr. HUMPHREY of Washington. The gentleman from New York is entirely wrong about wire drags, and evidently does not understand the operation. If you drag a channel you locate every pinnacle of rock there is in the channel, and that is finished—that is ended.

Mr. MONDELL. The gentleman is aware of the fact that none of the sandy portions of the coast require wire dragging.

Mr. HUMPHREY of Washington. Certainly not.

Mr. BENNET. But the whole coast of Massachusetts would require it.

Mr. HUMPHREY of Washington. What we want, as far as the Alaskan coast is concerned, is to drag the main channels. It is not a long job and it is not an expensive job. They do not provide a proper equipment for that purpose; if they did, it could be finished in a short time. But suppose it would take a century to do it, are you going to stop work on that account?

Mr. BENNET. I think that wire dragging is a good thing; but the items that the gentleman from Washington has been talking about are raises in one or two salaries in the city of Washington.

Mr. HUMPHREY of Washington. The gentleman from New York is usually alert, but he has not listened to what has been going on this morning. I offered an amendment a moment ago for launches.

Mr. BENNET. Yes; I heard that.

The Clerk read as follows:

Appropriations herein made for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the superintendent), except as now provided by law.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I should not have supported the amendment offered by the gentleman from Washington for 2 new vessels and 10 new launches even though the point of order had not been made, because the committee went over the matter pretty carefully and came to the conclusion that we were not justified in providing for these vessels this year. And yet there is much good argument for the new construction. We have two very old vessels in the survey that are not entirely safe.

The Secretary of Commerce was probably exaggerating a little when he said that one of them was not well held together with a heavy coat of paint. They may be better boats than that, and although they are old and not entirely seaworthy, and very soon it will be necessary to have new boats, these boats will be very valuable as naval auxiliaries. In these days when we are appropriating for preparedness we would be doing very well if we spent small sums for these naval auxiliaries rather than spend all our money building great battleships that may be obsolete when built, and can be of no possible service save in time of war, whereas these vessels will be of great service at all times.

In regard to the launches, the probability is that the Federal Government would in the course of three or four years save the entire $100,000 necessary to construct them, because now we hire launches, and frequently at a high rate. The launches we hire also frequently require remodeling, and it would be a matter of economy to build the launches now. I realize that in the matter of expenditures we have to go rather slowly by reason of the Democratic condition of the Treasury. But these launches ought to be built, and the only possible excuse for not building them is that a lot of folks want to spend all the Government money in building battleships; and second, there is not money in the Treasury to build both battleships and launches, so we have to get along without the launches.

The clerk read as follows:

Charts of the Coast Survey that are obsolete and have been superseded by charts containing more advanced information based on the most recent surveys, may be distributed free to educational institutions, each of such charts to have stamped or printed conspicuously thereon the words "For school use only."

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word, and I do that for the purpose of saying the last word about this matter in Alaska. I called attention to the fact that we are constructing a railroad in Alaska that is supposed to cost $35,000,000. We are taking up there property amounting to millions every year, and the loss of property on the Alaska coast runs also up to half a million dollars a year, and notwithstanding the tremendous loss by shipwreck—and all our commerce goes over these channels—Congress has refused again to give proper facilities for the purpose of dragging these channels and locating the rocks that cause most of them. If I can have the attention of my good friend from New York [Mr. BENNET] for a moment, I want to tell him how they located these rocks, for I saw one of them located at one time. I happened to be at Kodiak when the *Patterson* came in there for the purpose of locating a rock that had been reported to exist in the harbor. It had been reported for a long time, and contrary to the understanding of my friend from New York [Mr. BENNET] there was no buoy there and no mark, and the only way it was known was when a vessel would strike it occasionally. The *Patterson* came in there that evening for the purpose of trying to locate that rock. As they were coming up to the wharf they located it by striking it, and that is the method they generally use in Alaska, but it seems to be satisfactory to the powers that be, because we can not get sufficient appropriations to properly continue the work of surveying these dangerous waters. We ought to have those launches. I am satisfied, since the gentleman from New York gave me the information, that probably these new vessels will probably take the place of the *Gedney*, but we ought to have these launches, because you are going to use them not one year, but you are going to use them for many years to come, and it would not only be a saving, but the more important part is that with the proper equipment you could do so much more work during the short season in which you can work in Alaska, and they cost only a few thousand dollars, and that appropriation ought to have been made, as my friend from Wyoming [Mr. MONDELL] said.

Mr. COLLIER. Mr. Chairman, I rise to oppose the amendment of the gentleman from Washington in order that I may ask the gentleman from Washington a question. Did the Senate bill appropriating $150,000 for a reunion and peace jubilee at Vicksburg get in in time to be considered by the Committee on Appropriations, or can the gentleman tell me something about it?

Mr. FITZGERALD. That has not yet been taken up, because of the situation which existed in the House, but it will be considered in the committee in the immediate future. While I can not predict what action will be taken, I am now inclined to believe that, in view of the course taken by Congress relative to the Gettysburg celebration, and the purpose of it, the committee in all probability will take favorable action in time to have that action taken by the House.

Mr. COLLIER. At this session?

Mr. FITZGERALD. Yes.

Mr. FESS. Mr. Chairman, I move to strike out the last two words in order to make an observation upon the research work of this bureau. One of the things that impresses me with respect to the Geodetic Survey and also respecting the Geological Survey, which are primarily research rather than administrative in character, and, in fact, with all of these special expert bureaus, is the danger of duplication of work among the experts and the desire for cooperation between them without this duplication. The correlation of work among the force of leading experts should be possible without overlapping. I regard these two fields among the greatest in research of a constructive character that we have. Recently I read a very informing address on the subject of duplication by Dr. George Otis Smith, Director of the Geological Survey. It was published in Science. I think it ought to have a wider circulation, and I therefore ask unanimous consent that I may extend my remarks in the RECORD by printing that address.

The CHAIRMAN (Mr. FOSTER). The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The address referred to is as follows:

THE UNITED STATES GEOLOGICAL SURVEY AND ITS RELATION TO THE UNITED STATES COAST AND GEODETIC SURVEY.

[Centennial exercises of the United States Coast and Geodetic Survey, Apr. 5, 1916.]

"The relations of near relatives may be a delicate subject for public discussion. The two organizations of which I have been asked to speak this afternoon possess the same family name as well as certain family characteristics and in consequence are often mistaken one for the other. If one survey buys a motor truck the other gets the benefit of the advertising, and the curious public remarks, "We don't see how the Geological Survey can afford it."

"Yet the relations of the two surveys have been such for more than a third of a century, and are such to-day, that I welcome this opportunity for the younger to extend congratulations to the older organization. Were I to review in detail the common history of these two surveys there are no chapters that I should better omit nor incidents that I might need to gloss over in order that my remarks be in keeping with the spirit of this occasion. In short, the hearty congratulations that I bring are an expression of true appreciation of what the United States Coast and Geodetic Survey has been to the United States Geological Survey.

"The two bureaus have much in common; the field of endeavor for each is nation wide; they are scientific in spirit and civil in organization; both are primarily field services, and the product of most of the work of each reaches the public in the form of maps. The similarity in official name also indicates a certain overlapping of function, which under some conditions might cause duplication of work. The fact that at no point in the twilight zone of superimposed jurisdiction has there been any wasted effort is good evidence that both these branches of the Federal scientific service have kept in mind the public nature of their work. It is because I realize that in the interrelations of these two bureaus the Geological Survey has been more often the beneficiary that I desire on this occasion to emphasize this gratifying fact that the two surveys have worked in the cause of American science on a coordinated rather than a competitive basis.

"In this connection I should mention the effort made 37 years ago to put on an economic and efficient basis the surveying work in the Western States. Under instructions by Congress the National Academy of Sciences considered all the work relating to scientific surveys and reported to Congress a plan prepared by a special committee, whose membership included the illustrious names of Marsh, Dana, Rogers, Newberry, Trowbridge, Newcomb, and Agassiz. This report, which was adopted by the academy with only one dissenting vote, grouped all surveys, geodetic, topographic, land parceling, and economic, under two distinct heads—surveys of mensuration and surveys of geology. At that time five independent organizations in three different departments were carrying on surveys of mensuration, and the academy recommended that all such work be combined under the Coast and Geodetic Survey with the new name Coast and Interior Survey. For the investigation of the natural resources of the public domain and the classification of the public lands a new organization was proposed—the United States Geological Survey. The functions of these two surveys and of a third coordinate bureau in the Interior Department, the Land Office, were carefully defined and their interrelations fully recognized and provided for in the plan presented to Congress. Viewed in the light of 37 years of experience, the National Academy plan would be indorsed by most of us as eminently practical, and I believe the report stands as a splendid example of public service rendered by America's leading scientists. The bill which embodied the entire plan, however, failed of passage in Congress, although the part relating to the organization of the new Geological Survey was carried as a rider on the sundry civil appropriation act of March 3, 1879.

"The newly organized United States Geological Survey began topographic surveys of the type that the National Academy had believed could best be executed by the Coast and Geodetic Survey, and the younger survey has continued this kind of mensuration surveying until it has covered more than 40 per cent of the country and become the principal map-making bureau of the Government. In course of time also more or less legislative authority has been given for the control work, vertical and horizontal, needed for these topographic surveys, so that there has been evolved exactly the opportunity for duplication of work that the National Academy sought to prevent. The invitation to speak this afternoon on the subject of the relation of the United States Geological Survey to the United States Coast and Geodetic Survey is a privilege that I value highly because it gives me the opportunity to point out that the result that Congress failed to insure by legislation has been attained by voluntary scientific cooperation.

"In topographic mapping the activities of the older bureau stop at the coast, as its name suggests; its mensuration surveys elsewhere are purely geodetic and represent a refinement of method and an accuracy of result that is not necessary in the ordinary mapping of the country as a whole, although these engineering results are absolutely essential. Members of the Geological Survey most familiar with these large contributions by the Coast and Geodetic Survey have estimated that the value of the geodetic work done by the older organization that would otherwise have necessarily been done by the Geological Survey has aggregated not less than a million dollars, and if the future engineering work of the Coast and Geodetic Survey as now planned is carried to completion another million dollars should be included in our total indebtedness to the older survey.

"The United States Geological Survey is proud of its pioneer work in aid of the development of the resources of Alaska, yet we are not forgetful of the fact that the real pioneer in Alaska was the United States Coast and Geodetic Survey, which started its work in Alaska 30 years earlier than our own survey.

"It has been the custom of each of these surveys to supply the other with photographic copies of field sheets of current work, and I am glad to record the fact that cooperation of this type has not been one sided. Our topographic survey of the Bering River coal fields, for instance, yielded data that were incorporated in the important coast-survey chart of Controller Bay, which was published before the Geological Survey issued its topographic map of the larger area. In this way the public was served by receiving the information earlier than if the Geological Survey had insisted upon first publishing its own results. The testimony of the members of the Alaskan division of the Geological Survey is that the cooperation in Alaska has been as hearty and close as if the Coast and Geodetic Survey men and the Geological Survey men belonged to the same bureau.

In this connection, too, should be mentioned the earlier geologic observations made in Alaska by members of the Coast and Geodetic Survey, and chief among these scientist pioneers in Alaska is our own Dr. Dall, the credit for whose half century of scientific work under Government auspices is shared by the Coast and Geodetic Survey and the Geological Survey. In connection with its engineering work also, the Coast and Geodetic Survey has made important scientific contributions that are distinctly geologic in character, and as geologists we are almost inclined to lay claim to Hayford's work on isostasy and Bowie's gravity determinations.

"Every geologist who works in that attractive borderland where both the products of geologic processes and the processes themselves can be studied side by side—our continental shore line—has made large use of the Coast and Geodetic Survey charts, and as competent witnesses we gladly testify to the accuracy of these charts and we compliment their makers. Such geologic investigations as the study of changing shore lines, the history of the submerged margins of the continent, and the origin of sediments are being given attention by the Geological Survey, and all these studies must be based upon the surveys and resurveys made by the Coast and Geodetic Survey.

"This brief review of the relations existing between these two bureaus may serve a larger purpose than the sincere expression of congratulations to the Coast and Geodetic Survey on this centennial occasion. For nearly four decades these two surveys have been working side by side from Florida to Alaska without

the specific statutory separation of functions deemed advisable by the National Academy and therefore with full opportunity to overlap their fields of operation, to duplicate work, and thus to waste public money. The fact that there has resulted economical coordination rather than wasteful competition stands to the credit of those in administrative control of the two bureaus, especially the superintendents and directors of the earlier years of this period of successful cooperation. Naturally, too, the spirit of hearty cooperation is equally shown between the scientific assistants of the two services.

"In these days, when as American citizens we have so deep concern in the question of public regulation of private business—a nation-wide concern arising from a broadening appreciation of society's interest in the individual—it may be opportune for some of us as public officials to pause and consider the question of regulation of public business. Do we apply the same rules to our conduct of the business of these Federal bureaus that we advocate for the control of corporations? Some of us as scientists may feel that the comparison of a scientific bureau with an industrial corporation is forced if not absurd. Yet I trust that the two are alike in being not only productive but productive without undue waste. The National Academy report of 1878, to which I have referred, contains a significant phrase; in presenting to Congress the ideal for a scientific bureau as they saw it these scientists described the ideal plan as one that would yield the 'best results at the least possible cost.' Those few words express a practical administrative policy equally good for big business and pure science. And it is as illogical for a scientific bureau as for a munitions plant to shy at a cost-keeping system.

"Here at the Federal Capital we have some two-score scientific bureaus distributed through several executive departments. There exists no general plan of division of duties among these different agencies for public service, but as a fundamental policy we have pinned our faith to a sort of declaration of independence that all scientific bureaus were created free and equal. My acquaintance with bureau chiefs and their intimate advisers perhaps warrants me in describing them as possessing at least average ambitions, with the inevitable result that we have seen some field of scientific investigation occupied by two or more bureaus, other and less attractive fields shunned, and even other fields claimed by those bureaus not best qualified to make the largest use of the opportunity for creative work. Among ourselves we know of so many illustrations that no examples need be cited; each of us, no doubt, feels sure that he can at least specify the sins of other bureaus. This is the competitive system almost at its worst, because it is countenanced by men of scientific training and high ideals of public service. Fortunately, however, the two bureaus of which I have particularly spoken, as well as some others, furnish proof that there can be coordinated effort in Federal scientific work.

"I have here referred to the business world, because I believe we must apply some of the same rules to our scientific work. However slight may be the statutory limitations imposed by Congress upon these scientific bureaus, we can not escape the requirements of economic law, which is never a dead letter, although too often unread. If in the world of private business the competitive system sometimes breaks down and fails to protect the public, so in our narrower circle of public business there may be a similar failure of competition to produce the best results. The question is always fair and is sometimes pertinent, How far should these Government scientific bureaus go in seeking to enlarge their field of usefulness? Does this competitive spirit by its appeal to individual ambitions make for better public service? To what extent is it good public policy to have the public servants on the qui vive for new opportunities to serve, new worlds to discover, new appropriations to get? Service and discovery are the proper ideals of the individual investigator, but should even ideals justify trespass and disregard of others?

"First of all, we must agree that however great is advantage as a method of stimulating progress, competition must be always fair. If we are to apply the principles of the Sherman Act and the Clayton law to public business, unfair methods must be ruled out as illegal. I do not believe my comparison is a forced one. You can read decrees of the Federal courts that prohibit corporations from doing things that are somewhat similar to practices of which we ourselves have been guilty. In one case, among other items, the defendant corporation was enjoined from making false representations concerning competitors and from hiring away employees of competitors—simply a twentieth-century echo of the ninth and tenth commandments of the Mosaic law, especially the edict against coveting thy neighbor's manservant. In the public service proper coordination of work often makes transfer from one bureau to another desirable, and so as a means of increasing efficiency such transfers are and should be welcomed, but efficiency from the larger view is attained only when the interests of both bureaus are considered, in which event the individual also profits by his larger opportunity. With science alive and expanding in so many directions, subdivision and redistribution of functions makes certan interbureau transfers of specialists absolutely necessary.

"Another unfair practice, not countenanced by the courts in their regulation of private business, is tricky advertising as a method of meeting real competition. Honest advertising must be founded on truth, and even scientific bureaus may need sometimes to apply this acid test to the statements they give out to the public. Scientific investigations whose purpose is to increase human knowledge do not find their best expression in publicity whose principal object is to impress the Appropriation Committee. Such advertising may have its foundation in truth and yet may possess a superstructure so large and top-heavy as to violate all engineering formulas.

"Unrestrained competition in the public service, then, presents some dangers no less real than those incident to unregulated competition in private business. The question must come home to every bureau chief and to his intimate advisers, To what extent is a competitive struggle for new territory warranted, even when only fair methods are used in this endeavor for bureaucratic expansion? I am aware that we may invoke 'the public demand' and put forward other equally plausible reasons, but even if we sometimes fool Congress and on rare occasions fool each other, we never fool ourselves. Of course, the individual investigator, self-centered with enthusiasm in his discovery of a new line of research, may be wholly ignorant of the fact that among the 2,000 or so fellow scientists here in Washington some one in another department has already preempted that subject and possibly carried the work well on to completion; but however unconscious the scientific worker in one bureau may be of the obvious relation of that problem to the work of some other bureau only rarely, indeed, can his own bureau chief plead any such ignorance or innocence. May I express my individual conviction that the bureau chief who makes strategic moves in this contest for enlargement of field of work is just as conscious whether he is playing the game fairly as the 'captain of industry' that we have thought ought to be investigated by the Department of Justice?

"Even at its best, however, this competitive system is wasteful. The public has too often found that competition as the safety valve of business costs too much in steam. If in the branch of public business in which we are engaged the ideal is to render the best service at the lowest cost, must there not be regulation, and regulation which recognizes that there are what we may term natural monopolies in the Government scientific service? The monopolistic idea must here yield the same real savings to society that have come with the recent growth of public-utility monopolies. The product of our scientific bureaus is not a staple commodity, but a special service to the the public; and under governmental auspices this service is offered without price; yet that does not mean that we are any less vitally interested in costs. If monopoly will enable these scientific bureaus to render the best service at the lowest cost, the competitive system in scientific work should go to the scrap heap as out of date.

"The adoption of the monopoly system, however, involves here, as in the field of public utilities, the correlative idea of adequate regulation in the public interest. And here is where we may be in danger of losing our way, for the question, of course, obtrudes itself, Who is the guide; who is to define the field of work to be monopolized by this or that bureau? My own belief is that Congress can not be expected to enforce even its own wishes in the matter. Some years ago the chairman of a congressional committee that had made a most thorough investigation of one of the departments, himself a trial lawyer of large experience, admitted to me that the investigation had been largely in vain. In his own words, 'I know the department is full of duplication, but it would take a trained scientist to put his finger on it all.' Nor can the Cabinet officer be expected in a few years to discover all the overlaps in his own department, much less to learn the logical and proper coordination of the scientific work in several departments. Thus the responsibility in large measure falls back upon the bureaus themselves. They must provide that careful coordination which precludes wasteful competition and promotes helpful cooperation. To return for a moment to my text, I do not know that the successful coordination of the work of our two surveys has been due in any large degree to the influence of Congress, although my experience is that appropriation committees do watch these details; nor have I ever known any Secretary of the Interior or

of the Treasury or of Commerce to define this wise policy. The happy result must be credited rather to a small group of administrative chiefs in each of these two scientific bureaus.

"The obligation for the proper conduct of the scientific work of the Government, therefore, can not be lifted from the shoulders of the bureau chiefs and their immediate associates in the work of administration. Moreover, this responsibility is a double one—we should feel not only the duty as public servants to avoid wasteful use of the public money, but also the obligation as scientists to conserve scientific effort by preventing duplication in research and in publication. Aside from the absurdity that lies in the spectacle of bureau chiefs trying to impress congressional committees, do we not by our acts suggest a lack of faith in science itself? We talk impressively of the day of highly specialized science and then go out and poach on what is properly the domain of others. Since the days of Aristotle students of politics have recognized as a weakness in democracies the habit of not appreciating the value of trained specialists. Within a few weeks the London Financial News remarked editorially upon the national neglect of science to which is now attributed the bulk of the British failures under the test of war. But as self-labeled scientists are we not ourselves similarly lacking in our appreciation of the value of science and of scientific organization in so far as we fail to recognize that by reason of its experience and its personnel some other bureau, even in another department, can better handle a certain subject than our own bureau? Especially when a new idea is before the public are we apt to be temporarily blinded by its popularity and thus lose sight of the eternal fitness of things. I can best illustrate this by mention of a current topic. The fixation of nitrogen is a matter of national importance. Plainly the military departments are most concerned by reason of their need of nitric acid for munitions, yet as against any claims of the War and Navy Departments must be set the fact that nitrogen is one of the essential elements in fertilizers, and its production is therefore of vital concern to the Department of Agriculture. However, the mineral deposits necessary to the fixation process are to a large extent under the jurisdiction of the Department of the Interior, not to mention some of the most valuable power sites. Nor must I overlook the fact that this subject was first investigated and reported upon by a bureau in the Department of Commerce. So the competitive contest is on; but the obviously most reasonable consideration is still in the background. What department or bureau, if any, has already on its rolls the force of hydraulic and construction engineers ready to begin the preliminary studies and surveys and the organization already adapted to push the construction of the plant should Congress authorize this innovation in governmental activity? As evidence of my good faith in mentioning this illustration let me add that an investigative bureau, like the Geological Survey, is not organized on a plan at all adapted to the construction and operation of an industrial plant; and all that I may claim for our bureau in this connection is that we sometimes recognize the obvious.

"Those of us who have been responsible for the work of securing the needed appropriations are at times likely to have our judgment warped by what we think are the exigencies of the case. A member of a scientific bureau was once so concerned for the success of his bureau that he even recommended its transfer to another department so as to get under the wing of a more generous appropriation committee. The logic of the situation does not always appeal to us, and we are willing for the moment to sell our birthright for a larger appropriation. The obvious fact in this matter of the interrelations of the scientific bureaus of the Government is that if the bureau chiefs do not always exhibit an appreciation of the proprieties in scientific investigation nor seem to possess much idea of perspective in the alignment of boundaries, can even the most experienced legislators be expected to make the best distribution of scientific work?

"The possession by any bureau of even a skeleton organization of efficient specialists in a certain field would seem to be the practically unanswerable argument for intrusting to that bureau any new and enlarged work in that field whenever Congress deems larger appropriations advisable. That is the type of practical logic that is recognized in private business, for under public regulation of natural monopoly the public-utility company that first enters the local field is recognized and even protected by the public-service commission, as long as the service rendered is at all adequate. In the business world the day of preferment of special applicants in the granting of municipal franchises has passed, and in our Government business there is no better reason for granting special privileges to overzealous bureau chiefs. I sometimes think that the bureau chief comes nearer being safe and sane in his public acts and utterances in the intervals between sessions of Congress.

"In this informal comparison of the actual and the ideal in the administration of the scientific bureaus of the Government, I have had ever in mind the existence of a real basis for optimism in the splendid record of the Coast and Geodetic Survey and the Geological Survey in absolutely coordinating their endeavors in the public service. And I desire simply to add that this practical cooperation has been so easily accomplished that it is only as we review these several decades of joint work and estimate the value of the reciprocal services rendered that we realize how ideal have been the relations between the two surveys.

"GEORGE OTIS SMITH.

"U. S. GEOLOGICAL SURVEY."

Mr. BENNET. Mr. Chairman, the gentleman from Washington does not seem to comprehend the situation which has been before the House for the last couple of hours. The gentleman from Washington [Mr. HUMPHREY] has been attempting to raise the salaries of electrotypers, photographers, plate printers, and so forth, men who do not do any actual wire dragging out in the ocean.

Mr. MANN. I presume the gentleman from New York would not say that they do not do any wirepulling here?

Mr. BENNET. They do logrolling and wirepulling, but the item that has to do with wire dragging is found on page 150, lines 13 to 15:

For surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States, $225,000.

It would have been in order for any Member of this House to have risen and offered to amend that item to any amount, and it would not have been subject to the point of order; but no man from the interior, no man from the Atlantic or the Pacific, offered to raise that item a single dollar. I have been refraining from saying that for some time, but I want to put myself at least clear. I am not opposed to this wire dragging, but I am opposed to the wirepulling.

Mr. JOHNSON of Washington. Is the gentleman opposed to the building of some vessels to take care of this survey on the north Pacific and of launches to haul these drags?

Mr. BENNET. I am with the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Illinois [Mr. MANN], who called attention to the fact that there are two vessels now building for that specific purpose. I think that is right. I am glad that a prior Congress authorized it; but the other gentleman from Washington [Mr. HUMPHREY] seems to think that you can do wire dragging with an appropriation. You can not take your appropriation out to the Pacific Ocean and do any wire dragging, and when you are building two vessels you are doing all that you can.

Mr. HUMPHREY of Washington. If you can not do wire dragging with an appropriation, why does the gentleman suggest that we ought to offer an amendment to increase the appropriation?

Mr. BENNET. You can do wire dragging with existing vessels under this item of $225,000, which the gentleman did not try to increase.

Mr. HUMPHREY of Washington. Oh, we got enough in that.

Mr. BENNET. The gentleman makes an admission that takes him out of court. He says that sum of $225,000 is enough for surveys and necessary resurveys of coasts on the Pacific Ocean. In other words, he has enough to keep these vessels from finding pinnacle rocks by hitting them. Two hundred and twenty-five million dollars would not be enough, but you can not spend it all in one year with the equipment and men that you have. I agree with the gentleman that for the equipment that is available $225,000 is enough.

Mr. HUMPHREY of Washington. That is what I was going to say—with the equipment we have, we have enough, but we want additional equipment.

Mr. BENNET. They are building two more vessels.

Mr. HUMPHREY of Washington. But we want some launches.

Mr. BENNET. They are building launches.

Mr. HUMPHREY of Washington. Oh, no.

Mr. BENNET. And the gentleman from Wyoming [Mr. MONDELL], who is sympathetic with the gentleman from Washington, says that they are building enough vessels.

Mr. MONDELL. The gentleman misunderstood me if he understood me to say that they are building enough vessels. I said that I could not as a member of the committee support the gentleman's amendment, because I am bound as a member of the committee to stand by the judgment of the committee, unless there is some very great emergency demanding a different action.

I accept the modification, but I do not want the House to get the impression that we are not doing any wire dragging, because we are, and I am glad the gentleman from Washington says the appropriation there is enough with the equipment that we have.

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. McARTHUR. Mr. Chairman, I rise in opposition to the gentleman's motion. I will not take up the time of the committe any more than to ask unanimous consent to extend my remarks in the RECORD on the subject of the work of the Coast and Geodetic Survey.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] and several other gentlemen this morning have made statements in regard to the difficulty in getting sailors to operate these vessels under the Department of Commerce.

I hold in my hand the report of the Secretary of Commerce. Opposite to page 12 of that report is an unnecessary and useless expense in the form of a picture of the steamer *Albatross* with this notation under it:

This vessel, the most perfectly equipped for its use, lay idle nine and one-half months, with crew under full pay, for lack of appropriations for coal and supplies, while urgent work affecting large Pacific coast interests was waiting to be done.

And the Secretary, on page 12 of his report, makes this statement:

Quite as important, or more so, is the fact that because of lack of funds the steamer *Albatross*, with a naval crew under full pay, lay for nine and one-half months at Alameda, Cal. There was no money to pay for coal and other needed operating expenses, while important work, long and urgently required, and which large sections on our Pacific coast awaits with impatience, was left undone. For the same reasons the schooner *Grampus* was also idle for seven months, with important work waiting to be done.

Apparently the excuse for this is given on the same page at another place, in this statement:

An emergency arose requiring the presence of the *Albatross* at the Pribilof Islands during the early weeks of the fiscal year, and the appropriation was so limited that she had to lie idle for almost the entire balance of the year while her crew were under full pay.

One wonders why they should keep the crews of two vessels under full pay, one for nine and one-half months and the other for seven months in a year, if they did not have money with which to buy coal and could not operate the vessels.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Why did they not let the crews go for that period of time and save some money?

Mr. FITZGERALD. The vessel *Albatross*——

Mr. MANN. Has a naval crew.

Mr. FITZGERALD (continuing). Is manned and equipped with a naval crew.

Mr. MANN. I understand.

Mr. FITZGERALD. It is not manned and equipped by the Department of Commerce at all.

Mr. MANN. I did not ask the gentleman for that information. I am as well informed on that subject as the gentleman is.

Mr. FITZGERALD. I am not criticizing the gentleman. I am calling attention to the fact.

Mr. MANN. I know the fact. If the gentleman had waited, I would have called attention to it.

Mr. FITZGERALD. If they had waited they would have been paid the same money whether on the *Albatross* or some other vessel of the Navy.

Mr. MANN. Is that the case of the *Grampus*?

Mr. FITZGERALD. No.

Mr. MANN. The gentleman talked too soon. It is true that the crew of the *Albatross* is a naval crew, and I shall refer to that at another time, but that is not true as to the *Grampus*. And why is it necessary to keep a naval crew idle for nine and one-half months when the Secretary says in his report they have need for the crew in the Navy? They are asking for more men in the Navy. Now, this is just scolding Congress again. The difficulty, if there was one, and I suppose there was, arose because, as they say, there was an emergency in the Pribilof Islands, and they just spent the money which had been appropriated, and the amount ascertained, doing something that was not necessary, and then laying up these vessels for nearly three-quarters of a year and doing nothing, and keeping the crews on pay. That is intelligent administration for you! And they complain because we have not appropriated a larger sum of money, knowing nothing about an emergency nor the carelessness with which the money would be expended, and this is regardless of any economical consideration, spending the money on idle crews instead of saving the money for the operation of one vessel. If they had discharged the crew of the *Grampus* they might have kept the *Albatross*, which they say is the best-equipped vessel of the kind in the service, for the entire year.

Mr. MONDELL. Mr. Chairman, I think the facts that the gentleman from Illinois has referred to furnish the very strongest argument for the increase in this appropriation made in this bill. As a matter of fact, they furnish the strongest kind of argument for larger appropriations than we have made. The *Albatross* has a naval crew, and they are paid whether they work or not. And when the funds become short the *Albatross* is laid up. It certainly is not economical management, but it is not the fault of the bureau. They would keep the *Albatross* at work if they had the money, but they have not had the money. Now, so far as the *Grampus* is concerned I think the gentleman from Illinois did not find anything in the report to indicate that the crew of the *Grampus* was paid while the boat was laid up. That matter was discussed somewhat in the hearing before the committee—the question of the pay of the crew when the boat is laid up—and my understanding is that all the civilian crew is discharged except the men necessary to take care of the vessel. The others are all discharged, and a new crew is hired when the boat starts out again. When the *Grampus* was laid up with a civilian crew the crew was discharged. The appropriation made this year will enable them to keep all these vessels in commission a larger portion of the year and work a great economy in that way. I doubt if we gave them enough to keep all the boats in commission, but the situation will at least be improved.

Mr. MANN. It is true the report does not say that the crew of the *Grampus* was paid all the time the *Grampus* was not in service.

The Clerk read as follows:

Alaska service: Pribilof Islands—2 agents and caretakers, at $2,000 each; 2 physicians, at $1,500 each; 3 school-teachers, at $1,200 each; storekeeper, $1,800; agent, $2,500; assistant agents—1 $2,000, 1, $1,800, 1 $1,500; inspector, $1,800; wardens—1 $1,200, 6 at $900 each; in all, $28,600.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

I have a good many times in this House heard gentlemen talk about enforced labor and also the necessity for purchasing supplies from various corporations in the United States which maintain stores and endeavor to compel their employees to purchase goods at their stores. I have heard very fierce denunciations about that. So far as I recall, I have never heard anybody defend the practice. The item is in relation to our service upon the Pribilof Islands, the fur-seal islands, where they have some natives, and where we have a plant.

The Secretary of Commerce, in his last report, page 121, says:

An important innovation in the relations of the Government to the natives has been in the method of compensating them for services rendered. Formerly it was the practice to pay cash for such services, and a comparatively large proportion of the appropriation was thus expended. The cash thus acquired by the natives was largely used by them in purchasing supplies at the Government stores, and the sums received from such sales were, under the law, covered into the United States Treasury.

And, then, he says further:

Now, all able-bodied natives are required to perform some labor, and they are paid therefor in supplies. This arrangement has not been brought about without some difficulty with the natives, but in general appears to be working well.

We have not only become a slave master in the Pribilof Island and require the natives to work, but we refuse to pay them. Why, this was the method followed when slavery was in effect in this country. It is the method wherever slavery is in effect. They require men to work and pay them in supplies. Formerly these men were paid in cash. They were induced to labor by the compensation received. Now, they are required to labor and they are not paid in cash. They come around now, as they used to come around to the stores of the slaveholders, and get something upon which to live. These are natives in the Pribilof Islands. If they were natives of the Philippine Islands, what blood and thunder would issue from the Democratic side of the House. But being in the Pribilof Islands, where natives are not entitled to self-government, who are enabled only to work without pay, why, of course, it is all right.

I want to hear some noble, distinguished, liberty-loving Democrat defend a country which requires natives to labor and refuse to pay them. [Applause on the Republican side.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Northville (Mich.) Station: Superintendent, $1,500; foreman, $900; fish-culturist, $900; four laborers, at $600 each; in all, $5,700.

Mr. KELLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. KELLEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 160, line 5, after the word "foreman," strike out "$960" and insert "$1,200."

Mr. FITZGERALD. I reserve a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from New York reserves a point of order on the amendment.

Mr. KELLEY. Mr. Chairman, this hatchery at Northville, Mich., is one of the leading hatcheries in the Great Lakes district. From Northville as a center there is a great deal of field work done, and a number of subhatcheries are operated; and on account of that fact the superintendent of the Northville hatchery is absent a portion of the time looking after field work and the substations.

I want to call the attention of the chairman to the fact that Alpena, Charlevoix, Sault Ste. Marie, and Detroit, Mich., are substations under Northville, and that the total output of eggs, fry, and adults from Alpena is 35,500,000, at Charlevoix 41,000,000, at Detroit 115,000,000, and at Sault Ste. Marie 33,500,000. These points are widely separated from one another, and are, some of them, as far as 300 miles from the Northville hatchery; and the foreman at Northville has charge of the station there while the superintendent is looking after the outside hatcheries.

Now, the salary of the Northville foreman is only $960, and it seems to me that it would be only fair if the salary of the foreman there were placed on the same basis as the salary of foremen at other hatcheries throughout the country of a similar character, and even at hatcheries that are considerably smaller. I want to point out to the chairman the fact that at Baird, Cal., where the output of eggs, fry, and adults is only 3,000,000, the salary of the foreman is $1,080; at Homer, Minn., where the output is only 4,000,000 eggs, fry, and adults, the salary is $1,200; at Leadville, Colo., where the output is only 8,000,000, the foreman gets a salary of $1,200; at Northville, Mich., where the output of eggs, fry, and adults amounts to 13,500,000, the salary is only $960; at St. Johnsbury, Vt., where the output is only 2,000,000 eggs, fry, and adults, the salary is $1,200; at San Marcos, Tex., which in every way is a smaller hatchery than the Northville hatchery or any of those that I have mentioned, with an annual output of only half a million eggs, fry, and adults, the salary is $1,200.

It seems to me that the chairman, who is generally so fair about these matters, will see the justice of placing this salary of the Northville foreman on the same basis as the salaries of foremen at other hatcheries where the work is even much less than at Northville.

Mr. FITZGERALD. Mr. Chairman, the Commissioner of Fisheries recommended that the compensation of the superintendent be increased. He thought that the foreman was receiving adequate compensation. He is receiving more compensation than some of the foremen at other places, although it is true that at a few hatcheries the foremen receive a larger compensation than the man in Michigan. The man in Michigan, however, is compensated for that disadvantage by being employed in the State of Michigan and associating with distinguished gentlemen in Michigan. [Laughter.] You can not afford to overdo these things, and under the circumstances I think it would be an injustice to add to those advantages that he already has, so I will have to insist upon the point of order?

The CHAIRMAN. Does the gentleman from New York insist upon his point of order?

Mr. FITZGERALD. Yes; I insist on the point of order.

The CHAIRMAN. The amendment is in excess of the amount fixed by law?

Mr. FITZGERALD. Yes.

The CHAIRMAN. The point of order is sustained.

Mr. KELLEY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. KELLEY: On page 160, line 6, after the word "each," insert "moving and repairing cottage for foreman, $3,000."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. KELLEY. I hardly think it is subject to a point of order.

Mr. FITZGERALD. Oh, yes; it is. A limit of cost was fixed in establishing this station, and the money has been appropriated. There is no reason why we should increase the amount.

Mr. KELLEY. Mr. Chairman, in connection with this I want to read a statement from the Bureau of Fisheries upon the condition of fisheries and on the question of accommodations for the foreman of the Northville hatchery. He says:

The foreman's cottage at the Northville station is in a dilapidated condition, and because of this and its isolated location it has not been occupied for a number of years. It is located on a steep hill, up which all supplies, including water, must be carried. In winter the house is isolated by heavy snow drifts, and after sleet storms it can be approached only by dragging oneself upward by the aid of the fences. It is not surprising that the foreman will not occupy it, but prefers to pay rent in the village, too far from the station to be serviceable in an emergency out of official hours. It is planned to build a new cottage on a convenient site, at a cost of $3,000.

They recommend the sum of $3,000 for the cottage.

Mr. MANN. Mr. Chairman, I think the amendment is not subject to a point of order.

Mr. FITZGERALD. It provides for a new building, and it is not authorized.

Mr. MANN. It is not for a new building. They do not ask for a new building. Let the amendment be reported again. They ask for repairs to the old one.

Mr. FITZGERALD. They are asking for a new building, as I understand.

Mr. MANN. No; they are not asking for a new building. They are asking for money to repair the old building. That is not subject to a point of order.

Mr. FITZGERALD. There was a limit of cost fixed.

Mr. MANN. Yes; but the mere fact that there was a limit of cost for the installation of the service in the first place does not affect the buildings that have already been installed. This is for the repair of a building.

Mr. KELLEY. This building is on the ground, but it is in an inaccessible position, and the amendment provides for its removal to a more accessible place.

Mr. MANN. We put a limit of cost upon a Federal building everywhere, but that does not mean that after you have provided for the building you never can repair it. Here a fish-cultural station was probably established under a limit of cost for the establishment. To say that that prohibits, under the rules of the House, an amendment for the maintenance of the establishment would be absurd, and, of course, the amendment as offered is not subject to a point of order. It is for repairs.

Mr. FITZGERALD. There is no foreman's cottage there. The estimate submitted was for the construction of a cottage.

Mr. MANN. The gentleman is mistaken as to there being no cottage there. There is a cottage there. I am only talking about the point of order.

Mr. FITZGERALD. I am mistaken. There is a cottage there, but they can not do anything with it. It is in such a dilapidated, antiquated condition that it has not been possible to utilize it. No amount of money can make it available for use, and they do not want to spend any money on it.

Mr. MANN. I am not sure. We passed in this bill yesterday or the day before an item of $200,000 to repair the District courthouse.

Mr. FITZGERALD. That is a different thing.

Mr. MANN. I am quite sure you could replace the District courthouse better than it is now for half that sum, though I am not opposed to the appropriation that was made. There was $200,000 to repair a building that certainly is not worth $25,000 now. I am only discussing the point of order.

Mr. FITZGERALD. In the shape it is in, I concede that it is not subject to the point of order. I thought the gentleman was asking for what the department really wanted. Mr. Chairman, I hope this amendment will not be agreed to. There is on this place a building in such a dilapidated condition that it has not been occupied for a great number of years. It can not be repaired so as to make it suitable. They do not want any money spent on it, because they can now repair it out of the general repair fund that is available, and it will not serve any purpose to make this appropriation. What is desired is an appropriation for a new building, and they can not put up a new building under this wording. It is useless to make this appropriation, and I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KELLEY].

The question being taken, on a division (demanded by Mr. FITZGERALD), there were—ayes 28, noes 38.

Accordingly, the amendment was rejected.

Mr. KELLEY. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment by Mr. KELLEY: Page 160, line 6, after the word "each" insert "repair and improvement of water supply, $2,000."

Mr. KELLEY. Mr. Chairman, the department advises that the terra-cotta pipe line which conveys water to this station has been damaged by floods, and must be replaced by iron pipe. There will be required 800 feet of 16-inch pipe, costing $2.50 per foot, laid. As the matter now stands the water supply may be cut off by another freshet.

It seems to me that the chairman of the committee ought to accept this amendment to provide for replacing this terra-cotta pipe with iron pipe in order to make sure that the hatchery will

be supplied at all times with water. The cutting off of the water supply would jeopardize the millions of eggs and fish at the hatchery. This improvement is recommended and urged by the bureau.

Mr. FITZGERALD. I know that, like a great many other things, it is recommended by the bureau. It is one of those exaggerated, esthetic things. There is a wooden aqueduct which goes through certain public places.

A lot of moss has grown on it, and one or two planks in the top are broken, and it offends the aesthetic senses of some of the visitors to that park. As a matter of fact, in the present condition it recalls memories of the old oaken bucket, and fits in with the landscape, and harmonizes with the surrounding conditions. These people desire to take a rusty old cast-iron pipe and substitute it for this artistic and time-honored method of conveying the water. It is just a useless waste of public funds, and I hope the committee will not be guilty of such an offense.

Mr. KELLEY. I am surprised that the chairman should take this position.

Mr. FITZGERALD. That is the fact, and this same statement as to the danger of the water supply being cut off by a freshet has been presented to the Committee on Appropriations for the past 10 years. There is no more danger of its being washed away by a freshet than there is that I will be driven out of this Chamber by a cloud-burst.

Mr. KELLEY. The head of this bureau says that the pipe which conveys the water has been seriously damaged by flood.

Mr. FITZGERALD. He has never seen the place.

Mr. KELLEY. Oh, yes; and he has reports from his inspectors who visit it.

Mr. FITZGERALD. He has a report from that foreman who wants us to build him a nice cottage there.

Mr. KELLEY. I am surprised that the gentleman is willing to jeopardize the work of this important hatchery by failing to provide a couple of thousand dollars to put in a pipe which will make sure a water supply at all times.

Mr. FITZGERALD. The gentleman understands that we make a general appropriation for repairs for all of these stations, and it is within the discretion of the bureau to expend that money for repairs upon the things that are essential. Every time they imagine some little change should be made in any of these stations, it is not an excuse for us to make a specific appropriation.

Mr. KELLEY. Does the gentleman think that putting in a new pipe line would come under the head of ordinary repairs?

Mr. FITZGERALD. Oh, yes. What else would it be. They have a pipe line there. They think it is not sufficient, or that it ought to be changed or modified. They should use their general repair item. What they wish to do is not only to obtain from us a general appropriation for repairs, but a number of specific appropriations under all these items, and it is impossible for us to keep track of them. If that were really an important and urgent matter they could take care of it out of the general appropriation. The best test that we have as to whether such matters are important or not is when we find them asking for only $2,000 for such a matter, when they have an appropriation of $350,000 out of which it could be made, which is somewhat conclusive proof that it can not be as urgent as they pretend. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KELLEY].

The question was taken; and on a division (demanded by KELLEY) there were—ayes 36, noes 36.

Mr. KELLEY. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the chairman appointed Mr. KELLEY and Mr. BORLAND.

The committee again divided; and the tellers reported—ayes 50, noes 42.

Mr. BORLAND. Mr. Chairman, I make the point of no quorum.

Mr. FITZGERALD. Oh, let it go.

Mr. BORLAND. I withdraw the point of no quorum.

The CHAIRMAN. The gentleman withdraws the point of no quorum. The amendment is agreed to, and the Clerk will read.

The Clerk read as follows:

Woods Hole, Mass., Station: Superintendent, $1,500; machinist, $960; fish-culturist, $900; pilot and collector, $720; 3 firemen, at $600 each; 4 laborers, at $600 each; in all, $8,280.

Mr. WALSH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 161, line 18, after the words "machinist, $960," strike out the words "fish-culturist, $900; pilot and collector, $720," and insert "two fish-culturists, at $900 each, one of whom may be temporarily assigned to clerical or other work when deemed necessary by the Commissioner of Fisheries."

Mr. FITZGERALD. To that, Mr. Chairman, I reserve a point of order.

Mr. WALSH. Mr. Chairman, the station for which this appropriation is made is not only the most important station in the United States, but is considered to be the most important fish-cultural station in the entire world. It is the station at which several years ago I had the honor to be employed. [Applause.] I was appointed as pilot and collector at this station when the gentleman from West Virginia [Mr. BOWERS], who has recently been elected a Member of this House, was the Commissioner of Fisheries. In order for me to get my appointment as pilot and collector at this station I was obliged to take the civil-service examination for fish-culturist, and when I was appointed and assigned to duty at this station I knew nothing about piloting or collecting and was not assigned to that particular class of work, but I was assigned to fish-cultural work and clerical and other work by the superintendent as need arose.

The gentleman who has succeeded me at that station is, I am informed, doing the same kind of work that I did. When the station was established, back in 1884, the gentleman who was appointed pilot and collector is now the fish culturist at that station. He is one of the oldest, if not the oldest, employee in the Bureau of Fisheries, and knows more about the fisheries in that region than probably any other man living. The gentleman who was the founder of the Fish Commission in this country depended upon him for a great deal of his knowledge and information with reference to the fisheries. I am referring to Mr. Vinal N. Edwards, a remarkable old gentleman, whose knowledge of fish and fish culture is almost bewildering. I may say that Mr. Edwards, who is a fish culturist, does not perform wholly fish-culturist duties. He is at times engaged more particularly in scientific work at this station. I may say that during the summer months at this station they have scientists engaged in scientific research who come there from all over the country and even from across the seas. During the winter and spring they are engaged in fish hatching. There is sufficient work there to warrant two fish culturists, for they hatch and plant, under favorable conditions, nearly 900,000,000 of fish fry annually. This station, with its grounds, docks, buildings, and equipment, is valued at over one-quarter of a million dollars. I submit that it is of sufficient importance to require and be given two fish culturists, one of whom can be assigned to active fish-culturist work when the hatching season is on, and who, in the discretion of the commissioner, can be assigned to clerical or other work when the fish-hatching season is closed.

When I was employed there I was assigned to duty in the hatching room. When the hatching season closed I was assigned to duty in the office of the superintendent as clerk. If necessary, I was sent out in one of the launches or vessels connected with the station on scientific work, or to sweep floors, help in the machine shop, or in the fireroom.

Now, I ask that you provide a position for this station which will not be a misnomer. You provide for a pilot and a collector and then appoint a man for that position and not give him that kind of work to do. The title is wholly a misnomer as relating to the work done by the person holding the position.

I asked to have this matter taken up by the subcommittee on appropriations and to be given an opportunity to be present, and I was assured by the distinguished chairman of that committee that when the commissioner came before them in reference to the estimates I would be notified and would have an opportunity to be present; but through some misunderstanding I was not notified until after the matter was reached and acted upon, and I had no opportunity to appear. I am referring to the chairman of the committee, the gentleman from New York, Mr. FITZGERALD. I came before the subcommittee after the hearing had been closed, and after making a statement was, in effect, lightly brushed aside by the chairman, the able gentleman from New York [Mr. FITZGERALD] with the statement that there was no recommendation for this and it could not be considered now. I left with the subcommittee a letter from the Commissioner of Fisheries saying that this title ought to be changed and that the position should be changed, as it was in effect, as I said, a misnomer.

The distinguished gentleman from West Virginia, Mr. BOWERS, when he was commissioner, informs me that more than once he recommended that some such change as this should be made. I know that an attempt at one time was made to provide for a foreman, and this year recommendation was made to provide a clerk at this station.

If this change is made the total yearly expense at that station will be but $18,000; and I submit that a station of this importance, the largest in the world, in fact, the original station of the bureau, and performing the work which it does, requiring a man who bears the title of "pilot and collector," to take a fish-cultural examination under the civil service and to engage

in fish-cultural work, it is justifiable, although it does not appear in the bill, for Congress to take notice of the situation and provide for two fish-culturists. I hope the gentleman from New York will not press the point of order.

Mr. MONDELL. Mr. Chairman, I would like to be heard on the point of order if the gentleman from Missouri is going to insist on it.

Mr. BORLAND. Yes; the point of order will be insisted upon.

Mr. MANN. Does the gentleman positively say that he is going to insist on it?

Mr. BORLAND. We are going to submit it to the Chair.

Mr. MANN. The item can easily be made not subject to a point of order. I want to be heard on the merits of the proposition.

Mr. BORLAND. I will reserve the point of order.

Mr. MANN. I am sorry the gentleman from New York is not here, because I do not know whether the gentleman from Missouri would feel that he has authority to grant the request under the circumstances. But here is the situation. I think it is quite an honor to the House that a Member of the House, still a young man, who only a short time ago was in the Government service at a salary of $720 a year, under the title of "pilot and collector" in one of the fish hatcheries, a position he secured under a civil-service examination, has now become a Member of Congress. [Applause.] It shows the possibilities in America, and I dare say that the gentleman from Massachusetts [Mr. WALSH], who served in this capacity, knows more about that place than all of the Commissioners of Fisheries who have served or who will be appointed. He was there; he took his examination and was appointed and served. He knows. He asked to appear before the Committee on Appropriations, and while he did not say that he was told that he would be notified when this item was reached——

Mr. SHERLEY. Oh, if the gentleman will permit, I think there is a misunderstanding. The gentleman from New York [Mr. FITZGERALD] is here, and he can speak for himself, but the gentleman from Massachusetts [Mr. WALSH] did appear before the committee and was given an opportunity to be heard.

Mr. MANN. I so stated.

Mr. SHERLEY. The gentleman says that he was there. I was present and I saw him there, and I know he was there.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MANN. I think I can state the facts. He understood he was told he would be notified when the item was reached, but he was not there when the item was reached.

Mr. FITZGERALD. Mr. Chairman, the gentleman was given an opportunity to be heard, and after he was heard the committee acted. That is the fact. He made quite a lengthy statement about the matter.

Mr. MANN. I understood that he was before the committee after the matter had been disposed of.

Mr. FITZGERALD. The matter was open and was discussed.

Mr. MANN. I was not making any complaint about it.

Mr. FITZGERALD. If the gentleman will permit me, I will state this, that frequently Members request to be heard——

Mr. MANN. I did not know that the gentleman had been before the committee in that way or I would not have said what I did.

Mr. FITZGERALD. And the committee frequently tentatively agrees on an item with the understanding that the gentleman will be heard.

Mr. MANN. I understand. I told the gentleman he had no complaint, and he did not make any complaint. I am trying to appeal, and I am going to appeal now to the gentleman from New York [Mr. FITZGERALD], even if I have to repeat part of my speech.

Mr. FITZGERALD. That is not necessary.

Mr. MANN. The gentleman from Massachusetts [Mr. WALSH] formerly occupied the place of pilot and collector at a salary of $720 a year. I will not say that he was serving the Government in a humble capacity, because for aught I know it is just as important a position as a Member of Congress. I suspect possibly he was required to do more work then than some Members of Congress do now, though I do not assert that. He knows what that place was. I have no doubt that with him it is largely sentimental; I know it is with me. I think that when any Member of Congress, who a few years ago under the title of pilot and collector did the work of fish culturist, makes the appeal that the gentleman from Massachusetts does, and with the good reason back of it, the House ought to be generous enough to agree to his amendment, because it makes an increase of only $180 a year and gives the man what he is entitled to. Every other fish culturist gets the pay of $900 a year. This place is, in fact, filled by a fish culturist; was when it was filled by the gentleman from Massachusetts. I think the gentleman from New York can afford to let the place be filled in that way. The item that is offered is probably subject to a point of order, because it requires the man, in addition to being a fish culturist, to do certain clerical work; but it would not be subject to a point of order if that requirement were left out.

Mr. FITZGERALD. Oh, yes; it would.

Mr. MANN. Not at all. Where we have an item for one fish culturist it is not subject to a point of order if we offer to make it two.

Mr. MONDELL. Does the gentleman from Illinois realize that what is done in this case is to provide two instead of one at the same salary which the one is now receiving?

Mr. MANN. That part of it is not subject to a point of order.

Mr. MONDELL. The balance of it striking out is not subject to a point of order.

Mr. MANN. That part of it which provides that the man shall perform other duties may be subject to a point of order. That is easily left out, but the gentleman himself would not desire that left out if the item stays in.

Mr. FITZGERALD. The item is subject to a point of order, with or without.

Mr. MANN. I hope the gentleman will withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, I did not hear what happened in my absence, but certainly no discourtesy was intended to the gentleman from Massachusetts [Mr. WALSH].

Mr. MANN. The gentleman from Massachusetts made no complaint.

Mr. FITZGERALD. We can not run the Government on sympathy.

Mr. MANN. Nobody will accuse me of trying to.

Mr. FITZGERALD. And I am going to prevent the gentleman from being persuaded from his usual Spartan course of duty. The fact that the gentleman has occupied a position where he had to work very hard and where he had an incentive to improve his position in life is no reason why we should increase the compensation of the present occupant of the place, simply because of a sentimental attachment of the gentleman for the place.

Mr. MANN. That would not be sufficient reason, I admit.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman's time be extended. We have before us innumerable requests. I am very much embarrassed myself as a Member of Congress and as chairman of the Committee on Appropriations. There seems to be a universal opinion, unfortunately possessed more largely by persons who are intimately connected with me than by strangers, that if I wish it the compensation of any man for whom this committee appropriates can be increased. Sometimes I would like to have some compensations increased, but I can not yield to the requests. I am approached from one end of the land to the other, and it is not a pleasant task to refuse. I did once yield when I did not know any better, and for five years Members of the House kept telling me about what I did on that particular occasion, and I made up my mind long since that I would not succumb to temptation again.

Mr. MANN. Now, if the gentleman will yield, here is the situation. Every fish culturist gets a salary of $900 a year.

Mr. FITZGERALD. This is not a fish culturist.

Mr. MANN. That is it. As a matter of fact, we are told by the gentleman from Massachusetts, and I think we will all take his word, this place is filled by a fish culturist. He took his civil-service examination himself for "fish culturist," and was appointed under that examination. He said he knew nothing whatever about the duties of a pilot and collector when he filled this office. Now——

Mr. FITZGERALD. The gentleman would not have Members of the House violate the law and appoint a man qualified for one position to another position?

Mr. MANN. I think the Bureau of Fisheries did violate the law.

Mr. FITZGERALD. Are we to indorse and encourage it?

Mr. MANN. I do not think we are, but I think, under the circumstances, we ought to rectify our mistake.

Mr. FITZGERALD. But it is not a mistake.

Mr. MANN. This is a fish culturist. I will be frank to say I would not waste the time of the committee about it, it is such a small amount of money, except the sentimental part of it. I do not ask that the appropriation be made because of sentiment. The fact is the man is a fish culturist, and a fish culturist gets $900 a year. I take the gentleman's word for it. The sentimental side is to give attention to it. We give attention to it, so far as I am concerned, which otherwise I would not give, be-

cause I feel proud to serve in the House with a young man who is now a Member of Congress who only a few years ago applied for and obtained, not as a political job but as a civil-service job, a position which paid $720 a year for hatching fish. [Applause.]

Mr. BORLAND. Mr. Chairman, it is perfectly apparent from the statement of the gentleman from Massachusetts that the term "pilot and collector" is a misnomer. It is perfectly apparent that the position is filled by a man who is capable of doing clerical and fish-cultural work. As a strict proposition, as a strict question of parliamentary law probably a point of order would be good against any change in the designation, however obsolete and inappropriate it might be.

I appreciate the sentiment that the gentleman from Massachusetts has in regard to his old position and his desire to get rid of that misnomer in reference to the position and to raise it to the dignity and standing to which it ought to be raised, and I appreciate what the gentleman from Illinois [Mr. MANN] has said about the pride a man feels in having filled a humble and clerical position and that man's feelings on being chosen by his fellow citizens as a Representative in this House. Of course, I understand that is true of most of the Members of this House. There is hardly a Member on this floor who has not at some time in his early life filled a very humble and sometimes menial position, and he ought to feel proud of the fact that he filled it well, however humble it was. I do not think that is at all peculiar to the gentleman from Massachusetts. I doubt whether we could throw a stone in this House without hitting some man who by his own efforts has filled a very humble position and filled it with a great deal of credit and dignity and advanced above it. I think, however, that the gentleman from New York, if he has not already done so, would feel disposed to withdraw the point of order and permit the gentleman's amendment to be voted on by the House. [Applause.] As far as I am concerned I would not insist on the point of order. I would not want to commit the gentleman from New York, the chairman of the committee, to any policy, but as far as I am concerned I can readily understand the feelings of the gentleman from Massachusetts, feelings that do him credit; we would all feel the same thing if we were in the same position, and as far as I am concerned I will withdraw the point of order. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am going to insist on the point of order. Fifty Members of this House, since this bill has been under consideration, have appealed to me upon sentimental or other grounds not to perform my duty by making points of order against amendments on this bill, and I can not differentiate between Members. I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I had supposed the Chair was ready to listen to a discussion of the point of order.

The CHAIRMAN. The Chair listens to discussion when he has not made up his mind, but he has in this case, and he sustains the point of order.

Mr. MONDELL. Do I understand the Chair will not hear gentlemen?

The CHAIRMAN. If the gentlemen desires to be heard, but the Chair is ready to rule.

Mr. MONDELL. Mr. Chairman, I am more interested in the jurisdiction of the Committee on Appropriations than I am in this item. I think the item is a worthy one and should be allowed, but it is very much more important that this committee does not lose its jurisdiction. That is a very important matter, in my opinion.

The Committee on Appropriations unquestionably has authority to provide the necessary officials and necessary help to carry on this work at these fish stations. Nowhere can any law be found to the contrary. The Committee on Appropriations has authority to provide for these fish stations. It can increase the number of places at any station, and all this amendment does is to increase the number of fish culturists at Woods Hole by one. There is now one fish culturist at $900 a year. The amendment provides for two at that sum per annum.

Now, if the committee has no jurisdiction to do that, it has no jurisdiction over this subject at all. The other provision of the amendment is to strike out. Clearly an amendment to strike out is in order always.

The CHAIRMAN. The Chair begs to say to the gentleman from Wyoming that he is incorrect in his statement that the amendment only provides for the matter the gentleman has stated. It is also provided he may be assigned to temporary duty at clerical or other work when deemed necessary by the commissioner.

Mr. MONDELL. If the Chair will allow me, the committee could provide for a clerk; it can provide for the fish culturist; it can provide for one who shall perform the joint duty.

Mr. FITZGERALD. The gentleman is mistaken. We can not provide anything of the kind.

The CHAIRMAN. The Chair does not understand that the committee can do anything of the kind, and the Chair sustains the point of order.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 161, line 18, after the word "machinists, $960," strike out "fish culturist, $900; pilot and collector, $720," and insert "two fish culturists, at $900 each."

Mr. FITZGERALD. Mr. Chairman, I make the point of order it is not authorized by law.

Mr. MANN. None of it is authorized by law.

Mr. FITZGERALD. All of it is authorized by law.

Mr. MANN. I beg the gentleman's pardon, he can not find a line that authorizes this except we authorize the establishment of a fish-cultural station. We authorized a fish-cultural station at Springfield, Utah, last year, I think. We did not say anything in it about these jobs.

Mr. FITZGERALD. We did not establish it last year.

Mr. MANN. When did we establish it?

Mr. FITZGERALD. Several years ago.

Mr. MANN. This is the first time we ever carried any officers for it.

Mr. FITZGERALD. For what?

Mr. MANN. The Springfield, Utah, station. Now, we do not specify, and it would be redundance for us when we create a fish station to specify how many laborers there should be at the station. The authorization is for the establishment of the station and to maintain it. It is always in order, where the law does not limit the number of employees, and you have a certain number provided for in the appropriation bill, to increase it. The standard and stock illustration is the Post Office Department. Every year we increase the number of post-office clerks through the United States at various salaries. According to the gentleman's contention, we could not do that.

Mr. FITZGERALD. That is a different situation.

Mr. MANN. It is not different at all.

Mr. FITZGERALD. There is a provision in the Revised Statutes that makes it in order.

Mr. MANN. There is no such provision at all in the Revised Statutes.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. MANN. There is no such provision in the Revised Statutes at all. There is the Post Office reorganization bill, which provides that clerks shall have their salaries increased until they reach a certain limit, but no authorization for clerks beyond that.

Mr. FITZGERALD. The gentleman is still mistaken.

Mr. MANN. I am not mistaken. I was here when the bill was passed. The gentleman was busy with an appropriation bill. Now, the gentleman maintains there is no authority for this. If that is true, then there is no authority for the fish-culturists at $900 now in the bill, and according to his contention that was subject to a point of order. If that was subject to a point of order, it is in order to change it from one to two. That is a germane amendment.

Mr. FITZGERALD. I do not admit that what is in the bill is subject to a point of order.

Mr. MANN. If what is in the bill is not subject to a point of order, then it is in order for us to provide a fish-culturist at this station.

Mr. FITZGERALD. Not necessarily.

Mr. MANN. If not necessarily, logically so. There is no authorization of law at any of these places except in the appropriation bill itself, and an authorization to maintain an establishment which we have authorized to be created. We provided last year in this bill for two new vessels in the Coast and Geodetic Survey. We did not say anything about putting men on them. Now, does my friend from New York seriously think that there is no authority of law when those vessels are built for us to appropriate money for the crew with which to man those vessels?

Mr. WALSH. Will the gentleman from New York [Mr. FITZGERALD] reserve his point of order for me to make a brief statement?

Mr. FITZGERALD. Yes.

Mr. WALSH. Mr. Chairman, I do not want to be considered as doing the gentleman from New York [Mr. FITZGERALD] any injustice in what I said before. I stated that through a misunderstanding I was not notified to appear before the committee when the Commissioner of Fisheries appeared before the committee and they had this under consideration. But I did have

an opportunity to appear after it had been considered and after the commissioner appeared, and was notified by the chairman, and appeared afterwards and was given ample opportunity to make a statement. But the chairman stated he could not favorably consider the matter because it did not appear in the estimates. Whereupon, I left the letter from the Commissioner of Fisheries, as I before stated. I do not want to do the chairman any injustice, because I was tendered every courtesy by him and given every opportunity after I was notified to make my position clear. Neither do I want to appear, Mr. Chairman, as asking for the passage of this amendment as a matter of sentiment. I deeply appreciate the kindly reference of the minority leader [Mr. MANN].

I think it should be passed to perfect the personnel of the staff of that station and put it upon a proper basis. It does not increase the number of employees there, but changes a title, we ought not appoint a man pilot and collector at a station and require him to take a fish-culturist civil-service examination and appoint him on the station staff, require him to do fish-cultural work, and not permit him or require him to do any piloting.

I hope the gentleman will not press the point of order, because this change is agreeable to the commissioner of the bureau, and would very likely have been urged by them if I had called it to their attention sufficiently early. It seems to me to be a matter of sufficient merit to justify favorable action at this time.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The Chair would like to ask the gentleman if there is any law which fixes the compensation of these positions at this time?

Mr. FITZGERALD. They are under an appropriation.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. FITZGERALD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 49, noes 32.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter no part of the appropriations for propagation of food fishes shall be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes, nor in any State in which the United States Commissioner of Fisheries and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said commissioner or his agents.

Mr. RAGSDALE. Mr. Chairman, I make a point of order on the section from line 11 down to and including line 21.

The CHAIRMAN. The gentleman from South Carolina makes a point of order on the paragraph.

Mr. FITZGERALD. It is subject to a point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD for the committee: After line 10, page 163, insert as follows:

"No part of the appropriations herein for propagation of food fishes shall be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes, nor in any State in which the United States Commissioner of Fisheries and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said commissioner or his agents."

[Mr. RAGSDALE addressed the committee. See Appendix.]

Mr. SHERLEY. Mr. Chairman, I hope the amendment will prevail. It has been of exceeding great value in conserving the fish of America. Until very recently in nearly all of the States there was and even now in some of the States there is practically no protection given to the fish. Streams are dynamited, seining is had, and all sorts of unlawful practices are frequently indulged in even where laws have been passed, and in some States unfortunately there are not adequate laws to protect the fish that are put in the streams.

Now the Government ought not to do a useless thing. It ought not to spend the people's money in supplying fish for the various States unless those States are going to cooperate in the protection of the fish that are put in the streams and in the ponds. The effect of this has not been to have the Commissioner of Fish and Fisheries act arbitrarily. It has not resulted in his denying to any State, or any locality of any State, a proper request for fish, but it has enabled him and his agents to bring to bear proper pressure to see to it that the fish were protected and that the laws of the State were enforced.

I know that in the State of Kentucky the having of this provision in was of value within the past few years in causing some of the State laws to be better enforced and in breaking up some of the practices that had rendered nugatory the efforts of men to improve the condition of the fish in the various streams of that State. I do not believe you will find a single State official interested in the preservation of fish or of game that would not commend this provision. Its effect has been altogether salutary, and I know of no instance in which the power has been abused. I hope the amendment will be agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment to the amendment.

The CHAIRMAN. The gentlemen from New York [Mr. BENNET] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET to the committee amendment: After the word "therefor" insert "not contrary to State laws relating to the time and manner of taking fish."

Mr. BENNET. Mr. Chairman, the word "therefor," as it appeared in the paragraph that was stricken out, is on line 19 of page 163, and this amendment, I think, would meet with the approbation of my colleague, for this reason: Every State that has good fish laws, like the State of New York, has certain times when seining is prohibited, and it ought not to be within the power of the United States Commissioner of Fisheries and his assistants to come into our State, or any other State, and insist on seining and pursuing other methods of fishing at times prohibited by our State laws; and I do not understand that the United States Commissioner of Fisheries now does that. This simply is declaratory of existing practice.

Mr. SHERLEY. If the gentleman will permit, there is only one thing that occurs to me. In a general way I am in harmony with what he has said. A certain amount of seining is done at times during the closed season in the interest of the preservation of fish, not by individuals but by either the State or the Federal Government. For instance, there are a number of streams, like the Ohio River, which overflow their banks. The result is that a great many bass and other fish are caught in the overflowed area and on the going down of the water those fish would die unless they were rescued and put either back into the river or into other suitable places. In such instances the Federal Government and the States properly seine and capture these fish.

Mr. MANN. And they do it also to get the eggs.

Mr. SHERLEY. Yes; there are times when it is desirable to get eggs for artificial propagation when it would be unlawful to take them because of the closed season. I do not think there is any danger of the Federal Government undertaking to violate a State law, even though it could, except for a reason that should meet with the acquiescence of State officials and everyone else.

Mr. BENNET. I am in sympathy with the position taken by the gentleman from Kentucky, and I do not think he is urging that the acts of the United States officials would be in violation of State laws. The amendment that I suggest simply does not confer or attempt to confer on the United States Fish Commissioner the power to go within the boundaries of a State and violate the laws of a State.

Mr. MANN. I think the gentleman from New York [Mr. BENNET] does not fully appreciate the situation. In various States the capturing of certain classes of fish is absolutely prohibited at certain seasons of the year. That is applicable to catching fish in a fish-cultural pond owned by the Government of the United States. This is in here for the purpose of permitting the Government to catch their own fish if they want to.

Mr. BENNET. It does not do that.

Mr. MANN. I think it does. That is what it was put in for. That is what it was intended for and that is the effect of it. At certain seasons of the year they want to catch fish to get the eggs. That ought to be forbidden to the ordinary person, as to some fish, and in some places it is; but it ought not to be forbidden to those who are getting the eggs for the purpose of

hatching fish from them. Now, if the gentleman's amendment goes in, you might as well leave this out. Anybody can do it who does not violate the State law, because anybody has the right to do a lawful thing.

Mr. BENNET. As I read this amendment, which is simply a limitation on the appropriation, it gives the United States Fish Commissioner the right to say to a particular State that unless they will fix their laws so that in his judgment they will provide adequately for the protection of the fishes, and unless they accord to him full and free right to conduct fish-cultural operations as he wishes to, he can not spend any of this appropriation within the boundaries of that State. I do not think any United States official ought to have the right to say to any State officer "Unless you let me violate your State laws, then you can not use the United States appropriation within your boundaries."

Mr. SHERLEY. If the gentleman will permit, that is not what they say. They simply say, "We do not ask to violate your State law, but if you do not make your State law so reasonable as to enable the Government to carry on our legitimate work, then we will not give you any fish."

Mr. BENNET. My amendment simply makes it clear that that is the effect of it.

Mr. SHERLEY. I think it goes further than that.

Mr. BENNET. I do not think so. I ask unanimous consent that my amendment may be reported again.

The CHAIRMAN. Without objection the gentleman's amendment will be reported again.

The clerk read as follows:

Amendment to the amendment offered by Mr. BENNET: After the word "therefor," in line 19 of the amendment, insert "not contrary to State laws relating to the time and manner of taking fish."

Mr. SHERLEY. The gentleman will see the point right there. This provides for the free right to conduct fish-cultural operations. Now, in the conduct of those operations, it is frequently necessary to take fish, and to take the spawn of fish at a time that may be prohibited under a State law. Unless the State is willing to make an exception in regard to the Federal Government, it has no right to complain if the Federal Government says, "We will not give you any of our fish."

Mr. BENNET. Let me see if I can not state the position as I understand it. Take my State of New York; it has a closed season for black bass. I have not the law before me, but we will say that black bass can not be caught for any purpose during the month of May. Now, the fish culturist over here wants to seine for black bass during the month of May, and that is prohibited by the New York State statute. He says to the State of New York, "Unless you permit me to seine for black bass in the month of May, which is the month when I want to seine for them, then I am not permitted by law to spend any part of the appropriation for the propagation of food fishes within the State of New York." I think that is all wrong; and he deprives us of the appropriations until we change our laws.

Mr. SHERLEY. What would happen would be this, as to certain kinds of fish, unless they are taken during the spawning season, in order to be stripped of their eggs, there can be but little artificial propagation of that species. It would not do to capture them at other times, and the very illustration the gentleman uses is an example of that, except that bass are never bred artificially.

Mr. MONDELL. Mr. Chairman, I think the amendment offered by the gentleman from New York simply puts the interpretation upon this provision that has been placed upon it by the Bureau of Fisheries from the beginning. I do not think the bureau has ever assumed that it had the right under this language to go into a State and take fish contrary to the State law. But some employee of the bureau somewhere, feeling rather important, might attempt to do that, and we ought to make it very clear that we do not intend to give the Federal Government authority to violate a State law.

Now, this is true in regard to the fish laws of most of the States—certainly in my State—while provision is made for a closed season, provision is also made for taking fish for breeding purposes; and if it is necessary in any State, in order to allow the Federal Government to take fish when they are needed, to amend the State law, the State law should be amended, and it undoubtedly will be. The officials of States where they have State hatcheries sometimes need to take fish at a time when and in a manner they could not be taken by the individual. This amendment makes it clear to the employees of the Government who may be a little dense or inclined to overstep State authority, and will prevent trouble.

Mr. WILSON of Florida. Mr. Chairman, may we not have the amendment again reported?

The CHAIRMAN. Without objection, the amendment to the amendment will be again reported.

The Clerk again read the amendment to the amendment.

The CHAIRMAN. The question now is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. BENNET) there were 3 ayes and 40 noes.

So the amendment to the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on fish culture and other Federal activities in the Northwest.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

[Mr. RAGSDALE addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Alaska fisheries service: For purchase or construction of two motor launches for use in connection with the Alaska fisheries service, $10,000.

Mr. LEVER. Mr. Chairman, I offer an amendment, as a new paragraph.

The Clerk read as follows:

Page 166, following line 3, insert:
"Fish-cultural station, Orangeburg, S. C.: For further equipment of the station, and other necessary improvements, $6,000."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. LEVER. Mr. Chairman, some few years ago authorization was made for the establishment of a fish-cultural station at Orangeburg, S. C., with a limit of cost of $25,000, if my recollection serves me right. I have been informed in a letter from the Commissioner of Fisheries, dated May 31, 1916, that $6,000 is necessary to fully equip and complete this fish-cultural station. They now have in operation two ponds. They have one cottage, and they desire to extend the propagation work and at the same time improve the ground and probably put in another pond.

The commissioner in the letter calls my attention to the fact that this matter was not called to the attention of the Committee on Appropriations in the estimates in the regular way because it was not until some time in May that the inspector was sent to look over the station to determine what was necessary in the way of further improvement to fully equip it. The inspector has made that visit and he reports back that $6,000 will fully equip the station and put it running at its full capacity.

I have had several conversations with the gentleman from New York, the chairman of the committee, and I filed with him some time ago this letter of the Commissioner of Fisheries. I hope, Mr. Chairman, that the gentleman may not press his point of order, although it is not entirely certain in my mind that the point is well taken. I would like to say, if I may be permitted, that personally I am greatly interested in the Bureau of Fisheries. I have made some study of the meat-food situation of this country, and I think any man who has done that has been impressed with the fact that we are face to face with a serious situation in that regard.

A pound of first-class steak is costing to-day from 35 to 40 cents. The price of beef cattle is higher to-day, I think, than at any time in the history of the country. We are bringing into the world, it seems to me, more mouths to feed than we are producing meat food products to feed them with. The American people eat more meat per capita than any people in the world, except the people of Australia. It is necessary that we not only conserve the meat supply of the country, but that we begin to look for new sources of supply, and I think one of the neglected sources of supply in the past has been the fish of the country. I, for one, am very anxious to see the Bureau of Fisheries encouraged as much as possible and the present hatcheries built up as quickly as possible to their full capacity. It is for this reason that I am urging this appropriation of $6,000 so that the station at Orangeburg, as quickly as possible, may begin to do its full service in furnishing fish to the streams of that State. So far the hatchery has been doing a splendid work, and I am informed by the Commissioner of Fisheries that when his plans are completed this station will be one of the very best inland fisheries in the country. It is ideally located.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I yield for a question.

Mr. GREEN of Iowa. I have understood that some of the most important varieties of food fish are falling off to a considerable extent. As the gentleman seems to have made some study of that, can he advise me in respect to it?

Mr. LEVER. I have no information on that proposition, but I feel that whatever encouragement we can give to the propaga-

tion of fish in this country, to increase the food supply, is well worthy of the efforts of this Congress, and worthy of the small appropriations that we are making from year to year for that purpose.

Mr. FITZGERALD. Mr. Chairman, as stated by the gentleman from South Carolina [Mr. LEVER] this station was established a few years ago with a limit of cost and the total amount has been appropriated. There are in this bill general appropriations for maintenance and equipment. The appropriations for the current year amount to $350,000, and this bill carries an additional $10,000 to enable the Bureau of Fisheries to add any equipment that may be proper to these stations. The bureau has been treated liberally. Of course it can not be expected that Congress will wait until the month of June for estimates of appropriations for the fiscal year commencing the 1st of July. They should be submitted at the opening of the Congress. Under the circumstances I will be compelled to insist upon the point of order and suggest to the gentleman from South Carolina that, in view of the letter from the bureau, they ought to be able to use money out of the general appropriation to do what it says is necessary.

Mr. LEVER. Mr. Chairman, I am glad to have the gentleman make that statement, because I propose to insist upon their doing so.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I move to strike out the last word. We just passed over an item for the maintenance of the vessels in the service of the Bureau of Fisheries, about which I desire to submit a few remarks. The Secretary of Commerce makes a rather remarkable statement in his annual report, found on page 11, in reference to the crews of certain of the steamers in the fishery service. He says:

> The steamers *Albatross* and *Fish Hawk*, of the fisheries service, are operated by naval crews commanded by warrant officers of the Navy under the direction of a civil officer of the Bureau of Fisheries. The crew of the *Albatross* numbers 81 officers and men and that of the *Fish Hawk* 44 officers and men. A more expensive arrangement than this could hardly be devised. The vessels are admirably handled, but if they had civilian crews, like the other ships of the department, there would be an immediate and considerable saving to the Government, and the Navy crews with their officers would be restored to the naval service, where they are needed. These two vessels, operated on a civilian basis like our others, would require, in the case of the *Albatross*, 35 officers and men, instead of 81, and in the case of the *Fish Hawk*, 26 officers and men, instead of 44 as at present.

There has been no defense from the Navy so far as I know in reference to this item, but I want to know whether 81 officers and men in the Navy are equivalent to only 35 officers and men in the merchant marine, as stated by the Secretary of Commerce. Is it true that our officers in the Navy are so inferior that it takes two officers in the Navy for one in the merchant marine, and two men in the Navy for one in the merchant marine? Thirty-five officers and men selected by the Secretary of Commerce, he says, can do the equivalent work of 81 officers and men in the Navy, the officers trained at public expense at Annapolis and the men enlisted and trained in the Navy. I will ask any member of the Naval Committee here if he will give me that information? I believe the gentleman from Michigan [Mr. KELLEY] is the only member on the job. Can he tell me if it is admitted by the Navy that two men in the Navy are required to equal one in the merchant marine selected by the Secretary of Commerce to operate a vessel?

Mr. KELLEY. Mr. Chairman, I will say to the gentleman that after contemplating the statistics and the figures furnished by the Secretary of Commerce heretofore, I do not now attach very much importance to what he has to say.

Mr. MANN. Then the Navy Department ought to defend itself. The Secretary of Commerce says that he can operate these vessels with half the men if they will turn out the Navy and let him put his men in. If it is true, it is important; if it is not true, it ought to be denied. I have had the impression, though I may be mistaken, that we train men in the Navy so that they know something. Perhaps we better turn the Navy out and put half the men selected by Secretary Redfield in charge of the naval vessels. We are talking about increasing the personnel of the Navy. All that will be necessary to do would be to let the Secretary of Commerce select the men and turn those who are in out and put his in, because he says that he can operate the vessel with less than half the number that Secretary Daniels can.

This is no idle talk. Here is a deliberate statement made in the annual report of the Secretary of Commerce, and the Navy has been afraid to take up the challenge. The Secretary of the Navy has made no denial that his men are only half men; that his officers are only half officers. I want to know whether it is true or not. I want somebody on behalf of the Navy to admit or deny. I am going to maintain my high opinion of the Navy. I want to know whether their officers and men are only equivalent to boys, whether when they go out to sea it takes two to one for ordinary men to carry a vessel through the waters. The Secretary says he can save a great deal of money by throwing the Navy out of the vessels and hiring Tom, Dick, and Harry by himself. Can he do it? [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

IMMIGRATION SERVICE.

For enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; and including not exceeding $2,000 for operation, maintenance, and repair of motor-propelled passenger-carrying vehicles; all to be expended under the direction of the Secretary of Labor, $2,450,000: *Provided*, That the purchase, use, maintenance, and operation of horses and motor vehicles required in the enforcement of the immigration and Chinese-exclusion laws outside of the District of Columbia may be contracted for and the cost thereof paid from the appropriation for the execution of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $10,000 of the sum hereby appropriated may be expended in the purchase and maintenance of such motor vehicles.

Mr. BURNETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 168, line 17, strike out the figure "4" and insert in lieu thereof the figure "6," so as to make it read: "$2,650,000."

Mr. BURNETT. Mr. Chairman, $2,650,000 was the amount asked by the Department of Labor. Up to the last Congress that was the amount that had been appropriated, as I recollect it, but it was cut down then $200,000. This bill as reported leaves it at $2,450,000, as it was in the last bill. The Secretary of Labor and the Commissioner General of Immigration say that that amount is totally inadequate for the successful discharge of the duties of that bureau. It is true that immigration has decreased on the Atlantic coast, but even in spite of the decrease there were last year four hundred and fifty-odd thousand who came into this country. The Commissioner General informs me that within the last five or six months there has been a very considerable increase even on the Atlantic coast, but the necessity for the amendment to give the additional $200,000 is to a very great extent to protect the Pacific coast and the Canadian and Mexican borders. The Commissioner General of Immigration and Mr. O'Donnell, who appeared before the committee, made a very clear statement in regard to these conditions. Mr. O'Donnell said:

> Now, while the lopping off of force could go to a certain limit at the Atlantic seaports because of the effect of the European war, we have had a very difficult problem presented to us on both the Canadian and Mexican borders and on the Pacific coast. There has been no cessation of immigration on the Pacific coast; in fact, it has increased, and there has been no let-up so far as the Canadian border is concerned. As a matter of fact, the work there has also increased.
>
> Mr. GILLETT. Where is the immigration from on the Pacific coast?
>
> Mr. O'DONNELL. From the Orient, from Japan, China, and a little from India. There is also some from Russia. Now, the situation on the Canadian border which has caused us so much embarrassment is this: There were hundreds of thousands of aliens in Canada who were subjects of countries with which Great Britain is now at war. For very obvious reasons those people wanted to get out of Canada and into this country if they could. We have been swamped at times, and there have at all times been constant streams of these people seeking to get across the border, either legitimately or surreptitiously—most of them, however, surreptitiously.
>
> Mr. GILLETT. Why couldn't they come?
>
> Mr. O'DONNELL. Because the Canadian Government has interned all of them who have shown any disposition to get out. As long as they kept quiet they are allowed a certain limited amount of freedom, but as soon as they made a break for the border they were taken up and placed in the internment camps.
>
> The CHAIRMAN. That should have helped you. You had somebody else working in your favor then.
>
> Mr. O'DONNELL. The fact is that these people have worked their way down to the border and have tried every expedient they could to get in. A great many of them are of the most undesirable class. We have had to meet that situation as best we might. We have withdrawn officers from the Atlantic seaports until we have nothing but skeleton organizations at those ports.
>
> Mr. GILLETT. There is nothing to do there, is there?
>
> Mr. O'DONNELL. There has been more or less immigration. For instance, at the port of New York English and other ships have

been coming in right along. Only the German and Austrian ships have stopped.

Mr. GILLETT. They have not brought immigrants, have they?

Mr. O'DONNELL. Yes, sir. The Italian lines have been operating continuously and the Mediterranean and Greek lines have been operating.

Mr. GILLETT. They have not been bringing immigrants, have they?

Mr. O'DONNELL. Yes, sir. Here at the Ellis Island station, for instance, all the reduction of force that we could make consequent upon the reduced number of immigrants would not alter the fact that we would have to maintain our buildings there. We have got to keep up the mechanical force there, and we have had several hundred aliens in detention that we have been unable to deport for the reason that we could not get them into Europe. They were criminals, prostitutes, pimps, and the most undesirable class of people you could find, and we did not want to release them here, even on bond.

Mr. GILLETT. How many do you estimate have come over from Canada?

Mr. O'DONNELL. We have no way of estimating the number that have come over clandestinely, but the immigration on the Canadian border for the last fiscal year—that is, registered immigrants, or those that were manifested and recorded—the registered immigration over the Canadian border line in the last fiscal year was about 90,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. STAFFORD. Will the gentleman state from what page he is reading?

Mr. BURNETT. From page 1276 of the hearings. Mr. Chairman, Gen. Caminetti and Mr. O'Donnell give many other good reasons in the hearings before the committee. Here is a succinct statement with which I have been furnished by the Commissioner General in regard to this matter. It is as follows:

MEMORANDUM RELATIVE TO THE APPROPRIATION "EXPENSES OF REGULATING IMMIGRATION FOR THE FISCAL YEAR 1916–1917.

Two million six hundred and fifty thousand dollars is what has been estimated as necessary to maintain the Immigration Service for the ensuing fiscal year. The Committee on Appropriations has recommended only $2,450,000, a decrease of $200,000.

It is absolutely necessary that the $200,000 which has been cut out be restored for the following reasons:

(1) Immigration via the Atlantic ports, which are the most affected by the European war, is on the increase, and the prospects are that the total for the next fiscal year will be materially in excess of that of the fiscal year 1915; from present indications it may double in volume.

(2) There has been an increased immigration at all Pacific coast ports.

(3) Canadian border: Since the outbreak of the European war thousands of aliens in Canada, who were subjects of Governments with which Great Britain is now at war, have been seeking to cross the border into the United States, in most cases surreptitiously. The smuggling of contraband Chinese is also active. The registered immigration over the Canadian border line in the last fiscal year was 90,000 in round numbers, and rate of increase for the first 10 months of this year indicates that the increase will bring the figures above the 100,000 limit.

(4) Mexican border: In view of the Mexican situation additional officers and guards are necessary to handle the cases of diseased aliens and refugees, many of whom are entering the United States surreptitiously, the present force being insufficient to properly look after the work.

(5) There has been no cessation of work at the interior stations, as warrant proceedings have been instituted in the cases of several thousand aliens who can not now be deported because of war conditions, and their cases are being placed in shape for final action so that deportation may be made effective as soon as conditions permit.

(6) Employment work: There has been increased activity in connection with the employment work authorized by section 40 of the immigration act, and this must be curtailed and perhaps abandoned altogether unless additional funds can be obtained.

(7) Furloughs: During the first four months of the present fiscal year it was necessary to furlough a large number of employees in the Immigration Service in order to prevent a deficiency, and it is obvious that unless the additional $200,000 for which request is made is restored, it will become necessary early during the coming fiscal year to resume furloughs. It is apparent that to do so will have a very destructive effect on the morale of the service and prove extremely embarrassing. Not only that, but the effect of furloughing resulted in the loss of some of the best immigration officers because they were able to get steady employment either in civil life or in other departments of the Government at the compensation they were then receiving from the Immigration Service, and in some instances more.

(8) The Immigration Service, except during the European War, has been self-supporting; but when considered in connection with the service commencing at the time of the inauguration of the per capita tax on immigrants, it has yielded a net surplus revenue over all expenses of $10,000,000 in round numbers.

Mr. Chairman, I hope that this amendment will be adopted, because otherwise from the statement from the Department of Labor, the work along the borders especially will be greatly crippled. Not only that, but it is evident that the officers of the bureau at Ellis Island are doing much better work than they have ever done, of course by reason of the fact that they have more time to give to the individual alien on account of there being fewer of them coming over. Now, to reduce the amount or not to give the additional money for the purpose of increasing the force there will result in letting many undesirable aliens in who are now being kept out, on account of the fact their numbers are now increasing as stated by the Commissioner General of Immigration of the Department of Labor, and I hope that the amendment will be adopted.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 20 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate upon the pending amendment close in 20 minutes.

Mr. HARRISON. Mr. Chairman, reserving the right to object, I want five minutes on this amendment.

Mr. STAFFORD. I should like to have five minutes.

The CHAIRMAN. Five gentlemen seem to desire time.

Mr. BENNET. I would like to have two minutes.

Mr. FITZGERALD. Well, I will say 30 minutes; that is long enough.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this amendment close in 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, I have listened with a great deal of interest to the statement of the gentleman from Alabama [Mr. BURNETT] in regard to this matter, and I simply want to reinforce his statement here by a word or two in regard to the conditions on the Pacific coast. It is true, as the gentleman stated, there is difficulty in keeping out immigrants coming from Canada. This immigration has greatly increased since the war in Europe. Now, I saw it stated by one of the officers of the charities association of our city, that practically 50 per cent of the people who applied for charity last year in Seattle, came from across the border.

It not only places a very great burden upon the people of that country to care for the people who are coming in, but it also very seriously disturbs the labor situation by having a great number of these men come over from Canada to the State of Washington. I know that no one in the House sympathizes with permitting that to be done. Then there is another feature also, and that is in regard to the Chinese. A great many Chinese cross the border from Canada. They take advantage of the general situation and cause additional trouble.

Mr. BORLAND. I understood the gentleman last winter to tell us that business was so good in Canada and so poor in Washington that the people were going from Washington over into Canada.

Mr. HUMPHREY of Washington. The gentleman never understood me to say anything of the kind.

Mr. BORLAND. Who work in the shingle mills in Washington?

Mr. HUMPHREY of Washington. As to the shingle mills, during the last year, if it will be of any comfort to the gentleman, there was $2,000,000 worth of shingles shipped from British Columbia into the United States that would have been made in Washington if the duty had been left on shingles.

Mr. BORLAND. Where do all of these paupers come from?

Mr. HUMPHREY of Washington. From British Columbia. But every man there does not work in a shingle mill. While the shingle mills up there were working full blast a majority of them in the State of Washington were closed, and it was due, I will say to my distinguished friend, to the law that your party placed on the statute books. I intended to make a talk on the immigration law, but I could not do so, as my distinguished friend, the gentleman from Missouri, seldom permits me to make a speech without attempting to immortalize himself by getting into it. I hope this increased appropriation will be made so that they may care for the Chinese, for the people that are coming across from Canada, to protect our country out there not only from taking care of the idle but to protect the laboring classes from this unjust competition.

If I have any time, I yield it to the gentleman from New York [Mr. BENNET].

The CHAIRMAN. The gentleman has one minute left.

Mr. BENNET. Mr. Chairman, in view of the limited time I would like to have the Chair stop me at the end of two minutes.

Mr. Chairman, I simply rise at this time to express the hope that the amendment offered by the gentleman from Alabama will prevail. His views and mine on the literacy test, I think, can be correctly described as antagonistic, but so far as the existing law is concerned we have in the past and do now agree. The law as it is already on the statute books ought to be enforced. The force ought not to be permitted to disintegrate. The provisions which keep out undesirable immigrants, now in the law, are in the main good. They ought to be enforced, and if the bureau is crippled by reducing the appropriation, it will

take years to get it back to the plane of perfection where it now is.

Mr. FITZGERALD. Does the gentleman know that this bill carries the same that the department had during the current year, and all that they were able to expend the year before?

Mr. BENNET. I know that the gentleman from Alabama gave good reasons why this $200,000 increase should be made.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this appropriation is somewhat different than many other appropriations that are carried in this bill. The Immigration Service has spent $10,000,000 less than has been obtained from those who enter this country by virtue of the head tax. Now, clearly the committee should not desire to hamper the Immigration Service and the splendid work they have been doing. It is serious not only on the Canadian border but on the Mexican border in particular. It was my privilege to have met the collector of the port of San Francisco yesterday and again this morning in regard to the smuggling of opium. It is the hardest thing on earth to keep the smuggling of opium from Mexico on the ground, as he states, that they have the highest power machines that the country will afford, and they can not even catch them. They get up in the country and the opium is brought in. It is the same way in regard to the Japanese and Chinese.

Mr. FITZGERALD. That has nothing to do with this.

Mr. RAKER. It is true; but the same thing more strongly applies to the Chinese and the Japanese in Mexico, and there have been many of them that have crossed the border and are crossing it continually, and it is admitted by the Department of Labor, the department having express charge of this, that there are many, many coming over all the time, when they can ship opium, and simply money involved, and how much more temptation it is to bring these men across when they pay $100 to $500 to come into the United States. And with that long border of some 2,000 miles they can come over. Undoubtedly the argument will be made that the Army now is on the Mexican border; but there is a vast territory between the place where the Army is and on the Pacific coast where these men can come in and do come in continually. And this is what the Commissioner of Immigration says:

Mr. CAMINETTI. There has been a large number of aliens trying to come in from Canada surreptitiously; we have had a lot of difficulty there. Our force on the border has been increased materially. The Mexican border also has been a source of difficulty, and there we have had to add to the number that was formerly employed. It has been a source of difficulty for the last two or three years; the difficulties are increasing all along and we have a larger force there this year than we have had for years past. Then, besides that, we are required to employ quite a force in the detection of smugglers on the southern border, on the northern border, and on the Pacific coast. Under the new system we have made 149 arrests of professional smugglers. During the last fiscal year, in order to keep up that work and prevent people from smuggling aliens into the country, it was necessary for us to employ a special force on our borders.

Now, gentlemen, this fund, ranging over $10,000,000 more than it has cost the Government to maintain it, the legitimate aliens coming to this country having paid that amount into the Treasury of the United States—and here comes this great department, that desires to keep out those who are undesirable citizens, keeping out the criminals, prostitutes, and pimps and the most undesirable class of people. They have them arrested, and some of them are deported at the present time. And I know that the great Committee on Appropriations, composed of these good men, do not want to cripple this service, and they ought to have this $200,000 to make it complete, to enforce the law so that this criminal class may be kept out, and that when they are apprehended in this country they might be arrested and returned to the country from which they came.

Two million six hundred and fifty thousand dollars is what has been estimated as necessary to maintain the Immigration Service for the ensuing fiscal year. The Committee on Appropriations has recommended only $2,450,000, a decrease of $200,000.

It is absolutely necessary that the $200,000 which has been cut out be restored for the following reasons:

(1) Immigration via the Atlantic ports, which are the most affected by the European war, is on the increase, and the prospects are that the total for the next fiscal year will be materially in excess of that of the fiscal year 1915; from present indications it may double in volume.

(2) There has been an increased immigration at all Pacific coast ports.

(3) Canadian border: Since the outbreak of the European war thousands of aliens in Canada, who were subjects of Governments with which Great Britain is now at war, have been seeking to cross the border into the United States, in most cases surreptitiously. The smuggling of contraband Chinese is also active. The registered immigration over the Canadian border line in the last fiscal year was 90,000, in round numbers, and rate of increase for the first 10 months of this year indicates that the increase will bring the figures above the 100,000 limit.

(4) Mexican border: In view of the Mexican situation, additional officers and guards are necessary to handle the cases of diseased aliens and refugees, many of whom are entering the United States surreptitiously, the present force being insufficient to properly look after the work.

(5) There has been no cessation of work at the interior stations, as warrant proceedings have been instituted in the cases of several thousand aliens who can not now be deported because of war conditions, and their cases are being placed in shape for final action so that deportation may be made effective as soon as conditions permit.

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(8) The Immigration Service, except during the European war, has been self-supporting; but when considered in connection with the service commencing at the time of the inauguration of the per capita tax on immigrants, it has yielded a net surplus revenue over all expenses of $10,000,000 in round numbers.

There has been no cessation of work at the interior stations, as warrant proceedings have been instituted in the cases of several thousand aliens who can not now be deported because of war conditions, and their cases are being placed in shape for final action so that deportation may be made effective as soon as conditions permit.

As shown in the statement, immigration for the Pacific ports is on the increase and the conditions along the border have rendered necessary greater expenditures than ever before in order to keep this country from being flooded with undesirable aliens of all classes.

UNEMPLOYMENT WORK.

A table on page 1279 of the hearings shows the increased activity in connection with the employment work authorized by section 40 of the immigration act. Bringing the figures down to April 30, 1916, it is ascertained that 51,897 persons have been directed to employment during the first 10 months of the fiscal year, as against 11,871 for the entire fiscal year 1915.

Smuggling prevention work, both as applied to Chinese and other aliens, is severely handicapped by a lack of men, and it is impracticable to furnish any more officers without creating a deficiency. The inauguration of patrol work with fast motor boats has cut down smuggling by water along the Great Lakes and in southern California, but the land borders are much harder to guard, owing to their great extent, and the need of money to furnish additional employees is very pressing. The $200,000 for which request is made restores the appropriation to what it was up to June 30, 1915, and as there is a surplus of over $10,000,000 from head tax on immigrants, it is believed that the service should be supplied with the amount of money necessary to operate it efficiently.

Mr. RAGSDALE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Chairman, I desire to take but a moment to favor the amendment offered by the gentleman from Alabama [Mr. BURNETT]. I think that at the present time and in the future we can not be too careful in enforcing our immigration laws.

In the district which I have the honor to represent there is a port to which come a great many foreigners during the course of a year, relatively speaking, for that particular section of

the country, and I recall that last year, because of insufficient appropriations, the inspector who lives in that district and who is assigned to cover the city of New Bedford and also Providence was laid off because of insufficient funds, and in consequence of that fact the service in that particular section was seriously handicapped.

We ought not to have that condition with respect to the immigration laws of the country. I recall several instances where, because he was urgently requested to do so, he went down to his office and performed the work on one or two assignments, although he was furloughed because of insufficient funds provided by the bill.

I submit that we should increase this appropriation to take care of what may come in the future. They ask for $200,000 additional, and that was the amount estimated. It puts it back on the basis where it was two years ago, if I understand aright, I hope the amendment will be adopted. I yield back the remainder of my time.

Mr. HARRISON. Mr. Chairman, one of the most important discussions that we have had on the floor of the House—and it has been repeated several times—was on the consideration of the immigration bill. I need not describe how intense the feeling and sharp the contest on those occasions. Some of us were heartily in favor of making the immigration laws more stringent. Others thought that the present laws were adequate. Now, in this case it seems to me that those who were in favor of the immigration bill as well as those who most bitterly opposed it ought certainly to be in favor of giving the Immigration Service all the means whereby the present laws can be rigidly enforced. The amount here appropriated is not sufficient. A most casual reading of the hearing will convince anyone of its utter inadequacy. The Immigration Department estimates ask for $200,000 more than is provided for in this bill. The amount desired by the department and which is covered in the estimate is the amount that was granted by Congress two years ago. It was the amount that has heretofore been carried, and last year was the first time that the Committee on Appropriations reduced the amount. Aside from the increased immigration on the Canadian, Pacific, and southern boundaries, which demand this estimated increase, there are many important functions that the Immigration Department is now called upon to perform. I recall that in my city last year the immigration inspector was laid off twice, furloughed, as they call it, without pay. That is injust and should be remedied. It seems to me that if other employees in the Federal service, and that obtains in practically all the departments of the Government, are laid off with pay and given 30 days and 15 days leave of absence with pay, it is an unjust discrimination to exact of the employees of the Immigration Service the hardship not only of not being granted any leave of absence, but to be laid off without pay.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Louisiana?

Mr. HARRISON. Yes.

Mr. DUPRÉ. I want to say to the gentleman that his city was not alone in that matter. The port of New Orleans suffered the same in that respect.

Mr. HARRISON. That is true with practically all the ports throughout the country. The immigration office could not do otherwise; it was the only way that the department had to reasonably transact the public service and at the same time come within the appropriation granted by Congress. It was necessary to furlough the men in the service without pay for that time.

Mr. WILSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. WILSON of Florida. I want to add to what the gentleman from Louisiana [Mr. DUPRÉ] has said with respect to my town also.

Mr. HARRISON. It affected the immigration inspectors at the various ports. That is true.

Now, we have enlarged the duties of this department by providing for the employment of the unemployed, and this additional service imposes more work on the men employed in the service. I notice from the hearings here that this branch of the Immigration Service has procured in one year employment for 41,000 people. That costs money. That has benefited humanity. That is a great work, and it seems to me that we ought to give the Immigration Service of this country all the money that is reasonably needed to rigidly enforce the immigration laws of the country, perform all other duties imposed on that branch of the public service, and treat the men employed in that service on an equal basis with the men employed in the other departments of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SIEGEL. Mr. Chairman, on this question both the proponents and the opposition to restriction based on the illiteracy test agree. What I desire to express here to-day I am going to say from the practical standpoint. I was at Ellis Island last year and also this year a number of times. I was amazed to find that at the port of New York, where 450,000 immigrants arrived in 1915, for about four months various clerks, stenographers, inspectors, and others in turn had to be furloughed.

These men are not receiving any extraordinary salaries. Each man is receiving about the same salary in the port of New York that the city of New York pays for similar work, and in many instances less. There is no reason why the United States Government should compel men to stay away from one month to four months in order to keep their jobs and earn a livelihood. That was the exact situation that prevailed there. I personally found it so. I met some of the men who were put off. I make this statement regardless of what may be said by some gentlemen, who have not visited the island and who do not know the actual facts as they exist over there.

Much has been said about the large number of people who arrive there who are not fit to be admitted to this country. As to the enforcement of the law, each and every one of us agrees that it should be squarely and fairly enforced, doing justice to both the immigrant and the Government. You can not enforce this law and keep out men who have committed crime, men who are unfit morally and physically or otherwise to be admitted, or provide proper medical treatment for immigrants unless you maintain at Ellis Island and other places a number of men sufficient to handle these cases properly and make the necessary expenditures to keep the hospital in proper condition.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes; with pleasure.

Mr. RAKER. As a matter of fact, the service already has been hampered by reason of the reduced appropriation last year?

Mr. SIEGEL. There is no question about that. Any man who is interested in the question of immigration—and I have given the matter close study—must give an affirmative answer.

Mr. RAKER. If you do not give them this $200,000 this year, the service will be materially hampered.

Mr. SIEGEL. It will be more seriously handicapped this year than it was last. The same men will not remain in the service if they know in advance that they can not be employed for the entire 12 months in a year. But immigrants will arrive probably in larger numbers than in 1915.

There is another point that has not been discussed here. At Seattle a large number of immigrants are arriving at the present time. The department has not sufficient facilities with which to handle the immigration cases at that point. Arrangements must be made to be able to treat immigrants with care for their comfort, so that their first impression of the United States must be favorable and hasten the day when they will apply for citizenship. If this reduction is to be continued, it means that the immigrants arriving at Seattle will not be examined as they should be, nor will we be able to provide proper housing facilities or hospital treatment for them if required.

Mr. Chairman, realizing the vast amount of money that we have appropriated and that we will appropriate this year, I would not urge the expenditure of an additional sum of $200,000 at the present time for this purpose except for the fact that I think it is just as important, just as necessary, just as urgent to keep out of this country those who are prohibited from coming in under our present laws and to provide proper medical and surgical treatment and facilities for immigrants as it is to appropriate money for other necessary improvements in other branches of the Government. To keep out of this country those who would smuggle themselves into this country is doing a double service. It is doing a service to each locality, and it is doing a service to the States upon which the burdens will fall, because such people usually commit crimes; also because the United States Government does not take care of the sick or insane who have recently arrived, although we have a surplus derived from immigrants of over $10,000,000 and only expends a paltry sum toward helping to Americanize the immigrants who come to this country. There is no necessity to economize at the expense of the immigrant. Our people do not ask it. For that reason I ask that the amendment be adopted.

Mr. STAFFORD and Mr. FITZGERALD rose.

The CHAIRMAN. There are eight minutes remaining. The Chair will recognize the gentleman from Wisconsin for three minutes.

Mr. STAFFORD. I do not care to speak for three minutes.

The CHAIRMAN. Then, the Chair recognizes the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not prevail. For 1915 the appropriation was $2,649,000. The department asked $2,910,000 for 1915, but was only able to expend $2,489,000. For the current year it was given $2,450,000. Instead of discharging the men it did not need, as it confessed, it suggested to the employees of the bureau that every man be retained so as to keep his position, but be furloughed a part of the time without pay. There was no need for their services for the entire year, but in order to keep them all in the service it was suggested that instead of discharging them they should all be retained, but part of them furloughed without pay. Anybody who wants to pay these men when their services are not needed and can not properly be utilized by the Government will vote to increase this appropriation by $200,000.

Mr. DUPRÉ. Will the gentleman yield?

Mr. FITZGERALD. No; I will not yield. I have only five minutes. When the immigration to this country was 1,400,000 persons a year the appropriation was what they now ask that they be given. Last year the immigration was about 400,000 persons. Gentlemen talk about the difficulties on the Canadian border. The Canadian Government will not permit any alien to come into the United States from Canada. It has practically interned all aliens. Gentlemen talk about aliens coming in from Mexico. There are only a few places where they can come in now, and with our military forces there no alien can escape. These gentlemen talk of putting a line of special agents from one end of the Mexican border to the other. They will need more agents than we will have men in the United States Army on the border to patrol that whole section; but it is a fact, notorious to anybody who has been near the Mexican border, that there are only two or three places where men can come in.

Now, this is what is meant here: This committee has recommended every dollar that this service needs for the proper discharge of its duties. There is a strong movement on foot to get this additional $200,000, so that these employees whose services are not required for the entire year will be paid for the entire year, regardless of the necessity for their services. Anybody who desires to keep these men employed when they are not needed will vote for the $200,000. Those who want to give the service the money that it actually requires for the discharge of its duties will give the department what the committee has recommended and just what the department spent in 1915.

Mr. NOLAN. Will the gentleman yield?

Mr. FITZGERALD. I will not yield. All the time has been used on the other side. The department had $2,649,000 in 1915. They did not expend it all; they had $200,000 left on their hands; they did not need it. Immigration diminished last year and this year, and will not be any greater next year, because there is no immigration from Europe. There can not be any immigration from Canada and Mexico. The immigration on the Pacific coast is practically limited——

Mr. BURNETT. Where have the 400,000 come from, then?

Mr. FITZGERALD. I can not yield. The question is whether we will give the service the money it actually requires or whether we will contribute $200,000 to pay men who should have been discharged and whose services are not now required. This committee has recommended every dollar that the service ought to have. I am in favor of enforcing the immigration law. The only question I ever differed upon was the literacy test. I am in favor of enforcing the law. I want to give the service every dollar necessary, but I do not wish to give to this service or any other service of the Government money that it should not have merely to keep men on the public pay roll.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. NOLAN. I understood there was an extra three minutes; that the gentleman consumed five minutes, and that there were three minutes remaining.

The CHAIRMAN. The gentleman used the time. All time has expired. The question is on the amendment of the gentleman from Alabama [Mr. BURNETT].

The question being taken, on a division (demanded by Mr. FITZGERALD) there were—ayes 43, noes 39.

Mr. FITZGERALD. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. FITZGERALD and Mr. BURNETT.

The committee again divided, and the tellers reported—ayes 49, noes 55.

Accordingly, the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 168, line 26, after the end of the line, insert:

"*Provided further*, That no part of the sum hereby appropriated shall be expended for the maintenance at any United States immigrant station of any of the privileges now disposed of after public competition, as provided by the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States.'"

Mr. FITZGERALD. I reserve a point of order on the amendment. I could not understand it from the reading.

Mr. BENNET. Mr. Chairman, I would be very glad to be heard on the point of order. This is simply a limitation. The amendment provides that no part of the appropriation shall be used for the purpose of maintaining any of the privileges—that is, money changing or anything of that sort—which now by law are let by competitive bidding. It is not subject to a point of order.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. If the statement of my colleague, Mr. BENNET, is correct, I can not make the point of order.

The CHAIRMAN. The Chair does not think it is subject to the point of order.

Mr. FITZGERALD. I do not see that there is any objection to the amendment, and we will accept it.

The question was taken, and the amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word. This paragraph in the bill carries an appropriation in a lump sum of $2,450,000. The paragraph is made up of a number of distinct items. In line 17, page 167, is an item for the enforcement of the laws regulating immigration of aliens; in line 21 is an item for salaries and expenses of various employees; in line 25 an item for the enforcement of the act of 1907 relating to immigration; on page 168, line 3, for necessary supplies; and in line 5 for the prevention of the unlawful entry of the Chinese into the United States.

I desire to ask the chairman of the committee, in view of the fact that the paragraph is made up of several items relating to distinct propositions, why the paragraph should not be so divided as to assign definite amounts to each one of the items that one service may not be supported amply and another made to suffer, and why Congress should not exercise the authority it has to say that a certain amount, in its judgment, is necessary for a certain purpose and no more, instead of leaving so wide a discretion in the hands of the department to distribute money between several services which are distinct in character?

Mr. FITZGERALD. The reason is very plain. All of these acts referred to are acts which exclude specific classes of persons. If a specific appropriation were made to enforce particular acts, persons employed under this specific appropriation could not be utilized to enforce some other act. For instance, $500,000 was appropriated to enforce the Chinese exclusion act. Special agents were appointed. They could not be utilized to do any work in the enforcement of other immigration laws, although they might be at a place where an agent was needed and no other agent was present. It might be necessary to send another man 200 or 300 miles to attend to a trifling thing which, if it were not for the limitation, the other man could attend to. These employees now can be utilized to enforce any law relative to the exclusion of aliens. It is for the efficient and better conduct of the service.

Mr. HAWLEY. But the gentleman believes that wherever it is possible, these appropriations ought to be broken up in the manner I suggested.

Mr. FITZGERALD. That is true, but it is necessary to overcome the decision of the controller that the entire force of the immigration service be in such a condition that any man in it can be used to carry out any order of his superior officer affecting the service.

Mr. HAWLEY. I withdraw the pro forma amendment.

The Clerk read as follows:

For refund to the Cunard Steamship Co. (Ltd.) of amount erroneously paid for maintenance of John and Carl Antila between October 19, 1914, and January 31, 1915, at the Ellis Island immigration station, $63.75.

Mr. DIES. Mr. Chairman, I ask unanimous consent to address the House for 5 minutes on a matter not connected with the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the House for 5 minutes on a matter not connected with the bill. Is there objection?

There was no objection.

STAYING ON THE JOB.

Mr. DIES. Mr. Chairman, the impulse of every man who is unjustly assailed is to turn upon his assailant. There are very few of us who live strictly up to the Biblical injunction to "turn the other cheek." In what I am about to say I mean no criticism of any Member of Congress who has gone to his district or who may go to his district to fight for his political life. "Self-preservation is the highest law of nature." But, Mr. Chairman, we face an extraordinary situation in Congress today, and I believe it is the duty I owe to myself and the country to state the facts as they exist.

The party to which I belong, the Democratic Party, is in control of the Congress and the Presidency. The responsibility for legislation is squarely upon us. The country has a right to hold us responsible for legislation, and it will hold us responsible. The success of President Wilson and the Democratic Party demands that every Democrat in Congress stay at the post of duty.

Never before in the history of the country have so many important matters of legislation been pressing for solution. The Democratic Party is on trial for its life. We have made a good beginning. But we must not leave our work unfinished.

Mr. Chairman, in order to get this matter in a stronger light, I addressed a letter to Hon. CHAMP CLARK, Speaker of the House of Representatives, and I shall read his answer to the House and place it in the RECORD. The wise leadership of CHAMP CLARK in the Sixty-second Congress made possible the great Democratic victory of 1912. I have sought his advice in this matter. He has given it, and I shall "stay on the job" without regard to consequences at home. Following is the Speaker's letter:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 22, 1916.

Hon. MARTIN DIES,
House of Representatives.

MY DEAR MARTIN: Answering your letter as to whether it is better for you to stay on the job here or go campaigning in your district, my own judgment is that you ought to stay here. I believe if you do that your constituents will realize the fact that you are determined to discharge the duties for the term of which you were elected and will take care of you.

The situation in Congress is by no means satisfactory. The House has done very well, but the Senate is very much behind. We only have 23 majority in the House, which is a very narrow margin as compared with the whole membership of the House—435. If 13 of our men kick out or vote with the Republicans it gives them a majority. If 24 of our men absent themselves and the Republicans are all here it gives them a majority.

July will be crowded with important business, as well as the rest of this month. Very shortly the House appropriation bills will be coming back from the Senate loaded down with amendments of all sizes and sorts, and we will have as much of a fight on some of the Senate amendments as we had on the original bills. Conference reports will be pouring in, and they are very important.

Added to all this and the ordinary run of business we have the Mexican situation on hand, and no man can tell what will come out of that at any time. Also, the good-roads legislation, the rural-credits bill, and, on top of the whole thing, the revenue bill, whereby to raise the money for the extraordinary expenses that we have undertaken because of the troubled condition of the world. I would not be at all surprised if there are more important matters up in the House between now and the first of August than have ever been up at any one time.

Individually, I have refused all offers and invitations of every sort that would take me outside of Washington, because I think it is of the highest importance to the Democrats that we get through with this session in time to give our men an opportunity to go home and campaign before the election. I am as certain as I am living if we had gotten away from here 30 days sooner two years ago that instead of having 23 majority in the House we would have at least 50.

Now, the only way for Congress to get away from here as early as the middle of August is for all hands, from the captain to the cook, to stay here and work at it.

I am giving you the very same advice that I would give every Democratic Member if they would ask me.

Your friend,

CHAMP CLARK.

[Applause.]

The Clerk read as follows:

The accounting officers of the Treasury are authorized and directed to credit in the accounts of George Johannes, special disbursing agent, Department of Labor, the sum of $12.90, representing the amount reimbursed by him to Ettore Girolami, engineer in the Immigration Service, for expenses for lodging and meals at San Diego, Cal., which were disallowed by the Auditor for the State and Other Departments.

Mr. MANN. Notwithstanding what my friend from Texas [Mr. DIES] has said, there are now 34 Democratic Members out of over 200 on the floor of the House, and I do not see the gentleman from Texas. [Laughter.]

The Clerk read as follows:

NATURALIZATION SERVICE.

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (37 Stat. L., p. 736), and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed $5,300 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stat., p. 600), as amended by the act approved June 25, 1910 (36 Stat. L., p. 765): *Provided*, That in no event shall the whole amount allowed the clerk of a court and his assistants from this appropriation or any similiar appropriation made hereafter exceed the one-half of the gross receipts of said clerk from naturalization fees during the fiscal year immediately preceding; and for mileage and fees to witnesses subpœnaed on behalf of the United States; the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $275,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 171, line 3, after the word "preceding," insert the following:

"*Provided further*, That payment is authorized for the services rendered during the month of June, 1916, by clerical assistants originally authorized by the Secretary of Labor, where allowances for salaries exceeding the one-half of the naturalization fees of the court for the fiscal year 1916."

Mr. FITZGERALD. Mr. Chairman, the decision of the comptroller was that the one-half of the fees of the current year controlled. He held that one act passed in 1910 contemplated the fees of the preceding year. Before notice was sent out of that decision many clerks in these various offices had rendered services in this month for which they could not be paid unless this amendment passes.

The amendment was agreed to.

The Clerk read as follows:

The unexpended balance of the appropriation of $2,500 made in the sundry civil act for the fiscal year 1912 and reappropriated for subsequent years, for removing fence and wall around the Botanic Garden and such grading, soiling, seeding, and sodding as may be incident thereto, is reappropriated and made available for the same purposes for the fiscal year 1917.

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of order against that portion of the paragraph beginning on line 3 and ending on line 10, page 173. This is an unexpended balance of appropriation of $2,500 made in the sundry civil act of the year 1912 and reappropriated.

Mr. SHERLEY. It is not subject to a point of order. The law requires the removal of the fence.

Mr. STEPHENS of Texas. My view of the matter is that it was required to be done during that year, and it has been carried forward every year since. There is no law requiring the removal of the fence.

Mr. SHERLEY. The gentleman is mistaken.

Mr. STEPHENS of Texas. I have been unable to find it.

Mr. FITZGERALD. Mr. Chairman, my recollection is that in the act locating the Grant monument in the Potomac Gardens the provision is contained.

The CHAIRMAN. The Chair can not rule until it can be furnished with the law.

Mr. STEPHENS of Texas. Mr. Chairman, I have been unable to find any such law.

Mr. FITZGERALD. At any rate, it is in order in making provision for the Botanic Garden to move a fence, or anything else.

Mr. MANN. Mr. Chairman, I think the gentleman from Texas [Mr. STEPHENS] would not make the point of order, probably, if he understood the situation. It is contemplated to take the fence down when the Grant monument is completed. It has not been taken down because the Grant monument has not been completed. It has been carried forward from year to year until the completion of the monument. When the monument is completed the fence will have to come down.

Mr. STEPHENS of Texas. The gentleman is aware that there is a bill pending here, known as the Clayton bill, to move the Botanic Gardens further out into the country.

Mr. MANN. That has nothing to do with this.

Mr. SLAYDEN. That can not be done until this fence is removed.

Mr. MANN. I am in favor of the bill to which the gentleman referred, but that has nothing to do with this.

The CHAIRMAN. The Chair will state that if there is a law for the removal of it, of course the item is in order.

Mr. SHERLEY. Mr. Chairman, there is such a law, but I can not put my hand on it just now.

The CHAIRMAN. Suppose we pass the item for the moment, until we can find the law.

Mr. STEPHENS of Texas. Very well.

Mr. SHERLEY. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Capitol power plant: For lighting the Capitol, Senate and House Office Buildings, and Congressional Library Building, and the grounds about the same, Botanic Garden, Senate stables and engine house, House stables, Maltby Building, and folding and storage rooms of the Senate; pay of superintendent of meters, at the rate of $1,600 per annum, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation; for necessary personal and other services; and for materials and labor in connection with the maintenance and operation of the heating, lighting, and power plant, and substations connected therewith, $90,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I understood the gentleman from New York intended to offer an amendment at this point.

Mr. FITZGERALD. Yes, Mr. Chairman; I offer the following amendment as a new paragraph.

The Clerk read as follows:

On page 173, after line 24, insert as a new paragraph the following: "The Washington Terminal Railroad Co. is required to place Garfield Park siding leading to the Capital Power Plant, where it crosses Virginia Avenue, in safe condition both for vehicles and foot passengers crossing the same, and for failure to do so within 90 days after the passage of this act said company shall be liable to a penalty of $10 for each day that said siding at said point remains in unsafe condition for the passage of vehicles and foot passengers, to be collected in any court of competent jurisdiction at the suit of the United States. The sum of $1,000, or so much thereof as may be necessary, is appropriated to enable the Superintendent of the Capitol, in case the Washington Terminal Railroad Co. does not place the siding hereinabove referred to in safe condition for the purposes above mentioned within 90 days after the passage of this act, to place said siding in condition as above described, and to collect in the name of the United States and on its behalf any sum of money so expended from the Washington Terminal Railroad Co. by proper proceedings."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

For fuel, oil, and cotton waste, and advertising for the power plant which furnishes heat and light for the Capitol and congressional buildings, $82,924. This and the two foregoing appropriations shall be expended by the Superintendent of the Capitol Building and Grounds under the supervision and direction of the commission in control of the House Office Building, appointed under the act approved March 4, 1907, and without reference to section 4 of the act approved June 17, 1910, concerning purchases for executive departments.

Mr. HAWLEY. Mr. Chairman, in view of the amendment which has just been adopted I would ask the gentleman from New York whether the language in line 3, page 174, "this and the two foregoing appropriations," ought not to be modified?

Mr. FITZGERALD. Mr. Chairman, that is correct. I ask unanimous consent that the amendment which has just been adopted be transferred to follow the paragraph which has just been read.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendment just agreed to be inserted in the bill, on page 174, after line 11. Is there objection?

There was no objection.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed $47,000 for the Weather Bureau, and including the annual report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the joint resolution No. 13, approved March 30, 1906, and also including not to exceed $137,500 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $550,000.

Mr. LEVER. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 180, in line 7, by striking out "$137,500" and inserting "$177,500"; and, in line 13, strike out "$550,000" and insert "$600,000."

Mr. LEVER. Mr. Chairman, the effect of this amendment is to increase the appropriation in this item $50,000. Forty thousand dollars of that sum will be devoted to the printing and distribution of farmers bulletins, and $10,000 of the sum will be devoted to the printing of administrative bulletins, circulars, and the like of that. The Secretary of Agriculture, through the regular channels, submitted a supplemental estimate, I understand, as shown in Document No. 900, asking for an increase in the printing item for the Department of Agriculture of $100,000. The Committee on Appropriations has recommended in this bill an increase of only $50,000 of the sum asked by the Secretary of Agriculture. The Secretary of Agriculture, in a memorandum furnished me, sets out very strongly that the sum carried by this bill, although an increase of $50,000 over last year's appropriation, is entirely insufficient to enable the department to print and distribute its administrative bulletins and its farmers' bulletins as requests for them come in. I call the attention of the committee to the fact that since 1910—seven years ago—there has been an increase in the funds for general printing of the Agricultural Department of only $5,500, while the increase during those six or seven years for printing of farmers' bulletins has been only $12,500.

Since 1914, up to this time, there has been absolutely no increase whatever in the fund for the printing of farmers' bulletins. Now, several things I would like to call to the attention of the committee. First of all is this: In 1910 when the appropriation for farmers' bulletins amounted to $125,000 per annum, the annual appropriations for the entire Department of Agriculture amounted in round numbers to only $12,900,000. The bill we have just passed in this House, the annual Agricultural appropriation bill, carries in round numbers $24,500,000. Thus it is apparent that the activities of the Department of Agriculture since 1910 have doubled while the appropriations for the distributions of farmers' bulletins, which is one of the means of carrying out the information being gathered, have been increased during that time only $12,500. The proportion is absolutely out of proportion. Now, another thing——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I dislike very much to impose myself on my good friend from New York, but I would like to ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears no objection.

Mr. LEVER. Now, Mr. Chairman, I happen to know that the work of the department is increasing rapidly each year in the direction of gathering information, which must be distributed through the publication of farmers' bulletins.

In 1914 we passed the Agricultural extension bill, carrying large appropriations, and furnished another agency for the distribution of agricultural information, but that act in itself has necessitated the gathering in the department of a great deal of valuable agricultural information which should be gotten to the people in the most economical way, in the way of printed bulletins. More than that, since 1910, yes, in very recent years, the Bureau of Markets has grown up in the Department of Agriculture, starting only three or four years ago with $50,000, while this year's bill carries for that purpose something over $700,000. Valuable information is being collected on marketing and is being held away from the people for the reason that the fund for printing carried in this bill is not large enough to take care of the situation.

Mr. BORLAND. Will the gentleman yield?

Mr. LEVER. Just for a question.

Mr. BORLAND. I notice one unpublished bulletin they have in the Department of Agriculture is entitled, "What is a Day's Work?" I want to ask the gentleman, What is a day's work in the department?

Mr. LEVER. That is a very important matter which the gentleman from Missouri should learn about, and it ought to be published for his information.

Mr. BORLAND. I know what is a day's work on the farm, but I wanted to know what was a day's work in the Department of Agriculture.

Mr. LEVER. Now, the department calls my attention to this fact: During the present fiscal year it has been necessary to withhold from publication 115 manuscripts prepared specifically with a view of publication and requiring reasonably prompt issue to make available to the public the results of the work they summarize. Attention is called to the fact that the Farm Soils Survey Bulletins of the soil surveys of the country are not being printed and distributed promptly, because the fund in this item is not large enough to permit it. More than that the department says in this memorandum:

So great is the demand for these various publications that only about 33 per cent of the requests for department bulletins can be complied with—

That is, the departmental bulletins—

and only about 5 per cent of the requests for farmers' bulletins can be complied with.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEVER. For a question.

Mr. STAFFORD. I notice in the hearings that Mr. Arnold advises that with this $40,000 additional he would be enabled to increase the quota to Members of Congress over the 2,500 to approximately 20,000 per year. Does not the gentleman think that with the amount 50,000 instead of a hundred thousand the increase of 3,750 would be a reasonable increase in one year in these forwarded to Members for distribution?

Mr. LEVER. I will say to the gentleman from Wisconsin that I appreciate the position of the Committee on Appropriations. I think that that committee has done reasonably well, but it is not as well informed as to the value of these Farmers' Bulletins as the members of the Committee on Agriculture must necessarily be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. The gentleman does not answer my question.

Mr. LEVER. I hope, therefore, the amendment may pass.

Mr. FITZGERALD. Mr. Chairman, the appropriation for the current fiscal year is $500,000. This is the amount the Department of Agriculture requested. The estimate for the next fiscal year was $500,000. In March of the present year a supplemental estimate of $100,000 was furnished to Congress. The committee recommends an appropriation of $550,000 in this bill for the printing for this department. There is an increase over the current fiscal year of $50,000. This is more than the Department of State uses in a year, and is 50 per cent more than the Department of Justice uses in a year. I appreciate the value of these bulletins and these documents, but it does seem to me that if $550,000, which is a very large sum to some people, it may not be to others, is allowed for printing, it should be considered as a reasonable appropriation. The great bulk of this increase is to provide Members of Congress with facilities for distributing these bulletins. I think under existing conditions Members of Congress should not be too eager to increase opportunity for distributing public documents——

Mr. LEVER. The gentleman from New York will agree that this request has not come from me so much as it has come from the department, with which I am intimately associated.

Mr. FERRIS. I understand that; but the department's request is based on the fact that it wants to give Members of Congress documents to distribute, not that it wants the money for documents for the department, and the committee gave to the department all the money that it would need for this printing, and it felt that it was reasonable not almost to double the quota of Members of Congress at this time.

Now, there is an enormous number of these bulletins distributed and printed. Here is an increase of 10 per cent for printing alone. I think there is not much waste.

Mr. LEVER. Will the gentleman yield?

Mr. FITZGERALD. I would sooner finish what I have to say.

Mr. LEVER. I do not think the gentleman would want to misrepresent the facts. I know he would not.

Mr. FITZGERALD. No; I would not.

Mr. LEVER. He will notice that $137,500 is the amount carried for farmers' bulletins. That has not been changed. The total is changed to $550,000, but the amount of farmers' bulletins is no greater than it is for this fiscal year.

Mr. FITZGERALD. If the gentleman wants to distribute this additional $550,000 for farmers' bulletins, that is a different thing. But I submit it is an unreasonable proposition for any department of the Government to ask to have that amount of money available for printing, an increase of 20 per cent in 100, particularly when the percentage is upon a sum which is one-half million dollars. To give this department an increase of $50,000 for printing for next year is treating it liberally, and I think it is sufficient.

Mr. HAUGEN. When $50,000 is appropriated for the Department of Agriculture, it seems to me we can well afford to grant the request for $600,000 for printing to acquire knowledge of things when the knowledge that is bottled up in the department is of no great value unless it is disseminated among the people. The committee has allowed $550,000. It seems to me we should grant the appropriation of at least $650,000.

Mr. SHERLEY. Mr. Chairman, as an illustration of how careful Congress needs to be in not following blindly departments' views of their needs, it is interesting to see what the department really thinks it needs and what it did not ask for simply because it knew it would not have any chance of getting it. The memorandum it has issued says, "If the department's actual requirements were fully to be met, it should have a printing fund of at least $850,000." Just stop and think about it, gentlemen. Here is $25,000,000 of an annual appropriation. Now they need, they say, $850,000, nearly a million dollars, as a printing item. I say a man with that conception has a judgment that is so far wrong that Congress can afford to ignore it entirely. We know that if the departments of the Government were to expend in that proportion for printing, our printing bill, which now is almost a public scandal, would be twice, three times, or four times what it is.

Mr. HAUGEN. Will the gentleman yield?

Mr. SHERLEY. I yield; yes.

Mr. HAUGEN. To the $25,000,000 we should add the annual appropriation.

Mr. SHERLEY. Even then, the estimate is absurd. They are appealing to Members of Congress with the idea that because we can make political use of their publications they can get a reception that they could not otherwise get. We all know that is a fact, and somewhere we have to draw the line. Are we to be swept off our feet by appropriating these extreme sums because some clerk in the Department of Agriculture says that they can expend it? If so, we had better start the printing presses to furnish the money, because we will not have anything else for the purpose.

The CHAIRMAN. The debate on this amendment is exhausted.

Mr. LEVER. Will the gentleman yield?

Mr. SHERLEY. I will yield to the gentleman.

Mr. LEVER. I will ask the gentleman if his statements, instead of being a criticism of the department, are not actually a commendation of the department. They say they need $850,000, but under the exigencies they are willing to take $150,000 more than you recommend.

Mr. SHERLEY. I am not pointing out the modesty of their present claim, but the absurdity of their judgment. They will find that they will finally overreach themselves, and the common sense of Congress will rise above a desire to have bulletins to distribute.

Mr. LEVER. I notice in the next paragraph you are providing $400,000 for the Department of Commerce, which is a baby among the departments of the Government, and in another paragraph you provide $575,000 for printing in the Patent Office.

Mr. SHERLEY. A good deal of that is for printing that has to be done, and I am not going to object if the gentleman is going to cut some of the printing items for the other departments. I think it is high time that we were calling a stop on these extravagant estimates. Gentlemen spend their days, apparently, in the Department of Agriculture making up memoranda for the purpose of overriding the judgment of Congress so as to increase appropriations for the expenditure in the department.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LEVER. Division, Mr. Chairman.

The committee divided; and there were—ayes 56, noes 17.

So the amendment was agreed to.

The CHAIRMAN. The Chair will dispose of the point of order made by the gentleman from Texas [Mr. STEPHENS]. The Chair finds in the act approved March 3, 1899, it is provided that on or before January 1, 1903, the fence around the Botanic Garden shall be removed. Now, while the law provides that it shall be removed on a certain date, the fact that that date is passed does not, in the opinion of the Chair, thereby repeal, as it were, the law. Therefore, the Chair thinks that the law authorizes the removal of this fence, and hence the reappropriation of a sum which has heretofore been appropriated for the purpose is in order on this bill. The Chair therefore overrules the point of order. The Clerk will read.

The Clerk read as follows:

For furniture and fixtures, typewriters, carpets, labor-saving machines and accessories, time stamps, adding and numbering machines, awnings, curtains, books of reference, directories, books, miscellaneous office and desk supplies; paper; twine, glue, envelopes, postage, car tickets, soap, towels, disinfectants, and ice; drayage, express freight, telephone and telegraph service; repairs to building, elevators, and machinery; preserving sanitary condition of building, light, heat, and power; stationery and office printing, including blanks, price lists, and bibliographies, $33,000; for catalogues and indexes, not exceeding $16,000; for binding reserve remainders, and for supplying books to depository libraries $80,000; equipment, material, and supplies for distribution of public documents, $17,000; in all, $146,000.

Mr. FOCHT. Mr. Chairman, I would like to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the construction and equipment of the Panama Canal, including $1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; equipping of colliers *Ulysses* and *Achilles* with self-discharging equipment at not exceeding $125,000 each and not exceeding $50,000 for covering certain unprotected surfaces of said colliers with bitumastic enamel; toward construction by contract or in navy yards complete in every detail, including self-discharging equipment and all other necessary apparatus, of two colliers at a total cost not exceeding $1,300,000 each under a contract or contracts hereby authorized therefor; also toward construction of one dock at Cristobal (No. 6) at a total cost not exceeding $1,500,000 under a contract or contracts hereby authorized therefor, $10,000,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. FITZGERALD: Page 186, line 22, strike out the sum "$10,000,000" and insert in lieu thereof the following: "$9,750,000. No part of this sum or of any unexpended balance of appropriations for construction and equipment of the Panama Canal shall be expended for construction or establishment of new quarantine stations."

Mr. FITZGERALD. Mr. Chairman, this language is a transfer from page 187.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, $450,000. No part of this sum or of any unexpended balance for sanitation, quarantine, and hospitals shall be expended for construction or establishment of new quarantine stations.

Mr FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. FITZGERALD: On page 187, strike out all of lines 10, 11, and 12, and in lieu thereof insert the sum "$700,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Except in cases of emergency, or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices, and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal act, there shall not be employed at any time during the fiscal year 1917 under any of the foregoing appropriations for the Panama Canal any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the 1st day of July, 1915; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year 1917.

Mr. MANN. Mr. Chairman, there is a typographical error in line 1 to be corrected there, the latter syllable in the word "purpose" not appearing in the print.

The CHAIRMAN. Without objection, the typographical error will be corrected.

There was no objection.

Mr. KEATING. Mr. Chairman, I want to reserve a point of order on the paragraph for the purpose of asking the chairman of the committee a question, if I may have his attention for a moment. In lines 11 to 14 on page 189 it is provided—

nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the 1st day of July, 1915.

Who would be affected by that provision?

Mr. FITZGERALD. It might affect them all and it might not affect anybody. A similar provision has been carried for several years which prevents increasing the maximum rate of compensation except in cases of emergency, in which cases the Governor of the Canal Zone is compelled to report the emergency and the reason for the increase. If there is a special emergency as the result of which there should be an increase of the maximum pay, the power exists to make that increase. It was done designedly for this purpose: The compensation is fixed on a liberal scale, and it is intended to stop the continual agitation and dissatisfaction resulting from men agitating for an increase of pay and not getting it.

Mr. KEATING. Would this prevent the Governor of the Canal Zone increasing the pay of machinists, or of other workmen employed on the canal, or a certain class of workmen?

Mr. FITZGERALD. No. This affects only the construction work. In the permanent organization the compensation is adjusted so as not to exceed 25 per cent in excess of the prevailing rate of compensation in similar employments in the United States, so that the compensation can be adjusted from time to time. The construction period is now practically at an end, with the exception of the dry dock at Balboa and a new dock on the Atlantic side for commercial purposes.

Mr. KEATING. To cite a specific instance, as I understand it, under the law a man may receive 25 per cent more than the prevailing rate of wages in this country?

Mr. FITZGERALD. That is, in the permanent organization.

Mr. KEATING. Suppose he had not received that 25 per cent additional on the date mentioned here—the 1st of July, 1915—and it was the desire of the governor or the proper official to grant it to him after this bill goes through.

Mr. FITZGERALD. He would not be affected by it.

Mr. KEATING. I will say to the gentleman that the representatives of some of the men who are employed on the canal have felt that they would be affected by this provision.

Mr. FITZGERALD. No; that does not apply to them. As a matter of fact, this is not very important at this time, because the law provided that when the permanent organization went into effect that scale of wages should prevail. The permanent organization was put into effect, and then it was found that a large number of men who were employed in the construction force and who would not be covered into the permanent force would have their compensation reduced, so that in a deficiency bill it was provided that the compensation of the men employed in the construction branch should not be reduced, but that the construction period should be considered to end on the 30th of this June.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman's time be extended for a minute or two in order that I may make this statement.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FITZGERALD. It was recognized that the men who were in the construction force were not intended to be affected, because, although their employment has lasted in many instances eight or nine years, it is still in the category of a temporary employment. The men who were to be transferred into the permanent organization were to be given practically life positions, and it was believed that if they received 25 per cent in excess of the prevailing compensation in similar employments in the United States they would be reasonably well provided for. And I suppose that under that law, if the prevailing rate of compensation, say, of machinists in the United States should be changed because of changed conditions, if a readjustment were deemed advisable, there would still be the authority to receive that same rate of compensation.

Mr. KEATING. This would not interfere with that at all.

Mr. FITZGERALD. No. Where it says they shall receive not more than 25 per cent in excess of the prevailing rate, I understand the canal officials have construed it to mean that they shall receive the prevailing rate plus 25 per cent. This is not intended to affect them, and if it did in any way it would be corrected.

Mr. ADAMSON. The only people who are affected by this law possibly go out of service on the 1st of next month.

Mr. KEATING. I withdraw the point of order.

The Clerk read as follows:

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1917, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Mr. CULLOP. I move to strike out the last word. I should like to ask the chairman of the committee if he knows what the receipts of revenues are from the operation of the waterworks at Colon and Panama?

Mr. FITZGERALD. About $167,000.

Mr. CULLOP. Is not that sum entirely too much to be paid for the operation of the plants at the two cities?

Mr. FITZGERALD. I think not.

Mr. CULLOP. The waterworks were already established in each city.

Mr. FITZGERALD. This is for the maintenance of the waterworks system, sewers, pavements, and the whole thing.

Mr. CULLOP. I overlooked the provision as to sewers and pavements as well as waterworks What are the rates charged as water rentals there? How do they compare with those charged in cities in this country? Has the gentleman any data on that?

Mr. FITZGERALD. We did have, but I will say to the gentleman that I do not recall the figures just now. I have not looked at them since last November.

Mr. CULLOP. It seemed to me that the entire proceeds arising from the use of the water revenues would be altogether too large a payment for the operation of the plant.

Mr. FITZGERALD. At Panama the water revenues were $40,546, and the same sum was expended on the operation and maintenance of the waterworks. They just charge it up to cover the cost.

Mr. CULLOP. In other words, the charges are only such as to cover the cost of operation, extension, and repair?

Mr. FITZGERALD. The repairs and maintenance of the pavements in Panama amounted to $16,848. The operation and maintenance of the Colon waterworks and sewers was $29,721.17. The repairs and maintenance of the pavements in Colon, $10,209.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The proportion for repairs and maintenance of the water-supply system of Panama was $31,000; proportion of maintenance and repairs of the Colon water system, $24,195.28. They make the charges so as to cover the exact cost of maintenance and operation, and it is under agreement with the Republic of Panama. It is done by us because the sanitation of those two cities is of so much importance to the health of persons in the Canal Zone that under the treaty we have the right to take charge of that.

Mr. CULLOP. I understand there has been splendid work done in that regard.

Mr. FITZGERALD. Yes.

Mr. CULLOP. Mr. Chairman, aside from the item I was just discussing with the gentleman from New York [Mr. FITZGERALD] it is appropriate to speak at this time a few words about conditions now existing in this country. It seems to be a record-making period, the like of which has never been witnessed. From every section of the country comes the good news of an unprecedented prosperity in every line of industry, in every legitimate calling. Labor is employed, the demand greater than the supply; wages are higher than ever known; the products of labor find a ready sale at high prices, the supply is not adequate for the demand. Every market is filled with buyers, with cash to pay for what they buy. Confidence in the business world was never better, and the investor feels safe, and hence all industry is active and profitable. From Cleveland, Ohio, one of the great industrial centers of this country, we take the following from the public press, which explains the prosperous conditions existing there:

CLEVELAND WORKERS GET $15,000,000 MORE WAGES.

CLEVELAND, *June 22.*

Wage increases affecting 100,000 workers here and totaling $15,000,000 annually have been or will be granted before July 1, according to figures compiled by John Owens, Cleveland Federation of Labor secretary.

Owens estimates that half the men and women working here, numbering 200,000, will benefit in wage boosts, at an average of not less than 50 cents a day each.

Common labor, which has advanced from $2 to $2.50, is scarce at the latter figure. A quarry strike at a near-by town affected 500 men who asked that their pay be raised to $2.50. Before the quarry could settle it, Clevelanders had hired all the strikers at their own prices.

Many thousands of workers here already have been granted more pay, including 10,000 steel workers. Agreements have been signed affecting over 20,000 other employees and granting wage boosts of from 20 cents to $1.20 per day per man.

Machinists and building laborers numbering 16,000 have made demands or plan to make them for increases ranging from 30 to 50 cents a day.

In practically every industry in the Cleveland district workers have begun to share or intend to share in the prosperity of the mills and factories.

Reports of this kind drown the echoes of the calamity howlers in this House, who, it seems of late, have silenced their evil prophecies and have accepted the advent of real prosperity as a fixed fact in this country. Very much to their discomfiture, no doubt, they now concede the people are enjoying a prosperous era, and realizing the results of the wise and wholesome policies adopted by the present Democratic administration. As further proof of these splendid conditions I commend the reading of the following article taken from one of the leading metropolitan papers this morning:

BUSINESS IN GOOD FORM AND FINE FEATHER.

We direct attention of the readers of the Post to a few of the many encouraging items of business progress throughout the United States.

These items cover very different lines of affairs, but they all tell the story of amazing prosperity so strongly, so forcibly, so eloquently that we feel that extended comment upon them is superfluous. Standard Oil Co. of Indiana sales in May showed an increase of 1,000,000 gallons over May, 1915.

Public Service Corporation of New Jersey directors have voted to recommend stockholders to increase the capital stock from $25,000,000 to $50,000,000.

Railway-equipment orders placed in the last week included 1,116 cars, and the Habana Central Railway is reported to have placed two orders for steel freight cars this week, each order being for 500 cars.

Dominion Steel Corporation has sold its entire output for the current year.

The Northern Pacific's gross revenue for the first two weeks of June was $2,932,000, a revenue which has been exceeded for a similar period but once in the past seven years.

Southern cotton mills are doing the largest business in their history, and the majority of them have sold up their possible output to the close of the year.

At the single port of New York from June 10 to June 20, inclusive, the exports amounted in value to $70,880,922; the imports were of a value of $44,001,767. Thus from the business of that one port there was an excess value of exports in the nine business days of the period of nearly $26,000,000.

A contract was closed this week by the Oriental Navigation Co., of Battery Place, New York, to ship 15,000 tons of steel billets to Paris, where they are to be converted into projectiles.

Coal and coke shipments on the Pennsylvania Railroad increased in May 874,077 tons.

A $6,000,000 order for electrical equipment was received by the General Electric Co.

Such evidences of prosperity are found daily in the great papers of this country. The prosperous conditions of our country, of its entire population, refute the predictions made by those opposed to the policies of this administration when it began the great work it planned when it took up the administration on the 4th day of March, 1913. Those who charged then that a Democratic administration and bankruptcy were allies now are convinced—or, at least, the facts are ample to convince them—that a Democratic administration and prosperity are inseparable allies, and the people so recognize them as such. The prosperous conditions now existing are not the result of chance or conditions elsewhere. The primary cause is directly attributable to the progressive and constructive policies adopted by this administration, the remedial legislation enacted since it came into power. Without such legislation it would have been impossible for such conditions to have existed, for the people to have enjoyed such an era of prosperity. Times might and doubtless would have improved, but the policies then enforced and the want of remedial legislation were a restraint upon the freedom of business which would have prevented an approach to anything like the present. People realize this fact and give credit where it belongs, and they appreciate the splendid work in every section of our great country. Unfortunately now the specter of war appears above the horizon, which will doubtless turn the attention of many from the peaceful walks of life, from industrial pursuits, to the defense of our country, the preservation of our rights.

American citizens loyal to their country, patriotic in their purpose, will not tolerate a single right to be trampled under foot or a single wrong imposed without resenting it and vindicating our national honor. No more chivalrous people live in the world; loyal and warm-hearted, courageous, they will not permit wrongs committed against us as a Nation without punishing those who attempt our injury. We deplore the fact that such an issue is imminent. The President and Congress have patiently tried to avert it, but it seems that efforts to that end longer are in vain, and that it must be now met. If meet it we must, then meet it we will, with the courage and patriotism for which our people are distinguished. We hope a peaceful solution may yet be had. The President, no doubt, would gladly have our Nation spared, if it could be honorably done, the awful distress of war; but if it can not be done, then he will use every effort to protect, preserve, and uphold the rights of our Nation and the dignity of our people.

The American people are a unit in supporting him in this great crisis through which we are now passing.

It seems to me the duty of the people and their attitude is so well expressed in an editorial in the Washington Post this morning that the attention of the country should be called to its patriotic declarations. It is as follows:

THE PRESIDENT AND THE AMERICAN PEOPLE.

The question is often asked as to what position this or that newspaper, this or that public man, this or that individual is going to take if the administration decides to intervene in Mexico for the purpose

of preserving American lives there, American property there, American national rights there, or upon our own domain within the border.

There is but one position for any loyal American newspaper or any loyal American citizen to take in that matter, and that is, to give the Government of the United States the most cordial and hearty support by word and, if necessary, by deed.

The American people are a unit upon that.

They are as firm as granite and as solid as an ingot of steel in favor of protection of the rights of this country as against every violator of them, either upon the land or upon the sea.

The masses of the American people have no leaders when it comes to defense of this Republic, its rights, or its citizens.

The entire population is in a solid square on such a proposition, and would-be leaders have no identity as such owing to the uniformity and universality of the citizens' love and loyalty to the Union.

When President Wilson strikes for defense of the rights of our people in Mexico, or in Santo Domingo, or in Nicaragua, or upon the high seas, showing no favor to any violator of our national rights, to any interferer with our freedom of the seas, or our rights to neutral markets of the world, he should have, and will have, the fullest support of the people of the United States.

It is the failure to strike down the offenders that has been criticized in the past, just as it would be in the present, just as it should be in the past, present, and future.

The people of the United States are no swashbucklers, ever on the aggressive and seeking trouble or pretending to seek trouble to cut a figure in the eyes of worthless admirers.

They love their land; they carry no hatred to the people of any other land, but they know that their liberties and their rights must be protected as against all foes, and they are ready to sacrifice their lives and their fortunes in defense of those liberties and rights.

President Wilson has but to act vigorously in defense of the lives and property and rights of American citizens and in defense of the national rights to command the support of all Americans.

In my judgment this truly states the sentiment of the American people. They stand squarely behind the President in this trying situation, ready to defend the country, if war must come, and vindicate the rights of our people. They believe in his patriotism, his high purpose, his ideals of justice, and his love for humanity. Every citizen in this Republic has confidence in his wisdom and his courage to protect and preserve the honor and dignity of this great Nation under all circumstances which may arise. Its destiny is safe in his hands.

The Clerk read as follows:

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1917, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Mr. TAVENNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 192, after line 20, insert the following:

"*Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. FITZGERALD. I want to say to the gentleman that there is no appropriation in this bill that this amendment would affect.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 34 ayes and 23 nays.

So the amendment was agreed to.

Mr. KEATING. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert on page 192, after the amendment just adopted, the following as a new section:

"SEC. 2. That the sum of $10,000,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, for the following purposes:

"The construction and equipment of not to exceed three plants for the manufacture of munitions of war for the use of the Army and the Navy and the coast fortifications of the United States, and for the purchase of suitable sites for said plants.

"The sites for said plants shall be designated by the President of the United States, with special reference to considerations of safety in time of war, and the construction and equipment of said plants shall be under the direction and supervision of such officials of the War and Navy Departments as the President may select.

"The expenditures for drafting, technical, expert, clerical, and other assistance deemed necessary by the President for the proper execution of the provisions of this section shall be paid from said appropriation.

"Nothing herein contained shall be construed as directing the abandonment of any existing munitions plant owned and operated by the United States, or the curtailment of the output thereof."

Mr. FITZGERALD. Mr. Chairman, I will reserve a point of order on that for 5 minutes.

Mr. KEATING. Mr. Chairman, I thank the gentleman from New York for courteously refraining from pressing the point of order at this time. I wish to make a brief statement concerning this amendment. The amendment provides for the construction and operation of Government munition factories. Some three or four months ago some gentlemen on the Democratic side of this House who believe in Government ownership of munition plants held a meeting and selected a committee, of which I was chairman. The other members were Mr. VAN DYKE, of Minnesota; Mr. TAGGART, of Kansas; Mr. TAVENNER, of Illinois; and Mr. CROSSER, of Ohio. There was a suggestion that we endeavor to take steps which would enable the House to secure a square vote on the question of Government ownership of munition factories. We proceeded to prepare a petition for a Democratic caucus. The petition was signed by the number of Democratic Members required under the rules of the Democratic caucus. That caucus met on the 29th of March, 1916, and a quorum was present. This subject was thoroughly thrashed out. Certain distinguished gentlemen opposed the proposition which we submitted, and after the caucus had considered the matter for some three hours, it decided by what was practically a unanimous vote that the Committee on Rules should be instructed to bring in such rules as might be necessary to give this House an opportunity to vote on the question of Government ownership of munition plants.

In order that the instructions of the caucus may be understood, I wish to read the resolution which was finally offered and adopted. The resolution was offered by Mr. GARNER, of Texas, as a substitute for a resolution that I had offered.

Mr. GARNER's resolution adopted at the Democratic caucus was as follows:

Resolved, That it is the sense of this caucus that the Rules Committee shall report a rule making in order amendments to the Navy, Army, fortification, and sundry civil bills having for their purpose provisions providing for Government manufacture of arms and munitions.

This action of the caucus has been called to the attention of the Committee on Rules repeatedly, and the suggestion has been made that they should comply with the instructions issued by the body that created the Committee on Rules, in so far as the Democratic members of that committee are concerned. The suggestion has been ignored, the rule has not been brought in, and now when I offer an amendment to this bill along the lines authorized by the Democratic caucus the gentleman from New York makes the point of order that it is out of order.

Mr. MEEKER. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. MEEKER. In the light of the resolution adopted by the caucus and what the gentleman says, is it not evident how your party stands on the question?

Mr. KEATING. It does not show how my party stands; it may show how certain gentlemen in the House stand. All I ask is to have an opportunity for Republican and Democratic Members of the House to show how they stand. All we ask for is a square vote on this question of Government ownership of munitions factories.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. BUCHANAN of Illinois. Does not the resolution adopted by a Democratic caucus indicate how the Democratic Party of this House stands?

Mr. KEATING. I think it indicates it in a very emphatic fashion.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, this matter of Government ownership of munitions factories is a very important matter. We have heard a great deal about preparation for war and many references have been made to the reports of the War College and of the boards that control our naval policy. I want to read to this House one paragraph from a report submitted to the late Secretary, Mr. Garrison, by the War College Division, General Staff Corps, in compliance with the instructions of the Secretary of War, in March, 1915. It is entitled "Statement of a Proper Military Policy for the United States," and paragraph 60 is as follows:

As a general military principle, no supply depot, arsenal, or manufacturing plant of any considerable size, supported by the War Department appropriations for military purposes, should be established or maintained east of the Appalachian Mountains, west of the Cascade or Sierra Nevada Mountains, nor within 200 miles of our Canadian or Mexican borders, and steps should be taken immediately to cause to be moved depots and manufacturing plants already established in violation of this military principle.

Mr. Chairman, every arsenal now owned by the United States, with the exception of the arsenal at Rock Island, Ill., is located in violation of what the gentlemen of the War College lay down

as a fundamental military principle, and the bill or amendment which I have just submitted places it within the power of the President of the United States—and naturally he would consult with the Secretary of War and the Secretary of the Navy—to remedy that condition. I believe if this House were untrammeled to the extent that it might be permitted to vote on this question the amendment would carry. The question of whether it is in order or not is one which must be determined by the chairman of this committee.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. FITZGERALD. Mr. Chairman, when this bill was presented to the House on last Monday I called attention to the fact that in it were included items aggregating over $3,000,000 in excess of the estimates submitted by the departments to increase the facilities of the Government to manufacture munitions of war. I called attention to the fact that the Committee on Appropriations, in the consideration of the fortifications appropriation bill and of the sundry civil appropriation bill, had made an exhaustive and complete investigation of existing facilities and of the possibilities of increasing existing governmental facilities so as to use them to the very best advantage possible, and as a result of that investigation these items were reported. One of the largest is $500,000 on account of a field artillery assembling plant at the Rock Island Arsenal, to cost $1,250,000, and another is $500,000 to establish an entirely new powder factory, for which there is now no authority of law. All of these items were before the committee. They were considered, some of them, on Monday and the balance on Thursday, the next day this bill was taken up. So far as I was concerned, in view of what happened in relation to the inclination of Members to have considered propositions for the Government to manufacture all munitions of war, I was ready to have discussed and considered any item that might have been proposed on either of those days when armories and arsenals were under consideration. I stated that the information before the committee was to the effect that it would require an additional investment of $75,000,000 to enable the Government to manufacture all of the munitions of war that would be required and that the committee had endeavored to meet as far as possible what it considered to be the desire of Congress that the Government should engage in this manufacture by utilizing, enlarging, and extending existing plants as far as could be justified. I now think it is hardly reasonable, at the very conclusion of this bill, at a time when it is essential that it should be passed, in order that the Senate may work upon it to-morrow, which is Sunday, to expect me to consent, at a place in the bill where it is not properly proposed, to inaugurate a discussion on a matter of this kind, and I know that if I did not make the point of order some one else would.

Mr. KEATING. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman from Colorado. I suggested Monday, Thursday, when the discussion was going on, and my attention was called to the fact that Members wanted a rule brought in making this in order——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD. Just time enough to complete this sentence—that we were at that time on that part of the bill where those things were being considered, but unless somebody proposed an amendment it was useless to bring a rule in making it in order, and no amendment was proposed.

Mr. KEATING. May I ask for just a minute to ask the gentleman a question?

The CHAIRMAN. It can be done by unanimous consent. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I am going to make the point of order if the gentleman from New York does not. I am quite willing to stay here and pass the bill in order to expedite business, but I am not willing to stay here and listen to hot air at this time of night.

Mr. KEATING. I will suggest to the gentleman that I am not going to indulge in a great quantity of it and do not usually do so.

Mr. MANN. Well, the other gentleman——

Mr. KEATING. I also acquit the other gentleman.

Mr. FITZGERALD. We are not making any promises, because I think it is not reasonable to ask me to be bound by conditions which gentlemen on that side refuse to impose upon themselves.

Mr. MANN. We are silent at present.

Mr. KEATING. I wish to ask the gentleman, which will take but a moment, does he believe the amendment which I have offered would have been in order at that time and at that place?

Mr. FITZGERALD. I do not; but I would not have made the point at that time because the committee itself brought in a proposition to establish a powder plant that was not in order, but the gentleman who raised the point of order withdrew it on the showing made, and I think it is very doubtful whether a number of items we reported in the bill were in order.

Mr. KEATING. I am asking this in good faith. Was there any point in the bill where this amendment which I suggest, or an amendment of similar purport, could have been offered and held in order if some gentleman had desired to make the point of order?

Mr. FITZGERALD. I think I could have drawn an amendment embracing the amount of $10,000,000 that would have been in order.

The CHAIRMAN. The time of the gentleman has again expired. Does the gentleman from New York insist on the point of order?

Mr. FITZGERALD. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 2. That no part of the money appropriated by this act shall be used for payment of salaries or expenses of the Joint Land Commission, established under article 15 of the treaty between the United States and the Republic of Panama, in adjudicating or settling any claim originating under any lease or contract for occupancy made by the Panama Railroad Co. in the Canal Zone or for the payment of any awards made by said commission on account of any such claims.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by the committee: In lieu of section 2 of the bill insert the following:

"SEC. 2. That the Joint Land Commission established under article 15 of the treaty between the United States and the Republic of Panama, proclaimed February 26, 1904, shall not have jurisdiction to adjudicate or settle any claim originating under any lease or contract for occupancy heretofore or hereafter made by the Panama Railroad Co. of lands or property owned by said Panama Railroad Co. in the Canal Zone, and no part of the moneys appropriated by this or any other act shall be used to pay such claims."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the information required in connection with estimates for general or lump-sum appropriations by section 10 of the sundry civil appropriation act, approved August 1, 1914, shall be submitted hereafter according to uniform and concise methods which shall be prescribed by the Secretary of the Treasury.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 194, after the word "Treasury" strike out the period, insert a comma, and add the following: "But with reference to estimates for pay of mechanics and laborers there shall be submitted in detail only the ratings and the trades and the rates per diem paid or to be paid."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 194, before line 3, insert the following:

"SEC. 5. That in measuring vessels for the purpose of imposing and collecting tolls at the Panama Canal and for other purposes the measurements shall be determined in all cases by the Panama Canal rules, and the maximum and minimum tolls for vessels of commerce prescribed in section 5 of the act entitled 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone,' approved August 24, 1912, shall be based on net tonnage as determined by said Panama Canal rules."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to return to page 177 of the bill to offer an amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 177, line 25, after the word "war," insert the following: ", and not exceeding $50,000 shall be available for printing and binding under the direction of the Chief of Engineers."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, without objection, I ask to return to page 178 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 178, line 4, strike out the word "for" and insert in lieu thereof the word "from."

The amendment was agreed to.
Mr. FITZGERALD. Also the following amendment.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 86, line 9, after the sum "$5,500," insert: "one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States."

The amendment was agreed to.
Mr. FITZGERALD. Now, Mr. Chairman, there were two amendments that were passed over. On page 51, an amendment proposing an appropriation of $2,000, offered by the gentleman from New Mexico [Mr. HERNANDEZ].
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 51, line 12, after the word "periodical," strike out "$42,000" and insert in lieu thereof "$44,000."

The CHAIRMAN. The question is on agreeing to the amendment.
The question was taken; and the Chair announced that the ayes seemed to have it.
Mr. FITZGERALD. Mr. Chairman, I ask for a division.
The committee divided; and there were—ayes 47, noes 44.
Mr. FITZGERALD. Mr. Chairman, I ask for tellers.
Tellers were ordered; and Mr. FITZGERALD and Mr. HERNANDEZ took their places as tellers.
The committee again divided; and the tellers reported—ayes 35, noes 52.
So the amendment was rejected.
Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 61 to offer an amendment concerning the Picatinny Arsenal.
Mr. MONDELL. Mr. Chairman, when the item in line 11, on page 61, was read I asked that it be passed over. After having given the matter further consideration I have concluded not to offer the amendment.
Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the Clerk may be authorized to correct the totals and properly number the sections.
The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the Clerk may be authorized to correct totals and correct numbers of the sections. Is there objection?
There was no objection.
Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.
The motion was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union reported that the committee had had under consideration the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.
Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.
The previous question was ordered.
The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them in gross.
The amendments were agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. GREEN of Iowa. Mr. Speaker, I misunderstood the time for extension of remarks on the pension bill passed last Saturday, and I ask unanimous consent now to extend my remarks.
The SPEAKER. Which one of the pension bills?
Mr. GREEN of Iowa. The widows' pension bill.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
Mr. FOSTER. I make the same request.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
Mr. FESS. Mr. Speaker, I make a similar request.
The SPEAKER. Is there objection?
There was no objection.

Mr. OLIVER. Mr. Speaker, I ask permission to extend my remarks in the RECORD by printing a speech of Mr. W. P. G. Harding, of the Federal Reserve Board, delivered at my home city of Tuscaloosa before the Alumni Society of the University of Alabama.
The SPEAKER. Is there objection?
Mr. MANN. I will not object to that, but I will object to any other requests to-night.
The SPEAKER. The Chair hears no objection.

HOUR OF MEETING MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock and 30 minutes a. m. on Monday.
The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. on Monday. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:
H. R. 393. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes;
H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.;
H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section, to be known as section 7;
H. R. 11286. An act for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows;
H. R. 13669. An act to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River at the city of Wabash, Ind.;
H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines;
H. R. 15006. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River in the State of Indiana; and
H. R. 15007. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River in the State of Indiana.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until Monday, June 26, 1916, at 10.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:
1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of intracoastal waterway from the Arroyo Colorado to Point Isabel, Tex. (H. Doc. No. 1239); to the Committee on Rivers and Harbors and ordered to be printed.
2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Carankaway Bay and River, Tex., with a view to connection with the inland waterway (H. Doc. No. 1240); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:
Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 199) to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes, reported the same without amendment, accompanied by a report (No. 845), which said bill and report were referred to the House Calendar.
Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 19) relating to bills of lading in interstate and foreign commerce, reported the same with amendment, accompanied by a report (No. 847), which said bill and report were referred to the House Calendar.

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 9672) for the purpose of expending the unexpended balances and surplus postal revenues on rural post roads, reported the same without amendment, accompanied by a report (No. 846), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNES of South Carolina, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 11474) authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn., reported the same with amendment, accompanied by a report (No. 848), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. STEAGALL: A bill (H. R. 16639) to provide for the purchase of a post-office site at Ozark, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. KALANIANAOLE: A bill (H. R. 16640) to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street-railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914; to the Committee on the Territories.

By Mr. TRIBBLE: A bill (H. R. 16641) granting the consent of Congress to Julian B. McCurry, A. G. McCurry, P. W. Walton, and J. T. Fretwell to construct a bridge across the Savannah River; to the Committee on Interstate and Foreign Commerce.

By Mr. EAGLE: A bill (H. R. 16642) to enlarge, extend, remodel, and improve the old post-office building at Houston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 275) calling on the Secretary of War for information concerning the contract with the Shanghai Dock & Engineering Co., of Shanghai, China, for the construction of a collier for the use of the United States Army; to the Committee on Military Affairs.

By Mr. ROGERS: Resolution (H. Res. 276) suspending the exportation of arms and munitions of war to Mexico; to the Committee on Foreign Affairs.

Also, a resolution (H. Res. 277) calling upon the Secretary of the Treasury for information concerning exportations to Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Joint resolution (H. J. Res. 243) directing the Secretary of the Navy to accept a certain proposal of Louis Gathmann; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BEALES: A bill (H. R. 16643) granting an increase of pension to Lettie Edie; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16644) granting a pension to Theodora Rudiger, widow of Henry Rudiger; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 16645) for the relief of W. S. Bennett and Josephine Bennett, his wife; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 16646) granting a pension to Evan Watson; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 16647) to authorize the changing of the name of the steamship *Aroline;* to the Committee on the Merchant Marine and Fisheries.

By Mr. HELGESEN: A bill (H. R. 16648) for the relief of Isaac J. Reese; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 16649) to remove the charge of desertion from the military record of James M. Cook; to the Committee on Military Affairs.

Also, a bill (H. R. 16650) granting an increase of pension to Bascumb Hornsby; to the Committee on Pensions.

Also, a bill (H. R. 16651) granting an increase of pension to John W. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16652) granting an increase of pension to Mrs. Nan E. Le Force; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16653) granting an increase of pension to Mary Davison; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 16654) for the relief of the widow of Walter E. Spicer; to the Committee on Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 16655) granting a pension to Ollie B. Gomer; to the Committee on Pensions.

Also, a bill (H. R. 16656) granting an increase of pension to Loretta N. Roberson; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 16657) granting a pension to Andrew J. Bess; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 16658) granting an increase of pension to Samantha F. Williams; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of Bertha Stein, Mrs. Barto, Susan Glatz, Arthur J. Walker, Joseph Wassel, Mrs. Kist, Mrs. Gahagan, Mrs. Smith, Mrs. Fulton, Mrs. Reynolds, A. B. Moses, Helen Stonebraker, Mrs. I. C. Hershberger, James L. Abraham, Calvin J. Warner, Mrs. Calvin Warner, William F. Ott, John S. Grumling, Ray P. Smith, Mrs. Mary Strick, William E. Kane, R. Conlin, Thomas Conlin, Maurice Segel, A. V. Barley, Mrs. A. V. Barley, Mrs. M. Lohr, R. S. Porter, Mrs. George Warner Fox, Mrs. A. I. Walters, Mrs. G. M. Orlosky, Mrs. F. Inacovsky, Florence Marshall, John W. Bernet, Imogene Miller, Freda Hall, Marie Ream, Florence Johnson, James E. Coyle, Clara Ream, Dorothy Shamberg, Anna Busch, Helen Heffley, Mary Clark, Margaret Burkett, Rebecca Evans, Cora Follmer, Ella Gallagher, Amelia Yarnavick, Eva McGunigal, Margaret James, C. A. Bowman, Stelle Floto, Isabelle Flynn, Rose Pfefferel, and N. Smith, all of Johnstown; Mrs. H. W. Studt, of Wilmore; George C. Pound, of Lancaster; Mrs. Kate Angus, of Conemaugh; and W. W. Carpenter, of Portage, all in the State of Pennsylvania, against the passage of House bill 9671, to establish price control; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALES: Evidence in support of House bill 16447, granting an increase of pension to Mrs. Julia A. Snyder; to the Committee on Invalid Pensions.

By Mr. CAREW: Petition of the Merchants' Association of New York, relative to Senate amendment 33 to the rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. DALE of New York: Petition of National Association of Woolen and Worsted Overseers, favoring early increase in tariff rates; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the National League of Government Employees, favoring passage of the Nolan minimum-wage bill; to the Committee on Labor.

By Mr. FESS: Petition of citizens of Greene County, Ohio, favoring a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. LONDON: Petition urging that every possible effort be made to prevent a war in America, which would be a repetition of the European horrors, from Federation of Jewish Farmers of America; to the Committee on Foreign Relations.

By Mr. LOUD: Petition of Mr. John C. Ketcham, master, and 8 other officers of Michigan State Grange, against Senate bill 3331, known as the Shields water-power bill; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of Farmers' Educational and Cooperative Union of America, Bellvue, Colo., asking for investigation of the high price of refined sugar, etc.; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Mrs. D. Berlin and 13 others, favoring the Keating-Owen child-labor bill; to the Committee on Labor.

SENATE.

MONDAY, *June 26, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, accept our tribute of praise as we come with reverent spirit into Thy divine presence. We know that the highest achievement of our statesmanship will have been reached when we have no other will for ourselves or for our Nation but Thy will. Thou art supreme, and Thou dost communicate Thy will to those who come with reverent and earnest spirit. Thou hast taught us that if any lack wisdom let him ask of God, who gives to all liberally. So we pray that in time of great stress we may find the divine plan and have in our hearts the purpose to follow the divine will. We thank Thee that we stand calm before the dictates of sweet reasonableness in the midst of increasing provocation. We pray that Thou wilt still guide us so that we may not be brought into the great tragedy of war. Guide us this day in our deliberations and all the people in all their

ideals of life and of the State. May they seek together to do Thy will. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

The Journal of the proceedings of Saturday last was read and approved.

ANACOSTIA RIVER AND FLATS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report of a board of engineers proposing a modification of the project for the reclamation and development of the Anacostia River and Flats, D. C., which, with the accompanying paper, was referred to the Committee on Appropriations.

FRANKFORD ARSENAL, PHILADELPHIA, PA. (S. DOC. NO. 473).

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation for the Frankford Arsenal, Philadelphia, Pa., etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes.

The message also announced that the House had passed the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 15836. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. THOMAS. I present resolutions adopted by the Farmers' Educational and Cooperative Union of Larimer County, Colo., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Farmers' Educational and Cooperative Union of Larimer County, Colo.

Whereas the discrepancy between $6, the average price paid to the growers of sugar beets by the Great Western Sugar Co., and $8.50 the present price of 100 pounds of sugar on the retail market, is so great as to cause any reasonable person to inquire into the cost of manufacturng refined sugar and marketing its product, and to give rise to a general belief that both buying price and selling price are controlled by the manufacturers to such an extent that an exorbitant and unreasonable profit results; and

Whereas the sugar-beet growers of the United States are paid but $6 per ton for sugar beets, while the growers of France receive a minimum of $9.65 per ton and the growers of Austria receive $8.12 per ton, thus enabling the grower who can perfect a crop with the cheapest labor to secure a much higher price than can the American grower, who pays living wages to all employees; and

Whereas it was commonly remarked in the press that immediately following the announcement that the Congress would retain a duty of 1 cent on foreign sugar the stock of the Great Western Sugar Co. and allied concerns advanced materially in price and still remains at a price which indicates an unreasonable earning capacity; and

Whereas it has been freely announced in the press that the Great Western Sugar Co. has declared or is about to declare a stock dividend amounting to $11,000,000, and will increase its cash dividend to stockholders from 5 per cent to 10 per cent, thus proving beyond question the fact that the company has accumulated a vast sum of money above any reasonable profit on its investment: Now, therefore, be it

Resolved by the Larimer County Farmers' Union, That the beet growers of the United States register their protest against such apparent and flagrant injustice and voice their firm conviction that the United States authorities should commence at once an investigation to determine whether existing conditions in the beet-growing and sugar-manufacturing industries do not, in fact, make it an easy matter for the manufacturers to control both the price to be paid for raw beets and the price at which the manufactured sugar shall be sold; and whether such control has not now resulted in unjust discrimination against the producer of beets and the consumer of sugar, with the result that the manufacturers have reaped enormous profits above any fair or reasonable return on their investments.

Adopted this 9th day of June, 1916.

B. F. EARLY,
G. S. PINTLER,
A. C. MICHELS,
Committee.

Mr. HARDWICK presented a petition of the Traffic Bureau of the City of Savannah, Ga., praying for the enactment of legislation to extend the operations of section 6 of the act to regulate commerce, which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of the congregation of the First Baptist Church of Claremont, N. H., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Central Labor Union of Nashua, N. H., praying for the enactment of legislation to provide a minimum wage for Federal employees, which was referred to the Committee on Education and Labor.

Mr. PHELAN presented a petition of sundry citizens of Soledad, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Commodore Stockton Camp No. 4, United Spanish War Veterans, of Stockton, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. LIPPITT presented a petition of J. J. Wooley Camp, United Spanish War Veterans, of Pawtucket, R. I., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Local Council of Women of Rhode Island, praying for the enactment of legislation to provide Federal aid in the treatment of leprosy, which was ordered to lie on the table.

Mr. POINDEXTER presented a petition of Local Union No. 934, United Mine Workers of America, of Carbonado, Wash., praying for the establishment of national tuberculosis sanitariums, which was referred to the Committee on Public Health and National Quarantine.

REPORTS OF COMMITTEES.

Mr. THOMAS. From the Committee on Military Affairs I report back adversely the bill (S. 1552) for the relief of the widow of Thomas Harrison Beatty.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

Mr. THOMAS. From the Committee on Military Affairs I report back adversely the bill (S. 1808) for the relief of Daniel Delhagen.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 11878) to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, reported it without amendment.

Mr. CURTIS from the Committee on Indian Affairs, to which was referred the bill (S. 5974) for the relief of Ellen B. Walker, reported it without amendment and submitted a report (No. 540) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 15775) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes, reported it without amendment and submitted a report (No. 541) thereon.

Mr. BRYAN. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it favorably with amendments, and I submit a report (No. 538) thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, and I submit a report (No. 539) thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6463) granting an increase of pension to Adelaide M. Tetherly (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6464) authorizing the Secretary of War to make a donation of condemned cannon and cannon balls; to the Committee on Military Affairs.

Br. Mr. CHAMBERLAIN:

A bill (S. 6465) granting an increase of pension to William W. Findley (with accompanying papers);

A bill (S. 6466) granting an increase of pension to McHenry Smith (with accompanying papers); and

A bill (S. 6467) granting an increase of pension to George W. Sperry (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6468) making the laws of Oklahoma relating to descent and distribution applicable in the succession of property with respect to the distribution of tribal property of the Five Civilized Tribes, to the heirs of deceased members thereof; to the Committee on Indian Affairs.

By Mr. LIPPITT:

A bill (S. 6469) granting an increase of pension to Alma Ingalls; to the Committee on Pensions.

By Mr. REED:

A bill (S. 6470) to amend first paragraph of section 24, chapter 2, act of Congress approved March 3, 1911; to the Committee on the Judiciary.

By Mr. SHIELDS:

A bill (S. 6471) granting an increase of pension to Joseph C. Brewer; to the Committee on Pensions.

FLOOD CONTROL.

Mr. VARDAMAN submitted two amendments intended to be proposed by him to the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. POINDEXTER submitted an amendment providing that the maximum age limit of persons eligible for commission to the members of the Army Dental Corps shall be raised from 27 to 30 years, intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. NEWLANDS submitted an amendment providing that any balance of the appropriation of $5,000 made in the sundry civil act approved March 3, 1915, for the connecting parkway between Rock Creek and Potomac Park which may remain unexpended on June 30, 1916, is hereby appropriated and made available for the same purpose during the fiscal year ending June 30, 1917, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was ordered to lie on the table and be printed.

He also submitted an amendment providing that Rock Creek Park and the Piney Branch Parkway shall be made a part of the park system of the District of Columbia, and so forth, intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to appropriate $15,000 for expenses made necessary by the act of May 17, 1910, establishing a Commission of Fine Arts, including the purchase of periodicals, maps, and books of reference, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was ordered to lie on the table and be printed.

Mr. THOMAS submitted an amendment providing that the appropriation made for the erection of the public building at Durango, Colo., be increased by appropriating $50,000 additional for the completion of a suitable building, including vaults, elevators, and approaches thereto, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was ordered to lie on the table and be printed.

THE POSTAL LAWS.

Mr. JONES. Mr. President, I desire to give notice that on Tuesday, June 27, or as soon thereafter as possible, I shall move to suspend that provision of paragraph 3 of Senate Rule XVI prohibiting any amendment proposing general legislation to any general appropriation bill for the purpose of offering the following amendment to the Post Office appropriation bill now pending by adding a new section to the bill, as follows:

SEC. —. That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

Whoever shall knowingly deposit or cause to be deposited or shall knowingly send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

SEC. 2. That whoever, being a postmaster or other person employed in the Postal Service, shall knowingly send by mail or deliver any letter, package, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of the said liquors or any of them mentioned in the first section of this act, or containing a solicitation of an order or orders for said liquors, or any of them, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively, shall be fined not more than $100 or imprisoned not more than one year, or both.

SEC. 3. That any advertisement for such liquors, or any of them, stating the person from whom, or the firm or corporation from which, or the place where, or the price at which, or the method by which said liquors, or any of them, may be obtained, or containing the picture of a brewery or distillery or bottles or other receptacles designed to serve as an advertisement of such liquors, or any of them, shall be within the inhibition of this act.

GOOD ROADS (S. DOC. NO. 474).

Mr. BANKHEAD. I submit the conference report on House bill 7617, commonly known as the good-roads bill. I ask that it be printed and lie on the table.

The PRESIDING OFFICER. The report will be received and printed.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 7617, "An act to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the title of the bill, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the Senate insert the following:

"That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this act to any State shall be expended therein until its legislature shall have assented to the provisions of this act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this act, the assent of the governor of the State shall be sufficient. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction: *Provided*, That all roads constructed under the provisions of this act shall be free from tolls of all kinds.

"SEC. 2. That for the purpose of this act the term 'rural post road' shall be construed to mean any public road over which the United States mails now are or may hereafter be transported, excluding every street and road in a place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart; the term 'State highway department' shall be construed to include any department of another name, or commission, or official or officials, of a State empowered, under its laws, to exercise the functions ordinarily exercised by a State highway department; the term 'construction' shall be construed to include reconstruction and improvement of roads; 'properly maintained,' as used herein, shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface, considering the type of the road; but shall not be held to include extraordinary repairs nor reconstruction; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act.

"SEC. 3. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, the sum of $5,000,000; for the fiscal year ending June 30, 1918, the sum of $10,000,000; for the fiscal year ending June 30, 1919, the sum of $15,000,000; for the fiscal year ending June 30, 1920, the sum of $20,000,000; and for the fiscal year ending June 30, 1921, the sum of $25,000,000. So much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year, except that amounts apportioned for any fiscal year to any State which has not a State highway department shall be available for expenditure in that State until the close of the third fiscal year succeeding the close of the fiscal year for which such apportionment was made. Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within 60 days thereafter, to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State highway departments and to the governors of States having no State highway departments in the same way as if it were being apportioned under this act for the first time: *Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act.

"SEC. 4. That so much, not to exceed 3 per cent, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act shall be deducted for that purpose, available until expended. Within 60 days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this act will not be needed for that purpose and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the State highway departments, and to the governors of States having no State highway departments, in the same way as other amounts authorized by this act to be apportioned among all the States for such current fiscal year. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture.

"SEC. 5. That within 60 days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State highway department and to the governor of each State having no State highway department the sum which he has estimated to be deducted for administering the provisions of this act and the sum which he has apportioned to each State for the fiscal year ending June 30, 1917, and on or before January 20 next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year.

"SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvements. Items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per cent of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof. No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

"When the Secretary of Agriculture shall find that any project so approved by him has been constructed in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project: *Provided*, That the Secretary of Agriculture may, in his discretion, from time to time make payments on said construction as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into said construction in conformity to said plans and specifications; nor shall any such payment be in excess of $10,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span. The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

"The Secretary of Agriculture and the State highway department of each State may jointly determine at what times, and in what amounts, payments, as work progresses, shall be made under this act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official, or officials, or depository, as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State or county.

"SEC. 7. To maintain the roads constructed under the provisions of this act shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained he shall give notice of such fact to the highway department of such State and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road, until it has been put in a condition of proper maintenance.

"SEC. 8. That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter, up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended, under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county, for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

"That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per cent thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such

agreement shall have been returned from the receipts from such national forest.

"SEC. 9. That out of the appropriations made by or under this act the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this act.

"SEC. 10. That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this act.

"SEC. 11. That this act shall be in force from the date of its passage.

"Amend the title so as to read: 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes.'"

And the Senate agree to the same.

J. H. BANKHEAD,
CLAUDE A. SWANSON,
CHAS. E. TOWNSEND,
Managers on the part of the Senate.
D. W. SHACKLEFORD,
E. W. SAUNDERS,
Managers on the part of the House.

THE NATIONAL DEFENSE.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with amendments the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. JAMES in the chair). Is there objection to the present consideration of the joint resolution requested by the Senator from Oregon?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The first amendment was in section 1, page 2, line 9, after the word "emergency" to strike out "not exceeding three years," so as to make the section read:

That in the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and that the President be, and he is hereby, authorized to draft into the military service of the United States, under the provisions of section 111 of the national defense act approved June 3, 1916, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof, any or all members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and any and all members of the National Guard and Organized Militia Reserves, to serve for the period of the emergency, unless sooner discharged: *Provided*, That all persons so drafted shall, from the date of their draft, stand discharged from the militia during the period of their service under said draft.

Mr. CHAMBERLAIN. Mr. President, after mature reflection and consultation with some members of the committee whom I have been able to see I think it is best to disagree to that proposed amendment, because the term of enlistment of the National Guard is three years. I suggest that the proposed amendment of the committee be disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. LEE of Maryland. Mr. President, this is a very serious proposition that is brought in by the committee. As I see it and understand it and weigh it, the amendment on page 3 is practically tantamount to the demoralization of the National Guard of the United States in the presence of an enemy and in a great international crisis. I therefore call for a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Gronna	Martine, N. J.	Shields
Bankhead	Harding	Nelson	Simmons
Brandegee	Hardwick	Norris	Smith, Ariz.
Bryan	Hitchcock	O'Gorman	Smith, Ga.
Chamberlain	Husting	Oliver	Smoot
Clapp	James	Overman	Sterling
Clark, Wyo.	Johnson, Me.	Owen	Sutherland
Clarke, Ark.	Johnson, S. Dak.	Page	Taggart
Culberson	Kenyon	Phelan	Thomas
Cummins	Kern	Poindexter	Townsend
Curtis	Lane	Ransdell	Vardaman
Dillingham	Lea, Tenn.	Reed	Walsh
Fletcher	Lee, Md.	Shafroth	Warren
Gallinger	Lewis	Sheppard	Works
Gore	Martin, Va.	Sherman	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. HITCHCOCK. Mr. President, I am unable to agree with my colleagues on the Military Affairs Committee in their report. I favor retaining the section of the resolution providing a monthly payment to poor and dependent families of guardsmen if we draft them into the Army and send them into Mexico.

On every consideration of justice as well as policy we should make some provision for dependent women and children if we compel the breadwinner to drop his work of supporting his family and take up the work of defending his country.

It is the duty of every man to defend his country, and it is not the duty of one more than it is of another. If out of the millions who owe this duty only 100,000 are called to the front, then let the millions who stay at home do their share by looking after the needy families of those at the front and let Congress provide the means.

The member of the National Guard is a citizen first and a soldier only in case of emergency. He is generally supporting himself by his work and often supporting others. The country has, of course, the right to draft him in this emergency and send him to the front. He has been somewhat trained and partly equipped for just such an occasion, and to select him rather than the ordinary citizen is proper. He is under a moral obligation to go, and he is willing and often eager to go. When, however, we proceed to put him under a legal obligation to go and to go for an indefinite time, the least we can do, and should do, is to provide bread and butter for the family he may be supporting. We may not owe this to him, but we certainly do to his dependent family.

It would be barbarous for our Government to take a man forcibly from his wife and children and leave them dependent on local charity. It is enough to require a man to serve his country and risk his life for $15 a month without requiring his wife to beg or his children to go to the poorhouse.

Of these 100,000 men thus ordered out of civil life and into military duty which may last for years, some are well-to-do and more are poor. This provision only concerns the poor. Some are merely supporting themselves, while others are supporting families. This provision only relates to those who are supporting families. Suppose 10,000 of these young men are married, and half of that number are supporting their wives by work of one sort or another; what is to become of those wives? We propose to take away their provider and protector; shall we make no provision for those who are dependent? Some of them, of course, are mothers and have a child or children to look after. What about them? Shall they be left to the tender mercy of chance or charity? Shall homes be broken up, furniture sold, and suffering entailed on women and children while these young men are at the front?

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. HITCHCOCK. I yield.

Mr. GORE. I should like to ask the Senator from Nebraska if one of these guardsmen he describes is killed in battle would the Senator be in favor of giving his family a pension of $50 a month?

Mr. HITCHCOCK. I certainly would be in favor of giving a very proper pension, whatever may be required.

Mr. GORE. The present pension to the widow of a Union soldier is $12, and it has been for some years. Prior to that it was $8.

Mr. HITCHCOCK. I think the country has been dealing properly and liberally with the enormous number involved. But this raises a new issue. These men are citizens of the United States to-day. They are being forcibly seized and drafted into the national service.

Mr. GORE. Mr. President——

Mr. HITCHCOCK. And it is absolutely, in my opinion, obligatory upon us in honor to look after the dependent families of those who are poor.

Mr. GORE. The Senator thinks a man who is drafted into the service is entitled to greater consideration than a man who volunteers?

Mr. HITCHCOCK. I think when a man volunteers it is generally a man who has not a family dependent upon him. This great Nation now requires only 100,000 out of a million men, and naturally those who volunteer will be those who have not superior duties at home.

Mr. GORE. That is a mere supposition.

Mr. HITCHCOCK. But these men are being taken by compulsion, they are being taken properly, and they are ready to go.

Mr. GORE. I will ask the Senator——

Mr. HITCHCOCK. I insist that those they leave behind shall not become objects of charity.

Mr. GORE. One other question. I should like to ask the Senator if he would deal more generously with the surviving family of one of these guardsmen killed in battle who is drafted into the service than he would with the widow of a Union soldier who volunteered into the service and was not obliged to be drafted?

Mr. HITCHCOCK. I am not undertaking now to answer any hypothetical question. We have a practical question before the Senate to-day that ought to be decided to-day. It is an emergency case, and I am anxious to see that it is decided right and decided as it was decided in the House of Representatives.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HITCHCOCK. I yield.

Mr. FLETCHER. I ask the Senator if the amendment proposed by the committee does not meet the situation as he claims it ought to be met. He says these men are compelled to serve. The amendment proposes that whenever there are those dependent upon the member of the National Guard who is drafted he may, upon application, be relieved from service.

Mr. HITCHCOCK. I shall come to that later. I have prepared an answer to that.

How is a little family that has been living perhaps on $75 to get along with $15 per month? Why should that family be sentenced to suffering for the benefit of the rest of us who are staying at home and doing nothing? And why should the charitably disposed be forced to take up this burden of providing relief in each community instead of having it borne equally by all of us by means of an appropriation?

This plan to look after the families of citizen soldiers is no novelty or experiment. Germany is doing it in the great war, so is Great Britain, so is France; and I have no doubt other countries as well are doing it, not for the benefit of the soldiers at the front, but for the benefit of society in general. It is not only a matter of common justice to these families, but it is a matter of good policy, Mr. President.

How in the future can we expect poor young men to enlist in the National Guard if, when war comes, they are the first to be torn from their families and sent to the front without any provision being made for such of those families as are left in need? There is the question. How are we going to enlist men in the National Guard hereafter when we tell them now that they are liable in any emergency to be drafted into the service ahead of anyone else without any provision being made for the families that may be in absolute want? Men will not enlist in the National Guard in the future if they know that such consequences will come to their families.

Now, I come to the question propounded by the Senator from Florida [Mr. FLETCHER]. What is it that the committee proposes as a substitute for allowances to these families? This substitute is, in the first place, an admission that it is wrong to leave these families in distress and it is, in the second place, an admission that the number does not probably represent a very large proportion of the 100,000 men or it would not provide for excusing them. I may say, in brief, that this substitute is to authorize the Secretary of War to give an honorable discharge to those men who claim that they have dependent families and who make the proper and conclusive showing to the department.

There are, in my opinion, Mr. President, several objections to the plan of discharging the men having others dependent on them. In the first place, this suggestion comes too late. It is too late now to make that proposal. Mobilization has already occurred. The situation is urgent. Troops are being called for. They are already being rushed to the border. To discharge even 5,000 men at this time when more are needed would be demoralizing. It would involve the loss of some of the best qualified men, no doubt. It would also be a serious embarrassment to men to ask to be discharged and sent home at such a juncture. It would humiliate them unnecessarily to make such a plea and subject them to ridicule, if not contempt; and many a man rather than face that ridicule and that contempt and the reproach which would be visited upon him forever might be tempted to continue in the service even at the expense of suffering in his immediate family.

The thing to do is to proceed as we have started and carry out the House provision to look after needy families. Suppose of the 100,000 men five or even ten thousand have families that need help. The matter is discretionary with the Secretary of War. In no case can he allow over $50 a month, and in many cases he will allow less. The bill in the aggregate may be large if the war is long, but it is better to have the Nation stand it than to have it carried by the poor or even than to have the service demoralized at this time by discharging 5 or 10 or possibly 15 per cent or more of the men of the actual mobilized Army.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HITCHCOCK. I do.

Mr. OVERMAN. Would the Senator make this principle apply to volunteers? Suppose we called for 500,000 volunteers—would the Senator pay the families of those volunteers $50 a month?

Mr. HITCHCOCK. That is a bridge that we shall cross when we come to it.

Mr. OVERMAN. Well, we might have to come to it.

Mr. HITCHCOCK. I am not now talking about a man who has come forward and volunteered; I am talking about a man upon whom Congress proposes to put the hand of the Government and to take him arbitrarily under compulsion from his family. The presumption is that, if we are compelled to call for volunteers—which is not likely—there will be enough volunteers composed of young men without family incumbrances or responsibilities.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Nebraska a question.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HITCHCOCK. I do.

Mr. VARDAMAN. Is there anything in the joint resolution which provides for the maintenance of the family in the event the soldier should be killed on the first day of service?

Mr. HITCHCOCK. There is nothing.

Mr. VARDAMAN. There is no provision made for the families of soldiers of the Regular Army, is there?

Mr. HITCHCOCK. Those families will receive such pension as is provided in the act governing the Regular Army, as I recall.

Mr. CHAMBERLAIN. Yes; there is such a provision in the joint resolution, I desire to say to the Senator.

Mr. HITCHCOCK. There is a provision for a pension; yes.

Mr. VARDAMAN. I should like to ask this question: Why is it, then, that it is deemed more important here that you should provide for the family while the soldier is living, who will have the addition to his salary, than it is to provide in the case of the death of the soldier?

Mr. HITCHCOCK. Mr. President, my answer to that is that that is a provision which entitles the guardsmen, who are now drafted, to have the same status, so far as the pensioning of their dependents is concerned as has the regular soldier.

Mr. VARDAMAN. What does the regular soldier receive?

Mr. HITCHCOCK. Well, frankly speaking, I do not know; but that is another question which Congress will probably have to meet; and when the time comes, I trust we shall meet it fairly.

The objection that the provision of a small amount for the families and dependents of a citizen drafted into military service is a discrimination against the Regular Army is a poor argument. The man in the Regular Army is a professional soldier. He rarely has a family, but if he has it is no worse off in time of war than in time of peace. He earns just the same in war as in peace. Under our unwise system of long enlistments and reenlistments at increased pay we only get men in the Regular Army who are seeking to get away from civil life and who want to make the Army a business.

I object to the system. I made a fight here for shorter enlistments and larger pay, and I do not believe we shall have a proper Army until we take that step. At present we have an Army of professional soldiers. They have few of the responsibilities of the citizen, and they welcome war as an increased opportunity for adventure and promotion. The citizen soldier or guardsman may also have no family or dependents. If so, he does not come within the provisions of this joint resolution as passed by the House of Representatives. It applies only to those having dependent and needy families, and I am informed by high authority in the War Department that that may affect as many as 15 per cent in the National Guard. I voted in committee to retain the provision as it came from the House of Representatives and I support it now. I think it neither good policy nor justice to take from a family its provider and supporter without giving it something to live on while his services are required. If we required the horse or wagon or home of a citizen for a public purpose, we would make some compensation for the loss. Shall we forcibly take the father, husband, brother, or son who is the only support of a family and make no compensation whatever—not even enough to ward off hun-

ger or distress or privation? Such an act would be a gross outrage on justice and on humanity, and I shall oppose, therefore, and vote against the amendment proposed by the Committee on Military Affairs.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HITCHCOCK. I do.

Mr. WORKS. Mr. President, as I understand, the position of the Senator from Nebraska is based on the fact that the members of the National Guard are being drafted into the service and forced to serve. I want to ask the Senator whether that can justly be said under the circumstances? As I remember, when the provision that they should be made Federal soldiers was before the Senate in connection with the military reorganization bill, the friends of the National Guard very strongly favored that proposition and insisted that that provision should be enacted as part of the law. If so, the National Guard have voluntarily subjected themselves to just the condition that has now come upon them. There is no reason under those circumstances why they should be favored above the Regular soldier. I opposed that provision in the law which has already been enacted. It was taking away, as I contended, the military forces of the States and converting them into a Federal force in violation of the Constitution; but it was done through the instrumentality and upon the urgency of friends of the National Guard. Now, under those circumstances, it seems to me that the National Guard, or its members, are not entitled to claim anything for their services beyond that of the Regular soldier. They have brought this condition upon themselves. I was opposed to it myself.

Mr. HITCHCOCK. Well, Mr. President, the answer to that question, if it be a question, is this: The National Guard are not claiming anything, so far as I know. No one has come to me or applied to me on the subject; but I was shocked in the meeting of the Committee on Military Affairs at the proposition that these men should be forcibly taken from their civilian occupations and sent to the front, and no provision even made for those men who were the only providers and supporters of dependent families. This is a matter of the family; it is a matter for society; it is a matter of the duty of Congress to families which they propose to render helpless.

Mr. WILLIAMS. If the Senator from Nebraska will pardon a question, I ask how does the Senator get the idea that these men with families are being forcibly taken away? The Senate provision says:

SEC. 2. That when any member of the National Guard or the Organized Militia of any of the States, Territories, or the District of Columbia, or any member of the National Guard or Organized Militia Reserves, is called or drafted into the service of the United States under section 1 of this resolution and has a family dependent upon him, the Secretary of War is authorized, under such rules and regulations as he may prescribe, to excuse such person, upon his own application, from the call or from the draft, and if drafted, upon a like application, to honorably discharge him from the service. The word "family" shall include wife, children, dependent mother, father, sisters, or brothers under the age of 14 years.

Mr. HITCHCOCK. Well, Mr. President, I have already answered that question. Possibly the Senator was not in the Chamber at that time. I have stated that, in the first place, that section makes it discretionary with the Secretary of War. He may refuse the application. In the second place, if it is carried out to the extent that it probably might be, of 10 or 15 per cent, it would produce a very demoralizing effect on the mobilization now in progress. In the third place, it puts the men in the embarrassing and distressing position of being compelled to make a plea for release from the service practically in the face of the enemy, which plea would be thrown against them as a reproach in after years; and I do not think we ought to subject those men to that. In the last place, it might result in losing from the National Guard 10 or 15 per cent of possibly the most valuable men in it and filling their places with green troops.

Mr. WILLIAMS. Well, if a man enlisted in the National Guard under the pretense that he was ready to go to war and it is subsequently found out that he is not ready to go to war, that is a proposition that he ought to have considered when he enlisted in the National Guard, and not when the National Guard is called into service.

Mr. HITCHCOCK. The Senator from Mississippi knows very well that many of these men enlisted years ago, before there was any legislation which would make it possible for them to be drafted in this way and sent beyond the borders of the United States.

Mr. WILLIAMS. Yes; unless they consented.

Mr. HITCHCOCK. The legislation is recent; the emergency is recent; and it is without precedent that a great country of a hundred million people should place its hand upon a hundred thousand men and take them away from their civilian occupations without making any provision for their families.

Mr. WILLIAMS. It is not without precedent, whatever else may be true. There has never been a great war when it was not done; but the point is this: The Senator says that this provision leaves it discretionary with the Secretary of War. It lays down a rule for him to obey. I differ with the Senator. If I were a poor man and had no way of supporting my family while I was out in the service, I think I should have the moral courage to say so, and I would say so; and I have no idea that right-thinking men would consider that I had acted the coward because I had said so; but, independently of that, what I was getting at was that the Senator's entire argument was based upon the assumption that these men are forced to go; they are not forced——

Mr. HITCHCOCK. They are being drafted at the present time, Mr. President.

Mr. WILLIAMS. If they have dependent families and make that statement and have not means to support them.

Mr. WORKS and Mr. LEWIS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. WORKS. I entirely agree with the Senator from Nebraska that this wholesale drafting of the National Guard is utterly unjust. If there is to be any drafting of citizens of this country into the service it ought to be general, and if I did not believe that the National Guard had courted this very thing and asked for it when the recent Army legislation was before the Senate I should feel quite differently about it.

The enlistment of members of the National Guard did not contemplate any such service as is now attempted to be imposed upon them. They were under no obligation by virtue of their enlistment to render any such service to the country. We are attempting or have actually imposed upon them by law an obligation that was not contemplated by their enlistment at all. Therefore they are entitled to some consideration, taking that view of it; but they have, as I have said, voluntarily subjected themselves to the imposition of this additional service upon them, and it seems to me under those circumstances that they have no right to call upon the Government to pay them additional compensation for their service.

Mr. LEWIS. Mr. President, may I interrogate the Senator from Nebraska as to a matter concerning which I endeavored to seek information while he was on his feet previous to his taking his seat? I should like to ask the Senator from Nebraska if I correctly understood him as urging that, as to the members of the guard who have been drafted, their families shall be provided for; but does the Senator from Nebraska intimate that the members of the National Guard who volunteer and who also may have dependent families shall not likewise be provided for merely because they have not had a forcible hand laid upon them compelling them to go?

Mr. HITCHCOCK. That is a question which is not entirely practical, because no volunteers are being received. There has been a draft of approximately a hundred thousand of the National Guard, but no volunteers have been called for and will not be called for in all probability. The draft of a hundred thousand members of the National Guard will probably be adequate.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. LEWIS. I was not occupying the floor in my own time other than for the purpose of the interrogatory. I do not claim the floor.

The PRESIDING OFFICER. The Senator took the floor in his own time, the floor having been yielded.

Mr. LEWIS. The Chair is right, possibly.

Mr. CHAMBERLAIN. I simply desire to correct a statement of the Senator from Nebraska.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. CHAMBERLAIN. The Senator says that no volunteers have been called and none are likely to be called. I call the Senator's attention to the fact that on the 17th of March a resolution passed both Houses of Congress providing for 20,000 volunteers, and we have not gotten them.

Mr. HITCHCOCK. Mr. President, that was for enlistment in the Regular Army. I am not referring to that; I am referring to the present emergency. There certainly has been no call for volunteers, and I was informed by the Secretary of War this morning that there was no present contemplation of calling for volunteers and no present contemplation even of adding to

the number of the National Guard called out from the various States.

Mr. CHAMBERLAIN. Mr. President, I will state to the Senator that while the present emergency was not mentioned on the 17th of March because of our delicacy about mentioning it, we all know what they were called out for. They were called out to go down on the border to guard our border against invasion by a lot of bandits.

Mr. HITCHCOCK. Mr. President, I want to repeat that that was for regular service in the United States Army. Those men were enlisted for seven years apiece, as members of the Regular Army, and not of the National Guard nor as volunteers.

Mr. REED obtained the floor.

Mr. VARDAMAN. Mr. President, will the Senator from Missouri permit me to ask a question of the Senator from Oregon?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do.

Mr. VARDAMAN. Has the Senator any information as to the number of enlistments under that call for 20,000?

Mr. CHAMBERLAIN. I had it some time ago, but I can only approximate it now.

Mr. VARDAMAN. Approximately. I do not ask the Senator for the exact number.

Mr. LEE of Maryland. Mr. President, I can inform the Senator accurately.

Mr. CHAMBERLAIN. The Senator from Maryland says he can state the number accurately.

Mr. LEE of Maryland. I went to the department this morning and ascertained that these men—who are not Volunteers, but who are Regular soldiers—have been secured, out of the 20,000 required, to the extent of about 11,500, leaving about 8,500 to get; and it has taken 100 days to secure the 11,500.

Mr. VARDAMAN. Is any provision made for their families under the terms of this resolution?

Mr. LEE of Maryland. They volunteered for 50 cents a day, and they are not men with dependents. They will not take married men as Regular soldiers. It is marvelous that the Senate does not seem to understand this situation any better.

Mr. REED. Mr. President, this is a very poor time to stand here caviling about terms or definitions. The fact of the matter is that 100 days ago we passed a bill authorizing an increase of 20,000 in the standing army. Of that 20,000, a little over 11,000 have enlisted. The men joining the Regular Army under that law joined just as other men who have been enlisting in the Regular Army for years past. They went into the professional soldiery of the country. They expected to serve for a period of years at a certain wage. They knew they were going into immediate service. They had the opportunity to, and undoubtedly did, take into consideration all of their family relations, their own business conditions, their own situation in life. They entered the service because they desired to enter it, not because any emergency confronted the country, not because we were going to war or because war was threatened.

I do not say that we should not, if war actually occurs, take steps for the relief of the professional soldier. I do not say we should not do many things for his benefit. When, however, we come to consider the question of the National Guard or of volunteers, if volunteers shall be called for, we have an entirely different proposition; and to that, for a few moments, I want to invite the attention of the Senate.

First, we stand face to face at this moment with a great international crisis. We may never have war with Mexico, but war may be declared within a few days or even within a few hours. Whether war is ever declared or not, it has suddenly become necessary, for the protection of the border of this country from invasion, to mobilize a large force of men on that border. The action referred to is necessary for the defense of the United States of America. The duty to defend the country rests on every citizen of the Republic, high or low, rich or poor, black or white alike; each must do his full part. It is the duty of each to give the last dollar of his property, to give every moment of his time, and to yield his life if it be necessary. It is a duty devolving not on any part of our citizenship, but upon every man and even upon every woman of the Republic, and it is a duty that no man who is worthy the name of an American citizen will desire to shirk in any part.

Mr. President, such being the obligations of all, we are confronted with this practical proposition. Men are suddenly needed. We find in our country an organization partially equipped, partially trained, and, in a large degree, organized. It is the only body of men we can call for in this emergency. The practical question is before us: What shall we do when our border is being invaded and our rights trampled upon? The answer that comes to the lips of every sensible man is, "Call for that force which is best organized and best equipped for the immediate performance of the task."

Now, who are the members of this force? They are the boys from the homes of our people. They owed no duty, night after night, to meet in armories and drill, that did not fall upon every citizen of the United States. They saw fit to do a little more than the rest of us were doing. They saw fit to enter the armories, to sign the muster roll, to put themselves under discipline, to sacrifice their time, to fit themselves better than the rest of us are fitted for the defense of the country. Shall it be said by any American citizen, especially by any Member of Congress, that because these men have voluntarily done more than we that we will therefore impose upon them not only the burden of going to war, but because they have already made these sacrifices they shall be asked to go to war, leaving behind them wife and child unprovided for? Shall we base that demand upon the miserable argument that "they voluntarily entered the National Guard," and hence should now make these great sacrifices without right of assistance from those who remain at home? Who says that is no patriot!

Suppose they did, as has been said, "enter the National Guard with their eyes open." Suppose when they went into the guard they looked ahead with the vision of the prophet and saw the war with Mexico; suppose their vision embraced bloody battle fields and witnessed the carnage of war and that nevertheless they enlisted. They should therefore not be condemned or discriminated against, but they should be justly granted the greater credit and the higher honor. Every brave man should feel so much the more impelled to deal fairly and generously by them.

What is the practical question presented? We passed the Army bill long after they enlisted, but I care not for that. That bill provided that these men should take an oath to obey the orders of the President. That bill gave the President the right in certain emergencies to call out the National Guard. He did call out the guard, and the sneers of those who a few weeks ago referred to them as "a lot of men who met for the purpose of enjoying themselves and who asserted they "would not make soldiers," and who further insisted "they would not respond in time of danger," have been met by the prompt mobilization of the guard almost to the last man. And, Mr. President, when they came to go, when the call came, many of them had to tear from around their necks the arms of wives and children. Some of them that I have heard of abandoned positions that paid them as much as a hundred dollars a month and answered the call, although they were obliged to leave wife and child behind. They are going to the front, and we stand here and cavil about whether or not we will support that wife and child while they are gone.

I come back to the proposition that "the duty to defend our country rests on all alike." If one man, in the performance of that duty, bares his bosom to the hail of war, if he endures the hardships of the camp, if he accepts the danger of the battle line, if he leaves his home and his avocation, if he does all these things, shall we who stay at home refuse to see that those he loves and who are dependent upon him are kept from want and misery?

I do not like the form of the House bill. I said on last Saturday that I would rather increase the pay of these men so that out of the pay of the Government they could care for their loved ones. But I am informed that this bill is here as an emergency measure; that the men are already on the march; that if we delay the passage of the bill as it came from the House some misery may result. Therefore I accept the House provision until a better can be framed.

I put it upon the consciences of all men here: Shall the man who stays at home and holds his hundred-dollar-a-month position or enjoys the profits of some great business complain because he pays a little taxes to take care of the wife of the man who has yielded his position and who is also ready to yield his life? Shall we play so unworthy a part while these guardsmen nobly sacrifice position, home, and mayhap life? What duty rests on them that does not fall on us? What claim has the country to their services that does not in like manner devolve upon every citizen of this Republic? Shall we complain for the taxpayer? These men are going forth to defend the country, and that means the defense of the life and property of the taxpayer. Shall we pose here as economists and ask that a few men make all the sacrifice while we make none?

This is not a question to be decided according to the way we have treated the soldiers of the Civil War. It is not to be decided according to the recompense we would pay if the country were in a death grip with some great nation, when every man having property, every man having power of arm or strength of

body, was called on to do his utmost. The situation is that a few men out of a hundred million must leave their homes and sacrifice their time and their blood. I say the man who is willing to stay at home and accept their service and who is not willing to pay a part of the expense of their maintenance is a coward, a poltroon, and an unworthy citizen of the United States. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. The Chair must admonish the occupants of the galleries that applause is not permitted, and the Chair hopes it will not be indulged in again.

Mr. CHAMBERLAIN. Mr. President, I only want to say a few words in reference to the proposition involved in this joint resolution.

In the first place, I believe that if this proposition as it was submitted to the House in the House joint resolutions, appropriating money for the support of the families of the National Guardsmen, were submitted to the enlisted personnel of the National Guard, 90 per cent of the enlisted personnel of the National Guard would resent a proposition which had in contemplation the support of their families when they were out doing a duty which they had sworn to perform. I take a different view of the National Guard from some of my friends. There is not a National Guard in any State in the Union that could be maintained either at a peace strength or a war strength if there were not lingering in the mind of every guardsman the thought that at some time during his period of service he would be called into the service of his country, without money and without price further than is paid to men who are performing that duty as Regular soldiers.

As evidence of that, Mr. President, I want to call the attention of the Senate to the fact that whenever there has been legislation before the Congress of the United States providing for the utilization of volunteers in time of trouble, the National Guard have always been here patriotically offering their services as the first line of defense in case volunteers were to be raised; and they have done it in no uncertain way, Mr. President. They have joined the National Guard for the purpose of being enlisted in their country's cause if there is ever a war with any foreign power.

Take the Dick law, Mr. President—and this was prepared by the National Guards of the country, introduced in the Senate by Senator Dick, and put through the Congress of the United States. It provided:

That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper.

Mr. President, that was not strong enough to suit the National Guard. They wanted the law so framed that they would be called in preference to any other volunteers, and later section 5 of the Dick law, as amended by section 4 of the act of May 27, 1908, added this proviso:

Provided further, That when the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion can not be met by the regular forces, the Organized Militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise.

That was ingrafted into the law at the request of the National Guardsmen of this country because there was nothing in serving simply the State unless there was some hope for them to serve their country in time of war.

That is not all. Following the enactment of that law and since I have been a member of the Military Committee the National Guard came with the same patriotic purpose in view offering their services to the country in time of need, not for pay, not for promises to their families to be supported by the Government like a lot of paupers, but offering their services as every volunteer offers his service to his country in time of need.

I call the attention of the Senate to the provision of section 3 of the Volunteer Army act of April 25, 1914, which was an act which was sought to be ingrafted in the Senate amendment known as section 56, and it, I assume, was suggested by the National Guardsmen:

Provided further, That when three-fourths of the prescribed minimum enlisted strength of any company, troop, or battery, or when three-fourths of the prescribed minimum enlisted strength of each company, troop, or battery comprised in any battalion or regiment of the organized land militia of any State, Territory, or the District of Columbia, organized as prescribed by law and War Department regulations, shall volunteer and be accepted for service in the Volunteer Army as such company, troop, battery, battalion, or regiment, such organization may be received into the volunteer forces in advance of other organizations of the same arm or class from the same State, Territory, or District, and the officers in the organized land militia service with such organization may then, within the limits prescribed by law, be appointed by the President, by and with the advice and consent of the Senate, as officers of corresponding grades in the Volunteer Army and be assigned to the same grades in the said organization or elsewhere as the President may direct.

Again offering their services to their country without any conditions of pay or allowance.

Mr. President, it will be remembered that the Dick law provided that the National Guard might be utilized in foreign service as well as in domestic service under the strict terms of the Constitution, and there was an attempt to do it, but the Attorney General of the United States held, and he was confirmed by an opinion of the Judge Advocate General, that the National Guard, notwithstanding that provision in the Dick law, could not be utilized for services abroad. That was not what the National Guardsmen wanted. They wanted to be in a position to serve if the emergency ever arose. In order to get around that proposition——

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. I yield.

Mr. HITCHCOCK. I should like to ask the Senator from Oregon whether he thinks that the family, say, of a grocer's clerk in Portland, who had been living on $75 a month earned by that clerk, who was a private in one of the militia companies of Oregon, should be thrown on the community and reduced to accept charity, perhaps, because the officers of the National Guard in their lobby here at Washington had argued in favor of having the National Guard called out first and provided for rank for officers of the guard? Does the Senator think that that attitude taken by the officers of the National Guard renders any less the duty of Congress toward the wife and children of that grocer's clerk in Portland? Can Congress excuse itself of its obligations to them? Must they become the objects of local charity because Congress has enacted this legislation? The enactment of legislation is the act of Congress, not the act of the guard.

Mr. CHAMBERLAIN. Mr. President, answering the Senator, let me say that I question very much if there is a National Guardsman in Oregon, and I doubt very much if there is an enlisted National Guardsman in the Senator's own State, who would take advantage of the charity that is proposed to be given to him in advance of the service that he proposes to perform for his country.

Mr. LEE of Maryland. Mr. President——

Mr. CHAMBERLAIN. I do not object to being interrupted, but I want to get through with what I have to say.

Mr. LEE of Maryland. I want to object to the word "charity." If the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Maryland?

Mr. CHAMBERLAIN. Certainly, to make an explanation.

Mr. LEE of Maryland. I should like to ask the Senator if he does not know that all the European States give support to the dependents of the soldiers in the field, recognizing that it is not charity, but justice, to the man's family in the cause in which he is engaged.

Mr. CHAMBERLAIN. I do not care what the Senator calls it. In the form that this bill is drafted it is a charity offered to a soldier to perform his duty that he owes to his country. You may call it what you please. "A rose by any other name would smell as sweet."

Mr. President, the National Guardsmen themselves asked for the legislation that requires their being drafted into the service. As a matter of fact their service must be utilized before you can get any other volunteers.

Mr. LEE of Maryland. If any National Guardsman has asked for this demoralizing measure, that may break up the full——

Mr. CHAMBERLAIN. I shall ask the Senator to produce a single letter from a single man asking for an appropriation of $1,000,000 for the support of the families in case of an emergency. I shall ask anybody to present such application from any man. I do not believe the National Guard would ask to be so protected at the hands of Congress. As a matter of fact, under the laws which have been enacted with reference to the Military Establishment by Congress the National Guardsmen every time have been at the door of Congress asking that they might be utilized in advance of any other volunteers for the service of their country. The Senate will remember that when the Army reorganization act was passed this drafting proposition did not originate in the Senate at all. It originated in the House after discussion, and it, too, was proposed by the National Guard. Not only was the drafting proposition embodied in the bill in the House, but they came over to the Senate and wanted us to strengthen the law by making a dual obliga-

tion, one to the State and the other to the Nation, so that there might not be any question about the power of the Government of the United States to utilize them for service, and the Mexican trouble was right on the horizon then. "Grim-visaged war" faced the National Guardsmen then just as much as it does now.

Mr. President, Senators talk about the duties of the Government to the soldiers. They had better speak of the duties of the soldier and of the citizen to his country. The Senator talks about appropriations that have been made in other countries for the protection of soldiers' wives in time of war, when, as a matter of fact, the soldier does not get anything for his service, practically he gets from 10 to 28 cents a day for his services.

Mr. HITCHCOCK. That is not true of Great Britain.

Mr. CHAMBERLAIN. I do not know the pay in Great Britain, but I am thinking particularly of Germany and Japan, countries where duty is accepted from the citizens or subjects without pay. When the Army appropriation bill comes up every year the extravagance of Congress is heralded abroad, and now we are proposing to add this amount to the $160,000,000 per year for pensions now paid to the old soldiers of this country and nobody criticizes the payments of those pensions except possibly some who will urge the payment of this charity in advance of enlistment. We propose now to add to the pension or charity before enlistment and then a pension after the service has been rendered.

Mr. HITCHCOCK. Will the Senator explain what he means by adding a charity before enlistment?

Mr. CHAMBERLAIN. Before service performed.

Mr. HITCHCOCK. We are proposing to draft these men, and in drafting them the House has incorporated a provision providing for, perhaps, 15 per cent of the families of those men who may be indigent and dependent. How can that be called paying in advance? They are paid only monthly and it applies only to 15 per cent, according to the estimate of the War Department.

Mr. CHAMBERLAIN. It covers the men who have families dependent upon them, and it covers every emergency of the family, even brothers and sisters under 14 years old. Why not ask them to be excused from the service?

Mr. HITCHCOCK. Does not the Senator think if 15 per cent of these men are excused in this emergency, if that were possible, it would make a great loss?

Mr. CHAMBERLAIN. If the Senator will allow me——

Mr. HITCHCOCK. Would it not demoralize the service?

Mr. CHAMBERLAIN. If this amendment is attached to the joint resolution, I venture to say that there will not be a single man reenlist in the Army of the United States. Why should they? It would absolutely demoralize the Regular Army. Let me call attention to the enlistment condition now.

Mr. WILLIAMS. Before that, if the Senator will pardon me a suggestion, the Senator from Nebraska keeps talking about these men being drafted. Is not in truth the only difference between this National Guard force and the Volunteer force that the Volunteer force volunteer individually and when the National Guard enter the National Guard service they volunteer by organizations?

Mr. CHAMBERLAIN. That is practically all there is to it.

Mr. HITCHCOCK. I object to that. The very joint resolution which is on the Senator's desk provides for drafting these men into the national service so that they can be sent to Mexico. The word "draft" is used. It is compulsory upon every one of them without any exception.

Mr. WILLIAMS. The Senator is treating the question in a different way. When these men joined the National Guard and when they accepted this legislation, they agreed to volunteer in case of war under certain conditions, and the act of Congress which the Senator calls a draft is merely the legislation which pronounces that the conditions exist.

Mr. HITCHCOCK. Very many of these men enlisted before there was any such legislation as the Senator from Mississippi speaks of.

Mr. WILLIAMS. And immediately they could have resigned from the National Guard before becoming a part of the present constituted National Guard, but they chose not to do it.

Mr. CHAMBERLAIN. As a matter of fact, the enlistments in the National Guard have been increased since there was a prospect of their being called into the Mexican trouble.

Mr. HITCHCOCK. I do not doubt that most of these men are anxious to go. I do not doubt that even those who are responsible heads of families are anxious to go. It is in the nature of the young man to desire it.

Mr. WILLIAMS. And it ought to be.

Mr. HITCHCOCK. That is all right, but I am thinking of the families at home. We have a duty to them as well as the men at the front.

Mr. WILLIAMS. What did they do during the Civil War and what have they done in every great war?

Mr. THOMAS. In the Spanish War and the War of the Revolution.

Mr. HITCHCOCK. The Senator knows very well that in the Spanish War the men were not drafted; that they volunteered. Every man in the Spanish War was a volunteer; but in this case the man is drafted.

Mr. BROUSSARD. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from Louisiana.

Mr. BROUSSARD. I merely wish to ask a question of the Senator from Nebraska. Why does the Senator from Nebraska object to these men, who he says are being drafted, being permitted to retire from the Army and attend to their obligations at home; and if he complains that this provision requires that they shall be drafted into the Army——

Mr. HITCHCOCK. I have endeavored to answer that, but if the Senator from Oregon will tolerate it I will answer it again. It is because these men are trained for military service, and because it would demoralize the service to take them out at this time and put green men in their places.

Mr. BROUSSARD. I do not think there is anything in the Senator's argument. The fact is that the Senator objects to applying to these militia a rule which has been applied to the Regular Army.

Mr. HITCHCOCK. On the other hand, I am in favor——

Mr. BROUSSARD. The Regular Army is now being recruited more than four and a half months after the passage of the law for which on the floor of the Senate the Senator from Nebraska voted, and every man who has responsibility at home has been turned down by the military authorities, requiring him to stay at home and attend to his family duties. When a man of family has enlisted in the guard and it is proposed to apply the same rule to the militia that is now being applied to the enlisted men of the Regular Army the Senator is opposed to it; he does not want to permit that man to stay at home and let a young man without responsibility take his place. Why does the Senator oppose a militiaman in Nebraska with a wife and children at home who has enlisted in a military organization in the State staying at home and attending to his family and letting the young man without responsibility take his place?

Mr. HITCHCOCK. I will answer the Senator, if the Senator from Oregon will permit me. It is because I believe it is contrary to the public interests at this time to force 15 per cent of these young men to resign their positions in the militia in the face of the enemy and have their places taken by green men.

Mr. CHAMBERLAIN. Mr. President——

Mr. LEE of Maryland. Will the Senator from Oregon allow me?

Mr. CHAMBERLAIN. I should like very much to resume.

The PRESIDING OFFICER. The Senator from Oregon refuses to yield.

Mr. LEE of Maryland. I wish to ask the Senator a question on this point.

Mr. CHAMBERLAIN. I would rather the Senator would take it up in his own time.

Mr. President, leaving this sentimental question out of the discussion—because it is a question of sentiment, that is all there is of it—there is not any sound economic reason for providing one method of pay for one portion of the Army and an entirely different method of pay for another portion of the Army. In the last analysis this country has to depend on the Regular Army for the perpetuation of its institutions. There is not any question in my mind about that, and there never was. When these National Guards go into the Army under the muster-in proposition, it will be found that whenever trouble comes they will be so interspersed with the Regulars that the Regular Army will be a balance for a brave and patriotic body of soldiers.

Now, what are we proposing to do? We propose to discriminate against the force that we must rely upon in time of emergency. We propose to say that the families of the National Guardsmen shall be taken care of by the Government of the United States. There was a measure proposed here on Saturday which provided for a different rate of pay for National Guardsmen. Both propositions are disorganizing. There would not be a single reenlistment in the Army of the United States, not a volunteer would go into the Army of the United States if such a discrimination existed as a matter of fact. Why should he? There come to my office every once in awhile young men who have gone into the Army—great, strong, vigorous, fine-looking fellows. They have gone into the Army and enlisted in the hope that they would be able to win a commission in the Army.

Only a few days ago a young man was studying at his own expense in order to stand an examination to get a commission in the Regular Army. He would not stay, because he wanted

to go back to his command and serve in Mexico. He is a splendid young fellow from my young State. Why should they go into the Regular Army when they can accomplish the same thing through the National Guard? Even as it is you can not keep the Army up to its strength. It was insisted by The Adjutant General of the Army that it would be impossible to recruit 50,000 a year, and even if you appropriated for an army of 250,000 you could not get them in the Regular Army. Here is the record of reenlistments for the years 1913, 1914, and 1915: In 1913 the total enlistment was 19,983, and there were only 2,000 of those men reenlisted. In other words, only one-third of the men who went out of the Army reenlisted for service.

In 1914 there were 28,559 enlistments and 10,000 reenlistments, in round numbers—practically a third again. In 1915 there were 30,000 enlistments, in round numbers, and 14,000 reenlistments—about one-half.

So, Mr. President, not only would these reenlistments fall off, but there would be no volunteering into the Regular Army. Of the number who have been enlisted under the resolution of March 17—11,000, I believe the Senator from Maryland stated—many have gone out of the service by virtue of the completion of their term of enlistment.

Mr. President, I think I have just as much right to speak for the National Guard as has anybody else; and I state that, in my opinion, the National Guard would resent this legislation proposing to appropriate a million dollars for the support of their families. On the other hand, I believe that the young men who really have families dependent upon them will not hesitate to ask to be excused from service. In fact, I received a telegram this morning from a man, stating that he did have a dependent family and that he wanted to be excused from service with the National Guard. This joint resolution provides for just such cases as that. However, under this House provision in a case of that kind a man must serve anyhow, and look to the charity of a beneficent Government to take care of his family while he is gone.

This is all I care to say. I hope that the amendment proposed by the Senate committee will be adopted by the Senate.

The PRESIDING OFFICER. The Chair will state to the Senator from Oregon that there is an amendment now pending to section 1 which has not yet been acted upon.

Mr. CHAMBERLAIN. The amendments are not dependent upon each other at all. I addressed myself practically to the amendment to section 2.

Mr. LEE of Maryland. Mr. President, I wish to address myself to the amendment of section 2, and I shall therefore wait until the Senate shall have disposed of the amendment to section 1.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee to section 1 of the joint resolution, which will be stated.

The SECRETARY. In section 1, page 2, line 9, after the word "emergency," it is proposed to strike out "not exceeding three years," so as to make the section read:

That in the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and that the President be, and he is hereby, authorized to draft into the military service of the United States, under the provisions of section 111 of the national-defense act approved June 3, 1916, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof, any or all members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and any and all members of the National Guard and Organized Militia Reserves, to serve for the period of the emergency unless sooner discharged: *Provided*, That all persons so drafted shall, from the date of their draft, stand discharged from the militia during the period of their service under said draft.

Mr. CHAMBERLAIN. Mr. President, I presume the question will come on disagreeing to the amendment. I desire that it shall be disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The committee amendment was rejected.

Mr. LEE of Maryland. Mr. President, the matter before the Senate is divided into two heads. The first proposition is to strike out section 2, which provides for the maintenance of dependents of National Guardsmen. That is one entirely distinct proposition, and it is bad enough; but the abominable feature of the committee report is the proposed substitute for section 2, by which it is proposed to honorably discharge in the face of a national crisis, actually in the presence of an enemy, any man who wants to be discharged from the service of his country. Such a man could go out and get married to-morrow or at any time and come in and get his discharge on the theory that he has a dependent.

Mr. President, there has been one of the most glorious responses made to the call of the President by the National Guardsmen of the country that perhaps has been witnessed in our recent history. Two hundred thousand or more of the soldiers of the guard are waiting now. I have made some investigation as to their numbers this morning. In Maryland more than 100 per cent has been added under this call to the original numbers of the National Guard. Some of these commands are now on the way to the front; and now comes in the committee with this proposition to disrupt, if possible, the discipline and organization and noncommissioned personnel of these commands, some of whom are actually on the way to the front. The proposition is monstrous and unheard of under such conditions.

Discriminating against the Regular Army, the Senator said! I am not going to discuss that question just now. The insertion means, honorably discharge men on the way to the front and demoralize the whole organizations of which they are parts! In the last 48 hours, since this amendment was reported to the Senate, I have made some inquiry of the company officers of the Maryland National Guard. I did not want to involve any man of high rank in the matter, but I have gone about and consulted with the personnel of the companies, the lower commissioned officers, on this subject, and I find it may take out of these commands 25 per cent of the personnel of the enlisted men if you enact this legislation; that is, unless the men are superior to the lawmakers.

To be "honorably discharged," says the committee giving its legislative sanction of this disintregation of our military forces; "no duty to go to the front; go to the rear," and the Senate of the United States says it is all right. Mr. President, this might take 50 per cent of the personnel of the noncommissioned officers. The noncommissioned officers are very vital to the efficiency of any company. "The backbone of an army is the noncommissioned man"; and now they come in with this proposed amendment to authorize half of the noncommissioned officers to resign "honorably," and to resign in the face of an enemy! The more this proposition is analyzed the worse it appears to be.

I have just stated that the National Guard of Maryland has responded nobly to the call of the President, and has been more than doubled in its numbers since that call was issued. At the last muster of the National Guard of Maryland there were 2,300 men upon the roll; and from that inspection only 22 men were absent. The present number on the rolls of the Maryland National Guard is 4,452, or a doubling of the Maryland Guard in response to the call of the President.

There is a great misunderstanding here in the Senate on the subject, and particularly, I regret to say, on the part of the Senator from Oklahoma [Mr. GORE]. The Senator could not have failed to have known that there has been a struggle going on in this body during the past winter between the friends of a great centralized army under the control of any President, and the friends of an army of citizen soldiers, an army primarily for defense and associated with the local State governments of this country. In such a discussion, in the determination of so large a policy, the sympathy of the Senator from Oklahoma should have been on the Jeffersonian side of the question. At that time it was shown by the Senator from Idaho [Mr. BORAH] that Alexander Hamilton approved of the local association, of the local origin of the Organized Militia of the several States as guaranteeing this country against usurpation or empire. With the Hamiltonian and Jeffersonian theories both agreeing, there ought not to be any doubt as to where the Senate should stand, especially the Democrats of the Senate.

That question was settled here. We voted to give—I know I voted to give—250,000 Regular soldiers to the Army, if they could be obtained. But we also voted to make the National Guard very much larger and to pay it; and the Senator from Oregon [Mr. CHAMBERLAIN], who brought that measure in and who voted for it, never laid a line down in that measure precluding married men or men with dependents from being members of the National Guard.

The Senator from Oregon and every other member of the Military Affairs Committee is committed to the policy of enlisting men with dependents in the National Guard; and there is a very good reason, an excellent reason, for it. It has been shown here on the floor of the Senate how essential it is to take in men with dependents. Why, the Senator from Oregon has illustrated that himself by calling attention to the fact that we have been for a hundred days trying to get 20,000 men enlisted in the Regular Army. The Senator from Louisiana [Mr. BROUSSARD] called attention to the matter just now. We have been a hundred days trying to get 20,000 men enlisted in the United States Army. Fifty thousand men have applied for enlistment, but the requirements of the Army are so severe that only 11,500 have been accepted out of the 50,000 who have

applied. One of the requirements of the Regular Army is that the man shall be single. The Senator from Oregon knows, as well as I know, that the Regular Army of the United States is recruited from men without dependents, and yet he stands up here and says that we are discriminating between the two great forces.

Mr. BROUSSARD. Mr. President——

Mr. LEE of Maryland. The Senator from Louisiana knows that, too.

Mr. BROUSSARD. Mr. President, may I interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Louisiana?

Mr. LEE of Maryland. Certainly.

Mr. BROUSSARD. Mr. President, I should like to ask the Senator whether the provision inserted in this joint resolution by the committee does not accomplish exactly the organization which the War Department, under its regulations, has accomplished, with regard to the enlistment of the 20,000 men authorized by the act of Congress to which reference has been made?

Mr. LEE of Maryland. Oh, Mr. President; has it not gotten to the Senator's mind that that method means the failure to secure any sufficient armed force?

Mr. BROUSSARD. No; it does not.

Mr. LEE of Maryland. Have we not been for a hundred days trying to get 20,000 unmarried men for the Army?

Mr. BROUSSARD. Mr. President, will the Senator from Maryland permit me further?

Mr. LEE of Maryland. Certainly.

Mr. BROUSSARD. The Senator from Nebraska [Mr. HITCHCOCK] awhile ago stated that the provision inserted in this measure by the House, providing an appropriation of a million dollars, would affect only about 15 per cent of the militia force of the United States.

Mr. LEE of Maryland. He was wrong about that. I fear it would affect fully 25 per cent.

Mr. BROUSSARD. I rather agree with the Senator from Nebraska that it would not affect much more than 15 per cent. There is not practically anywhere in any State, including the State of the Senator from Maryland, any militia company which is recruited to the full strength provided by the law which we passed recently, and all of them must be so recruited.

Mr. LEE of Maryland. The Senator is wrong about that. Every one of the Maryland companies is up to the minimum requirement, and well above it.

Mr. BROUSSARD. I am talking about the maximum requirement. The Senator stated a few moments ago that 2,300 men in the Maryland National Guard have been recruited to nearly double that number since the call of the President has been made.

Mr. LEE of Maryland. Precisely.

Mr. BROUSSARD. All of them must be recruited. Now, shall it be said that adding 50 per cent to the forces of the militia in Maryland under this joint resolution will not disorganize the militia; that the taking away of 15 per cent of the old militiamen and the substitution of 15 per cent of new men will destroy the military qualifications of these regiments for service in the field?

Mr. LEE of Maryland. I will explain that to the Senator; and I am glad he asks for such information as I possess as to the situation. The policy of the commands ordered to the front will be when they start to take with them the better trained men. They will leave behind them the absolute "rookies," to be further trained before going to the front. I hope that that satisfies the Senator. But imagine the situation if when a company or a regiment starts we should say to its commanding officer, "You *may* have to give up 25 per cent more of your enlisted personnel, and you may have to send home 50 per cent of your noncommissioned officers." That is the situation that presents itself to us here; that is what is really before us; that is the real meaning of the amendment which the Senate committee has brought in.

I want to go on a little bit further in connection with the remarks of the Senator from Oklahoma [Mr. GORE]. The Senator from Oklahoma reflected upon the National Guard on the theory that they had to be drafted, showing that he was not familiar with the legal situation to any great extent.

Mr. GORE. I think it was the Senator from Nebraska [Mr. HITCHCOCK] who made that statement.

Mr. LEE of Maryland. It was the Senator from Oklahoma, if I remember correctly.

Mr. GORE. I think not.

Mr. LEE of Maryland. Under section 111 of the military law recently enacted by Congress this draft has been called for merely as a transfer to Federal control, but before that draft takes place a new enlistment oath is also called for, and that new enlistment oath is absolutely voluntary. A new oath is called for under this law, and that new oath is being taken and that practical change of enlistment is taking place freely and fearlessly all over this country to-day at this very moment when the National Guardsmen are rushing to the defense of the Nation. It is voluntary in the highest sense. The term "draft" in section 111 of the Army law and in this resolution merely marks the time and way in which these volunteers of the States become the Army of the Nation.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Oklahoma?

Mr. LEE of Maryland. Certainly.

Mr. GORE. I want to say that the Senator from Maryland misunderstood me. The Senator from Nebraska contended this morning that these men are being drafted, and I desire to ask the Senator from Maryland if these men are conscripts or volunteers?

Mr. LEE of Maryland. These men are volunteers.

Mr. GORE. I asked the question, Mr. President, because the Senator from Maryland has demolished the speech of the Senator from Nebraska.

Mr. LEE of Maryland. These men are volunteers of the highest character; these men are volunteers of the best type of soldiery. They supported themselves at home; they maintained the industries of this Nation; they devoted their time—or they have heretofore—without compensation to the acquirement of some knowledge of the military art; and they are now ready, in pursuance of that voluntary union with the forces of the United States, not only to go to the front but to go to the front under a new oath of enlistment, which is being required under the new law.

Why, Mr. President, there have been a good many difficulties and delays placed or left in the way of the National Guardsmen. The clothing which was due them and the equipment they ought to have had has been sent somewhere else, presumably to Plattsburg. It has not been forthcoming for the supply of these troops, who now go to meet an enemy. The Maryland National Guard have been waiting a week in camp for shoes, rifles, and the ordinary equipment of soldiers.

Mr. President, in addition to that, thrown right in the way of this movement of troops at this critical time, comes the necessity for the taking of the new oath. In the camp of the Maryland National Guard yesterday there were the men facing the question of taking or not taking this new oath of enlistment, with their relatives standing near, conditions calculated to discourage, and particularly so in view of the fact that the Senate Committee on Military Affairs had the day before reported that it would not be dishonorable for a man to stay at home if he wanted to stay. Mr. President, I venture to say that the proposition of this committee attacking the military integrity and discipline of the National Guard at this crisis and in this way is without precedent in the legislative or military history of the United States.

The situation is not only alarming; it is unique. Here are these guardsmen answering the call of the President, and the Congress of the United States is deliberately advised by the Military Affairs Committee of the Senate to tell these men that they can honorably stay home.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Mississippi?

Mr. LEE of Maryland. I do.

Mr. VARDAMAN. Since the Senator seems to be so well informed touching the military history of this country and the matter before the Senate, I wish to ask him, for information, if ever before in the history of the country provision was made such as is proposed by the House joint resolution for the support of the families of those who enlist to serve the country?

Mr. LEE of Maryland. I am glad the Senator asked that question, because it is a new proposition in this country. It is a new proposition for the reason that all wars in the United States up to this date have been fought by boys. The policy that now controls the United States Army enlistment, of not letting married men join the regiments, has been the policy of the wars conducted in this country heretofore.

Mr. VARDAMAN. Has that been the case in wars, or does the Senator apply that to regular service?

Mr. LEE of Maryland. Yes, sir; that has been the case in wars. It is universal knowledge that the War of the Rebellion on the Northern side was fought by boys. On the Southern side they "robbed the cradle and the grave."

Mr. VARDAMAN. It was not restricted to boys on either side in time of war.

Mr. LEE of Maryland. Not by law, but practically. It is pathetic beyond words, Mr. President, in reading the statistics of the dead of the Civil War, to see how many boys, nearly all boys, fell on the Northern side on those great battle fields. That is the horrible part of it.

Mr. VARDAMAN. How do these widows come to be on the pension roll, if that is the case?

Mr. LEE of Maryland. Those must have married after the war.

Mr. President, the failure to get enlistments for the Regular Army under present industrial conditions, the failure to enlist more than 11,500 men in 100 days for the United States Army——

Mr. VARDAMAN. Mr. President, if I may ask the Senator a further question, Those men were enlisting for Regular Army service, were they not?

Mr. LEE of Maryland. Precisely.

Mr. VARDAMAN. Not to meet an emergency. Does not the Senator believe that if a call for volunteers were made to-morrow by the President of the United States an army of 5,000,000 men could be raised in the United States?

Mr. LEE of Maryland. If you asked for them for war, I think so; but the Senator from Oregon, in discussing this question, made the comparison, and said that these 20,000 Regular troops we are calling for are, strictly speaking, volunteers, and so they are.

Mr. VARDAMAN. If the Senator from Oregon is illogical, that does not justify the Senator from Maryland in being illogical.

Mr. LEE of Maryland. The Senator from Oregon is both illogical and unmilitary with his present proposition.

But to come back to the seriousness of this situation. This country finds it can get only 11,500 men for the Regular Army. The Senator from Oregon, the head of the Military Affairs Committee of the Senate, says we will not have a call for volunteers. We must, therefore, fall back on the National Guard, which is responding so wonderfully on this occasion—the National Guard which on the last day of last year was 134,000 men, and which to-day answers more than 200,000 strong to the call of the President. But the committee asks us to legislate to diminish and to demoralize that force, to strike out the personnel of its noncommissioned officers to a possible half, and tell also a quarter, if need be, of the enlisted men, "Go home; the Congress of the United States says you are honorably discharged."

The greatest piece of sarcasm that this amendment involves is that word "honorably." With the men facing the front, some on the way to Mexico at this moment, this committee comes in and proposes to "honorably" discharge them in unknown numbers.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. LEE of Maryland. I do.

Mr. CLAPP. And for a cause that the Government itself——

Mr. LEE of Maryland. Can remove.

Mr. CLAPP. For a cause for which the Government itself refuses to allow a man to volunteer; namely, that he has a family.

Mr. LEE of Maryland. In the Regular Army—the Senator is absolutely right.

Mr. CLAPP. There is no law against it; but, as I understand, they are not accepting volunteers to-day who have families.

Mr. LEE of Maryland. It is not a matter of statute law that married men can not be enlisted in the United States Army. I think the Senator from Oregon, if he said that, was mistaken. It is simply a matter of Army practice.

Mr. CLAPP. That is it.

Mr. VARDAMAN. I do not think the Senator from Oregon said that.

Mr. CHAMBERLAIN. Mr. President, if I may be permitted to say so, I did not say that.

Mr. LEE of Maryland. Did not the Senator say that? I thought he did. I beg his pardon, then. Perhaps it was some other Senator. But it is not a matter of law that the Regular Army shall not accept married men. It is a matter of voluntary action on the part of the enlisting officers of the United States. It is Army custom to deliberately choose to have it that way.

Mr. BROUSSARD. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Louisiana?

Mr. LEE of Maryland. Certainly.

Mr. BROUSSARD. I know the Senator has been looking up the enlistment to the maximum limit of the militia in Maryland. Will the Senator inform the Senate whether the rule which heretofore has applied to the enlisted men in the Regular Army—that is, that no man shall be accepted who has family responsibility at home—is being applied to the enlistment of men in the militia of Maryland or in any other State?

Mr. LEE of Maryland. Why, certainly not, Mr. President.

Mr. BROUSSARD. It is not?

Mr. LEE of Maryland. Certainly not; and it was obviously the policy of Congress and of the Senator himself when he voted for the Army bill to put no such restriction in that bill. The matter has been left to the discretion of the enlisting authority. It has been left, as to that particular, to the Army officers, and they choose to say that no married man need apply. It is equally left by the law to the discretion of the enlisting officers of the State militia and they enlist any able-bodied man of proper age—from 18 to 45.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Oklahoma?

Mr. LEE of Maryland. I do.

Mr. GORE. Does not the Senator think it would be equally wise for the Government to refuse to permit National Guardsmen who have dependent families to take the new oath under the new law?

Mr. LEE of Maryland. I do not, Mr. President. I think war is now too serious a thing, too large a thing. I think the mechanical art of war, the scientific art of war, is too great to be successfully carried on any longer by young men exclusively.

In looking into the personnel of these Maryland companies I know why they seek to have noncommissioned officers who are married men. They are the steadier men. They are the men of the more matured character. They are the men who know how to handle other men, and they are the essential men for the backbone of the Army, namely, the noncommissioned personnel.

That is why the militia must have them; and that is why in any great future scientific war we must all have them; and that is one of the reasons, Mr. President, in my humble judgment, why the Regular officers say it takes them so long to make a soldier.

Why, Mr. President, they say it takes years and years to make a soldier, and the main reason is apparently that they want to go out and get very young men and have them grow up in the Army. They should take men who have stood the test of life, who have stood the test of business, who are good mechanics, good wage earners; steady, patriotic men, such as the members of the National Guard who are coming to the front on this occasion. Then it will not take so long to make a soldier; and that is just what the National Guard of the United States is on the point of showing. That is just why the enemies of the National Guard of the United States do not want to have the guard demonstrate as a fact on this occasion.

Mr. President, the late Secretary of War, Mr. Garrison, came before the committees of Congress, and he appealed to every centralizationist that could hear his voice, when he denounced the National Guard, the State troops of the several States, and sarcastically said, "Forty-eight little armies in forty-eight separate States!" But, Mr. President, what has been the result? How utterly refuted is that unworthy attack by the former Secretary of War! The character of our citizenry has met the subterfuge which that argument presented. The National Guard of the country has responded with such unanimity that no man in this body, hate the guard as he may, dares to get up and repeat again the aphorism of "Forty-eight little armies in 48 States!" The guard has vindicated the self-governing, democratic, republican capacity of the young men and citizens of this country; and now, Mr. President, the committee comes in with this proposition to cripple this organization, to confuse it, and to interfere with its discipline when it is marching with its face to the front!

We have this proposition divided into two sections. One is to strike out the compensation which the House proposes to give the dependents. Very well. If the Senator from Oregon wants to do that, let him do it, if he has the votes. That is bad enough, but do not go further. Do not aim this blow at these organizations which are going to the front with such patriotism. If you believe they do not want the money—and I

have not heard a single one of them ask for it—let me assure you that they do aim to have discipline. They do aim to secure military efficiency, and I believe that the greater part of them will resent the suggestion of this committee to "honorably" discharge so large a proportion of the National Guard. That is the seductive aspect of this thing. That is where it will do its harm—the "honorable" discharge which the committee proposes.

The Senator says that 90 per cent of the guard would resent the proposal of supporting their dependents. I disagree with him about that. I do not believe any of those men would think this payment a charity. What the Senator from Oregon proposes is that these guardsmen go to the front, and then to let their neighbors contribute charitably for the support of their dependents. That will be actual and individual charity. But I want to say, Mr. President, that if I were an enlisted man in the National Guard, and if I were going to the front, leaving my business where I earned from two to five dollars a day, and my country proposed to give $50 a month for the support of my family when I was sacrificing two or three times that much in actual income, as many and most of these men are, I would not look upon it as charity. I would think that the language of the Swiss statute applies right here. I want to call the Senator's attention to the language of the Swiss statute. You will find it in Senate Document 360, page 21:

SEC. 22. Families who become destitute in consequence of being dependent upon some one called into service receive aid from the Government proportional to their needs. This aid may not be assimilated with public charities.

That, Senators, is the language of the statute of Switzerland, the free country of all Europe; and every other country in Europe to-day pays something—not to the bread winner but to the family—when the supporting man is sent to the front. I secured from the Legislative Reference Bureau of the Library of Congress a detailed report on the countries at war—on the countries that made this provision—but unfortunately I am not able to produce it here, having filed it in the Committee on Pensions, to which the bill was referred, and the committee not being able to produce it for the moment.

Mr. President, why reverse our policy? If you did not intend to have the entire Guard go to the front when you passed your military law, why did you not say that no man with dependents could be enlisted in the Guard? Every member of the Military Affairs Committee knew perfectly well what was going on in the National Guard of this country—at least he ought to have known it, if he was familiar with National Guard affairs. They were enlisting and they always have enlisted men with dependents, and you put your stamp of approval on that. You not only said, "It is all right," but you said, "Go on, and we will pay those men something, so that their time taken from their families will be partially compensated for"; and you passed a bill that gave to these guardsmen, for the support of their families while they were acquiring some military knowledge, a sum equal to between $70 and $80 a year.

Mr. President, the very prospect of that recognition had a good effect upon the Guard. Enlistments were becoming more rapid as the 1st of July approached, but when the call of the President went over this country all those questions disappeared. All these men came to the front, young and old, and they met two great needs when they did it—one, the need of an armed force in time of stress—but the most glorious thing that they did when they came was to meet the attack upon the balance of the Constitution, the attack of the centralization party, that comes in here and wishes to put into the hands of any President an Army of more than half a million trained men and to ignore the wise precaution and balance of the Constitution of the United States. Those old Constitution makers who sat over 100 years ago meditating, between the great Atlantic Ocean and the then untouched forests of the Appalachians, were the sages of all history, and they produced this great Constitution, this balance between local self-government and national power. They produced this wonderful combination of governmental limitations that means peace if it is respected; and in the face of warring Europe the patriotism of these men, young and old, has come forward here and established the fact that the National Guard of the States is also a national army for national purposes when need be. These men have demonstrated the wisdom of the makers of the Constitution. Far from being worthy of this attack from behind upon their discipline and the integrity of their organizations, they are worthy of the greatest honor and glory from all Americans who respect the meaning and the significance throughout the ages of the Constitution of the United States.

Mr. THOMAS. Mr. President, as a member of the committee whose action has just received the condemnation of the Senator from Maryland [Mr. LEE], I deem it my duty to take the time of the Senate for a few moments in saying a few words in support of the proposed amendment.

I shall precede what I have to say by calling the attention of the Senate to a minority report of the House Committee on Military Affairs, made in 1912, when the measure known as the militia-pay bill was under consideration. This report first calls attention to the large, increased cost that the proposed measure would place upon the Treasury of the United States and then proceeds:

And this will be the cost at the very beginning of the operation of the proposed law, and it affords no indication as to the enormous increase that will inevitably occur later by reason of the increase in militia strength, which it is the plain purpose of the pending measure to bring about, and which can and will be brought about without any additional legislation whatever by Congress if this bill shall pass.

Childish must be the credulity of him who can bring himself to believe that the militia will rest content "with any such reward or compensation" as that proposed by the pending bill, or that, if the bill becomes a law, Congress can successfully resist the tremendous pressure that will certainly be brought to bear upon it for more and more legislation of the same kind. The appetite for pabulum from the Public Treasury grows by what it feeds on, and so does the political strength of the possessor of such an appetite if that possessor happens to be an organizable body of men with widespread political and social affiliations.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

Mr. HARDWICK. I ask that the unfinished business be temporarily laid aside without prejudice pending the conclusion of this joint resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Colorado will proceed.

Mr. THOMAS. I proceed to read from the report referred to:

The gift of prophecy is not needed to foretell the nature of the demands that will be made upon Congress for additional militia legislation if this bill is passed. First and foremost there will be insistent and persistent demands for more pay for officers and men, and every demand of this kind that is made will be followed sooner or later by others of the same kind, each being based upon the assertion, doubtless correct, that the constantly advancing standard of requirements of members of the Organized Militia compels officers and men to give more and more of their time to their military duties and less and less of it to their ordinary vocations Then will come the demand, already voiced in some quarters, that the General Government shall assume the very great expense of furnishing and maintaining horses for Cavalry and Field Artillery and shall redeve the States of other and greater burdens, notably those of providing and maintaining armories, target ranges, drill, encampment, and maneuver grounds, and other necessary facilities, all of which but few, if any, of the States are able or willing even now to furnish to the extent of meeting the urgent needs of the present relatively small militia force, and all of which they will surely be far less able and far more unwilling to furnish to the extent required by the greatly increased force to which the door is opened by the pending bill.

Our population of more than 90,000,000 people will easily permit the expansion of our militia to more than a million men. With the same ratio of expense per man that this bill and existing laws permit the annual cost to the taxpayers would be $116,000,000. An officer of the National Guard has been heard to say that in a few years the yearly cost for maintaining the militia will be $100,000,000, and after making that statement he added, "But what of it?"

As the militia increases in numerical strength, so also will increase its power to influence the policy and legislation of the various States as well as of the Nation. It may be confidently expected that after it has been found that the General Government can be induced to bear an additional share of the burden of supporting the militia the States will not only shape their policy and legislation with a view to inducing or compelling the United States to shoulder more and more of that burden, but will actively support their militiamen in concerted efforts to obtain for themselves, at the expense of the General Government, more and more benefits in the shape of pay, allowances, quarters, retired pay, and pensions, all gradually approaching and perhaps finally equaling those allowed to officers and enlisted men of the Regular Army.

Mr. President, sometimes even Members of Congress seem to be endowed with the gift of prophecy, and the forecast made in that minority report of the constantly increasing demands upon the Treasury for the National Guard has been verified by the course of our national legislation since that time.

I know, Mr. President, from some small experiences of my own, how unpopular it is to oppose anything whose immediate object is an appropriation from the National Treasury for localities or for classes. Those who have the temerity to do so are not only nearly always unsuccessful, but, what is worse, they sometimes incur the quiet and unexpressed displeasure, if not the outspoken resentment, of some of their colleagues. This is an occasion, Mr. President, in which it is peculiarly obnoxious to some to present reports and arguments in support of them

which are designed to prevent appropriations which seem to be not only unnecessary but extremely dangerous as precedents.

Mr. President, notwithstanding these conditions I want to assure the Senate that I voted for this amendment in committee, and I shall support it upon the floor of the Senate, actuated entirely from a sense of duty and in the belief and with the conviction that it is essential to the general welfare. It has been said here, and I accept the statement with much pleasure, that the House provision, as well as other measures of similar character introduced on the floor of the House, was made without the knowledge and certainly not by the request of any member of the National Guard.

I am glad to know that, Mr. President. It is to the honor and to the credit of the National Guard that that is so, and relieves them from what would otherwise be the natural imputation, that they have one eye on the enemy in Mexico and another upon the Treasury of the United States.

This measure, then, must be treated as one not having its origin among its beneficiaries, but prompted, doubtless, by the best of motives.

But, Mr. President, what is it? It is that while the National Guard, who are volunteers and not conscripts, are engaged in the national service they shall be given the sum of $1,000,000, to be paid at the rate of not to exceed $50 per month to the families of those who may need it, because dependent upon them for support.

It must be conceded that this is without precedent. It is a novel piece of legislation, certainly without precedent as regards the United States. It is something that we have never done before in any war, not in the War of 1812, not during the Mexican War which followed, not during the Civil War of 1861, not on the occasion of the Spanish-American War. We had in each of those great conflicts volunteers by thousands, as we always have had when the country needed her citizens and called upon them to fight for her honor and defend her territory.

If destitution follows from the separation of the volunteer from his family now, it certainly must have followed in those previous wars which have involved the Nation. Yet who has ever heard of any suffering by the families, the wives and children, of the volunteer soldiers of America, which was not common to the mass of the people. When did the people of this Nation at any time permit those dependent upon the volunteers of the country or, indeed, the members of the Regular Army, to suffer for want without making due reparation?

What is there in the present situation which would indicate the necessity of now providing what is practically a fifty-dollars-a-month pension to certain families during service? The chairman of the committee has well said that names are not important. You can call this donation by whatever name you please, but in its last essence and analysis it is a contribution in the nature of a pension to the families of soldiers while engaged in duty, the distribution to be determined by the War Department upon due investigation.

Mr. President, it may be that some have enlisted in the National Guard and are now compelled to do duty upon the frontier who can ill afford to separate themselves from their families and whose families can ill afford to lose the support which that separation necessarily entails, but if I read the press correctly there are but few, if any, instances in which enlistments under the late call of the President have not been followed by agreements voluntarily made by employers to continue the salaries of those enlisting, while in other instances benevolent organizations, like the Woodmen of the World, have voluntarily announced their intention to stand between their enlisted members and the want which is here apprehended.

I know it may be said that this is a burden which the individual should not assume; but, Mr. President, I can not understand why it is not. Each and every individual in this country is a unit of our 100,000,000 people, and each and every one is entitled—perhaps I should say required—to bear his or her proportion of the public burden.

The distinguished junior Senator from Missouri [Mr. REED] on last Saturday asked why if a man receiving a hundred dollars a month is called from his home his fellow man receiving the same amount should not be required to contribute a small proportion of his income to the support of the family of the enlisted soldier. The question answers itself. Why should he not, and why should he not be expected to do so by a direct contribution as well as through the agency of public taxation?

These, Mr. President, are the common burdens of war, and especially in countries which depend upon voluntary enlistment. So we are not confronted with any emergency requiring this measure.

Now, what, if passed, will be its effect upon the Regular Army? Mr. President, it is impossible for me to perceive two sides to that question. It must necessarily be disorganizing and demoralizing. Shall this country, where all are equal, discriminate in its compensation between the Regular soldier who constitutes the first line of defense and who must first meet the enemies of the country upon the battle field in favor of the second line of defense because forsooth they constitute a distinct and different class?

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER (Mr. HARDWICK in the chair). Does the Senator from Colorado yield to the Senator from Maryland?

Mr. THOMAS. I yield.

Mr. LEE of Maryland. Does the Senator recognize the fact that the Regular soldier who has enlisted has no family?

Mr. THOMAS. No; I do not fail to recognize the fact that generally speaking, the enlisted soldier has no dependent in the sense that he has some one who is absolutely dependent upon him for a living.

Mr. LEE of Maryland. That is the point.

Mr. THOMAS. If the Senator means by that that the present Regular force is made up of single men—but I want to say to the Senator, as a matter of fact, there are many men in the Regular Army who have dependents and who are as worthy of consideration of the American Congress as all or any of the members of the National Guard.

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Maryland?

Mr. THOMAS. I do.

Mr. LEE of Maryland. I should like to suggest to the Senator that although when the enlisted man in the Regular Army marries, or thinks about getting married, he has been very long in the service, and with a reenlistment has increased pay, and, of course, where they are noncommissioned officers there are always quarters furnished.

Mr. THOMAS. Where there is one noncommissioned officer, there are many privates, and the Senator knows, of course, that the pay is not in itself sufficient to support a family.

Mr. WARREN. The noncommissioned officers, except a very few on special details, do not have commutation of quarters furnished them. Of course regular quarters, clothing, and subsistence is furnished all enlisted men.

Mr. THOMAS. I, of course, accept the statement of the experienced Senator from Wyoming on any military proposition.

Mr. WARREN. As the Senator has said, there are a great many married men in the Regular Army and those who have relatives dependent upon them, and where they are suffering for the support of the soldier, it is recognized by the department, and upon an application by the soldier stating that his mother or his wife or whoever is dependent upon him is suffering for his support he is discharged, as we propose now to do, upon the request of the guardsman that he may be excused.

Mr. THOMAS. The real difference between the two is that one has and the other has no political influence.

Mr. WARREN. That is right.

Mr. THOMAS. That is the distinguishing characteristic between the two arms of the service.

Mr. WARREN. Absolutely.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. Certainly.

Mr. CUMMINS. I wish to ask a question upon a point that the Senator passed a moment ago. I ask it because I am really in doubt about it in view of what has been said this morning. Everybody knows who heard me discuss the original Army bill that I am not in sympathy with section 111, nor do I think it necessary to the question that I desire to propose and which will to a large degree determine my vote upon the matter. Does the Senator from Colorado believe that enlisted men in the Guard who take the oath and enter into the obligation provided for in section 70 of the Army bill can be drafted under section 111?

Mr. THOMAS. I do not. I do not think that a man by taking the oath can change the effect of a constitutional provision.

Mr. CUMMINS. It is possible the Senator did not answer my question as I intended it.

Mr. THOMAS. Perhaps I did not understand it.

Mr. CUMMINS. Section 70 provides for an obligation taken by the enlisted man in the National Guard——

Mr. THOMAS. Yes, sir. I voted against it.

Mr. CUMMINS. In which he agrees to support the Constitution and obey the orders of the President of the United States. That is a new obligation, and is now being administered to

those who are willing to take it among the members of the National Guard. Does the Senator think that an enlisted man in the Guard who has taken this obligation can be drafted under the provisions of section 111?

Mr. THOMAS. I do not, without his consent.

Mr. CUMMINS. That is precisely my view. I do not see that section 111 and the bill which is now before the Senate for the purpose of carrying it into effect can have any operation save upon those members of the Guard who decline to take the obligation contained in section 7. I should like to know if that is the view of the Senator from Oregon?

Mr. CHAMBERLAIN. Mr. President, I have never thought that drafting was necessary. Particularly I felt that when a man took the dual oath, one to the State and the other to the Federal Government, he would still have to be mustered into the service of the United States.

Mr. CUMMINS. Certainly.

Mr. CHAMBERLAIN. That was the opinion of the Senator from Minnesota [Mr. NELSON] and others at the time the Army reorganization bill was under discussion.

Mr. CUMMINS. I agree that he must be mustered in. That, however, has very little relation to the matter of power; but my view of it is that the members of the National Guard who take this oath and enter into this obligation can be called into the service of the United States and mustered in without any further legislation, and that it is a contradiction in terms to draft or conscript a man who is already in the service of his country.

Mr. THOMAS. I think, Mr. President, that that contradiction becomes more clear when you refer to the joint resolution itself, which declares that the President is hereby authorized to draft into the military service of the United States "under the provisions of section 111 of the national act."

Mr. CUMMINS. So that those who take that oath ought not to be reached by a draft. It is an impeachment upon their patriotism and, I think, illegal in the law, if not contradictory in the law, to reach them by a draft. So we are only trying to reach certain members of the National Guard who decline to take the oath provided in the Army bill. I wanted to know if that was the view of the Senator from Colorado, because I believe there is some misunderstanding in the Senate with regard to the operation.

Mr. THOMAS. I am inclined to agree with the Senator's view, although, to be perfectly frank, I have not considered that phase of the resolution.

Mr. BORAH. Mr. President——

Mr. THOMAS. I yield to the Senator from Idaho.

Mr. BORAH. I wish to ask if there has been any manifestation of a purpose on the part of the members of the National Guard to any considerable extent not to take the oath provided for in the bill of June 3, 1916?

Mr. THOMAS. I can only answer that negatively. I have heard of no reluctance on the part of any of them.

Mr. BORAH. The reason why I asked was that I agree with the Senator from Iowa that there can be no possible reason, it seems to me, for this bill, except upon the theory that certain members of the National Guard are not going to take or have not taken the oath. If they—if, in other words, the bill of June 3, 1916, has the effect which it was supposed to have by those advocating that particular provision, those men are subject to the order of the President now.

Mr. CUMMINS. May I answer the Senator from Idaho from a scanty and imperfect knowledge of the situation?

Mr. THOMAS. I yield to the Senator, although I am anxious to get through.

Mr. CUMMINS. I think there are a few men who have as yet not taken the oath prescribed in section 70, and some of the officers provided for in section 73, but they are so few in number that in comparison with the body of the Guard, the total number, it is negligible. The point in my mind was this: If any officer or any man did not desire to take the oath provided in the bill on account of family obligations, he need not take the oath, and he therefore is not in the service of the United States. I think we ought under no circumstances to draft him any more than we draft any other citizen of the country.

Mr. BORAH. May I ask the Senator from Iowa if there is not a silent, tacit approval of the position of some of us that the oath which was supposed to put them into the service of the President would not have that effect by the passage of that bill; that is to say, does not the bill seem to indicate that there is a strong belief that the only way to get those men into the service of the United States is not by an oath but by drafting them the same as any other private citizen?

Mr. CUMMINS. Yes; Mr. President, the truth is that the bill attempts to embody both the view of the Senator from Idaho upon the matter and the views that I attempted to sustain upon the floor. Sections 70 and 73 are exemplifications of the position which I assumed and attempted to maintain. Section 111 is an express recognition of the view which the Senator from Idaho maintained with such eloquence and vigor. That is the truth about it. They are inconsistent in themselves.

Mr. BORAH. In other words, if the Senator from Iowa is correct in his interpretation, this bill is wholly unnecessary.

Mr. CUMMINS. I will not say that. It may be that there is fair room for contention that Congress must declare the emergency, must determine that the time has come when the guards shall be called into the service of the United States. I hardly agree with that view, but there are some, I am sure, who entertain it.

Mr. THOMAS. Mr. President, when interrupted by the Senator from Maryland I was discussing the effect of this section of the House joint resolution upon the regular force. I do not think that effect will be greatly enhanced or diminished by the number of those who might because of their family relations feel a sense of discrimination. The difficulty is that every man will recognize in it a discrimination and an inequality which is justified neither in morals nor in practice. He will know the cause of this discrimination and will rebel against it and become dissatisfied with it, and when his term of enlistment ends, if he renews it at all, he will renew it in the National Guard. A dissatisfied soldiery, Mr. President, is not a safe reliance in a Republic, and when the cause of dissatisfaction is patent and comes as a result of express legislation its far-reaching consequences can not very well be foreseen.

It will operate also, Mr. President, in future. The man, between the two services, desiring to enlist would hesitate. Would he not go to the National Guard because of its attractive $50 a month, very properly and naturally preferring it to that less popular but more important branch of the military service? Would not this be so far-reaching, Mr. President, as to practically result in its disintegration?

I know that if I were a Regular soldier and were confronted with legislation of this kind I would protest against it, possibly to the extent of involving a breach of discipline. We can not afford to do it, Mr. President. It never has been done. And if we do it once it will serve as a precedent for similar and additional discrimination.

Mr. President, we have not been overly good to the Regular soldier. This body adopted an amendment of mine to the military bill preventing discrimination against the uniform, which, instead of being a protection, is virtually a badge of humiliation to the man who wears it.

That was passed in an emasculated form, which was the best the committee of conference could do. It is not what it should be, but it is something.

Shall we now add to these conditions by saying to the man serving in one rank, "You shall have a pension of $50 a month for your family," and to the other, who is or may become equally dependent, "You shall not be permitted to participate in this bounty of the Government"? It is not a question, Mr. President, of sentiment. All legislation that is designed to benefit the soldier and aid his family appeals to the American citizen, and propely so; but he should not permit his sentiments to go the extent to which legislation of this kind necessarily does.

Mr. President, there is another feature about this section. I do not know how accurate my friend the Senator from Maryland [Mr. LEE] is, with regard to many of the statements which he made. With all due charity and humility, I wish to say that he betrayed a lamentable ignorance of this amendment; and if the information which he vouchsafed regarding the facts which he laid before the Senate was equally unreliable, then perhaps I am not safe in referring to it at all; but he did make the statement that if the Senate committee amendment were not stricken out it would operate to relieve 50 per cent of the 200,000 men belonging to the National Guard from duty. If that be true, then there must be some 50,000 families dependent upon the Government of the United States because of these enlistments, which, at $600 apiece, would take $3,000,000, or just three times the amount provided for in this appropriation. Consequently the appropriation would fail because of its insufficiency, since it would necessarily result in discrimination by the War Department—necessary discrimination, Mr. President—betwen the families of soldiers, or it would result in the incorporation of an additional $2,000,000 in some of the numerous and constantly increasing deficiency appropriation bills.

I think the experience of the Nation with reference to our pension legislation is that it will soon be suggested to some one desirous of serving his country that there is no reason why we should discriminate between the family which is dependent

and the family which is not, since every soldier who has bared his breast to the common foe and gone to the plains of Mexico, there to do his duty by his country, should have the same benefit. It would result in the extension of this $50 a month to the family of every one of the 200,000 soldiers now upon duty. My friend, the Senator from Arkansas [Mr. CLARKE], tells me that I only missed my calculation by some $27,000,000 a year.

Mr. CLARKE of Arkansas. The sum of $600 a year to the family of each soldier would make it $30,000,000.

Mr. THOMAS. Upon looking at the Senator's figures, I find that my statements are even further from the mark, though in the other direction, than those of the Senator whose statements I was just criticizing. [Laughter.] It would require $30,000,000 a year, Mr. President, instead of $1,000,000, to care for these 50,000 families; and if we are to apply it, as we shall in time, to the other 75 per cent, all we have to do is to multiply the $30,000,000 by 4 to secure the total amount that will ultimately be saddled upon the Treasury by virtue of the passage of this joint resolution. It is farcical, if we are going to do a thing of this kind, to make an appropriation of a million dollars. Why make two bites at a cherry? Why not appropriate money sufficient to meet the needs of these dependents, assuming that the Senator from Maryland, in his statement of 25 per cent, is right?

But, Mr. President, does it follow that the proposed Senate committee amendment, if adopted, will result in the decimation of the National Guard? Is there anything compulsory about its requirements? The Senator from Maryland should read this section again. It provides that——

> The Secretary of War is authorized, under such rules and regulations as he may prescribe, to excuse such person upon his own application.

Senators have reiterated the patriotism of the National Guardsman, and I certainly would utter no word of limitation upon his patriotic sentiments and impulses. I assume they exist. I know they exist as fully and as fundamentally as is claimed on this floor. If a man so actuated shall be excused from service only upon his own application, will you tell me that because of our amendment the military force will be depleted 25 per cent, 10 per cent, or 1 per cent, or one-tenth of 1 per cent? No, Mr. President; to the honor of the guard, to the honor of the American soldier, Regular or Volunteer, be it said that under conditions such as now confront us and which may soon involve us in actual war there will be no shirking of duty by any American, there will be no requests for excuse except under the most exigent circumstances and conditions.

So with regard to the amendment there will be no depletion beyond that which absolutely necessary conditions entail. There will be no precedent established from which we shall shrink, and perhaps very soon. There will be nothing mercenary in the service about to be performed for the country, but, as in other cases and in other wars, the man who enjoys the benefits of our institutions and who pays the taxes in peace will be the man who serves and defends his country in time of war.

Mr. President, I have taken more time than I intended in the discussion of this joint resolution. The committee was almost overwhelmingly in favor of it. Indeed, if my recollection serves me aright, practically all of those who attended the meeting were a unit in voting to strike out the section and offering the substitute which has been read this morning. I hope that the good sense of this body will prevail and that this joint resolution as amended will be passed.

Mr. WORKS. Mr. President, some days ago I gave notice that I would to-day address the Senate on the subject of Americanism and of preparedness. At the request of the Senator from Oregon [Mr. CHAMBERLAIN] I waived my right to insist upon the regular order so as to enable him to bring up the joint resolution which is now before the Senate. The resolution involves the question of Americanism, patriotism, and preparedness, and I think it is quite appropriate that I should now say what I intended to say on that subject. I shall say it briefly, and it will take no more time now than it would have taken during the morning hour or at some other time.

Mr. President, so much has been said of late about Americanism and preparedness for national defense that what I am about to say on the subject may seem to be superfluous. But I may look upon it from a little different point of view from that of some others, and my ideas of Americanism may differ from theirs. I hope my sense of the duties and obligations of an American citizen is as high as that of other men. I feel sure I have a higher conception of what Americanism should mean than some others. Looking at it as I do, I have felt moved to impose briefly on the time of the Senate by expressing some of my views and sentiments on this important and far-reaching subject.

Americanism means vastly more to me than love of country evidenced by the desire to defend it against forcible aggression from whatever source it may come. Physical courage is common to most men. The call to arms to defend the country from foreign invasion would meet with a ready response. Millions of our citizens would rise up and buckle on their armor in their country's defense. This Nation is in no danger from the lack of physical courage. It is in no danger from disloyalty to the flag, as some self-serving politicians would have us believe, or from indifference to the principles the Stars and Stripes stand for or the sentiments they typify and represent. But something more than the willingness to fight for his country is needed to make the truly good citizen. Something more is needed than the willingness to make sacrifices in money and treasure, personal ease and comfort, and the things that must be surrendered in time of war that the country may be saved, something more than sentiments of loyalty to the flag. These are admirable qualities that help to protect the existence and integrity of the Nation. They bear witness to the loyalty of the citizen to his country. These fighting qualities are the fruits of physical warfare that results in bloodshed and death. They are the attributes of citizenship most prized in the Dark Ages.

The chivalry of barbarous and cruel times was looked upon as the greatest of all the qualities of manhood. We had fondly and trustingly hoped that the great civilized nations of the world had lived beyond that time. We believed that civilization and the refinements of Christianity and education, with their elevating and purifying influences, had made a great and bloody war, such as is now devastating the countries of Europe, impossible. But these cherished hopes and beliefs have been rudely dissipated. The great nations of Europe have gone down into the depths of cruel and barbarous warfare. Nothing more cruel or barbarous was ever known in the Dark Ages. They may kill and slay in a more genteel way, because their instruments of warfare have been improved and refined by science, invention, and skill in the manufacture of such instruments, but that is all. They kill and maim in greater numbers. They destroy more lives, more cities, more homes, devastate the fields of the husbandmen with more widespread destruction, make more widows and orphans, and more helpless cripples than in the times of the barbarians.

This statement of what should constitute the ideals of a nation, found in a little book by Frank Harris, entitled "England or Germany—?" appeals to me very strongly:

> A nation, like an individual, should be judged by the contradictory virtues it embraces and reconciles. A man may be very brave and yet not excite our admiration more than a rat or a bulldog which displays the same disdain of pain or death; but if the man is not only courageous but gentle and considerate of others he at once approaches the ideal. And what is true of a man is true of a nation. An isolated or insular people is expected to love individual liberty and the hardy virtue that springs from individual self-assertion; but it only becomes admirable to us if it unites this love with a passion for equality and even-handed justice and a most sensitive consideration for the poor and the outcast and the disinherited.
>
> Similarly a people devoted to the idea of the nation, to the self-assertion and glorification of the whole, may be expected to be efficient in conflict, to display high military virtues of foresight, courage, and self-sacrifice; but it can only then become entirely admirable to us when it also shows a sensitive regard for the rights of the individual, for the claims even of peculiarly endowed individuals to live their own lives and cultivate their own special powers.

To this might be added that a nation to be truly great must have a sensitive regard not only for the rights of individuals but of other nations as well.

And now, Mr. President, the cry of Americanism is abroad in our own country. Americanism! What does it mean? What are the people who are shouting for Americanism attempting to accomplish by this outcry? This demand for Americanism is now coupled with the cry "Preparedness, preparedness!" It means the establishment and maintenance of a great standing army and the biggest navy in the world, that we may be prepared to do what they are doing in Europe to-day, kill and maim and destroy. In the estimation of the clamorous, unthinking people who are thus coupling these two things together the willingness or unwillingness to stand for them both is the test of true Americanism.

Mr. President, if one did not know that this cry of Americanism is a mere political shibboleth, intended to catch the public fancy and get votes, there should be serious alarm at this attempt to make military preparedness, military or physical prowess that leads the way to militarism, the domination of the civil authorities by the military, which in turn leads on to military despotism and the destruction of liberty, the test of Americanism. Just now we are being deluded into the belief that these things are necessary to the preservation of our own

country by the bloody conquest that is going on in Europe and the use that is being made of it by designing men at home. Our people have been driven into hysterics of fear and apprehension by the selfish propaganda that has been going on up and down the country, instigated and financed by the men who make money out of war and preparations for war. This has been made infinitely worse by dragging it into politics. Politicians and political parties are joining in the senseless and injurious cry of Americanism and preparedness because it has been made popular by the sordid means and influences I have mentioned. When the elections are over and the people become sane again we may begin to inquire, and, in part at least, realize what it is that constitutes true Americanism, and that it is not willingness to prepare for or to go to war and kill and maim our fellow men and destroy the fruits of their industry.

Mr. President, it is not my purpose to question the importance of maintaining a true spirit of Americanism in this country or to belittle or degrade the citizenship of our people, but to elevate our Americanism to a higher level, and to say what I can to exalt the conception of the people of this Nation of what true Americanism means and what it stands for.

I have said something about physical courage as an attribute of good citizenship and a defense of our institutions and our soil. Without physical courage, without the capacity and the will to fight if fighting becomes necessary in defense of the country, our Nation would not be worth saving. It takes courageous men to make a great or a worthy nation. If our country is not worth fighting for, it is not worth having, and if our people are not ready and willing to fight to preserve it, they are not fit to have a country or to receive the protection and the benefits it bestows upon them. Neither do I question that in such times as these and after the rude awakening we have experienced as a result of the European war it is wise and patriotic to make reasonable preparation to defend our country against invasion and to protect our citizens in their rights. Such is not my purpose. What I am seeking to do is to call the attention of the Senate and the country to the fact that there are infinitely higher attributes of Americanism than physical courage or the willingness and desire to prepare for national defense by force of arms.

Mr. President, this country is not suffering, nor is it in danger from any lack of physical courage on the part of its citizens. It is suffering and it is in danger, serious danger, from a lack of moral courage on the part of its citizens, particularly those citizens who are in public life and as such the representatives of the country's interests.

What this Nation needs, what the world needs, most of all, is not physical but moral courage; courage to stand for what is right without regard to the consequences to one's self; courage to respect and maintain the rights of other nations as well as our own; courage to withstand the temptations of ambition and self-seeking; courage to uphold the public interests as against personal or party considerations; courage to be loyal and true to the country as against political expediency or party success; courage to say to the power of patronage and party gain, at the expense of the public interests and efficient service, "Get thee behind me, Satan"; courage to resist the Executive power in legislation and appointment to office and serve only the public good as judgment and conscience dictate, regardless of consequences to oneself or one's party. Courage to serve within the limitations of the fundamental laws of the country and to resist the temptation to dictate or coerce action by other public servants or departments of government; courage to be a servant of the people and not their master; courage to resist the ambition to be a dictator and a despot; courage to stand fearlessly against the power of wealth in defense of the rights of all the people, rich or poor, high or low, capitalist or laborer, black or white; courage to stand steadfastly for social and industrial justice to all; courage that stands fearlessly for honesty, integrity, independence, and loyalty to the public welfare against all the temptations and allurements of ambition, partisanship, public favor, or self-aggrandizement; courage to be loyal and true not only to one's own nation and its people, but to all the peoples of all the nations of the world; courage to stand for international as well as national patriotism; courage to be just to other nations at the expense of one's own country; courage to stand fast for the freedom and independence and liberty of all men everywhere without regard to race, nationality, color, or condition; courage to be just and neutral as between warring nations; courage to support and defend one's adopted country against the wrongful invasion or unjust or illegal infringement of its rights by any other country; courage to do the right thing at all times as conscience dictates, regardless of consequences.

Courage such as this would establish true Americanism in our own country. Such courage on the part of all mankind would put an end to war and make courts of international conciliation and arbitration, as well as war, unnecessary. The world would live in peace and amity without the aid or assistance of courts, armies, or navies or other tribunals. But, Mr. President, we have not reached, we have not as a Nation even approached, the height of this sort of Americanism. The man who suggests this remedy for the evils that afflict men and nations is ridiculed or derided. He is met with the good-natured smile or the sneer of contempt by practical men of affairs. He is pointed at as a visionary, a dreamer of dreams, an impractical reformer and uplifter whose views of what Americanism and life generally should be may be beautiful but are never to be realized among men. And these practical men and women who are content to leave things as they are have the evidence to sustain their outlook on life, present and future. The kind of courage to which I have referred exists only in small degree, I am willing to confess. Selfishness, the all-pervading enemy of mankind, is abroad in the world. We find it in the seats of the mighty, in the rulers and public servants of nations, in legislative halls, in the churches, in politics, in trade and commerce, in the minds of the capitalist and the laborer, in the public and social life of the country, and, worst of all, in the home. The places of power and responsibility are too often filled by self-seeking and subservient politicians, where disinterested and patriotic statesmen should be found. Political expediency and partisan interests rule where patriotism, love of country, and a desire and purpose to serve the public interests should be supreme.

But, Mr. President, after all is said, the world is not wholly bad. Never, I believe, in all the history of the world were greater or more sincere efforts made by the few to elevate thought, bring about a more enlightened understanding of good and evil and their results, to aid, succor, and elevate the down-fallen and redeem and regenerate the criminal classes than now. There are courageous, heroic, self-sacrificing souls who are giving their lives and the best that is in them for the betterment of humanity. They are not sustained by the applause of the multitude or rewarded by public approval. They need no arms or munitions of war, no armies, no navies to aid them in the defense of their country. These are the men and women who are striving unselfishly, patriotically, courageously to establish and maintain true and lasting Americanism. They carry the torch that lights the way to the freedom and independence of the masses, justice to all at home and abroad, domestic and international peace, and the liberation of mankind from the evils that make for discord, strife, and war among men and nations. It is they who are standing for national defense. It is they who are erecting the bulwarks of defense that can not be destroyed by shot or shell. It is they who are elevating American citizenship, leading the child in the way he should go, and making better, more loyal, more patriotic, and more intelligent and righteous men and women. They are making Americanism more respectable and the Nation more secure, more stable, and more deserving of the respect and confidence of other nations. Their burden in the righteous effort to purify, regenerate, and elevate the citizenship and Americanism of the country has been made infinitely heavier and their object more difficult of attainment by the admission into this country of undesirable, inefficient, ignorant, and criminal immigrants from foreign countries, knowing nothing and caring nothing about Americanism or our free institutions.

Mr. President, the work of these defenders of a nation's honor and its life is not completed. The bulwarks of defense they are building on the imperishable foundations of faith and charity and right and justice are not yet finished. Until they are our country must be defended by other and less worthy and commendable means. If need be, we must resort to the way of the barbarians of old and kill and maim and destroy with the instruments of death that are now devastating Europe. Ours comes the nearest of any nation on earth to a Government of freedom and independence. It must not be allowed to perish from the earth. Whatever is needed to prepare for its defense against internal strife or foreign invasion must be provided. The people are willing and anxious that this shall be done. But, sir, let us not act hastily and unwisely. Nothing that we can see or reasonably anticipate now calls for a large standing Army or a big Navy. By overarmament we may be inviting the very troubles some of our people so much fear. The people of this country have not lost either their patriotism or their courage. If danger should really threaten, the young men would spring to arms as they did when the liberty of our people was established, and this Government had its birth as the re-

sult of their bravery and sacrifices, and as they did when its dismemberment was threatened in '61. A volunteer force is not dangerous to liberty; sometimes a Standing Army is dangerous. A moderate-sized Regular Army suited to times of peace, to be made the nucleus of a volunteer force if war should come, supplemented by an industrial and constructive reserve force devoted to the continued and efficient carrying out of Government works and given military training sufficient to fit them for service in time of war, to be regularly enlisted in the public service and provided with homes, and a Navy of moderate size and made efficient and serviceable, should suffice now. The country is being stampeded with fear. We are in a hysterical mood. We can not, in this frame of mind, act with that calm and calculating judgment that the times, the importance of the question, and the lasting effect of what we may do demand at our hands.

I hope the time may soon come when nations will not need to prepare for their defense by force. The scenes of terror that are being enacted in Europe admonish us that it has not come yet. Every good and loyal American citizen will stand ready to do what is necessary to preserve the life and institutions of the country by waging war, if necessary, but let us hope that a loftier sense of the obligations of civilized nations to maintain peace and a purer and higher Americanism on our own part will save us from this dreadful necessity.

Mr. STONE. Mr. President, I ask unanimous consent at this point to insert in the RECORD, without reading, an article I have clipped from the Washington Post of several days ago. It is, I think, an accurate statement of the political and military events happening in Mexico since the resignation of President Porfirio Diaz, May 26, 1911, down to about October 19, 1915. I do not know who wrote it, but it puts these happenings in a consecutive historical way that I think would be of value to the Senate.

Mr. GALLINGER. Mr. President, if the Senator will permit me, this is simply a chronological record of events, without comment?

Mr. STONE. That is all it is. There is no comment in the article. It is absolutely without any political significance. I will ask to have it inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

MEXICO TORN BY SERIES OF REVOLTS SINCE DIAZ QUIT PRESIDENCY IN 1911.

Three weeks before Porfirio Diaz resigned the Presidency of Mexico, which he did May 26, 1911, he granted an interview in his rooms in the National Palace, Mexico City, and said at that interview:

"I am an old man and I am very tired. I would have resigned the Presidency long, long ago if I could have found in all of Mexico one man to succeed me and rule the country. But I know of not one. I know my people, and I fear that after I go there will be anarchy in Mexico. I love my country, and I would give my life willingly for it, but if I must resign to bring peace, I can see nothing ahead but anarchy. There will be no lasting peace."

But in those weeks people turned against the man who had governed their country for more than a third of a century and had brought peace and great prosperity to it, and he was forced to resign. His last words when he bade good-by to a friend on the night that he left Mexico City for Vera Cruz were:

"I am the first President of Mexico who ever left office and left money in the treasury."

Francisco Leon de la Barra, who was the minister of foreign relations in the cabinet of President Diaz, succeeded him according to the law of succession laid down in the Mexican constitution, and became provisional President on May 26, 1911, to hold office until a new presidential election could be held.

Francisco I. Madero, who had been defeated by Diaz for the presidency in 1910, and who had started his revolution in November of that year, made a triumphal entry into Mexico City June 8, 1911, reaching the capital a few hours after an earthquake had shaken the city and killed nearly 300 persons. The Mexicans, always superstitious, declared that the earthquake was a bad omen, but they gave Madero a great reception and acclaimed him as the savior of the nation.

ZAPATA THERE TO FIGHT.

Emiliano and Eufemio Zapata, the Morelos bandits, were among those who gave their vivas for Madero, but they fought him afterwards, and they fought De la Barra even before Madero was elected President. Then they fought President Victoriano Huerta and his numerous successors and are now fighting Venustiano Carranza just as wholeheartedly.

Madero was inaugurated President of Mexico on November 9, 1911. On the day before his election he said to me:

"I will have perfect peace throughout Mexico within 90 days. Mexico now will have a real republic, a real democracy, for the first time in her history. The people will be free and there will be lasting peace."

From that time until to-day there has been no peace in Mexico. Not for one day has the country been free from revolutions since President Madero made that statement. He had many enemies throughout the republic, and they kept his armies busy.

On January 31, 1912, a new revolt of importance began with a battle in Ciudad Juarez, opposite El Paso, and a considerable number were killed on both sides. The next day Emilio Gomez, who had rebelled against Madero, was proclaimed provisional governor. On February 5 President Taft sent four battalions of United States regulars to the Rio Grande to protect the border. Madero tried to compromise with the rebels and offered Pascual Orozco the governorship of Chihuahua. Orozco declined, and on February 7 went over to the rebels. On February 27 Ciudad Juarez was captured by the rebels, and the revolt spread to many States. Then President Taft forbade the exportation of arms and ammunition to Mexico under a law passed by Congress on March 14, 1912. On March 29 President Taft ordered rifles to be sent to the Americans in Mexico City, for there was a decided anti-American sentiment there at the time, and many Americans had been murdered in different portions of the Republic. On April 15, 1912, it was figured that 85 Americans had been killed since the war began.

OUTRAGES AGAINST AMERICANS.

The fighting in the north against Orozco and in the south against Zapatistas continued throughout the summer, and reports of outrages upon Americans and their property in many parts of Mexico poured in.

On October 13, 1912, Felix Diaz, a nephew of the deposed president, put himself at the head of a few hundred men and seized Vera Cruz, the chief seaport of Mexico. His revolution was of short duration, for on October 23 Madero's forces entered Vera Cruz waving white flags and crying "Viva Felix Diaz." Then when Diaz was greeting the officers of the newcomers they pointed their pistols at his head and he had to surrender.

Diaz was taken to Mexico City and put in jail there, and at first Madero declared that he would be put to death, together with Gen. Bernardo Reyes, who had tried to start another revolution in the north and had been captured. Many petitions were made to Madero to spare the lives of those two men, and he listened to the pleas and postponed action. In the meantime the secret agents of Diaz and Reyes were working against Madero in the army, and early on Sunday morning, February 9, 1913, the first cavalry and part of the mounted police and other soldiers liberated Diaz from Belem prison, while cadets from the military school at Tlalpam, a suburb of Mexico City, liberated Gen. Reyes from the penitentiary.

Reyes and Diaz, with their liberators, went to the national palace and attempted to take possession of it, but were repulsed by the Twenty-ninth Infantry, which formed the palace guard. There was a sharp fight. Gen. Reyes was killed at its beginning, and machine guns were turned loose on the roof of the palace, sweeping the crowded Zocalo, or main plaza, and the Avenida de San Francisco, which was thronged with people going to church. Diaz and his men were driven off after many of the cavalrymen had been killed, and on the plaza 610 noncombatants were killed, according to the official records of the police. Men, women, and children were killed throughout the length of the Avenida de San Francisco.

SUCCESSFUL ATTACK ON ARSENAL.

Diaz and his men stormed the ciudadela, or arsenal, about a mile from the national palace, and took it after a fight lasting half an hour. There they found huge stores of arms and ammunition and prepared for a siege. All day Sunday and Monday they remained quietly in the ciudadela, while Madero was gathering his forces to oust them. The battle began in the city on the morning of February 11 and continued until Feburary 18, with a daily cannonading and machine-gun and rifle firing between the ciudadela and the palace and many other places where the federals had planted batteries. In the "decena tragica," as the time of the battle is called in Mexico, more than 1,000 persons, mostly noncombatants, were killed and about 18,000 wounded. Several Americans were among the killed.

February 18 Gen. Victoriano Huerta, who had been commanding the Madero forces, met Felix Diaz at the American embassy by request of the American ambassador, Henry Lane Wilson, and they came to an agreement for the overthrow of Madero as the only means to stop the fighting and slaughter of citizens. It was agreed at that conference that Huerta should become the provisional president and that Diaz should have the naming of the new cabinet. Madero was arrested at the national palace and his brother, Gustavo Madero, was arrested in the Gambrinus Café, where he was entertaining friends at dinner. Madero and Pino Surez, his vice president, were locked up in the palace and Gustavo Madero was taken to the ciudadela.

On the night of February 22 Madero and Pino Suarez were removed from the palace and taken to the penitentiary, but were murdered shortly after midnight close to the walls of the penitentiary. Gustavo Madero was murdered in the Cuidadela the morning after his arrest under the excuse that he had attempted to escape—la lay fuga.

SIGNED THREE RESIGNATIONS.

Before Madero and Pino Suarez were removed from the palace they were forced to sign their resignations, thus making Pedro Lascurain, minister of foreign affairs, president according to the constitutional provision. Lascurain was president exactly 26 minutes, however, for he immediately appointed Victoriano Huerta as his minister of foreign affairs and then resigned, making Huerta the president.

On March 11, 1913, President Woodrow Wilson formally announced that the United States would not recognize assassination as a means for acquiring office and would only recognize a government in Mexico which should be formed after a genuine and free election.

Two or three days before the overthrow and death of Madero, Venustiano Carranza, governor of the State of Coahuila, it is stated on good authority, had started a revolution against Madero, but as soon as he heard that Huerta had usurped the presidency he began a revolt against Huerta.

The rebellion against Huerta spread rapidly in many States and Carranza and Francisco Villa headed it, Carranza being made "first chief of the constitutionalist armies" and Villa taking active command of the troops.

All the European nations recognized the Huerta government, and on July 15 a number of the foreign ambassadors to the United States asked President Wilson to outline his Mexican policy. The next day he recalled Henry Lane Wilson from Mexico. Charges had been preferred by Mexican Free Masons that Ambassador Wilson was guilty of complicity in the assassination of Madero and Pino Suarez, but had never produced any proof to back such assertions.

The revolutions against Huerta's government grew and multiplied, and he ruled the country with a rod of iron. He sent Felix Diaz to Japan on a mission to thank the Japanese Government for the part it had taken in Mexico's centennial in 1910, gradually got rid of all the cabinet members who had been named by Diaz, frightened any other presidential aspirants out of the country, and on October 11, 1913, arrested all the deputies while they were in session and locked them up in the penitentiary.

ADVISE AMERICANS TO LEAVE.

In the meantime William J. Bryan, Secretary of State, by direction of President Wilson, had ordered the American consuls throughout Mexico to advise all Americans to leave that country. On August 27 President Wilson delivered a speech to Congress, advising Americans to

get out of that country, and money was appropriated on September 16 to bring "destitute Americans" away from threatened danger.

Huerta declared to me at that time that Americans would be in no danger in any territory he controlled, whether they were at war with the United States or not, and that he would strictly comply with the stipulations of the treaties between Mexico and the United States concerning Americans in Mexico in the event of war between the two countries. In the same interview he said that he had always liked the Americans, had done his best to further their interests, had always protected them in Mexico, and even offered to pay first-class passage for them on steamships leaving Vera Cruz when Mr. Bryan wanted some of them to travel third class.

Villa continued to make headway all through the year, and the constitutionalists were assisted in getting arms from the United States to fight Huerta, whose cause was becoming hopeless, because he could not get money to finance the Government.

AMERICANS TAKE VERA CRUZ.

On April 7, 1914, a boat's crew from the U. S. S. *Dolphin* was arrested by one of Huerta's officers at Tampico, while the town was being defended from an attack by Villa forces. Admiral Mayo, who was in command of the United States naval forces at Tampico, demanded that an apology be made and that the American flag be saluted because of the insult. Huerta apologized, through Nelson W. O'Shaughnessy, the American chargé d'affairs in Mexico City, but refused to order a salute to the flag until he had received a report on the occurrence and until he was satisfied that the salute would be returned.

On April 21 Admiral Frank F. Fletcher landed marines and sailors from the American fleet in Vera Cruz Harbor and seized the customhouse. The Mexican soldiers fought as well as they could, but Admiral Fletcher took the city and the hills around it. The Americans lost 17 killed and several wounded. Two of the wounded died later.

Then President Wilson invited Argentina, Brazil, and Chile to cooperate with the United States to try to bring peace between the warring factions in Mexico, but nothing came of their conferences, as Carranza declined to cease his efforts to oust Huerta.

Huerta resigned on July 15, 1914, and left Mexico with a large number of his immediate followers. Huerta went to Kingston, Jamaica, and then to Spain.

Francisco Carbajal succeeded Huerta and remained in that office about a month. The constitutional army entered Mexico City August 15 and took peaceful possession. Carbajal left the country. Carranza established his headquarters in Mexico City, and an early election was talked about.

There was comparative peace for a short time, but Francisco Villa and Carranza quarreled, and Villa issued an ultimatum that Carranza must retire. A convention of all the revolutionary chiefs was called to meet at Aguas Calientes to decide upon the establishment of a government. The Villa supporters got control of the convention and announced that Carranza had resigned and that Francisco Carbajal had succeeded him as president. The convention remained in session until November and then proclaimed Gen. Eulalio Gutierrez provisional president of Mexico.

Villa immediately undertook to see that Gutierrez was installed in office and began his march to Mexico City, reaching there with little opposition from the Carranzistas. Carranza fled from the capital and went toward Vera Cruz. The Americans evacuated Vera Cruz November 23, 1914, and shortly thereafter Carranza made the seaport his capital.

ZAPATA IN MEXICO CITY.

Gutierrez was forced out of the presidency January 16, 1915, and Roque Gonzales, another provisional president appointed by the convention of chiefs, was forced to leave Mexico City, and two days later Carranza's army took possession. Villa proclaimed himself in charge of the Mexican presidency, and on February 16 Carranza's forces under Gen. Obregon evacuated the capital and Emiliano Zapata marched in.

Then Ignacio de la Torre started a new revolution in the south.

The fighting between the Villa and Carranza forces continued, and on April 7, 1915, Obregon defeated Villa in a terrific battle near Celaya. In May the Carranza forces took Saltillo and on the same day serious food riots took place in Mexico City.

President Wilson on June 1, 1915, warned the warring factions in Mexico that they must restore order, and on the same day the Carranza forces captured San Luis Potosi and defeated the Villa forces at Leon four days later. The Carranzistas continued to win battle after battle, and in the first week of August again occupied Mexico City. In September Obregon took Chihuahua and Torreon for Carranza and Villa's power was finally ended. Villa ceased fighting, except as a guerrilla chieftain, in December.

President Wilson formally recognized the government of Venustiano Carranza October 19, 1915, upon Carranza's promise to hold elections and establish a stable government at the earliest opportunity after he had pacified the country.

Of late there have been reports that Obregon and other constitutionalist generals are demanding the elimination of Carranza.

Mr. CLAPP. Mr. President, before voting on these amendments it strikes me that without intending it we are doing the National Guard a very grave injustice by the second of these amendments. The second amendment proposes that the Secretary of War may relieve a National Guardsman from the proposed call to arms upon the declaration of the guardsman that he has a family dependent upon him. Now, we are enlisting men to-day under a rule of the War Department that excludes men with families. Here are two men, Smith and Jones, eligible to duty. Smith has a family, and so has Jones. Smith happens to be in the National Guard. Jones, because married, is excluded by operation of a rule of the War Department from enlisting. Smith, to get the same exemption, has to go on the records of our War Department as claiming, in the face of possible war, the exemption which by rule we impose upon the other man. It is penalizing the members of the National Guard.

Mr. HARDWICK. Mr. President, will the Senator yield for just a moment?

Mr. CLAPP. With pleasure.

Mr. HARDWICK. Is there not this difference between the two cases: The man who enters the Regular Army enlists for a definite period of years, whereas the citizen soldier is supposed to render only very brief and temporary service, and might not that be the occasion and reason for discrimination?

Mr. CLAPP. That might be a reason why we would exempt a man with a family who entered the Regular Army for a long term and not exempt a guardsman, but under this amendment we do exempt a guardsman, only he has to go on record, in the face of impending war, as claiming the exemption which we grant to the other by operation of law.

Mr. HARDWICK. One more question, if it does not disturb the Senator.

Mr. CLAPP. Not at all.

Mr. HARDWICK. Why would that be any discredit to him? Is it any discredit to any man to say that his presence is needed at home to support his dependent family?

Mr. CLAPP. I do not think the Senator from Georgia would want it thrown in the face of his descendants that in the face of impending war he had claimed an exemption of that kind. It does not seem to me, Senators, that it is just to the guardsman. And why should he be placed in that position? Why should we not apply the same rule and give him exemption by operation of a rule of the department instead of allowing one man an exemption without the discredit of claiming it and, because the other man has been willing to devote some time to service in the National Guard, imposing upon him and his descendants the discredit of placing upon the records of our War Department the fact that in the face of war he claimed this exemption?

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. CLAPP. Certainly; with pleasure.

Mr. CHAMBERLAIN. That was the purpose, or one of them, of this amendment. The National Guardsmen are in the service now, and have been for years. One purpose of this amendment is to place the National Guardsman in the same category as an enlisted man in the Regular Army. We arrange it so that he can get out if he wants to.

Mr. CLAPP. Oh, yes; he can get out by putting his children where it will be thrown in their faces at some time that in the face of a national danger and calamity he claimed this exemption. We do not put him in the same category with the enlisted man, because the enlisted man does not have to go on the war records of this Nation as claiming the exemption.

Mr. CHAMBERLAIN. Let me say to the Senator that if we should adopt any other rule, if we should exclude the National Guardsman by a positive enactment, we would have the greatest howl from the National Guard that we have ever heard, because they want to go.

Mr. CLAPP. Then I think we should strike out that amendment entirely.

Mr. STONE. Strike out what?

Mr. CLAPP. The second amendment. We should reject it.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from California?

Mr. CLAPP. With pleasure.

Mr. WORKS. I should like to ask the Senator from Minnesota if he does not think the mere fact that the National Guard is drafted into the service will forever be a record against him?

Mr. CLAPP. Mr. President, if I can say so on the floor of this Chamber without violation of the rules as to the suggestion of what happens in other chambers, I can not understand how the word "draft" ever came into this joint resolution.

Mr. WORKS. Nor can I.

Mr. CLAPP. Why 100,000 men, ready and many of them anxious and eager to be sworn into the Federal service, should be characterized as "drafted," I can not understand. It seems to me incomprehensible that the term ever was used. The word "called" would have answered every purpose; and in two places in the bill as it reads the word "called" is used in the alternative with the word "drafted."

Mr. LEE of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maryland?

Mr. CLAPP. I do.

Mr. LEE of Maryland. I should like to remind the Senator, if he will permit me, that this is simply the method provided by the military law that we passed here recently for transferring the militia to the command of the President.

Mr. CLAPP. Well, then, let us use the word "transferred"; let us use the word "called." Of course I know that in this sense it is not a draft as the word "draft" is used toward the

close of a long war that has largely exhausted the enlistment of a country; but it goes into history; it goes into the records, as using the word "draft" to call 100,000 men the great majority of whom are willing and ready to go.

Mr. NELSON. Mr. President, will the Senator yield to me.

Mr. CLAPP. Certainly.

Mr. NELSON. I want to call his attention to the fact that in this respect the bill is following the language of the Army bill which we passed recently. Here is the language:

When Congress shall have authorized the use of the armed land forces of the United States, for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard.

This is the law, and the resolution in this respect simply follows the law.

Mr. CLAPP. Two wrongs do not make a right. I think it was unfortunate to use the word "draft" in the original law. The words "called to service" would answer every purpose, and the words "called to service" would answer every purpose in the pending measure.

Mr. GALLINGER. Mr. President, I had forgotten that the word "draft" had been used in the military reorganization bill. I quite agree with the Senator from Minnesota that it is a very unfortunate word to be used in this connection, and I greatly regret that it is found in the bill we passed a few weeks ago. We all know what "draft" means. When our Government, in its days of stress in the Civil War, could not get soldiers in any other way, it drafted them—compelled them to serve.

Mr. CLAPP. Certainly.

Mr. GALLINGER. And that meaning will attach to this word if it is used in the joint resolution we are considering to-day.

Mr. CLAPP. The words "called to active service," even with the previous law as it stands, would answer every purpose. Another thing: It goes out to the world that on the eve of a possible conflict with a small nation the United States has to resort to draft. I think the word is unfortunate.

Mr. STONE. Mr. President, I should like to say to the Senator that it seems to me that the word "draft" is not intended to convey the idea of forced conscription.

Mr. CLAPP. It is not so intended, of course.

Mr. STONE. No. Now, possibly it was used as expressing by a single word what it would have taken several words or a sentence to have expressed otherwise. For example, the Senator says they might have used the words "called into the service." It would then have been necessary to have followed those words, "called into the service," with something to the effect that the guardsmen should be required to respond to the call, making it obligatory upon them. The word "draft," I imagine, was used as conveying the idea of a call by the Government, on the one hand, and of obligation upon those who are called to respond, and the word "draft" covers it all.

Mr. CLAPP. Mr. President, the word "draft" does not involve the discharge, without force, of an obligation. It involves the suggestion that a person is being compelled. It was an unfortunate word to use there. We might have adopted the term which is so popular to-day in military parlance, "called to the colors." That has had a great run throughout Europe and America; but "called to actual service" would have answered every purpose, and "called into actual service" now would, I believe, cover every requirement of the pending law. But I do think the other is a most unfortunate thing, when we grant to one married man immunity by a rule which does not require him to go on record as asking for it, and then compel a man, because he has enough public spirit to go into the guard, to leave his dependent subject for all time to the charge that in the face of impending danger he asked for an exemption.

Mr. STONE. If I may be permitted, it seems to me to be equally unfortunate to say that a certain number of the National Guardsmen are put in a class, married men or men having other dependent members of their family—a provision that separates them from their comrades and fellows and gives to them a stipend of $50 per month during their service for the support of their families. It seems to me that it is in the nature of a bounty offer, an inducement in the form of a subsidy offered them to enlist in the service of the country. My friend from Minnesota is repelled by the thought that a guardsman so situated may be given the right to ask to be discharged from service, as he may be loath to impose that stigma upon himself; so the Senator thinks; but to my mind the stigma is as deep and in every way as repulsive to say to him: "If you will enlist we will give you not 40 acres and a mule but we will give you $50 a month above what your fellows get in the guard or in the Regular Army. Those who go along with you shoulder to shoulder, taking the hazards and perils of war, have no inducement of that kind to stir their spirits or to strengthen their nerves; but you we set apart and we offer you this stipend, this bounty, this inducement to serve your country."

Sir, it seems to me that the brave guardsman who is willing to go at the call of his country to his colors needs nothing of that kind. Moreover, he is comforted with the certain reflection that this Government has always in the past and will in the future, if ill befalls him, take care of him if he comes out wounded, crippled, impaired in health, or, if he dies, take care of his wife and his children and his dependent ones. I can not believe that he wants you to offer him this stipend. It would be a reflection he would resent.

Mr. CLAPP. Mr. President, that is another and distinct proposal from the one I was discussing, and the one has no reference whatever to the other. The Senator has not heard me advocate that provision in the joint resolution. I was criticizing a provision that does require a man who does get the same exemption that a man gets if he goes to enlist to be penalized because he is in the National Guard.

Mr. LEWIS. Mr. President, if I had not participated in a very active manner in what I felt was the necessary protection of the National Guard when the provisions of what is now known as the Army bill were under consideration here in the Senate, I would not now impose this trespass upon the Senate. I am interested in the Illinois National Guard. These are State soldiers, the equals of any defenders to be forthcoming from any land. For the National Guard and the volunteer soldier I have a few thoughts I beg the liberty to present to you, gentlemen, my colleagues of the Senate—reflections which interest me very much. They are suggested by the two measures now brought before this body—the one from the House and the amendment of the Senate.

I regard the effect of these measures as very serious. These measures are likely to be the only declaration of war that may be made between this country and Mexico or between this country and some forces of Mexico, if war is ever to be had. It must not be forgotten that we never did officially declare war in the controversy between the United States and Mexico that led to the result of 1846 and 1847. Conditions were parallel to these which are before the Senate in this very hour. It was the deception, the trapping, and through treachery the murder of American citizens. They were then under the command of a captain of an American troop and on the way to punish that form of marauding outrage, that treacherous assault, that cruel and bloody atrocity that the American people commanded to be avenged. There was, upon behalf of those in power in the American Government, the pretense that the action had for its object the mere chastisement of those who had inflicted a wrong upon our soldiers. It will be recalled by Senators sitting here—and paying me the compliment of their attention—who remember the history of their country, that there was then presented in this body a resolution which had for its purpose the authorizing of the President of the United States to increase the Army in order that there might be additional force sent to Mexico to make absolute and sure the enforcement of that punishment which our people felt was justly deserved upon those who had treacherously surrounded our soldiers and murdered them.

From that time on, Senators will recall, we were precipitated into war. The war became general. We moved to the heights of Chapultepec. We avenged the Alamo. We added California, New Mexico, Arizona, and the accompanying domain to the Union. The war was bloody. It was serious to our own people. It was regarded by many of that era of statesmanship as unjustified. It received from many quarters condemnation; and interesting it is here to remark that though we fought the war and achieved a victorious result, the party in power, which precipitated the war out of the necessities of the situation, was beaten in the immediately ensuing political campaign. A victorious general returned from the conflict and defeated those who had previously taken credit for the successful achievements in the support of their soldiery and the defense of their country.

I mark for your attention, learned Senators, that this joint resolution here to-day may serve the same office, under these parallel circumstances, that the resolutions in those older days gone did serve, and the uses to which they were put.

Now, sir, in frankness, what is the condition of this, our country? It is well for learned men, such as occupy seats in this body—students of history, cautious men—to hope to avoid war. They know the unholy consequences. They know it means wives widowed. They know it brings slain and maimed men.

They know the blood that is lost and the treasure that is expended—that there follows a confused and distracted country. They would avoid it. But out beyond the portals of these Halls is a sentiment called public opinion. However much we may at times set our faces against it, it has invariably, when risen to its due tide, deluged us, overcome us, and, by a decree of that great forum we style the people, reversed our judgment and compelled us to submit to that which our own good senses knew was not best for the welfare of the country, but realized that we had been precipitated to the result of having the country ruled—as was announced by the English King—by its will rather than by its weal.

This day, Mr. President, we are upon the eve of a very serious undertaking. This resolution to be passed here, authorizing the President of the United States to add a legion of soldiers to his forces, will receive its construction in the places most interested as a reinforcement of strength for the purpose of conducting a conflict to success; and if our purpose be not that, we have no purpose we can justify.

Mr. President, the legislative bodies of our country have dallied with the sentiment designated "humanity" in some instances, and "justice to nations" in others so long that these considerations advanced by our enlightened souls have been misunderstood and in many quarters construed as cowardice, and in other directions to serve as a license not only to assail our people but to estimate our country as contemptible. To longer continue this policy of extenuation is insupportable; it will make us pusillanimous. So long as this Government withholds real action this generosity will receive the opposite construction from its humane intention. But with action it will appear that at last America has awakened and that she has tested her patience as long as she could, and that still consistent with her Christianity, still just in her humanity; righteous in her Americanism, she now says to Mexico, in the language of Holy Writ, "Thus far and no farther shall you come." You have reached the end of your perpetrations. America now through her soldiery cries "Halt!"

To those who assail us wrongfully, to those who murder our children, to those who take advantage of our generosity and reward our benefactions with injury, the announcement must go forth that America has tolerated as long as she can, and whether her legislative bodies would endure it longer or not the American people cry "Stop!"

Now, Mr. President, if we are about to proceed to execute the will of the people, or do that which we feel is essential in this hour, I propose to my colleagues this thought, that we must do it by such methods as will effect the object. However, it will not do to divide upon mere technical constructions of an amendment here or a substitute there.

The question must remain as we have now made it; that is, what of all these remedies proposed will most completely effect the clear purpose which we Senators well know is our object? The object is to have enough force in Mexico at the very earliest moment that can achieve the purpose of the administration and the American people—the immediate and effective chastisement of those who murder our people and do insult to our country. We are now to maintain the dignity of the United States without exhibiting her in a spirit of bravado or as a great Nation that would take advantage of the weakness of a smaller. Yet we can not permit her to be the object of humiliation before the eyes of our countrymen.

Mr. President, I do not indulge in the belief which many around me have expressed, that we are in for a short undertaking. I recognize the condition of Mexico as presented by the records. Three contesting forces, each seeking superiority over the other, each by methods of warfare, and each having been in the field for years—and let it be remembered these have from certain sources been provided with ammunition; each section provided with modern rifles and each with machine guns, as we have now had illustrated; each with its tried methods of warfare among themselves, in which during two years and a half they have been in conflict continuously. They have become trained soldiers, skilled in shooting and artful in the devices of war. They have prepared for the undertaking in a country of which they have knowledge in excess of that which can immediately be acquired by our men, going for the first time into these lands as strangers. Our men now go to a country where the heat burns the eyes from the face, where diseases unknown to strangers will seize them, maladies unknown to American science; all these foes to meet our countrymen when they are far away from civilization, with mountain ledges about them, with tropical growths to poison them, with reptiles and insects to torture them, and every covert enemy of man to persecute them. Mr. President, this is no easy undertaking confronting our countrymen. We do violence to what should be the reflection of us if we indulge either for ourselves or for those for whom we are guardians the hope that the task will be easily entered upon and quickly disposed of.

Sir, let it be understood that when we are in we will remain for the full length of time essential to accomplish the purpose for which we are sent. This means in the nature of things, if we recall circumstances undertaken in Cuba by Spain and our own conflicts in the Philippine Islands. Then, sirs, we are in for a contest and conflict of longer duration than we now calculate, and of greater hardship than the mind of the ordinary American is pleased to contemplate in behalf of his children.

Then, Mr. President, shall we here at this time, diverted in a mere division upon methods, fail to recognize that anything that can be brought about which will most completely equip the Army with sufficient reinforcements should be the thing that should be adopted?

Mr. President, what is the reason, sir, that we are in the condition we find ourselves this day? I mean no reflection against my fellow mankind in America, but there are some strange truths that must not be lost sight of. One is an injustice that has been paraded around this Republic, indicting both Houses of Congress and both great political parties as lacking in devotion to their country, and holding these bodies up as being only proper subject for the condemnation of their Republic because they have not "prepared." Who are these gentlemen who find us in this condition of unpreparedness to meet a conflict on the American southern border by a well-organized and regularly constituted Army, where we are forced to call from the workshops, from the farms, from the factories the toilers, from the desks of the commercial houses the young Americans engaged in these undertakings, the boy from the side of his mother, the father from his children and his home? Why is the emergency?

Sir, I read in the public press of that eminent official and officious gentleman of America, indicting the public representatives in Cabinet and Congress as no longer fit for their public places in that they have failed to create an Army to meet the dangers which each says are upon the Republic. My mention of these accusers is called forth to accentuate the fact that if there be any gentlemen responsible for the failure of this country to be prepared it is these gentlemen who are circulating throughout the country in platform and banquet speech denunciation. I refer to one of my distinguished friends, the Hon. Joseph H. Choate, member of an international peace society, and member of an arbitration council. These have been for years advising these bodies that war was over, that there would never be another conflict, and denouncing every appropriation that went out from these Houses looking to the surrounding of America with a method of defense, charging that we were of a bloodthirsty temperament, bringing on conflicts, because we were meeting in some way that which we believed to be an emergency. Prof. Schurman—an eminent educator—how well we recall how in a great conference he attracted attention by his announcement that the Japanese-Russian war was the "last war of earth"; that every tendency thereafter in the form of preparation looking to public national defense was an offense against the Treasury, on the one hand, or on the other, converting the youth to the policy of slaughtering their fellow men.

The distinguished educator to whom I referred sent forth a brochure to demonstrate that sitting in the council of the Nation looking to prepare their country for military defense in an anticipated hour was a violation of enlightened duty to their country. Both Ambassador Choate, Prof. Starr Jordan, of the West, and Minister Schurman proclaimed that there was no danger to us; that all nations were at peace; that all people were friendly; that every surrounding was in harmony with the Christian creed "Love one another."

Now, let us pause and ask the question, What has been the effect of all this teaching on the part of these eminent educators? If the American constituency of Senators and our colleagues in the House were educated to where they condemn the Member of the House who voted for an appropriation for the Army, it was because they were educated by the eminent gentlemen who had been going around this country now condemning Congress to the belief that there was never any need of any preparation, and that any effort in that direction was simply for the purpose of political preferment to the official and financial profit to munition makers.

If the citizenship of this country has discouraged the United States Senate from time to time in making preparations for the Navy, it was not because they lacked patriotism and would not expend money when justly necessary, but because through many of these eminent speakers who are now condemning us, who had constituted themselves executioners as well as judges of the public officials of this country, these, our constituency, were educated that the world was at peace; that war was a slaughter of

mankind; that every effort on the part of these legislative bodies to prepare their Nation for war was an indication of their service being dedicated to selfish interests against the welfare of their countrymen.

This teaching went direct home. It has had its effect through all the days in the year, and through magazines and newspapers our public became converted to the theory of these distinguished teachers. Yet, sir, it is they who, indifferent to the effect of their teachings, are now indicting our administration, making unnecessary reflections upon its predecessor, holding up the Members of this body and of the other House as having failed in their duty before their countrymen, for not having anticipated as sure of existence results these masters of wisdom denounced as impossible of ever arising in the American country, or, indeed, as ever existing in the now civilized world.

Now, sir, we are confronted with a situation in Mexico because we have been compelled to obey the constituencies, our masters, our principals, who have not encouraged us or even indorsed us in making such preparations heretofore, that which might have avoided the contingency which is now upon us, demanding the National Guard and the citizen soldiery unwarned being summoned without preparation—"to do or die."

Mr. President, what is now sought? It is sought to provide a method by which these soldiers shall at once be available for the uses of the National Government. In what way can we make such available to meet our present great demand?

Mr. President, both of these measures, or, rather, I may say, each of these amendments has merit. It is not necessary to denounce one to justify the other, nor impugn the patriotism of any man or of any committee where we find he or it have sustained the one and rejected the other.

Mr. President, if it were in my power, I would amalgamate them both. I would provide not only that a National Guard should be called out and that the soldier be paid, but that those who felt that there were such necessities at home that he could not leave home to go to war without irreparable loss might upon their representation be permitted exemption from service. The amalgamation of both of these amendments will serve a purpose that I regard most humane and in this hour very necessary.

Mr. President, I therefore come to the Senate amendment. I lay down the doctrine, sir, that if ever we establish in this body or in Congress that merely because a man is married and carrying the responsibility of a family he may be excused from fighting for his country beyond the border, then you establish that, being married, he can likewise be excused to fight for his State within the border, for his being married is of itself an exemption of his duty as a soldier because of carrying the burdens of a family. If this shall be sufficient to exempt him from bearing the natural consequences of his citizenship as against a foreign foe, who shall say it shall not apply to a local foe? The risk—I will say the consequences—to his family will be the same, loss of position or loss of opportunity to maintain them.

Therefore, Mr. President, it will be clear that in time of strife, civil disorder, riots, he will be the same privileged individual to avail himself of the exemption under the local situation at his home in a State as under this amendment he would have against a foreign foe, once the policy were established.

Then the moment you establish it by which he can avail himself as against a foreign foe and then against home disorder, the next step would be, why allow a married man to enlist at all, if at the time of need for the execution of the very purposes for which he is constituted he could obtain an exemption because he was married? Then why have him in the service at all? It would seem at once a useless undertaking. Then we would be remitted to where no man would in any wise with family obligations assume the obligation of a soldier to his country.

Then we would be remitted to the young man who has not married at all, and if not married, notwithstanding the valor and the zeal within him, he beholds his neighbor, because married, taking no chances of his life, enjoying the ease of exemption. Then the single man has a natural temptation to recall that he may have a sister dependent upon him, that he may have a mother dependent upon him, that he may have a relative to provide for, as many of us have, and he therefore likewise manifests the same anxiety, discloses the same disability, and he becomes exempt from the service.

Then, sir, you have left only that young man who must have neither father nor mother, who must have neither sister nor brother, who must have no form of dependents upon him, in order to have an enlistment of those in whom you may be sure there will be no exemption, whatever may be the hour of need of them for their country's defense. How could you, under such circumstances, then have sufficient men in number to achieve any form of defense whatever? Clearly the committee must see that the direct, logical deduction of this amendment is to destroy the guard and the Army—to defeat all enlistments.

Now, Mr. President, it is noticed that there is an effort on the part of the public press—in the execution of its patriotism—to infuse into the minds of the employers, corporations and individuals, the duty of continuing the pay of the men while the men are at the front. If these institutions shall do so, it is because they desire to maintain the families of those men who have been left dependent. Sir, there may be some institutions that will comply with this justice. There are others we know who will not. Others who can not. Do you remember, Senators, that in the Spanish-American War how many thousand young men, how many thousand men of families left their work and enlisted under the colors, who undertook the hazards of that encounter, and returned to find their places filled, no opportunity for work, weary with disease, sick and prostrate and in want. Let me say to the able chairman of the committee that no illustration before this country has been so effective to paralyze its enlistment as the very memory of the manner in which these men were treated in that war in this Republic. It was in their mind as they came home in want that they were abandoned in the hour of disease. Many of them died; they were left without attendance. They left their families in hunger. The men of the present day have beheld this form of treatment at the time of the Spanish-American War. This paralyzed the very sentiment of patriotism. This is one reason why now the enlistments in all forms of service has been so small and of so little advantage to our country. It is the real cause of that exhibition our citizens of the Republic are giving Europe of either a want of patriotism on the one hand or a want of appreciation of our dangers on the other.

Then, sir, if this money is to be paid by those who employ these men, the sum must come out of the pockets of the people in some form. Then, sir, it must come from taxpayers. Then, why not a better system, a uniform one, that pays all who serve something rather than only that some get all, others nothing?

Now, Mr. President, I must get out of the mind of my eminent and distinguished friend from Missouri [Mr. STONE], the chairman of the Foreign Relations Committee, the thought that was expressed by him, that this money was to go to the Guard, and, as he well says, no guardsman would tender such a bid for his patriotism. Let me say to my learned friend the distinguished Senator and to others he must not lose sight that this money is not paid to the soldiers. It is not paid to the serving man. It is paid to that source which is defenseless—his children, his wife; the family who are left homeless and hopeless—and it is because of our wrong to these that we are providing that they shall not suffer this penalty. Let me offer you a thought which is itself in my mind.

Mr. CHAMBERLAIN. Will the Senator allow me before he passes to that?

Mr. LEWIS. I yield to the chairman of the Military Committee.

Mr. CHAMBERLAIN. What will the Senator do with the Regular Army? Does not the Senator believe if we pay the National Guard at a rate higher than those in the Regular Army that as enlistments in the Regular Army expire they are bound to go out of the service? Does not the Senator believe that the result must inevitably be that the National Guard will be in Mexico recruiting itself up from time to time and be doing all the fighting without any Regular Army to assist it?

Mr. LEWIS. Mr. President, the chairman of the committee seems to address his observations not to what is just to the Guard, but what he feels should be a benefaction to the Regular Army.

Mr. CHAMBERLAIN. No, Mr. President; let me interrupt the Senator there for just a moment. It is not a benefaction to the National Guard that I am looking after. It is the duty of the citizen to the country. It seems to me we are absolutely without an army if the measure he now proposes passes.

Mr. LEWIS. My reply to the able chairman must be this: If we have reached the point, as reached it we have, where we can not get men to enlist in the Army, and as is shown only in the Guard, because the condition of our country invites them to compensation in other directions, how does the able chairman expect we will ever get an army, be it a regular army of the Nation or a State army of the Guard, without a compensation sufficient to justify either in leaving that which compensates him now, in order to engage for his country with loss to him? I am unable, I say to the Senator, to see why we should not pay the Guard or their families rather for the losses they will be compelled to endure, merely because you

might also be called upon to pay the family of the others of the Regular Army for similar loss. Where is the crime in justly paying every man's family for what the head of it necessarily risks in loss to them. Where is the offense that we do justice to all if the hour of emergency upon the country is sufficient in its exigency to justify it?

Mr. STONE. Mr. President——

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. STONE. It seems to me that the eloquent argument the distinguished Senator is making leads to this: If we do not make provision like or similar to that contained in the bill, where will we get an army? The question is to stigmatize the men of this generation as the degenerate sons of noble sires. We did get them in every other generation. Have we fallen so low that to-day subsidy must now be offered to inspire patriotism?

Mr. LEWIS. Mr. President, the distinguished Senator from Missouri again harks back to the expression that seems to persist. There is no effort being made here to give to any soldier any money that converts him into a "degenerate son of a noble sire." There is no provision in this bill paying him for his services. The provision in the bill is to pay his family for the time that is lost by him to them and to provide for them because their provider has been taken from them. Now, the able Senator says we have had armies before. I answer yes; but I deplore to reply that the manner of our treatment of them has been that this valor of the American to which he alludes has been rewarded by abuse and ingratitude.

Mr. STONE. Mr. President, I submit to my friend that no nation in all the world's history has taken such kindly care of the men who fought its battles as this Nation of ours.

Mr. LEE of Maryland. Afterwards.

Mr. LEWIS. I concede that there is a large pension list. I concede to the Senator from Missouri that the pension has been the bounty of the soldier after the war, and continued for a long time; but the Spanish-American War is the war that is in his mind, that was fought upon foreign soil, and not the one which made for the Union, where men gave their lives, their children, their homes, all for the Union, for to them a life in a land without union was no life worth living; but these soldiers fighting on a foreign soil came back and beheld the treatment of this country to them, and as seen in this body and in the other, the frequent and constant defeat of every measure that sought to put the Spanish-American soldier upon the level of those of the Union soldier. These Spanish-American men suffered much, left the home of their lives and loves content to serve their country, and returned to find their wives and children in want.

Therefore, I say to my able friend, it is not as we would love to have it. We may pay tribute to the splendid patriotism and we may delight to pass eulogium in the presence of the world, but we must reckon with the plain facts. We have not been able to have the recruits. It is not the want of patriotism, not the want of valor. If war shall be declared between ourselves and some antagonist, rest assured, my able friend from Missouri, every citizen will be found following the colors gladly.

But in instances like this, we being a powerful and rich country, bountiful and opulent, with the Treasury of the citizens swelling in money—richer is our Nation than the dreams of avarice ever revealed to the imagination of mankind—Mr. President, shall it now be said that, when able to defend and protect them, we declined to do so? Shall we say to them this is the sentiment which you might dream might possess us, but which you know, as a practical fact, we delude you in the hope and blast you in the disappointment?

Senators, the thought in my mind is this: I went through something of this. My career in the Spanish American War was nothing to bring to me reflection of glory or even of memory of comrades; but I can not overlook that which I learned by my eyes and which since then I have had occasion to see in experience. I command you to mark my illustration: Senators, I choose your boy or your brother, and he works for a living; he is a clerk in a store, depending upon his salary to educate his boy or to send his little girl to school, struggling to pay his rent and maintain his family; or he works in the factory or in the mill; he is a toiler living week by week, and without that week's allowance can not maintain his family. He joins the Guard, sir, out of that splendid patriotism which the distinguished Senator from Missouri [Mr. STONE] would lay upon him as the palladium of glory. He is called to the colors, he enlists, and he is off to the halls of the Montezumas, knowing that life may be gone and that death may be his, but in this he is not moved; he is willing to give his own life. But in his heart, eating, is the consciousness that behind him is one who carries his soul—his wife, who may hunger, who may be evicted from her home for want of money to pay the rent. He thinks upon his child, who must be taken from school and ground on the factory wheels or to have its life smothered out in consumption in the sweatshops.

With these thoughts agonizing his life—that these dear ones are to be penalized with poverty, hunger, and want—how can the most gallant soldier march beneath his colors, crying, with his soul of patriotism and love of his land, "My country; right or wrong, my country." Sir, he feels in his soul that unspeakable agony that is to befall to those he loves. In such an hour the American soldier becomes abject. He is the creature of the pity of those who know the suffering within him. He is the victim of his own regret as he suffers the tears that bleed from his heart within and silent. Why allow this? Why insist upon it? Why force such suffering to save so little a sum as is provided here?

Now, my able friend from Oklahoma [Mr. GORE] has made a study of what he feels will be the burden of taxation of this measure, and his views must not have hissed upon them contempt as being wanting in patriotism equal to my own. He, together with other Senators, including the able Senator from Colorado [Mr. THOMAS], to whose excellent speeches it is always a pride whenever opportunity affords to advert—the Senator from Colorado has spoken of a million dollars, then of $17,000,000, and then of many million dollars. Let the truth of the measure be understood. There is no measure here paying every man $50 absolute. The measure provides that those, and only those, who feel themselves dependent, unable to maintain their families by any method at their hands, shall have this right of appeal, and then the amount shall be only such amount as, under the circumstances, the discretion of the Secretary of War, or those who shall administer the measure, shall find to be just, not exceeding the sum of $50 in each case.

Mr. REED rose.

Mr. LEWIS. The junior Senator from Missouri desires to interrupt me, and I yield.

Mr. REED. Mr. President, is this not the question, and the only question, not whether we shall offer a premium to men in order to get them to enlist, not whether we shall buy their patriotism, but whether, when a man has been gallant enough to go to the front, we will let his widow and children starve at home? Is not that the whole question?

Mr. LEWIS. Mr. President, the able junior Senator from Missouri has epitomized what I thought I had been presenting and which I gladly accept as the definition of what I meant. The question is exactly that. We provide for the soldier's family, not for the soldier.

Mr. President, I have called attention to my viewpoint. Now, I call the attention of the able chairman of the committee [Mr. CHAMBERLAIN] to one thought which, I am sure, must have passed the attention of the committee altogether, and I ask the attention of my friend from Colorado, the able Senator, Mr. THOMAS. Do you realize how the amendment of the committee exempting married men or men of families will operate now upon the soldiers summoned? Senators, if this amendment of the committee had been presented before there was any call for troops there might have been practical execution of it without serious embarrassment. But now, sirs, since these men have been called, are reconnoitering in the field, ready to march, thousands upon thousands of them, the State guard of every State in the Union, I now ask my learned colleagues how now can they avail themselves of the amendment? The soldier is in his company. He is literally in the field. He is moving to the front. His knapsack is on shoulder, gun on shoulder. He is on march or is pitching tents on mustering fields. Is he now to beseech his captain to let him write a letter to the Secretary of War, pointing out that he left behind him his beloved ones who are dependent? How, then, will his communication receive attention? In what way will he get opportunity? He has already been taken from his home; he has already gone to the field. He has no method that can at all be sure by which he can avail himself of this amendment tendered by the committee.

Then, sir, apart from the fact that he is so situated now that he can not avail himself of it, these thousands upon thousands would have to first get their commanding officer's consent, then address the communication, and then suppose the order came to march. Pending the consideration of his communication in the War Department, he is gone, and what would avail him then? He has lost his place at work; it has been filled with another; he has already been subjected to the hazard. Wherein, then, does it benefit him now? His family are already at the hazard of want, the necessity for assistance.

The amendment, therefore, however much merit we may concede to it, must apparently, sir, be too late to provide for the

largest number mostly in need of immediate consideration. Then I come to that other thought.

Mr. THOMAS and Mr. GORE addressed the Chair.

Mr. LEWIS. I yield, first, to the Senator from Colorado [Mr. THOMAS], he having first risen. Then I will yield to my friend from Oklahoma [Mr. GORE].

Mr. THOMAS. This joint resolution is one which is so drawn as to authorize the President to draft into the military service the National Guard. It is executory in its character. It presupposes that there has been no drafting into the Federal service up to this time. Inasmuch as the whole joint resolution is executory in its nature and empowers the President to do something which presumably but for the joint resolution he could not do the distinguished Senator must perceive that there is a fallacy in his last argument.

Mr. LEWIS. Mr. President, if conditions were as the able Senator seems to believe, there would be much force in his interpolation, but the able Senator forgets that in the military bill there was a provision that called for the National Guard to take the oath of allegiance before muster, and when that oath of allegiance was taken they came at once into the Federal service, and when the call came they were mustered and are now upon different fields of activity, biding the time to move forward to foreign fields. Therefore I invite the able Senator's attention to the fact that they are so situated by virtue of the provisions of the other bill that if circumstances justified it they could not avail themselves of that as yet unexecuted contract or order to which the Senator properly alludes.

Mr. President, I come, then, to the other thought. I know, Senators, this will be called a sentiment. We are speaking upon the greatest sentiment of humanity—the feeling which men bear to their wives and children, and that which they hold to their country. I ask you, sirs, if you believe that you can get those men who are now marching side by side with their colleagues, who are already in the field, with their uniforms on, with their accouterments strapped about them, with their tents pitched—do you think you can get one of those now to let his fellow soldiers know that he is seeking to skulk away from the service? Will he now ask to be released, will he write, will he demand to desert because he can give justification for doing it in his wife's name? Do you not know he will feel that he would be charged with cowardice, with a lack of patriotism, and, however much his little letter through his captain might eventually meet the eye of the Secretary and eventually receive some examination, and after that some relief be granted, do we not know that under no circumstances would he endure what he would feel to be a humiliation of the scoff and scorn that he feels would follow from his colleagues if he now attempted to avail himself of the provision? Does he not feel that he will be treated as deserting his comrades, and a shirker from duty to his country? For that reason, therefore, again, this provision is too late to avail the largest number of those who are most involved. Therefore, Mr. President, I say both should be amalgamated.

Now, keep in view, Senators, the last but most important reason why the amendment will not avail the soldier. It is that a man will not ask to be exempted even though he knows his wife and children may need him. Why? Senators, the sentiment that has made the soldiers glorious of all lands since civilization wrote her history upon the records of time has been that of woman. Justice compels the confession.

The consciousness of the man that the woman of the house for whom he fights, the daughter of his heart for whom he struggles, or the woman he loves, whose face is framed in his heart, the woman whose praise he dreams of, has ever been the animating cause and inspiration to him to do deeds of valor and to earn the praise of men. Sirs, such woman of the land will not let that man claim his exemption from a service to his country merely because the woman must suffer while he serves. This woman may hunger, but she will not ask that he desert his country to earn bread for her. The mother's children may be in want, a baby cry for food, but that mother will not consent that their father be disgraced by the charge of desertion in order to rescue his children. The cry of the country to the mother of that boy and to the wife of that husband has been so strong in the soul of woman since generations began that all the suffering of the man or children can not smother it, nor all the legislation of the world drown it. No woman will consent to a man forsaking his country in the hour of its danger to come to her rescue, though in the hour of her need.

You accomplish nothing by this relief. The woman will not suffer the dishonor to her husband; she will not let her children wear the contempt in after days that the father was a "deserter," merely because he could put his excuse off on her, the mother of his children. In this crisis every American woman is a Roman Cornelia, crying out to husband, brother, and lover, "Go with your shield, and come back with it or upon it."

Make no mistakes, Senators. We are dealing with humanity in its sublimest and noblest altitude this day. For that reason the amendment, as I see it, will fail in its effects. It will not accomplish the very relief which you would claim for it, and which I know in great sincerity was your object when you presented it.

Ye are crying unto country for power to the strong. Humanity prays for justice to the weak.

Therefore, Mr. President, I tender a substitute in which I embody them both, reading to this effect: That the wives and children and families of these who make the sacrifice in such instances as that they shall be left wholly in want, and where there are no means to provide for them, may be subjects of this Nation's care in the manner provided in the first amendment, according to the equities of the situation, not exceeding the sum provided, and also that there may also be provided that in instances where that soldier by reason of the circumstances, perchance of disease and sickness, feels—he should be exempt—that he should have the exemption, we meet the needs of all, and all are justly provided for.

Now, sir, I think I have made clear my reasons for supporting this amalgamation, my reasons for opposing the Senate amendment in its entirety, and I tender my substitute.

I know, sir, we will be criticized; I know there are those who measure their patriotism by their purse. Such as these have ever been an ignominy to this Republic. They prate patriotism; they cry out "preparedness," but when such are called upon to pay the taxes to meet it and then they cry treason to justice—robbery of the rich—and indulge in every form of indictment of the public officials who put the tax upon them; but, sir, in this hour, as I see it, I turn to my country to warn her that she prepare and beware and ignore every protest of selfishness and every terror of power. The dangerous hour is upon this Republic, and any slackness or hesitancy of action at this time in the undertaking we have entered upon may mean more than we can measure and more than a prudent public official here dares prophesy. So, Mr. President, in order that we now may surround the Government with sufficient force, and remove the burden and prevent the agony that may paralyze the splendid initiative of patriotism of these sacrificing volunteers, I move, sir, that the amalgamation to which I refer shall be accepted as a substitute, embodying the virtues of both amendments, that it may give opportunity to obtain the great service of the truly patriotic soldiers of sublime America.

The VICE PRESIDENT. The Senator will send up the amendment to the desk.

Mr. LEWIS. I will a little later, when it will not disturb the debate.

Mr. WILLIAMS. Mr. President, eloquence and rhetoric are very beautiful things. Under certain circumstances, when men have time, they are very sacred things. They add to the æsthetics of life; they add much to its enjoyment; but eloquence and rhetoric, whether they come in monotones of thunder imitation or in tremolo voice, do not destroy facts, and unless they are in strict accord with the facts they may uncertainly add to the beauty and festivity of life but not at all to sound and truthful conclusions. That sort of eloquence and rhetoric, whether coming in the one way, designated and illustrated, or the other, which sound in real terms of compensation, while touching the strings of the harp in apparent words of patriotism, do not very strongly appeal to me; it never has in all my life; and that sort of patriotism that wants permission to be patriotic without sacrifice never appealed to me. A man can not be patriotic and receive compensation for his patriotism any more than a boy can eat his cake and keep his cake both at the same time.

The United States Government and the people of the United States are now probably faced with war. The question is, How shall the national legislative body meet it with the greatest economy to the people and without injustice to those who serve the country during the war; how shall we meet it economically, without injustice, and with the least hardship?

Mr. President, if a country can never meet an enemy without first making full compensation to those who bear muskets while meeting the enemy, then no country could ever defend itself at all. The patriotism that sounds in terms of compensation is not patriotism at all; it is only some sort of superficiality that renders itself vociferous, or else some sort of vociferousness that sounds in superficiality.

Mr. LEE of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maryland?

Mr. WILLIAMS. Yes.

Mr. LEE of Maryland. Does the Senator believe, therefore, that all wars must be rich men's quarrels and poor men's fights?

Mr. WILLIAMS. Ah, Mr. President, if they were, then they would sound in compensation sure enough—compensation to come after; compensation to come then; but I say, Mr. President, that when you talk about compensation for patriotic service on land or on sea when your country is involved, compensation for the time lost, compensation for youth gone, compensation for the suffering of the soldier or the sailor, compensation for the suffering of his widow and his children, compensation for the retardation of the education of his children, compensation for the lack of the money that he might have made in private life, you are merely vociferating about patriotism; you are merely undertaking to eat your cake and keep your cake both; and no people can do that any more than any boy can do it; and I say that no country could ever have defended itself under such circumstances.

Had that idea been in the mind of southern men and southern women, there would have been no war for southern independence; had that idea been in the minds of northern men and northern women, there would have been no war for the preservation of the Union; had that idea been in the minds of the American colonists, they would have measured up the cost of the stamp tax and the tea tax and would all have gone home, and, meeting the next day, would have said, "We have found that if we should fight for American independence there would be no great probability of our being duly compensated." The man who goes out and exclaims, "My country, right or wrong, but still my country," and then in the next breath says, "But my country must give me compensation," is a one-legged patriot. He will fall down, because he has nothing but one leg to walk on when he is called upon to do that which patriotism really demands; that is, render self-sacrifice, offer self-immolation, say, "Here I am, my country; take me without price." That is what the noblest soldiers in all the world—Confederate soldiers, French Revolutionary soldiers, American Revolutionary soldiers, Boer soldiers, Netherland soldiers fighting against Spain—said.

One of the Senators said to-day that "a man would be charged with cowardice" if he made the excuse at the War Department that he could not go at that time or ought not to be sent because he had a wife and children dependent upon him, and his first duty under the circumstances was to them. Mr. President, every physical coward is not a moral coward, but every moral coward in this world when he is by himself and nobody else is looking at him is a physical coward. A man who had a family dependent upon him, and the law provided the conditions under which that fact might be established, who would hesitate about making the statement or the claim because he is afraid somebody else would call him a coward would be a moral coward. I care not who thinks I am a coward; you care not who thinks you are, except that I do not want to think myself one and you do not want to think yourself one.

Speaking for myself, were my condition such and I were a member of the National Guard and the truth was that I would have to leave a dependent family—and remember that this provision of honorable discharge is only applicable in the case of a dependent family—in order to go out and serve the country, I would have no hesitation in the world about claiming the exemption, and I would have a right to claim it, because in this country we could to-morrow raise an army of 3,000,000 men without family between 18 and 30 years of age, without families and without dependents. Great Britain did not call out her married men, or did not draft them until she had been at war for the very life of the people some 18 months; and she acted wisely in not doing so. You do not go out and destroy the full forest trees if you are a forester, you merely thin out the saplings. I do not mean by that that war should be carried on by boys, but I do mean that the men who should go to the service of their country first are the men who have nobody dependent upon them except themselves. I do mean that the rule of enlistment in the Regular Army is a wise one, because we have concluded that we could get all the soldiers in the Regular Army that we really needed without having married men in the Regular Army. There is another reason that justifies the rule, and that is that if unfortunately the soldier dies in the service or is killed, there shall not come upon the Treasury the burden of pensions for his widow and his dependent children.

So far as I am concerned, I would rather see the provision made that no man should enlist in the National Guard as a private except upon the terms under which he enlists in the Regular Army, but the National Legislature can not control that; that is a matter for the States, and we have got to meet the question as we find it right now.

Now, how are you going to meet it? Are you going to meet it with a rule of legislation manufactured in order to satisfy the man who is afraid that somebody will think he is a coward, who is afraid of the "scoffs" and "scorns," as some Senator has said, that may surround him? What does a brave, patient, patriotic man care about "the scoffs and scorns" of foes? Or are you going to meet it with an eye single to the welfare of the Republic and the defense of the Republic? I say, we must meet it with an eye single to the welfare of the Republic and the defense of the Republic, and, as a part of the defense of the Republic, the defense of the Treasury.

I do not know how others may feel; I never thought myself born to be a soldier, and never had any great ambition to go soldiering; but if I wanted to couple with a pretense of soldiering in defense of my country an ulterior purpose of being "compensated," I would have more contempt for myself than I have ever had in all my life; and sometimes my self-contempt has been exceedingly severe.

"Oh," some one says, "the women would not let the men make this excuse." There are very few women who are moral cowards, and, so far as their making an excuse for the husband or father or brother is concerned, I never heard of their being lacking at the proper time. With more fortitude than men, with more patience than men, possessing their peculiar sex virtues, standing more suffering than men without complaint, women as a rule are not moral cowards.

Now, Mr. President, as to whether married men should be called into the service or not, depends, in my opinion, upon the gravity of the situation. During the War between the States married men were called into the service and were drafted upon both sides when the situation had reached that crisis that made it necessary. As some Senator said this morning, the Confederacy "robbed the cradle and the grave" and the North took everything it could, whether by draft or by bounty; but the man who served in the North because of bounty—there was none of that in the South, because the Confederacy had nothing to "bounty" with—but a man who served in the North because of a bounty never enjoyed quite the respect of his fellow soldiers.

The man who went into the Army after he had first found that he was going to be "compensated" never stood very high with the other men who served with him; and the fellows who came into Castle Garden and were enlisted the morning after for $13 and rations never stood very high with the other men who served with them.

One Senator said this morning that if we allowed the Senate provision to stand we would lose 15 per cent, and another said we would lose 25 per cent, of the personnel of the National Guard. Mr. President, even upon the supposition that every man entitled to claim exemption would make such a claim, even upon the supposition that there is not a man with dependent wife and children whose wife and children are not willing to stand their part of the common sacrifice, I challenge those percentages. But whether they be true or not, I will undertake to say that not 2 per cent of the personnel of the National Guard will ever apply for exemption under this clause—not because they are moral cowards and afraid to claim it if entitled to it or afraid of "the scoffs and scorn" of the unthinking, but because they do not want to claim it, because they want to go, and because their wives do not want to claim it, but because they want their men to go. They have the temperament that constitutes men who do want to go.

If they had not had it, as a rule, they never would have volunteered originally in the National Guard; and all this talk about their being drafted is "prunes and prunella." They volunteered merely in the National Guard. The only difference between the ordinary volunteer in the ordinary volunteer army and the National Guard is that one volunteered individually and the other volunteered for the Federal service by organization. But each originally volunteered individually, and when the man volunteered in the National Guard he knew that one of the consequences was that he might be called into the Federal service, and he knew that under the Constitution of his country certain conditions might arise to call him into Federal service—the condition of invasion or insurrection or inability of the Executive otherwise to execute the laws. The constitutional language I do not recall verbally just at this moment, but you all know it. He volunteered. He is proud of the fact that he did volunteer. He will undertake somehow to see that his wife and children will be taken care of; or, if he finds he can not do that, he will go bravely up with moral courage and will say, "I am as sorry as I can be, but I can not do it."

"The wife and children have the first claim upon me. I must take care of them. I regret it more than the Government can regret it."

How about the other man? Suppose he comes to me or you and says: "I want $50 a month for my wife and my children, if I go." He goes, if a patriot, to do what? Not to please himself, not to take a pleasure trip, not for a jaunt, not for any private benefit, but to defend the honor of his country and his own honor as a part of it. Suppose he comes to us and says: "But if you don't give me $50 a month for my wife and children I can not and will not enlist." These National Guardsmen are of two classes. One class of them does not want you to give $50 a month to his wife and children—that is, to himself—and the other class is composed of the fellows who do. This attempt to make a distinction between the soldier and his wife and children is superficial. I will agree with any man to-morrow to live on $50 a month if you will agree to take care of my wife and children properly, and I can and will do it very well, dress as well as I do now, eat as much as I do now, and smoke as good cigars as I do now, and that is not saying much. The man who attempts to make a distinction between a man and his family is "dividing those whom God hath joined together." Of course the compensation accrues to him, because it accrues to those who otherwise must procure their subsistence from him.

They are divided, I say, into two classes. In one class is the man who says, "I do not want your $50; I want my patriotism to be as pure and as unsuspected as the icicles that hang from Diana's Temple. I want no son or grandson of mine ever to suspect that I fought for money"—the man who would stand as my old grandmother did when they came to her and told her that she was entitled to a pension because her deceased husband had been an officer in the Mexican War. She turned around with indignation and said, "I will have you to know, Maj. Pickett, that Capt. Sharp did not fight for money."

That is one class; but suppose the other fellow comes and says, "I want it." What is your answer to him, as national legislators? I will tell you what mine is. I will say to him, "We will have no great trouble in getting soldiers enough for this particular war. If you feel that way about it, it is better for you and it is better for the Government and the people of the United States both that you should go home and stay there and take care of your family. It is better for you, because you might miss certain opportunities to improve your present wage while you are gone."

"It is better for the United States Government, because we can get about four soldiers for the price that you want to charge the Treasury—certainly three and a half soldiers, anyhow—and we think we can get those three or four men just as good as you are, and perhaps better; just as useful as you are, and perhaps more so; just as brave as you are, and perhaps braver. Your going home and staying at home will be a good thing for both of us. We not only can get three equally good or better soldiers in your place at the price you want to levy upon the Treasury, but if you should happen to be killed in the service, we would have to pension your wife and children; and if the other three soldiers who are perfectly willing to take your place and do the fighting should happen to die in battle we will not have to pension their wives and their children, because they will have none, whatever other pensions we may have to pay."

There might be a mother in both cases.

What is the plain, common sense of it? Not efflorescent and sophomoric eloquence, not an appeal to the sentimentalism of patriotism, but an appeal to the common sense of patriotism. It is this: We have a task to meet, a war to fight. We want to do it at the least expense to the people, with the most efficient instruments that we can get, and without injustice to those who do the fighting. Now, how can we manage it?

Why, the Senate provision does it. It says to each man with a family dependent upon him: "By merely coming up and stating that fact, and establishing it to be true, you can go on home. We agree with you that that is where your first duty leads you; that in a war of this slight gravity you are not needed; that in a war of this gravity you probably never will be called upon. If you have a wife and children, or a wife and child even, or a wife alone, and she or they are dependent upon you, your country has not reached that crisis which calls upon your country to make that wife or those children suffer. We can carry this war on without it, and without you and without the charge that you threaten to make on the Treasury."

Oh, but somebody says, "Then why not just provide in the bill that men with families shall not be mustered in?" I will tell you why not. Suppose I were in that fix and had a right to be discharged, but did not want to be discharged and my wife did not want me to be discharged—and you can wager your existence that if the circumstances were such that I did not want it she would be braver and more patriotic than I, or equally so, at any rate, and she would not want it, either. Speaking for the southern women, at any rate, there never was one of them that held son or brother or father back from risking his life when the crisis was grave enough, when the situation demanded it, and when the father, husband, brother, or son ought to have met it. In fact, I heard an old Confederate soldier once illustrate it very well. I said to him, "I see how you boys kept fighting after Gettysburg; I see how you kept it up after Vicksburg; but after Nashville and the retreat of Hood's army did you not know you were whipped?" He said, "Yes; everyone that had any sense knew it." I said, "Well, why did you keep on?" He said, "Well, we were afraid to quit." I said, "Afraid of what?" He said, "Afraid of the women, unless we were able to go home and convince them that we had fought the fight to a frazzle"; because the southern cause from the standpoint at that time, in the South's contemplation of it, was a woman's cause. It was the fear that the conditions that had prevailed in San Domingo and Haiti after negro emancipation might possibly prevail in the South.

So I have no fear of that. The women will be true. One of the Senators said this morning that we had provided in this bill that we would mark opposite the name of any man "honorably discharged because he wanted to quit." The answer to that is that the Senate provision does nothing of the sort. The provision says that if a man's condition is a given condition, and if he claims exemption because of it, the rule is laid down that he is to be discharged, not *whenever* he wants to, not *if* he wants to, not *because* he wants to, but because certain conditions exist; and those conditions are sufficiently detailed in the Senate resolution itself.

Somebody says, "Oh, well, the European nations have passed bills to take care of the dependent families there." Why, my friends, what must be the self-torturing incapacity of the intellect of a man who would compare these two things! Fighting in Europe for their very existence, all of them—not their existence perhaps in every case as separate nationalities, but for the existence of their respective cultures, of their respective predominances, their especial civilizations, every one of them; and what are the armies over there? What are we fighting for here? Self-existence? No. National hegemony? No; simply for peace on the border. What are the armies over there? Conscripts, every man. What is the Army that we want to use in a Mexican War if we have it? Volunteers, every man, whether in the Regular Army where we receive nobody but volunteers, or in the Volunteer Army where nobody needs to come who does not wish to go, or in the National Guard where the volunteering is done by organizations called into the Federal service and individually originally, when enlisted in the State service.

When you make a man go, when you make every able-bodied man go, as Germany and France do, then it rests upon your shoulders to see to it, not that the man is "compensated," but that his wife and his children shall not starve while he is gone. But there is not a European nation to-day that would not be paralyzed in its energies by the contemplation of the stupendous idea of paying $50 a month to each soldier's family. All that even France, the most democratic country in the world, is trying to do, is to give the women and children food, clothing, and shelter.

I feel apologetic about taking up the time of the Senate. I feel like all of us have done it, but I am going to go just one little bit further.

A good deal of fun has been made of the men who thought that the world had become too civilized to go to war without arbitration and without attempting, at any rate, to bring about a peaceable settlement by some judicial means. The President of the United States has been criticized because he once entertained those views and now has been disabused of them. I want to take my full share of it. I frankly thought that this world was at least 150 years more nearly civilized than I have found that it is to-day. It was a mistake of fact upon the part of many of us. I could not have been persuaded until they actually occurred that the things which have taken place could take place in the beginning of the twentieth century, upon the idle pretext of the assassination by a half maniac of an Austrian archduke. But that was the pretext. I would not have believed that if the Servian Government had offered to leave the question at issue to arbitration or to The Hague court any country would have dared, no matter how strong a navy and army it had, in the face of what I thought was the civilized public opinion of the world, to cast the proposition aside contemptuously.

I could not have been persuaded that when the Czar of Russia later on offered to have the European powers mediatize in conference, or have the matter go to The Hague, or have it settled by arbitrators appointed by the neutral powers, that that proposition would have been overlooked and no attention paid to it. As far as I am individually concerned, the effect upon my entire mental, intellectual machinery of what has happened in Europe has made me doubt my own sanity. I did not believe that it could have occurred; and sometimes it seems to me as if I were an inmate of an insane asylum, and had been persuaded that it occurred, when really and surely it could not have occurred and had not occurred.

The demand on Servia and the invasion of Belgium—helpless and unoffending—"made a Christian" of me as far as the necessity of preparedness goes. I know that if Germany and Austria and Turkey and Bulgaria—all militaristic powers—succeed in this war that within two to five years we must defend the Monroe doctrine in Brazil and perhaps even, though not certainly, in Mexico.

I want to take my full share of all the inconsistency there may be about it. I have helped to teach, because I believed it, that the great world wars were over; and I do not understand now how this one came about, nor do you, nor does anybody else. But, my friends, we need not think that for that reason all that we dream and all that we preached was idle and useless. The "parliament of man," the "federation of the world," and all that, and the time when "swords will be beaten into plowshares" is coming. Prophets and seers have prophesied it; poets have sung it; and just because you and I are not as far along on the pathway from a crude civilization to a high point of enlightenment as we thought we were is no reason to suppose that that goal can never be reached.

We have witnessed one thing that we ought to remember, that the highest possible degree of general intellectual culture sometimes carries with it no moral culture at all. That is one of the mistakes that a lot of us have made that will in due time be corrected; but all of that is something irrelevant to what is going on now. What is the issue? Mexican border; troops of American soldiers fired upon in ambush; two American border towns invaded; troops upon Mexican soil by permission of the de facto Mexican government with a view to putting an end to the brigandage of enemies of both countries and of capturing the chief brigand; then a total change of front; no assistance by the Mexican de facto government in doing what we were permitted by it to enter Mexico in order to do; every obstruction cast in our way; and, finally, the insolent order sent that "If you move east or west or south, or in any direction except north, you shall receive punishment." Our Government has sent back word that we can not quite agree not to move east or west or south if we find it important for our welfare and protection to do so, and we have demanded a plain diplomatic statement of the position which the Mexican government is going to take.

All Europe seems to be insane, and it is therefore very little wonder that Carranza seems to be insane, too; but he seems to be insanely inviting upon the head of the helpless, defenseless, ignorant people of his own country a punishment the gravity of which he does not seem to understand. He seems to think that these United States, with their 100,000,000 of people, are afraid of him. We must go to Mexico in the situation I have described. Now, how are you going, as man of common sense in real patriotism, not the mere sentimentalism of patriotism? Why, go with the best machine you can extemporize, which costs the least now and which will cost the least hereafter, without injustice to the man who bears the musket or wears the shoulder straps, the man on the quarter-deck or the man at the gun. That is what patriotism demands. That is its highest task. That is its only task. If a man comes to me and says: "I can not serve without $50 a month for my wife and children," my reply is: "I can get three soldiers just as good as you are who will, all together, not cost $50 a month, and it is better for you and better for the Government, too, if that is what you charge for your service, for you to stay at home. We do not need you particularly, anyhow."

Mr. REED. Mr. President, this debate has taken a strange form and wandered far afield. I want to state the question as I understand it. In part I shall be obliged to repeat what I said this morning.

This is the situation: The National Guard was organized at a time of profound peace, when the world was listening to the preachment, to which the Senator from Illinois [Mr. LEWIS] so eloquently referred, that war would be no more; when the Senator from Mississippi [Mr. WILLIAMS] was mistaken and a good many other wise men were mistaken. Some of the young men of our country held a different view. They believed that war might come. They believed that some preparation was necessary. The stern logic of events has demonstrated that they were wiser in their day and generation than some of the great men of the land. They enlisted to prepare themselves to serve their country if the hour of need should come. Some of them were married when they enlisted. Some of them have married since they enlisted. The hour has come when their services are needed. They are going to the front to a man. A telegram that I received three or four days ago from the commander of the National Guard of my State said that without exception his men were enlisting and taking the new form of oath. A little later a telegram advised me that the men had, within a few hours' time, mobilized in their armories, and that in a few hours more they would be ready to meet at the general mobilization camp of the State.

These men did not enlist for money in the first place, and they are not asking for money now. To impute such a motive to them is to challenge their patriotism, and, from a position of absolute safety, to make a cowardly assault upon brave men who are preparing for a great sacrifice.

The question that is presented to this Congress is: "These men having been willing to make the sacrifice, these men being now prepared, these men being now in actual march to the front, shall the Congress of the United States permit their wives and children at home to suffer? That is the whole question.

The Senator from Mississippi referred ironically to the eloquent Senator from Illinois, and said that eloquence might adorn, but that if it did not accord with the facts it was of no value. If I were inclined to reply in similar vein I might say that common scolding that is not in accord with the facts or logic does not even serve the purpose of adornment. The whole question here is, Shall we permit the dependent wives and children of men who are doing more than we are doing to suffer? That is all. State it a hundred times and in a hundred ways, and you come back to that one question: "Shall this great, rich Government permit the wife or the child of a brave man who has marched to the front to go hungry while the soldier husband and father interposes his breast between the bullets of the enemy and the people at home? That is the question we are considering, and no amount of words, no volume of sneers will obscure the fact.

The insinuation that any man went into the guard or will go into it for money can not change the question. But I remark in passing that such a sentiment is unworthy to be listened to on this floor.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I want to ask the Senator a question in regard to section 1, because the necessity of section 1 will have much to do with the casting of my vote regardless of what amendments may go in. What is the occasion, as a legal proposition, of the passage of section 1? What is sought to be accomplished by it? Is there an emergency? Is there a hiatus in the law which must be covered by this section so that the President may do what it seems desirable to do at this time?

Mr. REED. In my judgment it is quite probable that the President possesses the authority now, but of course all doubt should be removed. I did not draw this measure. I am not on the committee. I have not given that particular legal question any special study. My opinion would be what the Senator and I have often referred to as a horseback opinion, which is generally not very valuable.

But, Mr. President, I repeat, the only question is this: Shall the Government permit the wife and the child or children of a soldier who is willing to risk his life for his country to starve while he fights? We need not go to other countries for a precedent. We need not speak of the horrors of the late Civil War, when the South yielded the last dollar of her money, and almost the last drop of her blood, and when the North felt in every home the suffering and sacrifice that had to be made. We are presented with the question of probably 100,000 out of 100,000,000 going into the Mexican country, or at least to our borders, sacrificing their positions, sacrificing their time, sacrificing their health, sacrificing their lives or their good right arms or their legs or their eyes or their health. We stand by and see that done, and we say, "Brave boys! Brave boys all! We will let your wives and children starve while you fight for us."

That is the argument of a man who thinks more of a dollar than he does of patriotism. That is the argument of one who would rather appeal to the taxpayer of the country and be known as an economist than the argument of a man who loves his country and is willing to take his share of its burdens.

I said this morning, and I repeat, we all owe the same duty. It is as much our duty to go into the war as it is the duty of those who are going. Some of us are too old, some of us are too inefficient, some of us may lack the courage, although I hope that is not true of a Member of Congress. Some of us may be of more use where we are. But should we not be willing in response to that same patriotism which is being manifested by the soldier who has gone to the front, should we not in response to that same call of duty be willing to pay a few miserable dirty dollars into the Treasury in order that the soldier's wife and children should not suffer? That is all.

Does anybody here balance the dollars of the Government *against* the starvation of a soldier's wife or baby? If he does, let him have the glory. I am not afraid of pension rolls. I am afraid of my country teaching its young men that there are only a few who are to suffer, that there is a great selfish body of the people who will not look after those who fight the battles for the country's preservation. I am afraid of teaching the young men of the country such a lesson as that. Of course, it is highly creditable to a soldier to go to the front. It is perhaps even more creditable if he goes to the front in response to his country's call, though wife and children may suffer. It may be a manifestation of a higher order of patriotism; but what of the patriot who stays at home, who risks neither life nor limb nor blood, and whose patriotic zeal does not rise to the point of contributing a few dollars to the wife or the child of the man who is at the front? That is the question we have to settle.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The Chair does not know what the question is. The Senator from Illinois [Mr. LEWIS] stated that he had an amalgamation to present, but it was not sent to the desk. The Chair is not inclined to take advantage of the Senator from Illinois, if he can get the proposition at the desk.

Mr. CHAMBERLAIN. I think the pending amendment is the amendment of the committee to section 2.

The VICE PRESIDENT. The Chair is not mistaken, surely, in the statement of the Senator from Illinois that he proposed to present what is called an amalgamation, containing section 2 of the original joint resolution and the amendment of the committee and to propose it as a substitute for the committee amendment.

Mr. LEWIS. The Vice President correctly apprehends my purpose. I tender it now in rather a ragged form, a substitute, in order to save trouble. I will state that it restores the section stricken out by the committee and yet leaves the other section the committee has put in. The Senator from Maryland now may have a division.

The VICE PRESIDENT. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. The amendment as sent up proposes to include the words proposed to be stricken out by the committee in the amendment and also the following:

That the sum of $2,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War and under such rules and regulations as he may prescribe——

Mr. LEWIS. Mr. President, may I ask that the Secretary strike out the words "Secretary of War" and let it read "Secretary of the Interior." I think the matter should be remitted to the Pension Department.

The SECRETARY (reading)—

To be expended under the direction of the Secretary of the Interior and under such rules and regulations as he may prescribe, for the purpose of maintaining at a cost of not more than $50 per month, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge therefrom, which family, during the term of service of said enlisted man, has no other income, except his pay, adequate for the support of said family; and the word "family" shall include wife, dependent mothers, fathers, and sisters, as well as brothers under the age of 14 years. That this section shall also apply to all the members of the Regular Army in like circumstances as provided for members of the National Guard during the period only of actual hostilities.

Mr. LEWIS. The remaining section, it is understood, is the one tendered by the committee.

The SECRETARY. It also includes the words proposed to be inserted by the committee, with a slight amendment after the words "National Guard," at the end of line 3, insert "or member of the Regular Army," so as to read:

That when any member of the National Guard or member of the Regular Army or the Organized Militia of any of the States, Territories, or the District of Columbia—

And so forth.

Mr. STONE. Mr. President, it seems to me that the parliamentary way to get at this situation would be this. The Military Committee reports the House joint resolution to the Senate with the proposal to strike out section 2. That is the first proposition before the Senate.

The VICE PRESIDENT. To strike out and insert; they are together.

Mr. STONE. With all due deference to the Chair, the proposition is entirely different. The motion made by the committee is to strike out section 2. It is not stated to strike out and insert, but to strike out. Then the committee proposes an amendment to the joint resolution on its own account of an entirely different character. It would seem to me that section 2 itself might be perfected before the Senate votes upon striking it out; in other words, that the proper motion would be to add to section 2 what the Senate committee proposes, or whatever the Senator from Illinois or any other Senator may propose as an amendment to section 2 of the joint resolution as it came from the House.

The vote then would be, of course, upon the amendment to section 2 as it came from the House, and if amendments are made to it, then we vote whether we will adopt that amendment or not; and if no amendments are made to it by the Senate, then the question recurs on the proposition to strike it out.

The VICE PRESIDENT. It is the first time that a contention of that kind has been made since the present occupant of the chair has been here. There never has been a doubt before when a section was stricken out and the same section followed afterwards that that was a committee amendment which involved the striking out and inserting. It is not material to the Chair how this question may go, but it has always been treated as a motion to strike out and insert.

Mr. FLETCHER. I think that is the purpose of the committee amendment; it is proposed to strike out section 2 and insert section 2.

Mr. WARREN. Exactly, under the same number.

Mr. FLETCHER. Under the same number, and that question is not divisible.

Mr. WARREN. It is proposed to strike out section 2 and insert another section 2.

Mr. FLETCHER. That question, I say, under the rule is not divisible.

The VICE PRESIDENT. Just let the Chair rule. The Chair rules that it is a motion to strike out and to insert. The Chair also rules that the Senator from Illinois has presented an amendment to the part proposed to be stricken out which is first in order, and also has proposed an amendment to the part proposed to be inserted which will be secondly in order. The first amendment is to the part that is proposed to be stricken out. That will be stated.

The SECRETARY. It is proposed to strike out "$1,000,000" in line 14 and to insert in lieu "$2,000,000." It is proposed to strike out the words "Secretary of War" where it appears in lines 12 and 13 in the House print and in lines 16 and 17 of the Senate print and to insert in lieu "the Secretary of the Interior." It is proposed, after the words "14 years," at the end of line 2 on page 3, to insert:

And this section shall also apply to all members of the Regular Army in like circumstances as provided for members of the National Guard during the period only of actual hostilities.

Mr. GORE. Mr. President, what is the exact point at issue in the pending controversy? That issue ought to be stripped of all obscurity and of all confusion. I wish that I could make that point, that issue, as luminous as the sun at noontide.

I do not agree with the definition of this issue which has just been presented by the junior Senator from Missouri [Mr. REED]. I shall not vie with that Senator in the description of those pathetic scenes which characterize the parting of the soldier with his family, when the hero sent to the front is torn from the arms of his loving wife and his weeping children. No man in the Senate is equal to that Senator in the delineation of the feelings of the human heart, whether they be the fiery passions that impel to war or the tender sentiments of family affection. No man upon this floor and no one within the galleries can listen to those descriptions without experiencing emotions of sympathy and of sorrow.

While I can not compete with the Senator in the description of these touching scenes, I will join with him and with others in the prevention of such tragic scenes.

The Senator states this to be the issue: If a soldier is at the front imperiling his life in defense of his Nation's honor, shall we suffer his family to starve? Mr. President, that is not the issue as I conceive it to be. I know of no alchemy by which you can convert into cash the tears of a wife or widow. I do not know how to translate the orphan's tears into the coin of the realm. I do not know the market price of a sigh or a sob. All the skill of modern accounting has not yet learned how to value "the voice of lamentation" that was heard of old in Roma. There seems to be those who are the masters of this occult art. There are those who have made this translation, who have made

this measurement, and seemed to find that the tears of a wife and of the children are worth $50 a month—$1.66⅔ per diem. That is the estimate placed by some Senators on the tenderest emotions of the human heart.

Sir, I think that an unfit and unfair appraisement of these sentiments and of these attachments. Those who support the House joint resolution say to the wife and the children: "Send the husband and the father to the front, and we will compensate your sorrow at the rate of $50 per month." Is that a fit appraisement? Those who support the Senate substitute say to the wife, and say to the children: "Instead of tearing from your bosom your husband and your father, we will permit him to remain at home. Your supporter and your defender by nature and by the law shall remain in his home; shall discharge his obligations to his family; and we will not make the vain effort to compensate your tears and your sorrows at the rate of one dollar and sixty-six and two-thirds cents a day."

Mr. President, if the Senate substitute prevails, these touching and pathetic scenes will not be enacted in this land; will not be—need not be enacted. We will obviate these tragedies. If the House joint resolution prevails, if the father and the husband go to the front and fall in battle, the curse of the widow and the orphan will be upon the supporters of the House joint resolution, and they will bless the names of those who sought to exempt their fathers and their husbands from a tragic death upon the field of battle. That is the point in this controversy—if you ask whether the family of the soldier at the front shall be permitted to starve. Everybody answers that question in the negative. The supporters of the House resolution answer it by saying: "No; instead of starving you we fling open the doors of the Treasury and give you the generous largess of $50 a month to reimburse you for your privations and for your sorrows." The supporters of the Senate proposition say: "No; the family of the soldier shall not starve; he shall not under existing circumstances be required to make the sacrifice; he shall be permitted to remain at home in the discharge of his civic and domestic obligations, and others who have no such obligations, and who are willing and anxious to die for their country; who would seek for glory upon the field of battle, as the bridegroom seeks his bride, shall be permitted to go, and if, by evil chance, they should fall upon the field of battle, they have no widows and orphans to bewail their untimely taking off.

We do not propose to manufacture widows; we do not propose to manufacture orphans by requiring fathers and husbands to go to the front in this emergency. We will permit them to remain at home and allow others to achieve the glories that may be incident to the threatened war. That is the point at issue in the controversy; and that is the only point.

The Senator from Nebraska [Mr. HITCHCOCK] defended the House provision on the ground that these soldiers were being drafted, were being torn from their homes by the strong and irresistible arm of the Government; that they were not volunteers; that they were not tendering their lives in their country's service out of the inspiration of patriotism, but that they were being dragged, were being drafted into the service. For the first time, at least in the history of American warfare, the conscript has been dignified, has been exalted above the volunteer.

The valor of the American volunteer has been celebrated in story and in song. Every battle field of this Republic has been baptized with his sacred blood. I use the Senator's language; but I do not accept the Senator's language as my own. His argument was answered; it was demolished by the Senator from Maryland [Mr. LEE], who felt the sting implied in the word "draft," and characterized these young men as volunteers willing to go, willing to die, and as not waiting for conscription.

The Senator from Illinois [Mr. LEWIS], in the earlier part of his most eloquent address, declared that the House provision was necessary to induce men to enlist in the Army in the Nation's defense on account of the neglect and the treatment which they had experienced in former wars. During the last part of his address he declared that the major number to be affected by this resolution as it passed the other House had already been mustered in; that it was too late for them to plead a dependent family. I leave the Senator's arguments to answer themselves.

The Senator from Maryland [Mr. LEE] and one other Senator—I have forgotten whom—has exemplified a most refined species of sensibility, a sensibility that would be shocked to say with common frankness and with common honesty, "I have a family dependent upon my services and upon my earnings and therefore seek to be excused from the service." They say that would be shocking, would be embarrassing, would be a stultification, would deserve to be characterized as cowardice or treason; and yet, with refined sensibility, these Senators would permit these sensitive soldiers to make the same declaration, that their families were dependent, and should therefore become a charge upon the Public Treasury; that they should become pensioners upon the public bounty; parasites, if you please, upon the Nation's generosity.

You can not standardize human sensibilities, and I do not know what sort of sensitiveness it is that would be willing to accept a pension from the public purse and yet would blush to own lack of fortune—which is not yet a disgrace in this Republic—who would blush to own that upon them and upon their labors depended a family, a wife and a number of helpless children. I do not know what sort of heroism a man who has not the courage to say that would exhibit upon the embattled field.

Mr. President, I shall not argue the question of economy, the question of expenditure, further than to remind the Senate that this precedent will return to plague us all. There are no tracks leading out of the Pension Office. I trust the Senate substitute will prevail. I do not doubt the generosity of the American people. They have dealt with lavish generosity with their defenders in the past; they will not falter in their gratitude in the years that are to come.

This question may well be remitted to the future, and I do not know of a greater service that one of these soldiers charged with a dependent family could render his country than, instead of consenting for his family to receive $50 a month, to retire from the service and permit the Government, with the same money, to enlist and compensate three or four soldiers to fight in his stead.

I have the highest admiration for the man who is willing, notwithstanding family ties, to defend the Nation in foreign fields; yet it would be an infinitely greater service to the country if he would withdraw from the Army, if he would refrain from the liability of imposing upon the public a dependent widow and children, and would permit the money to be expended in the payment of three or four soldiers fighting in his place. This might, indeed, foreclose the paths of martial glory, yet it would be better for the soldier, better for his family, better for his wife and children, better for his possible widow and orphans, better for the Public Treasury, better for the national defense, better for this Republic, which shall never want defenders so long as valor is esteemed a virtue and so long as heroism is honored among the sons of men.

The VICE PRESIDENT. The question is on the amendment of the Senator from Illinois to the part proposed by the committee to be stricken out.

Mr. REED. Mr. President, let the amendment to the amendment be stated in full.

The VICE PRESIDENT. The Secretary will state the entire amendment.

The SECRETARY. In the part proposed to be stricken out, on page 2, line 14, it is proposed to strike out "$1,000,000" and in lieu thereof to insert "$2,000,000"; in lines 16 and 17, to strike out the words "Secretary of War" and insert the words "Secretary of the Interior"; and, after the word "years," in line 2, on page 3, to insert "and this section shall also apply to all members of the Regular Army in like circumstances, as provided for members of the National Guard during the period only of actual hostilities."

Mr. LEWIS. Mr. President, I should like to have the section read as proposed to be amended. It is not understood by Senators about me that I also include a provision that the committee has reported.

The VICE PRESIDENT. The Chair has tried to make the parliamentary situation understood. There is a motion to strike out and to insert. The Senator from Illinois can not amend both at the same time. The first question is on the amendment to the part to be stricken out, and that amendment has been stated.

Mr. STONE. I desire to ask a question. It is proposed to strike out "$1,000,000" in the first line of section 2 of the House bill and insert "$2,000,000" and, in lines 16 and 17, to strike out "Secretary of War" and insert "Secretary of the Interior." At least one other amendment to that section is also proposed. My inquiry is whether it is all one amendment or whether it is divisible?

The VICE PRESIDENT. The Senator from Missouri has a right to vote on each amendment if he so desires.

Mr. STONE. Well, I desire to ask for a separate vote on the first proposition.

The VICE PRESIDENT. The first proposition will be stated.

The SECRETARY. In line 14 of the part stricken out it is proposed to strike out "$1,000,000" and insert "$2,000,000."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. STONE. I ask for no further division.

The VICE PRESIDENT. The second amendment to the amendment will be stated.

The SECRETARY. In lines 16 and 17 of the part proposed to be stricken out it is proposed to strike out "Secretary of War" and to insert in lieu thereof "Secretary of the Interior."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment to the amendment.

The SECRETARY. On page 3, line 2, after the words "fourteen years," it is proposed to insert:

And this section shall also apply to all members of the Regular Army in like circumstances as provided for members of the National Guard during the period only of actual hostilities.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. Now the Senator from Illinois proposes an amendment to the part which the committee proposes to insert. The Secretary will state the amendment to the amendment.

The SECRETARY. After the words "National Guard," at the end of line 3, page 3, it is proposed to insert "or member of the Regular Army."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment. [Putting the question.] The noes seem to have it——

Mr. REED. Mr. President——

The VICE PRESIDENT. The noes have it, and the amendment to the amendment is rejected.

Mr. REED. Mr. President——

The VICE PRESIDENT. The question now recurs——

Mr. REED. Mr. President, I do not think the Senate understood the proposition; at least, I could not catch it in the confusion of the questions which were asked, and I should like to have it stated before the vote is announced.

The VICE PRESIDENT. All the amendments offered by the Senator from Illinois have been rejected. The question now recurs on the Senate committee amendment, which is to strike out section 2 of the House joint resolution and insert a new section 2.

Mr. SMITH of Georgia. Mr. President, I move to amend the committee amendment by adding the words "*Provided further,*" and following them with section 2 of the House bill.

Mr. President, what that would do would be simply this: We would take the Senate committee amendment, which provides that any member of the National Guard who has a family dependent upon him and finds it necessary to stay at home may be relieved of service and stay at home, and then add the House provision as an amendment to the Senate committee amendment, so as to provide that if, instead of staying at home, he went to the front and his family were dependent and needy we would give them not more than $50 a month to take care of them.

My proposed amendment is to the committee amendment, so that it would leave the situation simply this, that those in the National Guard who have families dependent upon them, if they do not desire to go, would not be compelled to go. That is the Senate committee amendment. To that would be added the provision that those who have families dependent upon them and who did go could receive $50 a month for the support of their families.

Mr. HITCHCOCK. Mr. President——

Mr. LEWIS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. HITCHCOCK. I desire to make an inquiry. I desire to ask whether this question is divisible, whether we can in a proper parliamentary way first vote upon the amendment of the committee to strike out the House provision?

The VICE PRESIDENT. The Chair has already ruled that it is not divisible. It is a question of striking out and inserting, and there can be no separate vote on it under Rule XVIII.

Mr. SMITH of Georgia. Mr. President, I should like to say one word more about my proposed amendment, so that everybody can understand it, and then I am not going to detain the Senate for a speech.

There have been a number of suggestions that we ought not to compel these men to go to the front if their families are dependent upon them. There have been a number of suggestions that if they do go and leave families not able to care for themselves, they ought to have something from the Government for their support. The amendment which I propose at the close of the Senate committee substitute is simply to add to it the provision that if they do actually go and leave their families at home dependent and needy they can have $50 a month, or such part of it as is necessary.

Mr. BORAH. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator.

Mr. BORAH. In what respect does the Senator's proposition differ from the proposition of the Senator from Illinois?

Mr. SMITH of Georgia. It differs in this respect: The Senator from Illinois proposed to amend both section 2 as passed by the House and section 2 as reported by the Senate committee. He did not offer the House provision as an amendment to the Senate provision. The difficulty about that situation was that it left us where we should finally vote for the Senate committee amendment or substitute, with the House provision killed. We strike out the House provision and accept the Senate amendment. I have simply undertaken to tie the House provision to the Senate substitute.

Mr. STONE. Mr. President, before the Senator takes his seat, it seems to me he merely reverses the order. As I understood, the Senator from Illinois proposed to add the amendment proposed by the Senate committee to section 2 as reported by the House, after amending the section as the House put it in. Now the Senator from Georgia simply reverses it, and proposes to add section 2 of the House bill to the amendment proposed by the Senate committee. In other words, instead of putting, as the Senator from Illinois proposed, the proposal reported by the Military Affairs Committee of the Senate as an amendment to the House proposition, the Senator would take the House proposition and attach it to that proposed by the Military Affairs Committee.

Mr. SMITH of Georgia. As I understood the Chair, the Chair held that the amendments offered by the Senator from Illinois had been rejected.

The VICE PRESIDENT. They were.

Mr. SMITH of Georgia. The Chair did not put an amendment by the Senator from Illinois, tying these two sections together. I understood that that was the purpose of the Senator from Illinois; and I want to say that in the amendment I offer I am simply proposing to carry out what I understood was the purpose of the Senator from Illinois; and it was because the Chair put what he said were all of the amendments offered by the Senator from Illinois, and did not put the one suggested by the Senator from Missouri, that I proposed this additional amendment. So far as I am concerned, I would just as lief it should start with the House bill, and that we should amend that by saying "*And provided further,*" and add the Senate amendment.

Mr. HITCHCOCK. I think that would be a better form, Mr. President.

Mr. SMITH of Georgia. Just one word further. The only reason why I thought it would be better to take the Senate amendment was that it provides for releasing them, and then the House amendment takes care of them if they go. I take them in the chronological order in which they would act. For practical purposes it would be exactly the same thing; and if the Chair recognizes the fact that there is still an amendment pending from the Senator from Illinois to add "*And provided further,*" section 2, embodying the Senator's amendment, to the section which was the House bill, then I do not offer any amendment, and desire to support the amendment of the Senator from Illinois.

Mr. LEWIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. LEWIS. My parliamentary inquiry is this—I seek information, and do not assume to criticize: I did not at any time hear the proposition submitted to the Senate, as was my intention, of substituting section 2 of the House for the one of the Senate and adding that to the one of the Senate touching the question of exemption on the part of the soldier. The only thing I heard was that the Vice President submitted the question of those amendments where I changed "one million" to "two million," and then gave the National Guard the benefit of this provision, which applies to the Army. But I did not hear at any time that there was submitted the proposition which it was my object to propose, namely, having the provision of the House substituted and added as an amendment to the present resolution.

The VICE PRESIDENT. The Chair has been of the opinion that where a proposition comes before the Senate to strike out and to insert, the rules of the Senate require that the portion to be stricken out shall be first amended, and then the portion to be inserted shall be amended, and then the vote shall be had upon the question. There is not the slightest trouble about the parliamentary situation if the Senate really knows what it wants to do. That is, if the Senate wants both of these amend-

ments in this bill, it should vote down the motion to strike out and insert, which leaves the original section in the bill, and then it is competent for any Senator to offer the amendment to the bill. There is not the least trouble in the world about it.

Mr. WILLIAMS. Mr. President, if I understood the amendment of the Senator from Georgia it amounts to this: That if the man in the National Guard finds it to his financial interest to go on and serve, he shall go on and serve, and collect $50 a month for his family; and if he finds it not to his financial interest to go on and serve, he shall not go on and serve.

Mr. GORE. It is a pure matter of mathematics.

Mr. WILLIAMS. As suggested by the Senator from Oklahoma, it seems to be purely a matter of mathematics, at the expense of the United States Treasury and in favor of the man who is taking his choice. It seems to me that some little element of public service ought to enter into this proposition, and that providing, in the first place, that the man could retire if he wanted to upon his own application, as the Senate amendment provides, and then providing, that if he did not retire on his own application, his negative volition being as free as his affirmative volition, he should collect from the United States Treasury $50 a month, is a good deal like the old story of the Indian who told the white man that he found that the white man got turkey both ways and the Indian did not get turkey any way you put it. It seems to me that it ought to be one way or the other.

Mr. GORE. That is it—not load the dice.

Mr. WILLIAMS. If you think you want to vote to the men who have dependent families $50 a month, then the men who are not willing to make the application ought to have the $50 a month as well as the men who are willing to make it. If you are going to leave the volition not a joint volition, and not a volition in the Government, but a volition in the men, and the man is to determine it by simply consulting his commercial prospects, it seems to me that is worse than either proposition that has been presented by either side from either standpoint.

Mr. LODGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Massachusetts will state it.

Mr. LODGE. It may have been covered by what the Chair just said, but I did not hear it distinctly.

The motion is to strike out and insert. The Senator from Georgia now proposes to take the portion proposed to be stricken out and add it as an amendment to the insertion. I should like to ask whether, under general parliamentary procedure and our rules, it is not necessary to decide first whether the Senate will strike out a particular paragraph containing particular language and insert another paragraph. The amendment of the Senator from Georgia can be offered in the Senate after this has been decided by the Senate.

The VICE PRESIDENT. That is what the Chair intended to rule. It does not preclude the Senator from Georgia from accomplishing his purpose.

Mr. SMITH of Georgia. But, Mr. President, have I not the right now to offer anything I see fit as an amendment to the Senate substitute? Have we not now the right to consider, before we vote between the Senate substitute and the House provision, what we desire to add to the Senate substitute? If we desire to add to the Senate substitute all that the Senate substitute wishes to strike out, combining both, adopting both, I know of no technical parliamentary rule that should keep us from freely exercising our judgment.

Mr. LODGE. Mr. President, it seems to me perfectly clear that you can not, under one motion, move to strike out a paragraph and then move to insert the same paragraph. This is a motion to strike out one paragraph and insert the same paragraph. I am not speaking of the insertion moved by the committee, of course; but this is a motion to insert what the motion is to strike out. I do not think it can be done, and it produces endless confusion.

The VICE PRESIDENT. The suggestion of the Senator from Georgia is not a suggestion by which he proposes to amend the part to be stricken out at all.

Mr. LODGE. No.

The VICE PRESIDENT. The Senator is not seeking to amend the part to be stricken out. He is seeking to add to the part to be stricken out that which the committee has reported shall be inserted. The rights of the Senator from Georgia are not foreclosed. If the part to be inserted is voted down, then the part to be stricken out remains in the bill, and the Senator from Georgia can then offer his amendment.

Mr. SMITH of Georgia. But, Mr. President, there might be some of us who would prefer to vote for the Senate substitute unless we can retain both. If we are to have but one, we prefer the Senate substitute; but we really prefer the Senate substitute and the House provision both combined.

Now, then, I suggest another mode by which we can reach it, which I thought the Senator from Illinois [Mr. LEWIS] presented before but which the Chair did not submit—to amend section 2, which it is proposed to strike out by adding "*And provided further*," and then adding the proposed substitute of the committee. That gives us the same thing. We certainly can amend the part proposed to be stricken out, before we vote as to whether or not we will strike it out, by adding anything we see fit.

Therefore I change my motion, and I make my motion to meet what I understand to be the ruling of the Chair. It is to add, at the close of section 2 of the House provision, "*And provided further*," embracing in the "*Provided further*" all of the Senate committee substitute.

Mr. REED. On that proposal I ask for the yeas and nays.

Mr. LEE of Maryland. Mr. President, I want to see if I understand the parliamentary situation, namely, that it is proposed to strike out the House provision——

SEVERAL SENATORS. No, no!

Mr. LEE of Maryland. And to insert in lieu of that which is stricken out the Senate substitute?

Mr. SMITH of Georgia. Not at all.

Mr. LEE of Maryland. I withdraw the inquiry.

The VICE PRESIDENT. The request for the yeas and nays has been made. Is the request seconded?

Mr. ASHURST. I call for the yeas and nays. Let us vote.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, what is the question we are voting upon?

The VICE PRESIDENT. The Chair does not know.

The SECRETARY. It is proposed to amend the part proposed to be stricken out by inserting at the end thereof the following words:

And provided further, That when any member of the National Guard—

And then follows the words printed in italics on page 3, as suggested to be inserted by the Committee on Military Affairs.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry. The net effect of what has been stated is that section 2 of the House joint resolution remains intact and the proposal of the committee printed on page 3 is added to it as a proviso, is it not?

The VICE PRESIDENT. That is correct.

Mr. LEE of Maryland. As I understand the situation, the proposition to maintain the dependents will stand; but the most vicious portion of the Senate committee's proposition also is to stand, namely, to demoralize the National Guard army on its way to the front by giving leave to 25 per cent, if necessary, of its personnel to be honorably discharged and 50 per cent of its noncommissioned officers to be honorably discharged.

Mr. GALLINGER. Let us have a vote.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. LODGE. What is the question? Is this roll call on the motion of the Senator from Georgia to add?

The VICE PRESIDENT. This is on the motion of the Senator from Georgia to add to the House text section 2.

Mr. LODGE. Then we will be allowed to vote on the motion to strike out?

The VICE PRESIDENT. That will come later. Let us get through with this.

Mr. GALLINGER. Let the roll be called.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I am paired with the senior Senator from Delaware [Mr. DU PONT], but I understand that if he were here and at liberty to vote he would vote as I do. I vote "nay."

Mr. MARTINE of New Jersey (when Mr. CHILTON's name was called). I desire to announce that the senior Senator from West Virginia [Mr. CHILTON] is paired with the senior Senator from New Mexico [Mr. FALL].

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH]. For that reason I withhold my vote. If he were present and I had the right to vote, I would vote "nay."

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. I am advised that if he were present he would vote as I would, and I therefore take the liberty of voting. I vote "nay."

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from New York [Mr. WADSWORTH].

I am not able to make a transfer and therefore withhold my vote.

Mr. JAMES (when his name was called). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "yea."

Mr. REED (when his name was called). I have a pair with the senior Senator from Michigan [Mr. SMITH]. I have been unable to obtain a transfer and therefore can not vote. If I were at liberty to vote, I would vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). As stated, the senior Senator from Michigan [Mr. SMITH] is absent but is paired with the junior Senator from Missouri [Mr. REED].

Mr. THOMAS (when his name was called). I transfer my general pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and will vote. I vote "yea."

Mr. BANKHEAD (when Mr. UNDERWOOD'S name was called). My colleague [Mr. UNDERWOOD] is absent on account of the death of his brother. I wish this announcement to stand until he returns.

Mr. LODGE (when Mr. WEEKS'S name was called). My colleague [Mr. WEEKS] is unavoidably absent. He is paired with the Senator from Kentucky [Mr. JAMES], as has already been announced.

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I am informed by his colleague that if he were present he would vote as I am about to vote. I therefore vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. LEA of Tennessee. I was requested to announce that the Senator from Oklahoma [Mr. OWEN] is absent and is paired with the Senator from New Mexico [Mr. CATRON].

Mr. CURTIS. I was requested to announce that the Senator from New Mexico [Mr. FALL] is paired with the Senator from West Virginia [Mr. CHILTON].

The result was announced—yeas 17, nays 58, as follows:

YEAS—17.

Ashurst	Johnson, S. Dak.	Myers	Thompson
Culberson	Kern	Pittman	Tillman
Hitchcock	La Follette	Shafroth	
Husting	Lane	Smith, Ga.	
James	Lewis	Taggart	

NAYS—58.

Bankhead	Gore	Newlands	Smith, Ariz.
Beckham	Gronna	Norris	Smoot
Borah	Harding	O'Gorman	Sterling
Brady	Hardwick	Oliver	Stone
Brandegee	Johnson, Me.	Overman	Sutherland
Bryan	Jones	Page	Swanson
Chamberlain	Kenyon	Phelan	Thomas
Clapp	Lea, Tenn.	Poindexter	Townsend
Clark, Wyo.	Lee, Md.	Pomerene	Vardaman
Clarke, Ark.	Lippitt	Ransdell	Walsh
Cummins	Lodge	Saulsbury	Warren
Curtis	McLean	Sheppard	Williams
Dillingham	Martin, Va.	Sherman	Works
Fletcher	Martine, N. J.	Shields	
Gallinger	Nelson	Simmons	

NOT VOTING—20

Broussard	Fall	Owen	Smith, Mich.
Catron	Goff	Penrose	Smith, S. C.
Chilton	Hollis	Reed	Underwood
Colt	Hughes	Robinson	Wadsworth
du Pont	McCumber	Smith, Md.	Weeks

So the amendment of Mr. SMITH of Georgia to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the motion to strike out and insert.

Mr. REED. As I understand the parliamentary situation is this, and I want if I am correct to have it verified at the desk. If we now defeat the motion to strike out and substitute, the House provision will then stand, so that a vote now on the motion to strike out and substitute is in fact a vote in favor of the House proposition.

The VICE PRESIDENT. A vote "nay" is in favor of keeping the House provision in and a vote "yea" to strike it out.

Mr. LANE. Is it in order to offer an amendment to the amendment at this time?

The VICE PRESIDENT. An amendment to the amendment is in order.

Mr. LANE. Then I offer it. It will relieve these volunteers, these National Guardsmen, from any suspicion of cowardice or any reflection on them by merely striking out the words at the end of line 10, "upon his application," on page 3; and then again on line 12 there is a like application. That leaves it entirely in the hands of the Secretary of War to excuse them if they are meritorious cases, and have families dependent on them, as they do in the Regular Army.

I am perfectly willing, and I think we ought, to provide for the families in some way, or allow the soldier to stay at home and take care of his family. I know of one instance where a man is earning $75 a month, and he has a wife and two children. He goes on this excursion down into Mexico and receives $15 a month, which will not be sufficient to pay house rent for his family. That should not be the case. If he does go and puts his life at stake, his family should be taken care of at least to the extent that is necessary so that they do not suffer.

I do not know how many gentlemen here ever heard Winchester bullets whizzing around their heads. I have been out in the woods with very enthusiastic hunters, and moving in the brush, and they thought it was a catamount, a wolf, or a deer, and they sent the Winchester bullets after what they thought was the catamount, the wolf, or the deer, but it was my head. I did not like it; and I would not take a price of $500,000 for the chance if it is put on the ground of the worth of the money. The man who is shot at we ought to give consideration to.

I offer that as an amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the part proposed to be inserted by the committee, on page 3, lines 10 and 11, strike out the words "upon his own application," and, in line 12, strike out the words "upon a like application."

Mr. CHAMBERLAIN. As far as I may be able to do so, I am willing to accept that amendment.

Mr. OLIVER. That forces the married man out of the Army whether he wants to go or not.

Mr. CHAMBERLAIN. It is to be under the rules and regulations to be prescribed by the Secretary of War.

Mr. NORRIS. Mr. President, I can not understand why the Senator from Pennsylvania should object to that amendment. At least the reason he gave, as I understand it, it seems to me would not apply. If those words are stricken out the application must be made by the wife or the mother or the father or other party interested, and under rules and regulations of the Secretary of War the soldiers can be discharged without application having been made by the soldier. That is the only effect of it.

Mr. LIPPITT. I should like to ask the Senator from Nebraska if it would not be possible under his theory of the paragraph, as it would then stand, for the wife or the daughter to force him out of the Army without the soldier himself wanting to go?

Mr. NORRIS. No; not by any means. The Secretary of War passes on it practically under the application made.

Mr. LIPPITT. It is probable that the soldier, in case such application is made, will himself not want to go out.

Mr. NORRIS. No; the Secretary of War can take into consideration the evidence of the case. It might be that the soldier would have——

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. Not now, until I can be heard. The Senator himself has not heard me. The soldier might be glad to get out, and yet it might be embarrassing for him to make the application himself. He may not want to do it. It seems to me that striking out this language will still permit the Secretary of War to make the rules and regulations he sees fit, and it will be still up to the Secretary of War to pass upon it. He might discharge a man where the man himself did not want to be discharged, if under all the circumstances he thought the man ought to be at home supporting his family instead of in the Army.

Mr. WILLIAMS. Mr. President, I have listened with a good deal of attention to the suggestions made by the Senator from Pennsylvania [Mr. OLIVER] and by the Senator from Nebraska [Mr. NORRIS], and since then I have talked with the Senator from Oregon [Mr. CHAMBERLAIN]. I think the entire difficulty can be obviated by changing the language of the amendment

offered by the Senator from Oregon [Mr. LANE], so that it shall read:

Under such application as shall be prescribed by the Secretary of War.

The Senator from Oregon tells me that he is willing to change the language of the amendment so that it will read, instead of striking out the words about application:

Under such application as shall be prescribed by the Secretary of War.

That will prevent a man from being discharged by an overanxious wife or an overanxious mother or an overanxious sister against his own will.

Mr. NORRIS. There might be a case where that ought to be done.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment as modified.

The amendment to the amendment was rejected.

Mr. WALSH. Mr. President, I am quite in sympathy with the House provision. It has been debated here, and I think very properly, from a consideration of the obligation due from the Nation to the wife and the children of the enlisted man. No one has arisen to say one word in favor of the last clause of section 2, namely:

And the word "family" shall include wife, dependent mothers, fathers, and sisters, as well as brothers under the age of 14 years.

I apprehend that under that clause not 15 per cent of the guard will be embraced, but 60 per cent and 75 per cent may easily fall under its provision. I move that that language be stricken out.

The VICE PRESIDENT. Where does it begin?

Mr. WALSH. Commencing with the word "and" in line 24.

The SECRETARY. Strike out the words beginning in line 13—

And the word "family" shall include wife, dependent mothers, fathers, and sisters, as well as brothers under the age of 14 years.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana. [Putting the question.] The noes seem to have it.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. WALSH. I will state that a misapprehension arises. The Secretary read my amendment as an amendment to the Senate committee's substitute for the House provision. My amendment was addressed to the House provision commencing with the word "and" in line 24.

The VICE PRESIDENT. It will be again stated.

The SECRETARY. In the part proposed to be stricken out, on page 2, line 24, strike out the words:

And the word "family" shall include wife, dependent mothers, fathers, and sisters, as well as brothers under the age of 14 years.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the motion to strike out and insert.

Mr. HITCHCOCK. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). With the same announcement that I made on the last vote, I vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. SMITH] and withhold my vote.

Mr. HARDING (when his name was called). Repeating the previous announcement of my pair and its transfer, I vote "yea."

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from New York [Mr. WADSWORTH]. If at liberty to vote, I would vote "nay."

Mr. JAMES (when his name was called). I transfer my pair as upon the last roll call. I vote "nay."

Mr. REED (when his name was called). I am paired with the Senator from Michigan [Mr. SMITH]. I have undertaken to ascertain what his vote would be if he were present, but I have not been able to do so. I therefore feel bound by my pair. If at liberty to vote, I should vote "nay"; but, under the circumstances, I can not vote.

Mr. SAULSBURY (when his name was called). Making the same announcement of the transfer of my pair as previously, I vote "yea."

Mr. THOMAS (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE]. Understanding that if he were present he would vote "yea," I therefore vote "yea," considering myself released from the pair.

The roll call was concluded.

Mr. LEA of Tennessee. I was requested to announce the pair of the Senator from Oklahoma [Mr. OWEN] with the Senator from New Mexico [Mr. CATRON].

Mr. DILLINGHAM. I transfer my pair with the Senator from Maryland [Mr. SMITH] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "yea."

Mr. MARTINE of New Jersey. I desire again to announce the pair existing between the Senator from West Virginia [Mr. CHILTON] and the Senator from New Mexico [Mr. FALL].

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. MARTINE of New Jersey. I have been requested to announce the pair existing between the Senator from South Carolina [Mr. TILLMAN] and the Senator from West Virginia [Mr. GOFF].

The result was announced—yeas 45, nays 30, as follows:

YEAS—45.

Bankhead	Gallinger	O'Gorman	Stone
Beckham	Gore	Oliver	Sutherland
Borah	Harding	Overman	Swanson
Brady	Hardwick	Page	Thomas
Brandegee	Jones	Ransdell	Townsend
Bryan	Lea, Tenn.	Saulsbury	Vardaman
Chamberlain	Lippitt	Sheppard	Warren
Clark, Wyo.	Lodge	Shields	Williams
Clarke, Ark.	McLean	Simmons	Works
Curtis	Martin, Va.	Smith, Ariz.	
Dillingham	Nelson	Smoot	
Fletcher	Newlands	Sterling	

NAYS—30.

Ashurst	Johnson, Me.	Martine, N. J.	Shafroth
Clapp	Johnson, S. Dak.	Myers	Sherman
Culberson	Kenyon	Norris	Smith, Ga.
Cummins	Kern	Phelan	Taggart
Gronna	La Follette	Pittman	Thompson
Hitchcock	Lane	Poindexter	Walsh
Husting	Lee, Md.	Pomerene	
James	Lewis	Reed	

NOT VOTING—20.

Broussard	Fall	Owen	Smith, S. C.
Catron	Goff	Penrose	Tillman
Chilton	Hollis	Robinson	Underwood
Colt	Hughes	Smith, Md.	Wadsworth
du Pont	McCumber	Smith, Mich.	Weeks

So the amendment of the committee was agreed to.

The VICE PRESIDENT. The next amendment proposed by the committee will be stated.

The SECRETARY. In section 3, page 3, line 24, it is proposed, after the words "pursuant to," to strike out "section 1" and to insert "the provisions," so as to read: "Pursuant to the provisions of this joint resolution."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Committee on Military Affairs will be stated.

The SECRETARY. In section 4, page 4, line 15, after the word "Senate," it is proposed to insert the following proviso:

Provided, That vacancies incident to the appointment of officers of the Regular Army to the positions in the drafted forces may be filled under the provisions of section 8 of the act of April 25, 1914.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, in section 5, page 5, line 16, after the word "this" to strike out "article," and insert "resolution," so as to make the section read:

SEC. 5. That whenever in time of war or public danger or during the emergency declared in section 1 of this resolution, two or more officers of the same grade are on duty in the same field, department, or command, or organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers of the same grade shall rank and have precedence in the following order without regard to date of rank or commission as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, officers of forces drafted into the military service of the United States: *Provided*, That officers of the Regular Army holding commissions in forces drafted into the service of the United States shall rank and have precedence under said commissions as if they were commissioned in the Regular Army; but the rank of officers of the Regular Army under their commissions in the forces drafted into the service of the United States shall not for the purpose of this resolution be held to antedate muster or draft into the service of the United States.

The amendment was agreed to.

The VICE PRESIDENT. The joint resolution is still before the Senate as in Committee of the Whole, and is open to further amendment.

Mr. CLARK of Wyoming. Mr. President, I hesitate to offer amendments at this hour in the evening, but I feel impelled to

offer two or three amendments to section 1 of the joint resolution. I do this because the section as written seems to be based on section 111 of the act approved June 3, 1916. I wish to move an amendment, because section 1, as written in this joint resolution, is not only inconsistent with the section of the act of June 3, 1916, but is absolutely antagonistic to it. That will be seen at a glance. The period of enlistment, for instance, is definitely defined in the act of June 3, 1916, and is different from that prescribed in section 1 of this joint resolution. I therefore propose an amendment that will leave the President full authority to call out these troops, but does not base that authority in words upon section 111 of the act of June 3. Therefore, as the first amendment, I move to strike out all after the word "That," in line 3, on page 1, down to and including the word "that," in line 6, page 1.

The VICE PRESIDENT. The amendment offered by the Senator from Wyoming will be stated.

The SECRETARY. In section 1, page 1, line 3, after the word "That," it is proposed to strike out the following words:

In the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and that.

So that it will read:

That the President be, and he is hereby, authorized to draft into the military service of the United States—

And so forth.

Mr. CHAMBERLAIN. So far as I am concerned, I can see no objection to the amendment. The Senator from Wyoming showed the amendment to me this morning before submitting it. The other amendments he intends to propose are along the same line. They leave the President with authority just the same.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. CLARK of Wyoming. Now, Mr. President, on page 2, after the word "States," in line 1, I move to strike out the remainder of line 1 and all of lines 2, 3, and 4.

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. In section 1, on page 2, line 1, after the word "States," it is proposed to strike out the following words:

Under the provisions of section 111 of the national defense act approved June 3, 1916, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof.

Mr. CHAMBERLAIN. I have the same statement to make with reference to that amendment that I made concerning the one last offered by the Senator from Wyoming.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. CLARK of Wyoming. Then, on page 2, line 9, I move to strike out the words "the period of emergency," so that it will read "to serve for not exceeding three years, unless sooner discharged."

The words "not exceeding three years," which were proposed to be stricken out by the committee, have, as I understand, been restored.

Mr. REED. Mr. President, am I to understand that the chairman of the committee accepts that amendment?

Mr. CHAMBERLAIN. Yes; it is part of the same proposition.

Mr. REED. Mr. President, if that amendment is accepted, these men will be mustered into the service and be held in the service for three years.

Mr. LA FOLLETTE. For not exceeding three years.

Mr. CHAMBERLAIN. Not exceeding three years.

Mr. CLARK of Wyoming. Not exceeding three years.

Mr. REED. If they are not to be released, they can be held whether there is war or peace; whether there is an emergency or no emergency. We propose simply to force the members of the National Guard into the Army, to remain there for a term of three years.

Mr. CHAMBERLAIN. I think the Senator from Missouri is mistaken about that. The members of the National Guard are already enlisted for a period of three years under the provisions of State laws generally.

Mr. REED. Yes; but they have not been drafted into the Regular Army, as is proposed to be done here in this joint resolution.

Mr. CHAMBERLAIN. Let me say a word to the Senator from Missouri in answer to that suggestion. So far as I was personally concerned I was perfectly willing to leave in the joint resolution the language, "the period of the emergency," but some think that the trouble down in Mexico may last very much longer than three years. Then, if the period of enlistment is left uncertain, those troops may remain down there for five or six or seven years.

Mr. REED. But, Mr. President, we can limit the period of enlistment to three years, and yet we can relieve these men before the expiration of the three years if the emergency ceases to exist. If the emergency does exist for three years they will have to serve for three years, but if it is all over——

Mr. CLARK of Wyoming. Will the Senator from Missouri allow me to interrupt him?

Mr. REED. When I have finished the sentence I shall do so. If the emergency is all over within six months, I do not want these men to be forced to stay in the Army of the United States, and if you undertake to do that you will have some serious trouble on hand.

Mr. CLARK of Wyoming. If the Senator will pardon me for just a moment, if he is fearful that any administration or any President of the United States would continue the militia in the regular service after the time their services were required—if the Senator holds that view I am perfectly willing to withdraw the amendment which I have proposed, and I do withdraw it.

Mr. REED. I have the view that that is possible. Therefore I object to the amendment.

Mr. CLARK of Wyoming. I withdraw the amendment.

Mr. CUMMINS. Mr. President, before the Senator from Wyoming takes his seat I desire to say that this matter is disposed of by section 111 of the military reorganization law. We are not proposing, as I understand, to repeal that section or to modify it.

Mr. CLARK of Wyoming. Not at all.

Mr. CUMMINS. Well, section 111 provides that they shall be drafted during the period of the war.

Mr. CLARK of Wyoming. Exactly so.

Mr. CUMMINS. And not during a period of emergency——

Mr. CLARK of Wyoming. That is exactly so.

Mr. CUMMINS. But during the period of the war.

Mr. REED. Well, "war" and "emergency" must certainly be understood to be synonymous under the terms of the joint resolution.

Mr. CUMMINS. I do not know; I will not attempt to determine whether we have a war with Mexico or not, but, at any rate, the power to draft is limited to the period of the war.

Mr. CURTIS. Mr. President, on page 1, line 7, I move to strike out the word "draft" and insert in lieu thereof the word "call."

Mr. CHAMBERLAIN. I think we have followed the language of the act of June 3, 1916, and I hope the Senator will not seek to change the language here.

Mr. CURTIS. These men have volunteered. There is no use of employing the word "draft." I think we ought to change it and substitute the word "call," so that the President may "call" the National Guard if necessary.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas, which the Secretary will state.

The SECRETARY. On page 1, line 7, after the words "authorized to," it is proposed to strike out "draft" and to insert the word "call."

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, as I understand, the words in line 9, on page 2, "not exceeding three years," which are stricken out in the printed bill, have been restored.

Mr. CHAMBERLAIN. Yes, sir.

Mr. LA FOLLETTE. Now, I move to insert, after the word "years," the following:

And in any event not longer than during the period of actual hostilities.

Mr. VARDAMAN. Mr. President, I desire to ask the Senator from Wisconsin if the expression "actual hostilities" means while the fighting is going on? The Senator will recall that in 1899 the troops were kept in Cuba for some time after actual fighting had ceased pending the consideration of the treaty of peace. Troops would be needed under circumstances of that character, it seems to me.

Mr. LA FOLLETTE. Well, Mr. President, I should like to see their service terminated when hostilities actually cease.

Mr. VARDAMAN. I should like to see that myself.

Mr. LA FOLLETTE. I think the term is one that will have a very plain meaning, and there will be no difficulty in its interpretation. When peace is concluded, if there should be war, then hostilities will certainly have terminated.

Mr. VARDAMAN. The conclusion of peace, I presume, will be upon the signing of a treaty. I think the question is of such

importance that it would be well to be sure that no mistake is made.

Mr. BRANDEGEE. Mr. President, "for the period of the war" I think would be an accurate term, but I agree with the Senator from Mississippi [Mr. VARDAMAN] in thinking that the words suggested by the Senator from Wisconsin [Mr. LA FOLLETTE] "during the period of actual hostilities," would not be a definite term at all to prescribe how long a man who had been drafted was bound to serve. It seems to me that if it means anything different than for the period of the war, its meaning should be made very certain. I can well imagine that should there be a declaration of war before a formal peace should be concluded, there might be quite an extended period of time when actual fighting was not going on, and if our armed forces should prevail I can easily see that they might be required to remain as garrisons and as pacifying forces, although not engaged in actual hostilities. While I would have no objection to any other term, if it could be made accurate, that would effectuate the purpose desired, it seems to me that it is wisest not to put that in, but to leave it "during the period of the war," as the joint resolution already prescribes, "unless sooner discharged," and I assume that no administration would want to keep the militia in the service of the United States any longer than they were actually needed for the purposes of war. Therefore, I hope that the amendment of the Senator from Wisconsin will not prevail.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin.

The amendment was rejected.

Mr. SHERMAN. I desire to offer an amendment, on page 1, line 6, by prefacing before the words "the President," the following:

In the opinion of the Congress of the United States a state of war now exists between the United States of America and the de facto government of Mexico.

Mr. President, we mortals are fond of deluding ourselves with phrases. I am weary, Mr. President, of listening longer to mere words. I shall express myself without reservation on the conditions as they now exist. The word "emergency" is more euphonious than the word "war." I can understand why the word "emergency" should frequently be used, but it does not fit present conditions.

In the press reports given out this morning, which I take to be authentic, the representative of the de facto government of Mexico in this Capital delivered to the proper diplomatic authority of our Government the following communication:

I am directed by my government to inform your excellency, with reference to the Carrizal incident, that the chief executive, through the Mexican war department, gave orders to Gen. Jacinto B. Trevino not to permit American forces from Gen. Pershing's column to advance farther south, nor to move either east or west from the points where they are located, and to oppose new incursions of American soldiers into Mexican territory. These orders were brought by Gen. Trevino to the attention of Gen. Pershing, who acknowledged the receipt of the communication relative thereto. On the 22d instant, as your excellency knows, an American force moved eastward quite far from its base, notwithstanding the above orders, and was engaged by Mexican troops at Carrizal, State of Chihuahua. As a result of the encounter, several men on both sides were killed and wounded and 17 American soldiers were made prisoners.

The Government of the United States, in response to this note, uses the following language:

I am instructed, therefore, by my Government to demand the immediate release of the prisoners taken in the encounter at Carrizal, together with any property of the United States taken with them, and to inform you that the Government of the United States expects an early statement from your government as to the course of action it wishes the Government of the United States to understand it has determined upon, and that it also expects that this statement be made through the usual diplomatic channels and not through subordinate military commanders.

After our men are shot, after we are forbidden to proceed to any point of the compass except due north, we have from our Chief Executive authority of this Government a request to the de facto government of Mexico to declare its intention. After I am slapped in the face, after my neighbors are shot, I cease to inquire from the assailant what his intentions are. I begin to entertain convictions he is engaged in hostilities. It is the height of diplomatic folly, the very acme of idiocy, as I look at it, from a governmental point of view, to go longer upon the idea that a mere emergency exists. If what has occurred in Mexico is an emergency merely, actual hostilities are become impossible.

Mr. President, what is a state of war? What can be done to make war? I suppose in diplomatic parlance, based upon the events of the last three years, it is simply the act of some individual against another individual. The de facto government of Mexico is engaged in making war upon some individual Americans who do not move to the point of the compass desired by the de facto government.

I am tired of this inane folly. Does Congress know what it is here for? Does the Senate understand what its powers are in this alleged emergency? The eighth section of Article I of the Constitution of the United States says that Congress has the power to declare war. We are declaring everything except what it is our sovereign duty now to declare. We are ambling placidly along, talking about everything except what actually exists.

For three and a half years, Mr. President, we have trusted the Executive to manage the Mexican imbroglio. What it has produced is known without my recital. It has produced a policy of "watchful waiting." It has produced missions to Mexico by unknown and uncredited diplomatic agents. It has produced a messenger to the border to deal with Villa, who was once a trusted friend of the administration, another to deal with Carranza, another to communicate the displeasure of this Government to Huerta at an earlier time, and to inform him that he was persona non grata in his own country. We were told that his title as either a legal or a de facto ruler was open to question; that he had been guilty of bloodshed; that he connived at the assassination of Madero. The President upon one occasion said that he had procured his information from members of the Ananias Club. I forbear to use the harsh phrase used by him in a public address. I can only diplomatically and in a parliamentary sense say that it seems from his conduct that he must have obtained it from some such source, if we are to measure the course of affairs by the ordinary diplomatic or war powers of any sovereign government.

I wish to remind the Senate, Mr. President, that on the 22d day of last March I introduced a resolution authorizing the President to call for 50,000 troops for use in this exact condition that has now presented itself to our country.

The senior Senator from Missouri [Mr. STONE] took occasion to make merry upon my lack of military knowledge and to inquire if I set myself up as an authority against the distinguished gentlemen who were in charge of the War Department or immediately connected with the Chief Executive. I did not pretend to do so, but I did pretend to have some of the ordinary instincts of prudence that belong to a sane and reasonable man. I am still laboring under that belief, possibly, Mr. President; but that resolution lies untouched upon the table of the Senate. For three months it has slumbered; and now Gen. Pershing is more than 400 miles from the border, surrounded by a hostile foe, with a country in arms, with his base of supplies liable to be cut off, and with an insufficient force to guard his rear or keep his communications open with this country. I was ridiculed at the time. I have a right to remind those who speak for and control the majority in this Chamber what I then said. It is in no spirit of exaltation for myself that I recur to it, Mr. President; but I expressed my fears at that time, and they are found in the CONGRESSIONAL RECORD of that date.

Three months! What are they worth? A good deal. State militia of many States are now in camp. Are they drilled? No. Are they supplied with arms? No. Is there ammunition? No. Have the Cavalry regiments horses? No. Have they even horseshoers? No. With 7,000 men available in my own State, with a Cavalry regiment of 900 somewhat seasoned men, more than the average, they can not to-day get a horseshoer. A horseshoer is just as important to Cavalry as a well-shod foot is to the Infantry. Three months! How long did Kitchener say it took to drill an army? One year. Six months is the minimum period in which a raw recruit can be converted into a soldier fit to go on the field of battle.

What has happened? Three months of inaction; three months of "watchful waiting"; three months of lost time. To-day we have the Pershing expedition across the Mexican border, and there is not a soldier outside of the Regular Army fit for that service. They are not acclimated. They have not been inured to actual service. To obtain those soldiers we are withdrawing our men from coast defenses, from the fixed lines of communication, exposing our flank to an enemy seeking advantage, from all the places where the forces ought to remain. The world is in arms. We alone preserve a fictitious peace. We have sold to the world our war supplies, we have stripped our markets to create an export trade to bolster up a vicious economic policy, and to-day the men in my State who go down into their pockets to raise the money to equip our men with machine guns can not find a machine gun on the market that is purchasable for money. Either that, or the manufacturers tell them they can sell to no branch of the military service without the Government's imperative order. There is not a machine gun after three months of warning,

Mr. President. There is not an Aviation Corps after three months of warning. The machine gun is the outpost of quick defense for an army, and the flying squadron in the air is the eyes of an advanced army; and yet not one of them do we have more than we had three months ago. This is preparedness! We have wallowed in rhetoric, and waved the flag, and promptly gone to sleep on the picket line. We want less parade and more shoes, and horse sense.

This is "watchful waiting." This is American preparedness. This is the way we always muddle through, and every time we have muddled through it has been at the cost of my neighbors' boys' lives, in my lifetime. It has been at the expense of quick, efficient action. Here we are again—the same old story—and I charge deliberately the blunder that is worse than a crime charged against those in the conduct of this affair that have slumbered upon their duties for three long months, neglecting or refusing to be ready to push an expedition across the line and into the interior to clean northern Mexico as it has deserved and needed for more than three long years.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Arizona?

Mr. SHERMAN. I do.

Mr. ASHURST. I am called out on a very important matter, and I want to vote this evening.

Mr. CHAMBERLAIN. I hope we may.

Mr. SHERMAN. I prefer to conclude.

Mr. ASHURST. I want to vote.

Mr. SHERMAN. Mr. President, I shall read the following:

The lack of machine guns means the death of American soldiers. To send our men into the field without them is nothing less than a Government crime.

A group of Chicago's public-spirited citizens have determined that this crime shall not be perpetrated if they can help it. As a result of the prompt and generous action of a committee consisting of Charles Gates Dawes, J. Ogden Armour, Julius Rosenwald, James A. Patten, Samuel Insull, and A. J. Earling, the first steps to prevent it have been taken. The first step, in the absence of action by the Government, is to provide money. These men have subscribed enough money for 20 machine guns.

The next thing is to get them. The manufacturers are willing to provide them, but their entire output for months ahead is contracted for use in the European war.

This constitutes an emergency. It can be met only by the Government. It is up to the President and Congress to meet it. The national need is paramount. An agreement for immediate delivery can be arranged through diplomatic channels.

There is one way in which they can be had. If this be a declaration of war, and not a mere declaration of an emergency, then the Government possesses the sovereign power to commandeer the manufacturers and take the required number of machine guns to equip our troops.

This is a problem that can not be shirked. Machine guns mean American lives. Every life lost in Mexico because of the Government's culpable failure to make provision for this emergency will be chargeable directly to the administration and to Congress.

I have read an editorial from the Chicago Tribune of recent date. I should be derelict in the performance of a duty did I not call attention, in closing, to the fact that the resolution has slumbered on the table for three months while we have walked in the imprudent man's paradise, hoping and thinking that the usual luck of our country would extricate us from the trouble.

Only the lateness of the hour prevents me from an extended review of the situation. I will reserve that for some opportune time, and then incorporate in the CONGRESSIONAL RECORD the details of the steps that I think mark the most disgraceful era in the diplomatic history of our Republic.

Mr. STONE. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. CHAMBERLAIN. I move to lay the amendment on the table.

The VICE PRESIDENT. The Senator from Oregon moves to lay the amendment on the table.

Mr. STONE. Mr. President, I thought I had been recognized.

The VICE PRESIDENT. The Senator from Missouri was recognized, but a motion to lay on the table is always in order.

Mr. STONE. I did not know that a Senator could take me off the floor by any means.

The VICE PRESIDENT. The Senator can not be taken off the floor without his consent.

Mr. CHAMBERLAIN. If I have seemed to try to take the Senator off his feet, I most humbly beg his pardon. I did not intend to do that, and did not see that the Senator had risen.

Mr. STONE. I know the Senator did not.

The VICE PRESIDENT. The Senator from Missouri has the floor.

Mr. STONE. I just want to say a word. I rose to make the same motion, but I desire to preface it with a single observation.

The Senator from Illinois stated that on a former occasion I had twitted him because of his lack of military knowledge. With equally good reason I might now twit him with a lack of parliamentary knowledge, or a sense of parliamentary propriety, when he offers what is, in effect, a declaration of war as an amendment to a joint resolution pending before the Senate. I do the Senator the justice of supposing that he really knows better than that, but that he was merely seeking an opportunity to make a political harangue. It is only a few days ago that his ears were delighted with the huzzas of an employed gallery in Chicago, when his name was feebly mentioned as a possible candidate for the Presidency.

Mr. GALLINGER. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state it.

Mr. GALLINGER. I think the rules forbid the criticism of a Senator in the language the Senator from Missouri is using.

Mr. SHERMAN. I have no objections to it. If I can not take care of myself, I will never complain.

Mr. STONE. Well, Mr. President, I do not care to pursue the subject, except I was about to say that this is, of course, but an echo of those influences here to-day.

Mr. President, I renew the motion of the Senator from Oregon to lay this amendment on the table.

The VICE PRESIDENT. The Senator from Missouri moves to lay on the table the amendment of the Senator from Illinois.

The motion was agreed to.

Mr. JOHNSON of South Dakota. Mr. President, I desire to offer, without discussion, the following amendment to the joint resolution:

On page 3, at the bottom of section 2, on line 19, after the word "discharge," I move to insert the following:

That the sum of $1,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under direction of the Secretary of War and under such rules and regulations as he may prescribe, for the purpose of maintaining, at a cost of not more than $35 per month, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge therefrom, which family during the term of service of said enlisted man has no other income, except his pay, adequate for the support of said family; and the word "family" shall include wife, dependent mothers, fathers, and sisters, as well as brothers under the age of 14 years.

Mr. FLETCHER. I make the point of order that that amendment has been voted on.

The VICE PRESIDENT. The point of order is sustained. The amendment is not in order in Committee of the Whole. The bill is in Committee of the Whole and open to further amendment.

Mr. JOHNSON of South Dakota. I ask if the point of order was sustained.

The VICE PRESIDENT. The point of order was sustained because the amendment has been agreed to as in Committee of the Whole and is not subject to further amendment as in Committee of the Whole. The Senator from South Dakota has the right to offer it again in the Senate.

Mr. JOHNSON of South Dakota. I shall offer it at a later date.

Mr. GRONNA. I presume the Senator from South Dakota merely intended to give notice that he would offer this amendment in the Senate.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The VICE PRESIDENT. The Senator from South Dakota presents an amendment, and the question is on agreeing to it. [Putting the question.] The noes seem to have it. The noes have it.

Mr. JOHNSON of South Dakota. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask that the Senate proceed to the consideration of House bill 15836, the sundry civil appropriation bill.

Mr. BANKHEAD. Mr. President——

Mr. MARTIN of Virginia. I understand the Senator from Alabama is willing to temporarily lay aside the Post Office appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS. I move that the Senate adjourn.

Mr. JOHNSON of Maine. May I ask the Senator from Colorado to withdraw that motion until I submit a conference report?

Mr. THOMAS. Very well.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 15, 16, 24, 27, 30, 32, 35, 36, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 31, 33, 34, 38, and 39, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Page 12, line 2, strike out "$20," and insert "$12"; and the Senate agree to the same.

CHARLES F. JOHNSON,
MILES POINDEXTER,
Managers on the part of the Senate.
JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 18, 19, 20, 21, and 23.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 24, 26, and 27, and agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Page 1, line 8, strike out "$36" and insert "$30"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Page 26, line 22, strike out "$50" and insert "$40"; and the Senate agree to the same.

CHARLES F. JOHNSON,
MILES POINDEXTER,
Managers on the part of the Senate.
JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

SUNDRY CIVIL APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN of Virginia. I will state for the information of the Senate that I have no idea of proceeding at any length with the bill to-night, but the Senator from Utah [Mr. SMOOT] will be absent from the city to-morrow, and there are some amendments which he wishes to present. That was my chief object in asking that the Senate remain for a short time to hear his amendments and act upon them.

Mr. SMOOT. I will say to the Senator from Virginia that they will lead to no discussion. The Senator is fully aware of the amendments I intend to offer.

Mr. MARTIN of Virginia. I will say further that, when that is over, I will ask the Senate to take a recess until 10.30 o'clock to-morrow morning.

Mr. GALLINGER. That is a very inopportune hour. The Committee on the District of Columbia is considering that important appropriation bill. The committee meets at 10.30 to-morrow morning. Of course I am just as anxious as is the Senator from Virginia to have the bill considered. I want to help him all I can.

Mr. MARTIN of Virginia. The situation is just this: When the Government purchased the Alaska Railroad they paid $650,000 on account of it and stipulated that they would pay another $650,000 the 1st day of July, 1916. The contract contains a provision forfeiting the $650,000 already paid unless the payment is made by the 1st day of July.

Mr. GALLINGER. I will not make any objection. I am fully satisfied that the District of Columbia appropriation bill will inevitably go over, that we shall not be able to pass it before the fiscal year ends. This bill is, of course, more important in view of what the Senator has stated.

Mr. MARTIN of Virginia. The consequences from the nonpassage of the bill would be so serious that I hope as many Senators as possible will be here to-morrow morning at 10.30 to enable the Senate to dispose of the bill.

I ask that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments, with the exception that the amendments which the Senator from Utah desires to offer may be considered before the committee amendments are taken up, as he will not be here to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. On page 33, line 24, I move to strike out "$3,000,000" and to insert in lieu thereof "$3,025,000, of which sum $25,000 shall be available for the above-named purposes for the fiscal year 1916."

I wish to state briefly the object of the amendment. The custodian forces of the Treasury Department can not be paid longer than day after to-morrow out of the money that is appropriated for them, so the $25,000 is provided for in this amendment. The Assistant Secretary came to the Senate Chamber a short time ago and stated that it would cost within a very few dollars of $25,000, and I have an estimate here that will be printed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. On page 58, after the words "present session," in line 11, I move to insert the following proviso:

Provided further, That the plot of ground west of Ashmead Place and between it and Rock Creek, and the plot of ground west of Twentieth Street NW., and between it and Rock Creek, which were included in the first official map and excluded by the commission from the second map, be, and are hereby, reincluded as a part of the connecting parkway between Potomac Park, the Zoological Park, and Rock Creek Park.

Mr. MARTIN of Virginia. I have no objection to that amendment. I think it is a proper one.

The amendment was agreed to.

Mr. SMOOT. On page 123, under the heading, "National parks," after line 13, I move to insert under the "Department of the Interior, national monuments":

For a proportionate share of the amount required to construct an interstate wagon road or highway through the Mukuntuweap National Monument, Utah, approximately 15 miles, the sum of $15,000.

The amendment was agreed to.

Mr. SMOOT. On page 138, after line 16, I move to insert:

Supreme Court of the United States: For nine law clerks, one for the Chief Justice and one for each Associate Justice, at not exceeding $3,600 each per annum, $32,400.

The amendment was agreed to.

Mr. SMOOT. That is all.

Mr. MARTIN of Virginia. I move that the Senate take a recess until 10.30 to-morrow.

The motion was agreed to; and (at 7 o'clock and 8 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, June 27, 1916, at 10.30 a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 26, 1916.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the author of all good, the dispenser of every gift, the inspiration of every great thought and deed, Thy spirit be in us that we may not only exist, but think and act in accordance with the highest conceptions of truth, that we may meet all the exigencies of life and acquit ourselves like men in every crisis, as individuals and as a Nation, to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of Saturday, June 24, 1916, was read and approved.

MEXICO.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a copy of the note of the Secretary of State to the secretary of foreign relations of the de facto government of Mexico. Some days ago I made that request, and the gentleman from Wisconsin [Mr. STAFFORD] stated that the gentleman from Illinois [Mr. CANNON] had incorporated it in his remarks; but I find from reading his remarks that it was not this note, but the note which the Secretary of State had sent to certain foreign Governments other than Mexico.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to have printed in the RECORD the note of Secretary Lansing, Secretary of State, to the secretary of foreign affairs of the de facto government of Mexico. Is there objection?

There was no objection.

APPLICATION OF THE HOMESTEAD LAW TO ALASKA.

Mr. FERRIS. Mr. Speaker, I call up the bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes, which has passed the Senate with an amendment, covering a slight modification of the bill as it passed the House.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16460, the Army appropriation bill.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] will take the chair. He not being present temporarily, the gentleman from California [Mr. RAKER] will take the chair until he arrives.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, with Mr. RAKER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the Army as guides and scouts, and general prisoners at posts; for subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers and enlisted men of the Army: *Provided*, That the sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard who may be competitors in the national rifle match: *Provided further*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of 40 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment, and general prisoners while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and general prisoners sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 40 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein), to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army: *Provided further*, That the officers and enlisted men of the Navy and the Marine Corps shall be permitted to purchase subsistence supplies at the same price as is charged the officers and the enlisted men of the Army; and the officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and the enlisted men of the Navy and Marine Corps, $13,000,000.

Mr. HAY. Mr. Chairman, on line 1, of page 20, I move to strike out "40" and insert "50."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amend, on page 20, line 1, by striking out the figures "40" and inserting "50."

Mr. MANN. I was just going to ask the gentleman about that.

Mr. HAY. That was a typographical error. It was always 50 cents at Fort Bayard, where they have tuberculous patients.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I do not remember at this moment whether or not the same thing occurs in other parts of the bill. At the bottom of page 18 and at the top of page 19 you provide authorization for meals or commutation of rations for enlisted men in the Regular Army and in the National Guard who may be competitors in the national rifle match. What is the status of the men in the National Guard who are drafted now into the Army? They are no longer in the National Guard.

Mr. HAY. They have not yet been drafted.

Mr. MANN. I understand, but they are not yet in the Regular Army.

Mr. HAY. They would no longer be in the National Guard.

Mr. MANN. Yes; they would no longer be in the National Guard, and they would not be in the Regular Army.

Mr. HAY. No.

Mr. MANN. They would not be described as "enlisted men of the Regular Army or the National Guard."

Mr. HAY. No; they would not.

Mr. MANN. I do not know whether in this particular case it makes any difference, but it might. I think there ought to be some description, some short term fixed, by which we could name that branch of the service. Is there any now that the gentleman knows of? When we speak of the Regular Army we know what that is. When we speak of the National Guard, we know what that is. We speak of the volunteer forces, and we know what that is. But what is the title of the men who have been drafted from the National Guard into the Army service?

Mr. HAY. I think it is "drafted forces of the United States."

Mr. MANN. I think there ought to be some title besides the title of "drafted forces"——

Mr. HAY. From the National Guard. I do not know exactly what name is given.

Mr. MANN. The first section of the Army reorganization act provides:

The Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserve Corps, the National Guard while in the service of the United States, and such other land forces as are now or may hereafter be authorized by law.

But these men are those "other land forces authorized by law." You ought to find some way of describing them, and I would not use the term "drafted" in the description if I had my way about it.

Mr. HAY. If the gentleman will try to think up some title, I will be glad.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. McKENZIE. The gentleman would not suggest changing the language of this section at this time, would he?

Mr. MANN. I would not, because I do not know what the change ought to be. But if they are to have rifle matches during the next year, and the National Guard is drafted into the service,

and is in the regular service, I know of no reason why they should not have the same chance to compete as anyone else.

Mr. McKENZIE. But if my colleague will permit, this emergency, which is likely to be a war, may be over, and the National Guard may be mustered back or discharged from the service.

Mr. MANN. I am not suggesting striking out the term "National Guard," but I was suggesting the possibility of inserting another term which would include them while they are in the national service.

Mr. McKENZIE. Of course this section is written for peace times; in other words, to cover the Army and the National Guard in time of peace, and I think it would be unwise to make a change in this section.

Mr. MANN. Does not my colleague think that when the National Guard are drafted into the service of the United States they should have the same rights that anybody else in the service has?

Mr. McKENZIE. They will probably get all the rifle practice they want.

Mr. MANN. I do not know whether they will or not. I hope they will not.

Mr. McKENZIE. I do not mean killing people.

Mr. MANN. But if they went into rifle matches along with the Regular Army, the Regular Army men would have their subsistence and the others would not.

Mr. GREENE of Vermont. I move to strike out the last two words. I would like to call the attention of the gentleman from Illinois, and others who may be interested, to the fact that section 101 of the Army reorganization act of June 3, 1916, refers to a situation such as he suggests in this language:

The National Guard, when called as such into the service of the United States.

Mr. MANN. Yes; but they have not been called as such into the service of the United States.

Mr. GREENE of Vermont. They are assembling——

Mr. MANN. They were first called as such, but we passed a resolution here which when it passes the Senate will authorize the President to draft them. They are not then called as the National Guard. It expressly provides that they are discharged from the National Guard.

Mr. ANTHONY. Does the gentleman think they will lose their identity as National Guardsmen after being drafted?

Mr. MANN. Certainly. That is what the law provides.

Mr. ANTHONY. I do not think they will.

Mr. MANN. The bill provides that they do lose their identity as National Guardsmen, and the resolution that we passed the other day provides the same thing during their service in the Regular Army. All I want to do is to cover them by some description.

The CHAIRMAN. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; and the necessary power for the operation of moving-picture machines; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men; contract surgeons when stationed at and occupying public quarters at military posts; for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto, and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for issue to organizations of enlisted men and officers at such places as the Secretary of War may determine, and for preservation of stores; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; authorized issues of soap; for hire of employees; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts, commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchen and mess halls, each and all for the enlisted men, including recruits; of forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry and batteries of Artillery and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of Capt. Sam Van Leer, Quartermaster Corps, United States Army, for expenditures made in connection with the establishment of an irrigation system at the Fort Keogh Remount Depot, Montana; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Quartermaster Corps, certificates for discharged soldiers, and for printing department orders and reports, $8,700,000: *Provided*, That no part of the appropriations for the Quartermaster Corps shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. For the fiscal year ending June 30, 1917, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants, and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining after such cost of maintenance and operation have been defrayed shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid: *Provided further*, That not exceeding $4,590 of the amount appropriated herein may be expended to reimburse the Apache prisoners of war for approximately 51 miles of reservation fencing constructed by them on the military reservation of Fort Sill, Okla.

Mr. MANN. I reserve a point of order on the paragraph.

Mr. BORLAND. I reserve a point of order.

The CHAIRMAN (Mr. SAUNDERS). Two gentlemen reserve points of order on the paragraph.

Mr. BORLAND. I make three points of order on that paragraph. The first one is to the words on line 19, page 22:

Including, when specifically authorized by the Secretary of War, the cost of irrigation.

Second, to the words, beginning in line 21, page 22:

Provided, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of Capt. Sam Van Leer, Quartermaster Corps, United States Army, for expenditures made in connection with the establishment of an irrigation system at the Fort Keogh Remount Depot, Montana.

Third, to the language, beginning on page 24, line 10:

Provided further, That not exceeding $4,590 of the amount appropriated herein may be expended to reimburse the Apache prisoners of war for approximately 51 miles of reservation fencing constructed by them on the military reservation of Fort Sill, Okla.

Mr. HAY. Does the gentleman want to make a point of order without any explanation? Of course, they are all subject to the point of order.

Mr. BORLAND. To the language on page 22, unless the gentleman wants to make an explanation, I will make the point of order.

Mr. HAY. If the gentleman is going to make the point of order, no matter what explanation I make, I do not care to take the time to make the explanation. I can say to the gentleman, however, that what was done last year at that particular reservation saved the Government $25,000. Of course, if the gentleman wants to make a point of order, it is subject to a point of order.

Mr. BORLAND. We have a method of providing irrigation, and whether in a specific instance it saves money or loses money is a question of considerable doubt, of course, on the evidence. In some cases it may, and in others it may not.

Mr. HAY. This is on a military reservation. It has nothing to do with the general subject of irrigation elsewhere. The irrigation was done on this reservation for the purpose of raising hay and forage at this remount station, to feed the horses there. In order to get the forage and the hay it was necessary that the land on that reservation should be irrigated. It was done, and the result of it was that the Government saved, in the purchase of forage and hay, $25,000 last year.

Mr. BORLAND. Mr. Chairman, there is no means of telling how far this proposition might go, if the Secretary of War had the power to authorize irrigation plants.

Mr. HAY. But this is only in one particular place.

Mr. BORLAND. There might be an instance in which it saved $25,000. The result, however, in the long run, is that the Government does not make money by raising its own hay.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. BORLAND. Yes; I insist on my point of order on those two paragraphs.

The CHAIRMAN. The point of order is sustained.

Mr. BORLAND. Now, I will reserve the point of order on the $4,590 to pay the Apache prisoners of war for building a

fence. I want to ask the chairman of the committee when the work of building that fence was done?

Mr. HAY. That was done some years ago.

Mr. BORLAND. I supposed it was. Has any effort been made to pay them for it since?

Mr. HAY. Yes; there was an appropriation in the bill last year, and somebody made a point of order on it and it went out. They built 51 miles of reservation fencing on this military reservation, and this is a request for the authority of law for the payment of the money which has really been appropriated, but which has been held out of the appropriation because under the law as it was drawn there could not be a disbursement of the money.

Mr. BORLAND. Is not that a pretty good thing for prisoners of war to do—to build fencing? Is it necessary to pay them?

Mr. FERRIS. They were removed to New Mexico—259 of them.

Mr. STEPHENS of Texas. This is the fence within which is inclosed the best buffalo herd in the United States. This land is utilized for the preservation of this remaining herd. It is in the Wichita Mountains just west of the fort and is a part of the military reserve.

Mr. BORLAND. Let me ask the chairman of the Committee on Indian Affairs how long ago has it been since we had these Apache prisoners of war?

Mr. STEPHENS of Texas. They were removed, I think, three years ago——

Mr. HAY. Removed by law?

Mr. STEPHENS of Texas. Yes; to the Mescalero Reservation in New Mexico.

Mr. HAY. And they had to leave the fence behind them.

Mr. STEPHENS of Texas. Certainly, and we have had that condition of affairs for some time. I think the Congress was wise in moving them back to the old reservation.

Mr. BORLAND. Is there any hardship in making prisoners of war build fences?

Mr. STEPHENS of Texas. It furnished work for the Indians while they were prisoners of war.

Mr. BORLAND. Mr. Chairman, I make the point of order.

Mr. HAY. The fact that they want pay for the work already done when they lived on the reservation when the work was done and now is being used by the Government, it seems to me constitutes a good reason why we should pay an honest claim.

Mr. McKENZIE. Will the gentleman withhold the point of order?

Mr. BORLAND. I will yield to the gentleman.

Mr. McKENZIE. In my judgment, the items are both just items and ought to be paid. However, I would be willing to agree with the gentleman from Missouri that the language on page 22, in lines 19 and 20, "including, when specifically authorized by the Secretary of War, the cost of irrigation"; I think that language ought to be stricken from the bill, and if that language is stricken out of the bill, leaving the responsibility where it belongs, on Congress, to authorize any of these projects, I think we ought to pay these two bills. I believe it is a matter of justice, and I hope the gentleman will not insist on his point of order.

Mr. BORLAND. I think it had better go out at this time. It is possible that the claim of Capt. Van Leer ought to be paid, but it ought to go before the Claims Committee. I think the gentleman is right about the general authority to establish irrigation work. I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 10, in place of language stricken out insert:
"Hereafter all contracts for supplies for the Army shall specify delivery either at the place where the supplies are to be used or at the nearest convenient point on a land-grant railroad for shipment to the place of consumption."

Mr. HAY. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The point of order is sustained.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 10, insert in place of the language stricken out:
"*Provided further*, That no money shall be expended out of the appropriations in this bill for supplies for the Army except under contracts which specify delivery either at the place where the supplies are to be used or at some convenient point on a land-grant railroad for shipment to the place of consumption at the option of the contractor."

Mr. HAY. I make a point of order on that.

Mr. BORLAND. It is not subject to a point of order; it is a limitation on the appropriation.

The CHAIRMAN. The Chair will hear the gentleman from Missouri on the point of order.

Mr. BORLAND. Mr. Chairman, this is a limitation on the appropriations carried in this bill. I do not think it is subject to a point of order. It specifies that the appropriations in this bill shall not be used except under contracts specifying the method of delivery. There are a number of instances where such limitations are put on appropriation bills.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from Missouri is in the form of a limitation, but in substance it is a requirement on the department which is a change of existing law. You can put into an amendment any kind of a limitation you please that something shall not be done, unless—and it is a positive change of law. But although you may offer an amendment in the form of a limitation, it is not in fact a limitation when it changes substantive, positive law. Here is a requirement in the form of a limitation that a contract shall be of a particular form, changing the existing law on that subject. I do not think, under the guise of a limitation, merely because you commence "no money appropriation under this act shall be expended," that of itself is a mere limitation, because you might commence any legislative proposition under the sun with the provision that no money shall be expended under this act and then follow it up with positive legislation, as this does. Therefore I think the amendment is subject to a point of order.

Mr. HAY. I will add to that that the law in regard to contracts entered into by the War Department, or by officers of the War Department authorized to enter into contracts, are of many and various kinds. There is a law, for example, that all contracts where the sum is under $500 shall not be entered into in writing at all, and the amendment of the gentleman from Missouri would repeal all of that law. I do not think that by inserting language which sounds like a limitation you can repeal and upset all the laws in regard to the contracts which now exist.

Mr. BORLAND. Mr. Chairman, we do not repeal the law in regard to contracts that now exist. We simply provide that a certain provision shall appear in the contract, namely, that the supply shall be delivered at the place of consumption or some convenient point of shipment on a land-grant railroad at the option of the contractor. If it is not good as a limitation, it is good under the Holman Act, for it constitutes a retrenchment, for it is manifest that it does save expense to the Government.

Mr. HAY. I will take issue with the gentleman on that.

Mr. BORLAND. I will explain to the gentleman why it does.

Mr. HAY. I will call the gentleman's attention to the fact that he provides that all of these supplies contracted for shall be at some place near a land-grant railroad.

Mr. BORLAND. At a land-grant railroad.

Mr. HAY. Or at a land-grant railroad. That would mean that all supplies contracted for, whether in the East or in the West, should be sent to a land-grant railroad.

Mr. BORLAND. The gentleman is making too broad a statement about that.

Mr. HAY. That is what the language of the amendment is.

Mr. BORLAND. It simply provides that when the bids are offered and the contract is made the contractor can specify whether he will deliver it at the point of consumption or at some convenient point on a land-grant railroad. It is a matter of law, a matter of common knowledge of the chairman and of the Members of this House, that the land-grant railroads are under obligation to give the Government a specified rate upon its shipments, which rate is lower than the rate fixed by the Interstate Commerce Commission for commercial freight shipments. The result of that is that the Government is the only person in this country that can demand and receive a rebate from a railroad, and then only from a land-grant railroad. If the Government takes its supplies at a point on a land-grant railroad for shipment to a post, the supplies belong to the Government when they are delivered to the point of shipment on the land-grant railroad, and, belonging to the Government, they can be shipped by the land-grant rate; but if they are shipped entirely to the post or place of consumption by the contractor, the rate charged upon them must be the commercial rate.

I investigated that matter carefully in regard to the shipments of supplies to the Government along the Mexican border, and I found that freight rates from El Paso to Fort Huachuca are almost the highest freight rates in the United States, and yet hay and oats are going to that post by way of El Paso at the commercial rates because they are not accepted by the Government until they reach the point of consumption. If they had been accepted by the Government at El Paso, or at Mem-

phis, or Kansas City, or at Omaha or Minneapolis, or any place where there are great hay and grain markets, in this country, and had belonged to the Government, they would have gone forward as Government shipments at land-grant rates, and would have reached most of the western posts by means of land-grant railroads. I took that matter up with the Secretary of War and pointed that out to him. He said that in the case of that post at least he was going to issue orders in the future that the inspection should not be at Fort Huachuca, but should be at the point where the contractor was shipping the stuff. The Government maintains inspection offices at Omaha, Minneapolis, Kansas City, and the supplies can be inspected every day by the Government and received by the Government in large quantities, and when they go forward for distribution to the western posts, they could go forward over land-grant railroads as Government property. There is no reason why this power to compel the railroads to give the Government special rates should not be enforced, why we should continue to buy supplies at the point of consumption, thus compelling the contractor to bid on the basis of commercial rates. All that is needed in order to change that situation is a change in the specifications of the contract providing that the contractor may bid for shipment for delivery at a point on a land-grant railroad.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes; but before the gentleman interrupts me I want to remind him that we took that same question up in respect to the shipment of upland prairie hay from Missouri and Kansas to the Philippines.

Mr. ANTHONY. And the department complied by letting the contract to ship over the land-grant railroads. I want to remind the gentleman what the Secretary of War told him when he pointed this out to him the other day. Is it not a matter of regulation on the part of the department?

Mr. BORLAND. I will read from a letter which was written by the Secretary of War:

> The department commander, southern department, has been instructed to consider deliveries at points other than the post of Fort Huachuca, Ariz., when future advertisements for supplies are issued, in order that the Government may take advantage of any land-grant deductions.
>
> Very respectfully, LINDLEY M. GARRISON,
> *Secretary of War.*

Mr. Chairman, I think the Government has discretion to do it, and I think that Congress authorizing that power to be put into the contract is not changing existing law in any respect, but we are simply making a regulation entirely in harmony and consistent with existing law. The case about which the gentleman from Kansas [Mr. ANTHONY] speaks was this: The hay for the troops in the Philippines was formerly bought from the Pacific Coast States, because that was the cheapest point of delivery for the contractors. It was formerly impossible for them to buy hay in the interior of the country because the contractor must ship it at commercial rates to the Pacific coast. The gentleman from Kansas and myself took that up, and, after demonstrating that the hay in the interior of the country was as good as the Pacific coast hay in nutritive value, we were then met with the question that the specifications required the delivery on the Pacific coast. We succeeded in having those specifications changed so that when a contract was called for for hay for the Philippines it was to be bid on, at the option of the bidder, either for delivery on the Missouri River or on the Pacific coast. The result in one case was a saving to the Government on a contract for hay of $30,000, to my certain knowledge, and the upland Missouri and Kansas prairie hay went forward to the Philippines, and has been going forward and is going forward to-day, whenever there is a crop in that part of the country. So that no point of order lies against this as a change of existing law, and no point of order lies against it as not being a valid limitation; and, in addition to that, it is a retrenchment upon Government expenditures.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GREENE of Vermont. Admitting the possibility that such a provision might in ordinary times be of some benefit or saving to the Government, would the gentleman suggest that in the present emergency it is well to tie the hands of the Quartermaster's Department in any way whatever?

Mr. BORLAND. Why, yes; I think that we are not tying his hands; but we are enlarging our opportunities to get supplies promptly and cheaply. If we say the contractor can bid for delivery either at Fort Huachuca, Ariz., or Kansas City, you will find ten contractors will bid where only one bid before. That is the fact about the matter. It is a clean business proposition.

Mr. GREENE of Vermont. The gentleman, of course, understands that in a time like this the easiest way and the quickest way to get supplies to men who are out in the field, and no supplies available perhaps, is by the safest and most prudent way, regardless of expense?

Mr. BORLAND. But if the gentleman was a hay shipper, would he take the chance of shipping hay to Fort Huachuca, Ariz., and take the chance of having it rejected, or would he prefer to take the chances of having it rejected at the central markets, like Minneapolis, Omaha, or Kansas City, where it could be disposed of? The gentleman would take that into consideration in making his bid and make the Government a better proposition, if he had the hay at a central point, where, if it was rejected by the Government, he could get it on the market without loss.

Mr. GREENE of Vermont. If I were assembling troops in the field under emergency circumstances, I would take any opportunity to get supplies for men and forage for animals regardless of red tape.

Mr. BORLAND. That is it, exactly. This will bring ten bids to one under the present rule.

Mr. GREENE of Vermont. I would leave it to the discretion of those who were purchasing these supplies and give them the chance to collect the character of supplies needed at the earliest possible moment.

Mr. BORLAND. Let us cut the red tape, then, and adopt this amendment.

Mr. GREENE of Vermont. The gentleman's suggestion means that they must be taken to a certain point.

Mr. BORLAND. No; an option is given and then if the bid is not accepted the option amounts to nothing. If he is not the lowest and best bidder he does not get the contract. If he had a bid specifying delivery to a land-grant railroad——

Mr. GREENE of Vermont. It may be that in normal times some such an arrangement might have merit, but I am speaking of the stress of the present situation in which there ought to be as little red tape as possible in order to give the quickest use of this material needed.

Mr. BORLAND. There is no red tape connected with the proposition. It cuts a good deal of the red tape off that now exists.

The CHAIRMAN (Mr. SAUNDERS). The amendment submitted by the gentleman from Missouri is as follows:

> *Provided further,* That no money shall be expended out of the appropriation in this bill, for supplies for the Army, except under contracts which specify delivery either at the place where the supplies are to be used, or at some convenient point on a land-grant railroad for shipment to the place of consumption, at the option of the contractor.

The point of order is made that this amendment is not a limitation, but a provision making new law.

A limitation to be sustained must be upon the appropriation, and not an affirmative limitation of official functions.

A long line of decisions on the subject of limitations holds that the limitation, to be in order must be in effect simply a negative bar pressing upon the appropriation of the money, and that any amendment which, directly or indirectly, imposes upon any officer a duty in the expenditure of the money is obnoxious to a point of order. (4 Hinds', p. 655.)

Rulings upon the subject of limitations have not been consistent by any means; they have gone through something like an evolution. The decisions have tended however to establish and make clear that where the proposition submitted as a limitation might be construed by the executive or administrative officer as a modification of statute, a change of existing law, or new law, it can not be sustained as a limitation.

A few precedents in this connection may be appropriately cited.

On March 24, 1904, the following amendment was offered to the Post Office bill:

> *Provided further,* That no money hereby appropriated shall be expended in the payment of salaries to rural delivery carriers, at a less sum for their services, than $720 per annum.

A point of order to this amendment was sustained. (4 Hinds, p. 667.)

On January 23, 1906, the following amendment was offered to the urgent deficiency bill:

> *Provided,* That no part of the sum herein appropriated shall be used for the payment of transportation charges upon American vessels where said charges are more than 20 per cent in excess of similar transportation charges upon foreign vessels.

A point of order to this amendment was sustained. (4 Hinds, p. 669.)

In December, 1906, the following amendment was offered to the legislative appropriation bill:

Provided, That no part of the compensation provided by this act shall be paid to the Public Printer unless he shall, in printing documents authorized by law, or ordered by Congress, or either branch thereof, conform in the spelling thereof to the rules of orthography recognized and used by accepted dictionaries of the English language.

A point of order was sustained. (4 Hinds, p. 673.)

The following amendment was made to the Agricultural bill in February, 1896:

Provided, That no part of the $8,000, for compensation of the Secretary of Agriculture provided for by this bill, shall be available, or payable until the said Secretary shall have expended for seeds the amount appropriated in said act approved March 1895, and shall have purchased, and distributed the seeds provided for in said act.

A point of order was sustained. (4 Hinds, p. 675.)

In February, 1907, the following amendment was offered to the Post Office appropriation bill:

Provided, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed.

A point of order was sustained. (4 Hinds, p. 672.)

The following amendment was offered to the Post Office appropriation bill, on April 13, 1906:

Provided, That not to exceed $4,200,000 of said sum so appropriated shall be expended for horse hire and wagon equipment for rural mail service.

A point of order was sustained. (4 Hinds, p. 653.)

The Chair desires to ask the gentleman from Virginia one question. This amendment provides that no payment shall be made out of the appropriations for supplies except under contracts of a certain indicated character. Are there any such contracts as that to-day in the Army?

Mr. HAY. No.

The CHAIRMAN. No such contracts in respect to the terms provided for by this amendment?

Mr. HAY. I am not able to say; I do not know whether there are or not. I believe that the Quartermaster's Department, which is very ably conducted, will take advantage of everything they can in order to save the Government any extra expense. There may be such contracts. I do not know.

The CHAIRMAN. But so far as the gentleman is advised he is not advised that there are?

Mr. HAY. I am not.

The CHAIRMAN. Now, if there are no such present contracts, and existing law does not require them, then it is perfectly clear that no supplies for the Army could be purchased by the appropriations provided by this bill until all the contracts relating to the same were conformed to the Borland amendment. In other words the substantial effect of the Borland amendment is to provide in this respect a form of contract for the purchase of supplies out of the present appropriation. There is certainly more of affirmative requirement, than of limitation in this amendment.

The Chair therefore, is of opinion that the amendment is subject to the point of order, and sustains the same.

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to enlisted men on discharge; of persons on their discharge from the United States disciplinary barracks or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such barracks or place, to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding $4 for those authorized to receive the per diem allowance; of clothing and equipage and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of invoice be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulation as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *And provided further*, That nothing in the preceding provisos shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant acts; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, other vehicles, and motor-propelled and horse-drawn passenger-carrying vehicles, as are required for the transportation of troops and supplies, and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, $12,000,000.

Mr. HAY. Mr. Chairman, I would at this time offer an amendment increasing this appropriation, but the War Department has not been able to give me the figures upon which I could do that, but I am informed by the War Department that they will ask Congress in the near future to give them an inincreased appropriation for transportation when they are able to furnish the figures and the estimates, so that Congress will be properly advised when it makes the appropriation.

Mr. MANN. Mr. Chairman, I take it that, owing to the situation at present in reference to the Army, there will be an increased expense in the estimates over probably every branch of the service beyond that contemplated when this bill was made up?

Mr. HAY. That is true.

Mr. MANN. No one, probably, is yet able to formulate exactly what should be done?

Mr. HAY. Yes.

Mr. MANN. Has the gentleman any idea whether they will have the information so the Senate can increase the items in this bill, or whether they intend to ask Congress to pass a further bill, or a lump-sum appropriation, or to include the items in a deficiency bill for the next year?

Mr. HAY. Well, my information is that they expect to include the items in a deficiency bill and be able to give the Committee on Appropriations various estimates under each item, so that Congress will know just for what we are appropriating.

Mr. MANN. Well, I take it that we will pass the deficiency bill very early, probably for this fiscal year, which of course ends this week.

Mr. HAY. Yes.

Mr. MANN. And there will have to be increased appropriations over what are carried now in this bill for the next fiscal year?

Mr. HAY. That is true.

Mr. MANN. Undoubtedly.

Mr. HAY. But they will first send up items to be put in the general deficiency bill to cover deficiencies created before the 1st of July. After that they will send up estimates, if Congress should remain in session—which, I take it, it will do—for the purpose of providing, as far as possible, for any expenses which may be incurred, so far as they can foresee them, during the next fiscal year.

Mr. MANN. Of course, the items in this bill would probably cover all the expenditures until the next session of Congress. They certainly would cover them for quite a while.

Mr. HAY. Not all the items. For instance, take the item of transportation.

Mr. MANN. The item of transportation, of $12,000,000, would cover all the transportation for some little time, but not until the end of the next fiscal year.

Mr. HAY. No.

Mr. MANN. I take it that they will have plenty of time in which to prepare their estimates.

Mr. HAY. Undoubtedly. There are some items, however, in this bill to which, when we reach them, I propose to offer increases.

Mr. MANN. That is where the gentleman can see what the necessities will be?

Mr. HAY. Yes.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I notice the language on page 28, line 19:

And provided further, That nothing in the preceding provisos shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant acts.

That seems to be new language.

Mr. HAY. That is the result of the decision of the Court of Claims, I will say to the gentleman.

Mr. BORLAND. Just exactly what does that mean? If the railroads or the transportation does not come within the terms of the land-grant act, we can not take advantage of any special rates, anyway, can we?

Mr. HAY. I will say to the gentleman it is put in there by the War Department, and it was explained by Gen. Sharpe in the hearings. I believe we were told it was the result of the decision of the Comptroller.

Mr. BORLAND. It says "the courts of the United States have held. The decision of the comptroller would not be sufficient in that kind of a case.

Mr. HAY. As I say, the Court of Claims.

Mr. BORLAND. I call the chairman's attention to the fact that, on page 27, lines 18 and 19, it says:

But in no case shall more than 50 per cent of full amount of service be paid.

Is this new language a limitation on the 50 per cent? I thought the chairman would perhaps be familiar with it.

Mr. HAY. I am not very familiar with it, I will say to the gentleman.

Mr. BORLAND. Mr. Chairman, I thought possibly the chairman of the committee had given some investigation to that and would be able to give us exactly the status of this legal decision. It is apparent that at a time like this, when we must spend a large amount of money anyway for our military service, the Government ought to take advantage of its land-grant rates in every possible case. I am surprised and astonished to find that the Quartermaster's Department has not done so. It does not seem to me that any exceptions should be made that would permit him to fail to do so in the future, except in the sole case where the courts of the United States have decided that our land-grant rates do not apply to that particular kind of shipment. That seems to be the force of this language. If that is the force of it, I do not see that it is necessary in the bill, but probably it does not do any harm. But in all other cases where it is possible for the Government to take advantage of the land-grant rates on these roads that were constructed by gifts of land and Government bonds the Government ought to do so. If there ever was a time when the Government needed that advantage it needs it to-day. I am very much surprised to find that that provision, giving the privilege of the Government to reduce the cost of its Quartermaster's Department, has not been universally taken advantage of. Only when their attention is specifically called to it by some Member of Congress who points out a concrete case where they are violating the privileges that they have under the law do they then change their methods and take the land-grant rates.

I have had three or four cases where I have specifically called their attention to it, and in nearly every case they would accept the land-grant rates. But it seems to me it takes a special act of Congress to do it. We ought to require the Quartermaster's Department to take advantage of the land-grant rates in every possible case. If they have to ship hay or oats to these Government posts, or any other kind of supplies, they ought to take them from the nearest points on the land-grant railroad in place of any other railroad, and their bids ought to be made along that line. If they can take it from a central point in the center of the United States, where they have a depot quartermaster, they ought to take it from there.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Provided further, That hereafter when, in the opinion of the Secretary of War, the vessels of the Army transport service can be so used without interfering with their availability for military service, or when cargo space on such vessels is available without displacing military supplies, transportation thereon may be provided for merchandise of American production consigned to residents and mercantile firms of the noncontiguous territory of the United States, and the products of such noncontiguous territory may be similarly transported to the United States. Rates and regulations for such transportation shall be prescribed by the Secretary of War, and funds received shall be credited to the appropriate appropriations for the support of the Army for the fiscal year in which received.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. BORLAND. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, unless the gentleman from Virginia [Mr. HAY] desires to discuss it, I will make the point of order.

Mr. HAY. I do not desire to discuss it if the gentleman has made up his mind to make the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems to me this interferes with the jurisdiction of the Ways and Means Committee to a certain extent, and also of the Committee on Interstate and Foreign Commerce.

Mr. HAY. Mr. Chairman, in the report of the committee are the reasons given for this item. I will read to the gentleman a communication from the Secretary of War, as follows:

WAR DEPARTMENT,
Washington, April 19, 1916.

MY DEAR MR. HAY: I beg to quote, for your information, the following cablegram received this day from the governor of Porto Rico:

"Serious and alarming crisis seems to confront pineapple shippers owing to lack of space on boats, beginning April 19. Could War Department possibly send down Government transport for two or three trips by that date? Steamship companies would join in request, for they seem helpless."

This emphasizes a situation to which the attention of this department has been called heretofore by merchants and others in Porto Rico.

A similar condition has existed for some time in the Philippine Islands and to the extent possible within existing law effort has been made by this department to meet it and at present vacant space on transports returning from the Philippine Islands is assigned to the Philippine government, which is using it to transport the products of that country to the United States to the extent possible under the circumstances. This has resulted in no complaint of private shipping, such shippers appreciating the fact that the transport service is simply doing what they are, under the unfortunate existing conditions, unable to do. There is no effort whatever to compete with private shipping firms and no complaint has been made that such was being done.

The emergency in both of these cases, and I am informed in other cases, is such that I believe the slight assistance which the Army Transport Service could furnish without interfering with its performing its customery functions would be greatly appreciated, both by the shipping companies and those having products to ship.

I hope that it will be possible to have this relief granted promptly.

I inclose a draft of the proposition suggested, setting forth in concrete form what the department believes it is possible to do.

Very sincerely,

NEWTON D. BAKER,
Secretary of War.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. MOORE of Pennsylvania. Mr. Chairman, I appreciate the statement made by the Secretary of War, as narrated by the chairman of the committee, but the emergency here seems to pertain only to the shipment of pineapples from one of our neighboring islands. There was ample shipping service up to the time when the ships could make more money elsewhere, and to put Army transports in competition with ships of commerce under such conditions seems to me to establish a precedent that would be dangerous.

Mr. BORLAND. Will the gentleman yield before he makes his point of order?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. BORLAND. I rise to make a point of order only to the last sentence there, namely—

And funds received shall be credited to the appropriate appropriation for the support of the Army for the fiscal year in which received.

That makes a permanent, indefinite appropriation that is contrary to the policy of Congress. I hope the gentleman will withdraw his point of order as to the use of the transports. Incidentally we have the transports, and they might be used when they can be used conveniently.

Mr. MOORE of Pennsylvania. Mr. Chairman, on the excuse of bringing pineapples in from Porto Rico this proviso gives the Secretary of War general power to use the transports of the Army of the United States for commercial purposes, and that is what I object to. This is undoubtedly new legislation, Mr. Chairman, putting the Government into the common-carrying and rate-fixing business. It ought not to be done in this way.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. MOORE of Pennsylvania. Yes; I insist upon the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Provided, That hereafter the proceeds derived from the sale of surplus cuttings of material for clothing manufactured by the Quartermaster Corps of the Army shall be deposited to the credit of that appropriation out of which the material was purchased and shall remain available throughout the fiscal year following that in which the sale was effected: *Provided further*, That hereafter sewing machines and other labor-saving machinery used in the manufacture of clothing and equipage, motor trucks and passenger-carrying vehicles, and band instruments may be exchanged in part payment for new machines, vehicles, and instruments used for the same purpose as those proposed to be exchanged: *Provided further*, That hereafter the accounting for quartermaster supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Sec-

retary of War: *Provided further*, That hereafter, under such regulations as may be prescribed by the Secretary of War, officers of the Quartermaster Corps accountable for public moneys may intrust such moneys to other officers for the purpose of having them make disbursements as their agents, and the officers to whom the moneys are intrusted shall be held pecuniarily responsible therefor to the United States.

Mr. BORLAND. Mr. Chairman, I make a point of order on that paragraph.

Mr. HAY. It is subject to a point of order.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard on the point of order?

Mr. HAY. No; it is subject to a point of order.

Mr. BORLAND. Mr. Chairman, I want to point out the specific language to which I make the point of order, because I do not think it all ought to go out. On page 31, line 24, I cite the words "and shall remain available throughout the fiscal year following that in which the sale was effected." That is a permanent indefinite annual appropriation, contrary to the Constitution of the United States. On page 32, line 6, are the words "*Provided further*, That hereafter the accounting for quartermaster supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Secretary of War." That changes existing law.

Mr. HAY. There is no question about the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BORLAND. But I am pointing out the particular language to which I make the point of order. There is some language in the paragraph to which I do not make a point of order.

Mr. HAY. The gentleman can not make a point of order to a particular part of the paragraph. If he makes it, it must be to all the paragraph.

The CHAIRMAN. If the gentleman desires to make a point of order on certain portions of the paragraph, he can do so, but the Chair can not distinguish the portions.

Mr. BORLAND. The Chair can not insist upon my making the point of order to the entire paragraph; neither can the gentleman from Virginia.

The CHAIRMAN. The Chair was just making that statement.

Mr. HAY. I move, Mr. Chairman, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and had come to no resolution thereon.

PROCEEDINGS AGAINST H. SNOWDEN MARSHALL.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 278.

Resolved, That the Sergeant at Arms of the House is hereby authorized to employ legal counsel in the matter of the proceedings against H. Snowden Marshall, United States district attorney for the southern district of New York, for contempt, the expenses to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, the Sergeant at Arms of the House, in the discharge of his duty, has gone to New York and has served the necessary papers on H. Snowden Marshall in the contempt proceedings, which Mr. Marshall has resented by instituting a proceeding in the nature of a writ of habeas corpus. The proceeding comes up early this afternoon, and it is necessary for the Sergeant at Arms to have counsel present in order that he may be properly defended, and the purpose of this is to authorize the Sergeant at Arms to employ the necessary counsel and further make the House responsible for the payment of the necessary expenses.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Chairman, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16460, the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16460, the Army appropriation bill, with Mr. SAUNDERS in the chair.

Mr. BORLAND. Mr. Chairman, when the committee rose I was presenting a point of order to the language on page 32.

The CHAIRMAN. The Chair will state to the gentleman that unless the gentleman points out the particular parts of the paragraph to which he makes the point of order the Chair can not distinguish. If the point of order is directed to the whole paragraph it is sustained as to the whole paragraph. If the gentleman desires to cite certain sentences in the paragraph and directs the point of order to those, it is competent for him to do so. That is what the Chair understands the gentleman desires to do.

Mr. BORLAND. The Chair is correct. I desire to direct my point of order to certain sentences in the paragraph, and I was proceeding to point out to the Chair those particular sentences.

The CHAIRMAN. The Chair would be glad if the gentleman will indicate them.

Mr. BORLAND. On page 31, line 24, beginning with the word "and," I call attention to the language, "and shall remain available throughout the fiscal year following that in which the sale was effected." I make a point of order against that. On page 32, line 6, I make a point of order against the language:

Provided further, That hereafter the accounting for quartermaster supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Secretary of War.

And the following language, immediately following that:

Provided further, That hereafter, under such regulations as may be prescribed by the Secretary of War, officers of the Quartermaster Corps accountable for public moneys may intrust such moneys to other officers for the purpose of having them make disbursements as their agents, and the officers to whom the moneys are intrusted shall be held pecuniarily responsible therefor to the United States.

I make a point of order against those.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Horses for Cavalry, Artillery, Engineers, etc.: For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War for remounts, for officers entitled to public mounts for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian scouts, and for such Infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, and for the hire of employees: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horse below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *And provided further*, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy, and such ponies shall not be used at any other place, $800,000.

Mr. HAY. Mr. Chairman, of course this appropriation will have to be increased. I understand that the department has a bid out for 68,000 horses, which bid will be opened to-day, so that those horses will be provided for in the general deficiency bill.

I now move to increase this item by $3,000,000.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Virginia [Mr. HAY].

The motion was agreed to.

Mr. STAFFORD. The Clerk will kindly report the amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 34, line 3, strike out "$800,000" and insert "$3,800,000."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Coast Artillery; for repairing public buildings at military posts; for hire of employees; for rental of the authorized allowance of quarters for officers and acting dental surgeons on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts as may be approved by the Secretary of War; for wall lockers in permanent barracks, and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents, $2,750,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Will the gentleman from Virginia tell us why the Coast Artillery quarters are excepted from this provision?

Mr. HAY. Because they are provided for in the fortification bill.

Mr. MOORE of Pennsylvania. In another place?

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. One other question.

The CHAIRMAN. Does the gentleman withdraw his pro forma amendment?

Mr. MOORE of Pennsylvania. I would like to continue under the same motion. Provision is made here for screen doors, window screens, storm doors, sash, and so forth, for the barracks. That would include mosquito screens, I assume?

Mr. HAY. Yes; I suppose so.

Mr. MOORE of Pennsylvania. I wish to say to the gentleman from Virginia, while it may not be pertinent to this paragraph, the complaints are constantly coming from the soldiers' homes, in which old Civil War veterans are spending their last days of repose, that they are greatly annoyed by mosquitoes.

Mr. HAY. The soldiers' homes are cared for in the sundry civil bill.

Mr. MOORE of Pennsylvania. I understand that. So I wanted to know whether in this bill we provide that the active young soldiers shall be protected against mosquitoes, whereas we do not provide in the sundry civil bill for protecting the old soldiers against mosquitoes.

Mr. HAY. I do not know. I suppose when they provide homes for soldiers they provide for screens against mosquitoes as well as other insects.

Mr. MOORE of Pennsylvania. I should hope they would, but they do not seem to do so.

Mr. HAY. If the gentleman will take this matter up with the members of the Committee on Appropriations, no doubt they will provide for screens to protect the old soldiers.

Mr. MOORE of Pennsylvania. That may be; but I want to compliment the gentleman from Virginia and his committee for taking better care of the active young soldiers than the Committee on Appropriations has thus far taken care of the old veterans, because at Hampton, just below here, the old soldiers are being annoyed every night now by mosquitoes because they have no screens. I compliment the gentleman from Virginia for having the foresight and the humanitarian insight to take care of the young soldiers.

The CHAIRMAN. The gentleman withdraws the pro forma amendment.

Mr. BORLAND. Mr. Chairman, I do not care to delay the passage of the bill with matter that is clearly extraneous, as the gentleman from Pennsylvania [Mr. MOORE] has just done; but I wish to say that this matter is fully taken care of in the sundry civil appropriation bill. The amount allowed for the homes is all that the board of managers asks, because we desire that the old soldiers shall be properly cared for; and if the gentleman will call attention to it, I have no doubt that screens will be provided, if they have not been provided already.

Mr. MOORE of Pennsylvania. I have a communication from the board of managers saying they have not sufficient money; that they have asked for it, but can not get it. I do not want to reflect on the Committee on Appropriations. Every time this question of mosquitoes is raised here a laugh goes up, as though it was something very funny; but it seems to me that it is no laughing matter that these old men, who are so rapidly passing away, are having their lives made miserable on these summer nights because of the attacks of the mosquitoes that come in at the open windows.

Mr. BORLAND. It is very difficult for the committee to tell exactly what item the board of managers are going to economize upon. If the committee gives them the money in a lump sum for the upkeep of these homes, it is very difficult for the committee to tell that they are going to economize by failing to provide window screens.

Mr. MOORE of Pennsylvania. I again compliment the gentleman from Virginia [Mr. HAY] and the Committee on Military Affairs, which provides protection for the young men, while the Committee on Appropriations does not provide protection for these poor old men, against the attack of mosquitoes.

Mr. CAMPBELL. Mr. Chairman, I move to strike out the last two words. If the swamps in the vicinity of soldiers' homes and of the post at Fort Myer and of the camp at Radio were in Panama or the Philippines, I have no doubt the War Department would be supplied with money to rid them of mosquitoes, and thereby protect the people near those places by orders of the Government. The swamps near Washington on both sides of the river are breeding places for mosquitoes, and it is from these places that the mosquitoes come which get to the Soldiers' Home, to the post at Fort Myer, and to the camp at Radio, where our boys are now in camp. There is no such breeding place for mosquitoes anywhere in the Tropics as there is right here within a stone's throw of the Capitol and close to where our soldiers are camped and the old veterans provided with a home. A small amount of money would clean up these swamps and destroy the mosquito larvæ on both sides of the river, and money should be provided and used for that purpose. Such precautions here are as important as at Panama.

The CHAIRMAN. The gentleman from Kansas withdraws the pro forma amendment. The Clerk will read.

The Clerk read as follows:

Provided, That not to exceed $30,000 thereof shall be expended in the Presidio of San Francisco, Cal., for the construction of a road connecting Fort Winfield Scott with the road constructed by the city and county of San Francisco leading to Fort Miley, in said city and county.

Mr. BORLAND. Mr. Chairman, I reserve a point of order on that paragraph. I want to ask the chairman of the committee if this particular road is owned by the Government or whether it is a city road?

Mr. HAY. My information is that it is owned by the Government.

Mr. BORLAND. Do the hearings say anything on that subject?

Mr. HAY. Yes; and they show that the road is to be constructed on the reservation at the Presidio of San Francisco.

Mr. BORLAND. No portion of it is off the reservation?

Mr. HAY. It is not, so far as I am informed.

Mr. BORLAND. Mr. Chairman, I withdraw the point of order if the road is a Government road. There is nothing to show that it is.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. MANN. I move to strike out the last word. The gentleman from Pennsylvania [Mr. MOORE] stated a moment ago that they have no screens in the windows at the soldiers' home at Hampton, and he said there ought to be, and unquestionably there ought to be. No one will doubt that. Last year we appropriated $44,000, which was available for that purpose. Evidently the managers of the soldiers' home down there like mosquitoes or they would have used a small part of the appropriation of $44,000 in providing window screens. They have the carpenters to do the work. We pay the carpenters. They have the windows. It does not take very much skill to make a mosquito screen and it does not take much money. It does seem to me that there is some one at fault with the home down there if they do not have screens but do have mosquitoes and flies. They have the money. What they lack is the enterprise.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. I have a communication from the managers of the home, indicating that they have not the money. I have sent for the letters and will ask to put them in the RECORD at the proper time. I have brought up the question several times, and the answer comes back each time that they could do this work if they had the money.

Mr. MANN. We appropriated $44,000 last year for that home for these purposes.

For pay of chief engineer, builder, blacksmiths, carpenters, painters, gas fitters, electrical workers, plumbers, tinsmiths, steam fitters, stone and brick masons, and laborers, and for all appliances and materials used under this head, repairs of roads and other improvements of a permanent character.

Forty-four thousand dollars for the home. Forty-four thousand dollars after all is a good tidy bunch of money, and if they need the screens I think they ought to have put the screens in. As far as I am concerned, I had much rather have my room in a building that was screened, if there were mosquitoes around, than to have an extra coat of paint put upon the outside.

Mr. ANTHONY. I will say to the gentleman from Illinois that the trouble at the Hampton Home is the same as similar little troubles that exist at the soldiers homes—the details are not looked after. The reason is because there is a divided responsibility. You have seven men composing the board of managers looking after the business of the home, when there should be but one man held responsible, and the thing for the gentleman from Illinois to do is to advocate the remedy that I proposed some years ago, placing the homes under the administra-

tion of the War Department, wipe out the board of managers, which have proved incompetent from a business standpoint, and you will get competent and responsible business administration of these homes.

Personally I know Gen. Smith, governor of the Hampton Home. He is a kindly, sympathetic, and considerate man, and I am sure it is not his fault.

Mr. MOORE of Pennsylvania. Where is the general board located?

Mr. ANTHONY. In the new bill before the House it is supposed to have headquarters at Dayton, Ohio. It is because of the divided responsibility that this condition occurs, and if the War Department had the responsibility the work would be well done, as every task that we give the War Department is well done.

Mr. MOORE of Pennsylvania. I want to indorse what the gentleman says about Gen. Smith, who has charge of the home here; he is a kindly sympathetic man. I have been driven from post to post to get information. These old men complain, but my letters have to go somewhere out West.

Mr. MANN. Kansas City.

Mr. MOORE of Pennsylvania. I have been wondering whether a board at Kansas City is thoroughly competent all the year to manage the homes scattered as they are throughout the country.

Mr. ANTHONY. It is a case of divided legislative responsibility as well. The Military Committee of the House is responsible for naming the board of managers and is supposed to have control of the general legislation, but appropriations are made by another committee, and if the matter of which the gentleman complains was in charge of the committee of which the gentleman from Virginia is chairman, I believe he would secure relief.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Repair and maintenance, military and post roads, bridges, and trails, Alaska: Repair and maintenance of military and post roads, bridges, and trails, Territory of Alaska, $500,000.

Mr. BORLAND. Mr. Chairman, I make a point of order against the paragraph. The language of the law is "Construction, repair, and maintenance." This language is "Repair and maintenance." It seems to me that $500,000 is a good deal of money to appropriate without any construction involved.

Mr. HAY. Mr. Chairman, I was about to say that I overlooked the fact that I wanted to change that by inserting the word "Construction." It was inadvertently left out.

Mr. BORLAND. I thought so.

Mr. HAY. Mr. Chairman, I move to amend by inserting before the word "Repair," in line 6, and before the word "Repair," in line 7, the word "Construction."

The Clerk read as follows:

Page 36, line 6, before the word "Repair," insert the word "Construction," and in line 7, before the word "Repair," insert the word "Construction."

Mr. MANN. I reserve a point of order on the amendment.

Mr. STAFFORD. As I recall, the appropriation in the last bill was $165,000. What is the necessity of trebling the appropriation?

Mr. HAY. I can only say to the gentleman that the War Department sent down a supplementary estimate asking the committee to appropriate, I believe, $550,000 for the construction and repair of these roads. The reason given was that it was a feeder for the proposed railroad, and a further reason that they could with this appropriation complete some if not all the roads and trails.

Mr. STAFFORD. It is not a beginning of a wholesale project for the construction of roads in Alaska where the military necessity is very far-fetched.

Mr. HAY. As I understood from the officer who has charge of the road construction, this amount would about complete the roads and military trails. The Territory itself contributes largely to these funds through taxation, I forget how much, but I think perhaps one-half.

Mr. MANN. Does the gentleman really have any doubt that they will ask the same amount next year?

Mr. HAY. I do not know; I can only tell the gentleman what they say. They say they will not. I do not like to question the word of these gentlemen.

Mr. MANN. I was just wondering whether the War Department was not taking advantage of the general situation to increase the appropriation from $165,000 to half a million.

Mr. HAY. No; I think not. The War Department has for several years been asking for larger appropriations than we have given. This is not the first time. We have been appropriating some money for, I think, about 10 years on this bill for this purpose. Sometimes we have appropriated $100,000, sometimes $150,000, and sometimes a little more, but the appropriation has been continuing.

Mr. MANN. Of course, they are not military trails.

Mr. HAY. No; they are for the purpose of aiding in the development of that Territory, in my judgment.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia [Mr. HAY].

The question was taken, and the amendment was agreed to.

Mr. WICKERSHAM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this same subject.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $400,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This paragraph pertains to proper shelter and protection of officers and enlisted men in the barracks in the Philippines. In view of what has been said of the protection of men in the soldiers' homes, I wish to amplify the discussion by introducing several letters bearing upon the subject. The old soldiers themselves at Hampton complain that some of them have been obliged to stay up all night because of the mosquito nuisance. I took it up with the president and the Board of Managers of the National Home for Disabled Volunteer Soldiers, and on February 18 I received the letter which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

FEBRUARY 18, 1916.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have your letter of February 15 in relation to the screening of barracks of the Southern Branch at Hampton, Va.

The hospital at that branch is being screened at an expenditure of about $3,000. The question of screening the barracks at the Southern and other branches will be given consideration by the board of managers at the March meeting, and the action of the board will necessarily have to be influenced by the amount of funds available for this purpose.

Very respectfully, yours,

FRED J. CLOSE,
President Board of Managers,
National Home for Disabled Volunteer Soldiers.

Mr. MOORE of Pennsylvania. That pertains to the Southern Branch of the National Soldiers' Home. On May 29, after the receipt of that letter, I received this from one of the old soldiers:

I refer to the matter of screening the barracks at this home. A number of officers of this home called on Col. George H. Wood, representing the board of managers, on his recent visit here; all the satisfaction we could get was that we would have to apply to Congress for help, and it is this which prompts us to ask your aid, etc.

I took the matter up again with the officers of the home, and on June 14 received the letter which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
June 14, 1916.

Hon. J. HAMPTON MOORE, M. C.,
Third District of Pennsylvania, Washington, D. C.

Subject: Screening barracks, southern branch.

DEAR SIR: Your communication of May 31, 1916, received, but in the moving of headquarters office answer was delayed. We have not sufficient funds in our general appropriation to screen the barracks at the southern branch at Hampton, Va. From estimates made about a year ago it appeared that $11,000 would be required, but it is possible now with the greatly increased prices in all metals that it might run to $15,000. I would not want to be bound by these figures, but simply give them to you as a rough estimate.

Very respectfully, yours,

GEO. H. WOOD,
President Board of Managers,
National Home for Disabled Volunteer Soldiers.

Mr. MOORE of Pennsylvania. Meanwhile the old soldiers are being bitten in the same old way because the screens are missing. I think it is proper that this matter should be called to the attention of the Committee on Appropriations.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BORLAND. Why did not the gentleman bring this up when the proper bill was before the House?

Mr. MOORE of Pennsylvania. I have submitted it time and again on the floor of the House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Clerk read as follows:

Rent of buildings, Quartermaster Corps: For rent of buildings and parts of buildings in the District of Columbia for military purposes, during the fiscal year 1916, as follows:

Mr. MANN. Mr. Chairman, I move to strike out the last word. Was an amendment offered in line 7? If not I move to amend by striking out the word "sixteen" and inserting the word "seventeen."

The Clerk read as follows:

Amend, on page 38, line 7, by striking out the word "sixteen" and inserting the word "seventeen."

Mr. MANN. I suppose that is correct?

Mr. HAY. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. Chairman, I desire to ask the chairman of the committee a question. I may be in error, but it looks to me as though here in the beginning of line 23, page 37, for the maintenance of the Army War College, for supplying necessary fuel, and so forth, there is no provision made for paying for the fuel. I do not see any amount appropriated at all.

Mr. HAY. Mr. Chairman, the gentleman is correct about that, and I ask unanimous consent to return to line 3, page 38, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to that portion of the bill indicated for the reason stated. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I move to amend, at the end of line 3, page 38, by inserting the figures "$10,700." That was overlooked.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman allow me to make another observation before that vote is taken? It seems to me that that should be inserted after the word "grounds."

Mr. HAY. I will say to the gentleman that I am simply providing what was provided last year.

Mr. LA FOLLETTE. Ten thousand seven hundred dollars covers all of the item?

Mr. HAY. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

Claims for damages to and loss of private property: For payment of claims for damages to and loss of private property incident to the training, practice, and operations of the Army that have accrued, or may hereafter accrue, from time to time, to be immediately available and to remain available until expended: *Provided*, That settlement of such claims shall be made by the Auditor for the War Department, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages, $5,000.

Mr. BORLAND. Mr. Chairman, I make the point of order against a portion of that paragraph.

The CHAIRMAN. Does the gentleman offer the point of order to the proviso?

Mr. BORLAND. I make the point of order against the portion of the paragraph which I will indicate, beginning on page 38, line 21, with the word "incident" and extending from there to and including the word "damages," on line 5, page 39, so as to make the paragraph read:

For payment of claims for damages to and loss of private property, $5,000.

The CHAIRMAN. Does the gentleman from Virginia desire be heard upon the point of order?

Mr. HAY. I do not think it is subject to the point of order.

Mr. BORLAND. Mr. Chairman, the law now provides how the damages shall be paid. There is an existing statute upon the subject that was passed on August 24, 1912. That provides that these claims shall be audited by the Auditor of the War Department and then reported to Congress and paid in an appropriation bill by Congress. This attempts to change existing law by providing that they shall be paid by the Secretary of War on the recommendation of the Auditor of the War Department without any report of the claims at all to Congress. That is a very definite change of existing law.

Mr. HAY. Mr. Chairman, I will say to the gentleman that the purpose of this is not for the payment of all private claims, but for the payment of claims which arise where there has been target practice or some operation of the Army and where small claims have accrued by reason of breakage of windows or the breaking down of fences or something of that sort. It has been carried in the bill, I think, for three years. It does not apply to all private claims that may arise, but is specifically intended for that purpose, and by reason of the promptness with which the War Department is able to handle these claims under the provision of this law private owners of property have been very much relieved and a much better feeling has existed where target practice has been carried on and where the Army has maneuvered. That is the reason.

The CHAIRMAN. Of course in deciding the point of order, it will depend upon what existing law is. Is there any existing authority in law for this?

Mr. HAY. No.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including motor ambulances, and motorcycles for medical service, their maintenance, repair, and operation, and disinfectants, and the exchange of typewriting machines, for military posts, camps, hospitals, hospital ships and transports, and supplies required for mosquito destruction in and about the military posts in the Canal Zone: *Provided*, That the Secretary of War may, in his discretion, select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and material for the Army: *Provided further*, That hereafter, whenever contracts which are not to be performed within 60 days are made on behalf of the Government by the Surgeon General or by officers of the Medical Department authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties, but in all other cases contracts shall be prepared under such regulations as may be prescribed by the Surgeon General; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinment, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroy in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy hospital at Hot Springs, Ark.; for advertising, printing, binding, laundry, and all other necessary miscellaneous expenses of the Medical Department, $1,000,000.

Mr. BORLAND. Mr. Chairman, I make the point of order against a portion of the language in that paragraph.

The CHAIRMAN. The gentleman will indicate the portion to which his point of order is directed.

Mr. BORLAND. On page 39, line 12, the words "and supplies required for mosquito destruction in and about the military posts in the Canal Zone."

That is covered in the sanitation of the Panama Canal Zone in the sundry civil bill.

On page 41, line 5, the words "printing and binding."

Printing and binding also are provided for the War Department, including all its branches, in the sundry civil bill.

Mr. HAY. Mr. Chairman, I do not think the words "printing and binding" are subject to the point of order. They have been carried in the bill for a very long period, and they are not provided for in the sundry civil bill or any other bill of which I know.

Mr. BORLAND. Well, we can dispose of these one at a time.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman reserve his point of order as to the mosquito paragraph? I would like to hear from the gentleman from Virginia on the merits of that proposition.

Mr. HAY. The merits are very plain.

Mr. BORLAND. There is no doubt about the merits of the question, but——

Mr. MOORE of Pennsylvania. This is an item for supplies required for mosquito destruction in and about the military posts in the Canal Zone.

Mr. BORLAND. There is no use duplicating appropriations in three or four bills for the same purpose.

Mr. HAY. Will the gentleman point out where it is cared for?

Mr. BORLAND. There is no doubt about the merits.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am glad to hear the gentleman say that.

Mr. BORLAND. The gentleman is familiar with the Canal Zone?

Mr. MOORE of Pennsylvania. I have been over it.

Mr. BORLAND. The gentleman knows a good deal of the sanitation there consists of the destruction of mosquitoes by the use of oil on the stagnant water. Most of the money has been spent that way.

Mr. HAY. Will the gentleman from Missouri point out where this is taken care of in the sundry civil bill?

Mr. BORLAND. Yes; I can do so in a moment's time.

Mr. HAY. While the gentleman is doing that—and we are not in any way interfering with his right to make the point of order—I move to amend the bill by increasing the appropriation to $2,000,000, so it will read "$2,000,000" instead of "$1,000,000."

Mr. BORLAND. Just a minute. What is the proposition?

Mr. HAY. The purpose is, we will have just twice as many people to take care of out of this appropriation as we provided for, and it is for the purpose of getting the necessary medical supplies and all the other sanitary things that are necessary for the Army.

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, the item for the sanitation of the Panama Canal is found on page 184 of the sundry civil bill.

Mr. MOORE of Pennsylvania. Will the gentleman withhold his point for a moment? The Army is taking care of the mosquito. Here is a provision for the destruction of the mosquito in and around the military posts of the Canal Zone. It provides for the purchase of supplies. Now, whether the point of order is good or bad, it would be helpful to the country not in military service if the gentleman from Virginia would say just what the supplies are that are used on the Canal Zone for the destruction of mosquitoes. I think I know, but I would like to have the gentleman from Virginia state it.

Mr. HAY. If the gentleman knows the gentleman had better tell it, because he can do it better than I can.

Mr. MOORE of Pennsylvania. I think it is very largely oil spread in waste places. There are some other supplies that the gentleman from Virginia might tell us about.

Mr. HAY. Well, Mr. Chairman, I do not think this is subject to the point of order. I think it is the province of the Committee on Military Affairs, which has charge of the Military Establishment, to provide for the sanitation of the Army and the posts which the Army occupies. Now, the Army occupies—or a part of them—three or four posts on the Panama Canal Zone, and it is proposed out of this appropriation to protect the soldiers of those posts from diseases which may be carried by mosquitoes, and I think it is in order to provide for it.

Mr. BORLAND. Mr. Chairman——

The CHAIRMAN. Just a moment. The Chair desires to ask the gentleman a question in that connection. Of course it is purely a question of what is existing law. It is perfectly competent to provide by statute that one department of the Government shall sanitate Army posts, or provide that the Military Department shall have authority to sanitate. Of course the decision of the Chair depends upon what the actual existing law is.

Mr. MOORE of Pennsylvania. Before the Chair rules I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to offer an amendment which affects the text of the sentence which the gentleman from Missouri proposes to strike out by the point of order. Would it be in order to offer that amendment now?

I desire to move to strike out the words after the word "destruction" in line 13, "in and about the military posts in the Canal Zone," so that the paragraph will read, "and supplies required for mosquito destruction." The Army is not going to be confined to the limits of the Canal Zone.

The CHAIRMAN. The Chair will say that if the point of order is not sustained it is perfectly competent for the gentleman to offer the amendment——

Mr. MOORE of Pennsylvania. It would be?

The CHAIRMAN. Because the point of order strikes out all of that sentence. That brings the Chair back to what is the existing law in respect to sanitation about military posts.

Mr. HAY. Mr. Chairman, I do not know that there is any specific law anywhere about the sanitation of military posts, but this provision has been carried in the Army appropriation bill for some time, and I do not understand that the same thing is provided for in the sundry civil bill.

That is the reason, I understand, the gentleman makes the point of order. The sundry civil bill provides for sanitation and protection of the Canal Zone, but it does not provide for the sanitation of the Army posts on the Canal Zone. They are entirely separate and distinct. The Army posts are one thing. The Canal Zone, a strip of land extending from ocean to ocean, is another thing, and this is to provide for the sanitation and protection of these Army posts against these mosquitoes. It does seem to me it is in order on this bill.

The CHAIRMAN. Has the gentleman a statute there? There might be a statute so comprehensive relating to sanitation on the Canal Zone that it would include everything on the zone, and that would include the Army posts, of course.

Mr. BORLAND. Mr. Chairman, that is exactly the law. The organic act for the building of the Panama Canal and the recent Adamson Act for the operation of the Panama Canal are both based upon construction, operation, protection, and sanitation of the Canal Zone.

Now, by practical construction of that one sanitation item—I was going to say almost all of it, but a very large percentage of it—it has been used for disinfecting the Canal Zone. The principal part of the disinfecting of the Canal Zone is the destruction of these disease-carrying mosquitoes, and every Member of Congress who has been there is well aware that has been a big part of that work. That is in the sundry civil bill, and that bill this year carries the same appropriation it has always carried for that purpose, which includes all of the zone.

The CHAIRMAN. Does that cover and provide for this particular mosquito destruction?

Mr. BORLAND. Yes. It is used for that purpose and has been used for that purpose for 14 years. It chances that for the first time in the history of the zone some military posts are located there, but that does not cut down the power to sanitate the entire zone; and if the entire zone is sanitated under this appropriation, it is a segregation of that appropriation to sanitate the posts that happen to be in the zone and make a special appropriation for them.

Mr. HAY. I will state to the gentleman that this fund for military posts occurs in the bill for the first time. I had not had my attention called to that. It is new language in this bill.

The CHAIRMAN. If the statute, as said a moment ago, includes all the sanitation of the zone, it would include the destruction of the mosquitoes around the posts. The point of order is sustained.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

Mr. HAY. It would come at the end of the paragraph.

The Clerk read as follows:

Page 41, at the end of line 7, insert: "That so much of the act of June 3, 1916, as relates to the age limit for eligibility to appointment of first lieutenants in the Medical Department of the Army be, and the same is hereby, repealed."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. HAY. The reason for that is, Mr. Chairman, that heretofore the age limit of first lieutenants to be appointed in the Medical Corps of the Army has been by regulation in the War Department. By some inadvertence, when we passed the organization act we fixed the age limit for the appointment of young men in the Medical Corps of the Army at from 21 to 30 years. We are now informed by the Surgeon General that, owing to the long course which men have to take before they can go into the Army, if the age limit is put as low as 30 years they will lose a great deal of valuable material. A man has to go to a college and graduate in academics. Then he has to go four years to a school and graduate there in his profession, and then he has to go from the school to a hospital.

Mr. MANN. Then, he is an interne for a couple of years there?

Mr. HAY. Yes; an interne. And the result is that the Surgeon General and the War Department think that if this law is not changed it will work not only a hardship, but it will work against the efficiency of the Medical Corps of the Army.

Mr. MANN. I think it ought to be changed, but why does the gentleman propose to entirely repeal it?

Mr. HAY. Only as to that part of it which applies to the eligibility as to age.

Mr. MANN. Why do you propose to admit a man at 60 as lieutenant in the Army?

Mr. HAY. Because under the law, before the act of June 3, the age limit was fixed by regulation of the War Department. There was no law in regard to it, and they could have admitted a man 60 years old there if they had wanted to do so. As a matter of fact, they never did it; but I am only proposing to restore the law to what it was before the passage of that act. That is all.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. HAY. Yes.

Mr. LA FOLLETTE. Do you understand that this also includes dental surgeons?

Mr. HAY. Yes, sir.

Mr. LA FOLLETTE. You say in the bill itself it referred to dental surgeons at 27 and in the Medical Corps at 30 years.

Mr. HAY. First lieutenants in the Medical Corps service and first lieutenants in the Dental Corps.

Mr. MANN. It seems to me there ought to be a limit on it.

Mr. HAY. What limit does the gentleman suggest?

Mr. MANN. It would be a wild guess for me. I would not let a man in from 35 to 40 years, it seems to me.

Mr. HAY. Suppose we make it 35 years, then. I do not think they have ever been in the habit of permitting a man to enter who was over 35 years. That is my understanding as to what they have been doing heretofore. Of course, a man ought not to be in at an age where he would not give good service and then be permitted to go on the retired list. That is what we ought to avoid. But I think the limitation of 35 years would work out satisfactorily.

Mr. ANTHONY. Why not make it 40 years?

Mr. HAY. That would be too much.

Mr. ANTHONY. The idea is that there are a certain number of medical officers who have served as contract surgeons and who have served in the Medical Reserve Corps. If you make the year limit too low, you will exclude those men who have given a long period of service to the Government.

Mr. HAY. I do not think there are many of that sort.

Mr. ANTHONY. There are some.

Mr. HAY. They are few, but they have not reached the age of 40 years as yet.

Mr. ANTHONY. One I have in mind is 36 years of age, and he has given seven or eight years of service.

Mr. HAY. There is no age limit now as to officers of the Reserve Corps, especially. It was done particularly for the reason that we did not want any age limit placed on physicians or surgeons who might be men of 55 with very large experience, and who in a war would render very essential service. But I do not think we ought to fix the age limit as high as 40 years for a member of the corps.

Mr. MANN. Perhaps it would be just as well to leave it to the regulations. I withdraw the point of order.

Mr. HAY. Very well.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY].

The amendment was agreed to.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] has another point of order that was not passed upon. The Chair will ask the same question in connection with that as he did in the other case. What is the law in relation to this printing and binding?

Mr. BORLAND. The law in relation to this printing and binding is that the printing and binding in the executive departments is carried in the sundry civil bill. There is only one exception to that in the War Department, and that was that last year they got a provision inserted on the river and harbor bill to the effect that a certain amount of printing and binding should be carried on the river and harbor bill.

The CHAIRMAN. Does the gentleman from Virginia [Mr. HAY] take issue on that statement of fact?

Mr. HAY. I certainly do. I will say that the sundry civil bill does not appropriate for the printing and binding of all the departments; certainly not for the bureaus of the War Department. These things have been carried in this bill for years and years. This is the first time I have ever heard of any point of order being made against it.

Mr. BORLAND. I thought it was new. I have it marked here as new.

This printing and binding in this particular item is for the medical department, just one branch of the War Department. I want to call attention to the fact that another branch of the War Department, to wit, the Corps of Engineers, secured a special appropriation on the river and harbor bill, and this year's sundry civil bill, which on Saturday passed this House, repealed that provision of law on page 178 of the sundry civil bill. That was the only exception, as shown by the hearings, which I can send to the desk. That was the only exception in the War Department where any department had any appropriation outside of the general appropriation for printing and binding carried in the sundry civil bill. When we come to compute the amount that the War Department had altogether, we find that——

Mr. HAY. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I noticed in the morning paper yesterday morning the statement by wire that they were delayed in mustering in the National Guard at Chicago because they had no muster-in rolls; in other words, because the War Department could not print muster-in rolls and have them on hand, and the matter was put through the red tape of sending it to the Government Printing Office in Washington and waiting until they got good and ready to print them. The National Guard, that had been called out at great expense to the Government, was lying by, doing nothing, because somebody had prevented the War Department from printing the muster-in rolls. Fifteen minutes of expense to the Government would have printed ten times as many muster-in rolls as were needed; but sometimes some wise gentleman concludes—it may be myself, though I do not claim to be wise—that this printing must all be done by the Public Printer. It would not do to let the War Department order by wire that the printing be done at Chicago, a very simple thing, at no expense, practically. Even if they were willing to do it for nothing, the Government could not accept these muster-in rolls presented to the War Department. No, no; they must make a requisition on the Public Printer and have the money expended out of the sundry civil appropriation in order to have these muster-in rolls printed.

We are a great country; we are a wise people; we are a wonderfully intelligent Congress; but sometimes I wonder whether the janitor would ever be able to clean up the establishment if he did not know more than we do. [Laughter.]

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last two words.

Mr. BORLAND. Mr. Chairman, the law that the gentleman speaks of has been on the statute books since January 12, 1905. I do not know how many Members of this House participated in the passage of that original law, which required this printing to be done in the Government Printing Office. I assume that in the main it is a good thing to do so, and it is a good thing to confine the printing to the Government Printing Office, where it is done at the cheapest possible rate to the Government, and not permit these departments to seek private printing in special cities, like Chicago, or elsewhere. Nor do I see how this question of the printing of muster rolls has the slightest thing to do with this item in here about medical printing. It is totally divorced from it. Nor do I see any excuse why the muster rolls should not be promptly printed. The Government Printing Office prints the CONGRESSIONAL RECORD and other documents for Congress and delivers them by daylight here on the day after they are sent to them, and I can see no reason why, in view of the fact that the muster in was anticipated and provided by law and order, it was not just as easy to get the muster rolls there as it was to get the men to inspect the troops or the men who will constitute the troops. It is a small matter to get the muster rolls. But it shows how some justification might be advanced for making an expenditure of Government money here and there or anywhere by permitting the printing by an executive officer in his discretion. Congress seems to have forbidden that, and I think it was wise in doing that. Until that law is repealed, Congress will make its appropriations in accordance therewith.

Mr. HILL. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last three words.

Mr. HILL. I do that just to make a suggestion. It pleases me very much. I have listened here in quiet to the charge on the part of a great many people that trouble and war were coming to us at the instigation of the munition makers of the Atlantic States.

I never thought there was anything in it. I am still less of that opinion this morning; but I commend to the gentlemen who have made those charges during the last few months the fact that outside of the States on the Mexican border, the troops from New York, Massachusetts, New Jersey, and Connecticut are the first troops ordered to the Mexican border, and the ammunition makers of those States are going down there to deliver their goods in person.

Mr. STAFFORD. Will the gentleman yield?

Mr. HILL. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Is the gentleman quite accurate in the statement of the facts as to the first troops ordered to the border?

Mr. HILL. Outside of the States bordering on the Mexican frontier.

Mr. STAFFORD. I think the gentleman is in error. Is it not a fact that Oklahoma, Kansas, and Wisconsin were ahead of the New England States?

Mr. HILL. I have not heard of it, and the paper this morning says that the troops from New York, Massachusetts, New Jersey, and Connecticut are the first four States except, as I have stated, those on the Mexican border.

Mr. STAFFORD. The gentleman is in error in that, because the troops of Oklahoma, Kansas, and Wisconsin are far ahead of those from New York, Massachusetts, New Jersey, and Connecticut.

Mr. HILL. I would ask the gentleman if he presumes for one moment to put his own suggestion against the unequaled accuracy of the public press?

Mr. STAFFORD. I would not attempt to do that against the gentlemen of the press gallery. [Laughter.]

Mr. WINGO. Will the gentleman from Connecticut yield for a suggestion?

Mr. HILL. I yield to the gentleman.

Mr. WINGO. I want to suggest to the gentleman, for his information in connection with his statement as to the first troops ordered to the border, that no doubt the gentleman got his information from the statement which I saw in the eastern papers, and that referred to the troops in the Department of the East. The gentleman is in error. There have been troops from other States ordered to the border.

Mr. HILL. I have seen nothing of the kind.

Mr. WINGO. The reason for that is that the press report that the gentleman saw was that covering only the Department of the East. In other words, the gentleman has listened to a provincial press and has not gotten his information straight from the War Department. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 29, line 12, after the word "transport," insert the words "and supplies required for mosquito destruction."

Mr. BORLAND. Mr. Chairman, I make a point of order against that amendment.

Mr. MOORE of Pennsylvania. I hope the gentleman will withhold his point of order.

Mr. BORLAND. I withhold the point of order.

Mr. MOORE of Pennsylvania. I understood the gentleman to make his point of order against the original text of the bill because it carries the language with respect to the Panama Canal Zone that is carried in the sundry civil bill. That was the burden of his objection, was it not?

Mr. BORLAND. My objection to this is something totally different. The Public Health Department has charge of the subject that the gentleman is trying to introduce into this bill.

Mr. MOORE of Pennsylvania. Not very extensively, if the gentleman will permit me to say.

Mr. BORLAND. It has all the charge there is. This does not belong in the Army appropriation bill, and I make the point of order.

Mr. MOORE of Pennsylvania. I ask the gentleman to reserve it a moment.

Mr. BORLAND. I reserve the point of order.

Mr. STAFFORD. I move to strike out the last four words. It seems to me that in this oppressive heat the mosquito is making a very active attack on the brain of the gentleman from Pennsylvania [Mr. MOORE]. Mosquitoes have been a very favorite subject with him, as we can all testify. Those who are personally and intimately acquainted with him know the reason. We know how he suffers from the New Jersey mosquito when he chances to go down to his summer home near Brigantine Beach, and we do not wonder that he wants the National Government to come to his protection and to the protection of all others who suffer from this troublesome insect. But, Mr. Chairman, the gentleman from Pennsylvania is not justified in throwing aspersions upon the Appropriations Committee because the Board of Managers of the National Home for Disabled Volunteer Soldiers have failed in their duty to provide screens for the southern home. Since the discussion this morning, in which he made that charge, I have taken occasion to examine the estimates for repairs made by the board of managers for the southern home, and find that their estimate totaled $45,000. The Committee on Appropriations reported, and the bill which has just passed the House on Saturday, carried an item of $44,000 for that purpose. The fault has not been with the Committee on Appropriations.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. MOORE of Pennsylvania. What were these items for?

Mr. STAFFORD. For the purpose of repairs and screening, and the like, to which the gentleman refers.

Mr. MOORE of Pennsylvania. If that is so, that is all news to the House, and this agitation has done some good.

Mr. STAFFORD. The gentleman from Illinois [Mr. MANN] has already called attention to the fact that the appropriation was for that purpose.

Mr. MOORE of Pennsylvania. If that is what he stated, the gentleman from Wisconsin is simply repeating the words of his chief.

Mr. STAFFORD. If I am repeating the words of my chief, I am very glad to think that I have convinced some one who needed conversion to the truth.

Mr. MOORE of Pennsylvania. There is no need for the conversion of anyone except those who oppose putting these screens up. What we want is not heated oratory, but screens to save these old soldiers from the annoyance of being bitten all night and every night.

Mr. STAFFORD. The Committee on Appropriations have provided funds, and if the screens are not placed there it is the fault of the board of managers in neglecting to do what they should do in providing ample protection to the old soldiers at these branch homes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That amendment has already been offered.

Mr. MOORE of Pennsylvania. Then I move to strike out the word preceding that.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, it is true that the summer heat has somewhat affected "the gentleman from Pennsylvania." He has been under the weather for two days. But even so, it does not interfere with his standing up for those things that he believes to be right, even though they may be questioned by the gentleman from Wisconsin [Mr. STAFFORD]. If the gentleman from Wisconsin has no heart even when he is well, the gentleman from Pennsylvania has a heart even when he is sick. The gentleman from Pennsylvania has some regard for the men who fight for their country, and if the gentleman from Wisconsin fails to have any regard for them he can account to them when he goes home to ask their support for reelection to the House. The gentleman knows the value of the old soldier. He knows what the old soldier has done for the country. He knows why we erected these homes to take care of the soldier in his old age. And he also knows as well as any man in the House that the Wisconsin mosquito is about as large, if it is not larger, than any other animal of its kind found anywhere, either along the Atlantic seaboard or on the Pacific coast, but he is persistent in ignoring that fact. Any man who has gone along the lakes of which the gentleman boasts knows that the mosquito which comes from a relatively cold climate is larger, more vigorous, with a greater velocity of flight, and a sharper bill than the mosquito which comes from a warm climate.

Mr. GORDON. Has not the gentleman got the mosquito mixed with the June bug? [Laughter.]

Mr. MOORE of Pennsylvania. That may be, from the standpoint of the gentleman. We are all a little boastful. "We have got something bigger up in our country than anything you have got in your country." I suppose if some one should put a plain, ordinary American bedbug in between the sheets of a bed in the country of the gentleman from Alabama [Mr. HEFLIN] he would claim that it was a diamond-back terrapin. Of course the Wisconsin mosquito is more voracious than the mosquito down at Hampton Roads, but this home down here ought to be screened for the protection of the old veterans who now spend restless lives because we do not appropriate enough money to supply material and labor to put in the screens at these homes. The gentleman may find fault with me for calling attention to it; he may make objection to the desire of these old men to be made comfortable in their declining years; but I intend to let the country know how they suffer from mosquitoes as we suffer at

times from the eloquence of the gentleman from Wisconsin. [Laughter.]

The Clerk read as follows:

Engineer School, Washington, D. C.: Equipment and maintenance of the Engineer School at Washington Barracks, D. C., including purchase and repair of instruments, machinery, implements, models, and materials for the use of the school and for instruction of engineer troops in their special duties as sappers and miners; for land mining, pontoniering, and signaling; for purchase and binding of professional works and periodicals of recent date treating on military and civil engineering and kindred scientific subjects for the library of the United States Engineer School; for incidental expenses of the school, including chemicals, stationery, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; compensation of civilian lecturers and payment of tuition fees of student officers at civil technical institutions; for unforeseen expenses; for travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances; and to provide means for the theoretical and practical instruction at the Engineer School by the purchase of textbooks, books of reference, scientific and professional papers, and for other absolutely necessary expenses, $25,000.

Mr. HAY. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Page 43, after line 23, insert: "For one power lithographic press for the Engineer School, $6,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that until the gentleman from Virginia makes some explanation.

Mr. HAY. Mr. Chairman, I will read from a memorandum furnished by the Chief of Engineers:

The necessity for military maps of the United States, especially along our frontiers, was presented to the House of Representatives Military Committee in my hearing before the committee. The confidential nature of the information contained in the maps was appreciated by the committee. The necessity for a means of reproducing such maps quickly and economically and in such quantity as may be required is evident. I know of no means of accomplishing the ends sought other than by the use of a power lithographic press controlled and operated by the War Department in close proximity to the War College, which is the place of deposit of all general confidential military information. It is earnestly recommended that an item appropriating $6,000 for the purchase of this press be inserted in the Army appropriation bill after the item for "Engineer School, Washington, D. C."

Mr. STAFFORD. These maps are of a confidential character, that could not with safety and security be printed in the Government Printing Office or any outside agency?

Mr. HAY. That is true.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The amendment was agreed to.

The Clerk read as follows:

Engineer equipment of troops: For pontoon material, tools, instruments, supplies, and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase and preparation of engineer manuals and procurement of special paper for same, and for a reserve supply of above equipment, to be immediately available and remain available until expended, $500,000.

Mr. BORLAND. Mr. Chairman, I reserve a point of order.

Mr. HAY. I would like to have the point of order disposed of first.

Mr. BORLAND. Mr. Chairman, my point of order is to line 5, page 44, against the words "and remain available until expended." The law is that the appropriation shall not be longer than two years.

Mr. HAY. The gentleman must understand that this equipment is of a nature that can not all be obtained in one year. This is frequently done. They have to buy pontoon bridges, and it takes some time to make them. If the gentleman is going to insist on a point of order against this language wherever it appears for the making of the reserve supplies, it will be very detrimental to getting such a reserve.

Mr. BORLAND. It is not necessarily so; we frequently have to reappropriate unexpended balances.

Mr. HAY. But you have to wait until the next fiscal year to reappropriate.

Mr. BORLAND. The law is that no appropriations for the Army shall be made for more than two years.

Mr. HAY. I know it is subject to a point of order, but I call the attention of the gentleman to the fact that by insisting on the point of order he is interfering with the proper discharge of the duties of these officers and of the most economical way of spending this money.

Mr. BORLAND. I insist that that is not the case, and is not the question before the House.

The CHAIRMAN. The point of order is sustained.

Mr. HAY. Now, Mr. Chairman, I move to increase the appropriation by striking out "$500,000" and inserting "$1,000,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the figures "$500,000" and insert the figures "$1,000,000."

The amendment was agreed to.

The Clerk read as follows:

ORDNANCE DEPARTMENT.

Ordnance service: For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the Ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals, which may be paid for in advance; for membership dues of arsenals, designated by the Secretary of War in scientific and technical societies and associations; and payment for mechanical labor in the office of the Chief of Ordnance; and for purchase, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, $375,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on the paragraph. I want to say to the gentleman from Virginia that the particular portion of the paragraph to which I expect to make the point of order is on lines 15, 16, and 17, which provides for the payment of membership dues in scientific and technical societies and associations. I raised the question for the reason that in a number of departments of the Government there is always an estimate for the payment of dues of Government officials in technical and scientific societies. In the Department of Commerce there was a request for a provision to pay such dues of officials in the Census Office and the Bureau of Standards. Similar requests are made in the Department of Labor and in Botanic Gardens, and I am not sure but in one or two other departments outside of the two named.

Personally I do not believe this Government ought to pay membership dues of Government officials in scientific and technical societies and associations. Certainly I think it would be most unfair and would be a discrimination to permit officials in one department to have their dues paid and not in others.

Mr. HAY. Mr. Chairman, I do not dispute the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Ordnance stores, ammunition: Manufacture of ammunition for small arms and for hand use for reserve supply, ammunition for burials at the National Soldiers' Home in Washington, D. C., ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' State homes, $2,500,000.

Mr. HAY. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 7, page 46, strike out the figures $2,500,000 and insert $4,500,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Provided further, That $250,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by the Government and by private manufacturers of ammunition necessary for the use of the land forces of the United States in time of war.

Mr. BORLAND. Mr. Chairman, I make the point of order against the paragraph, and I might say that a similar paragraph occurs on page 47 and another one on page 50. The three items altogether aggregate $650,000, all for gauges, dies, jigs, and so forth.

Mr. HAY. Mr. Chairman, I do not think it is subject to the point of order.

The act approved June 3, 1916, provides:

SEC. 123. Procurement of gauges, dies, jigs, etc., necessary for manufacture of arms, etc.: The Secretary of War be, and he is hereby, authorized to prepare or cause to be prepared, to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture, by the Government and by private manufacturers, of arms, ammunition, and special equipment necessary to arm and equip the land forces likely to be required by the United States in time of war: *Provided*, That in the expenditure of any sums appropriated to carry out the purposes of this section the existing laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opinion of the Secretary of War such action will be for the best interest of the public service.

Mr. BORLAND. Mr. Chairman, the law authorized this appropriation for this kind of material, but it does not authorize

it as coming from the Military Affairs Committee, which is charged with the duty of providing for the mobile army. The fortifications appropriation bill, which passed this House a short time ago, contains this very provision on page 11:

For the procurement of such gauges, dies, jigs, tools, and fixtures and other special aids and appliances, including such plans, specifications, and detail drawings as may be necessary for the immediate manufacture of arms, ammunitions, and other materials necessary for the defense of the country; for plans for the installation of such material in private plants of the United States, under such contracts and agreements as are made by the Secretary of War.

That is the appropriation carried in the fortifications appropriation bill to comply with that clause of the law which the gentleman has just read, and the amount appropriated is $1,000,000. This military bill provides only for the mobile army. The manufacturing arsenals and everything connected with the manufacture of munitions of war are carried in the fortifications appropriation bill. This bill from the Military Affairs Committee provides for supplies for the mobile army, and this particular item, although authorized by law, is not within the scope of this particular bill.

Mr. HAY. Mr. Chairman, the gentleman is entirely mistaken in thinking that the only jurisdiction that the Committee on Military Affairs has is to provide for the mobile army. The rule distinctly says that all matters pertaining to the Military Establishment shall be referred to the Committee on Military Affairs. The procurement of arms and ammunition or the procurement of jigs, dies, tools, and fixtures for the purpose of manufacturing them is certainly a part of the Military Establishment, and it is an absurd proposition that the Committee on Appropriations shall have jurisdiction of fortifications which is a part of the Military Establishment of the country and should have the power to appropriate for field artillery and field artillery ammunition for the Regular Army, while the Committee on Military Affairs is given jurisdiction to appropriate for field artillery and field artillery ammunition for the National Guard. It is an absurd kind of ruling which was made a good many years ago when these committees were first separated, and if this were the proper time to do it I would ask the Chair to make a ruling now which would give to the Committee on Military Affairs authority to take care of the entire Military Establishment of the country, but in this particular case I do not think there can be any question that the Committee on Military Affairs has the right under the law and has the jurisdiction under the law to appropriate for these things. If by reason of this dual jurisdiction the Committee on Appropriations has already appropriated $1,000,000 for this purpose, if the Chair overrules the point of order, I shall move to strike out this appropriation from this bill. It is because of the fact that both committees undertake to assume jurisdiction of these things that these duplications occur. I did not know and the Committee on Military Affairs did not know that the committee on fortifications or the subcommittee on fortifications of the Appropriations Committee had made this appropriation.

Mr. GREENE of Vermont. Mr. Chairman, there was no protest made by the Committee on Appropriations when the Committee on Military Affairs originated the very law under which the appropriations are now made?

Mr. HAY. Of course not. They could not do that.

Mr. BORLAND. Mr. Chairman, I sympathize in great measure with the views advanced by the gentleman from Virginia [Mr. HAY]. I do not know that any of us is responsible for the original division of this authority. It might be that the authority over coast defense and manufacture of munitions of war ought to have gone to the Committee on Military Affairs, but it did not, and it is simply a question here of one committee having undoubted jurisdiction—that is, the subcommittee of the Committee on Appropriations, having charge of fortifications and coast defense, which does provide for the manufacturing arsenals and manufacture of munitions of war as against the doubtful claim of right upon the part of the Committee on Military Affairs, a right which I am convinced is not well founded. The Chair has only one course to take in that case. The House having already acted on this matter by passing an appropriation on the fortifications appropriation bill, without any point having been raised by the gentleman from Virginia [Mr. HAY] as to its power, there is no need for duplicate appropriation in this bill. I think the Chair ought to decide the question. I do not care whether it goes out by motion or by decision of the Chair.

Mr. HAY. Mr. Chairman, I will call the attention of the Chair to the fact that the law provides that this equipment, and so forth, shall be necessary to arm and equip the land forces likely to be required by the United States in time of war, and forces that are likely to be equipped in time of war are all under the jurisdiction of the Committee on Military Affairs, and it has never been claimed that the National Guard or the Volunteer Army, a part of the land forces, can be under the jurisdiction of the Committee on Appropriations.

Mr. BORLAND. Mr. Chairman, let me ask the gentleman a question. Is not that just as true as to knapsacks and artillery harness and other things manufactured in the Government arsenals provided for in the fortifications appropriation bill? There is no difference between this class of goods and tools, dies, and other things.

Mr. HAY. This bill carries an appropriation for the manufacture of harness for the Field Artillery and the National Guard, and it carries an appropriation for other equipment for the troops, both the Army and the National Guard, and unquestionably we have the right, the Committee on Military Affairs has the jurisdiction, under this law, to provide for these tools and fixtures for the use of the land forces of the United States. If it is true that by some ruling heretofore made the Committee on Appropriations has jurisdiction over field artillery ammunition and field artillery guns for the Regular Army, that ruling ought not to be extended so as to take from the Committee on Military Affairs, which has more information about these things and deals more generally with the Army, its jurisdiction over the matter.

Mr. STAFFORD. Mr. Chairman, we all know that originally down to somewhere about 1885 the Committee on Appropriations had full and plenary power of appropriations for all the various establishments of the Government. At that time some jurisdiction was taken away from the Committee on Appropriations and lodged with other appropriating committees. To warrant authority for appropriations for one of these branch committees authorization for it must be found explicitly in the rules creating these subordinate committees, else I respectfully contend the authority is still lodged in the Committee on Appropriations. Under the authority vested in the Committee on Military Affairs we find the following in the rules:

For the Military Establishment, the militia, and the public defense, including the appropriations for their support and for that of the Military Academy; to the Committee on Military Affairs.

In the note under that heading we find the following:

To this committee belongs the jurisdiction of legislative propositions relating to the War Department; but it does not report appropriations for the salaries therein. It also reports legislation for national soldiers' homes, military parks, and battle fields and national cemeteries; but appropriations therefor are reported by the Committee on Appropriations.

So in the notes referring to the Appropriations Committee we have numerous precedents where the Committee on Appropriations has authority to vote the necessary appropriations for arsenals and for the implements and equipment of those arsenals. Now, this item is on all fours with the rule that has been acknowledged by innumerable precedents that the Appropriations Committee is the appropriating authority after once the Committee on Military Affairs creates the legislation, and that as in the case of arsenals, although the Committee on Military Affairs has authority to provide for the personnel of those arsenals, yet for the establishment of them, the original authorization for them, and all that pertains to their equipment, that authority is lodged in the Committee on Appropriations. So if the Chair is going to follow the precedents that have been adhered to always, as I respectfully contend, along similar lines to that under consideration, the Chair will have to hold this appropriation naturally and properly belongs to the Committee on Appropriations.

The CHAIRMAN. The Chair in passing on this matter will confine its decision to the question of authority. The propriety of striking out the appropriation under consideration (conceding this committee has jurisdiction), on the ground that another committee has made a like appropriation, is a matter that will be left to the discretion of the Committee of the Whole. The rule is very clear, that proposed legislation relating to the Military Establishment and the public defense, including appropriations for their support, shall be referred to the Committee on Military Affairs. This committee is certainly an appropriating committee. On the question of jurisdiction between the Committee on Military Affairs, and the Committee on Appropriations, the following citation is made from the elaborate ruling of Mr. Speaker Henderson:

Looking at these two sections together, and without considering any other matters, it would seem clear to the Chair that all matters pertaining to the Military Establishment, and the public defense, excepting for fortifications and coast defenses, and excepting deficiencies for the Military Establishment and the public defense, should be considered by the Committee on Military Affairs. In other words, that the Committee on Appropriations should be limited in its consideration of appropriations to fortifications and coast defenses and to deficiencies growing out of these, and also to deficiencies growing out of appropriations for the Military Establishment and the public defense.

That is a very clear statement of principle, but the Chair is frank to say that there are other modifying decisions that reduce its apparent sweeping effect. It seems to me, however, that the principle announced is one that the Chair ought to follow. The general jurisdiction of the Military Committee ought to be maintained so far as it can be done under the precedents, for to it appropriately belong all appropriations relating to matters connected with the Military Establishment. The paragraph under consideration would seem to naturally fall under that head.

There is nothing in this paragraph that necessarily relates to arsenals. It appropriates to provide certain tools and appliances to be utilized by the Government and by private manufacturers in making ammunition. This is undoubtedly related to the Military Establishment. It seems to the Chair, on principle, that this appropriation, under the general statement made by Mr. Speaker Henderson, should be made by the Committee on Military Affairs. This provision is intended to provide tools to make ammunition for our armed forces. Undoubtedly the making of ammunition is vitally related to, and required by our Military Establishment. Is there anything in the precedents which would give the Committee on Appropriations jurisdiction to make this appropriation? The Speaker concludes the basic ruling above cited as follows: "The Chair therefore holds that the appropriations for machinery, tools, and fixtures for manufacturing small arms belong to the Committee on Appropriations." The paragraph under consideration provides an appropriation for tools and fixtures for manufacturing ammunition, not arms. There is no express precedent that gives jurisdiction to make this appropriation to the Committee on Appropriations. Under the general principle announced by Speaker Henderson, and cited supra, this jurisdiction appropriately belongs to the Committee on Military Affairs, and the Chair so holds. To hold otherwise, would be in derogation of the manifest jurisdiction of this committee. The Chair overrules the point of order.

Mr. BORLAND. Mr. Chairman, I move to strike out the amendment then, because I understand the chairman of the committee to say that the million dollars that has already gone through the House will cover each one of these three items and a little more. He said he did not know there was any such appropriation in the fortifications bill.

Mr. HAY. I do not propose, if I can help it, to have this stricken out, because I do not know whether the Senate is going——

Mr. GARDNER. Mr. Chairman, a point of order. The amendment of the gentleman has not been reported and I would like to know what it is.

Mr. BORLAND. It is to strike out lines 10 to 16, page 46.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, strike out all of lines 10 to 16, inclusive.

Mr. BORLAND. Now, Mr. Chairman, the ruling of the Chair governs the admissibility of this item in the bill, but it is perfectly clear it was put in there by the committee without knowledge that it was a duplication of an item in the fortification bill. I am free to say that if the question were a new one and it was up for the decision for the first time as to which committee should have charge of these manufacturing arsenals of the Government, there would not be much doubt in my own mind. But the appropriation in the fortification bill does carry all the items for the manufacturing arsenals which make this material of various kinds, such as rifles, gun sights, knapsacks, harness, artillery, carriages, and canteens. And almost everything that is used in the Army of that general manufactured nature is made at these arsenals, and all of it is provided for in the fortification bill and none of it is provided for in the military bill. Now, of course, the effect of this proposition is to take a small part out, but a very integral part, that is, the dies, the jigs, and tools and fixtures, of the general appropriation for arsenals, and put them under a separate committee. Now, as a practical proposition it is a bad one. Now, no matter what the original legal mistake was, as a practical proposition, to allow a committee to furnish the tools, dies, and fixtures, and let another committee provide for the pay and machinery and housing and supplying the materials, is bad business, and I think the gentleman from Virginia [Mr. HAY] will recognize that. It happens by this ruling that a small proportion of this arsenal work is now under the jurisdiction of this Committee on Military Affairs. That is not of any value to it at all. I am free to say that, and I know the gentleman from Virginia will admit it. But on the question of striking out the appropriation, it is simply here, the Fortifications Committee reported, and this House passed upon and approved an appropriation for $1,000,000 for these very items.

The Military Affairs Committee appropriate $650,000 in three items for what they thought was the same purpose. They did not know, they say, that there was any appropriation in the fortifications bill. They put that amount at $650,000, and the fortifications committee put it at $1,000,000. But, by every possible rule of common sense and arithmetic, this does not mean that it should be $1,650,000.

I do not want the gentleman from Virginia, because in pursuance of a very general duty here I have made this point of order, to feel that that is any question of conflict between the two committees. I would just as soon see the committee of the gentleman from Virginia appropriate the money as any other committee that I know of. But the mere question that has arisen of conflict between the two committees does not justify both of the committees rushing in and making an appropriation.

Mr. McKENZIE. Mr. Chairman and gentlemen, I hope the motion of the gentleman from Missouri will not prevail. The fact that the Committee on Appropriations assumed jurisdiction of the appropriation for this purpose and did appropriate $1,000,000 is no reason why this item should be stricken from this bill.

I shall not waste any time in discussing the question of jurisdiction of these two committees, but I do want to say that the only objection I have to this item is the fact that it does not appropriate more money. The evidence submitted to us in the hearings before our committee shows that it would cost millions and millions of dollars to make the necessary provision for these jigs and dies and forms, and so forth, to put our country into a condition of real preparedness. And I want to say this in passing, that of all the items in the program of preparedness in which we have engaged during this session of Congress this, to my mind, is the most important, for it makes provision for the things that in case of war we can turn over to the private manufacturers of the country and they can make the ammunition and the shells and the guns that are necessary for our Government in time of war. I am one of those who believe in having large reserves of this character. I believe until we have this law enacted we ought to have a larger supply of ammunition and guns and field artillery. However, under this legislation, when an emergency would arise all we would need to do would be to turn these reserve articles over to the manufacturers, and they could immediately go to work and manufacture the things necessary for our national defense.

Mr. BORLAND. Will the gentleman yield there?

Mr. McKENZIE. Yes.

Mr. BORLAND. What would be the use of piling up a lot of jigs and patterns for years to come, when dies and tools and jigs change and we might not need them at all in a few years?

Mr. McKENZIE. The Army officers, and especially Gen. Crozier, stated to our committee that there was little chance for any particular changes to be made either in our field-artillery guns or in our service rifles.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I would like to say a word on this matter, because there is an assumption that the appropriations in the fortification bill for dies, jigs, and gauges is for the same purpose as this. It is not. The fortifications committee appropriate only for the guns that are put in fortifications and for part of our field artillery; that is, the field artillery for the Army; and for making these guns and their ammunition they appropriate $1,000,000 for making dies and jigs, and so forth. The Committee on Military Affairs have to appropriate for all rifles and rifle ammunition, and they likewise appropriate for field artillery and its ammunition for the militia or National Guard. These are different purposes than those in the fortifications appropriation bill, and it is right to have these separate appropriations in this bill. As to the necessity of this item, does not everybody know that even if there were a conflict of jurisdiction we would recognize that things are different from what they were 10 days ago, and the gentleman from Missouri [Mr. BORLAND] will certainly recognize that. But outside of that the amount is only too small. I was about to bring here a paper I had cut from the Scientific American Supplement the other day, explaining that in order to put factories in operation to manufacture the shells that are now being used in the field by one of the belligerents—the paper gave the number of thousands of men and the number of factories—it would take 800 men five years to provide the dies and jigs and gauges that would make that quantity of shells. Eight hundred men for five years would be required. We ought to put 4,000 men on the work and do it in one year. We need that machinery in order to be able to supply the people of these United States and to put them in the field in time of war. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was rejected.

Mr. McKENZIE. Mr. Chairman, I would like to ask the chairman of the committee about the proviso on page 46 in lines 8 and 9. We have a proviso in there which reads as follows:

Provided, That not more than $10,000 of this appropriation may be used in the purchase of ammunition.

Now, I was very much in favor of that when it was written into the bill, but we have increased that appropriation now to $4,000,000, and under existing circumstances it seems to me that it might be a dangerous limitation to leave it in the bill. I would like to know what the chairman's opinion is about the matter.

Mr. HAY. I think, Mr. Chairman, that limitation ought to be left in there, because we can make all this ammunition at our arsenals.

Mr. McKENZIE. I understand that, Mr. Chairman. We could do that if we had time. But it requires time to do it.

Mr. HAY. It does require some time.

Mr. McKENZIE. But suppose we were called upon to use a large amount of ammunition in a short time. Would not that limitation be very embarrassing?

Mr. HAY. Well, I will suggest this to the gentleman, to strike out "$10,000" and insert "$2,000,000," so that that would provide for an expenditure of $2,000,000 outside, if they wanted to do it.

Mr. MANN. Would it not be better to strike out the proviso entirely and put in "for the manufacture or purchase"? We do not want to encourage the purchase.

Mr. HAY. We do not want to encourage the purchase; no.

Mr. MANN. But you provide for the construction of gauges, dies, and so forth; and, of course, if you have to use those in the hands of private manufacturers you will purchase them.

Mr. HAY. But the $2,500,000 worth can be very readily made in the Government arsenals.

Mr. MANN. I have no doubt of that.

Mr. HAY. And providing that not more than $2,000,000 of this appropriation can be used in that way, we having added $2,000,000 to it, so that it is now $2,500,000, that would leave the Government $2,000,000 to purchase ammunition outside.

Mr. MANN. Very well.

Mr. McKENZIE. I think that is all right.

Mr. HAY. Mr. Chairman, I move to amend line 8, page 46, by striking out "$10,000" and inserting "$2,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Manufacture of arms: For manufacturing, repairing, procuring, and issuing arms at the national armories, $2,000,000.

Mr. HAY. Mr. Chairman, I move to strike out "$2,000,000" and insert "$5,000,000."

Mr. PARKER of New Jersey. Mr. Chairman, I move to amend the amendment by striking out "$5,000,000" and inserting "$20,000,000," and I would like to say a word on that.

The CHAIRMAN. The gentleman from New Jersey offers an amendment to the amendment, which the CLERK will report.

The Clerk read as follows:

Amendment by Mr. PARKER of New Jersey: Strike out "$5,000,000" and insert in lieu thereof "$20,000,000."

Mr. PARKER of New Jersey. Mr. Chairman, we all agree on the purpose which is stated in this bill. Three lines further on we find the statement that we wish to have the manufacture by the Government and by private manufacturers of tools and appliances necessary "to arm the land forces likely to be required by the United States in time of war." Those land forces at the present time are estimated at 20,000,000 able-bodied men, who will be put in training, even if they are not called into the field. The experience of the present war in Europe is that in trench fighting four rifles are required to every man in the trenches. One gets out of order and has to be repaired. Another lies by the soldier, and has to be picked up in case of accident or difficulty of one kind and another, and four altogether are required. But we at least ought to have a rifle for every man, and there are to be 20,000,000 men.

The appropriation of $1,700,000 out of $2,000,000 provided for in this bill provided for only 100,000 rifles per year, and I ask how many years at the rate of 100,000 rifles a year it would take to make 20,000,000 rifles? I ask that question, and will let you try to figure it out yourself, because it is very singular how people fail to understand what homeopathic supplies we are giving to the Army under this bill.

One hundred thousand rifles a year in 10 years will make 1,000,000 rifles. To make 10,000,000 rifles would require 100 years, and it would take 200 years to give the 20,000,000 rifles that you must provide. This bill as introduced gave rifles for only one-half of 1 per cent of our population, and that population is increasing by at least 3 per cent every year. If we are to provide arms for our people let us do it within a reasonable time—in 10 or in 20 years, not in 200 years.

The chairman of the committee now proposes an amendment to increase the appropriation to $5,000,000. Five million dollars a year will provide for manufacturing somewhere near 300,000 rifles a year if we devote all the money to rifles. It will probably be nearer 250,000 a year, which will give us 20,000,000 rifles in 80 years. If we need to arm the people and to have rifles for the people we want them in a shorter time than that. Our Government factories, running night and day, are able to supply 500,000 a year if they run in three shifts. The United States ought to have more factories. Private factories ought to be put to work. But when we know that we may be asked within a few years to call out 5,000,000 or 10,000,000 men we ought to provide for having the arms for those five or ten million men within 5 or 10 years, and not deceive ourselves by making one-half of 1 per cent a year or 1½ per cent a year, so as not to be ready for a century.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Yes; I yield to the gentleman from Ohio.

Mr. GORDON. I suppose the gentleman understands that we have a million rifles now?

Mr. PARKER of New Jersey. I understand we have only 700,000 rifles of the best pattern. We have 300,000 extra Krag rifles.

Mr. GORDON. But they are pretty good ones, are they not?

Mr. PARKER of New Jersey. Yes; they are pretty good, but they are not the best.

Mr. GORDON. The gentleman thinks we ought to have three rifles for each man?

Mr. PARKER of New Jersey. No; only one.

Mr. GORDON. How soon would you have those 20,000,000 men ready to call out?

Mr. PARKER of New Jersey. If you have the arms you can educate the men all at once; but you have got to have the men and the arms all together, and it takes time to do that. You must have the arms first or you can not call out your people effectively.

Mr. GORDON. Does not the gentleman understand that this European war has created a demand for small arms in this country that has multiplied by many hundred per cent the facilities for their manufacture?

Mr. PARKER of New Jersey. Yes; it has.

Mr. GORDON. Then, what is the use of wasting all this money at this particular time?

Mr. PARKER of New Jersey. Those rifles that we made for other countries are of a different pattern, that we can not use.

Mr. GORDON. Oh, they are!

Mr. PARKER of New Jersey. Certainly. There is not one of them that will use our ammunition. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. I do not ask any more time.

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from New Jersey [Mr. PARKER].

The question being taken, on a division (demanded by Mr. PARKER of New Jersey) there were—ayes 22, noes 41.

Accordingly the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

Mr. GILLETT. Mr. Chairman, a large part of this money is to be spent in my district. I appreciate that that makes me a poor judge of the wisdom of the appropriation. I can not pretend that I am disinterested because of that fact, but at the same time I want to state that I am glad the chairman of the committee has recognized that in the exigencies which now exist the provision of $250,000 last year was ridiculously small and that even the $1,750,000, which was the amount we appropriated annually until 1909, is inadequate. This five million ought to run our arsenals at double shifts and produce about 200,000 rifles a year. I think this, too, is a good time to impress upon Members voting for this amendment that it is of great importance that we should keep in these arsenals, where the Government does its manufacturing, the skilled mechanics, who can not be secured at any moment during a war. In fact, it will be very difficult now, I think, in the pressure that there is for mechanics all over the country, to obtain sufficient at once.

Certainly they will have to be educated before this amount can be expended. Being interested, I simply wish to express my approval of the amendment which the gentleman has suggested, being assured that it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

The amendment was agreed to.

The Clerk read as follows:

Provided, That $1,700,000 of this appropriation be used exclusively for the manufacture of rifles.

Mr. HAY. Mr. Chairman, I move to strike out this paragraph, because it is no longer necessary.

The CHAIRMAN. The gentleman from Virginia moves to strike out the proviso in lines 11 and 12.

The amendment was agreed to.

The Clerk read as follows:

Provided further, That $200,000 of this appropriation may be used to secure gauges, dies, jigs, tools, fixtures, and other special aids, and appliances, including specifications and detailed drawings, necessary for the manufacture by the Government and by private manufactures, of arms necessary to arm the land forces likely to be required by the United States in time of war.

Mr. STAFFORD. Mr. Chairman, I make a point of order on that proviso; and with all deference to the ruling recently made by the Chairman, perhaps there is a distinction which will justify sustaining this point of order. There is a difference in the phraseology of the two provisos. This pertains to the manufacture by the Government, or rather the procuring by the Government, of gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by the Government and by private manufacturers of ammunition necessary for the use of the land forces of the United States in time of war.

The other provision, to which the Chair overruled the point of order, which is found on page 46, relates to the manufacture of ammunition for the use of the land forces. In the decision cited by the Chair for his warrant in overruling the point of order I direct the attention of the chairman to the matter that was in issue, following that part of the decision which the Chair read to the committee, found on page 710:

Manufacture of arms. Manufacture, repairing, procuring, and issuing arms at the national armory, including machinery, tools, and fixtures for their manufacture.

The part in dispute in the first item is in these words:

Including machinery, tools, and fixtures for their manufacture at the arsenals.

I now direct the attention of the Chair to the res decidendi of the decision, which is found in the closing paragraph, which, I believe, differentiates the jurisdiction of the two committees, and with which I believe the Chair is already conversant:

The Chair therefore holds that the appropriations for the manufacture of small arms and equipment for the Infantry, Cavalry, and Artillery at the armories and arsenals are within the jurisdiction of the Committee on Military Affairs, and that the appropriations for buildings, installation of plant, machinery, tools, fixtures for manufacturing—

Here is the language I wish specially to emphasize—

fixtures for manufacturing small arms and equipment belong to the Committee on Appropriations; and accordingly the Chair refers the four items in controversy to that committee, subject to the approval of the House.

In the item under consideration the things intended to be provided for are fixtures in the nature of permanent implements. I think the Chair, as well as the House, should take judicial cognizance of the explanation of this item when the bill originally providing for it passed the House was to provide implements and attachments in the nature of permanent implements to be utilized in case of emergency for the manufacture of arms. The phraseology of the proviso under consideration extends to all arms manufactured by the Government or by private manufacturers necessary for the land forces of the United States. It is not limited to the Infantry, not limited to the Cavalry, or to the Artillery, but to the land forces, which would include the Coast Artillery of the Government. It goes without saying that all equipment necessary for the manufacture of small arms for the Coast Artillery of the Government would be within the jurisdiction of the Committee on Appropriations, which has jurisdiction of the appropriations for fortifications; and even if this phraseology should have the narrower construction of applying only to the Artillery, Infantry, and Cavalry, nevertheless, as it partakes of that character which involves permanent investment, implements, and fixtures, to be utilized in case of necessity, therefore under the decision which the chairman has cited as a basis for his decision I wish to submit to the Chair that this item is subject to the point of order as being one for the Committee on Appropriations.

The CHAIRMAN. The point of order made by the gentleman from Wisconsin [Mr. STAFFORD] is upon a paragraph different in its content of facts, from the paragraph to which the point of order of the gentleman from Missouri [Mr. BORLAND] was directed. The former paragraph afforded an appropriation to provide jigs, dies, and so forth, for the manufacture by the Government and by private manufacturers of ammunition necessary for the use of the land forces of the United States in time of war. The paragraph under present consideration provides an appropriation for jigs, dies, and so forth, for the manufacture by the Government, and private manufacturers of arms necessary to arm the land forces likely to be required by the United States in time of war. In the one case provision is made to acquire fixtures for the manufacture of ammunition in the other for acquiring like fixtures for the manufacture of arms.

The Chair stated in its former ruling that it would follow the precedents when those precedents clearly delimited the jurisdiction respectively of the Committee on Appropriations, and the Committee on Military Affairs, having in mind to go no further in reducing the jurisdiction of the latter committee in matters relating to the Military Establishment, and the public defense, than it was compelled to go by the force of these precedents. The basic decision in this matter of jurisdiction was made in February 1900, by Mr. Speaker Henderson. The Speaker concluded his elaborate ruling as follows:

The Chair therefore holds that appropriations for fixtures, tools, and machinery for manufacturing small arms, belong to the Committee on Appropriations. (Hinds, Vol. IV, p. 712.)

The paragraph under consideration is as follows:

Provided further, That $200,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, necessary for the manufacture by the Government and by private manufacturers, of arms necessary to arm the land forces likely to be required by the United States in time of war.

It is very clear that this paragraph provides for tools, fixtures and machinery, for manufacturing small arms. Hence it is within the express terms of Mr. Speaker Henderson's ruling, and the point of order of the gentleman from Wisconsin is sustained.

Mr. MANN. Will the Chair hear me a word on the point of order? Did the Chair take into consideration the fact that this provides for the instruments necessary for the manufacture by the Government? Would the point of order, if the Chair is willing to indicate, go to the extent of ruling out a provision for the procurement of gauges, dies, and so forth, for the use by private manufacturers? In other words, does the authority to appropriate for small arms include the authority to provide gauges, dies, jigs, tools, and so forth, to be used by private manufacturers under contract of sale to the Government?

The CHAIRMAN. The Chair did not take into consideration the matter suggested by the gentleman from Illinois. The Chair followed a precedent, which appears to be clearly in point, not undertaking to say whether it is a good, or a bad precedent. The Clerk will read.

The Clerk read as follows:

Ordnance stores and supplies: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for Infantry, Cavalry, and Artillery equipments, including horse equipments for Cavalry and Artillery, $3,000,000.

Mr. HAY. Mr. Chairman, I move to strike out the figures "$3,000,000" and insert the figures "$6,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was considered and agreed to.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. I do it for the purpose of asking the chairman of the committee whether it would be in order to reinsert the provision just stricken out on the point of order made by the gentleman from Wisconsin [Mr. STAFFORD], if he inserted in the amendment that the tools, dies, jigs, and so forth, were for the purpose of manufacturing small arms for the National Guard?

Mr. HAY. I think that would be in order; yes.

Mr. GARDNER. Would the gentleman approve of such an amendment?

Mr. HAY. Yes. I will offer the amendment. Mr. Chairman, I ask unanimous consent to return to page 47, line 11, and I move to amend the bill by inserting the following:

Provided further, That $200,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, necessary for the manufacture by the Government and by private manufacturers, of small arms necessary to arm the National Guard which is likely to be required by the United States in time of war.

Mr. STAFFORD. Mr. Chairman, reserving the point of order on the amendment. When I pressed the point of order a few moments ago I was relying on a statement of the gentleman

from Missouri that a similar provision was carried in the fortification bill. Since then I have been advised that the fortification bill does not make provision for this character of work. Under the exigent circumstances, I am not willing, although I believe the decision of the Chair is correct, to hamper in any way provisions for equipping the Government for defense, and I therefore ask unanimous consent to withdraw the point of order to the original proviso.

Mr. SHERLEY. Mr. Chairman, I desire to reserve the point of order for the present, to see if we can not clear up the situation. As I understand the jurisdiction of the two committees, it is this, and I think it is perfectly plain: That touching the machinery for the Government arsenal which would include dies, jigs, and so forth, for the Government, the Committee on Appropriations has exclusive jurisdiction. Touching the appropriation for heavy ordnance, with the exception of that which is intended for the militia, the Committee on Appropriations has exclusive jurisdiction. Touching the small-arms appropriations, whether for the militia or for the Regular Army, the Committee on Military Affairs has jurisdiction.

Now, it would be clearly in order, in my judgment, for the Committee on Military Affairs to carry in the Army appropriation bill a provision for the supplying of jigs, tools, and fixtures to private manufacturers for the manufacture of small arms, or for the manufacture of field artillery for the militia. It would not be in order for them to provide for these jigs and fixtures for the manufacture by the Government, because when it comes to equipping the arsenals it is a matter for the Committee on Appropriations in the sundry civil bill. That is the true distinction, I think, which ought to be maintained as to jurisdiction. The amendment just suggested by the gentleman from Virginia is for the manufacture by the Government or private individuals. In the first place, I do not understand that anybody wants to create a lot of jigs and fixtures for use in manufacture by the Government. The very purpose is to create an equipment for use by private factories. I suggest that if the gentleman strikes out the words "by the Government and" his amendment now would be in order.

Mr. MANN. Mr. Chairman, of course the item in the bill provided for the manufacture by the Government, and when the Chair ruled upon that, as I thought properly, I asked the Chair whether he had taken into consideration this other thing, which, of course, he was not required to rule upon, and he stated, as I understood, that he had not ruled on that question.

Mr. SHERLEY. My idea is that the jurisdiction is as I have indicated.

Mr. MANN. I think so, and I agree with the gentleman.

Mr. SHERLEY. I do not desire in any way to trespass upon the jurisdiction of the Committee on Military Affairs.

Mr. HAY. Mr. Chairman, I then will modify the amendment by leaving out the words "by the Government and."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. Mr. Chairman, when a point of order is made and the Chairman sustains the point of order and the item goes out of the bill, what is the process for getting it back?

The CHAIRMAN. It is supposed to be gotten back by unanimous consent or by amendment.

Mr. FESS. That is, a vacation of the ruling of the Chair?

The CHAIRMAN. The Chair will do all he can, of course, to aid the committee to do what it desires. The gentleman from Virginia has asked unanimous consent to offer an amendment.

Mr. GOOD. Mr. Chairman, may I have the amendment repeated?

Mr. MANN. Does the gentleman want to offer his amendment now in the language that was in the bill, simply leaving out the part with respect to the manufacture by the Government?

Mr. HAY. Yes. As I understood the gentleman from Kentucky to contend, and the Chair to rule, the Committee on Appropriations has jurisdiction over small arms for the Regular Army, but not over small arms for the National Guard.

Mr. MANN. I understand.

Mr. SHERLEY. I think there is a distinction even there. The Committee on Appropriations has exclusive jurisdiction over all machinery for the manufacture of small arms or any other kind of arms either for the militia or Regular Army, but when you are providing money for small arms—not for the machinery, but simply small arms—or when you are providing for jigs and tools for private manufacture of small arms, then I think the gentleman's committee has jurisdiction.

Mr. MANN. The gentleman from Virginia asks unanimous consent to return to offer an amendment, and I understand he desires to offer now the same item that was in the bill, leaving out the words "by the Government and."

The CHAIRMAN. That is the amendment at the desk, and the Clerk will report it with that language left out.

Mr. GARDNER. Mr. Chairman, before that is done I desire to ask the gentleman from Kentucky [Mr. SHERLEY] a question. Is it the sundry civil appropriation bill that has jurisdiction of the equipment of arsenals?

Mr. SHERLEY. The sundry civil appropriation bill carries the items in regard to the equipment of arsenals, except to this extent, that where provision is made for the manufacture of various munitions or equipment in the fortifications appropriation bill, moneys out of that can be expended for things that are incident to their manufacture, but you do not now in the fortifications appropriation bill provide for the enlargement of an arsenal or for any large machine that would be bought irrespective of the making of a particular quantity of something that is authorized, but if a new lathe were necessary in the making of field artillery, money could be taken out of a provision in the fortifications appropriation bill for that purpose.

Mr. GARDNER. Mr. Chairman, I will ask the gentleman to look on page 46, line 13. Would a point of order have laid against the words "manufactured by the Government and," on that paragraph?

Mr. SHERLEY. I think that is subject to the point of order.

Mr. HAY. The Chair has already ruled upon that.

Mr. GARDNER. I quite understand, but I wanted to get at the question, because it is really worth while that the House should understand the different jurisdictions as between the sundry civil appropriation bill, the fortifications appropriation bill, and the appropriations bill reported by the Committee on Military Affairs. I confess the discussion has been very enlightening to me.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 47, following line 10, insert the following:

"*Provided*, That $200,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by private manufacturers of arms necessary to arm the land forces likely to be required by the United States in time of war."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to this portion of the bill in order to offer the amendment just reported in lieu of the language that was stricken out under the point of order. Is there objection? [After a pause.] The Chair hears none. We will return to that section of the bill, accordingly, and the question now is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Provided, That not more than $100,000 of this appropriation may be used for the purchase of ordnance stores.

Mr. HAY. Mr. Chairman, I move to amend by striking out the figures "$100,000," in line 3, page 47, and insert in lieu thereof the figures "$3,000,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

Mr. McLAUGHLIN. Mr. Chairman, while the House is considering the provisions of this bill relating to contracts with private companies to supply munitions of one kind and another, it may be interested to know what some companies have done and have shown their ability and willingness to do, and I wish to take time to tell of a contract between the Government of the United States and one of the motor car companies of Michigan. Several weeks ago, when the situation on the Mexican border was more acute than it had been for some time, officials of the War Department wished to secure a number of armored motor trucks, if they could be obtained to be sent to the border and put into service at once. An official of the War Department learned that the Packard Motor Car Co., of Detroit, had been making armored motor trucks practically after the design wished by the Government, so he called the office of the Packard Co. by long-distance phone. He inquired if the company was equipped to make these trucks, and learned that it was, and then asked if the company was willing to accept a contract from the Government to supply 27 of these trucks, to take up the work immediately, and supply them without delay. The official of the company with whom the department official talked said the company was equipped and was willing to do the work. The order for the trucks was given and the facilities of the Packard Co. were at once, so to speak, placed at the disposal of the War Department. In addition to the 27 motor trucks the Packard Co.

was asked to supply an expert driver and an expert mechanician for each car and promised to do so. The contract was made, the work was begun, the experts were engaged and made ready, a train of freight cars was placed upon the sidetrack in the yards of the Packard Co., Pullman cars were supplied for the sleeping and care of the men, a dining car was attached to the train, the trucks were made, loaded, and completely equipped, the experts were supplied, as I have stated, and the train left the yards of the Packard Co. in exactly 22 hours after the telephone receiver was hung up at the Detroit end of the line. [Applause.] The train was given the right of way over railroad tracks, the most available route to the Mexican border, and it reached its destination just 51 hours after it pulled out of the Packard Co.'s yards. [Applause.]

About the same time the Ford Motor Co. was asked if it was equipped and would be willing to supply to the War Department a large number of the kind of truck that company had been making and which the War Department wished. The official of the company with whom the War Department official talked replied that the company was equipped to make that car and would make the cars by contract with the War Department——

Mr. SHERLEY. Will the gentleman yield there?

Mr. McLAUGHLIN. Yes.

Mr. SHERLEY. Is it true Mr. Ford has also given notice to all of his employees that any of them who go into the service of the Army or the militia can not again obtain a job with him?

Mr. McLAUGHLIN. In aswer to the question of the gentleman from Kentucky [Mr. SHERLEY] I will say that I am not authorized to quote Mr. Ford. I have had no communication with him, nor have I read what he has said in reply to these newspaper reports; but I am informed by men who know what Mr. Ford has said that he positively denies the statement attributed to him as referred to by the gentleman from Kentucky; that he denies having said that men employed by him or by the Ford Co. who enlist for military service will not be permitted to return to their work. On the contrary, he is reported to have said, and I believe I may state it as a fact, that he has said he is willing his men shall enlist and that at the conclusion of their service they will be permitted to return to the places they left for the patriotic purpose of answering the call of their country. I repeat that I have no authority to speak for Mr. Ford; he is abundantly able to speak for himself; but evidently the statement first attributed to him has, very unfortunately, gained wider publicity than has the statement of his real sentiments. I am, therefore, pleased to be able to make these remarks so the House and the country may know the truth. Mr. Speaker, as I was saying when interrupted, the Ford Co. replied that it was fully equipped, and if so desired by the War Department, would undertake the construction of trucks. And when asked how long it would take them to make and have ready for shipment 1,000 of these trucks, the Ford Co. replied that they would have to have a little notice; that if they were notified at 4 o'clock in the afternoon of one day, the cars would be completed and ready for shipment at the close of the next day. [Applause.] I speak of these things, Mr. Chairman, as showing the ability and facility with which some of our manufacturers can meet the requirements of the Government, and the willingness with which they respond to the wishes of the Government promptly and efficiently to do all in their power to supply the needs of the country. [Applause.]

Mr. HAY. Mr. Chairman, I have offered an amendment which is pending.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1918, $1,400,000.

Mr. HAY. Mr. Chairman, I move to increase the appropriation so as to provide $2,000,000, in line 23. Then I will say after that is agreed to I propose to offer a further amendment providing for $2,000,000 for automatic machine guns for the National Guard.

Mr. GARDNER. Mr. Chairman, I have an amendment to the first amendment I would like to offer.

Mr. HAY. I would like to have the first amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend on page 48, line 23, by striking out "$1,400,000" and inserting "$2,000,000."

Mr. GARDNER. Mr. Chairman, I move to strike out the "$2,000,000" of the amendment of the gentleman from Virginia, and insert "$3,360,000," and then I shall follow that up with another amendment for the National Guard in excess of the amendment of the gentleman from Virginia. I understand the second amendment has not been offered.

The CHAIRMAN. The amendment has been offered; that is a separate amendment.

Mr. GARDNER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. The second amendment of the gentleman has not been reported from the desk.

The CHAIRMAN. The Chair understands it, but the Chair understands the gentleman from Massachusetts offers an amendment to the first amendment of the gentleman from Virginia.

Mr. GARDNER. I say that has not been reported.

The CHAIRMAN. It has not been reported. The Clerk will report the amendment.

The Clerk read as follows:

Amend the Hay amendment by striking out "$2,000,000," and insert "$3,360,000."

Mr. HAY. Mr. Chairman, I hope that the amendment of the gentleman from Massachusetts to my amendment will not be agreed to. The amount I propose for these automatic machine guns will furnish about 1,400 of those guns in addition to what we already have, and that will furnish a sufficient amount to be used for the troops we have at present. Now, if there is any necessity for any more, why, we are perfectly willing to give more if they are needed. As a matter of fact the War Department has not asked to add anything to this item. They did ask $1,670,000 for machine guns for the National Guard. I am proposing to appropriate $2,000,000 for that purpose, so there will be $4,000,000 appropriated for the machine guns which can be used either by the Regular Army, the National Guard, or Volunteers, and if any more is necessary or asked for by the War Department so far as I am concerned I am perfectly willing to give it to them, but in view of the fact that these machine guns which they now propose to purchase cost $3,000 and they have been trying out a gun which only costs $1,200, I do not think we ought to go to the extreme in making appropriations for these machine guns.

Mr. GARDNER. May I ask the gentleman a question?

Mr. HAY. Certainly.

Mr. GARDNER. Is it not true the gentleman has had a communication from the War Department since the estimate was made of $1,400,000 for machine guns for the Regular Army without reference to this crisis, but for an accumulation against the outbreak of war, and is it not a fact that instead of five machine guns to a regiment the War Department decided we ought to have 12?

Mr. HAY. I have had no such communication.

Mr. GARDNER. I printed one, at all events——

Mr. HAY. The gentleman may have had it, but I have not.

Mr. GARDNER. Is the gentleman sure none has been sent to his committee?

Mr. HAY. I am very sure. At least, if it has, it never came to me.

Mr. GARDNER. Mr. Chairman, my amendment has nothing to do with the present crisis. It is based on the statement made by Gen. Crozier when he appeared before the gentleman's committee that we needed $1,400,000 for the Regular Army for machine guns and one million six hundred thousand and odd dollars for the National Guard. The gentleman in his bill did not put in a cent for the National Guard machine guns. Now, then, since Gen. Crozier asked for those amounts he has written a letter, which I have put in the RECORD, showing that those estimates were based on the old plan of having five machine guns to each regiment. But the War Department has now accepted a new plan of 12 guns to each regiment. It is on that basis that I have offered an amendment to increase the appropriation of $1,400,000 to $3,360,000.

Now, in regard to the gentleman's statement that we are going to get new machine guns—how much did he say that these guns were going to cost?

Mr. HAY. Three thousand dollars.

Mr. GARDNER. And they will be made by the Vickers Co.?

Mr. HAY. Yes, sir.

Mr. GARDNER. Now, Mr. Chairman, the fact is this: The Vickers Co., when they are able to turn out machine guns, will be able to turn them out in vast quantities. They are always on the point of being able to turn them out. Gen. Crozier said in April that $1,400,000 was necessary for the Regular Army on the old basis of five machine guns to a regiment and $1,600,000 additional for the National Guard on the same basis. Since then that allowance has become obsolete in the War Department.

Mr. HAY. Now, if the gentleman will permit, the amount of money that I have suggested, if appropriated, would, on the

basis he says the War Department has decided upon—12 machine guns to every regiment—provide machine guns for 100 regiments if they provided 12 for each one.

Mr. GARDNER. And that allows nothing for wastage.

Mr. HAY. That is very true. Now, the gentleman goes on further and says the Vickers Co., from whom we have to buy these guns, is not ready to turn them out in large quantities.

Mr. GARDNER. So I am informed.

Mr. HAY. What is the use of appropriating the amount of money, then——

Mr. GARDNER. So that when we do want them we can have them instantaneously.

Mr. HAY. And they can create a deficiency and buy as many of them as——

Mr. GARDNER. Just as if you had had a large amount last year you would not be short of Cavalry horses now.

Mr. HAY. The gentleman is mistaken. The War Department has the right, in time of war particularly, to purchase as many of these machine guns as they want. They have not sent me any estimates. I do not know how many they want. I am not advised that they want 12 guns to each one of these regiments, except from what the gentleman from Massachusetts says he has been advised.

Mr. GARDNER. May I call the gentleman's attention to Gen. Crozier's testimony on page 770, at the bottom, as follows:

The European experience, the tendency of thought, I believe, in the Army, and my own views are to the effect that that is not nearly a large enough number, and there ought to be at least 12 per regiment instead of 5, and I have the figures that would correspond to that number.

And since that time the War Department has officially adopted that number.

Mr. HAY. If they have, they have not advised me of it. As I say, we are providing now by the appropriation of the money. I have suggested money enough to provide for 100 regiments. We have on hand about 700 of these guns, so that we will have enough; and if there is any trouble about it, if there is wastage or anything of that sort, the Government has the right to go on and buy them. Now, as the gentleman very well knows, the Congress will appropriate money to pay for them.

Mr. GARDNER. As a matter of fact, we have 952 completed. Out of those only 175 are assigned to the National Guard.

Mr. HAY. But the gentleman knows very well that the others can be assigned to the troops who are drafted into the service of the United States.

Mr. GARDNER. All of these things can be gotten in time.

Mr. HAY. If that is the case, we are appropriating too much. I am proposing to appropriate much more than was asked for by the department.

Mr. ANTHONY. Mr. Chairman, taking the figures of the gentleman from Massachusetts, that 12 machine guns are required for each regiment, take the number of machine guns in existence, already authorized, and in process of construction, which is 1,077, with the 1,400 that will be provided by the amendment of the gentleman from Virginia, it will make a total of 2,477 machine guns. Now, it is proposed, as I understand, by the War Department, to organize separate machine-gun companies with each regiment of the mobile army, companies of about 60 men each, which will handle about 12 machine guns. So far we have not perfected that organization. When that organization is perfected there will be about 60 machine-gun companies for the Infantry and about 25 for the Cavalry, and, estimating 100 regiments for the existing organizations of the National Guard, will mean 100 machine-gun companies for the National Guard, a total of 185 machine-gun companies for the entire regimental organizations. At 12 guns to the company, it would make a total of 2,220 guns, less than the total number of guns already in existence, building, and authorized by this appropriation; so that I think, in consideration of the fact that unquestionably there will be plenty of factories turning out vast quantities of machine guns in this country in the very near future, that ample allowance has been made.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GARDNER. Has the gentleman read the order of the War Department changing it from 5 to 12?

Mr. ANTHONY. I have stated to the gentleman that our committee was aware of the proposed new requirements in machine guns by the War Department.

Mr. GARDNER. It says 50 per cent of wastage must be provided for. You must appropriate 50 per cent extra for the 12.

This has nothing to do with Mexico. Mexico has come up since the bill was started under consideration. This bill is devised for accumulating ammunition and ordnance against a possible real war.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. ANTHONY. Yes.

Mr. FESS. Can the gentleman tell the House how many factories are engaged in providing field guns?

Mr. ANTHONY. No; but I know that an English company has made an arrangement with one of the big factories in New England to undertake the production of an immense number of these Vickers automatic machine guns for foreign Governments, and it is from this big factory, which is almost now on the point of turning out an immense number of these guns, that our Government can obtain what Gen. Crozier says will be a sufficient number of these guns. In addition to the Vickers factory, the Savage factory, a big factory in New York, is turning out the Lewis gun, which is highly thought of by the War Department now, which we can get in considerable quantities.

Mr. FESS. The gentleman has no concern about our ability to produce them?

Mr. ANTHONY. No. I take Gen. Crozier's word for it, and I have great confidence in his judgment.

Mr. GARDNER. Does the gentleman say that he is taking the judgment of Gen. Crozier on this subject?

Mr. ANTHONY. Gen. Crozier said there would be abundant opportunity for obtaining machine guns.

Mr. GARDNER. Has not Gen. Crozier asked $1,600,000 for the National Guard, which you are refusing to give him?

Mr. ANTHONY. We are giving it now.

Mr. GARDNER. But not since he modified his figures.

Mr. HAY. What difference does it make?

Mr. GARDNER. It makes a great deal of difference, because since he asked for that $1,600,000 the basis has been changed. If the gentleman will take the trouble to look it up, I think he will find the committee has been informed by the department.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SNYDER. I think I can give the House a little information about machine guns which are built by the Driggs-Seabury Co. in the city of Utica. They have at the present time about 250 guns that can be purchased by the War Department if the War Department wanted them. That is the only gun that is available from that concern for some time to come.

Mr. HAY. What is the character of that gun, I desire to ask the gentleman?

Mr. SNYDER. That is the Lewis gun.

Mr. HAY. Is the gentleman aware of the fact that the War Department has made a test of the Lewis gun and has turned it down and refused to use it?

Mr. SNYDER. That may be absolutely a fact, but nevertheless it is being shipped out of this country in large quantities to-day to countries where the gun is being used successfully. Just why it is impossible to have that gun given a favorable trial in this country is beyond the apprehension of a great many good people up in my section of the country.

Mr. HAY. I can give the gentleman information about that if he wants it.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MANN. Mr. Chairman, newspaper items in the last few days have reported that our Government proposes to take, or commandeer—I believe that, possibly, is the technical term—some machine guns which had been manufactured for shipment abroad. I do not know what the fact may be. The National Guard has been called out, quite a number of regiments going from Illinois. They have no machine guns, and, so far as I know, the War Department is not prepared to furnish them with machine guns. A number of public-spirited citizens of Chicago made a little organization for the purpose of purchasing machine guns and presenting them to the Government, but the law does not permit it.

I wonder whether the gentleman from Virginia [Mr. HAY] does not think it would be a good thing if we should put some provision in this bill authorizing the Government to accept, free of charge, machine guns or other implements of war?

Mr. HAY. Does the gentleman want an answer to that question?

Mr. MANN. Yes.

Mr. HAY. No; I do not. I think the Government of the United States ought to furnish its own guns and ammunition and everything else and not rely upon the gifts of private individuals for its defense. That is the way I feel about it.

Mr. MANN. Well, I agree with the gentleman that we ought not to rely upon private individuals; but when we are in a position where we have not got the money appropriated and we have not got the implements, and somebody offers to give them to us, would it not be a good thing to accept them? Of course, there are various ways of doing these things.

The other day the Aero Club of America—if that is the name of it—offered to give the Government an airship. The Lord knows we need some airships in Mexico. But the Government could not accept it. Well, the National Guard of Arizona and New Mexico had been called out, and they presented this aeroplane to the National Guard of one of those States before it had been mustered into the Government service. They could accept the machine, and they did, but they could not operate it. So we are in that delightful position: Not having the aeroplanes ourselves, the Government can not accept the gift of an aeroplane to be used by some one who can use it. A National Guardsman can accept it but can not use it. Is not that really brilliant administration on our part?

I think that the National Guardsmen of Illinois going to the front ought to be permitted to accept the gift of machine guns which the Government is not ready to give to them for their use. It is murder to-day to send infantry into battle without machine guns. It is not war; it is murder.

Now, a word as to this Lewis gun. Mr. Lewis is a retired officer of the United States Army.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I will ask for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANN. He invented what is called the Lewis machine gun. I do not know Mr. Lewis. I never heard of him until I heard of him on the floor of the House. He presented his gun to the War Department, and it did not appeal to them, and I have no criticism of the War Department in that respect.

Mr. Lewis went to Europe to see about organizing a company to manufacture his gun. He went, I believe, to Belgium or Holland, one of the two, and organized a company to manufacture his machine gun. That was before the war in Europe started. Having his company organized, before he had begun to manufacture these guns he was told that the best gun metal in the world was made in England, and that his gun barrels ought to be manufactured there. He went to England—to Birmingham, I believe—entered into negotiations with a firm there in reference to manufacturing the barrels of his gun and acquiring the gun metal. During the course of his negotiations there, the question was put to him: "You come to us to manufacture a portion of this gun. Why should we not manufacture all of it?" The negotiations resulted in an understanding that he should go back to Belgium or Holland, where his company was organized, dispose of his obligations there in some way, and come back to Birmingham—if that is the place—where this company agreed to manufacture his gun. Just about the time that the European war broke out—I think it was the very day that Austria's note went to Servia—this company manufacturing the Lewis gun invited a number of people to come down and witness the first test of the gun. Among others were the military attachés of the various Governments at London, and the story that I am repeating now I got from one of those military attachés, who himself fired 500 shots from this gun, I believe in the course of about a minute. The Lewis gun is called an automatic machine gun. Col. Squires said to me that it is really an automatic rifle, which one man can take up and carry and set it down on anything—the stump of a tree if a stump was handy, which it probably would not be. You could even have a man lie down, and put it on his back. One man points the gun and another man feeds it; and it is an authentic story that in one engagement in France two men operating one Lewis machine gun killed over 300 of the advancing enemy, mowed them down as a scythe mows down wheat, or faster than a scythe—like a harvesting machine. You can hold the gun yourself, in front of you, if necessary, with another man feeding it, move it along a line of men, and all in front of it are dead or wounded.

Now, I do not know anything about the other guns. I know nothing of the comparative merits of these different machine guns, but I feel quite confident that with these guns in the hands of armies, no infantry, no cavalry, no kind of an armed force can stand up, unarmed themselves with machine guns, as against a few machine guns in the hands of the enemy. A man would have just the same chance to advance against one of these machine guns without getting hit that he would have to come up against me, holding a fire department hose with the water turned on, and keep dry—just the same chance. [Applause.]

Mr. HAY. Mr. Chairman, I know nothing about this Lewis machine gun except what I have here from the War Department. On August 16, 1913, the War Department made a test of three guns, the Lewis gun, the Springfield gun, and the Vickers gun. The Lewis gun stood below the other two guns. I will put in the RECORD the statement of the War Department.

Mr. HAMILTON of Michigan. What was the test? In what respects did the Lewis gun stand below the other guns?

Mr. HAY. They tested it as to the time of firing, the number of jams, the number of broken parts, the number of parts not broken but replaced. Excluding cooling time it took the Lewis gun 2 hours and 3 minutes, the Springfield gun 2 hours and 27 minutes, and the Vickers gun 1 hour and 24 minutes. Number of jams, Lewis gun 314, Springfield 59, Vickers 23. Number of broken parts, Lewis gun 8, Springfield 3, Vickers none. Number of parts not broken but replaced, Lewis gun 5, Springfield none, Vickers none. So that according to this test the Vickers gun is clearly far superior to the others.

Mr. SNYDER. What was the date of that test?

Mr. HAY. August 16, 1913.

Mr. SNYDER. Since that time, as the gentleman is advised, this gun is being built by an entirely different concern.

Mr. HAY. I am coming to that. Since that time the war broke out and Col. Lewis took his gun abroad, and as the gentleman from Illinois [Mr. MANN] said, sold it, and it has been manufactured since, as I understand, by the Savage Arms Co. at Utica. Now, the War Department has repeatedly tried to get a Lewis gun from that company in order to test it again, but it has not succeeded. It is stated by the Chief of Ordnance:

> Efforts have been made from time to time within the past year to obtain a Lewis machine gun for further tests. These efforts have not been successful until recently, when satisfactory arrangements were made with the Savage Arms Co., of Utica, N. Y., the American manufacturers of the Lewis machine gun, to submit a gun to tests similar to those held in the competitive trial of machine guns in 1913. The board testing this gun was composed of one officer of Cavalry, one officer of Infantry, and one officer of the Ordnance Department. The full report of the board is attached. In order further to test this weapon arrangements have been made for the purchase of three Lewis machine guns chambered for British ammunition, which it is intended to mount on aeroplanes on the Texas border or in Mexico. These guns have been procured with a view to determining whether this particular type of gun has peculiar and special adaptability for aeroplane work.

Now, the Lewis test was not satisfactory, and therefore the Government did not recommend to the Committee on Military Affairs the purchase of the Lewis machine gun. They are going to purchase a few of them, to see whether or not they are peculiarly adapted to aeroplanes. They have been used largely, according to the evidence, in England in aeroplanes, and not for the troops on the ground.

Mr. SNYDER. If they were all used for aeroplane work, they must have more aeroplanes than we have heard of. There is no question but that 4,000 guns have been shipped out of the country, and by reason of the excellent work they are doing they have orders approximating nine or ten thousand more at the present time.

Mr. SHERLEY. Is it not a fact that England has been glad to get any sort of a machine gun that it could, and anywhere it could, as quick as possible? This ought to be stated, that there has been a propaganda in the press for the Lewis gun. Mr. Lewis was a United States Army officer and invented this gun, and he is a man of ability and makes things that work. But instead of offering this gun to the United States Government directly he turned it over to a private company. The gun was being manufactured in England, and they submitted through this company a gun for the original test, the construction of which was so faulty that the Lewis gun people themselves asked to withdraw it in order that they might get another gun that would stand the test. I state that to show that the commonly accepted notion that here is a man who went out of his way to try to give Uncle Sam an invention of his own is subject to a good many qualifications. What he did was to turn it over to a company and propose to sell it to Uncle Sam.

Mr. SNYDER. The fact remains that in this country to-day the concern is supplying guns which are giving complete satisfaction.

Mr. SHERLEY. Well, I would qualify the word "complete."

Mr. SNYDER. To the extent that countries other than the United States are willing to buy all that can be manufactured.

Mr. SHERLEY. Of course they would; they would try to get all they could. They would even have bought our Krag-Jorgensens; but that does not mean that the Krag is as good a rifle as the Springfield.

Mr. SNYDER. I have not any interest in this Lewis gun, except that I saw it shoot once, and shot it myself. I saw the gun shoot 600 shots in a minute and 10 seconds. I fired it myself, lying over the edge of a packing box and holding it in one hand, and I shot it forty-seven times quicker than I could tell it. I know it is a well-built gun that will compete successfully to the extent of the life of the gun.

Mr. SHERLEY. I think that is true; but it does not follow that it is the best gun.

Mr. HAMILTON. I did not catch what the gentleman from Virginia said—whether there had been a second test of the Lewis gun or not.

Mr. HAY. Yes; there has been, and it did not prove satisfactory. Now, Mr. Chairman, I ask unanimous consent to print in the RECORD this memoranda that I have referred to.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks by printing certain memoranda. Is there objection?

There was no objection.

The memoranda is as follows:

MEMORANDUM REGARDING THE LEWIS MACHINE GUN.

1. The Lewis machine gun was first offered to the Board of Ordnance and Fortification by a letter dated May 2, 1912, from the Automatic Arms Co., inviting attention to an air-cooled, gas-operated, automatic machine gun, and asking for a field test. Mr. R. M. Calfee, attorney, and Mr. Huberty, machinist of the company, appeared before the board and exhibited the model of the gun. Arrangements were made for the board to witness a firing test of the gun at Fort Myer, on May 3. (Proceedings of the Board of Ordnance and Fortification, May 2, 1912.)

2. The board, on June 6, 1912, resumed consideration of the letter dated May 2, 1912, from the Automatic Arms Co., presenting an automatic machine gun and asking for a field test. Members of the board witnessed a firing exhibition of the gun at Fort Myer, on May 5.

3. The board recommended that the Automatic Arms Co. be informed that "the kind of test proposed by them has limitations which the board does not care to accept, for the reason that the field test proposed usually follows tests made to determine the mechanical suitability of a weapon; but if they will submit a gun for such tests as seem suitable to determine its fitness for the service, it will be subjected to the tests usual for guns of this class under the Ordnance Department, including a field test. Their representatives will be permitted to be present during the tests, and the company will be furnished with a copy of the report."

4. The Board of Ordnance and Fortification, at a meeting on July 2, 1912, considered a letter dated July 1, 1912, from the Automatic Arms Co., requesting reconsideration of the action in regard to a field test of their gun. The board recommended that "the Automatic Arms Co. be informed that after careful consideration of their letter the board is of the opinion that the usual procedure should be followed, namely, the gun must be submitted to a technical test by the Ordnance Department. During this test the representatives of the company will be permitted to be present and, preliminary to the test, to give such an exhibition of the performance of the gun as they may see fit, in the presence of the representatives of the Ordnance Department charged with the technical examination of the gun. After this demonstration is completed the gun will then be submitted to such tests as the Ordnance Department may deem necessary. Ammunition for such exhibition and tests will be furnished by the Government.

"The parties representing the gun may have the privilege of declining to subject it to any portions of the test which may be proposed to which they may not wish to have it subjected at the time, but in respecting their wishes in this regard the report of the tests will, of course, state the facts.

"In the course of the complete test, the gun will have the kind of field test which they desire, and copies of all reports in regard to the test will be furnished the company.

"It is also recommended that the company be informed that the board has no objection to the gun being fired at Monterey, before the School of Musketry, or at College Park, by the Signal Corps, but such tests will have no weight whatever until the technical tests have demonstrated the structural efficiency of the gun."

5. The Board of Ordnance and Fortification, at a meeting on March 6, 1913, considered a "letter dated March 5, 1913, from the Automatic Arms Co., presenting for consideration, with a view to its adoption as a type for use in service, their .30-caliber, air-cooled gun, and requesting that the gun be given a thorough competitive test by a board of officers from the several arms of the service engaged in the manufacture and tactical use of machine guns, such as the machine gun board, constituted by Special Orders, 109, of 1903. Mr. R. M. Calfee and Mr. R. W. Lewis, representing the company, appeared before the board.

"It is recommended that the board of officers be appointed as requested by the Automatic Arms Co., the board to carry out a competitive test of all models of machine guns submitted, essentially in accordance with the program of tests of automatic guns described in the report of the board of officers convened by paragraph 36, Special Orders, No. 169, July 21, 1903, but the board to specially exercise its discretion as to the sequence in which tests Nos. 1 to 20, of the program, shall be made. The board should also make such tests as will determine the value of the guns for use for war purposes from airships, and the suitability of guns and mounts for use for attacking airships from the ground.

"The Chief of Ordnance should conduct the necessary preliminary correspondence with manufacturers of guns desiring to enter the competition.

"The final report of tests should be submitted to the Board of Ordnance and Fortification for consideration and recommendation."

6. In the above record no mention is made of the fact that the gun submitted by the Automatic Arms Co. is the "Lewis machine gun." However, in view of the fact that Mr. Calfee represented the Lewis gun at the test there can be no question but that the gun referred to in the correspondence with the Automatic Arms Co. is the Lewis machine gun.

7. The board convened for the competitive test of automatic machine guns submitted to it met at the Springfield armory on September 15, 1913. The Lewis gun submitted to this board and tested by it was one of two model guns manufactured in England (0.0.39153/930). It is presumed that the guns were manufactured by the Birmingham Small Arms Co., of Birmingham, England, in view of the fact that on July 18, 1913, Mr. Calfee, as secretary of the Automatic Arms Co., acknowledged receipt of rifle tools and gauges shipped to Col. I. N. Lewis in care of the Birmingham Small Arms Co.

8. In the 1913 test seven different makes of automatic machine guns were considered and tried out. The board consisted of two officers of the Infantry, one of the Cavalry, one of the Field Artillery, and an Ordnance officer. The arsenal test narrowed the competition down to the present service machine gun—the automatic machine rifle, caliber .30, model of 1909, and the Vickers rifle-caliber gun, light model. It was not desired to adopt a gun on simply an arsenal test, and three additional Vickers guns and four automatic rifles, caliber .30, model of 1909, were submitted to the board for an extensive field test, which was held at Texas City and Leon Springs, Tex. As a result of this test the board recommended the adoption of the Vickers rifle-caliber gun, light model, and the Vickers tripod, model J.

9. The new gun differs in one essential from the present gun in that it is water cooled instead of air cooled. It is slightly heavier when filled with water than the present gun, the weights being about 29 pounds and 36 pounds, respectively. The cost of the new gun is about twice that of the present gun, unless a tripod be added to the latter, in which case it would be about one and one-half times as great.

10. This test, in so far as the Lewis gun is concerned, indicated that the mechanism had not been developed to a satisfactory stage, having in the endurance test 206 jams and malfunctions, 35 broken parts, 15 parts not broken but requiring replacement, as against, respectively, 23, 0, and 0 for the Vickers gun and 59, 7, and 0 for the automatic machine rifle, caliber .30, model of 1909, the Benet-Mercier.

11. The board concluded, after a careful consideration of the data collected, together with the knowledge of the suitability of the various designs of machine guns gained by observation during the tests, that "the Lewis automatic machine rifle as at present designed is not considered superior to the service automatic machine rifle on account of failure to maintain continuous fire, the large number of parts that were broken, and the large number of jams, many of the latter being reduced only after much difficulty and considerable time."

12. The Lewis gun was therefore not given the field test in view of the fact that the board recommended a competitive test of this nature for the Vickers gun and the then service automatic machine rifle only.

13. On the conclusion of the field test at Texas City and Leon Springs the board expressed the opinion that "when the present service machine rifle (automatic rifle, model of 1909) was originally tested, some seven years ago, it was then without doubt the best type of machine gun in existence, but during the past seven years the Vickers Co. have developed a gun which not only overcomes all the serious defects inherent to the service type of Maxim gun (model of 1904), but compares very favorably in weight with the automatic machine rifle, caliber .30, model of 1909, the Benet-Mercier.

"The service machine rifles furnished the board for test were well made and finished, and only a small number of parts were either broken or replaced during the test, indicating that the large number of jams and stoppages of fire which occurred, particularly during the field firing, were not due to either defective material or workmanship."

14. Effort has been made from time to time within the past year and a half to obtain a Lewis machine gun for further test. These efforts have not been successful until recently, when satisfactory arrangements were made with the Savage Arms Co., of Utica, N. Y., the American manufacturers of the Lewis machine gun, to submit a gun to tests similar to those held in the competitive trial of machine guns in 1913. The board testing this gun was composed of one officer of Cavalry, one officer of Infantry, and one officer of the Ordnance Department. A full report of the board is attached.

15. In order to further test this weapon arrangements have been made for the purchase of three Lewis machine guns, chambered for British ammunition, which it is intended to mount on aeroplanes on the Texas border and in Mexico. These weapons have been procured with a view to determining whether this particular type of gun has peculiar and special adaptability for aeroplane work.

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

OFFICE CHIEF OF ORDNANCE,
June 17, 1916.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington May 8, 1916.

Memorandum for The Adjutant General.

Subject: Report of test of Lewis automatic machine rifle.

1. This test was made by a board of officers convened at the Springfield Armory pursuant to Special Orders, No. 85, War Department, c. s. The test is interesting not only as an effort to secure for the service an improved machine rifle or an alternate model equal to the service rifle for supply in emergency, but also as a means of reaching a conclusion as to the merits of the automatic machine rifle with which the service is now armed, the Benet-Mercier, which has been vigorously assailed in comparison with the Lewis gun.

2. The most considerable attack upon the Benet-Mercier rifle has been made by the commanding general of the eastern department in correspondence which is recorded in A. G. O. 2333911 (O. O. 472.5/22–Lewis). In this correspondence the commanding general of the eastern department states in regard to the Lewis gun:

"It is easily the best machine gun I have ever seen and it is certainly 3 to 1 in value over the Benet-Mercier. * * * I am interested in machine guns and this is by far the best I have ever seen. * * * The Benet-Mercier, in my opinion, is of little value, and this is the general opinion of most of those who have tried and used it. * * * We need a good machine gun, and the Lewis gun is, in my opinion, easily the best one in use to-day. * * * The Benet-Mercier gun, in my opinion, is unfitted for the military service. * * * It is intricate and unreliable. * * *"

3. This department, upon inquiry, was not able to obtain from the commanding general of the eastern department any statement of performance upon which his highly favorable opinion of the Lewis gun was based, other than reports of its use by the British Royal Flying Corps, which were of a confidential nature such that he was not at liberty to go into details concerning them, and its manufacture for the Canadian Government; but the unfavorable opinion of the Benet-Mercier gun was based upon adverse reports in regard to it made by a number of officers. The unfavorable opinion was not accompanied by any detailed statement of the mechanical defects found, nor by any information which would help in forming a conclusion as to whether

the difficulties encountered were or were not such as might be expected to result from a lack of knowledge of the mechanical details of the gun, such as might reasonably be expected from the officers and men handling the gun, after proper instruction; and no statement was furnished of the character of the instruction of personnel of machine-gun units instituted in the eastern department, in order that an opinion might have been formed as to its appropriate character and its sufficiency.

4. It must be borne in mind that no entirely satisfactory machine rifle has yet been developed; that is, that we have never had a machine rifle that is not subject to stoppage by reason of some kind of malfunction. These weapons are machines, operating with tremendous pressures and tremendous velocity of moving parts, and are subject to the weaknesses and infirmities of all machines. They have never reached the simplicity and perfection of construction which would insure their operation in the hands of the average soldier or the average officer, with the same certainty that attends that of the ordinary rifle or pistol. Their infirmities have been accepted because of the large effective output which can be had from them when they do work well. The Benet-Mercier is no exception to this general statement, and that it can be relied upon to do good service when well handled by properly instructed men is evidenced not only by the findings of several boards which have been appointed, but also by the reports of officers who have handled it, both in our service and in the Navy.

5. The board whose report is the subject of this memorandum tested two Lewis guns; one adapted for the use of our service ammunition and the other for the use of British ammunition. The one adapted for use of our service ammunition was soon shown to be too unreliable to justify a continuation of the test, and was withdrawn. This fact, however, was not to the discredit of the system, since there had been little opportunity and little effort to develop the gun for the use of our service ammunition. The test of the gun using British ammunition was continued to the end, and the following is the conclusion of the board:

"Considering the performance of the Lewis guns in the test reported herein, and comparing that performance with the performance of the Vickers gun (automatic machine gun, model of 1915) and of the Springfield gun (automatic machine rifle, caliber .30, model of 1909) in the test conducted by the board convened by Special Orders, No. 191, War Department, August 16, 1913, the board finds that the Lewis gun in its present state of development is not equal or superior to either of the above-mentioned guns. The Lewis gun is not as reliable or as dependable as are the other guns mentioned.

* * * * * * *

"The Lewis gun, on the other hand, is lighter, simpler, and has a fewer number of parts than the other guns mentioned; and in the opinion of the board the question as to whether or not it can be developed to a satisfactory degree of reliability and dependability is an open one.

"The board therefore finds that the results of the present test were not such as to justify the purchase of four Lewis guns chambered for the service ammunition for further test at this time, but in view of the desirable features of the gun the board recommends that if the Savage Arms Co. undertake to develop a gun for the service ammunition, a further test be made, upon their request, after the development shall have been carried to a satisfactory stage."

6. The "Vickers gun" mentioned in the above quotation is the one which was adopted as the result of a previous test, but of which it has not yet been possible to secure a supply for the service, a small number being under manufacture. The gun spoken of as the "Springfield gun" is what is otherwise known as the "Benet-Mercier."

7. This department will encourage effort to develop the Lewis gun to a satisfactory stage, and will continue to use its best efforts to hasten the supply of Vickers guns, although funds at present available will do little toward this end. In the meantime, I think it should be accepted that the gun which the service now has is as good a one as it has been possible to secure, and better than the one which has been put forward by the commanding general of the eastern department as superior to it, in a manner which could hardly fail to shake the confidence of the service in the weapon which has been supplied to it; and that the service should be encouraged to go at the mastery of its present gun in recognition of the fact that it is a machine, and requires for its successful operation a degree of industriously acquired mechanical knowledge, as do all machines.

WILLIAM CROZIER,
Brigadier General,
Chief of Ordnance, United States Army.

Mr. FESS. Will the gentleman yield?

Mr. HAY. Yes.

Mr. FESS. Has the chairman any information that he can give the committee as to the supply and equipment of the Mexican people with machine guns?

Mr. HAY. Whatever I would say would be a guess.

Mr. FESS. I have noticed some fugitive references in the dispatches to equipment of the Mexicans with machine guns.

Mr. HAY. I have no doubt they have some machine guns.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAY. Yes.

Mr. MOORE of Pennsylvania. It has been reported that machine guns were used in the fight at Carrizal the other day in the assault on the America cavalry. Does the gentleman know anything about it?

Mr. HAY. Nothing except what I saw in the papers.

Mr. MOORE of Pennsylvania. My special interest is that the National Guard of Pennsylvania has gone into camp awaiting a call to the frontier. It is generally reported that there is a good deal of concern because the National Guard of Pennsylvania has not had a machine gun at any time. The men are all anxious to be equipped for the service that will be required of them in the use of machine guns. How are they to obtain machine guns under the provisions of this bill?

Mr. HAY. By the Government buying them with the money which we propose to appropriate.

Mr. MOORE of Pennsylvania. Is it not anomalous that so large a body of men as the National Guard of Pennsylvania should not up to this time have had a machine gun or a chance to become expert in the use of it?

Mr. HAY. I can only say that the War Department has not spent the appropriations which Congress has made for the purchase of machine guns for three years because they have not been satisfied with the type of machine gun which they have so far been able to develop. They have now settled on the Vickers gun as being the best gun; but that gun is an English gun and the manufacturer of it is in England, and they are turning over all of their product to the English Government. There is a manufactory now in this country, as I understand it, which has been given the dimensions and parts, and so forth, of this gun, and is now manufacturing it, and has signified its purpose of turning the product of the manufactory over to this Government as they need it. I think the $4,000,000 which I propose shall be appropriated for machine guns will be spent in buying these guns as fast as they can be made. Then the National Guard from Pennsylvania will be equipped with them as fast as possible.

Mr. MOORE of Pennsylvania. Is it the fault of the National Guard?

Mr. HAY. Not at all.

Mr. MOORE of Pennsylvania. Then the Government has not found the gun that it wants? The gentleman from Illinois referred to the National Guard in Illinois, which is evidently without machine guns also——

Mr. HAY. Oh, it is true of the whole country.

Mr. MOORE of Pennsylvania. It has been general?

Mr. HAY. Yes.

Mr. HAMILTON of Michigan. To what extent are the Regulars now in Mexico equipped with machine guns?

Mr. HAY. If the gentleman from Massachusetts [Mr. GARDNER] is correct, every regiment there is equipped with 17 machine guns.

Mr. HAMILTON of Michigan. They are so equipped now?

Mr. HAY. Yes.

Mr. SHERLEY. If the gentleman will yield, my understanding, and I am speaking just from memory, is that we have on hand practically a sufficient supply for all of the Regulars. We have a limited number with a few militia companies and a few now in reserve that will be given to the various militia companies if they qualify for them. In order for a militia company to be entitled to them it must have had its machine-gun squad inspected, a favorable report made thereon, and then to the extent of the supply now in reserve they will be issued to such companies.

Mr. HAMILTON of Michigan. The gentleman used this expression, "sufficient supply on hand."

Mr. SHERLEY. Oh, no; I said for the Regulars.

Mr. HAMILTON of Michigan. I so understood the gentleman, but the gentleman from Virginia [Mr. HAY] stated, as I understood him, that our Regulars now in Mexico are equipped.

Mr. SHERLEY. That is what I mean.

Mr. HAMILTON of Michigan. The gentleman spoke of a supply.

Mr. SHERLEY. I did not mean necessarily a supply here. I meant that we have guns enough for them, and they have been equipped with guns, and I do not think we have as many guns as we ought to have for the militia. The trouble is this: We were very much in the situation in regard to machine guns that England was in in regard to rifles when the war broke out. She was just passing through the transition stage from abandoning one rifle and adopting a new one, and she was caught very short of small arms. We have been working for the best kind of machine gun, and in the process of testing and determining that we perhaps have been a little too slow in having a supply of guns on hand out of a proper desire to get the very best.

Mr. HAMILTON of Michigan. What kind of guns are we using now?

Mr. SHERLEY. We have two or three types of machine guns which they have bought at different periods and which were standard in their day.

Mr. HAMILTON of Michigan. There are some of them antiquated?

Mr. SHERLEY. They are all serviceable, but of different grades of efficiency.

Mr. HAMILTON of Michigan. It is not desirable to have different types of guns, is it?

Mr. SHERLEY. No; but the ideal is not always possible in human affairs.

Mr. HAMILTON of Michigan. But it is highly important that we should obtain sufficient first-rate machine guns as soon as possible?

Mr. SHERLEY. Yes.

Mr. HAY. And that is what we are trying to do.

Mr. McKENZIE. Mr. Chairman, I think when I came to Congress a few years ago I was told that we had 1,077 machine guns. In the testimony before the committee this year we were told that we had the same number, 1,077 machine guns; but I know that since I have been on the Committee on Military Affairs, the last two years at least, we have made appropriations, not large, but we have made appropriations for the manufacture of machine guns, and not one single gun, as the chairman of our committee just stated, has been made in the past three years, or purchased. Why? Is it the fault of Congress? No; but every evil, everything that tends toward unpreparedness has been charged to Congress. I want to say that I am for liberal appropriations in this bill for machine guns, and if it is necessary I want to write a provision in this bill that will compel the officers of the Army to either buy or manufacture those guns, so that we will have them when we need them. [Applause.] I do not think that it is the province of the Chief of Ordnance or any other man in the Military Establishment of this country when we appropriate money for the purchase or manufacture of articles necessary in the national defense to quibble for two or three years over a certain type of gun or a certain character of shell that they are going to buy or manufacture. When we appropriate the money it is up to them to either manufacture the best that they can or go out into the market and buy it, and not let the money go back into the Treasury of the United States and leave this country of ours defenseless. I want to say now that if the chairman of this committee has not some assurance from those in power that this money is going to be expended, he better get it; and if they do not give us that assurance that they are going to get these machine guns and not quibble as to whether they will have the Vickers or the Lewis gun, we will write a provision in the bill before it leaves Congress saying that they shall buy so many Lewis guns or so many Vickers guns, in order that we may know that we are going to have them when we need them. [Applause.]

Mr. SHERLEY. Mr. Chairman, I think it is due to say this of the Ordnance people. The gentleman says they should go out and get guns. On the other hand, if they go out and spend money for a type that is readily available, then gentlemen on the floor, when evidence comes that there is a better gun or weapon, immediately say, "What is our Army doing; spending money for antiquated kinds of machines?" It is always a matter of judgment, about which people easily may err; but when we are undertaking to criticize others let us be fair. You have had an undermanned Ordnance Department ever since I have been in Congress. You have constantly been increasing the amount of work upon their hands without giving them enough men to do their work, and as I have repeatedly called attention to it, whenever you get a sudden demand you are going to have a breakdown among those technical men, because you do not create enough of them in ordinary times.

It is not true that the country is left defenseless. It is true that it would be well if we had more of these machine guns for the militia, but the situation is not extreme, and while mistakes may have been made in judgment, the motive that actuated these men in getting the very best for the money of the Government, of not wasting it on old and inferior weapons, and in undertaking to develop and procure the very best is commendable; and the trouble is that Congress does not supply the War Department with a sufficient corps to do one-half of the work that it ought to do in the way of development and of investigation, of trial and test of various weapons.

We are living in a very rapid age and revolutionary things are happening almost every day, and you are expecting a handful of men to pass judgment on matters that in other countries are passed on by hundreds and thousands. The reason that Germany, France, and those other countries are in advance of us in equipment to the extent they are is not because they are superior, it is not because their officers are better than ours as individuals; it is because you have there nations given over in large measure in thought and study to one particular endeavor, whereas we have been a peaceful people with only a limited number of men getting beggarly and meager help at times from the Government in the way of investigation and development. I am willing to criticize those men who deserve it, but let us in candor do justice to them as well as ourselves. [Applause.]

Mr. McKENZIE. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman.

Mr. McKENZIE. I hope the gentleman will not assume to say I question the good motives of these men, but it is the fact I am after.

Mr. SHERLEY. And the fact must be taken with all facts.

Mr. MONDELL. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. MONDELL. Will the gentleman inform us how long it takes to manufacture a machine gun and how rapidly?

Mr. SNYDER. I can answer the gentleman as to the Lewis gun, 50 completed guns a day.

Mr. SHERLEY. I can not answer, as I do not recall, but after they have once gotten their equipment ready they can turn them out very rapidly.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. HAMILTON of Michigan. I suppose the gentleman would agree with me we have reached a stage which might properly be called a more or less acute stage now, and I assume the gentleman would not want to see our men, Regulars or militia, go into an engagement without machine guns?

Mr. SHERLEY. Absolutely not.

Mr. HAMILTON of Michigan. Therefore we all must recognize, there is not any controversy about that, that we ought to get the best machine guns that we can get. That is really all there is to it.

Mr. SHERLEY. I think that will be done. I think——

Mr. HAMILTON of Michigan. I am not criticizing anybody.

Mr. SHERLEY. I am simply answering the gentleman from Illinois because I felt that we ought to be fair. I know something about how these men work. I know how we tie them up by restrictions of the law, seeking to protect the Treasury; how we interfere as to price even with the amount of space that can be used; so that to-day the Ordnance Department is handicapped by lack of space to put draftsmen in the District of Columbia due to limitations we have put in various bills. I know that these men are as hard worked men as there are in the Government service and as intelligent men, and I feel it is only fair to bear witness to that fact in face of what has been said criticizing them.

Mr. CAMPBELL. Will the gentleman yield?

Mr. SHERLEY. I do.

Mr. CAMPBELL. I agree entirely with the gentleman from Kentucky in the way in which the Ordnance Department has been overworked. Can the House be now assured that there are machine guns on the market that can be purchased with the appropriation we are now making?

Mr. SHERLEY. My understanding is—and I am speaking without a definite understanding because it has not been within my immediate jurisdiction—that, as the gentleman from Virginia [Mr. HAY] has said, there is a company prepared to furnish, in what quantity I am unable to state now—Vickers guns——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. SHERLEY. I think there is no doubt that the War Department, if they are given the money and do not have their hands tied by restrictions, will immediately go out and obtain all the guns that are necessary for the present emergency if it is possible to do it.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. BYRNES of South Carolina. The chairman of the committee has stated that in 1913 a test was made of three guns, and, as the result of which test, it was found that the Vickers gun was the best of the three. Does the gentleman know why the department then did not purchase the Vickers gun, which was found to be the best?

Mr. SHERLEY. I think I can state. At that time and now there have been a number of guns that were being made of these various types, and the Ordnance Department has been informed from time to time and have taken note at different times of improvements that were being made. The result was that perhaps they have been too slow; they may have held back too long; but they were desirous of getting the very best. Then came the European war, which interfered with securing additional Lewis guns for tests and interfered with obtaining the Vickers guns, and they have been trying for months and have just succeeded in arrangements whereby the Vickers gun, which is an English patented gun, can be manufactured in America. It is a combination of circumstances.

Mr. BYRNES of South Carolina. The gentleman will agree with me that improvements will always be made, and——

Mr. SHERLEY. Of course it is a matter of judgment that is to be exercised in each particular case. I would not say that the Ordnance Department should not have provided more guns, even though they were not as good as they hoped to have; but I am

trying to present to this committee and the country something of the problems that confront these people in the hope that from criticism will come the desire also actually to help give these people more men and the means whereby they can do the tremendous amount of work that is now being thrown upon them.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. May we have the amendment again reported? I ask unanimous consent that the original amendment may be again reported and that the amendment to the amendment may be again reported.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Virginia and the amendment to that amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

The Clerk read as follows:

Amendment by Mr. HAY: Strike out "$1,400,000" and insert "$2,000,000."

Amendment to the amendment by Mr. GARDNER: Substitute "$3,360,000."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GARDNER. Division, Mr. Chairman.

The committee divided; and there were—ayes 40, noes 37.

Mr. HAY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HAY and Mr. GARDNER took their places as tellers.

The committee again divided; and the tellers reported—ayes 62, noes 52.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia as amended by the amendment of the gentleman from Massachusetts.

The amendment as amended was agreed to.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 48, after line 23, by inserting the following as a new paragraph:

"Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipment, for the National Guard, to be available until the close of the fiscal year ending June 30, 1918, $2,000,000."

Mr. GARDNER. Mr. Chairman, I have an amendment to the amendment which I desire to offer.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARDNER on page 48, line 23:

"Automatic machine rifles: For the purpose of procuring automatic machine rifles, with pack outfits, accessories, and equipment for machine-gun organizations of the National Guard of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner prescribed by law, the Secretary of War is hereby authorized under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, to issue such automatic machine guns, with pack outfits, accessories, and equipment to the National Guard, and the sum of $4,008,720 is hereby appropriated and made immediately available until the end of the fiscal year 1918 for the procurement and issue of the before-mentioned articles."

Mr. HAY. Mr. Chairman, I reserve a point of order on that.

Mr. GARDNER. Mr. Chairman, I ask the gentleman to make his point of order. What is it?

Mr. HAY. I make the point of order that the amendment is new law. The gentleman is undertaking to make an appropriation and at the same time is legislating on an appropriation bill.

Mr. GARDNER. I invite the gentleman's attention to the fact that if it is legislation on an appropriation bill, he will find that in the next paragraph he is using the same language.

Mr. HAY. I did not use the same language as you do.

Mr. GARDNER. Substantially. Speaking of field artillery, this bill provides that field artillery for the National Guard is to remain the property of the United States and to be accounted for in the manner now provided for by law. It is in regard to field artillery.

Mr. HAY. We are not on field artillery.

Mr. GARDNER. I understand. I might raise the point of order on the field artillery. I assume it is subject to a point of order as well as this.

Mr. HAY. If the gentleman wants to raise the point of order on field artillery when we get to it, all right, but I am talking about this particular item. But I have no desire to talk any more on the point of order.

Mr. GARDNER. Mr. Chairman, I should like to be heard on the point of order.

Mr. MANN. I would like to know if the gentleman will yield for a question?

Mr. GARDNER. Certainly.

Mr. MANN. Under this amendment could these rifles be used for the National Guard except upon requisition of the governors?

Mr. GARDNER. In my opinion they could be used after the National Guard is mustered into the service of the United States just as much as all these appropriations that we are making here.

Mr. MANN. It may affect the point of order—whether this is an appropriation for the procurement of machine guns for the Army primarily, with the provision that in the ordinary course they may be issued to the National Guard upon the requisition of the governors, not as a matter of legislation, but as a matter of regulation possibly of the equipment. In other words, are we providing in this or the other items solely for the National Guard and does it require requisition of the governor in order for the National Guard to get this equipment?

Mr. HAY. It does not. What we have provided for in this and other items is for a reserve, which is to be used in time of danger or of war, like the present time, and if the gentleman's amendment is adopted in the way in which he has drawn it, then these guns manufactured under that amendment will be of no use whatever in this crisis.

Mr. MANN. The same is true in respect to the other items in the bill, unless when the War Department obtains these they use them as they please, except upon the requisition of the governor they may turn them over to the National Guard.

Mr. HAY. They use them as they please, and they turn them right over to any United States force that may be in being; and when the National Guard is drafted into the service of the United States every gun and every rifle belonging to the Government can be put into the hands of any and all troops in the service of the Government. There can not be any question about that.

Mr. GARDNER. I should like to be heard, Mr. Chairman, upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. This wording in my amendment is almost exactly the wording which has been carried hitherto in the appropriations for field artillery for the Organized Militia. I hold in my hand a copy of last year's law. I read:

Field artillery for Organized Militia: For the purpose of manufacturing field artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law—

And so forth. It is merely a description of the way and the manner in which the property is to be disposed of when procured.

Now, Mr. Chairman, if it were true that we had no right to appropriate for machine guns for the National Guard at all, it would be perfectly true that we could not say in what manner we would appropriate for them. But the moment that it is conceded, as everybody concedes, that it is in our power to appropriate for machine guns for the National Guard, it is apparent that the wording which I have submitted is merely a qualification, showing the manner in which that appropriation is to be expended. It is not even a limitation. It is the ordinary descriptive phraseology which has already been carried in dealing with an analogous subject—the field artillery for the Organized Militia—for a long time. The fact is that heretofore, so far as I know, we have never specifically in the past appropriated for automatic rifles for the National Guard. The amendment which I suggested is in the wording presented to the Committee on Military Affairs by Gen. Crozier. It was submitted by Gen. Crozier in the hearings in substantially the same form, except for the amount carried and the expression "Organized Militia" was used instead of the expression "National Guard."

The CHAIRMAN. The Chair would like to ask a question in that connection. This is an appropriating bill. Here is a provision appropriating for machine guns for the National Guard. What is the authority of law, or the special authority, for that appropriation?

Mr. GARDNER. I would have to get the statutes. Probably the gentleman from Virginia [Mr. HAY] can tell us. I suppose it is the general law which authorizes the equipment of an army.

Mr. MANN. I submit, Mr. Chairman, that that question can not be raised, because no point of order was made on the amendment offered by the gentleman from Virginia [Mr. HAY], which

was an appropriation for machine guns for the National Guard. There was no point of order raised on that.

The CHAIRMAN. As the Chair understands, that is a separate amendment.

Mr. MANN. This is a substitute for the Hay amendment. It is an amendment to an amendment.

Mr. GARDNER. Mr. Chairman, I read from the last appropriation bill:

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1917, $150,000.

I fancy there is no special authorization of law required in order to make it in order to provide money for equipping the Army with a new device. This is not a new device, but it is new to provide specifically for the National Guard, so far as automatic rifles are concerned. I submit for the consideration of the Chair whether, the point of order not being raised on the amendment offered by the gentleman from Virginia in this particular respect my amendment could be found out of order, when clearly the gentleman's amendment is subject to the same rule.

The CHAIRMAN. The Chair does not think it would. The Chair overrules the point of order.

Mr. GARDNER. Now, Mr. Chairman, I should like to be heard on the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GARDNER. Merely for the sake of the record, I beg to say that I have applied to the amount of money requested by Gen. Crozier the new allowance of 12 machine guns to a regiment instead of 5 machine guns to a regiment, and it produces those figures which I have sent to the desk.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. GORDON. Of whom did Gen. Crozier make that request; from you?

Mr. GARDNER. No; from the gentleman's own committee. Does not the gentleman read his own hearings?

Mr. GORDON. What page is it on? Will the gentleman read it?

Mr. GARDNER. Here is a word from the chairman:

The CHAIRMAN. And therefore you ask for $1,670,300 for automatic rifles for the National Guard?

That is on page 771 of the hearings. Then on the same page:

Gen. CROZIER. I have another estimate for automatic rifles for the Organized Militia of $1,670,300, with which I intend to get 428 guns, including some other things that go with them.

Mr. GORDON. That is not your amendment.

Mr. GARDNER. I explained that carefully. If the gentleman will please sit down and let me explain, I said I applied the figures sent in by Gen. Crozier, of 12 machine guns instead of 5, to those figures of $1,670,300.

Mr. GORDON. To whom did he send those figures?

Mr. GARDNER. I have read them into the RECORD. I will read them again for the information of the gentleman. I read:

WAR DEPARTMENT,
OFFICE OF CHIEF OF ORDNANCE,
Washington, June 20, 1916.

DEAR MR. GARDNER——

Mr. GORDON. He requested them of you, did he?

Mr. GARDNER. He said in that statement that the War Department had changed its recommendation, and it was adopted by the War Department. The new figures were adopted on the 11th of April, 1916, by a letter written by The Adjutant General to the Chief of Ordnance, and I am informed that your committee has been notified of that fact.

Mr. GORDON. The chairman of our committee says he never got any such communication.

Mr. GARDNER. Then the mails have gone astray, because I am informed by an officer of the War Department that that notice was sent to the committee.

Mr. GORDON. Then the War Department made a requisition on you for these machine guns, apparently.

Mr. GARDNER. Oh, well, the gentleman can infer anything he chooses.

Mr. MANN. I should like to ask the gentleman a question. Is the amendment which the gentleman offers designed to provide automatic machine rifles for the National Guard, including those regiments which have now been drafted into the service of the United States, so that they may have machine rifles when they go to the front?

Mr. GARDNER. That is the purpose, so far as we can influence that result by an appropriation. I do not know whether they can be bought.

Mr. MANN. I do not say it would accomplish the purpose.

Mr. GARDNER. I do not know whether it would accomplish the purpose. My object is to get as many machine guns as possible, and to get them on an intelligent basis, to wit, on Gen. Crozier's latest figures.

Mr. MANN. The purpose may not eventuate. That depends on whether they can get the rifles; but is it the purpose of the amendment to provide the money with which these National Guardsmen going to the front may have machine rifles in the quantity indicated by the War Department to be necessary?

Mr. GARDNER. To be frank with the gentleman, I should have offered this amendment whether there had been any complications recently arising in Mexico or not. I know the gentleman is trying to help me out——

Mr. MANN. I am not trying to help the gentleman out. I am trying to get at the facts.

Mr. GARDNER. Those are the facts, that this amendment would have been offered without the slightest regard to the present situation in Mexico. But incidentally, in my opinion, it will allow us to equip the National Guard very much more satisfactorily.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. I yield to the gentleman from Tennessee.

Mr. GARRETT. I do not understand that the gentleman's amendment is based on an official estimate, is it? I think there is possibly a misunderstanding between the gentleman from Ohio [Mr. GORDON] and the gentleman from Massachusetts.

Mr. GARDNER. Let me explain——

Mr. GARRETT. The gentleman's amendment is based upon certain estimates that were made by Gen. Crozier, submitted to the Committee on Military Affairs, the gentleman desiring to increase the number of guns. There is no official estimate from Gen. Crozier or from the department.

Mr. GARDNER. Let me interrupt the gentleman. There were no supplementary estimates sent in after the passage of the Hay bill, but Gen. Crozier appeared before the committee and he suggested certain figures. There were no supplementary estimates. The gentleman can assure himself of that by asking the chairman of the committee. Gen. Crozier came in and said that, calculating on a basis of five machine guns to a regiment, there was needed an appropriation of $1,670,300 for machine guns or automatic rifles for the National Guard. That was on the 4th day of April. At that time the basis of computation for the National Guard was five machine guns for each regiment. On the 11th day of April the War Department adopted a new basis, and I have been told that notification was sent to the Committee on Military affairs to that effect. At least I thought I understood that information to be given to me. Perhaps I am mistaken. But taking that new basis of 12 machine guns to a regiment instead of 5 machine guns to a regiment, and modifying the estimate in the first place presented by Gen. Crozier, by dividing by 5 and multiplying by 12, modifying it according to the new estimate of April 11, he will arrive at the figure which I have sent to the Clerk's desk, to wit, $4,008,720. Now, is it perfectly clear to the gentleman?

Mr. GARRETT. I think so. I thought possibly there was a misunderstanding between the gentleman from Ohio [Mr. GORDON] and the gentleman from Massachusetts.

Mr. GARDNER. Is it perfectly clear to the gentleman from Tennessee?

Mr. GARRETT. Quite so. I understand that no official estimate has been sent in asking for 12 instead of 5, but the gentleman from Massachusetts understands that that is the number now desired by the Chief of Ordnance.

Mr. GARDNER. I said there was no official estimate sent in asking even for the five. It was simply that Gen. Crozier stated in the hearing that that number is what they ought to have. The gentleman understands that the War Department has tables. The old tables said we must have four machine guns for a regiment and one for a machine-gun company or platoon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I hope that the amendment will not be agreed to. What is the result of it? We have just adopted an amendment providing for $3,300,000 for these machine guns. The gentleman proposes to add $4,000,000 more. Is that the amount?

Mr. GARDNER. Four million eight thousand seven hundred and twenty.

Mr. HAY. Which would make over $7,000,000 for these machine guns. Now, it is perfectly obvious, from the information given to us by the Chief of Ordnance, that that amount of money can not be expended. The gentleman says that the Chief of Ordnance or some other officer has notified me of what he wanted or of some calculation that has been made. I deny that the Chief of Ordnance has given me any information what-

ever about it. I have never heard from him on this particular subject since the hearing which we had before the committee.

Mr. GARDNER. I did not say the Chief of Ordnance had communicated it to the gentleman. I said I understood from an officer in the War Department that the gentleman had been given this information.

Mr. HAY. Who is the officer who has given the gentleman this information?

Mr. GARDNER. I am not going to tell the gentleman publicly. I will tell him privately.

Mr. GORDON. Oh!

Mr. HAY. Then if the gentleman is not willing to state his authority for a simple statement like that, that I was informed or that the committee was informed as to what the War Department wanted, evidently there was no official statement of it to me, because if there had been an official statement no officer would have given the gentleman that information as being confidential.

Mr. GARDNER. No officer did give it to me as being confidential. It was not given to me as confidential, but I decline to state the name of the officer.

Mr. HAY. The gentleman is treating it as if it were confidential. Now, I have offered an amendment for $2,000,000. I think the way the amendment of the gentleman is drawn the probability is that it might be held that these guns could not be furnished to the National Guard after the National Guard had been drafted into the service of the United States.

I am perfectly willing to appropriate any amount of money that may be shown to be necessary, but I do not think it is wise for the House to appropriate large sums of money for things that they can not buy and for things for which at this time they have no use. If there are $7,500,000 appropriated, that would supply machine guns, according to the gentleman's own computation, for nearly 200 regiments. We have not 200 regiments in the service.

Mr. GARDNER. Will the gentleman yield?

Mr. HAY. Yes.

Mr. GARDNER. The gentleman overlooks the 50 per cent wastage which the War Department in the order of April 11, which the gentleman has not seen but which I have, says must be calculated in the reserve machine guns.

Mr. HAY. What is the use of buying machine guns for regiments not in existence and not going to be in existence. Of course, I do not know how many more regiments may be called out, but if any more are called out we can buy the guns. I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and amendments thereto now close.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on the pending paragraph and amendments thereto be now closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Massachusetts to the amendment of the gentleman from Virginia.

The question was taken, and the amendment to the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out "two million" and insert "three million."

The CHAIRMAN. The gentleman from Illinois moves to amend the amendment of the gentleman from Virginia by striking out "two million" and inserting "three million."

The question was taken; and on a division (demanded by Mr. MANN) there were 47 ayes and 60 noes.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Armored motor cars: For the purchase and manufacture of armored motor cars, $150,000.

Mr. HAY. Mr. Chairman, I move to strike out "150,000" and insert "300,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 25, strike out "150,000" and insert "300,000."

Mr. STAFFORD. Mr. Chairman, as I read the hearings, the Chief of the Bureau of Ordnance recommends $500,000, and the hearings were away back in April. Since then exigent conditions in Mexico have arisen, and the Chief of the Bureau of Ordnance came before the deficiency committee and asked for exigent appropriations to provide for a large number of trucks to carry provisions——

Mr. HAY. These are not trucks to carry provisions.

Mr. STAFFORD. I know they are not, but it shows the necessity of this kind of conveyance if we are to be beset with any difficulty in Mexico. As I read the hearings, the department recommended away back in April for this item of $500,000, and it specified what they would be for. It will take time, as the chief set forth in the hearings, to equip the automobiles with the necessary armor and with howitzers and quick-firing guns and make them ready for action. Does the gentleman think, in view of the recommendation of the department, that $300,000 is adequate, in view of the exigent conditions?

Mr. HAY. I think $300,000 is sufficient. I think we can obtain for that 24 armored automobiles, 60 shielded motorcycles with side cars, and 15 motorcycles with side-car ammunition.

Mr. STAFFORD. What would 24 armored automobiles amount to scattered over hundreds of square miles of territory?

Mr. HAY. The gentleman does not expect to have an army scattered over 100 square miles of territory, does he?

Mr. STAFFORD. No; and they are not going to be all placed in one little spot; if we have eventualities it will invite operations at different points.

Mr. HAY. I think the number of armored cars that will be provided for by $300,000 will be sufficient for any emergency that will arise in Mexico.

Mr. STAFFORD. Mr. Chairman, I move to amend the amendment by making it $500,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by substituting for $300,000, $500,000.

Mr. STAFFORD. Mr. Chairman, this is the amount that Gen. Crozier recommended several months ago when the establishment under the military appropriation bill was being considered. Last year the bill only carried the paltry sum of $50,000 for armored motor cars. That was at the suggestion of the committee and not at the suggestion of the War Department. Since then, with the development of the value of armored motor cars in Europe—and it does not require an expert to determine the value of armored motor cars—the head of the department comes and asks for an appropriation of $500,000, and that at a time when we are not confronted with the exigent conditions that we are at the present time. I would not have been surprised if the gentleman, the chairman of the committee, had asked for an appropriation of $1,000,000, and yet this $500,000 will only provide something in the neighborhood of 36 armored motor cars. I do not claim to be an expert or have any expert knowledge of armored motor cars, but it does not take an expert to see their value. I think as reasonable a provision as $500,000 should be made now for this very valuable arm of defense.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. McLAUGHLIN. Does the gentleman know that the recommendation of the amount carried in the bill was made at the time when the Secretary of War and the Chief of Ordnance did not know whether or not the cars could be supplied by the local manufacturers? Now, it has been shown clearly what I told the House some time ago, that the Packard Motor Car Co. can make these cars and make them promptly.

Mr. STAFFORD. It is true; the gentleman strengthens the demand for an increased appropriation, because one of the reasons that the bureau did not ask for a larger amount was because they believed the necessary equipment could not be immediately provided, but it has been shown that the Packard and the Jeffrey and other manufacturing companies can turn out these cars in large numbers, and turn them out quickly. They are willing, they are able. We have provided this morning millions of dollars for the old character of defense, for horses and cavalry, and yet you are disguising the value of the armored motor car, that will do the service of squadrons of cavalry at less expense and less danger to the forces that are utilizing them. I am not advocating anything rash, anything wild. It is based on the recommendation of the head of the department, who is a conservative man, Gen. Crozier, and I think the amendment ought to be adopted.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 35, noes 73.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Armored motor cars: For the purchase and manufacture of armored motor cars, $150,000.

Provided, That the appropriations hereinbefore made under the heading "Ordnance Department" shall be available for the payment of an allowance not to exceed $4 per day in lieu of subsistence to civilian employees of the Ordnance Department traveling on official business outside of the District of Columbia and away from their designated posts of duty.

Mr. BORLAND. Mr. Chairman, I think that provision——

Mr. STAFFORD. Mr. Chairman, I reserve the point of order.

Mr. BORLAND. Mr. Chairman, I reserve the point of order. I think that provision is already embraced in the general language on page 2 of the bill, which is to the following effect:

Including the payment of a per diem allowance not to exceed $4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts.

I think that embraces the Ordnance Department as well as any other department, but I leave that to the chairman of the committee.

Mr. HAY. Mr. Chairman, I have looked at the hearings and I do not see where the Chief of Ordnance has explained this matter. I have no objection to the point of order being made.

Mr. STAFFORD. Mr. Chairman, I have not made the point of order, but I reserved it for the purpose of obtaining information. I would like to know whether it is to correct some abuse in that department?

Mr. HAY. The Chief of Ordnance did not explain the matter to the committee, and therefore I can not explain it to the gentleman.

Mr. STAFFORD. Mr. Chairman, as no explanation has been given as a reason for this proviso at the present time I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Field artillery for National Guard: For the purpose of manufacturing field artillery material for the National Guard of the several States, Territories, and the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, to issue said artillery material to the National Guard; and the sum of $3,000,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year 1917, for the manufacture and issue of the articles constituting the same: *Provided*, That not more than $170,000 of this appropriation may be used for the purchase of field artillery material.

Mr. HAY. Mr. Chairman, I move to amend by striking out "$3,000,000" in line 18, page 49, and inserting "$8,000,000."

The Clerk read as follows:

Amend, on page 49, line 18, by striking out "$3,000,000" and inserting "$8,000,000."

Mr. GARDNER. Mr. Chairman, I offer the following amendment to the amendment.

The Clerk read as follows:

Page 49, line 18, as a substitute for the Hay amendment, insert "$16,800,000."

The CHAIRMAN. Does the gentleman from Virginia desire recognition?

Mr. HAY. Mr. Chairman, I am ready for a vote.

Mr. GARDNER. Mr. Chairman, $16,800,000 was the amount asked of the committee by Gen. Crozier. In April, before this present Mexican emergency arose, he came before the committee and asked for $16,800,000. How did he get at those figures? Because the Greble Board, long before the European war began, estimated the amount of field artillery which we ought to accumulate before the outbreak of war. We need some $66,000,000 worth of field artillery in addition to what we have got in order to accumulate the amount recommended. Allowing four years more for its accumulation, Gen. Crozier declared that we must appropriate $16,800,000 for each of the four years. The Greble Board, however, has been superseded by the Treat Board. The Treat Board has recently completed a new study of our artillery and ammunition necessities. The Treat Board figures were very materially reduced by Gen. Crozier. After reducing the Treat Board estimates, Gen. Crozier submitted to the Secretary of War a call for about $134,000,000 as an appropriation for artillery for the next four years, and the gentleman from Virginia is giving us $8,000,000 instead.

I wish to point out to this House another fact. The Treat Board found that in order to make us safe we must accumulate $480,000,000 worth of ordnance before the outbreak of war. Gen. Crozier pared that down to the bone, and reduced it from $480,000,000 to $280,000,000. He has submitted these revised figures with his approval to the Secretary of War. Taking that basis of $280,000,000, $134,000,000 must be apportioned, according to Gen. Grozier, for field artillery. If this amount is to be appropriated during the next four years we must appropriate instead of $8,000,000 over $30,000,000. In my amendment I have placed the figures at $16,800,000 because that is the amount called for in compliance with the old Greble Board estimate, made before the European war broke out.

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Massachusetts.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I move to strike out the figures "$170,000," in line 22, and insert the figures "$4,000,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 49, in line 22, by striking out "$170,000" and inserting "$4,000,000."

Mr. KEATING. Will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. KEATING. What is the object in increasing the amount of artillery which the department may purchase? Is it lack of capacity in the arsenals to manufacture?

Mr. HAY. Yes.

Mr. KEATING. The department is without the capacity to manufacture this artillery which you provide they may purchase?

Mr. HAY. I suppose they could do it if it were extended over several years, but if we wanted it right away they could not.

Mr. KEATING. That is the point I wanted to get at—the capacity of the arsenals for the manufacture of artillery.

Mr. HAY. I think the arsenals where they manufacture this artillery are at Frankford and Rock Island. They manufacture some portion of this at Rock Island and some of it at Frankford, but I do not believe they would have capacity enough to make in one year as much as $8,000,000 worth of field artillery.

Mr. SHALLENBERGER. If the gentleman will permit, I want to ask the chairman if it was not a matter before the committee that the heaviest field artillery we now have is the 6-inch howitzer, and that there is every possibility that we will want to use much heavier field artillery than that, and therefore this $4,000,000 of money should be available for the purchase of that field artillery if we should desire it?

Mr. HAY. Undoubtedly.

Mr. SHALLENBERGER. Without having to wait for our arsenals now not fitted up to make it?

Mr. HAY. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAY. Yes.

Mr. STAFFORD. This paragraph is limited exclusively for the purpose of manufacturing field-artillery matériel. I want to ascertain——

Mr. HAY. Well, yes.

Mr. STAFFORD. I would like to ascertain the need of the limitation by the proviso.

Mr. HAY. The reason of it is, wherever the Government can in its own arsenals manufacture field-artillery carriages, and so forth, it is desired it should be done; but we raised the appropriation, and when it may be necessary to buy this field artillery at once then we give more money for the War Department to expend outside of the Government arsenals.

Mr. STAFFORD. I understand that the amount carried by the proviso is the limit that can be utilized for the purchase of field artillery from private establishments?

Mr. HAY. Yes.

Mr. STAFFORD. Leaving this $4,000,000 available for the manufacture of field artillery in Government establishments?

Mr. HAY. That is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. TAGGART. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, in line 21, after the word "same," insert:

"*Provided*, That $3,000,000 of this appropriation shall be used for the purpose of establishing factories for the manufacture of artillery and machine rifles, ammunition, and equipment for the National Guard, and this appropriation shall be immediately available and shall remain available until the end of the fiscal year 1917."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. TAGGART. Mr. Chairman, it is manifest that this House is determined to secure a large supply of artillery, ammunition, machine guns, and every other kind of arms for the National Guard. The section in which this amendment is suggested provides for the manufacture of artillery and matériel for the National Guard. We have been appropriating at the

rate of about a half a million dollars a minute for the last hour. It is the purpose evidently of the House to arm the National Guard that is provided for in the act of June 3 with a complete equipment.

The gentleman from Massachusetts has just stated that before we get through we might need $480,000,000 worth of artillery. While I can not imagine that——

Mr. GARDNER. Will the gentleman yield?

Mr. TAGGART (continuing). It is evident we are to have a vast amount of it. I yield for just a question.

Mr. GARDNER. The gentleman will yield for a correction, will he not? I said $480,000,000 for ordnance. The gentleman says "artillery." That means rifles and small-arms munitions, and so forth.

Mr. TAGGART. I am much obliged to the gentleman for defining the weapons of war. It is evident that the Government manufacture of this vast amount of matériel will necessarily work economy. The House is well acquainted with the fact that the Infantry rifle used to cost $27 when manufactured by private parties. It is now laid down at $16, manufactured by the Government.

The House knows that powder used to cost 70 cents a pound, and we know now that it is manufactured by the Government for less than 40 cents a pound. I refer to the artillery powder. We are committed already to the Government manufacture of munitions, and we are unable with the manufactories we have to manufacture the munitions of war.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. TAGGART. I will yield.

Mr. SMITH of Minnesota. Why is it that the small-arms factory in Rock Island has been shut down for the last year and a half?

Mr. TAGGART. I do not know. I think it is a matter of regret if it has been, because the first thing we know the Army in the field will be without equipment. The gentleman from Massachusetts [Mr. GARDNER] finally hit the bull's-eye awhile ago when he said that 50 per cent of this ordnance that we furnish would soon become ineffective. Everybody knows that a high-power rifle does not last. Everybody knows that a machine gun will not last but for a short time, and modern field artillery is not the kind that will last like the old artillery lasted. It will soon wear out. The power of the gun is so high it will soon become defective.

Mr. WINGO. If what the gentleman says is true—and I agree with him on the policy of Government manufacture—if we are going to need this equipment, ought not the amendment in the original form to stand, and not take the time to manufacture plants to manufacture an article, which will take too long?

Mr. TAGGART. So far as that is concerned, we have a thousand field guns now and they are not in the hands of the National Guard. The National Guard is not provided with half its complement of artillery, and, let me say about field guns, that if our National Guard had to go up against a modern army of the same size, provided with a full complement of field artillery, they might be annihilated without seeing the enemy, and could not approach at all or make any use of either rifle or machine gun. Now, that is the situation. The National Guard has not been provided with artillery. The artillery and ammunition provided for in the bill may be delivered any time for two years.

Mr. DOWELL. I note your amendment provides for the manufacture for the National Guard. Does the gentleman desire to limit the manufacture to only the use of one part of the Army?

Mr. TAGGART. I will say that the idea of limiting it to the National Guard is that this committee has the jurisdiction for providing National Guard ordnance. I understand the ordnance for the Regular Army is in the Committee on Appropriations. That is the reason I suggested it.

Why should we not follow the original policy of this Government? I dare say that not a single piece of ordnance was made by private manufacture until the Civil War, and ordnance is so costly now that the patriotism of any man will be suspected who is willing to vote these appropriations of millions after millions to purchase artillery. Every gun and its equipment costs not less than $25,000. Just think of it! And the modern high-power gun will cost $40,000 with all its accompaniments. Why, we just voted down an amendment of $16,000,000 offered by the gentleman from Massachusetts for artillery. They have enlarged the capacity of the Rock Island Arsenal. We acknowledge that we are not able with the Government facilities to manufacture this ordnance we are going to need in the future, and if it is made at private manufacture, no Congress will ever vote in time of peace, or the prospect of peace, for any great supply of ordnance. It is simply voting the money of the people for ordnance to be made at private manufacture at great profit at some future time and not for immediate use. I am justified in saying that, on account of the former cost of articles that were made by private manufacture and that are now made at a little more than half the cost at public manufacture, this amendment would work economy.

It would seem that this amendment is germane. This section provides for the manufacture of artillery, the manufacture of munitions, the manufacture of artillery matériel,, and the method of manufacturing. I am going to insist that the point of order is not well taken.

Mr. MANN. A moment ago when I offered an amendment to increase the appropriation for automatic machine rifles for the National Guard from $2,000,000 to $3,000,000, my distinguished friend from Kansas voted against it. Now, here is an appropriation for $8,000,000 for field artillery for the National Guard. It ought to be twice $8,000,000, but the gentleman from Kansas [Mr. TAGGART] proposes to divert nearly half of the $8,000,000 from the obtaining of field artillery to constructing a building somewhere.

Well, just at present it is more important to have guns than it is to have roofs.

Mr. TAGGART. Let me ask the gentleman a question?

Mr. MANN. No; I did not interrupt the gentleman when he was speaking.

The CHAIRMAN. The gentleman declines to yield.

Mr. TAGGART. I do not want to interrupt the gentleman. I want information.

Mr. MANN. If the gentleman will wait, I will give him some. What the National Guard wants now is field artillery, automatic machines. Rifles are good in their way. It is necessary in war for men to have them, but no longer have they any practical value when battle array meets battle array. I would increase this appropriation from $8,000,000 to $16,000,000, as the gentleman from Massachusetts [Mr. GARDNER] proposed. I am not willing to reduce it from $8,000,000 to $5,000,000, as the gentleman from Kansas proposes, and therefore I make the point of order.

The CHAIRMAN. Does the gentleman from Kansas [Mr. TAGGART] desire to be heard in opposition to the point of order?

Mr. TAGGART. I simply ask unanimous consent to say this much.

The CHAIRMAN. The question is on the point of order.

Mr. TAGGART. Well, I will say on the point of order that this is a section devoted to the manufacture of matériel. This simply suggests the way to manufacture it. An amendment has been adopted here that the Government shall not manufacture more than half of it. The purpose of my amendment is to suggest a permanent way of getting a supply of artillery and munitions for the use of the National Guard. It is not a question of getting these guns immediately. We can not get these guns from private factories within the next 12 months, and the gentleman from Illinois knows it. We provided $2,000,000 worth of artillery for the National Guard a year ago, and I venture to say not a single gun has been delivered from that appropriation for the use of the Army. Now, this is against future contingencies. It is not to arm troops that are on the border. We have a thousand machine guns to be distributed to the National Guard.

The CHAIRMAN. This is simply a question of whether the amendment is in order or not. If the gentleman wants to be heard on that point, the Chair will be glad to hear him.

Mr. TAGGART. I say we have also a thousand field guns to be distributed to the National Guard, which argues the fact that we are not in immediate want of field artillery or machine guns. This is to provide a future supply of field artillery. The object of the section is to supply munitions, and the object of the amendment is to permit the Government to manufacture more munitions than it is able to manufacture on account of the limited capacity of Government armories.

The CHAIRMAN. The Chair will say to the gentleman that if the amendment proposes new legislation for a Government factory to manufacture these implements, he does not think it is in order. The point of order is sustained.

Mr. MANN. Mr. Chairman, I think there is a clerical error on line 20 of page 49. It should be "nineteen hundred and eighteen" instead of "nineteen hundred and seventeen." I move to strike out the word "seventeen" and insert "eighteen."

Mr. HAY. It should be "eighteen."

The CHAIRMAN. Is there objection to the amendment? Without objection, the amendment will be agreed to.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Ammunition for field artillery for the National Guard: For the purpose of manufacturing reserve ammunition for field artillery for the National Guard of the several States, Territories, and the District of Columbia, the funds to be immediately available, and to remain available until the end of the fiscal year ending June 30, 1917, $3,000,000.

Mr. HAY. Mr. Chairman, on line 5, page 50, I move to strike out "seventeen" and insert "eighteen."

The Clerk read as follows:

Page 50, line 5, strike out "seventeen" and insert "eighteen."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. HAY. Now, Mr. Chairman, I move to strike out "$3,000,000" and insert "$8,000,000," on line 5 of page 50.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Page 50, line 5, strike out "$3,000,000" and insert "$8,000,000."

Mr. GARDNER. Mr. Chairman, that is what Gen. Crozier asked for, and I shall be glad to vote for it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I move to strike out "$100,000" and insert "$4,000,000" in line 6 of page 50.

The CHAIRMAN. In a moment. The Clerk will first read the paragraph.

The Clerk read as follows:

Provided, That not more than $100,000 of this appropriation may be used in the purchase of field artillery reserve ammunition.

Mr. HAY. I move to strike out "$100,000" and insert "$4,000,000." That is a limitation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 50, line 6, by striking out "$100,000" and inserting "$4,000,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided further, That not more than $200,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by the Government and by private manufacturers of field artillery ammunition necessary for the use of the land forces of the United States in time of war.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HAY. Mr. Chairman, I move to amend, page 50, line 13, by striking out the words "by the Government and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 50, line 13, by striking out the words "by the Government and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TAGGART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. TAGGART:

Page 50, line 15, after the word "war," insert: "That the board appointed by the Secretary of War under the provisions of section 121 of the act approved June 3, 1916, entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' shall select three sites in the interior of the United States for the establishment of factories for the manufacture of all munitions of war for the National Guard and report the cost of the same and the estimated cost of establishing and operating such factories to Congress before January 1, 1917."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

Mr. TAGGART. I will ask the gentleman to withhold his point of order.

Mr. MANN. It is now a quarter of 5. To put it frankly to the gentleman, there was some hope of finishing this bill tonight. Does not the gentleman think we ought to proceed?

Mr. TAGGART. That is what I thought.

Mr. MANN. I think it is extremely desirable that this bill become a law as soon as possible after the 1st of July.

Mr. TAGGART. In order that a great deal of this ammunition may be delivered on or before June 30, 1918? Is that the idea?

Mr. MANN. No; it is because if we do not have this law in operation by the 1st of July of course we have got to provide in some way for the maintenance of the Army, and it would be a very difficult thing to do without an elaborate bill.

Mr. TAGGART. I propose to discuss the point of order. The amendment calls for no appropriation. It does not make a new law. It does not change existing law. It simply adds something to the duties of a certain board created by section 121 of the Army reorganization act approved the other day. Section 121 of that act provides:

The Secretary of War is hereby authorized to appoint a board of five citizens, two of whom shall be civilians and three of whom shall be officers of the Army, to investigate and report to him the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, and equipment, showing in said report the comparative prices of the arms, munitions, and equipment manufactured in Government plants and those manufactured in private plants, the amount of money necessary to build and operate Government plants for the manufacture of arms, munitions, and equipment; showing also what the Government plants and arsenals are now doing in the way of manufacturing arms, munitions, and equipment, and what saving has accrued to the Government by reason of its having manufactured a large part of its own arms, munitions, and equipment for the last four years. And the Secretary of War is hereby directed to transmit said report to Congress on or before January 1, 1917.

This section 121 prescribes the duties of a certain board to be appointed by the Secretary of War. This amendment simply adds one more item of duty for that board to perform. It calls for no appropriation. It is evident that Congress intended to work economy by having this board appointed, and this amendment asks that the board make a complete report, that it select these places wherever it chooses, and report to Congress what they would cost, and what it would cost to operate and maintain these factories.

The CHAIRMAN. The section cited by the gentleman prescribes that the board shall have authority to do certain things. The amendment provides that this board shall do certain other things. In other words, this amendment is needed in order to furnish authority for the board to do the things proposed. Hence the amendment is subject to the point of order that it is enacting law in an appropriation bill. The point of order is sustained.

Mr. EMERSON. Mr. Chairman, I ask unanimous consent to print as a part of my remarks an article on the subject of field artillery and heavy guns.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks along the line indicated. Is there objection?

There was no objection.

The article is as follows:

BERLIN, *June 22.*

"Our successes in the present war are principally due to the superiority of our heavy artillery," said Prof. Dr. Rausenberger, the inventor of the giant 42-centimeter gun, on his recent visit to Sofia, in an interview granted to a correspondent.

"The light flat-fire field guns have been relegated to the background and will eventually disappear entirely," the German schoolmaster, who has become famous as the constructor of the most terrible modern war machine, continued.

"The field guns are of little use in trench warfare, and will have to be replaced by steep-fire ordnance. Trenches, shelters, and field fortifications of troops in ninety cases out of every hundred can only be reached by shells fired at a high angle. Only in rare instances is it possible to bombard them effectively with ordinary fieldpieces."

Asked whether it would be possible to improve the means of defense so as to render even the fire of the heaviest attacking guns ineffective, the inventor said:

"The artillery is capable of unlimited development. It is impossible to dig the trenches and shelters deeper, because this would hinder the rapid retreat of the troops in them, if they should be attacked suddenly by numerically superior forces. Even the deepest trenches and armored shelters afford no protection against the shells of our high-angle guns, and we can reach the enemy with our fire from distances which were not dreamed of before our 'Big Berthas' came into existence.

"We are able to fire across the English Channel and to throw shells 3 or 4 miles into England, but the limit is not nearly reached. Without any great difficulty we will be able to construct guns with a much larger range. England is no longer invulnerable, and she knows it."

In regard to his own invention the professor said:

"The general staff long ago asked the Krupps to construct a monster gun of certain specified capabilities. The experiments were begun more than 10 years ago, and we finally solved the problem, but the matter of the transportation of the enormous howitzers still bothered us. Only shortly before the outbreak of the war did we succeed in improving the mobility of the great guns. 'Big Berthas,' which could be transported and placed into position without specially constructed field railroads were used for the first time in the bombardment of Liege."

From his guns the inventor switched to a discussion of fortresses.

"I do not believe that fortresses like Liege and Antwerp will be rebuilt. The different countries will, of course, keep their frontiers fortified, but fortresses with girdles of forts have been made useless by modern artillery. The fortifications of the future will be of an entirely different character."

Finally the professor took up the munitions question.

"The hope of our enemies that we will ever run short of ammunition is futile. We are able to produce any required quantity of shells, and they will always be superior to those of the allies.

"At the beginning of the war we were not so well prepared. We had to construct an enormous amount of machinery and build many factories before we could fully supply the demands of our army. During the early stages of the war we were compelled to cast most of our

shells, but now they are all made of pressed steel and their quality is unsurpassable.

"The British, with the rich resources at their disposal, have been very successful in the production of munitions. The production of Russia is also far larger and better than the general public knows. The industrial strength of the Russians must not be underestimated.

"I know the Putiloff works and their capability. With the aid of England, Japan, and the United States, Russia will manage to get enough ammunition for her armies.

"The quality of the American munitions was very poor at first, but it is becoming much better lately. The United States will undoubtedly more than double the production of shells during the next six months, but we can await the further developments of the war without anxiety, because we will always outclass our enemies in the production of ammunition, as we do in artillery."

The Clerk read as follows:

NATIONAL GUARD.

Arming, equipping, and training the National Guard: To provide for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery, Cavalry, signal companies, engineer companies, ambulance companies, and other mounted units of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes. Horses so purchased may be issued not to exceed 32 to any one battery, troop, or company, or four to a battalion or regimental headquarters, under such regulations as the Secretary of War may prescribe, $800,000.

Mr. HAY. I move to strike out "$800,000" in line 3, page 51, and to insert "$200,000." I do that for the reason that the National Guard has now been called into the service of the United States, and will be furnished with horses, and it is not necessary to carry this appropriation for a larger sum than $200,000.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 51, line 3, strike out "$800,000" and insert "$200,000."

Mr. BORLAND. Mr. Chairman, under the existing organization some members of the National Guard have already provided themselves with their own horses. That is true of some of the field batteries. Two in my counties have provided partially or wholly their own horses. Now, my understanding is that the law up to the present time has provided that they shall receive forage, and so forth, for their horses. If they are ordered into the service of the United States, horses are furnished them, under another provision of the law. The question is, What becomes of the horses which they have purchased? I want to ask the chairman of the committee if there is some provision for taking over those horses, or for some disposition of them?

Mr. HAY. In the following paragraph we provide for the forage, bedding, and shoeing.

Mr. BORLAND. What becomes of the horses themselves?

Mr. HAY. Does the gentleman mean the horses owned by the guard?

Mr. BORLAND. The horses owned by the guard.

Mr. HAY. I suppose they could dispose of them just like anybody else, if they wanted to.

Mr. BORLAND. They are going to the front.

Mr. ANTHONY. Ought there not to be some provision for remunerating these organizations which had already used their own funds?

Mr. BORLAND. It seems to me there ought to be. These men are on their way to the front with horses furnished by the Government. Their own horses will be left behind at their armories. There ought to be some provision for the Government taking over the horses that have been purchased by the National Guard.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

The amendment was agreed to.

The Clerk read as follows:

To provide for the procurement of forage, bedding, shoeing, veterinary service, and supplies for horses that may be owned or issued to organizations of the National Guard, $450,000.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 51, line 6, after the word "owned," insert the word "by."

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I move to amend by striking out "$450,000" and inserting "$100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 51, line 7, strike out the figures "$450,000" and insert "$100,000."

The amendment was agreed to.

The Clerk read as follows:

To provide for the compensation of competent help for the care of materiel, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery, troop, or company, shall be duly enlisted therein and shall be detailed by the battery, troop, or company commander under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia, $300,000.

Mr. STAFFORD. I reserve a point of order. I wish to ascertain the reason for making this provision for compensation of this help. Was this carried in the Army organization bill?

Mr. HAY. It was.

Mr. STAFFORD. I withdraw the point of order.

Mr. HAY. Mr. Chairman, I move to strike out the figures "$300,000," in line 17, and insert "$100,000."

The Clerk read as follows:

Amend by striking out, on page 51, line 17, the figures "$300,000" and insert "$100,000."

The amendment was agreed to.

The Clerk read as follows:

To provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice and field and coast-defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds apportioned for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of said State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice and field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled to by law: To provide for camps of instruction for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for the purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition at the same rates as for encampments or maneuvers for field and coast-defense instruction. To be immediately available, $2,500,000: *Provided*, That of this sum $500,000, or as much thereof as may be necessary, is authorized to be expended for the payment of transportation of troops of the Regular Army in connection with joint camps of instruction of the National Guard: *Provided further*, That hereafter nothing in the act of February 4, 1897, known as the act to regulate commerce, or any amendments thereto, shall be construed to prohibit any common carrier from giving reduced rates for members of State militia organizations traveling to and from joint encampments with the Regular Army.

Mr. HAY. Mr. Chairman, in line 21, page 52, I move to strike out the figures "$2,500,000" and insert "$500,000." I do that because there will be no maneuvers this year. There may be a few troops left, but there will be no maneuvers.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 21, strike out the figures "$2,500,000" and insert "$500,000."

The amendment was agreed to.

Mr. HAY. Mr. Chairman, in line 22, strike out the figures "$500,000" and insert the figures "$100,000," so that it will read "$100,000."

The amendment was agreed to.

Mr. HAY. Now, Mr. Chairman, page 53, at the end of line 2, strike out the word "ninety" and insert the word "eighty."

The Clerk read as follows:

Page 53, line 2, strike out the word "ninety" and insert the word "eighty."

The amendment was agreed to.

Mr. HAY. On line 5, page 53, I move to strike out the words "State militia" and insert the words "National Guard," so that it will read "National Guard organization."

The Clerk read as follows:

Page 53, line 5, strike out the words "State militia" and insert in lieu thereof the words "National Guard."

The amendment was agreed to.

The Clerk read as follows:

To provide for the attendance of selected officers or enlisted men of the National Guard who pursues a regular course of study at any military service school of the United States except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officers or enlisted men shall belong for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted men shall receive out of any National Guard allotment of funds available for the purpose the same travel allowances and quarters or commutation of quarters and the same pay, allowance, and subsistence to which officers or enlisted men of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority while in actual attendance at such school, college, or practical course of instruction, $50,000: *Provided*, That in no case shall the pay and allowances authorized herein exceed those of a captain.

Mr. MOORE of Pennsylvania. Mr. Chairman, on line 9, page 53, occurs the word "pursues." It should be "pursue." I move to amend.

The Clerk read as follows:

Page 53, line 9, strike out the word "pursues" and insert the word "pursue."

The amendment was agreed to.

The Clerk read as follows:

For providing arms, ordnance stores, quartermaster stores, camp equipage, and all other military supplies for issue to the National Guard; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hire of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary; and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law, $2,000,000.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 20, page 54, insert as follows:

"*Provided*, That the Secretary of War is hereby authorized to relieve any State, Territory, or the District of Columbia from further accountability for all United States property issued thereto for use of the Organized Militia therefor which the records of the War Department show to have been lost or destroyed prior to December 31, 1911."

Mr. STAFFORD. To that I reserve a point of order.

Mr. HAY. I will state to the gentleman that for some time there has been accumulating in different States old, obsolete, equipment, and the States have been charged up with the equipment and are now charged with it. The War Department thinks that in order to wipe off the slate and start fresh with this new legislation which we have just enacted that this amendment ought to be agreed to. I am offering the amendment at the request of the War Department.

Mr. STAFFORD. What was the date stated in the amendment at which time the claim is wiped out?

Mr. HAY. December 31, 1911.

Mr. STAFFORD. I have a faint impression that in the Army organization bill there was a provision whereby the States were to be charged for these losses.

Mr. HAY. That is in the future. These items are what have been charged up in the past, and they amount to about $316,000.

Mr. STAFFORD. What is the purpose as to the claims arising since January 1, 1912?

Mr. HAY. They do not propose to relieve those at all. It is only those old accumulated claims which have been carried since the Spanish War, 1898, and some of them before the Spanish War.

Mr. STAFFORD. We passed the so-called Dick law in 1907, did we not?

Mr. HAY. In 1903 the first law, and then the Dick law in 1908, if I remember correctly.

Mr. STAFFORD. Under the Dick law the National Government made most substantial advances to the various States in the way of accouterment.

Mr. HAY. Yes. Before the Dick law was passed they had made under the law of 1903 some advances, and these were charges made against the States and carried through a good many years, and they now amount in all of the States to about $316,000. The War Department does not see any way by which they can get the $316,000 from the States.

Mr. STAFFORD. Are we assured that we can hold the States to a strict accounting as to the matériel furnished since January 1, 1912?

Mr. HAY. Under the new law we can. I do not think any claim has accumulated since that time. I do not think the States have lost any property.

Mr. STAFFORD. Have any of those claims been disputed by the States as to their responsibility?

Mr. HAY. Yes; a good many of them.

Mr. STAFFORD. Mr. Chairman, I can see some reason for wiping out old claims held against the respective States, but I do not wish this to be taken as a precedent for our action in the future. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

To provide for the necessary clerical and office expenses of the Militia Bureau authorized by section 67 of the act approved June 3, 1916: Chief clerk, $2,250; chief of division, $2,000; clerks—2 of class 4; 3 of class 3; 7 of class 2; 15 of class 1; 8 at $1,000 each; messenger; 2 assistant messengers; 2 laborers.

Mr. STAFFORD. Mr. Chairman, I make the point or order. I notice in this paragraph that you are attempting to increase the salary of the chief clerk from $2,000 to $2,250. It is carried in the legislative bill at $2,000.

Mr. HAY. I hope the gentleman will not make the point of order. So far as the increase in salary is concerned, I have not much concern, but if the gentleman makes the point of order he cripples this bureau, and it is particularly busy right now. They have not been provided for anywhere else.

Mr. STAFFORD. We have a chief clerk, at least, authorized in the legislative, executive, and judicial appropriation bill for this very Bureau of Militia.

Mr. HAY. Yes; but the appropriation for that was made out of funds provided by the militia law, $2,000,000. That law has been repealed, and there is no longer any $2,000,000 provided under the law, and this force of clerks must be provided for. I am not so much concerned about the salary, and I will agree to put the salary at $2,000, or whatever it was before.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. BYRNS of Tennessee. What is the gentleman going to do with this sort of situation? The legislative bill makes an appropriation of $39,200 for clerks in the Militia Division. That is the law.

Mr. HAY. The gentleman does not do that. He makes an appropriation to be paid out of $2,000,000 provided for under the militia law. The Army reorganization act repeals that law so far as that appropriation is concerned, and it provides that all of the money hereafter appropriated for the National Guard and for the Organized Militia should be appropriated by Congress every year. The appropriation made last year was from a permanent appropriation. These are annual appropriations, and that law has been, as I say, repealed. Therefore, if you do not permit it to stand these clerks will not be provided for, and, again, the Militia Bureau, which you have provided for, was a part of the General Staff of the Army.

Under the Army reorganization act this bureau is made a separate bureau of the War Department and it is no longer a division of the General Staff, and therefore the provision which was made in the legislative bill does not cover these clerks at all.

Mr. BORLAND. Does the gentleman say the annual appropriation of $2,000,000 was repealed by the present defense law?

Mr. HAY. Yes; all of it—$4,000,000 in all.

Mr. BORLAND. That ought to come out of the legislative bill.

Mr. BYRNS of Tennessee. As a matter of fact, it is already passed, but, as I understand the gentleman from Virginia to say, it is ineffective because the appropriation from which it is intended to be made has been repealed.

Mr. HAY. There was appropriated in the legislative bill so much, to be taken from the sum of money provided by the militia act. Now, that act is repealed, and therefore there is no money from which these people can be paid.

Mr. STAFFORD. Will the gentleman be willing, subject to the approval of the chairman of the legislative committee, to provide, for this year only, in the language or phrase of this bill, for these officials as carried in the legislative, executive, and judicial appropriation bill at the salaries therein stated?

Mr. HAY. Well, I will do that. I suppose this is subject to the point of order.

Mr. BYRNS of Tennessee. Will the gentleman permit—as I view it it is clearly subject to the point of order.

Mr. STAFFORD. Well, I think probably it is.

Mr. BYRNS of Tennessee. So far as I am concerned I make no question about the number of employees or their salaries the gentleman is providing. I know nothing about that, and I am sure the gentleman has taken that into consideration.

The only point with me is this: Of course the point of order was reserved by the gentleman from Wisconsin, and I concurred with him in the reservation for this reason—it is not within the jurisdiction of this committee to report salaries for this bureau. Now if there is any question about these people not being provided for, of course so far as I am concerned I am willing to see the point of order not made without any idea of creating a precedent for the future.

Mr. HAY. I will state to the gentleman I am perfectly willing that should be done. I do not think that hereafter these clerks should be provided for in the Army appropriation bill. I think they should be carried in the legislative bill, but that has become law, and these clerks are not provided for because of the fact the Army organization act repealed the law which provided for the appropriation from which they have been paid, therefore they have to be taken care of somewhere, and I think they had better be taken care of here. Now, so far as the salary of the chief clerk is concerned, I would be perfectly willing for it to be put at $2,000, but the increase of clerks is made necessary, as the gentleman can well see, by reason of the fact that the Militia Bureau will have a great deal more work to do hereafter than they have in the past.

Mr. STAFFORD. Will the gentleman permit? I directed that very query to the Chief of the Bureau of Militia Affairs when he came before our committee recommending an increase in his

clerical force, and he stated that the increase was in prospect, in contemplation of the National Guard being brought under the indirect control of the War Department. The chief of the bureau then recommended that the chief clerk's salary be raised from $2,000 to $2,250, which recommendation our committee declined to allow. There was no recommendation for a chief of division or as to some of the other clerks. There is a considerable increase proposed, but I have no desire to cripple this bureau, and I would suggest that the chief clerk's salary be restored to the present salary of $2,000, and that the chief of division be eliminated, so that the legislative committee next year can take this matter in charge.

Mr. HAY. I am perfectly willing to do that.

Mr. CANNON. Will the gentleman allow me right there to ask some information——

Mr. HAY. Certainly.

Mr. CANNON. This appropriation that the gentleman speaks of, which has been repealed, was for normal conditions? Now, how many people are called in the Army?

Mr. HAY. One hundred thousand.

Mr. CANNON. One hundred thousand, and liable to be more?

Mr. HAY. Yes.

Mr. CANNON. Well, now, here is an entirely new force.

Now, unless there is provision made elsewhere in this bill for this extraordinary increase of work that necessarily comes somewhere along the line of the public service in making very large appropriations for the payment of the National Guard and increase in the Army, why you might just as well not make them unless you have somebody to do the work.

Mr. HAY. I agree with the gentleman, but the gentleman from Wisconsin is putting me on terms. It is subject to a point of order, and the gentleman is saying——

Mr. STAFFORD. Mr. Chairman, under the provisions I suggest, in nowise will the department be crippled. I am submitting here a proposal granting eight more clerks, all they request, and only asking for the elimination of one chief of the division.

Mr. BORLAND. I suggest to the gentleman that the division, as far as the militia passes under the War Department, passes out of the control of the Bureau of Militia Affairs, so it does not cripple the Bureau of Militia Affairs at all.

Mr. HAY. There is no other provision made in the bill for any increase in clerical help.

Mr. BORLAND. That will come in in a deficiency, then.

Mr. STAFFORD. In view of the statement made by the chairman of the committee that he is willing to accept an amendment to reduce the salary of the chief clerk to $2,000 and strike out the provision for the chief of division at $2,000, I withdraw the reservation of the point of order.

Mr. HAY. Mr. Chairman, I move to amend the bill on page 54, line 24, by striking out "$2,250," so that it will read, "chief clerk, $2,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. HAY. Now, I move to strike out in the same line the following words, "chief of division, $2,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 54, line 24, strike out the word "two" and insert the word "three" preceding the words "of class four"; on line 25 strike out the word "three" and insert the word "two" preceding the words "of class three." and strike out "fifteen" and insert the word "fourteen" preceding the words "of class one"; on line 1, page 55, strike out "eight" and insert "nine" preceding "at $1,000."

Mr. BYRNES of South Carolina. Mr. Chairman, the amendments suggested do not add one dollar to the appropriation in this bill. The effect of it simply is to decrease the $1,200 clerks by one, and to add one more clerk at $1,000, and the $200 saved by these two amendments is applied so as to provide for three $1,800 clerks instead of two. The effect of it will be that no clerk in the bureau now in its employ will be injured by this readjustment. If it is not done, the chief of the bureau has to select between two chiefs of divisions and give one an increase of $200 and not give it to the other. Both clerks are experienced, and the amendments suggested are not disapproved of or objectionable to the chief of the bureau. Inasmuch as it does not add one dollar to the appropriation but simply provides for the promotion of clerks now in the employ, and the $200 is saved by giving $200 less to a new clerk who comes in the employ of the Government for the first time, I trust it will be accepted.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment. It is a very unpleasant task to arise after we have had an agreement to a proposition that is not in order, which agreement was within the plain hearing of the gentleman who has proposed the amendment and then, after the point of order is withdrawn, for the gentleman to rise here and go contrary to the understanding between the gentlemen as to what should be considered as in order.

Mr. BYRNES of South Carolina. I had no desire to do that, and I would not do it. The fact is I did not offer it before, because I understood you had reserved the point of order, and until you had stated definitely whether you would make it, I knew it was of no use to offer the amendment. That was the only reason I did not make it before.

Mr. STAFFORD. Of course, the gentleman was not bound by the tacit agreement which was lived up to by the chairman of the committee. This paragraph is a matter in the purview of the Committee on Appropriations. We have given consideration to that, and we gave consideration to the increase of this force. Without any desire to cripple this force, the chairman of the subcommittee [Mr. BYRNS of Tennessee] and myself agreed to grant all the requests of this Bureau of Militia Affairs, save in one particular, and that is to strike out the chief of division. Now it is perfectly within the power of the gentleman from South Carolina [Mr. BYRNES], after a gentleman's agreement has been entered into, to come here and submit the amendment, but I say it is not fair to the House to take advantage of the situation.

Mr. BYRNES of South Carolina. Mr. Chairman, I have no desire to do that. I understood that the only objection of the gentleman was to the salary of the chief of division there, and that there was an understanding between the gentleman from Virginia and the gentleman from Wisconsin that did not in any way affect the other employees provided for in this bureau. The only reason I did not offer the amendment before was that the point of order was reserved. If it had been insisted upon, it would have been useless for me to offer the amendment, and as soon as it was withdrawn I offered the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 17, noes 31.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office rent of inspector-instructors, $25,000.

Mr. HAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 6, after line 6, insert a new paragraph, as follows:

"All the money hereinbefore appropriated for arming, equipping, and training the National Guard shall be disbursed and accounted for as such, and for that purpose shall constitute one fund."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Arms, uniforms, equipment, etc., National Guard: To procure by purchase or manufacture and issue from time to time to the National Guard upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such number of United States service arms with all accessories, Field Artillery and Coast Artillery material, engineer, signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territory, and the District of Columbia: *Provided*, That of the sum herein appropriated $76,000, or so much thereof as may be required, may, in the discretion of the Secretary of War, be made available for the purchase and maintenance of material and equipment necessary for the proper instruction in military aviation of such officers and enlisted men of the National Guard as may be authorized by the War Department to attend the United States Aviation School, $4,000,000.

Mr. HAY. Mr. Chairman, I move to strike out "$4,000,000" and insert "$2,000,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amend, page 57, line 2, by striking out "$4,000,000" and inserting "$2,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Virginia what is the reason for that?

Mr. HAY. The reason for that is that during the next fiscal year it will not be necessary to expend this amount of money to procure and issue and purchase matériel, because the National Guard, as such, will not be in existence; they will be in the service of the United States, and we have already appropriated a large sum for this purpose.

Mr. MANN. All through the bill we have been making appropriations available for the National Guard on the assumption that they will be used by the Guard when drafted. Are there other appropriations that will provide them with this equipment?

Mr. HAY. Oh, yes. There is an appropriation of $12,000,000 over in another part of the bill that provides for this purpose, and this is an appropriation which will be paid——

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. MONDELL. Has the appropriation under this head for the Regular Establishment been increased with the expectation of reducing this item?

Mr. HAY. It has been increased for the Regular Establishment not for the purpose of reducing this item but my reason for reducing the item is that we can not spend the $4,000,000 on account of the fact that the National Guard will not then be in existence to spend it on.

Mr. MONDELL. I understood the gentleman to say, in answer to an inquiry made sometime ago, that the appropriations that we were making for other purposes of the National Guard for arms, field artillery, and so forth, could be used by the National Guard after it was called into the Federal service.

Mr. HAY. That is true.

Mr. MONDELL. If that is true with regard to these items, why is it not true also with regard to this?

Mr. HAY. Because, for instance, the accouterments, field implements, and military stores of all kinds, including public animals, will be furnished to the men who have been in the National Guard under other appropriations in this bill.

The CHAIRMAN (Mr. RUSSELL of Missouri). The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To provide for the expense of maintaining, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, under such regulations as may be prescribed by the Secretary of War, and to furnish to said citizens the subsistence, transportation, and uniforms authorized by the act of Congress approved May —, 1916, $500,000.

Mr. HAY. Mr. Chairman, I move, in line 15, page 59, to strike out the word "May" and insert the words "June 3."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amend, page 59, line 15, by striking out the word "May" and inserting in lieu thereof "June 3."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, in line 16, page 59, I move to strike out "$500,000" and insert "$2,000,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 16, strike out "$500,000" and insert "$2,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. HAY: Page 59, at the end of line 16 insert:

"*Provided*, That so much of this appropriation as may be necessary shall be available for the subsistence and transportation of all persons between the ages of 18 and 45 years who have attended any camp authorized by the Secretary of War during the calendar year 1916."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TAVENNER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAVENNER: Page 59, line 16, insert as a new paragraph the following:

"*Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. TAVENNER. Mr. Chairman, this is precisely the same amendment that the House has adopted three times in the last two weeks. I do not think it is necessary to say anything more than what has already been said on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question being taken, on a division (demanded by Mr. MOORES of Indiana) there were—ayes 75, noes 47.

Accordingly the amendment was agreed to.

Mr. SANFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANFORD: Page 59, line 16, insert as a new paragraph the following:

"That no part of the appropriations made in this act shall be available for the salary or pay of any person hereafter in time of peace appointed an officer in the Army who is not a citizen of the United States."

Mr. SANFORD. Mr. Chairman, many will be surprised to learn that under existing law an officer in the United States Army need not be a citizen. There was a time when we were glad to have the service of men as officers in war who came to us because of their love of our cause.

These positions, however, in peace times are positions much desired by our own people. In war times they are positions of great responsibility. We have outgrown the days when we can wisely give such positions of profit in peace and responsibility in war to foreigners.

There are aliens now officers in our Army.

The statute law respecting the requirement of citizenship for enlistment and appointment of cadets and officers of the Regular Army is as follows:

1. ENLISTED MEN.

In time of peace no person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, * * * shall be enlisted for the first enlistment in the Army. (Sec. 2, act of Aug. 1, 1894 (28 Stat., 216), as amended by sec. 4, act of Mar. 2, 1899 (30 Stat., 978).)

Citizens of Porto Rico shall be eligible for enlistment in the Regular Army. * * * (Act of Mar. 2, 1903 (32 Stat., 934).)

2. CADETS.

The Corps of Cadets at the United States Military Academy shall hereafter consist of * * *. They shall be appointed by the President, and shall, with the exception of the 80 appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed. (Act of Mar. 4, 1916 (Pub., No. 79, 64th Cong. NOTE.—Citizenship is not essential to appointment as cadet.)

3. SECOND LIEUTENANTS OF LINE.

* * * That all unmarried soldiers under 30 years of age who are citizens of the United States * * * may compete for promotion under any system authorized by this act. (Act of July 30, 1892 (27 Stat., 336). There is no corresponding requirement of statute law respecting appointments to grade of second lieutenant from civil life.)

4. SECOND LIEUTENANTS OF ENGINEER CORPS.

* * * To become eligible for examination and appointment a civilian candidate for the appointment as second lieutenant (in the Corps of Engineers) must be an unmarried citizen of the United States. * * * (Sec. 5, act of Feb. 27, 1911 (36 Stat., 957).)

5. SECOND LIEUTENANTS OF PORTO RICAN REGIMENT.

Vacancies created by this act or occurring hereafter in the grade of second lieutenant in said regiment (Porto Rican Regiment) shall be filled during any calendar year by the appointment by the President, by and with the advice and consent of the Senate, of any native of Porto Rico graduated from the United States Military Academy, and, after such appointment shall have been made or provided for, by like appointment of native citizens of Porto Rico between 21 and 27 years of age. (Sec. 21, act of June 3, 1916 (national-defense act).)

6. SECOND AND FIRST LIEUTENANTS OF PHILIPPINE SCOUTS.

When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives * * *. (Sec. 36, act of Feb. 2, 1901 (31 Stat., 757).)

7. MEDICAL DEPARTMENT.

SEC. 10. The Medical Department.—The Medical Department shall consist * * *, the commissioned officers of which shall be citizens of the United States. (Act of June 3, 1916 (national-defense act).)

8. DENTAL SURGEONS.

The President is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental surgeons, who are citizens of the United States between the ages of 21 and 27 years, at the rate of 1 for each 1,000 enlister men of the line of the Army. (Id.)

9. VETERINARIANS.

SEC. 16. Veterinarians.—The President is hereby authorized * * * to appoint veterinarians * * * and said veterinarians and assistant veterinarians shall be citizens of the United States * * *. (Act of June 3, 1916 (national-defense act).)

The CHAIRMAN. The question is on the amendment.

The question being taken, the Chairman announced that the noes seemed to have it.

Mr. SAUNDERS. Mr. Chairman, I ask for a division.

Mr. CANNON. I should like to have the amendment reported again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again reported.

The Committee divided; and there were—ayes 68, noes 31.

Accordingly the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAY for the committee: Page 59, following line 16, insert as a new paragraph the following:

"That section 125 of the act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, shall apply to the Coast Guard in the same manner as to the Army, Navy, and Marine Corps."

Mr. MANN. What is the purpose of this amendment?

Mr. STAFFORD. I reserve a point of order for the purpose of getting an explanation.

Mr. HAY. The purpose of this amendment is to protect the uniform of the Coast Guard as well as the uniform of the Army, Navy, and Marine Corps.

Mr. STAFFORD. I withdraw the reservation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman will send the amendment to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Page 59, after line 16, insert as a new paragraph the following:

"That section 4716 of the Revised Statutes be, and the same is hereby, repealed."

Mr. HAY. Mr. Chairman, I make a point of order against the amendment.

Mr. HUDDLESTON. The amendment is clearly out of order, but I trust the gentleman will reserve his point of order for a moment.

Mr. MANN. I hope the gentleman from Virginia will not make the point of order.

Mr. HAY. I am informed that the statute which the gentleman desires to repeal is the statute which prevents the payment of a pension to the father of a soldier if he was in the Confederate Army. Understanding that, I will not make the point of order, and I hope nobody else will. Let us adopt the amendment. I think the time has come when we ought to do it.

Mr. MANN. We repealed this section of the statute so far as it applied to soldiers in the Spanish War.

Mr. HAY. Yes.

Mr. MANN. I think the time has come when we may very well repeal the section. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The amendment was agreed to.

The Clerk read as follows:

That a council of executive information for the coordination of industries and resources for the national security and welfare is hereby established, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

Mr. MANN. Mr. Chairman, I move to amend at the beginning of line 17 by inserting the words "Section 2."

Mr. HAY. I accept that amendment.

Mr. MANN. This is a new matter, and it ought to commence a new section.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the subsequent numbers to sections may be changed in order to conform to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. Without objection, the request of the gentleman from Virginia to renumber the sections will be agreed to.

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last word. All through the balance of the bill this council is referred to as the "Council of Executive Information." That title, it seems to me, is long enough, and evidently the committee thought it long enough because they used the title "Council of Executive Information." But as printed in what is now section 2, the title would be "Council of Executive Information for the Coordination of Industries and Resources for the National Security and Welfare."

These words are all capitalized. I suggest that in order to have the title of a reasonable length that the words that are capitalized after "Information" be changed to commence with lower-case letters.

Mr. HAY. I accept the suggestion.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That it shall be the duty of the council of executive information to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 60, line 21, after the word "railroad," insert the words "the utilization of waterways."

Mr. MOORE of Pennsylvania. Mr. Chairman, there is no provision made here for the use of waterways.

Mr. HAY. I accept the amendment.

The amendment was agreed to.

Mr. KEATING. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On pages 60 and 61 strike out all of section 4 and insert the following as a substitute therefor:

"SEC. 4. That it shall be the duty of the Council of Executive Information to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the mobilization of military and naval resources for defense, including the location and construction of factories for the manufacture of munitions of war; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

"*Provided*, That said Council of Executive Information is authorized to select sites for not to exceed three plants for the manufacture of munitions of war for the use of the Army and the Navy and the coast fortifications of the Nation, and to erect the necessary buildings thereon, and to purchase and install therein such machinery as may be required for the manufacture of munitions of war. Said plants shall be located with especial reference to consideration of safety in time of war, and, if possible, in accordance with the recommendations submitted to Secretary of War Garrison by the War College, Division General Staff Corps, in compliance with the instructions of the Secretary of War in March, 1915. The sum of $10,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available until expended, for the purpose of carrying out the provisions of this section: *Provided further*, That no part of said appropriation shall be expended until the report of said Council of Executive Information concerning the location, construction, and equipment of said munitions plants has been approved in writing by the President of the United States.

"Nothing herein contained shall be construed as directing the abandonment of any existing munitions plant owned and operated by the United States or the curtailment of the output thereof."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

Mr. KEATING. I think the amendment is in order. The original paragraph is clearly out of order, but no point of order having been made against it, a germane amendment is in order. I have changed the original paragraph so as to give this board the authority to select sites for munition factories and to erect factories thereon. I contend that that is a legitimate addition to the duties of this board and having made that addition the appropriation provided for is clearly germane. I think the amendment is in order.

Mr. MANN. Mr. Chairman, the original section of the bill is clearly subject to a point of order, and any germane amendment relating to the same subject matter would be in order. However, this introduces an entirely new subject. It has been repeatedly held in the House that although an item in a deficiency bill be subject to a point of order, and the point of order be not made, it is not in order by way of amendment to introduce a new subject matter. The gentleman proposes to authorize this board to select sites to construct factories, a thing entirely apart from anything in the original paragraph.

In addition to that fact the erection of factories for munition purposes, under the rules of the House, is a matter that goes to the Committee on Appropriations and is not in order on the military appropriation bill.

Mr. KEATING. The gentleman from Illinois has stated the rule very clearly; but where he errs, in my judgment, is in contending that the original section is not broad enough to make my amendment germane. We are giving this board very broad authority. It is "to make recommendations to the President and heads of executive departments as to the location of railroads with reference to the frontier of the United States," and is to consider "coordination of military, industrial, and commercial resources." It is to "consider the mobilization of the military and naval resources."

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. KEATING. Yes.

Mr. MADDEN. Does the gentleman contend that that gives the broad authority to buy railroads or build railroads, or anythink like that?

Mr. KEATING. It would not under the existing section.

Mr. MADDEN. Not at all.

Mr. KEATING. And it would not under my amendment.

Mr. MADDEN. Yes; it would.

Mr. KEATING. Not to buy railroads. If the gentleman wants to offer an amendment on railroads, we will consider that proposition.

Mr. MADDEN. Under the gentleman's amendment it would.

Mr. KEATING. I am giving the board authority to select sites for the location of munitions factories, which is in line with "mobilizing our military and naval resources for the purposes of defense." Nothing could be clearer than that. If you went about the work of mobilizing your military and naval resources, what could be more germane than to see to it that arsenals and workshops were properly located; and if private manufacturers would not locate them properly, what would be more in order than that you should give such a board—composed of experts—power to locate sites and to erect buildings thereon? I contend, again, Mr. Chairman, that, having permitted the original section to be adopted without a point of order being made, this amendment is in order.

Mr. MANN. Mr. Chairman, if the gentleman's contention were correct, then you might add an amendment to build a railroad or to construct a ship plant, or you might add an amendment to construct any kind of a commercial manufacturing establishment.

Mr. KEATING. But that is a matter that is in the discretion of this committee. The committee is not going on a wild-goose chase.

Mr. MANN. I am discussing the point of order. The original provision, which was to conduct certain investigations and to make recommendations to the President, is not of itself a warrant to add to it a provision for the purchase of a railroad or a ship plant or the construction of a factory, or anything of that kind.

Mr. KEATING. Mr. Chairman, in section 6 the sum of $200,000 is appropriated for experimental work and investigation. Suppose that under that provision the board wanted to erect a factory of some kind to carry on experimental work, does the gentleman contend it would not have authority to do so?

Mr. MANN. Why, certainly I do.

The CHAIRMAN. The general principles involved here are very simple. The application of these principles is not easy. Looking to the provisions of the paragraph under consideration it will be seen that these provisions relate entirely to collecting and reporting information, furnishing data, and so forth. The amendment offered by the gentleman from Colorado [Mr. KEATING], however, proposes to go further than to collect and afford information. It provides for the selection of sites, and the location of plants. If this amendment had been limited to requiring the board to furnish information concerning sites, it would clearly be an amplification of the provisions of the paragraph; in other words, it would perfect the bill by a germane amendment; but the amendment proposed goes so much further than anything contemplated in the paragraph under consideration and provides for something so entirely different, that the Chair does not think that it can be fairly said to come within the principle relating to perfecting a paragraph by a germane addition thereto. The point of order is sustained.

The Clerk read as follows:

SEC. 5. That the Council of Executive Information shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may return to section 2 for the purpose of offering an amendment to transpose the words "is hereby established" from line 19 to line 17, inserting them after the word "information," so that it will read:

That a Council of Executive Information is hereby established—

And so forth.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to the place indicated in the bill for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman now submits an amendment, which the Clerk will report.

The Clerk read as follows:

Page 59, line 19, transpose the words "is hereby established" to line 17, on the same page, following the word "information."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the sum of $200,000 a year, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however,* That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized.

Mr. HELVERING. Mr. Chairman, I ask unanimous consent to return to page 36 of the bill.

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment to the section which has just been read.

The CHAIRMAN. The Chair will recognize the gentleman from Kansas when the section has been perfected.

Mr. BORLAND. Mr. Chairman, on page 61, line 22, I offer to amend by striking out the words "a year." I really think that is subject to a point of order, because an appropriation can not be made under the terms of the Constitution for longer than two years for the Army. But after consultation with the committee I have decided to offer an amendment striking out those words "a year," so it shall not be a permanent appropriation.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to return to page 39 for the purpose of offering an amendment.

The CHAIRMAN. Are there any further amendments to this section? If not, the Chair promised to recognize the gentleman from Kansas [Mr. HELVERING].

Mr. HELVERING. Mr. Chairman, I ask unanimous consent to return to page 36, line 5, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to return to page 36, line 5, for the purpose of offering an amendment. Is there objection?

Mr. STAFFORD. Let the amendment be reported first.

The Clerk read as follows:

Page 36, line 5, after the word "county," insert: "*Provided further*, That not to exceed $30,000 thereof shall be expended for the replacement of the bridge across the Republican River near Fort Riley, Kans."

Mr. MANN. That is a good title.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. I would like to have an explanation as to whether this bridge is on Government territory, and why the Government should replace and keep it in condition?

Mr. HELVERING. I will say there is a question about whether or not the Government is entirely liable for the replacement of this bridge, and the War Department is trying to get that matter settled at the present time, and for the information of the gentleman I will say that I have a letter, a part of which I will read, from the Acting Secretary of War, Gen. Scott, relative to this proposition. The part referring to this bridge is this:

In order to use this road it is necessary that the bridge across the Republican River be reconstructed, and the department has recommended favorable consideration of the bill (S. 4063) authorizing the replacement of this bridge.

Now, this bridge was washed out by the unprecedented flood we had there last fall, or about a year ago now, and has never been replaced, and one end of it rests on the military reservation and the other on land adjacent to the military reservation.

Mr. STAFFORD. Who owns that land?

Mr. HELVERING. Well, it belongs to different parties. This bridge connects the approach to the military reservation with the public highway.

Mr. STAFFORD. Why should not the State or county officials contribute to the reconstruction of this bridge? Why should the whole burden of this fall on the National Government?

Mr. HELVERING. Well, I will say there is provision made that in case any money is returnable to the State of Kansas the Secretary of the Treasury is authorized to retain this amount from such moneys.

Mr. GARRETT. That is not in the gentleman's amendment.

Mr. STAFFORD. When a bridge connects private land to an adjoining county that county or the State should contribute to the fund for the erection and maintenance, and the whole burden should not be imposed on the National Government.

Mr. HELVERING. I will say this bridge is used by the Government and troops at Fort Riley entirely in reaching Junction City, where all the railroad lines supplying Fort Riley are located except one, the Union Pacific, which runs through the military reservation.

Mr. STAFFORD. Well, the public uses it also; it is not used exclusively for military purposes.

Mr. HELVERING. Not altogether.

Mr. STAFFORD. I feel constrained to object.

The CHAIRMAN. The gentleman from Wisconsin objects.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to return to page 39 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to page 39 for the purpose of offering an amendment. The Clerk will report it.

The Clerk read as follows:

Page 39, line 12, after the word "transports," insert the following: "And supplies required for sanitation, including mosquito destruction of temporary camps beyond the borders of the United States, where it may be necessary to protect the Army against the spread of yellow fever or other diseases."

The CHAIRMAN. Is there objection to returning? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16460, the Army appropriation bill, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. REILLY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram from the citizens of Ripon, Wis., asking me to divert an appropriation for a public building to the purposes of national defense. [Applause.]

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to print a telegram from Ripon, Wis., asking Congress to divert an appropriation for a public building to the purposes of national defense. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. BLACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the child-labor bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the child-labor bill. Is there objection?

There was no objection.

Mr. LA FOLLETTE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed, the Army appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. NOLAN. Mr. Speaker, I make a similar request.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Army appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from New York makes a similar request. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

QUESTION OF PERSONAL PRIVILEGE.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GARDNER] may have 10 additional days in which to speak to the question of personal privilege and to introduce such resolutions as the rules of the House may permit on the question of the remarks made by my colleague, Mr. CALLAWAY.

The SPEAKER. Does the gentleman mean legislative days or almanac days?

Mr. GARNER. Legislative days.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Massachusetts [Mr. GARDNER] may have 10 additional legislative days as to his question of privilege and everything appertaining thereto.

Mr. GARNER. Ten additional days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MILLER of Pennsylvania, until July 5, on account of illness.

To Mr. LITTLEPAGE, for five days, on account of important business.

To Mr. MOSS of West Virginia, indefinitely, on account of illness.

EXTENSION OF REMARKS.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on the subject of the inheritance tax.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of the inheritance tax. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objections?

There was no objection.

Mr. FOSTER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] makes the same request.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma [Mr. HASTINGS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Kansas makes a similar request. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 27, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation in the sum of $100,000 for the service of the War Department, for the fiscal year ending June 30, 1917, for target range, Vancouver Barracks, Wash. (H. Doc. No. 1241); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting a statement showing how funds appropriated in act approved June 14, 1912, for equipping Army transports with life boats and rafts have been expended (H. Doc. No. 1242); to the Committee on Expenditures in the War Department and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Savannah River from Savannah to Augusta, Ga., with a view to securing increased depth of channel (H. Doc. No. 1243); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting supplemental estimates of appropriations for additional force of employees required by the War Department for the service of fiscal year ending June 30, 1917 (H. Doc. No. 1244); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FESS, from the Committee on Education, to which was referred the bill (H. R. 4822) to create a national university at the seat of the Federal Government, reported the same without amendment, accompanied by a report (No. 849), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11563) for the relief of the Woman's Board of Domestic Missions, Reformed Church of America, reported the same without amendment, accompanied by a report (No. 850), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. OLNEY: A bill (H. R. 16659) authorizing the Secretary of War to donate to Captain Horace Niles Post 110, Department of Massachusetts, Grand Army of the Republic, of Randolph, in the county of Norfolk and Commonwealth of Massachusetts, two bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. STOUT: A bill (H. R. 16660) authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation in said State; to the Committee on the Public Lands.

By Mr. KEATING: A bill (H. R. 16661) to provide for a commission on relations between the United States and the Orient; to the Committee on Foreign Affairs.

By Mr. DRISCOLL: A bill (H. R. 16662) authorizing the Secretary of the Interior to approve mining leases on the Oil Spring Indian Reservation, in the State of New York; to the Committee on Indian Affairs.

By Mr. CANTRILL: A bill (H. R. 16663) to acquire a site for a public building at Owenton, Ky.; to the Committee on the Post Office and Post Roads.

By Mr. HAY: Joint resolution (H. J. Res. 244) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. RICKETTS: Joint resolution (H. J. Res. 245) against the further sales and shipment of firearms, cartridges, dynamite, gunpowder, and other explosives and materials used in the construction of either of said articles to Mexico; to the Committee on Foreign Affairs.

By Mr. MOON: Joint resolution (H. J. Res. 246) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Resolution (H. Res. 279) directing the Committee on Indian Affairs to investigate educational institutions which Indian pupils are permitted to attend; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16664) granting an increase of pension to Thomas H. Houck; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 16665) granting an increase of pension to Mary A. Fisher; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia: A bill (H. R. 16666) restoring Elizabeth Rucker Wade to the pension roll; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16667) granting a pension to Anna M. Haas; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 16668) granting an increase of pension to Charles Shepler; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 16669) granting a pension to Mary Jordan; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16670) granting an increase of pension to Amanda W. Mann; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 16671) granting a pension to John Washington Beardmore; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 16672) granting a pension to Lucinda Wilson; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 16673) granting an increase of pension to John Scott Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16674) granting an increase of pension to Freeman W. Hatch; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 16675) to waive the age limit in the appointment of Clarence P. Bodwell, of Portsmouth, N. H., as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 16676) granting a pension to Sarah Elizabeth Barrett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of Esther Sherman, Miss Nellie Staley, Miss Edith Sarboyne, Mr. John Denawetz, Henry Tully, James W. Boyer, Miss Matilda Zeunges, Miss Nellie Shamberg, C. A. Lindsey, John McGowan, Joseph E. Jones, W. S. McDaniel, B. F. Small, Bernard Strehler, James J. Clarke, John H. Clarke, T. Carroll McCann, F. J. Potts, W. L. Nowell, George Lloyd Rogers, Lou Bowers, John Glatz, Logan Wallace, Simon Strayer, Henry W. Schwing, jr., Robert Bingham, Conrad Tross, R. J. Hadden, W. P. Jones, L. A. Zubrod, Roy Richardson, Mrs. Richardson, Wash Varehol, Robert S. M. London, E. Smith, Charles E. Chapple, Ralph McCleester, Francis Gallagher, Samuel H. Sheldon, Lewis E. Costello, Frank Lamison, A. L. Berkey, Harry Marsden, H. H. McClain, H. I. Custer, H. C. Utecht, H. M. Sprengel, A. L. Hoff, Phil T. Apple, W. A. Crouse, Sanford Koontz, Edna Levine, Claire Dunkle, and Dora Barnhart, all of Johnstown; Mrs. D. G. Strefft, of Stoyestown; Mrs. A. Phillips, of Cairnbrook; D. S. Cobaugh, of Conemaugh; and Elizabeth Shrift, of Summerhill, all in the State of Pennsylvania, against the passage of House bill 9671, to establish price control; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNE: Petition of S. E. Pearl and others, of Wood County, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Memorial of foreign relations committee of the National Foreign Trade Council in re House bill 13383; to the Committee on Foreign Affairs.

By Mr. CHIPERFIELD: Petition of Department of Illinois, Grand Army of the Republic, requesting Congress to place officers of Civil War on retired list; to the Committee on Military Affairs.

By Mr. DALE of New York: Memorial of women voters of Apache County, Ariz., and Valeska T. Buckisch, of Denver, Colo., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DILLON: Petition of sundry citizens of Montrose, S. Dak., against the Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FLYNN: Petition of National Association of Woolen and Worsted Overseers, favoring a protective tariff; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Department of Illinois, Grand Army of the Republic, favoring the Volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. GRAY of Alabama: Memorial of Chamber of Commerce and Business League of Alabama, protesting against the Shields water-power bill; to the Committee on Military Affairs.

By Mr. GRIEST: Petitions of the consistory of the Maytown Reformed Church, of Maytown; First Methodist Episcopal Church, of Lancaster; Zunzendorf Brotherhood, of Lititz; citizens of Columbia; 25 citizens of Elizabethtown; citizens of New Holland; 300 people of Millersville; and 140 people of Landisville, all in the State of Pennsylvania, favoring national prohibtion; to the Committee on the Judiciary.

Also, petitions of 453 United Evangelical Church people, of Lancaster; 18 people of Lititz; 150 people of West Willow; Woman's Christian Temperance Union of 150 people of Lititz; 100 people of Refton; and First Methodist Church of Lancaster, all in State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of members of Trinity U. E. Church and the Woman's Missionary Society of the U. B. Church of Lititz, Pa., urging legislation to prohibit the exportation of rum to Africa; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Central Labor Union of Lancaster, Pa., urging legislation looking to an investigation of the sanitary condition of dairies; to the Committee on Rules.

Also, memorials of Missionary Society, La Fayette Square Presbyterian Church, of Baltimore, Md., and citizens of Lititz, Pa., urging national constitutional amendment prohibiting polygamy; to the Committee on the Judiciary.

Also, petitions of sundry citizens of southeastern Pennsylvania, protesting against proposed legislation looking toward abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. HOPWOOD: Petition of 57 citizens of South Brownsville, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KETTNER: Petition of N. A. Stevens, of San Diego, Cal., favoring old-age pension law; to the Committee on Appropriations.

Also, petition of Paul L. Miller, secretary American Federation of Musicians, Local 692, of Riverside, Cal., and Mrs. Mina R. Brust, Antituberculosis Association, favoring House bill 137, dairy inspection; to the Committee on Rules.

Also, petition of J. A. Parks, president San Diego (Cal.) Society for the Study and Prevention of Tuberculosis, against Senate bill 120, making it unlawful for any member of the Public Health Service to become a member of any medical association; to the Committee on Appropriations.

Also, petition of R. E. Collins, chairman State board of equalization, of Sacramento, Cal., protesting against inheritance-tax laws; to the Committee on Ways and Means.

Also, petition of George H. Reid, of Mecca, Cal., favoring House bill 9216, eight-hour working day for railroad agents and telegraphers; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. H. Horton, San Francisco Lime Co., of San Francisco, Cal., favoring amendments to House bill 14298; to the Committee on Ways and Means.

Also, petition of J. Win Wilson, corresponding secretary Indio Board of Trade, of Indio, Cal., favoring Newlands-Broussard bill; to the Committee on the Public Lands.

Also, petition of W. R. Curtin, county clerk Madera County, Madera, Cal., favoring House bill 16018; to the Committee on Interstate and Foreign Commerce.

Also, petition of Arthur O. Dillon, secretary Chino Chamber of Commerce, Chino; Colton Chamber of Commerce, Colton; and Robert O. Bonnell, secretary Redlands Chamber of Commerce, Redlands, all in the State of California, favoring an appropriation for an ocean-to-ocean highway; to the Committee on Appropriations.

Also, petition of F. M. Tuley, of La Mesa, and L. F. Riley and seven others, of Escondibo, Cal., protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of John Ginty, president California State Assessors' Association, San Francisco; Joseph H. Nash, county clerk San Mateo County, Redwood City; J. H. Wells, county clerk and ex officio clerk of board of supervisors of Contra Costa County, Martinez, Cal., protesting against a Federal inheritance-tax law; to the Committee on Ways and Means.

Also, petition of George A. Johnson and 46 others, of Palm City, Cal., favoring a law requiring that the postal savings deposits shall be loaned, when required by school districts on school-district bonds for any legitimate purpose; to the Committee on the Post Office and Post Roads.

Also, petition of E. M. Sheehan, secretary State Board of Viticultural Commissioners, Sacramento, Cal., favoring passage of Kent wine bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Bohon, general manager Riverside, Rialto & P. R. Co., Riverside, Cal., favoring amendment caring for small roads in House bill 9216; to the Committee on the Post Office and Post Roads.

Also, petition of F. E. Lindley, San Diego, Cal., favoring House bill 15949, regarding interstate transmission of race-gambling bets; to the Committee on Interstate and Foreign Commerce.

Also, petition of George S. McCallum, secretary Building Trades Employers' Association, San Francisco, and Dr. F. H. Folkins, secretary board of health, city hall, Redlands, Cal., favoring House bill 11864 and Senate bill 5885, for relief of consumptives and prevention of tuberculosis; to the Committee on Interstate and Foreign Commerce.

Also, petition of Miss E. L. Patterson and Miss Edith C. Patton, of Los Angeles, and Miss Helen H. Landis, of Palm City, Cal., favoring Susan B. Anthony amendment and child-labor bill and against Phelan oil bill; to the Committee on the Judiciary.

Also, petition of Miss Laura V. Carroll, Palm City, Cal., favoring Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. LOUD: Petition of J. W. Hutchings, chairman, of Hanover, Mich., and eight other members of executive committee of Michigan State Grange, opposing House bill 6871, known as the Booher bill; to the Committee on Interstate and Foreign Commerce.

By Mr. McARTHUR: Petition of citizens of Oregon and Washington, protesting against House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Memorial of 56 citizens of Los Angeles, Cal., protesting against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of board of directors of the Chamber of Commerce of San Joaquin County, relative to the efficiency methods in Government work and time-study methods, etc.; to the Committee on Labor.

By Mr. SNYDER: Petition of Photo-Engravers' Union of Utica, N. Y., against legislation abridging freedom of speech; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of North Dakota: Petition of M. J. Anderson and 18 others of Valley City, N. Dak., protesting against Senate bill 5677; to the Committee on the District of Columbia.

Also, petition of W. J. Hutchinson and 11 others, of Bismarck, N. Dak., urging film censorship, prohibition of interstate race gambling, and protesting against sectarian appropriations; to the Committee on Education.

Also, petition of Martin Olson and 19 others, of Valley City, N. Dak., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *June 27, 1916.*

(Legislative day of Monday, June 26, 1916.)

The Senate reassembled at 10.30 o'clock, on the expiration of the recess.

SUNDRY CIVIL APPROPRIATIONS.

The VICE PRESIDENT. The Senate resumes the consideration of House bill 15836, the sundry civil appropriation bill, which is to be read for action on the amendments of the committee.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Treasury Department," subhead "Public buildings, construction, sites, and rent," on page 7, after line 8, to insert:

Columbia, S. C., post office, $70,000.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Myers	Smith, Ga.
Brandegee	Hollis	Nelson	Smith, Md.
Bryan	James	Newlands	Sterling
Chamberlain	Johnson, S. Dak.	Overman	Stone
Clapp	Jones	Page	Thomas
Curtis	Kenyon	Phelan	Tillman
Dillingham	Kern	Pittman	Warren
Fletcher	La Follette	Reed	Williams
Gallinger	Lane	Sheppard	
Gronna	Martin, Va.	Sherman	
Hardwick	Martine, N. J.	Simmons	

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Forty-one Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absent Senators.

The Secretary called the names of the absent Senators, and Mr. SUTHERLAND, Mr. TAGGART, and Mr. THOMPSON answered to their names when called.

Mr. LEA of Tennessee, Mr. WORKS, Mr. WALSH, Mr. BANKHEAD, Mr. SHAFROTH, Mr. POINDEXTER, Mr. BROUSSARD, Mr. BECKHAM, Mr. VARDAMAN, and Mr. RANSDELL entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present. The pending amendment will be again stated.

The SECRETARY. On page 7, after line 8, it is proposed to insert:

Columbia, S. C., post office, $70,000.

Mr. MARTIN of Virginia. I move to amend the committee amendment by adding the words "for continuation" before "$70,000."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the words "post office," on line 9, page 7, it is proposed to insert the words "for continuation."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Quarantine stations," on page 27, after line 3, to strike out:

Boston quarantine station: The Secretary of the Treasury is authorized to accept, at a cost to the United States not to exceed $150,000, the transfer of the Boston quarantine station and hereafter to operate the same as one of the quarantine stations of the Public Health Service.

And insert:

Boston quarantine station: The Secretary of the Treasury is authorized to accept, free of cost to the United States, the transfer of the Boston quarantine station and hereafter to operate the same as one of the quarantine stations of the Public Health Service.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings, repairs, equipment, and general expenses," on page 28, line 15, after the word "exceeding," to strike out "$125,000" and insert "$100,000," so as to make the clause read:

Repairs and preservation: For repairs and preservation of all completed and occupied public buildings and the grounds thereof, under the control of the Treasury Department, and for wire partitions and fly screens therefor, Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto, buildings and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereto; care of vacant sites under the control of the Treasury Department, such as necessary fences, filling dangerous holes, cutting grass and weeds, but not for any permanent improvements thereon; repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated not exceeding $100,000 may be used for marine hospitals and quarantine stations, including wire partitions and fly screens for same, and not exceeding $14,000 for the Treasury, Butler, Winder, and Auditors' Buildings at Washington, D. C.: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $800,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engraving and printing," on page 40, line 7, after the words "Secretary of the Treasury," to strike out "and without increasing the rate of pay for any class of services in the bureau beyond the rate paid therefor January 1, 1916," so as to make the clause read:

For salaries of all necessary employees, other than employees required for the administrative work of the bureau of the class provided for and specified in the legislative, executive, and judicial appropriation act for the fiscal year 1917, and plate printers and plate printers' assistants, $1,408,000, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 50, after line 9, to insert:

Studies of rural sanitation: For special studies of and demonstration work in rural sanitation, including personal service, $75,000.

The amendment was agreed to.

The next amendment was, under the subhead "District of Columbia," on page 50, line 21, after the words "nurses' cottages," to strike out "$2,300" and insert "$2,350"; in line 22, after "$2,500," to insert "for expenses of heat, light, and power required in and about the operation of the hospital, $11,494"; and in line 24, after the words "in all," to strike out "$4,800" and insert "$16,344," so as to make the clause read:

Columbia Hospital and Lying-in Asylum: For repair of nurses' cottages, $2,350; for purchase and installation of X-ray apparatus and necessary equipment therefor, $2,500; for expenses of heat, light, and power required in and about the operation of the hospital, $11,494; in all, $16,344, to be expended under the direction of the Superintendent of the Capitol, and paid, one-half out of the revenues of the District of Columbia and one-half out of the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 51, after line 2, to insert:

The unexpended balance, amounting to $7,725, of the appropriation for special equipment and furnishing to complete Columbia Hospital for Women and Lying-in Asylum, including labor and material and the necessary incidental expenses connected therewith, made in the sundry civil appropriation act for the fiscal year 1916, is hereby reappropriated and made available for the fiscal year 1917.

Mr. MARTIN of Virginia. Mr. President, in line 3 on page 51 I move that the committee amendment be amended by striking out the words "amounting to $7,725," so as to make it read: "The unexpended balance of the appropriation," and so forth. I am not sure that the figures "$7,725" are correct. The amendment will still have the same effect, but it will avoid an error by striking out those words.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 51, line 3, after the word "balance," it is proposed to strike out "amounting to $7,725."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "War Department," subhead "Armories and arsenals," on page 59, after line 17, to strike out:

Frankford Arsenal, Philadelphia, Pa.:
For a general shop building, $89,000.
For extension of artillery ammunition storehouse, $27,500.
For extension of instrument department building, $19,100.
For extension of fuse-shop building, $126,000.
For extension of artillery-case shop building, $35,000.
For extension of lead-shop building, $10,000.
For a metal storehouse, $21,500.
For a storehouse for current manufactures, $45,000.
For purchase of additional land, $125,000.
For one sewer and connections, $7,500.
For garage for motor trucks, $10,000.
For construction or repair of roads, walks, and sea wall, $11,600.
For increasing facilities for fire protection, $20,000.
For increasing the facilities of the arsenal for the manufacture of field artillery ammunition, $175,000.
In all, $722,200.

And insert:

Frankford Arsenal, Philadelphia, Pa.:
For a general shop building, $106,800.
For extension of artillery ammunition storehouse, $33,000.
For extension of instrument department building, $22,920.
For extension of fuse-shop building, $151,200.
For extension of artillery-case shop building, $42,000.
For extension of lead-shop building, $12,000.
For a metal storehouse, $25,800.
For a storehouse for current manufactures, $54,000.
For purchase of additional land, $150,000.
For one sewer and connections, $9,000.
For garage for motor trucks, $12,000.
For construction or repair of roads, walks, and sea wall, $13,920.
For increasing facilities for fire protection, $24,000.
For increasing the facilities of the arsenal for the manufacture of field artillery ammunition, $210,000.
For five magazine buildings, including necessary barriers and fences about the buildings, railroad connections, sewer lines, lighting mains, etc., $90,900.
In all, $957,540.

The amendment was agreed to.

The next amendment was, on page 65, line 24, after the word "arsenals," to strike out "$300,000" and insert "$350,000," so as to make the clause read:

Repairs of arsenals: For repairs and improvement at arsenals, and to meet such unforeseen expenditures as accidents or other contingencies during the year may render necessary, including $150,000, or so much thereof as may be necessary, for machinery for manufacturing purposes in the arsenals, $350,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. Mr. President, on page 74 there is a little amendment that I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 74, line 6, before the word "vehicles," it is proposed to insert the words "passenger-carrying," so that if amended it will read "and horse-drawn passenger-carrying vehicles."

The amendment was agreed to.

The next amendment was, on page 77, line 13, after the word "thereto," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

To continue construction of necessary retaining walls in Meridian Hill Park, and grading incident thereto, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 81, after line 24, to insert:

Aqueduct Bridge: Toward the construction of the bridge authorized in section 1 of an act entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof," approved May 18, 1916, $100,000, to be expended under the direction of the Secretary of War, and authority is hereby granted to the Secretary of War to enter into a contract or contracts for the completion of said bridge in an amount not exceeding $900,000, exclusive of the amount herein appropriated, one half of the above sums to be payable out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," subhead "Public buildings," on page 97, after line 25, to insert:

Court of Claims Building: For labor and material and for general repairs, Court of Claims Building, to be expended under the direction of the Superintendent of the Capitol Building and Grounds, $8,200.

The amendment was agreed to.

The next amendment was, under the subhead "National parks," on page 123, line 8, after the word "exceeding," to strike out "$500" and insert "$1,000," so as to make the clause read:

The Secretary of the Interior is authorized to expend from park revenues not exceeding $1,000 for the purchase of a motor-driven passenger-carrying vehicle and maintenance, operation, and repair thereof, for use of the superintendent in making park inspections.

The amendment was agreed to.

The next amendment was, on page 123, after line 13, to strike out:

Glacier National Park, Mont.: For administration and improvement, construction of roads, trails, bridges, and telephone lines, and the repair thereof, including necessary repairs to the road from the old town of St. Marys through that part of the Blackfeet Indian Reservation east of lower St. Marys Lake to a point in or near section 35, township 36 north, range 15 west, on the boundary line between the Glacier National Park and the Blackfeet Indian Reservation, authorized by the sundry civil act of August 1, 1914, not to exceed $500 for the construction of a warehouse, and also not exceeding $35,000 to pay to the Great Northern Railway Co. to reimburse said corporation for amounts actually expended by it in the spring of 1916 for the repair of 35 miles of road in the Blackfeet Indian Reservation from Glacier Park Station to a point where said road intersects the eastern boundary of the Glacier National Park: *Provided*, That said work shall be done under the supervision of and in a manner acceptable to the superintendent of the park, who shall certify to the Secretary of the Interior his approval of the work and the amount of expenditures made by said company for which reimbursement shall be made hereunder: *Provided further*, That before said payment is made said company shall transfer to the United States all of its interest in said road; in all, $110,000.

And insert:

Glacier National Park, Mont.: For administration and improvement, construction of roads, trails, bridges, and telephone lines and the repair thereof, including necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park, not to exceed $500 for the construction of a warehouse, and also not exceeding $10,000 to pay to the Great Northern Railway Co. to reimburse said corporation for amounts actually expended by it in the year 1916 prior to the passage of this act, for the repair of 35 miles of road in the Blackfeet Indian Reservation leading to said Glacier National Park: *Provided*, That said work shall be done under the supervision of and in a manner acceptable to the superintendent of the park, who shall certify to the Secretary of the Interior his approval of the work and the amount of expenditures made by said company for which reimbursement shall be made hereunder: *Provided further*, That before said payment is made said company shall transfer to the United States all of its interest in said road; in all, $110,000.

The amendment was agreed to.

The next amendment was, on page 127, after line 2, to insert:

To investigate, by the Department of the Interior, the feasibility thereof and examine lands proposed to be included in a Mississippi Valley national park near Prairie du Chien, Wis., and McGregor, Iowa, $500.

The amendment was agreed to.

The next amendment was, on page 127, after line 10, to insert:

There is appropriated from the several appropriations for protection, improvement, and management, etc., of the various national parks, including the Hot Springs Reservation, as well as from the revenues from privileges, etc., in the national parks and the Hot Springs Reservation, such sum or sums as the Secretary of the Interior in his judgment may deem necessary, to be expended in employment of the superintendent of national parks and not exceeding four other competent persons in the District of Columbia and in the field, and other necessary expenses in connection with the administration of the national parks and the Hot Springs Reservation, including expenses of travel incident to the transferring of employees from one park to another, and of park supervisors in conferring with the superintendent of national parks; a detailed statement of such expenditures to be submitted to Congress.

The amendment was agreed to.

Mr. NELSON. I wish to offer an amendment. I did not find it just at the moment the Alaska provision was reached.

Mr. MARTIN of Virginia. I will state to the Senator that after the committee amendments are disposed of it will be in order then to submit what he desires.

Mr. NELSON. All right.

The reading of the bill was continued.

The next amendment was, under the subhead "Columbia Institution for the Deaf," on page 130, after line 17, to insert:

Upon the passage of this act the title to all that parcel of land lying between the west boundary of West Virginia Avenue, said avenue now being laid out with a width of 66 feet, and the east boundary of the grounds of the Columbia Institution for the Deaf, said parcel of land fronting on Florida Avenue about 10½ feet and containing one-tenth of an acre, more or less, and being formerly part of the Baltimore & Ohio Railroad right of way, shall be vested in the Columbia Institution for the Deaf, United States of America, trustee, and the Secretary of the Interior is hereby authorized and directed to issue a patent for the said parcel of land to the said Columbia Institution for the Deaf.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Justice," on page 133, line 3, after "$8,000," to insert "assistant attorney, $4,500," and in line 13, after the words "in all," to strike out "$73,000" and insert "$77,500," so as to make the clause read:

Conduct of customs cases: Assistant Attorney General, $8,000; assistant attorney, $4,500; assistant attorney, $3,000; special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General, as authorized by section 30 of the act of August 5, 1909, $36,000; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General; supplies, printing, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General, $26,000; in all, $77,500.

Mr. MARTIN of Virginia. I ask that the committee amendment, on page 133, lines 3 and 13, be disagreed to.

The amendment was rejected.

The next amendment was, on page 134, line 20, after the words "Attorney General," to strike out "$485,000" and insert "$510,000," so as to make the clause read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States, for such other investigations regarding official matters under the control of the Department of Justice or the Department of State as may be directed by the Attorney General, per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and including not to exceed $18,500 for necessary employees at the seat of government, to be expended under the direction of the Attorney General, $510,000.

The amendment was agreed to.

The next amendment was, on page 135, line 26, after the words "District of Columbia," to strike out "$50,000" and insert "$65,000," so as to make the clause read:

Suits affecting withdrawn oil lands: To enable the Attorney General to represent and protect the interests of the United States in matters and suits affecting withdrawn oil lands and for expenses in connection therewith, including salaries of necessary employees in Washington, D. C., $65,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," subhead "United States courts," on page 138, line 1, after the words "District of Columbia," to strike out "$1,550,000" and insert "$1,580,000," so as to make the clause read:

For salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the District of Alaska, services rendered in behalf of the United States or otherwise, services in Alaska and Oklahoma in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, repair, and operation of horse-drawn passenger-carrying vehicles used in connection with the transaction of the official business of the office of United States marshal for the District of Columbia, $1,580,000. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this act; but no disbursements shall be made prior to July 1, 1916, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year 1916 or prior years.

The amendment was agreed to.

The next amendment was, on page 138, line 21, after the word "compensation," to strike out "$325,000" and insert "$350,000," so as to make the clause read:

For regular assistants to United States district attorneys who are appointed by the Attorney General at a fixed annual compensation, $350,000.

The amendment was agreed to.

The next amendment was, on page 139, line 2, after the words "United States," to strike out "$175,000" and insert "$200,000," so as to make the clause read:

For assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, and for payment of foreign counsel employed by the Attorney General in special cases (such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States), $200,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. I ask that the committee amendment be disagreed to. We increased the appropriation but find that the amount put in by the House is sufficient.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to is reconsidered and the amendment is rejected.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 151, line 16, after the words "United States," to strike out "$6,400" and insert "$11,720," so as to make the clause read:

For continuing researches in physical hydrography, relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, $11,720.

The amendment was agreed to.

The next amendment was, on page 152, line 19, after the words "field expenses," to strike out "$420,000" and insert "$425,320," so as to make the clause read:

In all, field expenses, $425,320.

The amendment was agreed to.

The next amendment was, on page 152, line 23, after the words "ship chandlery," to strike out "$40,000" and insert "$56,000,'" so as to make the clause read:

Vessels: For repairs and maintenance of the complement of vessels, including traveling expenses of persons inspecting the repairs, and exclusive of engineer's supplies and other ship chandlery, $56,000.

The amendment was agreed to.

The next amendment was, on page 153, line 5, before the words "at $2,500 each," to strike out "five" and insert "six," and in line 15, after the words "in all," to strike out "$184,900" and insert "$187,400," so as to make the clause read:

Salaries: Superintendent, $6,000; assistants, to be employed in the field or office, as the superintendent may direct, one of whom may be designated by the Secretary of Commerce to act as assistant superintendent—2 at $4,000 each, 1 $3,200, 5 at $3,000 each, 6 at $2,500 each, 8 at $2,400 each (including 1 at $2,280 now paid from appropriation "offshore soundings"), 9 at $2,200 each (including 1 at $2,100 now paid from appropriation "offshore soundings"), 8 at $2,000 each, 9 at $1,800 each (including 1 now paid from appropriation "offshore soundings"), 9 at $1,600 each (including 1 now paid from appropriation "offshore soundings"), 9 at $1,400 each (including 1 at $1,320 now paid from appropriation "offshore soundings"), 10 at $1,200 each; aids—10 at $1,100 each, 19 at $1,000 each; in all, $187,400.

The amendment was agreed to.

The next amendment was, on page 153, line 16, after the words "chief of," to strike out "division" and insert "section," and in line 18, before the words "at $1,650 each," to strike out "three" and insert "four," so as to make the clause read:

Office force: Disbursing agent, $2,500; chief of section of library and archives, $1,800; clerk to superintendent, $1,800; clerks—3 at $1,800 each, 4 at $1,650 each, 4 at $1,400 each, 8 at $1,200 each, 5 at $1,000 each, 10 at $900 each, 6 at $720 each.

The amendment was agreed to.

The next amendment was, on page 153, line 21, after the word "draftsmen," to strike out "Two" and insert "Chief draftsman, $2,500, two"; in line 23, before the words "at $1,800 each," to strike out "three" and insert "four"; and in line 24, before the words "at $1,200 each," to strike out "three" and insert "four," so as to make the clause read:

Topographic and hydrographic draftsmen: Chief draftsman, $2,500, 2 at $2,400 each, 3 at $2,200 each, 3 at $2,000 each, 4 at $1,800 each, 3 at $1,600 each, 3 at $1,400 each, 4 at $1,200 each, 2 at $1,000 each, copyist draftsman, $1,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send a memorandum to the desk with an amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 154, line 8, after "$2,400," insert "1 $1,800," so as to read:

Instrument makers: One $2,400, 1 $1,800, 1 $1,600, 2 at $1,400 each, 1 $1,200, 3 at $1,000 each.

The amendment was agreed to.

The next amendment was, on page 154, line 10, after the word "each," to strike out "carpenter and painter, $900," and insert "2 carpenters and painters, at $900 each," so as to make the clause read:

Carpenters: Three at $1,200 each, 2 carpenters and painters, at $900 each.

The amendment was agreed to.

The next amendment was, on page 154, line 14, after "1 $2,000," to strike out "1 $1,800" and insert "2 at $1,800 each," and in the same line, after "1 $1,700," to strike out "1 $1,600" and insert "3 at $1,600 each," so as to make the clause read:

Electrotypers, photographers, lithographers, plate printers and their helpers, engineer, and other skilled laborers: One $2,000, 2 at $1,800 each, 1 $1,700, 3 at $1,600 each, 1 $1,400, 8 at $1,200 each, 2 at $1,000 each, 2 at $900 each, 5 at $700 each.

The amendment was agreed to.

The next amendment was, on page 154, line 18, after the words "$880 each," to insert "1 at $840," so as to make the clause read:

Watchmen, firemen, mesengers, and laborers: Three at $880 each, 1 $840, 4 at $820 each, 3 at $720 each, 4 at $700 each, 2 at $640 each, 3 at $630 each, 4 at $550 each.

The amendment was agreed to.

The next amendment was, on page 154, line 21, after the words "office force," to strike out "$213,420" and insert "$227,310," so as to make the clause read:

In all, pay of office force, $227,310.

Mr. MARTIN of Virginia. Owing to the amendment made in line 8, I move to make the total read "$229,100."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 154, line 26, after the words "copper plates," to insert "including their exchange," and on page 155, line 4, after the words "immediate use," to insert "including the employment in the District of Columbia of such personal services, other than clerical, as may be necessary for the prompt preparation of charts, not to exceed $6,000," and in line 16, after the words "extra labor," to strike out "$50,000" and insert "$62,500," so as to make the clause read:

Office expenses: For purchase of new instruments, including their exchange, materials and supplies required in the instrument shop, carpenter shop, and drawing division, books, scientific and technical books, journals, books of reference, maps, charts, and subscriptions; copper plates, including their exchange, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; photolithographing charts

and printing from stone and copper for immediate use, including the employment in the District of Columbia of such personal services, other than clerical, as may be necessary for the prompt preparation of charts, not to exceed $6,000; stationery for office and field parties; transportation of instruments and supplies when not charged to party expenses; office wagon and horses or automobile truck; heating, lighting, and power; telephones, including operation of switchboard; telegrams, ice, and washing; office furniture, repairs, traveling expenses of assistants and others employed in the office sent on special duty in the service of the office; miscellaneous expenses, contingencies of all kinds, and not exceeding $3,400 for extra labor, $62,500.

The amendment was agreed to.

Mr. MARTIN of Virginia. I do not know that it will be necessary, but at this point I ask unanimous consent that the clerks at the desk be authorized to adjust the totals where necessary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The next amendment was, on page 155, after line 16, to insert:

For one lithographic rotary two-color offset press, $12,500.

The amendment was agreed to.

The next amendment was, on page 155, after line 18, to insert:

For one lithographic transfer press, $1,000.

The amendment was agreed to.

The reading of the bill was continued to line 10, page 172.

Mr. MARTIN of Virginia. I send a committee amendment to the desk, which I ask be adopted.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 172, after line 10, insert:

Senate: For folding speeches and pamphlets at an expense not exceeding $1 per 1,000 for the fiscal year ending June 30, 1915, $3,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, on page 173, line 9, after the words "Joint Committee on the Library," to strike out "$8,000" and insert "$9,000," so as to make the clause read:

Botanic Garden: For general repairs to buildings, heating apparatus, painting, glazing, repairs to footwalks and roadways, general repairs to packing sheds, storerooms, and stables, under the direction of the Joint Committee on the Library, $9,000.

The amendment was agreed to.

The next amendment was, on page 173, after line 18, to insert:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $55,000.

The amendment was agreed to.

The next amendment was, on page 173, after line 23, to insert:

For furniture for the Senate Office Building and for labor and material incident thereto and repairs thereof, window shades, awnings, carpets, glass for windows and bookcases, desk lamps, window ventilators, etc., $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 174, to insert:

Toward the construction of the fireproof building for committee rooms and offices for the United States Senate, provided for in the sundry civil act approved April 28, 1904, $3,500.

The amendment was agreed to.

The next amendment was, on page 174, after line 4, to insert:

For the Capitol: For repairs, improvements, and equipment for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended by the Superintendent of the Capitol Building and Grounds, under the supervision of the Committee on Rules, United States Senate, $17,500.

The amendment was agreed to.

The next amendment was, on page 176, after line 2, to insert:

Public buildings commission: With a view to ultimately providing permanent quarters for all the governmental activities in the District of Columbia in buildings owned by the Government, a commission is hereby created to be composed of the chairman of the Committee on Appropriations of the Senate and one other member of said committee, to be appointed by said chairman, the chairman of the Committee on Public Buildings and Grounds of the Senate and one other member of said committee, to be appointed by said chairman, the chairman of the Committee on Appropriations of the House of Representatives and one other member of said committee, to be appointed by said chairman, the chairman of the Committee on Public Buildings and Grounds of the House of Representatives and one other member of said committee, to be appointed by said chairman, the Superintendent of the Capitol Building and Grounds, the Superintendent of Buildings and Grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury during any vacancy in said office.

The said commission shall elect one of its members as chairman of the commission and is authorized to employ such expert clerical or other services as it may deem necessary, and shall avail itself of the advice of the Commission of Fine Arts.

The said commission shall investigate and ascertain what public buildings are needed in the District of Columbia to provide suitable and adequate accommodations, with allowances for future expansion, for all of the offices, establishments, and public services of the Government in the District of Columbia, the proper location of such buildings, the probable cost thereof, and the probable cost of such new sites as they may deem it necessary for the Government to acquire.

Any vacancies in said commission shall be filled in the same manner as the original appointments were made.

To defray the expenses of said commission, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available and to remain available until expended, and to be paid out on vouchers signed by the chairman of said commission.

The said commission shall make report to Congress not later than the 1st of January, 1917.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE PRESIDENT. Are there any further committee amendments?

Mr. OVERMAN. Mr. President, on page 68, after line 6, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. On page 68, after line 6, it is proposed to insert:

For the addition of a kitchen and bathroom to the lodge in the Salisbury National Cemetery, to be erected under the supervision of the Secretary of War, $1,800.

Mr. MARTIN of Virginia. Mr. President, that may be somewhat irregular, but the necessity of the appropriation is so great that I have nothing to say against the adoption of the amendment.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I offered an amendment yesterday and asked that it be printed, to be inserted at the end of line 6, on page 8, that I ask the Secretary to read, and which I hope the chairman of the committee will accept.

The VICE PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 8, at the end of line 6, after the numerals "$40,000," it is proposed to insert:

That the appropriation made for the erection of the public building at Durango, Colo., in the public building act approved March 4, 1913, be, and the same is hereby, increased by appropriating $50,000 additional, out of any money in the Treasury not otherwise appropriated, for the completion of a suitable building, including vaults, elevators, and approaches complete, for the use and accommodation of the United States post office, Federal court, and other Government offices.

Mr. MARTIN of Virginia. Mr. President, I am very sorry the Senator from Colorado has offered that amendment. He presented the amendment to the Committee on Appropriations; it was discussel elaborately, and the committee declined to add the item. It is simply a proposition to increase the limit of cost for a post-office building. If that is to be done in one instance, there could be strong arguments made for its being done in a hundred instances. This is where the limit has been fixed by law for a public building at $100,000, and the proposition now is to increase that limit of cost to $150,000. It seems to me that we can not afford to make this bill a public-building bill in that manner.

Mr. THOMAS. Mr. President, I have not troubled the Appropriations Committee very much in this Congress nor at the last one, and I certainly should not now press this amendment if it were not, in my judgment, an increase which is absolutely required.

Mr. MARTIN of Virginia. If the Senator will excuse me a moment so that he may have an opportunity to explain the amendment, I desire to say that there is no estimate for the appropriation. All the committee knew about it was the statement of the Senator from Colorado. It has not been estimated for by the department.

Mr. THOMAS. I am coming to that, Mr. President, and I think I can convince the Senator that he is mistaken. It was provided in 1910 by the bill which was that year reported from the Committee on Public Buildings and Grounds that a site for a public building should be obtained at Durango for the sum of $10,000. The public buildings and grounds bill for 1913 provided for the erection of a post office at Durango at a cost not exceeding $100,000.

The city of Durango is the metropolis of a region of country as large as the State of Ohio. It is not a very large city at present, but it is the most important point in the southwestern part of the State. It is the metropolis and the distributing center for an enormous region of country and for about 200,000 people. It is the headquarters of a Government land office. A division of the Bureau of Forestry is located at Durango. It is also one of the Signal Service points.

By the act of June 16, 1916, a law which has just been enacted, provision is made for a term of the United States court to be held at Durango. That, of course, necessitates the increase of the size of the building, so that it can be made to accommodate this added function.

In conjunction with the bill providing for this term of court, a bill passed the House, which was promptly reported out, upon

an estimate made by the Treasury Department and submitted to the Committee on Public Buildings and Grounds for an added $50,000 to the appropriation, which also changed the building from a post-office building to a general public building. That bill has passed the Senate and is now in the other House. It has therefore been not only reported and placed upon the calendar, but it has received the favorable consideration of this body.

I assumed, and I had a right to assume, because of the precedents which the Committee on Appropriations have hitherto established, that this process was all that was necessary to secure its favorable consideration by the Committee on Appropriations, or at least to secure its consideration, even though its action might be adverse; but in view of the position taken by the Committee on Appropriations on Sunday last, when I appeared before it, I immediately made application to the Treasury Department for an estimate. That estimate was secured at once and forwarded to the committee under date of June 26, 1916, and I will read the letter to the Senate. It is addressed to the chairman of the Committee on Appropriations, and reads as follows:

Your attention is respectfully invited to the proposed Federal building at Durango, Colo. A site for this building at a limit of cost of $10,000 was authorized in the act of June 25, 1910, and the construction of the building at a limit of cost of $100,000 in the act of March 4, 1913. This legislation provides for the construction of a post office only.

On June 12, 1916, an act (Public, No. 91) was approved by the President amending the laws relating to the judiciary and providing for the holding of terms of court at Durango. Said act further provides, "That the Secretary of the Treasury, in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango, be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorizations for said buildings be, and same are hereby, respectively amended accordingly."

That, Mr. President, is a part of the act of June 12, 1916—

and the existing authorizations for said buildings be, and the same are hereby, respectively amended accordingly.

I think the Senator from Virginia will concede that the amendment is not subject to the objection that no estimate has been submitted concerning it—

While the legislation also provides that the unexpended balances of appropriations for the construction of these buildings are made available for the purpose stated, the original limit of cost fixed, viz, $100,000, is not sufficient to allow the construction of a building at Durango which will provide accommodations for the courts. It is therefore recommended that the limit of cost for said building be increased in the sum of $50,000.

Your attention is also invited to the fact that the sundry civil bill recently passed by the House of Representatives contains an item of $40,000 for the continuation of the construction of the building at Durango, Colo. It is not believed that this amount will furnish sufficient funds to carry on the work until Congress will have an opportunity to make further appropriation, and it is therefore recommended that when this bill receives consideration in the Senate the amount appropriated therein for the Durango building be increased to $60,000.

Respectfully,

BYRON R. NEWTON,
Acting Secretary.

Now, Mr. President, while it may be irregular—and, of course, I shall not contend that it is not in view of the positive assertion of the chairman of the committee—it is nevertheless not unusual, as I am assured by the Supervising Architect of the Treasury, which assurance is confirmed by my own experience, to make these increases in appropriation bills. So that I am not asking anything unusual, and nothing unprecedented. I would not ask it at all if it were not for the exigency which is presented by virtue of the legislation to which I have called attention.

Mr. President, in 1914, when an appropriation bill was reported to the Senate and under consideration on the 18th day of July, 1914, an amendment was offered, and I think it was accepted—at least it was not objected to by the chairman of the committee—

On page 26, after line 16, to insert:

To erect at Fort McHenry, Baltimore, Md., under the direction of the Secretary of War a monument—

And so forth, for which the sum of $75,000 was appropriated.

About the same time, and I think to the same bill, an amendment was offered by the Senator from Maryland [Mr. SMITH] for an appropriation—if my memory serves me aright—of considerably more than $100,000 to be expended in ceremonies appropriate to the celebration of the centennial anniversary of the writing of the National Anthem by Francis Scott Key. I raised a point of order against these appropriations, on which occasion the Senator from Maryland said:

Mr. President, I wish to say that I introduced a bill in the Senate appropriating this sum of money some little while back, and that bill has been reported to the Senate, and is on the calendar to-day.

The bill for this increase in the limit of the cost of the building at Durango was not only reported and placed upon the calendar but was taken up and passed by the Senate.

The Senator from Maryland then goes on to express the hope that there will be no opposition to the item, and he delivered a speech descriptive of the occasion which it was designed to commemorate, and again referred to his action in introducing and having reported to the Senate a bill carrying the amount desired, which was upon the calendar. I then asked the Senator when the bill was reported. I read from the CONGRESSIONAL RECORD of June 18, 1914, page 12316, and following:

Mr. SMITH of Maryland. It was reported yesterday. I hope the Senator from Colorado will not only not object to the amendment but will vote for it. I think it is entirely appropriate, and it should be adopted.

The point of order was then overruled, the question having been submitted to the Senate by the Presiding Officer. I quote further from the RECORD:

Mr. THOMAS. One moment. I did not understand the question as it was put to the Senate, and I do not think that some other Senators did. I certainly did not.

The PRESIDING OFFICER. The Chair will restate the question submitted to the Senate. Is the amendment proposed by the committee in order?

Mr. LEE of Maryland. I submit respectfully that the question has been put and the amendment has been sustained.

The PRESIDING OFFICER. But the Chair does not care to have any misunderstanding of his position.

Mr. GALLINGER. Let the question be put again.

The PRESIDING OFFICER. The question will be put again. Is the amendment of the committee in order? [Putting the question.] The ayes appear to have it.

A division was asked for, and the ruling of the Chair was sustained, and the appropriation was made.

Now, Mr. President, when it is in order to appropriate hundreds of thousands of dollars for the purpose of celebrating historic occasions for which no estimate has been made, but which is justified upon the ground that a specific bill providing for it has been introduced and has been reported to the Senate and is upon the calendar, then, a fortiori, is an application for $50,000 to erect a public building for purposes which are essential and necessary not only in order but, in view of the fact that the specific bill has been passed and followed by an estimate, it is not too late, although dated yesterday, the amendment should be granted.

Mr. President, this building has been in contemplation since 1913, but has been compelled to take its place in the series of buildings provided for. The bids for the new structure were about to be opened at the time of the enactment of the law of June 12, 1916, devoting it to additional purposes. The people have waited a very long time for that building. To erect it now with the present appropriation would be to put up a structure that is inadequate for all the purposes provided for by the Government, and, as a consequence, we should not be relegated to the uncertain alternative of relying upon the specific bill to which I have called attention.

I am informed—unofficially, of course, but I think the information is reliable—that it would be practically impossible to secure the passage by the House of the bill to which I refer. If that were possible, I would not be here taking up the time of the Senate or trespassing in any manner upon the prerogatives of the committee; but, under the circumstances, I hope the Senate will sustain this amendment and incorporate the amount asked for in the bill.

Mr. SHAFROTH. Mr. President, I want to say a few words in relation to the amendment proposed by my colleague. The difficulty with the situation is now that the appropriation for a $100,000 building has been made, the plans have been drawn, the contract has been let, and the building is about to be constructed for the purposes of a post office only. On the 12th of June of this year there was passed an act providing that there shall be a Federal court held in the city of Durango; and if the building there shall be completed as at present authorized, there will be no court room. It seems to me that it is absurd to go on with that building and say that it shall be constructed as a post-office building only when at this session authorization has been given for the holding of court there. At this very time, when the $40,000, the amount appropriated by this bill, is to be applied, it seems to me the plans should be changed so as to make the building accommodate all the departments of the Government that need to be housed there.

I desire to read a section from the bill which was passed on the 12th day of June of this year:

That the Secretary of the Treasury, in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango—

For the building at Grand Junction the appropriation is sufficient. The changes in the building there can be made without the passage of any additional law upon the subject by Congress—

be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorizations for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made

for the construction of said buildings, and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph.

There is an absolute authorization for this building and a contemplation that it is necessary in the case of Durango that there should be an additional appropriation in order to provide a court room. It seems to me it is absolutely absurd to say that we will not change this, but that we will go on and have the building constructed for a post office only, when the term of court has been prescribed for that city and when a court room is absolutely necessary and essential. For that reason it seems to me urgent. It can hardly be that any other instance is like this in any particular, and therefore there is no danger that this bill is going to be opened for amendments of that character.

In this particular instance, where the authorization has been made for the Secretary of the Treasury to provide accommodations, the estimate has been made that it is necessary to increase that amount by $50,000. The court can not be held there without accommodations. They do not want to have to rent buildings in order to do it; and it seems to me that now is the time, so that the changes can be made at the minimum cost to the Government. For that reason, it seems to me, that this amendment which is offered by my colleague should be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Mr. President, turning to page 73, under "Yellowstone National Park," I move to strike out "$135,000" and to insert "$152,500," which is the estimate.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 73, in line 24, it is proposed to strike out "$135,000" and to insert in lieu thereof "$152,500," so as to read:

Yellowstone National Park: For maintenance and repair of improvements, $152,500—

And so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Further, on line 25 of the same page, where "$7,500" occurs, I move to make it "$15,000." That is not an addition, but it is a different division of the fund.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 25, page 73, it is proposed to strike out "$7,500" and in lieu thereof to insert "$15,000," so as to read:

Including not to exceed $15,000 for maintenance of the road in the forest reserve leading out of the park from the east boundary.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. Mr. President, if I may have the attention of the chairman of the committee, on page 168, in the general appropriation of $2,450,000 for the Immigration Service the estimate is $200,000 more, and I think the estimated amount ought to be granted. The last year or two they have been furloughing these employees of the Immigration Service, causing great hardship to them in that way—not dismissing them, but putting them on furlough without pay.

Mr. MARTIN of Virginia. I will say to the Senator from Massachusetts that I have no information on the subject, except that there was an estimate $200,000 bigger than the amount the House put in. I have no objection to his amendment, of course with the understanding that it will have a thorough investigation, and if it appears to be wrong I may not be able to hold it in the bill. I will endeavor to do so, however, after careful investigation.

Mr. LODGE. I am very much obliged to the Senator. I only wanted to call attention to the fact that these men have been furloughed, and now the immigration is again increasing, and I think the committee of conference ought to consider the matter.

Mr. MARTIN of Virginia. I do not object to the amendment.

Mr. LODGE. Very well.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 168, line 14, it is proposed to strike out "$2,450,000" and to insert in lieu thereof "$2,650,000."

Mr. HITCHCOCK. Mr. President, I should like to inquire whether there is any need, under the present greatly reduced immigration, for such large expenditures?

Mr. LODGE. Mr. President, the Immigration Service yields the Government a large surplus over what is appropriated. Under the old law the whole immigration fund was segregated, and then Congress passed a law turning in the balance of two or three millions, and it yields a great deal more. This amount is insufficient to employ these furloughed men. They were furloughed owing to the reduction in the number of immigrants caused by the war. The immigration is now increasing again, and, of course, more men are needed; and to keep the service down in this way and force these men on furloughs not only is a hardship on those men, but it impairs the service. They need more men.

Mr. HITCHCOCK. I should like to have some figures as to how much the immigration is increasing. My information is that the immigration at the present time is only a fraction of what it was.

Mr. LODGE. It went down very low the first year of the war. It has begun to rise again.

Mr. HITCHCOCK. Can the Senator give any figures?

Mr. LODGE. I can not give the exact figures; but the department has estimated for $200,000 more, because the service has been positively crippled by these furloughs, even with the reduced immigration, and they ought to have additional money.

Mr. HITCHCOCK. I am a little skeptical of that, considering the fact that the House made the reduction after investigation. I know that the immigration at the present time is only a fraction of what it has been.

Mr. LODGE. I am aware of that.

Mr. HITCHCOCK. I do not believe in keeping men upon the pay roll, simply because there is a revenue larger than the expenditures, if they are not needed.

Mr. LODGE. I am not asking anything of that absurd kind. I am asking that the men who are furloughed without pay be employed when there is work to do, and the work should not be crippled.

Mr. POINDEXTER. Mr. President——

Mr. LODGE. I yield to the Senator from Washington.

Mr. POINDEXTER. I should like to remark, in answer to the Senator from Nebraska, that by reason of furloughing men from the Immigration Service, and by reason of inadequate equipment in the matter of launches and boats, the Immigration Service is in such condition on the northwest border of the United States—the border between British Columbia and the State of Washington—that it might be truthfully described as being paralyzed and breaking down.

When the war broke out there were a great number of men in Canada that desired to come to the United States in order to avoid the obligations imposed on citizens of Canada by the war. We have a border there that is covered by forests, and a great part of it is an intricate labyrinth of waterways; and instead of increasing the force of the Immigration Service it was reduced, and the consequence was that a very large number of illegal immigrants have come into the United States by reason of the inadequate enforcement of our laws. In addition to that, there is a constant stream of Chinamen coming into the United States illegally across that border by reason of the inefficiency of the Immigration Service.

I am speaking about this matter advisedly. I have investigated it. I have called upon men to make reports in whose judgment I have confidence, and I have prepared a detailed statement describing the situation which I have just stated in very brief form. I am very hopeful that there will be no objection to the suggestion of the Senator from Massachusetts.

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. I yield to the Senator.

Mr. HOLLIS. In answer to what the Senator from Nebraska has said, I have inquired, and I find it is true that the number of immigrants has largely decreased. I can not give the percentages. It is also true, however, that the stations have to be maintained whether there are 10,000 men coming through a station or 1,000. They need as many men to perform the functions. Then in this respect the labor was largely increased, and especially the expense, on account of the war. Many defectives can not be returned to the countries from which they originally came, and they have to be looked after and taken care of. That is a very serious item, and until the war is over, and they can be sent back to the parent countries that will be a very large item. I have talked with the immigration officers, and I am satisfied that this amendment should be allowed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. Mr. President, I have one other amendment that I should like to offer. On page 190 I want to offer the amendment submitted by the Secretary of the Treasury in the Book of Estimates:

Claims for property damaged or destroyed by fire in the Malambo district in the city of Panama on January 12, 1906, in the amounts recom-

mended by the joint land commission, as enumerated on page 22 of Senate Document No. 148, Sixty-second Congress, second session, $53,800.

That is estimated for and sent in by the Secretary of the Treasury. The payment of those claims was recommended by the Foreign Relations Committee, recommended by the Secretary of War, and recommended by Col. Goethals. These buildings were destroyed by the operations of the United States, and, as Col. Goethals says in his letter, not for sanitary purposes; and they ought to be paid for.

Mr. MARTIN of Virginia. I will ask the Senator if he does not think this matter ought to go to the Committee on Claims. There is nothing before the Committee on Appropriations with respect to it.

Mr. LODGE. It is before the committee in the estimates of the Secretary of the Treasury.

Mr. MARTIN of Virginia. It was estimated for?

Mr. LODGE. Yes. Not only that, but it has been twice placed on the general deficiency bill by the unanimous vote of the Senate, and in the last Congress the Senate passed a bill providing for the payment of these claims.

Mr. MARTIN of Virginia. I will say to the Senator that if he puts it on—he knows the urgency behind this bill, and the necessity for speedy action—it will be impossible to make as persistent an effort to keep the item on as we could make on the deficiency bill.

Mr. LODGE. I understand that.

Mr. MARTIN of Virginia. We must complete this bill as a law before the 1st of July. I will not object to it, but I think it will stand mighty little chance in conference, and if you put it on the deficiency bill it will stand a much better chance. That is my opinion about it.

Mr. LODGE. I took the recommendation of the Secretary of the Treasury that it be placed on this bill. It was referred to the subcommittee in charge of the sundry civil bill.

Mr. MARTIN of Virginia. I am not going to object to its going on this bill, though I think it will have a mighty short tenure. This bill must pass by the 1st of July, and the Senator knows the difficulties before us.

Mr. LODGE. I understand that. Let it go on.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. It is also proposed to change the total in line 18 to agree with the amendment.

The VICE PRESIDENT. In the absence of objection, that will be done.

Mr. NELSON. Mr. President, I offer the amendment I send to the desk, to come in at the end of line 26 on page 122.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 122, at the end of line 26, it is proposed to insert:

For the purpose of encouraging industry and self-support among natives of Alaska, and of assisting them in the establishment of small industrial enterprises, $25,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended, which sum may be used for the erection and repair of buildings, purchase and repair of machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable the natives of Alaska to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1926, and any such sums so reimbursed are hereby reappropriated and made available for expenditure, in the discretion of the Secretary of the Interior, prior to June 30, 1926, for the purposes above indicated. The Secretary of the Interior shall annually submit to Congress on the first Monday in December a detailed report of all moneys received and expended hereunder for the purpose of encouraging industry and self-support among natives of Alaska.

Mr. NELSON. Mr. President, this is estimated for in the Book of Estimates, and for that reason, unless objection is made, I am unwilling to take up the time of the Senate in debating it.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Is there any objection to the amendment?

Mr. MARTIN of Virginia. My attention was diverted, so I shall be obliged if the Senator will briefly state what he proposes to do. There were several Senators talking to me.

Mr. NELSON. Mr. statement was, Mr. President, that this has been estimated for in the Book of Estimates; and in view of that fact, unless particular objection is made, I am unwilling to take up the time of the Senate in discussing the merits of the amendment.

Mr. MARTIN of Virginia. I will ask the Senator what is the purpose of the appropriation? I understand it is $25,000.

Mr. NELSON. It is for the purpose of relieving what is known as the Father Duncan Colony of Indians on the Annette Islands in Alaska. It is in the Book of Estimates.

Mr. MARTIN of Virginia. On the judgment of the Senator from Minnesota I will make no objection to it, though, of course, we will have to investigate it when we get it into conference. I am entirely without information on the subject. I make no objection to it. It is estimated for, and I make no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. In connection with the amendment of the Senator from Minnesota, I wish to put some facts into the RECORD, in order that the conferees may have them before them in the consideration of the item.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

In August, 1887, William Duncan, an independent missionary, working among the Tsimpsean Indians of British Columbia, brought to the Annette Islands, in the southeastern part of Alaska, a colony of between 800 and 1,000 of these Indians from the old town of Metlakahtla, in British Columbia.

By act of March 3, 1891 (26 Stat., 1101), Congress set apart Annette Islands for the use and occupancy of these Indians, under such rules and regulations and subject to such restrictions as might be prescribed from time to time by the Secretary of the Interior.

Under the leadership of Mr. Duncan, this colony made rapid progress. The heads of families of the colony built good homes on lots set apart for them, a large church house was built, a schoolhouse, and other public buildings. A salmon cannery and a sawmill were established, first through the cooperation of Mr. Duncan, the Indians, and philanthropic persons in the United States. Later Mr. Duncan bought the interests of these persons and of the natives and ran the cannery and the sawmill as his personal property and employed native labor.

In recent years Mr. Duncan, who is now 84 years old, has lost his control over the Indians, and the cannery and sawmill have not been operated within the last four years. Since these industries closed the Indians have no means of making a living on the island and have had to go away for employment. The school had also been closed. Four years ago the Government established in the village of Metlakahtla a school, which it now maintains with five teachers. In order to give the Metlakahtlans an opportunity for self-support on the island, the Secretary of the Interior decided last winter to put the cannery and the sawmill again in operation. To this end the cannery building was leased for a term of five years, beginning April 1, 1916, to P. E. Harris, a cannery operator of Seattle, Wash., on terms which it was estimated would produce an annual income of $7,500 for the village and at the same time give employment to a large percentage of the inhabitants.

On May 17, while necessary repairs on the building were being made by the lessee and while he was awaiting the arrival of new machinery, the cannery building was completely destroyed by fire, as were also the warehouse and a portion of the wharf. Because of this loss by fire the lease is rendered ineffective. The Secretary is unable to require the lessee to fulfill its terms.

The natives are, therefore, again without any means of support on the island, nor is there any way of providing for such support until the cannery can be replaced and the sawmill repaired. There is also pressing need for the repair of the pipe line which brings water from a mountain lake to the village, and without which there is no adequate supply of water either for drinking or for protection against fire.

It is therefore urged that the $25,000 recommended as a reimbursable fund for use in aiding the natives to establish industries (Book of Estimates, 1917, p. 953), but not allowed by the House, be appropriated with the understanding that its first use shall be for the rebuilding of the cannery and the repairing of the sawmill and the pipe line at Metlakahtla and for assisting the natives in the operation of these industries.

FACTS IN REGARD TO METLAKAHTLA AND THE IMMEDIATE NEED OF A REIMBURSABLE FUND.

(1) Until the close of the industries four years ago about 800 Indians lived on the island. Every family had a good home. Most of the houses had from four to eight rooms. There were many smaller industries dependent on the cannery and the sawmill.

(2) After the close of the industries many families moved away, and many of them have taken up permanent homes in places not so desirable as Metlakahtla would be if the industries were reestablished. All do leave the island for work in the summer except a few old men and women. When they leave they must carry their children with them. Last summer when fire occurred in the village only two Indians were on the island, and the village would have been destroyed but for the presence of two Government school-teachers and a young Indian who had come over from Ketchikan for the night. The nearest place at which employment can be had is 15 miles away. When the Indians leave the island they must abandon their houses and lose their value, as they can not be sold.

(3) After the Government school was established and there was hope for profitable employment on the island the Indians began to return, and there was an increase of approximately 100 in the population within a year.

(4) The burning of the cannery has almost produced a state of despair among the Indians. The island will be rapidly deserted if the cannery is not rebuilt.

(5) With the $25,000 asked for as a reimbursable fund, the cannery can be rebuilt and equipped, the sawmill repaired to produce lumber for the cannery, and the pipe line repaired to bring water for the use of the village, the cannery, and the sawmill.

(6) The operation of the cannery and the sawmill will enable the Indians to remain at home during the summer, cultivate their gardens, conduct cooperative stores, and maintain other small industries.

(7) The operation of the cannery, mill, and other industries will enable the village to repay to the reimbursable fund at least $5,000 a year, which can be used to assist other native villages in establishing small industries. It will also provide, in addition to this, a small income for much-needed improvements in the village.

THE HYDABURG COLONY.

By Executive order, June 19, 1912, a tract of approximately 12 square miles on the west coast of Prince of Wales Island, in southeastern Alaska, was reserved for the use of a colony of natives who had migrated thither from the villages of Klinquan and Howkan and founded a settlement, which they named Hydaburg. Under the super-

vision of the teacher of the United States public school, the Hydaburg Trading Co. was organized to transact the mercantile business of the settlement and the Hydaburg Lumber Co. to operate a sawmill. The Hydaburg people have turned a dense forest into a thriving little town, with a busy wharf, a sawmill that turns them out good lumber at a cost of $10 a thousand; neat, single-family homes instead of the communal houses in which they lived in their old villages; a long, boarded street, of which they are proud as the finest in Alaska; and a cooperative store, which the first year made a clear profit of 125 per cent, paying a cash dividend of 50 per cent and adding 75 per cent to the capital stock.

Mr. HITCHCOCK. Mr. President, I offer the amendment which I send to the desk, to go at the foot of page 67, and I call the attention of the chairman of the committee, in charge of the bill, to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the foot of page 67, it is proposed to insert:

That the internal-revenue taxes imposed by the Philippine Legislature under the law enacted by that body on December 21, 1915, as amended by the law enacted by that body on February 4, 1916, and the tonnage tax on vessels engaged in foreign trade enacted by that body on February 4, 1916, are hereby legalized and ratified; and the collection of all such taxes heretofore or hereafter is hereby legalized, ratified, and confirmed as fully, to all intents and purposes, as if the same had by prior act of Congress been specifically authorized and directed.

Vessels owned by citizens of the Philippine Islands and documented as such by the government of said islands shall hereafter be exempt in ports of the United States from payment of tonnage taxes and light dues; and the Secretary of the Treasury is hereby authorized, upon certification by the Commissioner of Navigation, to refund, out of any money in the Treasury not otherwise appropriated, tonnage taxes and light dues imposed upon vessels owned and documented as aforesaid entering ports of the United States since August 1, 1914: *Provided*, That nothing contained herein shall be construed as exempting said vessels from any taxes or dues imposed by the government of the Philippine Islands.

Mr. MARTIN of Virginia. I think that amendment ought to be adopted. I have had some correspondence with the Secretary of War. It simply validates the Philippine legislation. I asked the Senator from Nebraska, the chairman of the Committee on the Philippines to investigate it and he has done so. I am satisfied that the amendment offered by him should be adopted.

The amendment was agreed to.

Mr. CHAMBERLAIN. I desire to offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 108, line 2, strike out "$150,000" and insert the following:

Two hundred and fifty thousand dollars, of which $100,000 may be used to test the existence of artesian and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, one-half to be immediately available.

Mr. CHAMBERLAIN. I wish to say that that has been estimated for in the general Book of Estimates and the amount was reduced. The latter clause which I have offered as an amendment to the section as it stands in the bill was not included in the act. Under the conditions as they exist in the semiarid region—and it is particularly true in some portions of my own State—many people have taken up homesteads in those semiarid regions and are compelled to haul water for domestic purposes sometimes 8 to 15 miles. The lands are productive, artesian water has been discovered in some sections of the State, but no individual homesteader can afford to bore an artesian well because the expense is very great. If, however, the Government itself would experiment in that region and bore wells and discover artesian water, as it has been discovered in some of these sections, then individuals would be able to act in cooperation with each other and bore these wells.

Mr. THOMAS. If the Senator will permit me, I recall that in the Agricultural appropriation bill, I think it was the last one, an appropriation was made for this identical purpose, an appropriation, I think, of $100,000.

Mr. CHAMBERLAIN. No.

Mr. THOMAS. I should like to ask the Senator if he knows what experiments were made under that appropriation. I am very certain that the appropriation was made.

Mr. CHAMBERLAIN. I will say to the Senator that I introduced that very amendment and it was referred to the Agricultural Committee as an amendment to the Agricultural bill, but it had nothing to do with boring for artesian water.

Mr. NORRIS. If the Senator will yield, I think I can clear up the situation.

Mr. THOMAS. Certainly. I am asking for information.

Mr. NORRIS. I introduced an amendment which was added to the Agricultural appropriation bill of which the amendment now offered by the Senator from Oregon is practically a copy. I intend to offer the same amendment the Senator has offered; I have it now on my desk, but I was unable to get recognition. It is the same amendment which was added to the Agricultural appropriation bill. It has been done twice. The last time the amendment was put on in the committee, the time before it was put on on the floor of the Senate, but in conference it was put out of the bill both times, so that it has never been in the law. The principal objection, I may say while I am on my feet, that was made to the item in the Agricultural bill was that it was not properly in that bill, but ought to be in the sundry civil bill, and that the Geological Survey ought to have charge instead of the Agricultural Department.

Mr. THOMAS. The Senator is, of course, more familiar with the outcome of it than I, but I know it passed.

Mr. NORRIS. It passed the Senate on two different occasions.

Mr. THOMAS. That is the reason why I made the inquiry.

Mr. CHAMBERLAIN. The Senator from Nebraska states, as I understand him, that it was practically eliminated from the Agricultural appropriation bill.

Mr. NORRIS. It was.

Mr. CHAMBERLAIN. I know the Senator from Nebraska has been very active in attempting to get some such legislation as this, and I have been very glad to cooperate with him. I will say to the Senator I did not know that he had introduced the amendment to the Agricultural bill this year, because I was prevented from attending the committee meetings on account of the Army reorganization bill.

Mr. NORRIS. No; I did not introduce it in the Agricultural bill this time.

Mr. CHAMBERLAIN. I though the Senator said he had done so.

Mr. NORRIS. I said I had it on my desk to offer it as an amendment to this bill.

Mr. CHAMBERLAIN. Objection has been made to the Agricultural Department taking charge of this work, that it has not the appliances and the equipment necessary to bore for artesian water, while the Geological Survey has all the appliances and can do it at very much less expense.

I know how urgent it is to get this bill disposed of, but I am going to read into the RECORD as a part of my remarks a letter from the assessor of Lake County, Oreg. He has lived there for forty-odd years and his letter shows the condition of the settlers in that section of the State. I want to say, however, I am not asking for this increase to have it apply to one county in the State. It is of general application and should be extended and the experiments made at such points as the discretion of the department may suggest.

I will ask that the letter from A. J. Foster, assessor of Lake County, be inserted in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DECEMBER 21, 1915.

Hon. GEORGE E. CHAMBERLAIN, M. C.,
Washington, D. C.

MY DEAR SENATOR: In compliance with the request which you made of me when you were in Lakeview, I am herewith inclosing the number of homestead and desert-land entries which have been made in this land district. These entries do not comprise the entire number of entries which have been made in this land district, but only include those which have been made in the arid portions thereof, which are designated on the map as "The Great Oregon Desert."

An examination of the records in the land office shows that there are 430 homestead entries and desert-land entries in this land district in Crook County, and that there are 1,300 homestead entries and desert-land entries in this land district in Lake County.

Most of this land, if irrigated, would be excellent alfalfa land.

There are a few artesian springs in this area, and this would almost positively indicate that artesian water could be secured at a minimum cost.

A Mr. Cyrus was traveling throughout Lake County, securing signatures to a petition requesting Congress to appropriate money for the purpose of having test wells bored in various parts of the county in an effort to locate artesian water. While I did not have the pleasure of meeting this man, being away on business at the time, I am in full accord with the work which he is doing, since I believe that if wells could be bored in various parts of this land district that artesian water would undoubtedly be secured in a majority of the instances. Almost without exception, where artesian water has been sought, it has been found. Summer Lake has produced several most excellent artesian wells, and in the Fort Rock and Christmas Lake Valleys wells have been obtained which give every indication of being artesian water if they were only cased or driven deeper. Cliff, which is east of Christmas Lake, has a few artesian springs. Wherever these artesian springs are found, artesian water is easily obtained.

It might be well to remind you that the information regarding local conditions on the desert has been obtained by myself during a period of residence in this country of about 40 years, during which time I have been tax assessor of Lake County for a period of 10 years, when my present term of office shall have expired, which will be in 1916.

Trusting that you will be able to materially assist us in securing appropriations for this exceedingly important reclamation work, I am,

Yours, very truly,

A. J. FOSTER.

Mr. CHAMBERLAIN. In addition to that I have and will ask to have printed in the RECORD a petition from about 500 settlers in that section of the State asking for the relief that it is hoped this appropriation if allowed will give those people.

Mr. President, I have been through that section of the country, and I know whereof I speak when I say that men are compelled in some sections of the State to haul water to their homes all the way from 8 to 15 miles. It means a great deal of suffering. The lands are fertile; and if artesian water can be placed upon them, as it is firmly believed it can, they will be productive.

I ask to have the petition, without the names, because the list is long, printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The petition referred to is as follows:

A petition.

To the honorable PRESIDENT AND
CONGRESS OF THE UNITED STATES,
Washington, D. C.:

We, the undersigned, citizens of Lake County, Oreg., would respectfully represent:

First. That northern Lake County is divided into four distinct basins or saucers, designated, in the order of their size, as the Christmas Lake Valley, the Fort Rock Valley, the Silver Lake Valley, and the Summer Lake Valley.

Second. That we believe that in each of these valleys artesian water may be obtained.

Third. That it has already been demonstrated that artesian water can be obtained in Summer Lake Valley.

Fourth. That with water these fertile valleys would become very productive, whereas without water the settlers are unable to produce remunerative crops, and in most cases are compelled to leave their lands as soon as title is obtained, while if it were demonstrated that water can be obtained at reasonable cost they would remain and cultivate the soil, thus creating a prosperous community.

Fifth. That from geological reports it appears that Christmas Lake Valley is the deeper basin of those mentioned, and if artesian water can be obtained there it is reasonable to believe that it may be obtained in each of the other basins.

Sixth. That the settlers in these valleys are mostly poor men, unable to bear the expense of putting down an experimental well. Therefore your petitioners would earnestly pray that you appropriate the sum of $15,000, or so much thereof as may be necessary, for the purpose of drilling an experimental well in one of these basins, said work to be done under the supervision of the State water board or Government engineers.

That you will grant our request, your petitioners, as in duty bound, ever pray.

VERIFICATION OF COPY OF PETITION AND SIGNATURES.

STATE OF OREGON,
County of Clatsop, ss:

I, A. R. Cyrus, being first duly sworn, depose and say that the within and foregoing copy of a petition to Congress, together with the names attached thereto, is a full, true, and correct copy of the original petition circulated by me, and the copy of the names therein contained is a true copy of the names attached to the original petition, and that the signatures attached to the original petition are genuine.

A. R. CYRUS.

Subscribed and sworn to before me this 2d day of November, 1915.
[SEAL.] JAS. M. WAGGENER,
Notary Public for the State of Oregon.

(My commission expires Mar. 1, 1917.)

Mr. CHAMBERLAIN. I hope the chairman of the committee will not object to the amendment, in view of the fact that estimates have been made and it is recommended by the department.

Mr. NORRIS. I might say to the chairman of the committee, if the Senator will permit me, that this is the same amendment I submitted to the chairman of the committee some time ago, and I understand he has no objection to it.

Mr. MARTIN of Virginia. I am making no objection to it. The Senate can dispose of it without any comment from me.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STONE. I propose the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After line 12, on page 53, insert:

Readjustment of National Zoological Park boundaries: For acquiring, in accordance with the provisions of the sundry civil act approved June 23, 1913; for the condemnation of land for an addition to the National Zoological Park, all the lots, pieces, or parcels of land, other than the one therein excepted, that lie between the present western boundary of the National Zoological Park and Connecticut Avenue, from Cathedral Avenue to Klingle Road, $89,441.43, together with the sum of $107,200 appropriated for this purpose by the sundry civil act approved June 23, 1913, which is hereby reappropriated, both sums to be available until used, and said land, when acquired, together with the included highways, to be added to and become a part of the National Zoological Park; in all, $196,641.43.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Arizona. I offer the following amendment.

The SECRETARY. On page 114, at the end of line 23, add the following:

That there is hereby appropriated out of said sum the sum of $300 to reimburse the Moeur-Pafford Co., a corporation organized under the laws of Arizona, for damages sustained by reason of the inability, under existing law, of the United States to carry out a certain agreement between said company and the project manager in connection with a contract dated November 25, 1911, between said company and the project manager of the Reclamation Service, Salt River project, Arizona, approved by the Director of the Reclamation Service on December 20, 1911.

Mr. SMITH of Arizona. I merely wish to refer to the report of the committee of the House on this particular bill in favor of the bill reported to the House. It asks for a mere change of the appropriation for the Irrigation Service. Three hundred dollars is the amount to be paid this company for the purchase of a certain tract of land for a right of way for the irrigation ditches of the Reclamation Service. I have the report of the House committee in my hand, but I will not detain the Senate by reading it, but ask that it be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Phoenix, Ariz., March 26, 1912.

MOEUR-PAFFORD CO.
(Care of W. A. Moeur, Tempe, Ariz.).

DEAR SIR: In connection with the construction of the western canal across your property in section 10, it is understood that the Reclamation Service will sink a well to water level in the south part of your tract, and erect a windmill of some standard make, with 10-foot wheel, about 40 feet in height, together with a 5,000-gallon tank.

Mr. Reed has instructions to start work in this matter as soon as you can make some arrangements to meet him and indicate where you would like to have this work done.

Very truly, yours, C. H. FITCH, *Project Manager.*

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER,
Washington, September 29, 1914.

The SECRETARY OF THE INTERIOR.

SIR: On June 26, 1914, you submitted to this office a contract with the Moeur-Pafford Co., dated November 25, 1911, and approved by the Director of the Reclamation Service on December 20, 1911, for the purchase of 2.26 acres of land for a canal right of way for use in connection with a reclamation project in Arizona, and asked whether the reclamation fund might be used for the sinking of a well and the erection of a tank and windmill for that company or other land belonging to it as a part of the consideration for the above purchase.

On July 3, 1914, you were advised that as the contract contained no reference to any well, tank, or windmill, such use of the reclamation fund was unauthorized, but that whether proper steps might be taken to correct a mutual mistake, if there was one, was a question not then considered. (70 MS. Comp. Dec., 15.)

On September 21, 1914, you submitted a draft of a praper which it is proposed to execute as a contract with the Moeur-Pafford Co., for the purpose of curing a mutual mistake in the omission from the contract of November 25, 1911, of an undertaking on the part of the Government to construct said well, tank, and windmill, and ask whether such a contract may properly be entered into.

From an examination of the accompanying correspondence it is concluded that the omission from the written contract of November 25, 1911, of any reference to the construction of a well, tank, or windmill, by the United States for the owners, as a part of the consideration for the land, was intentional at least on the part of the officer executing the contract on behalf of the United States, and probably of both parties, and that the contract was drawn just as they meant that it should be, the owner relying on an unauthorized assurance by the local officers of the Reclamation Service that these improvements on his property would be made for him by them without the incorporation in the contract of any provision therefor.

That this conclusion is correct is evidenced by the statement in the draft of the paper you now submit that said omission was due to the belief of both the officer executing the contract on behalf of the United States and of the company "that the sinking of the well, the construction of the tank, and the erection of the windmill could properly and lawfully be done without specific provision being made therefor in the said contract of sale."

Had the contract, when executed by such parties, been a binding one, without approval, such an intentional omission would not have constituted a mutual mistake. (See United States *v.* Milliken Imprinting Co., 202 U. S., 168, 177; Shenandoah Valley R. R. Co. *v.* Dunlop and wife, 86 Va., 346, 351; Meade *v.* N. & W. R. R. Co., 89 Va., 296.)

But it appears that the contract could not, by its terms, have become binding upon the United States until its approval by the Director of the Reclamation Service, that at the time of his approval of it he was unaware of any agreement by the local officers with the owner for the making of such improvements on his property, and that upon his subsequent discovery of the proposed expenditure of money for the purpose he immediately required an explanation and did not approve of the transaction. The omission of such a provision from the contract could not therefore have been a mistake on the part of the United States and necessarily could not have been a mutual mistake of the parties.

You are therefore advised that there is no apparent legal basis for the execution of the paper submitted.

The inclosures are returned.

Respectfully, GEO. E. DOWNEY, *Comptroller.*

The amendment was agreed to.

Mr. TILLMAN. I offer the following amendment, and I ask to have printed in the RECORD a letter accompanying it from Secretary Redfield explaining why it was not in the estimate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 26, 1916.

MY DEAR SENATOR: Since the estimates for appropriations for the next fiscal year were submitted by the department, we have had a season's experience at the Orangeburg, S. C., hatchery and we are now in better position than we were last fall to state the further needs of this station.

You will recall that the original appropriation for the Orangeburg hatchery was $25,000, and that an additional appropriation of $10,000 was subsequently made, the total amount being $15,000 less than the

department regards as essential for the establishment and completion of a modern fish hatchery.

It is now too late to take this matter up with the House of Representatives, the sundry civil bill having been completed and reported to the House; but I am bringing the matter to your attention in the belief that you will use your own judgment as to the advisability of making an effort to secure, through the Senate, the small appropriation needed for the completion of this establishment. An inspection of the station made by the Chief of the Division of Fish Culture during the present month reveals the fact that there can now be used to advantage the sum of $6,000 which will place the station in the way of realizing the high expectations which we entertain regarding it. If, however, you deem it inadvisable to take the matter up now, the department will be pleased to include the item in the estimates to be submitted next fall. A draft of the proposed item is inclosed.

I understand that the Commissioner of Fisheries has already acquainted you with the successful outlook for the Orangeburg station for the present season. I may state, by way of supplement, that plants of fingerling black bass made from that station up to date number over 135,000, and it is estimated that 30,000 bass and 30,000 bream remain on hand available for distribution. This is regarded as a very good showing for a new station. Up to this time the principal food fish propagated at the station has been the large-mouth black bass, but with additional pond facilities it is intended to extensively propagate sunfish and rock bass, and possibly crappie or strawberry bass.

Thanking you for your continued interest in this and other phases of the work of the department, I remain,

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary.

Hon. B. R. TILLMAN,
United States Senate.

The VICE PRESIDENT. The amendment submitted by the Senator from South Carolina [Mr. TILLMAN] will be read.

The SECRETARY. On page 160, after line 9, insert the following:

For completion of the fish hatchery at Orangeburg, S. C., including construction of additional ponds, construction of fish-culturist's cottage, and improvement of grounds, $6,000.

The amendment was agreed to.

Mr. SHEPPARD. I have a similar amendment for a fish-cultural station in Texas, which I present for consideration. I wish to say to the chairman of the committee that the estimate of this appropriation is on its way now. It has not yet been received.

The SECRETARY. On page 161, at the end of line 5, insert:

Fish-cultural station, San Marcos, Tex.: For the purchase of land, construction of buildings and ponds, improvement of grounds, and the purchase and repair of equipment, to be available until expended, $15,000.

The amendment was agreed to.

Mr. KERN. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 172, after line 10, insert:

To pay Mrs. J. Laura Shively, widow of Hon. Benjamin F. Shively, late a Senator from the State of Indiana, $7,500.

The amendment was agreed to.

Mr. KERN. I offer another amendment. On page 78, line 14, I move to amend section 1 of the pending bill by striking out the words "eighteen hundred and eighty-six," in lines 14 and 15, on page 78, and inserting in lieu thereof the words "nineteen hundred and fifteen."

I will state that the date I ask to have stricken out went into the bill through an oversight, and the same error occurred in the District of Columbia appropriation bill at the last session. In referring to the quality of asphalt to be used in the construction of streets the provision is that the quality shall be equal to the best made in the District of Columbia prior to July, 1886, a date at which the quality of asphalt was very poor.

I might add that the asphalt used at that time would not be used at all at this time. So the amendment simply strikes out the "1886" and inserts "1915," so that the asphalt used shall be of a quality equal to the best used prior to July 1 of last year.

The amendment was agreed to.

Mr. KERN. I offer the following amendment.

The SECRETARY. On page 12, line 22, the item reads:

Kendallville, Ind., post office: For continuation, $500.

It is proposed to insert a semicolon and the words "for the purchase of a site for building, $15,000."

Mr. KERN. There has been authorization for the building there some time ago and the building is sadly needed.

The amendment was agreed to.

Mr. HOLLIS. I offer some amendments in regard to the provision for the Federal Trade Commission, on page 56. I am aware that there is some unfriendliness to the Federal Trade Commission in the Senate. The commission was established after a hard fight and a substantial number of Senators were opposed to it. But the commission was established, and it has begun its work and it has done splendid work so far. It ought not to be cramped now. The friends of the commission hoped to have an opportunity to appear before the Committee on Appropriations of the Senate, but by turning to the first page of the bill we read that the bill was transmitted to the Senate June 26, and that it was reported to the Senate June 26. So it is evident that there could have been very little chance for a hearing.

I am not intending to offer amendments that will increase the aggregate of the appropriations made for the Federal Trade Commission. I am going to ask that the items be readjusted. The commission submitted estimates for the coming year, and those estimates were cut, I believe, $185,000 in the House. The commission will be cramped in its work, but in the way the appropriations are now specifically divided they are unnecessarily cramped.

The first amendment that I offer is on page 56, line 18, to strike out "$1,200" and insert in place thereof "$1,800." It is obvious to any Senator——

Mr. MARTIN of Virginia. I think that amendment ought to be made, and I have no objection to it.

The amendment was agreed to.

Mr. HOLLIS. On the same line——

Mr. BORAH. Mr. President, before these amendments are passed on, I understand the Senator from New Hampshire to say that it is not his purpose to increase the appropriation.

Mr. HOLLIS. Yes; I shall move in another place to reduce them so that the aggregate will not be any larger than is now provided in the bill.

Mr. BORAH. What the Senator is seeking to do is to readjust the amount which has been provided for.

Mr. HOLLIS. That is it exactly.

The VICE PRESIDENT. The next amendment will be stated.

The SECRETARY. In line 18, page 56, after the semicolon, insert:

Chief clerk, $2,500.

Mr. HOLLIS. That is a man who was in the old Bureau of Corporations.

Mr. MARTIN of Virginia. I have no objection to that amendment. There ought to be a chief clerk at $2,500.

The amendment was agreed to.

Mr. HOLLIS. On the same page, line 23, I move to strike out the figures "$151,080" and insert "$156,580," so that the footing will be correct.

The amendment was agreed to.

Mr. HOLLIS. On page 57, line 8, I move to reduce the figures "$250,000" to "$244,500," to take care of the increases made by the amendment already agreed to.

The amendment was agreed to.

Mr. HOLLIS. On page 57, line 8, there is a provision stating that no salary shall be paid hereafter exceeding the rate of $5,000 per annum. The work of the Federal Trade Commission has to do involves very intricate and novel legal questions. The commissioners themselves are paid $10,000 each, but they are administrative officers and their time is not free to handle legal questions even if they were qualified. Anyone who has had anything to do with recent trust legislation knows that the corporations interested will have the very best legal talent that money can get. It is not unusual for them to pay their lawyers $40,000 and $50,000 a year. It is not right for the Government in protecting the interests of the people to be limited to lawyers at $5,000. It is not respectable for this Government to be represented by $5,000-a-year men when $50,000 lawyers are to oppose them. Therefore, without increasing the total of the appropriation, I ask to have that limit raised to $7,500 per annum. So, on page 57, line 8, I move to strike out the figures "$5,000" and to insert the figures "$7,500."

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 57, line 8, it is moved to strike out "$5,000" and to insert "$7,500."

Mr. MARTIN of Virginia. Mr. President, this is a matter on which I hesitate to make any comment, but the limit of $5,000 was deliberately put in by the committee, and I know of no great litigation that the Trade Commission will have to conduct. I asked one of the members of that commission who came to see me if they had had any big litigation, and he replied that they never had had, but might have hereafter. The governor of my State gets an annual salary of $5,000; the judges of our supreme court of appeals get $5,000; the attorney general of the State gets $3,500, and I believe that competent counsel to do such legal work as the Trade Commision will have to do can be had at $5,000 per annum. In my judgment, the Senate ought not to give authority for the increase asked for, but, of course, it is for the Senate to determine.

The Trade Commission is going along at a very rapid pace. I am not contemplating any criticism of its work, but I do desire to bring to the attention of the Senate the great extrava-

gance which is being indulged in. I am told that 250 people are employed by the Trade Commission. That may be necessary, but I confess it will take a bigger imagination than I have to conceive that the Trade Commission needs 250 men to do its work, and the appropriation for that commission in this bill is close to a half million dollars.

Mr. OVERMAN. I suggest to the Senator from Virginia that it is fair to say, however, that a number of those clerks—probably a large majority of them—were carried over into that department by the action of Congress transferring the Bureau of Corporations to the Federal Trade Commission.

Mr. MARTIN of Virginia. Of course the work of the Corporation Bureau is now within their jurisdiction.

Mr. GALLINGER. But still they are employed by the Federal Trade Commission.

Mr. MARTIN of Virginia. I simply want to call attention to the fact that the activities of this Government are expanding and enlarging and that expenses are increasing at an alarming pace. I do not think this increase ought to be made; but it is for the Senate to determine. If they wish to give a bigger salary, it will be agreeble to me; but I do not think it ought to be given.

Mr. SUTHERLAND. Mr. President, before the Senator from Virginia takes his seat, I desire to ask him a question. Is the limitation of $5,000 per annum contained in the present law?

Mr. MARTIN of Virginia. It is. It was put in there, as I recollect, when the first appropriation was made for this commission.

Mr. SUTHERLAND. Has there been any complaint on the part of any member of the commission that that limitation was unduly hampering them?

Mr. MARTIN of Virginia. One of those commissioners told me that they might have big litigation at any time. I asked him if they had had any such litigation, and he said they had not, but that they were liable to have it at any time, and they wanted a higher-priced lawyer.

Mr. SUTHERLAND. Nothing, however, has occurred thus far, so far as the Senator from Virginia knows, which makes it necessary to pay anybody more than $5,000 per annum?

Mr. MARTIN of Virginia. Nothing of that character is known to me.

Mr. HOLLIS. If it be true that the Federal Trade Commission has a very large number of clerks, that objection, if it is one, will be obviated to a large degree by adopting the amendment which I have offered, because if counsel is paid more than $5,000 a year, some one else will be cut off the pay roll. So that objection is not valid.

Mr. VARDAMAN. Mr. President, I wish to ask the Senator from New Hampshire a question.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. If the Senator from New Hampshire will excuse me one moment, I desire to state that I said that this commission had 250 employees. My clerk corrects me by informing me that the number is 240, to be absolutely accurate.

Mr. HOLLIS. That number will be less if this amendment is adopted.

Mr. OVERMAN. I suggest to the Senator from New Hampshire that he is wrong about that. The salaries of the clerks of that commission are provided for in another bill, known as the legislative appropriation bill, which has already passed.

Mr. SMITH of Georgia. This is in addition to it.

Mr. OVERMAN. It is in addition to this.

Mr. KERN. It does not increase the total of the appropriation.

Mr. OVERMAN. It does not increase the appropriation at all. I am not saying a word about that, but I am correcting the Senator from New Hampshire when he states that it reduces the number of some other employees and turns somebody else out, for that is not correct, because, as I have stated, the clerks are provided for in the legislative appropriation bill.

Mr. HOLLIS. Yes; but it is contemplated to spend this money in employing people to do work. Now, if you pay them more salary, there will be less left for others, so that there will be fewer employed. It must have that result.

Mr. VARDAMAN. Mr. President——

Mr. HOLLIS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I want to ask the Senator from New Hampshire a question. What connection has the attorney for this commission with the office of the Attorney General or the Department of Justice?

Mr. HOLLIS. He has none at all, as I understand.

Mr. VARDAMAN. His office is not under the Department of Justice?

Mr. HOLLIS. He has no connection at all with it; the office is entirely separate; but their fields are coordinate to some extent.

Mr. VARDAMAN. Then, I think the request of the Senator from New Hampshire is very reasonable. I think the Trade Commission should be given a fair trial.

Mr. GALLINGER. It strikes me as being very questionable——

Mr. HOLLIS. I have the floor, and my colleague rises to talk without getting permission.

Mr. GALLINGER. I thought the junior Senator from New Hampshire had yielded the floor.

Mr. HOLLIS. I do not know why the Senator should think that. I was still on my feet.

Mr. GALLINGER. The senior Senator from New Hampshire will in his own right get the floor.

Mr. HOLLIS. I beg pardon?

Mr. GALLINGER. The senior Senator from New Hampshire will in his own right get the floor; the junior Senator need not be disturbed on that point.

Mr. HOLLIS. Then I suppose he will do it at the proper time. I have noticed a disposition on the part of certain Senators to get up and talk, no matter who has the floor, and I do not propose to submit to that.

Mr. President, those who are objecting to this amendment are those who objected to the Federal Trade Commission. They were hostile to the idea——

Mr. MARTIN of Virginia. The Senator from New Hampshire has no right to make that statement. I have objected to the amendment, but I did not object to the creation of the trade commission. The Senator's statement is entirely without authority.

Mr. HOLLIS. I have had several conferences with the distinguished Senator from Virginia during the spring about the Federal Trade Commission, and he has every time asked me what has the Federal Trade Commission done.

Mr. MARTIN of Virginia. The Senator stated that when the Federal Trade Commission was created everybody opposing this increase of salary objected to the creation of the commission.

Mr. HOLLIS. No; I did not say that. I said that those who are now objecting to this amendment are those who are hostile to the trade commission.

Mr. MARTIN of Virginia. That is not correct. I am not hostile to the Federal Trade Commission. Because I object to their extravagance does not make me hostile to the commission.

Mr. HOLLIS. The Senator from Virginia has several times asked me this spring what the Federal Trade Commission has done that they should have so much money. I have suggested to the Senator that when the matter came before his committee I would be prepared to tell him; and I was very sorry I did not get the opportunity to do that. I am now going to tell the Senate something about it.

Mr. MARTIN of Virginia. I should like the Senator to say whether he ever stated to me that he desired to be heard before the committee. My recollection is that he told me that he was going to ventilate this question on the floor of the Senate, but he never intimated a desire to be heard before the committee. If he had done so, I should have invited him to be heard. I did not know that he desired to be heard.

Mr. HOLLIS. I will take the Senator's statement as to that. I had a talk with him about it, and I told him that I should be ready; and I had a right to assume that I should have a chance to be heard before the committee. It is quite evident that there has not been such chance. I did not make any application to the Senator and warn him months ahead that I wished to be heard before the committee, but it is a fact that the Senator in his talk here has shown hostility to the Federal Trade Commission, as I understood him. If he says now that he has no such hostility, I am very glad, indeed, to find that I was mistaken.

I think the Senator is mistaken when he says that there has been a limit placed of $5,000 per annum on the amounts paid to counsel for the Federal Trade Commission. The counsel for the past year has been Mr. S. S. Gregory, of Chicago, a very distinguished lawyer, who has been president of the American Bar Association, and a man who is an expert on these matters. At the time the rural credits bill was in the committee and some question arose as to its constitutionality Mr. Gregory was one of the men suggested whose advice should be sought; but I found that he was employed by the Federal Trade Commission, and therefore did not apply to him. I

can not conceive that Mr. S. S. Gregory, of Chicago, has worked for the Trade Commission during the past year for $5,000, and until some one shows me the figures I shall not believe it, because Mr. Gregory is not a $5,000-a-year man.

Mr. OVERMAN. Mr. President, I understand Mr. Gregory has been devoting only half his time to the work of the commission, and he receives the pay for that. As I understand, the commission does not employ lawyers regularly; but I understand this fund is to employ lawyers when the commission needs them in litigation.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I yield.

Mr. BORAH. May I ask what amount has been paid Mr. Gregory? Does any Senator know?

Mr. HOLLIS. I do not know; I merely know that he was employed by the commission and that he is not a $5,000-a-year man. I know that.

Mr. BORAH. I know something of Mr. Gregory, and that thought occurred to me; but it also was a matter of some interest to me to know how he was paid and how much.

Mr. HOLLIS. I think I have known, but I have forgotten. I think that Mr. Gregory devotes half his time to the work of the commission and receives $5,000 a year, which is compensation at the rate of $10,000 a year. This provision is drawn so that Mr. Gregory can not be employed any more on that basis, because it says:

> No salary shall be paid hereunder exceeding the rate of $5,000 per annum.

Mr. Gregory has been employed at the rate of $10,000 per annum, working half his time, and this would cut him out.

One of the best ways to cripple the Federal Trade Commission and to show that it is not of great value to the country is to deprive it of good legal assistance. One lawyer making one mistake could discredit the commission so that Congress might well repeal the act creating it.

It is a very foolish saving for anyone to hire cheap lawyers, and anyone who has had substantial litigation knows that fact. I do not know why lawyers' fees have gotten so high in recent years. I sometimes suspect it is because they work for and associate with multimillionaires, are around the clubs with them, and in order to live as the millionaires do they have to charge large fees.

Mr. HARDWICK. Mr. President, will the Senator allow me to ask him a question?

Mr. HOLLIS. I yield.

Mr. HARDWICK. My recollection is that the Trade Commission does not initiate litigation in the courts.

Mr. HOLLIS. I think the Senator is mistaken as to that.

Mr. HARDWICK. Well, do they?

Mr. HOLLIS. Yes.

Mr. HARDWICK. My recollection is that they are simply advisers of the Department of Justice.

Mr. HOLLIS. I think the Senator is mistaken. The way the Trade Commission acts is this: Some one who is being injured by unfair methods of trade will make a complaint to the commission. The commission will then hear the complainant; and, if there is anything substantial in it, they will hear the one complained against. They must have their lawyers to represent them, just as the Interstate Commerce Commission does. The Interstate Commerce Commission stands between the shippers and the railroads, while the Federal Trade Commission stands between the people who are being injured and those who are injuring them.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, my recollection is that they simply advise the Department of Justice, when the facts disclosed to them suggest it.

Mr. HOLLIS. No; they act independently.

Mr. HARDWICK. I have sent for the act, and will ascertain that fact definitely.

Mr. HOLLIS. They act independently of the Department of Justice. The Trade Commission have been, in effect, working only about a year; they have not developed to their full power. One of the provisions inserted in the Trade Commission act gives the Trade Commission, when trusts are dissolved by the courts, authority to establish and fix the terms of the decrees, and follow them up. The Senate is aware that in the successful antitrust cases, notably in the Northern Securities case, as soon as the people obtained a favorable decision from the Supreme Court the stocks of the component companies immediately went up; and so the result of the litigation was that the people who were supposed to be monopolists were really benefited in dollars and cents. Within a few days the Federal court in New York has delivered a decision against the Corn Products Co.; it has turned over to the Federal Trade Commission the duty of drawing the decree and seeing that the Corn Products Co. is dissolved into its component parts, and that competition is maintained. Under the law as it exists now, instead of the stock of the Corn Products Co. going up, it went down yesterday, because under the Trade Commission the public will be protected. The Federal Trade Commission is the place where that decree against this enormous monopoly is to be handled, opposed to the best legal talent that that trust can command, and it is not right for the members of the Federal Trade Commission to go into court and wrangle with the lawyers for the defendant over that decree with $5,000-a-year lawyers. There is not a member of the Senate that would do it in a matter of that importance. They would hire a lawyer whom they would have to pay at the rate of $25,000 or $50,000 a year.

The chairman of the committee well says that up to the present time there has not been an important lawsuit tried by the Trade Commission. That is very true, because one thing that was insisted upon in the Senate, and insisted upon also by the administration, was that the Federal Trade Commission should proceed sanely and slowly to their work and not frighten honest business; and they have done it in a quiet and effective way. There have been numberless complaints brought to the attention of the commission, and in nearly every case where complaint has been made of unfair competition, the corporation complained against, on being notified by the Federal Trade Commission, has admitted its error and has promised to mend its ways, and has done so. That is what the law was passed for. The commission were not to wait until the unfair competition had ripened into monopoly, until the eggs had gotten scrambled so that they could not be unscrambled, but they were to act as quickly as the evil appeared, and correct it, just as a person summons a physician.

Mr. OVERMAN. Mr. President, will the Senator allow me to interrupt him?

Mr. HOLLIS. I yield.

Mr. OVERMAN. I want to say that I met a distinguished lawyer representing one of the greatest corporations of this country, who said that the creation of the Trade Commission had done more good, he believed, than anything Congress had ever done. The corporation which he represents sells its goods all over the United States to little concerns, and the Trade Commission has stopped a great deal of trouble. I thought it my duty to say here on the floor of the Senate that this man, representing one of the greatest corporations in the country, said he believed the creation of the Trade Commission was one of the best things done by Congress.

Mr. HOLLIS. I think that is the feeling of business men generally. Mr. Hurley, who will be the new chairman of the commission beginning July 1, was a very prominent business man in Chicago, and the business interests of the country take what Mr. Hurley says; they accept his judgment. If, on looking into a case, he says, "You are not doing right; this practice must stop," they take Mr. Hurley's judgment on it. Mr. Hurley, as I have said, is to be the new chairman of the commission.

I have here, but I will not weary the Senate by reading it, a list of the decisions which were rendered by the commission, under the same method that the Interstate Commerce Commission renders its decisions, up to January 31 last. That was only five or six months of actual operation; and forty-odd cases which were submitted to the Federal Trade Commission were passed on by the advice of their counsel and opinions rendered.

These opinions act as guides to business men; they are available to them. When a man thinks he is getting close to the line he can not go to the Trade Commission and ask them if he is doing right, because if the Trade Commission should say, "Yes; it is entirely proper," then the Department of Justice might not agree with the Trade Commission, and might prosecute just the same. The result would be a conflict between the law officers and the Trade Commission; but whenever the commission render decisions, just like the Supreme Court of the United States, those decisions are made available to the business interests of the country; and they form in themselves a rule of conduct not absolutely inflexible, but giving a guide, just as the decisions in will cases or tort cases or the thousand other matters that come up.

The magazines have taken up the matter, and in the Outlook for March, 1916, there is an article by Dr. Davenport, who took Mr. Roosevelt's place on the Outlook staff, in which he compliments very highly the work the Trade Commission is doing.

I have other material here, which I will not weary the Senate with, but I will read a letter which I received from the chair-

man of the Federal Trade Commission last March, when I first took this matter up with the chairman of the Committee on Appropriations. His letter gives the work that has been accomplished up to that time in a very concise form. He says:

FEDERAL TRADE COMMISSION,
Washington, March 15, 1916.

Hon. HENRY F. HOLLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR HOLLIS: Pursuant to your request, I am handing you herewith inclosed some material explanatory of work which the Federal Trade Commission has been engaged upon for the past year.

If you will take a minute or two to scan the address which I made before the Merchants and Manufacturers' Export Association, which is marked in blue pencil as No. 1, it will give you a fairly good perspective of our activities. It has the advantage also of being in such form that you could make ready and convenient use of it if it were required in the course of formal debate.

An examination of our Conference Ruling Bulletin, marked in blue pencil No. 2, I think will be of much interest to you. This practice is analogous to that which the Interstate Commerce Commission has employed since 1907 with reference to the laws under their jurisdiction. They have been very successful in affording speedy and expeditious relief to parties concerned with the law, and have facilitated the administration of the law under their jurisdiction by these informal rulings. An examination of our rulings 1, 2, 3, 4, and 5 will disclose the character of quick relief which this commission has afforded in some instances. In each one of these cases, which are fairly typical of others which are not reported, the relief has been secured and the public interest protected in a short time and without recourse to protracted litigation. The other rulings, I think, will interest you also, inasmuch as they indicate the manner in which doubt attaching to the relationship of Government agencies to business and to law has been in some manner relieved, to the benefit and advantage of the business community, and without prejudice to any Government agency, and to the advantage of the public interest.

Inclosed herewith I hand you a copy of the last issue of The Outlook, which has just come to my desk, and which contains an article by Prof. Frederick M. Davenport, of Hamilton College, entitled the "Prenomination campaign." On pages 571 and 572 he refers to the Federal Trade Commission and some of its accomplishments. The article is especially significant because it is written by an economist who has given the matter evidently very careful study and attention from an unprejudiced point of view. It is also significant to me because of the admission which it contains that the theory of regulated competition espoused by the President has justified itself as against the theory of regulated monopoly. Prof. Davenport, I understand, occupies the same position with the Outlook Co., with reference to these matters, which Mr. Roosevelt occupied prior to his resignation therefrom. I believe you will find it of exceptional interest.

There have been over 200 complaints of unfair competition filed with the commission. A large number of these are disposed of by amicable adjustment in situations similar to the illustrations referred to in the conference rulings. There are other complaints, however, where the economic and legal questions can not be determined without formal hearing. These cases are cases of substantial consequence and importance to the business community. Formal complaints have not yet been filed in all of these cases, for the reason that we are proceeding with very great care, and we believe that it is better to proceed slowly and surely. It is probable that several such important matters will be brought in for formal hearing within a short time.

In addition to this work, we have been completing the fertilizer report, which was called for by resolution of Senator SMITH; the oil report, which has been called for by resolution of Senators GORE, OWEN, and CHILTON; the lumber report, previously instituted by the Bureau of Corporations; and a report upon foreign trade, under paragraph h of section 6 of the Federal Trade Commission act. The report which we have just recently submitted to Congress, on the cost of transportation of oil by pipe lines, you are doubtless familiar with; a copy is hereto attached, marked in blue pencil, No. 4. The significance of this report is exceptional. In the first place, it affords to the Interstate Commerce Commission a basic foundation of fact as to the factors which go to make up proper cost in the consideration of reasonable rates to be charged. The Hepburn Act made pipe lines common carriers, and this report will furnish a substantial volume of fact upon which to base a judgment as to a reasonable rate. You will also notice that the report, while it contains facts that are very startling, is couched in a very conservative tone. This report has elicited a large amount of favorable comment.

Inclosed herewith I am also handing to you some of the printed matter which Mr. Hurley is getting out in connection with his industrial survey and cost accounting, and also a copy of an exceptionally able address which he recently made in connection with this work. You are doubtless familiar with his point of view, so I will not at this time go into detail explaining it. It has been enthusiastically received by the business community, and particularly by the smaller units in the business community.

This, in a general way, I think, will probably give you a survey of what we have been doing during the last year. Of course we had to coordinate the entire work of the old bureau of corporations and its staff of employees and the new functions and the new work of the Federal Trade Commission, and were required at the same time to continue the work of the old organization. We deliberately set out to proceed slowly. The commission believed that that was the part of wisdom. The interests involved are very large and the consequences are very serious, and we have felt that the commission could do nothing better than to firmly and thoroughly acquaint itself with conditions in as thoroughgoing and as broad a manner as possible before taking any action. At the same time we have proceeded insistently and consistently, as I think the record discloses. If it would be at all of interest to you, I would be very glad to show you, if you should come up to the office, or to furnish you with the somewhat unduly flattering editorial comments which we have received from a very great many quarters. Many of the strongest dailies of the country in their editorial columns have commended the different activities of the commission, and this quite regardless of the politics of the paper, nor indeed is this confined to the dailies. The prominent weekly papers of the country have also treated us very generously. This is not of any particular significance in and of itself, except as an indication of the manner in which thoughtful and intelligent men in reportorial work regard the work and accomplishments of the Federal Trade Commission.

On behalf of the whole commission I want to thank you for the interest which you have manifested in asking for this statement as to the work and accomplishments of the commission during the past year.

With assurances of my esteem, I am,

Very truly, yours, JOSEPH E. DAVIES.

I think I have indicated enough to the Senate so that they will realize that the work the commission is performing is important, and I should think they ought to have 140 or 240 clerks to do it properly, and that is not complained of; but I do appeal to those Members of the Senate who know about legal needs and the conduct of legal cases and the interpretation of a complicated act like this to support this amendment, so that they may have proper advice.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question?

Mr. HOLLIS. I yield to the Senator from Utah.

Mr. SUTHERLAND. The Senator made a statement a moment ago that I did not quite understand. I did not hear distinctly what the Senator said with reference to some action that had been pending in some court in New York against the Corn Products Co. I understood the Senator to say that that court had turned over to the Trade Commission the duty and responsibility of preparing a decree for the court.

Mr. HOLLIS. That is true.

Mr. SUTHERLAND. Who represented the Government in that case—the district attorney?

Mr. HOLLIS. I assume that the Department of Justice represented the Government in that case.

Mr. SUTHERLAND. The district attorney, I take it, is an able lawyer?

Mr. HOLLIS. Yes. That matter was fully debated a year ago last summer, and I remember that the Senator from Utah took the view then that the Department of Justice could do it. Nevertheless, that provision was inserted in the bill, that the Trade Commission should take these decrees whenever the court referred them to them, and it is under that provision that it is done.

Mr. SUTHERLAND. I know that provision is in the act. I was opposed to it at the time, and I am still opposed to it. I see no reason why the duty of preparing a decree should be turned over to an administrative bureau of the Government. I think that is the duty of a court, with such advice as it may obtain from counsel in the case. But if it is necessary to turn over that responsible duty to the Trade Commission, why is it not sufficient that they should have the advice of the district attorney who tried the case and of the able lawyers who are in the Department of Justice?

Mr. HOLLIS. That is the same ground that was covered a year ago.

Mr. SUTHERLAND. In other words, why is it necessary that we should provide for special counsel to advise the Trade Commission and to assist the Trade Commission in preparing these decrees when there are lawyers already in the case presumably familiar with it and presumably of sufficient ability to give that advice, if any be needed?

Mr. HOLLIS. It is because the results to the public have been so unfortunate under the old system. The Department of Justice, for some reason or other, has been so impotent to follow up the victories that the courts have bestowed upon the people that it was necessary to have some special department with special information with skilled lawyers who knew about that special field to draft the decrees, so that they could cover the various points that might be raised by the very ingenious lawyers for the defense.

Mr. BORAH. Mr. President——

Mr. HOLLIS. I yield to the Senator from Idaho.

Mr. BORAH. I should like to see one decree which has been formulated by the Trade Commission. I should like to know of one case where it has formulated a decree to compare, if we might, the decree as overhauled by the Trade Commission with the decrees which have been entered heretofore by the courts.

I was not friendly to the Trade Commission theory when it was created, but I am willing to be convinced. I have seen, however, no report from the Trade Commission, I have seen no result in the way of disorganizing or recomposing into its competitive parts any monopoly, not anything of that kind, which would indicate that there is any change in the situation from that which existed under the old system. If there is, I should like to have it incorporated in the RECORD.

Mr. HOLLIS. Mr. President, the Senator from Idaho knows that the Federal courts of the United States do not very often declare monopolies to exist. When one is declared to exist, it is rather an unusual thing. Up to this time there has been no such decree referred to the Federal Trade Commission; and until that has been done, and they have reached a conclusion, it will be impossible to inform the Senator on that point.

Mr. BORAH. That is what I supposed.

Mr. POMERENE. Mr. President, it might be pertinent to suggest that it would be impossible for any decree which the Federal Trade Commission could frame to be worse than the one which was framed in the Standard Oil Co. case.

Mr. BORAH. It might be pertinent to suggest that, in order that they may be criticized by comparison, we should at least have one decree by the Federal Trade Commission. It is barely possible that it could be as bad.

Mr. POMERENE. As I understand, this is the first case of this kind that has been referred to the Trade Commission.

Mr. HOLLIS. This is the first one to be referred to them, and unless they have suitable legal assistance I can assure the Senator that it is likely to be a bad one. That is why we want good lawyers—so that it will be a good one.

Mr. BORAH. Really, what is the difference between a $5,000 lawyer and a $7,500 lawyer as to ability?

Mr. HOLLIS. The Senator can do the mathematics as well as I can.

Mr. BORAH. But when you come to put a $5,000 lawyer against a $50,000 lawyer on the other side, what is the difference between the $7,500 and the $50,000 and the $5,000 lawyer, so far as legal ability is concerned? There is only one conclusion to be drawn from the Senator's statements. We have got to follow them to their logical conclusion, and if you are going to measure the public service in that way you must raise these salaries to at least $10,000 or $15,000 a year. I am opposed to the raise at all.

Mr. HOLLIS. There is always that twilight zone between the good and the bad. It seems to be the idea of the department that for $7,500 they can get a fairly good man. They can not get as good a one as they can for $10,000, but they might make a mistake and get a worse one for $10,000. That is always possible.

Mr. BORAH. I doubt if the Trade Commission will ever get a better lawyer than Mr. Gregory to serve them.

Mr. HOLLIS. But they can not keep Mr. Gregory under this provision, because they can not pay him at the rate of over $5,000 per annum, and he will not serve for that, if I know Mr. Gregory.

Mr. BORAH. I think, if the truth were known, there is another reason why Mr. Gregory is not continuing his service with the Trade Commission. I do not think it is entirely a matter of dollars and cents. Mr. Gregory is a rather public-spirited gentleman, and he has reached that age, both in his practice and in his gathering of wealth, where he is not so interested in $2,500 extra, as some of us might be if we should engage in the practice. I think it is not wholly a question of dollars and cents that cuts Mr. Gregory out of this service.

Mr. HOLLIS. I do not say that it is. I merely use him as an illustration of what has been done under the bill as it stood previously and what might be done under the bill as amended.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. Has any detailed statement been furnished as to how the commission have used the lump fund they have been given before?

Mr. HOLLIS. I am not aware as to that. I do not know. I did not know anything about this matter coming up at this time until late yesterday afternoon, and I am unable to inform the Senator on that point.

Mr. SMITH of Georgia. Does the Senator think they will change their present lawyers and get abler lawyers if we change the salaries?

Mr. HOLLIS. I think if we change the law as it is proposed to do they will lose Mr. Gregory, and I think that will be a misfortune.

Mr. SMITH of Georgia. Change the law?

Mr. HOLLIS. Yes; the law is changed. Under this language they can not employ——

Mr. OVERMAN. Mr. President, as the Senator is not on the Appropriations Committee, I will state that we laid down a rule at the beginning of the consideration of this bill that we would not increase any salaries. We began to consider it on Sunday, and we gave an opportunity to be heard to every Senator who wanted to appear, as I understood; and a great many came. We decided at the outset not to increase any salaries at all. Our view was that if they needed a lawyer in special litigation, under the lump sum they could employ a lawyer and pay what they pleased or what was necessary, what they thought was fair and just.

As I understand, the object of this is to employ a regular lawyer at $5,000 a year. We concluded not to increase any salaries; but if any special case, like this Corn Products case, should arise the commission would have authority to employ a lawyer to draw the decree and settle the matter and pay him for that special work, rather than to have to pay him $5,000 by the year; and you could get a better man to settle one case than you could get, probably, at a regular salary.

Mr. HOLLIS. Does the Senator think that under the provision as it appears, which is that "no salary shall be paid hereunder exceeding the rate of $5,000 per annum," it would allow them to pay a man at a greater rate than that?

Mr. OVERMAN. I do. I think that means a regular salaried officer. If they want to employ Mr. Gregory or any other lawyer to settle this Corn Products case, that is not a salary, that is a fee for a specific piece of work. Our idea was not to increase any salaries. We did not think a man employed at a regular salary of $5,000 probably was the man they would want for such work as that. If they had another case they would want another lawyer, probably, to settle the case and pay him for the service rendered what was fair and just. That was our idea.

Mr. HOLLIS. All the other commissions in Washington, including the Interstate Commerce Commission and the Federal Reserve Board—I do not remember what the others are—have competent counsel, employed by the year, who become specialists in their particular lines. I found out, in connection with the rural-credits bill, when I wanted advice about the constitutionality of proposed provisions, that I was unable to employ a lawyer whose advice I thought was valuable for the $5,000 that was appropriated for the purpose.

Mr. OVERMAN. I think the Senator is perfectly right. We ought to have a good-salaried man—a $5,000 man there who is an expert. But the Senator is arguing that they have to settle litigation, and you can not get a $5,000 man to do it. You have to have extra counsel, always, to handle those things in special litigated cases. You do not expect a salaried man to do that. But for regular salaried men we made a rule not to increase anybody's salary, and we did not increase a single man's salary, although we had hundreds of applications; but we thought that out of this lump sum, when they wanted to employ a lawyer, they could do it.

Mr. HOLLIS. This amendment does not propose to increase anybody's salary. There is $250,000 appropriated here in a lump sum for legal services, and so forth. I have said all that I know about it; I have used all the arguments that occur to me.

The Senate must vote on it. I am aware that if it does not pass the Senate by a substantial vote it will probably disappear in conference. I hope we will get the best judgment of the Senate on it, and, whatever action the Senate takes, that the conferees will insist upon it.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, some of the Senators seem to be assuming that the Senator from New Hampshire thinks the limit ought to be $7,500. I do not so understand his view of it.

Mr. HOLLIS. I think there should be no limit.

Mr. OVERMAN. So do I.

Mr. CUMMINS. As I gather from his early remarks, he is of the opinion that there ought not to be any limit at all, and that is my opinion as well; and he is suggesting $7,500 simply to make the bill a little better than it is, not to make it what it ought to be.

We put no limit on the Interstate Commerce Commission when they employ a lawyer. Why? Is there any difference between the two? Is one entitled to any more confidence than the other? If the service sought to be secured is not worth more than $5,000, it may be assumed that the commission will not pay more than $5,000.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I have not the floor.

Mr. OVERMAN. Well, right there I want to ask the Senator how he construes this language:

> For compensation, travel expense, and per diem in lieu of subsistence * * * of such special attorneys, special experts, special examiners, special agents, clerks, and other employees as may be necessary for the purpose of carrying on the work of said commission, * * * $250,000.

We provide that no salaried man in the office shall be paid more than $5,000; but under that $250,000 appropriation does not the Senator think they could pay $25,000, if they wanted to do it, for a lawyer to attend to a special case?

Mr. CUMMINS. Unquestionably, if he was employed for a particular service.

Mr. OVERMAN. Yes.

Mr. CUMMINS. But if he were employed regularly throughout the year he could not be paid more than $5,000, or in that

proportion for any part of a year. But I think we ought to give the commission the authority to have counsel, and I do not believe his salary ought to be limited to $5,000. I do not think it ought to be limited to $7,500, although that would be much better than the bill as it is. I am afraid, however, that I have not put my view in the form of a question.

Mr. HOLLIS. I have yielded the floor.

Mr. CUMMINS. If the Senator has yielded the floor, I want to say a word in regard to this matter.

I think we ought not to go entirely insane with regard to the expenditure of money. We vote millions and hundreds of millions of dollars in order to get ready to fight—and I am in sympathy with that, so far as the implements of war are concerned—but we seem to have lost all interest in taking care of our domestic affairs, and our domestic problems are infinitely more important than those which arise out of our foreign relations.

Mr. THOMAS. Mr. President, does not the Senator realize that in times of excitement, such as have existed consequent upon the war, all of these great domestic questions are apt to be shelved on the one hand and advantage taken of the fact upon the other? And has not that a great deal to do with this widespread propaganda about preparedness which is designed to divert the attention of the people from these tremendously important domestic questions, many of which contain the germs of more danger to this country than any possible foreign foe could menace us with?

Mr. CUMMINS. Unfortunately, Mr. President, there is too much ground for the suggestion just made by the Senator from Colorado. I, for one, am not willing to close my eyes to the domestic problems which affect the welfare of the people of the United States.

I am willing to give all due attention to preparation for war; but I am not willing to forget that the fortunes of the people of the United States, after all, are infinitely more affected by the regulations which we announce and the laws that we pass to regulate industry, commerce, and the affairs of the people as between themselves than by the creation of armies or navies.

I believe the Federal Trade Commission is the most valuable function which we have established in recent years. I understand perfectly that it has not yet occupied completely the field that it is intended to occupy. There has been no opportunity to occupy that field; but even with the meager chance it has had, and with the very limited time during which it has been at work, it has performed a great service for the people of this country. It has given a sense of security to honest business——

Mr. BORAH. Mr. President——

Mr. CUMMINS. And it has created some additional apprehension in dishonest business. I for one am entirely satisfied with the little part I had in the creation or establishment of the Federal Trade Commission. I yield to the Senator from Idaho.

Mr. BORAH. I should like to ask the Senator from Iowa, as a concrete proposition, what has the Federal Trade Commission done?

Mr. CUMMINS. The Federal Trade Commission, as just recorded, has passed upon more than 100—possibly 200—applications suggesting unfair competition, and it has removed the danger of unfair competition in many of these instances. Mark you, the Federal Trade Commission has only been in operation something like a year, and my friend from Idaho seems to think it ought to have sprung full-armed into the arena ready to grapple with every industrial problem that may arise.

Mr. BORAH. No; the Senator from Idaho did not anticipate that on the part of the Federal Trade Commission when it was created, and the Senator from Idaho did not suppose it had done anything of the kind until he listened to the Senator from Iowa. After the Senator from Idaho had been given to understand that it had accomplished such marvelous things for the public he asked for one concrete illustration of what it has done for the public.

Mr. CUMMINS. I have not in my mind or at hand the record of the Federal Trade Commission, but I had in my view the general industrial situation of the United States, and he is blind to everything before him who does not see the general effect which the establishment of this tribunal has had upon the minds of the people of the United States.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield to the Senator from Illinois.

Mr. SHERMAN. If I were to go to the Federal Trade Commission and obtain a ruling on some business enterprise, would that prevent me from being prosecuted civilly or indicted criminally?

Mr. CUMMINS. I assume the Senator from Illinois is familiar with the law. The law is very specific about that.

Mr. SHERMAN. Would it prevent me from having my business combination dissolved afterwards? I am familiar with the provisions of the law; but suppose that were to be a fact——

Mr. CUMMINS. Of course it was not established to usurp the place of the judicial branch of the Government of the United States. We could not put it into the place of the judiciary if we would, and we would not if we could.

Mr. SUTHERLAND. Mr. President——

Mr. CUMMINS. I understand perfectly that many Senators on this side of the Chamber were very much opposed to the Federal Trade Commission, and as yet nothing has been accomplished apparently that has changed their minds. I was for it then. I am for it now. I had confidence then in what it would do. I have confidence in what it has done and great hope for what it will accomplish in years to come. I yield to the Senator from Utah.

Mr. SUTHERLAND. The Federal Trade Commission bill provides in a general way for the exercise of a certain kind of jurisdiction on the part of the trade commission over the subject of unfair methods of competition, not unfair competition, but unfair "methods" of competition, a phrase which, I confess, I had not even the vaguest idea of the meaning of, and I doubt whether anybody else had when it was put in the bill. The Senator has said that this trade commission has investigated something like 100 cases of alleged unfair methods of competition. Has the trade commission found that any unfair methods of competition exists in any one of those cases?

Mr. CUMMINS. I am not able to answer the question definitely. I think it has, and I think that upon the report in many instances the methods have been abandoned by those who had been engaged in evil practices.

Mr. OVERMAN. This is just what the great attorney of one of the greatest corporations said to me. They had complaint made of unfair practices, and this commission has gone around and settled the troubles. That is exactly what he said. He said that the law was one of the finest pieces of legislation ever passed, because he had come in contact with the commission where these unfair methods had been practiced and they had stopped them.

Mr. SUTHERLAND. I wish the Senator would give me a reference to one case.

Mr. OVERMAN. I have.

Mr. CUMMINS. I have the floor, and I desire to continue.

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Iowa yield; and if so, to whom?

Mr. CUMMINS. No one has asked me to yield. I yield to the Senator from Utah.

Mr. SUTHERLAND. I would be glad if the Senator had pointed to some concrete cases where the Federal Trade Commission has found unfair methods of competition.

Mr. CUMMINS. I suggest that the Senator from Utah apply to the Federal Trade Commission. I have no doubt he will be given an opportunity to examine what it has done.

Mr. SUTHERLAND. I should not have asked the Senator from Iowa the question, but I thought he knew.

Mr. CUMMINS. I do not know.

Mr. OVERMAN. The Senator asked me the name. Does he doubt my statement? I have not hesitated to give the name. He was the attorney for the R. J. Reynolds Tobacco Co., Hon. Burton Craige, of Winston-Salem, N. C. The Senator can write to him and get the information for himself.

Mr. SUTHERLAND. That is not information. It is mere opinion.

Mr. OVERMAN. The Senator asked me to give the name, and I gave it to him.

Mr. HOLLIS. I ask to have printed in the RECORD the rulings in 40 cases of unfair competition, which were issued by the Federal Trade Commission on January 31, 1916.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

[Conference Rulings Bulletin No. 1. Issued Jan. 31, 1916.]

FEDERAL TRADE COMMISSION—CONFERENCE RULINGS.

EXPLANATORY NOTE.

The following are rulings of the commission in conference which are published as being of public interest. Future rulings will be announced from time to time through the public press and subsequently compiled and issued by the commission in successive bulletins. These rulings are published for the information of business men engaged in interstate commerce and others interested in the work of the commission. They are not decisions in formal proceedings, but merely expressions of the opinion of the commission on applications for the issuance of complaints and informal inquiries with regard to particular facts which involve the interpretation and construction of the Federal Trade Commission Act and of those sections of the Clayton Act with the enforcement of which the commission is charged.

While these rulings may be regarded as precedents in so far as they are applicable in proceedings before the commission, a more extensive presentation of facts in later cases may result in their modification, and they should not, therefore, be regarded as conclusive in the determination by the commission of any future action.

Copies may be obtained by those interested on application to the secretary of the commission.

JANUARY 31, 1916.

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CONFERENCE RULINGS OF THE FEDERAL TRADE COMMISSION.

1. Public interest—Competitive method discontinued: On application for the issuance of a complaint, it appeared that a corporation engaged in the refining and sale of cane sugar, whose principal market is in the State in which its refinery is located, alleged that a larger corporation, having refineries located in other States and disposing of its product in interstate commerce in many States, refined and sold exclusively in the State of the applicant and in competition with it sacked sugar which is branded "pure cane fine granulated sugar." The applicant alleged that this sugar is not a standard fine granulated sugar as the branding leads consumers as well as many in the trade to believe, but is what is known as "off" sugar in the manufacture of which an expensive part of the refining process which is necessary to extract the final residue of from 2 to 3 per cent of molasses is omitted; that this "off" sugar is sold to jobbers at about 10 cents per hundred pounds less than the market price for standard granulated sugar; and that by reason of the alleged false brand or label on the sacks retailers and consumers are deceived into the belief that they are buying granulated sugar equal to standard. As a result, the applicant stated, it was compelled to meet the competition of this "off" sugar in the sale of its standard fine granulated sugar, in the manufacture of which it uses the complete refining process, a part of which its competitor omits in manufacturing the "off" sugar.

Upon consideration of the above allegations, the commission, having instituted an investigation, and shortly thereafter the corporation complained of having issued a notice to the trade announcing that it had discontinued the sale of the "off" brand of sugar, and the applicant requesting to be permitted to withdraw its application, and the corporation complained of assuring the commission that it had discontinued the sale of sugar branded in the manner complained of and had no intention of resuming the sale of this package: *Held*, That the method of competition complained of having been permanently discontinued, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

2. Public interest—Competitive method discontinued: On application for the issuance of a complaint, it appeared that a manufacturer engaged in interstate commerce issued a publication in which, under the guise of trade news, misinformation of a character unfair and detrimental to the applicant's business was circulated. Upon investigation by the commission the applicant advised that the use of the alleged unfair method had been discontinued; and the party complained of assured the commission that its policy had changed with a change of management and no such practice would in the future be engaged in either against the applicant or any other competitor: *Held*, That the method of competition complained of having been permanently discontinued, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

3. Public interest—Competitive method discontinued: On application for the issuance of a complaint, it appeared that a typewriter rebuilding company engaged in interstate commerce had circulated among dealers in various States a letter falsely stating that a competitor's factory in the Middle West had been removed to the East, and that for this reason many of its customers in Central and Western States would make new arrangements for obtaining typewriters. The party complained of subsequently advised the commission that the statement when made was believed to be true. It also sent a letter of retraction to all dealers receiving the first communication, and assured the commission of its readiness to take any further action deemed necessary. The applicant, being advised of these facts, suggested that no further action be taken: *Held*, That the method of competition complained of having been permanently discontinued, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

4. Public interest—Competitive method discontinued: On application for the issuance of a complaint, it appeared that a manufacturer engaged in interstate commerce sent out a printed circular containing an alleged letter to it by a dissatisfied customer of the applicant, disparaging the quality of applicant's product, which letter the applicant charged was fictitious. Upon investigation the commission received assurances from the concern complained of that it had discontinued the publication of the circular in question, and that in future it would not in its advertising matter refer in any way to the products of its competitors: *Held*, That the method of competition complained of having been permanently discontinued, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

5. Public interest—Competitive method discontinued: On application for the issuance of a complaint, it appeared that an association of wagon peddlers, competing with a jobber, had, by threats of boycott, prevailed on a manufacturer engaged in interstate commerce to refuse to sell to such jobber. Shortly after an investigation was started the commission was advised by the jobber that the manufacturer had resumed selling to it. Assurances were also given the commission by the manufacturer that the jobber would not in future be denied the privilege of buying from it by reason of the threatened boycott: *Held*, That the matter having been satisfactorily adjusted as between the parties, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

6. Exclusive territory—Refusal to sell: On application for the issuance of a complaint, it appeared that a manufacturer engaged in interstate commerce, having designated an exclusive dealer in a certain local territory, refused to sell to another dealer within this territory. It further appeared that such exclusive dealer was under no obligation to refrain from dealing in the products of other manufacturers of the same commodity: *Held*, That neither the Federal Trade Commission act nor the Clayton Act prohibits manufacturers selling their product exclusively through one dealer in a given territory. A refusal to sell to others in such territory, under such circumstances, is therefore not unlawful.

7. Manufacturers engaged in interstate commerce, irrespective of the size of their business, and all wholesalers so engaged subject to Clayton Act: On inquiry: *Held*, That all manufacturers engaged in interstate commerce, irrespective of the size of their business, and all jobbers or wholesalers thus engaged, are subject to the provisions of the Clayton Act.

8. The right of one manufacturer engaged in interstate commerce to buy out a competitor, and jurisdiction of the commission in such matters: On inquiry as to the right of one manufacturer to buy out a competitor in the same line of business: *Held*, That the only jurisdiction of the commission in respect of such transactions is to enforce the provisions of section 7 of the Clayton Act prohibiting the acquisition by any corporation engaged in interstate commerce of the capital stock, in whole or in part, of another corporation thus engaged, where the tendency of such acquisition may be to substantially lessen competition between such two corporations, or to restrain interstate commerce, or to create a monopoly; and also possibly to enforce section 5 of the Federal Trade Commission act, if such purchase, either of property or of capital stock, in connection with other circumstances might constitute an unfair method of competition: *Held, also*, That the mere purchase of the property of such competitor other than capital stock is not prohibited by the Clayton Act or the Federal Trade Commission act.

As to the validity of such purchase of property or capital stock under the Sherman Act the commission expresses no opinion.

9. Exclusive agency: On inquiry by a piano manufacturer whether the following clause in a "consignment agreement" is in contravention of the Clayton Act, to wit:

"Item 3. The factor shall offer, sell, or lease the pianos consigned to him by the consignor only to persons residing in the counties of ———, in the State of ———, and shall not sell nor lease during the life of this contract any other pianos than those consigned by the said (piano manufacturer).

Held, it appearing that the "consignment agreement" does not provide for a sale or lease of the goods of the principal to the person designated as "factor," but only for the establishment of an agency for the sale of the goods of the principal, therefore the use of such clause does not appear to be in violation of section 3 of the Clayton Act.

10. Direct selling: On application for the issuance of a complaint it was alleged that certain mining operators were selling their product direct to consumers at wholesale prices, and coercing retail dealers into handling their product, either by threats to sell or by temporary arrangements for selling their product direct to consumers. Upon investigation by the commission it appeared that the operators were in fact selling their product direct to consumers, but that this method of competition was not used for purposes of coercion, but was necessary in order to keep their product on the market: *Held*, That the sale by a mining operator of his product direct to the consumer is not of itself an unfair method of competition.

11. Practice—Information respecting alleged violation of law submitted by parties not directly interested: On inquiry: *Held*, That the fact that a party complaining to the commission has no direct interest and acts without specific authority from the parties alleged to be injured will not prevent the commission from taking action if the matter presented is one properly within its jurisdiction. It is the evident purpose of the law that action by the commission should be taken regardless of the source of its information when it has reason to believe that there is a violation of a law which it is empowered to enforce and that a proceeding by it in respect thereof would be to the interest of the public.

12. Public interest—Violation of State statutes: On application for the issuance of a complaint it appeared that the commissioners of a certain county had appointed an employee of a bridge company to the position of county civil engineer, and that this situation made it possible for the company to secure information respecting the letting of bridge work which was not available to competing companies. It appears that the State law prohibits such engineer from being interested, directly or indirectly, in any contract for the construction of bridges under his supervision: *Held*, That as the condition complained of may be corrected by resort to a State statute a proceeding will not be instituted in the absence of important considerations of public interest.

13. Exclusive territory: On inquiry by a manufacturer whether section 3 of the Clayton Act is violated by a contract containing the following clause:

"In consideration of exclusive sale of your goods in ——— from date of this contract to March 1, 191—, ——— agree to neither sell your goods outside of the territory heretofore reserved to ———, directly or indirectly, under penalty of paying all damages resulting from a violation of the clause and cancellation of this contract at the option of the manufacturer; nor to countermand this order except on payment to ——— Manufacturing Co. as liquidated damages 20 per cent of the net amount of goods hereby purchased."

Held, That section 3 of the Clayton Act does not prohibit manufacturers selling their product exclusively through one dealer in a given territory and requiring the dealer not to sell their product outside of the territory assigned.

14. Refusal to sell: On application for the issuance of a complaint it appeared that certain manufacturers, pursuant to their established sales policy of selling only to local retail dealers, refused to sell to the applicant, a retail dealer doing business principally by mail, a certain commodity for shipment direct from the mills to consumers in a State where the applicant maintained no place of business. On investigation by the commission it appeared that there was no agreement or understanding among the manufacturers complained of to prevent the applicant or others doing a similar business, by refusal to sell or otherwise, from securing this commodity, nor did it appear that such manufacturers had been coerced or intimidated by retailers affected by the competition of the applicant: *Held*, That, under the circumstances, a refusal of a manufacturer to sell to the applicant for direct shipment from the mill to territory covered by local dealers is not a violation of any law which the commission is authorized to enforce. Whether a refusal to sell under other circumstances is contrary to the provisions of the Clayton Act or the Federal Trade Commission act the commission does not now decide.

15. Exclusive agency—Exclusive territory—Refusal to sell: On application for the issuance of a complaint, it appeared that several manufacturers, having appointed exclusive agents or distributors in a given place, refused to sell to another dealer at the same point: *Held*, That neither the Clayton Act nor the Federal Trade Commission act prohibits manufacturers establishing exclusive agencies or assigning exclusive territory to dealers. Under such circumstances a refusal to sell to others than such agents or distributors is not unlawful under these acts.

16. Practice—Charges not sustained on investigation: On application for the issuance of a complaint, it was charged by a packer of canned clams that a competitor, in order to drive the applicant out of business, bid up the price of fresh clams to such an extent as to make the business unprofitable. The applicant, when requested, failed

to submit further information, and an investigation by the commission did not substantiate the charges made: *Held*, That the commission, having no reason to believe that the party complained of has been or is using the alleegd unfair method of competition, will not proceed further.

17. Corporate name—Private rights—Public interest: On application by a corporation for the issuance of a complaint, it was alleged that one of its stockholders, whose name had been adopted by the applicant as part of its corporate name, had formerly been a stockholder in a competing corporation and had then permitted the latter to use his name or part of its corporate name, but that after the withdrawal of said stockholder from the competing corporation it had, in violation of an alleged agreement between one of its officers and said stockholder, retained his name in its corporate name, to the injury of the applicant: *Held*, That as the application presents questions concerning purely private rights, in which the interest of the public is quite remote and indirect, it does not appear to the commission that a proceeding in respect thereof would be to the interest of the public.

18. Refusal to sell—Exclusive agency: On inquiry: *Held*, That the Clayton Act does not prohibit manufacturers establishing exclusive sales agencies in certain territory and selling their product in such territory only through such agencies. A refusal to sell to others in such territory where such agency has been established is therefore not unlawful. Whether a mere refusal to sell under any circumstances is contrary to the provisions of the Clayton Act or the Federal Trade Commission act the commission does not now decide.

19. Pipe lines—Jurisdiction: On application for the issuance of a complaint as to the methods of a pipe line for the transportation of oil between the States: *Held*, That the commission has no jurisdiction in the premises and that the matter should be referred to the Interstate Commerce Commission.

20. Exclusive territory—Refusal to sell: Op application for the issuance of a complaint it appeared that a manufacturer engaged in interstate commerce assigned exclusive territory to jobbers of his product in various States and refused to sell to the applicant, a competing jobber: *Held*, That the Federal Trade Commission act and the Clayton Act do not prohibit manufacturers selling their product exclusively through one dealer in a given territory. A refusal to sell to others in such territory under such circumstances is therefore not unlawful. Whether a mere refusal to sell under any circumstances or for any reason is contrary to the provisions of the Clayton Act or the Federal Trade Commission act the commission does not now decide.

21. Exclusive Agency—Exclusive territory—Refusal to sell: On application for the issuance of a complaint, it appeared that a manufacturer engaged in interstate commerce, having selected an exclusive agent or distributing dealer in certain territory, refused to sell to another dealer within this territory: *Held*, That neither the Federal Trade Commission act nor the Clayton Act prohibits manufacturers establishing exclusive agencies or assigning exclusive territory to dealers. Under these circumstances a refusal to sell to others than such agents or distributors is therefore not unlawful under these acts.

22. Railroads—Jurisdiction: On application for the issuance of a complaint as to the abandonment by an interstate railway company of part of a branch line and its purpose to abandon more of it: *Held*, That the commission has no jurisdiction of the subject matter of this complaint.

23. Interstate commerce—Jurisdiction: On inquiry whether a local merchant, in offering an automobile free to the customer drawing a specified number, is practicing an unfair method of competition: *Held*, That, as interstate commerce is not involved, the commission has no jurisdiction to determine whether or not the act complained of is unlawful.

24. Interstate commerce—Jurisdiction: On application for the issuance of a complaint, a retail dealer alleged that a competitor engaged in business in the same city sold goods below the price at which the applicant could purchase them: *Held*, That, as interstate commerce is not involved, the commission has no jurisdiction to determine whether or not the practice complained of is unlawful.

25. Interstate commerce—Jurisdiction: On application for the issuance of a complaint, it appeared that a retail dealer was selling a well-known make of underwear much below the customary price, to the injury of a jobber in the same city who sold these goods to the local retail trade: *Held*, That, as interstate commerce is not involved, the commission has no jurisdiction to determine whether or not the practice complained of is unlawful.

26. Interstate commerce—Jurisdiction: On application for the issuance of a complaint, it appeared that two competitors of the applicant, located in the same city, sold lumber below cost. The sales of all parties at interest were confined wholly within one State: *Held*, That, as interstate commerce is not involved, the commission has no jurisdiction to determine whether or not the practice complained of is unlawful.

27. Interstate commerce—Jurisdiction: On application for the issuance of a complaint, it was alleged by a retail dealer that other dealers in the community were using unfair methods in competition with him: *Held*, That, as interstate commerce is not involved, the commission has no jurisdiction to determine whether or not the methods complained of are unlawful.

28. Banks—Jurisdiction: On inquiry respecting the refusal of banks to lend money on a particular kind of collateral: *Held*, That the facts do not present a case within the jurisdiction of the commission, banks being expressly excepted from the provisions of section 5 of the Federal Trade Commission act.

29. Practice where suggestion of violation of decree of Federal court is made: On application for the issuance of a complaint, it appeared that the practice complained of might be in violation of a decree against the party charged with these practices, which decree was entered in a Federal court: *Held*, That the matter should be, in this instance, referred by the commission to the Department of Justice. Each matter of this kind will be disposed of upon its own facts.

30. Jurisdiction—Deprivation of rights by municipal ordinance: On inquiry: *Held*, That the commission has no jurisdiction to pass upon the claim of an electrical engineer that, by town ordinance, his right there to carry on his work is unduly abridged.

31. Interstate commerce—Jurisdiction—Refusal to sell: On inquiry: *Held*, That where a jobber or manufacturer refuses to sell to a retailer in the same State, and no interference with interstate commerce appears to be involved, the commission has no jurisdiction to act in the premises.

32. Interstate commerce—Labor unions—Jurisdiction: On application for the issuance of a complaint respecting the enforcement of certain local labor-union rules: *Held*, That as the labor union is not engaged in commerce, the commission has no jurisdiction to determine whether or not the practice complained of is unlawful.

33. Refusal to manufacture and sell—Competition—Jurisdiction: On application for the issuance of a complaint, it appeared that a company engaged in the manufacture of bottle crowns refused to make certain crowns for the applicant, assigning as the reason that the crowns ordered would constitute an infringement of the trade-mark of another customer, a competitor of the applicant. It did not appear that the refusal complained of was induced by the competitor: *Held*, That, as the facts do not disclose a method of competition, the commission is without jurisdiction to act in the premises.

34. Interstate commerce—Jurisdiction: On application for the issuance of a complaint, it appeared that the proprietors of certain small coal mines refused to sell to a retail dealer in the immediate vicinity except through a competing dealer and, through the purchase of other near-by mines, cut off his supply of coal: *Held*, That, as interstate commerce is not involved, the commission has no jurisdiction to determine whether or not the practice complained of it unlawful.

35. Interstate commerce—Jurisdiction: On application for the issuance of a complaint, it appeared that a retail dealer competing with the applicant, both doing business only within the State, discriminated in price between different localities in the sale of a commodity: *Held*, That, as interstate commerce is not involved, the commission has no jurisdiction to determine whether or not the practice complained of is unlawful.

36. Procedure—Combinations in restraint of trade: On application for the issuance of a complaint, suggesting unlawful combinations by companies engaged in interstate commerce in restraint of such commerce, no unfair method of competition being alleged: *Held*, That the matter thus involved should be referred to the Department of Justice.

37. Clayton Act—Section 3—Pending litigation: On application for the issuance of a complaint, alleging a violation of section 3 of the Clayton Act, where it appeared that the party complained of is the defendant in a suit brought by the Department of Justice, involving the same questions of law and fact: *Held*, That a proceeding by the commission at this time would not be to the interest of the public.

38. Interstate commerce—Jurisdiction—Competition: On application for the issuance of a complaint, it appeared that a retail dealer, doing business wholly within one State, advertised the product of the applicant, a manufacturer engaged in interstate commerce, at less than the price at which the latter sold it at wholesale: *Held*, That, as in this instance, the method of competition complained of is used by a concern engaged solely in intrastate commerce, and only against local competitors not engaged in interstate commerce, the commission has no jurisdiction.

39. Manufacture and sale of repair parts—Unpatented articles: On application for the issuance of a complaint, it appeared that certain foundrymen made and sold repair parts for stoves manufactured by the applicant. It was not claimed that the stoves were patented or that the foundrymen led the public to believe that the parts were made by the applicant: *Held*, That under such circumstances the making and selling of repair parts for unpatented articles, by others than the original manufacturer, is not a violation of section 5 of the Federal Trade Commission act.

40. Interstate commerce—Local boycott—Jurisdiction: On application for the issuance of a complaint, it appeared that certain advertisers in a local newspaper, and some of its subscribers, all apparently residing in the community where it was published, combined together and threatened to withdraw their patronage unless the management of the paper changed its policy: *Held*, That the facts alleged do not disclose the violation of any law which the commission has jurisdiction to enforce.

Mr. HOLLIS. I yield to the Senator from Idaho.

Mr. BORAH. I was going to ask the Senator if he knows whether or not these 40 rulings include the investigation which was made of the Timber Trust?

Mr. HOLLIS. I can not tell, because they do not think it is consistent with fairness to the companies that have submitted to the ruling to publish the names. The names are not given in the ruling because there might be an unjust allegation not supported by proof.

Mr. CUMMINS. Having expressed my opinion with regard to the general value of the Federal Trade Commission, its value in the past and what it will be in the future, I think it is only fair to remember when we are discussing the appropriation for it that under the law the Bureau of Corporations was transferred to the Federal Trade Commission giving to the latter all the power and imposing all the duties of the Bureau of Corporations. I assume that my friends upon this side who are so critical of the Federal Trade Commission are not likewise opposed to the Bureau of Corporations. That bureau was established under a former administration, and I think it commanded the approval of most Republican Members of this body as well as the greater number of the Democratic Members of the body.

Mr. BORAH. Does the Senator from Iowa think there is no difference between the Bureau of Corporations and the Federal Trade Commission both in function and principle?

Mr. CUMMINS. There is a very great difference. The Senator from Idaho knew that very well before asking the question.

Mr. BORAH. And the Senator from Idaho asked it because the Senator from Iowa is assuming that if we are against the Federal Trade Commission we are also against the Bureau of Corporations, when it is an entirely different and distinct institution.

Mr. CUMMINS. From my standpoint that is about as logical as some of the other suggestions made by the Senator from Idaho with respect to the Federal Trade Commission. I did not so assume. There was no such inference in my suggestion. I said that the Bureau of Corporations was a function of gov-

ernment that had been created under a Republican administration, and that therefore we were at least bound in a way to the recognition of that part of the work.

Now, what part of the work is carried on as the successor of the Bureau of Corporations? I do not know, because I have not analyzed it; but I venture to say that four out of five of the minor employees of the Federal Trade Commission have performed the duties which we laid upon the Bureau of Corporations. Therefore, when the Senator from Virginia [Mr. MARTIN] suggested that the commission had 250 employees, I think he said, he created an erroneous impression. He seems to assume that this commission has employed all this army of clerks in order to perform the work which we put upon the Federal Trade Commission a year ago, whereas a large part of the clerical technical work is being done by the Federal Trade Commission as the substitute for the Bureau of Corporations.

Mr. President, I sincerely hope that the amendment suggested by the Senator from New Hampshire will prevail. I believe that the commission has real need of general counsel. The very suggestion made by the Senator from Utah indicates the high necessity of the most competent, trained, and skillful lawyers, because while I do not agree with him with regard to the impracticability or legal impossibility of defining or determining what unfair methods of unfair competition are, yet we all recognize it to be a new, untried, and a difficult subject, and we are attempting to employ that standard or those standards for the purpose of preserving competition in the country, fair, reasonable competition. I can easily see how the commission desire and ought to have counsel who could not be employed at the rate of $5,000 per annum.

Mr. President, I have said all that I desire to say upon the amendment. I look with a sympathetic eye upon the appropriation made for this commission. I hope it will be liberal and generous, so that the work which we have imposed upon it can be done to the best possible advantage.

Mr. SUTHERLAND. Mr. President, I concur in all the encomiums that have been passed upon Mr. Gregory by the Senator from New Hampshire [Mr. HOLLIS] and others, who have spoken here. I know Mr. Gregory, and have known him for a number of years. There is no better lawyer in the country, and if this Trade Commission has need of excellent counsel I do not think they could select a better man than Mr. Gregory.

So my opposition to this amendment is in no sense an opposition to Mr. Gregory.

I am not going to enter upon a discussion of the Trade Commission bill. That is a matter of the past. I discussed it somewhat at length when it was before the Senate and expressed my opinion as vigorously as I knew how at the time. My opinion has not changed, although the commission has been in operation for something like a year. In my deliberate judgment there is no function which the Trade Commission ought to perform that could not be as well performed by the Bureau of Corporations, which it succeeded in many important particulars.

So far as the new functions are concerned, that have been conferred upon it they would have been performed by the Department of Justice and by the courts as they were being performed at the time the Trade Commission was created far better than the Trade Commission can perform them.

Our attention, however, has been called to the rulings of this Trade Commission with reference to the subject of unfair methods of competition. I undertook to say in the form of an interrogatory to the Senator from Iowa that nobody knew what was meant by the expression "unfair methods of competition," and I do not believe anybody knows now. I think that. Certainly a reading of these 40 rulings of the Federal Trade Commission throws absolutely no light whatever upon that question. What unfair competition is we all know, because the courts have determined over and over again what that is. Unfair competition can be defined with as much certainty as almost any phrase that is used in the law. But what unfair "methods" of competition is nobody knew. The proponents of the bill upon the floor of the Senate differed among themselves as to what it meant, as was pointed out at the time. No two of them agreed.

Now, I am going to take the time of the Senate—and I will be very brief—not to read these 40 decisions, although they are very short—they embrace less than 9 or 10 pages of printed matter—but to take the time to call the attention of the Senate to the conclusions of the commission in these cases. They are very brief and consist of not more than three or four lines. The first case:

The commission—

Held, That the method of competition complained of, having been permanently discontinued, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

Certainly we are not afforded much light by that statement as to what "unfair methods of competition" is.

Case No. 2:

Held, That the method of competition complained of, having been permanently discontinued, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

Case No. 3:

Held, That the method of competition complained of, having been permanently discontinued, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

Case No. 4:

Held, That the method of competition complained of, having been permanently discontinued, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

The brief statement which precedes the conclusion calls attention to the facts involved in the case. I will not take time to read these statements.

Case 4, for example, reads:

Public interest—Competitive method discontinued: On application for the issuance of a complaint it appeared that a manufacturer engaged in interstate commerce sent out a printed circular containing an alleged letter to it by a dissatisfied customer of the applicant disparaging the quality of applicant's product, which letter the applicant charged was fictitious. Upon investigation the commission received assurances from the concern complained of that it had discontinued the publication of the circular in question, and that in future it would not in its advertising matter refer in any way to the products of its competitors.

Then follows the holding I have already read. That is all there is in that case.

Case No. 5:

Held, That the matter having been satisfactorily adjusted as between the parties, it does not appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

Case No. 6:

Held, That neither the Federal Trade Commission act nor the Clayton Act prohibits manufacturers selling their product exclusively through one dealer in a given territory. A refusal to sell to others in such territory, under such circumstances, is, therefore, not unlawful.

That is the only finding thus far that contains any helpful suggestion of any character whatever.

Case No. 7. I will not stop to go through all these 40 cases, but in a general way they are all of the character I have indicated. There is not, I venture to say, in all these holdings a single suggestion that enables a corporation or an individual engaged in commerce in the United States to guide his future conduct with reference to the matter of unfair methods of competition. There is not a single line. These cases have been called to the attention of the commission by letters or by other communications—by applications of one sort or another—and all have been disposed of in this summary way. There is not a suggestion by the commission, so far as these various rulings indicate, that reflects any light whatever upon this exceedingly important matter as to what constitutes unfair methods of competition.

Now, just a word with reference to another question which the Senator from New Hampshire referred to.

Mr. POINDEXTER. Before the Senator leaves that, will he allow me to make a suggestion?

Mr. SUTHERLAND. Certainly.

Mr. POINDEXTER. Without arguing the merit of the proposition the Senator is stating as a matter of fact, my understanding is that in those cases which were so disposed of on the record the commission took them up with the corporations against whom the charges were made and had negotiation with them, and through this negotiation and other representations backward and forward between the commission and the corporation the practices were discontinued. I know that to be the case in some instances.

Mr. SUTHERLAND. It seems to have been so in some instances, but the particular purpose for which I was calling attention to these rulings——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Utah yield to the Senator from Montana?

Mr. SUTHERLAND. In just a moment. I was calling attention to them to show that thus far the Trade Commission had apparently thrown no light upon this question, in which we are all so much interested, as to what really constitutes unfair methods of competition. That was the purpose of my inquiry of the Senator from Iowa. I yield to the Senator from Montana.

Mr. WALSH. The Senator from Utah has been a distinguished practitioner at the bar. About how many cases would he think the Federal Trade Commission ought to have determined after the lapse of one year—litigated cases, stoutly contested cases, that would determine legal principles?

Mr. SUTHERLAND. Mr. President, there does not seem to have been any stoutly contested case.

Mr. WALSH. I asked the Senator about how much he would expect of them in a year.

Mr. SUTHERLAND. I have no idea, Mr. President. That depends on a variety of circumstances.

Mr. WALSH. Would the Senator really expect that any great litigated case involving a stout contest on both sides such as would produce and elucidate any particular legal proposition could be determined in that period?

Mr. SUTHERLAND. I should expect that after a year's experience and after having investigated, as they said here, some 40 cases, they would be able to throw some light upon the question which I have adverted to. That is the only purpose of my referring to the rulings at all.

Mr. WALSH. Just one further question. I dare say as experienced a lawyer as the Senator from Utah has been concerned in the prosecution or in the defense of some trust case. Has he ever been able to get a determination inside of a year on some one case?

Mr. SUTHERLAND. Mr. President, my practice was not extended in that line. I do not now recall how long the litigations took.

Mr. WALSH. Speaking from my own experience, I would say it would proceed rapidly if he got a determination in a case of this kind inside of two years.

Mr. SUTHERLAND. But if I may use an illustration, it did not require the Interstate Commerce Commission very long to give the general public an idea of the scope and meaning of the law under which they were operating. They did that quite speedily, and I see no reason why when this Trade Commission has been investigating 40 cases which were at least represented by somebody as involving a violation of this provision denouncing unfair methods of competition they should not have been able to enlighten us in some way, in some degree, as to the meaning of that provision.

Now, Mr. President, with reference to the other function of this commission, that is as to their performing the delegated duty of preparing decrees for courts. I think the provision a very unwise one. I thought so at the time. I am at a loss to understand how any self-respecting court would call upon an administrative bureau of this character to aid it in performing a judicial function as this is. It seems to me that the logical and proper thing for a court to do when it comes to pass judgment is to determine itself what judgment ought to be entered, and then, if it is in doubt as to the phraseology, to turn it over to the lawyers who are trying the case and who are familiar with the whole matter to prepare the findings, if any are necessary, and to formulate the language of the decree.

Any district attorney who is sufficiently competent to be appointed to that responsible position after he has heard the testimony, after he has prepared the case, after he has argued and after he has won it before the court ought to be in a better position to advise the court as to the character and form of a decree than some outside administrative body which is called in at the last moment to do so. I see no reason why this commission need to have lawyers of extraordinary ability to advise them. The duties which they ought to perform are of a character that the Bureau of Corporations performed without any difficulty and without having any such expert legal advice. If from time to time they need legal advice of this character there is the Department of Justice to go to, and I would rather provide for an additional assistant or additional assistants to the Attorney General of the United States with a good salary or salaries than to permit this Trade Commission to employ this expert legal assistance which I do not believe it needs.

Mr. NELSON. Will the Senator yield to me for a minute.

Mr. SUTHERLAND. Yes.

Mr. NELSON. I think the Senator misapprehends the scope of the Trade Commission law. To me it always seemed that the law was calculated to stand as a buffer between the big interests that sought to monopolize trade and the effect of the Sherman antitrust law. You have noticed since the law was passed there have been no prosecutions under that law, and I venture to say in the future we will find little under that law.

I am surprised to see the Senator from Utah so critical about the commission. I think it is acting as a paregoric for the big interests, and you ought not to expect too much of it. If it serves its purpose of keeping off prosecutions under the antitrust law, I think that will be complying with the spirit of the law. I am utterly surprised to hear my good friend from Utah, an attorney so skillful and able as he is, have such high expectations of the commission. If he simply regarded the commission as a buffer to protect big interests and consolidations against the Sherman antitrust law, then he would be on the right track, and make no mistake.

Mr. NEWLANDS. Mr. President, I understand, though I am not sure, that the criticism in reference to certain appropriations in this bill for the Federal Trade Commission is made the vehicle through which attack upon the efficiency of the Federal Trade Commission is made.

The Federal Trade Commission has not been in existence long enough to establish its character. It is not to be expected that in a period of a little over a year there could be such an accumulation of work, experience, recorded decisions, and action as to impress the public opinion of the country. When the creation of a Federal Trade Commission was under consideration I declared that, in my judgment, the best evidence of its value would be that it would have but little to do; and I believe that prediction or that expectation is being realized.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Nevada a question?

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. The Senator from Nevada has just said that he predicted that this commission would have little to do, and that the prediction has been verified. If the commission has little to do, why should we appropriate so much money for it?

Mr. NEWLANDS. A very much larger sum than this would be required if the commission had very much to do.

Before the Federal Trade Commission had been established, the question of the trusts was a foremost question in the minds of the American people. It was a subject of universal discussion. The delinquencies of great corporations, the delinquencies of great trust magnates, their offenses against the public interest were the subject of constant consideration, and it has always been my contention that we should have an organization with reference to trade resembling the organization that we had created regarding transportation, with similar powers of investigation and correction; that many evils would be checked in the bud; that great abuses could not ripen; that existing abuses by the powers of investigation and correction and admonition would be eradicated, and the necessity for giant prosecutions, both in the civil and criminal courts, would disappear.

Mr. President, that great question of combination in trade, of trust organizations, is no longer prominent in the minds of the American people, because the evils have largely disappeared, partially as the result of judicial decree, but in a very large degree as the result of the powers of investigation and correction conferred upon the Federal Trade Commission.

I have made some inquiry with reference to the methods of that commission, and I have found that, whilst numerous complaints have been made there which might otherwise have been made upon ex parte statements, the subject of suits, either criminal or civil, that just as soon as such complaints are made and inquiry is made of the corporation charged with the delinquency, and information asked regarding it, a practice which has been started, and which is regarded as objectionable and unfair, has been either immediately abandoned by the party charged or, after a discussion of the matter with the officials of the trade commission, modified or reluctantly abandoned. So business has not been held in terrorism of criminal prosecution and suits involving the destruction of organizations connected with great activities, and yet practices which are subject to condemnation and disapproval have been abandoned; and this not in the public eye, with no advertisement of the alleged delinquencies of business men, mortifying to their feelings and prejudicial to their business, but all conducted in such a way as to accomplish the purpose of the law without offensive publicity.

So, Mr. President, I feel that this commission is doing a good work. If it were not doing a good work, we should hear more complaint to-day of existing abuses, such complaints as we used to hear; the country would not be silent, the country would be vocal if the old abuses existed. My belief is that you hear very little of the work of this commission simply because it is conducted in a quiet, unobtrusive, and efficient way and because the reprehensible practices likely to be indulged in by business men and organizations in competition with each other are checked in their very inception.

Mr. SHERMAN. Mr. President, this bill appropriates a quarter of a million dollars for legal services. If the Attorney General were to communicate a request from his department that he required more help, so far as I am concerned, I would pass it without a question, leaving it to his judgment to decide what is necessary in the administration of justice in that department to call for such help.

The Federal Trade Commission, Mr. President, is a perambulating agency that hovers on the borderland between the executive department and the judicial department of the Government. It possesses all the bad qualities of both and the governmental virtues of neither. If the attorneys who are required under this $250,000 appropriation were attached to the Department of Justice, they could represent some real power, because they would be connected with the authoritative judicial depart-

ment of the Government, which has power to enter decrees and judgments in proper cases. In that event their investigations would lead to some final result; but the Federal Trade Commission, as it is organized now, is nothing but an irresponsible master in chancery that can collect evidence, can investigate, but whose recommendations have no more power than those of any other investigating commission which is in existence in the country.

The difficulty now is that this country is investigated to death, Mr. President. The very bowels are investigated out of every legitimate enterprise doing or trying to do business, and that investigation has not been confined to this administration alone, for it was just about as bad under the preceding one. I have tried for a good many years several times to get from the department at Washington proper advice in the formation of business enterprises to conduct legitimate pursuits in the Mississippi Valley, and I have signally failed in every instance to obtain an opinion or any departmental advice that would shield men who desired to conduct business properly, either against the dissolution of their enterprise or their indictment when they were subsequently investigated by the Department of Justice.

The sum of $250,000 is here provided. If it were attached to the Attorney General's office, if he made a proper request for that much additional help, it would not be subject to this criticism. The very act itself, Mr. President, disclaims any idea that it can be any protection to anybody that asks it. I remember not very long ago—a year and a half or two years ago—when a legitimate enterprise engaged in coal mining in the Mississippi Valley of the country, in two States, covering a wide area of the soft-coal belt, came here for the purpose of ascertaining whether they could legitimately combine a variety of their properties to operate so that they might give work to the miners who were then idle. Competition had reduced their profits to the point where it was no longer profitable even for the large mines to conduct their affairs. We undertook to get some kind of advice. I was not acting in any other capacity than merely to direct them to some place where they might have this proper guarantee or protection given them, but there was no place in the Government where it could be secured.

I was not acting in any capacity as attorney or otherwise, but simply as a Member of this body, giving them such friendly suggestions as they sought, and I had to tell them to go back and take the advice of their lawyer, and to trust to his good judgment and the mercies of a court if they chanced subsequently to be indicted or prosecuted.

What does this act approved September 26, 1914, commonly called the Trade Commission act, do? In section 5, on page 4 of the pamphlet containing this act, I find it says:

> No order of the commission or judgment of the court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

Now, what security is there in that? I would rather that the attorneys attached to the Department of Justice should be given the duty of investigating, and, if the Attorney General does not now have a competent force to send lawyers into the field to investigate methods of large concerns doing an interstate business and liable under the antitrust act, let him ask for more help, and let the department be vested with power to go into court and obtain a proper decree or judgment that will be a protection.

This is the main thing I have in view when I think of the Trade Commission. The practices which are evil in themselves can be checked by the Department of Justice if proper help be given them, because, at last, everything that is improper must rest upon the final adjudication of some court of competent jurisdiction. That is where the cases coming before the Trade Commission go at last, and the commission is only an added and inoperative cog that produces nothing finally that will protect the person applying for guidance and protection. Neither does it protect the rights of the general public more than the Department of Justice now can. So I think this item ought to be struck out; and, on the recommendation of the Attorney General, if he needs more help, it ought to be added to his department. Let this commission continue its functions simply as an economic agent to collect information on which it can advise Congress from time to time, if Congress needs any further advice as to what further legislation should be enacted. They might go somewhat further, and there is probably some way as a correctional agent in which they can be useful in collecting evidence of improper practices that can be presented to the courts, to masters in chancery, or to the Attorney General or the proper department for prosecution in cases where there is unfair competition.

Why, this commission, Mr. President, can define "unfair competition" until the crack of doom and it will settle nothing. We will never know what unfair competition is in this country until the Supreme Court, sitting a few hundred feet from this body, shall have adjudicated that question, and then it is a good deal like defining what "fraud" is or defining what "equity" is. They will only define in particular what is fair or unfair competition in that case. There may be some general principles elucidated at last that will be a guiding light for those men who seek advice and who wish to conduct their business lawfully, but, beyond that, the only way to decide what "unfair competition" is at last is by the decree of a court. Like all the cases which have gone to the Supreme Court, there will be a difference of opinion when you come to apply them to actual cases with different facts than those which were before the court when the decisions were rendered.

Mr. GALLINGER. Mr. President, in my own time I trust I may be permitted to occupy two or three minutes in saying a word on this subject without exciting the petulance of the junior Senator from New Hampshire.

I voted against the creation of the Federal Trade Commission, because I believed it was an unnecessary addition to our system, and that it would be an expensive institution before we got through with it. It was established, and I have voted in every instance, as a member of the Committee on Appropriations, for such appropriations as have been asked for the conduct of that commission. I voted for the appropriation contained in this bill; and I think that, under the circumstances, the commission having been created and being in existence, it is entitled to a fair trial, and that liberal appropriations ought to be granted to it until that fair trial has been made. Hence, Mr. President, it will not do for any Senator to say that because I voted against the creation of this commission I am hostile to the work of the commission, for that is not true.

However, I have failed to discover that the commission has accomplished anything of importance as yet. I have read such reports as have come from it, including the one that was presented to-day, and I could not discover for the life of me that any elucidation of any controversy that was of consequence to the people of the United States had been made. But, however that may be, the commission has been in existence only a little over a year, and further time ought to be given to it to determine how important and necessary it may be in the line of work in which it is engaged.

Mr. President, as to the amendment which has been offered by the junior Senator from New Hampshire I have only a word to say. The junior Senator from New Hampshire suggested that, if larger salaries were given to the lawyers of the commission, certain others drawing small salaries would of necessity be dismissed, because it was not proposed to increase the total appropriation. It has been the custom in this body for Senators to make appeals for those who are drawing small salaries and not for those who are drawing large salaries, and I was quite surprised to hear that suggestion made by the mover of the amendment.

I turn to the Congressional Directory, and on page 287 I find the paragraph "Federal Trade Commission," and I find under a subhead "Legal department" the following:

> Board of review: Charles H. McDonald, chairman; Raymond B. Stevens, chief examiner; John Walsh, special counsel.

Mr. SHERMAN. Mr. President, I should like to inquire, if the Senator will permit me——

Mr. GALLINGER. Certainly.

Mr. SHERMAN. If Raymond B. Stevens is the one who is commonly reputed to be the author of the old Stevens bill on resale prices?

Mr. GALLINGER. He is. Raymond B. Stevens practiced law in New Hampshire for two or three years, and I believe his compensation amounted to about $1,500 a year. At the end of that time he pulled down his sign, wrote a letter saying that no honest man could practice law, and he went to raising potatoes on his little farm, and made a failure of that. However, Mr. Stevens is on this commission, and I am not finding fault with that. He may be performing good service, and I hope he is.

Mr. SHERMAN. Mr. President, if the distinguished counsel of the Federal Trade Commission is right, I inquire whether it would not make a considerable cleaning out of the Senate, if that idea were carried out, for there are a number of lawyers here?

Mr. GALLINGER. Mr. President, I am not going to make any attack upon anyone in connection with this matter. I am seriously going to ask a question, and that is if the amount provided by this bill is allowed, and the limitation that no official shall receive more than $5,000 a year is changed, I take it for granted that these three gentlemen, who are now put down as members of the legal department, can all be given $7,500 per year, and

that any number of experts, special attorneys, special examiners, and special agents, who are enumerated in this paragraph, can also be increased to the amount of $7,500 a year.

If the proposition were to give $7,500 a year or $10,000 a year to Mr. Gregory, a gentleman whom I do not know, but who is vouched for here by eminent lawyers as being distinguished in his profession, I certainly should not object. My impression is, Mr. President, inasmuch as Mr. Gregory's name does not appear under the title of "legal department" in the Federal Trade Commission, that Mr. Gregory is employed without reference to this limitation of salary under the title of "special attorney" or some other title which is found in that provision. Lawyers in the Senate have stated that that would be entirely proper and feasible to do, and I assume that it is, and that this commission, if it needs the services of a lawyer more distinguished than anyone that they have in their service at $5,000 a year, can go outside and employ anybody to represent their interests at such compensation as they choose to pay.

Mr. President, I have said all I care to say. I trust that the limitation may not be removed from the law, and at the same time I believe that the Federal Trade Commission is abundantly protected under the provisions of existing law, which allow them to appoint distinguished counsel at a compensation much in excess of $5,000 a year if they choose to do so. That is my judgment; and believing that, I do not think we are going to do any harm to the commission by rejecting the amendment, while I think we would do harm to the interests of the Government if we permitted that commission to appoint any number of lawyers that they might choose to employ at the salary named in the amendment. I hope the amendment will not be agreed to.

Mr. HOLLIS. Mr. President, my distinguished colleague disclaims any intention to inject personalities into this debate, but he has injected personalities into this debate. He has evidently felt injured because Mr. Raymond B. Stevens, of New Hampshire, is acting as one of the assistants to the Federal Trade Commission, and he makes some aspersions on Mr. Stevens as a lawyer. I wish to say, for the benefit of the Senate, that Mr. Stevens was elected to the New Hampshire Legislature in 1908. He was then farming in the little town of Landaff. He appeared in the legislature, and it soon became evident that he knew more about the problems of taxation and other public questions than any other member of that body. He was elected again in the following year, and that year, with an overwhelming Republican majority in the New Hampshire Legislature, Mr. Stevens, a Democrat, was made chairman of the ways and means committee of the New Hampshire Legislature, a compliment that I doubt has ever been bestowed on any other man in the United States—to take a man from the opposition and, because he overtops all the men in your own party so much that he is worthy of it, make him chairman of the ways and means committee of your own legislature.

Subsequently the Republican governor of New Hampshire employed Mr. Stevens with Mr. Brandeis as special counsel in the litigation and controversies that were going on with the Boston & Maine Railroad, and here Mr. Stevens made an even greater reputation as a lawyer, and he was paid the sort of compensation that is customary for such distinguished services.

In 1912 Mr. Stevens ran for Congress on the Democratic ticket. He also received the nomination of the Bull Moose Party for Congress. On the day he was elected to Congress by a large majority in a Republican district he was also elected to the New Hampshire Legislature. He went to the New Hampshire Legislature and served through its entire session, when he was made chairman of the special railroad committee to handle the great railroad questions that were then pending. He did not complete his duties until some time about the 1st of May. Then he came to Congress, and the Sergeant at Arms handed him a check for a thousand dollars for his services.

Mr. Stevens took the check and indorsed it back to the Sergeant at Arms, and kept just $40 for the two days' service he had rendered, returning $960. That is the sort of man Mr. Stevens is. He committed the grave offense of running against my distinguished colleague for the Senate in 1914, and he committed the graver offense of causing my distinguished colleague to run some 8,000 votes behind his ticket. The regular Republican majority against the Democratic ticket was 12,000, but I think the majority of my distinguished colleague against Mr. Stevens was something about 5,000. It was in that vicinity; I have not got the figures exactly in my mind. From that time on Mr. Stevens has been a marked man, so far as my colleague is concerned, but that has not prevented him from performing very valuable service in Congress and as one of the counsel for the Trade Commission. I say that because it is due to Mr. Stevens. I should not have mentioned his name if my colleague had not made some flings against him.

Now, in order that the record may be complete, I will say that out of the two hundred or more complaints that have been made to the Federal Trade Commission, all have been adjusted, or are in process of adjustment, without recourse to regular proceedings, except five. There are now pending before the commission five cases in which the Federal Trade Commission is acting as party plaintiff. They are these: Federal Trade Commission against the Abbott Co.; Federal Trade Commission against Godin Bros.; Federal Trade Commission against the Circle Silk Co.—and I happen to know what that was about; it involved the question of whether misbranding silks is unfair competition; Federal Trade Commission against the Shredded Wheat Co.; and Federal Trade Commission against the A. B. Dick Co., the last case arising under the Clayton Act and involving the question of tying contracts.

Mr. HARDWICK. I beg the Senator's pardon. Are those cases pending now before the Federal Trade Commission?

Mr. HOLLIS. Yes; in which the Federal Trade Commission makes the complaint. It tries the case, takes the evidence, and decides the facts.

Mr. HARDWICK. It is not really a party plaintiff and still tries the case?

Mr. HOLLIS. It takes that form.

Mr. HARDWICK. Well, that is merely a form, I think. The Federal Trade Commission acts judicially, does it not?

Mr. HOLLIS. The result will be that the parties complaining and the parties complained against will have a chance to introduce their evidence. The facts will be found——

Mr. HARDWICK. And the commission, instead of being a party plaintiff——

Mr. HOLLIS. Allow me to finish.

Mr. HARDWICK. Let me finish my question, please, or I would rather not put it at all.

Mr. HOLLIS. Very well.

Mr. HARDWICK. The commission is not a party plaintiff, really, although it may be technically so designated.

Mr. HOLLIS. I have said so.

Mr. HARDWICK. The commission is the judge?

Mr. HOLLIS. I have said so.

Mr. HARDWICK. I thought the Senator said that the commission was the party plaintiff.

Mr. HOLLIS. I say that they are the party plaintiff on the record, and they are to decide the case. They make the complaint, and the name of the case is as I have stated. The complaining party makes his proof; the party complained against makes his proof; the Federal Trade Commission will render its decision and decide the facts and make an order. If that order is not obeyed, it will then apply to the United States court to enforce the order.

Mr. HARDWICK. If the Senator will yield just one more time, I will let him alone.

Mr. HOLLIS. Certainly.

Mr. HARDWICK. The Federal Trade Commission, then, is not both the party plaintiff and the judge, is it?

Mr. HOLLIS. It is the party plaintiff on the record, but it is really the judge.

Mr. HARDWICK. Yes. Nominally, it may appear that way; but really it is the judge, and it has nothing to do with prosecuting the case?

Mr. HOLLIS. That is very true, just as the Attorney General frequently brings proceedings at the relation of some private party. The suit is brought in the name of the Attorney General, who is the legal representative of the State or of the Nation, at the relation of some private party.

Mr. HARDWICK. But that is nominal only. Really, the Federal Trade Commission is the judge?

Mr. HOLLIS. That is what I said.

Mr. GALLINGER. Mr. President, my colleague suggested that I disclaimed any purpose of introducing personalities into this debate. It is not my habit to do that. The Senator from Illinois propounded a question about Mr. Stevens and I stated one or two facts about him.

The truth is that Mr. Stevens was a failure as a lawyer in New Hampshire. Everybody knows that. That he made some reputation in conjunction with the Bull Moose Party in the legislature is true, and that he was elected to Congress by the combined votes of those two parties is likewise true; but the idea that that makes him a distinguished lawyer certainly would hardly be entertained by anybody who knows his record.

I care nothing about Mr. Stevens, however. He did run against me for the Senate and was beaten. My colleague, almost before he had his seat warmed in the Senate, standing over there, challenged me to run for reelection to the Senate, and he selected Mr. Stevens as my competitor. I had not any intention of being a candidate for reelection at that time; but

under the challenge I did take the chance of running, and I got substantially as many votes as the two Republican Members of Congress from my State got combined. That I did not get as many votes as the governor got is simply due to the fact that the governor was supported by two parties and I only by one. Mr. Stevens also had the support of two parties and I only had the support of one. But when my colleague says that I ran 8,000 behind the governor he misstates the figures by just about 2,000, and I wish he would go to the record and correct the statement he has made.

Mr. President, that is all I care to say. I hope Mr. Stevens is doing good work for this commission. I do not think he is worth $7,500; I do not think he is worth $5,000 as a lawyer. I apprehend that if this change is made, however, Mr. Stevens will go on the pay roll at $7,500 a year, because there will be nothing to prevent it. Whether or not that is in contemplation I do not absolutely know, but I feel sure it ought not to happen.

Mr. HOLLIS. Mr. President, I have here the vote cast in New Hampshire in the fall of 1914. I will put it in the RECORD:

For governor:	
Spaulding, Republican	46,413
Noone, Democrat	33,674
Allison, Progressive	2,572
Burke, Socialist	1,423
Scattering	26
For United States Senator:	
Gallinger, Republican	42,111
Stevens, Democrat	36,382
Greer, Progressive	1,938
Wilkins, Socialist	1,089
Scattering	4
Gallinger's plurality	5,729
First congressional district.	
Sulloway, Republican	20,659
Reed, Democrat	19,140
Shontell, Progressive	971
Mills, Socialist	561
Sulloway's plurality	1,517
Second congressional district.	
Wason, Republican	21,793
French, Democrat	16,101
Weaver, Progressive	1,409
Carriveau, Socialist	493
Wason's plurality	7,209

Now, the councilor vote, which usually carries the party strength—I will insert the total vote, the details, in the RECORD—gave the Republicans a total councilor vote of 42,525 and the Democrats 31,404; aggregate Republican plurality, 11,121.

The PRESIDING OFFICER (Mr. WALSH in the chair). In the absence of objection, the matter referred to may be inserted in the RECORD.

The matter referred to is as follows:

COUNCILOR VOTE.

DISTRICT NO. 1.	
James B. Wallace, Canaan, Republican	8,638
Edward E. Cates, Lisbon, Democrat	6,601
Benjamin F. St. Clair, Plymouth, Progressive	551
Wallace's plurality	2,037
DISTRICT NO. 2.	
John Scammon, Exeter, Republican	9,197
Arthur D. Rollins, Alton, Democrat	6,548
Oliver L. Frisbee, Portsmouth, Progressive	484
Scattering	2
Scammon's plurality	2,649
DISTRICT NO. 3.	
John B. Cavanaugh, Manchester, Republican	6,786
Samuel H. Connor, Democrat	5,163
Henry N. Bennett, Londonderry, Progressive	557
James E. Dorren, Manchester, Socialist	369
Scattering	26
Cavanaugh's plurality	1,623
DISTRICT NO. 4.	
Frank Huntress, Keene, Republican and Progressive	8,597
James Farnsworth, Nashua, Democrat	5,538
William B. Wellman, Nashua, Socialist	219
Scattering	1
Huntress's plurality	3,059
DISTRICT NO. 5.	
Solon A. Carter, Concord, Republican	9,307
Edwin P. Hodgdon, Laconia, Democrat and Progressive	7,554
Patrick J. Leonard, Concord, Socialist	273
Carter's plurality	1,753
Total councilor vote:	
Republican	42,525
Democratic	31,404
Aggregate Republican plurality	11,121

Mr. THOMAS. Mr. President, reference has just been made by the two Senators from New Hampshire to the influence of the Bull Moose Party upon the election in that State in 1914. Inasmuch as that party yesterday became a reminiscence, I am impelled to remind the Senate that it was a formidable protest against modern Republican leadership and policy. It was born of the surrender of party machinery and control to power and privilege. Its platform declared that "the conscience of the people in a time of grave national problems has called into being a new party, born of the Nation's awakened sense of injustice." Its founders "dedicated themselves to the fulfillment of the duty laid upon them by their fathers to maintain that government of the people, by the people, and for the people, whose foundations they laid." It announced that "behind the ostensible government sits enthroned an invisible government, owing no allegiance and acknowledging no responsibility to the people," and that to destroy the invisible government was the first task of the statesmanship of the day. It charged that the Republican Party had deliberately betrayed its trust and the Democratic Party was fatally incompetent. Therefore, "unhampered by tradition, uncorrupted by power, and undismayed by the magnitude of the task, the new party offers itself as the instrument of the people to sweep away old abuses, to build a new and nobler Commonwealth."

This party signalized its purpose by the nomination of Theodore Roosevelt for the Presidency, albeit he had filled that great office for two successive terms. It waged a vigorous campaign and polled a popular vote far in excess of its Republican opponent. It was second only to the victorious Democracy and bade fair to become that party's only formidable rival. By action and assurance its membership had left the Republican Party for all time, but had taken with them all for which that party had been organized to accomplish and which it had abandoned.

No man can doubt the earnest purpose and integrity of the men and women who formed this new organization, nor the genuineness of the zeal and devotion which they brought to the support of their ticket. For their candidate they had all the enthusiasm and loyalty of the old crusaders. They regarded him as the embodiment of their own virtues and convictions, the man of the hour, invested with the duty and possessing the courage to restore the Republic to the custody of the people. They were not cast down by their first defeat. The sunshine patriot who joined them with the spirit of adventure had fallen by the wayside, but those of the faith were steadfast. With the militant spirit of 1912, they reassembled last June and again placed their standard in the old familiar hands. And he has cast it aside. Their idol is shattered and they are leaderless.

This great party, so auspiciously launched and so splendidly equipped, is a thing of the past. It has been destroyed by the man to whom its destiny was intrusted. He betrayed and then asphyxiated it.

The Behemoth of the Bull Moose is the greatest opportunist of the race. What he calls principles are belated impulses. They are not spontaneous, for they lag behind that popular sentiment which they pretend to create. What he calls convictions are the platitudes of political morality. They justify the sneer of Mr. Reed that he never saw a man so enthusiastic over the discovery of the Ten Commandments. What he calls loyalty is that blind devotion of the multitude who will follow whither he may lead, however tortuous the course. This man had the largest following of his generation. It was a political army which idolized its commander. But he has sought to deliver it over to its enemies, and he is himself a fugitive from Armageddon.

He has used his party solely for his own political advancement. He has mouthed their platform vociferously only when his political fortunes demanded it. He led his forces against the enemy with splendid courage four years ago and beat it to its knees. Hoping to command that enemy in 1916, he opened negotiations and parleyed unremittingly for a merger of the armies with himself as commander in chief. His efforts failing totally, he has unconditionally surrendered to his erstwhile foe and beseeches his troops to accept such clemency as may be offered. And this model Christian soldier has donned the old garb of Republican service, pronounced his adhesion to every practice he denounced in 1912, acknowledged the overlordship of the bosses he then repudiated, and is once more the votary of invisible government. History records no such apostasy of a statesman, no such betrayal of a great political movement by its acknowledged leader, no such surrender of an army by its commander.

Yet he may truthfully aver that he made upon his party the experiment of one of its conspicuous doctrines. He aided in its initiation and in the campaign which followed. He then referred it, with himself, to the final judgment of the old guard, which sometimes surrenders but never dies. He has now recalled it.

The referendum and recall was skillfully engineered by the second in command, Mr. George W. Perkins. This multimillionaire, whose vast fortune was gathered from the rich harvest of consolidation, whose seed was sown in the good old days of McKinley, whose associations are all with invisible government, and whose interests are inseparable from everything which the

Progressive Party condemns, has from that party's inception been the connecting link between Mr. Roosevelt and the powers that prey. Through this association he long ago became dominant with the Progressives, who, curiously enough, saw no inconsistency in this unnatural and contradictory situation. He has had no purpose for three years other than to return the wayward Progressives to the old Republican fold. He has had the candor to say so. True, he hoped and endeavored to do so by placing Mr. Roosevelt at the head of the new consolidation, but he intended to do it anyhow. That he had the encouragement of Mr. Roosevelt is now apparent. That his purpose was not clear to the minor Progressive leaders is incredible. He has performed his task. Mr. Roosevelt is not the chief. He is a sympathetic prisoner, at liberty on his own recognizance, and the old machine is in the saddle to stay. It would not be fair to Mr. Perkins to compare him with Judas, for he is a much better man. If Judas, with the connivance of the Savior, had betrayed the apostles to their enemies, the analogy would be complete.

But, Mr. President, it is an old and homely proverb that you can lead a horse to the trough, but you can not make him drink. Your genuine Progressive, who turned his back upon the Republican Party for its departure from its ancient ways and who knows that it has neither repented nor returned, can not be delivered like a bond slave to a new master. He can not and will not stultify himself by turning like the dog to his vomit again. He denounced the Democratic Party in 1912 as fatally incompetent, but he knows better now. He sees many of his own principles upon the statute book in 1916 placed there by its legislation. He finds the Democratic platform of 1916 to be largely a transcript of his own, and he realizes that in this Republic two parties professing the same purposes can not endure. He contrasts the patient dignity and serene courage of Woodrow Wilson with the raucous clamor and selfish inconsistency of Theodore Roosevelt. He knows that Mr. Wilson's defeat means a long farewell to all for which Progressivism stands, and he will take his place and cast his fortunes with the cause of Democracy. He will there find a permanent and congenial home, undisturbed by the consuming ambitions of an opportunist leader, eager to secure his own advancement by promoting his party principles, and equally ready to betray them as his interests may require.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Martin, Va.	Saulsbury
Bankhead	Hitchcock	Martine, N. J.	Shafroth
Borah	Hughes	Myers	Sheppard
Brady	Husting	Nelson	Sherman
Bryan	James	Newlands	Smith, Ga.
Chamberlain	Johnson, Me.	Norris	Smith, Md.
Clapp	Johnson, S. Dak.	Oliver	Sterling
Colt	Jones	Overman	Sutherland
Culberson	Kenyon	Page	Swanson
Cummins	Kern	Phelan	Thomas
du Pont	La Follette	Pittman	Tillman
Fletcher	Lane	Poindexter	Townsend
Gallinger	Lea, Tenn.	Pomerene	Walsh
Gronna	Lewis	Ransdell	Warren
Hardwick	Lippitt	Reed	Works

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. There is a quorum present.

Mr. SUTHERLAND. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the name of Mr. ASHURST, and he voted "yea."

Mr. HITCHCOCK. Mr. President, before this vote is cast there is a matter that I should like to understand definitely. I had the impression, from the statement made by the Senator from New Hampshire [Mr. HOLLIS], that the amendment which he proposes will not, in the aggregate, increase the appropriations for the Federal Trade Commission, but will simply raise some and reduce others. Is that correct?

Mr. HOLLIS. It will not increase the aggregate a dollar, but it leaves to the——

Mr. REED. Mr. President, is this question open for debate now?

Mr. GALLINGER. There has been a response to the roll call.

Mr. SUTHERLAND. I call for the regular order.

The PRESIDING OFFICER. The roll call is in progress.

The Secretary resumed the calling of the roll.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As he is not in the Chamber, and I do not know how he stands on this question, I will withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the junior Senator from Maryland [Mr. LEE], and will vote. I vote "yea."

Mr. MYERS (when his name was called). My pair, the junior Senator from Connecticut [Mr. MCLEAN], not having voted, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the senior Senator from New York [Mr. O'GORMAN], and will vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]; but I am just informed that if he were present and at liberty to vote he would vote "nay" upon the pending proposition. I desire to vote the same way, and regard myself as released from my pair for that reason. I vote "nay."

The roll was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "yea."

Mr. HARDING. I have a pair with the junior Senator from Alabama [Mr. UNDERWOOD], but I understand that if he were present he would vote as I would. I therefore vote "nay."

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE], who is absent; but in view of the statement made by the senior Senator from Mississippi [Mr. WILLIAMS] I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

Mr. OWEN (after having voted in the affirmative). I transfer my pair to the junior Senator from Indiana [Mr. TAGGART] and will allow my vote to stand.

Mr. SAULSBURY (after having voted in the affirmative). I neglected to announce that although I have a general pair with the junior Senator from Rhode Island [Mr. COLT] I was at liberty to vote upon this measure, because he thought he would vote the same way as I, and told me so.

Mr. DU PONT. I transfer my pair with the junior Senator from Kentucky [Mr. BECKHAM] to the senior Senator from Utah [Mr. SMOOT] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 28, nays 42, as follows:

YEAS—28.

Ashurst	James	Lea, Tenn.	Pomerene
Clapp	Johnson, Me.	Newlands	Saulsbury
Cummins	Johnson, S. Dak.	Norris	Sheppard
Hitchcock	Kenyon	Owen	Smith, Ariz.
Hollis	Kern	Phelan	Thompson
Hughes	La Follette	Pittman	Vardaman
Husting	Lane	Poindexter	Walsh

NAYS—42.

Bankhead	du Pont	Martine, N. J.	Smith, Ga.
Borah	Fletcher	Nelson	Smith, Md.
Brady	Gallinger	Oliver	Sterling
Brandegee	Gore	Overman	Sutherland
Bryan	Gronna	Page	Swanson
Chamberlain	Harding	Ransdell	Townsend
Clark, Wyo.	Hardwick	Reed	Warren
Clarke, Ark.	Jones	Shafroth	Williams
Culberson	Lippitt	Sherman	Works
Curtis	Lodge	Shields	
Dillingham	Martin, Va.	Simmons	

NOT VOTING—25.

Beckham	Lee, Md.	Robinson	Tillman
Broussard	Lewis	Smith, Mich.	Underwood
Catron	McCumber	Smith, S. C.	Wadsworth
Chilton	McLean	Smoot	Weeks
Colt	Myers	Stone	
Fall	O'Gorman	Taggart	
Goff	Penrose	Thomas	

So Mr. HOLLIS's amendment was rejected.

Mr. HOLLIS. I stated at the outset that if any amendments were adopted increasing the appropriation I would have the amounts deducted. We have now added through my amend-

ment $5,500 to the first paragraph, and I therefore move that on page 57, line 8, "$250,000" be stricken out and "$244,500" inserted.

The PRESIDING OFFICER. The Chair is advised that action has already been taken by the Senate on that.

Mr. HOLLIS. It was not done formally. It was done on the preceding paragraph. I am now talking of page 57, line 8.

The PRESIDING OFFICER. That has been done.

Mr. HOLLIS. I have one other amendment to offer. In line 19, page 57, I move to strike out "$15,000" and insert "$20,000." In order that the total be not increased if this amendment is adopted, I shall ask to have "$15,000" in line 21 stricken out and "$10,000" inserted, because the commission feel that they can get along with $10,000 for fees and mileage, but they can not get along with $15,000 for rent. The Trade Commission has had quarters, largely cramped, in the building occupied by the Department of Commerce. It will be impossible for them to remain there longer. Their estimate of $20,000 is based upon a rental of 50 cents per square foot. That is the lowest charge, I am informed, paid by any department. The Secretary of Commerce pays 35 cents a foot for office space, but 19 cents is added for lighting, heating, and elevator service. The 50 cents a foot estimated was to include lighting, heating, and elevator service. The Interstate Commerce Commission pays from 85 cents to $1.10 a foot. It seems to me reasonable, since this amendment will not increase the sum total, that the commission should be allowed to have their estimate stand. I therefore submit the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 57, line 19, strike out "$15,000" and insert "$20,000."

Mr. REED. Mr. President, I expressed my views regarding the creation of this Trade Commission, the powers sought to be conferred upon it, so fully when the bill was before Congress that I do not want now to take the time of the Senate to discuss further those questions. It is enough to say that the Senate and House of Representatives did create the commission, and did undertake to confer upon it the extraordinary powers that it assumed to exercise. I am not therefore inclined in the least to attempt to cut off liberal appropriations for this commission, because having been created I want to see it have full opportunity to demonstrate whether it is to be an effective instrumentality for good.

But, Mr. President, I want to call the attention of the Senate to the remarkable character of the appropriation that is embraced in the $250,000 item. I call attention to it because I do not believe it is safe legislation. While I am not going to ask to change it I want to register my protest against it.

I wish to say by way of preliminary that on yesterday I found many economists in the Senate. It was proposed to vote just four times the amount named here in this one item, a little over twice the amount that is carried in the appropriation for this one board or commission. It was proposed to vote for the dependent families of soldiers a little over twice the amount carried by the appropriation for this one commission that we have been informed by the author of the commission, its minister, spokesman, and high priest, upon the floor of the Senate to-day has not yet really got into action.

When the bill to relieve the families of the gallant men who are going forth to fight the battles of the country was before the Senate we found many economists who were carefully counting the dollars of the Government and who were exceedingly anxious that not a single dollar should get away if peradventure it might land in the pocket of the indigent wife or child of a soldier.

Now, I call attention to the loose and easy way, the airy and fanciful manner, in which we can dispose of shekels for other purposes. Notice the language:

> For compensation, travel expense, and per diem in lieu of subsistence at the rate of $4, of such special attorneys, special experts, special examiners, special agents, clerks, and other employees as may be necessary for the purpose of carrying on the work of said commission; the travel expense and per diem in lieu of subsistence to the commissioners and other employees under their orders in making any investigation or upon official business in any other places than in the city of Washington; no salary shall be paid hereunder exceeding the rate of $5,000 per annum; $250,000.

Mr. President, under that bill the commission, if it sees fit, can pay every one of its employees $5,000 a year and $4 a day for subsistence. It does not need to employ a single clerk at a salary of less than $5,000 a year. It can employ any kind of man; it can employ any kind of lady it wants to and pay them $5,000 a year. The only limit is that it shall not spend more than a quarter of a million dollars in that particular way.

But there is appropriated in addition $154,080, and then there are three $15,000 items. I say that Congress, in my humble judgment, ought not to appropriate money in that loose way. There ought to be some limitation upon the number of attorneys. There ought to be some limitation upon the number of clerks. There ought to be some limitation upon the number of experts or alleged experts or investigators. There ought to be some limitation upon the salaries that are paid to these different classes of people. It is not a proper form of appropriation. It is a loose, reckless, and extravagant form of appropriation. If it is persisted in, it will, to use a very old and homely expression, "come home to roost."

It seems to me that the Federal Trade Commission, if it is in an experimental stage, ought to proceed somewhat slowly in the employment of help. It seems to me at least that Congress ought not to give them the right to employ as many $5,000 a year clerks as they want to. Under the bill as it is drawn they can hire an ordinary typewriter girl and pay her $5,000 a year. They could go out and get any of their relatives or friends or favorites and pay them $5,000 a year. That kind of appropriation it strikes me is indefensible, and I would move to cut the appropriation down and change it entirely except for the fact that it would be claimed that I was fighting the Federal Trade Commission.

But I want to make one reply to the inquiry of the junior Senator from Georgia [Mr. HARDWICK]. He asked the Senator from New Hampshire [Mr. HOLLIS] when he was on the floor whether it was possible that the Senator meant to say that the Federal Trade Commission was both the complainant and the judge in certain cases. If the Senator from Georgia will turn back to the bill and apply his very excellent legal mind to its phraseology, he will understand at once that that was the very purpose of the act; that the commission is expressly authorized to be prosecutor, to be complainant, to be judge, to be jury, to be everything.

Mr. HARDWICK. Executioner included?

Mr. REED. Executioner, except that before they can impose certain penalties they may have to go to the court, and even there their decision is taken as almost conclusive upon the court on all questions of fact.

Mr. HARDWICK. If the Senator will pardon an interruption there——

Mr. REED. Certainly.

Mr. HARDWICK. I do not want to delay this measure, because I am anxious to get back to the Post Office appropriation bill, but does the Senator take that language to mean that? I referred to the act this morning since the discussion. The Federal Trade Commission is only nominally the party complainant; it really occupies a judicial or quasi-judicial position.

Mr. REED. Oh, no. When the debates were on and we were creating this strange body it was expressly stated as one of the peculiar virtues of the organization that it engaged upon the business of the country, and having discovered where there was evil, it could file the charge it would bring the culprit before it; it would rectify the evil.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do.

Mr. LEWIS. I revive in the mind of the able Senator from Missouri that we were antagonists concerning the construction of the sentences, clauses, and phraseology of those provisions to which he is now alluding. But I ask the Senator now if he does not recall that we merely copied the provisions that apply to the Interstate Commerce Commission in their power to initiate charges of wrong and to prosecute them? I ask the Senator does he now think there is any different power in the Trade Commission than is conferred on the Interstate Commerce Commission in similar undertakings?

Mr. REED. Oh, yes. I have tried to make it plain, in the numerous colloquys on the floor of the Senate, that the Federal Trade Commission, which its friends constantly tried to put under the wing of the Interstate Commerce Commission, is an entirely different body. The Interstate Commerce Commission is charged, after all, with what is largely a mathematical question. It ascertains the fair and reasonable cost or value of railroad property. It ascertains what rates must be paid in order to pay a fair income upon that property. It also has jurisdiction of a regulatory kind with reference to certain matters pertaining merely to the business of transportation. It is possessed of duties coming within a narrow compass, whereas this body in its jurisdiction is as extensive as the business of the country itself, and its right, if, indeed, the bill be sound, is to pry into every sort of deal between man and man so long as those deals have any relation to interstate commerce.

But I only threw in my remark to make clear what seemed to be a doubt in the mind of the Senator from Georgia that it

was not only possible but that it was the fact that the Federal Trade Commission does have the right to initiate proceedings. I do not, however, make any point on that with reference to this bill. I simply made it in the interest of clearing up a matter that seemed to be left a little obscure.

Mr. LEWIS. If the Senator will allow me, addressing myself to the particular point he makes in the appropriation, may I ask the Senator is not the provision concerning the employment of these aids, lawyers, attorneys, likewise a mere repetition of similar provisions allowing assistants to the Interstate Commerce Commission?

Mr. REED. I do not know; but if it is a repetition, then we are proceeding very loosely with the Interstate Commerce Commission. That body has the reputation for great virtue, and it may be that there have been certain powers conferred upon it and certain discretion that have been loosely conferred. I notice for some reason that the advocates of the Federal Trade Commission always try to run under the skirts of the Interstate Commerce Commission. I never found an advocate of the Interstate Commerce Commission seeking refuge behind the Trade Commission, and until that body shall have done something more than it has up to this day you will find no respectable division of the Government undertaking to get behind it and to put it forward as a type.

Mr. LEWIS. I may say, Mr. President, to the Senator my viewpoint has been that the reason why the Federal Trade Commission in the bill of its inauguration tried to conform to the provisions of the Interstate Commerce Commission was because that having been organized and having in many of its provisions been passed upon by the court, it established a precedent which was regarded as already ascertained as a legal case, and as being probably the only proper guide the commission had. That was really the reason for emulating the provisions of the interstate-commerce law. Such really was the intention when I, as a member of the committee, sought to formulate much of the Federal Trade Commission provisions after the order of the Interstate Commerce Commission.

Mr. REED. But, Mr. President, coming back to this method of appropriation, I do not intend to delay the Senate, but I make my solemn protest against this kind of appropriations. With all due respect to the Committee on Appropriations I hope that when the next bill comes before us it will be brought in here in a different form.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I yield to the Senator.

Mr. CUMMINS. As a matter of principle I think the Senator from Missouri is right about the bulk appropriations, but I ask him if it be not true that the practice that has been followed with respect to the Federal Trade Commission is a general practice, and many of the appropriations in this bill involve the same idea. The Interstate Commerce Commission is given a bulk sum. The Department of Justice is given a bulk sum, with no greater limitations upon its expenditures than are found in the appropriations for the Federal Trade Commission.

Mr. REED. Is not the Senator mistaken?

Mr. CUMMINS. I think it is not fair for the Senator from Missouri not to attach some of the censure to other departments of the Government as well.

Mr. REED. I think the Senator is in error in regard to the Department of Justice.

Mr. CUMMINS. Let us see.

Mr. REED. Just one moment. It is true it will appear that way in this bill, but I ask the Senator if it is not true that the salary of substantially every Assistant Attorney General is fixed by some other statute, and the salaries of the United States district attorneys are fixed, the salaries of the United States marshalls, so while there may be a lump sum carried in the bill other sections of the law do specify the salary; whereas in the matter of the Federal Trade Commission with the exception of the commissioners themselves I think there is no statutory regulation.

Mr. OVERMAN. The Senator is entirely mistaken, I will say.

Mr. CUMMINS. I beg to call the attention of the Senator from Missouri to the point which I had in mind as to the Department of Justice. On page 135 we find a paragraph, of which I will read a part:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $15,000 for salaries of necessary employees at the seat of government, $250,000.

Then, with respect to the Interstate Commerce Commission, I find, on page 54, the following:

To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners, $300,000.

I might recite several other paragraphs of the same kind.

Now, the criticism of the Senator from Missouri is well founded. It is fundamentally wrong to pursue that practice, but I rose simply to call to his attention the fact that it is pursued, with respect to substantially every department of the Government.

Mr. REED. I think that a part of the Senator's statement is accurate; I think a part of it is inaccurate. I have already said the salary of nearly all the employees of the Department of Justice is fixed by law. There is always, of course, a lump appropriation to cover contingencies and to cover extra employees. I agree with the Senator from Iowa that we have been too loose in many of these appropriations. I think that probably the Senator from Iowa is accurate in citing the instance of the Interstate Commerce Commission, but again I say that is no argument for this kind of an appropriation. The fact that we have dealt loosely for some time with some other departments of the Government affords no reason for doing it again.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. Yes.

Mr. WALSH. I heartily agree with the Senator, and we all agree, that there ought to be a general improvement in the method of legislation; but what strikes us as a little peculiar is why the Senator from Missouri sought out this particular appropriation as the subject of comment.

Mr. REED. The reason is that when I came into the Senate this item was up for consideration. I read it, and I read it with some degree of astonishment. I probably would not have noticed it had it not been for the effort to raise the salary to $7,500, which attracted my attention to the language.

Mr. WALSH. If the Senator will pardon me, the question——

Mr. REED. If you will let me finish—it struck me then, as it does now, that here is a new board being established. When we created that board there was a limitation upon the salaries that could be paid by it. It was provided that no salary should be more than a certain amount. I recall that, and I do not think my recollection can possibly be in error. Now, I come here and find an appropriation bill without any limitation except the $5,000 limitation, and it struck me that we were dealing rather generously and rather loosely with the proposition.

Mr. WALSH. Mr. President, because I thought the just estimate that ought to be put upon the work of the Federal Trade Commission might suffer somewhat by reason of the colloquy between the Senator from Missouri and the Senator from Georgia, I merely desire to ask the Senator from Missouri, in behalf of the Public Utilities Commission, if we have not such a commission?

Mr. REED. We have.

Mr. WALSH. Does that Public Utilities Commission have the authority to initiate just rates on its own account?

Mr. REED. I think it investigates the question of rates.

Mr. WALSH. If it finds that rates are presumably unjust it may proceed to correct them. In that case it would be in a certain sense complainant and judge at one and the same time.

Mr. REED. Yes, in one sense, yet not in the same sense as appears here, because, as I have undertaken to show, the question was entirely different.

I simply answered the question of the Senator from Georgia in the interest of the verities. There is no doubt the Federal Trade Commission can initiate, there is no doubt that it can then prosecute, there is no doubt that it can then adjudge. Therefore I did not say it should not have those powers. I wanted to leave it perfectly clear that they did have them. However, as to the propriety of it, that is another question, and I do not care to go into it.

Mr. OVERMAN. I think the Senator is mistaken about some of the employees. There is the legislative, executive, and judicial appropriation bill, which fixes the salaries of all clerks appointed under the civil service. I have been fighting these lump-sum appropriations for 10 years, and we in the committee have succeeded in taking them away in many cases. In the other cases we have asked that they submit a list of the officers and their salaries, so that we can provide for them. But here comes a department asking, say, $100,000 to do this and to do that, and we are not able to fix the salaries unless they send us a list. We had no list for this commission, but we expect to get it and to fix their salaries as their salaries ought to be fixed.

I am opposed to lump sums, and I am sorry there was no report to the Senate so that we could strike out these lump sums. But some lump-sum appropriations are necessary. That is the case where experts are employed; and you do not know,

when you want an expert in the Interstate Commerce Commission or in this commission, what you have to pay him. You have to send and get him and to pay what he asks. There must be some lump-sum appropriations, but I agree with the Senator from Missouri that the salaries ought to be fixed in the bill.

Mr. REED. Did I correctly understand the Senator to say that the Federal Trade Commission had no list to submit?

Mr. OVERMAN. I said that we have no list now. We have a list of the clerks provided for in the legislative appropriation bill. I understand that applies principally to the Bureau of Corporations, which, as the Senator knows, was transferred from the old Department of Commerce to the Federal Trade Commission.

Mr. REED. Does the Senator remember whether the salaries to be paid to the employees of the Federal Trade Commission were fixed in the bill creating the commission?

Mr. OVERMAN. That was fixed in the act. I think it is $10,000 that is paid to each member of the Federal Trade Commission.

Mr. REED. But not the salaries of the board—the salaries of their employees?

Mr. OVERMAN. Those were not fixed.

Mr. REED. Was it not stated that the salaries should not exceed a certain amount?

Mr. OVERMAN. I do not recollect whether that was the case or not.

Mr. REED. I think it was.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment.

The SECRETARY. In line 21, strike out $15,000 and insert in lieu thereof $10,000.

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, I ask unanimous consent to insert in the RECORD at this point a document giving a brief résumé of the recent activities of the Federal Trade Commission.

The VICE PRESIDENT. If there is no objection, it will be so ordered.

The matter referred to is as follows:

BRIEF MEMORANDA OF RECENT ACTIVITIES OF THE FEDERAL TRADE COMMISSION.

1. Standard Oil and gasoline: The investigation of gasoline prices has proceeded with remarkable rapidity and thoroughness. Public hearings have been held, and the interests of the public protected. Probably decrease in the price of gasoline. Report in a very short time.

2. Price of print paper: Investigation, pursuant to Senate resolution, being made into the price of print paper.

3. Increase in cost of anthracite coal: Under Senate resolution the Trade Commission is now investigating the price of anthracite coal to determine whether the increase has been justified by the increase in wages.

All three of the above are investigations that are conducted in a thorough and intensive manner, in the interest of the public.

Many more economic investigations are in progress.

Sherman law dissolution: In the Corn Products case, Federal Judge Hand, in a decision handed down Saturday, sustained the contention of the Government and referred the matter of the drafting of a decree of dissolution to the Federal Trade Commission, as master in chancery.

Conference rulings: These rulings are not new in Government activity. The Interstate Commerce Commission has pursued this practice since 1907, with the greatest success. It has resulted in relief to the business community, and has led to the effective administration of the law in an expeditious and speedy manner. The interests of the public have been protected, and the facilities of business have not been impeded. It was by reason of the success which the Interstate Commerce Commission had—having issued some 400 rulings in the last 10 years—that the Federal Trade Commission adopted this plan.

Informal complaints: Complaints of unfair competition are handled with a view to getting the speediest and best relief for the public. Many cases have been settled without going into the courts, saving, perhaps, the existence itself of some of the smaller competitors.

Formal complaints: Formal complaints have been issued, charging unfair methods of competition against three defendants. They are addressed to offenses such as the seduction of employees, bribery of employees, stealing of trade secrets, and other similar practices designed to lessen competition and tending to create a monopoly.

Both in its quasi judicial function and in the constructive, economic function, the Federal Trade Commission, inside of 15 months, has contributed substantially, as above briefly outlined, to the functions for which it was designed.

Mr. MARTIN of Virginia. Mr. President, I will not take the time to reopen the matter, but I will say that I had no idea that question was being put, and I do not think any other Senator had. The vote was taken under such circumstances that, although I was watching for it, I had not the slightest idea that it was to be taken then. I had intended to say something on the subject, and had a lot of material before me regarding it; but I will let it go, and we shall take the matter up in conference.

Mr. PHELAN. Mr. President, I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from California will be stated.

The SECRETARY. On page 67, after line 4, it is proposed to insert the following:

The unexpended balance of the appropriation of $500,000 made in the sundry civil appropriation act, approved August 1, 1914, for a building to install the Government exhibit at the Panama-Pacific International Exposition, located and planned and of such a permanent character as will make it available and useful for military purposes of the United States after the close of said exposition and shall be of such general plan and design and in such location as shall be approved by the Secretary of War, is hereby reappropriated for the construction in said Presidio of San Francisco, Cal., of such permanent barracks and quarters and other buildings and repairs to buildings as shall be approved by the Secretary of War. All of said buildings shall be erected under the authority of the Secretary of War, by contract or otherwise as he may direct.

Mr. MARTIN of Virginia. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Virginia?

Mr. PHELAN. I yield.

Mr. MARTIN of Virginia. I desire to make the point of order against the amendment, that it is plain legislation. It is for an item entirely without estimate. Neither the Senate nor the Committee on Appropriations have any knowledge about it, except what is stated by the Senator from California from his seat in the Senate. The amendment is plainly subject to the point of order.

Mr. PHELAN. Mr. President, I do not think the point of order is well taken, for the reason stated, because I have in my hand an estimate transmitted by the War Department. It seems that the Committee on Appropriations met unexpectedly, and neither I nor any other Senator had an opportunity to present the several matters which interested us. We have therefore been relegated to the floor of the Chamber.

I desire to say that the Representative in the other House, sitting for the city of San Francisco, is the victim of an unfortunate accident, which has also prevented his activities.

This appropriation was made two years ago by the Congress appropriating $500,000 for the purpose of constructing a building on the Presidio of San Francisco for the joint uses of the military and the exposition. It was a matter very difficult to reconcile. Therefore the building was not constructed at all, although the military need was manifest. We have in the Treasury now the balance of that appropriation, because out of the $500,000 authorized, $50,000 had been used by and under the direction of the War Department for the entertainment of guests. So it is not a new appropriation. It is the reappropriating of an amount that has already been provided for this very purpose, and because it was not practicable to construct an exposition building that would also serve the purpose of the Army the money was not then employed.

As to the need of this building, I merely desire to say that the Presidio of San Francisco is the most important in many respects of all of our military posts. It contains 1,500 acres of land on the Bay of San Francisco within the city of San Francisco, which is there available for the Government. The condition of the buildings there is such as to constitute what might be called a national disgrace. I have here under date of March 3, 1914, a letter from Gen. Pershing, the general now at the front, who is perfectly familiar with this department, of which he was the commanding general, who writes:

1. A recent inspection of the barracks and quarters, known as the East and West Cantonments, now occupied by the Sixth and Twelfth Regiments of Infantry, has brought out the fact that these buildings are in such a dilapidated condition that they are almost beyond repair and should be removed, and new buildings erected in their stead as early as practicable.

2. The records show that these groups of frame buildings were hurriedly and roughly put up to accommodate the volunteer regiments, returning from and going to the Philippine Islands during the period 1898–1901. The buildings were never intended for permanent use in any sense and were constructed in the most temporary fashion, with the expectation that as soon as the emergency which prompted their erection should have passed the lumber in them would be used for other purposes.

3. The present tumbledown condition of these buildings can hardly be described—

And so forth. Gen. Pershing adds:

4. * * * I have never seen worse looking quarters for soldiers in all my experience in the Army. I visited many of the stations of troops abroad in Europe and Japan, and I have never seen anything like this.

5. The subject of providing proper buildings for the Infantry of the Presidio was first considered by the department commander himself, September, 1912, when he appointed a board of officers to thoroughly examine the buildings of the post and submit a report and recommendation as to the new buildings required. In its report the board recommended that all the buildings above referred to be condemned and destroyed as unserviceable, and recommended the construction of new and suitable barracks and quarters in their stead. This report was used as the basis of action on the part of the department commander.

6. Plans were perfected to carry out these very necessary improvements, and the whole scheme met with the approval of the War Department. But so far only one concrete barrack building to accommodate a battalion of Infantry has been erected, although about one year and a half have elapsed since the department commander invited attention to the urgency of their construction. * * *

7. New buildings are necessary and must be built within a year or two.

Congress did undertake in 1914 to appropriate money. The commanding general recommended the appropriation of $1,631,000, and the War Department allotted $800,000. The Presidio received for buildings $91,000 and for grounds $80,000, a difference between the allotment fixed by the War Department and the amount actually received of $629,000, which was diverted to some other posts. There was no appropriation made for the Presidio in words, but in the committee it was understood that he $800,000 should be allotted to the Presidio, and it was so understood by the War Department.

In answer to the distinguished Senator from Virginia [Mr. MARTIN] I desire to say that I have in my hand, under date of May 16, 1916, transmitted by the Secretary of War, a statement as to the needs of this public work, with which I shall not cumber the RECORD by reading in extenso, but of which I will read the concluding part:

Should $450,000—

The amount asked for in this amendment—

be made available, it would be utilized in building two permanent concrete barracks like the one already existing, each to accommodate a battalion. Barracks of similar type, but smaller, could be built for a headquarters company and a band. It is thought that these battalion barracks would cost approximately $130,000 each. This is about 10 per cent more than the cost of the existing concrete building, owing to increased cost of material and labor. The headquarters and machine-gun company barracks would cost approximately $35,000 and $25,000. This would make the total cost of completing permanent accommodations for one regiment $320,000, leaving $130,000 which could be utilized to continue the permanent construction of barracks, quarters, storehouses, or any other necessary buildings as contemplated to complete this post along the general lines recommended by board convened by the department commander under date of August 26, 1915.

Should this work be done, it would not necessarily mean that the money now being spent to repair and remodel the present wooden barracks would be thrown away, for the reason that the old buildings could be retained and utilized for any possible concentration of troops. Should there be any material increase of the Army as the result of pending legislation—

And, indeed, we know that the Army has been greatly increased in numbers—

the old barracks could be utilized to good advantage. Owing to the heavy demands for funds to provide shelter for troops and animals on the Mexican border it has been necessary to utilize practically all the savings on work done at this post during the current fiscal year, and it is expected that the small balance now on hand will soon be required for the additional troops ordered to the border. Therefore the sum named above can be readily used to advantage to continue improvements at the Presidio.

This is signed by Henry G. Sharpe, brigadier general, Quartermaster's Corps, Acting Quartermaster General.

Mr. President, the conditions are extraordinary. When Congress appropriated $500,000 two years ago, with the expectation of having it used for a permanent military building in the Presidio, there was no such necessity as there is to-day. We have increased the number of our troops. The post of the Presidio is second, perhaps, only to that of Governors Island, the most important post in the country. The danger of this country is on the border and on the Pacific, and there must always be a concentration of troops there.

I have shown you that the quarters for the men are so bad that they have no life in them, nor can they stand up long, and they have been subjected to the condemnation of an expert officer, who says that never in his military experience, at home or abroad, has he seen such quarters for soldiers.

The VICE PRESIDENT. This is not a question at all as to whether the building is needed. What was the document which the Senator from California was reading, signed by Gen. Sharpe?

Mr. PHELAN. As I stated, the Representative representing San Francisco, Mr. KAHN, has met with an accident, and, therefore, could not present this matter to the House, and has handed me this document.

The VICE PRESIDENT. Merely to enable the Chair to rule intelligently—not on the question of the right or the wrong of the proposition, not on the question of the necessity of the appropriation, but upon the point of order raised by the Senator from Virginia [Mr. MARTIN]—the Chair wants to know from what document the Senator from California was reading? Is it a document which has been filed with the Committee on Appropriations?

Mr. PHELAN. Mr. President, it is a document which was sent to the committee of the other House through Mr. KAHN, who is the ranking Republican member of the Military Affairs Committee, by the private secretary of the Secretary of War. I will read the letter:

THE SECRETARY OF WAR,
Washington, May 16, 1916.

MY DEAR MR. KAHN——

The VICE PRESIDENT. That does not answer the question. The letter is not addressed to the Committee on Appropriations of the Senate, and the point of order is that no estimate has been made for the proposed improvement of the Presidio. The Chair is trying to ascertain whether or not there is an estimate in the hands of the Committee on Appropriations.

Mr. MARTIN of Virginia. Mr. President, I have the official Book of Estimates before me, and there is no word about this item. The law requires that the estimates shall go to the Secretary of the Treasury and be certified by him to Congress. That certification is before me, and this item is not alluded to.

The VICE PRESIDENT. There can not be any doubt then that the——

Mr. WORKS. Mr. President, will the Senator from Virginia allow me a few words before pressing his point of order?

Mr. MARTIN of Virginia. I am trying to save time. The amendment is so manifestly and plainly out of order that I can not see why the time of the Senate should be taken up in discussing it.

Mr. WORKS. It may be proper that I should say something about the conditions, and I should be glad to have an opportunity to do so.

Mr. MARTIN of Virginia. I will say also, before the Senator from California proceeds, that there is an estimate from the War Department for two million dollars and upward for the construction of barracks and quarters for soldiers. That has not been enacted into law, and that estimate from the War Department is in the Book of Estimates and has been submitted to us through the Secretary of the Treasury. It covers just such purposes as the one contemplated by the amendment of the Senator from California. Such items belong in the Army appropriation bill and not on this bill.

The VICE PRESIDENT. Is the Senator from California [Mr. WORKS] desirous of addressing the Chair on the point of order?

Mr. WORKS. Not at all, Mr. President. I only wanted to say a few words regarding the merits of the amendment.

The VICE PRESIDENT. Then it is the duty of the Chair to sustain the point of order.

Mr. WORKS. Of course if the Senator insists on the point of order, I am out of order undoubtedly.

Mr. PHELAN. Mr. President, I understand the Chair has ruled that the amendment at this time is out of order?

The VICE PRESIDENT. The Chair has so ruled.

Mr. PHELAN. I had construed the letter of the Secretary of War as being a recommendation. If it is not out of order, I shall seek confirmation of that and resubmit it to the Senate to-morrow. I desire to submit another amendment.

The VICE PRESIDENT. Well, we might as well ascertain about these things first as last. The Chair does not believe under the law that a Senator can go and get an estimate and use it on the floor of the Senate in violation of the rules of the Senate. The Chair believes the estimate must go to the Committee on Appropriations.

Mr. WORKS. Mr. President, I desire to say that I was not intending to controvert the ruling of the Chair at all.

Mr. PHELAN. Mr. President, I offer another amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 126, after line 10, it is proposed to insert:

The Secretary of the Interior, in his discretion, is authorized to expend in the purchase of such private holdings in the park as in his judgment are desirable for the better administration of the reservation, $50,000.

Mr. PHELAN. Mr. President, I have in my hand a letter from the Secretary of the Interior, stating that the most important grove of big trees in the Sequoia National Forest is imperiled by reason of the fact that the owners are about to cut the timber, and the only way the department has had to restrain the rapacity of the owners was to deny them a right of way through the reservation, and that is now conceded to be without authority of law. The private holdings will cost $70,000, of which $20,000 is to be subscribed by private parties interested in the preservation of the trees. Therefore this appropriation of $50,000 is asked for in the sundry civil bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. PHELAN. I have one more amendment which I desire to offer. I send the amendment to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 125, line 16, it is proposed to strike out "$700" and insert "$1,000," so as to read:

Yosemite National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads; including, not exceeding $500 for maintenance and repair of horse-drawn passenger-carrying vehicles for use of the supervisor and employees in connection with general park work, not exceeding $1,000 for a motor-driven passenger-carrying vehicle for the use of the supervisor in inspection and other park work.

Mr. MARTIN of Virginia. I have no objection to that amendment, Mr. President.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WILLIAMS. Mr. President, I wish to offer, at the request of the Senator from Nevada [Mr. NEWLANDS], the amendment which I send to the desk. The amendment was considered by the Committee on the Library and was approved of by them. In connection with it, Mr. President, I wish to have placed in the RECORD as a foreword a letter written by Col. Harts, the secretary and executive officer of the Commission of Fine Arts, to me as chairman of the Committee on the Library.

The VICE PRESIDENT. In the absence of objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

THE COMMISSION OF FINE ARTS,
Washington, D. C., May 9, 1916.

MY DEAR SENATOR WILLIAMS: A short while ago I received a memorandum from the clerk to the Senate Committee on the Library giving an extract from the minutes of the meeting of that committee held February 22 last, to the effect that a subcommittee had been appointed to draw up an amendment to the sundry civil bill appropriating $15,000 for the expenses of the Commission of Fine Arts. It has been a great satisfaction to the members of the commission to learn of this recognition of a situation that has become quite serious in connection with the proper and expeditious execution of their duties.

Since receiving this memorandum I have felt that I should place before your committee a statement regarding the commission and its work for consideration in connection with the proposed amendment, and I am therefore taking the liberty of submitting the following full and frank statement of facts. I should add that I am writing this letter without the knowledge of the members of the commission.

The National Commission of Fine Arts is now 6 years old, having been created by act of Congress approved May 17, 1910. This act marked a distinct step forward by the Government, since it was the first time that the Congress of the United States ever formally recognized the fine arts. It was also an evidence that the development of the National Capital, toward which Congress was making large annual appropriations, should, in the opinion of Congress, be carried on along broad, harmonious lines under the best expert advice. The Commission of Fine Arts constitutes the official body of expert advisers to the President, to Congress, and to the various executive departments and establishments in public matters where their advice as to artistic taste and good judgment are required.

The present membership of the commission comprises:

Charles Moore, chairman, of Detroit, Mich. Mr. Moore is chairman of the Detroit City Plan Commission, director of the Detroit Museum of Art, and an authority on civic improvement.

Frederick Law Olmsted, vice chairman, of Brookline, Mass., is considered the foremost landscape architect in this country, and is a member of the largest landscape architectural firm in the world. He is consulting landscape architect to many of the largest municipalities and the only surviving member of the Senate Park Commission of 1901 on the improvement of the park system of the District of Columbia.

Thomas Hastings, of the firm of Carrere & Hastings, New York City, is the architect of the New York Public Library and many other public and private structures in the United States.

Cass Gilbert, of New York City, is the architect of the Minnesota State Capitol, the Woolworth Building, and many other public and private structures in the United States.

Edwin H. Blashfield, of New York City, past president of the mural painters, is probably best known in Washington by his mural painting of the Library of Congress dome.

Peirce Anderson, of Chicago, Ill., was formerly a partner in D. H. Burnham & Co., the designers of the Union Station and post office in this city. He is now a member of the firm of Graham, Burnham & Co., successors to D. H. Burnham & Co.

Herbert Adams, of New York City, is the sculptor of the McMillan Memorial Fountain in this city and creator of many other works of art in this country. Mr. Adams is also president of the National Sculpture Society.

These eminent gentlemen receive no compensation for their services as members of the commission, being reimbursed only for actual and necessary expenses incurred by them in the fulfillment of their official duties, although the present prescribed rate of $5 per day for subsistence does not cover their necessary expenses. I know of no other organization anywhere where men of such eminent standing, reputation, skill, and professional ability are willing to give what amounts to important professional services without pay, purely from high-minded, patriotic motives.

As you know, under the organic act the scope of the functions of this commission embraces advising upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia; upon the selection of models for statues, fountains, and monuments erected under the authority of the United States, and the method of selection of artists for their execution. The act excludes the Capitol Building and the Library of Congress from the jurisdiction of the commission.

The organic act further provides that the commission also advise generally upon questions of art when required to do so by the President or by any committee of either House of Congress. Under this authorization a number of Executive orders have been issued by the President since 1910, to the effect that plans for all public buildings and other structures within the District of Columbia to be erected under the direction of the Federal Government, and all questions of art with which the Federal Government is concerned, shall be referred to the commission before final action shall be taken by the officials in charge of such matters. The commission was further directed by such Executive order to advise the officer in charge of public buildings and grounds regarding the development of the large public park areas under his control; and that officer now uniformly consults the commission regarding details of designs in connection with such developments; in fact, the number of submissions from this office alone requires a large part of the commission's time at every meeting, and its cooperation and advice have been of inestimable value in raising the parks of Washington to a high standard. The President also requested the Commissioners of the District of Columbia to cooperate with the Federal authorities for the harmonious development of the National Capital by conferring with the National Fine Arts Commission on all such matters under their jurisdiction.

The jurisdiction of the commission, in its advisory capacity, therefore now extends (excluding the Capitol and Library of Congress) over every public building, monument, piece of painting or statuary, and the like, in which questions of art are concerned and with which the Federal Government is in any way connected. This assures that the United States is getting absolutely the best artistic results for moneys appropriated for such purposes, and that nothing that is placed within the National Capital will work injury to the great plan for its beautification and development. It has been observed that the mere fact that there is a National Commission of Fine Arts with such supervisory jurisdiction already has served to raise the standard of works of art submitted for acquisition by the Government, for artists are exerting their best efforts where they know that their creations have to be passed on by the Federal Art Commission before they can be accepted by the United States.

The commission's work is of cooperation rather than of criticism. It aims to accomplish results by advising with officials of the Government, commissions, architects, sculptors, or other artists whenever modifications or changes in matters under consideration are deemed desirable. During the past year it has happened in numerous instances that the commission has been consulted from four to six times regarding details of the same project, and they now keep in touch with such matters from the time of the submission of the first preliminary designs until it has been completed and accepted by the United States.

The commission has rendered assistance to the President, to committees of both Houses of Congress, to the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, to the officer in charge of public buildings and grounds and the District Commissioners, to the Isthmian Canal Commission, and numerous congressional statue commissions charged by law with the erection of statues under Government appropriation. These matters include not only passing on the artistic qualities of paintings and models for statues, but upon the location of public buildings and monuments, upon problems of traffic, upon utilitarian features in the treatment of bridges, thoroughfares, plazas, parks, etc. Last year congressional committees alone referred bills covering 47 submissions to the commission, and this year that number will be exceeded.

Among other matters, it has advised against the purchase of numerous paintings which were inferior works of art, and which, if purchased by Congress at the sums stated in the bills for their purchase, would have cost more than the sum total of the commission's appropriations to date. It has repeatedly urged the omission of useless colonnades and other elaborations which seemed to be proposed for purely decorative purposes and tended to hamper the straightforward solution of practical problems. The commission's advice has almost invariably been in the direction of simplicity and thoroughness and against ornateness.

Prior to 1910, the Government, when considering the plans and models for any monument, had to spend many hundreds of dollars in each case for expert advice. It is probable that the saving in this item of expense alone has also been more than the sum total of the appropriations made for the commission during the time it has been in existence.

Congress appropriated $10,000 for the commission's first year's activities; this amount was practically all needed to establish the commission on a working basis. The second year Congress granted $8,800, and for the following three years $5,000 for each year; this amount was last year increased to $6,000.

The following table shows the work of the commission during the past five years:

	1911	1912	1913	1914	1915
Appropriation	$10,000	$8,800	$5,000	$5,000	$5,000
Number of official meetings during year	9	8	5	5	5
Statues, fountains, and monuments in the District of Columbia	10	13	9	6	31
Public buildings and works in the District of Columbia	14	14	14	35	9
Questions of art referred by congressional committees	5	2	6	5	47
Miscellaneous	14	8	27	14	40
Questions submitted, but returned because commission was without authority to act	2	2	1	1	1
Carried over from previous year	.....	2	2	2	.....
Total	45	41	59	63	128
Returned because not officially referred	2	2	1	1	1
Not disposed of at close of fiscal year	2	2	2	.....	7
Total submissions disposed of	41	37	56	62	120

This year four official meetings have so far been held, with a total of 122 submissions considered. The influx of additional submissions has been so great that the commission must hold another meeting on May 15 next, despite the reduction of their available cash balance to such an extent that the members may have to bear part of the expense of attending this meeting themselves.

As typical of the number and character of submissions requiring the commission's attention at the meetings, I am giving the following as some of those already received for consideration at their next meeting:

The plans and design for the new Freer art gallery for Washington.
The plans and design for the proposed archives building.
Location and design for proposed new Aqueduct Bridge.
Working model of statue, and pedestal, of Lincoln for Lincoln Memorial.
Preliminary design for Meade Memorial in Washington.

Preliminary sketch design for Francis Asbury Memorial in Washington.
Preliminary design for Buchanan Memorial in Washington.
Passing on 34 models, with plans, received in Francis Scott Key competition.
Plans and studies for landscape treatment around Lincoln Memorial.
Limitation of building heights in the District of Columbia, by request of District Commissioners.
Numerous bills from committees of Congress, involving inspection of paintings and statuary offered for acquisition to the United States, and other questions of art.

Several years ago the chairman and vice chairman spent a strenuous week in the Canal Zone making a detailed examination of sites and plans for permanent structures of the Panama Canal, including advising regarding the layout of the then proposed new city of Balboa. This city has since been constructed along the lines suggested by the committee.

It will be seen from the foregoing that these items can not be passed upon without large expenditure of time and money, and the great amount of detail work incident to the disposition of the work before the commission throughout the year has necessitated an increase in the duration of its sessions from one day to two and three days, and in the correspondence and committee work and travel between meetings. Congress is stipulating more and more in enactments for the erection of monuments, public buildings, bridges, etc., that the plans and designs must bear the approval of the Commission of Fine Arts before work can be proceeded with. The demands on the members are now more than three times as heavy as they were during the first four years of its existence. During the month of March a committee of six members of the commission met at their own expense to dispose of a large number of submissions that required immediate attention.

The burden imposed by Congress upon the commission has become so heavy that the members can not carry it with the funds placed available for its work, and if these demands are to be met, additional funds will have to be provided. The commission expects to hold at least one meeting a month during the next year; it needs basic maps which have to be prepared, files of photographs for reference purposes, and other data on which intelligently to base recommendations, and they need additional clerical services to handle the large amount of detail work incident to submissions and to keep their records in shape. At present there is but one clerk to handle this mass of detail.

The original act did not provide for rent of quarters. It therefore became necessary to depend upon the courtesy of some Government department for the loan of spare space. An empty storeroom on the fourth floor of the Lemon Building was placed at their disposal by the Secretary of War, who, after a year, generously increased it by sufficient space to enable the commission to fit up a larger meeting room and a smaller room for records and files. This space is now very much overcrowded. When the commission is not in session their meeting room is used by a portion of the drafting force of the Office of Public Buildings and Grounds, necessitated by the crowded condition of the whole floor on which the commission have their quarters, while the smaller room is filled with files and other office equipment which have overflowed into the halls and the meeting room. The commission is at the mercy of the War Department in respect to this matter, and there is danger of the commission being made suddenly homeless when the space occupied by them is required by that department. I would urgently request your committee to include the words "and office rent," after the words "books of reference," in their appropriation, so that the form will read:

"Commission of Fine Arts: To meet the expenses made necessary by the act approved May 17, 1910, entitled 'An act establishing a Commission of Fine Arts,' including the purchase of periodicals, maps, and books of reference, and office rent, to be disbursed, on vouchers approved by the commission, by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as executive officer of said commission, $15,000."

Very truly, yours,

WM. W. HARTS,
Colonel, United States Army,
Secretary and Executive Officer.

Hon. JOHN SHARP WILLIAMS,
Chairman Committee on the Library, United States Senate.

Mr. MARTIN of Virginia. I have no objection to the amendment proposed by the Senator from Mississippi, increasing the amount for the Commission of Fine Arts from $6,000 to $8,000. It is within the estimate.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 81, line 8, after the words "books of reference," it is proposed to insert the words "and office rent"; and in line 11, to strike out "$6,000" and insert "$8,000."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. MARTIN of Virginia. There is a little amendment which has been omitted. I send it to the Secretary's desk and ask for its adoption.

The SECRETARY. On page 78, line 12, it is proposed to strike out "$1.85" and insert in lieu thereof "$1.80."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 47, line 7, after the numerals "$30,000," it is proposed to insert:

The sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated for the construction of a permanent wagon and foot bridge across the creek at Internacion Avenue, at Nogales, Ariz., on land reserved by the United States for customs purposes.

Mr. MARTIN of Virginia. Mr. President, I make the point of order that the item is not estimated for.

Mr. ASHURST. Mr. President, in response to that statement I wish to say that this item is not obnoxious to the point of order because it has been reported and moved by a standing committee of the Senate. Therefore it is not obnoxious to the point of order under our rule.

The VICE PRESIDENT. Has it been reported favorably by a standing committee and referred to the Committee on Appropriations?

Mr. ASHURST. It has been, sir.

The VICE PRESIDENT. Then, the point of order must be overruled.

Mr. MARTIN of Virginia. I was not aware that that was the fact, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MYERS. I desire to offer an amendment, which I will state orally. On page 158 of the bill, line 5, I move to strike out the figures "$1,500" and insert "$1,800." That is estimated for in the Book of Estimates.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 158, line 5, in the item for the Bozeman (Mont.) station, after the word "Superintendent," it is proposed to strike out "$1,500" and insert "$1,800."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MYERS. I have other amendments which I desire to offer.

Mr. OVERMAN. Mr. President, if the salary of the superintendent at the Bozeman station is increased the salary of the superintendents at other stations ought to be changed all along the line. Under existing law they all get $1,500.

Mr. MYERS. I desire to offer another amendment. At the end of line 5, on the same page, I move to insert "foreman, $1,200." That is estimated for in the Book of Estimates.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 158, at the end of line 5, it is proposed to add a semicolon and the words "foreman, $1,200."

Mr. GALLINGER. Mr. President, before that amendment is voted on I want to ask the chairman of the committee if the amendment just agreed to, increasing the salary of the superintendent of the station at Bozeman, Mont., was estimated for?

Mr. MARTIN of Virginia. That has not been voted on yet.

Mr. GALLINGER. It has been agreed to.

Mr. MARTIN of Virginia. I am endeavoring now to find out from the documents whether it has been estimated for. If it has been estimated for, I am not aware of that fact.

Mr. MYERS. It has been estimated for. I have the printed Book of Estimates before me, and it is in that book.

Mr. MARTIN of Virginia. Is it in the printed Book of Estimates?

Mr. MYERS. It certainly is.

Mr. OVERMAN. While the amendment has already been agreed to, I desire to call attention to the fact that there are a number of other stations mentioned in the bill the superintendents of which are paid $1,500. I might cite the stations at Cape Vincent, N. Y.; Clackamas, Oreg.; Cold Springs, Ga.; and many others. The superintendent nowhere gets to exceed $1,500. Now, we are selecting out the superintendent at Bozeman and giving him $1,800, while the others only get $1,500.

Mr. MYERS. The others are not here asking for it, so far as I can see, and, as I have stated, it is estimated for. Furthermore, the amendment has been adopted.

Mr. HARDWICK. It might be well to make a motion to reconsider.

Mr. MARTIN of Virginia. That amendment has not been adopted, has it, Mr. President?

Mr. GALLINGER. It has been.

Mr. MARTIN of Virginia. I will say that if the Senate wants to put on this bill every conceivable appropriation, when they are not willing to provide $50 a month for the families of soldiers, they can proceed as they are doing, but I do not think it will be possible for me to maintain such items in conference as are going into this bill.

Mr. GALLINGER. I asked the question of the Senator for the reason that there are quite a number of other stations the superintendents of which receive $1,500 under the provisions of the bill.

Mr. MARTIN of Virginia. They ought all to be raised if the one at Bozeman is raised.

Mr. GALLINGER. The salaries of all ought to be increased to the same level.

Mr. MYERS. Mr. President, I will state my further amendment. I move to insert at the end of line 5, on page 158, the

words and figures, "foreman, $1,200." That is estimated for in the Book of Estimates.

Mr. MARTIN of Virginia. That is an increase of salary.

Mr. MYERS. It is a new position that is very badly needed.

Mr. MARTIN of Virginia. The Senator proposes to create a new position.

Mr. MYERS. Yes, sir. The Department of Commerce have recommended it very strongly, and it is, as I have said, estimated for in the Book of Estimates. The position is needed. There is very great need of it.

Mr. MARTIN of Virginia. I will say, Mr. President, that, in view of the great emergency that now confronts the country, the committee declined to increase a single salary and authorized very few new positions. They did create perhaps three or four new positions, but they turned down application after application on the ground that the emergency confronting the country would not make it safe for us to be appropriating money in this way. Of course, it is nothing to me. The Senate can vote in the bill as many increases and as many appropriations as they see fit, but I warn the Senate that it is a very great work they are imposing on me to maintain in a bill of this sort of increases which may be asked for in a hundred other instances with just as much logic and force as in this case. I think the Senate ought to reject this amendment.

Mr. MYERS. Mr. President, I will say, in reply to that that in these times when we are voting hundreds of millions and even billions of dollars for war purposes, I agree with the sentiment expressed by the Senator from Iowa [Mr. CUMMINS] this forenoon, that we should not become so war mad as to entirely overlook and forget our internal domestic needs.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. I yield to the Senator from Idaho, with pleasure.

Mr. BORAH. May I ask if the war conditions impose any extra burden upon this gentleman at Bozeman, Mont., whose salary has been increased?

Mr. MYERS. Well, he pays a part of the taxes that the war preparation increases; yes, sir; just as everybody in the country does.

Mr. BORAH. Then, as I understand, the increases the Senator seeks to bring about are for the purpose of enabling officers to pay their increased proportion of taxes?

Mr. MYERS. I am not asking anything for his wife; the appropriation is for him. I will submit my amendment, and ask for a vote on it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was rejected.

Mr. MYERS. I desire to submit another amendment. I move to insert after the figures "$900," in line 6, on page 158, the words "two apprentice fish culturists, at $600 each." That is estimated for in the Book of Estimates, and is strongly recommended by the Department of Commerce as being absolutely necessary for the proper conduct of the Bozeman station.

Mr. MARTIN of Virginia. I do not understand where the amendment is to come in.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 158, line 6, after the words "fish culturist, $900," it is proposed to insert "two apprentice fish culturists, at $600 each."

Mr. MARTIN of Virginia. My clerk has just been looking up the matter in the Book of Estimates, but has been unable to find it. I should like to know from the Senator where it has been estimated for.

Mr. MYERS. I will find it for the Senator. On page 1015 of the Book of Estimates, under the heading "Bozeman, Mont.," in the last line under that heading is found the provision "two apprentice fish culturists, at $600 each, $1,200."

Mr. MARTIN of Virginia. Mr. President, I know of no reason why this amendment should be agreed to. I suppose these fish culturists are much more important than the families of soldiers; and if the Senate so think, they can vote the amendment in.

Mr. MYERS. Mr. President, that argument glances off of me harmlessly, because I voted yesterday to take care of the families of the soldiers.

Mr. MARTIN of Virginia. I am talking about the appropriation, and not how anybody voted.

Mr. MYERS. At the same time I believe in taking care of our domestic and internal affairs. The Senator says he knows of no reason for this appropriation. The only reason is that the Department of Commerce recommends it and estimates for it, and says it is necessary. I submit the question on that statement.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was rejected.

Mr. MYERS. I submit a further amendment by adding to the section which treats of the fish hatchery at Bozeman, Mont., these words:

Fish-cultural station, Bozeman, Mont.: For extension of hatchery building, additional rearing ponds, and improvements to water supply at the Bozeman, Mont., station, to be available until expended, $5,000.

That is estimated for in the Book of Estimates, it is recommended by the Department of Commerce, and I believe it is reasonable and necessary.

Mr. MARTIN of Virginia. Mr. President, I do not want to be criticizing the departments, but in candor I must say that if we followed all the estimates that come here from the departments the United States would be bankrupt in less than 30 minutes. I do not think that such an appropriation as this ought to be made at the present time, and I hope the amendment will be voted down.

Mr. MYERS. My experience has been that the departments are much more careful in judging of what is necessary for the expenditures of the country than is the Congress. I ask for a vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was rejected.

Mr. PITTMAN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 168, line 14, it is proposed to strike out——

Mr. MARTIN of Virginia. That has been increased by $200,000.

Mr. PITTMAN. Do I understand that the $2,450,000 has been stricken out and $2,650,000 inserted?

Mr. MARTIN of Virginia. It has.

The SECRETARY. On motion of the Senator from Massachusetts [Mr. LODGE].

Mr. BANKHEAD. Mr. President, I should like to have the attention of the chairman of the committee for a moment. There is a provision in this bill appropriating $500,000 for the establishment of a plant for the manufacture of powder.

Mr. MARTIN of Virginia. If the Senator moves to strike that out, I think it ought to go out. I agree to it.

Mr. BANKHEAD. That is just what I rose for.

Mr. MARTIN of Virginia. I simply want to save time by saying that I consent that it be stricken from the bill.

Mr. BANKHEAD. I move to strike out lines 6, 7, 8, 9, and 10 on page 62. My information is that there has been no estimate made for this. There has been no suggestion, even, from the department that it should go in the bill. I think it ought to go out.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 62, beginning with line 6, it is proposed to strike out the following words:

Powder factory: For the establishment of a plant for the manufacture of powder on a site to be procured by purchase or condemnation, or in the discretion of the Secretary of War on any suitable site that may be tendered without cost to the United States, which he is authorized to accept, $500,000.

Mr. NORRIS. On that I ask for the yeas and nays.

Mr. MARTIN of Virginia. Just a moment, Mr. President, and perhaps the Senator will not feel it necessary to take that time.

This provision came here from the House, and upon inquiry I can find no justification for it. It is not recommended by anybody, and nobody knows anything about it. It does seem that it ought to be fortified in some way before the appropriation is made. My only object in consenting to have it go out is because that is the only way in which it will get into conference. I will investigate it carefully, and if it is needed I shall certainly yield and let it go in the bill.

Mr. NORRIS. Mr. President, it seems to me that the recommendation of the House of Representatives is entitled to some consideration. I do not care to discuss it, because it is a question upon which every Senator, I suppose, has fixed convictions, as to whether we ought to have a powder factory. As far as I am concerned, I am in favor of the Government making——

Mr. MARTIN of Virginia. I will say to the Senator that if it is needed at all it will go back. I am earnestly in favor of strengthening the armament of the country.

The VICE PRESIDENT. All those in favor of the amendment——

Mr. PITTMAN. Mr. President, I should like to know what the form of the amendment is. I do not understand whether we are voting——

The VICE PRESIDENT. The amendment proposes to strike out a paragraph found in the House bill.

Mr. NORRIS. I have asked for the yeas and nays on that motion.

The VICE PRESIDENT. Is the demand for the yeas and nays seconded?

The yeas and nays were not ordered.

Mr. BANKHEAD. Mr. President, just one word. My purpose in moving to strike out this paragraph is that I have been informed—and I think my information is absolutely correct—that the Chief of Ordnance of the War Department has said that he knows nothing whatever about this provision; no estimate has been made for it and no recommendation was ever made to anybody to put it into the bill. It seems to me from reading it that there is a job somewhere in it. I think we ought to strike it out and let it go to conference; and upon inquiry, if it is found to be necessary, the conferees can reinstate it.

Mr. OWEN. Mr. President, the importance of having a powder factory, I think, has been sufficiently demonstrated by the experience of the Navy Department. They have succeeded in reducing the cost of powder to 25 cents a pound. The Government of the United States not long since paid four times that much for powder. Obviously, when we are preparing this country against contingencies that may arise, we ought to have powder, and we ought to have cheap powder, and we ought to have the Government of the United States prepared to furnish a part of the supply which may be necessary.

Mr. WARREN. Mr. President, will the Senator yield to me?

Mr. OWEN. I yield; certainly.

Mr. WARREN. The Senator perhaps is aware that the War Department built a powder factory before the Navy Department built one, and they have that powder factory in commission now, and it has been in operation for some years. Later the Navy erected one; and they together as the Senator said, have reduced the price. But I think we ought to depend upon the department that has the matter in charge for information as to the want of additional facilities of that kind.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Wyoming a question? Is it not a fact that the War Department and the officers of the Army and Navy generally are averse to the Government ownership of these plants?

Mr. WARREN. I do not so understand. I think the Senator may be right in his inference in one direction. They believe that we should not undertake to manufacture at all times all the powder that the Government needs, because the patronage of the private plants is considered necessary in ordinary times to keep such plants manufacturing the kinds of powder that the Government is likely to want.

Mr. VARDAMAN. As I have gathered from the newspapers, the Navy and the Army generally are opposed to the Government ownership of plants of that character. I have great respect for the dignity of character and high sense of personal honor of the men of the Army and the Navy but as a rule those men have no more sympathy with the toiling masses of America than they have for the patient necessary ox.

Mr. WARREN. I hardly think that could be true. Let me say that the plant that the Army built in the first place was built in the form of one wing, and a plan was made for its enlargement to two or three or four or five times the original size. They only operated it eight hours a day, but calculated that in times of stress they could put on three reliefs and enlarge the output.

Mr. OWEN. Mr. President, unless there is some very strong reason for striking this out, whether it is the recommendation of the War Department or not, I think that it is justified, and that the House of Representatives have acted wisely in putting it in, and I should regret very much indeed to see it struck out.

Mr. CLARKE of Arkansas. Mr. President, according to my recollection of what has heretofore transpired, there is not much mystery about that item. We devoted weeks here to the discussion of the question of establishing a plant for the fixation of atmospheric nitrogen, the main purpose of which was to make powder for the naval and military activities of the country. It seems to me that this appropriation is the initial appropriation necessary to make that an effective project in our institutions. It is not quite so large as the amount authorized by the act directing the establishment of that plant. I think it authorized an appropriation of $30,000,000, but I can very readily see why this $500,000 would be necessary in making preliminary examinations and doing preliminary work in that general direction. As there are no particular words of limitation that would prevent its use in that way, I think it would be wise policy to leave it in the bill, so that we may have legislative assurance that the Congress intends to carry out the policy that we laid down when we included that important provision in the recent Army reorganization bill.

Mr. JONES. Mr. President, I do not think we ought to agree to this item if there is no estimate for it and no suggestion from the department that it is needed or as to what is going to be done with it.

In the fortifications appropriation bill we have reported very large increases for the purchase and manufacture of ammunition. For instance, on page 4 of that bill we have increased the appropriations that the House made for the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals. We have increased the cash appropriation from $2,700,000 to $6,000,000, and we have increased the contract appropriation from $1,500,000 to $3,000,000.

Mr. NORRIS. Mr. President, will the Senator yield for a minute?

Mr. JONES. Certainly.

Mr. NORRIS. I did not understand the first part of the reading. Does that item include the manufacture of powder?

Mr. JONES. Certainly.

Mr. NORRIS. Is that mentioned there?

Mr. JONES. The word "powder" is not mentioned, but the word "ammunition" is mentioned—"for purchase, manufacture, and test of ammunition."

Mr. NORRIS. That would not mean the establishment of a powder factory.

Mr. JONES. Why, they could do that at the arsenal. They can manufacture it at the arsenal if they have the necessary machinery with which to do it. Then there is another provision in this bill, on page 16, which reads as follows:

That appropriations in this act shall not be expended for powder other than small-arms powder at a price in excess of 53 cents a pound.

They can use this amount, or any part of it, as they see fit, for the manufacture of powder in our own arsenals. Then we have another item, as follows:

For purchase, manufacture, and test of ammunition for seacoast cannon, and for modernizing projectiles on hand, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $3,000,000: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $3,500,000 in addition to the appropriations herein and heretofore made.

That was passed in the House. So there is the provision of $6,500,000 that can be used by the Government officials in the manufacture of powder, if necessary. Of course this can be used for other kinds of ammunition, too.

Mr. LANE. Mr. President——

Mr. JONES. I yield to the Senator from Oregon.

Mr. LANE. I should like to ask the Senator if it is not also a fact that every cent of that money can be expended without the manufacture of an ounce of powder?

Mr. JONES. Yes.

Mr. LANE. That is my point. There is nothing in there about powder, and they are not compelled to manufacture any.

Mr. JONES. They are not compelled to do it, but we authorize them to do it. In the case of this $500,000 item that is in the bill here, we do not compel them to spend that $500,000. We authorize them to do it, upon a site to be furnished. Then, here is another item in the fortifications bill:

For purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for seacoast artillery practice, including the machinery necessary for their manufacture at the arsenals, $490,000.

Then, in another item on the same page, we increase from $400,000 to $480,000 the item for purchase, manufacture, and test of ammunition, subcaliber guns, and so forth. So that we thought we were making full and ample provision on the subject—all the provision that was suggested by the department.

If a powder factory is needed, I am for it, as far as that is concerned; but it does seem to me that we ought to have some suggestion from some authoritative source that our other facilities are not sufficient; and, as was stated by the chairman of the committee, I have not heard any suggestion of the kind.

Mr. VARDAMAN. Mr. President——

Mr. OVERMAN. The Senator will remember, also, that in the appropriation——

Mr. VARDAMAN. I should like to ask the Senator from Washington a question. I addressed the Chair before the Senator from North Carolina rose.

Mr. OVERMAN. To whom does the Senator yield?

Mr. JONES. I think the Senator from Mississippi addressed the Chair first.

Mr. VARDAMAN. I should like to ask the Senator from Washington if he knows anything about other appropriations in this bill? Evidently the House knew what it was doing when it put this one in the bill. There is no special explanation

attached to any item of the appropriation that the House has made.

Mr. JONES. I am not suggesting that it did not know what it was doing, but it is perfectly plain that the Senate does not know anything about this item or what led to putting it in the bill; and it does seem to me that it might be a good idea to let it go to conference, as the chairman of the committee suggests, so as to get the information. Of course I do not know about every item in this bill; I will admit that; but there are a good many items in the bill that came over from the House that I do know about, and this is such an entirely new proposal——

Mr. VARDAMAN. This is a matter that has been discussed at great length throughout the length and breadth of the country, as well as upon the floors of Congress. I notice that the President said at Des Moines, on the 1st of February last:

> I have been urging upon Congress—I urged upon Congress before this war began—that the Government of the United States supply itself with the necessary plants to make the armor for the ships and to make the munitions for the guns and the men, and I believe, and confidently predict, that the adoption of measures of that sort will be part of the preparation for national defense; not in order, for it is not necessary, that the Government should make all the armor plate needed for the fleet or all the munitions needed for the men and the guns, but in order that it should make enough to regulate and control the price.

I do not think any harm could possibly come of this. I believe if it should remain in the bill, and the Secretary of War should carry out the purpose of the appropriation as suggested by the Senator from Arkansas [Mr. CLARKE], good would result to the American people. If we are going into this business of expending the products of the Nation for preparation for war and the manufacture of munitions and guns, I think the Government ought to manufacture them, and make them as cheaply as possible. Cut out the profits and you will remove one of the potential inducements of war.

Mr. JONES. I agree entirely with the Senator in that respect. There is no disagreement between us at all.

Mr. CLAPP. Mr. President, may I ask the Senator a question?

Mr. JONES. Certainly; I yield to the Senator from Minnesota.

Mr. CLAPP. Are the items which the Senator has read from the cost fortifications bill House items or Senate amendments?

Mr. JONES. A good many of them are House items. The Senate increase I called attention to first was from $2,700,000 to $6,000,000, and from $1,500,000 to $3,000,000. That increase was made by the Senate; but the item on page 5 of $3,000,000, and then $3,500,000 for contracts, is a House item. In other words, there is $6,500,000 there. Now, as I said, I agree with the Senator——

Mr. VARDAMAN. Mr. President, will the Senator yield to me?

Mr. JONES. In just a moment. I want to set myself right, and I want to say to the Senator from Mississippi that I agree with the suggestion he makes. I agree with the suggestion made by the President in that speech, so far as those things are concerned, and it seemed to me that we were pretty well complying with the Senator's suggestion in the fortifications bill. We have also passed through the Senate, and it is now in the naval bill as passed by the House, provision for the construction of an armor-plate factory. We have also passed a bill for a nitrate plant to take care of the powder situation, not in the actual manufacture of powder, but for the principal ingredient in powder, so that it seems to me that we have been taking care of it pretty well. But if there is some one——

Mr. VARDAMAN. Now, will the Senator yield to me?

Mr. JONES. In just a moment. If there is some one who can suggest a good reason why we should have this provision in the bill in addition to the other, I will not oppose it for a moment.

Mr. VARDAMAN. Now, if the Senator will yield to me for just a moment, I will say that I have been informed—if it is not out of order to make this statement—by a distinguished Member of the House of Representatives that this matter was put in the bill after mature consideration of the question, believing that the demand would be so great that the plants already owned by the Government could not supply a sufficient amount to control the price, and that it was put in by the House advisedly, after mature deliberation, for purposes which the Senator and I would both like to promote—to enable the Government to control the prices of powder and relieve itself from being the victim of the Powder Trust.

Mr. JONES. Has the Senator gotten any information to the effect that this $500,000 is sufficient to put up the plant and put it in operation?

Mr. VARDAMAN. This Representative advised me that it is. He says that the matter has been carefully considered in the House.

Mr. JONES. If that is the case, I certainly would have no opposition to it. My only reason for suggesting that it should be stricken out is that it may get to conference and that we may get this information. Of course, I think it is rather a doubtful policy for the Senate to proceed to act upon an important item, without having gotten any information itself, upon some information that may come to it from this Representative or that Representative, however eminently qualified he may be to give the information.

I want to say that I have the very greatest confidence in the Senator and his judgment and his ability and his knowledge with reference to the matter.

Mr. VARDAMAN. I just want to say, Mr. President, in response to the suggestion made by the Senator from Washington, that the Senate ought to have some information.

It is its business to have information, but I do not think it would be doing violence to reason and sound judgment to indulge the presumption that if the Senate has no information of its own the House, a coordinate body, composed of men who are equally patriotic and intelligent, would not act in a matter of this character without adequate information, and that the House has acted in the interest of the American people.

Mr. JONES. Mr. President, of course the Senator does not think I questioned their patriotism or their integrity or their honesty of purpose, or anything of that sort; but if the Senate were to act entirely along the line suggested by the Senator from Mississippi it seems to me we would be to a certain extent abrogating our functions. I think it is our duty to look into these matters somewhat and get some information about them; and I think it is no reflection on anyone in the other House, or upon the other House itself, that we should take the action that we have.

Mr. VARDAMAN. It is only a reflection upon the Senate.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from Mississippi a question.

Mr. VARDAMAN. I shall be very glad to answer it.

Mr. BANKHEAD. Do I understand the Senator from Mississippi to say that the House, or the committee in the House, had an estimate from the department as to the cost of this proposed powder plant?

Mr. VARDAMAN. No; I did not say that.

Mr. BANKHEAD. Or as to the necessity for it?

Mr. VARDAMAN. I did not say that. I said I was advised by a distinguished Member of the House that he himself wrote that item in the bill, and that he wrote it for the purpose of increasing the capacity of the Government powder mills, so that the output might be sufficient to control the price of powder; that the supply from the mills already established would not meet the increased demand on account of the war.

Mr. BANKHEAD. Mr. President, one further question. Does the Senator from Mississippi know whether or not the distinguished Member of the House who gave him this information had any suggestion or information from the War Department as to the cost or the necessity of this improvement?

Mr. VARDAMAN. I do not know. I did not examine the Representative as to that; but I do know that he is a man of a very high order of intelligence, and I can not imagine him playing the rôle of puppet under any circumstance.

Mr. BANKHEAD. There is no doubt about that. I know who the gentleman is to whom the Senator refers.

Mr. VARDAMAN. He is a very patriotic man, and it was not necessary for him to go to the War Department to find out the facts that he gave to me. The facts are known generally to all men.

Mr. BANKHEAD. I will ask the Senator from Mississippi whether he does not think it would be wiser and better to allow this item in the bill to go to conference, and let the Senate conferees investigate it and ascertain whether or not there is a necessity for this plant? The distinguished chairman of the Senate committee has assured the Senate that he will do that, and that, if there is a necessity for it, if the Chief of Ordnance or the Secretary of War or any other official connected with the department will say that it is necessary, the conferees will restore it. Now, what is the objection to that?

My objection to legislation of this character is that if we are to go out generally and write into this bill or any other appropriation bill an item making an appropriation of $500,000 to establish factories to make munitions, or to make percussion caps, or to make pistols or bowie knives, without any information from anyone or anywhere as to the necessity for it, we will be in a bad way before we get through. That is my objection. I have no objection to the establishment of this plant if it is necessary; I am in favor of it; but I do believe the Senate ought to have some information, some suggestion from somebody who

does know whether or not it is necessary, before we enter upon legislation of this character.

Mr. VARDAMAN. Is there not a very wide discretion given to the Secretary of War? Unless it were necessary, it would not be constructed.

Mr. BANKHEAD. Then why appropriate it?

Mr. VARDAMAN. Because I think it is going to be necessary. The emergency may arise, and I want the Government to be ready to meet it.

Mr. BANKHEAD. Then he ought to say so and ought to tell the Congress that it is necessary.

Mr. VARDAMAN. I think it is going to be necessary, and I want it done. If the Government is to expend the enormous amount of money which I believe is going to be expended for munitions of war, I want the Government to take the profit out of war, because I believe that when that shall be done there will be fewer wars.

Mr. NORRIS. Mr. President, it seems to me that to determine whether or not we shall have a powder factory is a legislative proposition. It is a policy that ought to be determined by the legislative branch of the Government.

I did not want to delay this bill. If the yeas and nays had been given when I requested them at first we would long ago have had the roll called, and this matter would have been disposed of one way or the other. But to my mind it is no objection whatsoever to this item to say that a Secretary of War or a Chief of Ordnance is opposed to it any more than we would let the Secretary of War or the Chief of Ordnance or the chief of some other bureau decide any other policy of government. The question involved in this item that the Senator from Alabama seeks to strike out by the amendment is whether or not the Government shall construct a powder factory.

I thought at the beginning and I think yet that every Member of each branch of Congress has his ideas on that subject, and he can vote them without any debate. It strikes me that the Government, being such an enormous user of powder, ought to establish this powder factory; that it ought to go into the business to an extent at least.

The items that the Senator from Washington has read, as I understand them, will not in a single instance provide for the building of a powder factory. In carrying out those items, or carrying out the instructions which are included in those particular appropriations, it would be, as I understand the items, impossible for the department to construct a powder factory.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. The department can do with that money whatever is necessary to manufacture its powder in connection with the different arsenals throughout the country. They probably could not go to a separate and distinct place and get a separate site to put up a factory.

Mr. NORRIS. No.

Mr. JONES. But, in connection with every Government arsenal, they can take that money and put in whatever machinery is necessary for the manufacture of powder.

Mr. NORRIS. Why, they test the powder, they test their ammunition; and I do not believe anyone could read any of these items and think for a moment that the officials of the Government, in carrying out those items, would construct a powder factory.

Mr. CLAPP. Mr. President——

Mr. NORRIS. I want to ask the Senator, if he had charge of it, and those appropriations were enacted into law just as he has read them, whether he would feel it was his duty to construct a powder factory?

Mr. JONES. As I said, I would not feel that it was my duty or that it was my right to go and get a separate plant somewhere; but I would feel that it was not only my right, but, if necessary, it was my duty to put these in in connection with the arsenals of the country, as authorized by the bill itself.

Mr. NORRIS. Would the Senator, with those items written into the bill, construct a powder factory under the conditions now?

Mr. JONES. I would do whatever was necessary in connection with the arsenals of the Government manufacturing ammunition.

Mr. NORRIS. Does the Senator think it would be necessary, in connection with the arsenals and the appropriations, to construct a powder factory?

Mr. JONES. It might be.

Mr. NORRIS. But would it? The officials of the Government would have to pass upon that question.

Mr. JONES. I do not know what the necessities might be.

Mr. NORRIS. There would not be any doubt about this. Here is a definite instruction.

Mr. JONES. As I understand, even under the language of the bill it is left to the discretion of the Secretary of War as to whether or not he will construct a powder factory out of this $500,000.

I do not remember the exact language of it, but that is what I understand.

Mr. NORRIS. The language that is sought to be struck out I would take to be a definite instruction. It would not make any difference what the Secretary of War thought about the advisability of such a policy; it would be a law, a policy decided upon by the legislative branch of the Government. I will read it:

Powder factory: For the establishment of a plant for the manufacture of powder on a site to be procured by purchase or condemnation, or in the discretion of the Secretary of War on any suitable site that may be tendered without cost to the United States which he is authorized to accept, $500,000.

If we pass that there is not any doubt that there would be a powder factory constructed.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. NORRIS. In just a moment. I believe under the appropriations that the Senator from Washington has mentioned no official of the Government would construct a powder factory. As I understand it, it is entirely different from the manufacture of munitions of war, such as guns and cartridges and shells; that that is an entirely different proposition from the manufacture of powder, and an authorization to do any of those things would not be an authorization to manufacture powder. I yield to the Senator from Minnesota.

Mr. CLAPP. I wanted to suggest to the Senator from Nebraska that if the items read by the Senator from Washington have any significance at least they foreshadow the probable necessity for increased facilites for the manufacture of powder and warrant some one having inserted in the bill in the House a provision providing for the establishment of a plant for that purpose.

Mr. NORRIS. I think that is a very good suggestion the Senator has made.

Mr. WARREN. Mr. President——

Mr. NORRIS. In just a moment I will yield to the Senator. It seems to me, as the Senator from Minnesota has indicated, that those items having been put in the bill show that there is at least an idea that the Government of the United States is going to need to have the ammunition, and for that reason alone it seems to me if that is well founded, and I presume it is, that would be a sufficient reason for the providing of a powder factory by the Government itself. I yield to the Senator from Wyoming.

Mr. WARREN. I wish to say to the Senator that the item should, I think, be amended because it should provide that the Government may construct on property which it now owns. It would be foreclosed against this under the language as it is. I think the Senate is perfectly safe in allowing it to be cut out and to go into conference, because on that conference will be, as one of the conferees, the distinguished Member of the House to whom the Senator from Mississippi has alluded, and I know that those conferees, as well as the conferees who go from here, will, like every other Senator and Member, want to provide all the powder that this Nation requires and will surely arrange the item in conference either by the adoption of it as it reads now or with an amendment. Of course if it goes through exactly as it reads now it is not subject to amendment in conference. Hence the wish that it may be amended.

Mr. NORRIS. It would be a very easy matter for the Senate to amend it, and I believe the suggested amendment that the Government might build the powder factory on lands already owned by the Government would be a very good arrangement to adopt.

Mr. WARREN. It could not go into conference, however, unless we change the text of the bill.

Mr. NORRIS. It is perfectly proper if we do not vote this out of the bill to adopt the amendment the Senator suggests.

Mr. JONES. I wish to say to the Senator, as I said a moment ago, that I would not think about making powder of the appropriation from which we could make ammunition, caps, cartridges, guns, and things like that. Gen. Crozier was before the subcommittee of the Committee on Appropriations having charge of this bill, and we asked him especially in reference to that, and he said emphatically that the term ammunition included powder; that there could not be any question about that; and that it is the policy of the department to manufacture powder. As a matter of fact, we have a powder factory run by the Government at some place, I forget where.

Mr. LODGE. The factory is down at Indianhead.

Mr. JONES. As I said a moment ago, I believe we ought to manufacture our powder. I am inclined to think that we ought to manufacture all the powder that is needed for our guns if we can do it, but there is no suggestion from any source that anything of this kind is needed.

I wish to say to the Senator I am heartily in favor of Congress determining the policy with reference to these matters, but of course in determining that we need some information to show the necessity for a new item.

Mr. NORRIS. The only idea I have is that we are buying immense quantities of powder for the Army and Navy. We are not manufacturing powder enough.

Mr. JONES. We are buying, but to just what extent we manufacture the supply I do not know. Of course, I do not think that we ought to put the manufacturers out of business in view of possible contingencies. I do not think we ought to do anything to put out of business those who are manufacturing powder that we can use.

Mr. NORRIS. I do not think we can put them out of business. They have more to attend to now with the war in Europe than they can manage. But, Mr. President, there are those who are opposed to the Government manufacturing its powder or any of its shells or guns or armor plate or anything of that kind. I am not complaining of that. I believe we ought to manufacture these things of which the Government is the principal customer. Whether we shall do it or not is a question for Congress to determine. Whether we have war or not there will have to be powder manufactured.

That, I think, is conceded by everybody. It is conceded also that in the little factory we have been operating we have practically cut the price of powder we had to buy in two, and we are spending millions now for powder.

As far as I am concerned, I am not finding fault with the man who is opposed to a powder factory, although I believe that we ought to have a Government powder factory and we ought to have a test vote on it. We ought to have a vote to go on record and decide the thing by a roll call.

It seems peculiar to me, Mr. President, that a great many of those who are in favor of such immense preparation for war, who are in favor of great programs of preparedness are immediately opposed to any preparedness if there is not some profit in it for some private manufacturer or corporation. I am in favor of the Government making its own powder because I believe to some extent at least it will take the profits out of war and will stop, at least to some extent, the propaganda in favor of big armament and expensive military preparation. That is not only true in our country, but it is true the world over.

Therefore, it seems to me that if a majority of the Senate thinks that it would be good for the country to build a powder factory we ought to leave this provision in the bill. This is a fair place to test it.

It is no answer to say that we are appropriating millions of money for the purpose of making cartridges and cannon and so forth and that by some possible construction of the law some official might make powder. This is a definite instruction to build a powder factory, whether we want it or whether we do not want it. If this item is not left in the bill we will not under any of the items that have been mentioned construct a powder factory.

Mr. JONES. Does not the Senator think if we have this item in the bill it would be better to have it for the enlargement of the present powder factory, to increase its facilities? Does not the Senator think we could get more out of the appropriation in that way?

Mr. NORRIS. My idea is that we ought to have more than one factory located in different sections of the country, so that in case of any emergency, if one should be destroyed, the other one would still be where we could utilize it.

Mr. JONES. Of course there is no provision in this paragraph as to where it shall be located. It might be located near the one already constructed.

Mr. NORRIS. I take it that no official would put one beside the other.

Mr. JONES. It strikes me it could be made more efficient by building an addition. I will merely say while I have the floor that any suggestion in reference to taking the profits out of the manufacture of this ammunition meets with my hearty approval. As far as that is concerned, I am in favor of it; and if there is any question about it, or if it is thought the Government really needs this plant to manufacture its ammunition, I would be heartily in favor of keeping the item in. The only reason why I suggested it might be cut out was to get the information. I do not know but that the information which has been given to the Senate is sufficient to warrant me, so far as I am concerned, in voting to retain the paragraph in the bill.

Mr. CLARKE of Arkansas. Mr. President, I think the item, in so far as it provides in a mandatory way for the establishment of a plant for the manufacture of powder and appropriates $500,000 for the purpose, ought to be kept in the bill; but I see no reason why the Government should be prohibited to construct a plant on land that is already owned by it. I think all the limitations as to the particular place at which it is to be located should be stricken out.

I move that the amendment offered by the Senator from Alabama [Mr. BANKHEAD] be amended by striking out all after the word "powder," in line 7 down to and including the word "accept," in line 10. It will then read:

For the establishment of a plant for the manufacture of powder, $500,000.

Otherwise the Government can acquire sites by purchase, condemnation, or by donation. It is entirely probable that the Government has an arsenal now in connection with which this plant might be established on land which the Government already owns.

Mr. NORRIS. If the Senator will yield, I think the Senator's suggestion a good one. It is along the line of the suggestion made by the Senator from Wyoming [Mr. WARREN]. It would be better certainly to extend the discretion to build it on land now owned by the Government.

Mr. LA FOLLETTE. Mr. President, it occurred to me when the motion to strike out this provision was made by the Senator from Alabama, and when it appeared that no member of the committee was able to cite any authority for its insertion by the House, that some inquiry from the House Committee on Appropriations might elucidate the matter. I endeavored to communicate at once by telephone with the chairman of the House Committee on Appropriations. I did not find him in, but I did find the clerk of the Appropriations Committee, Mr. Courts, who has long been with that committee and is familiar, of course, with the making of all the appropriation bills. I inquired of him if this provision in the bill was inserted upon the authority of any member, or how it came to be in the bill, and was promptly informed that it was inserted after the committee had taken testimony. Gen. Crozier appeared before the committee upon the subject. The substance of the testimony was that this Government plant would operate to save to the Government something like $4,000,000 in a period of five or six years, and for that reason this item had been inserted in the bill.

Mr. HARDWICK. If the Senator will pardon me, did the clerk of the House Committee on Appropriations state to the Senator who gave that evidence?

Mr. LA FOLLETTE. He said that Gen. Crozier was examined at length by the committee upon the subject.

Mr. HARDWICK. Did he say Gen. Crozier said that?

Mr. LA FOLLETTE. I will not say that he said Gen. Crozier said it, but he said the committee had arrived at the conclusion that it would result in a vast saving to the Government.

Mr. HARDWICK. Then the committee itself put it in.

Mr. LA FOLLETTE. Of course the committee put it in, but they put it in after taking the testimony of Gen. Crozier.

I then took the pains to go to the Committee on Appropriations of the Senate and ask for a copy of the House hearings on this bill. I find that the House Committee on Appropriations took the testimony of Gen. Crozier on this subject and that it covers 10 pages. I have not been able in the brief time since I got it to read it all.

Mr. HARDWICK. If the Senator will pardon me just a minute, I am not asking the question in a critical way, but trying to get light. My recollection from reading the RECORD and the newspapers was that the department did not recommend this, neither Gen. Crozier nor anyone else, but that—it is purely a recollection—it was put in on the floor of the House by a vote.

Mr. LA FOLLETTE. Not to take the time of the Senate to read the 10 pages of testimony given by Gen. Crozier, I am going to ask leave to have it printed, and I want to say this from my own investigation of the subject. I know that in the past 10 years the Government has purchased practically $25,000,000 worth of powder from private monopoly in this country, that it has paid all the way from 50 to 80 cents a pound, and it is the testimony of Government officials that we can manufacture that powder at between 30 and 40 cents a pound.

Mr. President, I can readily understand how Senators on this floor who are in favor of private manufacture of munitions of war, who are opposed to the Government engaging in any business, even to supply the Government with the things which the Government must use, would be in favor of eliminating this

provision from the bill. It is entirely consistent with the position taken by Senators who were opposed to the Government appropriating money to build a nitrate plant for the manufacture of powder.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. I do.

Mr. VARDAMAN. I was going to suggest to the Senator from Wisconsin that I think it would be rather wise, as the Senate does not know how this item happens to come into the bill, to take a little time and put that testimony in the RECORD, so that the Senate may understand why it was put in, before the vote is taken on retaining it.

Mr. LA FOLLETTE. Mr. President, I am satisfied the temper of the Senate this afternoon upon this very amendment is such that it will be retained in the bill with the amendment suggested by the Senator from Arkansas, and I will just ask leave to print all of Gen. Crozier's testimony upon that subject in the RECORD.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The matter referred to is as follows:

MANUFACTURE OF PURCHASE OF POWDER.

Gen. CROZIER. Picatinny Arsenal, you know, is our powder factory. In addition to being an establishment for the manufacture of powder, it is the storage place for ammunition and explosives in general. In the process of storage and issue, of course, there is a good deal of such work done as making up powder charges; that is, putting the powder in bulk into bags with the priming charges that go with it, making it ready for shipment.

The CHAIRMAN. What is your capacity now?

Gen. CROZIER. The capacity now is about 6,000 pounds of powder a day.

The CHAIRMAN. Working how many shifts?

Gen. CROZIER. Working one shift and a fraction. Part of it is working three shifts. The plant is not balanced up so it can be advantageously worked at three shifts. Part of it can be, but other parts can not, because the output of the other part is too great for the part which can be worked three shifts. With a moderate addition to the plant it can be worked three shifts and the capacity increased from about 6,000 pounds a day to about 11,000 pounds a day.

The CHAIRMAN. What does it cost to manufacture powder there?

Gen. CROZIER. It costs, all told, counting overhead charges of all the kinds we have to count, about 39 cents a pound.

Mr. SHERLEY. That is cannon powder?

Gen. CROZIER. That is cannon powder; yes. Small-arms powder costs about 48 cents a pound.

The CHAIRMAN. Based upon estimates submitted this year, General, what annual output would you need?

Gen. CROZIER. The annual output would be about seven and a half million pounds. The statement can be made, I think, rather better with reference to the project that is in contemplation than upon the estimates just as they are submitted this year. The project contemplates the completion of the supply in four years; and considering the amount of supply needed and that length of time, the annual rate would have to average seven and a half million pounds.

The CHAIRMAN. And your capacity now is what?

Gen. CROZIER. Our capacity now is about 1,800,000 pounds.

The CHAIRMAN. And you can double that without very great cost?

Gen. CROZIER. We can pretty nearly double it. We can run that up to about 11,000 pounds a day with an expenditure between forty-five and forty-six thousand dollars. However, that would mean 11,000 pounds of new powder. As we go along, sometimes we find powder which is not satisfactory already made and which ought to be reworked. In order to rework it, we have to take the powder and grind it up and reduce it to a certain stage at which it corresponds to powder which is made from new material when it gets to that stage, and that requires additional machinery. Therefore if we are going to have an output of 11,000 pounds, of which about half, or something over half, is to be reworked powder, the necessary expenditures would run up to about $53,000 or $54,000.

Mr. SHERLEY. General, in figuring the cost of your powder, do you charge in the cost of making over powder such as you have just spoken of which does not come up to standard?

Gen. CROZIER. No; we have never figured that in.

Mr. SHERLEY. How extensive is it?

Gen. CROZIER. It is not very extensive, and we hope the necessity for it will diminish. There are things in connection with the manufacture of smokeless powder that have not been thoroughly thrashed out. Of course, you understand we are working this material up to its limit all the time. We are using the powder for the best there is in it. We are getting the most in the way of velocity out of the projectile that will correspond with what we think is the maximum pressure to use in the gun, and we do not have much margin. We do that because everybody else does it. If the enemy would take the risk of a small margin against us, we, of course, would have to take a corresponding risk against him. That being the case, small differences will sometimes carry us over the margin of safety. We occasionally find one of our powders is giving pressures higher than it ought to, and is not safe. We do our best to discover the reasons for it, and when we find the reason for it we do our best to find the cause of the reason why that should exist so we can remedy it in our manufacture. Although we have been reasonably successful in that matter, at the same time we are not perfectly successful, and nobody is entirely at the bottom of that subject.

Mr. SHERLEY. In figuring your cost, however, you do include rejections of powder in the process of making?

Gen. CROZIER. Yes; powder that is finished and is not up to the standard and has to be rejected, or which has to be rejected in any stage of manufacture, we make an allowance for.

Mr. SHERLEY. Is the amount of powder which you subsequently determine to regrind appreciable in the sense that if carried into your cost accounts would vary to any marked degree what you state to be the cost of making your powder?

Gen. CROZIER. We have not carried it to a sufficient extent so far to cause it to affect the cost. Therefore the answer would be that up to the present time it is not appreciable; but, of course, we can not tell whether with an increase in production it might become so.

Mr. MONDELL. Is the condition you refer to to any considerable degree due to deterioration or a change in the powder after it is made?

Gen. CROZIER. There have been some changes of quality due to deterioration in storage. Powder will show a tendency to decomposition if in the manufacture certain purification processes have not been complete and there is left in the powder acid which has not combined chemically with the other materials of which the powder is composed, and there is what we call free acid, which promotes decomposition. Decomposition is also facilitated by the presence of heat and moisture. We have within comparatively recent years improved the quality of powder in that respect, both by improvements of manufacture, perfectionments of manufacture, if I may use that term, by which we get powder of great purity, and in addition we have added certain substances which have a tendency to increase the stability of the powder—that is to say, to reduce the tendency of the chemical components of the powder to decompose and reunite with other components, which constitutes deterioration of powder. However, that is only one of the causes of trouble. Another cause is that powder which is not at all decomposed sometimes exhibits irregularities of pressure.

Mr. SHERLEY. How long have you been making powder?

Gen. CROZIER. Roughly, I should say, for seven or eight years.

Mr. SHERLEY. You have recently used some of the powder of earliest manufacture?

Gen. CROZIER. Yes, sir; we have been using it right along.

Mr. SHERLEY. Is it up to the standard?

Gen. CROZIER. A great deal of it is up to the standard. Most of that which we have used since we commenced to put in that stabilizing substance I spoke of has remained up to the standard, so far as decomposition difficulty is concerned.

Mr. SHERLEY. It has shown no depreciation by virtue of age?

Gen. CROZIER. No, sir.

Mr. SHERLEY. The trouble you spoke of a moment ago is a trouble which presumably exists in powder of private manufacture?

Gen. CROZIER. Yes, sir; independently of age.

Mr. SHERLEY. This condition that confronts you is a condition that confronts the private powder manufacturers?

Gen. CROZIER. Yes, sir.

Mr. SHERLEY. Your powder is in no sense inferior to theirs?

Gen. CROZIER. I think not, although we have had a little more of this difficulty with the powder that we have made ourselves than we have had with that we have purchased. The first item of appropriation which I have submitted in connection with this arsenal is intended to contribute toward diminishing that difficulty. You see, in the manufacture of powder a very important process is the nitration of the cotton into guncotton. This powder is essentially guncotton, although we change its form from the form of cotton into the form of a solid substance, with which you are familiar. In nitrating it it is difficult to insure a uniform combination of the nitrogen with the cotton. The percentage of nitrogen in the cotton is apt to vary, and if it varies beyond a certain very narrow limit it varies the solubility of the cotton in a mixture of ether and alcohol preparatory to gelatinizing it and forming it into grains, and the presence of insoluble cotton in the resulting grains contributes to the irregularity, so to speak, and anything that promotes the uniform nitration of the cotton is valuable in a manufacturing way. By this apparatus and the means of housing it which I hope to get through this appropriation, we are expecting to increase the uniformity of nitration.

Mr. SHERLEY. Before we go into this item, as long as we are dealing with the basic subject, it is contemplated by the War Department to obtain in the course of four years 30,000,000 pounds of powder of all kinds?

Gen. CROZIER. Yes, sir.

Mr. SHERLEY. We are paying, or have been paying, for the powder we buy, 53 cents per pound for cannon powder, and 75 cents per pound for small-arms powder. The difference between this price and the cost of manufacture is in cannon powder 14 cents, and in small-arms powder 27 cents. In your hearing before the fortification subcommittee, I estimated that by an expenditure of $700,000 the arsenals would be in a position to make all of this powder, and that the making of it at those figures would represent a saving of something like $4,000,000. Is that accurate?

Gen. CROZIER. That results from the figures; yes, sir; and I have no reason to question the accuracy of them.

Mr. SHERLEY. Of course, we could not get that maximum capacity immediately, so that it would represent a period of probably five or six years for the supplying of this total, assuming that we made it all. Now, in view of that very large saving, don't you think it desirable, even if we do not create a plant sufficient to make it all, that we should create a plant sufficient to make a very large part of the total?

Gen. CROZIER. If economy were the only thing to be considered, of course, there would be only one answer to the question, but there are other things to be considered. The plant which would enable us to meet our own four-year program would not enable us to meet our war-time necessities in the way of powder. We would have to go far in excess of our peace-time needs, if we were to meet war-time needs. Therefore, it is desirable for us to have in the country a powder-making capacity considerably greater than that which would correspond to peace-time needs, and I do not know of any way of having that capacity in the country except by giving private manufacturers a reasonable amount of patronage. Of course that leaves the question undecided as to what a reasonable amount would be, or what amount would be sufficient to keep the plants, if not in existence and up to a good capacity, at least with a knowledge of the art of powder making, so that they could expand on occasion. Now, I think that our peace-time appropriations will be such that if we were to give out to private contract only the orders for powder which are in excess of our capacity as it is at present, or as it would be if we increased the factory up there so as to make 11,000 pounds a day—that that would be no more than enough to accomplish the object I am speaking of.

Mr. SHERLEY. Let us figure on that a moment: If you increase your capacity to 11,000 pounds a day, you would produce an annual output of 3,300,000 pounds, which would leave 4,200,000 pounds of powder to be obtained by contract?

Gen. CROZIER. Yes, sir.

Mr. SHERLEY. That would be very much in excess of the amount that the Army obtained by contract in the old days when we did not make any powder.

Gen. CROZIER. Perhaps. I do not know about that; I do not remember those figures, going back to the time when we did not make any powder.

Mr. SHERLEY. I think you will find that in those days we did not have an annual purchase of 4,000,000 pounds of powder for the Army, but even waiving that, do you think that the du Pont people, who, with perhaps one exception now, are the only people prepared to make this powder, need, in order to insure their staying in the business, a contract with the Army for 4,000,000 pounds of powder annually?

Gen. CROZIER. Of course the larger the contracts you give them, the larger the proportion of plants they would keep in operation. That goes without saying. But you have omitted or only casually referred to the other powder-manufacturing establishment, so that the du Pont people would not get all of it, and there would not be enough business to keep both of them busy, although it would be to the interest of the Government to keep them going. Suppose you divided the orders equally between them, cutting this amount in half, that would mean only 2,000,000 pounds for each one, which would cut it down to a not very large capacity. There is another point in connection with it, and that is, that in addition to needing these private manufacturers for the purpose of simply getting their increased production in time of war, this subject is a progressive one, and we need to have people working on it and experimenting with it and trying to improve it. That ought to be going on all the time, and if we keep those powder companies in existence, working on the subject with the interest that would come from there being considerable profit in it, that effort would be stimulated all the time.

Mr. SHERLEY. They are not dependent by any means upon the Government of the United States for a market for this class of powder. They not only now, of course, are selling more than they can make, or they could sell more than they can make, but in ordinary peace times they have supplied considerable foreign orders. Is not that true of the du Pont people?

Gen. CROZIER. They have on this side of the ocean. I do not know how much they have actually sold, but they have been in relations with some other Governments, I know, and if they have not sold powder to them they have established powder plants for other Governments, out of which, I suppose, they have gotten their proper profit from the utilization of powder-making knowledge as well as from the sale of powder.

Mr. SHERLEY. How much money would it take to equip the Picatinny Arsenal for an annual output of 5,000,000 pounds of powder?

Gen. CROZIER. I have an estimate here to give it a capacity of 30,000,000 pounds, which I think would be what would be needed in the first year of a war in which we would use 1,000,000 men and in which we would increase the Army by another million men during the progress of the war, and that cost would be about $5,000,000, operating the factory on a three-shift basis. If you cut that down to 5,000,000 pounds, it would be about one-sixth of that, although we can not cut these things down exactly proportionately, but that will give you an idea of it.

Mr. SHERLEY. That is assuming that you were building a new plant, but you have got a plant now with an output of 1,800,000 pounds.

Gen. CROZIER. Yes, sir.

Mr. SHERLEY. And you stated that by an expenditure of $53,000 you could bring that up to 3,300,000 pounds.

Gen. CROZIER. You do not mean 5,000,000 pounds in addition to that figure?

Mr. SHERLEY. No; I mean a total output at Picatinny Arsenal of 5,000,000 pounds of powder.

Gen. CROZIER. That would involve a new plant capable of producing about 1,700,000 pounds—an entirely new plant.

Mr. SHERLEY. That is, if the old one is not capable of that additional expansion?

Gen. CROZIER. Three million three hundred thousand pounds would utilize all the expansibility of the production there. It would bring all the backward elements up to the forward ones, so to speak, so that the capacity for the 1,700,000 pounds would have to be an entirely new plant. That would be practically an extension, and I suppose that that entire new plant would cost something less than the cost of the plant as it exists now.

Mr. SHERLEY. You testified that the plant as it exists now stood you $750,000, and this addition would make it practically $800,000. I mean the addition of this $53,000?

Gen. CROZIER. Yes, sir; practically $800,000.

Mr. SHERLEY. Of course, there are some economies, presumably, that you would get as the result of your experience. Could you build for $600,000 or $700,000 a plant that would give an additional capacity bringing it to 5,000,000 pounds?

Gen CROZIER. Yes, sir; and it ought to be better than that. I should say roughly that it ought to be built to-day for $500,000. I know that sum would make a very considerable impression on it.

The CHAIRMAN. If we were to provide for an additional capacity of 1,700,000 pounds of powder a year in any present plant, would it be desirable to provide that additional capacity at the Picatinny Arsenal or at some other place?

Gen. CROZIER. Of course, the consideration you would have to have in mind there would be the safety of the situation. Picatinny Arsenal is not as far from the seacoast as I would like to have it.

Mr. MONDELL. Is there danger from fire or destruction from explosions?

Gen. CROZIER. There is that, of course, although we scatter the elements of the factory so that a fire in one is not likely to be communicated to another; but, in addition to the danger of a raid and the danger of capture, when we are as near the seacoast as Picatinny Arsenal is, there is exposure to air raids, possibly from aeroplanes from shipboard, flying over the arsenal and dropping bombs on it, and I have no doubt that the ability to do that will improve as we go on.

Mr. BORLAND. What is the distance of Picatinny Arsenal from the coast?

Gen. CROZIER. It is about in the middle of New Jersey. It is about 1 hour and 10 minutes ride by fast train west of Hoboken.

The CHAIRMAN. On what road?

Gen. CROZIER. The Delaware & Lackawanna. I should say that if you were going to make a considerable enlargement, with a view to getting a capacity equal to our present capacity, or a considerable enlargement, you had better not put it at Picatinny Arsenal, but it would be better to put it somewhere else.

The CHAIRMAN. All these estimates as to the requirements in war time are based upon the needs of 1,000,000 men in the field, are they not?

Gen. CROZIER. The needs of a million men during the first year. We start in with 1,000,000 men, and then we would increase that Army as fast as we could, upon the supposition that we would get a second million men in by the end of year, with their original equipment and such expenditure as they could make in the war from the time they would be able to get into it.

The CHAIRMAN. You spoke of the desirability of manufacture in private plants in order to keep them going so that they could be expanded in time of war; have you any definite information as to the expansion of private plants in this country as a result of the present war?

Gen. CROZIER. We have had some information about that, and I think that I am safe in saying that the capacity of the private plants in this country at the present time is over one hundred times that of the Picatinny Arsenal.

The CHAIRMAN. I mean what is it now in comparison with their capacity prior to the time of this war?

Gen. CROZIER. Well, it is very much greater.

The CHAIRMAN. Have you any definite information as to that?

Gen. CROZIER. I have information enough to enable me to answer the question, but I haven't it in mind now.

The CHAIRMAN. There is a plant in the neighborhood of Gloucester, N. J., near Camden, is there not?

Gen. CROZIER. There is one at Carneys Point, N. J.

The CHAIRMAN. Where is that?

Gen. CROZIER. Carneys Point is just opposite Wilmington, on the Delaware River. Gloucester is below Philadelphia, on the New Jersey side of the Delaware.

The CHAIRMAN. I am informed that prior to the war they employed about 2.000 men and that now they are employing 12,000 or 14,000 men.

Mr. SHERLEY. General, our plant has now cost us about $750,000, and it has an output of 1,800,000 pounds. Now, figuring that at 38 cents per pound, and, of course, it is worth more than that, because some of it is small-arms as well as cannon powder, it would represent an output value of $684,000, or pretty nearly as much as the total cost of your plant. I speak of that to show the very marked relationship between plant cost and output. There is probably no manufacturing concern that could show for the same investment so large an output of finished product. That is true, is it not?

Gen. CROZIER. Yes, sir.

Mr. SHERLEY. That being true, in view of the large quantities that we are to make, does not the economical side of it almost compel the Government into a very great increase in its output? It is not like a case where you would be tying up a great deal of capital in a Government plant, but you practically make a saving of your capital every few years.

Gen. CROZIER. That is true, as the figures go, but, as I have mentioned several times, it is very difficult to include all of the expense. I have stated to the committee before that we have started in on the manufacture of this powder practically without the necessity for experimentation. We came in with a well-established process, but the private manufacturer has not been able to do that. He had to make the expenditures necessary to develop the process. Of course, it is reasonable to suppose that he has gotten those expenditures back by this time. But we have not yet tested the influence of such competition as we can expect to get upon the restoration of peace from establishments in this country, and if we were to go into the manufacture of powder to a greater extent than would result from an improvement of our present plant we would be going counter to the principle, which, I think, is a good one, that the Government in the manufacture of its fighting material should restrict itself to an amount which would enable us to manufacture economically, and we would be going beyond that point for the purpose of securing the financial advantage resulting from cheaper manufacture.

Mr. SHERLEY. But here is a manufacture that has so developed since the European war as to amaze everybody as to the extent of the private output of this country. In view of that tremendously quick expansibility, do we need to be unduly worried as to what might overtake us in case of the outbreak of war? Would we not find almost immediately, both through Government and private enterprise, an ability to tremendously increase our output?

Gen. CROZIER. We would find it in a time which perhaps we might now call short; but we must remember that this war, which has promoted this increase of capacity, has been going on for a year and a half, and we certainly would not want it to be even six months before we could count upon a considerable increase of capacity over the Government's capacity.

Mr. SHERLEY. I understand. But we are piling up this reserve of twenty-odd millions to take care of some of that time.

Gen. CROZIER. That is true.

The CHAIRMAN. The truth is that the bulk of the output of these plants is of powder for commercial uses.

Gen. CROZIER. The bulk of the output of the plants is explosives for commercial uses, but these plants are not now producing this powder for commercial uses.

The CHAIRMAN. These plants could turn out an output greatly in excess of any demand for governmental uses.

Gen. CROZIER. They can with part of their plants; they do, with a part of their plants, turn out an output of explosives very much greater than the Government calls for, but they do not turn out for commercial purposes practically any of the exact kind of powder which the Government uses.

The CHAIRMAN. But that part of the plant which deals with the manufacture of these commercial explosives could be readily adapted to the manufacture of the explosives that the Government requires.

Gen. CROZIER. That is only partially true. For instance, the commercial explosive in very common use is dynamite in some form. Now, dynamite has nothing to do with our smokeless powder at all. The only thing that is used in the manufacture of dynamite and in the manufacture of our smokeless powder is nitric acid.

The CHAIRMAN. Still it must be due to some extent, in view of the tremendous increase in the output, to the manufacture of powder for governmental purposes.

Gen. CROZIER. It is due to that to a certain extent and partly due to the personnel of these manufactories. They have the people who are sufficiently familiar with the processes to enable them, with little instruction from the men who are making the smokeless powder, to supervise the new plants which they have put in.

The CHAIRMAN. They have gotten many of those men from us, have they not?

Gen. CROZIER. Not these powder-making people; no. They have gotten one very valuable man from us; but, as far as powder making is concerned, I do not remember any others.

Mr. MONDELL. Are the commercial powders of the same general composition as our Army powders?

Gen. CROZIER. Some of them are of approximately the same composition as some army powders, but not of ours. They have nitroglycerin in some of them, and some others are made from wood pulp instead of being made from cotton.

Mr. BORLAND. In answer to the question of the chairman you said that the capacity of the private plants now was conservatively estimated at one hundred times the capacity of the Government plants.

Gen. CROZIER. That is to turn out a powder output for war purposes.

Mr. BORLAND. But you did not give any estimate of the relative capacity of the private plants before they made this expansion following the European war.

Gen. CROZIER. I said that I have in my office figures that about represented their capacity before the war and which I have at times given to this committee, I think, in my evidence on other bills, but I do not know that I have done it this year. However, I have not those figures with me now.

Mr. BORLAND. Do you recall approximately what that was, whether it was very much greater than our capacity?

Gen. CROZIER. Yes; it was considerably greater than our capacity.

Mr. BORLAND. Suppose we assume that the relatively small orders that we have given for powder for our Army had some influence in keeping these plants going, which seems to be a rather remote assumption in view of the fact that they were having a much larger output than we were——

Gen. CROZIER (interposing). Not so much larger in output, but a larger capacity; they were not using it all.

Mr. BORLAND. How can we assume that it is necessary to give a portion of the orders for the Army powder to these private plants when it appears that at the time of the outbreak of the European war their output was very much greater than ours and that since the European war it has expanded at least 100 per cent?

Gen. CROZIER. Oh, much more than that.

Mr. BORLAND. And has expanded within the relatively short time of a year and a half; possibly within a year. Why assume, then, that it is necessary for us to pay a higher price for powder purchased from the private manufacturers for the sole surpose of keeping their business going, so that we may have a potential expansion in time of war? In other words, would our small orders cut any figure after all?

Gen. CROZIER. Our orders, small as they have been—and, of course, we must include with them the Navy's orders, which have been larger than ours——

Mr. BORLAND (interposing). That would not materially increase it.

Gen. CROZIER. Those orders constituted the bulk of their business in military powders before the war, and such capacity as they have for the manufacture of military powder and such ability as they have to conduct that manufacture has resulted in the main from the patronage of the Government, although the Government patronage has not, in comparatively recent years at least, been as large as it had been in the past. They have not had a great deal of foreign business; they have had some, but not a great deal.

Mr. SHERLEY. At one time the reason they did not have it was because they had an international trust agreement whereby they agreed not to go into the foreign market.

Gen. CROZIER. I do not think they ever agreed to keep out of the American foreign market.

Mr. BORLAND. It appears that when they got a chance at the foreign business they were able to expand their facilities and expand them pretty rapidly.

Gen. CROZIER. Well, that is true; yes, sir.

Mr. BORLAND. And it may be they did not expand them before because they were not in the foreign market.

Gen. CROZIER. They were not excluded by that agreement, as I remember it; I have seen the agreement, but I do not remember its exact terms now; I do not think they were excluded from the foreign American market. With reference to that agreement, I think this ought to be said in justice to the powder companies. I find myself defending the powder companies a good deal because there is nobody else to do it. But here is the situation with reference to that agreement: On the face of it, it looks just like one of these combinations in restraint of trade by means of which the trade of the world is divided up among a set of people intending to preserve a monopoly, and that our people entered into an arrangement with people in Europe by which they would agree to give away to them improvements that they should develop over here, which, at first sight, would appear to be to the disadvantage of the United States, and would in other respects enter into relations with them which would be dictated by pecuniary interests and not by any very great infusion of patriotism.

However, that is not exactly a fair way of looking at it and is without any consideration of the facts. The facts are these: These people on the other side, owing to the greater stimulus that they get from their Government than our people get from our Government, developed these methods of manufacturing powder before we did; they were able to make smokeless powder before we were able to make it. Then the Ordnance Department, and I presume also the Ordnance Department of the Navy, demanded that grade of powder from our manufacturers.

Mr. BORLAND. Just there. How did the Government encourage them in making smokeless powder before our Government encouraged our manufacturers?

Gen. CROZIER. The foreign Governments encouraged their own manufacturers by patronizing them and did not stop at a limited amount of patronage.

Mr. BORLAND. What greater encouragement could be given for the manufacture of improved powder than by manufacturng it in our own Government plants?

Gen. CROZIER. Our Government started the manufacture of this powder after the best methods had been developed for making this particular powder; our plants were established after the methods of making the powder had been pretty well worked out, and we got those methods from our own private manufacturers.

Mr. BORLAND. Why is it not just as possible for the Government to encourage the improvement in powder in its own plants as it is to encourage its improvement in private plants?

Gen. CROZIER. It is just as possible, but I am speaking of the situation as it existed at the time this agreement was made, which was just about the time the manufacture of this powder on a large scale was inaugurated in this country. Our private manufacturers were then required by us to produce this powder or else were told that we would get it abroad; that we wanted the best powder; and that if they could not give it to us we would get it from people who could give it to us. Under those conditions they entered into this agreement with the foreign people. As a result of that they got information far more valuable than they could give. The knowledge of how to make this powder flowed over to this side in a greater stream than anything that flowed over to the other side.

Mr. BORLAND. Was it a part of that agreement that we should keep out of the German market and that the Germans should keep out of the American market?

Gen. CROZIER. I think that was a part of the agreement.

Mr. BORLAND. The manufacturers here were to keep out of the foreign markets in exchange for the secrets of manufacture?

Gen. CROZIER. Yes. This exchange of confidential information was very greatly to the advantage of our people, because there was much more that they had to get than they had to give. They went into that agreement for the purpose of being able to manufacture this powder of superior quality in this country, and in addition to what they gave in the way of promises to transmit information and keep out of the foreign markets my own opinion is that they had to pay a considerable amount of money.

Mr. BORLAND. In the present situation, with private manufacturers making a vast amount of material and having a pretty large foreign trade, do you not think we would be safe in making our own powder rather than buying it, and are we not pretty safe in manufacturing it in our own establishments and disregarding this idea of encouraging its manufacture in private plants?

Gen. CROZIER. I do not think it is safe, no; because the powder-making art is not going to stop at this stage; it is going to be a progressive art and an improving art. Moreover, if we were to do what you say and allow the powder-making industry to pass out of existence in this country, the military powder industry, we would be left then with only the Government plants, and I do not think there is the slightest prospect of enlarging those plants so as to meet the war necessities and holding them in reserve until there is a chance of war, which is, of course, what we are now talking about getting ready for.

Mr. GILLETT. If all of that were done would not our Government plants have to enlarge their corps so that they would have a sufficient corps of scientists and skillful men to keep abreast of other nations in making improvements, etc., which, as I understand it, we have never been obliged to do as yet?

Gen. CROZIER. We would have to go into the procurement of a personnel to a greater extent than we have gone thus far, and in addition, if we were to count upon an expansion of the Government's manufacture even of the powder we already know how to make we would lack the personnel engaged in kindred business which private manufacturers have to draw on.

Mr. BORLAND. Can we assume that in the future we are going to be able to get valuable secrets from foreign nations as to the manufacture of powder?

Gen. CROZIER. I think, Mr. BORLAND, that the European market for all military knowledge and ability will continue to be greater than our market, and I think that will have the natural effect in the future that it has had in the past of stimulating military improvement in Europe more highly than it is stimulated in the United States. Just let me remind you of some of the things we have gotten from the other side. This smokeless powder that we are speaking of is a copy. The built-up steel cannon is a copy; the small bore high-power rifle is a copy; the use of some of our high explosive bursting charges is a copy; the long recoil field gun is a copy; the latest improvement in the field-gun carriage, following after the long-recoil feature of the gun, is a copy; those constitute the principal features of our military constructions; we have gotten them all from the other side. We have a sufficiently skillful personnel here to adapt them and to seize on these ideas when they come out over there, and sometimes I think we improve on them. But in the main they have come from the other side because the stimulation is greater on the other side, and I do not see why that would not continue in the future.

Mr. BORLAND. Would not all of those things be adapted by our own munition makers under Government supervision, and could they not be as well adapted under our supervision as under the supervision of a private manufacturer who was engaged on Government orders? In other words, the Government's orders would be based on certain specifications?

Gen. CROZIER. Suppose we apply that question to the very subject we are talking about and suppose that at the time we were concerned about the introduction of the manufacture of smokeless powder the Government factory had been in existence, I do not think that with the hampering restrictions that surround Government officers in attempting to carry on the Government's business we would have been as well able to make arrangements to import that process over here as were the private manufacturers.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Washington.

Mr. LA FOLLETTE. I yield the floor.

Mr. MARTIN of Virginia. I ask the Senator from Washington to yield to me just a second.

Mr. JONES. I just want to read a paragraph of the testimony the Senator from Wisconsin referred to. I have it before me, and it will take but a moment.

Mr. LA FOLLETTE. That will probably necessitate the reading of considerably more.

Mr. JONES. I think not.

Mr. SHERLEY. Before we go into this item, as long as we are dealing with the basic subject, it is contemplated by the War Department to obtain in the course of four years 30,000,000 pounds of powder of all kinds.

Gen. CROZIER. Yes, sir.

Mr. SHERLEY. We are paying, or have been paying, for the powder we buy, 53 cents per pound for cannon powder, and 75 cents per pound for small-arms powder. The difference between this price and the cost of manufacture is in cannon powder 14 cents, and in small-arms powder 27 cents. In your hearing before the fortifications subcommittee, I estimated that by an expenditure of $700,000 the arsenals would be in a position to make all of this powder, and that the making of it at those figures would represent a saving of something like $4,000,000. Is that accurate?

Gen. CROZIER. That results from the figures; yes, sir; and I have no reason to question the accuracy of them.

Mr. MARTIN of Virginia. When the Senator from Alabama made the motion, I thought it ought to be adopted; but in view of the information disclosed on the floor of the Senate by this discussion I hope he will withdraw his motion.

Mr. BANKHEAD. I made the motion on the assurance of the distinguished Member of the Senate that he had been informed during the discussion that Gen. Crozier had not recommended any such provision as this in the bill. I thought before we entered upon a policy like this we ought to have some information from somebody who is capable of giving it as to the needs of the Government. Therefore I made the motion. Now I am willing to withdraw it. I do not care if the Senate wants to build a powder plant or does not want to build a powder plant, I am in favor of the Government manufacturing its own powder. Perhaps the more plants of the kind we have the better.

The PRESIDING OFFICER. The Senator from Alabama withdraws the amendment.

Mr. OVERMAN obtained the floor.

Mr. CLARKE of Arkansas. It is not necessary that I should renew the amendment I just made. I insist on its being submitted to the Senate. It is to strike out the language which proposes to limit the place on which the plant shall be constructed. I think the Government ought to utilize any proper site it now owns for that purpose.

Mr. LA FOLLETTE. Will the Senator submit a motion?

Mr. CLARKE of Arkansas. I move to strike out the language I have heretofore indicated.

Mr. LA FOLLETTE. Permit me to suggest to the Senator that the same object might be obtained by adding to the provision such terms as will permit it to be located on Government land if the Government owns property where the location would be suitable for the plant.

Mr. CLARKE of Arkansas. That would be a more amplified form of stating the same thing. I have not any objection to either form.

Mr. OVERMAN. Mr. President——

Mr. LA FOLLETTE. Mr. President, does the Senator propose to strike out——

The PRESIDING OFFICER. Permit the Chair to state that the Chair has recognized the Senator from North Carolina [Mr. OVERMAN].

Mr. LA FOLLETTE. Mr. President, I did not understand that. I addressed the Chair, and thought that I had been recognized.

Mr. OVERMAN. I merely wish to make a statement. I was requested to call up Gen. Crozier, who was before our committee, to ask him the question whether or not this item had been estimated for or recommended by the War Department in any respect. He said it had not been, that he had gone before the committee, as the hearing showed, and wanted to get a large appropriation for the arsenals to manufacture this material. I think probably he thought that we could manufacture the powder cheaper than could private concerns, and we made an appropriation for the Frankford Arsenal, and also gave him $6,000,000 in the fortification act. All I know and all I care about it is that he said to me that he had not estimated for this item, nor had any department of the Government done so.

Mr. HARDWICK. Mr. President, I probably would not have to say anything about this matter but for some observations of the Senator from Wisconsin [Mr. LA FOLLETTE]. I take it that they were directed, in part, to myself. I opposed the erection of a nitrate plant for a very different reason from any involved in this controversy, because eight-ninths of that proposition was to manufacture something to be sold to the fertilizer manufacturers in times of peace by this Government. I have never in my life been opposed to the Government manufacturing its own powder; on the contrary, on more than one occasion, I have performed fully as valiant service as the distinguished Senator from Wisconsin ever did for that cause.

I doubt the wisdom of this provision for this reason: I do not think it is recommended by the War Department. I think we know that now; and the situation is this: We have a good many different arsenals already established, already bought, and already paid for, throughout the United States. One of them has for many years been in my own State. I believe the idea of the War Department is that without building a new powder plant it could probably manufacture the powder that it needs cheaper at some of the plants or arsenals it already owns; and I do not think the Senate of the United States ought to be swept off its feet and indorse a proposition like this, which the committee has not investigated and about which we seem to have no accurate information, simply because somebody is afraid he will be charged with opposing the Government manufacturing its own powder. There is no question like that properly or necessarily involved in this proposition.

As I understand the statement made by the distinguished Senator from North Carolina [Mr. OVERMAN], a member of the committee, and, I believe, also of the subcommittee that had this matter in charge, Gen. Crozier insisted that $700,000 could be used for the manufacture of all the powder that we might need for many years to come in connection with existing arsenals, and without the necessity to create another plant, and that this would save $4,000,000 to the Government. I do not think we can dispose of the question on any such basis as that suggested by the distinguished Senator from Wisconsin. There is no question of private monopoly involved in this proposition, and no question of that sort ought to be suggested about it. It is simply a question of whether or not we ought to use arsenals that the Government already owns and has already paid for, or whether we are going to establish another one, buy another one somewhere else, and spend that much more money at a time when we need to devote all the money that we have and can get by any proper system of taxation for other and more important purposes.

I am willing, if we need another Government plant to manufacture powder, to establish it; but until it is shown that the existing plants can not be more cheaply utilized and can not be used so as to manufacture powder more cheaply than we could get it by establishing another plant, I think we ought to go a little slow about agreeing to this proposition.

Mr. POINDEXTER. Mr. President, I want to say a word about the matter. I have no objection to the amendment proposed by the Senator from Arkansas [Mr. CLARKE]. I think it improves the paragraph. I understand the Senator from Alabama [Mr. BANKHEAD] has withdrawn his motion to strike out, although I was not here at the time he did so.

The fact, Mr. President, that we have provided in another act for the establishment of a nitrate plant is simply an argument for this provision, because this provision will afford a means by which to utilize the product of the nitrate plant.

The establishment of a powder factory on the Atlantic coast has been a great success and has saved the Government many hundreds of thousands of dollars in the extortionate prices which otherwise it would have had to pay for powder.

There ought to be one such establishment on the Pacific coast. The Pacific coast is a point of the country which is more directly involved, in my opinion, in many pressing international questions which will confront us in the near future than any other section; and it is that point—that portion of the country—which ought to be prepared and have the means of preparing. When this section is adopted, I am very much in hopes that, in connection with the nitrate plant which will probably be located at the site of some of the great water powers on the Pacific coast, there will be established a powder plant for the appropriate and consistent purpose of utilizing the nitrates there manufactured.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Arkansas [Mr. CLARKE].

Mr. HARDWICK. Before the question is put, I wish to say that I think the Senator is about to modify the amendment in a way that will meet all views. If the Senator from Arkansas will change his proposition so as to give the department the discretion either to establish a new plant or to enlarge the existing plants, it will meet the situation and allow the department to do whatever may be most advantageous.

Mr. CLARKE of Arkansas. I think I quite fall in with the idea suggested by the Senator from Georgia, and I have no objection to adding, after the word "plant," in line 6, the words "or the enlargement of any existing plant owned by the Government for the manufacture of powder," and then to strike out the limitation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas as modified.

Mr. GALLINGER. Let the amendment be read, Mr. President, as now proposed.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. LEWIS. May I ask the Senator from Arkansas if, in his legal judgment, the amendment, without additional legislation, would permit the arsenal at Rock Island, Ill., to be utilized for the purpose of the manufacture of powder?

Mr. CLARKE of Arkansas. There is no limitation as to the locality. It is merely a command to the executive officer of the Government to establish a plant or to enlarge an existing plant now owned by the Government for the manufacture of powder. That, of course, would include the Rock Island Arsenal.

Mr. LEWIS. I merely wished to be sure that the amendment would not prohibit the use of the Rock Island Arsenal.

Mr. CLARKE of Arkansas. I think it will not.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 62, line 6, after the word "plant," it is proposed to insert the words "or the enlargement of any existing plant owned by the Government"; and in line 7, after the word "powder," to strike out "on a site to be procured by purchase or condemnation, or, in the discretion of the Secretary of War, on any suitable site that may be tendered without cost to the United States, which he is authorized to accept," so that if so amended the House text would read:

Powder factory: For the establishment of a plant or the enlargement of any existing plant owned by the Government for the manufacture of powder, $500,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. Mr. President, I was detained from the Senate this morning by business connected with the naval appropriation bill, and during my absence the paragaph on page 27 relating to the Boston quarantine station as it came from the House was stricken out and another paragraph substituted. I had no idea that any such change was contemplated by the committee and had no opportunity to appear before the committee in connection with it. I can but think that the committee was not aware of the facts in regard to it. This is not a request for a new appropriation for the establishment of a quarantine station at Boston. Under the act of 1893, section 8, it was provided:

That whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use, if, in his opinion, they are necessary to the United States.

The quarantine station at Boston is built and maintained by the city, the city representing the State. This property was duly appraised by the Treasury officials and a contract was signed by the representatives of the Public Health Service, acting under the law of 1893, and the mayor of Boston that the Government should take it over for $150,000. It is the policy of the Government to take possession of these quarantine stations and centralize them.

The House provision simply furnishes the money to pay the contract which the Government has entered into under the law. Under those circumstances, it seems to me, the House provision ought to stand. It is a contract duly made in accordance with law and in good faith, and the sum of $150,000, after appraisal, was the amount agreed on by the city and by the United States.

I hope the chairman of the committee in charge of the bill will be willing to have the vote whereby the amendment was agreed to be reconsidered, and I move that the vote by which lines from 4 to 8, on page 27, were stricken out and lines 9 to 13 inserted be reconsidered.

The PRESIDING OFFICER. The Senator from Massachusetts moves to reconsider the vote whereby the amendment on page 27 was agreed to. The question is on that motion.

The motion was agreed to.

Mr. LODGE. I have spoken to the chairman of the committee about it, and I hope the Senate will be willing to disagree to the amendment proposed by the committee, which I think was put in under a misapprehension.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

Mr. WARREN. I offer the amendment which I send to the desk. I have submitted it to the chairman of the committee, and I understand it meets with his approval.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 161, after line 8, it is proposed to insert:

For the completion of the Saratoga, Wyo., fishery station, including construction of buildings, ponds, improvement of water supply, and for equipment, $12,500.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. MYERS. Mr. President, I send to the desk an amendment, to be inserted after the word "fares" and before the word "*Provided*," on page 100, line 16, and ask the Secretary to read it. Then I will submit some remarks in favor of it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 100, line 16, after the word "fares," it is proposed to insert:

That agents and others employed under this appropriation shall be allowed a per diem in lieu of subsistence when engaged in field work or when traveling on official business outside of the District of Columbia or when engaged on official business at their respective posts of duty at a rate of not exceeding $3 each.

Mr. MYERS. Mr. President, the field-division force of the General Land Office, Department of the Interior, consists of men drawn from all over the country and detailed at divisional headquarters located in the various public-land States of the Union, and are engaged in the enforcement of the statutes relative to the disposal of the public lands to settlers and others, and to those protecting the public lands and timber from depredation. They are divided into three classes: 1, special agents; 2, mineral examiners; 3, timber cruisers.

With the exception of a few positions which are filled by personal appointment of the Secretary of the Interior most of the men are those who have entered the service from civil life and undergoing examination by the Civil Service Commission as to their technical qualifications, or those who have, during long and faithful employment in the General Land Office at Washington, D. C., or in the various United States land offices throughout the public-land States, and under the civil service, demonstrated their fitness for the work and have, by transfer, entered the Field Service.

As a rule, the special agents are lawyers, or specially qualified employees of the General Land Office, who have demonstrated an intimate acquaintance with the public-land laws and their tact and ability to handle people.

The mineral examiners are graduates of technical schools, for the most part, and have had considerable practical experience in mining engineering in private life, obtaining their appointments by competitive examination.

The timber cruisers are men who have had considerable practical experience in cruising timber and quarrying operations, being required to cruise and estimate quality, quantity, species, and value of the various timbers of the West and South, and likewise the nature, value, and adaptability to commercial building and construction operations of the various stone deposits of the public-land States.

It will be thus seen that the qualifications demanded of the Field Service employee are none too small and are such as to demand a high value in the commercial world. To one who is even slightly acquainted with salaries paid to skilled employees of the Government, and especially professional employees, it is needless to say that the Government standard is much lower than that of private employers.

It is customary to assign the employees to field divisions, under the supervision of a special agent, who is designated chief of field division. The field division headquarters are usually located in a central point of the district, usually the capital of the State, where the State limits coincide with the divisional limits, or, if not, then in a capital city convenient to the work. Thus the Helena field division comprises the State of Montana, and the headquarters are located at Helena, Mont. The Santa Fe field division has headquarters at Santa Fe, N. Mex., and comprises New Mexico and Arizona.

The men work out from the headquarters town, spending from one-third of the year to less at that place and the remainder of the time away from headquarters in the portion of the division at which their work is located. The time spent at headquarters depends to a great extent upon the amount of clerical work necessary in connection with their duties. The chief of the field division spends practically all of his time at headquarters. The special agent detailed as special agent in charge of hearings, who is a lawyer and tries the land cases, spends about one-third to one-fourth of his time at headquarters. The other employees spend usually about three months at headquarters while preparing reports and at such times that inclement weather conditions prevent work in the field. In a district such as the Helena field division, comprising the State of Montana, where the winters are long and the field season resultingly short, the time spent in the headquarters for those agents on permanent detail to this division may average a little more than that given, but that is about a fair statement as applied to the entire service. In this connection it may be stated that it is the policy of the General Land Office to maintain a smaller force in the Helena field division in wintertime than in the field season, the present force being about half of the force in the open field season.

The regulations of the office frown upon detailing men to divisions embracing the State from which they are appointed, and the detail of men to any one division is more or less temporary. Naturally many agents find it too expensive to establish their families at the headquarters town, because of this uncertain tenure of assignment and also because their work carries them away from the headquarters town the greater

portion of the time. This means, with a great number of the men, that their families are left in the particular places they were living at the time of their appointment, all from the uncertainty of assignment to any one division, the other reasons stated, and the great cost of establishing homes and then breaking them up.

The men are aware of these conditions when they are appointed and knowing that they will be under a great expense, naturally look to see whether the appointment salary is sufficient to recompense them for working under such unfavorable conditions. The entrance salary, being usually $1,200 per annum, they find is not a large salary, when the qualifications demanded, the nature of the work, and the unfavorable conditions under which they work are taken into consideration.

However, they find that most of the appointments contain a reference to a per diem of $3 cash, which was, up to April 1, 1915, included in each appointment, the reference to the per diem usually being stated in the following or similar words:

Under this appointment, and in addition to the salary named, you are entitled to $3 per diem, in lieu of subsistence, and all actual necessary expenses of transportation, including necessary sleeping car fares, while on duty and engaged in the performance of official business, all of which, salary included, is payable from the appropriation for protecting public lands, timber, etc.

This meant an actual salary of $2,295, instead of $1,200, and a thorough consideration of the nature and difficulties of the work, while convincing the new appointee that the salary was none too high, and did not compare very favorably with salaries private concerns were paying for similar work, yet was sufficient inducement to accept, and under these conditions the great majority of the present force were appointed:

* * * *Provided*, That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in the District of Alaska they may be allowed not exceeding $6 per day each, in lieu of subsistence. (38 Stats., 45.)

The above is a recitation of that portion of the appropriation for the public lands, timbers, and so forth, 1914, which was in full force and effect when the appointment was made from which the above quotation was taken.

Many of the present employees of the Field Service accepted their positions under that understanding, considering the per diem as much a part of their recompense as was the salary, and from their knowledge of the conditions under which the men work, believed that the work under an assignment to one of the field divisions would be entirely field work, i. e., that all the time they were working, whether at the headquarters town or in the examination or investigation of public entries, they would be under a great personal expense, and an expense that would not vary whether at headquarters or at other places in the division, except at such few and far between places, where the cost of living was not high, unfortunately entirely too few in the State of Montana.

They worked under this understanding for a while. Those whose assignments took them into the States of Montana, Wyoming, and Idaho fund that, owing to the situation of these States, they being in a new and vast undeveloped domain, a few years back practically prairie and mountain, deserted except by a few ranchers and miners, but now rapidly being settled and developing into a great mining, farming, and stock-raising country, the cost of living was greatly in excess of that of the thickly settled regions of the East, South, and Pacific coast, from which the agents came. This was, of course, but natural in a newly settled country, but the agents realized that it would be difficult to have Congress provide one per diem for those public-land States where the cost of living was not so high and another for those States where the cost of living was great. They went on with their work, trusting that their superior officers would come to a better understanding of the conditions that caused the higher expense in these localities and would make salaries in proportion. Whether they have been disappointed in this hope need not be stated but may easily be inferred.

Great was their consternation when they were informed that the Comptroller of the Treasury rendered a decision, dated March 20, 1915, in which he held, construing the provisions of the sundry civil appropriation act of August 1, 1914, section 13, and the appropriation for the protection of the public lands, timber, and so forth, therein, that the agents of the Field Service were not entitled to per diem while at headquarters. (21 Comp. Dec., 507). This decision went into effect on April 1, 1915, and since that time, although the men are under the same expense at the headquarters as at other places in their divisions, yet their loss ranges from practically $1,095 of the various chiefs of field division, $450 or thereabouts of the various special agents in charge of hearings, to amounts varying from $400 to $150 of the agents, depending upon their good or bad fortune in spending little or much time at headquarters.

This decision construed likewise the act of April 6, 1914 (38 Stats., 318), which provides:

On and after July 1, 1914, unless expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties.

The first part of this act relates solely to reimbursement for subsistence, and the second part relates solely to employees of the various offices and departments located in the District of Columbia and to subsistence, and none of this act can apply to per diem employees, whether located in or out of Washington, D. C.

Section 13, sundry civil bill of August 1, 1914, provides as follows:

That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty, when otherwise not fixed by law. For the fiscal year 1916 and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances.

This section does not apply to the Field Service of the General Land Office, inasmuch as it covers cases where no per diem has been fixed by law, and in the last analysis is simply an authorization of per diem to employees of the services mentioned whose work requires traveling, and for whom no specific per diem has been fixed by law. In other words, employees, who before this enactment would be on an actual subsistence basis, could by virtue of it be placed on a per diem basis of not exceeding $4 a day each, while actually traveling away from their designated posts of duty, and where no enactment of Congress in existence specifically fixed the rate of per diem to be paid them.

The appropriation for the protection of public lands, timber (38 Stats., 644), specifically provides a per diem and the conditions under which this per diem shall be allowed, and are by the words of said section 13 specifically exempted from the operation of that act. It may well be noted here that the wording of the appropriation for protecting public lands, timber, and so forth, for the fiscal year ending June 30, 1915, is identically the same as that of the previous year, as herein quoted above.

However, and unfortunately, the comptroller, in his decision, took for granted the application of these acts to the appropriation for the protection of public lands without any discussion of their applicability to said act. It is possible that a discussion of the application of these statutes to the status of the Field Service employees would have clearly shown that they did not apply—at least the agents think so, after careful consideration of the various statutes and their application. Unfortunately, again, the department came out in a circular and announced that appeals should not be carried above the office of the Commissioner of the General Land Office without their express permission.

The following year Congress passed the appropriation for protecting public lands, timber, for the fiscal year ending June 30, 1916. This contains the following provisions relative to per diem to field employees:

* * * *Provided*, That agents and others employed under this appropriation may be allowed per diem in lieu of subsistence, pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, at a rate not exceeding $3 each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in the District of Alaska, they may be allowed not exceeding $5 per day each in lieu of subsistence.

This act apparently, on its face, would afford some justifiable foundation for the aforesaid decision of the comptroller had same been based upon it, but it was not. However, it may well be stated here that the agents are in a position to show that the most reasonable construction of this act would not, upon second consideration, justify the application of section 13 of the previous appropriation act to this field force, and this is not said idly. As a matter of fact, there is now pending before the office a brief on these questions submitted by one of the men involved, an exhaustive and able one, touching not lightly upon the questions as did the comptroller's decision, but at detail and specifically, but this brief and appeal has not yet reached the Chinese wall of the Secretary's order above referred to, and it is problematical what fate it will have when it does endeavor to scale that wall.

On March 3, 1915, this last-mentioned appropriation act was passed. On March 20, 1915, the comptroller's decision was promulgated. On April 6, 1915, the Comptroller of the Treasury rendered a decision construing the same acts as were construed in his other decision. This latter decision relates to assistant supervisor of surveys and their per diem while at headquarters away from the District of Columbia. After discussing the question of whether or not there is sufficient legal authority to employ such officials, the comptroller proceeds as follows:

I am now confronted by a difficult situation. It is said that the supervisory work upon which these specially designated surveyors are engaged is essential to the proper conduct of the surveys of public lands and is of such character that it could not be done by the two supervisory officers specially provided for by law. Arrangements have been made and agreements entered into by the General Land Office in good faith and in the belief that said arrangements and agreements were in accord with the statutory authority. To suddenly terminate the present system would not only embarrass the Land Office but would seriously hamper the work of surveying the public lands. It is said that it would be difficult, if not impracticable, to secure the services of surveyors qualified for this supervisory work for the maximum compensation and allowance of a surveyor.

Why it appears so difficult to substitute new men for those surveyors detailed as assistant supervisors of surveys is hard to understand. Their work is of a technical character, and the various colleges and universities are turning out hundreds of engineers each year. In addition to that there are hundreds of practical surveyors engaged in the active practice of their profession throughout the United States, and many surveyors in the service eligible for promotion. Probably these reasons were explained to the comptroller orally, as he states in the beginning of the same decision. Dame Rumor states that pressure was brought to bear. That a glowing picture was painted of the possibility of the supervisors quiting work and leaving with their notes on the past season's field work in an unfinished condition, and necessitating the duplication of the work at great expense. Whether the old lady is true or not is not known. Suffice to say that the Field Service of the General Land Office did not adopt such tactics, although the General Land Office, acting under express authority of law, had entered into agreements and arrangements with the agents and other field employees to pay per diem "while engaged in the performance of official business," as shown by the appointment quoted in the beginning of this statement; although their work was of such character that it would be extremely difficult to break in new men, and practically every condition mentioned in the above quotation of the comptroller was present. We may go further and state without fear of successful contradiction that the contracts entered into by the General Land Office and the Field Service employees rested upon the law itself, and not merely in a belief that there was statutory authority, or an unfounded construction of the law, such as is intimated in the comptroller's decision in the case with the assistant supervisors of survey.

The decision goes on and discusses the policy of making such arrangements without express statutory authority. Mind you, this is not in relation to per diem, but actually in relation to the employ of assistant supervisors of survey, where the law only authorizes two supervisors of survey, and then proceeds as follows:

However, there is no reason to suppose that Congress would have refused or would refuse to make suitable provision for necessary supervision of surveys, and in view of the apparent good faith of the present arrangement and the injury to the service which may be done by its abrupt discontinuance, with no satisfactory substitute. * * *

So far this relates solely to the detail of men to act as assistant supervisors of survey, and the authority therefor presupposed, because Congress has not gone on record of refusing to give the authority (sic), and he proceeds:

I will authorize payments of per diems in lieu of subsistence to surveyors who have been designated assistant supervisors of surveys whenever they are actually on duty under their special designation, whether at their homes or official headquarters or elsewhere, until such time as you shall have had opportunity to secure some specific legislation on the subject from Congress. In no event will such authority extend beyond the life of appropriations now existent, unless such payment shall be specifically authorized by law.

Then follows the signature, and so forth, of the comptroller.

The statute authorizing the employment of surveyors, and so forth, that was in force at the time of this decision was the sundry civil appropriation bill of May 23, 1913 (38 Stats., 46), and the portion relating to the appointment, and so forth, of surveyors is as follows:

For surveys and resurveys of public lands. * * * The surveys and resurveys to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation, not exceeding $200 per month each, as he may prescribe, except that the Secretary of the Interior may appoint not to exceed two supervisors of surveys, whose compensation shall not exceed $250 per month each, and except in the District of Alaska * * * and such per diem allowance, in lieu of subsistence, not exceeding $3, as he may prescribe, and actual necessary expenses for transportation, including necessary sleeping-car fares, said per diem and traveling expenses to be allowed to all surveyors employed hereunder. * * *

The wording of this per diem clause is not materially different from the appropriation for the same fiscal year of the Field Service of the General Land Office, which has been quoted herein. The difficulty that the comptroller was laboring under in the last-quoted decision, in part, was not as to per diem as much as to the authorization for designating assistant supervisors of surveys.

Without discussing at length the per diem feature, he, after arriving at the conclusion that the designation of such employees was not expressly forbidden by law, and that Congress would probably provide the authorization as soon as its attention was called to this necessity, simply stated, and without assigning any reason whatever, that he would honor, would authorize, payment of per diem in lieu of subsistence to the assistant supervisors of surveys whenever they were engaged in the performance of official business, whether at home, headquarters, or any other place their duties might take them. Verily the oral explanation to which he alludes in the preliminary part of his decision must have been convincing to him! Then, too, he states that this authorization would not extend beyond such times as Congress would have an opportunity to authorize the employment or designation of these officials.

It seems that the comptroller is subject to the criticism that in a matter financially serious to about 100 men of this service, not to mention the many others within the scope of his decision of March 20, 1915, he failed to discuss at length the application of the acts of April 6, 1914, and section 13, act of August 1, 1914, to men who are paid from appropriations which include a specific provision as to the payment of per diem, and in his decision of April 6, 1915, he assumed, as far as assistant supervisors of survey were concerned, that these acts did not apply. One or the other of these decisions is wrong; if the first was right, the second is an exhibition of "strong-arm work," and the failure to discuss the application of these laws is apparently purposely omitted. On the other hand, if the second decision is proper, then the special agents and other field employees are entitled to per diem while engaged in the performance of their official duties, as their appointments read. But unfortunately the agents do not get their per diem while at their field headquarters, and the comptroller has apparently made no effort to reconcile his conflicting decisions.

After the promulgation of the decision of March 20, 1915, the General Land Office issued to most of the men promotions. A very few were raised $20 a month, the bulk were raised $5 and $10 a month—a mere bagatelle, if it were intended to reimburse the men for the money lost. The appointments then were materially changed, usually reading about as follows:

To be allowed actual and necessary transportation expenses, including sleeping-car fare, and $3 per diem in lieu of subsistence while away from headquarters on official business.

To those men appointed after March 20, 1915, no raises were made, for the reason that their appointments were originally made in the same words as were the appointments of those promoted, just quoted.

The facts simmered down are these: The men of the Field Service were appointed under the same contract as were the assistant supervisors of surveys—under the same arrangements. The comptroller holds that the latter are entitled to their per diem while at headquarters. Ergo, the men of the Field Service should likewise be paid per diem while at headquarters. Then, nominal promotions were made, undoubtedly, with the object of doing away with the contracts that the great majority of the men had—all of them, in fact, whose appointments were dated prior to March 20, 1915, the number appointed since March 20, 1915, being exceedingly small. Thus, when this procedure and the order forbidding appeals to the comptroller without express authority of the department, are considered, it is apparent that the only remedy the men have is congressional action, and, therefore, this amendment was introduced.

I believe, Mr. President, that this amendment merely provides simple justice to these field agents. The gist of the whole matter is that while they are in the field they are paid $3 a day for subsistence; but when they go to the division headquarters, like Helena, Mont., and spend three or four months there, they are still away from home, because they are outside of their place of residence, and they are allowed no subsistence.

I hope this amendment will be adopted.

Mr. OVERMAN. Mr. President, I am compelled to raise the point of order on this amendment, because it changes existing law, it is new legislation, and in the teeth of the opinion read by the Senator from the Comptroller of the Treasury.

The VICE PRESIDENT. The point of order must be sustained.

Mr. SMITH of Georgia. Mr. President, I wish to call attention to a suggestion from the Department of Justice. I have been out of the Chamber part of the time, and it is possible that this amendment has already been offered, but I am not sure. I therefore offer it.

On page 145, after line 6, I move to insert the following:

That the Attorney General, the Postmaster General, Secretary of War, and the Secretary of the Navy are created a commission to make due inquiry and to report to Congress at its next regular session what supplies for the sole use of the Government can be produced at the United States penitentiaries; what equipment will be necessary therefor in each of said institutions; and the estimated cost thereof.

There is no suggestion of an appropriation, Mr. President. It only directs these four members of the Cabinet, in connection with our legislation with reference to the prisons, to gather certain information and furnish it to the Congress at the next session.

I am advised by the Attorney General that the work which the department has found for the employment of prisoners heretofore will be completed this fall, and that unless some other provision is made for their employment idleness will be the condition of the prisoners. This is merely a direction to these four members of the Cabinet to make an investigation of certain facts and furnish a report of their findings to Congress at the next session.

Mr. MARTIN of Virginia. Mr. President, as the Senator says, it is without any appropriation; but it is just plain, simple legislation, and I make the point of order that it can not be put on this bill.

Mr. SMITH of Georgia. Mr. President, it gives them no authority at all. It simply requires them to furnish us information. I hope the chairman of the committee will not object to it. It simply authorizes them to furnish us certain information. We can pass a joint resolution of the Senate and House, if desired, and direct them to do so.

Mr. MARTIN of Virginia. Let the Senator do it in that way. It does not belong on an appropriation bill. It is legislation, and I make the point of order against it.

Mr. SMITH of Georgia. Mr. President, I rather think it falls within the point. I submit it to the Chair for decision. Part of it is not general legislation.

I want to add that the provision was agreed upon by the members of the Appropriations Committee of the House. I had been working upon the subject with the Attorney General. My own connection with it grows out of the fact that one of the Government prisons is located in Atlanta, and I have given some investigation to it.

The VICE PRESIDENT. This seems to apply, however, to all the prisons of the United States, and covers the entire question. It creates a commission to investigate what supplies can be produced at the United States penitentiaries. It seems to cover the whole subject of prison labor. The Chair believes, therefore, that it is general legislation, and sustains the point of order.

Mr. MARTINE of New Jersey. Mr. President, I desire to offer the amendment which I send to the desk. It explains itself.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 192 it is proposed to strike out, in lines 11 to 14, inclusive, the following language:

Nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the 1st day of July, 1915—

And to insert:

Provided, That the wage scale in effect for persons employed in the construction of the Panama Canal, or in the operation of the Panama Railroad, prior to April 1, 1914, shall not be reduced for persons employed in the construction, operation, or maintenance of the Panama Canal or the Panama Railroad, and accommodations, services, and conditions of employment, including quarters, fuel, and electric current, shall continue and be supplied without charge as heretofore.

Mr. MARTIN of Virginia. Mr. President, I do not like to raise a point of order on this amendment; but the committee considered it and refused to insert it in the bill, and it does seem to me that it is hardly justifiable for us to undertake to regulate wages in a bill of this sort.

Mr. MARTINE of New Jersey. It seems to me that inasmuch as this is tantamount to a reduction it is not regulating altogether. It is not increasing or multiplying.

Mr. MARTIN of Virginia. To save time, I am not going to make any resistance; but it will never live through a conference. The Senator knows that.

Mr. MARTINE of New Jersey. I trust the Senate may adopt it. The proposition is——

Mr. MARTIN of Virginia. I have not a word to say. The Senate can do as it pleases about it.

Mr. MARTINE of New Jersey. These employees have been receiving their regular wages, and they were entitled to rental, fuel, and electric light at the hands of the Government free.

Mr. MARTIN of Virginia. I will not raise a point of order if the Senator will not debate it. The Senate may act on it.

Mr. MARTINE of New Jersey. I want to explain it to the Senate, so that I trust I may get a vote or two, or maybe more. The proposition is now to take from these wage earners their rental and their fuel and their light.

I ask the adoption of the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHAFROTH. Mr. President, on page 99 I move to strike out lines 10, 11, 12, 13, 14, and 15.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 99 it is proposed to strike out all of lines 10, 11, 12, 13, 14, and 15, in the following words:

So much of the Agricultural appropriation act for the fiscal year 1916 as authorizes the use of the Maltby Building and the buildings on the west side of New Jersey Avenue, between B and C Streets, NW., in Washington, D. C., by the Department of Agriculture is repealed.

Mr. SHAFROTH. Mr. President, under that act——

Mr. MARTIN of Virginia. If the Senator will not make a speech on it, it may go in. I do not care. Let us finish this bill to-night. If we keep on we will not finish the bill to-night.

Mr. SHAFROTH. If there is no objection to it——

Mr. MARTIN of Virginia. I am not going to make any objection to it.

Mr. SHAFROTH. Very well; I ask for a vote on it, then.

Mr. GALLINGER. Before that is done I want to say a few words:

This building is now under the Interior Department, and directly under the jurisdiction of Mr. Elliott Woods, Superintendent of the Capitol Building and Grounds. He assures me, and wishes me to assure the Senator from Colorado, that if this paragraph remains in the bill no disturbance of the existing condition will be made for a year, and that he thinks it is better to have it go in the bill.

That is all I care to say about it. I think the Senator from Colorado is unnecessarily exercised about the Maltby Building. Mr. Woods has now allowed certain parties connected with the Government to occupy it, and he proposes to have it so occupied for at least a year; so that we will have time in the future to look into it if that provision remains in the bill.

Mr. SHAFROTH. Mr. President, I want to say that that provision in the Agricultural bill prevented the tearing down of that block of buildings. We are now paying $600,000 in rents in the city of Washington. Those buildings are good for storage purposes, if for no other; but even if they were not good for any purpose it is better to retain them there than to tear them down, because then there would be facing on the park the most insignificant houses on the little street back of that, which would not be fit to face a beautiful park like this will be.

I want to say, Mr. President, that if this provision is repealed, and they are permitted to tear down those buildings, you will find that there will either be a great, high wall constructed to hide those buildings—which was suggested by one of the committee—and then the people on the other side of the street will undoubtedly object to it; or, if that is not done, you will find that an appropriation will be made for the purpose of buying the balance of the buildings down to First Street, which will involve the Driscoll Hotel and others.

Consequently, it seems to me that this provision ought to be retained until some suitable public building is placed there, if the present buildings are not used for other purposes, such as storage purposes, or occupation by some department of the Government. Does the Senator object?

Mr. MARTIN of Virginia. I am not making any objection to anything. The Senate can put in the bill anything it wants, now.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VARDAMAN. Mr. President, I am not going to detain the Senate more than a moment.

I move to strike from the bill the provision on page 131, beginning at line 5 and ending at line 28. I do this because I think if the United States Government is going to maintain colleges and universities in the District of Columbia, there should not be any discrimination on account of race, color, or previous condition of servitude; that a university should not be maintained because it is for white people, or because it is for black people, or because it is for yellow people. There is no more reason why the United States Government should maintain Howard University

than it should maintain the other universities situated in this city. I think the American people have done enough for the negroes of the District of Columbia. For that reason I move to strike that provision from the bill. I expect this amendment to be defeated, but I want to serve notice now that in the future, so long as I remain in the Senate, I am going to do what I can to defeat this act of unwarranted favoritism.

Mr. MARTIN of Virginia. I move to lay the amendment on the table.

The VICE PRESIDENT. The Senator from Mississippi moves to amend by striking out that portion of the bill beginning with line 4, on page 131, and going to the bottom of the page. The Senator from Virginia moves to lay the amendment on the table. The question is on the motion of the Senator from Virginia.

The amendment was laid on the table.

Mr. POINDEXTER. I desire to offer an amendment providing for the acquisition of a boat for the Coast and Geodetic Survey to take the place of one of the Coast Survey boats that has been condemned and destroyed. I send it to the desk and ask that it be read.

The SECRETARY. Insert after line 23, page 152, a new paragraph, as follows:

For acquiring a new vessel to take the place of vessels heretofore condemned, $320,000.

Mr. MARTIN of Virginia. Mr. President, I have no doubt there is a strong call for that vessel and it is needed.

Mr. POINDEXTER. Very much.

Mr. MARTIN of Virginia. But we have dealt very liberally with the Coast and Geodetic Survey. We have been exceedingly liberal with them.

Mr. POINDEXTER. I realize that fact. I know that the chairman of the committee and the subcommittee that considered the various items of the Coast Survey appropriations dealt very liberally with regard to those items, but those items have no connection whatever with the matter of this ship.

Mr. MARTIN of Virginia. We made provision for the repair of the ships they have, and we omitted this from the bill purely in the interest of economy, thinking it could be postponed and it was not essential that it should be done now. But if the Senate wants to do it now, it is perfectly agreeable to me. I have no fight to make against it. We exercised our judgment, and we thought it could be dispensed with for the present and that the bureau could get along as it has; that it is a large item, and we felt the necessity for economy and omitted it; but we believe that it is an appropriation that will have to be made in the near future. If the Senate wants to make it now, it is for the Senate to say so. We left it out in the interest of economy, in what we considered the emergency conditions of our Treasury, but the Senate can dispose of it as it sees fit.

Mr. POINDEXTER. The statement the Senator from Virginia has made makes it unnecessary for me to occupy the time of the Senate in explaining it at any great length, but there are one or two features of it that I ought to mention in order to make the matter clear.

The work of the Coast Survey on the Pacific coast, including Alaska, of course, as everybody knows, is increasing. Instead of having the same number of vessels to carry on that work that they have had heretofore when it was less than it is now, they have a less number of vessels. The *Gedney*, one of their boats, has been condemned and this appropriation is urged by the Coast Survey, it is estimated for by the department, and I am very glad to hear the chairman of the committee say he will not resist it, although I understand his attitude upon it.

Mr. JONES. In connection with the amendment offered by my colleague, I simply want to ask that there may be printed in the RECORD the part I have marked from the memorial of the Chamber of Commerce of Boston that covers the situation.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Certain portions of our coast constitute veritable ocean graveyards because of submerged rocks. The entire coast of Massachusetts and, in fact, all the New England coast must be wire dragged in order to insure the safety of human life and commerce. At the rate at which the department has been able to do this work, owing to the inadequate appropriations provided, it will take many years to complete it, whereas the work ought to be done promptly. The appropriation for the Coast and Geodetic Survey Bureau heretofore has not been sufficient to permit the purchase of launches for wire-drag work, and as a result the bureau has been forced to hire launches each summer at a rental out of proportion to the value of the launch. In many cases the entire superstructure has had to be changed in order to adapt it to the needs of the bureau, and when the season is over the superstructure must be removed so that the launches may be placed in their former condition, to be returned to the owners—an expensive method of conducting the department.

The importance of this wire-drag work, which with great accuracy and at a very small cost discovers all obstructions in the territory dragged, is shown by the fact that recently at a point close to the entrance to the main shipping channel at Boston Harbor a mass of rock was discovered over which there were only 28 feet of water, whereas the old chart gave a depth of 43 feet. One such hidden obstruction in an important channel is likely to cause a loss to shipping and a loss of life greater than the expense of the annual upkeep of the entire bureau. Not more than three weeks before this obstruction was discovered a United States battleship, costing nearly $10,000,000, came into Boston Harbor over this course, where the water was supposed to be over 40 feet deep, and had the good fortune to miss hitting this rock.

At present the bureau has no vessel with which to carry on the survey of the Alaska coast line that is capable of doing work outside of protected waters. Last year the vessel which was in use was condemned by the steamboat inspectors and had to be abandoned. There is urgent need of an appropriation for a new vessel to replace the one condemned. In Alaska there are about 26,000 miles of coast line, only 3,000 miles of which have been surveyed, and as the only way to reach the ports of that country is by water, it follows that with 23,000 miles of shore line yet to be surveyed, it is very important that the survey work should be pushed.

In the past 15 years the average loss of vessels in Alaskan waters, due to lack of charts, has been 100 per cent a year more than the amount appropriated by the Government for survey work. The insurance premium on a vessel going to Alaska is very high because of the dangers encountered in using these waters, due to the failure of the Government to chart them. One vessel, costing $500,000, had to pay $100,000 insurance. The coastal waters of Alaska are becoming more and more important to the rest of the country. New England is dependent upon Alaska for about 75 per cent of the halibut which it concumes, and the fishing industry of that country is becoming of greater importance each year.

Mr. POINDEXTER. I ask permission to put into the RECORD a letter from the Director of the Coast Survey in reference to this item.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE,
UNITED STATES COAST AND GEODETIC SURVEY,
OFFICE OF THE SUPERINTENDENT,
Washington, June 26, 1916.

Hon. THOMAS S. MARTIN,
Chairman of the Senate Appropriations Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR MARTIN: Conforming with your request, I beg to submit the following brief statement relative to our estimates for a new vessel for the Pacific coast and Alaska and launches for wire-drag work, etc.

New vessel $320,000

The Federal Government has appropriated $35,000,000 for a new railroad in Alaska, and is making many other wise expenditures there, and as the only way to reach the ports of that country is by water, it follows, logically, that, with the 23,000 miles of shore line yet to be surveyed, we must have vessels and appropriations to carry on the work.

Meanwhile, I have figures from what I consider reliable sources showing that the losses in Alaskan waters for the past 10 years in vessels valued at $20,000 and upward have averaged $490,300 each year, or nearly three times the amount of money this bureau has available yearly for surveys of all kinds on the coasts of Alaska.

The Coast and Geodetic Survey vessel *Gedney*, 41 years old, was sold last fall, after being condemned by the Steamboat-Inspection Service. We have nothing to take her place. Without a new vessel the condition will be most unfortunate. With the enormous increase in commerce, Alaska and the Pacific coast need greater assurance of the safety of the waters. The supply should be increased and not decreased. We are only asking for a vessel to replace one that has been sold. The vessel in question will be, and all our vessels are, built after consultations with the Navy, emphasizing the fact that the Coast Survey vessels are available and useful in time of war.

5 launches for wire-drag work, etc $75,000

Under existing appropriations for wire-drag work there has never been sufficient money to purchase launches for this work. The result is that each year we hire the necessary launches under competitive bids.

While we make the best selection possible for launches for this work, these two results follow:

First. The type of launch needed for wire-drag work is the type used by fishermen, and we are in the market for them at the very time of the year when they are needed by the fishermen. From this it follows that, though the launches are hired under competitive bids, the amount of rental paid is out of proportion to the value of the launch.

Second. In nearly every instance, though the specifications call for launches suited as closely as possible to our needs, we often have to replace the entire superstructure to adapt them to our needs. When the season is over the rigging we have placed on them must be removed and the launches placed in their former condition to be returned to the owners.

The result is that we are, in rentals and adjustments, paying over and over again the value of these launches, while if money were available to build launches exactly suited to our needs there would not be this extravagant yearly outlay. Then, too, the time of our parties in securing these bids and making these changes each season would be saved.

I am, respectfully, yours,

E. LESTER JONES,
Superintendent.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington [Mr. POINDEXTER].

The amendment was agreed to.

Mr. JONES. I have one or two amendments I desire to offer. On page 122, line 13, I move to strike out "$25,000" and insert "$50,000." This is estimated by the department. It is for the medical relief of the needy in Alaska. It is very much needed and is an act of humanity on the part of our Government in taking care of these people. I feel satisfied the chairman will not oppose it.

Mr. MARTIN of Virginia. I am making no special contest, but I believe we have done amply for those people. I do not think the amendment ought to be adopted. The committee did not report it because they did not think it should be adopted, but there is no reason why I should antagonize it further than to express my deliberate judgment about it, that they can get along very well with what we have appropriated.

Mr. JONES. I simply want to say that the Senate has heretofore passed a bill appropriating $75,000 for this purpose; the House rejected it a time or two, but finally in the last bill they compromised on $25,000. The governor of Alaska recommends $125,000. The Legislature of Alaska has memorialized Congress very strongly and set out the deplorable condition of those natives.

While I am glad we have $25,000 I do know that under all the conditions there the Government neglects its duty toward the natives of Alaska in making the amount so small. I hope the Senate will adopt this amendment.

I ask that I may have printed in the RECORD in connection with it a quotation from the governor's report and also from the memorial of the Legislature of Alaska.

There being no objection the matter referred to was ordered to be printed in the RECORD, as follows:

[From Report of Governor of Alaska to Secretary of Interior, 1915, page 29.]

After continued efforts for several years to secure a medical appropriation for the natives, Congress was finally induced to appropriate $25,000 for the relief of the natives for the fiscal year ending June 30, 1916. While this is but a drop in the bucket, it is a step in the right direction, and it is hoped that Congress will see fit to increase this amount to a figure which will enable the Bureau of Education to cover the field in an effective manner. The appropriation of at least $125,000 annually is needed to establish a tubercular sanitarium and several hospitals at centers of native population, these institutions to be thoroughly equipped and situated at accessible places, together with the employment of a sufficiently large corps of physicians and nurses to make it possible to reach the greater part of the native population. A memorial to this effect was passed by the Territorial legislature, session of 1915, and it is imperative that Congress make ample provision for the medical relief of the natives of Alaska. The cause of the natives is not hopeless if provision for their relief be made at once.

—

ALASKA TERRITORIAL LEGISLATURE—MEMORIAL RECOMMENDING $125,000 FOR MEDICAL RELIEF OF NATIVES.

House joint memorial 7a.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the Territory of Alaska, do most respectfully represent that—

Whereas the native population of Alaska—Indians, Eskimos, and Aleuts—has decreased 14.5 per cent during the period 1900 to 1910, according to reports of the United States census, and this decrease is largely due to diseases which prevail to an alarming extent among them; and

Whereas the Indians of the States have for years received adequate medical relief from the Government, while the natives of Alaska have not been provided for in this respect; and

Whereas the eradication of these diseases, not only for the preservation of the native races, but the protection of the white population, is desired and essential, especially at this time, when heavy immigration into the Territory is anticipated, due to the activities in connection with the construction of the proposed Government railroad and developments in other industries:

Resolved by the Legislature of the Territory of Alaska, That we respectfully and earnestly petition the Senate and House of Representatives of the United States of America in Congress assembled, to appropriate the sum of at least $125,000 for the establishment of well-equipped hospitals in each division of the Territory, and thus provide a medical service for the natives of Alaska somewhat similar to the relief furnished to Indians of other sections of the United States; and be it lastly

Resolved, That a copy herof be sent to the honorable Secretary of the Interior, President of the United States Senate, to the Speaker of the United States House of Representatives, and the Hon. James Wickersham, Delegate to Congress from Alaska.

Passed the house March 24, 1915.

EARNEST B. COLLINS.
Speaker of the House.

Attest:

BARRY KEOWN,
Clerk of the House.

Passed the senate April 17, 1915.

DAN A. SUTHERLAND,
President of the Senate.

Attest:

ALFRED E. MALTBY,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the above is a full, true, and correct copy of house joint memorial No. 7a of the Alaska Territorial Legislature, passed at the second session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 6th day of May, A. D. 1915.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

Mr. LANE. Mr. President, in relation to this item I will say that the natives of Alaska in the interior and for that matter along the coast——

Mr. MARTIN of Virginia. I will say to the Senator that I consent that the amendment may be adopted as far as I am concerned.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STERLING. I offer the amendment I send to the desk, and in support of the amendment I submit a letter which I ask may be read after the amendment is read.

The SECRETARY. On page 70, at the end of line 27, add:

To exhume, transport to San Francisco, and reinter in the National Cemetery at San Francisco, the remains of Orman K. Osbon, late a private in the First South Dakota Infantry, also a private in the Thirty-sixth Regiment United States Volunteers (Col. J. Franklin Bell), and at the time of his death a teacher in the United States schools in the town of Bolinao, Province of Zambales, Luzon, Philippine Islands, $200, or so much thereof as may be necessary.

Mr. OVERMAN. I make the point of order on the amendment that it is not estimated for.

Mr. STERLING. Will the Senator withhold the point of order until the letter is read?

Mr. OVERMAN. Yes.

Mr. STERLING. I believe the Senator will then agree that it is a proper amendment.

The VICE PRESIDENT. The letter will be read.

The Secretary read as follows:

SERGEANT AT ARMS,
Senate of the United States, April 1, 1916.

Hon. THOMAS STERLING,
United States Senate.

SENATOR: My two sons, Orman K. and Wilson M. Osbon, enlisted in the First South Dakota Regiment in May, 1898, and went with it to Manila, P. I.

Wilson M. died of smallpox in Manila, February 14, 1899. The contagious disease which caused his death precluded the shipment of his remains across the country from San Francisco to South Dakota, but the War Department brought them to San Francisco and buried them in the National Cemetery.

Orman served in the South Dakota First until it was ordered home for discharge. He took his discharge in Manila and reenlisted in the Thirty-sixth United States Volunteers, Col. J. Franklin Bell, and served the full term of enlistment. He had learned both the Spanish and Tagalo (Philippine) languages, and during a part of his term in the Thirty-sixth was detailed to act as interpreter at Col. Bell's headquarters.

After the expiration of his second term he again entered Government service as a teacher. He had been a teacher in Dakota before the war, holding a first-grade State certificate. Because of his education, experience, and his knowledge of the native language he was very successful as a teacher. He was sent alone to Iba, the capital of Zambales Province, Luzon, where he built a nipa "shack" with his own hands and opened the first English school ever taught in the Province, with an initial attendance of 7 pupils. One year later he had an enrollment of 256 pupils in the day school and of 40 adults in a night school, and had a schoolhouse large enough to accommodate them, built by voluntary native labor, without one cent of expense to the Government. He had four assistants—two soldiers detailed from the Army and two Filipinos, one of whom he had taught his first English. He organized a celebration on July 4, with patriotic recitations and a flag drill by the children, and delivered an address himself in the Tagal language, which was warmly praised by the superintendent of education for the Philippines. Later he was sent to Bolinao to organize and develop the school there.

An insurrecto leader, named Manalang, had a band of "ladrones" in the mountains near Bolinao, who were harrassing and robbing the peaceful natives and threatening to raid and burn the town. Orman organized a company of 24 Filipinos to defend their homes. Lieut. Main, a former officer of the Thirty-sixth United States Volunteers, was in command of the native constabulary of the Province, with headquarters at Iba. Orman applied to him for arms and assistance. Lieut. Main gave him Mauser rifles for his company and sent two of his men to reenforce him. Manalang's band approached, threatening the town. Orman, with his company, the two constables, and an American ex-soldier named Prevost, went out to meet them, charged and drove them, but in the pursuit a volley fired from ambush killed my boy and one of the native constables.

Writing me of his death and burial, the priest of the Catholic church at Bolinao said:

"Señor Osbon was a good man. He was a good influence with our people. He did not call them 'niggers,' as Americans did, but treated them as fellow men. We loved Señor Osbon very much. We have buried his body in the Catholic cemetery and have put a cross over his grave, inscribed with his name, so you shall know where he lies if you would remove his body to the United States, which he loved so well."

I am myself a veteran of the War for the Union, as you, Senator, are aware. I enlisted on October 9, 1862, at 16 years of age, and was discharged August 2, 1865, "by reason of the end of the war." I served in Battery A, Second Illinois Light Artillery.

My second son, Wilson M., died at Manila 10 months after entering the service, but he had already been promoted from the ranks by Col. A. S. Frost for his efficiency and excellent record. Orman had served out two full enlistments, rendering conspicuous service at the engagement at Tarlac in Gen. MacArthur's second campaign. He also gave efficient service as a teacher and lost his life in gallantly defending his school. He was in Government service and, as the result proved, in as great danger as a soldier in the ranks when he was killed.

For corroboration of these facts, I refer to the records of the War Department; the records of the Insular Department of Education; Col. Alfred S. Frost, late colonel of the South Dakota First; Gen. J. Franklin Bell, formerly colonel Thirty-sixth United States Volunteers; Maj. Braden and Capt. Bell, late of the Thirty-sixth United States; and Lieut. Main, late in command of the native constabulary, Zambales Province, Luzon, P. I.

In view of all the facts, I feel that I am fairly entitled to have the remains of my son brought to San Francisco and buried beside his brother in the national cemetery.

Very respectfully, yours, O. M. OSBON.

Mr. GALLINGER. I trust the Senator from North Carolina will not make a point of order against the amendment.

Mr. OVERMAN. I will withdraw the point of order.

The amendment was agreed to.

Mr. NEWLANDS. I offer an amendment that does not involve an appropriation, but is simply an inclusion of the Rock Creek Park and the Piney Branch parkway in the general park system of the District of Columbia, under the item relating to Government reservations. That ought to have been done long ago.

Mr. MARTIN of Virginia. I make the point of order against the amendment that it is legislation.

Mr. NEWLANDS. That point of order has not been urged against other items.

Mr. MARTIN of Virginia. There must be a limit to it.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. SMITH of Georgia. A few minutes ago I offered an amendment making the Attorney General, the Postmaster General, the Secretary of War, and the Secretary of the Navy a commission to inquire into and report to Congress at the next session what supplies for the sole use of the Government can be produced at the United States penitentiaries, what equipment will be necessary therefor in said institutions, and the estimated cost thereof. The Senator from Virginia made a point of order upon it, but I understand now that he will let it go in.

Mr. NEWLANDS. I suggest to the Senator from Virginia that he waive the point of order as to both amendments.

Mr. MARTIN of Virginia. I feel constrained to make the point of order. I do it very reluctantly.

The VICE PRESIDENT. The point of order is sustained.

Mr. LANE. I desire to introduce an amendemnt at page 85, line 6, by striking out "$35,000" and increasing it to the estimated amount which, if I remember, was $97,000. The money is to be expended for the making of topographic maps by the Geological Department. These maps are in great demand by the Army. There has been no topographical survey made of a great part of the country on a large part of the unprotected coasts of Oregon and Washington, and without these maps it would be folly to send a troop of our soldiers to protect the coasts. It is a worthy measure of preparedness, and I want to say for the information of the Senate——

Mr. MARTIN of Virginia. I will ask the Senator what is the amount.

Mr. LANE. The original amount.

Mr. MARTIN of Virginia. Ninety-six thousand dollars.

Mr. LANE. Ninety-seven thousand dollars. Topographical surveys of that section have been made not by the United States of America but by foreign countries, and very accurately has it been mapped by them. Every pass on the coast, every roadway, and every means of access to that country has been mapped, but not for our use.

Mr. OVERMAN. We will agree to the amendment.

Mr. LANE. I thank the Senator for accepting it. It is necessary and useful. I then wish to offer another amendment.

The VICE PRESIDENT. Let us see whether the Senate will agree to it. The question is on agreeing to the amendment submitted by the Senator from Oregon [Mr. LANE].

The amendment was agreed to.

Mr. LANE. For the improvement of roads to Crater Lake in Oregon, that magnificent lake, for roads affording access into the region of the lake, there is appropriated $50,000. The estimate was for $100,000, and it is necessary in order to make the lake accessible to the people, many thousands of them who come to see this unique scenic wonder, that the roads be kept in a passable condition. Otherwise——

Mr. GALLINGER. About how many miles of road are there?

Mr. LANE. I think about 50 or 60 miles on one side and from 15 to 20 miles to good roads on the other side. We have a highway through Oregon from one end of the State to the other, the Pacific highway, and one road branches off from that, but as soon as the traveler gets out into the mountains upon one of the Government timber reserves he goes through a beautifully timbered country with as fine a park of timber as there is anywhere in the world, but he has to climb up and up through sand for 35 miles.

I have seen the largest and best automobiles stalled from being overheated, and compelled to lie by the wayside on account of the difficulty of getting up the long grade. We ought to keep the roads in that national park in fair shape so that the people can travel in and out of it in comfort. I am going to ask the Senator from Virginia if he will not accept the amendment.

Mr. GALLINGER. Mr. President, I am a little puzzled to know how the finest timber in the world grows in sand several feet deep.

Mr. LANE. It is a fine volcanic ash, I perhaps should have said, with some sand, but it is a material which under travel cuts down to the depth of several inches, while one climbs all the time steadily up hill. There is a rise of probably four or five thousand feet.

Mr. GALLINGER. There must be beautiful scenery there.

Mr. LANE. The scenery is beautiful, I assure the Senator.

Mr. MARTIN of Virginia. The committee allowed $50,000 for this road. We have tried to economize some in this bill. It has already grown into great proportions. We have felt very sure that they could get along with this appropriation of $50,000, and that it ought not to be increased to $100,000. I hope the Senate will reject the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CUMMINS. Mr. President, I propose to offer an amendment which involves a considerable appropriation, and before I send it to the desk I want to state the circumstances under which it is offered.

The survivors both of the Confederate Army and of the northern Army have organized an association to hold at Vicksburg in 1917 a celebration or memorial substantially like the celebration held at Gettysburg a year or two ago. They ask from the Government of the United States the same participation, care, supervision, and aid that we gave to the celebration or memorial at Gettysburg.

Earlier in the session I introduced a bill providing for the participation of the United States in the event and for the aid that was asked. It provided for an appropriation of $150,000. The bill was considered by the Committee on Military Affairs. It was reported favorably and unanimously. It was passed unanimously by the Senate and is now in the House. There seems to be some difficulty with regard to securing consideration for the bill as an independent measure in the House on account of the congestion of the calendar there. It is therefore suggested that it be proposed as an amendment to the sundry civil appropriation bill and it is very appropriately a part of that bill.

I introduce an amendment not in the terms of the bill, because the terms were condensed as much as possible, but in substance the same bill that was considered by the Military Committee and passed by the Senate unanimously and which is now in the House. The Committee on Appropriations, on account of the very great pressure which was upon them, did not give the time necessary to consider this matter.

With that statement I offer the following amendment.

The SECRETARY. On page 73, after line 21, insert:

For the care, under the direction of the Secretary of War, of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation to be held in the national domain within the Vicksburg National Military Park, October 16, 17, 18, and 19, 1917, $150,000: *Provided*, That out of the said sum of $150,000 thus appropriated, no part thereof shall be available or expended for the purpose provided until after January 1, 1917.

Mr. MARTIN of Virginia. Mr. President, I have been doing disagreeable things all day. The amendment offered by the Senator from Iowa brings every Senator's duty in conflict with a sacred and patriotic sentiment. I have carried my disapproval to-day to the limit. The Senate can dispose of this amendment as it thinks right, without a word of dissent, so far as I am personally concerned.

Mr. GALLINGER. I will ask the Senator from Iowa who is to disburse this appropriation? Is it to be done through the War Department?

Mr. CUMMINS. It is to be disbursed through the War Department.

Mr. VARDAMAN. Mr. President, I merely want to say one word of approval of the amendment offered by the Senator from Iowa. It would be very gratifying to me if the survivors of that unfortunate conflict, which drenched this land of ours with blood more than a half century ago, might be permitted to meet again under different circumstances on the battle field of Vicksburg, and there enjoy a friendly reunion. The effect would be far-reaching and healthful.

As I said, I am not going to delay the Senate to discuss the merits of the amendment. Suffice it to say that the Confederate veterans of the South and the Federal veterans of the North are very much in favor of the appropriation. They merit it and we should give it. There is no investment that yields so large a return as that which produces love and good fellowship among

men. The war is over and the sooner the scars which it made upon the souls and bodies of the combatants are effaced the better it will be for the world. I hope the amendment may be agreed to.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Iowa.

The amendment was agreed to.

Mr. JONES. On page 126, line 16, I move to strike out the sum of "$30,000" and to insert "$75,000." I will say that the amendment which I propose is less than the estimate submitted by the department.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 126, line 16, it is proposed to strike out "$30,000" and to insert "$75,000," so that it will read:

Mount Rainier National Park, Wash.: For protection and improvement, construction of roads, bridges, fences, and trails, and improvement of roads, $75,000.

Mr. MARTIN of Virginia. Mr. President, that is within the estimate. I had hoped, however, that these parks would be permitted to rest for a while, but there seems to be no limit to their demands. How much is allowed in the bill in this instance?

Mr. JONES. Only $30,000.

Mr. MARTIN of Virginia. I think the way that the appropriations for these parks are increasing they will soon cost more than the cultivated lands of the United States.

Mr. JONES. I merely wish to say to the Senator that there are only two parks in the country which bring in more revenues than does this park—the Yosemite Park and the Yellowstone National Park. I think more people go to this park than to any other, except those two; and, with a little additional improvement, we shall have many more people going through it.

Mr. MARTIN of Virginia. If the park has been doing so well on a moderate appropriation, it seems to me it might get along a little longer. But the Senate can do as it sees fit. I have no argument to make on the matter one way or the other.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was rejected.

Mr. JONES. Mr. President, on behalf of the Senator from Oregon [Mr. CHAMBERLAIN], I desire to offer an amendment, which the Senator from Oregon said he had submitted to the chairman of the committee and to which he understood the chairman would not make opposition.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington on behalf of the Senator from Oregon will be stated.

The SECRETARY. On page 120, after line 14, it is proposed to insert:

That hereafter there shall be covered into the appropriation established from time to time under the act approved March 12, 1914, entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," the proceeds of the sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof; also any moneys refunded in connection with the construction and operations under said act.

Mr. MARTIN of Virginia. As that amendment will operate as an economy, I have no objection to it if the Senate sees fit to adopt it.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer an amendment which I have submitted to the chairman of the Committee on Appropriations, which I think he will accept.

The VICE PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 139, line 3, it is proposed to insert the following:

Provided, That courts of the United States shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suit or suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety.

Mr. MARTIN of Virginia. Mr. President, that amendment is for the benefit of a class that is very helpless, and, so far as I am concerned, I am perfectly willing to see it adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, the chairman of the Committee on Appropriations knows how earnestly I have cooperated with him in getting this bill considered. It is the one appropriation bill which must be passed before the end of the fiscal year. I say that for the reason that I had intended to move to strike out, on page 195, the provision relating to the so-called Taylor system, time-measure devices, and so forth, and to take the judgment of the Senate on that proposition. For the reason stated, I shall not now make that motion; but I want to say that in refraining from doing so, I do not want to have it understood that I approve of that provision in the proposed law. I opposed it in the committee, and if there were to be a vote to-day, if I voted alone, I should vote against it.

I will also suggest, Mr. President, that other bills are to come here containing the same provision, and at an opportune time I shall make the motion to strike it out and test the judgment of the Senate on the motion.

Mr. MARTIN of Virginia. Mr. President, I am not going to detain the Senate, except for a very few seconds. I want to express my thanks to the Senator from New Hampshire [Mr. GALLINGER] for his valuable and able assistance in the conduct of this measure in committee and on the floor of the Senate.

I want also to thank every member of the committee for the assistance rendered me. The bill had to be prepared and considered under peculiar circumstances; we were compelled to rush matters more than under ordinary circumstances would have been justifiable, but the exigency existed and we had to meet it. It was necessary to pass the bill before the 1st day of July. It has yet to go to conference, and it will take all the activity which we can exert to perfect it by the 1st day of July.

Now, just one or two more sentences, in answer to the criticism of the Senator from Missouri [Mr. REED]. Nobody realizes more than do the Committee on Appropriations the importance of discontinuing lump-sum appropriations; we have struggled to do so; but it has been found impossible to anticipate all the wants of the different departments, and it is necessary always to have some lump-sum appropriations.

In reference to the Federal Trade Commission, we went so far in the two last bills as to insert a provision requiring them to submit details as to their wants. We have gotten it in such shape as to be of very little assistance to them. I will not permit that to be taken as a criticism of the commission, because it was a new organization, and it was very difficult for them to foresee all the little details of the service and to provide by an estimate in advance in detail for every little appropriation that it would need. I want the Senate to understand that there is not a member of the Appropriations Committee who is not as much opposed to lump-sum appropriations as is the Senator from Missouri.

It is very easy to get up on the floor of the Senate and to indulge in latitudinarian criticisms of the actions of other people, but if the Senator from Missouri had had to frame this bill, I imagine he would have had just as much lump-sum appropriations in it as have we. At any rate, I want the Senate to know that we are struggling against these lump-sum appropriations. We have reduced them a great deal, and we expect to reduce them more hereafter; but it will always be impossible to eliminate them altogether. You can not anticipate all the wants of a great Government department, and you must, therefore, make some lump-sum provision for contingencies and unforeseen necessities. I merely wished to say this in order to put the committee right before the Senate after the criticism of the Senator from Missouri.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

Mr. MARTIN of Virginia. Mr. President, in order to hasten the final stage of this bill I move that the Senate request a conference with the House on the disagreeing votes and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House disagrees to the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. ANTHONY managers at the conference on the part of the House.

THE NATIONAL DEFENSE.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

PENSION APPROPRIATIONS.

Mr. JOHNSON of Maine. I move that the Senate proceed to the consideration of House bill 15775, being the general pension appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15775) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes.

The Secretary read the bill, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1917, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $158,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately: *And provided further*, That all allowances made, or hereafter to be made, to medal-of-honor pensioners under the act of Congress approved April 27, 1916, shall be paid from the moneys appropriated for the payment of invalid and other pensions, and section 3 of the said act of April 27, 1916, is amended accordingly.

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1917, $65,000.

Mr. GALLINGER. Mr. President, I will ask the Senator from Maine, the chairman of the committee, what amount of reduction does this bill carry as compared to the pension appropriation bill of last year?

Mr. JOHNSON of Maine. This bill carries $6,000,000 less than the appropriation for the current year for the payment of pensions and $35,000 less for the payment of examining surgeons' fees.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOOD ROADS.

Mr. BANKHEAD. Mr. President, I desire to call up the conference report on House bill 7617, known as the good-roads bill.

The VICE PRESIDENT. The Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7617) to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes.

Mr. BANKHEAD. Mr. President, I desire to say, for the information of the Senate, that the bill as reported from the conference committee is exactly the bill as it passed the Senate. Only a few minor amendments have been made to the bill. I make this statement because this bill passed the Senate by a unanimous vote, and it is practically in the same shape as when it passed the Senate. I am anxious to get it off the calendar.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting additional estimates of appropriations for public works, navy yards and stations, navy yard, Charleston, S. C., and naval magazines, St. Juliens Creek, Va., $1,040,000 (S. Doc. No. 475), which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting additional estimate of appropriation in the sum of $275,000 for the employment during the fiscal year ending June 30, 1917, of such civilian civil-service employees in addition to those authorized in the legislative appropriation act of May 10, 1916, as may be necessary to carry on the work of the Navy Department, etc. (S. Doc. No. 476), which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its Enrolling Clerk, announced that the House had passed a bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 16460. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, was read twice by its title and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the California State Federation of Labor, praying for Federal aid in the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Woman's Home Missionary Society of the Methodist Episcopal Church of Okland, Cal., praying for prohibition in the Hawaiian Islands, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. OLIVER presented a memorial of the Cambria County Federation of Patriotic Societies, of Johnstown, Pa., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Allegheny County Federation of American Patriotic Fraternities, of Pittsburgh, Pa., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. OWEN presented a petition of the students of the City College of New York City, N. Y., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 391) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents, or otherwise, reported it without amendment and submitted a report (No. 542) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13298) authorizing the Secretary of the Interior to maks payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota, reported it without amendment and submitted a report (No. 544) thereon.

He also, from the same committee, to which was referred the bill (S. 6016) for the relief of the Pillager Bands of Chippewa Indians of Minnesota, and for other purposes, reported it with an amendment and submitted a report (No. 545) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11958) to provide for the sale of certain Indian lands in Oklahoma, and for other purposes, reported it without amendment and submitted a report (No. 543) thereon.

CROW INDIANS, MONTANA.

Mr. LANE. From the Committee on Indian Affairs I report back favorably Senate resolution 212, and I ask unanimous consent for its immediate consideration. I will say that the resolution allows the Crow Indians of Montana to hold a council in regard to the disposition of their lands. It is indorsed by the Secretary of the Interior, and there should be no question concerning it. If I may be permitted, I will ask for the consideration and adoption of the resolution. (S. Rept. 546.)

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Whereas the tribe of Crow Indians of Montana are in possession of a large tract of land in that State which it is desired by some to open to settlement to the whites; and

Whereas the Bureau of Indian Affairs is opposed to the opening of the said Crow Indian Reservation for that purpose; and

Whereas certain Crow Indians have respectfully requested that they may be allowed to hold a general council of all the members of that tribe, free from interference by either of the contending parties, in order to secure an unbiased opinion of the said Crow Indians upon the question of the disposal of their tribal lands: Therefore be it

Resolved, That the Secretary of the Interior is hereby respectfully directed to permit the said Crow Indians to hold a general council of all the members of that tribe and to make provision that no person or persons who desire the opening of the reservation, nor members or officers of the Indian Bureau who oppose the opening of it, shall attend such council nor influence in any way the conduct of said council or its findings, and that permission to attend said council shall be freely granted to all members of the tribe of Crow Indians who desire to do so.

The preamble was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARDWICK:

A bill (S. 6472) granting the consent of Congress to Julian B. McCurry, A. G. McCurry, P. W. Walton, and J. J. Fretwell to construct a bridge across the Savannah River; to the Committee on Commerce.

By Mr. PITTMAN:

A bill (S. 6473) granting a pension to Charles M. Way;

A bill (S. 6474) granting an increase of pension to Boadicea T. Dinsmore; and

A bill (S. 6475) granting a pension to William C. Black; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6476) granting an honorable discharge to Owen S. Willey; to the Committee on Naval Affairs.

A bill (S. 6477) granting an increase of pension to Daniel C. McGregor (with accompanying papers); and

A bill (S. 6478) granting an increase of pension to Phillip Zong; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6479) making an appropriation for the maintenance of families of members of the National Guard and soldiers in the Regular Army of the United States under certain conditions; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 6480) granting an increase of pension to H. B. Burgh; to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 6481) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture and Forestry.

A bill (S. 6482) for the relief of the heirs of Martin Keating; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 6483) to amend section 2 of the Federal reserve act, approved December 23, 1913; to the Committee on Banking and Currency.

By Mr. REED:

A bill (S. 6484) making appropriation for the improvement of Marine Avenue, in the city of St. Louis, Mo. (with accompanying papers); to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 6485) authorizing payment to certain Red Lake Indians out of Chippewa Indian funds for garden plots surrendered for school farm use; to the Committee on Indian Affairs.

By Mr. POMERENE:

A bill (S. 6486) for the relief of the Equity Savings & Loan Co., Cleveland, Ohio; to the Committee on Claims.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment providing that any captain in the Medical Corps, United States Army, who has lost files on account of court-martial proceedings, shall have the same status as to promotion as has been accorded officers of the line who have lost files on account of court-martial proceedings by the act for making further and more effectual provision for the national defense, and for other purposes, approved June 3, 1916, intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

PUBLIC BUILDING AT RIPON, WIS.

Mr. LA FOLLETTE. Mr. President, I ask that there be published in the RECORD resolutions and proceedings of the common council of the city of Ripon, Wis., of the commercial club of that city, and certain signatures attached thereto renouncing an appropriation for a public building costing $75,000, and asking to have the same appropriated in aid of preparedness for defense.

The VICE PRESIDENT. Does the Senator desire to have it printed in the RECORD?

Mr. LA FOLLETTE. I ask to have it printed in the RECORD with the names attached.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

RIPON, WIS., *June 24, 1916.*

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.

DEAR SIR: I am inclosing you herewith the papers referred to in our wire of to-day.

These resolutions have been signed by a majority of our voters and taxpayers and indorsed by the common council and the Commercial Club.

I trust that you will take the action therein so earnestly requested.

Respectfully,

L. W. THAYER, *Mayor.*

—

Whereas the National Congress has made an appropriation of $75,000 for the erection of a Federal building at Ripon, Wis., and

Whereas it is the belief of the citizens and taxpayers of this community, as expressed by resolutions circulated and signed by them, that in the present emergency the money so appropriated can serve a greater public good by being used for the national defense, and that it is the duty of every community to assist so far as possible in every way within its power: Be it

Resolved, That the common council of the city of Ripon hereby indorses the resolutions so circulated and signed, and that it adds its earnest request to its Representatives in Congress to immediately introduce and strive to secure the passage of an act diverting the said $75,000 appropriation from its original purpose and applying it to the national defense.

Resolved further, That a copy of these resolutions be sent to the Representative from this district and to the two Senators from the State of Wisconsin.

Passed this 24th day of June, 1916.

CITY OF RIPON,
L. W. THAYER, *Mayor.*
C. W. STEWART, *City Clerk.*

The Commercial Club of the city of Ripon heartily indorses the movement to cause the Federal appropriation of $75,000, which was to have been used for a Federal building in this city, to be diverted to the equipment of our National Army.

RIPON COMMERCIAL CLUB,
SYDNEY S. HALL, *President.*
A. H. FISCHER, *Secretary.*

—

Whereas an appropriaion of $75,000 for the erection of a Federal building at Ripon, Wis., has been made by the National Congress; and

Whereas the people of this community heartily believe in and approve of a policy of adequate national preparedness; and

Whereas we believe that private and local gain and enhancement should always be subservient to the common good: Therefore be it

Resolved, That the citizens of Ripon, whose sons enlisted in Company D, Wisconsin National Guards, are now encamped at Camp Douglas in response to the summons of President Wilson, whose boys of other days were among the first to answer the call of their country in the Spanish and Civil Wars, whose patriotism and loyalty has ever been unbounded and unstinted; with the tearful farewells of mothers, wives, sisters, and sweethearts of soldiers fresh in their memory; with the echoes of the footsteps of the Grand Army of the Republic in State encampment assembled still lingering in their ears, earnestly request their Representatives in Congress to immediately introduce and earnestly strive to secure the passage of an act diverting the appropriation made for a Federal building in Ripon from its original purpose and applying it specifically to the equipment of the National Army, preferably in the perfection of the aviation service.

Edgar C. Barnes, M. D., John G. Kaiser, W. R. Dysart, Lee Miller, Alfred W. Lawrence, L. A. Fromholz, Albin Oehler, O. Schallern, M. D., Irvin F. Reichmuth, H. G. B. Reichmuth, A. C. Chapman, J. A. Middleton, Randall E. Howe, J. H. Farnsworth, H. J. Faustman, C. H. Dodge, C. H. Graham, B. L. Page, Alfred C. Behm, F. G. Dillon, Ed. R. Behm, W. G. Dunn, Henry Danielsen, Oliver T. Linz, W. B. Foster, Robert Gatzke, W. E. Jussen, Herman Luetke, H. L. Lawless, T. G. Sullivan, F. R. Eversz, George Wist, Harry Lawson, R. C. Stuart, Thomas L. Davison, Emil Rensch, George Haack, W. R. Kussman, H. N. Akin, Peter Hammen, Louis Hammen, Christ Krey, Herman Gatzke, Leo Gatzke, Fred Hoffman, Henry Kresal, H. O. Nash, John Wagner, Fred Gneiser, James Jantz, Herman Stolfuss, W. Hoffman, F. W. Suscyki, J. G. Seelig, Charles Wagner, Theo. Stollfuss, Otto C. Kukhs, John Guenther, Howard C. Reeck, Frank Matzke, Louis Kuhs, Fred Kuhs, Edw. Eckert, jr., Arthur Smith, Edw. Krueger, William Zed, Erwin Huth, Erwin Zick, Mike Wahoske, Charles A. Grahn, W. H. Demond, Paul Klemp, Ernest Semintz, Richard Prellwitz, Fred Freimann, Fred Oelke, J. Fleming, A.

Hoth, Arnold Penn, Truman Gunther, Frank Sharapata, M. B. Herrick, W. A. Simmons, A. J. Prellwitz, Ed. Lubinski, J. C. Seamann, Louis Stindt, A. H. Wiser, W. A. Zinzow, Henry Lang, Henry Huntregeste, George Washburn, Charles Reid, F. A. Preston, Sidnesy S. Hall, M. D., Mrs. A. L. Maudlin, Mrs. J. W. Wright, Ethel A. Miller, Nathan Folts, Silas Evans, J. W. Maxwell, D. K. Dunlap, Mrs. J. C. Dunlap, W. A. Exner, Mrs. D. Churchyard, Mae Churchyard, G. A. Talbert, W. A. Talbert, Henry Allen, C. L. Pratt, Fred Pomeroy, Karl J. Timm, Gus Sommerfeldt, Herman Gneiser, W. Breivigel, John W. Wilson, H. Kentopp, P. B. Bottum, Frank Buelow, Ben Schultz, Henry Hebicht, John Tobolt, Henry Gatze, Clara Cassin, A. B. Fewell, J. E. Fenelon, W. T. Runals, A. F. Brown, R. M. Lawrence, Gus Bucholz, C. A. Wood, T. S. Pease, H. Howard, H. H. Brien, J. W. Christison, C. A. Stellmacher, J. Durham, W. J. Durham, F. Tabbert, E. M. Hall, Julius H. Zobel, B. Cuykendall, Fred A. Hoffman, L. N. Williams, Wm. Kroll, Carl Mellahn, H. Rudolph, H. Heilsberg, W. G. Schmidt, H. Schroeder, J. Lobb, Abraham Pinsker, John Zick, H. Schrewe, G. Schalow, William Boote, Albert Wolff, Mrs. Alice Bonell, J. R. Stewart, Mrs. H. Burger, Julius Seagel, Mrs. C. Kroll, Fred Mantke, C. E. Pease, Emil Krueger, Emil Bruenning, Herman Hoffman, Arthur J. Schultz, Frank F. Schultz, jr., H. A. Butzin, Alex F. Schultz, P. S. Collins, W. S. Mattice, F. W. Albright, F. A. Gates, F. W. Gruetzmacher, Wm. Kohl, J. B. Barlow, jr., L. E. Reed, Wm. Ladwig, F. W. Wollitz, Joshua Oyster, William Harris, J. E. Corey, A. H. Gruse, William Jacobs, H. L. Fargo, Aug. Schmoekel, D. V. N. Harwood, Mrs. F. C. Simmons, Fred Dornbrook, W. E. Webb, Otto A. F. Miller, H. P. Hutchins, A. C. Leathart, Alfred Zick, W. B. Van Kirk, L. Wilson, Donald Wilson, H. H. Bryan, J. W. Pynch, E. J. Dornbrook, Ernest Manthei, Alex Splitt, Frank Rudolph, Albert Wagner, Paul Heiman, Herman Wagner, Ed. Yonke, L. H. Mowers, G. W. Runals, S. N. Pickard, N. F. Kuether, G. E. Steinke, G. Kingsbury, Viola L. Nohr, R. N., E. Wilkes, Emma Kaiser, Mrs. Julia Gary, Emma Fratzke, C. J. Whitney, A. C. Weckwerth, E. D. Kolleck, E. B. Kingsbury, F. W. Siegmund, M. D., Joahn A. Hill, Chas. Hill, H. Gruetzmacher, B. G. Marshall, C. J. Hass, A. W. Stewart, Chas. F. Simmons, H. D. Dilts, Lem B. Kelly, Jas. L. Stone, Chas. Cowan, A. Conney, John Mathwig, J. C. Hill, J. P. Soule, F. C. Mueller, S. Currier, Fr. C. Kuether, Wm. Lindow, W. J. Achtenburg, J. E. Mahon, O. R. Whiting, Spencer Whiting, William Fenelon, W. H. Hockenbury, W. F. Schwiesow, Dr. J. S. Foat, W. M. Hessler, Ben Krueger, Rev. F. P. Landowski, T. W. Houston, E. R. Radtke, A. P. Hyde, Geo. A. Buth, E. H. Hemp, A. Gunther, A. E. Lietz, Gus Kohl, D. C. Reynolds, Roy E. Reed, L. W. Thayer, Jas. A. Middleton, F. J. Schaefer, F. Spratt, W. S. Crowther, C. H. Allison, Rochard Prout, George Marsh, John Murtha, Thos. Murtha, John Duffy, P. Volkerts, F. W. Allen, T. G. Chittenden, Jos. Garczinski, John E. Boettcher, Hugo Schultz, A. J. Mooney, Mrs. A. E. Mooney, Mrs. D. Washburn, E. C. Johnson, A. E. Tubbs, W. J. Mutch, Ch. Hunold, George Hamely, Bert Maudlin, Wallace Weller, W. H. Anton, M. R. Scott, Henry Veraskey, Fred G. Voight, Elmer Bratch, F. A. McCullough, E. E. Smith, Frank Stellmacher, John Wrysczinski, J. A. Kunde, H. G. Stumpner, K. S. Thomas, Carl Hein, Thos. J. Lynch, Maude Wescott Hamilton, Flora Wescott, G. E. Denzine, Edgar H. Zobel, Ellen Davis, F. E. Tinkham, S. Luchsinger, Aug. Winterhak, Albert Weich, Wm. Wepner, F. P. Farvour, F. W. Kingsbury, W. E. Soule, A. J. Zinth, F. A. Everhard, Thos. R. Duval, Jay E. Carter, A. B. Carter, Geo. W. Carter, S. M. Pedrick, A. E. Seinbring, A. Baumgartner, F. E. Mueller, Anton Klein, Otto Miller, Miles H. Clark, M. D., G. Draeger, L. Schultz, L. W. Baldwin, L. D. Currier, Kenneth E. Higby, Chas. R. Wilbur, A. P. Loper, A. L. Maudlin, H. F. Diedrich, W. M. Deming, G. W. Deming, L. A. Francisco, C. A. Kohl, Emil R. Krueger, John W. Ganes, Max W. Pischke, Ed. Hunold, Otto Mathwig, Emil Dreasner, H. L. Barnes, M. D., M. H. Rellehan, W. F. Joeckel, J. A. La Mear, A. A. Loper, E. Redermann, A. P. Selter, W. Mishlove, W. A. Sisson, L. Pynch, Dr. B. Schallern, William Walters, Henry Wichman, Elza M. Dysart, Edw. Werdin, I. G. Lytle, Wm. Gehrke, Wm. Grahn, Herman Thiel, Thos. Stoolard, W. C. Springborn, Fred Babcock, Lieut. A. R. Buchholz, Sam Mishlove, sr., Sam Mishlove, jr., H. P. Cody, H. A. Cody, A. G. Little, Leo Radtke, Otto Martin, Chas. Zick, Chas. Tobolt, Wm. Burroughs, Will Stollfus, H. Durland, H. A. Zimmerman, F. Knapp, Peter Lambert, Frank Wilson, C. M. Wellcome, W. K. Jess, R. W. Zick, Frank Wahoski, Edw. Hillsberg, Paul Rensch, Oscar M. Blackburn, G. E. Cole, J. W. Wright, W. E. Haseltine, George Wells, H. A. Bumby, F. Francisco, J. H. Bumby, Fred C. Buchholz, John Benzel, J. F. Taintor, W. R. Woodmansee, W. T. Miller, A. R. Hargrave, A. J. Morse, J. Lukoske, Erwin Hoffman, L. A. Burgess, C. L. Burgess, F. T. Chittenden, Louis Krug, S. H. Lloyd.

LEAGUE OF THE CROSS CADETS, CALIFORNIA.

Mr. PHELAN. Mr. President, I am just in receipt of a telegram from a military organization in San Francisco consisting of young men, 1,000 strong, volunteering their services. Inasmuch as the battles of the Civil War on the Union side were fought by young men, and, according to Maj. Gen. Carter, of the total men enlisted, 2,778,000, less than one-quarter were over 21 years of age, I feel that this is a very valuable contribution that my State has made to the national defense.

The League of the Cross Cadets consists of young men between the ages of 18 and 21. They are as well drilled and equipped as any militia regiment. They are devoted to the flag under which they serve—the flag of their country. This evidence of their patriotism should fill every American with pride; and doubtless the record of their services, if called upon, will form a brilliant chapter in the history of their country.

I ask that the telegram, without objection, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

SAN FRANCISCO, CAL., *June 22, 1916.*

Hon. J. D. PHELAN,
United States Senate, Washington, D. C.:

First regiment League of the Cross Cadets, 1,000 strong, consisting eight companies, field hospital company, band, and full complement field and staff officers, offer services to Nation in a body and volunteers in event of necessity arising.

Col. JOHN L. FLYNN,
Callaghan Building.

ENGLE, N. MEX.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1843) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., which was, on page 2, line 2, after "*Provided,*" to insert:

That the Secretary of the Interior shall at all times have authority to determine the times, place, and manner in which said Atchison, Topeka & Santa Fe Railway Co. shall be permitted to take such water from said reservoir, and that all expense incident thereto shall be borne by said railway company: *Provided further.*

Mr. CURTIS. At the request of the Senator from New Mexico [Mr. CATRON], I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NATIONAL PARK, HAWAII.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9525) to establish a national park in the Territory of Hawaii and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHAFROTH. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHAFROTH, Mr. KERN, and Mr. POINDEXTER conferees on the part of the Senate.

RECESS.

Mr. BANKHEAD. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Tuesday, June 27, 1916) the Senate took a recess until to-morrow, Wednesday, June 28, 1916, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27 (legislative day of June 26), 1916.

EXAMINERS IN CHIEF.

James T. Newton to be an examiner in chief in the Patent Office.

Samuel E. Fouts to be an examiner in chief in the Patent Office.

FIRST ASSISTANT COMMISSIONER OF PATENTS.

Robert F. Whitehead to be First Assistant Commissioner of Patents.

ASSISTANT COMMISSIONER OF PATENTS.

Francis W. H. Clay to be Assistant Commissioner of Patents.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Francis H. McKeon to be surgeon.
Passed Asst. Surg. Ernest A. Sweet to be surgeon.
Asst. Surg. Charles L. Williams to be passed assistant surgeon.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Ensign Walter D. La Mont to be a lieutenant (junior grade).
Ensign Nelson W. Hibbs to be a lieutenant (junior grade).
Ensign Harold H. Little to be a lieutenant (junior grade).
The following-named ensigns to be lieutenants (junior grade):
James C. Jones, jr.,
Adolph von S. Pickhardt,
George W. Wolf,
Frank L. Johnston,
John A. Brownell,
Chapman C. Todd, jr.,
Paul Cassard,
George M. Tisdale,
Wilbur J. Ruble,

Arthur G. Robinson,
Frederic W. Dillingham,
William W. Meek,
Paulus P. Powell,
Earl H. Quinlan,
Clarke Withers,
Leo H. Thebaud, and
Gordon Hutchins.

The following-named ensigns to be assistant naval constructors:

Everett LeR. Gayhart,
George A. Andrews,
Thomas M. Searles,
Earl F. Enright, and
Frederick G. Crisp.

First Lieut. Calvin B. Matthews to be a captain in the Marine Corps.

Second Lieut. George W. Van Hoose to be a first lieutenant in the Marine Corps.

The following-named midshipmen to be second lieutenants in the Marine Corps:

Walter H. Sitz,
William G. Hawthorne, and
Oscar R. Cauldwell.

The following-named midshipmen to be ensigns:

Henry M. Mullinnix,
Norman P. Earle,
Ralph E. Davison,
Don P. Moon,
Russell S. Berkey,
Robert C. Bourne,
George F. Hussey, jr.,
Thomas J. Keliher, jr.,
Osborne B. Hardison,
Hugo Schmidt,
Russell S. Hitchcock,
Clinton E. Braine, jr.,
Willis C. Sutherland,
Laurance F. Safford,
Arthur C. Miles,
William M. Fechteler,
Frank W. Wead,
Robert A. Awtrey,
Conrad A. Krez,
Charles A. Baker,
Tuthill Ketcham,
Donald M. Carpenter,
Harris K. Lyle,
Gerald F. Bogan,
Sidney E. Dudley,
Leon S. Fiske,
Earl M. Major,
William F. Loventhal,
Paul R. Glutting,
Harold M. Horne,
Walter E. Borden, jr.,
Arthur T. Emerson,
Arthur C. Geisenhoff,
Grover C. Klein,
William F. Boyer,
Bartley G. Furey,
Willard A. Kitts, 3d,
Bertram J. Rodgers,
Carroll W. Hamill,
John A. Terhune,
Clinton H. Havill,
Lew W. Bagby,
Byron S. Dague,
Lyman K. Swenson,
Frank E. Beatty, jr.,
Gail Morgan,
Woodbury E. MacKay,
Gilbert F. Bunnell,
Stanton F. Kalk,
Thorwald A. Solberg,
Clifford H. Roper,
Edward P. Sauer,
Augustus J. Selman,
John H. Carson,
Milton O. Carlson,
Robert B. Carney,
Arthur W. Radford,
George F. Martin,
John A. Vincent,
Bernard F. Jenkins,
Boyd R. Alexander,
Edwin S. Earnhardt,
Edward L. Ericsson,
Frederick B. Craven,
Richard R. Claghorn,
John M. Bloom,
John E. Williams,
Jesse L. Kenworthy, jr.,
Webster M. Thompson,
Albert E. Schrader,
Louis R. Vail,
William R. Casey,
Dennis L. Ryan,
Paul S. Goen,
Harry Van C. Baugh,
Andrew De G. Mayer,
Arnold H. Bateman,
Charles G. Halpine,
Charles T. Joy,
John S. Watters, jr.,
Alva J. Moore,
Walter W. Webb,
Nelson N. Gates,
Henry L. Phelps,
Benjamin R. Holcombe,
Archer W. Webb,
Charles G. Berwind,
John E. Reinburg,
William L. Keady,
Charles J. Wheeler,
Theodore T. Patterson,
John A. Sternberg,
George P. Brewster, jr.,
Samuel P. Ginder,
Henry B. Broadfoot,
Van H. Ragsdale,
John Wilkes,
Robert J. Walker,
Robert B. Twining,
Homer L. Grosskopf,
William P. Bacon,
Henry N. Fallon,
Wilbur W. Feineman,
Maxwell Cole,
Bruce P. Flood,
Henry J. White,
Oscar W. Erickson,
Gilbert W. Sumners,
Henry C. Merwin,
James M. Steele,
Arthur D. Burhans,
Casper K. Blackburn,
Amos B. Root,
Thomas D. Warner,
Paul W. Rutledge,
T. De Witt Carr,
Albert M. Rhudy,
Charles P. Cecil,
Calvin T. Durgin,
Humbert W. Ziroli,
James A. Scott,
Julius W. Simms,
William E. Miller,
George F. Chapline,
Douglas C. Woodward,
Armistead C. Rogers,
John S. Roberts, jr.,
John D. Price,
Norman O. Wynkoop,
James B. Ryan,
William W. Schott,
Sidney W. Kirtland,
Walter B. Cowles,
Joseph H. Lawson,
Stanwix G. Mayfield, jr.,
Richard E. Webb,
Edwin F. Cochrane,
Charles T. Gilliam,
Gilbert C. Hoover,
Thomas V. Cooper,
Walter S. Carrington,
Newbold T. Lawrence, jr.,
Roy K. Jones,
Martin B. Stonestreet,
Heman J. Redfield,

Richard H. Jones,
Lowell Cooper,
Linton Herndon,
Andrew C. McFall,
Leon F. Brown,
Herbert S. Jones,
Herbert J. Grassie,
Robert N. Kennedy,
Isaiah Parker,
Carl H. Hilton,
Chaplin E. Evans,
James K. Davis,
George D. Price,
Cassin Young,
Carlyle Craig,
Knefler McGinnis, and
James P. Compton.

Robert B. Greenough to be an assistant surgeon in the Medical Reserve Corps.

Asst. Surg. Charles P. Lynch to be a passed assistant surgeon.

Asst. Civil Engineer Glenn S. Burrell to be a civil engineer.

Asst. Civil Engineer Henry G. Taylor, with rank of ensign, to be an assistant civil engineer in the Navy, with rank of lieutenant (junior grade).

POSTMASTERS.

ALABAMA.

Green B. Avery, Lanett.
J. Franklin Davis, Andalusia.
Charles B. Searcy, Abbeville.
Charles R. Talbot, Elba.

CALIFORNIA.

H. O. Blohm, Upland.
Alpharetta Gilham, Barstow.
Edward K. Loosley, Montague.
William Weber, Soledad.
Bessie B. Wightman, Antioch.
W. W. Yandell, Bishop.

COLORADO.

Oren F. Frary, Durango.
James E. Gordon, Springfield.
Amy R. Kruchten, Flagler.
George R. Painter, Telluride.
George B. Wick, Las Animas.

CONNECTICUT.

Clarence V. Reid, Central Village.

DELAWARE.

John H. Gooden, Wyoming.
John G. Jester, Felton.

IDAHO.

F. J. Rodgers, Midvale.

INDIANA.

Robert C. Cosby, Cayuga.
John T. Moliere, Kramer.

KANSAS.

E. S. Craft, Lewis.
B. M. Dreiling, Hays.
A. L. Tear, Sedgwick.

KENTUCKY.

John D. Hartman, Fleming.
Robert J. Scott, Wilmore.

LOUISIANA.

Lear Mary Linck, Bonami.

MAINE.

William J. Storer, Wells.

MICHIGAN.

Andrew K. Burrows, Port Austin.
Clara R. Howell, Caro.
John F. McCann, Ypsilanti.

MONTANA.

William A. Francis, Virginia City.

NEBRASKA.

Henry Dhooge, Wilber.
Hugh M. McGaffin, Polk.
Clyde D. Wilson, Broken Bow.

NEVADA.

Michael E. Nevin, Virginia City.

NEW HAMPSHIRE.

Arthur L. Sherman, Lisbon.

NEW JERSEY.

Millicent J. Eicks, Leonia.
M. Eugene Hoffman, White House Station.
Marda Jolly, Old Bridge.
Warren H. Stagg, Westwood.

NEW YORK.

Joseph W. Cain, Adams.
Frank J. Nearn, Central Valley.
William M. Wagner, Savona.

NORTH CAROLINA.

M. P. Critcher, Boone.

OHIO.

P. C. Fullerton, Lodi.
J. D. Turner, Chardon.
H. E. Zimmerman, Loudonville.

VERMONT.

William H. Finn, St. Albans.

WASHINGTON.

E. H. C. Ramm, Twisp.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 27, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, source of all things, continue, we beseech Thee, to strengthen, support, and guide us through the trials which now confront us as a people. Give to each of us the disposition to do promptly and faithfully whatsoever Thou dost require of us, and to bear with patience and fortitude whatsoever Thou dost impose upon us, that we may be truly Thine. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 14484. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House was requested:

H. J. Res. 242. Joint resolution to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8092. An act confirming patent heretofore issued to certain Indians in the State of Washington.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I report a bill making appropriations to supply urgent deficiencies in the appropriations in the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes. (H. Rept. 852.)

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] reports an urgent deficiency bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 16678) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve a point of order on the bill.

The SPEAKER. The bill is ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

EXTENSION OF APPROPRIATIONS AFTER JUNE 30.

Mr. FITZGERALD. Mr. Speaker, I also report, by direction of the Committee on Appropriations, a bill extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies, namely, in case the appropriation bills are not enacted by the 30th of June, for 30 days. (H. Rept. 851.)

Mr. MANN. This is the customary resolution?

Mr. FITZGERALD. Yes.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 16677) extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies.

Mr. MANN. Is this resolution reported from the committee?

Mr. GARNER. Yes.

Mr. FITZGERALD. Yes; that was reported from the committee this morning.

The SPEAKER. Is this a bill or resolution?

Mr. FITZGERALD. It is a bill, Mr. Speaker.

The SPEAKER. Does the gentleman want to consider it now?

Mr. FITZGERALD. No; it is to be referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. It is ordered printed and referred to the Committee of the Whole House on the state of the Union.

TRANSFER OF CALENDAR WEDNESDAY BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that Calendar Wednesday be dispensed with to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the business on Calendar Wednesday to-morrow. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I am not sure but that it might be desirable to transfer it to some day later in the week.

Mr. FITZGERALD. On to-morrow I hope to take up the urgent deficiency bill and this continuing bill.

Mr. MANN. When does this month end?

Mr. FITZGERALD. Friday is the last day of the month. The sundry civil bill, when it comes back, will probably have to be sent to conference, and the gentleman from Virginia [Mr. HAY] desires to take up the Military Academy bill on Thursday.

Mr. MANN. I think until the end of the month we ought to devote ourselves to anything that is necessary in reference to the appropriation bills, and we might also on Saturday, if that is necessary. But why not transfer Calendar Wednesday to Saturday, and if it is necessary to use Saturday for appropriation bills it can be dispensed with?

Mr. KITCHIN. We do not want to transfer Calendar Wednesday to Saturday. We may take up the revenue bill then. Why not transfer it to Thursday?

Mr. MANN. Does the gentleman from North Carolina expect to be able on Saturday to bring in his revenue bill?

Mr. KITCHIN. We are thinking about that. Why not make it Friday?

Mr. GARNER. Let us dispense with it to-day. I think that is the best thing.

Mr. MANN. All right.

Mr. FITZGERALD. This week is a little unusual.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to dispense with Calendar Wednesday to-morrow. Is there objection?

There was no objection.

DRAFT OF THE NATIONAL GUARD.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House joint resolution 242, with Senate amendments, disagree to the Senate amendments, and ask for a conference. I also desire to ask for a separate vote on one of the amendments.

Mr. KEATING. Reserving the right to object, Mr. Speaker——

The SPEAKER. The Chair would like to ask the gentleman from Virginia [Mr. HAY] a question. Is there anything reserved in that request about taking this resolution from the Speaker's table and so on?

Mr. HAY. I expect to ask for a separate vote on one of the Senate amendments.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table House joint resolution 242, disagree to all the Senate amendments, and ask for a conference——

Mr. HAY. Except as to the Senate amendment to section 2 of the resolution, upon which I will ask for a separate vote.

Mr. MANN. What the gentleman wants is to have unanimous consent to consider the Senate amendment now?

Mr. HAY. Yes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table House joint resolution 242 and consider it at the present time. Is there objection?

Mr. KEATING. I reserve the right to object, Mr. Speaker. Will this give us an opportunity to take a separate vote on the Senate amendment relating to the support of soldiers' families?

Mr. HAY. Yes. That is what I wanted to get at.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution and the Senate amendments.

The Clerk read the title of the joint resolution, as follows:

Joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

Also, Senate amendment No. 1, as follows:

Page 1, line 3, strike out all after "That" down to and including "that," line 6.

Mr. HAY. Mr. Speaker, I move to disagree to that amendment.

The amendment was disagreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read amendment numbered 2, as follows:

Page 1, line 8, strike out all after "States" down to and including "hereof," line 11.

Mr. HAY. I move to disagree to that amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I want to find out what it is we are voting upon. We have voted upon one proposition as to which we had no information.

Mr. HAY. The Clerk read the amendment.

Mr. MOORE of Pennsylvania. Yes; but it was a matter of striking out something, and no one has the bill before him.

Mr. HAY. I will ask the Clerk to read the language proposed to be stricken out.

The Clerk read as follows:

Strike out, on page 1, line 8, all after the word "States" down to and including "hereof," line 11, which language reads as follows:

"Under the provisions of section 111 of the national-defense act approved June 3, 1916, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof."

The SPEAKER. The gentleman from Virginia moves to disagree to that amendment.

The amendment was disagreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read amendment No. 3, as follows:

Page 2, strike out lines 10 to 22, inclusive, and insert:

"SEC. 2. That when any member of the National Guard or the Organized Militia of any of the States, Territories, or the District of Columbia, or any member of the National Guard or Organized Militia Reserves, is called or drafted into the service of the United States under section 1 of this resolution and has a family dependent upon him the Secretary of War is authorized, under such rules and regulations as he may prescribe, to excuse such person upon his own application, from the call or from the draft, and if drafted, upon a like application, to honorably discharge him from the service. The word 'family' shall include wife, children, dependent mother, father, sisters, or brothers under the age of 14 years: *Provided*, That when such person is excused from the call or draft, or discharged from the service, he shall be furloughed to the National Guard Reserve, unless in the discretion of the Secretary of War he is given a final discharge.

Mr. HAY. I move to disagree to that amendment.

Mr. MANN. I ask unanimous consent that the Clerk read section 2 of the original resolution, which the Senate amendment strikes out.

The SPEAKER. Without objection, that will be done.

The CLERK. The language stricken out is as follows:

SEC. 2. That the sum of $1,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under direction of the Secretary of War and under such rules and regulations as he may prescribe, for the purpose of maintaining, at a cost of not more than $50 per month, the family of each enlisted man of the National Guard called or drafted into the service of the

United States until his discharge therefrom, which family during the term of service of said enlisted man has no other income, except his pay, adequate for the support of said family; and the word "family" shall include wife, dependent mothers, fathers, and sisters, as well as brothers under the age of 14 years.

Mr. HAY. Mr. Speaker, I move to disagree to the Senate amendment.

The question was taken.

Mr. HAY. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 119, noes 5.

Accordingly the amendment was disagreed to.

Mr. HAY. I move to disagree to all the other Senate amendments.

The other Senate amendments were disagreed to.

Mr. HAY. Mr. Speaker, I ask for a conference.

The SPEAKER. The gentleman from Virginia asks for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. ANTHONY.

UNION PACIFIC RAILROAD.

Mr. TAGGART. Mr. Speaker, I ask that the Committee on the Public Lands be discharged from the further consideration of H. R. 16122, and that the same be referred to the Committee on the Judiciary. This bill was introduced as a substitute for the bill that was before the Judiciary Committee. It relates to the right of way of the Union Pacific Railroad. The bill was referred to the Committee on the Public Lands. The Judiciary Committee has had charge of the matter in two Congresses. I will say that I have consulted the Committee on the Public Lands, and this action is taken with their consent.

The SPEAKER. The Clerk will report the title of the bill so that the House will know what it is doing.

The Clerk read the title of the bill (H. R. 16122) to amend the acts of July 1, 1862, and July 2, 1864, and June 24, 1912, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, the legalizing of certain conveyances heretofore made by the Union Pacific Railroad Co., and more perfectly disposing of the excess portions of the company's right of way.

The SPEAKER. The gentleman from Kansas asks unanimous consent that this bill be taken from the Public Lands Committee and referred to the Committee on the Judiciary. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. FLOOD. Mr. Speaker, I call up the conference report on the Diplomatic and Consular appropriation bill (H. R. 13383), and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Diplomatic and Consular appropriation bill and asks that the statement be read in lieu of the report.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. When was the conference report presented?

Mr. FLOOD. Three or four days ago.

Mr. MANN. Has it been acted upon by the Senate?

Mr. FLOOD. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. On Sunday I noticed, in reading the RECORD, that the conference report had been submitted to the Senate, but I can not find the page of the RECORD. Will the gentleman indicate where the conference report was printed in the RECORD?

Mr. FLOOD. In Saturday's RECORD, page 9920.

Mr. MANN. That is in the Senate. Where was it printed in the RECORD of the House?

Mr. FLOOD. It has not been printed in the House proceedings.

Mr. MANN. Then the gentleman can not call it up except by unanimous consent. I have no objection to acting on the conference report by unanimous consent.

Mr. STAFFORD. As far as I am concerned, I have no objection.

Mr. FLOOD. I ask unanimous consent to consider the conference report and that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider this conference report, and he asks unanimous consent also that the statement may be read in lieu of the report. Is there objection to either request?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 853).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 6, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 7, 10, 13, 14, 15, 16, 17, 18, 19, and 20, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from is disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 14 of the matter inserted by said amendment strike out "$5,000" and insert in lieu thereof "$6,000"; and the Senate agree to the same.

H. D. FLOOD,
CYRUS CLINE,
Managers on the part of the House.

LEE S. OVERMAN,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year 1917 submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

No. 1, relating to the transportation of diplomatic and consular officers in going to and returning from their posts: Appropriates $50,000 for such expense at the rate of 5 cents per mile, as proposed by the Senate, instead of $125,000 for actual and necessary expenses of transportation and subsistence, including the transportation of household and personal effects, as proposed by the House.

No. 2: Appropriates $200,000, as proposed by the House, instead of $150,000, as proposed by the Senate, for emergencies arising in the Diplomatic and Consular Service.

No. 3: Increases the appropriation for the International Boundary Commission, United States and Mexico, from $17,000 to $22,500, as proposed by the Senate.

Nos. 4 and 5, relating to the boundary line, Alaska and Canada, United States and Canada: Appropriates $111,000, as proposed by the House, instead of $75,000, as proposed by the Senate, and provides for salaries and expenses of employees in the field and at the seat of government in the language proposed by the House instead of in the language proposed by the Senate.

No. 6: Strikes out the reduction of $10,000, proposed by the Senate, in the appropriation for the Pan American Union.

No. 7: Increases the appropriation for the International Radio-telegraphic Convention for the year 1917 from $1,000 to $2,500, as proposed by the Senate.

Nos. 8 and 9, relating to the International Joint Commission, United States and Canada: Appropriates $69,000, instead of $75,000 as proposed by the House and $70,000 as proposed by the Senate; appropriates $6,000, instead of $5,000 in the language proposed by the Senate, for services and expenses in

connection with the preparation and examination of cases; and limits the subsistence expenses of the commission and secretary to $8 per day each as proposed by the Senate instead of $10 per day each as proposed by the House.

No. 10: Authorizes the duly appointed representative of the United States on the Permanent Commission of the International Geodetic Association to vote on all matters coming before the association, including the extension of its existence, subject to the approval of Congress.

No. 11: Restores the language, stricken out by the Senate, limiting the expenses of the Nineteenth Conference of the Interparliamentary Union to Washington City.

No. 12: Strikes out the appropriation of $42,000, inserted by the Senate, for the publication of the proceedings of the Second Pan American Scientific Congress.

Nos. 13 and 14, relating to the Fifteenth International Congress against Alcoholism: Appropriates $10,000 in addition to the unexpended balance of previous appropriations, as proposed by the Senate.

No. 15: Appropriates $355,000 for buildings at Shanghai, China, as proposed by the Senate, instead of $150,000 as proposed by the House.

No. 16: Strikes out the language, proposed by the House, relating to embassy premises at Tokyo, Japan.

No. 17: Inserts the language, proposed by the Senate, limiting consular inspectors to not exceeding an average of $5 per day for actual and necessary expenses for subsistence.

No. 18: Inserts the appropriation of $150,000, proposed by the Senate, for allowances to diplomatic and consular officers in belligerent countries and countries contiguous thereto in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned.

No. 19: Reduces the appropriation for relief and protection for American seamen from $50,000 to $40,000, as proposed by the Senate.

No. 20: Provides that so much as may be necessary of the appropriation for "Contingent expenses, United States consulates," may be expended for rent, as proposed by the Senate, instead of limiting the expenditure for rent to not to exceed 30 per cent of the officer's salary, as was proposed by the House.

H. D. FLOOD,
CYRUS CLINE,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Is it proposed by amendment No. 18, providing for additional allowances to consular officers located in belligerent countries, to make permanent the salaries that will be fixed by the President, or only temporary, while the belligerent conditions continue?

Mr. FLOOD. Only temporary, while the high cost of living continues as a result of war conditions.

Mr. STAFFORD. Then, as soon as the war is at an end, or shortly thereafter, the salaries will revert to those now scheduled under the law.

Mr. FLOOD. That is the understanding.

Mr. STAFFORD. One further question: What was the reason for the conferees more than doubling the authorization for the consular building at Shanghai, increasing it from $150,000 to $355,000?

Mr. FLOOD. The House reported the $355,000 in two separate items. One of them was in order and the other was subject to a point of order. The $205,000 item went out on a point of order, and the Senate just put the two together.

Mr. STAFFORD. This merely carries out the original recommendation of the House committee?

Mr. FLOOD. Yes.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

RURAL CREDITS.

Mr. GLASS. Mr. Speaker, I call up the conference report on the bill S. 2986, the rural-credits bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the bill S. 2986, the rural-credits bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. I would like to ask the gentleman from Virginia if the conference report has been acted on in the Senate?

Mr. GLASS. No; it has not. The papers are with the House.

Mr. MANN. I suppose we have time enough to-day to have some debate if gentlemen want to be heard.

Mr. GLASS. I had not apprehended that we would consume any more than an hour's time. I conferred with the conferees on that side, the gentleman from California [Mr. HAYES] and the gentleman from New York [Mr. PLATT], and we agreed that we would not require more than an hour's time.

Mr. MANN. Some gentlemen desire to be heard, and I suppose there is no reason why we should not take some time. I do not think we are pressed for time to-day.

Mr. GLASS. I do not imagine that we are pressed for time, but I do want to get through with it.

Mr. MANN. I hope the gentleman will agree to give us a little more than half an hour.

Mr. GLASS. If I was to consult my own opinion about it, I would give that side the entire hour. I do not want any of it, except to answer any questions that may be propounded after the statement shall have been read. It was agreed between the conferees on both sides that an hour would be ample time.

Mr. MANN. I suppose that is all the conferees wanted; but, inasmuch as we are not pressed for time as far as the House is concerned, some gentlemen on this side desire to be heard.

Mr. GLASS. How much time would be satisfactory to the gentleman?

Mr. MANN. I can not tell yet. I am not going to object to the request of the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Virginia that the statement be read in lieu of the report?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 844).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment to the title of the bill, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"That the short title of this act shall be 'The Federal farm-loan act.' Its administration shall be under the direction and control of the Federal farm-loan board hereinafter created.

"DEFINITIONS.

"SEC. 2. That wherever the term 'first mortgage' is used in this act it shall be held to include such classes of first liens on farm lands as shall be approved by the Federal farm-loan board, and the credit instruments secured thereby. The term 'farm-loan bonds' shall be held to include all bonds secured by collateral deposited with a farm-loan registrar under the terms of this act; they shall be distinguished by the addition of the words 'Federal,' or 'joint stock,' as the case may be.

"FEDERAL FARM-LOAN BOARD.

"SEC. 3. That there shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this act and of all acts amendatory thereof, to be known as the Federal farm-loan bureau, under the general supervision of a Federal farm-loan board.

"Said Federal farm-loan board shall consist of five members, including the Secretary of the Treasury, who shall be a member and chairman ex officio, and four members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the four members to be appointed by the President, not more than two shall be appointed from one political party, and all four of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board; they shall receive an annual salary of $10,000 payable monthly, together with actual necessary traveling expenses.

"One of the members to be appointed by the President shall be designated by him to serve for two years, one for four years, one for six years, and one for eight years, and thereafter each member so appointed shall serve for a term of eight years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm-loan commissioner, who shall be the active executive officer

of said board. Each member of the Federal farm-loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

"The first meeting of the Federal farm-loan board shall be held in Washington as soon as may be after the passage of this act at a date and place to be fixed by the Secretary of the Treasury.

"No member of the Federal farm-loan board shall, during his continuance in office, be an officer or director of any other institution, association, or partnership engaged in banking or in the business of making land-mortgage loans or selling land mortgages. Before entering upon his duties as a member of the Federal farm-loan board each member shall certify under oath to the President that he is eligible under this section.

"The President shall have the power, by and with the advice and consent of the Senate, to fill any vacancy occurring in the membership of the Federal farm-loan board; if such vacancy shall be filled during the recess of the Senate, a commission shall be granted which shall expire at the end of the next session.

"The Federal farm-loan board shall appoint a farm-loan registrar in each land-bank district to receive applications for issues of farm-loan bonds and to perform such other services as are prescribed by this act. It shall also appoint one or more land-bank appraisers for each land-bank district and as many land-bank examiners as it shall deem necessary. Farm-loan registrars, land-bank appraisers, and land-bank examiners appointed under this section shall be public officials and shall, during their continuance in office, have no connection with or interest in any other institution, association, or partnership engaged in banking or in the business of making land-mortgage loans or selling land mortgages: *Provided*, That this limitation shall not apply to persons employed by the board temporarily to do special work.

"The salaries and expenses of the Federal farm-loan board and of farm-loan registrars and examiners authorized under this section shall be paid by the United States. Land-bank appraisers shall receive such compensation as the Federal farm-loan board shall fix and shall be paid by the Federal land banks and the joint-stock land banks which they serve in such proportion and in such manner as the Federal farm-loan board shall order.

"The Federal farm-loan board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for, shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal farm-loan board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

"Every Federal land bank shall semiannually submit to the Federal farm-loan board a schedule showing the salaries or rates of compensation paid to its officers and employees.

"The Federal farm-loan board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

"The Federal farm-loan board shall from time to time require examinations and reports of condition of all land banks established under the provisions of this act, and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act, and shall prepare and publish amortization tables which shall be used by national farm-loan associations and land banks organized under this act.

"The Federal farm-loan board shall prescribe a form for the statement of condition of national farm-loan associations and land banks under its supervision, which shall be filled out quarterly by each such association or bank and transmitted to said board.

"It shall be the duty of the Federal farm-loan board to prepare from time to time bulletins setting forth the principal features of this act and through the Department of Agriculture or otherwise to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this act, instructing farmers how to organize and conduct farm-loan associations, and advising investors of the merits and advantages of farm-loan bonds; and to disseminate in its discretion information for the further instruction of farmers regarding the methods and principles of cooperative credit and organization. Said board is hereby authorized to use a reasonable portion of the organization fund provided in section 33 of this act for the objects specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects.

"FEDERAL LAND BANKS.

"SEC. 4. That as soon as practicable the Federal farm-loan board shall divide the continental United States, excluding Alaska, into 12 districts, which shall be known as Federal land bank districts, and may be designated by number. Said districts shall be apportioned with due regard to the farm loan needs of the country, but no such district shall contain a fractional part of any State. The boundaries thereof may be readjusted from time to time in the discretion of said board.

"The Federal farm-loan board shall establish in each Federal land bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal farm-loan board, any Federal land bank may establish branches within the land bank district.

"Each Federal land bank shall be temporarily managed by five directors appointed by the Federal farm-loan board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal farm-loan board shall fix. They shall choose from their number, by majority vote, a president, a vice president, a secretary, and a treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal farm-loan board.

"Said temporary directors shall, under their hands, forthwith make an organization certificate, which shall specifically state:

"First. The name assumed by such bank.

"Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

"Third. The amount of capital stock and the number of shares into which the same is to be divided: *Provided*, That every Federal land bank organized under this act shall by its articles of association permit an increase of its capital stock from time to time for the purpose of providing for the issue of shares to national farm-loan associations and stockholders who may secure loans through agents of Federal land banks in accordance with the provisions of this act.

"Fourth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act. The organization certificate shall be acknowledged before a judge or clerk of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the farm-loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection.

"The Federal farm-loan board is authorized to direct such changes in or additions to any such organization certificate, not inconsistent with this act, as it may deem necessary or expedient.

"Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession until it is dissolved by act of Congress or under the provisions of this act.

"Third. To make contracts.

"Fourth. To sue and be sued, complain, interplead, and defend, in any court of law or equity, as fully as natural persons.

"Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them, and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure and appoint others to fill their places.

"Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal farm-loan board, by-

laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

"Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

"After the subscriptions to stock in any Federal land bank by national farm loan associations, hereinafter authorized, shall have reached the sum of $100,000, the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section.

"The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of nine members, each holding office for three years. Six of said directors shall be known as local directors, and shall be chosen by and be representative of national farm-loan associations; and the remaining three directors shall be known as district directors, and shall be appointed by the Federal farm-loan board and represent the public interest.

"At least two months before each election the farm-loan commission shall notify each national farm-loan association in writing that such election is to be held, giving the number of directors to be elected for its district, and requesting each association to nominate one candidate for each director to be elected. Within 10 days of the receipt of such notice each association shall forward its nominations to said farm-loan commissioner. Said commissioner shall prepare a list of candidates for local directors consisting of the 20 persons securing the highest number of votes from national farm-loan associations making such nominations.

"At least one month before said election said farm-loan commissioner shall mail to each national farm-loan association the list of candidates. The director of each national farm-loan association shall cast the vote of said association for as many candidates on said list as there are vacancies to be filled, and shall forward said vote to the farm-loan commissioner within 10 days after said list of candidates is received by them. The candidates receiving the highest number of votes shall be elected as local directors. In case of a tie the farm-loan commissioner shall determine the choice.

"The Federal farm-loan board shall designate one of the district directors to serve for three years and to act as chairman of the board of directors. It shall designate one of said directors to serve for a term of two years and one to serve for a term of one year. After the first appointments each district director shall be appointed for a term of three years.

"At the first regular meeting of the board of directors of each Federal land bank it shall be the duty of the local directors to designate two of the local directors whose term of office shall expire in one year from the date of such meeting, two whose term of office shall expire in two years from said date, and two whose term of office shall expire in three years from said date. Thereafter every local director of a Federal land bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the board of directors shall be filled for the unexpired term in the manner provided for the original selection of such directors.

"Directors of Federal land banks shall have been for at least two years residents of the district for which they are appointed or elected, and at least one district director shall be experienced in practical farming and actually engaged at the time of his appointment in farming operations within the district. No director of a Federal land bank shall, during his continuance in office, act as an officer, director, or employee of any other institution, association, or partnership engaged in banking or in the business of making or selling land-mortgage loans.

"Directors of Federal land banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal farm-loan board.

"CAPITAL STOCK OF FEDERAL LAND BANKS.

"SEC. 5. That every Federal land bank shall have, before beginning business, a subscribed capital of not less than $750,000. The Federal farm-loan board is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof.

"The capital stock of each Federal land bank shall be divided into shares of $5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

"Stock held by national farm-loan associations shall not be transferred or hypothecated, and the certificates therefor shall so state.

"Stock owned by the Government of the United States in Federal land banks shall receive no dividends, but all other stock shall share in dividend distributions without preference. Each national farm-loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it in deciding all questions at meetings of shareholders, and no other shareholder shall be permitted to vote. Stock owned by the United States shall be voted by the farm-loan commissioner, as directed by the Federal farm-loan board.

"It shall be the duty of the Federal farm-loan board, as soon as practicable after the passage of this act, to open books of subscription for the capital stock of a Federal land bank in each Federal land-bank district. If within 30 days after the opening of said books any part of the minimum capitalization of $750,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon 30 days' notice with the approval of the Federal farm-loan board; and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance as called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated. Thereafter no stock shall be issued except as hereinafter provided.

"After the subscriptions to capital stock by national farm-loan associations shall amount to $750,000 in any Federal land bank, said bank shall apply semiannually to the payment and retirement of the shares of stock which were issued to represent the subscriptions to the original capital 25 per cent of all sums thereafter subscribed to capital stock until all such original capital stock is retired at par.

"At least 25 per cent of that part of the capital of any Federal land bank for which stock is outstanding in the name of national farm-loan associations shall be held in quick assets, and may consist of cash in the vaults of said land bank, or in deposits in member banks of the Federal Reserve System, or in readily marketable securities which are approved under rules and regulations of the Federal farm-loan board: *Provided*, That not less than 5 per cent of such capital shall be invested in United States Government bonds.

"GOVERNMENT DEPOSITARIES.

"SEC. 6. That all Federal land banks and joint-stock land banks organized under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. And the Secretary of the Treasury shall require of the Federal land banks and joint-stock land banks thus designated satisfactory security, by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. No Government funds deposited under the provisions of this section shall be invested in mortage loans or farm-loan bonds.

"NATIONAL FARM-LOAN ASSOCIATION.

"SEC. 7. That corporations, to be known as national farm-loan associations, may be organized by persons desiring to borrow money on farm-mortgage security under the terms of this act. Such persons shall enter into articles of association which shall specify in general terms the object for which the association is formed and the territory within which its operations are to be carried on, and which may contain any other provision, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. Said articles shall be signed by the persons uniting to form the association, and a copy thereof shall be forwarded to the Federal land bank for the district, to be filed and preserved in its office.

"Every national farm-loan association shall elect, in the manner prescribed for the election of directors of national banking associations, a board of not less than five directors, who

shall hold office for the same period as directors of national banking associations. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as said board of directors shall determine. The board of directors shall elect a president, a vice president, and a loan committee of three members.

"The directors and all officers except the secretary-treasurer shall serve without compensation, unless the payment of salaries to them shall be approved by the Federal farm-loan board. All officers and directors except the secretary-treasurer shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business, and shall be shareholders of the association.

"It shall be the duty of the secretary-treasurer of every national farm-loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to pay over to borrowers all sums received for their account from the Federal land bank upon first mortgage as in this act prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors and in accordance with the by-laws of the association. It shall be the duty of the secretary-treasurer, acting under the direction of the national farm-loan association, to collect, receipt for, and transmit to the Federal land bank payments of interest, amortization installments, or principal arising out of loans made through the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the association. He shall furnish a suitable surety bond to be prescribed and approved by the Federal farm-loan board for the proper performance of the duties imposed upon him under this act, which shall cover prompt collection and transmission of funds. He shall make a quarterly report to the Federal farm-loan board upon forms to be provided for that purpose. Upon request from said board said secretary-treasurer shall furnish information regarding the condition of the national farm-loan association for which he is acting, and he shall carry out all duly authorized orders of said board. He shall assure himself from time to time that the loans made through the national farm-loan association of which he is an officer are applied to the purposes set forth in the application of the borrower as approved, and shall forthwith report to the land bank of the district any failure of any borrower to comply with the terms of his application or mortgage. He shall also ascertain and report to said bank the amount of any delinquent taxes on land mortgaged to said bank and the name of the delinquent.

"The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm-loan associations, and the salary of the secretary-treasurer, shall be paid from the general funds of the association, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of 6 per cent per annum, from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment.

"Ten or more natural persons who are the owners, or about to become the owners, of farm land qualified as security for a mortgage loan under section 12 of this act, may unite to form a national farm-loan association. They shall organize subject to the requirements and the conditions specified in this section and in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors may consist of five members only, and instead of a secretary and a treasurer there shall be a secretary-treasurer, who need not be a shareholder of the association.

"When the articles of association are forwarded to the Federal land bank of the district as provided in this section, they shall be accompanied by the written report of the loan committee as required in section 10 of this act, and by an affidavit stating that each of the subscribers is the owner, or is about to become the owner, of farm land qualified under section 12 of this act as a basis of a mortgage loan; that the loan desired by each person is not more than $10,000 nor less than $100, and that the aggregate of the desired loans is not less than $20,000; that said affidavit is accompanied by a subscription to stock in the Federal land bank equal to 5 per cent of the aggregate sum desired on mortgage loans; and that a temporary organization of said association has been formed by the election of a board of directors, a loan committee, and a secretary-treasurer who subscribes to said affidavit, giving his residence and post-office address.

"Upon receipt of such articles of association, with the accompanying affidavit and stock subscription, the directors of said Federal land bank shall send an appraiser to investigate the solvency and character of the applicants and the value of their lands, and shall then determine whether in their judgment a charter should be granted to such association. They shall forward such articles of association and the accompanying affidavit to the Federal farm-loan board with their recommendation. If said recommendation is unfavorable, the charter shall be refused.

"If said recommendation is favorable, the Federal farm-loan board shall thereupon grant a charter to the applicants therefor, designating the territory in which such association may make loans, and shall forward said charter to said applicants through said Federal land bank: *Provided*, That said Federal farm-loan board may for good cause shown in any case refuse to grant a charter.

"Upon receipt of its charter such national farm-loan association shall be authorized and empowered to receive from the Federal land bank of the district sums to be loaned to its members under the terms and conditions of this act.

"Whenever any national farm-loan association shall desire to secure for any member a loan on first mortgage from the Federal land bank of its district it shall subscribe for capital stock of said land bank to the amount of 5 per cent of such loan, such subscription to be paid in cash upon the granting of the loan by said land bank. Such capital stock shall be held by said land bank as collateral security for the payment of said loan, but said association shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may, in the discretion of the directors, and with the approval of the Federal farm-loan board, be paid off at par and retired, and it shall be so paid off and retired upon full payment of the mortgage loan. In such case the national farm-loan association shall pay off at par and retire the corresponding shares of its stock which were issued when said land-bank stock was issued. The capital stock of a Federal land bank shall not be reduced to an amount less than 5 per cent of the principal of the outstanding farm-loan bonds issued by it.

"CAPITAL STOCK OF NATIONAL FARM-LOAN ASSOCIATIONS.

"SEC. 8. That the shares in national farm-loan associations shall be of the par value of $5 each.

"Every shareholder shall be entitled to one vote on each share of stock held by him at all elections of directors and in deciding all questions at meetings of shareholders: *Provided*, That the maximum number of votes which may be cast by any one shareholder shall be 20.

"No person but borrowers on farm-land mortgages shall be members or shareholders of national farm-loan associations. Any person desiring to borrow on farm-land mortgage through a national farm-loan association shall make application for membership and shall subscribe for shares of stock in such farm-loan association to an amount equal to 5 per cent of the face of the desired loan, said subscription to be paid in cash upon the granting of the loan. If the application for membership is accepted and the loan is granted, the applicant shall, upon full payment therefor, become the owner of one share of capital stock in said loan association for each $100 of the face of his loan, or any major fractional part thereof. Said capital stock shall be paid off at par and retired upon full payment of said loan. Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding.

"Every national farm-loan association formed under this act shall by its articles of association provide for an increase of its capital stock from time to time for the purpose of securing additional loans for its members and providing for the issue of shares to borrowers in accordance with the provisions of this act. Such increases shall be included in the quarterly reports to the Federal farm-loan board.

"NATIONAL FARM-LOAN ASSOCIATIONS—SPECIAL PROVISIONS.

"SEC. 9. That any person whose application for membership is accepted by a national farm-loan association shall be entitled to borrow money on farm-land mortgage upon filing his application in accordance with section 8 and otherwise complying with the terms of this act whenever the Federal land bank of the district has funds available for that purpose, unless said land bank or the Federal farm-loan board shall, in its discretion, otherwise determine.

"Any person desiring to secure a loan through a national farm-loan association under the provisions of this act may, at

his option, borrow from the Federal land bank through such association the sum necessary to pay for shares of stock subscribed for by him in the national farm-loan association, such sum to be made a part of the face of the loan and paid off in amortization payments: *Provided, however*, That such addition to the loan shall not be permitted to increase said loan above the limitation imposed in subsection 5 of section 12.

"Subject to rules and regulations prescribed by the Federal farm-loan board, any national farm-loan association shall be entitled to retain as a commission from each interest payment on any loan indorsed by it an amount to be determined by said board not to exceed one-eighth of 1 per cent semiannually upon the unpaid principal of said loan, any amounts so retained as commissions to be deducted from dividends payable to such farm-loan association by the Federal land bank, and to make application to the land bank of the district for loans not exceeding in the aggregate one-fourth of its total stock holdings in said land bank. The Federal land banks shall have power to make such loans to associations applying therefor and to charge interest at a rate not exceeding 6 per cent per annum.

"Shareholders of every national farm-loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

"After a charter has been granted to a national farm-loan association, any natural person who is the owner, or about to become the owner, of farm land qualified under section 12 of this act as the the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of the association by a two-thirds vote of the directors upon subscribing for one share of the capital stock of such association for each $100 of the face of his proposed loan or any major fractional part thereof. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section 12 of this act.

"APPRAISAL.

"SEC. 10. That whenever an application for a mortgage loan is made to a national farm-loan association, it shall be first referred to the loan committee provided for in section 7 of this act. Said loan committee shall examine the land which is offered as security for the desired loan and shall make a detailed written report signed by all three members, giving the appraisal of said land as determined by them, and such other information as may be required by rules and regulations to be prescribed by the Federal farm-loan board. No loan shall be approved by the directors unless said loan committee agrees upon a favorable report.

"The written report of said loan committee shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

"Before any mortgage loan is made by any Federal land bank, or joint-stock land bank, it shall refer the application and written report of the loan committee to one or more of the land-bank appraisers appointed under the authority of section 3 of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

"Forms for appraisal reports for farm-loan associations and land banks shall be prescribed by the Federal farm-loan board.

"Land bank appraisers shall make such examinations and appraisals and conduct such investigations concerning farm-loan bonds and first mortgages as the Federal farm-loan board shall direct.

"No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors of any national farm-loan association shall appoint a substitute to act in his place in passing upon such loan.

"POWERS OF NATIONAL FARM-LOAN ASSOCIATIONS.

"SEC. 11. That every national farm-loan association shall have power:

"First. To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district.

"Second. To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section 12 of this act.

"Third. To acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business.

"Fourth. To issue certificates against deposits of current funds bearing interest for not longer than one year at not to exceed 4 per cent per annum after six days from date, convertible into farm-loan bonds when presented at the Federal land bank of the district in the amount of $25 or any multiple thereof. Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds issued by a Federal land bank or in first mortgages as defined by this act.

"RESTRICTIONS ON LOANS BASED ON FIRST MORTGAGES.

"SEC. 12. That no Federal land bank organized under this act shall make loans except upon the following terms and conditions:

"First. Said loans shall be secured by duly recorded first mortgages on farm land within the land-bank district in which the bank is situated.

"Second. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan, at a rate not exceeding the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits at a rate not exceeding 1 per cent per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than 5 years nor more than 40 years: *Provided*, That after 5 years from the date upon which a loan is made additional payments in sums of $25 or any multiple thereof for the reduction of the principal, or the payment of the entire principal, may be made on any regular installment date under the rules and regulations of the Federal farm-loan board: *And provided further*, That before the first issue of farm-loan bonds by any land bank the interest rate on mortgages may be determined in the discretion of said land bank subject to the provisions and limitations of this act.

"Third. No loan on mortgage shall be made under this act at a rate of interest exceeding 6 per cent per annum, exclusive of amortization payments.

"Fourth. Such loans may be made for the following purposes and for no other:

"(a) To provide for the purchase of land for agricultural uses.

"(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm; the term 'equipment' to be defined by the Federal farm-loan board.

"(c) To provide buildings and for the improvement of farm lands; the term 'improvement' to be defined by the Federal farm-loan board.

"(d) To liquidate indebtedness of the owner of the land mortgaged, existing at the time of the organization of the first national farm-loan association established in or for the county in which the land mortgaged is situated, or indebtedness subsequently incurred for purposes mentioned in this section.

"Fifth. No such loan shall exceed 50 per cent of the value of the land mortgaged and 20 per cent of the value of the permanent, insured improvements thereon, said value to be ascertained by appraisal, as provided in section 10 of this act. In making said appraisal the value of the land for agricultural purposes shall be the basis of appraisal and the earning power of said land shall be a principal factor.

"A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

"Sixth. No such loan shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land, the Federal land bank may permit said mortgage and the stock interests of the vendor to be assumed by the purchaser. In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within 60 days of such death, to assume the mortgage and stock interests of the deceased.

"Seventh. The amount of loans to any one borrower shall in no case exceed a maximum of $10,000, nor shall any loan be for a less sum than $100.

"Eighth. Every applicant for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the Federal farm-loan board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

"Ninth. Every borrower shall pay simple interest on defaulted payments at the rate of 8 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, liens, judgments, or assessments which may be lawfully assessed against the land mortgaged. Taxes, liens, judgments, or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of 8 per cent per annum. Every borrower shall undertake to keep insured to the satisfaction of the Federal farm-loan board all buildings the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at time of loss, and, at the option of the mortgagor and subject to general regulations of the Federal farm-loan board, sums so received may be used to pay for reconstruction of the buildings destroyed.

"Tenth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal farm-loan board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, became due and payable forthwith: *Provided*, That the borrower may use part of said loan to pay for his stock in the farm loan association, and the land bank holding such mortgage may permit said loan to be used for any purpose specified in subsection 4 of this section.

"Eleventh. That no loan or the mortgage securing same shall be impaired or invalidated by reason of the exercise of any power by any Federal land bank or national farm-loan association in excess of the powers herein granted or any limitations thereon.

"Funds transmitted to farm-loan associations by Federal land banks to be loaned to its members shall be in current funds, or farm-loan bonds, at the option of the borrower.

"POWERS OF FEDERAL LAND BANKS.

"SEC. 13. That every Federal land bank shall have power, subject to the limitations and requirements of this act—

"First. To issue, subject to the approval of the Federal farm-loan board, and to sell farm-loan bonds of the kinds authorized in this act, to buy the same for its own account, and to retire the same at or before maturity.

"Second. To invest such funds as may be in its possession in the purchase of qualified first mortgages on farm lands situated within the Federal land bank district within which it is organized or for which it is acting.

"Third. To receive and to deposit in trust with the farm-loan registrar for the district, to be by him held as collateral security for farm-loan bonds, first mortgages upon farm land qualified under section 12 of this act, and to empower national farm-loan associations, or duly authorized agents, to collect and immediately pay over to said land banks the dues, interest, amortization installments, and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby.

"Fourth. To acquire and dispose of—

"(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

"(b) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it, for a longer period than five years, except with the special approval of the Federal farm-loan board in writing.

"Fifth. To deposit its securities, and its current funds subject to check, with any member bank of the Federal Reserve System, and to receive interest on the same as may be agreed.

"Sixth. To accept deposits of securities or of current funds from national farm-loan associations holding its shares, but to pay no interest on such deposits.

"Seventh. To borrow money, to give security therefor, and to pay interest thereon.

"Eighth. To buy and sell United States bonds.

"Ninth. To charge applicants for loans and borrowers, under rules and regulations promulgated by the Federal farm-loan board, reasonable fees not exceeding the actual cost of appraisal and determination of title. Legal fees and recording charges imposed by law in the State where the land to be mortgaged is located may also be included in the preliminary costs of negotiating mortgage loans. The borrower may pay such fees and charges or he may arrange with the Federal land bank making the loan to advance the same, in which case said expenses shall be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the limitations provided in section 12.

"RESTRICTIONS ON FEDERAL LAND BANKS.

"SEC. 14. That no Federal land bank shall have power—

"First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this act.

"Second. To loan on first mortgage except through national farm-loan associations as provided in section 7 and section 8 of this act, or through agents as provided in section 15.

"Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section 12 of this act, and those taken as additional security for existing loans.

"Fourth. To issue or obligate itself for outstanding farm-loan bonds in excess of 20 times the amount of its capital and surplus, or to receive from any national farm-loan association additional mortgages when the principal remaining unpaid upon mortgages already received from such association shall exceed 20 times the amount of its capital stock owned by such association.

"Fifth. To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act.

"AGENTS OF FEDERAL LAND BANKS.

"SEC. 15. That whenever, after this act shall have been in effect one year, it shall appear to the Federal farm-loan board that national farm-loan associations have not been formed, and are not likely to be formed, in any locality, because of peculiar local conditions, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board.

"Such loans shall be subject to the same conditions and restrictions as if the same were made through national farm-loan associations, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

"No agent other than a duly incorporated bank, trust company, mortgage company, or savings institution, chartered by the State in which it has its principal office, shall be employed under the provisions of this section.

"Federal land banks may pay to such agents the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers; and in addition may allow said agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan, such commission to be deducted from dividends payable to the borrower on his stock in the Federal land bank.

"Actual expenses paid to agents under the provisions of this section shall be added to the face of the loan and paid off in amortization payments subject to the limitations provided in subsection ninth of section 13 of this act.

"Said agents, when required by the Federal land banks, shall collect and forward to such banks without charge all interest and amortization payments on loans indorsed by them.

"Any agent negotiating any such loan shall indorse the same and become liable for the payment thereof, and for any default by the mortgagor, on the same terms and under the same penalties as if the loan had been originally made by said agent as principal and sold by said agent to said land bank, but the aggregate of the unpaid principal of mortgage loans received from any such agent shall not exceed ten times its capital and surplus.

"If at any time the district represented by any agent under the provisions of this section shall, in the judgment of the Federal farm-loan board, be adequately served by national farm-loan associations, no further loans shall be negotiated therein by agents under this section.

"JOINT-STOCK LAND BANKS.

"SEC. 16. That corporations, to be known as joint-stock land banks, for carrying on the business of lending on farm-mort-

gage security and issuing farm-loan bonds, may be formed by any number of natural persons not less than 10. They shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every joint-stock land bank shall consist of not less than five members.

"Shareholders of every joint-stock land bank organized under this act shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

"Except as otherwise provided, joint-stock land banks shall have the powers of, and be subject to all the restrictions and conditions imposed on, Federal land banks by this act, so far as such restrictions and conditions are applicable: *Provided, however*, That the Government of the United States shall not purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations.

"No joint-stock land bank shall have power to issue or obligate itself for outstanding farm-loan bonds in excess of fifteen times the amount of its capital and surplus, or to receive deposits or to transact any banking or other business not expressly authorized by the provisions of this act.

"No joint-stock land bank shall be authorized to do business until capital stock to the amount of at least $250,000 has been subscribed, one-half thereof paid in cash and the balance subject to call by the board of directors, and a charter has been issued to it by the Federal farm-loan board.

"No joint-stock land bank shall issue any bonds until after the capital stock is entirely paid up.

"Farm-loan bonds issued by joint-stock land banks shall be so engraved as to be readily distinguished in form and color from farm-loan bonds issued by Federal land banks, and shall otherwise bear such distinguishing marks as the Federal farm-loan board shall direct.

"Joint-stock land banks shall not be subject to the provisions of subsection (b) of section 17 of this act as to interest rates on mortgage loans or farm-loan bonds, nor to the provisions of subsections first, fourth, sixth, seventh, and tenth of section 12 as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made which are not secured by first mortgages on farm lands within the State in which such joint-stock land bank has its principal office, or within some one State contiguous to such State. Such joint-stock land banks shall be subject to all other restrictions on mortgage loans imposed on Federal land banks in section 12 of this act.

"Joint-stock land banks shall in no case charge a rate of interest on farm loans exceeding by more than 1 per cent the rate of interest established for the last series of farm-loan bonds issued by them.

"Joint-stock land banks shall in no case demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act.

"Each joint-stock land bank organized under this act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this act. Such bonds shall be in form prescribed by the Federal farm-loan board, and it shall be stated in such bonds that such bank is organized under section 16 of this act, is under Federal supervision, and operates under the provisions of this act.

"POWERS OF FEDERAL FARM-LOAN BOARD.

"SEC. 17. That the Federal farm-loan board shall have power—

"(a) To organize and charter Federal land banks, and to charter national farm-loan associations and joint-stock land banks subject to the provisions of this act, and in its discretion to authorize them to increase their capital stock.

"(b) To review and alter at its discretion the rate of interest to be charged by Federal land banks for loans made by them under the provisions of this act, said rates to be uniform so far as practicable.

"(c) To grant or refuse to Federal land banks, or joint-stock land banks, authority to make any specific issue of farm-loan bonds.

"(d) To make rules and regulations respecting the charges made to borrowers on loans under this act for expenses in appraisal, determination of title, and recording.

"(e) To require reports and statements of condition and to make examinations of all banks or associations doing business under the provisions of this act.

"(f) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sums of all surety bonds required under this act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

"(g) To require Federal land banks to pay forthwith to any Federal land bank their equitable proportion of any sums advanced by said land bank to pay the coupons of any other land bank, basing said required payments on the amount of farm-loan bonds issued by each land bank and actually outstanding at the time of such requirement.

"(h) To suspend or to remove for cause any district director or any registrar, appraiser, examiner, or other official appointed by said board under authority of section 3 of this act, the cause of such suspension or removal to be communicated forthwith in writing by the Federal farm-loan board to the person suspended or removed, and in case of a district director to the proper Federal land bank.

"(i) To exercise general supervisory authority over the Federal land banks, the national farm-loan associations and the joint-stock land banks herein provided for.

"(j) To exercise such incidental powers as shall be necessary or requisite to fulfill its duties and carry out the purposes of this act.

"APPLICATIONS FOR FARM-LOAN BONDS.

"SEC. 18. That any Federal land bank, or joint-stock land bank, which shall have voted to issue farm-loan bonds under this act, shall make written application to the Federal farm-loan board, through the farm-loan registrar of the district, for approval of such issue. With said application said land bank shall tender to said farm-loan registrar as collateral security first mortgages on farm lands qualified under the provisions of section 12, section 15, or section 16 of this act, or United States Government bonds, not less in aggregate amount than the sum of the bonds proposed to be issued. Said bank shall furnish with such mortgages a schedule containing a description thereof and such further information as may be prescribed by the Federal farm-loan board.

"Upon receipt of such application said farm-loan registrar shall verify said schedule and shall transmit said application and said schedule to the Federal farm-loan board, giving such further information pertaining thereto as he may possess. The Federal farm-loan board shall forthwith cause to be made such investigation and appraisement of the securities tendered as it shall deem wise, and it shall grant in whole or in part, or reject entirely, such application.

"The Federal farm-loan board shall promptly transmit its decision as to any issue of farm-loan bonds to the land bank applying for the same and to the farm-loan registrar of the district. Said registrar shall furnish, in writing, such information regarding any issue of farm-loan bonds as the Federal farm-loan board may at any time require.

"No issue of farm-loan bonds shall be authorized unless the Federal farm-loan board shall approve such issue in writing.

"ISSUE OF FARM-LOAN BONDS.

"SEC. 19. That whenever any farm-loan registrar shall receive from the Federal farm-loan board notice that it has approved any issue of farm-loan bonds under the provisions of section 18 he shall forthwith take such steps as may be necessary, in accordance with the provisions of this act, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor.

"Whenever the Federal farm-loan board shall reject entirely any application for an issue of farm-loan bonds, the first mortgages and bonds tendered to the farm-loan registrar as collateral security therefor shall be forthwith returned to said land bank by him.

"Whenever the Federal farm-loan board shall approve an issue of farm-loan bonds, the farm-loan registrar having the custody of the first mortgages and bonds tendered as collateral security for such issue of bonds shall retain in his custody those first mortgages and bonds which are to be held as collateral security, and shall return to the bank owning the same any of said mortgages and bonds which are not to be held by him as collateral security. The land bank which is to issue said farm-loan bonds shall transfer to said registrar, by assignment, in trust, all first mortgages and bonds which are to be held by said registrar as collateral security, said assignment providing for the right of redemption at any time by payment as provided in this act and reserving the right of substitution of other mortgages qualified under sections 12, 15, and 16 of this act. Said mortgages and bonds shall be deposited in such deposit vault or bank as the Federal farm-loan board shall approve, subject to the control of said registrar and in his name as trustee for the bank issuing the farm-loan bonds and for the prospective holders of said farm-loan bonds.

"No mortgage shall be accepted by a farm-loan registrar from a land bank as part of an offering to secure an issue of farm-loan bonds, either originally or by substitution, except first mortgages made subject to the conditions prescribed in said sections 12, 15, and 16.

"It shall be the duty of each farm-loan registrar to see that the farm-loan bonds delivered by him and outstanding do not exceed the amount of collateral security pledged therefor. Such registrar may, in his discretion, temporarily accept, in place of mortgages withdrawn, United States Government bonds or cash.

"The Federal farm-loan board may, at any time, call upon any land bank for additional security to protect the bonds issued by it.

"FORM OF FARM-LOAN BONDS.

"SEC. 20. That bonds provided for in this act shall be issued in denominations of $25, $50, $100, $500, and $1,000; they shall run for specified minimum and maximum periods, subject to payment and retirement, at the option of the land bank, at any time after five years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and terms to be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 5 per cent per annum.

"The Federal farm-loan board shall prescribe rules and regulations concerning the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

"Farm-loan bonds shall be delivered through the registrar of the district to the bank applying for the same.

"In order to furnish farm-loan bonds for delivery at the Federal land banks and joint-stock land banks, the Secretary of the Treasury is hereby authorized to prepare suitable bonds in such form, subject to the provisions of this act as the Federal farm-loan board may approve, such bonds when prepared to be held in the Treasury subject to delivery upon order of the Federal farm-loan board. The engraved plates, dies, bed pieces, etc., executed in connection therewith shall remain in the custody of the Secretary of the Treasury. Any expenses incurred in the preparation, custody, and delivery of such farm-loan bonds shall be paid by the Secretary of the Treasury from any funds in the Treasury not otherwise appropriated: *Provided, however,* That the Secretary shall be reimbursed for such expeditures by the Federal farm-loan board through assessment upon the farm-land banks in proportion to the work executed. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal farm-loan board.

"SPECIAL PROVISIONS OF FARM-LOAN BONDS.

"SEC. 21. That each land bank shall be bound in all respects by the acts of its officers in signing and issuing farm-loan bonds, and by the acts of the Federal farm-loan board in authorizing their issue.

"Every Federal land bank issuing farm-loan bonds shall be primarily liable therefor, and shall also be liable, upon presentation of farm-loan bond coupons, for interest payments due upon any farm-loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm-loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided,* That such losses, if any, either of interest or of principal, shall be assessed by the Federal farm-loan board against solvent land banks liable therefor in proportion to the amount of farm-loan bonds which each may have outstanding at the time of such assessment.

"Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm-loan bonds as provided in this section.

"Every farm-loan bond issued by a Federal land bank shall be signed by its president and attested by its secretary, and shall contain in the face thereof a certificate signed by the farm-loan commissioner to the effect that it is issued under the authority of the Federal farm-loan act, has the approval in form and issue of the Federal farm-loan board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of United States Government bonds or indorsed first mortgages on farm lands at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond.

"APPLICATION OF AMORTIZATION AND INTEREST PAYMENTS.

"SEC. 22. That whenever any Federal land bank or joint-stock land bank shall receive any interest, amortization, or other payments upon any first mortgage or bond pledged as collateral security for the issue of farm-loan bonds it shall forthwith notify the farm-loan registrar of the items so received. Said registrar shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit. Whenever any such mortgage is paid in full said registrar shall cause the same to be canceled and delivered to the proper land bank, which shall promptly satisfy and discharge the lien of record and transmit such canceled mortgage to the original maker thereof or his heirs, administrators, executors, or assigns.

"Upon written application by any Federal land bank or joint-stock land bank to the farm-loan registrar it may be permitted, in the discretion of said registrar, to withdraw any mortgages or bonds pledged as collateral security under this act and to substitute therefor other similar mortgages or United States Government bonds not less in amount than the mortgages or bonds desired to be withdrawn.

"Whenever any farm-loan bonds or coupons or interest payments of such bonds are due under their terms they shall be payable at the land bank by which they were issued in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal farm-loan board, payment of any farm-loan bond or coupon or interest payment may, however, be authorized to be made at any Federal land bank, any joint-stock land bank, or any other bank under rules and regulations to be prescribed by the Federal farm-loan board.

"When any land bank shall surrender to the proper farm-loan registrar any farm-loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm-loan bonds to an amount equal to the farm-loan bonds so surrendered, and it shall be the duty of said registrar to permit and direct the delivery of such mortgages and bonds to such land bank.

"Interest payments on hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm-loan bonds as they become due.

"Whenever any bond matures, or the interest on any registered bond is due, or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this act, the full face value thereof shall be paid to the holder.

"Amortization and other payments on the principal of first mortgages held by a farm-loan registrar as collateral security for the issue of farm-loan bonds shall constitute a trust fund in the hands of the Federal land bank or joint-stock land bank receiving the same, and shall be applied or employed as follows:

"In the case of a Federal land bank—

"(a) To pay off farm-loan bonds issued by said bank as they mature.

"(b) To purchase at or below par farm-loan bonds issued by said bank or by any other Federal land bank.

"(c) To loan on first mortgages on farm lands within the land-bank district, qualified under this act as collateral security for an issue of farm-loan bonds.

"(d) To purchase United States Government bonds.

"In the case of a joint-stock land bank—

"(a) To pay off farm-loan bonds issued by said bank as they mature.

"(b) To purchase at or below par farm-loan bonds.

"(c) To loan on first mortgages qualified under section 16 of this act.

"(d) To purchase United States Government bonds.

"The farm-loan bonds, first mortgages, United States Government bonds, or cash constituting the trust fund aforesaid, shall be forthwith deposited with the farm-loan registrar as substituted collateral security in place of the sums paid on the principal of indorsed mortgages held by him in trust.

"Every Federal land bank, or joint-stock land bank, shall notify the farm-loan registrar of the disposition of all payments made on the principal of mortgages held as collateral security for an issue of farm-loan bonds, and said registrar is authorized, at his discretion, to order any of such payments, or the proceeds thereof, wherever deposited or however invested, to be immediately transferred to his account as trustee aforesaid.

"RESERVES AND DIVIDENDS OF LAND BANKS.

"SEC. 23. That every Federal land bank, and every joint-stock land bank, shall semiannually carry to reserve account 25 per cent of its net earnings until said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital

stock of said land bank. Whenever said reserve shall have been impaired, said balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached the sum of 20 per cent of the outstanding capital stock, 5 per cent of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments, or principal on any first mortgage, by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

"After deducting the 25 per cent or the 5 per cent hereinbefore directed to be deducted for credit to reserve account, any Federal land bank or joint-stock land bank may declare a dividend to shareholders of the whole or any part of the balance of its net earnings. The reserves of land banks shall be invested in accordance with rules and regulations to be prescribed by the Federal farm-loan board.

"RESERVE AND DIVIDENDS OF NATIONAL FARM-LOAN ASSOCIATIONS.

"SEC. 24. That every national farm-loan association shall, out of its net earnings semiannually carry to reserve account a sum not less than 10 per cent of such net earnings until said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of said association.

"Whenever said reserve shall have been impaired, said credit balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached said sum of 20 per cent, 2 per cent of the net earnings shall be annually added thereto.

"After deducting the 10 per cent or the 2 per cent hereinbefore directed to be credited to reserve account, said association may, at its discretion, declare a dividend to shareholders of the whole or any part of the balance of said net earnings.

"The reserves of farm-loan associations shall be invested in accordance with rules and regulations to be prescribed by the Federal farm-loan board.

"Whenever any farm-loan association shall be voluntarily liquidated a sum equal to its reserve account as herein required shall be paid to and become the property of the Federal land bank in which such loan association may be a shareholder.

"DEFAULTED LOANS.

"SEC. 25. That if there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this act, the national farm-loan association or agent through which said mortgage was received by said Federal land bank shall be notified of said default. Said association or agent may thereupon be required, within 30 days after such notice, to make good said default, either by payment of the amount unpaid thereon in cash, or by the substitution of an equal amount of farm-loan bonds issued by said land bank, with all unmatured coupons attached.

"EXEMPTION FROM TAXATION.

"SEC. 26. That every Federal land bank and every national farm-loan association, including the capital and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

"Nothing herein shall prevent the shares in any joint-stock land bank from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the bank is located; but such assessment and taxation shall be in manner and subject to the conditions and limitations contained in section 5219 of the Revised Statutes with reference to the shares of national banking associations.

"Nothing herein shall be construed to exempt the real property of Federal and joint-stock land banks and national farm-loan associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed.

"INVESTMENT IN FARM-LOAN BONDS.

"SEC. 27. That farm-loan bonds issued under the provisions of this act by Federal land banks or joint-stock land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

"Any member bank of the Federal Reserve System may buy and sell farm-loan bonds issued under the authority of this act.

"Any Federal reserve bank may buy and sell farm-loan bonds issued under this act to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under subsection (b) of section 14 of the Federal reserve act approved December 23, 1913.

"EXAMINATIONS.

"SEC. 28. That the Federal farm-loan board shall appoint as many land-bank examiners as in its judgment may be required to make careful examinations of the banks and associations permitted to do business under this act.

"Said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national-bank examiners under the national-bank act, the Federal reserve act, and other provisions of law. Whenever directed by the Federal farm-loan board, said examiners shall examine the condition of any national farm-loan association and report the same to the farm-loan commissioner. They shall examine and report the condition of every Federal land bank and joint-stock land bank at least twice each year.

"Said examiners shall receive salaries to be fixed by the Federal farm-loan board.

"DISSOLUTION AND APPOINTMENT OF RECEIVERS.

"SEC. 29. That upon receiving satisfactory evidence that any national farm-loan association has failed to meet its outstanding obligations of any description the Federal farm-loan board may forthwith declare such association insolvent and appoint a receiver and require of him such bond and security as it deems proper: *Provided*, That no national farm-loan association shall be declared insolvent by said board until the total amount of defaults of current interest and amortization installments on loans indorsed by national farm-loan associations shall amount to at least $150,000 in the Federal land-bank district, unless such association shall have been in default for a period of two years. Such receiver, under the direction of the Federal farm-loan board, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, with the approval of the Federal farm-loan board, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association, on such terms as the Federal farm-loan board or said court shall direct.

"Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the Federal farm-loan board, and also make report to said board of all his acts and proceedings. The Secretary of the Treasury shall have authority to deposit at interest any money so received.

"Upon default of any obligation, Federal land banks and joint-stock land banks may be declared insolvent and placed in the hands of a receiver by the Federal farm-loan board, and proceedings shall thereupon be had in accordance with the provisions of this section regarding national farm-loan associations.

"If any national farm-loan association shall be declared insolvent and a receiver shall be appointed therefor by the Federal farm-loan board, the stock held by it in the Federal land bank of its district shall be canceled without impairment of its liability; and all payments on such stock, with accrued dividends, if any, since the date of the last dividend shall be first applied to all debts of the insolvent farm-loan association to the Federal land bank and the balance, if any, shall be paid to the receiver of said farm-loan association: *Provided*, That in estimating said debts contingent liabilities incurred by national farm-loan associations under the provisions of this act on account of default of principal or interest of indorsed mortgages shall be estimated and included as a debt, and said contingent liabilities shall be determined by agreement between the receiver and the Federal land bank of the district, subject to the approval of the Federal farm-loan board, and if said receiver and said land bank can not agree, then by the decision of the farm-loan commissioner, and the amount thus ascertained shall be deducted in accordance with the provisions of this section from the amount otherwise due the said national farm-loan association for said canceled stock. Whenever the capital stock of a Federal land bank shall be reduced the board of directors shall cause to be executed a certificate to the Federal farm-loan board showing such reduction of capital stock, and, if said reduction shall be due to the insolvency of a national farm-loan association, the amount repaid to such association.

"No national farm-loan association, Federal land bank, or joint-stock land bank shall go into voluntary liquidation without the written consent of the Federal farm-loan board, but national farm-loan associations may consolidate under rules and regulations promulgated by the Federal farm-loan board.

"STATE LEGISLATION.

"SEC. 30. That it shall be the duty of the farm-loan commissioner to make examination of the laws of every State of the United States and to inform the Federal farm-loan board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages.

"Pending the making of such examination in the case of any State, the Federal farm-loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm-loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, said Federal farm-loan board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon said farm-loan commissioner may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

"At the request of the executive of any State the Federal farm-loan board shall prepare a statement setting forth in what respects the requirements of said board can not be complied with under the existing laws of such State.

"PENALTIES.

"SEC. 31. That any applicant for a loan under this act who shall knowingly make any false statement in his application for such loan, and any member of a loan committee or any appraiser provided for in this act who shall willfully overvalue any land offered as security for loans under this act, shall be punished by a fine of not exceeding $5,000, or by imprisonment not exceeding one year, or both. Any examiner appointed under this act who shall accept a loan or gratuity from any land bank or national farm-loan association examined by him, or from any person connected with any such bank or association in any capacity, shall be punished by a fine of not exceeding $5,000, or by imprisonment not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this act. No examiner, while holding such office, shall perform any other service for compensation for any bank or banking or loan association, or for any person connected therewith in any capacity.

"Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by any land bank or national farm loan association, now or hereafter authorized and acting under the laws of the United States; or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by any such bank or association, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issued, or purporting to have been issued, by any such bank or association, knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.

"Other than the usual salary or director's fee paid to any officer, director, or employee of a national farm-loan association, a Federal land bank, or a joint-stock land bank, and other than a reasonable fee paid by such association or bank to any officer, director, attorney, or employee for services rendered, no officer, director, attorney, or employee of an association or bank organized under this act shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No land bank or national farm-loan association organized under this act shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a national farm-loan association or land bank without first having obtained express permission in writing from the farm-loan commissioner or from the board of directors of such association or bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this paragraph shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.

"Any person connected in any capacity with any national farm-loan association, Federal land bank, or joint-stock land bank, who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits thereof, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree thereof, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a national farm-loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.

"Any person who shall deceive, defraud, or impose upon, or who shall attempt to deceive, defraud, or impose upon, any person, firm, or corporation by making any false pretense or representation regarding the character, issue, security, or terms of any farm-loan bond, or coupon, issued under the terms of this act; or by falsely pretending or representing that any farm-loan bond, or coupon, issued under the terms of this act by one class of land banks is a farm-loan bond, or coupon issued by another class of banks; or by falsely pretending or representing that any farm-loan bond, or coupon, issued under the terms of this act, or anything contained in said farm-loan bond, or coupon, is anything other than, or different from, what it purports to be on the face of said bond or coupon, shall be fined not exceeding $500 or imprisoned not exceeding one year, or both.

"The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction, any person or persons violating any of the provisions of this section.

"GOVERNMENT DEPOSITS.

"SEC. 32. That the Secretary of the Treasury is authorized, in his discretion, upon the request of the Federal farm-loan board, to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by farm-loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $6,000,000 at any one time.

"ORGANIZATION EXPENSES.

"SEC. 33. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal farm-loan board, for the purpose of carrying into effect the provisions of this act, including the rent and equipment of necessary offices.

"LIMITATION OF COURT DECISIONS.

"SEC. 34. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"REPEALING CLAUSE.

"SEC. 35. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its

passage. The right to amend, alter, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

CARTER GLASS,
MICHAEL F. PHELAN,
RALPH W. MOSS,
E. A. HAYES,
EDMUND PLATT,
Managers on the part of the House.

ROBT. L. OWEN,
HENRY F. HOLLIS,
DUNCAN U. FLETCHER,
KNUTE NELSON,
A. J. GRONNA,
Managers on the part of the Senate.

STATEMENT.

The House accepts the Senate provision for a Federal farm-loan board consisting of five members, the Secretary of the Treasury ex officio, and four other members whose annual salary shall be $10,000 each.

The Senate accepts the House provision for 12 Federal farm-land banks without authority in the Federal farm-loan board to increase this number.

The Senate agrees to the House provision whereby the minimum capital stock which is required before a Federal land bank is established, and which may be subscribed for in full by the Government, shall be $750,000.

The House agrees to the Senate provision for five temporary directors and the Senate agrees to the House provision for nine permanent directors of the Federal land banks.

The Senate agrees to eliminate all its provisions for the establishment of unlimited liability associations.

It was agreed that the Government should subscribe for any portion of such unsubscribed stock as is necessary to provide the minimum capital of $750,000 in any Federal land bank after 30 days subsequent to the opening of the subscription books instead of 90 days.

The House agrees to strike out its provision whereby no payments should be made by the Secretary of the Treasury upon stock subscriptions to any Federal land bank until applications for loans had been received from at least 10 national farm-loan associations.

The Senate accepts the House provision that at least 25 per cent of that part of the capital of any Federal land bank for which stock is outstanding in the name of national farm-loan associations shall be held in quick assets.

The House accepts the Senate provision making land banks, when designated for that purpose by the Secretary of the Treasury, depositaries of public money and permitting said land banks to act as financial agents of the Government, but permitting no Government funds so deposited to be invested in mortgage loans or farm-loan bonds.

The Senate agrees to strike out its provision that the salary of the secretary-treasurer of a farm-loan association may be increased or reduced by the Federal farm-loan board.

The Senate accepts the House provision that $100 shall be the minimum amount for mortgage loans.

The Senate agrees to the House provision that the subscription to the stock of an association by a borrower need not be paid in cash at the time of making application, but may, at the option of the borrower, be made a part of the face of his mortgage loan.

It was agreed that in no case should the capital stock of a Federal land bank be reduced to an amount less than 5 per cent of the principal of the outstanding farm-loan bonds issued by it.

The Senate accepts the House provision that the maximum number of votes to be cast by any one shareholder of national farm-loan associations shall be 20.

The House accepts the Senate provision with reference to the retention of a commission of one-eighth of 1 per cent by an association and the Senate provision with reference to the power of an association to borrow from its Federal land bank to an amount not exceeding one-quarter of its total stock holdings in said bank.

The House agrees to the Senate provision relative to the issuing of certificates against deposits amended so as to permit the issuing of certificates against deposit of current funds bearing interest not to exceed 4 per cent per annum and convertible into farm-loan bonds.

The Senate agrees to the House provision relative to the mortgage agreement providing for the repayment of the loan on the amortization plan.

It was agreed that the period of mortgages should run from a minimum of 5 years to a maximum of 40 years.

The Senate agrees to the House provision for additional payments in sums of $25 or any multiple thereof for the reduction of the principal on any regular installment date.

The Senate agrees to the House provision that the interest rate on mortgages negotiated before the first issue of farm-loan bonds may be determined in the discretion of the land bank.

The House accepts the Senate provision that no loan shall exceed 50 per cent of the value of the land mortgaged.

And the Senate accepts the House provision that in addition to the 50 per cent which may be loaned on the land there may be loaned 20 per cent of the value of the permanent, insured improvements on said land.

The House accepts the Senate provision that simple interest shall be paid on defaulted payments at the rate of 8 per cent per annum.

The Senate accepts the House provision relative to the deposit of securities and current funds of Federal land banks with member banks of the Federal reserve system, eliminating the Senate provision for such deposits with Federal reserve banks.

The House accepts the Senate provision permitting Federal land banks to borrow money.

The Senate agrees to the House provision respecting the charges to applicants for loans and to borrowers for appraisal, determination of title, and for legal fees and recording charges imposed under State law; and also the House provision permitting such expenses to be made a part of the face of the loan and paid off in amortization payments.

The House agrees to the Senate provision relative to the amount of farm-loan bonds which a Federal land bank may issue by accepting the words "and surplus" so that a Federal land bank may issue bonds to an amount equal to twenty times its capital and surplus.

The Senate agrees to the House provision relative to the payment to agents of Federal land banks for expenses of appraising land and examining title and executing mortgage papers and to the House provision for the addition of such expenses to the face of the loan.

The House accepts the Senate provision for the deduction of commissions paid to agents from the dividends payable to borrowers through agents.

The House accepts the Senate provision for the indorsement by agents of mortgages negotiated through agents and agrees to eliminate the House provision requiring a report and appraisal by such agents.

The House accepts the Senate provision permitting joint-stock banks to begin business after one-half of the subscribed capital has been paid in, but prohibiting the issue of any bonds until the entire capital shall have been paid in.

The Senate agrees to strike out its provision requiring a capital of $500,000 in joint-stock banks established in States having populations exceeding 2,000,000.

The Senate yields to the House provision that the maximum rate of 5 per cent per annum permitted on farm-loan bonds shall also apply to bonds issued by joint-stock banks.

It was agreed that joint-stock land banks be permitted to make loans in one other contiguous State.

The Senate agrees to the House provision that bonds may be retired at the option of the land bank issuing such bonds at any time after five years from the date of their issue.

The House accepts the Senate provision that amortization and other payments held as collateral security for the issue of farm-loan bonds shall constitute a trust fund in the hands of the Federal land bank or joint-stock land bank receiving the same.

The House agrees to strike out its provision for a special reserve fund of $150,000.

The Senate agrees to an amended form of the House provision relative to the limitation of the power of the Federal farm-loan board to declare national farm-loan association insolvent whereby the provision as agreed upon states that no association shall be declared insolvent until the total amount of defaults shall amount to at least $150,000 in the Federal land-bank district, unless said association shall have been in default for a period of two years.

It is agreed that the reserves of land banks shall be invested according to rules and regulations prescribed by the farm-loan board.

The House agrees to the Senate provision relative to reserve and dividends of farm-loan associations with amendments reducing the amount required to be carried to reserve from 25 per cent to 10 per cent until said reserve equals 20 per cent of the

outstanding capital stock, and by reducing the amount thereafter carried to reserve from 5 per cent to 2 per cent.

The House accepts the Senate provision as to defaulted loans.

The Senate accepts the House provision permitting shares in any joint-stock bank to be taxed under authority of any State within which the bank is located.

The Senate accepts the House provision permitting the local taxation of the real property of joint-stock banks, and it is further agreed that the real property of Federal land banks and national farm-loan associations may be subject to local taxation.

The Senate accepts the House provision that joint-stock bonds shall be a lawful investment for fiduciary and trust funds and may be accepted as security for all public deposits.

The Senate agrees to the House provision relative to the investment by Federal reserve banks in farm-loan bonds.

The Senate agrees to strike out its provision relative to acceptances and to discount of acceptances and direct obligations of Federal land banks by Federal reserve banks.

The Senate agrees to strike out its provision for the investment of postal savings deposits in farm-loan bonds.

It was agreed that under rules and regulations promulgated by the Federal farm-loan board national farm-loan associations may consolidate.

It was agreed relative to Government deposits that the Secretary of the Treasury might make such deposits in Federal land banks to an aggregate amount not exceeding $6,000,000 at any one time.

The committee submits that such other provisions as have been agreed upon do not require special comment in this statement, but are sufficiently apparent upon a careful reading of the bill as reported by the conference.

CARTER GLASS,
MICHAEL F. PHELAN,
RALPH W. MOSS,
EVERIS A. HAYES,
EDMUND PLATT,
Managers on the part of the House.

Mr. GLASS. Mr. Speaker, the statement just read from the desk explains in detail the changes, both major and minor, made in the House bill by the conferees. I shall be very glad to answer any question that may be asked.

Mr. HOWARD. May I ask the gentleman a question?

Mr. GLASS. Certainly.

Mr. HOWARD. Was the power for making loans by joint-stock banks increased beyond the operation within the State by the conferees?

Mr. GLASS. Yes; to one contiguous State.

Mr. HOWARD. As a matter of fact, the word "contiguous" is used in the conference report. Contiguous States would mean that if a State was bounded by four States the joint-stock bank would operate in five States.

Mr. GLASS. No; only in one contiguous State. It was agreed that the joint-stock bank be permitted to make loans in one other contiguous State.

Mr. HOWARD. Will the gentleman be kind enough to explain to me or to the House why that change was made about the operation of the joint-stock banks and why the conferees agreed to that provision?

Mr. GLASS. Because it was represented that it was very desirable in making loans to follow the regular course of trade, which frequently takes the direction of territory not embraced in the State where the bank is located.

Mr. HOWARD. I thought one of the central elements entering into the negotiations of mortgages was that the State laws in relation to conveyances, recording, title, and so forth, would be the same, and that it was an essential part of this bill that these joint-stock banks should be confined to a particular State.

Mr. GLASS. As a matter of fact, I will say that the Senate bill gave the land banks the right to operate in all contiguous States, but the House conferees insisted on confining the operation to one other contiguous State, and it was agreed upon as a matter of compromise.

Mr. PHELAN. I call the attention of the gentleman from Georgia to page 18.

Mr. HOWARD. I have had my attention called to it.

Mr. BARKLEY. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. BARKLEY. I notice in the report that you have agreed to the Senate provision that the amount of money that may be loaned to a farmer has been reduced to 50 per cent instead of 60 per cent.

Mr. GLASS. Yes.

Mr. BARKLEY. I desire to ask the gentleman to explain to the House why that reduction was made.

Mr. GLASS. As a matter of compromise. The Senate accepted the provision in the House bill for 20 per cent to be loaned on improvements, which was not a provision in the Senate bill, and the House conferees agreed to reduce the amount that could be loaned on the land from 60 to 50 per cent, as originally proposed.

Mr. BARKLEY. Does not the gentleman think that in the long run it would have been better to have eliminated the improvement feature and make the loan 60 per cent of the value of the land, in order to enable a man who owned land with no house on it to borrow money for improvements?

Mr. GLASS. The House conferees would have been willing to retain it at 60 per cent, but the Senate conferees objected, and we had to yield some of our preconceived notions.

Mr. RAGSDALE. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. RAGSDALE. On page 31 of the report and statement I see that the House accepts the Senate provision that simple interest shall be paid on defaulted payments at the rate of 8 per cent.

As I understand the situation in many States, 8 per cent is usurious. The total amount that can be charged legally in some States is 6 per cent. Therefore, certainly the United States could not collect a usurious rate of interest, and would not wish to do so.

Mr. GLASS. Mr Speaker, I will state to the gentleman that the Senate bill provided that the charge on defaulted payments should be 10 per cent. It is not in the nature of interest, but in the nature of a penalty. The House insisted that it should be only 6 per cent. The Senate conferees held out, and we compromised at 8 per cent. It is in the nature of a penalty, and not in the nature of an interest charge, and therefore would not be subject to the laws of usury.

Mr. RAGSDALE. Will the gentleman refer me to the page in which that is covered?

Mr. GLASS. It is on page 31 of the statement.

Mr. RAGSDALE. I mean in the bill.

Mr. GLASS. It is subsection 9 on page 14 of the report.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield?

Mr. GLASS. As soon as I am through with the gentleman from South Carolina.

Mr. RAGSDALE. Does not the gentleman think that under the terms that are set out in that subsection that would be usurious? The statement therein made is definite:

> Every borrower shall pay simple interest on defaulted payments at the rate of 8 per cent per annum.

If that is a payment of 8 per cent per annum on anything, it does not make any difference whether it be on the principal or on the defaulted interest.

Mr. GLASS. The gentleman will observe that it is as the result of a "covenant" entered into when the loan is made, just as contracts are made in States with usury laws against a certain rate of interest.

Mr. RAGSDALE. Yes; but does not the gentleman know that there are States in the Union where even by contract you can not make a binding agreement to pay as much as 8 per cent? It is not merely a matter of contractual rights, but it is usurious when you go as high as 8 per cent, and you can not contract to do that which is in violation of law and which is usurious on its face. It seems to me that the United States Government should not write a law which carries into effect at once an illegal effort to do that which is against the law in several States of the Union.

Mr. GLASS. I can only say to the gentleman that the lawyers among the conferees discussed that very thoroughly, and came to the conclusion, in which the laymen concurred, that it was not contrary to the usury laws.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. TRIBBLE. Will this House have to vote down the conference report in order to restore the 60 per cent appraisement?

Mr. GLASS. I would think so.

Mr. TRIBBLE. Is there no way to get at that question without voting down the conference report?

Mr. GLASS. I am not as familiar with parliamentary practice as I could wish to be, but my information is that there is no way of reaching that question without voting down the report.

Mr. TRIBBLE. I will ask the gentleman if he thinks it would be possible to restore the 60 per cent provision if this House should vote down the conference report?

Mr. GLASS. I do not. The House conferees contended for the House view of all these matters. I do not think it would be possible.

Mr. TRIBBLE. I will ask the gentleman if he thinks it would impair the chances of the passage of this bill if the

House should vote down the conference report in order to get a vote upon that question?

Mr. GLASS. I do. I do not think there is any probability of the Senate yielding on that question.

Mr. TRIBBLE. The gentleman then thinks that the friends of rural-credits legislation should vote for this conference report?

Mr. GLASS. I undoubtedly do. I think we have the best bill that we could get—a marvelously good bill, all circumstances considered.

Mr. PHELAN. Mr. Speaker, if the gentleman from Virginia will permit, I would like to say in that connection that most of the foreign systems limit the amount to 50 per cent, and most of those which now grant more than that limited it to 50 per cent at the beginning, and subsequently some of them raised the limit to 60 per cent. I think that after this system gets working, if it is found that the appraisals are being made properly, it is not unlikely that Congress may increase it to 60 per cent; but, with the situation as it is now, the Senate yielded on a great many matters and showed a splendid spirit of fairness. I think if we want rural-credit legislation we ought to take this bill as it is.

Mr. TRIBBLE. Of course that is a very important part of this bill. Does not the gentleman know that that is very important to a man who wants to buy a farm, who has not much money to invest? Of course. I can appreciate the fact that where you simply want to borrow money on a farm, it does not make so much difference about the per cent, but if a man wants to buy a farm, you can only borrow from the Government through this bill 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the improvements thereon. If he could get 60 per cent of the value of the land and 20 per cent of the improvements it would enable the man who had a little money to become the owner of a farm.

Mr. GLASS. I will say to my friend that we traversed all of those arguments and we urged the position of the conferees on the part of the House. Gentlemen lose sight of the fact that in a large part of the United States the farm improvements constitute a very considerable percentage of the valuations, and the Senate yielded to us in the matter of the 20 per cent on farm improvements, and we agreed to fall from 60 to 50 per cent on lands.

Mr. TRIBBLE. But the gentleman must concede that in the South a large part of the value of property is in the land and not in the improvements, and that the 20 per cent will not amount to much. About all we could get out of it would be 50 per cent.

Mr. GLASS. Yes; but we could not pass a bill that would adapt itself solely to the South.

Mr. TRIBBLE. I appreciate that; but the gentleman referred to the fact that there were parts of the United States where the improvements constitute the greater part of the value of the farm.

Mr. GLASS. Yes; and, therefore, we had to reach a compromise conclusion. That is what we have done, I will say to my friend; and when the system develops itself, if there are any modifications necessary we will be able to make them.

Mr. FINLEY. Will the gentleman yield?

Mr. GLASS. I yield to the gentleman from South Carolina.

Mr. FINLEY. On page 31 I find this in the statement:

> The Senate agrees to the House provision that the interest rate on mortgages negotiated before the first issue of farm-loan bonds may be determined in the discretion of the land bank.

I will ask the gentleman what is the limitation as to interest?

Mr. PHELAN. I will say to the gentleman——

Mr. FINLEY. I prefer to have it from the gentleman from Virginia [Mr. GLASS].

Mr. PHELAN. All right.

Mr. GLASS. Well, the gentleman is asking for information, I take it, and my colleague from Massachusetts is one of the conferees and had particular charge of that item, and he will give you the information.

Mr. FINLEY. Well, if the gentleman from Virginia does not know——

Mr. PHELAN. The gentleman from Virginia knows, but I happen to have in mind the matter of which the gentleman speaks. The limitation is 6 per cent. There is no mortgage loan that can be negotiated at a higher rate than 6 per cent. Now the Senate bill had no provision in reference to what could be done, and in order to make the bill harmonious that provision had to be put in.

Mr. FINLEY. No rate of interest can be charged by a Federal bank or a joint-stock land bank except 6 per cent?

Mr. PHELAN. That is the maximum limit, 6 per cent, and in some cases the maximum would not be 6 per cent, because the banks can charge only 1 per cent above the rate in the bonds issued.

Mr. FINLEY. Have not you enlarged the exemptions and privileges given to the joint-stock land banks in this report?

Mr. PHELAN. I think not, except that we allow joint-stock banks to loan in one particular State outside of the State in which their principal office is located. Outside of that, offhand, I do not recall of any extra power we have given to the joint-stock banks. As a matter of fact, the House conferees obtained from the Senate the acceptance of a provision that joint-stock banks could not loan money at a rate higher than 6 per cent. That is not in the Senate bill, so we have cut down the Senate bill in that respect.

Mr. FINLEY. That is the limitation in the present conference report?

Mr. PHELAN. It was in the House bill and remains in the conference report; yes.

Mr. FINLEY. So the gentleman is of the opinion that no additional privileges have been granted to joint-stock land banks?

Mr. PHELAN. Nothing I can recollect at this moment. If there is anything, it is not of any importance. On the other hand we have insisted on continuing provisions which have limited joint-stock banks.

Mr. FINLEY. In what respect?

Mr. PHELAN. Why, the Senate had no provisions relative to the power of local taxation on the real property of joint-stock banks, and we have that provision in.

Mr. FINLEY. That will necessarily be a very small percentage of the assets of the joint-stock land banks?

Mr. PHELAN. I was not commenting on that; I was commenting on some of the changes made in the Senate bill.

Mr. FINLEY. In other words, they have no real estate except the real property they take over?

Mr. PHELAN. They may have real estate in which they do business.

Mr. FINLEY. A bank building, and so forth?

Mr. PHELAN. Yes.

Mr. HOWARD. If the gentleman from Virginia will permit, I want to go back to the State business. Page 18 of the report has the following proviso:

> *Provided, however,* That no loans shall be made which are not secured by first mortgages on farm lands within the State in which such joint-stock land bank has its principal office, or within some one State contiguous to such State. Such joint-stock land banks shall be subject to all other restrictions on mortgage loans imposed on Federal land banks in section 12 of this act.

Now, the proposition I asked originally of the gentleman from Virginia was: Could not, so far as the negotiation of a particular loan was concerned, a joint-stock land bank under that provision do business in five States? Now, the reason for my believing that is true is that my judgment is the reference to the particular security given to the joint-stock land bank which has its principal office or place of business in one State; for instance, I believe that bank in Georgia could take securities from Alabama, Tennessee, South Carolina, and Florida.

Mr. PHELAN. It was not so intended, and I think it would be interpreted to confine the limitation of one bank to two States.

Mr. HOWARD. Does the gentleman think that that reference is to any particular security there rather than to the State?

Mr. PHELAN. No; I do not.

Mr. HOWARD. Who will determine the State where these securities shall be accepted of this joint-stock bank?

Mr. PHELAN. The bank itself can determine that.

Mr. HOWARD. If it can determine that, why can not it determine in how many States the bank will take farm mortgages?

Mr. PHELAN. Because just as soon as it makes a selection that ends it.

Mr. MANN. Mr. Speaker, I yield 30 minutes to my colleague of the conferees, Mr. HAYES, of California.

The SPEAKER pro tempore. The gentleman from California [Mr. HAYES] is recognized for 30 minutes.

Mr. HAYES. Mr. Speaker, if it is allowable, I would like to yield to the gentleman from Oregon [Mr. HAWLEY].

The SPEAKER pro tempore. The gentleman from Oregon [Mr. HAWLEY] is recognized.

Mr. HAWLEY. Mr. Speaker, the distinguished chairman of the Committee on Banking and Currency, Mr. GLASS, has called up for consideration the report of the committee of conference on the bill known as the rural-credits act. We are now nearing the final passage of an act in which the agricultural population of the United States has taken an earnest and intelligent interest.

I have given careful attention to the bill as finally reported from the conference committee. I believe it provides, under a fair trial, a successful and workable system, and I congratulate

the distinguished gentleman from Virginia [Mr. GLASS] and his colleagues upon the result of their labors.

The first citizens of this country were farmers. Under Washington, the farmer, they won our independence, established a free Government, and, while maintaining good will toward all, they won from other nations our freedom from entangling alliances; they preserved the integrity of the Union.

The farmers as pioneers, seeking homes in new and distant portions of the continent, carried the flag steadily westward and added vast areas to the national domain. In practically every section of what is now the United States the occupancy of the soil by our farmers was the deciding factor when contesting with others for the ownership of disputed areas.

For nearly a century and a half they have provided us with subsistence and raiment, filling our hearts with gladness. Their sons and daughters, leaving the farms, have promoted the welfare and prosperity of towns and cities, trade and manufacture, in a measure far greater than their comparative numbers would suggest. In public office and positions of private trust, in peace and war, they have served our country with great fidelity.

Science and invention have materially increased the comforts and opportunities of residents of towns and cities. The tendency is increasingly to go to the city. Man likes the companionship of his fellows. While conditions of country life have been improved by the telephone, rural free delivery, parcel post, and better roads, they do not yet equal those of the city with street cars, paved streets, lights, definite hours of work, social, and numerous other advantages.

The business man in the city has had provided for him by law, custom, and private enterprise, certain and adequate sources from which he could secure the capital needed at any time for financing his business. The business man in the country is not so circumstanced. That provision be made so that he can obtain the capital he needs upon terms on which he can afford to borrow and consistent with the excellent security he has to offer is one of the most important and pressing national problems of our age.

The business man in the city makes profit not only from his own capital but from the surplus capital of others. His income is steady. His crops mature several times each year. If he can create a demand, he can increase his output indefinitely and his profits accordingly. The merchant and manufacturer have opportunities which the conditions of the farming business do not afford.

THE BUSINESS OF FARMING.

The farmer, like any other business man, needs capital with which to operate his business. Before a tract of land becomes productive many things must be done to and upon it. It must be cleared, fenced, tilled, drained, and so forth. Houses, barns, stock, implements, and equipment are necessary. It demands continual labor and expenditures. The return upon the investment is dependent upon the annual journey of the earth around the sun, producing successive seasons and yearly crops. No other business is so dependent for its returns upon the solar system, whose movements can not be hastened. For this reason the farmer needs money upon long time, or, at least, he should have the right to so obtain capital. Long-time money must bear a low rate of interest or it causes a burden too great to be borne. In order to prevent an accumulation of obligation, he should have the right to make payments at regular intervals to reduce his indebtedness gradually and to pay the principal sum in full whenever he desires.

THE PUBLIC INTEREST.

Every nation, as far as possible for it to do so, should be self-sustaining—able to provide for its people in any exigency, however great. The fundamental necessities of mankind are few, and among those of greatest importance are food and clothing. These latter are the product of the farms. A growing country needs a continually increasing food supply. Our population in the last 15 years has increased about 15,000,000, and while our food supply in cereals, fruits, vegetables, and so forth, has so far fairly kept pace with the growth of population, the number of food animals has diminished by some 18,000,000. Formerly we had vast areas in a public domain available for homes and suitable for growing crops and raising stock at a comparative low cost, from low-priced land, and the question of food supply was not a vital one. There are still areas of public domain upon which homes may be established, but more labor and money are needed for their development than formerly, especially when such lands must be irrigated. With the value of land steadily increasing, accompanied with a growing tax burden, with an increasing cost of farming operations, and because of the destructive ravages of many pests, the cost of producing food and clothing is also increasing. There is a growing tendency on the part of the younger generation to leave the farm and go to the larger centers. Our urban population is increasing and our rural population decreasing. More than two-thirds of our people do not raise their own subsistence. The whole people have an immediate and permanent interest in the welfare of the farmers. Some one will ask, "What is the matter with the farming business?" The reply is that farming is a business without an adequate supply of capital available on terms on which the farmers can afford to borrow. The conditions of their business being so very different from that of other business men, it is necessary that we provide in this country a system of rural credits adapted from the experience of European countries to meet the situation.

COST OF LIVING.

The number of pounds of cereal and meat foods per capita is decreasing, although it fluctuates from year to year. Each farm must furnish food for an increasing number of persons, or, to state this in another way, the average number of acres of improved land per capita is decreasing. For these reasons our people have begun to realize the danger that lies in the increasing prices of food. Either methods must be adopted by which the food supply may keep pace with the growth of population or our people must lower their standard of living. Earnest efforts have been made to solve this problem by the adoption of scientific methods of agriculture and stock raising, promoted by public and private organizations and propaganda. But scientific agriculture needs capital. We have lagged behind many of the countries of Europe in the recognition of this fact and in providing the means by which the needed capital may be obtained. The purpose of the rural-credit system is to provide the remedy. It is an acknowledgment that our farmers can make wise and beneficial use of capital, and that they have been hitherto handicapped by a faulty and inadequate system. The success of rural-credit systems abroad and the immaterial losses under them "clearly indicates that the high rates of interest that the farmers in this country must pay is due not to any inherent weakness in their credit but to the lack of properly organized facilities for making their credit negotiable."

EXPERIENCE ABROAD.

Nearly all the great nations of the world have some form of rural credits. It would be interesting and profitable to discuss them in some detail, but the time at my disposal will not permit. The result of their experience is to prove the unvarying benefits of such legislation. No nation that has such a system would abandon it and every nation not now having rural credits and to whom agriculture is at all important is preparing to adopt an appropriate system.

In this country we have only to accept the verified results of European experience and adapt them to our conditions. Our area is many times greater than that of any European State, while our population is very sparse as compared with theirs, although greater in the total. Nor has our agricultural population had the experience in cooperative work of that of many European States, but the high intelligence of our farmers makes it certain that what other peoples have done well they can, I believe, improve upon with experience.

As an instance of the value of rural credits, if we take Germany as an illustration—in which case I happen to have exact figures—we find that prior to the beginning of the present great war, on an area not as large as Oregon, Washington, and Idaho, she was producing 90 per cent or more of the subsistence of her population of 67,000,000 people, which is two-thirds that of the United States. Doubtless the statistics of other nations having rural-credits systems would show much the same results. No one disputes the value of the system. The only question is by what means or methods we shall establish it in this country. And any system that may be adopted must—

First. Provide adequate funds, so that all qualified to borrow may obtain loans;

Second. Enable borrowers to obtain loans readily at the least possible expense of administration;

Third. Make loans for long terms of years, at the option of the borrower;

Fourth. Provide for their repayment on the amortization plan, with the right to make advance payments;

Fifth. Make loans at the lowest possible rates of interest; and

Sixth. Provide that farmers in any section of the United States may readily and conveniently obtain the money they need.

THE PROBLEM STATED.

By a rural-credit system is meant an arrangement under which very large sums of money can be made available for the use of

the agricultural population of the United States. It involves several great problems. Among these are—

First. How can the vast sums needed be obtained and how repaid?

Second. By what means can these moneys be loaned to farmers with the least cost of handling and made equally available in all sections of the country?

Third. What amounts can be loaned to any borrower and how can repayment be secured?

Fourth. What length of time shall the loans run?

Fifth. How shall the rate of interest on loans be determined?

Sixth. What kind of an organization is necessary to transact the business?

Seventh. Shall the loans be made through the Treasury Department or through an organization specially created for this work?

Eighth. What responsibilities shall the Government assume?

Ninth. On what conditions shall loans be made?

The pending bill attempts the solution of these problems, and I say "attempts" with no intention to speak disparagingly of this bill. We have had no prior experience to form any judgment upon in this matter. The legislation is new, so far as this country is concerned. I sincerely trust the system proposed in the bill will accomplish the results we desire.

There are some features of the proposed system concerning which I have serious doubts, and which experience, I believe, will demonstrate the necessity of changing. But I believe it should be given a thorough and fair trial.

Under the bill money is to be obtained by organizing farm credit and making it mobile by selling bonds based upon mortgages. Public and private corporations have made their faith and credit the basis of bond issues and successfully disposed of billions of their securities upon favorable terms. There is no reason to believe that bonds based upon farm mortgages will not make very desirable securities when issued under proper conditions.

Twelve special agencies, known as farm-land banks, to be located where they can readily serve the farmers, will make loans through the medium of local associations of farmer borrowers or directly, as circumstances may determine. It is expected that the loans will be made chiefly through the local associations. While the machinery provided may at first appear to be somewhat complex, the endeavor has been to reduce it to the minimum consistent with efficiency and promptness in accomplishing its work, in order to reduce the cost of operations to the lowest practicable amount.

Any farmer who holds good title can borrow up to 50 per cent of the appraised value of his land for general agricultural purposes and to 20 per cent of the value of insured improvements of a permanent character. The loan is to be repaid on the installment or amortization plan, and the amount to be paid in any year on the principal sum of the loan will depend upon the length of time the borrower desires the loan to run.

Loans must run for not less than 5 years nor more than 36 years, at the option of the borrower. At any time after the expiration of five years the borrower may make advance payments, and may reduce the principal sum gradually by payments in addition to the amortization payments or extinguish it at once, as he may choose.

It has been said that no farmer would borrow for 36 years. The long period is provided, not for the purpose of placing farmers in debt for a long period but to leave the length of the term entirely with them and give them whatever time they may require in making repayment. Any borrower, complying with the terms of his loan, need not fear foreclosure.

Since the money to be loaned is to be obtained from the sales of bonds, the interest rate will depend upon the rate of interest the bonds sell for. Since this plan of securing the funds was determined on I have given a great deal of study to the problem of making the bonds the most attractive securities in the market, so that they will find a wide market, bear low rates of interest, and thus make the rate of interest paid by the farmer as low as possible. I believe the provisions relating to bonds should be amended, as I have elsewhere indicated, to reduce the rate of interest.

The Government, through the Secretary of the Treasury, is authorized to subscribe the initial capital stock of the 12 land banks; through the Federal farm-loan board to see that the system is safely, effectively, and economically administered, that the land banks are properly conducted, to determine the rates of interest, and that the issues of bonds are properly made.

I can not at this time enter into a detailed discussion of all the sections of the bill.

There are provisions also for the organization of joint-stock banks, which, under conditions similar to those described briefly above, will make loans to farmers, issue bonds, and conduct their business under Government supervision. The joint-stock banks are entirely separate from the farm-land banks and have no connection with them in any way whatever.

BUSINESS CONDITIONS.

The farming business is limited to yearly crops. These crops are not certain to mature even when planted with the greatest skill and care, but are dependent on good planting, growing, and harvesting seasons in their infinite variety and upon the extent of the harmful activities of hundreds of pests. The farmer's income each year is dependent upon agencies which are in whole or in part entirely beyond his control. What he does produce is essential to the existence of mankind. That he should go on producing is absolutely necessary. He should be enabled to increase the quantity and improve the quality of his output. Although he markets about $10,000,000,000 worth of products yearly, when this is distributed among some 6,500,000 farmers and there is deducted from each man's share his necessary operating expenses, taxes, and other costs, the annual income is entirely too small to compensate him fairly for his intelligent enterprise, constant labor, and long hours. Moreover, the Nation has an abiding interest in who shall own and operate its farms. It would be a most wholesome condition if every farm were operated by its owner or by some one who could in a reasonable time become the owner. Such owners should always be American citizens, or those who will in due time become citizens, and of the general stock of our people. The farmer is not asking for anybody's charity. He has the best security in the world in productive real estate, which can not be stolen, embezzled, burned, or dissipated. It can always be found and in a fixed place. It has an intrinsic value for general productive purposes which modern scientific methods in agriculture can readily determine. It is a property which, if asked, will yield a steady return.

FARM LOANS.

In view of the public interest in the products of the farm, it is necessary that whatever agency is created should be a governmental agency, to the end that any question of making the system a profit-making enterprise may be eliminated. It should be operated at cost and the organization should be so devised that its operation will be at minimum cost. The system in a comparatively short time will be handling hundreds of millions, or even billions, of loans. It is obvious that it must be constituted to stand this enormous strain and be at all times sound and solvent. A weak system could never obtain the vast sums of money needed nor provide the low rate of interest on loans upon which the success of the system largely depends.

The amount of mortgage loans on farms has been stated to aggregate from $4,000,000,000 to as much as $6,000,000,000. A great proportion of these mortgages will doubtless be refunded when the rural-credit system is put in operation. In addition, there will be some billions of new loans negotiated in time.

From the best information available it appears that the average rate of interest is at least 3 per cent higher on farm loans than it should be if farm credit was properly organized and mobilized. That would mean that the farmers are paying from $120,000,000 to $180,000,000 excess interest charges. The rates of interest vary widely over the country. Even if the rural-credit system only saved the excess interest to the farmers, it would mean the salvation of a great many of them. But it will do a great deal more.

Another vital matter is that at present only a very small proportion of farmers can secure loans for periods of years. The money is not available. No means have hitherto been provided by which farm credit could be organized and sold on the market in the form of securities or in any other way be mobilized.

I should like for it to be remembered in these remarks I am now making that I have in mind the bill pending before Congress, as it is evident that whatever system is now provided will be along the lines of this bill. While it does not in a number of ways meet my approval and there are certain changes I think ought to be made, I believe it should be given a fair and impartial trial and amended as experience proves advisable, as previously stated. If I had been writing a bill with a free hand, I should have presented a plan different in several respects from the one proposed in this bill. But it is evident that no other plan could be adopted at this time. Some legislation on the subject is imperative. Therefore it has seemed to me to be my patriotic duty to render what service I could to making the system the best possible under the plan proposed. Experience will demonstrate wherein it should be amended.

The farmers are asking for legislation that will enable them as a general body of business man to take advantage of their combined credit and to mobilize it. This has been done for business men of other occupations, who can secure short-term loans from banks and other institutions created and regulated by public authority, or long-term loans by the sales of stocks, bonds, or other forms of security to the investing public, under provisions of law. The disparity of opportunity in securing capital is shown by the following figures: Out of a total of $21,000,000,000 of loans and investments made by the banks the 6,500,000 farmers have secured only about $2,250,000,000, and the banks' loans to farmers on mortgages is only about $550,000,000 of this latter amount. The banks have invested many billions in railroad, private corporation, and municipal securities. And by far the greater proportion of their investments have been the moneys of their customers. Why, then, have not the banks and other investors loaned vast sums to the farmers? Because the credit of the farmers has never been organized in such form as to make it available to the investing public. Banks which receive deposits repayable on demand can loan but little of such moneys for a long period of years. They must invest them in loans that can be turned into cash within a short period, that they may meet the demands made upon them. Their solvency and continuance in business depends upon their so doing. Depositors would cause any bank which could not meet their demands to be closed. But if the credit of the farmers is mobilized and evidenced in the form of securities, as is the credit of public and private corporations, such securities will be purchased by banks and other investors in the ordinary course of business, and these bonds, by reason of the solid security behind them, will become very attractive investments and will sell readily in the general market at low rates of interest; that is, the farmers will be able to sell their credit for vast sums of cash and so provide the large amounts of capital they stand in need of for the improvement, development, and betterment of their farms, the amelioration of their conditions, and the increase of their incomes. The conditions under which they can afford to borrow will have been met, which are that the loan be for such a period of years as will enable the farmer to make the investment provide for its own repayment and a profit to himself, that the principal be repaid on the amortization or installment plan, and that the rate of interest be low. It will also provide a source from which any qualified borrower can obtain the money he needs readily as a matter of business and not of favor.

WHEN SHOULD A FARMER BORROW?

I do not anticipate that our farmers will take advantage of any opportunity and borrow simply because they can, but that they will act discreetly as business men and borrow for productive use. The general principles of farm borrowing may be stated as follows: Loans made for the purpose of refunding existing mortgages or other indebtedness at lower rates of interest or on more favorable terms, or both; new loans for increasing the productivity of the farm in any way, the returns from which will pay the interest, the administration charge, and the amortization payments of the loan and also yield the farmer a substantial profit for his enterprise; and loans for improving the farm as a home. At what time and for what particular purpose he will borrow will depend upon the judgment of the borrower.

JOHN DOE AND MARY ROE.

John Doe and Mary Roe, living with their parents on adjoining farms, have been "keeping company" for some time and have concluded to be married. John's father has promised him 40 acres adjoining the Roe farm when he is married, and Mary's father will give her 40 acres next to this. This will give the young people 80 acres of land, some in cultivation, some uncleared, some needing drainage or other improvement. There are no buildings, orchards, or improvements on the land except fences. While the old folks have not made John and Mary promise to live on the land, it is understood that it was given to them for the purpose of making them a home. John and Mary have no desire to sell the land, but wish to farm it. Prior to the wedding they plan the new home. They will need a house and furnishings, barn, silo, windmill, other buildings, farm implements, and stock. Mary has made quilts, wool and feather mattresses, tablecloths, and things of this sort, and has some kitchen utensils, a cow, and some pigs. John has a team and wagon, a few farm implements, two cows, some hogs, and $300 in the bank. They are young people of the modern time and, although sensible and reasonable in what they think should be put on their farm, they desire comfort and convenience before they are too old to enjoy or care for them. Older brothers and sisters have gone to the towns, where they have pleasant homes, and are doing well. After consulting with their parents, the carpenters, and merchants, they find they will need about $1,800 more in order to construct a neat, modern house, with modern equipment and furniture, put up a good barn and other buildings, and purchase necessary implements and stock.

How shall they obtain the money, this additional $1,800? John finds that the bank will loan them $1,800 on first mortgage, for five years, at 8 per cent per annum. If the loan is to be paid in full at the end of five years, they will have to pay $360 of the principal and the accrued interest each year and this with taxes, costs of operating the farm, living expenses, and maintenance charges, is more than they can pay. They might renew the loan, but the burden is greater than the industry can bear. They must consider the possibility of sickness, or poor crops, and the likelihood of losing their farm as has happened in many instances. Regretfully they consider the advisability of selling their land and removing to a town.

At this juncture John becomes interested in the rural-credits system to see if it may furnish a solution of their problem. He finds that they can obtain a loan for 36 years, if desired, with the right to pay off the loan in whole or in part at any time after five years; that the rate of interest will be low; the cost of administration, taking the entire period into consideration, will be a fraction of 1 per cent per annum; that he can pay the principal in small yearly payments on the amortization plan; and that the yearly payments for interest, operating expense, and amortization being small, they can undoubtedly pay them and have a profit for themselves.

He also makes an important discovery—that his total aggregate payments for interest, operating expenses, and amortization under the rural-credits system will be about what he would pay for interest alone under the short-term loan system; that is, what he would pay as interest under the short-term loan system will pay under the rural-credits system not only the interest but the principal and all other charges.

John and Mary marry and stay on their farm. They have found a way to obtain the capital they need on terms under which they can afford to borrow it.

"Stay on the farm" rather than "back to farm," is important to the country.

SOUNDNESS OF THE LEGISLATION.

Under our form of government, legislation providing the use of governmental agencies to be constitutional must be general in its application and not confined to a class. The opportunities must be open to all and the benefits derived be general. Any citizen can avail himself of rural-credit opportunities under the conditions prescribed, and legislation which promotes the welfare of the farmers by enabling them to increase their production and furnish subsistence and clothing for all others certainly produces universal benefits.

GOOD LAWS.

A few years ago a number of us who were Members of the House, and mostly members of the Committee on Agriculture, undertook the passage of a series of acts for the promotion of the welfare of farming and the farmer: First, the regulation of grain and cotton exchanges to eliminate gambling and illegitimate speculation, which caused great losses to farmers by the establishment of prices lower than would have prevailed normally. The enactment of this legislation is in process of completion and will be followed up. Second, the establishment of a Bureau of Markets, which has been accomplished. Its purpose is to secure a proper distribution of products so that they will be sent where needed and not to markets already supplied, thus eliminating scarcity in some markets and surpluses in others; to bring the producers and consumers closer together, enabling the farmers to get more for the products and the consumers to pay less for what they buy by avoiding excessive or unnecessary profits to middlemen; and to find or create new markets. Third, by a system of agricultural extension to make available in a practical way the certain results of scientific investigation and experiment, so that the farmers by decreased labor and at less expense may obtain increased production of improved quality, for his own good and that of all the people. This likewise has been enacted into law and appropriations made for the work. Fourth, a rural-credits system, which is now pending before Congress. There are other items in this program, part of which have received legislative consideration, and all of which will be given diligent attention.

THE FARMER'S WIFE.

Any discussion of the rural-credits question that did not take into consideration the benefits the farmer's wife may derive from it would be incomplete. She works long hours at a variety of tasks. In comparison with her city sister, her hours of leisure, amusement, and reading are few but well employed. If

anyone is entitled to the great title of soldier of the common good, she is that soldier. She has cradled the infancy and taught industry, righteousness, love of country, thirst for knowledge, respect for law, and love of justice to more patriots, statesmen, inventors, scientists, ministers, lawyers, soldiers, and stalwart men and honorable women in every vocation than any other class of women. It is said that she has given the country more than 75 per cent of its successful brains. Hers is an imperishable honor. The mother of the family is generally the center of the home. The home life grows up around her personality. Invention, enterprise, and capital have provided conveniences for the city wife that have liberated her in large measure from the burdens of the housekeeping. Under the rural-credits system, capital will be provided by which the country wife will have suitable conveniences to diminish her hours of labor and give her wider opportunity for the exercise of her womanly talents and the enjoyment of life.

HOW LOANS WILL BE MADE TO FARMERS.

I. Farm-land banks will make loans to farmers by two methods: First, organizations of borrowers, known as the local associations, will submit on behalf of their members applications to borrow the amounts desired by each farmer, specifying the purposes for which the moneys are to be used. Each farm will then be appraised by appraisers designated by the association whose members desire to obtain loans, and by the appraisers of the bank to determine what amount can be loaned upon it. When a loan has been approved, a mortgage will be taken for the amount and the money paid to the borrower through the local association. The territory in which each of the 12 banks can make loans will be designated by the farm-loan board. Second, in places where no local associations exist, or it is impractical to form them, loans will be made through designated agents by each bank to farmers. The details of the process for making loans will be prescribed by the Federal farm-loan board by means of rules and regulations they are authorized to make and which will be furnished to any farmer after the system is organized and ready for business, so that at present I am able only to outline the general features. I understand it is the purpose of the bill to provide only the machinery absolutely necessary to make the system effective and safe and as readily accessible as possible to borrowers and to reduce the operating expenses to a minimum.

II. The joint-stock banks, which are entirely independent of the above-described system, will make loans direct to farmers under proper rules and regulations.

OBLIGATIONS ASSUMED BY THE BORROWERS.

Each borrower will obligate himself to pay the interest on his loan, which shall not exceed 5 per cent per annum; also an operating charge of not to exceed 1 per cent per annum, and I hope and believe that the percentages actually paid will be much less; he will also pay each year an amortization payment, the amount of which will be determined by the length of time he desires his loan to run, and may be as low as 1 per cent.

If a farmer borrows through a local association he will put up 5 per cent of the face of his loan to be invested in the stock of the land bank and will receive dividends upon this stock as earned. He can pay this 5 per cent in cash or can have it included in his loan. He will likewise be liable for an additional 5 per cent of the face of his loan. The purpose is to secure the proper conduct of the local association in making recommendations for loans and appraisements through its appraisal committee. When a farmer pays his loan the amount invested in stock is repaid to him and all liability ceases.

It can not be too strongly urged that the proper and economical administration of all parts of the system will be of great advantage in securing low rates of interest, low cost of operation, and in obtaining moneys to be loaned to farmers.

Borrowers who make loans through designated agents from the land banks will put up the 5 per cent for investment in the stock of the land bank, but will not have the additional 5 per cent liability described above.

Borrowers from the joint-stock banks will have such obligations as the regulations may provide, but as these banks are private institutions under Government supervision, it is not possible for me at this time to describe their operations more definitely.

CONCLUSION.

Legislation providing a system of rural credits is not proposed as a special favor to the farmers. Merchants, manufacturers, and other business men have long had provided for them by law means of mobilizing their credit in the form of securities the sales of which enable them to obtain the funds they need for the conduct of their businesses. Without proper legislation authorizing this, business generally would have languished. Enterprises of great pith and moment would never have been undertaken. Railroads would not have been constructed. Manufacture and industry would have been limited to small undertakings. Public corporations would have been without funds for the improvements necessary to their growth and the needs and comfort of their peoples. Rural credits recognizes the right of the farmers to such legislation as will afford them similar opportunities to develop their industry, to effectively use the intelligence that characterizes them, to improve the conditions and conveniences of farm life, and to provide us all with food and raiment. [Applause.]

Mr. HAYES. Mr. Speaker, I yield 15 minutes to the gentleman from Oklahoma [Mr. MORGAN].

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. MORGAN] is recognized for 15 minutes.

Mr. MORGAN of Oklahoma. Mr. Speaker, in order to have a clear understanding of the land-credit institutions created by the Federal farm-loan act, it is necessary to have a knowledge of the various propositions which have come before Congress with official indorsement. With these propositions in mind we are better prepared to comprehend the institutions created by the above act, to appreciate their merits, to point out their defects, and to make suggestions for their improvement in the future. A study of the rural-credit institutions to be brought into existence by the Federal farm-loan act may be made under the following general heads:

I. The bill recommended by the United States commission which went abroad to study rural credits.

II. The bill reported by the subcommittees on rural credits, Sixty-third Congress.

III. The bill reported favorably to the Senate by the Senate Committee on Banking and Currency, Sixty-third Congress.

IV. The bill reported by the Joint Committee on Rural Credits authorized by the Sixty-third Congress to report to the Sixty-fourth Congress.

V. The Federal farm-loan act and the fundamental principles and chief characteristics of the new land-credit institutions established thereby.

VI. Defects in these institutions.

VII. Suggestions for their improvement.

I.

THE BILL RECOMMENDED BY THE UNITED STATES COMMISSION WHICH WENT ABROAD TO STUDY RURAL CREDITS.

Congress took the initiatory step toward rural-credit legislation on the 4th day of March, 1913. On this date the President was authorized to appoint a commission to go abroad and study the rural-credit systems of European countries. This commission was appointed; it went to Europe, made its investigation, submitted its report to Congress, which included a carefully prepared land-credit bill. This bill was introduced in both Houses of Congress and referred to the Committees on Banking and Currency. It provided for the establishment of a new system of land credits in the United States, embodying the fundamental principles which characterize the land-credit institutions of Europe. Private joint-stock land banks were chosen as the corporate instruments to have the exclusive ownership, control, and management of these institutions. These joint-stock land banks were modeled after our commercial banks. They were to have no altruistic purpose and were to be placed under no special obligation to serve the farmers of the United States or to promote the prosperity of agriculture. They were to be under the supervision but not under the control of the Federal Government. The farmers were to have no part in their management. Their organization was to be a voluntary matter depending entirely upon private initiative. It was altogether a matter of doubt, uncertainty, and conjecture as to how many of these banks would be organized, where they would be located, how much capital they would have, and what amount of credit they could extend.

II.

THE BILL REPORTED BY THE SUBCOMMITTEE ON RURAL CREDITS, SIXTY-THIRD CONGRESS.

The commission bill was referred to the Banking and Currency Committees of the two Houses. These committees appointed subcommittees on rural credits. The subcommittees held joint hearings and considered the subject jointly. The commission plan was rejected. A new bill was prepared and introduced in both Houses of Congress. It proposed to divide continental United States, excluding Alaska, into 12 districts and to establish in each district a Federal land bank, to be operated through local associations to be known as national farm-loan associations.

It will be seen that Congress at that time had two distinct plans before it. One was the joint-stock land bank plan; the

other was the 12 Federal land banks plan, with auxiliary local farm-loan associations. For a time there was a spirited contest between the advocates of these two plans. Finally a compromise was reached by which both plans were to be embodied in one bill. As an expression of this compromise what is known as the Hollis bill was prepared and introduced in the Senate. Another notable feature of this compromise was the agreement to eliminate from the subcommittee bill the "Government-aid" feature, which authorized the Secretary of the Treasury, in his discretion, to purchase in any one year an amount of farm-mortgage bonds not in excess of $50,000,000. This form of Government aid was not seriously advocated thereafter. The compromise measure, near the close of the Sixty-third Congress, was reported favorably to the Senate by its Banking and Currency Committee as a substitute for the subcommittee bill.

III.

THE BILL REPORTED FAVORABLY TO THE SENATE BY THE SENATE COMMITTEE ON BANKING AND CURRENCY, SIXTY-THIRD CONGRESS.

The joint-stock land banks of the Senate committee bill did not differ materially from those proposed in the commission bill. The chief feature of these banks have already been outlined. The Federal land banks and the farm-loan associations of the Senate committee bill were in the main the same as had been proposed in the subcommittee bill. The Federal land banks with their auxiliary farm-loan associations as proposed in these two bills, were in some important respects a great improvement over the joint-stock bank plan presented in the commission bill. First, their organization was made a certainty. This was accomplished by authorizing the Secretary of the Treasury, for the United States, to subscribe for any portion of the minimum capital stock required for each of these banks which should not, within a certain time, be subscribed by the public. Second, the entire continental United States, excluding Alaska, was to be included within the 12 Federal land banks district, and thus the advantages and benefits of these institutions were to be brought within the reach of the farmers of every State in the Union. Third, the credit of the 12 Federal land banks was unified and strengthened by a provision which made each Federal land bank financially responsible for the bonds issued by all other Federal land banks, thus equalizing, to a large degree, the credit of these banks and enabling them to make loans at practically uniform rates of interest.

These bills, however, had some serious defects, among which the following may be mentioned:

First. The Federal land banks and the farm-loan associations, under the terms of these two bills, were not public but private corporations. There was no limit to the amount of private capital that might be invested in the stock of both the Federal land bank and their subsidiary farm-loan associations. It is true that borrowers were required to subscribe for stock in the farm-loan associations in an amount equal to 5 per cent of their loans. But the public generally was left free to subscribe to the capital stock of these associations. Farm-loan associations were not to be organizations of borrowers, but private business corporations, similar to our commercial banking institutions.

Second. The Federal land banks and their auxiliary farm-loan associations, under the subcommittee and Senate committee bills, were to be profit-sharing middlemen corporations, created by Federal authority, to act as intermediaries between the farmers and investors.

Third, the institutions proposed by the subcommittee and Senate committee bills were fatally defective in this: They gave no assurance that they would furnish an adequate amount of credit to meet the reasonable demands of the great agricultural interests of this country. Each Federal land bank was required to have a minimum capital stock of $500,000. The capital stock of each bank was to be mainly used as an operating fund. To secure capital to meet the demands for loans each of these banks was authorized to issue and sell farm-mortgage bonds in an amount not to exceed twenty times its capital; $10,000,000 would be the maximum amount of bonds that could be issued by a bank of $500,000 capital stock. On the same basis the 12 Federal land banks could not issue in excess of $120,000,000 in bonds. So far as assured by the provisions of these bills the credit power of these 12 Federal land banks was therefore limited to $120,000,000. This would have enabled them to take up only 4 per cent of the $3,000,000,000 of the outstanding farm mortgages in the United States. The fact that the Federal land banks and the farm-loan associations under the subcommittee and Senate committee bills gave no assurance that they would be able to meet the reasonable and necessary demands of the farmers of the United States for farm-mortgage loans was in itself a sufficient reason why some better plan must be discovered.

IV.

THE BILL REPORTED BY THE JOINT COMMITTEE ON RURAL CREDIT AUTHORIZED BY THE SIXTY-THIRD CONGRESS TO REPORT TO THE SIXTY-FOURTH CONGRESS.

Just before its final adjournment the Sixty-third Congress authorized the appointment of a joint committee and directed it to report a rural-credit bill early in the first session of the Sixty-fourth Congress. This committee consisted of 12 members, divided equally between the Committees on Banking and Currency and on Agriculture. In due time this committee prepared a bill and reported it to Congress. When introduced it was referred to the Banking and Currency Committees of the two Houses. With some modifications and amendments the bill was reported back to the two Houses with favorable recommendation for its passage. A conference committee settled the final form in which the joint committee bill was enacted into law as "the Federal farm-loan act."

In its mechanism the joint-committee bill followed the Senate committee bill and authorized the organization of joint-stock land banks and 12 Federal land banks with their auxiliary farm-loan associations. Its principle, however, the Federal land banks and the farm-loan associations under the joint-committee bill were fundamentally different from what they were under the subcommittee and Senate committee bills. The changes made in part, may be pointed out as follows:

1. The Federal land banks and farm-loan associations under the joint-committee bill are public and not private banking institutions.

2. Except temporarily for organization purposes, the borrowers will be the exclusive owners of all the stock in the 12 Federal land banks and in the farm-loan associations.

3. These institutions will be exclusively in the control of borrowers aided and assisted in part by the Federal Government.

4. All profits of these institutions will revert to the borrowers.

5. The capital stock of the Federal land banks will increase automatically in a certain ratio with the increase in the amount of loans thus enabling these institutions to make loans and issue bonds indefinitely without the total bond issue exceeding twenty times the capital of the banks.

V.

THE FEDERAL FARM-LOAN ACT AND THE FUNDAMENTAL PRINCIPLES AND CHIEF CHARACTERISTICS OF THE NEW LAND-CREDIT INSTITUTIONS ESTABLISHED THEREBY.

"The Federal farm-loan act" creates an entirely new system of farm-mortgage credit for the agricultural interests of the United States. Generally speaking it must be admitted that these institutions are founded upon the fundamental principles and possess the chief characteristics of the best land-credit institutions of the world, and give reasonable promise of bringing to the farmers of the United States all of the advantages and benefits of such institutions.

The following fundamental principles upon which the chief land-credit institutions of Europe are founded are utilized in establishing both the joint-stock land banks and the 12 Federal land banks as created by the Federal farm-loan act:

1. These institutions are authorized by Federal law and will be supervised and regulated and in a large measure controlled by Federal authority.

2. They are authorized to make what are known as long-time loans, extending for a period of 40 years.

3. They are authorized to issue and sell long-time farm-mortgage bonds as a means to obtain the necessary capital upon which to make long-time loans.

4. They require loans to be paid in small annual or semi-annual payments, known as amortization payments, but permit borrowers to make additional payments after five years from date of the mortgage.

The foregoing propositions apply to both joint-stock land banks and the Federal land banks. The following may be said of the 12 Federal land banks and the national farm-loan associations:

1. They are public land-credit institutions as distinguished from private corporations organized for the benefit and profit of shareholders.

2. They will be controlled entirely by borrowers, except such control as shall be exercised by Federal authority.

3. Their profits will be distributed to borrowers and not to lenders, and their reserves and surpluses will inure to the benefit of mortgagors.

4. As their capital will increase automatically with their loans, they will be enabled to make loans and issue and sell farm-mortgage bonds indefinitely and thus provide an adequate amount of credit to meet the demands of agriculture.

5. Though operating independently, they are made financially responsible for each others' bonds, which in effect centralizes

and unifies their credit and makes them in the eyes of investors one institution, enabling them to give substantial promise of accomplishing two most important things, namely, to provide practically equal credit facilities to all sections of the country and to furnish to the farmers in every part of the United States credit at uniform rates of interest.

6. Substantial Government aid has been rendered as follows:

(a) The Federal Government, if necessary, will furnish temporarily but without interest charge the $9,000,000 to provide the original capital for the organization of the 12 Federal land banks.

(b) The Secretary of the Treasury is authorized, with the approval of the Federal farm-loan board, to deposit with Federal land banks money in an amount not to exceed $6,000,000 at any one time, which may be used in an emergency to meet interest payment on bonds and other demands.

(c) To insure proper supervision, regulation, and control of these institutions the Federal Government creates the Federal farm-loan board and establishes numerous public offices at large annual expense to the Federal Government.

(d) The mortgages and bonds of joint-stock land banks and the mortgages and bonds and the capital and surplus of the Federal land banks and farm-loan associations are exempted from National, State, and local taxation.

(e) Special privileges are conferred upon farm-mortgage bonds in making them a lawful investment for all fiduciary and trust funds as well as security for public deposits, and member banks of the Federal Reserve System are authorized to buy and sell such bonds, and, further, Federal reserve banks may buy and sell such bonds under certain limitations.

(f) These institutions go forth with a national name, under national supervision and control, sustained with the prestige of national indorsement and strengthened and upheld by the moral support, if not the financial backing, of the Federal Government.

Mr. MOSS of Indiana. Mr. Speaker, will the gentleman allow me there to ask him a question?

Mr. MORGAN of Oklahoma. Certainly.

Mr. MOSS of Indiana. That same power exists by which the Secretary of the Treasury can deposit the money in any national banks by national authority?

Mr. MORGAN of Oklahoma. Certainly.

Mr. MOSS of Indiana. Then it does not any more favor the farm-credit banks than the national banks?

Mr. MORGAN of Oklahoma. Though conferring only the privilege now accorded to commercial banks, it is still a Government aid.

Mr. MOSS of Indiana. It puts them on a par but does not give them any special favor. That is the point I object to.

Mr. MORGAN of Oklahoma. Well, be that as it may, the authority specifically conferred on the Secretary of the Treasury to deposit funds in the Federal land banks—on proper security, of course—is intended as a special privilege and should be so regarded. There may be times when these deposits will be important in tiding these banks over financial difficulties. Besides, an institution trusted with Government deposits is regarded favorably in the eyes of the investing public.

Mr. FINLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Oklahoma yield to the gentleman from South Carolina?

Mr. MORGAN of Oklahoma. Yes, sir.

Mr. FINLEY. Does not the gentleman think this would be a great deal better bill if the joint-stock companies were entirely eliminated?

Mr. MORGAN of Oklahoma. I think so.

Mr. FINLEY. I think the gentleman ought to be applauded for his opinion.

Mr. MORGAN of Oklahoma. I agree with the gentleman on that. I thank the gentleman.

Mr. OLIVER. Mr. Speaker, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. OLIVER. Through the joint-stock banks loans for speculative purposes can be had without limit, can they not?

Mr. MORGAN of Oklahoma. Yes; certainly.

VI.

CRITICISMS AND OBJECTIONS.

The land-credit institutions created by the "Federal farm-loan act" are not by any means perfect. So far as legislation at this session of Congress is concerned, criticism of the provisions of the new act and the institutions created thereby will have no effect. Some advantage may come, however, from making a summary of some of the defects in the institutions which we have just created. Among these the following may be mentioned:

1. The act should not have authorized the organization of joint-stock land banks—corporations organized for gain, conducted for profit, managed in the interest of shareholders, whose chief concern will be the earning of dividends, and which will possess the power, as Government instrumentalities, to levy tribute upon both borrowers and lenders—corporations that will be stumbling blocks obstructing the success of the Federal land banks and farm-loan associations owned and operated by the farmers, competing with them in the money markets in the sale of their bonds, vitiating their credit in the eyes of the investors, adding additional cost to the Government for their supervision, and, on the whole, making credit to the farmers more expensive and interest rates higher.

2. The 12 Federal land banks and the farm-loan associations thereunder can not be economically administered, and economy of administration is an important factor in securing a low rate of interest. In the interest of economy the number of Federal land banks should not have exceeded six, and the farm-loan associations should not have been allowed to employ a salaried official or to engage in any business or work that would incur expense or necessitate assessments, fines, or other contributions.

3. Federal land banks, like the chief land-credit institutions of Europe, should have been allowed to make loans without any restrictions upon the borrowers as to the use of the money, as these restrictions in the use of the money borrowed will be difficult to enforce and annoying to farmers. They serve no good purpose and will tend to make borrowers patronize the joint-stock land banks and other private-loan institutions, where interest charges on the whole will be higher.

Mr. MOSS of Indiana. Will the gentleman yield for a moment?

Mr. MORGAN of Oklahoma. I regret I can not. I have but five minutes.

4. The provision which allows Federal land banks and joint-stock land banks to charge an interest rate 1 per cent higher than the interest rate on the latest issue of farm-mortgage bonds is excessive and will encourage extravagance in the management of these institutions and is wholly unsupported by the precedents of European institutions, which do business on less than one-fourth of 1 per cent per annum on the amount due on loans.

5. The restriction of the length of loans to 40 years does not follow the rule of European institutions, which generally permit loans to run for a period as high as 60 years, thus enabling the borrowers to pay the loans by an annual payment of one-half of 1 per cent of the principal and the shortening of the loan period to 40 years becomes a discrimination against tenants and others of small means who wish to acquire a farm home.

6. The limiting of the loan to 50 per cent of the value of the land and 20 per cent of the value of the improvements is another objectionable feature, and is especially objectionable in view of the fact that the farmer is compelled to invest 5 per cent of his loan in the stock of the bank and have other reductions made therefrom to meet the cost of appraisement, abstract of title, and other expenses, and further, in view of the fact that a loan equal to 60 per cent of the value of the land, payable in annual installments, could be made with perfect safety. This restriction of the loan to 50 per cent of the value of the land is another discrimination which will work a hardship upon tenants and other persons of small means who desire to acquire a farm home, and places our new land-credit institutions beyond the reach of many farmers and citizens who are not only the most deserving but who are also in the greatest need of their benefits and advantages.

7. The provision which authorizes banks, trust companies, mortgage companies, and savings institutions organized under State laws to act as agents for the Federal land banks in certain cases, indorse mortgages taken through them, and charge one-half of 1 per cent annually on the amount due on the loan for the lifetime of the loan is very objectionable, and simply creates an additional, unnecessary, and useless middleman between the farmer and the investor to be supported by contributions from the borrowers.

8. The land-credit institutions created by this act should be open alike to every farmer in the United States who can furnish the proper security for his loan and hence the provision which requires that an applicant for a loan must have the approval of two-thirds of the five directors of the association is bound to work an injury upon many worthy farmers who may thus be excluded from the advantage of these institutions without any justifiable cause.

9. The reserve required of Federal land banks is inadequate in amount, is much less than European land-credit institutions are required to maintain, and its accumulation, being based upon a certain percentage of the net profits, must be as to the future indefinite, uncertain, and unknown in amount. At best, the reserve required can not exceed but slightly 1 per cent of the

outstanding bonds of the Federal land banks, which is wholly insufficient to meet the probable defaults and losses in interest payment and may impair the confidence of creditors in these banks and thus injure the credit of the farmers whose security the banks issue and sell.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. HAYES. Mr. Speaker, I yield five minutes to the gentleman.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for five minutes more.

VII.

SUGGESTIONS FOR IMPROVEMENT.

Mr. MORGAN of Oklahoma. The merits of our new land-credit institutions have been mentioned. Their defects have been pointed out. It is now in order to make some suggestions for their improvement. This may be done as follows:

1. The 12 Federal land banks should have been unified and strengthened by the creation of a central institution to have been known as the united Federal land bank, to have been controlled by 12 directors, 1 to have been chosen by each of the Federal land banks, to have constituted a legal corporate instrument through which the 12 Federal land banks could have acted upon all matters of common interest and said central institution should have been specifically empowered to issue, in its name, all farm-mortgage bonds and to have established uniform rates of interest for both bonds and mortgages.

2. Provisions should have been made for the organization of borrowers into district, State, and interstate associations as organizations through which the borrowers may have promoted their mutual welfare and contributed to the development and perfection of the land-credit institutions which ultimately will be entirely capitalized by their money and supported by their earnings.

3. In some way provision should have been made whereby acceptances or other obligations of member banks of the Federal Reserve System would have been eligible for discount by the Federal reserve banks, in order that the farmers of the United States might have been given access to these great storehouses of credit upon an equal footing with the commercial, financial, and industrial interests of the country.

4. The trustees of the postal savings depositaries should have been authorized to have invested a reasonable amount of postal savings deposits in farm-mortgage bonds, and thus have given the credit instruments of the farmers equal recognition with other securities.

5. The Federal Government should have made a permanent and not a mere temporary contribution to the capital and the reserve fund of the 12 Federal land banks, not merely as a gift or gratuity to the farmers of the United States, but to promote a great national policy, which has for its objects the growth, expansion, and prosperity of agriculture; the rendering of assistance to the 2,300,000 farm tenants and other landless persons in securing farm homes; and the general improvement of the social, educational, and economic conditions of farm life. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. HAYES. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PLATT].

The SPEAKER pro tempore. The gentleman from New York [Mr. PLATT] is recognized for five minutes.

Mr. PLATT. Mr. Speaker, the acceptance of the conference report on the rural-credit bill, which will undoubtedly take place in the course of a few minutes, marks the close of a long period of work on the subject of rural credits and a long period of agitation. The bill before us is not quite what I should like to see. It contains some features that I do not approve, but on the whole, it seems to me, it is a bill that this House will have no serious cause to regret having passed.

It is difficult for those of us who have worked hard in the making of this bill for the past two or three years to tell whether we have created a great new system which, if successful, will be even greater than the Federal reserve act, or whether we are simply launching an experiment that will work in some places and not in others. It looks as though we may be creating a new system of great value. We have tried to do something of great permanent value to agriculture throughout our broad land, but nobody knows whether the farmers will like to take out these long-time farm loans under this system by which the money is loaned and after the sale of bonds comes back to be loaned over and over again, or whether the present institutions, which loan more directly, will be more successful.

As you know, there was a joint commission appointed at the close of the last Congress that submitted a report and bill to the House and Senate last December. The House committee did a lot of work on that commission bill, cut out a good deal of surplus language, revised the order of the sections, and cut out some entire sections, and especially cut out the unlimited feature, which made a lot of revision necessary. In the main the work of the House stands, and it is our work, rather than the work of the Senate, that is now before you. The unlimited feature goes out, and in general, as I said, this is the House bill that is before us.

We have yielded to the Senate on a few things that I think we should not have yielded on. For instance, we yielded in the matter of requiring the organization of 10 farm-loan associations before the Government would pay its subscription to any Federal land bank; but it does not look as though that was a vital matter, and on the whole we have strengthened the Federal land banks and their reserve features, and the farm-loan associations are somewhat strengthened by the conference report. The conferees have considered every feature of the bill, and taken a long time at it, and we have gone over it thoroughly. Generally speaking, the work of the committees and of the conferees has been absolutely nonpartisan. In fact, I think there has been less partisanship manifested in this legislation than on other important subjects, and I think the House can accept the work that is now finally submitted to it with reasonable satisfaction.

Mr. BENNET. Mr. Speaker, will the gentleman yield there?

The SPEAKER pro tempore. Does the gentleman from New York yield to his colleague?

Mr. PLATT. Certainly; with pleasure.

Mr. BENNET. Is there anything in the bill that comes from the conference committee that will do for the farmer what the building and loan association in the city of Port Jervis, in my colleague's district, will do for a mechanic in that city in the way of getting a home?

Mr. PLATT. Yes; there is. A farmer may deposit small sums with his farm-loan association and accumulate up to $25 and invest in farm bonds; and that, of course, corresponds roughly to the savings feature of the building and loan association. Then, the farm-loan association is cooperative, just as the building and loan association is. The farmer borrows through the association. The first appraisal of his farm, for instance, is made by appraisers who are his neighbors, and that is submitted to an appraiser who is a governmental official. He may borrow in much the same way, and pay off his principal and interest together in amortizations on long time, just as he does in a building and loan association, only much longer time loans are allowed, running up to 40 years.

Mr. BENNET. As the bill passed the House, it was no good to a man unless he had the equivalent of 40 per cent of the price of his farm. Is that provision still in the bill?

Mr. PLATT. He must have fully that much. Fifty per cent may be loaned on the value of land and 20 per cent on buildings. Some of our eastern savings banks loan 60 per cent on both, and our savings and loan associations do even better. I am not at all sure that they can not serve the people of the East as well as the institution created in this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAYES. I yield the remainder of my time to the gentleman from Georgia [Mr. HOWARD].

The SPEAKER pro tempore. The gentleman from Georgia is recognized for five minutes.

[Mr. HOWARD addressed the House. See Appendix.]

The SPEAKER pro tempore. The gentleman from Virginia [Mr. GLASS] has 11 minutes remaining.

Mr. GLASS. I yield to the gentleman from Arkansas [Mr. CARAWAY].

[Mr. CARAWAY addressed the House. See Appendix.]

Mr. GLASS. I yield two minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, the man who feeds and clothes the world is the important man in it. Rural-credit legislation should be in the interest of the farmers. We passed the Federal reserve banking law for the commercial class and the banking class, which is of untold benefit to the commercial classes of this country. This bill, as it is presented to-day, is a mixture of good and evil. Because there is good in it, I am going to vote for it as being a start, a beginning in the right direction. I also state without equivocation that this joint-stock bank propo-

sition is one solely in the interest of the great trust companies of this country. It is a proposition that has no place, properly speaking, in a rural-credit bill for the benefit of the farmers, and it should be eliminated. It ought to have been eliminated in the House, and it should have been eliminated in the committee of conference. [Applause.]

I yield two minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, I am very sorry that I have not more time, but I thank my distinguished friend from Virginia for giving me this much time. I believe that this bill is going to do a great deal of good. It is not what I have advocated and what I have been trying to do in the way of legislation in securing a system of rural credits, but it is a foundation on which the farmers of this country will get a rural credit system that they really need. It is a foundation that will bring commercial banks to a lower rate of interest. I do not like the provision in reference to 8 per cent on defaulted interest. I hoped the conferees would disagree with the Senate on that proposition. These joint-stock land banks have no place in this bill, but in order to get the bill through we are bound to accept it. The farmers of this country will take care to eliminate all commercial and speculative parts of the bill. It will be done in the future; you need not worry a mite but that the man behind the plow is going to the ballot box and do business. [Laughter.] The farmers know who their friends are in Congress. They will keep them here. They know who the men are that have been endeavoring to prevent rural-credit legislation. They will remember it.

The farmer is going to get a rural-credit bill in a few years that is really a farmer's money-borrowing system to carry on farm operations. We all know that the only way it can be done is to force this bill through as a starter or a foundation, and with it I believe the great majority of the farmers of this country will say, "Well done for a starter," and thank Congress for giving them what they never had before. No other Congress has ever done so much. This Congress has brought forth this bill, and, as the gentleman from Arkansas [Mr. CARAWAY] said, it will force the banks to reduce the rate of interest to the farmers to a rate where they can get the benefit of it.

When a lot of us started out in 1913 to get a rural-credit system established by act of Congress, we were called Populists and demagogues. I am happy to find many of those who tried to deride and discourage us now joining hands with us in this fight for the farmer.

In behalf of the farmers, I thank all of you who have changed your minds and come nearer to our way of thinking on this vital matter. We beg you to give us your hearty support at future sessions of Congress in our efforts to perfect this rural-credit legislation, so that every farmer in this land can be given a fair opportunity in the race of life. He asks for no special privileges. He simply demands justice. We are going to continue the fight till he gets it. [Applause.]

Mr. GLASS. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I shall vote for this conference report, and do it without making a speech against it. I have heard a number of gentleman on the floor this morning speak against it, saying that they would vote for it. They catch them coming and going. They tell those of their constituents who do not need money that they were against it and made a speech against it. To those who are pleased with it they will say, "I voted for it." Brave attitude! I saw a man once try to fish and cut bait at the same time. I have seen a number do it to-day. [Laughter and applause.]

[Mr. NORTON addressed the House. See Appendix.]

Mr. YOUNG of North Dakota. Mr. Speaker, I am pleased to note in the conference report upon the Federal farm-loan bill that an amendment proposed by me on May 15 has been incorporated in the bill to a certain extent. When the bill was considered by the House at that time the provision respecting deposits was limited to shareholders, and to be a shareholder one must be a borrower. In other words, the deposit privilege was open only to those least likely to have any money. Then the banks were not permitted to pay any interest. So on May 15 I offered the following amendment:

Provided, That the farm-loan board may permit the Federal land banks to accept deposits and to invest the same under such rules and regulations as may be prescribed by the farm-loan board.

This amendment failed to pass, but the conference report now being considered contains a provision which meets my objection in part.

In the enumeration of powers of national farm-loan associations there has been inserted the following:

Fourth. To issue certificates against deposits of current funds bearing interest for not longer than one year, at not to exceed 4 per cent per annum after six days from date, convertible into farm-loan bonds when presented at the Federal land bank of the district in the amount of $25 or any multiple thereof. Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds issued by a Federal land bank or in first mortgages as defined by this act.

It will be seen that this change in the bill permits deposits from all, whether shareholders or not, and permits the payment of interest at not to exceed 4 per cent, and to that extent the committee is to be commended. But the bill is still far short of what it should be. This is supposed to be a farmers' bank. Why restrict deposits to the period of one year? It will never be possible to accumulate much money under that restriction. Men with savings like to find a more or less permanent place to keep them. This provision will discourage the deposit of savings. And the farmers will never gain a position of independence until they can build up a loan fund of their own. This whole bill, with the exception of the amendment just referred to, is constructed upon the principle that the money bags will be held by someone else. The farmers are to be left in the position of having nothing but credit to offer. They must go to someone else. The provisions of this bill will not permit them to gradually accumulate a money supply of their own. Until that is brought about they will continue to be in a position of dependence. They can not hope to get the rates for farm loans down to the levels of the great European countries. The rates in Germany and France were not made low by Government aid. They were forced down by the immense accumulation of deposits of the farmers themselves.

It is true that the conference committee has met my proposal part way, and I give them credit for it, but the farmers will be bitterly disappointed with this legislation when they learn what it really is. Of course, while there is life there is hope, and a succeeding Congress may amend the law to make the institutions created by this act banks in fact as well as in name.

The following Members, by unanimous consent, were given leave to extend their remarks in the RECORD on the bill:

Mr. PHELAN, Mr. SMALL, Mr. RAKER, Mr. RAGSDALE, Mr. WM. ELZA WILLIAMS, Mr. HASTINGS, Mr. OLIVER, Mr. LEVER, Mr. HAYDEN, Mr. YOUNG of North Dakota, Mr. FARR, Mr. JACOWAY, Mr. TILLMAN, and Mr. MOSS of Indiana.

Mr. GLASS. Mr. Speaker, I yield two minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, I desire to join with my friend from North Dakota [Mr. NORTON] in extending congratulations to the distinguished chairman of the Banking and Currency Committee and his colleagues upon that committee for the splendid work they have done in bringing in this rural-credits bill to this final stage of passage. I wish to say that I intend to vote for this conference report very gladly and I do not have any apologies to make for voting for it. It is true, the bill is not all I wanted. I presume that this bill is not all that any individual in this body wanted, but consideration must be given to the fact that all legislation, all good, progressive legislation, after all, is a matter of the compromise of the judgments of 435 Members of the House and 96 Members of the Senate. We can not get all we want. We must get the best we can. We have taken the first great forward step in rural-credit legislation, the first in this country. If the system does not work out as we believe it will, the future will tell and future Congresses will rectify our mistakes. I assume there may be errors of judgment. If so, they can be corrected.

I am as much opposed to the joint-stock bank feature of the bill as anyone, but I am not willing to vote down this report and endanger the passage of legislation on this subject at this session. That would be folly. I am willing to take the bill as agreed to by the conferees of the House and Senate and vote for it, believing strongly it will succeed. [Applause.]

Mr. GLASS. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. HASTINGS. Mr. Speaker, on that I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I suggest that the gentleman wait until the vote is taken on a division, and then he could make the point of no quorum, and in that way get the yeas and nays automatically.

Mr. HASTINGS. Mr. Speaker, I withdraw my demand for the yeas and nays, and ask for a division.

The House divided; and there were—ayes 103, noes 2.

Mr. MANN. Where are all those gentlemen who were talking against the conference report?

Mr. HASTINGS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Oklahoma makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on agreeing to the conference report.

The question was taken; and there were—yeas 311, nays 12, answered "present" 3, not voting 108, as follows:

YEAS—311.

Abercrombie	Dunn	Kettner	Russell, Mo.
Adamson	Dupré	Key, Ohio	Russell, Ohio
Aiken	Ellsworth	Kincheloe	Sabath
Alexander	Elston	King	Sanford
Allen	Emerson	Kitchin	Saunders
Almon	Esch	Konop	Schall
Anderson	Evans	Kreider	Scott, Mich.
Anthony	Farr	La Follette	Shallenberger
Ashbrook	Ferris	Lazaro	Sherley
Aswell	Fess	Lee	Sherwood
Bacharach	Finley	Lehlbach	Shouse
Bailey	Fitzgerald	Lenroot	Siegel
Barkley	Flood	Lesher	Sims
Beakes	Foss	Lever	Sinnott
Bell	Foster	Lieb	Sisson
Bennet	Frear	Linthicum	Slemp
Black	Fuller	Lloyd	Sloan
Blackmon	Gallagher	Lobeck	Small
Booher	Gallivan	Longworth	Smith, Idaho
Bowers	Gandy	Loud	Smith, Mich.
Britten	Gard	McArthur	Smith, Minn.
Browne	Garner	McClintic	Snell
Brumbaugh	Garrett	McCracken	Snyder
Buchanan, Ill.	Glass	McKellar	Sparkman
Buchanan, Tex.	Glynn	McKenzie	Stafford
Burgess	Godwin, N. C.	McLaughlin	Steagall
Burke	Good	McLemore	Stedman
Burnett	Goodwin, Ark.	Madden	Steele, Iowa
Butler	Gordon	Magee	Steenerson
Byrnes, S. C.	Gould	Mann	Stephens, Cal.
Byrns, Tenn.	Gray, Ala.	Mapes	Stephens, Miss.
Caldwell	Gray, Ind.	Martin	Stephens, Nebr.
Campbell	Green, Iowa	Matthews	Stephens, Tex.
Candler, Miss.	Griest	Mays	Sterling
Cannon	Griffin	Meeker	Stiness
Cantrill	Hadley	Miller, Minn.	Stone
Caraway	Hamilton, Mich.	Mondell	Stout
Carlin	Hamilton, N. Y.	Montague	Sweet
Carter, Mass.	Hamlin	Moon	Swift
Carter, Okla.	Hardy	Mooney	Switzer
Cary	Harrison	Moores, Ind.	Taggart
Casey	Hart	Morgan, Okla.	Tague
Chandler, N. Y.	Hastings	Morin	Talbott
Chiperfield	Haugen	Moss, Ind.	Tavenner
Church	Hawley	Mott	Taylor, Ark.
Clark, Fla.	Hay	Murray	Taylor, Colo.
Cline	Hayden	Neely	Temple
Coady	Hayes	Nelson	Thomas
Coleman	Heaton	Nicholls, S. C.	Thompson
Collier	Heflin	Nichols, Mich.	Tillman
Connelly	Helgesen	Nolan	Timberlake
Conry	Helm	Norton	Tinkham
Cooper, Ohio	Helvering	Oldfield	Towner
Cooper, W. Va.	Hensley	Oliver	Treadway
Copley	Hernandez	O'Shaunessy	Tribble
Cox	Hicks	Overmyer	Van Dyke
Cramton	Hilliard	Padgett	Venable
Crisp	Hinds	Paige, Mass.	Vinson
Cullop	Holland	Park	Volstead
Curry	Hood	Parker, N. Y.	Wason
Dallinger	Hopwood	Phelan	Watkins
Danforth	Howard	Platt	Watson, Pa.
Darrow	Howell	Quin	Watson, Va.
Davenport	Huddleston	Ragsdale	Whaley
Davis, Minn.	Hughes	Rainey	Wheeler
Davis, Tex.	Hull, Iowa	Raker	Williams, T. S.
Decker	Hull, Tenn.	Ramseyer	Williams, W. E.
Denison	Humphreys, Miss.	Randall	Williams, Ohio
Dent	Hutchinson	Rauch	Wilson, Fla.
Dewalt	Igoe	Rayburn	Wilson, La.
Dickinson	Jacoway	Reavis	Wingo
Dies	James	Reilly	Winslow
Dill	Johnson, Wash.	Ricketts	Wise
Dillon	Kearns	Roberts, Nev.	Wood, Ind.
Dixon	Keating	Rodenberg	Woods, Iowa
Doolittle	Keister	Rouse	Young, N. Dak.
Doremus	Kennedy, Iowa	Rubey	Young, Tex.
Dowell	Kent	Rucker	

NAYS—12.

Browning	Gardner	Greene, Vt.	Oakey
Dale, Vt.	Gillett	Kennedy, R. I.	Parker, N. J.
Edmonds	Gray, N. J.	Moore, Pa.	Walsh

ANSWERED "PRESENT"—3.

Humphrey, Wash.	Miller, Del.	Riordan

NOT VOTING—108.

Adair	Carew	Drukker	Fordney
Austin	Charles	Dyer	Freeman
Ayres	Cooper, Wis.	Eagan	Garland
Barchfeld	Costello	Eagle	Graham
Barnhart	Crago	Edwards	Greene, Mass.
Beales	Crosser	Estopinal	Gregg
Borland	Dale, N. Y.	Fairchild	Guernsey
Britt	Dempsey	Farley	Hamill
Bruckner	Dooling	Fields	Haskell
Callaway	Doughton	Flynn	Henry
Capstick	Driscoll	Focht	Hill
Hollingsworth	Littlepage	Oglesby	Sears
Houston	Loft	Olney	Sells
Hulbert	London	Page, N. C.	Shackleford
Husted	McAndrews	Patten	Slayden
Johnson, Ky.	McCulloch	Peters	Smith, N. Y.
Johnson, S. Dak.	McDermott	Porter	Smith, Tex.
Jones	McFadden	Pou	Steele, Pa.
Kahn	McGillicuddy	Powers	Sulloway
Kelley	McKinley	Pratt	Sumners
Kiess, Pa.	Maher	Price	Sutherland
Kinkaid	Miller, Pa.	Roberts, Mass.	Tilson
Lafean	Morgan, La.	Rogers	Vare
Langley	Morrison	Rowe	Walker
Lewis	Moss, W. Va.	Rowland	Ward
Liebel	Mudd	Scott, Pa.	Webb
Lindbergh	North	Scully	Wilson, Ill.

So the conference report was agreed to.

The Clerk announced the following pairs:

For two days:

Mr. LITTLEPAGE with Mr. AUSTIN.

Ending July 22:

Mr. CALLAWAY with Mr. PETERS.

For the session:

Mr. FIELDS with Mr. LANGLEY.

Mr. STEELE of Pennsylvania with Mr. GRAHAM.

Mr. LIEBEL with Mr. ROWLAND.

Until further notice:

Mr. SCULLY with Mr. JOHNSON of South Dakota.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. DOUGHTON with Mr. BRITT.

Mr. KINKAID with Mr. MILLER of Delaware.

Mr. MCANDREWS with Mr. HILL.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. RIORDAN with Mr. WARD.

Mr. SLAYDEN with Mr. MCKINLEY.

Mr. SMITH of Texas with Mr. PRATT.

Mr. OGLESBY with Mr. ROBERTS of Massachusetts.

Mr. MAHER with Mr. PORTER.

Mr. CROSSER with Mr. DRUKKER.

Mr. ESTOPINAL with Mr. FOCHT.

Mr. BORLAND with Mr. CAPSTICK.

Mr. HENRY with Mr. CHARLES.

Mr. DOOLING with Mr. MCCULLOCH.

Mr. GREGG with Mr. MCFADDEN.

Mr. FARLEY with Mr. COSTELLO.

Mr. CAREW with Mr. HASKELL.

Mr. POU with Mr. SULLOWAY.

Mr. SUMNERS with Mr. WILSON of Illinois.

Mr. FLYNN with Mr. DEMPSEY.

Mr. BRUCKNER with Mr. CRAGO.

Mr. DALE of New York with Mr. LAFEAN.

Mr. HULBERT with Mr. MILLER of Pennsylvania.

Mr. EDWARDS with Mr. GREENE of Massachusetts.

Mr. MCDERMOTT with Mr. ROWE.

Mr. LOFT with Mr. MUDD.

Mr. PRICE with Mr. TILSON.

Mr. SMITH of New York with Mr. POWERS.

Mr. SHACKLEFORD with Mr. ROGERS.

Mr. MORGAN of Louisiana with Mr. SELLS.

Mr. MCGILLICUDDY with Mr. VARE.

Mr. SEARS with Mr. NORTH.

Mr. WALKER with Mr. Moss of West Virginia.

Mr. LEWIS with Mr. KIESS of Pennsylvania.

Mr. AYRES with Mr. HOLLINGSWORTH.

Mr. BARNHART with Mr. FREEMAN.

Mr. EAGLE with Mr. BARCHFELD.

Mr. EAGAN with Mr. BEALES.

Mr. HAMILL with Mr. FORDNEY.

Mr. KAHN with Mr. WEBB.

Mr. DRISCOLL with Mr. HUSTED.

Mr. ADAIR with Mr. DYER.

Mr. JONES with Mr. COOPER of Wisconsin.

Mr. OLNEY with Mr. SCOTT of Pennsylvania.

Mr. PAGE of North Carolina with Mr. SUTHERLAND.

Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana [Mr. MORRISON]. I voted "aye." I wish to withdraw that vote and answer "present."

The name of Mr. HUMPHREY of Washington was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

On motion of Mr. GLASS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. OLNEY was granted leave of absence, indefinitely, on account of serious illness in his family.

EXTENSION OF REMARKS.

Mr. COPLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating a letter from Theodore Roosevelt to the Progressive national committee declining the Progressive nomination for President. [Applause.]

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a recent letter of Col. Theodore Roosevelt declining the nomination for President at the hands of the Progressive Party. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, will the gentleman print with that Col. Roosevelt's letter accepting the Progressive nomination of four years ago? [Laughter.]

Mr. MANN. Four years behind the times, as usual.

Mr. COPLEY. Mr. Speaker, I shall not object to the gentleman from New York doing that if he chooses.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

DRAINAGE ASSESSMENTS ON INDIAN LANDS, OKLAHOMA.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill at the Clerk's desk.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16093) to amend an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma."

The SPEAKER. Is there objection?

Mr. MANN. Read the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma," approved July 19, 1912 (37 Stat. L., p. 194), be, and the same is hereby, amended so as to confer upon the Secretary of the Interior authority to subject Government lands belonging to the Sac and Fox Indian Agency or the lands of the Sac and Fox Indian School or Agency in the Sac and Fox Agency of Lincoln County, Okla., to all of the provisions touching the organization of drainage districts and the construction of drain ditches and canals across said lands, or assessment for benefits conferred by the construction of said canals or ditches of the Deep Fork drainage district of Lincoln County, Okla., and that the provisions of said act shall apply in all particulars to the Sac and Fox Indian School lands and the lands of the Sac and Fox Indian Agency of said Lincoln County, Okla.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "lands" strike out the words "belonging to" and insert the word "of," so it would read: "Government lands of the Sac and Fox Indians,' etc.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. MURRAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 27 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, June 28, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting additional urgent estimates of appropriations required for the War Department for the service of the fiscal year ending June 30, 1916, to cover expenditures made and to be made to supply the needs of the Regular troops in Mexico and along the Mexican border, and to complete the equipment of the National Guard called into service under date of June 18, 1916 (H. Doc. No. 1245); to the Committee on Appropriations and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, notifying the House of Representatives that the case of Henry C. Pearson *v.* The United States was dismissed by the court April 24, 1916 (H. Doc. No. 1246); to the Committee on War Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John Hood *v.* The United States (H. Doc. No. 1247); to the Committee on Claims and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and a joint resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 3986) granting certain coal lands to the town of Kaycee, Wyo., reported the same with amendment, accompanied by a report (No. 854), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16602) to promote the efficiency of the Naval Militia, to provide for the service of the Naval Militia in time of war, and for other purposes, reported the same without amendment, accompanied by a report (No. 859), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16641) granting the consent of Congress to Julian B. McCurry, P. W. Walton, A. G. McCurry, and J. J. Fretwell to construct a bridge across the Savannah River, reported the same with amendment, accompanied by a report (No. 860); which said bill and report were referred to the House Calendar.

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution (H. J. Res. 246) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, reported the same without amendment, accompanied by a report (No. 855), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. FITZGERALD [from the Committee on Appropriations]: A bill (H. R. 16677) extending appropriations for the necessary operations of the Government and of the District of Columbia and for the payment of pensions under certain contingencies; to the Committee of the Whole House on the state of the Union.

Also, a bill (H. R. 16678) making appropriations to supply urgent deficiencies in appropriations for the military and naval establishments for the fiscal year ending June 30, 1916, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. STEAGALL: A bill (H. R. 16679) to provide for the purchase of a post-office site at Ozark, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. DIXON: A bill (H. R. 16680) to provide for the erection of a public building at Greensburg, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. DECKER: A bill (H. R. 16681) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce by railroads to afford a safe clearance between structures located on their roadways and locomotives and cars passing over their lines, to require such common carriers to equip their passenger cars with cinder deflectors, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET: Resolution (H. Res. 280) requesting the Secretary of State to furnish certain information in relation to the case of Samuel Schwartz; to the Committee on Foreign Affairs.

By Mr. BAILEY: Resolution (H. Res. 281) to authorize the Committee on Ways and Means of the House of Representatives to collect facts and statistics for the use of said committee, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16682) granting an increase of pension to William S. Alexander; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 16683) granting an increase of pension to George B. Amann; to the Committee on Invalid Pensions.

By Mr. CHURCH: A bill (H. R. 16684) to amend the military record of Peter Van Valer; to the Committee on Military Affairs.

By Mr. DILL: A bill (H. R. 16685) for the relief of Andrew J. Maxwell; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 16686) granting a pension to Clinton C. Coventry; to the Committee on Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 16687) granting an increase of pension to David Wright; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 16688) for the relief of legal representatives of Dr. W. D. Barnett, deceased, late of Cleveland County, Ark.; to the Committee on War Claims.

Also, a bill (H. R. 16689) granting a pension to Thomas R. Beasley; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 16690) granting a pension to William Sewing; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 16691) for the relief of Ellen B. Walker; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 16692) granting a pension to Amanda Ball Johnston; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 16693) for the relief of Bayard T. Garrabrant; to the Committee on War Claims.

By Mr. MEEKER: A bill (H. R. 16694) granting a pension to Esther Kuse; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 16695) granting an increase of pension to Robert D. Risley; to the Committee on Pensions.

Also, a bill (H. R. 16696) granting a pension to John P. Kirby; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 16697) granting a pension to David F. Moulder; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 16698) granting a pension to Thomas Horan; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of committeemen representing all train employees on the Chicago, Indianapolis & Louisville (Monon) Railroad, in re legislation; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of the United States, in re Red Cross shipments; to the Committee on Foreign Affairs.

Also (by request), memorial of Public Forum (Inc.) of the Church of the Ascension, New York, in re Mexican relations; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petitions of H. C. Milleman & Son, of Harmony, and Aleck Rosen, of New Alexandria, Pa.; Henry P. Boynton, of Lakewood, Ohio; D. E. Mook, Frank Post, Thomas Sparrow, Howard M. Holmes, H. J. Conover, H. A. McNitt, and Harris Miller, all of Cleveland, Ohio; S. A. Edsall, of Ligonier, Pa.; James H. Griffes, of South Pasadena, Cal.; R. J. Miller, George W. Slocomb, Mattee B. Divers, Charles D. Chase, Frances Griffes, J. J. Abramson, Charles James, R. Goodheart, and Ed. Gammores, all of Los Angeles, Cal.; J. E. T. Herman, William F. Curry, Benner Drilling Tool Co., and George K. Benner, all of Pittsburgh, Pa.; Robert Moran, of Washington, D. C.; G. H. Ahlstrom, of Brooklyn, N. Y.; Elfried Maybohn, of Flushing, Long Island; Alexander Law, S. W. Simpson, D. Cavanagh, W. E. Simpson, J. G. Hallimond, H. B. Maurer, M. E. Daine, Theodore Butler, Jacob C. Wen, Dr. Charles L. Andrews, Hugo Frank, William H. Davis, Philip L. Schuyler, E. H. Underhill, Frank Gilmore, Laurence E. Henry, James V. Gibbon, E. Delancey Aclean, Redfield Clarke, and Henry C. Maguire, all of New York City; R. A. Ashton, of the United States Navy; Edmund L. Brown, of Richmond Hill, N. Y.; and J. M. Holmes, receiving ship, Brooklyn Navy Yard, asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free; to the Committee on Ways and Means.

By Mr. CAREW: Memorial of Maritime Law Association of the United States, in re maritime legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Memorial of Department of Illinois, Grand Army of the Republic, favoring bill for placing officers of the Civil War on retired Army officers' list; to the Committee on Military Affairs.

By Mr. LONDON: Petition of convention of Lithuanian Alliance of America, Pittsburgh, Pa., demanding that the United States, in the peace conference following the European war, work for the liberation of the Lithuanians, Letts, and other "oppressed nationalities"; to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of C. H. Anschutz and others, against any American taking passage on any armed merchantman except at their own risk; to the Committee on Foreign Affairs.

By Mr. McCRACKEN: Petition of sundry citizens of Culdesac, Idaho, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petition of International Association of Machinists, of St. Louis, Mo., favoring House bill 11168, relative to leave of employees of the navy yard; to the Committee on Naval Affairs.

Also, petitions of Cass Avenue Bank, Bremen Bank, Jefferson Bank, North St. Louis Savings & Trust Co., all of St. Louis, Mo., against House bill 15734, authorizing national banking associations to establish branches; to the Committee on Banking and Currency.

By Mr. NOLAN: Petition of Board of Supervisors of San Luis Obispo County, Cal., protesting against the imposition of a Federal income tax; to the Committee on Ways and Means.

By Mr. RAKER: Memorial of Board of Supervisors of San Luis, Cal., against collection of inheritance tax by Federal Government; to the Committee on Ways and Means.

Also, petition of San Francisco Chamber of Commerce, protesting against House bill 9216; to the Committee on Interstate and Foreign Commerce.

Also, petition of Samuel Merrill, of Long Beach, Cal., relative to House bill 386, Civil War volunteer officers' retired list bill; to the Committee on Military Affairs.

By Mr. YOUNG of North Dakota: Petition of Edward Knopp and 53 others, of Kulm, N. Dak., also 30 others, protesting against Senate bill 5677; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *June 28, 1916.*

(Legislative day of Monday, June 26, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

THE NATIONAL DEFENSE.

The VICE PRESIDENT. The Chair lays before the Senate the following telegram for publication in the RECORD. It has to do with the Army.

The telegram is as follows:

LA FAYETTE, IND., *June 25, 1916.*

THOMAS R. MARSHALL,
Vice President, Washington, D. C.:

We earnestly protest against action of Senate in refusing support to dependents of National Guards. They enlisted as patriots and citizens of the greatest and wealthiest Nation on earth. They should not be required to resign or be discharged by action of the Government they have volunteered to defend. It is an insult and is ungrateful. Such action will not produce an army. The action of the House is right and meets with universal approval. Our Government can not afford to be penurious or fail to do its full duty to those who go out in its defense. The action of the Senate will place the burden on the localities from which these men go to do what it refuses to do, so that these men may not be disgraced and humiliated by being denied the right and privilege to defend their country. We do not believe that only the rich wifeless, motherless, fatherless, and childless should be given and allowed the privilege of an American citizen to defend his country. The Purdue Battery, which went to the front yesterday, had men in it from half the States, some of whom spent their last cent to get here to keep the faith and meet the President's call. Honor them; do not say, "Your services are not needed; you are not in the class that can fight for Uncle Sam."

CHARLES V. MCADAMS.
CLYDE H. JONES.

HOT SPRINGS RESERVATION, ARK.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association, which were, on page 1, line 4, after

"water," to insert "for five tubs," and on page 1, line 8, after "prescribe," to insert:

Provided, That said hospital association shall, upon request of the superintendent of the Hot Springs Reservation or his duly authorized representative, immediately after being notified, send an ambulance or conveyance for and accept and treat without charge therefor any emergency patients so sent to the hospital for treatment.

Mr. CLARKE of Arkansas. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

TRADE AGREEMENTS ABROAD.

Mr. STONE. Mr. President, I ask unanimous consent to present a resolution (S. Res. 220) and let it lie on the table. I will read it:

Whereas it has been widely stated in the public press that a conference was recently held in Paris, France, by authorized representatives of several of the Governments of leading industrial and commercial nations of Europe, now engaged in the European War as allies of France, with the object and purpose of arriving at an agreement between them with respect to their future joint and several industrial and commercial interests; and

Whereas it is also similarly stated that a commercial treaty was entered into at said conference between France, Great Britain, and other allied countries, which treaty, it is alleged, is now being drafted and is to become operative after the end of said war, with the declared object and purpose of establishing a boycott against the enemies of the high contracting parties to said treaty, both during the war and after the war, and also to promote commercial independence from the central powers; and

Whereas in a statement relating to said treaty issued by the British Board of Trade, published in the American press, it is stated, among other things, that "the allies declare their common determination to insure the reestablishment of countries suffering from acts of destruction, spoliation, and unjust requisition, and decide to join in devising means to secure the restoration of those countries by giving to them a prior claim on raw materials, industrial and agricultural plants, and stock and mercantile fleets, or by assisting them in re-equipping themselves in these respects * * *"; that "the allies are to conserve all their natural resources during the period of reconstruction after the war for common use"; and that "in order to defend their commerce against economic aggression resulting from dumping or any other mode of unfair competition, the allies decide to fix by agreement a period during which the commerce of the enemy powers will be submitted to special treatment, and the goods originating in their countries will be subjected to prohibition or to a special régime of an effective character * * *"; and that "the allies' mutual trade is to be fostered in every possible way"; and that "the above steps are to be put into operation immediately": Therefore be it

Resolved, That the President of the United States be, and hereby is, requested to ascertain and send to the Senate, at the earliest practicable moment, exact information, so far as that may be possible, as to the precise character, form, and full purpose of this agreement or treaty, especially with the view of disclosing to the Senate whether, and to what extent, neutral nations, especially the United States, may be affected thereby.

I ask that the resolution may lie on the table.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

CALLING OF THE ROLL.

Mr. BANKHEAD rose.

Mr. SMOOT. Mr. President, before taking up the Post Office appropriation bill I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Lane	Shafroth
Bankhead	Gore	Lea, Tenn.	Sheppard
Beckham	Gronna	Lee, Md.	Sherman
Brady	Hardwick	McLean	Simmons
Brandegee	Hitchcock	Martine, N. J.	Smith, Ga.
Broussard	Hughes	Nelson	Smoot
Bryan	Husting	Norris	Sterling
Chamberlain	James	Overman	Stone
Clapp	Johnson, S. Dak.	Page	Swanson
Clarke, Ark.	Jones	Pittman	Tillman
Colt	Kenyon	Poindexter	Townsend
Culberson	Kern	Pomerene	Warren
Dillingham	La Follette	Saulsbury	Weeks

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

I also desire to announce the unavoidable absence of the Senator from Colorado [Mr. THOMAS]. This announcement will likewise stand for the day.

Mr. BECKHAM. I wish to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON]. This announcement will stand for the day.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. I ask that the Senate now proceed with the consideration of the Post Office appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes,"

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona [Mr. ASHURST] to strike out section 7 of the pending bill.

Mr. NORRIS. Mr. President, I desire to offer an amendment to the portion of the bill proposed to be stricken out, which will take precedence, I think, over the pending motion. I send it to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. At the end of line 8, page 38, after the word "repealed," strike out the period, insert a comma, and the following:

But no publication shall be sent by freight if such method of transportation results in unfair discrimination or in the undue delay of the delivery of such publication at its destination.

So as to make the section read:

SEC. 7. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed, but no publication shall be sent by freight if such method of transportation results in unfair discrimination or in the undue delay of the delivery of such publication at its destination.

Mr. BANKHEAD. I have no objection to that amendment. I will accept it.

The VICE PRESIDENT. The Senator has no objection to it?

Mr. BANKHEAD. I do not make any objection to it.

The amendment was agreed to.

The VICE PRESIDENT. The question recurs on the motion to strike out section 7 as amended.

Mr. ASHURST. On that I ask for the yeas and nays.

Mr. NORRIS. Mr. President, before the motion is put I wish briefly to call attention to the amendment the Senate has just adopted. In the remarks the other day of the Senator from Arizona [Mr. ASHURST] he called attention to a great many things that I think created a very favorable impression in favor of his motion on the part of most if not all those who listened to his remarks. I confess I was greatly impressed by what the Senator said, and I was inclined to vote for the motion. Had the vote been taken then I would have voted in favor of it. But after the adjournment of the Senate, and the necessary delay that was brought about by such adjournment, as it has gone over now several days, I looked into the matter as well as I could. I consulted with some of the officials in the department, and I was impressed with the seriousness of the situation and reached in my own mind a conclusion that the section ought not to be stricken out if it could be modified in such a way that the great abuse which I think could be brought about by a Postmaster General in case it were not stricken out could be avoided.

The record shows that the Post Office Department has saved somewhere in the neighborhood of $7,000,000 to the Government since it has been sending some of these publications by freight, but under the authority that existed——

Mr. ASHURST. Will the Senator yield to me for a moment?

Mr. NORRIS. I yield to the Senator.

Mr. ASHURST. Everyone in the Senate and everywhere else knows that the Senator from Nebraska wants to be correct. He has just made a statement that some $7,000,000 was saved.

Mr. NORRIS. Yes; but I would be glad to be corrected if I am in error.

Mr. ASHURST. Instead of $7,000,000, the amount is $5,557,879.60 since the 1st of September, 1911.

Mr. NORRIS. Now, Mr. President, the Senator has made a correction, and I thank him for it. I made a misstatement. I think I made the statement from the fact that it was claimed by the department that in the neighborhood of $7,000,000 could be saved if the practice that has been going on over a part of the country in sending by freight could be extended to the entire country. Is not that right?

Mr. ASHURST. No. Will the Senator pardon me there?

Mr. NORRIS. Certainly.

Mr. ASHURST. If the blue-tag system were extended to the entire country, I have never heard of any contention from any respectable authority to support it that more than $1,500,000 could be saved. I am sure the Senator wants to be right. No Senator here wants to be incorrect.

Mr. NORRIS. How much did the Senator say?

Mr. ASHURST. About $1,500,000.

Mr. VARDAMAN. Is that per annum?

Mr. ASHURST. Yes, sir.

Mr. NORRIS. One million and five hundred thousand dollars per annum?

Mr. ASHURST. Yes, sir.

Mr. NORRIS. I accept the correction of the Senator from Arizona. I am satisfied that he is correct in his statement. I was speaking only from memory. I have, however, a statement

here from the Post Office Department in which they use this language:

Economically, the plan has been eminently successful. The department saved $5,547,879.60 in transportation cost up to the end of the fiscal year 1915 and approximately $1,500,000 additional for 1916, making a total saving since the plan has been in operation of about $7,000,000.

Those are the figures given by the department, and that is what I had reference to when I made the statement. For the sake of argument, I am willing to accept the figures the Senator from Arizona has given. I am only quoting these figures from the department's report. Of course, I have no personal knowledge in regard to the matter.

Now, let us get the situation. Under a law of Congress the Post Office Department commenced to send publications by freight. It continued to do that for some time. Then Congress passed the section of the law that we are now seeking to repeal, in which the right of the Postmaster General to send these magazines by freight was limited, and the law provided that he should not extend the practice that was then in vogue. At the time that law was passed the carriage of periodicals by freight had been extended to only a portion of the United States.

Mr. TOWNSEND. To the second and third mailing divisions.

Mr. NORRIS. To the second and third mailing divisions, leaving the first and fourth divisions to which it did not apply. Because of that limitation the Postmaster General had no right to extend the operation of the law.

In the first division—if I am wrong, I wish some one of the members of the committee would correct me, for I speak from memory when I refer to these matters—in the first division, which includes the cities of Boston, Philadelphia, and New York, there has never been any mail matter sent from those cities by freight, because of this limitation of the law. In those cities are published the great bulk of the magazines; and in those cities, when the Postmaster General wants to put in practice the sending of mail by freight he has first to send it by mail trains to some place outside of that division. He sends it from New York, from Boston, and Philadelphia to Buffalo, to Pittsburgh, and to Cleveland. It is then taken out of the mail car, put into a freight train, and sent to Kansas City, Omaha, Milwaukee, St. Paul, and other similar cities. If that limitation of the law were repealed, as section 7 undertakes to repeal it, it would permit the Postmaster General to direct these magazines to be sent from New York, from Boston, and from Philadelphia by freight. There is great economy in doing that.

The question arises, however, in the practice of this procedure of dispatching mail by freight, Will the Postmaster General injure the publishers; will he discriminate? The charge is made that he can kill a publication if he has a right to send it by freight and to send its competitor by mail. That is what has appealed to me as being vicious, as being wrong, as something that no man ought to have it in his power to do. It has been claimed that that has been done. The Post Office Department, however, denies that it has ever been done intentionally.

I think the department admits that injury was done when they first put this practice into operation; that they sent by freight some publications which were afterwards taken out of that category and sent on mail trains in the regular way. It is claimed now, however, that the method, so far as they are able to put in it force, is doing no one any injury; in other words, that publications that are printed and ready to be sent out over the country are sometimes stacked and stored for two weeks before they are sent out. One of the officials in the Post Office Department told me the other day that he had been over to Philadelphia, and he had seen carloads of the Ladies' Home Journal two weeks before it was given to the public in sacks in their storerooms in Philadelphia ready to be sent out. He stated that they would have plenty of time to send most of those journals by freight and to have them delivered in the cities and in the towns where they are to be delivered and at the time that the publishers desired them to be delivered. The magazine publishers, I understand, desire that their publications shall be placed in the homes of the people in all parts of the country on the same day. If you started a publication such as the Ladies' Home Journal from Philadelphia over the country on the same day, it could be sent by freight to Chicago, to Kansas City, and to all the interior points and reach the place of destination before distributors would in any condition of circumstances permit it to be given out to the public from a news stand; in other words, newsdealers themselves would hold the magazines, if they were to be sent by mail in fast-mail cars, so that they should not be delivered too soon. They desire to put on sale in the city of San Francisco the Ladies' Home Journal on the same day that it is placed on the news stands in the city of Chicago; and if it were sent on a fast mail train, by the time you could send it on to San Francisco you could send it on a freight train to Chicago, and it would get into Chicago before the fast mail train would get to San Francisco. So, if this law can be in good faith put into execution, no one will deny that it ought to be done.

The danger of this great power being abused is the only thing which I think should make us fearful of giving the power to the Post Office Department.

Mr. ASHURST. Mr. President——

Mr. NORRIS. Just let me conclude this sentence, and then I will yield to the Senator from Arizona.

Therefore I have offered an amendment, and it has been adopted, to the language which the Senator seeks to strike out by his motion. If this amendment is finally adopted, it will apply to the entire country, to the places where the method is still in practice and to the places where it shall be put in practice in the future. My amendment provides that no publication shall be sent by freight if such method of transportation results in unfair discrimination or in the undue delay of the delivery of such publication at its destination.

Mr. STERLING. Mr. President——

Mr. NORRIS. Let me first yield to the Senator from Arizona, who addressed the Chair before the Senator from South Dakota.

Mr. ASHURST. Mr. President, I appreciate very fully the desire—and it is creditable to him—on the part of the Senator from Nebraska [Mr. NORRIS] to solve this difficulty; but he will at once perceive that if his amendment—which I regret to say has been adopted, and I wish it now known that I want a roll-call vote on the amendment when the bill gets into the Senate—he will at once perceive that the question as to the discrimination must be solved by somebody. Manifestly it must be solved by the Postmaster General; and the Senator's amendment will result in producing the same situation which was produced in 1912. The order, the ipse dixit of the Postmaster General, of course, will not say that this is a discrimination; he will say it is not. That is the very principle which is vital in the amendment.

I object to giving any official, whoever he may be, the power to say, "This is not a discrimination"; the power to say, "Your publication may go by freight" or "Your publication may go by mail and pay a cent a pound"; or to say to another, "Because your magazine is not timely, because your news is not current, it is not a discrimination against you to send your publication by freight."

Mr. President, in the forum of conscience how can Congress pass a law which will permit one man's publication to go by mail at the rate of a cent a pound and another man's publication, which is published in the same city, to go by freight at a cent a pound? It is the discrimination to which I object.

Mr. NORRIS. Mr. President, with much that the Senator says I agree; but in any law that we may pass, in any law that any Congress has ever passed, somebody is given power to enforce it; somebody is given a discretion. I do not believe that the Postmaster General, with this provision put into the law, would violate it intentionally; I do not believe he would be any more apt to violate that law than he would any other law; and without it, if all magazines were forwarded in mail cars, the Postmaster General could still say that this publication or that publication should not go now but should go next week. I do not believe that any publication is being discriminated against now, even without this limitation, in that part of the country where the Postmaster General has a right to send magazines and periodicals by freight.

Mr. STERLING. Mr. President——

Mr. NORRIS. In just a moment I will yield. I assume that the Postmaster General would carry out the law in good faith. If he violates it, as in the case of the violation of any other law, he is subject to impeachment; but no administration, no President, would permit a man to retain that office who is violating the law in the way suggested. Now I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, I should like to ask the Senator from Nebraska if, on the contrary, it is not true that there is now being no complaint made, nor has there been any complaint made for some time by the publishers of periodicals?

Mr. NORRIS. I understand that is true.

Mr. STERLING. I desire to ask the Senator from Nebraska one further question, and that is, if he would object to extending or enlarging the policy of sending second-class matter by freight, so as to include contract sections 1 and 4, into which second-class matter can not be sent by freight under the present policy because of the limitation of the act of 1912?

Mr. NORRIS. If section 7 remains in the bill and my amendment is finally added to it, as it is now added to it, that extension could take place under this very law. If the Senator will

read section 7, he will see that it repeals the act that limited the application of the law to the two mailing divisions; so that if the motion of the Senator from Arizona [Mr. ASHURST] is defeated and the bill passes with section 7 in it as modified by the amendment I have offered, it will apply to the entire United States, and the Post Office Department can send by freight periodicals in those two divisions, as is now done in the other two divisions.

Mr. STERLING. I simply want to say that that is the idea I had in mind myself before the Senator rose to present his amendment. I had intended to offer a substitute for the motion of the Senator from Arizona, and this was the substitute:

That from and after the passage of this act the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, except as to routes or sections over, through, or in which such second-class matter may be sent.

It would reenact the law of 1912 as it is now, with the addition that the department might extend or enlarge the policy so as to include other sections of the country.

Mr. NORRIS. As I understand, the law originally provided that the Postmaster General could send publications by freight. Then Congress passed a law that provided he should not forward anything by freight that he was not forwarding by freight at that particular time, and at that particular time he was carrying by freight magazines in two mailing divisions; so that he has been prohibited since that law was passed from extending the freight-carrying proposition as affecting magazines to the other two divisions. Section 7 of this bill repeals that limitation, so that if it is repealed, the original law will be unlimited, and the Postmaster General can extend the method over the entire United States.

Mr. President, it seems to me that this is not unfair. The United States spends a great deal of money, which it raises by taxation, for sending these magazines through the mails. I do not object to that; I am not finding fault with that; but it costs us many millions of dollars to send them by mail, and if we can send them by freight and save millions and still get them to their places of destination just as they get there under the system of paying a higher rate and sending them on mail cars, why should we not do it?

Mr. LANE. Mr. President, I should like to ask the Senator a question.

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. LANE. I ask if the Senator has taken into consideration the time that is required for freight to go to the Pacific coast from, say, Philadelphia?

Mr. NORRIS. Yes.

Mr. LANE. How long does the Senator think it takes?

Mr. NORRIS. I do not know how long; but, if this provision becomes a law, they could not send any publication from Philadelphia to San Francisco by freight if that delayed the delivery in San Francisco of the matter they were sending by freight. I understand that under the operation of the law that probably never would take place. Let us take, for example, a magazine that is as well known as any other, the Ladies' Home Journal, published in Philadelphia by the Curtis Publishing Co. That magazine goes into every post office in the United States.

Mr. LANE. I should like to ask the Senator——

Mr. NORRIS. In just a moment I will yield to the Senator. The publishers want it delivered in San Francisco on the same day that it is delivered in Washington; the news agents there, the news agents here, and the mail subscribers all want to get it as nearly as they can on the same day all over the United States. They have a carload of that magazine to go to San Francisco. They will probably have to send that carload by mail, just the same under the law as it is now, because that is the longest delivery; but they have two carloads to deliver at Chicago; they have two carloads which they want to deliver at St. Louis; they have another carload for Omaha, another carload for Kansas City, another one for St. Paul, another one for Minneapolis, another one for Atlanta, Ga., and another one for New Orleans. They could deliver every one of those carloads by freight, and get them at their respective destinations before the publishing company desired to put the magazines into the hands of the people; in other words, they could get them to the intermediate points by freight quicker than they could get them by the fastest mail to the remotest parts of the country.

Mr. LANE. Then, the Senator would send those periodicals destined to the Pacific coast by mail?

Mr. NORRIS. I should think so; yes.

Mr. LANE. And not by freight?

Mr. NORRIS. Not by freight. In other words, the modification which has been added to the amendment specifically provides that nothing shall be sent by freight if it results in discrimination or delay in delivery at its destination. It strikes me, Mr. President, that is a fair proposition, and that none of the magazines would be delayed in delivery one minute. At the same time the Government would save millions and millions of money; and it ought to be allowed to do that, especially when we are dealing with a class of business as to the carriage of which the Government is charging much less than the actual cost of transportation.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. CUMMINS. In the question I am about to put, Mr. President, to the Senator from Nebraska it must not be assumed that I favor the present system. I think it is abominable and ought to be revised; that is to say, I do not believe in carrying second-class matter for less than cost. I believe every department of the Postal Service should be self-supporting; but I ask this question: It takes a freight train longer to run from Philadelphia to New Orleans than it takes it to run to Chicago; it takes it longer to run to San Francisco than it does to run to Chicago. Now, under the amendment proposed by the Senator from Nebraska, which I understand has been adopted, would it not be entirely possible for the Postmaster General to say to the publishers of the Ladies' Home Journal, "If you want to distribute on the same day all over the country you must ship the magazines that you intend for San Francisco or New Orleans at an earlier time than you ship the magazines that you intend for Chicago or Washington"? I am not able to see that the amendment will prevent the difficulty which is thought to exist.

Mr. NORRIS. I do not see any difficulty, Mr. President. Of course, according to the distance, it takes longer to ship to Chicago, for instance, from Philadelphia than it would to ship from Philadelphia to Washington. It takes longer now. It will take longer by any method of transportation that you may devise; and the Ladies' Home Journal people now, in sending out their publications, send them on different days, so that they will get to their destination on the same day.

Mr. CUMMINS. Precisely. That was the thought in my mind; and, therefore, the amendment proposed by the Senator from Nebraska would not restrict the Postmaster General in the use of the freight trains for second-class matter. It would not change the committee bill at all, for it would leave the Postmaster General at liberty to say to the publisher, "Ship your mail a little earlier if it is intended for distant points." That was the thought in my mind.

Mr. NORRIS. Well, that is true now.

Mr. CUMMINS. Precisely.

Mr. NORRIS. Suppose we repeal section 7. That will be true. We can not perform a miracle by legislation.

Mr. CUMMINS. I know that. Therefore, what change does the amendment proposed by the Senator from Nebraska make in the situation?

Mr. NORRIS. It makes no change, excepting this, and is offered for the purpose of meeting this objection—that the law giving the Postmaster General the right to send publications by freight gives him a great discretion in the exercise of which he might, as has been claimed—and that is the reason why it is desired to repeal it—say to the publishers of the Ladies' Home Journal, for instance: "Your publication must go by freight," and say to the publishers of the Woman's Home Companion, another publication on the same line: "Yours can go by fast mail." My amendment would make it illegal for him to take that kind of a step, if he carries it out in good faith, as I think he is doing now, and as I believe every Postmaster General has done. It would not make any difference, but it takes away the possibility of wrongdoing.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. ASHURST. What is desired, I assume, by most if not all people, is to avoid discrimination. Everybody concedes that freight transportation is subject to serious delays and inconveniences. How, then, can you avoid a discrimination when you require one publication to go by freight and charge that publisher 1 cent a pound and you charge another published 1 cent a pound and send his publication by a superior method of transportation that is not subject to the dangers and delays that are incident to freight transportation?

In other words, in the very nature of things, how can you avoid a discrimination when you subject one man to the dangers and the delays of freight transportation and charge him a certain rate, and then send another publication by fast mail, where there is no danger or delay, and charge him the same price? How can a discrimination be avoided?

Now, mark you, if a particular magazine is required to go by freight, it must close or lock its forms considerably earlier than

it would close or lock its forms if it were going by mail. Thereby, the early locking and closing of the forms renders the news matter and the other matter therein stale and uninteresting, which is the very life, the very essence, and the very vitality of all publications.

Mr. NORRIS. Now, Mr. President, let me answer as best I can the questions which the Senator has propounded.

In the first place, the object of the amendment is to avoid the very discrimination that the Senator says might be possible. I concede that if the Postmaster General carried out the law in good faith, and was perfectly honest about it, the amendment that I have offered and that has been agreed to would not be necessary; but the object is to meet the very objection that the Senator has made—to avoid discrimination.

Now, let me take the illustration. The Senator says that if a publication goes by freight the forms must be locked and the publication printed earlier. Let us take, again, the Ladies' Home Journal. As I understand the operation of this law, the copies of the Ladies' Home Journal that go, for instance, to San Francisco, will go by mail, on fast mail trains, across the continent. Now, you can not shorten that under existing conditions. The publication must be printed before it is sent. Assuming that to be true—and there can be no question about it—and that it is going to be sent by the fastest mail in existence, the fastest mail trains from Philadelphia to San Francisco, Seattle, and Los Angeles, the very day that part of the edition starts you can start the balance of the publication to Chicago and to these intermediate cities by freight, and get them all there before the copies destined for the Pacific coast are delivered there.

If the Postmaster General says to the publishers of the Ladies' Home Journal, "You can send your publication by fast mail everywhere; the Woman's Home Companion has to go by freight." That would be a discrimination. This amendment seeks to destroy that kind of discrimination.

Mr. SMITH of Georgia. Mr. President——

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I desire to call the Senator's attention to the action of the Senate in 1912, when this subject was up before, and ask him how he views that line of action. At that time the Senate passed a provision that the Postmaster General could route magazines of the class dealt with here by freight at 1 cent a pound, and that all that preferred to go by regular mail could go by mail at 2 cents. Is not that the wise way to handle the subject—to charge them 2 cents by mail and 1 cent by freight?

Mr. NORRIS. That is the wise way—not, perhaps, the charge; I would not say that; but I have had in mind the fundamental idea suggested by the Senator from Georgia. We ought to have a system by which the publishers could say, "We will send this publication, or this part of the publication, by freight, and the other part by fast mail"—let them make the selection and have a different charge. I do not say that the price ought to be 1 cent and 2 cents, but I favor a different charge to the publishers for the different kinds of service. That would be the best way. Even with this law, amended as I have suggested, it is by no means, in my judgment, a model law. The model law would be to permit, in some cases, weekly papers and weekly publications to go by freight, and to charge them a less rate for transportation when they went by freight. That would be the model way.

Mr. SMITH of Georgia. Will the Senator allow me to read to him the amendment which the Senate passed in 1912, or would it interfere with his remarks?

Mr. NORRIS. It would not interfere, although I am about to conclude. I have no objection to the Senator reading it now.

Mr. SMITH of Georgia (reading)—

Provided, That publications admitted to the mails as second-class matter, published biweekly or less frequently, may be carried wholly or partly in fast freight trains, whenever deemed practicable by the Postmaster General, and at the option of the publishers thereof, and the transportation charges therefor may be paid out of the appropriation for transportation by railroad routes at rates not exceeding the usual freight rates; and on and after January 1, 1913, the rate of postage on such second-class mail matter as may be transported wholly or partly in fast freight trains shall be 1 cent for each pound or fraction of a pound, and the rate of postage on other second-class mail matter, published biweekly or less frequently, transported in the regular mail trains at the option of the publishers thereof, and where the transportation of the same wholly or partly in fast freight trains is deemed practicable by the Postmaster General, shall be 2 cents for each pound or fraction of a pound.

In other words, for the fast mail train transportation the charge was made 2 cents a pound; the freight transportation was fixed at 1 cent a pound, and the publishers had their option as to which of the two they should take. Now, that seems to me to be the fair way and moving a little toward justice to the Government. We all know that the present price does not nearly pay the cost to the Government of carrying magazines through the mail.

Mr. NORRIS. Yes. I think that system is right. I do not know whether the charges are right or not.

Mr. SMITH of Georgia. Oh, Mr. President, I do not claim that the charges are nearly enough. The charges will not begin to cover the cost to the Government, even at 2 cents.

Mr. NORRIS. No; I presume that is true, on the average.

Mr. SMITH of Georgia. But such a provision will help.

Mr. NORRIS. But, Mr. President, in my judgment—this has not anything particularly to do with this amendment, and I did not intend to go into this subject, but the suggestion of the Senator has brought it out—in my judgment, the second-class mail matter ought to be carried according to a system in which distance would be taken into consideration as well as weight. It is a perfectly practical proposition and could be easily put into operation. It ought to be worked out on the zone system.

At present we carry a carload of magazines from New York to San Francisco for the same price that we charge for carrying a carload of the same magazines from New York to Philadelphia. The daily papers could be put on that kind of a basis very easily. Then, in addition to that, there ought to be a system by which the mails should go on different kinds of trains—freight trains and fast mail trains. The charge ought to be different, and the publisher ought to be permitted to select his method of transportation and be charged accordingly; but that is not before us now. It is something, it seems to me, that ought to be worked out and ought to be adopted.

Mr. HARDWICK. Mr. President, somewhat of a remarkable situation is presented here to-day. We find a section of the Post Office appropriation bill—to wit, section 7—put in in the House of Representatives without objection, reported by the unanimous vote of the House committee, with no one appearing before that committee to oppose the proposition, passing the House of Representatives in the same way, without opposition, coming to the Senate committee, and there, although we gave ample opportunity, full opportunity, for hearing to all persons interested in the bill and all who desired to be heard for or against any of its provisions, not a single voice was raised before that committee in opposition to this section, although we had hearings that lasted through weeks, and I am not sure but that they lasted through months even.

The Post Office bill reaches this floor; then, for the first time, the statement is made that in some vague, unknown, indefinite sort of a way this proposition involves the freedom of the press. I think I can demonstrate for the committee and for the department that no proposition of that kind is involved. A proposition that a certain portion of the press may continue to receive an unnecessarily expensive kind of service at one-eighth or less than one-eighth of its cost, when a different service that costs a little bit less would work just as well for these people, is the real issue in this matter.

Before I discuss it, I wish to call attention to the fact that in the International News Service dispatches from Washington under date of May 29 last, regarding section 7 of the pending Post Office appropriation bill, the following statement is attributed to me:

The plea set forth from Postmaster General Burleson for passage of the free-speech rider was made known late to-night by Senator THOMAS W. HARDWICK of Georgia. He said:

"The Post Office Department has reported that it is running $80,000,000 a year behind. It proposes to cut down this deficit by rerouting magazines of certain kinds by transferring their shipment from mail trains to fast freight trains.

"This provision must go through this year in order to cut a standing deficit."

That is the end of the quotation. As far as the alleged interview with me is concerned it ends there. The article goes on:

Disclosure of a state of insolvency in the Post Office Department was a shock to most friends of the administration. In his report of 1913 Postmaster General Burleson said:

"The Postal Service is now for the first time since 1883 self-supporting. There is an actual surplus of $3,841,906."

Now, again, quoting from the News Service article:

Mr. Burleson's administration of the Post Office Department has come in for much criticism by Members of Congress. It is probable that an inquiry will be made into the accumulation of such an enormous deficit in 1915–16, when the department three years ago showed a substantial surplus.

The remainder of the dispatch embodies the assertions that "the enactment of section 7 will be one of the boldest attempts to curb free speech ever planned by politicians," that "the Postmaster General would be given arbitrary power from which there is no appeal in the matter of routing magazines, periodicals, and newspapers," that "he may order an unfriendly publication forwarded by freight, while a friendly publication may be allowed the use of the regular mail," that "this will ruin

the business of the concern discriminated against and serve as a powerful political weapon in the hands of the Postmaster General."

This dispatch, which has been published in various newspapers throughout the country, so grossly misrepresents the purpose and possibilities of the section referred to that I regard it as imperative that I should make a clear and definite statement on this subject, so that whatever erroneous impressions may have been created by the statements attributed to me, as well as by the other assertions in the dispatch, may be eradicated.

The figure of $80,000,000, represented by the dispatch as the deficit in the postal finances, is the estimated loss to the Postal Service, as I estimated it then, roughly and roundly, from handling second-class mail under the present system. It is not a deficit.

The Postal Service turned into the Treasury for the fiscal year 1913 an actual surplus of $3,800,000, for 1914 an actual surplus of $3,500,000, and although for the fiscal year ending 1915 a comparatively large deficit—$11,000,000—resulted from the disturbed business conditions in this country as a result of the European war, an analysis of the financial situation in the Postal Service at this time indicates that another large surplus will be turned into the Treasury for the fiscal year 1916.

These surpluses represent the net amount of revenues above expenses for the entire Postal Service.

The department has estimated, after thorough investigation and analysis, that the cost of transporting and handling second-class matter is approximately 8.27 cents a pound. The revenue received from this class of mail is approximately 1.14 cents a pound.

In other words, the Hughes Commission in 1911, as I understand it, fixed 1.14 cents a pound as the amount of revenue from handling this second-class mail matter.

The cost figure is arrived at by adding to the cost figure of 5.5 cents a pound, determined by the Hughes Commission in 1911, the cost of handling in post offices and other unassigned miscellaneous expenses not considered by the Hughes Commission. For the fiscal year 1915, the total weight of the mailings was 1,109,283,795 pounds, and the paid-at-the-pound-rate matter brought in a revenue of $10,471,442. If the cost figure of the Hughes Commission be taken as a basis, the cost of handling this mail for the fiscal year 1915 would be $61,010,178, or a loss of $50,539,275. Taking the department's figure of 8.27 cents as representing the cost per pound of transporting and handling, the total cost for 1915 would be $91,737,934, which, minus the revenue of $10,471,442, would leave a loss of $81,266,491 on this class of mail.

Let me pause here, Mr. President, from reading this statement to say that my judgment is that instead of the freedom of the press being involved, the real question at issue is a graft of the press, to get its mail matter transported and handled at less than one-eighth of what it costs the Government and not to consent to even a comparatively trifling economy, that hurts none of them, and, would reduce the losses of the Government.

Mr. President, the truth about this matter is we are losing over $81,000,000 a year on transporting and handling second-class mail matter alone; and if that mail matter were made to pay the cost of its transportation, or anything like it, I say to the Senate of the United States and to the people of this country we could give them 1-cent postage overnight.

Mr. REED. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. REED. The statement the Senator has just made is very interesting. Now, may I ask why it is that the committee or some one has not brought forward a proposition of the kind which is referred to by the Senator?

Mr. HARDWICK. I have been on the committee myself for only a very short time, but, speaking for the committee, I understand that it has been done repeatedly. The truth is that the political power of these newspapers and magazines is so great that no legislative body has yet dared to do what ought to be done about this matter.

Now, let me cite to Senators some facts in connection with the statement I have just made, and upon which I base that statement. During the calendar year 1915 the Post Office Department issued to the postmasters of the United States 2-cent stamps and 2-cent stamped envelopes to the value of $159,395,250.76. There were almost $160,000,000, in round numbers, of 2-cent stamps and 2-cent stamped envelopes sold in the year 1915. Yet, according to the estimate of the department, we lost during the fiscal year 1915 over $81,000,000 on second-class mail matter alone.

These figures carry their own weight. If this branch of the service were made self-sustaining, we would save over $80,000,000, and, instead of $160,000,000 worth of 2-cent postage stamps and 2-cent stamped envelopes being sold, we could furnish the same postage stamps and the same stamped envelopes for 1 cent apiece and give the people of the United States a 1-cent postage rate throughout this Republic; and it would take only $80,000,000 to do that, when we are losing eighty-one and a half million dollars, in round numbers, on the other proposition.

There is nothing new whatever about this loss, which was figured by the Hughes commission in 1911 as amounting to $60,000,000. The increase since is due solely to the increase since 1911 in the volume of this class of mail handled.

From the foregoing statements it will be clearly seen that, despite this enormous loss, whether the sixty or eighty million dollar figure be accepted as representing the loss, the Postal Service as a whole has been conducted by the present administration in a self-supporting manner.

Referring again to the contents of the news dispatch, the purpose of section 7 is not to eliminate a deficit in the postal finances, because no deficit exists at this time. Its purpose is to enable the Postmaster General to handle the question of transporting bulk shipments of second-class mail in an intelligent and businesslike way. The potentialities of section 7 are now being realized in the southern and middle western sections of the country. There is no evidence that the Postmaster General has abused this power in these sections of the country, nor that the freight shipments of bulk mailings of second-class matter have impaired the service in any way. The department, however, has presented evidence that, notwithstanding the fact that perfectly satisfactory service has been accorded to second-class mail in these sections of the country, it has been possible to save to the Government approximately one and one-half millions of dollars annually in the cost of transportation. Section 7 will merely repeal the provisions of the appropriation act for the fiscal year 1913, which prohibited the Postmaster General from extending beyond the sections of the country referred to the policy of sending second-class matter by freight trains.

In two out of the four mailing divisions of the country, with the press already gagged, according to my friend from Arizona, in two out of four of these mailing divisions, the Postmaster General already has this arbitrary, this despotic, this terrible power, and yet I ask the Senator from Arizona or any other Senator on either side of this Chamber to cite a single specific case since this administration began and Mr. Burleson has been Postmaster General where there has been any serious complaint that there was any misadministration of this section in the two mail sections in which it has been in force. Unless they can do that I do not think they can impress either upon the country or the Senate the urgency of the danger to which they advert or the seriousness of the peril which they fear.

If it has been in force in practically half of the United States during the three years of this administration, and if during all that time every one of these publishers sat silent while the House committee considered this proposition, sat silent while the House of Representatives considered it, sat silent while the Senate committee considered it, and no one has raised his voice to object, has raised his voice to complain of unfair discrimination, then I say it is a far-fetched argument that there is any danger of press gagging or abuse of power in the other two mailing divisions, if section 7 remains in the bill.

Mr. ASHURST. Mr. President——

Mr. HARDWICK. I yield to the Senator. I yield to any Senator who can state a case of unjust treatment in the administration of this provision.

Mr. ASHURST. The Senator's argument is proceeding on the hypothesis that you are alive to-day, and therefore you need not fear that you will ever die.

Mr. HARDWICK. I do not yield to the Senator for an argument. If he knows of any facts about this matter, I would like to hear them from him, or from any Senator. Of argument we have enough.

Mr. ASHURST. Does the Senator assert for a moment that the press of the country are in favor of section 7.

Mr. HARDWICK. I do not care whether they are or not. It comes in here and we are here——

Mr. ASHURST. We are here to do justice.

Mr. HARDWICK. Exactly.

Mr. ASHURST. And we are not doing justice when we charge one man a cent a pound on a publication by freight and his competitor pays a cent a pound by mail.

Mr. HARDWICK. I ask for facts. I am sorry that all I can get is declamation. I ask for instances. Can anyone put his hand on a single publisher who during these years when this system has been in force in half of the United States has inveighed against it or appears to have been wronged in the slightest? If you can not do it, I do not think we need fear your prophesies very much about the other half of the United States.

Mr. CUMMINS. Why does the Senator from Georgia limit his inquiries to the last three years?

Mr. HARDWICK. I will tell the Senator why. I want to be frank and candid with him about that. There was a great deal of trouble about the Review of Reviews case. That happened in the last administration, and while this effort was in its inception, and I know, of course, any Senator can cite that. I am not trying to make a partisan question out of it, but the proposal is for the coming fiscal year to vest the Postmaster General and the present administration with this power, and I do submit to the Senate and I do submit to the country that for three years they have had this power over all the publishers of the United States and through one-half of the mailing area of the country, and nobody has made any serious complaint or any complaint that was not reasonably and speedily adjusted. As I understand the facts, I do not think the Senate ought to be very much impressed with all these imaginary fears and theoretical perils that Senators seem to be so much concerned about.

Mr. CUMMINS. It is in the nature of general legislation, no matter where it is found. It happens to be in an appropriation bill, but it is in all its characteristics general legislation. Now, the Senator from Georgia will not assert that the discretion formerly lodged in the Postmaster General has not been abused. The present Postmaster General may not have abused it, because he has not had a very wide opportunity to abuse it, for the statute that is now sought to be repealed has been in effect during the term of his office. If the Senator from Georgia wants to broaden the inquiry and look into the original application of the blue-tag system, I think he could be supplied with several instances of injustice and unfairness.

Mr. HARDWICK. Undoubtedly, regardless of the party in power or who was Postmaster General when the first system came in. I know it created a great deal of prejudice at first. I know that there were many complaints while the system was being adjusted and the department was working out the details. While it was determining the general principles on which it rests, while it was making general classifications, which must be established in order to do justice to all men, there were troubles, and there were some cases, notably the one to which I referred under Postmaster General Hitchcock, the case of the Review of Reviews.

Mr. BRYAN. Will the Senator from Georgia allow me?

Mr. HARDWICK. I yield to the Senator.

Mr. BRYAN. In 1910 the House committee held hearings for the purpose of increasing the rate on second-class mail matter, and the publishers came before the House committee in opposition to the increase in postage, and they themselves submitted the plan of allowing some of the publications to go by fast freight wherever it could be done without any injustice. Therefore, the suggestion came first from them. In 1911 Postmaster General Hitchcock inaugurated the plan. In 1912 a number of them came before the Senate committee and objected to the plan, which resulted in the limitation placed in the appropriation act of that year and which is now sought to be repealed. But since then and since they have adjusted their date of publication to the plan there has been practically no complaint.

Mr. HARDWICK. Exactly. That is the idea I am trying to convey to the Senate. As soon as we established the principles on which it ought to work, as soon as we established the general classifications which ought to be made in justice both to the Government and the publishers, there has been no complaint.

I repeat the query I made to the Senate just now. If it can operate for the three past years in two out of the four mailing divisions of the United States without any serious complaint from any man, and no one can specify where there has been any injustice done or even claimed, why should we pay any attention to the vain imaginings of Senators that some wrong may possibly come? That is always true in the administration of law. No law was ever so good that an incorrect, corrupt, and unjust or discriminatory administration of it might not make it odious.

Mr. President, so much for that phase of the question. I do not want the Senate to misunderstand the amount of economy involved in this proposition. It is not as great as I should like to see it in order to make a fight that appears to be as serious as this one. It is estimated by the department, and I am going to have the letter read in just a minute, and then I must close, because we are anxious to finish this bill, that the use of the system in two out of the four divisions of the country in which it has been used during the past three years has resulted in a saving to the Government of about four millions and a half dollars a year, without any loss or hurt or inconvenience to anyone. The department estimates that if section 7 remains in the bill, and the Postmaster General is allowed to exercise his discretion in this matter, it can save some three or four million dollars a year. The amount is not as great as some Senators have heard it estimated or stated. But, Senators, if we are losing eighty-one and a half million dollars a year on this class of mail matter, and if the people agree, and Senators agree, as I know they must, that if we are ever to arrive at 1-cent postage for the people of this Republic, it will be necessary to effect a great deal of the necessary saving here, then why should we hesitate to save, instead of only one and a half million dollars a year on this proposition, three or four million dollars a year for the Government, for the department, and for the people of the country?

Senators, we are in this predicament about this matter: If the Senator from Arizona and those who think like he does are right, then their proposition only goes half far enough. If the great possibilities for harm or for discrimination for the exercise of arbitrary and despotic power over the press lurks in this matter that they claim lurks in it, then it ought not to exist in half the United States. It ought not to be in force in the southern and western sections of this Republic any more than in the northern and the eastern sections of the Republic. We ought not to be treated in different ways about it, part of us made fish and the balance of us made fowl. If it is a good thing for my section and for the middle western section, it is a good thing for the balance of this country; and if it is a bad thing for us, it is a bad thing for the balance of the country.

So, after all, the law and practice ought to be all one way or all the other. It ought all to be that the Postmaster General, throughout this country, in every mailing division, shall be allowed to exercise the wise and businesslike discretion in this matter that he now exercises in two of the four mail divisions of the country.

Mr. SHAFROTH. I should like to ask a question for information. The Senator has stated that there is a saving of one million and a half dollars.

Mr. HARDWICK. Yes; by opening this system in two out of the four divisions.

Mr. SHAFROTH. In two out of the four divisions. What is the estimate as to what the saving will be if extended to all four divisions.

Mr. HARDWICK. Between three and four million dollars a year.

Unless this system is continued the publishers on short hauls can save money by electing to use the freight and mail facilities of the common carriers, why should they be allowed to give us the worst of it on the long hauls and put their most expensive business on us and pile up this deficit that keeps our people away from 1-cent postage? Mr. President, they make us take the loss whenever they care to do so on the long hauls and get it done cheaper on the short hauls by using other means of transportation.

Mr. CLAPP. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. CLAPP. Does the Senator happen to have any figures showing approximately the percentage that is now sent voluntarily by freight and express?

Mr. HARDWICK. I am afraid I can not give that to the Senator. I have made no extended investigation of that question, but I have examined it to some extent.

Mr. BANKHEAD. Mr. President——

Mr. HARDWICK. I yield to the Senator from Alabama, who says he can furnish the figures on that point.

Mr. BANKHEAD. Mr. President, in response to the query of the Senator from Minnesota [Mr. CLAPP], I wish to say that I have had this table prepared on this question. The cost of handling second-class mail matter in the fast mail trains per ton-mile is 5.21 cents, and the cost by freight under the arrangement by which it is sent is 1.51 cents per ton-mile.

I desire to say, Mr. President, while I have this matter before me, that the difference is 3.70 cents per ton-mile.

Mr. CLAPP. What I wanted to know—possibly the Senator from Alabama has the data—was approximately what percentage of such mail matter the publishers voluntarily send by freight under existing conditions?

Mr. BANKHEAD. Mr. President, I do not think that I could give the Senator from Minnesota the information as to what percentage is so sent voluntarily at all.

Mr. SHAFROTH. From the statement which the Senator from Alabama has made, it appears that it costs three times as much to send this matter by mail as it does by freight.

Mr. BANKHEAD. I have just given the Senator the figures.

Mr. SHAFROTH. I wish the Senator would kindly restate them.

Mr. BANKHEAD. The cost for such mail matter sent by fast mail is 5.21 cents per ton-mile and by fast freight it is 1.51 cents per ton-mile.

Mr. SHAFROTH. That is about three times as much.

Mr. BANKHEAD. It is a little more than three times as much.

Mr. HARDWICK. Mr. President, just a moment more and I shall have finished, so far as my presentation of this matter is concerned.

I approached this subject absolutely impartially. For certain reasons, I do not favor giving the Post Office Department any undue amount of administrative discretion. I have not thought, even in this administration, that on every occasion and about every matter the department had exercised discretion wisely. So I approached this matter with an entirely open mind, when I began its investigation.

I realize, Mr. President, as well as any Senator on this floor realizes—even as well as my friend from Arizona [Mr. ASHURST] realizes—the importance of a free and unmuzzled press. I would be as loath to join in any effort to really muzzle the press, to really treat any of its members unfairly, whether their publications are published daily, weekly, or monthly, as would any Senator on the floor.

I fully realize the force, the soundness, and the wisdom of that great governmental policy which leads us to be extremely liberal toward these agencies for the distribution of intelligence throughout the Republic and among its people. I am willing to go as far as any Senator on either side of this Chamber ought to go upon that question. I am willing to be generous with them, because I know the sound policy involved in encouraging the press, in providing for the wide circulation of these great publications. I realize how necessary it is that we should not unduly hamper them; but I tell the Senate that, in my judgment, from what study I have been able to make of this question, second-class mail matter is not paying one tithe of what it ought to pay, even when due allowance is made for that consideration. Our people have advanced in intelligence; they are better read and better informed than many public men credit them with being. It is no longer a kindergarten proposition with any of them in any State or in any section of the Republic; but I do think the time has come when the people who write and mail letters and pay postage ought not to have quite so much of this burden of the price of transporting and handling the mail matter of the various newspaper and magazine publications on their shoulders. I think the time has come when we ought at least to divide that cost up. I think if we would retrieve one-half of the amount of money that we are losing on second-class mail matter possibly other economies in other branches of the Postal Service and other policies could be devised and adopted which would have the effect of enabling us finally to give to the people of this country 1-cent postage. But we shall never arrive at that goal, which I am so anxious to reach, unless we handle this second-class mail matter proposition and handle it rather drastically at that.

I do not care now to say anything more, but in justice to the department I think that probably there are two letters which I ought to ask to have read by the Secretary in connection with the matter. I ask that the Secretary read in my time the letters which I now send to the desk.

The PRESIDING OFFICER (Mr. GRONNA in the chair). The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 1, 1916.

Hon. THOMAS W. HARDWICK,
United States Senate.

MY DEAR SENATOR HARDWICK: Referring again to your letter of the 30th ultimo, I have to say the department has not made any thorough and exhaustive estimate upon the subject of the difference between the estimated cost of transporting and handling second-class mail matter and the revenue received therefrom since the presentation of the matter to the Hughes Commission in the fall of 1911. At that time the cost of transporting and handling second-class mail matter was placed at approximately 8.27 cents a pound and the revenue received at approximately 1.14 cents a pound. The Hughes Commission made a finding that the cost of transporting and handling second-class mail matter known as paid-at-the-pound rate was approximately 5.5 cents a pound, exclusive of the cost of the handling in post offices and also the apportionment of certain unassigned miscellaneous expenses.

The Third Assistant Postmaster General reported for the fiscal year 1915 that the total weight of the mailings amounted to 1,109,285,785 pounds, and that the paid-at-the-pound-rate matter yielded a revenue of $10,471,442.74. If the finding of the Hughes Commission be taken as the basis, the cost of handling the volume above mentioned for the fiscal year 1915 would be $61,010,718.17. Subtracting the revenue received would leave a deficiency of $50,539,275.43. This, however, does not include any cost of handling in post offices or any portion of unassigned miscellaneous expenses.

If the department's estimate, which is above mentioned, be taken and applied to the weight above mentioned, the total cost of transportation and handling would be $91,737,934.41. Subtracting the revenue above mentioned would leave a deficiency of $81,266,491.67.

The difference between the deficiencies based on the finding of the Hughes Commission and on the estimate of the department is due to the fact that the former does not take into account the cost of the handling in the post offices or any portion of unassigned miscellaneous expenses chargeable to this matter.

The plan of transporting periodicals not containing news matter, published less frequently than weekly, in freight trains is now confined to the second and third contract sections. That is to say, the southern and middle western sections of the country. As at present in operation it enables the department to effect a saving of nearly $1,500,000 annually in the cost of transporting the matter, without subjecting publishers to any injury or inconvenience. If the limitation on the extension of the system is removed, as proposed in the pending bill, the department will be enabled to extend the plan, wherever practicable, to the remaining contract sections—the first and the fourth—and thereby effect further large savings in transportation expenses.

Yours, very truly,

A. S. BURLESON,
Postmaster General.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 1, 1916.

Hon. THOMAS W. HARDWICK,
United States Senate.

MY DEAR SENATOR HARDWICK: In connection with my letter of to-day, replying to the inquiries contained in your letter of the 30th ultimo, I am transmitting herewith a memorandum containing data on the subject of the transmission by freight of certain second-class mail matter which may be of interest to you in connection with the pending Post Office bill.

Yours, very truly,

A. S. BURLESON,
Postmaster General.

DATA ON SECOND-CLASS MAIL MATTER TRANSPORTED BY FREIGHT ("BLUE-TAG" MAIL).

September 1, 1911, the department inaugurated a plan for the transportion of certain second-class publications issued less frequently than weekly between certain large centers in the third-contract section in fast freight trains instead of the regular mail trains. On July 1, 1912, the plan was extended to embrace the second-contract section. Congress in the appropriation act of August 24, 1912, forbade the extension or enlargement of the plan. The points between which such transportation is now being performed are as follows:

Buffalo, N. Y., to Chicago, Ill.
Buffalo, N. Y., to Union Pacific Transfer, Iowa.
Buffalo, N. Y., to St. Louis, Mo.
Buffalo, N. Y., to St. Paul, Minn.
Buffalo, N. Y., to Cincinnati, Ohio.
Pittsburgh, Pa., to Chicago, Ill.
Pittsburgh, Pa., to Union Pacific Transfer, Iowa.
Pittsburgh, Pa., to St. Louis, Mo.
Pittsburgh, Pa., to Kansas City, Mo.
Pittsburgh, Pa., to St. Paul, Minn.
Pittsburgh, Pa., to Cincinnati, Ohio.

PERIODICAL SECOND-CLASS MAIL.

Chicago, Ill., to Union Pacific Transfer, Iowa.
Chicago, Ill., to St. Paul, Minn.
Chicago, Ill., to Kansas City, Mo.
Chicago, Ill., to St. Louis, Mo.
Chicago, Ill., to Buffalo, N. Y.
Chicago, Ill., to Pittsburgh, Pa.
Chicago, Ill., to Cincinnati, Ohio.
Springfield, Ohio, to Buffalo, N. Y.
Springfield, Ohio, to Chicago, Ill.
Springfield, Ohio, to Pittsburgh, Pa.
Springfield, Ohio, to St. Louis, Mo.
Springfield, Ohio, to Kansas City, Mo.
Springfield, Ohio, to Union Pacific Transfer, Iowa.
Springfield, Ohio, to St. Paul, Minn.
Canton, Ohio, to Chicago, Ill.
St. Louis, Mo., to Kansas City, Mo.
Kansas City, Mo., to Chicago, Ill.
Cincinnati, Ohio, to Atlanta, Ga.
Cincinnati, Ohio, to Chattanooga, Tenn.
Washington, D. C., to Atlanta, Ga.

CONDUCT OF SERVICE.

The periodical mails handled in fast freight trains comprise those published less frequently than weekly, the contents of which are of such a nature that regular mail train handling is not essential or which by earlier delivery to the post office of origin could be delivered at practically the same time as theretofore. These mails are handled in regular mails to the point of freight shipment, there transferred to freight cars. On arrival at terminus of freight route they again enter the regular mails for carriage to destination and delivery. The delay resulting ranges from two to five days, according to the route, and the service is regular and satisfactory.

METHOD OF PAYMENT.

There being no specific appropriation for this character of transportation, a plan was devised for payment out of the appropriation for railroad transportation, by establishing lap routes between the points covered by the freight shipments, weighing the mails carried by freight for the statutory period, and ascertaining the cost of transporting such weight upon the regular railroad routes at the lap rates. This cost then becomes a credit upon the lap route, the amount of which credit may not be exceeded in making payments for freight shipments. This plan was approved by the comptroller.

EXTENT OF SERVICE.

The following table gives the operation of this service since its inception:

Fiscal year.	Number of carloads transported.	Weight of mails transported.
		Pounds.
1912 (10 months)	3,645	104,405,332
1913	5,045	140,216,437
1914	4,963	139,346,460
1915	4,853	127,205,138
Total	18,496	[1]511,173,367

[1]255,586 tons.

The reduction in volume of business shown in 1914 and 1915 was partly due to changes made in the list of periodicals moved by freight and partly by other causes.

SAVING EFFECTED.

The saving effected by this method of transportation is that represented by the difference between the actual cost by freight and the cost of *transportation* had the mails involved been handled in the regular mail trains, represented by the credit referred to in preceding paragraph. The savings accomplished since the inauguration of the plan are as follows:

Fiscal year.	Cost of freight transportation.	Cost at regular rates.	Difference.
1912 (10 months)	$478,195.01	$1,686,640.27	$1,308,445.26
1913	703,904.37	2,194,918.22	1,491,013.85
1914	706,154.33	2,133,586.39	1,427,432.06
1915	651,411.13	2,072,399.56	1,420,988.43
Total	2,539,664.84	8,087,544.44	5,547,879.60

TON-MILE COST.

A computation of the ton-mile cost of transportation of periodical mails by fast freight service produces the following result:

Fiscal year 1914.

Contract section.	Number of cars handled.	Weight carried.	Cost.	Ton-miles.	Ton-mile cost.
		Pounds.			*Cents.*
Third	4,572	129,775,308	$603,085.80	40,634,684	1.48
Second	391	10,171,152	103,068.53	2,925,693	3.52
Total	4,963	139,346,460	706,154.33	43,560,377	[1]1.62

[1]Average cost per ton-mile for all shipments.

Fiscal year 1915.

Contract section.	Number of cars handled.	Weight carried.	Cost.	Ton-miles.	Ton-mile cost.
		Pounds.			*Cents.*
Third	4,374	117,827,116	$556,173.25	36,768,720	1.51
Second	469	9,378,022	95,193.35	2,713,944	3.51
Total	4,843	127,205,138	651,366.60	39,482,664	[1]1.65

[1]Average cost per ton-mile for all shipments.

The greater ton-mile cost in the second contract section is due to the higher classification on such matter in southern classification territory, first-class rates only being obtainable.

Comparison between cost by mail and by freight (1915).

Contract section.	Cost by freight.	Cost by mail.	Ton-mile cost.		Decrease by freight.
			By mail.	By freight.	
			Cents.	*Cents.*	*Cents.*
Third	$556,173.25	$1,914,758.05	5.21	1.51	3.70
Second	95,193.35	157,641.51	5.81	3.51	2.30
Total	651,366.60	2,072,399.56	5.25	1.65	3.60

BLUE-TAG TERMINALS.

Coincident with the inauguration of the freight shipments of periodical mails, terminal railway post offices were established at the termini of the freight routes, in which this class of mail was distributed. This distribution was performed during the time the mails were awaiting dispatch and resulted in material relief to many of the trunk lines, with large saving in car pay and cost of distribution.

PUBLICATIONS BLUE TAGGED.

The department includes in the freight service such publications not containing news features as are issued less frequently than weekly, except trade and technical papers and fraternal publications. The trade papers were excepted from the slower movement on account of the current market reports and similar matter contained therein. The fraternal issues were excepted as they serve, in many cases, as the only notice of assessment to members, and it was represented that delay in delivery of the papers, with consequent delay in payment of the assessment, might cause the delinquent member to be dropped from the association.

BLUE-TAG SYSTEM SUSTAINED BY COURT.

The right of the Postmaster General to thus discriminate in the movement of second-class matter was challenged by the Review of Reviews Co., which sought to enjoin the Postmaster General from including its publication with those given the slower movement. The court, in denying the motion for an injunction, held that the order of the Postmaster General requiring the publication to be transmitted by freight was a reasonable one, and that it was intended to proportion the cost of the service to the Government more nearly to the charge it makes (192 Fed., 359).

Mr. ASHURST obtained the floor.

Mr. REED. Mr. President, will the Senator from Arizona yield to me for a moment to ask a question?

Mr. ASHURST. I yield to the Senator.

Mr. REED. I desire to ask the chairman of the committee if the passage of section 7 would in any way change the present status or make it possible to change the present status of the International Musician?

Mr. BANKHEAD. It does not. That publication now goes by fast freight.

Mr. REED. So that, if section 7 is enacted, this publication will still continue to go by fast freight, unless the Postmaster General sees fit, of his own volition, to change that?

Mr. BANKHEAD. Of course, in his discretion, the Postmaster General may send it by mail, but the provision does not affect the status of that publication at all. I have looked that matter up and am familiar with it.

Mr. REED. I thank the chairman of the committee for the information.

Mr. ASHURST. Mr. President, I have listened with more than usual interest and pleasure to the very able speech of the distinguished junior Senator from the State of Georgia [Mr. HARDWICK]. The desire on his part to economize in the revenue of the Government and the desire to retrench are impulses creditable to him in the last degree. I am not a cynic, and I trust I will never get to that age when I become cynical, but I saw this morning a strange thing, a remarkable and peculiar thing—loud talk for economy and a charge that the press of the country was attempting to put over a graft, just after the Senate had put over a graft to the tune of $20,000,000 in the river and harbor bill. What a beautiful status of affairs! Stick our hands into the Public Treasury up to the elbows and take out $20,000,000——

Mr. HARDWICK rose.

Mr. ASHURST. I decline to yield. We take out $20,000,000, and then we will make up that deficit by depriving the American people of equal opportunities to acquire reading matter. Is not that a beautiful record? Mr. President, there is just as much foundation in my charge of graft in the river and harbor bill as there is foundation for the charge of the Senator from Georgia that there is graft on the part of the press.

I have never been a favorite among the newspapers. I am a candidate for the Senate in Arizona to-day, and I seriously doubt if more than one or two daily papers in that State want to see me elected; but, Mr. President, the fact that a paper criticizes me does not make me wish to gag that paper. It is far better that my political ambitions should be sunk and subordinated and the political aspirations of every other Senator sunk and subordinated rather than that an American principle of a free press should be violated.

Mr. President, I notice that these economists, whenever it becomes necessary to save dollars, always resort either to the schools or the newspapers; they always resort first to that which happens to affect the life and the vitality of the American people.

Mr. President, we lose $80,000,000 in the transportation of second-class mail matter. Has the Senate reached the situation where all principles are to be tried by a balance sheet? Is there nothing else in this Nation except money? We lose money by our Army; we do not get any cash dividends out of the Army, but we get protection to the institutions and the people of America. We do not get any dividends out of our Navy; the Navy does not pay dividends. Senators look for dividends. The dividends from the Navy are the protection to our shores against foreign invasion. Senators look for dividends possibly from the schools. We get no cash dividends from our schools. Our dividends, Mr. President, are an informed and learned public opinion; and a public opinion that is not informed is deleterious to a free Republic. Why, Mr. President, I presume the next Congress will say, "If we will just abolish the county-free circulation of newspapers, we will save another million dollars." One by one we take these steps; one by one we en-

croach upon these institutions that make up the very life of the Republic.

So, Mr. President, after having gone into the Treasury and dished out $20,000,000 excess on a river and harbor bill, we hear this appeal for economy. I like to hear it; it is music to my ears; but let us not economize by striking at equality of dissemination of magazines.

Mr. President, it has been stated by the distinguished Senator from Georgia that no complaints have been made under the present administration. Possibly the Senator did not hear my remarks the other day. I do not blame him; they were tedious; but I said at the outset that I had no charges to make against the former Postmaster General. He is not a public official. He can not come in on the floor of the Senate and defend himself. I also stated that I had no fear that the present Postmaster General would arbitrarily or unjustly use the blue tag. I stated that no well-informed person whose opinions were worth while honestly feared that Postmaster General Burleson would try to hamper or cripple any magazine; but I also said that we do not know what may come in the future. The passions that are stirred up in men over politics are very fierce, and in the long future we do not know but that some man might be placed in the office of Postmaster General who, for revenge upon a periodical and for the purpose of dislocating its avenues of reaching its subscribers, would blue tag a magazine and thereby cause it great loss and damage and, possibly, bankruptcy.

Mr. President, the Democrats, I presume, in the coming campaign will not only make the woods but the welkin ring by their loud speeches about "equal rights to all and special privileges to none." Why, Mr. President, from 10,000 stumps and 10,000 platforms they will say that that principle of equal rights is the life of the party—"equal rights to all and special privileges to none." The campaign is yet young. Are we going to start out in the campaign by declaring that, so far as newspapers and magazines are concerned, we disregard that principle and that magazine A, published in New York, may go by mail at 1 cent a pound, but magazine B, also published in New York, shall go by freight at the same rate? Is that not a beautiful exemplification of the principle of "equal rights to all and special privileges to none"?

Mr. HUSTING. Mr. President——

Mr. ASHURST. I decline to yield, Mr. President.

Mr. HUSTING. I was going to ask the Senator a question.

Mr. ASHURST. I decline to yield just now. I yielded the other day; I took the floor at 5 o'clock and I yielded, I think, some twenty-five or thirty times. I do not propose to have my speech interrupted and broken up.

Mr. President, I regret the statement of the Senator from Georgia [Mr. HARDWICK] that this is "a graft of the press, for the press, and by the press." I am not a special pleader for the press, for it certainly has never treated me generously—possibly it has treated me justly—but God save the American people when the galleries are closed to representatives of the press! I believe the fact that our appropriations are only a billion and a half instead of five billion is because the press keeps the country informed as to what we do here. I say that the assertion that this is a graft for the press and by the press and in their behalf and behoof is not warranted. It is an ungenerous assertion. It is an unjust assertion.

Mr. President, it must not be forgotten that if section 7 is not stricken from the bill the present Postmaster General and future Postmasters General will have the power to route second-class mail matter on their own ipse dixit, and there is no appeal from it. However unjust, however arbitrary, however oppressive the order may be, there is no appeal to any judicial tribunal. I cited the other day the case of the Review of Reviews against Hitchcock, wherein the court states, "We assume that irreparable injury will be done, but the only remedy is by impeachment of the Postmaster General if he does wrong." So, Mr. President, are we going to say that we shall give to an individual the power to say that a great magazine, with numerous subscribers, with numerous and opulent advertisers, subsidized by wealthy men, subsidized by influential men, advocating, we will say, the cause of special interests, may go by mail at 1 cent per pound, but that we are going to pass a bill which will permit the same Postmaster General to say that the magazine with few advertisers, with no opulent friends, championing perhaps an unpopular cause, shall go by freight at 1 cent a pound? It is the discrimination to which I object.

Mr. President, the Senator from Georgia rather tried to make some Senators, and I think the Senator in his able way did make some Senators, believe that not much damage was done in 1911 and 1912 by virtue of the blue tag. The Senator's very able and persuasive speech, I have no doubt, led some Senators to believe that it was just a sort of a ripple on the waters; that there really was no objection. Mr. President, the blue-tag order in 1911 caused a great volume of popular indignation. Many magazine owners were injured, some of them irreparably injured. As an illustration of the unjust, the arbitrary methods that were pursued, and the injuries that were occasioned, I will have read again the statement I had read last Friday, which is only one of numerous cases that I might cite; but this one will suffice.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

STATEMENT OF W. D. BROWN, EDITOR OF THE R. F. D. NEWS.

In the late fall of 1911 the R. F. D. News was put under a "blue-tag" order. My paper at that time was a monthly and was issued on the first day of each month. The December, 1911, issue, which was put in the mails on the 1st day of December, 1911, did not reach my subscribers in Illinois until about the 25th of December, 1911. This was caused by my mail being delayed at Pittsburgh. The papers were forwarded from Washington to Pittsburgh by mail train and there thrown out and held until a solid carload of mail to go by freight toward the West was accumulated. This resulted in the delay above mentioned.

This unusual delay necessitated my changing the periods of publication of the R. F. D. News from a monthly to a weekly, and this resulted in a net loss of $5,000 in advertising contracts by the R. F. D. News during the first year of the change. My contracts for 1912 had all been made up and signed for a monthly issue of twelve numbers, but after the change it was necessary for me to carry the same advertising 52 times in my weekly issue without any additional pay. The R. F. D. News is now a weekly.

Mr. ASHURST. Mr. President, this is a progressive age in the mechanical, the physical sciences, the arts, and in legislation. Why take now a backward step? Why do anything that will hamper the circulation, upon equal terms, of papers and magazines?

Senators have said, and conscientiously said, that certain publications were not timely; that certain publications had in them matter that was not timely or current and therefore that the Postmaster General, by retaining section 7, should blue tag and send by freight those that were not timely. Mr. President, that searches the very vitals of the principles of a free press, because what you say is not timely, to others, to a large number of people, may be current news, and may be timely.

Take what we read in our very cloakrooms. We see one Senator reading one article, and another Senator disregarding that and reading another article in a newspaper or magazine. What one Senator believes to be timely, another does not. When you say to any official that he may say what is timely, then you have set up a censorship of the press; and no political party in this country will survive the single act of setting up a censorship of the press.

Mr. CHAMBERLAIN. Will the Senator from Arizona yield to me for a moment?

Mr. ASHURST. I certainly will. I yield with great pleasure.

THE NATIONAL DEFENSE.

Mr. CHAMBERLAIN. I desire to submit a conference report on the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, and ask for its adoption.

The VICE PRESIDENT. The Secretary will read the conference report.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the Several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, having met, after full and free conference have been unable to agree.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

JAMES HAY,
S. H. DENT, Jr.,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

Mr CHAMBERLAIN. I move that the Senate further insist upon its amendments and ask for a further conference with the House on the disagreeing votes of the two Houses and that the Chair appoint the conferees on the part of the Senate.

Mr. SMITH of Georgia. Mr. President, I could not hear the Senator from Oregon.

The VICE PRESIDENT. The Senator from Oregon moves that the Senate further insist upon its amendments and ask for a further conference with the House and that the Chair appoint the conferees on the part of the Senate.

Mr. REED. Mr. President——

Mr. SMITH of Georgia. There is one of the Senate amendments from which I should be glad to have the Senate recede. It is the one on the subject of compensation, and which I voted against.

Mr. CHAMBERLAIN. Will the Senator from Arizona yield to me for a few moments?

Mr. ASHURST. Mr. President, I really think, in good faith to the Senate and to the country, if this is the military-service bill that I ought to suspend. I yield the floor.

Mr. CHAMBERLAIN. If the Senator will yield, I shall be very much obliged to him.

Mr. HARDWICK. If it is going to lead to debate, it is not in order.

Mr. CHAMBERLAIN. I do not think it will lead to very much discussion; at least, I hope not. I will say that it is very important that this matter should be disposed of, at least all of it with the possible exception of section 2 and the substitute proposed, so that the President may act in the pending emergency.

Mr. HARDWICK. Mr. President, if the Senator will yield to me for just a moment. For weeks we have been trying to pass the Post Office appropriation bill, the largest of them all. On the 30th day of this month the appropriations lapse, and the committee feel that we ought to pass the bill as soon as possible. We will get through with it pretty soon. It is not going to take long.

Mr. CHAMBERLAIN. I do not think this matter will take very long.

Mr. LEWIS. Mr. President, may I ask whether there is anything further to be done than for the chairman to move a continuance of the conference committee? Is there anything of importance to arise calling for debate on the floor at this time?

Mr. CHAMBERLAIN. I do not see what there can be; but Senators, of course, have the privilege of discussing it. I simply move that it be referred back to the conference committee.

Mr. HARDWICK. A motion to recede would now be in order, would it not?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of Georgia. Some other Senator may make a motion to recede. There are several other motions that are parliamentarily in order if it is brought up at all.

Mr. FLETCHER. That is not the motion.

Mr. SMITH of Georgia. But a substitute motion can be offered.

Mr. HARDWICK. All of those motions can be made.

Mr. SMITH of Georgia. There are some of us who would be glad to see our conferees recede as to part of the Senate amendment.

Mr. REED. Mr. President, I should like to inquire of the chairman of the committee what are the points of difference?

Mr. CHAMBERLAIN. Mr. President, of course the report shows an entire disagreement; but, as a matter of fact, the only disagreement is upon section 2 of the House bill and the substitute proposed by the Senate. That is the essential and crucial difference between the conferees.

Mr. REED. Section 2 is the section relating to the discharge of married men and officers?

Mr. CHAMBERLAIN. Yes, sir.

Mr. REED. And the House provision, which was not adopted here, which proposed to pay the dependent families of men and officers?

Mr. CHAMBERLAIN. That is true.

Mr. REED. Now, Mr. President, may I ask the chairman of the committee another question? I read in one of the morning papers the statement that the chairman of the committee had said that the Senate would never recede from its position. Of course the chairman had a perfect right to make that comment, and I do not criticize him for it; but if the chairman is bringing back this report to ask additional action on the part of the Senate as one of the steps toward never receding, then I do not want to see the motion agreed to in its present form; but, on the contrary, I want to see a motion agreed to instructing our conferees to agree to the House provision.

Mr. SMITH of Georgia. To recede from our amendment.

Mr. REED. And to recede from the Senate amendment.

Mr. CHAMBERLAIN. Mr. President, I probably so expressed myself—that I did not believe the Senate would ever recede from its position. I entertained that opinion, and I still entertain it. I may be mistaken about that, as a man frequently is in any opinion that he gives. But my own impression, Mr. President, after having discussed this matter with the War Department, is that both provisions ought to be left out of the joint resolution at this time, and the whole subject of compensation discussed in a separate measure, at such a time and in such a way that we can do it intelligently, after having heard the matter discussed.

Mr. VARDAMAN. Mr. President——

Mr. CHAMBERLAIN. Let me say, just in that connection——

Mr. VARDAMAN. I want to ask the Senator a question.

Mr. CHAMBERLAIN. I will yield in just a moment.

I took up the matter with the Secretary of War, and the Secretary advised me that he had no well-defined opinion on the subject; that it was the impression of men in the Army that to adopt the House provision might possibly lead to the refusal of men to enlist in the Regular Army; that in so far as the Senate provision was concerned, it was so great a departure from the settled military policy of the country that it was not wise to take it up and dispose of it without hearings and without further discussion. In view of that, it seems to me that these two bodies ought to declare the emergency which the joint resolution asks to have declared and authorize the President to utilize the National Guard without encumbering it with this provision for pay.

Mr. REED. Mr. President, I appreciate the importance of the immediate passage of the joint resolution. I am willing to make any reasonable concession in order to see it passed at once. I think, therefore, I would not object if both the House and the Senate provisions were left out of the joint resolution at the present time and with the understanding that a bill would be pressed at this session touching the subject matter of the part omitted. I take this opportunity to say, however, in a very few sentences, that I am growing a little weary of the officers of the United States Army dictating the policy of Congress with reference to the volunteer soldiers of this country, and I think they have been entirely too active.

Mr. CHAMBERLAIN. Mr. President, may I make a suggestion to the Senator right there? I want to say that, as a policy, I am not opposed to the payment of these men; not at all. I realize that other Governments do this thing; but my objection to this—and I think it is the objection, in good faith, of men who understand the situation—is that to discriminate against one branch of the service would unload this war upon the National Guard.

Let me call the Senator's attention to this fact: This morning I received a long telegram from a distinguished citizen of the West who says that the National Guards of Oregon and Washington are in a cold climate; the summers are cold; they are not accustomed to a tropical climate; and he was begging, not as an interested party but as a citizen, that the young men of those two States might be permitted to go down into California, a semitropical climate, and be trained and acclimated there just a little while before they are sent to the border. He urged that to send them there as was suggested would be simply to subject those young men to diseases which are incident to a tropical climate when people are unacclimated. On the other hand, I received this morning a telegram and clippings from the newspaper press saying that the young men even in Illinois who are training for the border trouble are fainting in the ranks.

Of course those situations will be overcome after a while; but to take the proposed action as to these young men, with the reenlistments in the Regular Army ceasing, will unload the whole trouble on them.

Mr. REED. Mr. President, if I may be pardoned for taking just a moment, of course every man in the Senate and every man in the country has sense enough to know that you can not take young men from offices, from stores, from shops, or even from the farm, put them into a camp, change their method of life, and especially you can not send them to countries where they have not been acclimated, without some little period of preparation. To do so is to slaughter the men. We all understand that, of course. That will be true of the man who enlists in the Regular Army, just as it is true of the man who enlists in the Militia or the Volunteers. Happily, nearly all of the Regular Army have been hardened; many of them have been kept along the Mexican border; so that the question of climate is not a serious one as to them.

Mr. President, what has that to do with the question raised by the Senator from Oregon of "breaking down the Regular Army"? Because it is proposed to take care of the dependent wives and children of members of the National Guard will that

destroy the Regular Army? What has the question of climate to do with that matter? What has the question of seasoning troops to do with that matter?

The fact of the matter is that when about 9,000 more men have enlisted in the Regular Army it will be up to its full quota, if I understand the facts correctly. This particular call is for 20,000 additional troops, and about 11,020 have enlisted. The Regular Army does not generally accept married men. There is no reason for it to accept married men at the present time. But even if that were true I would be willing to see this bill enlarged so that members of the Regular Army who are married will know that their wives and children will not suffer while they are at the front. Did the Senator from Alabama desire to ask me a question?

Mr. BANKHEAD. Mr. President, I suggest that this debate, while very illuminating, is not in order at this particular time. I want to call the attention of the President to Rule XXVII, on page 27.

The VICE PRESIDENT. The Chair knows what the rule is.

Mr. BANKHEAD. I should like to have the Chair rule on it.

Mr. REED. Will the Senator waive that point until I have completed my sentence or two? I shall take but little time further.

Mr. BANKHEAD. I did not want to take the Senator from Missouri off the floor, but I should like to have the Senate proceed in an orderly way. Under the rule the question is to be submitted to the Senate whether or not it shall proceed to the consideration of the conference report.

The VICE PRESIDENT. There is no doubt about that being the rule.

Mr. BANKHEAD. Mr. President, that conference reports have the right of way it is understood, but they ought to be proceeded with under the rules of the Senate.

Mr. REED. What I have to say can be said at another time, but I am opposed to the Senate at this time sending back word to the House that it proposes to stand stubbornly and insistently upon the position it has taken.

Mr. VARDAMAN. I arose to ask the Senator a question a moment ago. Has the Senator the impression that if the joint resolution should be referred back to the conference the conferees would come to an agreement, and possibly eliminate the question relating to pensions for families and the qualification of the Guard?

Mr. CHAMBERLAIN. Mr. President, I am hopeful that may be done. I do not think our conferees would take any radical departure without asking the advice of the Senate.

Mr. VARDAMAN. I suggest that the Senate take action on this matter at once, and then we can fight it out if the conferees do not agree. But by all means let expeditious action be taken.

Mr. CHAMBERLAIN. The House awaits the action of this body. I am hopeful that the matter may be referred back.

The emergency is very urgent in view of the mobilization of the National Guard, if the Senator from Alabama will yield for that purpose.

Mr. BANKHEAD. The only purpose I had was to determine whether or not the Senate desires at this time to proceed to the consideration of this report. I called attention to the rule of the Senate so that the question might be submitted whether it will proceed to the consideration of the report or not. If the Senate decides to do so that ends the controversy as far as I am concerned. What I maintain is that this debate is out of order until that is done.

The VICE PRESIDENT. The debate is out of order unless it proceeds by unanimous consent. If there is objection——

Mr. HITCHCOCK. If the Senator will withhold a few moments, I think the matter can be settled and referred to the committee on conference. Like the Senator from Oregon, the chairman of the committee, I believe it should go back to conference, but not for the same reason. I believe the conference may succeed in reporting a compromise which will be acceptable both to the House and the Senate.

Mr. SMITH of Georgia. If there is objection to the consideration of the report of the conference committee I certainly think we ought to lay aside the Post Office appropriation bill and take up and dispose of the report of the conference committee now.

The VICE PRESIDENT. There has been no objection as yet.

Mr. BANKHEAD. There has been no objection to what?

The VICE PRESIDENT. There has been no objection to the present consideration of the conference report. The minute there is the Chair will sustain the objection.

Mr. BANKHEAD. I object.

Mr. SMITH of Georgia. Then I move that the Senate proceed to the consideration of the conference report.

The VICE PRESIDENT. The question is whether the Senate shall proceed to the consideration of the conference report.

Mr. BANKHEAD. I have no objection in the world to the report being considered, but I do not want a debate to be precipitated here that will last all day.

The VICE PRESIDENT. The Senator from Aabama has invoked the rule. The rule is that the question must be decided without debate. [Putting the question.] The noes seem to have it.

Mr. SMITH of Georgia. I ask for a division and I ask also that the question be stated.

The VICE PRESIDENT. The question is, will the Senate proceed to the consideration of the conference report on the military joint resolution.

On a division the motion was not agreed to.

Mr. CHAMBERLAIN. That disposes of it, I understand.

The VICE PRESIDENT. That disposes of it for the present.

Mr. CHAMBERLAIN. I wish to say to the Senate that I have discharged my duty in the matter. I was in hopes that the conference report might be disposed of.

Mr. SMOOT. The Senator can bring it up later.

Mr. CHAMBERLAIN. I do not know whether I can or not.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

Mr. ASHURST. Mr. President, I think I owe it to the Senate to state that I have come to the conclusion that I can best serve this particular juncture by being very brief. Hence I am going to conclude shortly, if I am not interrupted.

But if economy be needed, the question is, Shall it touch the post-office revenues? The post office is distinctly an American institution. So are the newspapers. If economy be wise, necessary, and expedient, let an investigation be had, Mr. President, as to whether we shall charge these magazines by zones, like the parcel post. Take the quadrangles in the parcel post. There are 3,500 quadrangles with 10 zones, I believe, at a different rate in each zone. Possibly we ought to do that; I am not certain.

The Senator from Georgia [Mr. SMITH] stated that he believed 2 cents a pound for the transportation of second-class matter by mail was a very just charge, and for freight 1 cent a pound; that that, at least, is equitable. I do not know that it would be equitable as far as the Government is concerned, but surely no man can justify the morality of the system which will permit great magazines, thousands of tons, if you please, to be transported by fast mail at a cent a pound and take the magazine which advocates an unpopular cause, which advocates a cause probably to which I do not agree, and reduce it to the verge of bankruptcy by dislocating its avenues in reaching subscribers by charging the same rate and compelling it to go by freight.

The potentialities of injury in this blue-tag system are very great. Magazines have been destroyed. The class of magazines that advocated woman suffrage, the class of magazines that advocated prohibition, the class of magazines that advocated progressive doctrines were discriminated against in their avenues of reaching subscribers. All know that when you interrupt the mail and the speedy delivery of a publication you have destroyed its very life. Is the Senate ready now to take that backward step?

It is a singular thing that in the discriminations that were made they always sought out prohibition magazines, woman-suffrage magazines, magazines devoted to the interest of humanity, to blue tag it and let it go by freight; but if one advertised a superior brand of whisky, or furs, or Wall Street manipulations it went by fast mail, the quicker the better. If a labor publication like the Brotherhood of Locomotive Engineers is sent by slow freight, for heaven's sake let us get the liquor advertisements and the fur and the cold-storage magazines by fast mail!

We ought not, as representatives of the people, as Senators sitting here trying to do our duty, to promote such a gross discrimination. We ought not to vest any Postmaster General with the power to make these discriminations.

I should like to have read two letters—and I shall not encumber the RECORD or take the time to read more than two letters—one from the State of Arizona and the other from the State of Indiana, on this subject. I have hundreds of such communications, but I shall not weary the Senators with reading more than two. I ask the Secretary to read.

The VICE PRESIDENT. The Secretary will read as requested, without objection.

The Secretary read as follows:

INTERNATIONAL TYPOGRAPHICAL UNION,
OFFICE OF THE PRESIDENT,
Indianapolis, Ind., June 1, 1916.

Hon. HENRY F. ASHURST,
Member United States Senate, Washington, D. C.

DEAR SIR: As president of the International Typographical Union, whose more than 70,000 members are deeply interested, I take this opportunity to protest against the passage of section 7 of the Post Office appropriation bill. The passage of this section will give the Post Office Department arbitrary power in the shipment of all classes of magazines and periodicals, and it may mean freight service for publishers throughout the entire country. Under the present arrangement publishers are accorded a fast-mail service west of Pittsburgh. Should this section be passed it will mean a tremendous loss in circulation for many magazines and publishers and ultimate financial disaster for some publishers.

Voicing the sentiment of the more than 70,000 members of our organization, I ask that you carefully consider section 7 of the Post Office appropriation bill and vote against it.

Sincerely,
M. G. SCOTT.

ARIZONA STATE FEDERATION OF LABOR,
Phoenix Ariz., June 12, 1916.

To Hon. HENRY F. ASHURST,
United States Senator from Arizona, Washington, D. C.

DEAR SENATOR: I am instructed on behalf of the Arizona State Federation of Labor to ask that you use all honorable means to prevent the passage of section 7 of the Post Office appropriation bill as it now reads.

The newspapers and the magazines are the poor man's college, and if the above-mentioned section is adopted it will in a great measure impair the prompt delivery of newspapers and magazines and thereby work a hardship on the working class.

Thanking you for anything that you may be able to do in this matter, and with best wishes, I beg to remain,

Very respectfully, yours,
[SEAL.] THOS. A. FRENCH,
Secretary-Treasurer Arizona State Federation of Labor.

Mr. CLAPP. Will the Senator pardon an inquiry?

Mr. ASHURST. I invoked the rule against other Senators, and I ought to invoke it against the Senator from Minnesota, but I yield to him.

Mr. CLAPP. I do not ask the Senator to yield except to ask the question.

Mr. ASHURST. I will yield.

Mr. CLAPP. I would not want, of course, to be understood as questioning the statement of the Senator, but the statement as to these discriminations is a surprise. Is it a fact that papers or magazines, for instance, advocating woman suffrage have been discriminated against?

Mr. ASHURST. In reply to the question, I have a complete list of all the magazines and publications that were put under the blue tag. I also have a list of all those that since September 1, 1911, were exempted from the blue tag. I will try to secure that. It was supplied by Second Assistant Postmaster General Stewart to the committee in 1912. But I will read the names of a few of the magazines that have been blue tagged and a few that were exempt from the blue tag, so that the Senate may see how it ran.

Mr. CLAPP. I only referred to magazines supporting woman suffrage as an illustration. It would be just as bad if it discriminated against other reputable magazines.

Mr. ASHURST. Those discriminated against and required to go by freight were the following, and a large number of others:

American Woman, Hearth and Home, Church Messenger, Little Bible Lesson, Zion Trumpet and Homiletic Magazine, Record of Christian Work, Advocate of Peace, American Primary Teacher, Atlantic Monthly, Christian Science Herald, Christian Science Journal, Christian Science Quarterly, Education, Farm Poultry, Life and Light for Women, Missions, Missionary Herald, Pilgrim Teacher and Sunday School Outlook, Popular Educator, Primary Education, School Arts Book, Woman's Missionary Friend, Water Wagon—

A monthly magazine in Lynn, Mass.—

Smith College Bulletin, Smith College Monthly, Good Housekeeping, American Education, Longshoreman, American Baby, American Homes and Gardens, American Machinist, American Marine Engineer, American Review of Reviews, American Tailor and Cutter, Bible Class Manual, Blacksmith and Wheelwright, Boilermaker, Catholic World, Good Government, Pearson's Magazine, and B'nai B'rith News.

Mr. STERLING. I ask the Senator from Arizona if a single one of these publications is making complaint of the conditions now.

Mr. ASHURST. I know of only one. I do not know whether they are all complaining or not. If they are so slavish, or so supine, or so frightened, fearing that their postal rates will be increased if they say aught against this discrimination, I have little further interest in them.

Mr. VARDAMAN. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. VARDAMAN. I ask the Senator if the periodicals named by him which were carried by freight were not delivered at the point of their destination on time.

Mr. ASHURST. They were not. Large numbers of them were not. Their avenues of reaching subscribers were dislocated very materially. They may now be carried on time. Indeed, many of them may have convinced the department that they ought not to be under the blue tag, and they may have been relieved from it. But let us put those that were blue tagged in juxtaposition with those sent by mail.

Mr. BRYAN. Mr. President——

Mr. ASHURST. Let me read this list, and then I will yield to the Senator from Florida.

Permitted to go by mail:

American Brewer, Bonfort's Wine and Spirit Circular, Brewers' Journal, Cold Storage and Ice Trade Journal, Fur Trade Review, Journal of the American Bankers' Association, Motor Boat, Motor Boating, Playthings, Silk, the Soda Fountain, Toilettes, American Album of Fur Novelties, and American Musical and Art Journal.

I yield to the Senator.

Mr. BRYAN. The Senator is now reading from a list about which complaint was made four years ago.

Mr. ASHURST. I am.

Mr. BRYAN. That was at the beginning of the installation of the blue-tag system.

Mr. ASHURST. Yes, sir.

Mr. BRYAN. Does the Senator know if any of those magazines complain to-day?

Mr. ASHURST. Frankly, I do not.

Mr. BRYAN. The Senator said one magazine has complained. Which one is that?

Mr. ASHURST. I do not believe I will give the Senator the name. I do not feel at liberty to give the name.

Mr. BRYAN. The Senator is not afraid?

Mr. ASHURST. My avenue of getting additional information could be stopped if I disclosed the source of the information. I do not think I will give the name.

Mr. BRYAN. It is rather peculiar that the Senator is pointing out an evil condition that exists when his complaint is limited to one magazine. He ought to give the name of that one.

Mr. ASHURST. Then I will have the telegram read. This telegram does not state that anybody is complaining.

Mr. BRYAN. I am not talking about four years ago. I am talking about the present time.

Mr. ASHURST. I will have this telegram read and see whether anybody opposes the blue tag being extended or not.

The VICE PRESIDENT. The Secretary will read, if there is no objection.

The Secretary read as follows:

NEW YORK, *June 25, 1916.*

Hon. HENRY FOUNTAIN ASHURST,
Senate Chamber, Washington, D. C.:

I have been informed that one of the Members of the Senate is said to have received a number of telegrams from publishers favoring extension of blue tag. On the contrary, publishers of the great magazines of the country generally are positively opposed to the blue tag. Following is membership of Periodical Publishers' Association of America, which passed resolution of protest, of which you have a copy: Century Magazine, Literary Digest, Ladies' Home Journal, Saturday Evening Post American Agriculturist, Collier's Weekly Harper's Magazine, Harper's Weekly, the Independent, Country Gentleman, Review of Reviews, Homilectic Review, World's Work, Cosmopolitan Magazine, Hearst's Magazine, Leslie's Weekly, New England Homestead, Southern Farming, St. Nicholas Magazine, Modern Priscilla, Christian Herald, McClure's Magazine, Ladies' World, Mother's Magazine, the American Boy, Current Opinion, Farm Journal, Country Life in America, Garden Magazine, McCall's Magazine, Home Needlework, Judge, Orange Judd Farmer, Motor Boating, Motor, Farm and Fireside, Farm and Home, Dakota Farmer, the Bellman, Woman's Home Companion, American Magazine, Good Housekeeping, Northwest Farmstead, Pictorial Review, System, People's Home Journal, Missionary Review, Theater Magazine, Vogue, Vanity Fair, Woman's World, Metropolitan Magazine, Harper's Bazaar, National Geographic Magazine.

CYRUS H. K. CURTIS.

Mr. BRYAN. What is that list of names? It does not state——

Mr. ASHURST. The telegram stated that this gentleman who wired me had heard that the magazine publishers were in favor of the blue tag, and he was simply advising me that those magazines are opposed to the extension of the blue tag.

Mr. BRYAN. They have not said so?

Mr. ASHURST. The gentleman who assumed to speak for them said so.

Mr. BRYAN. Who is he?

Mr. ASHURST. Mr. Cyrus H. K. Curtis, president of the Periodical Publishing Association of the United States, and that is the list of papers composing that association.

Mr. VARDAMAN. The Senator understands that as to all those?

Mr. ASHURST. Certainly.

Mr. VARDAMAN. But I want to ask the Senator from Arizona if the United States Government contracts to deliver the mail on time if it can do so by the use of freight trains or the rural mail wagons, what difference does it make to the publisher if the Government use all of these agencies and deliver it on time as it is doing it to-day? If by using the freight trains the Postmaster General can save to the American people four or five million dollars a year, why will the Senator object to it?

Of course it does not make any difference with the publisher if all the mail is carried by fast mail; they do not pay any more for it; they get their mail carried at the cost of the American people. The Government of the United States contracts to carry this mail and deliver it at a certain time, and so far as I have been able to ascertain it has carried out that contract and delivered it on time. Since the complaint was made four years ago I do not know of anybody who is here now protesting against an injustice that arises out of the present law. The system has worked effectively and economically, and I see no reason for changing it.

Mr. ASHURST. It is evident the Senator did not hear my address on last Friday.

Mr. BRYAN. Who complains of any injustice being done at this time?

Mr. ASHURST. It is evident the Senator from Florida did not hear my address. I began my address, and I said over and over again and I say now for about the fifth time that nobody whose opinion is worth while has pretended that at this particular time anybody complains or is complaining.

Mr. BRYAN. The Senator said that there was one complaint.

Mr. ASHURST. One of them has complained.

Mr. BRYAN. Who is that?

Mr. ASHURST. I decline to give the name.

Mr. BRYAN. I thought the Senator was giving the name in response to my request when he had the telegram read.

Mr. ASHURST. But I say this: You will not know who will be Postmaster General five years from to-day. This power may not be appealed from. If the Postmaster General of the future sees fit to cripple, hamper, and harass a magazine and reduce it to bankruptcy, relief can not be obtained. It is not appealable; it is not reviewable by any legal tribunal.

My distinguished and learned friend the Senator from Mississippi, Senator VARDAMAN, whose opinions on public questions I highly value, asked me if they get the magazine on time what complaint have they?

Mr. VARDAMAN. There is not an instance, the Senator said a moment ago, in recent months or years where they have failed to get their mail on time. The publication comes out the 1st of the month and it is not delivered until the last of the month. What objection should you have, if you were the publisher, if your Government should take your publication in New York and carry it to Arizona by freight if it reached there on the date it was to be delivered? All the publisher has a right to demand of the Government is delivery on time. The means of transportation should be of no concern to the publisher.

Mr. ASHURST. This is the objection. The Senator is a publisher. If the Senator will reflect a moment, when you want to deliver by freight, say in San Francisco, the Senator knows that you have got to lock your forms days ahead of the time you would deliver at your home city, which renders the news of that publication very stale, flat, and unprofitable, and your news is no longer current, your news is no longer timely, your form is locked days ahead of time.

Mr. VARDAMAN. Not at all.

Mr. ASHURST. It is so.

Mr. VARDAMAN. If the publication should not come out in time to be delivered by freight, then the Government would do as it is doing to-day, it would deliver it by fast mail. To say that the Postmaster General would prostitute the functions of his office for political or any other purpose so sinister and criminal as that is an imputation that I do not want to make against anybody. The officer who would do such a thing would very readily be repudiated or impeached by Congress.

I can not conceive, Mr. President, of a man being low enough, so abandoned to all that is bad, as to use the functions of his office in that way, nor can I understand how a President who has sense enough to respect the oath of office would permit a man of that character to remain for one moment in the employment of the Government.

Mr. President, we have got to indulge the presumption when we make the laws that the representatives of the people are honest and that they are going to execute the laws and perform the functions of their offices properly.

Mr. ASHURST. Mr. President, one of the compensations of public life is that you are brought into association with those delightful characters, those idealistic souls, in whose spectacles there are always nothing but rainbows; who always see the good in mankind; who always look for the bright side of life; who always think that everybody is going to do the right thing. That characterizes my distinguished friend from Mississippi [Mr. VARDAMAN]. Always associating with good people and always thinking good thoughts, he is incapable of believing that anybody could do wrong; but, Mr. President, you can not judge the future except by the past. Grave injustice has been done under this blue-tag system. Men have invested their money in magazines believing they would receive fair and equal treatment. Their revenues have been depleted, and bankruptcy has come to some of them. They have lost money through the practical workings of the blue-tag system.

The Senate of the United States in August, 1912, had a discussion, and the Senate Committee on Post Offices and Post Roads had a discussion, and after a long period of investigation they came to the conclusion that the workings of the blue-tag system should be stopped. In 1912 the House of Representatives and the Senate agreed to a provision that hereafter the Postmaster General should not extend the workings of the blue-tag system. All I seek to do by striking out section 7 is not to permit the situation to get any worse.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. BRADY in the chair). Does the Senator from Arizona yield to the Senator from South Dakota?

Mr. ASHURST. I yield to the Senator.

Mr. STERLING. The statement of the Senator from Arizona [Mr. ASHURST] in answer to the Senator from Mississippi [Mr. VARDAMAN] is in regard to the news service. The department includes in the freight service only such publications as do not contain news features.

Mr. ASHURST. Will the Senator pardon me?

Mr. STERLING. Only such papers as are issued less frequently than weekly are included in the freight service.

Mr. ASHURST. Mr. President, that is the very thing to which I object. I object to having any Government official say what is and what is not news. That is the thing that reaches the vitals of American principles of government. In ancient times in England, in 1683 or 1684, they had a censor of the press; a censor who said in advance what was news. If you published what was not news, you were subjected to serious pains and penalties. It required almost a civil revolution before the censorship was destroyed. All that censor did was to say what was news and what was not news. Of course the censors, always obsequious to the court, invariably said the things praising the King's policy and laying heavy taxes on the people without their consent were news. To defend any man who stood for the understratum, for a larger liberty, was not news. It is the same old question here to-day. Are we going to permit any official, however wise, however just, however virtuous he may be, to say what is news?

It is the camel's nose getting into the tent to which I object. Next year it will be the censorship of moving pictures; next year it will be the censorship of books; and next year it will be the censorship of something else. The way to deal in the American Senate with these great questions, whatever their course is, is to stand firmly, manfully, and resolutely by the principle, whatever it may cost. If we ascertain that we are losing money on the transportation of second-class mail, increase the rate and let the method of transportation apply to all.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator from Arizona a question. How would the Senator feel about having a proviso to this paragraph reading?—

Provided, That on and after January 1, 1912, the rate of postage on second-class mail matter published biweekly or less frequently, transported in regular mail trains shall be 2 cents for each pound or fraction of a pound, and all publishers shall have the option of transportation in the regular mail trains, instead of on the freight trains, if they desire.

Mr. ASHURST. Mr. President, the last censor of the press in England was Sir Roger L'Estrange. He had some very definite views as to what was timely literature. Whenever any publisher of a magazine or any publisher of a "news letter," as they were then called, wished to publish an item as to the record of a member of Parliament or what that member said, he had first to get the permission of Sir Roger L'Estrange, the official censor, as to what was said in Parliament and as to how the money of the people was voted out. Sir Roger himself inveighed very much against the press. My distinguished friend from Georgia, Mr. HARDWICK, has stated that this is a graft on the part of the press. Sir Roger did not call it a graft, but here is what he thought about the newspapers. Sir Roger said:

A newspaper makes the multitude too familiar with the actions and councils of their superiors and give them (the multitude) not only an itch but a kind of colorable right and license to be meddling with the Government.

In other words, some think that these weekly magazines and certain newspapers are meddling with things that belong to a superior class of people. They ought not to be criticizing Senators for their votes; we ought to hamper them, blue tag them, and let them go by freight. They give the multitude the substratum, the common people, as we call them, a kind of colorable license to be employed with the operations of the Government;

they are finding out what we are doing, and hence we will dislocate the avenues by which these magazines may reach their subscribers promptly.

I have no fear of that. Nobody who is worth listening to thinks that a great metropolitan paper, which has a large bank account, which has opulent subscribers, and which advocates a popular cause will be blue tagged. I will say to my friend from Georgia he need not fear, for he is going to get his daily papers on time; but there are papers, there are magazines that do not have lucrative advertising; there are magazines that are incapable of sending to Washington a representative to appear before the Post Office Department to argue in their behalf as to why they should not be included in the blue-tag system. All they can do is to send a letter. They deal with some question, probably as to the live-stock industry or the mining industry, and they would be blue tagged. Without friends at court, without anybody to make a great outcry in their behalf, their publications can go by freight.

THE NATIONAL DEFENSE.

Mr. SMITH of Georgia. Mr. President, I only desire to detain the Senate for the purpose of calling attention to the motion which the Senate voted down a little while ago. I am exercising in this the privilege of speaking nominally on the Post Office appropriation bill, but speaking really upon a different subject.

About half an hour ago a motion was voted down, the motion having been that we take up for consideration the conference report on the House joint resolution in regard to military affairs. I believe that the motion was voted down as an expression of a desire to insist upon the Senate amendments, upon the theory that consideration was to consist of speeches against sending the joint resolution back to conference.

Mr. President, we certainly ought to consider the report of the conferees on the military bill. We ought to consider the report of those conferees before we go on with the Post Office appropriation bill. It is utterly inexcusable for us to leave the report of the conferees on the use of the National Guard by the President in the air. No matter how we feel about it, whether we want the House provision section 2 or the Senate provision section 2, we ought to act.

For myself, I am ready to see the conferees go back at once. I am ready to give the conferees the direction that the chairman of the committee wishes. When I made the motion that we take up the conference report for consideration I noticed that nearly everyone who was in favor of the Senate amendment and desired to insist upon the Senate amendment voted against taking up the conference report. I think the motion probably came from an unfortunate source. I believe the majority of the Senate is still in favor of the Senate amendment. What I wanted to say was that, regardless of how we stand in favor of the Senate provision section 2 or the House provision, we ought to take up the subject and determine whether we are going to insist upon the Senate amendment or whether we are going to recede. I am ready, although I am in favor of the House provision, to vote for an insistence upon our amendment and send the bill back to conference. That is what we ought to do. We must send it back to conference, and we ought not to keep this bill in the air.

I move, Mr. President, that the Senate proceed to the consideration of the report of the committee of conference on the House bill. I think we ought to dispose of it at once and send it back to conference, and I am ready to vote, as the chairman of the committee requests, to send the joint resolution back to conference. I hope they will work out something that we will all be satisfied with before they get through.

Mr. BORAH. Mr. President, I quite agree with the suggestion of the Senator from Georgia that, regardless of what our individual views may be as to which one of these provisions should ultimately prevail, the conferees ought to be at work one way or the other. I think perhaps it would be unfortunate if there should be an extended debate upon the subject at this time. In view of the debate which took place the other day I do not know that it would seem necessary to have any discussion, but there ought to be a vote, so that the conferees can be instructed as to our position. I very much favor the suggestion made by the Senator. I shall vote to send the joint resolution back to conference.

Mr. SMITH of Georgia. Mr. President, my motion is that the Senate proceed to the consideration of the report of the committee of conference on House joint resolution 242.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Lea, Tenn.	Shafroth
Bankhead	Gore	Lee, Md.	Sheppard
Beckham	Gronna	Lewis	Shields
Borah	Hardwick	Lippitt	Simmons
Brady	Hitchcock	Lodge	Smith, Ariz.
Broussard	Hollis	Martine, N. J.	Smith, Ga.
Bryan	Hughes	Myers	Smith, Md.
Chamberlain	Husting	Nelson	Smoot
Clapp	James	Newlands	Sterling
Clarke, Ark.	Johnson, Me.	Norris	Thompson
Culberson	Johnson, S. Dak.	Oliver	Townsend
Cummins	Jones	Overman	Vardaman
Curtis	Kenyon	Page	Walsh
Dillingham	Kern	Ransdell	Williams
du Pont	La Follette	Reed	Works
Fletcher	Lane	Saulsbury	

Mr. SHAFROTH. I wish to announce the absence of my colleague [Mr. THOMAS] on necessary business. He is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. LEWIS. I desire to announce the absence of the Senator from Indiana [Mr. KERN], called to the War Department on public business.

I also desire to announce the absence of the Senator from Ohio [Mr. POMERENE], who is detained on account of official business.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, there is a quorum of the Senate present.

Mr. CHAMBERLAIN. Mr. President, do I understand that the Senate has concluded to take up the conference report on the joint resolution?

The PRESIDING OFFICER. That is the motion of the Senator from Georgia. The question is on the motion of the Senator from Georgia that the Senate proceed to the consideration of the conference report on House joint resolution 242.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. CHAMBERLAIN. Now I renew my motion that the Senate further insist upon its amendments to the House joint resolution, ask for a further conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

Mr. LEE of Maryland. Mr. President, I understood that the Senator from Oregon [Mr. CHAMBERLAIN], before I entered the Chamber, said that the difficulties between the conferees were considerable, and particularly I have heard—I do not know that he said it on this occasion—that one of the difficulties confronting the conferees is the difference of opinion on the subject of the treatment of enlisted men in the Regular Army and enlisted men in the National Guard. I am inclined to think that the enlisted men in the Guard and the enlisted men in the Army should be put upon the same legal basis, upon the same basis of equality before the law; and that can be done very well by adding to the House resolution a provision that the claims of the enlisted men in the Army who have dependents should be recognized; but it should go further, and provide that there should be a showing, say, to cover 18 months, as to what a man has done in the way of work or earning money for the support of his dependents, and then take the average of those 18 months, and let that be the maximum; or, to state it in more detail, make the benefits of the provision for maintenance of dependents applicable alike to the families of enlisted men in the Regular Army and in the Organized Militia with the following proviso:

Provided, That it shall be shown as a condition precedent by or in behalf of the dependents to receiving benefits hereunder:

(1) What the enlisted man earned or what work he did for a period of 18 months prior to his joining the Regular Army or being called by the President into the service of the United States.

(2) What the enlisted man applied for such period of 18 months out of his earnings or by way of labor to the support of his dependents:

And provided further, That in no case shall the amount of money to be expended hereunder for the relief of the dependents of an enlisted man exceed for any month the average amount or value which the enlisted man applied out of his earnings or work for said 18 months for the benefit of his dependents.

By the adoption of such an amendment there would be equality before the law; but the man whose family would be

benefited would be the man who had contributed to their support before he went into the service.

I think it will be very easy to arrange the matter in that way with perfect equality to all of these forces, so that there will be no discrimination against the Regular Army and no ground for discouragement on the part of men who have dependents who may desire to enlist in the Regular Army.

I am perfectly willing to have the joint resolution go back to conference, because that is the only way the conferees can keep together, but it should be adjusted in some such way as I have suggested.

Mr. JOHNSON of South Dakota. Mr. President, on Monday of this week I offered an amendment to the House joint resolution authorizing the President of the United States to call out the militia or National Guard of the country, which amendment was voted down by this body. The amendment contained substantially the same subject matter as did the original House resolution, providing for the protection of the families of the National Guard by this Government during time of war.

Yesterday I introduced a bill embodying the same matter, which is now before the Committee on Military Affairs, and which I hope may be reported out soon for consideration by the Senate.

I am not prepared to-day, and could not if prepared probably, make a speech on this subject which would interest you. There is, however, one thing that I can say, and that I know, and know well, and that is the difference between the duty of this Government to the families of our soldiers and its failure to comply with that duty as I see it.

This bill referred to includes the same subject matter that the original House joint resolution included, with the exception of raising the appropriation from $1,000,000 to $2,000,000, and adding to the proposed beneficiaries the "families of the Regular Army" as well as the National Guard when in like circumstances.

Mr. President, I am not going to take up the time of the Senate by any extended argument in favor of this bill now, for the matter has been discussed freely, but I shall try to point out a few reasons why I believe this ought to become a law, and to answer briefly some of the objections raised against the adoption of my amendment last Monday, and against this bill as it now exists.

In the first place, it has been said that a provision of this kind would destroy the American Army by destroying the American patriotism and love for his country; that it would destroy the loyalty and patriotism of our soldiers of whom we are all so proud.

Mr. President, for myself, I am unable to follow any line of reasoning that could by any possible way reach such a conclusion, but on the contrary, believe that just the opposite would be the result after the adoption by Congress of something of this kind. The loyalty of any American citizen to his country is not and can not be based on a dollars-and-cents basis, though the patriotism of any soldier, instead of being diminished, would certainly be enlarged many fold if he had the knowledge that when he was called to the front to defend his country, that his family would be protected by his country from actual want, and not be left to the tender mercy of charity, or being looked after by the great industrial institutions of our country, which to me would mean practically the same thing.

And in passing that feature of this matter, we can not help but point with pride to many of our large financial, manufacturing, and producing institutions which have so readily volunteered to look after the interests of the soldiers of the National Guard, any of whom were employed by them, who should be called to go to the front. Mr. President, let it be said that it is to their great credit, and that they are entitled to the thanks of all loyal citizens of this country for their magnanimous and worthy offer of assistance. But we can not, however, by any line of reasoning conclude that that would in any measure fit the conditions such as would an appropriation by this Government for their protection and for their interests which has been taken from them by compelling the heads of the families to go to the defense of our country and thereby sacrifice the benefits of the position which they may have held, and which positions have given them their daily bread.

It seems to me, Mr. President, that if I were a member of the National Guard or of the Regular Army, or if any of you gentlemen were members of either branch of the Army, that our patriotism and our loyalty for our country would be increased manyfold by the knowledge that while we were at the front defending our country that our country in return would place the members of our families beyond the pale of actual want and actual need. To me this conclusion needs no argument.

If I understand conditions, all or nearly all of the civilized countries of the world have some provision of this kind in their laws, and any line of argument contrary to some plan of embodying these features should have very little consideration by us. Do you tell me, fellow Senators, and try to make me believe it, that in keeping my family from want by this Government would destroy my patriotism? No, my friends; it would only add to it, and it would also add to yours.

This Congress has at this session appropriated many millions of dollars for questionable enterprises. Will we now fail to give to the needy in their time of distress if that time comes. Mr. President, I am not afraid that the boys will not go to the front, but I am afraid that this Government may fail to realize its duty, because this Senate voted down my amendment last Monday, which had for its object the same features as has this bill, after voting to reject the original House joint resolution on the same subject.

They tell us that our Government wants patriots for its citizens. So do I; but, my friends, no country in this world ever had the patriotism of its subjects long unless it gave justice in return. Any Government that will not keep the families of its soldiers while they are at the front does not deserve the patriotism of any man. It has been argued, Mr. President, that during our late Civil War our Government did not do this, but that does not change the situation as I see it. In the first place, it did not cost the families of the soldiers of the Civil War one-fourth as much to live as it costs to-day, and, in the second place, because the Government did not do it then is no reason why it should not have done so. It was our Government's duty then and it is our Government's duty now to provide for the dependent ones, and we should not be afraid to spend a few miserable dollars to protect the homes and firesides of the families of the soldiers who go to protect this country in its hour of need, if they have to go.

I hope this matter may prevail in this great body; I hope no Member will oppose anything that looks to this end, such as this does, because I believe it to be their sacred duty, and I believe you will see it that way, and by supporting some measure of this kind you will do that duty, and you will then bring a smile of joy to the mothers, to the wives, and to the children of every soldier in this great Republic, and a smile of joy to the faces of your wives and your children 20 years from now to know that you voted for this worthy measure.

Will we fail to do our duty in this trying hour? Will we delay in this most deserving, most righteous, and most just appropriation of them all. I hope not and believe not, and believe you will vote for this bill, giving justice to those who are the greatest patriots of us all in all wars—the women.

My friends, as I came down town this morning, while I was waiting for a car in front of the Highlands Apartment House, I saw a darkey boy hauling a load of sand who had just stopped to rest his horses. I asked him how much sand he had on the wagon. He said he had 4,700 pounds. I then asked him if that was not a heavy load for those horses. He said, "Oh, no; any horse ought to pull a ton all right." "But," I said, "you have a good deal more than a ton for each horse." But he insisted not as my car came along and I got on.

Mr. President, I want to say to you and to all the Members of this Senate that while you have been opposed to measures of the kind presented, and while some of you have voted against them, I do not believe to-day, and I never shall believe, that this Senate will fail to do its duty and give relief along the lines indicated in this bill to the families of the boys at the front, any more than I believe the argument of that darkey boy that 4,700 pounds of sand did not make a ton each for his two horses, and I shall never believe that you will fail to do this until this Congress shall adjourn without having done so.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon [Mr. CHAMBERLAIN] that the Senate further insist upon its amendments, ask a further conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. LEWIS. Mr. President, I shall occupy but one second. Lest any impression was left by a statement made this morning that I concurred in the idea that we should now withdraw the demand made for provision for the support of the families of the soldiers as a consideration for report by the conferees, I wish to have it understood that I regard this hour as the timely opportunity to accomplish that, and not to wait. This is wise, first, as an inducement to enlist, and in order that we can promptly fill the ranks for service as well as to give security to families. I only now make the suggestion that, for myself, I did not wish it understood that I am willing to waive the claim that I have been making or to consent that the present conference shall waive it merely to reach an immediate result.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

Mr. SMITH of Georgia. Mr. President, just one word. I do not understand that any of us mean by this that we have changed our former position. The only way to go on toward reaching a result is to send the matter back to the conferees.

Mr. LEWIS. To that I have no objection, but join the Senator from Idaho [Mr. BORAH] and the Senator from Georgia [Mr. SMITH] in insisting upon it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

The motion was agreed to.

Mr. CHAMBERLAIN. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] has requested, because of an engagement, to be relieved from further service on the conference committee, and has asked that another Senator be appointed in his place.

The PRESIDING OFFICER. The Chair appoints the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Tennessee [Mr. LEA], and the Senator from Wyoming [Mr. WARREN] managers at the further conference on the part of the Senate.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

Mr. TOWNSEND. Mr. President, what is the matter before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Arizona [Mr. ASHURST], which will be stated.

The SECRETARY. The Senator from Arizona moves to strike out, in section 7, beginning with the word "That," all down to and including the word "repealed," on line 8, as now amended.

Mr. TOWNSEND. Mr. President, I wish to say just a word with reference to this amendment.

The Committee on Post Offices and Post Roads of the Senate considered section 7 as it came from the House, where no opposition to it was presented. The committee learned, through the Postmaster General and others, that there had been no formal opposition to it; and certainly I, as a member of the committee, never heard of any opposition to it until after our committee had made its report. The whole object of section 7 was, as I understood, to secure economy for the Government without doing any injustice to any publication now passing through the mails. It was represented to us that millions could be saved, as millions had been saved, through the sending of certain publications by fast freight. It was also represented to us that the owners of many of these publications had gladly consented to their going by freight. Now it appears, since the bill was reported to the Senate, that there have been complaints made as to discrimination, or at least fears have been expressed that there is a possibility that discrimination may be made.

I certainly should be very much opposed to vesting in the Postmaster General, or in any other executive head, the right to indulge a discrimination which would result in injustice, not only to publishers but to citizens generally.

It seems to me that if we could secure in some way a law or provision that will allow the Postmaster General to make use of such economies as are apparent to everybody, I do not imagine that even for political purposes anyone would object to an economy in the Post Office Department that saved the people money and did nobody any harm. If we could secure an amendment to this provision which would compel the Postmaster General to observe a uniform rule as to all publications, it seems to me that the complaint of the Senator from Arizona would be completely answered. The amendment of the Senator from Nebraska [Mr. NORRIS], which has already been adopted, seems to furnish this relief.

I have known for years that certain publishers felt that they were injured on account of rulings of the Postmaster General and that there was no appeal for them. I, too, have felt that that was wrong. It has seemed to me that if a publisher feels that he is wronged by some action of the Postmaster General there ought to be some place where and some power to whom that publisher could go and have the question determined as to whether or not the ruling of the Postmaster General is just and legal. I submit, Mr. President, that if this matter had been brought before the committee, if we had felt that extending this provision to the two remaining divisions—for it already exists in the second and third mailing divisions—would result in discrimination, we would have attempted to solve the problem through a definite recommendation. So, while I have not had time to go into it carefully and am not prepared to offer an amendment, I still believe that if such a provision could be inserted——

Mr. LA FOLLETTE rose.

Mr. TOWNSEND. Does the Senator from Wisconsin desire to interrupt me?

Mr. LA FOLLETTE. I thought the Senator had about concluded, and when he did I wished to take the floor.

Mr. TOWNSEND. I have about concluded.

Mr. LA FOLLETTE. I will, however, ask the Senator from Michigan a question, with his permission.

Mr. TOWNSEND. I shall be glad to have the Senator do so.

Mr. LA FOLLETTE. I will ask the Senator from Michigan if an amendment in this form would meet the suggestion he has made in his remarks:

Amend by adding, after the amendment offered to section 7 by the Senator from Nebraska [Mr. NORRIS]—which has been adopted, as I understand—the following:

Provided, That whenever the owner of any publication required by an order of the Post Office Department to be transmitted by freight believes that he is injured or discriminated against, he may apply to the Post Office Department for an opportunity to be heard; that upon such application being duly filed in writing, the order of the Post Office Department as to the transportation of such application by freight shall be suspended, and the owner of such publication shall have opportunity for a full and fair hearing before said department. The testimony in any such hearing or proceedings shall be reduced to writing and filed in the Post Office Department prior to entering an order upon such hearing. That upon such hearing, if the Post Office Department decides adversely to the contention of the publisher, such publisher shall have the right, within the period of 10 days after the date of the order of the Post Office Department made upon such hearing, to appeal to the United States court of appeals of the circuit within which such periodical is published for a review of such order by said court of appeals, by filing in the court a written petition praying that the order of the Post Office Department be set aside. A copy of such petition shall be forthwith served upon the Post Office Department, and thereupon the said department forthwith shall certify and file in the court a transcript of the record and testimony. Upon the filing of such transcript the court shall have jurisdiction to affirm, set aside, or modify the order of the department.

The jurisdiction of the circuit court of appeals of the United States to affirm, set aside, or modify such orders of the Post Office Department shall be exclusive.

Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein and shall be in every way expedited.

I will say that I have drawn the amendment somewhat hastily, with a view of offering it for the consideration of the Senate, in the hope that it might be adopted and go into conference, where it could be very carefully reviewed. It is just a suggestion to meet that which the Senator has made in his address.

Mr. TOWNSEND. That is along the same line that I had in mind, and I am in hearty sympathy with it. I do not know how it has been worked out—whether, for instance, we should confer review power upon the circuit court, or whether the complainant ought to go to the State court, or where the appeal should go; but there ought to be a right of review by some court, and the proposition of the Senator from Wisconsin is in line with my suggestion. As I say, I do not know just how well it has been worked out, but it generally expresses my idea. I have felt that way for some time—that we ought not to leave absolute power in the hands of the Postmaster General to determine what is admissible to the mail and what is not; but I also feel that we ought not to strike out this section entirely without making some provision for that saving which everybody wants who is more interested in conserving the people's property and other rights than in personal political advantage.

For that reason I shall be very glad to support such an amendment as that offered by the Senator from Wisconsin.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. TOWNSEND. I yield.

Mr. SHERMAN. I want to make a further inquiry of the Senator from Wisconsin before the Senator from Michigan concludes.

Mr. TOWNSEND. I yield the floor, if the Senator wishes to take the floor in his own right.

Mr. SHERMAN. Both of the Senators have information on this subject. Under the amendment which the Senator proposes to offer, if the Postmaster General ordered a publication to go by freight, and then an appeal were taken, what would be the condition of the publisher during the pendency of the appeal?

Mr. LA FOLLETTE. The publication would go just as it had been going before that time, because the amendment provides that the order of the Postmaster General requiring it to go by freight shall be suspended until the review has been made.

Mr. SHERMAN. That it shall be suspended during the pendency of the proceeding?

Mr. LA FOLLETTE. Yes, sir.

Mr. BORAH. Mr. President, I only want to say a word upon section 7.

I am quite in sympathy with the suggestion made by the Senator from Wisconsin [Mr. LA FOLLETTE], and measurably

approved by the Senator from Michigan [Mr. TOWNSEND]. I do not believe that this section ought to go out without anything to take its place. It seems to me that there is some merit in the matter of saving and economy in the proposition which ought to be retained if possible. At the same time, I shall have to vote in favor of striking it out unless some change is made in it. As it stands reported from the committee, I must oppose it.

There are plenty of precedents for section 7 all through the statutes of the United States and all through the departments. That is to say, it is the lodgment of an arbitrary, unlimited, and uncircumscribed power in some department of government. We find plenty of precedents of that kind, but they are bad precedents, in my judgment, and ought not to be further continued or accentuated or multiplied. Unless there is some such amendment adopted by which the conference committee can work out a different proposition, I shall vote in favor of striking out the entire section.

There are a good many ways, Mr. President, of transforming a government of law into a government of men aside from that of selecting a dictator. One of those ways is a way which we are constantly pursuing, and that is by creating a bureau or a commission, and conferring all the different powers of government upon that bureau or upon that commission. In the general affairs of government we think it a sacred principle that the legislative, the judicial, and the executive powers shall be kept separate; that the checks and balances which arise in government by reason of that condition of affairs constitute an essential principle of government, and I think it to be an essential principle of government; but we are utterly ignoring that principle in the creation of our bureaus and in the creation of our commissions. We are constantly conferring upon the bureaus the judicial, the legislative, in a measure, and the executive power. We are making them investigators, prosecutors, judges, and finally executors of the public will; and in that respect this provision in this bill is vulnerable, just the same as in that respect many other provisions are vulnerable as they are found in our statutes. I am a firm believer in the division of the powers of government.

This is no different rule at all—if you will permit me to refer to a matter which has perhaps become stale to the Senate by reason of the number of times to which I have referred to it—from the principle under which we are practically operating our entire State. We are subject to the discretion, to the arbitrary will or the arbitrary power, to the combined legislative, executive, and judicial power of a department, constantly in reference to the government of 85 per cent of our entire State. I have, therefore, been brought more directly in contact than some of my eastern friends with the viciousness of the principle, and I have endeavored to be consistent since I have been here in doing one thing, and that is in voting against the conferring of arbitrary, unlimited, uncircumscribed, and undefined power upon the head of a bureau or a commission. For that reason, Mr. President, unless some such amendment as the Senator from Wisconsin has suggested is adopted, I shall vote to strike the entire section from the bill. I do not believe that there is any room in this Government anywhere for the lodgment of arbitrary power. For such a vicious practice I refuse to recognize the plea so often made of necessity or of administrative expediency.

Mr. LA FOLLETTE. Mr. President, I shall vote to retain section 7 in this bill. In other words, I shall vote against the motion submitted by the Senator from Arizona [Mr. ASHURST] to strike out the section. I am the publisher of a monthly magazine. To retain section 7 in the bill would so extend the authority of the Post Office Department that an order might be issued requiring me to send my magazine to subscribers by fast freight, instead of sending it by fast mail as at present.

But, Mr. President, I do not believe that the department would make any unfair or discriminatory order in my case or that of any other publisher. If such an order were made no Postmaster General could maintain it upon a showing that it was an unjust order. The press has the means of making its own defense against wrong. It can always reach the public ear. It can make public opinion in its own defense, and public opinion would correct any such injustice.

A portion of the country is already subject to such orders by the Post Office Department. The department is already transmitting by freight a large number of monthly magazines, chiefly devoted to fiction and advertising. Those magazines are printed and ready for mailing some two or three weeks in advance of their date. They can go by freight without injury to anyone. In this way the department is now saving some $7,000,000.

If section 7 is retained in the bill the department will be able to greatly increase that saving without imposing loss or hardship on anyone.

I think it will relieve all publishers of apprehension or anxiety as to the action of the department if a provision be inserted giving to them a right of appeal to the courts from any such order which may work an injury or discrimination. If any mistake is made by the department; if any publication is injured by a department order requiring it to be transmitted by freight instead of fast mail, such publisher then can secure relief.

I can offer it as an amendment or as a substitute to the motion of the Senator from Arizona.

Mr. HARDWICK. Mr. President, if the Senator will pardon me just a moment, the Senator's motion to amend this section is in order.

Mr. LA FOLLETTE. Yes; that is true. I have a right to perfect the section before the motion to strike out shall be voted upon. Then, I will offer this amendment. I do not offer it as a model. I have drawn it very hastily since this debate was on, but I think if it were adopted it would give to the conference committee a basis upon which they could work out something that would be acceptable to the Senate.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to add, at the end of the amendment offered by the Senator from Nebraska [Mr. NORRIS] and already agreed to, the following words——

Mr. SHAFROTH. Mr. President, may I ask that the amendment offered by the Senator from Nebraska may be read in connection with this?

The PRESIDING OFFICER. That will be done.

The SECRETARY. The Senator from Nebraska [Mr. NORRIS] offered an amendment to be added after the word "repealed," at the end of line 8 on page 38, or what was at that time the end of section 7, the following words:

> But no publication shall be sent by freight if such method of transportation results in unfair discrimination or in the undue delay of the delivery of such publication at its destination.

To which the Senator from Wisconsin [Mr. LA FOLLETTE] proposes to add the following:

> *Provided*, That whenever the owner of any publication required by an order of the Post Office Department to be transmitted by freight believes that he is injured or discriminated against he may apply to the Post Office Department for an opportunity to be heard; that upon such application being duly filed in writing, the order of the Post Office Department as to the transportation of such publication by freight shall be suspended, and the owner of such publication shall have opportunity for a full and fair hearing before said department. The testimony in any such hearing or proceedings shall be reduced to writing and filed in the Post Office Department prior to entering an order upon such hearing. That upon such hearing if the Post Office Department decides adversely to the contention of the publisher, such publisher shall have the right within the period of 10 days after the date of the order of the Post Office Department made upon such hearing, to appeal to the United States court of appeals of the circuit within which such periodical is published, for a review of such order by said court of appeals, by filing in the court a written petition praying that the order of the Post Office Department be set aside. A copy of such petition shall be forthwith served upon the Post Office Department, and thereupon the said department forthwith shall certify and file in the court a transcript of the record and testimony. Upon the filing of such transcript the court shall have jurisdiction to affirm, set aside, or modify the order of the department.
>
> The jurisdiction of the circuit court of appeals of the United States to affirm, set aside, or modify such orders of the Post Office Department shall be exclusive.
>
> Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein and shall be in every way expedited.

Mr. BANKHEAD. Mr. President, I do not rise for the purpose of discussing the amendment offered by the Senator from Wisconsin. I am not prepared to accept it, but I desire to say to the Senate that I think it is a proper amendment, and I shall make no objection to it.

Mr. President, this whole discussion has revolved around the question of discretion on the part of the Postmaster General. The Post Office Department is the largest business institution in the world. We are appropriating in this bill $330,000,000 for its operations. Its activities extend to every quarter of the world. They go to every household in the United States. More than 90 per cent of the business of this country is conducted through the Post Office Department. There are more employees in the Post Office Department than in any other department, or any three or four other departments, of the Government. We are continually expanding its activities and its jurisdiction. In the last few years we have added to the Post Office Department the parcel post, and no man can tell or imagine the extent to which it is growing. We have added the Postal Savings System since then. All these things tend to complicate, to make more difficult, the administration of that great office. It is im-

possible to prescribe hard and fast rules what the administration shall be and how it shall be administered. We must necessarily confer upon the Postmaster General, who undertakes to operate this great machine, certain discretion. He can not operate without it.

I am not one of those who believe that his discretion ought to be unlimited or that there ought not to be a check or balance somewhere. But, fortunately for us, fortunately for our Government and its organization, there is, if I may be permitted to use the expression, an influence and a power in this country that is above all; that is, a crystallized public sentiment.

The provision under discussion is now in operation in practically one-half of the country, and there have been no complaints from any source as to its operation. Nobody has complained that there has been unfair or unjust discrimination against any publication or any periodical, as far as the committee has ever heard.

Why, Mr. President, if the Postmaster General should undertake, by an order or by some executive regulation, to exclude from the mails newspapers, weekly or daily, or such other publications as contain items of news and information that the people seek, public opinion would force him to restore them to the mail or force him from office. So it is with the carrying of the mails by the railroads. Public sentiment in this country will compel the railroads to carry the mails as they are offered under the direction of the Postmaster General if we do not pay them anything. Public sentiment will compel the roads to carry the mails, unjust as it might be, for if they were not carried public sentiment would stop the operation of the trains, and they know it. Therefore they understand that they are at the mercy of Congress as to what their compensation shall be. If it is just fair and reasonable, they accept it. If it is not just and fair and reasonable, they are compelled to accept it nevertheless. Public sentiment, which is above the law in this country in respect to that, would compel them to carry the mails, or it would not permit their trains to run; and I believe every Senator here will agree with me in that respect.

But I have gotten away from section 7. I would not favor this section, and I do not think any Senator here would favor it if he felt that the Postmaster General, in the exercise of the discretion he has, would use it arbitrarily or unfairly or unjustly. If he should make a mistake and order that certain publications should go by fast freight instead of fast mail, if that publisher should go to the Postmaster General and make his complaint and show how he was injured, how the order was unfair to him, the Postmaster General doubtless would do as he always has done in every case of complaint, so far as I have heard—correct the wrong.

The truth is that the Congress of the United States ought to ascertain by some means the cost of the transportation of these publications and let them pay the cost. That is what we ought to do. But I presume if a suggestion like that were made in the Senate some Senator perhaps would have a fit.

I am not going to oppose the amendment of the Senator from Wisconsin. There are some elements of fairness in it and some elements of justice. I am perfectly willing that the amendment, as far as I am concerned, should go to conference, and that the conferees should have an opportunity to investigate this whole question. They have had an opportunity to understand fully and perfectly the extent to which the amendment goes and its effect, and we will be able to work out something that will be satisfactory to the Senate.

In conclusion, Mr. President, I am going to beg the Senate to let us go on and conclude this bill. It has been the unfinished business of the Senate for more than a month, and we have been so good natured about it, we have been so obliging about it, that it does seem to me that the Senate now ought to be willing to make all the possible haste that can be made to its conclusion.

While I am on my feet I will make a suggestion. I am going to ask the Senate to remain in session until the bill has been concluded and passed. We must pass these appropriation bills. It seems to me ample time has been afforded for the discussion of every phase of it, and the Senate ought now to be willing to let it be passed and go into conference in the hope and belief that no doubt there we will be able to work out a measure that will be satisfactory.

Mr. LANE. Mr. President, I should like to ask the Senator from Wisconsin, if he is present, if he would be willing to accept a further amendment to the effect that if the owner or representative of a publication were given the right to apply to the Postmaster General and receive from him the right to transport his publication or magazine by mail trains at a fair rate paid for such matters—second-rate postage, as I understand it—or to make an application if he prefers to have the same shipped by freight at a reasonable price, would that not be fair to all and harm no one? Anyone publishing a magazine or other publication could ship it either way, as he chose. If he wanted quick delivery, he would pay for it at the rate fixed. If he was not in such a hurry, he could ship it by freight. The Postmaster General would be compelled in either case to do as was desired by the publisher. Why should not that cover it? Does that satisfy the Senator from Arizona?

Mr. SHAFROTH. I should like to ask the Senator from Oregon if he would change the rate of postage, then, on second-class matter?

Mr. LANE. No; not necessarily.

Mr. SHAFROTH. Then, of course, that would still permit them to transport this matter at 1 cent a pound, it costing the Government more than five and a half cents a pound to do it. It takes away the opportunity of the Government to have it transported by freight, and, of course, being carried at the same rate, the publisher would always insist upon sending it by the regular mail.

Mr. LANE. That might be. Then the Postmaster General under the law has no authority whatever to make a rate that is fair.

Mr. SHAFROTH. I think not. I think the rate was fixed absolutely.

Mr. LANE. By Congress.

Mr. BANKHEAD. The statute fixes it. The department has no discretion.

Mr. LANE. It would be in the hands of Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Arizona [Mr. ASHURST] to strike out section 7 as amended.

Mr. ASHURST. Mr. President, I do not wish to be heard further, but I do wish to observe that the part of section 7 that I do not wish to strike out was an amendment, I think, presented by the Senator from Missouri [Mr. REED] with relation to the civil service. My motion does not, and I do not want it to be understood that my motion to strike out relates to or strikes out that part of section 7 relating to the civil service offered by the Senator from Missouri.

Mr. JONES. Mr. President, I simply wish to say I expected to vote for the motion of the Senator from Arizona to strike out section 7, but with the amendments which have been made to it I do not think we ought to strike it out. Therefore I shall vote against the motion in that it is directed against the section as amended.

Mr. ASHURST. I call for the yeas and nays on my motion to strike out section 7.

Mr. TOWNSEND. Is the Senator familiar with the last amendment that was adopted? If it were read, possibly the Senator would not wish to strike out the section. Perhaps the Senator would withdraw his motion.

Mr. ASHURST. I think I will stand on my motion.

Mr. THOMPSON. I should like to have the section read before we vote on it.

The PRESIDING OFFICER. The section will be read as amended.

The Secretary read section 7 as amended, as follows:

SEC. 7. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed, but no publication shall be sent by freight if such method of transportation results in unfair discrimination or in the undue delay of the delivery of such publication at its destination: *Provided*, That whenever the owner of any publication required by an order of the Post Office Department to be transmitted by freight believes that he is injured or discriminated against, he may apply to the Post Office Department for an opportunity to be heard; that upon such application being duly filed in writing, the order of the Post Office Department as to the transportation of such publication by freight shall be suspended, and the owner of such publication shall have opportunity for a full and fair hearing before said department. The testimony in any such hearing or proceedings shall be reduced to writing and filed in the Post Office Department prior to entering an order upon such hearing. That upon such hearing if the Post Office Department decides adversely to the contention of the publisher, such publisher shall have the right, within the period of 10 days after the date of the order of the Post Office Department made upon such hearing, to appeal to the United States court of appeals of the circuit within which such periodical is published, for a review of such order by said court of appeals, by filing in the court a written petition praying that the order of the Post Office Department be set aside. A copy of such petition shall be forthwith served upon the Post Office Department and thereupon the said department forthwith shall certify and file in the court a transcript of the record and testimony. Upon the filing of such

transcript the court shall have jurisdiction to affirm, set aside, or modify the order of the department.

The jurisdiction of the circuit court of appeals of the United States to affirm, set aside, or modify such orders of the Post Office Department shall be exclusive.

Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein and shall be in every way expedited.

Mr. ASHURST. I call for the yeas and nays on the motion to strike out the section.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. Not knowing how he would vote on this question, I withhold my vote.

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from New York [Mr. WADSWORTH]. He is absent, and I withhold my vote.

Mr. JONES (when his name was called). I am paired for the week with the junior Senator from Virginia [Mr. SWANSON]. I do not know how he would vote on this question, and therefore I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. LEWIS (when his name was called). Before announcing my own vote, I beg to announce that Senator KERN was called out of the Chamber on public business, and he is paired with the Senator from Michigan [Mr. TOWNSEND]. I vote "yea."

Mr. OVERMAN (when his name was called). On this vote I am paired with the senior Senator from Iowa [Mr. CUMMINS]. If he were present, I should vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. TOWNSEND (when his name was called). I was paired with the Senator from Indiana [Mr. KERN] and a transfer of my pair was arranged to my colleague [Mr. SMITH of Michigan]. My colleague and the Senator from Indiana being paired, the junior Senator from Missouri [Mr. REED] and myself are free to vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

The roll call was concluded.

Mr. HOLLIS. I transfer my pair with the Senator from New York [Mr. WADSWORTH] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CLARK of Wyoming. I have a general pair with the junior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], from which I am excused on this vote. I vote "nay."

Mr. GALLINGER. I have a pair with the senior Senator from New York [Mr. O'GORMAN], but I am relieved by the Senator from the pair on this bill, and I vote "nay."

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague, the senior Senator from Colorado [Mr. THOMAS], and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER.]

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent, and is paired with the Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present and voting, he would vote "yea."

Mr. CURTIS. I have been requested to announce that the Senator from New Mexico [Mr. CATRON] is paired with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

Mr. BANKHEAD. Mr. President, a parliamentary inquiry. If the motion of the Senator from Arizona prevails, it carries with it the amendments that have been adopted to section 7?

The VICE PRESIDENT. It does.

The result was announced—yeas 25, nays 39, as follows:

YEAS—25.

Ashurst	Lea, Tenn.	Oliver	Smoot
Brandegee	Lewis	Pittman	Walsh
Broussard	Lippitt	Poindexter	Williams
Curtis	McLean	Pomerene	Works
Gronna	Martine, N. J.	Sheppard	
Hollis	Myers	Sherman	
James	Newlands	Smith, Ariz.	

NAYS—39.

Bankhead	du Pont	Lodge	Smith, Ga.
Beckham	Fletcher	Martin, Va.	Sterling
Borah	Gallinger	Nelson	Sutherland
Brady	Hardwick	Norris	Thompson
Bryan	Hustin	Page	Tillman
Chamberlain	Johnson, Me.	Phelan	Townsend
Clapp	Johnson, S. Dak.	Ransdell	Vardaman
Clarke, Ark.	Kenyon	Reed	Warren
Culberson	La Follette	Shafroth	Weeks
Dillingham	Lane	Simmons	

NOT VOTING—31.

Catron	Harding	Overman	Smith, S. C.
Chilton	Hitchcock	Owen	Stone
Clark, Wyo.	Hughes	Penrose	Swanson
Colt	Jones	Robinson	Taggart
Cummins	Kern	Saulsbury	Thomas
Fall	Lee, Md.	Shields	Underwood
Goff	McCumber	Smith, Md.	Wadsworth
Gore	O'Gorman	Smith, Mich.	

So the Senate refused to strike out section 7 as amended.

Mr. ASHURST. Mr. President, if I caught the reading aright of the amendment tendered by the Senator from Wisconsin, although I did not vote for it, I think it is inadequate; I think it does not reach the true solution; I think the time is too short; that it allows only 10 days for the preparation of papers and an appeal to the court. If in order, I move to strike out "ten" and insert "sixty," so that the party may have 60 days in which to take an appeal to the court.

Mr. HARDWICK. I raise a question of order—that the Senator having voted in the negative, he can not move a reconsideration, and that his suggested amendment can not be moved now.

The VICE PRESIDENT. It can be done in the Senate—not in Committee of the Whole.

Mr. TOWNSEND. I desire to offer an amendment to add a new section at the end of the bill, which I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Amendment proposed by Mr. TOWNSEND: On page 58, line 22, insert the following:

SEC. 18. That, beginning with the 1st day of July next, following the passage of this act, the Postmaster General shall grant an indefinite leave of absence, together with an allowance of $600 per annum, to be payable monthly, to any person employed in the Railway Mail Service, the Rural Free Delivery Service, the City Free Delivery Service, and to post-office clerks and other employees in post offices who are in the classified civil service, except postmasters, who have become incapacitated from performing their duties through superannuation: *Provided*, That such indefinite leave of absence and allowance shall in no case be granted unless and until the employee has reached the age of 65 years and has been in the service 25 years or has become incapacitated as the result of an injury received in the discharge of duty.

That should it be found necessary to employ a substitute to fill the place of an employee who has been granted an indefinite leave of absence, said substitute shall be paid at the rate allowed for vacation work: *Provided*, That such assignment shall not interfere with the promotion of the substitute to appointment on the regular force when a vacancy occurs or when the force is increased and when said substitute is eligible for such regular appointment by virtue of his standing on the substitute list.

That the Postmaster General shall establish a board of retirement, to consist of not more than three members, to be selected from employees of the Post Office Department and the Postal Service, who shall serve without extra compensation, whose duty it shall be to examine all applications for the granting of such indefinite leaves of absence and to make recommendations based upon their findings to the Postmaster General for his guidance: *Provided*, That the Postmaster General shall have authority to appoint a physician to advise such board in making its recommendations.

That applications for the granting of indefinite leave of absence may be either voluntary on the part of the employee or may be recommended by the proper administrative or supervisory official.

That the Postmaster General shall immediately formulate and issue such rules and regulations as in his judgment may be best calculated to carry out the purpose of this act.

Mr. TOWNSEND. Mr. President, I wish to make a statement that will not occupy over a minute or two. This provision has been reported to the House of Representatives by the Committee on Post Offices and Post Roads of that body. It is a provision which has been inviting the attention of the Congress for a number of years. It was adopted, as I understand it, at the recent convention in St. Louis. It is a matter looking to what may seem to many of us to be a step in the right direction.

I recognize, of course, that it is subject to a point of order if anyone wishes to make the point, but I should like very much, inasmuch as it has been reported favorably to the House, to put it upon the measure, because I think a majority of the Senators are favorable to it.

Mr. GALLINGER. Will the Senator permit me? Can the Senator give any good reason why the hundreds of clerks in the departments at Washington who are equally superannuated should not be treated precisely as the classes enumerated in the amendment?

Mr. TOWNSEND. I can not. I can simply state that this is a bill which pertains to the Post Office Department, which is the largest department of the Government, and there are certain reasons why, perhaps, it should appeal with especial attention

to this great department. We are at the present time dealing with the Post Office Department. Of course I recognize the fact if this step is taken it will be applied to all the departments of the Government in time, and now I see no reason why it should not so apply, if you are going to apply it to one. But now we are dealing with this bill and for that reason I offer it to include simply the Post Office employees.

Mr. BRYAN. Mr. President, of course this is nothing more nor less than an elaborate civil-service pension plan that if extended to the 500,000 civil-service employees would require a greater amount than is now required for the pensions of those who have served in war. I am not opposed to a plan of civil-service retirement, the fund to be contributed by employees and safeguarded by the Government; but I am opposed to this sort of a plan, which is nothing more nor less than a pension.

I therefore raise the point of order that the amendment is general legislation on an appropriation bill.

The VICE PRESIDENT. The point of order is sustained.

Mr. JONES. I offer an amendment as an additional section to the bill.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. —. That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

Whoever shall knowingly deposit or cause to be deposited or shall knowingly send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

That whoever, being a postmaster or other person employed in the Postal Service, shall knowingly send by mail or deliver any letter, package, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of the said liquors or any of them mentioned in the first section of this act, or containing a solicitation of an order or orders for said liquors, or any of them, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively, shall be fined not more than $100 or imprisonment not more than one year, or both.

That any advertisement for such liquors, or any of them, stating the person from whom, or the firm or corporation from which, or the place where, or the price at which, or the method by which said liquors, or any of them, may be obtained, or containing the picture of a brewery or distillery or bottles or other receptacles designed to serve as an advertisement of such liquors, or any of them, shall be within the inhibition of this section.

Mr. MARTINE of New Jersey. Mr. President, I make the point of order against the amendment. It seems to me it is clearly a case of general legislation. if ever such a case occurred.

The VICE PRESIDENT. The point of order is sustained.

Mr. JONES. Mr. President, pursuant to the notice that I gave on Monday last of my intention to make a motion to suspend the rules prohibiting legislation of this kind upon general appropriation bills, I move that that part of the rule be now suspended for the purpose of offering this amendment and making it in order on this bill. It is paragraph 3 of Rule XVI.

The VICE PRESIDENT. The Chair assumes that the notice to which the Senator from Washington refers is in proper form, and therefore the question will be whether the rule shall be suspended for the purpose of receiving this amendment.

Mr. HARDWICK. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. HARDWICK. Under the precedents and rules as construed by the Senate it requires a two-thirds vote, does it not, to suspend the rule for such a purpose as this and in this manner?

The VICE PRESIDENT. One moment——

Mr. HARDWICK. I remember that on a proposition of the Senator from Texas [Mr. SHEPPARD] at the last session of Congress relating to prohibition in the District of Columbia the precedent was made by the Senate, after quite a heated and protracted debate, that it required a two-thirds vote of the Senate to suspend the rules. That is my recollection.

The VICE PRESIDENT. Can the Senator from Georgia produce any rule of the Senate which states that it requires a two-thirds vote to suspend a rule?

Mr. HARDWICK. I refer the Chair to the precedent made when the bill proposed by the Senator from Texas [Mr. SHEPPARD], proposing prohibition in the District of Columbia, was pending before this body, something like a year ago, on which the point of order was made that a two-thirds vote would be required for that purpose; and after protracted debate the question was submitted to the Senate, and it was then so ruled by the Senate.

The VICE PRESIDENT. Was that the ruling of the Senate?

Mr. HARDWICK. Yes, sir; that is my recollection. I only state my recollection of what then transpired.

Mr. BRANDEGEE. Mr. President, I was very clearly of the impression that it took a two-thirds vote to suspend a rule, but looking very hurriedly at the index of the Senate rules I see, under the title "Suspension of rules," this language:

One day's notice in writing required to suspend, amend, or modify any rule of the Senate.

The VICE PRESIDENT. That notice has been given, and the question is on the motion. The Chair is not clear about the ruling of the Senate to which the Senator from Georgia [Mr. HARDWICK] refers. If the Senate has ruled that it took a two-thirds vote to suspend the rules the Chair will enforce the ruling of the Senate.

Mr. HARDWICK. If I may be pardoned one other suggestion, I wish to say that at that time the point was made by the Senator from Nebraska [Mr. HITCHCOCK], and was to the effect that it required a two-thirds vote of the Senate to suspend the rules. It was in a case similar to that under which the Senator from Washington [Mr. JONES] now seeks to proceed that the point of order was made, and my recollection is that it was sustained by a vote of the Senate.

Mr. JONES. I think the Senator from Georgia is correct. While I thought the decision of the Senate was not in accordance with the rule, it is my recollection that that was the decision which was arrived at by the Senate at one time. It only applied, of course, to that time; but the Senate, by a majority vote now, could change that ruling, if they saw fit to do so, because there is nothing in the rules themselves which requires a two-thirds vote to adopt a motion to suspend the rules.

The VICE PRESIDENT. The Chair finds that on January 13, 1915, the present occupant of the chair did submit that identical question to the Senate, and that by a vote of 41 yeas to 34 nays the Senate decided that it required a two-thirds majority to suspend the rules. If it be desirable to revert to that ruling the Chair will now rule that it takes two-thirds to suspend the rule; but, of course, there can be an appeal from the decision of the Chair on that question, when the Senate can reverse the ruling if it so desires.

Mr. CLARKE of Arkansas. Mr. President, I imagine we should not anticipate the necessity for an appeal from the decision of the Chair until we have ascertained what the state of the vote will be. I think if any such decision as that which has been stated was made by the Senate, it must have been a very arbitrary one or there must have been some feature immediately in connection with the question that justified that action. I think the Senate will suspend the rules by a two-thirds vote for the purpose of adopting the amendment which has been proposed by the Senator from Washington [Mr. JONES].

Mr. JONES. Mr. President, I wish merely to say a word or two in reference to this amendment. I think everyone who has paid any attention to the reading of the amendment has seen the effect of it. It is practically an extension of the Webb-Kenyon law, which I think Congress passed over the veto of the President by a vote of about 3 to 1.

There are States in the Union which have adopted the principle of prohibition. In order to make that effective they have passed legislation prohibiting liquor advertisements of any kind or character. Under the law as it is now, the mails of the United States are being used to defeat the will of the people in these various States. Advertisements of various kinds, soliciting the purchase of intoxicating liquors, heralding the so-called merits of certain brands, and all that sort of thing, are being sent into the different States of the Union. The purpose of this amendment is to prohibit the mails of the United States from being used to practically defeat and nullify the laws that have been passed by the people within the sovereign States of the Union.

Mr. HARDWICK. Mr. President, will the Senator from Washington yield for a question?

Mr. JONES. Yes.

Mr. HARDWICK. I have this sort of case in mind: Georgia has State-wide prohibition by act of her general assembly, and

yet in the very law which provides for prohibition, and which prohibits liquor advertising in the newspapers of the State, provision is made that every citizen of the State may buy and have on hand as much as 2 quarts of whisky a month. The business of selling liquor is lawful in some of the Commonwealths of the Republic, and the business is not outlawed by the Government of the United States in the country as a whole. If the General Assembly of the State of Georgia has permitted persons to buy whisky to a certain quantity and to keep it on hand to a certain quantity within the limits of the State, what justification is there for the proposition that people who are located where it is perfectly lawful to sell it should not be allowed to advertise and sell if it is not unlawful to do so in the territory where they reside?

Mr. JONES. Has Georgia prohibited such advertisements?

Mr. HARDWICK. In papers within the State; yes, sir.

Mr. JONES. That is sufficient. Of course, she can not go outside and prohibit advertisements in papers of other States, so far as that is concerned, and that is all this provision does. Where such advertisements are prohibited within the State, this amendment prohibits the sending of those advertisements within the State; and in the State of Georgia, if the laws of Georgia do not make the circulation of advertisements unlawful, then this amendment would not apply to Georgia; but if——

Mr. HARDWICK. Will the Senator allow a question?

Mr. JONES. But if Georgia has done that, then this amendment recognizes the law of Georgia.

Mr. HARDWICK. Just one moment. Let us see whether it does or not. That is the point that has been bothering me a good deal, and my mind is not entirely settled on it. It is lawful in Georgia to buy a certain amount of liquor. Would you deprive a person by law from finding out where he can get liquor when he is not prohibited by law from buying it?

Mr. JONES. I would prohibit a person by law from finding out, contrary to the laws of the State, where he might buy it. If any Georgian wants to go somewhere to find out where he can buy it, without violating the laws of the State of Georgia, that is all right. I am not going to add to or take from the laws of the State of Georgia.

Mr. HARDWICK. The laws of the State of Georgia, of course, do not undertake, because they can not undertake, to deal in any way with the United States mails.

Mr. JONES. I am going to try to make the laws of the State of Georgia effective; that is all. I am not going to prohibit anybody in the State of Georgia from buying liquor in any way, shape, or form. I am simply providing by this amendment for the enforcement of the laws, or rather to prevent the United States mails from being used to evade the laws, of the State of Georgia.

Mr. VARDAMAN. Mr. President——

Mr. TOWNSEND. May I ask the Senator a question?

Mr. JONES. I think the Senator from Mississippi rose first, and I yield to him.

Mr. VARDAMAN. I suggest to the Senator from Washington that he answered the question propounded by the Senator from Georgia to the effect that he wanted to prevent the Georgians from finding out where to get intoxicating liquor. The thing I would accomplish is to prevent the whisky man from finding the whereabouts of the man in Georgia to whom he would sell the whisky. He is the man I would protect from the seductive tempter.

Mr. JONES. That is better put than I put it or could put it.

Mr. HARDWICK. No; the Senator wanted to do something more than the legislature has yet done.

Mr. VARDAMAN. If the legislature has not succeeded in doing that, I want to say to the Senator from Georgia that I should like to do that.

Mr. HARDWICK. That may be.

Mr. VARDAMAN. I am very much in favor of striking at this nefarious traffic in any way that would embarrass or hinder it. If we can not hit it in the face, I would shoot it in the back; I would sandbag it, hamstring it. I want to do everything within my power to discourage, to condemn, to outlaw, and render odious the liquor traffic. It is responsible for more murders, the perpetration of more outrages upon innocent, virtuous women—it has made more widows, orphaned more children, blighted more lives, frustrated more ambitions, sent more men to jail, has done more to fill the hospitals with the sick and the asylums with the insane—in a word, it has wrought more unhappiness and horrible havoc among mankind than all the other agencies for evil combined. If I had my way, Mr. President, I would close the door of every saloon on earth. I would restrict the manufacture and sale of alcoholic stimulants to scientific and mechanical purposes. I can not for the life of me understand how, with its record of wrongs, a civilized, Christian nation will permit this social cancer—the open saloon—to continue to eat into the very vitals of our civilization. To permit the Postal Service to be used as an agency for the promotion of this wicked business is a prostitution of a beneficent function of our Government which the American people will not long tolerate.

Mr. TOWNSEND. Mr. President, I did not quite get a clear understanding of the amendment. Suppose a man in the State of Georgia took the New York World or the New York Sun or the New York Tribune or any other paper, and that paper should contain a liquor advertisement; would the amendment of the Senator from Washington prevent that paper going into Georgia?

Mr. JONES. It would?

Mr. TOWNSEND. And the same thing would be true in the case of magazines?

Mr. JONES. It would. That does not sound scary to me, although it may to some. I do not know as to that, but Senators would probably be surprised to find how many of the great daily papers of the country and the great magazines of the country are actually refusing to put into their columns advertisements of this character. The great newspapers of the country and the great magazines of the country are not opposing legislation of this kind; they are not asking for this privilege. I shall refer to that just a little bit later on.

Mr. President, I want to call attention to some of the methods that are being used. The State of Alabama, the State of the honored chairman of the Committee on Post Offices and Post Roads, has passed a law, as I understand, prohibiting liquor advertisements. I have here [exhibiting] a letter addressed by the Chattanooga Bottling Co., of Tennessee, to Mr. S. D. Weakley, 22 Ridge Park Avenue, Birmingham, Ala. I understand that Mr. Weakley is a very prominent citizen of Alabama, the head, I think, of a commission that had something to do with prohibiting this traffic in Alabama. I do not know just what his position is, but he is a very pronounced temperance man, and yet they sent this advertisement to him and got it into his home, and he could not have known what was in the envelope unless he could have judged by the stamp on the envelope and thrown it away. Not being content with sending one advertisement of this character to him, here is another one [exhibiting] that was sent to him, without anything on the envelope to indicate where it came from or from what sort of business it emanated, so that it would be sure probably to be opened, at any rate, before he could understand its contents.

Here is another one [exhibiting] addressed to another citizen of Alabama, without anything to indicate the business of the company or the firm sending it, but simply marked, "The White Company, post-office box 214, Chattanooga, Tenn." When it is opened, however, there are found all sorts of advertisements with reference to liquors, where they can be bought, their prices, how they may be sent, and all that sort of thing, in contradiction of the laws of Alabama. Then here, I think, is about the worst one of all. [Exhibiting.] Apparently these people want to catch everybody; they do not want to let anybody go; and if they find an address of some kind, a street number, and they do not know whether anybody lives there or not, or, if anybody lives there and they do not know who he is they send out a letter in an envelope addressed, "Occupant of," that is printed, and then they have written in the address, which in this instance, we will say, was "2802 Avenue H, Birmingham, Ala." Thus, they are sure to reach whoever may reside at that address, and by reason of the words, "Occupant of" being printed I have a right to assume that they have sent out a great many of these to addresses where they think people may reside, although they do not know who they are. That is the kind of thing that is being done in contradiction of the State law.

This, Mr. President, is not a matter of prohibition at all; it is a matter of respect for State law, and it is a question as to whether or not we will allow the United States mail to be used for the purpose of evading or nullifying the laws of a State made for the protection or, at least, what it thinks is for the protection of its own men, women, and children.

As to the proposition suggested by the question of the Senator from Michigan [Mr. TOWNSEND], I was really surprised to find how many of the great magazines of the country and of the newspapers of the country do not put these advertisements in their publications.

I have here a compilation bearing on this question that was made as of January, 1915. Letters were sent out to different magazines of the country asking their publishers with reference to such advertisements. These letters were sent out by a very respectable organization in this country, by the board of managers of the Temperance Society of the Methodist Church of the United States, and they state here the result of these inquiries. I am going to call attention to it briefly. They say here:

On November 14, 1908—

That is quite a number of years ago—

the Sunday School Times published a list of 40 magazines which at that time declined liquor advertising. The list included 10 magazines which are distinctly designed to appeal to women. The Temperance Society has just made a poll of all magazines, without, however, including women's publications, which it is presumed are all, or practically all, without such advertising.

That, certainly, is a very nice and very well-deserved compliment for the women of the country, it being assumed that their magazines did not publish these advertisements, and I submit that if they ought not to be published in a woman's magazine they ought not to be published in other magazines.

A second letter was sent to those who did not reply to the first, and so it is believed that the list below is very nearly complete.

This was done in January, 1915. They give some interesting comments which they received in reply to these letters:

For instance, Outing and Golfers—

Those are magazines—

say, "We will not continue to carry liquor advertising when current contracts expire"; and the advertising manager of the Strand Magazine says, "We have taken liquor advertising, but if I can get my way we will not in future."

"A very large percentage of the better magazines now refuse to print either whisky or beer advertising," comments Mr. Frank A. Arnold, president of the company which publishes the Countryside Magazine and Suburban Life, and he continues, "It has been found that magazines which adopt the policy of not printing whisky or beer advertising receive many times more favorable consideration by large national advertisers who wish to reach the best homes."

The Independent calls attention to the fact that it refuses advertisements of cigarettes, as well as whisky and beer, and the Youth's Companion makes the following emphatic comment:

"We do not think that the advertising of whisky or beer is half as injurious to the morals of the American people as the advertising of cigarettes and tobacco. Not only are the boys of this country taught to smoke cigarettes by the weeklies and monthlies of largest circulation, but the women are taking it up now. It's time that the Methodist Episcopal Church and others take some action on this great evil."

Such high-class publications as the Atlantic Monthly and Scribner's do not accept advertising of strong liquors, but make an exception in favor of beer, ales, and cordials. Quite a number of magazines which are not in the list below refuse whisky advertising but accept beer. Some of them accept only advertising of malt tonics, which they do not class as an alcoholic beverage. A very few evade a direct answer. For instance, one says, "The ——— Magazine"—

This organization was considerate enough not to give its name—

"prints very few advertisements of any kind"; and another, "No whisky or beer ads are in the magazine." But most of the replies are as frank as that of the American Sunday Monthly Magazine, which says, "Emphatically no!"

A few magazines express open hostility to the liquor traffic. One which accepts beer advertising says that each year several articles against the use of alcohol are given space. Physical Culture declares: "For over 15 years it has been the policy of the Physical Culture Magazine to attack gluttony, alcohol, tobacco, drugs, prudery, and muscular inactivity." And the publishers of Everybody's claim to be the pioneers in declining liquor advertising. They say:

"The Ridgway Co., publishers of Adventure Magazines and Everybody's Magazine, has for many years made it a definite part of its policy not to accept the advertising of intoxicating liquors. In fact, Everybody's Magazine was the first publication of its kind to take a decided stand on this question."

Now, Mr. President, without taking time to read further, I ask unanimous consent to print in the RECORD, as a part of my remarks, the list of publications refusing such advertisements.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The list referred to is as follows:

Argosy, New York City.
All-Story Magazine, New York City.
Associated Sunday Magazine, New York City.
American Boy, Detroit, Mich.
American Homes and Gardens, New York City.
American Review of Reviews, New York City.
Arts and Decorations, New York City.
American Magazine, New York City.
American Sunday Monthly Magazine, New York City.
All Outdoors, New York City.
Black Cat, Salem, Mass.
Boys' Magazine, Smethport, Pa.
Book News Monthly, Philadelphia, Pa.
Business, Detroit, Mich.
Countryside Magazine, New York City.
Cavalier, New York City.
Christian Herald, New York City.
Century, New York City.
Collier's Weekly, New York City.
Current Opinion, New York City.
Country Life in America, Garden City, N. Y.
Country Gentleman, Philadelphia, Pa.
Everybody's Magazine, New York City.
Fra, East Aurora, N. Y.
Garden Magazine, Garden City, N. Y.
Good Health, Battle Creek, Mich.
House and Garden, New York City.
Harper's Magazine, New York City.
Hearst's Magazine, New York City. (Beer not answered.)
Independent, New York City.
Illustrated Sunday Magazine, New York City.
Lippincott's, New York City.
Little Folks Magazine, Salem, Mass.
Leslie's Weekly, New York City.
Literary Digest, New York City.
Munsey's Magazine, New York City.
Metropolitan Magazine, New York City.
McClure's Magazine, New York City.
National Geographic Magazine, Washington, D. C.
National Magazine, Boston, Mass.
Out West Magazine, Los Angeles, Cal.
Outlook, New York City.
Popular Mechanics, Chicago, Ill.
Physical Culture, New York City.
Philistine, East Aurora, N. Y.
Popular Science Monthly, Garrison, N. Y.
Railroad Man's Magazine, New York City.
St. Nicholas, New York City.
Scientific American, New York City.
Suburban Life, New York City.
Saturday Evening Post, Philadelphia, Pa.
Sunset Magazine, San Francisco, Cal.
Short Stories, Garden City, N. Y.
System, Chicago, Ill.
Technical World, Chicago, Ill.
Ten Story Book, Chicago, Ill.
Watson's Magazine, Thomson, Ga.
Wide-World Magazine, New York City.
World's Work, Garden City, N. Y.
World's Advance, New York City.
West Coast Magazine, Los Angeles, Cal.
Youth's Companion, Boston, Mass.
Yachting Magazine, New York City.

Mr. STONE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from Missouri will state his question of order.

Mr. STONE. I understand that the matter now before the Senate and which the Senate is proceeding to consider is the Post Office appropriation bill. While in the midst of that consideration the Senator from Washington interposes with a motion to suspend, modify, or amend a standing rule of the Senate——

Mr. JONES. Pursuant to notice given in accordance with the rules.

Mr. STONE. He offers to amend or suspend a standing rule so that he may offer an amendment to this appropriation bill, which otherwise would be subject to a point of order. The Senator from Washington says that he gave notice of his intention to make this motion to suspend this rule. The point I make, Mr. President, is that, while it is in order for any Senator to give notice that he intends at a certain time to move to suspend, modify, or amend any standing rule of the Senate, he yet gives notice of a purpose to present a question which is substantive, separate, and distinct in itself. Rule XL provides that upon notice a Senator may move "to suspend, modify, or amend" a rule, and he can do one of those things as well as another of those things; that is to say, he can move to suspend on notice; he can likewise move to modify; that is, to change the rule or to amend it.

The point I make is that when the Senate is considering a bill which is the unfinished business of the Senate, as in the present instance, it is not a time permissible under the rules to inject a separate and substantive proposition to change the rules, to amend the rules, or to suspend the rules—something wholly foreign from the business pending. Such a proposition must be taken up, whenever it is taken up, as a distinct and separate proposition, and must be taken up at an opportune and permissible time under the rules and practices of the Senate.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me right there, in effect, before a motion to suspend the rules can be entertained, the Senator must move to take up that motion and lay aside the pending bill.

Mr. STONE. I was about to say, Mr. President, speaking in the line of the Senator's suggestion, that if this proposition is to be entertained by the Senate and we are to enter upon the consideration and discussion of a proposition to amend or suspend the rules of the Senate, and if the Senate determines to do that, then the effect will be to lay aside the unfinished business and to substitute this question in its stead.

It seems to me that a Senator can not inject himself into the consideration of a bill before the Senate, which is the unfinished business of the Senate, and thus compel the Senate to lay the pending business aside, and proceed to the consideration of another and wholly distinct substantive proposition. While the notice to suspend may be given, and at the proper time be considered, it can not be considered at a time and in a way that would have the effect of laying aside the unfinished business of the Senate. I hold that a Senator can not in this way put aside a bill the Senate is considering and substitute as the pending business a separate, distinct, and substantive proposition, and a mere notice of a purpose to do that will not cure the objection that I present. Of course the Senate can by a vote lay aside the unfinished business and take up anything else it pleases; but a single Senator can not by a mere motion accomplish that end without the concurrence of the Senate on a motion to lay aside the unfinished business and proceed to the consideration of the motion.

Mr. JONES obtained the floor.

Mr. SMITH of Georgia. Mr. President, before the Senator from Washington proceeds, if he will allow me, I should like to make one statement. I want to say that if a measure is before the Senate, in such shape that I can vote for it, to run these liquor advertisements out of the mails in States that have gone "dry," I will support it with a great deal of pleasure. I do not wish the question that I asked the Senator from Missouri to create any false view of my attitude. I think they ought to be kept out of the mails. I think it is simply inexcusable to flood temperance people with their liquor literature. I am in favor of running them out.

Mr. JONES. The question is here, and we will have a chance to vote on it one way or the other. I am glad to know that that is the position of the Senator from Georgia, though I was satisfied that it was.

Mr. NELSON. Mr. President, will the Senator yield to me for a minute?

Mr. JONES. Yes.

Mr. NELSON. It seems to me the trouble with this amendment is that it does not go far enough. It only reaches States where they have prohibited the publication of such advertisements, and I think that is confined to a very limited number of States. It does not cover what we call the "dry" States generally.

Mr. JONES. The Senator is correct about that. Of course, I should be glad to have it go further. I should be glad to prohibit any advertisement of this traffic going through the mails; but I thought we would put it in such shape that nobody could have any reasonable excuse for voting against it, and that we have here a greater question even than that of printing these advertisements and carrying them through the mails. We have here the question of the preservation of State law, or of stopping the use of the mails of the United States Government as an instrument to nullify State law; and that, I take it, is even a greater question than the prohibition of the printing and the publication of these advertisements.

With reference to the point of order, Mr. President, I do not question the sincerity of the Senator from Missouri [Mr. STONE], but I am not surprised that every technical objection that it is possible to present against the adoption of legislation of this kind should be presented. We have never yet had a proposition before Congress looking to restricting the liquor traffic and the liquor trade without being met upon every hand by every possible technical objection that could be presented, and we never yet have had anybody stand up on this floor and advocate and point out the merits of this traffic and this trade. The opposition to it has always been upon technical grounds.

When the question of order was up that has been referred to here with reference to the Senate declaring that a two-thirds vote was necessary to suspend this rule we discussed it for two days, and it was decided, upon a purely technical proposition, that we could not move to suspend the rules without, I think, a certain notice. I rather think the same question was presented then that is presented now by the Senator from Missouri, although probably not as a point of order. But when the District of Columbia appropriation bill, I think, was up in a preceding session the Senator from Texas [Mr. SHEPPARD] did just as I am doing here. He gave his notice of a motion to suspend the rules and offer that amendment—legislation just like this—and it was not then contended that he did not have a right to do it in the midst of the consideration of that bill, but it was contended that it was necessary that a two-thirds vote should be had in order to make that amendment in order. The Senate said, by its vote then, that it required a two-thirds vote, but the Senate did not say that it could not be taken up during the consideration of that bill.

Why, Mr. President, that is the only thing that makes this rule effective. The rule expressly provides that in a certain way you can suspend any part of the rules of the Senate. I gave my notice, according to the rule, that on the 27th day of this month, or as soon thereafter as possible, I would move to suspend the rule which makes out of order legislation upon an appropriation bill, and I stated the purpose of it. The purpose was to offer an amendment to the unfinished business; and it seems to me that it would practically nullify the rules of the Senate to hold that you can not do that. It is a part of the consideration of the unfinished business. It is a part of the unfinished business. That is all there is to it; and the rule says that if this rule prohibiting this legislation is suspended, then you can offer amendments of general legislation to general appropriation bills. What is the use of a rule permitting you to suspend the rule that says that you can not put general legislation upon a general appropriation bill if you must wait until the general appropriation bill is disposed of?

I can not think, Mr. President, that there is anything to the point of order raised by the Senator from Missouri. I shall not take the time to discuss it further myself. I do not claim to know very much about these parliamentary propositions, but it does seem to me that the rules of the Senate are perfectly plain; and so far as I am concerned, upon the point of order, I leave it to the Chair to decide.

The VICE PRESIDENT. Rule XL provides that—

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

On the 26th of this month, while this appropriation bill was pending, the Senator from Washington [Mr. JONES] presented the following notice:

> I hereby give notice that on Tuesday, June 27, or as soon thereafter as possible, I will move to suspend that provision of paragraph 3 of Senate Rule XVI, prohibiting any amendment proposing general legislation to any general appropriation bill, for the purpose of offering the following amendment to the Post Office appropriation bill now pending, to wit:
>
> "Add the following as a new section to the bill."

And the Chair understands that that is the amendment now offered.

The Chair has no doubt whatever that the purpose of this rule was to enable the Senator from Washington, if he undertook it in time, seasonably, to test the opinion of the Senate as to whether it would suspend this rule and permit him to offer his amendment. Unfortunately, however, this happens to be the same day on which the Senator gave his notice, and therefore the one day's notice has not been given.

Mr. JONES. Mr. President, does the Chair construe that to mean a legislative day?

The VICE PRESIDENT. The Chair can construe it as nothing else than as a legislative day. He knows no other day in these rules.

Mr. JONES. I do not think the rules mean that at all. I think they mean the calendar day.

The VICE PRESIDENT. The Chair——

Mr. JONES. I respectfully take an appeal from the ruling of the Chair.

The VICE PRESIDENT. Just one moment. The Chair has no doubt that if the notice has been given in accordance with the rules—that is, if the day has expired—the Senator from Washington has a right to have a vote on the question of suspending the rule. The Chair will submit to the Senate the question whether this rule means the legislative or the calendar day.

Mr. CLARKE of Arkansas. Mr. President, the same phrase frequently carries a different meaning when considered in connection with the text where it is employed. In other words, we take notice of the purpose and the context and of a great many things to illustrate and illuminate the meaning of a phrase.

In this particular instance the term "one day's notice" was intended to cover a period of time, in my humble opinion, because otherwise it might be in the power of a minority to defeat the application of the rule in a meritorious case by this process of recessing. I think it was intended to allow a period to intervene between the motion to suspend the rules and the act of voting upon the proposition to suspend the rules. I think it is perfectly plain from the context that it was intended to allow that reasonable period of time.

As a substitute for the ordinary principle of parliamentary law, which requires a two-thirds majority to suspend a rule of any deliberative assembly, the Senate of the United States saw proper to adopt a standard of its own, and substituted a period of 24 hours for the ordinary rule of a two-thirds majority. It necessarily deemed it to be of importance that the rules should count for something, and that they should not be swept aside by a mere majority, upon a moment's notice, to serve the purpose of every particular situation that might suddenly arise. Experience in conducting the public business of deliberative assemblies had demonstrated the fact that a two-thirds majority of the body was a proper protection against hasty action. The Senate of the United States, when it came to frame its rules, substituted 24 hours' notice for it. The purpose evidently was to afford an opportunity to have the matter considered, to afford time to prepare to resist its adoption.

The Chair has now submitted the matter, uninfluenced by any expression of opinion on his part, which I must say would largely influence the result, and properly so. We will dispose of it now as it ought to be disposed of, as if we were making the rule in the first instance. We are either called upon to administer the text as we find it or to interpolate the word "parliamentary" or "legislative" instead of the ordinary meaning of "one day."

When terms are used they are supposed to be used in their ordinary sense, unless there is something in the reason of the thing, or the context with which they are associated, to give to them a different meaning. Now, listen:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing—

There is no intimation that there is any reason why it should be confounded with a proposition to adjourn or a proposition to take a recess. It is just simply "one day's notice." The ordinary meaning of "one day's notice" is one calendar day of the week, and without more that is all it means.

I submit that the policy as well as the text of this particular rule will sustain that view, which assigns to it the meaning of 24 hours.

The VICE PRESIDENT. The Chair thinks it should submit the question, Has the notice been given in accordance with the rule? Those who think it has will vote "yea"; those who think it has not will vote "nay."

Mr. VARDAMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. I wish the Chair would state the question.

The VICE PRESIDENT. The question is, under the rules of the Senate, this being the legislative day of Monday, June 26, and this notice having been given on Monday, June 26, has the day expired under Rule XL, which authorizes the Senator from Washington to move to suspend the rules?

Mr. BORAH. Mr. President——

Mr. CLARKE of Arkansas. I will ask the Chair to state it in some sort of way so that we can understand that we are voting as to whether the one day mentioned in Rule XL means a calendar day or a legislative day.

The VICE PRESIDENT. Whether it means a calendar day or a legislative day?

Mr. CLARKE of Arkansas. Those who believe that it is the calendar day will vote "yea"?

The VICE PRESIDENT. Those who believe that it is the calendar day will vote "yea." Those who believe that it is the legislative day will vote "nay."

Mr. BORAH. That is it.

Mr. STONE. I did not understand the question that way. I understood the Chair to rule, when the question was up, upon his own suggestion, that this was the legislative day of Monday.

The VICE PRESIDENT. It is the legislative day of Monday.

Mr. STONE. And therefore, the Chair said, the Senator from Washington had not given the required notice. That I understood to be the statement of the Chair in substance and substantially in words. So it seems to me the question is, Shall the ruling of the Chair be sustained? It is substantially the same thing, but we ought to have the question stated properly.

The VICE PRESIDENT. The Chair withdrew that ruling, and stated that in view of the doubt about it the Chair would submit it to the Senate. That is what we are voting on now. The Chair withdrew the ruling that the notice was not given, and said, in view of the doubt, that he would submit the question to the Senate. The question now is correctly stated: Does the rule apply to a calendar day or to a legislative day? Those who believe that it applies to a calendar day will vote "yea." Those who believe that it applies to a legislative day will vote "nay."

Mr. STONE. It might just as well be stated the other way—that those who believe that it is a legislative day should vote "yea" and those who believe that it is a calendar day should vote "nay." I am not, however, very particular about that. I do not care particularly just how the question is stated. I wish to say this, however, before the vote is taken:

The Senator from Washington indulged in some observations that are not uncommon or unusual, that all kinds of technical objections are always thrust in whenever any question looking toward prohibition is before the Senate. The significance of his observation is that Senators who are opposed to any such movement do not care to meet the issue directly, but prefer to avoid it by sidetracking it in the consideration of some technical question.

Mr. President, so far as I am concerned, I wish to say that I am opposed to any form of national prohibition. I am thoroughly in favor of local option, by which I mean I favor the policy of permitting each State to settle this question for itself. I do not believe in and I oppose any policy through the operation of which it is intended to have the Federal Government take control of this question and settle local police, political, or moral questions peculiar to a State. I wish to leave all such questions to the States themselves, separately and individually. If the State of Washington or any other State desires prohibition in any form, modified or drastic in the extreme, and a majority of the people of the State so decide, I will go as far as any man should go or can go constitutionally to protect that State in the enforcement of its policy written into its constitution or statute laws.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. I do.

Mr. BORAH. Does not the Senator believe that this amendment serves the cause for which he is speaking—to wit, the ability of States to settle the matter for themselves? This is designed to keep out of "dry" territory—States which have dedicated their territory to the "dry" cause—this kind of literature. That is the only purpose of the amendment, as I understand it.

Mr. STONE. Mr. President, to my thinking that is an extreme and unreasonable view of the subject. The State of Washington or the State of Idaho has an unquestioned right to adopt its own policy with respect to this matter. But, Mr. President, to say that a citizen of another State can not write a letter, can not in any way communicate with a citizen of Washington or of Idaho respecting whatever he has for sale or whatever he might feel disposed to recommend for sale, is to employ the Post Office Department—that great agency of the Government of the United States—ostensibly to aid in enforcing a State policy, but in fact to interdict and prohibit the free intercourse of citizens in different States.

Mr. President, as well might the State of Washington or the State of Idaho make it an offense for me, a citizen of Missouri, to go into one of those States and tell citizens resident there that a certain brand of wine made in my State was the best character of wine of that description and recommend it to them if they had occasion to purchase wine. I might be forbidden to go to the State of Georgia and tell a citizen of that State that the Stone-Hill winery, of Missouri, made a native wine of fine quality, and that if he desired to purchase such wine I would recommend it to him. You would as well prohibit me from exercising that privilege as to prohibit me from writing a letter upon the subject. I do not believe the policy of prohibition should go to that extent.

Mr. WILLIAMS. This amendment does prohibit you, does it not?

Mr. STONE. This amendment would prohibit me from writing such a letter. It is carrying this idea to an extreme to which men ought not to permit themselves to go.

Mr. President, I am not going to discuss the immediate question as to whether the rule in question applies to a calendar day or a legislative day. I am not so particular about that. Whether the Senate decides it one way or the other, I can not see that any great injury will result, although I have no doubt the rule refers to the legislative day. I put my opposition to this matter upon broader grounds than that.

Mr. LANE. Mr. President, will the Senator allow me to ask him a question for information?

Mr. STONE. Certainly.

Mr. LANE. I have been puzzled in relation to this question. As I understand, if the bill passes to-day, it passes as of the calendar day June 26, yet if we vote in favor of this resolution and it carries it is the legislative day June 28. One is legislative day, June 26, and the other is calendar day, June 28, and yet it is the same day of the week and month, as far as I can see. It seems to me as though it is a peculiar position for this body to occupy.

Mr. STONE. Let Senators vote as they please and from whatever standpoint they please. So far as I am concerned, I intend to vote upon the broad proposition that such legislation ought not to be enacted; that it is wrong in principle and entirely contrary to my construction of what a correct prohibition policy should be.

Mr. SUTHERLAND. May I ask the Senator a question?

Mr. STONE. Certainly.

Mr. SUTHERLAND. I think we have on the statute books a law which prohibits the use of the mails for advertising lotteries or soliciting persons to purchase lottery tickets, it being unlawful to maintain a lottery or to deal in lottery tickets. Now, in some States it is unlawful to sell intoxicating liquor and it is also unlawful to advertise or solicit orders for such liquors. What difference in principle does the Senator see between the two cases?

Mr. STONE. What makes it unlawful to hold lotteries?

Mr. SUTHERLAND. The law makes it unlawful.

Mr. STONE. What law——

Mr. SUTHERLAND. It may be the law of the United States or the law of the State. It happens to be both in this instance.

Mr. STONE. The law of the United States and the department has declared that to advertise a lottery or to promote it

would be in violation of the law of the United States, and advertisement of a lottery through the mails can be prohibited by an order of the Post Office Department. But that could not be done in this instance.

Mr. SUTHERLAND. If the Senator is discussing it as a matter of principle——

Mr. STONE. Yes.

Mr. SUTHERLAND. I wondered how the Senator could see any difference in principle between a case where it is unlawful to sell lottery tickets or to solicit orders for lottery tickets and a case where it is made unlawful to solicit orders for intoxicating liquors, to adopt a provision that will assist in the enforcement of the law whether it happens to be passed by the Federal Government or by the State. I am unable to see any difference in principle between the two.

Mr. STONE. I can see a very wide difference between a policy of the State and a policy of the National Government. The State can adopt its own policy, which the National Government may refuse to adopt as its policy.

Mr. SUTHERLAND. I know, but here is a law of a sovereign State which forbids the sale of liquor and which likewise forbids, under a penalty, the advertisement or soliciting of orders for intoxicating liquors. The State obviously can not prevent by any law that it may pass the sending of such advertisements or solicitations through the mail from another State. The Federal Government is the only power which can deal with that subject. Why is it not right that the Federal Government in that particular instance should assist the States in enforcing laws of that character?

Mr. STONE. Mr. President, the State forbids the manufacture or sale of liquors within its borders, and that is all. Can it be said that the people of the State are so puerile, so helpless, so dependent that the National Government must thrust itself in and remove from their eyes and presence even the shadow of temptation to violate the State law? Presumably the State is capable of enforcing its laws. Every man knows that in many of the States liquors of various kinds are manufactured and sold. The people of Washington and of Utah know that. They may prohibit the manufacture and sale of it within their territory and under their sovereignty, but they can not prohibit its manufacture or sale in other States.

Mr. JONES. Will the Senator permit a suggestion? The State of Washington not only passed a prohibition law but passed a law against advertising the sale of liquors.

Mr. STONE. Very well; they passed a law forbidding it to be advertised in the State of Washington. Can they forbid it to be advertised in the Courier Journal of Louisville or in the Tribune of New York or the Globe-Democrat of St. Louis? If the advertisement is entirely legitimate in those publications in those States where they are published, can we close the mail of the United States against sending these papers to their subscribers in Washington or Utah because, forsooth, some distillery in Kentucky has advertised in the Courier-Journal that the old Jordan whisky, or some other brand of whisky, is the best, or because the Anheuser-Busch Co., in St. Louis, advertised in one of the local papers that they manufacture the best brand of beer made in the world? Mr. President, if we had adopted the prohibition law in the District of Columbia, which some Senators here pressed with such energy, and will press again no doubt, and which may be adopted before a great while—I do not know—am I to be shut out of my Missouri papers—is the Senator from Massachusetts to have the mail closed against him, and are other Senators to be put in a position where it is made a crime subject to serious pains and penalties if the publishers mail their publications to me or you from St. Louis or any city, directed to you or me here at Washington? I do not read these advertisements; I will say I am at least that much of a prohibitionist; but I do read other things in those papers that are of both interest and value to me. Am I to be denied the privilege of having newspapers published in St. Louis or Kansas City sent to me here, because of some liquor advertisement in them; or is somebody in Washington or Idaho or Utah to be denied the right of getting newspapers from their old homes in the older States? The old home paper might have news of a death in the family, or something else of special interest. Should the citizen be deprived of his paper because an advertisement, legitimate in the State of the publication, relating to some liquor business had been inserted? This proposition to my mind is so absurd that I am astounded that it should ever have been presented to the Senate of the United States.

Mr. SMOOT. Mr. President, I was impressed with what the Senator from Arkansas [Mr. CLARKE] said in relation to the meaning of the rule when he referred to Rule XL. But in thinking of the position taken by the Senator and what effect if the Senate adopts that position it will have upon other rules of the body, I hesitate to vote for the position taken by the Senator from Arkansas. Rule XL provides that—

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing—

And so forth. Now, I want to call the attention of the Senate to Rule XIV, section 5, and I want the Senate to note that it is almost in the exact language of Rule XL as far as one day's notice is concerned. Clause 5 of Rule XIV reads:

> All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

It has been the universal practice of the Senate since I have been a member of the body that whenever a resolution is offered in the Senate it lies over one day on an objection or it can be acted upon by unanimous consent immediately under this clause 5. It has also been the universal practice of the Senate that that has meant a legislative day.

If clause 5 of Rule XIV means a legislative day, and that has been our universal practice in this body, then I can not see why we should have put any other construction upon Rule XL, which is almost in the identical words. In other words, that the rule shall not be suspended except on one day's notice unless by unanimous consent——

Mr. CLARKE of Arkansas. Will the Senator permit me?

Mr. SMOOT. In a moment. Just exactly the same as is found in clause 5 of Rule XIV. If the Senate now says that one day's notice as provided in Rule XIV means a calendar day, I can not see how we can hold that one day's notice in clause 5 of Rule XIV means a legislative day. I think the rules as they stand should be construed in one way. Whichever way we construe the one we ought to construe the other. Now I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. If the Senator will yield a moment, there is no conflict between the fifth clause of Rule XIV and the contention I am very feebly putting forward, for the reason that in the enumerated order of business for the daily sessions of the Senate there is prescribed a period during which resolutions can be considered. Unless there is a morning hour that order of business is never reached, and consequently there is not any opportunity to consider it. It must lie over one legislative day, because there is no provision in the rule for its consideration at any other time. You look at the purpose, you look at the intent, you look at the thing to be accomplished.

Mr. SMOOT. The Senator knows that many times after the morning business is closed resolutions have been offered on the floor of the Senate. Of course they are offered by unanimous consent, but they always go over one day on objection. Now, if that day then closes with a recess and we meet on the morrow at 12 o'clock or at any other time, the resolution that went over that was offered after the morning hour can not be considered until another legislative day.

Mr. CLARKE of Arkansas. Or until that order of business has been reached again, which is only the legislative day.

Mr. SMOOT. That is only the legislative day.

Mr. CLARKE of Arkansas. That is right.

Mr. SMOOT. So it is exactly the same as Rule XL, as I see it.

Mr. LODGE. Mr. President, the legislative day is, of course, a purely artificial device, and wherever the word "day" is used without its being expressly stated that it has the artificial character given by parliamentary practice or the rules of the Senate, I think it must be interpreted in its ordinary way. One day's notice in all forms means a calendar day, and I have not any question that that means a calendar day here.

Now, as to Rule XIV, to which the Senator from Utah refers, I think that means a calendar day. It can not be taken up the next calendar day if we are in recess, because all business is excluded; but the motion to suspend the rule is not cut off in that way, because it is connected with the business which alone can occupy the attention of the Senate during the recess.

Applying the simple test as to the calendar day and the legislative day, suppose a bill goes to the President to-day from the Senate, does anyone suppose for a moment that the 10 days given him by the Constitution are calculated from June 26? Of course they are not. They are calculated from June 28. When the Constitution says 10 days it means 10 calendar days excepting Sunday.

It seems to me very clear, Mr. President, that where, as in this case, the proposed suspension of the rule can take place in connection with the business to which the recess confines the Senate it is in order, and that it is a calendar day.

Mr. REED. Mr. President, I think this question ought to be settled solely with reference to a correct construction of the rules. The vote here ought to be the unbiased and solemn judgment of the Members of the Senate as to what is the proper construction of the rule, and not whether they favor or do not

favor the proposition advanced by the Senator from Washington [Mr. JONES].

I have seen the rules too often wrenched from their true meaning because Senators wanted to accomplish a particular object and found the rules in the way. When the Senate comes to consider the main question advanced by the Senator from Washington, it will find plenty of food for prolonged debate and serious thought.

I do not intend to argue that question, but I do remark in passing that it will mean the exclusion from the mails of *substantially* every newspaper in the United States to-day, unless those papers see fit to cut out all advertisements of the character referred to or print special editions for circulation in different localities.

Mr. SMITH of Georgia. Will the Senator allow me? In the State of Georgia we have a statute forbidding liquor advertisements. The outside newspapers that come into Georgia now by mail obliterate their liquor advertisements and avoid violating the law. None of them come through the mails because of the liquor advertisements.

Mr. REED. Very well; that may be done. I only wish to say in passing that the proposition involves a great question and a great debate.

But I want to come to the question of this rule. I want to invoke the judgment of the Senators as to whether they want to break down their own rules. I make the bold affirmation, if the construction is placed upon this rule that is contended for by the Senator from Massachusetts, by the Senator from Washington, by the Senator from Arkansas, you will have wiped out the precedents of the Senate as they have been established for many years. You will have affected not only this rule but a number of other rules of the Senate.

There is nothing in the argument advanced. I say it with due and great respect that when the Constitution of the United States declares that the President shall sign a bill within 10 days that means 10 calendar days and not legislative days. Of course it means 10 calendar days. Of course any law or any rule that applies generally to the business of the country means calendar days. But we are a legislative body and make rules and precedents for our own government. Those rules and practices must all be considered and construed together, and I repeat I believe I can demonstrate that if the construction contended for with reference to rule 40 is accepted by the Senate, then we will find that all the practices of the Senate, or nearly all of them, have to be changed.

Let me call your attention to the fact that there is nothing in the argument here that has been so skillfully presented by the Senator from Arkansas that rule 14 there is not in conflict, for the reason, as he states, that there is no opportunity to bring forward a measure unless there is a morning hour.

Mr. President, why is there not a morning hour? If we are dealing with calendar days, then there is a morning hour every day, for the rules provide that there shall be a morning hour each day.

Now, let me go through these rules for a moment. I do not think we ought to deal with this question lightly; we ought not to deal with it as a question of prohibition but as one involving a rule of the Senate. If Senators will get their book of rules and follow me a little bit, I think they will be convinced that we are about to introduce chaos into our proceedings. Rule XL—the one in question—provides:

> No motion to suspend, modify, or amend any rule * * * shall be in order except on one day's notice in writing.

Of course, the question is what is meant by the term "one day's notice in writing." Let us go to Rule XXXVII where we find similar or equivalent language:

> When a treaty is reported from a committee, with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration.

The term "one day" has always been held to be a legislative day. We have recessed from day to day for the very purpose of keeping some particular bill before the Senate, for the very purpose of shutting out other bills which might be passed during the morning hour, even though a bill ought to have the right of way as unfinished business. We have adopted the device of a recess for the very purpose of confining ourselves to the particular subject matter then under consideration; and by that process during the five years I have been a Member of this body we have kept one particular matter constantly before the Senate without any intervening morning hour, although a morning hour is provided for every day; and the morning hour must be given every day—not every calendar day but every legislative day.

Let me go to the question of the morning-hour proposition. If you will turn to Rule VII, paragraph 1, that rule provides that the Journal must be read "each morning"; and yet we do not read the Journal on any calendar day if on the preceding day we recessed, thus carrying the legislative day over into that calendar day. A week of actual time may elapse and the Journal not be read, because it is only to be read at the beginning of legislative days. This rule provides that after the Journal is read—

> The Presiding Officer shall lay before the Senate messages from the President, reports, * * * and other messages of the House of Representatives as may remain upon his table from the previous day's sessions undisposed of.

What is the "previous day"? Is it a calendar day or is it a legislative day? You all know that it has been treated as a legislative day; you all know that when we have recessed from day to day it has never been in order, upon the reassembling after the interval of recess, to lay before the Senate the bills referred to in paragraph 1 of Rule VII. On the contrary, such bills have always been held back until we reached another calendar day. If you wipe Rule XL out and say that its language does not refer to a legislative day as distinguished from a calendar day, you must construe in a similar way all rules containing similar language. Referring further to the morning hour, I call attention to Rule III, which provides that—

> The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read.

What, I again inquire, is meant by the term "preceding day" as here used? By uniform construction we have determined that "preceding day" means the preceding legislative day. If we recess over, we do not read the Journal until a new legislative day has arrived. We do not read the Journal each calendar day when we assemble; we only read it on the mornings of legislative days. The Chaplain does not even pray for us on the mornings of calendar days, but only on the mornings of legislative days. I call attention to paragraph 3 of Rule VII:

> 3. Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent.

Mr. President, there is your morning hour provided for—provided for every day. There is the rule that no business can be considered except such as comes up properly in the morning hour, and yet we have sat in this Senate for years and years, and when we have been recessing from day to day we have had no morning hour; we have had no call of the Senate on any of these matters, because it has been universally accepted that the legislative day continues, and that when it is in continuance there shall be no morning hour.

Mr. SMITH of Georgia. In other words, in the unbroken record of the Senate, the construction of a "day" has been treated as a legislative day.

Mr. REED. Unquestionably; and that applies not to one rule or to two rules, but it applies throughout the rules. We come again to Rule VIII, on page 11, and it provides:

> All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

Does that mean 2 o'clock of a legislative day or 2 o'clock of a calendar day? What does it mean? It has always been held that it meant 2 o'clock of the beginning of a legislative day; that it did not mean 2 o'clock of each calendar day, and we have run along sometimes recessing from one calendar day to another, so that the legislative day has lasted for weeks.

I call your attention now to page 19 of the rules, and here I challenge the attention of Senators to this provision:

> When a Senator desires to speak he shall rise * * * and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate.

Why, Mr. President, that is held not to be a calendar day, but a legislative day, and always has been so held. The Senate will remember that when we had one of these mild and gentle and interesting performances known as a filibuster going on here only at the last session of the Senate, in order to wear out and tire out certain Senators who were ambitious to defeat certain bills we recessed from day to day, so that if they spoke in filibuster they could only speak twice, and therefore they would be limited to their physical powers of endurance upon two occasions, whereas if we adjourned from day to day the right to speak twice would recur on each calendar day and these Senators could have continued speaking until the crack of doom. That is the reason we recessed instead of adjourning. There was nothing except that to be gained by recessing instead of adjourning. We could have adjourned at 6 o'clock in the evening until 9 o'clock in the morning as well as recessing, but we recessed for the purpose of holding that one day and keeping that one day as the day of the Senate. The Senate can not

have two days at the same time; it can have but one; that is the legislative day, and it has always been so held.

I proceed very rapidly to call the attention of the Senate to page 27 of the Rules, to a part of Rule XXVI, and ask the Senate to note this:

All reports of committees and motions to discharge a committee from the consideration of the subject and all the subjects from which a committee shall be discharged shall lie over one day for consideration.

What is meant by the expression "lie over one day"? Has anybody ever had the temerity when we were recessing from day to day to try to call up as of right a matter that had to lie over one day? Every man in the Senate, no matter how he may vote on this question, knows that in contemplation of this rule "a day" has been considered always to be a legislative day.

Now, I call attention to page 33, Rule XXXVII, as follows:

When a treaty is reported from a committee with or without amendment it shall, unless the Senate unanimously otherwise direct, lie one day for consideration.

Again, has it ever been held that if the Senate were in session to-day and were to recess until to-morrow a treaty reported to-day could be called up to-morrow, because 24 hours of time had elapsed? If you ever establish the rule contended for, and the Senate is recessing from day to day, any Senator relying upon one day's notice and that the treaty will not be called up until the Senate shall meet on a new legislative day, may find himself at any moment deprived of his opportunity to report the treaty, for under the contention now made it could be called up at any time after a new calendar day had arrived. Such has not hitherto been the understanding of the Senate.

Mr. SUTHERLAND. Mr. President, does the Senator from Missouri mean to say that if a treaty were reported yesterday and a recess was taken until to-day a Senator could not now rise and move that the Senate proceed to the consideration of executive business, and that then the treaty would not be in order?

Mr. REED. Unquestionably it would not be in order.

Mr. SUTHERLAND. Where does the Senator get his authority for that statement?

Mr. REED. I get the authority for the statement in the uniform practice of the Senate to always construe the term "one day" to mean one legislative day. But the point I am now arguing is that if you place the construction upon Rule XL that is now contended for that same construction must be carried to all other provisions of the rules, for there is no difference in the language; there is no difference in the situation; there is nothing to warrant us in saying that the language of Rule XL should be construed differently than similar language employed in other rules; and therefore if you place the construction upon Rule XL which is now asked you will thereby carry that construction to every other rule where similar or equivalent language is employed. That is the point I am making.

Mr. SUTHERLAND. The point of my inquiry was to ascertain whether or not the Senator had in mind any instance where the thing had occurred?

Mr. REED. I never heard of it being attempted; but I call the Senator's attention—and the Senator is not only a good lawyer but I think a great lawyer and a very fair man—to the matter of motions to reconsider. A motion to reconsider must be made, I believe, within two days. How has that been construed? Has it not always been held that a motion to reconsider could be made within two legislative days, and that the right did not lapse at the end of two calendar days? I have in mind, although I can not recall the particular questions, two or three instances since I have been here where motions to reconsider have been made when several calendar days had expired, but where not more than two legislative days had gone by, and the motions were entertained by the Senate without question.

Mr. SUTHERLAND. I think, if the Senator propounds that in the form of an inquiry, that perhaps the Senator is right that it has been so held in that particular instance, but I think that is from the necessity of the case, because we are maintaining this fiction—and it is a pure fiction—of the legislative day, and there is no opportunity of presenting such a motion, because the motion is not in order. It is the same case as the Senator from Arkansas [Mr. CLARKE] has stated. The Senate had taken a recess, instead of adjourning over, and the effect was to cut out the morning hour and therefore morning business was not in order, not because the day had not elapsed but because that particular business was not in order at the time.

Mr. REED. But, Mr. President, the Senator omits the very test of his own argument. Why is the morning hour not in order? The language of the rule is that there shall each day be a morning hour; and if we are to adopt the doctrine that "each day" means what it ordinarily means when we are dealing with matters outside of the Senate, then there is no power in the Senate under its rules by recessing to cut off the morning hour. Recessing has the effect of extending the then present day into the next calendar day and continuing the then present day until the Senate shall bring it to a close by adjournment. I ask the Senator to bring to bear on this question his fairness and his judicial temperament. Here is a rule that provides that we shall have a morning hour each day. If that means "each calendar day," then you can not cut off the right of a Senator each calendar day to do anything that is proper under the morning-hour rule; but we have always held, it has been the consistent and universal practice, that the Senate can recess; and when it does recess, it has not cut off anybody's morning hour, but it has continued its present day of work into different hours that happen to run into another calendar day, but they are at the same time a part of the original legislative day; but just as soon as there is an adjournment instead of a recess, then comes the absolute right to the morning hour, for a new Senate day has arrived.

Mr. SUTHERLAND. Now, if the Senator will permit me, the theory of it, as I understand, is that when we have taken a recess instead of an adjournment, to all intents and purposes it is the same as if we had continued in session. That is, if we were to remain in session through the night until to-morrow, taking no recess at all, it would be a continuous proceeding.

Mr. REED. Exactly.

Mr. SUTHERLAND. And there would be no opportunity for the intervention of the morning hour.

Mr. REED. Exactly.

Mr. SUTHERLAND. Now, it is a continuous day when we take a recess, in the same sense.

Mr. REED. Exactly.

Mr. SUTHERLAND. Then I call the Senator's attention to this——

Mr. REED. Will the Senator pardon me? And it is a continuous day not only with reference to the morning hour when we remain in session, but it is equally a continuous day when we recess. The Senator has put his finger upon the right nerve, as he usually does. I want to restate the case.

The Senate meets this morning. It does not adjourn or recess at 6 o'clock to-night, but it remains in session through the night, and on up until 2 or 3 o'clock to-morrow. It is one continuous session. That act of remaining in session continuously carries the legislative day of to-day over into the calendar day of to-morrow. Now, that being true, if that is what is meant, then every time we use the term "one day" in these rules we must refer to the days of the Senate, not the days of the calendar; to the days under our rules, not the days according to the ordinary method of computation.

Mr. SUTHERLAND. Now, will the Senator permit me to call his attention to what I conceive to be the distinction? In construing all of these rules, as in construing a law, we must pay some attention to the purpose of the rule.

Mr. REED. Yes, sir.

Mr. SUTHERLAND. What was the purpose of the rule which requires that a motion to suspend a rule should not be in order except on one day's notice? It was to prevent the Senate being taken by surprise. It was to give the Senate an opportunity for reflecting upon the matter, so that it could act intelligently and after reflection upon it. Therefore it seems to me the purpose of the rule is completely served when the time has elapsed, when the necessary number of hours to constitute the day have gone by.

Mr. REED. I shall show the Senator——

Mr. SUTHERLAND. Now, just one other suggestion.

Mr. REED. Will the Senator permit me to answer that particular suggestion now, or does he desire to continue?

Mr. SUTHERLAND. I wanted to put the two together and have the Senator answer both.

Mr. REED. Very well; I will do the best I can.

Mr. SUTHERLAND. Now, take another illustration. Suppose we had entered into a unanimous-consent agreement on Saturday last, as we frequently do upon matters of legislation, that on Wednesday, June 28, at 4 o'clock p. m., we should proceed to vote upon this bill and all amendments pending, through the parliamentary stages to the final disposition? Now, we met on Monday and took a recess over until the next day. We met on Tuesday and took a recess over until Wednesday. So, if the Senator's contention is correct, so far as the Senate is concerned, there is no such day as Wednesday. To-day in the Senate is Monday, and Wednesday never arrives, because if we take a recess over to-day we are still on Monday.

Mr. REED. Very well.

Mr. SUTHERLAND. Now, wait. Would the Senator say that if that were the condition, when 4 o'clock came to-day we could not proceed to execute the unanimous-consent agree-

ment, notwithstanding the fact that it was the calendar day of Wednesday, and not the legislative day of Wednesday?

Mr. REED. Mr. President, the Senator asks me two questions. I will answer the last one first, and then I will answer the other one if I can remember it that long; and if I do not, I will ask the Senator to repeat it.

Upon numerous occasions when unanimous-consent agreements have been asked, as referred to in the Senator's illustration, I have heard it insisted in the Senate that the term "calendar day" should be used, and that for the very reason of avoiding the difficulty suggested by the Senator's illustration. Besides, I call the Senator's attention to the fact that he is again going outside the rules and the construction of the rules and appealing to a matter of ordinary outside procedure, where the ordinary and usual terms of language or of agreement must be followed.

For instance, as I said a moment ago, of course, when the Constitution of the United States provides that the President must sign a bill within 10 days if it is to become a law, it means 10 days of calendar time. It does not mean 10 days of legislative time. The President has no legislative day; the country has no legislative day; but we have a legislative day. So when the Senator puts his illustration with reference to an agreement of the Senate to vote on Wednesday, the 28th of the month, I would say, in all fairness, that that would mean Wednesday, the 28th; and yet if we carried matters over by recess, a serious question might arise as to whether or not that is what is meant. Hence I have seen it repeatedly urged in the Senate and insisted upon that there should be inserted in those agreements the term "calendar day."

Mr. VARDAMAN. Mr. President——

Mr. REED. Now I want to answer the other question of the Senator, if the Senator will kindly recall it to my mind.

Mr. SUTHERLAND. The other question related to the purpose of the rule.

Mr. REED. Now I come to the purpose of the rule. I am not arguing this question because I am on one side or the other of this liquor question, but I hope that the Senate of the United States when it is called upon to construe its rules will do it so as to maintain the rules. If we do not so act, then we have no security in all our legislation.

There is an easy way to get this prohibition question before the Senate, and get it here legitimately. Arguments of Senators who want to put this matter through because they happen to favor or not favor prohibition, and do it by riding roughshod over the rules, remind me of the arguments of certain blatherskites who infested this country a few years ago, who said if the Constitution of the United States stood in the way of what the people wanted, let the Constitution be brushed aside, whereas every man who loved human liberty and knew the fundamentals of liberty knew that in a constitutional government the way to preserve the liberties of the people was to preserve the Constitution, and if a necessity for change existed to make that change in the manner and form provided in the Constitution.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I will yield as soon as I answer this question.

Mr. VARDAMAN. I only wanted to suggest to the Senator that I trust those of us who favor prohibition only remind the Senator of the blatherskite to whom he referred because we are so different?

Mr. REED. Oh, nothing that I said could be construed as applying that term to the prohibitionists. I said that the argument presented upon the basis that men were in favor of a certain proposition or against it, in utter disregard of the rules, reminded me of the logic of the gentlemen who wanted to disregard the Constitution whenever it stood in the way of their desires. I am not referring to prohibitionists, nor to my friend who has just interrupted me, as blatherskites. He knows that.

Mr. VARDAMAN. I desire to ask the Senator a question with reference to the rules. I agree with him that this question ought to be settled in conformity with the rules. The interpretation of a rule is the question at issue, and should not be clouded or confused with any other question.

Mr. REED. Will the Senator withhold his question until I finish answering the other?

Mr. VARDAMAN. I shall, with pleasure.

Mr. REED. Then I shall be glad to yield.

Now, the Senator from Utah asked, What is the purpose of the rule that one day's notice shall be given? The purpose undoubtedly is to give the Senate the time, the opportunity, and the warning necessary for mature deliberation, proper consideration, that notice which always accompanies or ought to accompany important changes.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Just a moment, until I answer this question. I have tried to answer it several times. When I have done so, I will yield to anybody.

Now, what is that notice? Of what value is a notice given during a legislative day, with other business pending, with unfinished business there demanding attention, with the mind of the Senate centered upon that unfinished business? What opportunity is given for that mature consideration or that complete debate that ought to be had with reference to such an important matter? I undertake to say that this is the first time in the history of the Senate when, during the pendency of a bill, that bill being the unfinished business, without any morning hour, any man ever undertook to amend the rules; and I challenge anybody to find a precedent for it in the more than 100 years that this body has existed.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. Just one minute, until I finish answering this question.

On the other hand, if you construe this to mean the legislative day, what happens? The notice is given. There comes the morning hour, the time for the debate of just such questions, when consideration of matters of this kind can properly come before the Senate no matter whether there be pending unfinished business or not. Hence the very question that the Senator asks answers itself—the spirit of the rule requires that we shall have a full legislative day's notice, so that a day may come when we shall have a morning hour and opportunity to properly consider the matters.

Mr. SUTHERLAND. Will the Senator permit me just there, before he passes from that point, to make a suggestion?

Mr. REED. I promised to yield to the Senator from Mississippi. Very well. I will yield to that Senator in a moment.

Mr. SUTHERLAND. There is very much in what the Senator now says, if I understand him; and if I understand him, he is arguing, not the question of time, but the question of order. If the Senator would insist, as his colleague insisted, that this motion was not in order, then I think his argument would have a great deal of weight; because I confess that, notwithstanding the fact that one day's notice has been given and the one day has elapsed, I am in very grave doubt as to whether, pending the consideration of the unfinished business, it is in order to take up this other item of business. But that is a very different question from the question of the lapse of time.

Mr. REED. Oh, no. I have argued to very poor purpose if I have not made it plain that I am arguing that a motion of this kind is now out of order. It is out of order for two reasons, however. One reason is that timely notice has not been given. The other reason is that there is pending unfinished business, and that this new and foreign business can not be thrust into the unfinished business. I call the attention of the Senate to that point, and I should like to have somebody on the other side answer it, if he can. We now have pending the unfinished business. No other business is in order before the Senate; and while that unfinished business is pending, a Senator undertakes to amend the rules of the Senate. He might just as well undertake to pass a separate bill in the Senate.

That is one reason. The other reason is the question of notice.

Now, Mr. President, I have tried as well as I could, in somewhat voluminous language, to answer the Senator's questions, and as courteously, of course, as he asked them. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was about to ask the Senator from Missouri this question. The Senator understands that the purpose of the notice required by Rule XL is to put the Senate on guard and prevent any improper or irrelevant amendment to a bill of this character being put upon it in the heat of debate, and without due consideration. Now, suppose the resolution offered by the Senator from Washington [Mr. JONES] had been proposed at 11 o'clock this morning, and an adjournment had been taken immediately after it was proposed, and the Senate had convened again in 30 minutes, would that have been the notice required by Rule XL? A legislative day would have passed, and another one would have begun. Does the learned Senator think that would be the notice contemplated by Rule XL?

Mr. REED. I can only answer that by saying that in my opinion the legislative day would govern, and not the period of 24 hours.

Mr. VARDAMAN. The Senator understands that that is not the purpose of the rule; and he is putting, it seems to me, a very strained construction upon it, an irrational construction, it seems to me, with all due respect to the able Senator.

Mr. REED. I do not understand that that is not the purpose of the rule. I understand it to be the exact purpose of the rule to give one day's notice, and that that one day means a legislative day, and for this reason, if for no other—that it is only at the beginning of the legislative day that we have a morning hour, when matters of this kind can be effectively discussed, unless, of course, they are afterwards called up on motion. When there is pending business, and the pending business is not laid aside, then there would be no opportunity whatever for discussion.

Mr. WORKS. Mr. President——

Mr. REED. I yield to the Senator from California.

Mr. WORKS. The Senator from Missouri is doubtless much more familiar with the rules of the Senate than I am. I should like to know what particular rule of the Senate provides what shall constitute a legislative day?

Mr. REED. There is no rule.

Mr. WORKS. Then by what authority, so far as the rules are concerned, does the Senate command the sun to stand still by simply taking a recess instead of an adjournment, and constitute half a dozen days one day? Where is the authority for that in the rules?

Mr. REED. I think the Senator came in since that question was under discussion.

Mr. WORKS. That may be.

Mr. REED. It was under discussion very briefly, and it was well stated by the Senator from Utah. If the Senate instead of adjourning at 6 o'clock to-night should continue in session all night, and continue on until to-morrow, it would still be the legislative day of June 28; likewise if the Senate, instead of adjourning, recessed, it would be as though the Senate had remained in continuous session.

Now, I say this to the Senator, whether there be a positive rule or not in the book, the Senator knows ever since he came to the Senate, and he came, I believe, at the same time I did, we have had legislative days, and it has always been held when we have recessed from day to day that each succeeding calendar day, no matter how, was a part of the preceding legislative day, and that the legislative day could only be brought to a close by an adjournment. I have already called attention to this, and I repeat it. The Senator will remember that in the filibusters which we have had, and we have had two or three, in order to stop them we have recessed from day to day instead of adjourning, so that the rule that a Senator could speak only twice on the same day would be applied to the entire debate upon the question.

Mr. WORKS. I was present when that took place. I was not asking the Senator what the custom of the Senate has been; I was asking for the rule. There is no such rule that I have been able to find.

Mr. REED. I have not been able to find any written rule. I will put this to the Senator; he is a good lawyer and he has been a judge and a good judge: Is there anything stronger than an unbroken precedent that has been obeyed for a hundred years? Does it not grow into law and become a part of the warp and woof of the law of any country, and especially of any body like this? Is not the construction which legislative bodies have placed upon their own rules for many years taken as controlling by the courts. Is not the construction which even executive officers have placed upon statutes which they have followed for a long period of time not regarded as, if not controlling, worthy of great consideration if the language of the law be at all doubtful? Will the Senator now undertake to say that in the midst of this debate we ought to wipe out this precedent and say to the Senate it can not have legislative days; that it can have only calendar days; that it must have a morning hour every morning; and that we are to do this simply to enable the Senator from Washington to get his bill tacked on to an appropriation bill where it does not naturally belong?

While I have the floor I make this point of order, Mr. President, in addition to the one made, that there being now pending before the Senate a bill which is the unfinished business of the Senate, no other business can at this time be considered.

The VICE PRESIDENT. The Chair has ruled on that point, and ruled against the Senator from Missouri.

Mr. REED. Very well.

Mr. WORKS. Mr. President, the Senator from Missouri has answered pretty much everything else but what I asked him. He has appealed to the specific terms of the rules of the Senate to establish the position for which he contends. Now, it turns out that there is no rule of the Senate on the subject. There is no rule of the Senate which provides for legislative days. There is no rule of the Senate which distinguishes between a legislative day and a calendar day. The truth about it is the legislative day of the Senate is a pure fiction, founded upon nothing but the custom of the Senate. No matter how long that custom may continue, it can not by any means change the specific terms of the rules of the Senate which recognize absolutely nothing but a calendar day. There is no recognition in them anywhere of the existence of a legislative day, and in order to reach that conclusion we must go back to the custom of the Senate respecting matters of that kind. We can not appeal to the rules of the Senate itself.

The VICE PRESIDENT. The yeas and nays have been ordered. The question is——

Mr. SMITH of Georgia. Mr. President, I want an opportunity to vote for the amendment offered by the Senator from Washington [Mr. JONES]. If I were called upon to construe the words "a day" as found in the rule, without prior construction, I would hold that it meant a calendar day, because that is the natural meaning of the term "a day." But we have adopted a different construction in the Senate. As the Senator from Missouri has shown, we open our sessions every day by prayer. That is the rule. But if the legislative day has not been finished, we do not do it. We read the minutes of our proceedings at the opening of each day's session, but if it is the legislative day we do not do it. We allow only two speeches during a day upon the same subject matter. If it is a legislative day, it has always been the rule since I have been here to construe it as one day and to place the limitation.

Mr. BRYAN. The chairman of the committee has indicated his purpose in order to get out of this situation not to undertake to pass the Post Office appropriation bill, but to adjourn at the end of to-day's session so that there can be no question about the amendment of the Senator from Washington. In view of that I ask the Senator from Georgia if he will not suspend his argument upon the rules so as to give the Senator from Alabama a chance to lay aside the Post Office appropriation bill by unanimous consent in order that we may take up the fortifications appropriation bill.

Mr. SMITH of Georgia. The Senator from Florida has finished what I had to say. I had completed it with the exception of the suggestion that the solution of the question is to adjourn when we finish the day's session and do something else until that time.

Mr. BANKHEAD. I ask unanimous consent that the Post Office appropriation bill be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none.

RURAL CREDITS.

Mr. HOLLIS. Before proceeding with the fortifications appropriation bill, will the Senator from Florida permit me to call up the conference report on the rural-credits bill?

Mr. BRYAN. Very well.

Mr. HOLLIS. I ask the Senate to proceed with the consideration of the report.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. I ask that the report be adopted.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPARKMAN, Mr. BURGESS, and Mr. HUMPHREY of Washington, managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15836) making

appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 15158. An act to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court;

H. R. 16093. An act to amend an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma; and

H. R. 16677. An act extending appropriations for the necessary operations of the Government and of the District of Columbia and for the payment of pensions under certain contingencies.

HOUSE BILLS REFERRED.

H. R. 15158. An act to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court was read twice by its title and referred to the Committee on the Judiciary.

H. R. 16093. An act to amend an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma" was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 16677. An act extending appropriations for the necessary operations of the Government and of the District of Columbia and for the payment of pensions under certain contingencies was read twice by its title and referred to the Committee on Appropriations.

FORTIFICATIONS APPROPRIATIONS.

Mr. BRYAN. I ask unanimous consent that the Senate proceed to the consideration of House bill 14303, the fortifications appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. BRYAN. I ask unanimous consent that the bill may be read for action on the amendments of the committee.

The VICE PRESIDENT. The Senator from Florida asks that the formal reading be dispensed with and that the bill be read for action on the committee amendment. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Fortifications and other works of defense," subhead "Engineer Department," on page 3, line 1, after the words "torpedo wharves," to strike out "$250,000" and insert "$225,000," so as to make the clause read:

For protection, preservation, and repair of fortifications for which there may be no special appropriation available, and of structures for the torpedo defense of the United States and for maintaining channels for access to torpedo wharves, $225,000.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the words "torpedo wharves," to strike out "$200,000" and insert "$254,060," so as to make the clause read:

For construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories, and for providing channels for access to torpedo wharves, $254,060.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 4, line 11, after the word "arsenals," to strike out "$2,700,000" and insert "$6,000,000," and in line 15, after the words "not to exceed," to strike out "$1,500,000" and insert "$3,000,000," so as to make the clause read:

For purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $6,000,000: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $3,000,000 in addition to the appropriations herein and heretofore made.

The amendment was agreed to.

The next amendment was, on page 4, line 20, after the word "arsenals," to strike out "$1,284,500" and insert "$1,764,500," and in line 23, after the words "not to exceed," to strike out "$3,000,000" and insert "$3,500,000," so as to make the clause read:

For purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $1,764,500: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $3,500,000 in addition to the appropriations herein and heretofore made.

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "arsenals," to strike out "$400,000" and insert "$480,000," so as to make the clause read:

For purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for mountain, field, and siege artillery practice, including the machinery necessary for their manufacture at the arsenals, $480,000.

The amendment was agreed to.

The next amendment was, under the subhead "Submarine mines," on page 7, after line 10, to strike out:

For the procurement of the exclusive rights of John Hays Hammond, jr., and the Radio Engineering Co., of New York (Inc.), to their discoveries and inventions in the art of control by radiodynamic energy of the movement of water-borne carriers of high explosives, in accordance with a proposal heretofore made by said John Hays Hammond, jr., and said company, known as proposal Z, $750,000: *Provided*, That said sum shall not be paid unless a report of a board of three Army and three Navy officers, to be appointed by the President, shall be favorable to the acquisition of such rights, such report to be made after a demonstration of the application of the said system to the control of torpedoes; and, to provide for such demonstration, $30,000 of the sum so appropriated, or so much thereof as may be necessary for the purpose, may be applied to the expense of conducting the same, exclusive of the services of said Hammond, which services shall be rendered free of charge, the amount so applied, and which shall be immediately available, in the event of the purchase of such rights, to be considered as part payment of the purchase price of the same.

The Commissioner of Patents is authorized and directed, in the event of the entrance by the Government into a contract with the abovementioned parties for the purchase of such rights in all instances where it would grant patents to John Hays Hammond, jr., or to the Radio Engineering Co. upon request of the United States to issue said patents to the United States, and, in the event of said contract being made, the Commissioner of Patents is further authorized and directed to keep applications for such patents in the secret archives of the Patent Office, not open to disclosure even in cases of interferences.

For procurement and installation of one radiodynamic torpedo unit, $417,000: *Provided*, That no part of said sum shall be so expended unless the United States shall first acquire as heretofore provided the rights of the said John Hays Hammond, jr., and the Radio Engineering Co. of New York.

And to insert:

For the investigation of the discoveries and inventions of John Hays Hammond, jr., and the Radio Engineering Co. of New York (Inc.), in the art of control by radiodynamic energy of the movement of water-borne carriers of high explosives, $30,000, or so much thereof as may be necessary: *Provided*, That such investigation shall be made by a board of three Army and three Navy officers, to be appointed by the President, who shall report to Congress as early as practicable upon the advisability of acquiring the exclusive rights to said discoveries and inventions.

Mr. GORE. I ask that the amendment be passed over for the present.

The VICE PRESIDENT. Is there objection?

Mr. BRYAN. This is probably the only disputed item in the bill.

Mr. WEEKS. We can not on this side hear what is being said.

Mr. BRYAN. The Senator from Oklahoma asks that the amendment be passed over temporarily.

Mr. WEEKS. I shall not object if we can have order here.

Mr. BRYAN. We will return to it in a few minutes. I understand it is the only disputed amendment in the bill.

Mr. GORE. I understand we will reach it in a few moments. I want to speak to the chairman of the committee and the Senator in charge of the bill in regard to the amendment.

The VICE PRESIDENT. The amendment will be passed over for the present.

The reading of the bill was resumed.

The next amendment was, under the head of "Board of Ordnance and Fortification," on page 15, after line 15, to insert as a new section the following:

SEC. 3. The services of skilled draftsmen, and such other services as the Secretary of War may deem necessary, may be employed in the office of the Chief of Ordnance in Washington, D. C., to carry into effect the appropriations made in this act for the armament of fortifications, to be paid for from such appropriations to the extent of $50,000 in addition to the sum of $140,000 authorized to be expended for similar purposes in the office of the Chief of Ordnance by the act making appropriations for the legislative, executive, and judicial expenses of the Government, approved May 10, 1916: *Provided*, That the Secretary of War shall report in his annual estimates to Congress the number of persons employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to insert as a new section the following:

SEC. 4. Not to exceed $5,000 of the funds appropriated by this act for the armament of fortifications may be expended for the rental of suitable space in Washington, D. C., or for the alteration or repair of any available building owned by the Government, for the use of the drafting force of the office of the Chief of Ordnance engaged in the design of matériel appropriated for in this and other acts.

The amendment was agreed to.

The next amendment was, on page 16, line 12, to change the number of the section from 3 to 5.

The amendment was agreed to.

The next amendment was, on page 16, after line 14, to strike out:

SEC. 4. That except as expressly otherwise authorized herein no part of the sums appropriated by this act shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per cent more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government.

The amendment was agreed to.

The next amendment was, on page 16, line 24, to change the number of the section from 5 to 6.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE PRESIDENT. We now turn back to the amendment of the committee to strike out from line 11, on page 7, to line 22, on page 8, and to insert the matter included from line 23, on page 8, to line 7, on page 9. The question is on agreeing to the amendment.

Mr. STONE. What is the amendment?

Mr. BRYAN. I will explain it to the Senator. The House provision provides for the purchase of the invention of Mr. John Hays Hammond, jr., to control explosives by wireless, conditioned only upon a favorable report of a board of Army and Navy engineers, and it appropriates money to buy the invention, with all the rights of the inventor, in the event the commission reports favorably upon it, and provides $30,000 to enable the commission to make an investigation. The Senate committee amendment strikes out the authority to purchase the invention, but makes the appropriation of $30,000 for the investigation. The question in the mind of the committee was whether it was best to go ahead and purchase the invention before further investigation.

I may say that the matter has been under consideration for quite a while. The Army engineers have given considerable study to it. They have seen the experiment at Gloucester, I believe, where Mr. Hammond was carrying on the experiments, and without exception they are in favor of purchasing the invention, one of them stating, however, that, in his opinion, it would be impossible to keep the means of controlling torpedo boats a secret; the others believing, at least some of them, that it might be done.

The Navy has not passed upon it at all. Of course, the great object is to use this invention on the seacoast, where it will be operated from the shore, but it is claimed that these torpedoes or vessels can also be operated by aeroplanes, and that that experiment has been made, and successfully made.

There was a very exhaustive hearing by the House committee. The House passed the provision found in the bill, but, in the opinion of the Senate committee, the matter was not so far beyond dispute as to justify us in making this expenditure without further investigation.

Mr. TOWNSEND. Mr. President, I was a member of the subcommittee which considered this measure, and at the time it was reported I reserved the right to vote against the action of the committee when it came before the Senate. This proposition was thoroughly investigated by the House committee, and its records are very complete in reference to it. It is a matter of serious importance, in my opinion, and the House provision should not be stricken out except after full understanding.

I am convinced that this invention is one which the Government of the United States can not afford to lose. That it is a really useful invention there can be no doubt, it seems to me. It was owned by Mr. Hammond and his associates, and he has a right to dispose of it as he sees fit. There is no doubt but that he could dispose of it to his great advantage to a foreign Government. I believe, however, that he is not actuated entirely by mercenary motives and that he, believing that he has a great invention, desires that his own country shall have it. His price is not one about which there has been any haggling; there has been no suggestion, to my knowledge, that his terms are unreasonable. If the device is what he claims for it, and what Army officers who have seen it work say it is, surely it is worth to the Government more than he asks for it. I am satisfied the he could obtain a much larger price for it than that for which he has offered it to the United States.

The House provision is to the effect that a board composed of three Army officers and three officers of the Navy, to be appointed by the President, shall investigate and pass upon its worth to the United States. It requires the approval of this board before the contract of purchase is completed. The Government can use $30,000 for the purpose of determining its worth, and that sum is to be deducted from the purchase price, if the United States concludes to buy it.

Now, it seems to me that in these uncertain times, in these times when we are preparing for defensive war, the United States Government can not afford to neglect an opportunity of this kind. We do not need to buy it unless the experts of the Government decide, after investigation and experimentation, that it is for the benefit of the country. The price, I repeat, is not questioned as to its fairness. It is a proper price. We can not afford to allow Mr. Hammond to turn it over to another Government. Perhaps he would not do so; but he has a right to sell it; and he would be doing only what the ordinary citizen would do if, having such an invention as this, he should dispose of it in the world for the highest market price. He, however, offers it to the United States.

His terms are extremely favorable. Out of the purchase price the Government is permitted to reserve $30,000 with which to satisfy itself that the device is what it is claimed to be. And what is the Senate provision? Why, it appropriates the same amount of money, namely, $30,000, with which the same Government board is to investigate the invention, if the owners will permit, but without any agreement to buy and without any assurance that if it can and does buy the price will be as low as that now offered. If the Government is going to investigate this device with a view to purchase, then surely the House provision is the wiser one.

Therefore, Mr. President, I feel, as I stated to the committee, that the Senate should not agree to the Senate amendment, and I hope it will be defeated.

Mr. LODGE. Mr. President, Gen. Scott made a statement before the House committee in reference to this matter. He was asked by Mr. SHERLEY:

Mr. SHERLEY. General, to what extent did they consider the military value? I mean, how valuable do you consider the ability to do the things indicated here from a military standpoint?

Gen. SCOTT. I could not estimate it in money.

Mr. SHERLEY. You think it is such a far step over any defensive or offensive methods now possessed as to be of inestimable value?

Gen. SCOTT. Yes, sir.

Mr. SHERLEY. Did the board consider the question of compensation as suggested in the proposal of Mr. Hammond as to its reasonableness?

Gen. SCOTT. We considered it reasonable; yes.

Mr. SHERLEY. The board made no investigation as to the expenses that Mr. Hammond had been put to?

Gen. SCOTT. No.

Mr. SHERLEY. They accepted his statement touching that matter?

Gen. SCOTT. Yes.

Mr. SHERLEY. And that was one of the elements that brought the board to the consideration of the reasonableness of the offer he made?

Gen. SCOTT. Yes, sir.

Mr. SHERLEY. Does the board consider that there has been sufficient investigation of the invention to satisfy it that the claims made by the inventor are warranted?

Gen. SCOTT. We believe that they are warranted.

There is further testimony here, which I shall not take the time to read, all to the same effect, by Secretary Garrison, Gen. Kingman, the Chief of Engineers, and a description of the test by Lieut. Decker. The House went into the matter with extreme thoroughness.

If the boat is a success, the House provision will pay for it. If the boat is a failure, it will not cost any more than the sum provided by the Senate committee provision. All that the Senate provision effects is to make delay, and nothing else in the world. If the boat is a failure, the $30,000 is spent under either provision. If the boat is a success, we want it; and, if we want it, we want it now. There is no sense in waiting a year if this boat is a success. If it is not a success, it will not cost the Government any more to adopt the House provision than to adopt the Senate provision. If it is a success, as I believe it will be, then under the House provision we get it, and we get it now.

This is not a time, as it seems to me, to engage in the somewhat familiar practice of pushing an appropriation over, having an investigation, and then perhaps pushing it over again, and making a delay. If this boat is good and we want it, we want it at once. If it is not good, nothing is lost by adopting the House provision.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. LODGE. Certainly.

Mr. SMOOT. I want to ask the Senator if he knows whether an investigation has already been made of the boat, and if so, by what officers of the Government?

Mr. LODGE. Such an investigation has been made. The whole case is stated in the report here. The investigation was made by Lieut. Stiles M. Decker, Coast Artillery Corps, at Fortress Monroe, Va. He was "detailed to examine into and report upon the feasibility of the invention of Mr. John Hays Hammond, jr., touching a radiodynamic torpedo." On pages 314 and 315 of the fortifications bill, hearings of the other House, a full account of the matter is given.

Mr. SMOOT. Then, the further examination would be for the purpose of proving the testimony that has already been given before a House committee? Is that the object?

Mr. LODGE. It could have no other purpose than making a further investigation of what has already been investigated. As I say, however, it will not cost any more, if the boat is a failure, to adopt the House provision than it would to adopt the Senate provision; and if it is a success, it seems to me, we want it at once.

Mr. CLAPP. Mr. President, I do not see why "we want it at once." We hear that day after day. We have got along for some considerable time without it. While it is true, on the one hand, that we may take the chance of losing this invention, on the other hand it is at just such times as this that matters are put upon the Government, oftentimes at least, that prove to be of very little value to the Government. I do not say that that is the case in this instance, but for the last two or three years we have been rushed along here all the time with the statement that we had not a moment to lose, with the result that we have piled up some very large expenditures that some one has got to meet by some process as yet unknown.

Mr. President, I know there are Members of the Senate who, I think, want to be heard on this proposition, and in view of the lateness of the hour and the fact that many Senators are absent, and that when they absented themseves we were considering another bill, it strikes me that perhaps it would be wiser to postpone final action on this subject.

I have not taken the floor in opposition to this proposition, but I do think that while we are constantly pressed with the importance of doing things at once, we should also bear in mind that it is under just such a stimulus as that that a great many things are placed upon the Government which afterwards prove to be a burden, and of no value.

Mr. LODGE. Mr. President, I do not think there is any attempt here to put anything on the Government. Mr. Hammond can sell this device abroad; there is no trouble about that. Foreign Governments are only too anxious to get it. I suppose everyone knows what it is. It is a boat carrying a torpedo, dirigible from the shore.

Mr. BORAH. I understand it is wholly immaterial which provision we adopt, as we spend $30,000 in either event.

Mr. LODGE. Under either provision.

Mr. BORAH. Under the House provision we spend it for investigation——

Mr. LODGE. And that takes the money so spent out of the amount to be paid in case the boat is purchased.

Mr. BORAH. We have a chance under the House provision to buy it, if we want to?

Mr. LODGE. Under the House provision we can buy it at once, if it is a success, while under the Senate provision we do nothing but spend $30,000 to investigate it.

Mr. CLAPP. Mr. President, I beg leave to differ. Under the House provision we do buy it subject to the approval of certain officers, and, of course, we know what the result will be.

Mr. BORAH. I understand we take the $30,000 out of the purchase price.

Mr. CLAPP. We take that out of the purchase price, but we agree to make an appropriation to make the purchase per se subject, however, to the approval of the board of officers. Under the Senate provision we do not put ourselves in that position at all. We first proceed to make a thorough investigation, still being perfectly free to act under the report of the investigators, whatever their report may be.

Mr. LODGE. Mr. President, the Government can lose no money under either provision beyond the $30,000. There is no desire to put anything onto the Government. If the invention is not what it is believed to be by the experts, the Government will not buy it under the House provision; but we have done some of this postponing and letting things go, and some of the best of modern inventions, like the Maxim inventions, have gone to England, have gone to the Continent of Europe, and have gone elsewhere.

It seems to me to deliberately run the risk of losing this invention would hardly be consistent with our duty. We are not asked to buy it unless it proves absolutely to be all that is claimed for it, and we have the testimony of investigations already made. I think it very poor economy to put this thing off for a year, and run the serious risk of losing it altogether.

Mr. CLAPP. Mr. President, I still take issue with the Senator from Massachusetts, that under the House provision primarily we do provide for buying this invention, but we provide that the money shall not be paid unless a certain approval is made by certain officers, to be hereafter appointed by the President.

Mr. LODGE. The board is precisely the same under both provisions.

Mr. TOWNSEND. After a full demonstration has been made.

Mr. CLAPP. Yes; but under the Senate provision we do not agree, even upon the approval of the invention, to buy it.

Mr. TOWNSEND. We spend $30,000, and perhaps we will not have anything to buy when we get through.

Mr. CLAPP. That may be true; I concede that either way we are taking certain chances; but I do believe that, in view of the effort and pressure that is being brought to bear, it is well to take time to consider before we put ourselves where, on the approval of a board the members of which we do not yet know, we are committed to pay $750,000 for this invention.

Mr. LODGE. We have been taking time, Mr. President, about many things.

Mr. CLAPP. Yes; and we have gained innumerable benefits by doing so.

Mr. LODGE. I believe I have the floor; I have not yielded it. We have taken time about our Army, and the result is that to-day we have not regular troops hardened and fit to take care of the affairs on the Mexican border and we have to take our militia, unhardened, largely untrained, not having had the opportunity to get into proper condition—we have had to take them from civil life, and throw them down there in that semi-tropical country, because we were waiting, taking time under the plea that we must not waste money. The result is that we are spending ten dollars for one. If we had had a little more preparation, we would have saved more money than will be spent to-morrow when the $26,000,000 deficiency bill comes over here.

Mr. CLAPP. That is a matter of speculation.

Mr. LODGE. One moment, Mr. President. I think I have the floor. I will yield if the Senator wants me to do so, but I do not care to have the floor taken away. I yield to the Senator, however.

Mr. CLAPP. I simply want to say that is a matter of speculation. It would depend on how long we had maintained it, and how big an Army we had maintained, to say that now we would be incurring unnecessary expense because we have not maintained some such Army heretofore.

Mr. LODGE. Well, Mr. President, it seems to me we have tried out pretty thoroughly the policy of not preparing. It does not seem to be working very well. It is so arranged in the House bill that we can, by no possibility, lose the money; we can not lose a cent more, and we shall not lose as much as we lose by the Senate provision, if nothing comes of it. The same board is provided for; there is nothing in the Senate provision but a mere delay; I suppose to keep the $750,000 out of the total.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to his colleague?

Mr. LODGE. I yield to my colleague.

Mr. WEEKS. Mr. President, it has been suggested that the expenditure in either case for investigation would be $30,000. I am informed that there has been no negotiation whatever with the patentee of this invention providing for an investigation under the Senate provision, and nobody knows whether we can obtain the privilege of doing so; so that we may lose the possibility of purchase in case we adopt the Senate provision. Nobody has been called before the Senate Committee on Appropriations competent to testify on that subject or in any way to explain this invention.

Mr. STONE. Mr. President——

Mr. LODGE. I yield to the Senator.

Mr. STONE. If the Senator will permit me to impose upon his generosity, I should like to say a word at this point.

Mr. President, I regard this matter as one of very deep concern to the public welfare, and I do not think it ought to be disposed of until the Senate understands what it has to pass upon. If we are to debate it to-night, very well; if it is to go over until to-morrow, so much the better. [A pause.]

Mr. SMITH of Georgia. Mr. President——

Mr. STONE. I wish to address Senators on this side as well as Senators on the other side.

Mr. SMITH of Georgia. Mr. President, I was making a little noise here, and I was afraid I was disturbing the Senator, as I did a few days ago, and replied very abruptly when he called my attention to it. I think that he was right, and I was wrong.

Mr. STONE. I beg to assure the Senator when I turned in his direction I had not that in mind which he seems to think, but I did wish to say to him and to other Senators, that this is a matter of such profound interest to the public that it ought not to be lightly or indifferently passed upon or passed upon without a full understanding of its significance and meaning.

Mr. President, I desire to speak to my fellow Senators about this matter, for I have been looking into it, somewhat hastily and imperfectly I admit, during the last few days. I know how great the anxiety is to dispose of the appropriation bills, and I am in full sympathy with that desire; but sometimes, Senators, we may, in the desire to make haste, neglect to do something that later we may have great occasion to regret.

I fear we are facing just that peril now, and I do not wish the Senate to vote upon this question until Senators individually and collectively have thought it out and talked it out. I do not want them to pass upon it in a hurried way without mature deliberation.

If we are to go on to-night, all right. I will stay here if necessary and forego an engagement I have. If it is to go over until to-morrow, I will be better satisfied; but it must not be and should not be passed upon until it is talked about, discussed, and understood. It is a question of very grave consequence, as I see it, to the well-being of our country.

Mr. BRYAN. Mr. President, I will say to the Senator from Missouri, and also to the Senator from Massachusetts, who said that the committee had not given hearings upon this bill, that the House committee did have hearings.

Mr. STONE. Very full hearings.

Mr. BRYAN. Very full hearings—over a hundred pages.

Mr. STONE. And that is enough.

Mr. BRYAN. That is enough for that, and the Senate committee did not report this matter without any investigation or study. The subcommittee considered it before they reported to the full committee. I have read the complete House hearings, and I stated to the full committee, perhaps more in detail than I have here in the Senate, just what was claimed; but I will state it now, for there are as many Senators here as will be here whenever this bill is voted upon.

A board of Army officers appointed by the Secretary of War have considered this matter and have been present at experiments made with this boat on numerous occasions for a year or more. They are in favor of purchasing this invention. Most of them believe that the secrets can be protected. Col. Treat, the assistant chief of the War College Division, says he has no idea that the matter can be kept secret. I will read to the Senate what he has to say:

> I considered it of sufficient desirability to obtain the rights to build and use it. I differed from some of the members of the board as to its relative efficiency over a submarine in a harbor. Although my desire was to be perfectly liberal with the inventor, as I appreciated to what expense he had gone and what he had accomplished, I did not vote for buying the exclusive rights for the reason that I thought within six months or a year after the actual use of it it would be in general use just as aeroplanes were after Mr. Wright completed his machine.
> * * *
> Mr. SHERLEY. Do you consider that the character of the invention is such as to preclude its successful concealment?
> Col. TREAT. I believe it is not possible to keep it concealed.

Then, again, he says that it would be just as valuable to us as it would be if we bought the exclusive rights.

That is, on the part of the Army. There has been no investigation by the officers of the Navy. The House bill provides that before this invention is purchased a board consisting of three officers of the Army and three officers of the Navy shall favorably report to the President after their investigation; and if a favorable report is made, then the contract is closed.

The contract has already been signed by the inventors. It is described in the bill as "Proposal Z," and only awaits acceptance by the Government, and then the matter is closed.

Now, the Army is in favor of it. If the three naval officers who are appointed favor it, then, under the House provision, the invention is purchased, and that ends it. Under the Senate amendment there is no purchase, and no board is authorized to purchase it. The board is simply authorized to spend $30,000 to make an investigation, to look into this matter further, and report back to Congress as to whether, in the opinion of the joint board appointed by the President, the invention should be purchased.

It is not a question, Mr. President, about which men can be very dogmatic. If you will look at these hearings, the hearings read like magic. They sit on the shore and direct a boat out at sea by a key, or they take an aeroplane and ride above it and control the boat on the water. That is what is claimed for it. That is what these Army officers say can be done with it. I think the Members of the Senate are as capable now of passing upon it as they will be hereafter. That is the substance of the hearing. That is all these men can know.

One of the officers who went said that he was invited to take a seat, and the boat was out in the bay, and the man who was operating it asked him to tell him which direction he wanted the boat to take. The officer asked to have it go to the right, and the man pushed the key once and the boat went off to the right. Then the officer said he would like to have it go to the left, and the man pushed the key twice, and the boat went to the left. Then the officer saw a buoy and said he would like to have it circle that buoy, and it did. This man could also stop it or start it again; he could light it and then put out the light again. They have the lights so arranged that they can light it from the shore temporarily. Now, that is what is claimed for this invention. That is what these Army officers say has been done with it.

Mr. POINDEXTER. Mr. President——

Mr. BRYAN. I yield to the Senator from Washington.

Mr. POINDEXTER. Is there anything in the hearing indicating at what distance it can be operated?

Mr. BRYAN. They claim they can control it at a distance of between 23 and 28 miles.

Mr. POINDEXTER. It can not be controlled any farther than it can be seen, can it?

Mr. BRYAN. Well, I should think that would be difficult. Of course it is claimed——

Mr. POINDEXTER. Does the Senator mean to say that it can be seen for 23 miles?

Mr. BRYAN. No; I did not say that. I suppose there was somebody on the boat, as there can be when they make——

Mr. POINDEXTER. Of course, if there is some one on it you do not need any wireless apparatus.

Mr. BRYAN. Oh, but the man on it is not directing it. The direction is from the shore. Mr. Hammond claims to have made a test of between 23 and 28 miles and to have operated the boat from the shore at that distance.

Mr. POINDEXTER. That is manifestly impossible, Mr. President, because you can not see a battleship 28 miles.

Mr. BRYAN. He did not have to see it.

Then another unusual thing claimed for this invention is that if an enemy ship, for example, should undertake to control or direct the torpedo boat by its wireless apparatus, the boat would turn immediately and go to the enemy ship; and furthermore, that if the enemy's operator could get the same wave length or adjust his key so as to control it, the man operating it before that could change the wave lengths and confuse him, and he could not control it. In other words, they claim that they have developed this invention so far that it is impossible for anybody else to control the boat except the man who is directing it.

As I say, the Senate is as capable now of passing upon whether or not those things are possible as it will be to-morrow morning. It is a question that the committee thought might well await a little further investigation.

I realize that there is merit in what the Senator from Massachusetts says. We sometimes lose valuable inventions because we are not quick enough to accept the proposals of inventors.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator a question.

Mr. BRYAN. I yield to the Senator from Washington.

Mr. POINDEXTER. In these experiments, has there been any actual experiment with regard to any effort to control the torpedo from an aeroplane?

Mr. BRYAN. The Senator means, of course, the boat with which they experimented. It is not a torpedo.

Mr. POINDEXTER. Well, the torpedo is on a float of some kind. It is on a boat.

Mr. BRYAN. Yes; they have controlled that. They can control the boat from an aeroplane.

Mr. POINDEXTER. Is there anything in the hearing that indicates that they have ever actually experimented with an aeroplane? I read some hearings in which they said they had a man on a tower, or something of that kind, that was supposed to represent an aeroplane.

Mr. BRYAN. That is all they have done with that.

Mr. POINDEXTER. They have not actually used an aeroplane; have they?

Mr. BRYAN. No. The testimony is that they were in a tower above, and could control it from that; but they give it as their judgment that it will be more easily controlled from an aeroplane than it would be from the shore. They say they hang the wire down, and it would be above the boat; and they give it as their judgment that they can control it from an aeroplane, under the charge under which an aeroplane now operates, for about a mile.

Mr. POINDEXTER. Would it not be better to actually make the test with an aeroplane before buying the patent?

Mr. BRYAN. That was the idea of the committee, but that is a question for the Senate to decide.

Mr. POMERENE. Mr. President, may I ask the Senator from Florida a question?

Mr. BRYAN. Certainly.

Mr. POMERENE. Assuming that this invention will do what is claimed for it by the inventor, does not the Senator feel that it is worth the amount asked for it?

Mr. BRYAN. Oh, yes; I think it would be cheap at that.

Mr. POMERENE. As I understand the proposition contained in the House amendment, it is conditioned upon a favorable report by three Army officers and three Navy officers appointed by the President.

Mr. BRYAN. That is true.

Mr. POMERENE. Wherein is the Government taking any risk, assuming that that report is favorable?

Mr. BRYAN. The only risk they are taking at all, Mr. President, of course, is upon the judgment of the board. These Army officers have expressed their judgment that the invention ought to be purchased. There is a question there, of course, as to whether they have not become over enthusiastic, and want to buy up every new invention, and whether or not Congress would be willing to trust them.

Mr. POMERENE. Mr. President, this is not a question as to whether or not those who have already seen these experiments are over enthusiastic or not. It is a question as to what is going to be the judgment of this board of three Army officers and three Navy officers to be appointed by the President. So far as I am concerned, I would rather have the opinion of a board of that character, appointed by the President, than the unanimous opinion of the Senate upon the subject.

Mr. BRYAN. I want to be perfectly fair.

Mr. WEEKS. Mr. President, may I ask the Senator from Florida——

Mr. BRYAN. Just a minute. I will say to the Senator from Ohio that the men designated by Secretary Garrison were the Chief of Staff, the Assistant Chief of Staff, the president of the Army War College, the Chief of Engineers, the Chief of Ordnance, and the Chief of Coast Artillery.

Mr. POMERENE. That is, those are the men who have already witnessed the tests?

Mr. BRYAN. Not all of those men, however, went and saw the experiments take place, but some of them did.

Mr. POMERENE. But if there is any question about the wisdom or unwisdom of the conclusion to which they have come we are only to be bound, under the House provision, by the judgment of a board to be appointed by the President, and they may be officers entirely different from those who have already investigated the subject.

Mr. SHAFROTH. Mr. President, I was on the subcommittee which considered this matter, and I voted to strike out the House provision and to adopt the Senate committee amendment. I desire to call attention to the fact that this bill provides for the construction and installation of a torpedo unit at an expense of $417,000. That is necessary to be done and should be done, and then the purchase of this $750,000 invention is to become effective if the experiment which they make with that is a success.

Now, Mr. President, there is over a million dollars—$1,167,000—and to tie it up in such a manner that it is left to three persons in the Army and three in the Navy, it seems to me, would not be that due precaution which we ought to take. In the first place, we do not know what patents there may be. You know that a patent is not worth anything, as a usual rule, until it is tested in court. There are any number of things that might occur that might not make it desirable that the National Government should accept this proposal at all.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. SHAFROTH. In just a moment. I want to say, however, that I believe that when the Senate amendment goes into conference the conferees, after discussion and examination of the matter, can make some sort of an arrangement that probably will be satisfactory. I believe in taking an option upon it. I believe in giving the inventor $100,000 in order to take an option upon it, to see whether or not it is satisfactory to the Senate.

Mr. WEEKS. Mr. President, does the Senator know whether an option could be obtained under such circumstances?

Mr. SHAFROTH. Oh, no; but I suppose it could be.

Mr. POMERENE. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Ohio.

The VICE PRESIDENT. Just a moment. The Senator from Pennsylvania has been lost.

Mr. SHAFROTH. Very well; I yield to the Senator from Pennsylvania.

Mr. OLIVER. I simply wanted to call the attention of the Senator from Colorado to the fact that this $417,000 is not to be spent until, after full investigation, this board has decided on the value and utility of the invention and the Government has purchased the patents and paid over the $750,000. In other words, after we have secured all the rights, knowing them to be valuable, then we proceed to put a station in operation at an expense of $417,000.

Mr. SHAFROTH. All of this is in the future. It is "if" and "if" and "if." That is the trouble about it. On that account, it seems to me that we had better have, or try to get, an option. I believe this is a valuable invention; and the only thing I want to do is to secure the Government, so that if there should be a fall-down we would not lose this enormous amount of money.

I recognize the fact that under certain conditions things will work, models have worked time and again, and yet, when tried on a large scale they have been failures. I do not know whether that would apply to this or not; but it seems to me that common prudence would dictate to us, just as it would to an individual, not to obligate ourselves to do these things until we have, by our own wish and our own judgment, confirmed our present knowledge on the subject after experimentation.

Mr. POMERENE. Is it not one of the objects for which this appropriation of $30,000 is provided to develop this model so that it may be of practical use, if that be possible?

Mr. SHAFROTH. Certainly, and I think that ought to be done; and I think, in addition to the $30,000——

Mr. POMERENE. The expenditure of $750,000 will be conditioned upon what will be the result of the expenditure of $30,000?

Mr. SHAFROTH. Yes; but you know that when things are left to three or four men they are always begging us to approve the matter and getting people to become enthusiastic over it. It is not like a full report which is made to the Senate with relation to the matter.

Mr. POMERENE. Let me ask the Senator another question.

Mr. SHAFROTH. I will yield.

Mr. POMERENE. The Senator has referred to his doubt as to whether or not this is a patentable invention. Has the Senator's investigation indicated to him that the state of the art is such that it is perhaps not patentable?

Mr. SHAFROTH. Oh, no; I do not pretend to say that. I do pretend to say that there are hundreds of thousands and millions of patents that have been issued by the United States Government that you could not enforce against a person because they are not patentable.

Mr. POMERENE. There is not any doubt about that as a general proposition, but I have not heard of anything save this invention in which it is pretended that this result can be had.

Mr. SHAFROTH. As a matter of fact, it may be all right. I hope it will turn out to be all right, and I hope it will be something which the Government can take.

Mr. GORE. Mr. President——

Mr. SHAFROTH. The only thing is, it seems to me the precipitate action of appropriating $417,000 and $750,000 without holding in our hands the right to determine this matter is not a wise policy, and I believe if it is sent to the committee of conference by adopting the amendment——

The VICE PRESIDENT. Will the Senator from Colorado yield to the Senator from Oklahoma?

Mr. SHAFROTH. Just in a second I will be through. If we adopt this amendment of the Senate committee, it puts it in conference and gives them considerable time to investigate further, to modify the contract that may have been made or entered into, to try to get an option upon this matter, or make any other terms that are to the better satisfaction of the United States Government. Therefore I think the Senate committee amendment ought to be adopted.

Mr. GORE. Mr. President, I merely wish to say in response to the inquiry of the Senator from Ohio [Mr. POMERENE] that another application for a patent has been filed for a similar invention, and the date of that application is considerably prior—I think perhaps two years prior—to the application on the part of Mr. Hammond. The invention was made by Mr. Clark, of my own State. I have seen the device controlled and directed. I have seen him direct three different going concerns at one and the same time. His invention is about a foot long, about 10 inches high, and about 10 inches wide, and I think he expended $1,500 in having the machine constructed.

I think this appropriation of $750,000 is out of all proportion to the price at which the other machine might be obtained, although I do not speak advisedly upon that subject. But I

do know that there is a prior application for a patent for a similar invention, because I myself at the Patent Office on one occasion investigated the dates when Mr. Clark filed his application and when Mr. Hammond filed his.

So far as the success of the invention is concerned, I have no doubt but that you can operate a machine of this sort at a distance. I do not know but that it is a little precipitous to adopt the House provision. Undoubtedly some provision ought to be made. So far as acquiring the exclusive use of the patent is concerned, I doubt if the Government can do that unless there is an entirely different principle involved and it is a patentable principle, because the other man has a machine that will work. Of course, I do not know anything about radio electricity. It may be upon an entirely different principle, and both may be entitled to patents.

Mr. WEEKS. Mr. President, I wish to suggest to the Senator from Oklahoma, speaking of the price to be paid for this patent, that the English Government paid $500,000 25 years ago for a patent to control torpedoes by wire connection. That is a very simple process compared with the development which we have under consideration. If it is a question of price, I should think that the amount named was very moderate, based on the price paid for such patents abroad.

Mr. GORE. I think the price is moderate; and I will state to the Senator as to the purpose of the Government to obtain the exclusive control if somebody else has a patent upon a similar concern that would be available for others, of course there is really nothing to be gained by exclusive control. I felt constrained to make this suggestion.

Mr. PITTMAN. Mr. President, whether this boat is patentable or not, the information can not be acquired except from Mr. Hammond and the patentees. Whether it is patentable or not, this Government evidently desires to obtain it, judging from the report. If it is not patentable and the information gets out and other countries receive it, still this Government should need it that much more. I do not think that the value of it depends so much upon the patent as it does upon the secret and upon the ability of this Government to use it at once. Certainly this Government is not going to be in a position where it is going to deny the right of this patentee on any technical ground after all the investigations have been made. It seems to me that the question of title——

Mr. SHAFROTH. Of course, the chief reason why in the case of anything that is patented the infringement of it can not be prosecuted is because it has been in use before. From what the Senator from Oklahoma says it may be it is not patentable. Yet I am inclined to think perhaps it is to the extent that it has gone, and as perfected it may be better than any other machine designed for the same purpose.

What I believe ought to be done is to send it to conference and try to get an option and give him $100,000, and if we do I think we will protect our rights a good deal better than in the other way suggested.

Mr. PITTMAN. The question whether it is patentable or not is insignificant in this discussion. If it is patentable the Government can protect it only against local people; that is, against people of the United States. If it is not patentable the United States would nevertheless have to have the secrets, and it is not going to attempt to get the secrets from these patentees through any subterfuge or any unfair methods.

It seems to me that the value of the patent should not be taken into consideration. The value of this invention has already been indorsed by a board. As to the price of a little over $1,000,000, why, with an instrument of this kind, they can sink in 15 seconds a battleship costing $15,000,000. A submarine of the larger type costs as much as this boat will cost the Government at the present time. I agree with those who urge that this matter should not be delayed.

Mr. BRANDEGEE. Mr. President, I want to say a few words upon this question if it is to be decided to-night, but I do not wish to delay the Senate if the Senator in charge of the bill wishes to make any motion.

Mr. BRYAN. I move that when the Senate adjourns to-day it be until 10.30 o'clock to-morrow.

The motion was agreed to.

Mr. MARTIN of Virginia. Mr. President——

Mr. BRANDEGEE. I believe I have the floor. If it is the desire to go on with the bill, I will yield for a question.

Mr. MARTIN of Virginia. I did not know the Senator from Connecticut wanted to hold the floor in view of the adjournment that is to be taken.

Mr. BRANDEGEE. I say I do not want to hold the floor if it is the intention of the Senate to adjourn now.

Mr. MARTIN of Virginia. I understand that is the purpose.

Mr. BRANDEGEE. Very well.

EXTENSION OF APPROPRIATIONS.

Mr. MARTIN of Virginia. Before a motion to adjourn is made will the Senator from Florida yield to me to report House bill 16677 from the Committee on Appropriations continuing current appropriations for one month where the regular bills are not passed? It will not take five minutes.

Mr. BRYAN. I yield for that purpose.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the bill (H. R. 16677) extending appropriations for the necessary operations of the Government and of the District of Columbia and for the payment of pensions under certain contingencies, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That all appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under existing laws, which shall remain unprovided for on the 30th day of June, 1916, are continued and made available for and during the month of July, 1916, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1917; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one-twelfth of the appropriations made for the fiscal year 1916 bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1917 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twelfth of the appropriations for the fiscal year 1916, and eleven-twelfths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any officer shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the same.

Mr. JONES. I ask leave to put in the RECORD as a part of my remarks the report of the chairman of the Committee on Appropriations of the House of Representatives with reference to this measure.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[House Rept. No. 851, 64th Cong., 1st sess.]

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD, from the Committee on Appropriations, submitted the following report to accompany H. R. 16677.

The Committee on Appropriations report herewith a bill extending the appropriations made for the necessary operations of the Government for the fiscal year 1916 during the month of July of the fiscal year 1917, and recommend its immediate passage.

The enactment of this bill is made necessary because of the failure of final passage of eight of the annual appropriation acts before the beginning of the fiscal year 1917, namely: Agriculture, Army, District of Columbia, Military Academy, Navy, Pension, Post Office, and Sundry Civil. The fortification act, which carries appropriations without reference to the fiscal year, has also not been finally acted on.

The Diplomatic and Consular, Indian, and legislative acts for the fiscal year 1917 have become laws or have been finally disposed of by both Houses of Congress.

Under the provisions of this measure sums equal to one-twelfth of the appropriations made for the necessary operations of the Government and of the District of Columbia for 1916 are appropriated for the month of July of the fiscal year 1917, or the proportionate part of such sums for such part of that period as shall elapse before the enactment of the respective appropriation acts for 1917; all amounts expended out of such sums to be deducted from the appropriations finally made for each purpose for the entire fiscal year 1917.

Joint resolutions or acts of a similar character, extending appropriations after the close of a fiscal year because of failure to pass the regular bills, were enacted in 1876, 1882, 1884, 1886, 1888, 1890, 1892, 1894, 1912, and 1914.

The accompanying bill is in the general terms of the joint resolution passed by Congress in 1914, providing for a condition similar to that now existing, except that upon that occasion the continuance of appropriations was only for one-half of the month of July.

The month of July is specified as the extreme period of time covered by the proposed extension of appropriations instead of 30 days, in order to avoid possible complications that may arise in settling salary or pay accounts under the provisions of the act of June 30, 1906, requiring that in making payments all annual salaries shall be divided into 12 equal parts, and each of such parts into 30 equal portions, or computing 360 days as a year and 30 days as constituting each month.

The accompanying memoranda, compiled from the laws and from the records of Congress, are submitted for the further information of the House:

CONTINUANCE OF APPROPRIATIONS.

Forty-fourth Congress: The first session of this Congress extended until August 15, 1876, or 46 days beyond the fiscal year 1876.

Act of June 30, 1876, made unexpended balances available for 10 days and to the extent they might be insufficient made an indefinite

appropriation for the necessary service of the Government, amounts expended to be charged to and deducted from the appropriations for 1877 (Stat. L., vol. 19, p. 65).

Further continued for 10 days by act July 10, 1876 (Stat. L., vol. 19, p. 78).

Further continued until July 31, 1876, by act July 21, 1876 (Stat. L., vol. 19, p. 95).

Further continued until August 10, 1876, by act August 1, 1876 (Stat. L., vol. 19, p. 122).

Further continued until August 14, 1876, by act August 12, 1876 (Stat. L., vol. 19, p. 131).

No specific service or object was mentioned or specially provided for except the public printing, which was authorized to be continued in advance of appropriations to be made therefor.

The Forty-fifth and Forty-sixth Congresses did not extend their regular sessions beyond the fiscal years 1878 and 1880, respectively.

Forty-seventh Congress: The first session of this Congress extended until August 8, 1882, or 39 days beyond the fiscal year 1882.

Joint resolution June 30, 1882, continued appropriations of 1882 for 20 days, and when insufficient appropriated an indefinite sum to carry on necessary operations of Government; amounts expended to be deducted from regular appropriations when made (Stat. L., vol. 22, p. 384).

Further continued until July 31, 1882, by joint resolution of July 20, 1882 (Stat. L., vol. 22, p. 384).

Further continued until August 3, 1882, by joint resolution August 1, 1882 (Stat. L., vol. 22, p. 390).

Further continued until August 5, 1882, by joint resolution August 5, 1882 (Stat. L., vol. 22, p. 390).

No particular service or object was mentioned or specifically provided for except authority was granted for continuing, during the periods stated, public printing and binding and "miscellaneous objects embodied in the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects."

The sundry civil act was not approved at this session until August 7, 1882, or two days after expiration of continuance of appropriations.

Forty-eighth Congress: The first session of this Congress extended until July 7, 1884, or seven days beyond the fiscal year 1884.

Joint resolution June 30, 1884, continued appropriations for 1884 for five days and when insufficient appropriated an indefinite sum to carry on necessary operations of Government; amounts expended to be deducted from regular appropriations when made. (Stat. L., vol. 23, p. 276.)

No particular service or object was mentioned or specifically provided for, except authority was granted for continuing during the periods stated public printing and binding and—

"miscellaneous objects embodied in the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects."

The sundry civil, legislative, and Diplomatic and Consular acts were not approved at this session until July 7, 1884, or two days after expiration of continuance of appropriations.

The regular naval appropriation act for the fiscal year 1885 failed of enactment, and, on July 7, 1884, a joint resolution was approved providing for the naval service for six months on the basis of the appropriations for the fiscal year 1884.

Forty-ninth Congress: The first session of this Congress extended until August 5, 1886, or 36 days beyond the fiscal year 1886.

Joint resolution July 1, 1886, continued appropriations for 1886 for 15 days, and when insufficient appropriated an indefinite sum to carry on necessary operations of Government; amounts expended to be deducted from regular appropriations when made. (Stat. L., vol. 24, p. 343.)

Further continued until July 31, 1886, by joint resolution July 15, 1886 (Stat. L., vol. 24, p. 345).

No particular service or object was mentioned or specifically provided for, except authority was given for continuing during the period stated public printing and binding and—

"miscellaneous objects embodied in the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects."

The sundry civil act was not approved at this session until August 4, 1886, or four days after expiration of continuance of appropriations.

Fiftieth Congress: The first session of this Congress extended until October 20, 1888, or 112 days beyond the fiscal year 1888.

Joint resolution June 30, 1888, continued appropriations for 1888 for 30 days, and when insufficient appropriated an indefinite sum to carry on necessary operations of Government; amounts expended to be deducted from regular appropriations when made. (Stat. L., vol 25, p. 624.)

Further continued until August 31, 1888, by joint resolution July 31, 1888 (Stat. L., vol. 25, p. 628).

Further continued until September 15, 1888, by joint resolution September 1, 1888 (Stat. L., vol. 25, p. 630).

Further continued until September 25, 1888, by joint resolution September 15, 1888 (Stat. L., vol. 25, p. 630).

Further continued until October 10, 1888, by joint resolution September 26, 1888 (Stat. L., vol. 25, p. 631).

No particular service or object was mentioned or specifically provided for, except authority was granted for continuing during the periods stated public printing and binding and—

"miscellaneous objects embodied in the sundry civil, Army, District of Columbia, legislative, executive, and judicial, and naval appropriation acts in advance of appropriations to be hereafter made for said objects."

Fifty-first Congress: The first session of this Congress extended until October 1, 1890, or 93 days beyond the fiscal year 1890.

Joint resolution June 30, 1890, continued appropriations for 1890 for 30 days; terms used identical with those of proposed continuance of 1916 appropriations. (Stat. L., vol. 26, p. 675.)

Further continued until August 14, 1890, by joint resolution July 30, 1890 (Stat. L., vol. 26, p. 677).

Further continued until August 29, 1890, by joint resolution August 14, 1890 (Stat. L., vol. 26, p. 677).

No particular service or object was mentioned or specifically provided for, although only the Military Academy, Navy, pension, and Post Office acts were approved prior to July 1, 1890.

Fifty-second Congress: The first session of this Congress extended until August 5, 1892, or 36 days beyond the fiscal year 1892.

Joint resolution June 30, 1892, continued appropriations for 1892 for 15 days. Terms used identical with those of proposed continuance of 1916 appropriations. (Stat. L., vol. 27, p. 397.)

Further continued until July 30, 1892, by joint resolution July 15, 1892 (Stat. L., vol. 27, p. 398).

Further continued until August 4, 1892, by joint resolution August 1, 1892 (Stat. L., vol. 27, p. 401).

No particular service or object was mentioned or specifically provided for, except the District of Columbia "and for the payment of pensions."

Fifty-third Congress: The first regular session of this Congress extended until August 28, 1894, or 59 days beyond the fiscal year 1894.

Joint resolution, June 29, 1894, continued appropriations for 1894 for 30 days. Terms used same as those of proposed continuance of 1916 appropriations. (Stat. L., vol. 28, p. 585.)

Further continued until August 14, 1894, by joint resolution July 31, 1894 (Stat. L., vol. 28, p. 587).

Further continued until August 20, 1894, by joint resolution August 15, 1894 (Stat. L., vol. 28, p. 590).

No particular service or object was mentioned or specifically provided for, except the District of Columbia "and for the payment of pensions."

In addition to the foregoing general continuance of all appropriations a joint resolution was enacted July 9, 1894, making an indefinite appropriation "to continue until the 31st day of July, 1894, the employment of mechanics and laborers paid from the appropriation, 'Increase of the Navy, construction and machinery,'" the amount so expended to be deducted from the amount finally appropriated for that purpose for 1895. (Stat. L., vol. 28, p. 587.)

The naval act for 1895 was approved July 26, 1894.

Sixty-second Congress: The first regular session of this Congress extended until August 26, 1912, or 57 days beyond the fiscal year of 1912.

Joint resolution, July 1, 1912, continued appropriations for the fiscal year 1912 for the month of July. Terms used identical with those of proposed continuance of 1916 appropriations (Stat. L., vol. 37, p. 638).

Further continued for the first half of the month of August, 1912, by joint resolution of August 1, 1912 (Stat. L., vol. 37, p. 640).

Further continued for the last half of the month of August, 1912, by joint resolution of August 15, 1912 (Stat. L., vol. 37, p. 642).

No particular service or object was mentioned or specifically provided for except the "payment of pensions," "session employees of the Senate and House of Representatives," and the "Bureau of the Census."

Sixty-third Congress: The first regular session of this Congress extended until October 24, 1914, or 116 days beyond the fiscal year of 1914.

Joint resolution, June 30, 1914, continued appropriations for the fiscal year 1914 for the first half of the month of July, 1914. Terms used identical with those of proposed continuance of 1916 appropriations (Stat. L., vol. 38, p. 773).

Further continued for the second half of the month of July, 1914, by joint resolution of July 16, 1914 (Stat. L., vol. 38, p. 774).

No particular service or object was mentioned or specifically provided for except the "District of Columbia," "session employees of the Senate and House of Representatives," and the "valuation of property of carriers."

ANNUAL APPROPRIATION ACTS (WITH DATES OF APPROVAL) NOT FINALLY ENACTED AT FIRST REGULAR SESSION OF CONGRESS WHEN APPROPRIATIONS OF A PRIOR YEAR WERE CONTINUED.

Forty-fourth Congress (fiscal year 1877):
Army, July 24, 1876.
Consular and Diplomatic, August 15, 1876.
Indian, August 15, 1876.
Legislative, etc., August 15, 1876.
Military Academy, August 7, 1876.
Post Office, July 12, 1876.
Sundry civil, July 31, 1876.
(Seven in all.)

Forty-seventh Congress (fiscal year 1883):
Consular and Diplomatic, July 1, 1882.
District of Columbia, July 1, 1882.
Legislative, etc., August 5, 1882.
Navy, August 5, 1882.
Pension, July 25, 1882.
Sundry civil, August 7, 1882.
(Six in all.)

Forty-eighth Congress (fiscal year 1885):
Army, July 5, 1884.
Consular and Diplomatic, July 7, 1884.
District of Columbia, July 5, 1884.
Fortification, July 5, 1884.
Indian, July 4, 1884.
Legislative, etc., July 7, 1884.
Pension, July 4, 1884.
Post Office, July 5, 1884.
Navy, July 7, 1884.
Sundry civil, July 7, 1884.
(Ten in all.)

Forty-ninth Congress (fiscal year 1887):
District of Columbia, July 9, 1886.
Fortification (failed of enactment).
Legislative, etc., July 31, 1886.
Navy, July 26, 1886.
Pension, July 2, 1886.
Sundry civil, August 4, 1886.
(Six in all.)

Fiftieth Congress (fiscal year 1889):
Agriculture, July 18, 1888.
Army, September 22, 1888.
Diplomatic and Consular, July 11, 1888.
District of Columbia, July 18, 1888.
Fortification, September 22, 1888.
Legislative, etc., July 11, 1888.
Navy, September 7, 1888.
Post Office, July 24, 1888.
Sundry civil, October 2, 1888.
(Nine in all.)

Fifty-first Congress (fiscal year 1891):
Agriculture, July 14, 1890.
Diplomatic and Consular, July 14, 1890.
District of Columbia, August 6, 1890.
Fortification, August 18, 1890.
Indian, August 19, 1890.
Legislative, etc., July 11, 1890.
Sundry civil, August 30, 1890.
(Seven in all.)

Fifty-second Congress (fiscal year 1893):
Agriculture, July 5, 1892.

Army, July 16, 1892.
Diplomatic and Consular, July 16, 1892.
District of Columbia, July 14, 1892.
Fortification, July 25, 1892.
Indian, July 13, 1892.
Legislative, etc., July 16, 1892.
Military Academy, July 14, 1892.
Navy, July 19, 1892.
Pension, July 13, 1892.
Sundry civil, August 5, 1892.
(Twelve in all.)
Fifty-third Congress (fiscal year 1895):
Agriculture, August 8, 1894.
Army, August 6, 1894.
Diplomatic and Consular, July 26, 1894.
District of Columbia, August 7, 1894.
Fortification, August 1, 1894.
Indian, August 15, 1894.
Legislative, etc., July 31, 1894.
Military Academy, July 26, 1894.
Navy, July 26, 1894.
Pension, July 18, 1894.
Post Office, July 16, 1894.
Sundry civil, August 18, 1894.
(Twelve in all.)
Sixty-second Congress (fiscal year 1913):
Agriculture, August 10, 1912.
Army, August 24, 1912.
Indian, August 24, 1912.
Legislative, etc., August 23, 1912.
Military Academy, August 9, 1912.
Navy, August 22, 1912.
Pension, August 17, 1912.
Post Office, August 24, 1912.
Sundry civil, August 24, 1912.
(Nine in all.)
Sixty-third Congress (fiscal year 1915):
District of Columbia, July 21, 1914.
Indian, August 1, 1914.
Legislative, etc., July 16, 1914.
Sundry civil, August 1, 1914.
(Four in all.)

APPROPRIATION ACTS APPROVED AFTER CLOSE OF FISCAL YEARS WHEN PROVISION FOR CONTINUANCE OF APPROPRIATIONS WAS NOT MADE.

Fifty-fifth Congress (fiscal year 1899):
Indian, July 1, 1898.
Sundry civil, July 1, 1898.
Fifty-seventh Congress (fiscal year 1903):
District of Columbia, July 1, 1902.
Navy, July 1, 1902.

PRESENT STATUS OF ANNUAL APPROPRIATION ACTS.

Sixty-fourth Congress (fiscal year 1917):
The following have not yet become laws:
Agriculture.
Army.
District of Columbia.
Fortification.
Military Academy.
Naval.
Pension.
Post Office.
Sundry civil.
(Nine in all.)
The following have been approved by the President or disposed of by both Houses:
Diplomatic and Consular.
Indian.
Legislative, etc.
(Three in all.)

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTIMATES OF APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Board of Commissioners of the District of Columbia, submitting supplemental estimate of appropriation for the purchase of additional ground adjacent to the Wheatley School, $97,800, which, with the accompanying paper, was referred to the Committee on Appropriations. (S. Doc. No. 484.)

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting the report of the Chief of the Division of Safety concerning a test of the air-brake system of the California Valve & Air Brake Co., of Los Angeles, Cal., which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

Mr. JONES presented a memorial of sundry citizens of Everett, Wash., remonstrating against appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Walla Walla, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. HARDING presented petitions of sundry citizens of Ohio praying for the adoption of the so-called Clarke amendment to the Post Office appropriation bill, relating to motor vehicles in the rural-delivery service, which were ordered to lie on the table.

He also presented a memorial of the Commercial Club of St. Marys, Ohio, remonstrating against the proposed plan of space payment for mail carriage, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Canton and Massillon, in the State of Ohio, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented the memorial of C. V. Williams, of the Ohio State Board of Charities, of Columbus, Ohio, remonstrating against the creation of a proposed juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Commerce Club, of Toledo, Ohio, praying for the regulation of railway mail pay by the Interstate Commerce Commission, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented memorials of the Upper Columbia Conference of the Seventh-Day Adventists, held at College Place, and of Theodore Paulsen and sundry other citizens of Sedro Woolley, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Theodore Paulsen and sundry other citizens of Sedro Woolley, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP:

A bill (S. 6487) granting an increase of pension to Mary Dillon; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6488) granting an increase of pension to John Safranek (with accompanying papers); to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 6489) granting an increase of pension to Mary A. Smith; and

A bill (S. 6490) granting an increase of pension to Henry C. Tulleys; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6491) granting a pension to Rolla King (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OLIVER (for Mr. PENROSE) submitted an amendment providing that A. Wilson Butler, pay clerk, Quartermaster Corps, United States Army, now on the retired list, shall hereafter have the rank, pay, and allowances of a second lieutenant, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MYERS submitted an amendment proposing to amend that part of section 10 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, which relates to the appointment and promotion of officers of the Army Dental Corps by providing that the President be authorized to appoint and commission dental surgeons who are citizens of the United States between the ages of 21 and 30 at the rate of 1 for each 1,000 enlisted men of the line of the Army, intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. GRONNA submitted an amendment relative to the infringement upon or superseding of the laws of States in which State grain inspection has been established by law and in which public warehouses are regulated by law, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc.,

of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian Wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, which was referred to the Committee on Pensions and ordered to be printed.

Mr. MARTIN of Virginia. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 8 minutes p. m., Wednesday, June 28, 1916) the Senate adjourned until to-morrow, Thursday, June 29, 1916, at 10.30 a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 28, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God Almighty, who hast revealed Thyself unto the children of men in the laws which Thou hast ordained, in the highest intuitions of the soul, in the spoken word which has come down to us through a long line of prophets and seers, especially through the Holy One of Israel, give to us the seeing eye, the hearing ear, the willing heart, that we may see the glories round about us, hear the voices calling unto us, and feel the warmth of Thy love; "that we put on the new man, which after God is created in righteousness and true holiness"; that all strife and contentions, wars and the evils which follow in their wake, may pass away; that all mankind may live together in peace and harmony, after the manner of the world's Spiritual Leader. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15775. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encouraging the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall, in certain cases, aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1843) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, had requested a conference with the House on the bill and amendment, and had appointed Mr. SHAFROTH, Mr. KERN, and Mr. POINDEXTER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, had further insisted upon its amendments, had asked a further conference with the House, and had appointed Mr. CHAMBERLAIN, Mr. LEA of Tennessee, and Mr. WARREN as the conferees on the part of the Senate.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution (S. J. Res. 136) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury, was taken from the Speaker's table and referred to the Committee on the Library.

SUNDRY CIVIL BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take the sundry civil bill from the Speaker's table, disagree to all the Senate amendments, and agree to the conference asked for by the Senate. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT.

RIVER AND HARBOR BILL.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to take from the Speaker's table the bill H. R. 12193, the river and harbor bill, disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SPARKMAN, Mr. BURGESS, and Mr. HUMPHREY of Washington.

MILITARY ACADEMY BILL.

Mr. DENT. Mr. Speaker, by direction of the Committee on Military Affairs I submit a bill making appropriations for the Military Academy. (H. Rept. 861.)

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.

The SPEAKER. Ordered printed under the rule and referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE. Mr. Speaker, I reserve all points of order on the bill just reported by the gentleman from Alabama [Mr. DENT].

AMENDMENT TO THE JUDICIAL CODE.

Mr. BUCHANAN of Illinois. Mr. Speaker, I wish to ask unanimous consent to withdraw the motion I made for the reconsideration of the bill (H. R. 15158) to amend the Judicial Code and fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] withdraws his motion to reconsider that bill.

Mr. BUCHANAN of Illinois. If I may be permitted, I will say my reason for withdrawing it is that I have information that leads me to believe that the objectionable section of that bill will be eliminated.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on neutrality in the European war.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks on neutrality in the European war. Is there objection?

There was no objection.

Mr. FREAR. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD on the Hay resolution to draft the militia.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the Hay resolution. Is there objection?

There was no objection.

EXTENSION OF APPROPRIATIONS AFTER JUNE 30.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider in the House as in Committee of the Whole the bill (H. R. 16677) extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies.

The SPEAKER. The gentleman from New York asks unanimous consent to consider in the House as in Committee of the Whole the bill H. R. 16677, for extending appropriations after June 30. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 16677) extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies.

Be it enacted, etc., That all appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under existing laws, which shall remain unprovided for on the 30th day of June, 1916, are continued and made available for and during the month of July, 1916, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1917; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one-twelfth of the appropriations made for the fiscal year 1916 bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1917 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twelfth of the appropriations for the fiscal year 1916, and eleven-twelfths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the same.

Mr. FITZGERALD. Mr. Speaker, this bill is necessary because of the fact that thus far only three regular appropriation bills have been approved. The pension appropriation bill has been agreed upon and probably will be approved before the 30th of the month, and it is hoped we will have an agreement and approval on the sundry civil bill by Friday.

Mr. GILLETT. Mr. Speaker, I would like to have five minutes.

Mr. FITZGERALD. We are working under the five-minute rule.

Mr. GILLETT. Mr. Speaker, I recognize, of course, that it is necessary to pass this resolution, but I think it is proper that the House should be reminded how unfortunate it is that Congress has been so dilatory that nine of the appropriation bills are still on the calendar and it is necessary to extend their provisions by resolution.

Although necessary, it is unfortunate, and it is inefficient, because it always embarrasses the Government. It embarrasses the accounting officers. It postpones for one month any reform, either of economy or better administration, that has been prepared in the appropriation bills, and in a great many of the departments it absolutely demoralizes their service. In all those branches of the Government whose activities, being out of doors, can not go on in the winter they ordinarily use all the appropriations in the summer. Now, if they can not get by the 1st of July their regular appropriations, it stops the performance of their proper duties, because in the month of August they ought to use much more than one-twelfth of their annual appropriation.

So it is always most unfortunate not to pass the appropriation bills on time. And simply in the light of abstract truth, and that the facts of history may not be forgotten, I wish to point out to the House that this is the third successive Congress in which such a resolution as this has been necessary. It is necessary in this Sixty-fourth Congress, it was necessary in the Sixty-third Congress, and it was necessary in the Sixty-second Congress; but before the Sixty-second Congress it had not been necessary in any Congresses between that and the Fifty-third Congress. Why was this long hiatus between the Fifty-third and the Sixty-second Congresses? It is perhaps a mere coincidence, but it so happens—I hope I will not be accused of undue partisanship in pointing it out—it so happens that all the Congresses between the Fifty-third and the Sixty-second were Republican Congresses. [Applause on the Republican side.] The Fifty-third Congress was a Democratic Congress. In that Congress——

The SPEAKER. The House will be in order.

Mr. GILLETT. Mr. Speaker, I am not surprised that that side of the House does not care to have these facts of history brought to its attention, but I consider it my painful duty to the House to do so. In the Fifty-third Congress, which was a Democratic Congress, 12 appropriation bills had not been passed by the 1st of July, and a resolution like this had to be adopted. In the Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses, all Republican Congresses, the appropriations every year were passed on time, and we never had to pass a single one of these continuing resolutions. [Applause on the Republican side.] In the Sixty-second Congress the Democratic Party again assumed control of this House, and again they reverted to their old Democratic practice, and a continuing resolution had to be adopted. It was so in the last Congress; it is so in this Congress. Obviously there is only one way to stop these continuing resolutions, and that is to put into power the party of promptness and efficiency which passes appropriation bills on time. [Applause on the Republican side.]

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. GILLETT. I yield to the gentleman from South Carolina.

Mr. BYRNES of South Carolina. Do not the facts stated by the gentleman simply show that when the Republican Party was in power the Democrats of this House did not resort to filibustering tactics, as the gentleman's party has done?

Mr. GILLETT. Mr. Speaker, that is a rather amazing proposition, and it shows that the gentleman was not here during those Congresses. Never has there been such filibustering as was resorted to by the Democrats. I remember in one Congress the leader of the Democratic Party, who is now the Senator from Mississippi [Mr. WILLIAMS], announced quite early in the session that he proposed to demand a roll call on every proposition, and to filibuster all he could on every bill that came up. He followed out that purpose all through that Congress, but that did not prevent the Republican Party putting the appropriation bills through on time. [Applause on the Republican side.]

Mr. BYRNES of South Carolina. Is it not true that the reason you were able to do that was that you did nothing except pass appropriation bills, and it was left to us to enact legislation in behalf of the people of the country? [Applause on the Democratic side.]

Mr. GILLETT. The gentleman is as unfortunate in that suggestion as he is in the first one. That is not true at all. The amount of general legislation passed during the Roosevelt administration was enormous.

Mr. NORTON. Does not the gentleman's statement show that he also has not been in attendance on many of the sessions of this Congress?

Mr. GILLETT. Whatever the reason is, the gentleman is wholly incorrect in his suggestions.

The SPEAKER. The gentleman's time has expired.

Mr. FITZGERALD. Mr. Speaker, the Republican Party passed appropriation bills, and that is about all it did do. In their indignation at such conduct the people put the Republican Party out of power and restored the Democratic Party to control of the Government. It was given power for the purpose of enacting certain important and imperatively demanded legislation. The Democratic Party was put in power to revise the tariff downward and to take the unjust burdens of taxation off the masses of the people, and to distribute the burdens of government more equally, and to impose a proper share upon the protected corporate wealth of the country, which had been shielded for so many years by the Republican Party. [Applause on the Democratic side.] The Democratic Party, after interminable and unsuccessful efforts on the part of the Republican Party, enacted the Federal reserve act, to do away with money panics in this country and to permit business to be transacted without the danger and inconvenience resulting from Republican money panics. The Democratic Party passed the Federal trade commission bill in order to take out of the realm of uncertainty and chaos into which business had been plunged by the Republican maladministration, and to protect and encourage the honest, legitimate business of the country, so that it might be separated from those businesses which were exploiting the people in defiance of the law.

The Democratic Party enacted the agricultural cooperative extension act of inestimable value to those interested in agriculture, while by the Clayton law it extended a friendly and helping hand to the labor of the land by taking them from the

oppressive grasp of courts, which had become inimical and hostile.

The last appropriation bill from the Committee on Appropriations in this session of Congress—outside of the deficiency bill, which is always reported at the very end of the session—was reported to this House on the 19th day of May. The gentleman from Massachusetts says that because of the dilatory tactics of the party in power those bills have not been passed. It was believed that there was certain legislation of an imperative character which must be enacted, even though the appropriation bills be deferred for a time. So the national defense act was passed by this Democratic Congress. It had to be passed before the Army appropriation bill could be prepared and reported. If the Republicans during their 16 years of control had made adequate provision for the national defense, it would not have been necessary for this Congress to spend so much time in endeavoring to put the defenses of the country upon an adequate and proper basis. [Applause on the Democratic side.]

The Democratic House has passed the shipping bill. The foreign trade of the country has been prostrate, because of the lack of tonnage to carry our over-seas trade. We have been at the mercy of the warring nations of Europe, and the commodities from the great West have been locked up in box cars, extending from the seaboard inland for miles, because there were no shipping facilities. The Republican Party never had a single notion or idea of relieving this situation, except by a scheme that would put money into the pockets of a favored few. [Applause on the Democratic side.] The Democratic Party has proposed legislation which will enable the American people to dominate the foreign markets of the world, as they should, and to keep in this country the enormous sums paid for the carriage of our over-sea trade, which heretofore and at present goes to foreign shipowners.

The Democratic Party has passed a good-roads bill, to enable the people in the interior of the country to get their products to the railroads and to the seaboard, so as to open the markets of the world to our products without paying a prohibitive price for transportation.

We have passed the rural-credits bill, to extend to the farmers the same measure of relief that we have extended to the business men of the great financial centers. [Applause.] We have passed a bill to control the floods that for years have been devastating the Mississippi Valley and making unprofitable and disastrous the attempts of the people along that valley to conserve their lands and to protect their crops.

We passed a bill extending a righteous measure of self-government to the Philippine Islands, to give them the opportunity to demonstrate their capacity to control themselves. We have passed conservation bills, to enable the people of the country to utilize the great natural resources of the country, rather than to keep them locked up, like the man who buried his talent, unable to use it and not daring even to look at it.

We have enacted liberal pension laws, to provide generously for the survivors of our wars and for those members of their families who are dependent upon them. We have made provision for a nitrate plant, to supply the Government with means of defense in time of war and the farmers with cheap and abundant fertilizer in time of peace.

With such a great program of constructive legislation crowded into a short three-year period, naturally it has been necessary to defer action upon the appropriation bills.

But the Government has not suffered. The administration of the public service has not been embarrassed, not a single activity of the Government has been impaired or crippled, but under this Democratic administration this country has enjoyed a prosperity never before equaled. [Applause on the Democratic side.] And despite the criticisms and despite the taunts by the foes of this administration, regardless of any personal effect upon his political fortunes, the President of the United States has kept the United States at peace. [Applause on the Democratic side.]

It is not to be wondered that the brilliant, distinguished gentleman from Massachusetts [Mr. GILLETT] should cavil and carp and criticize the Democratic Party because the appropriation bills may be deferred a day or two. Of course, he would like the country to forget the wonderful constructive program of legislation of the Democratic Party that has done so much for the benefit of the country, but he can not make the people forget it. They will not forget it; they will remember it; and he will recall it after his party has gone to inglorious defeat in the coming election. [Applause on the Democratic side.]

Mr. CANNON. Mr. Speaker [applause on the Republican side], I am not going to consume more than a minute. You can not fool the American people all of the time; you may a part of the time. If my distinguished friend from New York [Mr. FITZGERALD] had lived in the time of Dickens, instead of the character of Mark Tapley, who always wanted something difficult, his name would have been JOHN J. FITZGERALD. [Laughter and applause on the Republican side.]

Mr. THOMAS. Mr. Speaker, I move to strike out the last word. [Applause on the Democratic side.] Mr. Speaker, I came into the House just as Uncle JOE had started to speak. I inquired of some one what was going on. I had been in my office attending to and answering the requests of my constituents, which everybody does not do, you know. I think that Uncle JOE is the greatest and the grandest Republican in the United States. [Applause.] They talk, as I understand now, something about the defects of this present Democratic administration. Well, they are talking through their hats, gentlemen, and if I can get about three or four hours' time some day in this House I will tell you about the defects of the Republican Party. [Applause.]

A MEMBER. You will want longer than that.

Mr. THOMAS. I expect it would take longer than that, because they talk about the violation of our platform by Mr. Wilson. Why, gentlemen, I can cite you to 27 instances within the last 16 years where you have violated your own platform, and you never made a platform in your lives with any expectancy of carrying the platform out by legislation.

I want to call your attention to one thing in your platform at Chicago—that railroad plank, in which you say that you require every citizen of this broad land, if he has a complaint against a railroad company, to come to the authorities at Washington, come from his home, possibly a thousand miles away, to get his rights. Is any one of you going out on the stump among the people of this country and uphold that platform? No; you are going to dodge it; and I say to you that your leader, the gentleman from Illinois [Mr. MANN], will not dare do it. [Applause.]

I would like to get out on the stump in some other States if it was not for the fact that there are so many Republicans down in Kentucky in my district that I have got to attend to them. [Laughter.] You all know why that is. [Laughter.] You Republicans in this House have been talking for years about the illiteracy among many people in Kentucky. That is true; it is so down in my district. [Laughter.] If the people of Kentucky were educated as they should be, and as they will be, there would be no longer any Republicanism in the State of Kentucky, and I would not have to confine my great abilities to the third district of the State of Kentucky. [Laughter and applause.]

Now, you people talk about Republicanism. I would be ashamed to vote the Republican ticket. [Applause.] You have got Roosevelt on your hands, and you do not know what to do with him. You are simply wandering somnambulists with a vanished dream. Some of you are for Roosevelt, but you dare not say so because you fear that you can not get in on the offices if Hughes should be elected. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. THOMAS. I ask for three minutes more.

The SPEAKER. The gentleman asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. THOMAS. Well, gentleman, do not deceive yourselves; there is no danger in this world of Mr. Hughes ever being elected President of these United States. [Applause on the Democratic side.] Talk about hyphenated Americans! I do not know anything about that; I never took any stock in that one way or the other. But I know what he is; he has a hyphenated beard [applause], and the people of this country when they get through with him are going to say that he has a hyphenated brain [applause]; they are going to turn him down. Now, gentlemen, we are going to elect Mr. Wilson. [Cries of "What?" on the Republican side.] I say we are going to elect Mr. Wilson. [Cries of "When?" on the Republican side.] When? At the November election. What would you have done in Mexico? Your newspapers and you gentlemen talk and talk and talk.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent that the gentleman be given 10 minutes.

Mr. THOMAS. I do not want that long. You went to Chicago and you promulgated what you call a platform. Did you say in that platform that you would intervene in Mexico? Now, answer me, any man on that side of the House. Did you say it? No; you were too cowardly to say that if Mr. Hughes were elected, or if the Republican candidate were elected, that you would intervene in Mexico. [Applause on the Democratic side.] Why did not you say it if you were so brave and you want war so badly? Why have not you enlisted—you who are young enough? You Republicans are only bluffers and have a nightmare on the brain, that is what you have. [Laughter and applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

MILITARY AND NAVAL ESTABLISHMENTS.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16678) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes. Pending that, I would like to ask the gentleman from Illinois [Mr. CANNON] if we can agree on time for general debate?

Mr. CANNON. I have but one request for time. Does any other gentleman on this side desire time in general debate upon the bill?

Mr. FESS. Is it confined to the bill?

Mr. CANNON. No; but it ought to be, I think. I apprehend that we can get whatever time we desire under the five-minute rule.

Mr. MANN. I suggest the gentleman go ahead without agreeing on time.

Mr. FITZGERALD. I desire to make a short statement.

Mr. MANN. The gentleman can easily do that.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that general debate be limited to one-half hour, half of that time to be controlled by the gentleman from Illinois [Mr. CANNON] and one-half by myself.

Mr. CANNON. That is satisfactory, so far as I know.

Mr. MANN. If gentlemen want further time they can get it under the five-minute rule.

The SPEAKER. Pending the motion the gentleman from New York asks unanimous consent that general debate be confined to one-half hour, one half of that time to be controlled by himself and the other half by the gentleman from Illinois [Mr. CANNON]. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16678, to supply urgent deficiencies in appropriations for the Military and Naval Establishment for the fiscal year ending June 30, 1916, with Mr. PAGE of North Carolina in the chair.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, this bill as reported by the committee carries $25,952,068.83. An amendment will be offered by the committee increasing the amount carried by $1,584,000 for certain purposes for the Medical Department of the Army, so that the bill as agreed upon by the committee, with the amendment, aggregates $27,536,068.83. All of this sum is for the Military Establishment, with the exception of $326,000, which is provided for the Navy, so that $27,210,068.83 is for the Army. The necessity for the appropriation arises from ordering out the National Guard and their utilization upon the border, as contemplated by the recent orders of the President. In view of the many inquiries that have been submitted as to the status of appropriations at this session of Congress, I have prepared a statement, to which I shall refer and which I shall insert in the RECORD. The deficiencies, including this bill, thus far provided at this session of Congress aggregate $53,267,298.34. Of this sum $39,974,343.53 arise out of the situation on the Mexican border, and has been necessitated by the authorization to enlist the Regular Army up to its full war strength and to provide for the pay, subsistence, and equipment required by the ordering into the service of the National Guard. The deficiencies outside of these military purposes aggregate $13,292,954.81. At the last session of Congress the deficiencies were $12,316,343.90. There is yet to be considered and provided by the House certain appropriations that will be carried in the general deficiency appropriation bill.

The Agricultural appropriation bill, as reported to the Senate, carries $23,928,000, and the current law is $22,971,000. The Army bill, as it passed the House, carries $182,303,356.10, and the current law is $101,974,195.87. The Diplomatic and Consular appropriation bill, as agreed upon by both Houses in conference, carries $5,355,096.66, and the current law is $4,061,280.01. The District of Columbia appropriation bill, as it passed the House, carried $11,931,817.34, and the current law is $11,859,584.45. The fortification bill, as reported to the Senate, carries $25,120,110, and the current law is $6,060,216.90. The Indian bill, which has been approved, carries $10,967,644.88, and the current law is $9,971,902.76. The legislative bill, which has been approved, carried $37,925,690.25, and the current law is $36,904,799.75. The Military Academy bill, in the estimates submitted, amounted to $1,422,775.77. That bill has been reported to-day, but I have not the figures that it carries. I understand it carries a much larger sum. The current law is $1,069,813.37. The naval appropriation bill, as it passed the House, carried $269,892,137.74, while the current law is $149,661,864.88. The pension appropriation bill, as reported to the Senate, carried $158,065,000, and the current law is $164,100,000.

The Post Office appropriation bill as reported to the Senate carries $322,905,679. The current law amounts to $313,364,667. The river and harbor bill as passed by the Senate carries $41,723,935, and the current law is $30,000,000. The sundry civil appropriation bill as reported to the Senate carries $128,246,445.24, and the current law is $126,922,750.79.

The total of the regular annual appropriation bills, either as enacted into law, agreed upon in conference, passed by the House, or reported to the Senate, is $1,219,788,507.98, and the total for the current year is $978,722,857.78. The estimated permanent appropriations that will be operative for the next fiscal year amount to $135,074,673, and for the current year $121,567,207. Taking the regular annual bills and permanent appropriations as they now stand, without any eliminations or reductions, the total is $1,354,863,180.98, as against $1,100,290,064.78 in the current law. In addition to that, the sum of $20,000,000 was provided in the national-defense act for a nitrate plant; $6,000,000 is included in the good-roads bill, the conference report upon which has been agreed to by the Senate; $15,100,000 carried in the rural-credits bill and $50,100,000 is provided in the shipping bill, making a total of $1,446,063,180.98, as against $1,102,620,668.12. The deficiencies thus far are $53,267,298.34 as against $12,316,343.90, so that the grand total of the present session is $1,499,330,479.32, as against $1,114,937,012.02. In addition to the actual appropriations, the naval bill as it passed the House authorized contract obligations aggregating $188,290,000; the sundry civil bill, $1,827,000; the fortifications bill, $14,300,000; the river and harbor act, $2,724,950, a total of $207,141,950, and additional authorizations aggregating $50,600,000 are provided for in the so-called flood-control bill, making a total of contracts and authorizations of $257,741,950. In addition to these authorizations the naval appropriation bill as reported to the Senate makes provision for a very large increase in contract obligations. I shall put these detailed figures in the RECORD at this time, Mr. Chairman, for several reasons. In the first place, the Committee on Ways and Means is endeavoring to determine the additional revenue that will be required during the next fiscal year. These figures, while not definite, are as nearly definite as can be made while these bills are in a pending state. Moreover, there are numerous inquiries from sources both official and unofficial for this information; many Members of the House desire the information. In addition, it is deemed desirable that Congress, at least, may have this information as a sort of balance sheet in order to determine the wisdom or expediency of making authorizations upon an extensive scale in addition to the provisions which have already been made at this session of Congress.

At the end of the session the customary practice will be followed in making a complete and accurate statement of appropriations and authorizations. This is as complete as it can be made at the present time. I now yield to the gentleman from Massachusetts.

Mr. GILLETT. Mr. Chairman, I desire to ask the gentleman if it is not a fact that each individual appropriation bill as it now stands, not only those that provide for the national defense, but those that provide for the ordinary civil activities of the Government, is larger than the corresponding bill of last year?

Mr. FITZGERALD. I think not.

Mr. GILLETT. What exception is there?

Mr. FITZGERALD. The sundry civil bill, as I recollect. It may be due to the fact the gentleman helped to prepare it. I mean as it passed the House—as reported to the Senate.

Mr. GILLETT. I say as they now stand—as it passed the House?

Mr. FITZGERALD. The pension bill?

Mr. GILLETT. Yes; I think the pension bill is an exception. Every one but the pension bill.

Mr. FITZGERALD. That can be accounted for in two ways. The first is a situation exists throughout the country relative to measures of preparedness. A demand that has gone up through the country that very large provision be made has found ready response from Congress, regardless of political divisions. That has necessitated very large increases in a number of bills. The other reason is that the activities of the Government are continually increasing and extending. From an observation based upon 17 years' experience in the House I am convinced they will never be diminished; that it will be necessary from time to time to provide for the increasing activities of the Government and for larger participation by the Federal Government in many lines of activity that was never contemplated originally that the Government should be engaged in.

I have not had these figures prepared for the purpose of comparison of any character or to discuss them or explain them—simply to have them where they will be available to those desiring information from now on, either for the transaction of their official business or such other use as may be proper. I hope under these circumstances no one will use them for improper partisan purposes. [Laughter and applause.]

Status and amounts of appropriations.
[64th Cong., 1st sess., June 27, 1916.]

Title.	Present status.	Amount.	Fiscal year 1916.
Regular annual bills:			
Agriculture	Reported to the Senate.	$23,928,820.00	$22,971,782.00
Army	Passed the House	182,303,356.10	101,974,195.87
Diplomatic and consular.	Agreed upon by both Houses.	5,355,096.66	4,061,280.01
District of Columbia.	Passed the House	11,931,817.34	11,859,584.45
Fortification	Reported to the Senate.	25,120,110.00	6,060,216.90
Indian	Law	10,967,644.83	9,771,902.76
Legislative, etc.	do	37,925,690.25	36,904,799.75
Military Academy	Estimates	1,422,775.77	1,069,813.37
Navy	Passed the House	269,892,137.74	149,661,864.88
Pension	Reported to the Senate.	158,065,000.00	164,100,000.00
Post office	do	322,905,679.00	313,364,667.00
River and harbor	Passed the Senate	41,723,935.00	30,000,000.00
Sundry civil	Reported to the Senate	128,246,445.24	126,922,750.79
Total, regular annual bills.		1,219,788,507.98	978,722,857.78
Permanent appropriations (estimated).		135,074,673.00	121,567,207.00
Total		1,354,863,180.98	1,100,290,064.78
Miscellaneous:			
Nitrate plant	In national-defense act.	20,000,000.00	
Good roads	Agreed upon in conference.	6,000,000.00	
Rural credits	do	15,100,000.00	
Shipping bill	Passed the House	50,100,000.00	2,330,603.34
Total		1,446,063,180.98	1,102,620,668.12
Deficiencies	Including $27,536,068.83 in pending bill.	53,267,298.34	12,316,343.90
Grand total		1,499,330,479.32	1,114,937,012.02

Contracts authorized additional to appropriations:	
Naval act, as passed the House	$188,290,000
Sundry civil act	1,827,000
Fortification act	14,300,000
River and harbor act	2,724,950
Total, contracts	207,141,950
In addition to the foregoing contracts, authority is carried in the flood-control bill for	50,600,000
Total	257,741,950

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized for 15 minutes.

Mr. CANNON. Mr. Chairman, I do not desire at this time to make any extended remarks to the committee. I helped prepare this deficiency bill. The gentleman has stated the amount it carries, in round numbers, with the amendment that is to be offered, which ought to pass, between $27,000,000 and $28,000,000 by way of deficiency. What the future regular deficiency bill is to carry I do not know; we will know later on. I shall vote for this bill and I shall not discuss at this time why. As I stated a few days ago there is war in Mexico, and it has lapped over a little bit at times into the territory of the United States. Gentleman may call it an emergency. In fact, if it had been recognized months ago as a state of war we would be in much better condition than we are now.

Mr. EAGLE. Will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Texas.

Mr. EAGLE. Does not the gentleman think that the sooner we say so in plain words and go in there and clean the situation up by restoring peace and order the better off we will be? I do.

Mr. CANNON. The gentleman has stated the question in a single sentence that I assent to, and stated it better than I can. Now take the newspaper reports, which I presume are correct. Shipload after shipload of munitions of war have recently been sent from New York and elsewhere and landed at Vera Cruz to the so-called de facto government; and there is one thing, while it is a de facto government in words, it is anarchy in fact. And besides that, I do not know, but I presume that under authority of law we are not shipping by land from the United States to Mexico in her condition further munitions to be used against the Regular Army and the militia that is now proceeding as rapidly as we can get it toward the border. I have not accurate information about this, but as I understand the law, there is power in the President, the Commander in Chief of the Army and Navy, to stop the shipment of munitions to Mexico. Whether he could stop, without a declaration of war that is formal, the shipment of munitions of war from anywhere in the world to the Mexican ports I am not fully advised, but I understand the principle of international law is that the rights of neutrals everywhere in the world—and that would include Japan; that would include every country in the world—are such that until war is declared and the ports of Mexico are blockaded we have no right to prevent the shipment of munitions of war to Mexico. They are just bandits there, whether it is Carranza or Zapata or Villa. In this condition, when the papers contain statements coming seemingly from high authority that it is possible we may have to call for volunteers, in my judgment, prompt action is called for.

I am not making a political speech. If I were making a partisan speech, I could say a whole lot of things, but it does not avail greatly to talk about who is responsible for this condition upon our Mexican border. It will be legitimate to call attention to it later on if it becomes material, when the great American citizenry will be called upon to approve the actions of the administration, with a view to the elections that are to be held for the selection of a Congress and a President in November. I am not going to discuss it from that standpoint, but I will adopt the remark of the gentleman from Texas [Mr. EAGLE] and his suggestion now, and put it in quotation, because I indorse it.

Mr. GORDON. Mr. Chairman, will the gentleman yield at that point?

Mr. CANNON. Oh, yes.

Mr. GORDON. Has the gentleman from Illinois introduced a resolution declaring war upon Mexico?

Mr. CANNON. "The gentleman from Illinois" has not introduced a resolution to declare war against Mexico. The gentleman is one Member out of 435. Have you introduced the resolution to declare war with Mexico? You are one of the majority.

Mr. GORDON. I have not.

Mr. MANN. He has not, says the gentleman.

Mr. GORDON. But I am not complaining.

Mr. CANNON. Oh, no; you are not complaining. My God, if you occupy that position all along during the troubles that lead up to the situation, I greatly fear you will have to clothe yourself with sackcloth and ashes to escape the condemnation of a patriotic constituency. [Applause on the Republican side.]

Mr. GORDON. Well, if the gentleman will yield further, I will say that I do not know but that he and I are in the same boat. I do not know that I am responsible in this Congress any more than he is.

Mr. CANNON. Oh, I do not go into the Democratic caucus; I am not called down to the White House for consultation; I do not help to determine things in Democratic caucus, which so far under this administration has dominated legislation, with scores of you on that side in private conversation growing profane. [Laughter.]

I will not call them by name, but I could. I do not want to be personal. It is a pretty serious condition that we have in this country. I stand ready. Whatever may have been the mistakes in legislation or in caucus of the Democratic House and Senate, obeying orders that come from a coordinate branch of the Government; whatever may have been the mistakes of omission or commission, I am not here to speak about them in extenso at this time. But I am here to say, speaking for myself, and, I believe, the minority in the House, that we stand ready to recognize the status and vote for any legislation and vote for any appropriation that is necessary to deal with the status. [Applause on the Republican side.]

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. GARNER. Does the gentleman stand also ready to vote for any revenue measures in order to get the money to conduct the operations?

Mr. CANNON. Oh, I will vote for the revenue measures, but I will wait to see what you propose. There are all kinds of rumors in circulation. Whether they are true or false I can not tell; but as I passed along just here within the last month a distinguished Member on that side said, "Well, it does not make any difference how we vote for expenditures; you fellows North have got to pay it." Thank God, we do not have to without at least showing what you are doing. [Applause on the Republican side.]

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit an interruption?

Mr. CANNON. Yes.

Mr. RAGSDALE. The gentleman knows that if he refers to sums paid by sections, the South has been paying more into the Treasury in return for what she has been getting back than any other part of the country for the last 50 years.

Mr. CANNON. Oh, the bare statement of the proposition is so ridiculous that it does not require an answer. [Applause on the Republican side.] I am not here to fight a man of straw or language. We will meet the question of revenue when it comes, and whatever revenue is necessary to be raised and whatever means are necessary to provide for carrying on this common Government, I apprehend you will find, first, that you have the power to pass them, and, second, if you do not act fairly we have the power to criticize.

Now, I do not know that I desire at this time to say anything further, but one thing I will say, because it occurs to me: This Democratic Congress did insist that, as the Congress has the power to declare war, this condition of emergency should not be left to another, but would be shouldered by this Congress.

You recollect we did that the other day. Before a great while I apprehend we will adjourn, and I hope to God before we do adjourn that action will be taken by this Congress—positive action, manly action—that will tend to wipe out the present conditions of Mexico on our southern border; and not only soothing sirup, not only procrastination, but, as we have to risk the lives of our young men and patriotic people, it will be done thoroughly; and, in the language of my friend from Texas [Mr. EAGLE], who interrupted me a moment ago, it will be done thoroughly, so that we will not have to meet a similar condition 12 months from now or 12 years from now. [Applause on the Republican side.]

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. GARNER. Do I understand from the gentleman's statement that he would go into Mexico and straighten out that country thoroughly? Is that what he means?

Mr. CANNON. I mean just this, that we have not troops enough to patrol that long border. How long is it—1,400 miles?

Mr. GARNER. Eighteen hundred miles.

Mr. CANNON. Eighteen hundred miles—two-thirds of it, substantially, being the southern boundary of the State of Texas. I mean this, that it is absolutely patent that things have been going from bad to worse down there since Huerta was put out of Mexico. It took a year to put him out, with a copartnership between the President of the United States and Villa and Carranza. Finally they put that bandit out, and, inasmuch as it took that long to put him out, I guess he had some red blood in his veins. When he was put out, then the copartnership was dissolved, and in the fullness of time, after great consideration, Villa became the unworthy bandit and the other bandit, Carranza, was recognized as the de facto government, and we have been going from bad to worse from that day until this. I mean I would go in there for the benefit of civilization, for the benefit of the whole world, for the benefit of that unfortunate population in Mexico, for the benefit of the people of the United States for our peace and comfort. Why, the great mass of the population of Mexico are terrorized——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I would like a minute or two longer.

Mr. GARNER. I ask unanimous consent that the gentleman have five minutes longer.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Illinois may proceed for five minutes. Is there objection?

There was no objection.

Mr. CANNON. God knows I do not want Mexico. I agree that we do not need Mexico and do not want it; but I say further that you can not feed those bandits with Mrs. Winslow's soothing sirup and temporize with them——

Mr. GARNER. What would you do?

Mr. CANNON. What would I do?

Mr. GARNER. Yes.

Mr. CANNON. If I had supreme power I would go into Mexico, not as an excuse. I would go into Mexico and have the manhood to say that we can not have permanent peace, that you can not be protected in Mexico, and that we can not be protected in the United States until there is set up in Mexico a government, a military government, a government of force to start with; and then, after setting up a government of that kind, let it be administered until a Mexican is found who is strong enough——

Mr. GARNER rose.

Mr. CANNON. Wait until I answer your question—until a Mexican is found strong enough to maintain order in that country. I would support that government, for we have got to keep law and order; and I would see that there was written into their government law the assurance that when in the fullness of time—God knows how long—they are competent for self-government they shall have it; that if they do not maintain law and order, the United States shall maintain law and order, as we have once and may have to do again in Cuba. [Applause on the Republican side.]

Mr. GARNER. Does the gentleman realize that to do what he has just said he would do if he had supreme power means war with Mexico?

Mr. CANNON. Well, we have got war with Mexico. Good God, do you not know, coming from Texas as you do, that it is war now?

Mr. GARNER. Then if I understand the gentleman, he indorses the war that we are having with Mexico. Is that it?

Mr. CANNON. I would have this war proceed in Mexico until we can have a permanent condition that will guarantee their protection and our security. If you want me to say that I indorse the course of our President, Woodrow Wilson, God forbid. Do you?

Mr. GARNER. A good deal.

Mr. CANNON. "A good deal," says the gentleman!

Mr. TAGGART. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. TAGGART. I do not want to use the gentleman's time.

Mr. CANNON. Well, I yield to the gentleman.

Mr. TAGGART. In addition to establishing a stable government, would you not have them pay for it, instead of squandering money of the American people? Would you not make that rich country pay for having a civilized government established?

Mr. CANNON. That is a question that will come up hereafter. I would have action now that would protect, so far as we can protect, the Regular Army, and protect the militia, over 100,000 strong, our best blood that is going in there, not properly armed, to meet the bandits who have been buying our munitions of war to shoot our boys. You ask me, do I indorse what has been done? I did not intend to say anything about it. God knows I would not and do not indorse it. It has been dillydally—wishy-washy—hogwash! [Applause on the Republican side.]

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, and for radio installations, motorcycles, and motor-driven vehicles used for technical purposes, $250,000.

Mr. HILL. I should like to ask the gentleman from New York a question. I see repeated in this bill the same phraseology—

Including the same objects specified under this head in the Army appropriation act for the fiscal year 1916.

That does not in any case, as I understand it, duplicate an appropriation made in the Army appropriation act or the Naval appropriation act, but only duplicates the specification of the object.

Mr. FITZGERALD. These are deficiencies, and the language of the appropriation in the Army act enumerates a great number of different purposes for which the expenditure may be made. Instead of repeating all of that language in these provisions, this expression is used.

Mr. HILL. But in no case duplicates any part of the appropriation which has already been made?

Mr. FITZGERALD. Oh, no.

Mr. MANN. I move to strike out the last word. May I ask the gentleman from New York whether this bill includes practically all of the deficiency estimates which have been submitted in reference to the Army, or growing out of the enlistment or calling of the National Guard?

Mr. FITZGERALD. Everything submitted by the War Department, with the exception of printing items, is in this bill. All these items practically grow out of the ordering out of the

National Guard. There may be one or two things where there is an overlapping, but practically the entire sum is due to the calling out of the National Guard.

Mr. MANN. Have there been no estimates come in since the bill was considered?

Mr. FITZGERALD. When the subcommittee was preparing the bill, attention was called to the fact that an estimate was coming in that day, which was Monday, and the Quartermaster General went over all the items in that estimate that belonged to his department. When the estimate was printed, which was to-day, it appeared that there was an item of $1,584,000 for the Medical Department. The representatives of the Medical Department were before the committee this morning, and an amendment will be offered to put that sum in. That is the only thing.

Mr. MANN. When the Army appropriation bill had been agreed upon, I think possibly before it was reported to the House, and when reported to the House it carried an item for aviation under the office of the Chief Signal Officer of a million and some odd thousand dollars, which was increased in the House on the consideration of the bill. I think at that time they submitted an estimate requesting authority for the employment of additional help here in Washington, stating that with that appropriation of a million and some odd thousand dollars it would not be practicable even to expend that sum without additional help here. Now, we increase that sum to over $3,000,000. Has any consideration been given to the question of increased help in Washington growing out of the increase in the appropriation?

Mr. FITZGERALD. The gentleman will find that on page 6 of this bill. We increase the appropriation from thirty thousand to fifty-three thousand.

Mr. MANN. I see it. The reason I did not catch it was because it was not under the Chief Signal Officer. But the original item was for a million and some odd thousand dollars, and we increased it to over $3,000,000. What will be done in reference to additional help in the offices in Washington in the War Department, where it is plain that they will need additional help growing out of these increased appropriations?

Mr. FITZGERALD. This is all they want. Col. Squier, who has been put in charge of the service, stated that they wanted some additional draftsmen, but the chief purpose is to organize an inspection force to put in the factories where the machines are to be manufactured. The committee gave everything they said that they needed and made inquiries along certain lines to ascertain whether they contemplated the situation arising in the House.

Mr. CANNON. The increase from $30,000 to $53,000 is not an increase in the clerical force.

Mr. FITZGERALD. It is not for clerical hire; it is for draftsmen and an inspection force.

Mr. CANNON. It seems to me that there is no doubt that in these various bureaus of the War Department there will be a necessity for the increase of temporary clerk hire.

Mr. FITZGERALD. They are preparing estimates and will send them in soon. We inquired about that, but we have not received them yet. This bill has not been delayed on that account for the reason that the department has gone ahead inviting bids and awarding contracts for many things for which provision is made here. We believe that they ought to have the money at once.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to address the House for five minutes on another item of appropriation.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to address the committee for five minutes on another appropriation. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I wish to speak briefly to the House with reference to a matter which concerns every Member of the House, because it pertains to the reputation and standing of the House as a whole before the country.

Notwithstanding all that has been said in debate and the elaborate discussion in the House, I observe that the newspapers of to-day and yesterday reiterate the statement that Congress was responsible for the fact that our forces likely to be engaged in war in Mexico have not a sufficient number of machine guns. I do not know that anything I can say will reach the country at large, because so much has already been said in the newspapers that has caused a false impression to prevail, but I shall at least set the record right concerning it, and definitely show where the responsibility lies.

For three years this House has been appropriating for machine guns and the Ordnance Department has either returned the money or has not used it, as in case of the last appropriation. They have been saying that they could not find a machine gun that was entirely satisfactory. I notice that the gentleman from Virginia [Mr. HAY], as a supplement to his remarks in the RECORD last Monday, printed a report from the Bureau of Ordnance showing that Army officers were still engaged in experimenting and testing, but evidently were not fully satisfied as to the type of machine gun that ought to be used. I am astonished at this report. For nearly two years they have been testing machine guns in this war in Europe under actual conditions of warfare, under tests more severe than could possibly be instituted by the Ordnance Department—tested in the field, in the trenches, in aeroplanes—and still the department thinks it necessary to make more tests in order to find out the proper type of gun.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. FITZGERALD. Does not the gentleman know that we can not get any information at present as to the results of the use of the machine guns in Europe?

Mr. GREEN of Iowa. I shall have to differ with the gentleman to a certain extent. I know some reports have been made. We have observers with the armies in Europe, and they have either made reports on the machine guns used or they are derelict in their duty, and if they have made their reports, as I assume they have, the Ordnance Department is derelict in not making any use thereof.

Mr. FITZGERALD. They are not permitted to send out any information they please. The information that is sent is controlled by the Government, and in many instances the observers think that they have not been given much opportunity to observe anything.

Mr. GREEN of Iowa. The gentleman is, of course, correct; but does the gentleman suppose for a moment that the English would object to a report on the Lewis guns, 4,000 of which have been manufactured in this country and sent over there?

Mr. FITZGERALD. I think it would. I think it is very important from the standpoint of any Government engaged in war not to permit a report to be made upon the value of any particular implement, which might find its way into the hands of its enemy. They do not permit that character of information to get out, and we have had that statement made to us.

Mr. GREEN of Iowa. Not for general publication; but they have been making reports.

Mr. FITZGERALD. I know; but once it gets out, some people have very great facilities for finding out that information. These Governments now engaged in war do not want any information to be transmitted to anybody that might possibly find its way into the hands of the enemy and furnish information of value to them.

Mr. GREEN of Iowa. That is true, of course, if the information would be of value to them; but this would be of no value.

Mr. FITZGERALD. Yes; it would. The Germans could manufacture these guns if it was to their advantage to do so.

Mr. FARR. Where do the Mexicans get their machine guns?

Mr. GREEN of Iowa. Apparently in this country. As I said, there have been some 4,000 of these Lewis machine guns manufactured in this country and sent to England, and in addition to that, England has been manufacturing in Canada. It has been said here by the gentleman from Kentucky [Mr. SHERLEY] that England had to take any old kind of machine gun that she could get. On the contrary, she could take the newest and select the best when she had them manufactured in this country, and that is exactly what she did, according to the opinion of her experts.

Of course, the Lewis gun is not the only gun used by the English, for they have another gun that is largely used; but the Lewis gun has been used by them, so far as information goes, with perfect satisfaction. We have recently read in the newspapers that the English loaned 400 of these Lewis guns to the French to be used in the defense at Verdun, and that they were so used. I do not say that the Lewis gun is the best gun that can be manufactured. My opinion upon that point would not be of much value, but I can quote from the commander of the eastern department to the effect that the Lewis gun is three to one better than the Benet-Mecier or Springfield gun, which is the one used by our Army.

Mr. HUMPHREY of Washington. Does the gentleman know whether or not it is a fact that Lewis never gave our officers a gun to try?

Mr. GREEN of Iowa. The department experimented with the Lewis gun on several occasions.

Mr. HUMPHREY of Washington. I understand the only one they ever experimented with they had to make the experiment with ammunition not fitted to the gun. The gun was so light it went to pieces under the heaviest test, and he never furnished another.

Mr. GREEN of Iowa. I can not say as to that occasion. They made a more recent experiment only a few months ago.

Mr. HUMPHREY of Washington. That is when it was, a few months ago.

Mr. GREEN of Iowa. No; I think the gentleman is referring to the original experiment. The experiment made a short time ago was made with a gun fitted first for the English ammunition and also one fitted for our ammunition. But what I was going to say with reference to the gun which our Army is now using is that it is inferior to the standard types of guns now being used in Europe and that could be obtained in this country. It is not simply my opinion that I am expressing. I am expressing the general opinion of the officers that have used it. The general in command of the Department of the East has not hesitated to say that the Benet-Mecier gun was unfitted for military service; that it was complicated, easily got out of order, and was unreliable. Thus, as a result of the indecision of the Ordnance Department, in not being able to come to a conclusion in three years as to what kind of gun we ought to have, and what kind of gun was suitable for our Army, we not only do not have sufficient machine guns at this time, but those that we do have are of inferior type and unsuitable for service of the Army. I understand there have been some 53 of these guns furnished to the militia, and that is all that the militia has. If we have a hundred thousand militia on the Mexican border, as I suppose we will eventually, they ought to have more than ten times this number of machine guns. Some one asks whether they can be obtained. I think so. The gentleman from New York [Mr. SNYDER] said the other day that the company which was manufacturing the Lewis guns had on hand 250 of those guns. I understand also that the Vickers Co. is prepared to turn out the type which the department in a sort of half-hearted way recommends for the use of the Army, but will the department get them? What we need now is more action and less red tape. If the department is not disposed to act quickly, then this Congress ought to act in defense of itself and in defense of the Government. It should make not merely an appropriation to buy machine guns but specifically direct that they shall be purchased with the money. We can not experiment forever while our brave soldiers are mowed down by their better armed adversaries.

Mr. FITZGERALD. Mr. Chairman, it is an easy matter for a man, who does not know anything about mechanics, to criticize the experts who are best qualified to discuss such things. We have in the Ordnance Department of the Army of the United States the most expert men in the world. They have been trying for years to devise and perfect a machine gun that will be satisfactory. They have not been able to do it. They use a type of gun in the Army that they have been manufacturing, but they have not been accumulated in great numbers, because experience has demonstrated that they are not as satisfactory as desired. The so-called Lewis gun has been under test. It has defects that it is hoped might be cured.

The ordnance experts have been working and conducting experiments and tests to endeavor to find a gun that, when adopted, will not only be free from the defects these guns have but be the most efficient weapon of its kind that any army possesses. Now, the United States Congress could not make itself any more ridiculous than by saying it is impatient, by finding fault with our experts because they can not solve the problem, and by compelling them to expend great sums of money for weapons that they say are not the most satisfactory that can be obtained.

Mr. FARR. Will the gentleman yield?

Mr. FITZGERALD. I believe that these criticisms of the men, who alone are competent to determine this question, are neither justifiable nor appropriate at this time. I yield to the gentleman.

Mr. FARR. Are not machine guns being made in this country and exported to European countries for use in the European war?

Mr. FITZGERALD. Yes. What of it?

Mr. FARR. Thousands of them?

Mr. FITZGERALD. Certainly, they are.

Mr. FARR. Those countries would not buy those guns unless they were effective?

Mr. FITZGERALD. They are probably the best they can get.

Mr. FARR. Why can not we get guns that are as effective as those we are sending over there and which are being used in this war in Europe?

Mr. FITZGERALD. Why should we obtain guns which, while they may be as satisfactory as we can get, do not meet the requirements that our experts insist they should have? Of course, the gentleman from Pennsylvania may know more than the experts——

Mr. FARR. I do not.

Mr. FITZGERALD. Than the experts of the Ordnance Department, and if we were in a position where we had two or three million men on the firing line, and our own concerns could not turn out the types of guns we were using, and we could get a type of gun from some other county, we would take that gladly and use it; but nobody has yet said the Lewis gun is the most satisfactory gun, and the men in the service, who speak most loudly about these matters, are the ones who are the least expert about them. I believe Gen. Crozier and his assistants in the Ordnance Department are the only men who are qualified to determine the question. I have more confidence in him than all the volunteer experts that can be marshaled either in official or unofficial life.

Mr. FARR. I do not know anything about these guns, but I do know this: We have not the guns at places where we need them. We did not have them at Columbus, which was the cause of the present trouble, and the Mexicans did have them at Carrizal and they riddled our soldiers.

Mr. FITZGERALD. Well, we did have them at Columbus, that is where the gentleman is mistaken.

Mr. FARR. Well, they were not effective.

Mr. FITZGERALD. The machine guns clogged, and the most perfect gun made so far is apt to clog under certain circumstances, and that is why the Army has not been expending millions of dollars because it is not satisfied with the type. Of course, if the gentleman from Pennsylvania wants to heap up these guns that happen to clog, it is fortunate for the country that he is not in a position to do so.

Mr. FARR. If I may be permitted to do so, I desire to say that I want machine guns in order to protect our people.

Mr. GREEN of Iowa. The gentleman thinks we could improve on them by experiment and not allow the other side to mow down our men with their machine guns.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to speak for five minutes about this machine gun.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, I just want to make this observation in regard to these machine guns, and especially in regard to what is known as the Lewis gun.

It so happens that not a very great while ago I heard a conversation of some Army officers in reference to the Lewis gun. I did not take part in the conversation, I was merely a spectator, but from all I heard at that time I am satisfied the Lewis gun has been duly tested and that it was found to be imperfect. As I remember the conversation occurring there and the facts that came out at that time, Mr. Lewis furnished a gun to be tested by our officers, but it was not suited to our ammunition. Our ammunition was much heavier than the gun was constructed for and the consequence was that in a few rounds it went all to pieces, and Lewis since that time has not furnished the department any guns to test. Now, those are about the facts as I remember, and the further fact, as I have gathered from these discussions, Lewis is a discontented, disappointed, ex-officer who is more interested in making trouble than in furnishing the guns.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes; for a question.

Mr. GREEN of Iowa. I will say to the gentleman I am not interested at all in the Lewis gun and I do not know it is the best gun, but I want to see the department purchase some kind of a gun, whatever kind they think best.

Mr. HUMPHREY of Washington. I understand; but I simply wanted to emphasize the fact that Gen. Crozier and the men whose duty it was to test this gun understand their business, and I believe they have performed their duty, and I think all of this talk, or much of it, has been in favor of Lewis because the Government has not seen fit to buy his gun.

Mr. DOWELL. Will the gentleman yield?

Mr. HUMPHREY of Washington. For a question.

Mr. DOWELL. I would like to inquire of the gentleman from Washington, if the officers have been doing their duty why it is that the National Guard are not equipped with these machine guns?

Mr. HUMPHREY of Washington. The gentleman need not ask me.

Mr. DOWELL. Then I would like to inquire of the chairman of the committee why they are not equipped, if the officers of the Army have been doing their duty?

Mr. HOPWOOD. Mr. Chairman, some strictures have been passed upon a young man by the name of Lewis, not young any more——

Mr. HUMPHREY of Washington. About 80.

Mr. HOPWOOD. No; he is about 60 or 65. He was born and raised in my district. I knew him when quite a young man, and I knew his father before him, and his mother; and he comes of as fine stock as there is in the United States of America. The gentleman from Washington [Mr. HUMPHREY] has gone far afield in attacking Mr. Lewis personally because the War Department has not accepted the Lewis gun. I do not know anything about guns, but I believe Mr. Lewis has the best gun that has ever been gotten up in the United States. [Applause on the Republican side.] I believe that, although I am not an expert on guns. But I just want to say that when the gentleman attacks Mr. Lewis he attacks the wrong man. Mr. Lewis is as distinguished a man as there is in the United States.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. HOPWOOD. Yes.

Mr. HUMPHREY of Washington. I have not attacked him, but what I said I do not retract. I make no retraction or apology for what I said.

Mr. HOPWOOD. I do not care whether you do or not. But I want to reiterate here that Mr. Lewis comes from as good stock as anybody in this House, and I will not sit here, knowing him as I do, having known him as a boy and as a man for 50 years, and remain silent while a slur is attempted to be put upon that man. He has done as much, and more, probably, for his country, considering the position he has occupied, than any man in this House has done. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, if I may be permitted a word, I just simply stated, from the information that I had, that a good deal of this trouble has been started by Mr. Lewis because the War Department had refused to take his gun. I make no apologies for that statement. I believe the RECORD shows it. I do not care what family Mr. Lewis comes from or who his ancestors were.

Mr. HOPWOOD. And I do not care what the gentleman thinks about it either.

Mr. DOWELL. Mr. Chairman, I just want to say a word. This is not a question that Mr. Lewis has stirred up, as suggested by the gentleman from Washington. The question here is, the National Guard have been ordered to the front, and they have no machine guns. It is not a question that anybody has stirred up, except that it is a question as to lack of equipment for the Army that has been called out in the defense of the Government.

It seems to me that the officers in charge are derelict in their duty in not supplying the National Guard with proper equipment when they are called in the service of the country. They have had two or three years testing these various guns, and the time to quibble about whose make of gun shall be used has passed, and these officers ought to secure the best equipment possible. They ought to get it, and they ought to get it immediately. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That all the money hereinbefore appropriated under the titles Subsistence of the Army; Regular supplies, Quartermaster Corps; Incidental expenses, Quartermaster Corps; Transportation of the Army and its supplies; Water and sewers at military posts; and Clothing and camp and garrison equipage, shall be disbursed and accounted for by officers and agents of the Quartermaster Corps as "Supplies, services, and transportation, Quartermaster Corps," and for that purpose shall constitute one fund.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

Committee amendment by Mr. FITZGERALD: On page 5, after line 2, insert as a new paragraph the following:

"Medical and Hospital Department: For Medical and Hospital Department, including the same objects specified under this head in the Army appropriation act for 1916, $1,584,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. BYRNS of Tennessee having, as Speaker pro tempore, assumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16678) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes, had instructed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FEDERAL AID TO ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I desire to call up the conference report on the bill H. R. 7617, the roads bill, and I ask unanimous consent for a few minutes in which to make a preliminary statement.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. SHACKLEFORD] calls up the conference report on the bill H. R. 7617, the roads bill.

Mr. SHACKLEFORD. I want to make a statement, and for that purpose I ask unanimous consent.

Mr. CARTER. Mr. Speaker, may I ask if there is a written statement accompanying the report?

The SPEAKER pro tempore. There is. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7617) to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes.

Mr. SHACKLEFORD. Mr. Speaker, there is a little embarrassment about this conference report concerning which I desire to submit a request for unanimous consent.

When this bill went to conference there were some gentlemen who objected to section 8, the forest-reserve section in the Senate substitute, and a portion of the conferees on the part of the House gave those gentlemen to understand that before a conference report was agreed to they would be given an opportunity to have a separate vote on section 8. In the midst of the pressing business the conferees on the part of the House by an oversight made the conference report to the House without having first given the House an opportunity to vote upon that section separately.

What I desire now is to ask unanimous consent that before the vote is taken on the adoption of the conference report a vote may be taken to express the sense of the House on section 8.

Mr. MONDELL. Mr. Speaker, do I understand the gentleman from Missouri to say that if objection is made to his request for unanimous consent the conferees will not be able to keep an agreement which they made?

Mr. SHACKLEFORD. That is true, Mr. Speaker.

Mr. MONDELL. I am very much interested in section 8 and think it is the best part of the bill, and therefore I regret to have section 8 separated from the balance of the bill and put to the test of a separate vote, but I certainly shall not object to the request if the gentleman assures us that it is necessary in order to give the conferees an opportunity to carry out an agreement they made.

Mr. SHACKLEFORD. I think that is true.

Mr. CARTER. Is section 8, which is being discussed now, included in the conference report, or was it rejected by the conferees?

Mr. SHACKLEFORD. It was adopted in the conference report.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOWELL. In the event that section 8 is submitted to a vote and is not adopted, what is the status of the conference report?

Mr. SHACKLEFORD. As I understand it, if that is voted down, then the question would arise as to whether the conference report should be adopted. If the sense of the House is that section 8 should go out of the bill, I suppose the next thing would be to disagree to the conference report and send the bill back to conference.

Mr. MANN. Mr. Speaker, I understand the request of the gentleman from Missouri is that it shall be in order, pending the consideration of the conference report, to consider a resolution something like this: *Resolved*, That it is the sense of the House that section 8 of the Senate amendment to this bill ought not to be agreed to.

Mr. SHACKLEFORD. That is my understanding.

Mr. MANN. And if that motion should prevail, then the conference report would be rejected by the House. If the motion should not prevail, then the question would be on agreeing to the conference report.

Mr. SAUNDERS. That presents the situation.

Mr. MONDELL. I do not have the same understanding of the gentleman's request that the gentleman from Illinois [Mr. MANN] has. I do not understand that the gentleman requested the adoption, by unanimous consent, of a resolution that it was the sense of the House that section 8 should go out. Those of us who are in favor of section 8 could not agree to that sort of unanimous consent.

Mr. SHACKLEFORD. The gentleman misunderstands my request.

Mr. MONDELL. I understood that the gentleman's request was for a vote on section 8.

Mr. SHACKLEFORD. That is correct.

Mr. MONDELL. Without any expression on the part of the conference committee as to whether it ought to stay in or go out. It is to be assumed that the committee desire to have it remain in the conference report, they having brought it in.

Mr. MANN. There is no way of taking a vote on section 8 while the conference report is undisposed of, except by unanimous consent, in the method I have suggested.

Mr. SHACKLEFORD. That is the only way.

Mr. MANN. It is to avoid rejecting the conference report, which I think under the agreement that was made would probably be rejected, except for a unanimous-consent agreement like this.

Mr. DOWELL. I desire to make an inquiry.

The SPEAKER pro tempore. Does the gentleman from Missouri yield?

Mr. SHACKLEFORD. Let me answer this and then I will. What I intended to ask is that before a vote is taken on the adoption of the conference report a vote shall be taken to express the sense of the House as to whether it desires section 8 to remain in or go out of the bill.

Mr. DOWELL. Mr. Speaker, if the House rejects section 8, does that reject the conference report?

Mr. SHACKLEFORD. I think it would take a separate vote.

Mr. DOWELL. I understood that it would reject the conference report.

Mr. SHACKLEFORD. No; it would take another vote.

The SPEAKER pro tempore. Now, will the gentleman state his request.

Mr. SHACKLEFORD. I ask unanimous consent that pending the consideration of this conference report a vote of the House be taken as to whether it desires section 8 of the Senate substitute to remain in or go out of the bill.

Mr. MADDEN. Reserving the right to object, I would like to have section 8 read for the information of the House, so that we will know just what it is.

Mr. SHACKLEFORD. It is the forest-reserve section.

Mr. MADDEN. I want to know just what it is.

The SPEAKER pro tempore. Without objection, the Clerk will read section 8.

The Clerk read as follows:

SEC. 8. That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter, up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent. of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per cent thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHACKLEFORD. Do gentlemen desire some time for discussion of this?

Mr. LENROOT. I would like some time.

Mr. MONDELL. We would like some time.

Mr. SHACKLEFORD. How much time?

Mr. MONDELL. Would 45 minutes on a side be too much?

Mr. SHACKLEFORD. Let us have as little as we can get along with.

Mr. SAUNDERS. Forty-five minutes on a side will be all right. Is that enough for the gentleman from Wisconsin?

Mr. LENROOT. That will be satisfactory to me.

Mr. MONDELL. There are quite a number of gentleman who want to be heard, as I understand it. I do not want to delay action, but have not quite a number of gentlemen asked the gentleman from Missouri for an opportunity to speak?

Mr. SHACKLEFORD. Not very many. There have been some.

Mr. MONDELL. I think 40 minutes on a side would cover it.

Mr. SHACKLEFORD. I will ask unanimous consent that there may be 40 minutes on a side to discuss section 8, half the time to be controlled by the gentleman from Wisconsin [Mr. LENROOT] and half by myself.

The SPEAKER. The gentleman from Missouri [Mr. SHACKLEFORD] asks unanimous consent that there shall be 80 minutes debate on this proposition, half of it to be controlled by himself and the other half by the gentleman from Wisconsin [Mr. LENROOT]. Is there objection?

Mr. HEFLIN. Mr. Speaker, reserving the right to object, I will state to the gentleman from Missouri that I want to get 15 minutes.

Mr. SHACKLEFORD. In view of the number of applications for time that have suddenly come in, I do not think anybody can get more than five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHACKLEFORD. I yield to the gentleman from Wyoming [Mr. MONDELL] five minutes.

Mr. MONDELL. Mr. Speaker, section 8 of this bill provides an appropriation of a million dollars annually for 10 years to be used for building roads in forest reservations under cooperative agreements to be made between the Secretary of Agriculture and the authorities of the State, the money to be reimbursed from the receipts from the forest reserves.

Ultimately, therefore, not a dollar of this expenditure, which can not exceed $1,000,000 a year, will come out of the pockets of the American people, or will be money raised by taxation. Every dollar of it will be money received from the reserves, and a considerable part of it will be money the flow of which into the Treasury will be quickened by building the roads which will make it possible to reach the resources of the reserves now locked up on account of lack of transportation.

The forest reserves of the United States occupy approximately 160,000,000 acres of land, an area between four and five times the size of the State of Iowa, and unless there is some provision of this kind in the bill this vast area will receive no essential benefit by the terms of this bill. Nearly 20 per cent of the State I have the honor to represent will not be affected or helped in any way by the general provisions of the good-roads bill. There are few post roads in the forest reserves; there is little population in the forest reserves except those that are there temporarily at certain periods of the year, and unless this provision remains in the bill it will be equivalent to excluding from the benefits of the bill an area as large, as I have said, as five or six good-sized States in the Union.

Furthermore, the money proposed to be expended under this section of the bill is the only money proposed to be expended under the bill that will not be drawn from the people in the way of taxes, for it will come from income which the expenditure will itself largely create. This provision was adopted by the conference committee. They believe in it; they are for it; but they had made a promise to present this forest reserve road section for a separate vote in the House, and we are bound to respect that promise, and therefore we did not object to this request for unanimous consent. But we ask every Member of this House who is in favor of the bill, who proposes to vote for it, to vote for section 8 and do justice to that great forest-reserve section of the country, as we hope to do justice to the balance of the country in the enactment of the general provisions of the bill. [Applause.]

Mr. LENROOT. Mr. Speaker, I am opposed to this proposition for two reasons: First, assuming there was merit to section 8, with the present condition of the Treasury, the Congress is not justified in voting a $10,000,000 appropriation for this purpose at this time. It ought not to require any argument, with Democrats especially, who are responsible for the appropriations

made by this Congress, to convince them that they should vote to remove section 8 from this bill.

Mr. Speaker, aside from that, upon the merits of the proposition itself, section 8 as framed is without merit. There is a very clever joker concealed in the section, and I want to try to make it plain if I can. If this was a proposition to expend $10,000,000 upon the roads within the forest reserves, there might be, and indeed I am ready to say there would be, some merit to it. But, if you will observe the language of the bill, not one single penny of the $10,000,000 will necessarily be expended upon the roads within the forest reserves. The language is:

In all, $10,000,000 to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests.

That means that if here is a road 50 miles in length, and a half a mile of the 50 miles is in a forest reserve, this money can be expended, not upon the half a mile within the forest reserve necessarily, but on the 49½ miles outside the forest reservation.

Mr. BROWNE. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BROWNE. I would like to ask the gentleman, if the bill is subject to the construction he places on it, would it not be the fact that if a Secretary of Agriculture should approve of the construction of that kind it would forever relegate him to private life and the administration under it?

Mr. LENROOT. No; because under the provisions of the bill the Secretary of Agriculture is empowered to do two things—to approve the plans and specifications of the project, and if the road, the proposed plans and specifications of which meet the standard that is prescribed by the Secretary of Agriculture, in my mind he has no option but to approve that project. With reference to this very section the provision is:

Provided, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county and the United States.

That would mean, if it means anything, an arrangement between them with reference to the expense of the road, and the language of section 8 declares that the $10,000,000 may be expended within or without the forest reservation, and that deprives the Secretary of Agriculture of any discretion of saying that the money shall be expended within the national forest reserve.

Mr. JOHNSON of Washington. Would it not be the case that a road running 1 mile in a forest reserve and 20 miles outside, the Forest Department would say that the expense would be enough to take care of 1 mile?

Mr. LENROOT. Certainly not; because the section expressly declares that the money may be expended on roads within and without the forest reserve.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. McLAUGHLIN. Would it be helpful to the gentleman if I told him that the Forester, when testifying before the Committee on Agriculture, stated that in some cases it would be necessary in developing the resources of the national forests to improve the roads altogether outside of the national forests?

Mr. LENROOT. That may be; but no such discretion is reposed in the Secretary of Agriculture or in the Forester in this bill.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. JOHNSON of Washington. Does the gentleman think it is fair for a county—say, my county—to spend $100,000 of its money to build roads in the forest reserve—in other words, on the public domain?

Mr. LENROOT. No. I stated a moment ago, as the gentleman knows if he was following me, that if this was a provision which provided for the expenditure of money upon roads within forest reservations there would be some merit to it. In addition to this the gentleman from Wyoming [Mr. MONDELL] has just made a plea to the House that an injustice was suffered by these western States, because so much of the area was taken up in the forest reservations, and therefore that they would not receive any benefit from the major portion of this bill because of that fact. But I want to call to the attention of the House the fact that in making the apportionment of the $75,000,000 appropriated in the bill under the other sections credit is given to those States for every acre of land within the forest reservations; they receive a full share, counting in every acre of the forest reservations; and, not satisfied with that, they come in with section 8 and ask for $10,000,000 additional.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SMITH of Idaho. Is it not also true that this apportionment is made according to population, which is comparatively small in the public-land States?

Mr. LENROOT. One-third is made according to population and one-third is made according to area, and that means that you will in the State of Idaho include every acre of land you have in forest reservations in determining the amount that you will receive of the $75,000,000. Mr. Speaker, is there anything just in this kind of proposition? Is this House warranted in voting to expend $10,000,000 under this kind of a proposition? If they wanted a proposition that had some merit to it, that would appeal to this House, this language would have confined the building of roads within forest reservations, or at least have given to the Secretary of Agriculture in section 8 the absolute power over the matter, and provide that no money should be expended outside forest reservations except when it was necessary to complete the scheme of roads within a forest reservation.

I frankly say from the way things go in this House that I expect the House will vote to appropriate this $10,000,000, not because it is a good business proposition, not because it is good economy, not because a single Member of this House if he was treating this question as a business question would vote for it, for I know they would not do so, but I realize the force behind this bill, and that many Members will fear that if anything is done or any change is made in it, the entire bill will fail. So far as the body of the bill is concerned, I have said repeatedly that I am heartily in favor of Federal aid to roads, but I have said, and I repeat it, that with the present condition of the Treasury appropriations are not justified either for new public buildings or any unnecessary expense, but they should be confined to the absolutely necessary expenditures of the Government. [Applause on the Republican side.]

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. HARDY. I understand the gentleman to say that in the general appropriation of the whole sum these States that have forest reserves within them have apportioned to them that portion to which their whole growth entitles them, and then in addition $10,000,000 are added as a superfluity over and above the other States.

Mr. LENROOT. That is correct. I reserve the remainder of my time.

Mr. JOHNSON of Washington. But this superfluity would be paid back by the other States, would it not? Are not the States to return this million dollars per year from returns given them from forest reserves?

Mr. LENROOT. Does the gentleman really think that the National Government in the next 50 years will receive any substantial return from this $10,000,000?

Mr. JOHNSON of Washington. I certainly do.

Mr. LENROOT. Then the gentleman takes a position contrary to the position he has taken every time when the matter of national forests has been before this House.

Mr. JOHNSON of Washington. I base my opinion upon the reports of the chief forester in which the estimates in the three reserves in my district show an increase from year to year over that which is cut, and until you have these roads you have no returns into the Treasury. The roads themselves will not cost what they will save in fire protection alone. You make this Government build fire trails, when you ought to build roads.

Mr. LENROOT. I have simply to say to the gentleman that if he was talking about something in the bill there would be merit to it, but the gentleman is not talking about the provisions of the bill.

Mr. JOHNSON of Washington. If the gentleman will give me time I will.

Mr. LENROOT. The provisions of the bill do not confine the $10,000,000 to roads within the national forests. That is the answer.

Mr. JOHNSON of Washington. In or adjacent to it.

The SPEAKER. The gentleman must not break in upon a Member's speech without his consent.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FESS. The one item in it that was winning my sympathy was the promise that the money would be paid back again. Am I to understand that there is no force to that at all?

Mr. LENROOT. Practically none, at least for a generation to come.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SMITH of Idaho. Does not the bill provide that 10 per cent of the receipts from forest reserves shall be returned to the Federal Treasury each year?

Mr. LENROOT. Yes; but will the gentleman state what those receipts are?

Mr. SMITH of Idaho. I do not know what they are.

Mr. LENROOT. Oh, the gentleman knows.

Mr. SMITH of Idaho. The gentleman knows as well as I do. It stands to reason that when these forests are opened up, and this timber goes to the market at a reasonable price, there will be a lot of it sold, instead of allowing the lumber companies to combine and charge any price they demand for the lumber, as they do now.

Mr. LENROOT. It is quite apparent, Mr. Speaker, that these gentlemen from the West desire to talk about something they would have the House believe is in the bill which is not there. The provision for reimbursement to the Government of 10 per cent of the receipts from forest reserves means nothing, for these very receipts from which the 10 per cent will be taken are money belonging to the Government and now paid into the United States Treasury; so the provision for reimbursement is a fraud upon its face.

In conclusion, I want to say that the application of this $10,000,000 will not be primarily for roads within national forests, but for roads outside of national forests. That is human nature; I do not blame them. They want all the money they can get out of the Federal Treasury, and this is a scheme to get more than their share out of the National Treasury because of the use of the words "national forests."

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has used 14 minutes.

DRAFT OF THE NATIONAL GUARD.

Mr. HAY. Mr. Speaker, through the courtesy of the gentleman from Missouri [Mr. SHACKLEFORD] I call up the conference report on House joint resolution 242 and move that the House further insist on its disagreement to the Senate amendment and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Virginia calls up House joint resolution 242 and asks that the House further insist on its disagreement to the Senate amendment and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Clerk will report it by title.

The Clerk read as follows:

House joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

The SPEAKER announced the conferees as follows: Mr. HAY, Mr. DENT, and Mr. ANTHONY.

FEDERAL AID TO ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, there are practically three points the gentleman from Wisconsin [Mr. LENROOT] has made against the bill, or, rather, section 8. First, that the condition of the Treasury does not warrant the appropriation provided. Well, now, whatever is necessary to appropriate for proper development this Government and the people of this country are ready and willing to provide the money to the end that the people may have roads that they may take their produce to the markets. So as to the first objection I believe that it is not well founded. The American people want development and are willing to provide the means therefore. All they ask is honest and proper expenditures. The other propositions I will take up in order, and the next proposition of the gentleman is that this is "pork."

I say that is only to scare Members, that there might be "pork" in this bill, whereas it is a clean-cut proposition for this Government to improve and develop its own property, that belongs to it and that it handles and that it controls. Then, after this money is expended, which is obtained from the proceeds of the timber and forests now controlled by the Government, it will be returned to the Government as the proceeds are received from proper sales, rentals, and so forth, from the forest reserves. The joker that our friend refers to in the bill, while ordinarily he reads the whole of a statement, in this instance I do not believe the gentleman read it all. The restricting clause in this bill his argument would not apply to, and I want to read it for the benefit of the House.

For the survey, construction, and maintenance of roads and trails within or only partly within the national parks.

That is practically what the gentleman read. But we find the following language, following the above, read by the gentleman from Wisconsin:

When necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent.

Now, the question of constructing, when, where, and how, provided for in the bill must be determined by the proper official; that the road, if any is built without a national forest, must be for the purpose of developing the national forests. It must be dependent upon and must be necessary to assist the communities within the national forests——

Mr. LENROOT. Will the gentleman yield for a question?

Mr. RAKER. I do.

Mr. LENROOT. Is there any language that says it must be necessary for the development of the forests? Is it not confined to the development of resources of the community outside of the forest?

Mr. RAKER. No; I do not think so. It says the development of resources upon which the communities within and adjacent to the national forests are dependent. For instance, here on that road is a large national forest that is distant 10 or 15 miles, sometimes 5 miles, running to another national forest with another 15, 20, or 50 miles. The question is whether or not you would build a road in that forest and then, with this 10 miles outside of the national forest, say that no money could be expended to make that road available so that both forests might be connected and the people in the intermediate part might receive the benefit of the development, to the end not that their property be developed but that the Government property be developed.

It is not for the purpose of constructing roads outside the national forests. That is furthest from the object of the bill. But there may be instances where it is absolutely necessary to construct some part of the road outside the forest reserve. When this occurs the road should be built. Those in charge must determine that it is necessary to develop the land within and adjacent to the forest. They must determine it is dependent upon that fact. Then they will use a part of the money or some of the money for the purpose of constructing these roads. Why, gentlemen, you have set aside these great national forests. They belong to this country; they are owned by all the people. It retards the development of the rest of the country in many, many ways, and why should you not appropriate the money from the sales of timber and other products of these forests, to the end that it may be used to develop, or at least assist in developing, the surrounding country; and when the timber is sold and the minerals in these forests are disposed of and the coal and water power is developed, then is returned this 10 per cent used, and the whole country is benefited. Section 8 of the conference report should be adopted. I firmly believe that the good judgment of the House will be exercised and the provisions of the bill providing for roads in the national forests will become a part of this bill when it is finally approved by the President. This legislation means immediate and great development in the Western States in which there are national forests. California is behind this bill and its people will be much pleased when this bill is finally a law.

The SPEAKER. The time of the gentleman has expired.

Mr. SHACKLEFORD. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Speaker, I hope that the House will agree to section 8 of this bill. I have read it carefully, and I certainly do not construe it as does my good friend from Wisconsin [Mr. LENROOT]. As I understand it, it simply provides that $1,000,000 shall be appropriated each year for the next 10 years for the development of roads within or partly within forest reserves. The reason that language was inserted was because the Forester determined that in building a road in a national forest engineering reasons would make it necessary at times to build a short stretch of road without the limits of the forest reserve, and that to compel them to discontinue the improvement of that link of the road simply because it ran for a very short distance outside the forest reserve would not be wise.

Now, from the standpoint of the Government, can we believe that it is the purpose to make this a vehicle for the construction of roads entirely without the forest reserves? It is difficult to believe that fact possible, because it is provided that the Secretary of Agriculture must approve the project, and he would not approve of any project not within the spirit of this law. It is further provided:

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder; and, beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per cent thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced

under such agreement shall have been returned from the receipts from such national forest.

Mr. LENROOT. Mr. Speaker, will the gentleman yield there?

Mr. BYRNES of South Carolina. No; I regret I have not the time.

Mr. LENROOT. I will yield time to the gentleman.

Mr. BYRNES of South Carolina. Yes.

Mr. LENROOT. I will ask the gentleman where that money comes from that the Government is going to reimburse itself with?

Mr. BYRNES of South Carolina. It comes from the forest revenues, and, as I am informed, the revenues from that source last year amounted to more than $2,000,000, and it has averaged that for a number of years.

Mr. LENROOT. Whose money was the $2,000,000?

Mr. BYRNES of South Carolina. It has come from the forest reserves.

Mr. LENROOT. But whose money was it?

Mr. BYRNES of South Carolina. It is the money of the Government. It is placed in the miscellaneous fund.

Mr. LENROOT. Yes; so that if we vote to reimburse 10 per cent of this fund, we are taking money out of one pocket and putting it into another. That is all.

Mr. BYRNES of South Carolina. It comes from the forest reserves. The gentleman from Wisconsin overlooks the fact that these forests are now there. Will you abandon them or develop them? If you develop them, you must provide these roads in order to procure revenues for them. You can not expect the States to provide them, because, as you state, the revenues now go to the Government and not to the States.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. No; I can not yield; I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. BYRNES of South Carolina. This whole question boils down to this, that this Government is not spending one cent of money for the improvement of land that is not its own land. It is for the development of the forest reserves owned by the United States Government, and these roads will make more valuable the forest reserves that are the property of all the people of this country.

When we know that this conference report is already approved by the Senate and to become law needs only our approval, will you vote against section 8 and send the bill back to conference and run the risk of having the bill defeated? The Senate has indicated its determination to stand by section 8. If you by your vote approve of section 8, then this conference report will be agreed to this afternoon and the Government will commit itself to the policy of developing the roads of this country. If you vote against it and send it back to conference, the chances are it will meet the fate it has for the last six years.

I wish to ask every Member of the House on this side not to be carried away by the arguments of the gentleman from Wisconsin [Mr. LENROOT]. Remember you are voting to improve lands belonging to the United States Government, and when you appropriate money for that purpose it is coming back into the Treasury from the revenues of the Forest Service. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. SHACKLEFORD. Mr. Speaker, will the gentleman from Wisconsin use some of his time?

Mr. LENROOT. I yield five minutes, Mr. Speaker, to the gentleman from Wisconsin [Mr. STAFFORD].

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for five minutes.

Mr. STAFFORD. Mr. Speaker, if you were to listen to the advocates of this unfair proposition from the western country, you would think that the Western States are not receiving any return whatever from the building of roads at the present time. But we have a law that grants 25 per cent of the returns of the forest reserves, to be used for school purposes and for roads in the counties where the forest reserves are located.

In addition to that there is another law that requires 10 per cent of the net results of the forest reserves to be expended upon roads in the Forest Service. We are granting to these Western States that contain these forest reserves an advantage to the extent of 35 per cent of the revenues resulting from the forest reserves, and yet they come here and ask not to be treated on a par with the rest of the country, based upon territory, based upon population, and based upon rural and star routes, but they ask to be singled out and in addition receive $1,000,000 annually, besides the amount appropriated every year in the Agricultural appropriation bill, besides the 35 per cent that I have already referred to.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Washington?

Mr. STAFFORD. Not at present. I have only five minutes. In the Agricultural appropriation bill passed at this session $400,000 is appropriated for the building of roads, in addition to the 35 per cent of the forest reserves receipts that the law grants to these States—first, 10 per cent for roads exclusively, and in addition 25 per cent to be apportioned at the discretion of the States for the support of schools and roads.

Why, the gentleman from Wyoming [Mr. MONDELL], who I thought had some acquaintance with the conditions in the Western States, says that in those forest reserves there are no post roads. I have not much acquaintance with them, but last summer I spent three weeks in the Yosemite National Park, and I went about the various forest reserves thereabouts, and I saw with my own eyes roads covered by the rural mail service in the national reserve parks——

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from California?

Mr. STAFFORD. Yes.

Mr. RAKER. Those roads that you saw in the Yosemite Valley were built by this Government.

Mr. STAFFORD. I am not referring to roads in the Yosemite Valley but to roads in the forest reserves adjacent to the Yosemite National Park.

Now, they say that they want this fund for the development of the forest reserves. Who ever heard of the building of a carriage road for the purpose of aiding logging operations? Any person who knows anything about the building of logging roads in the development of a timber country knows that they do not build those logging roads along the line of a permanent highway. The question before us is whether these Western States shall again get an unfair advantage at the expense of the rest of the country.

We have treated them fairly by portioning out 25 per cent of the net receipts of the sales of the forest reserves, to be utilized by the States, and apportioned to the counties where the forest reserves are located for the use of schools and roads. Then, again, we provide for an additional 10 per cent, to be used solely for the building of roads and trails and telegraph and telephone lines in forest reserves; and, in addition to that, to which they would be entitled under the general provisions of this bill—and no one questions that they have vast areas which entitle them to their proportionate part, based on area, and that they have star routes and rural routes, besides—they want you to vote, in addition to those large amounts, other millions annually. They want you to vote $1,000,000 annually in addition to all these amounts. I submit to you gentlemen whether it is right for them to ask it, whether it is proper for us in the condition of the Treasury, when we are going to vote $75,000,000 here, to vote an additional $10,000,000 as a favor to States that are already amply provided for in existing legislation and in existing appropriation bills?

I yield back the remainder of my time, Mr. Speaker.

The SPEAKER. The gentleman did not have any remaining to yield back.

Mr. LENROOT. I yield to the gentleman from Illinois [Mr. MADDEN] five minutes.

Mr. MADDEN. It seems to me, Mr. Speaker, that if the Forest Service is already losing over $3,000,000 a year, that is about all the Government should stand. If the States in which the forest reserves are located are getting their just proportion of the money appropriated for the construction of roads by the aid of the Federal Treasury, it seems to me that is all they ought to expect. We are already paying the States in which the forest reserves are located 25 per cent of all the revenues that come from forest reserves, and we are paying them 10 per cent in addition for other purposes; and if we ever get any money back, which I doubt, we will be getting our own money back.

Mr. SMITH of Idaho. Why does the gentleman doubt whether the Government will get any money back, when the law provides specifically that 10 per cent of the yearly receipts shall be turned into the Treasury?

Mr. MADDEN. Because, if we do get any money back, it will be our own money that we have already paid them; so that we can not get money back without getting our own money back, for we have already handed it to them.

Mr. SMITH of Idaho. Mr. Speaker, does the gentleman realize that a large amount of the receipts from forest reserves

come from the grazing privileges, from the stock pastured in those States and owned by residents of those States?

Mr. MADDEN. It does not make any difference from what source the receipts come.

Mr. SMITH of Idaho. How can it be your money?

Mr. MADDEN. It goes into the Treasury of the United States as miscellaneous receipts, and it belongs to the United States Government, and not to the people of the States in which the reserves are located. We ought not to do for the people who live in these territories more than we do for other people. We ought not to do for them more than we do for those who pay the taxes to meet the bills.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. MADDEN. Yes; I will yield.

Mr. JOHNSON of Washington. If the Government will not build trunk-line roads into its own property, the forest reserves, where it hopes to have returns, who will do it?

Mr. MADDEN. If I were going to run the forest reserves on a business basis, with the expectation of marketing the timber, I would not build highways over which to run wagons to move the timber that I wanted to move to market. I would build tramways, that could be built for almost nothing, over which the timber could be moved to a place where it could be marketed. You can not move timber economically to market by horses and wagons, and to talk about the construction of highways for that service is absurd. It is ridiculous, and no man with an ounce of sense, running this timber business for his own profit, would dream of it—not a man.

Mr. SMITH of Idaho. As a great captain of industry, which the gentleman from Illinois is, I want to ask him, if he owned 100,000 acres of fine timberland, would he build roads in it to get the timber out, or would he allow the timber to mature and decay?

Mr. MADDEN. If I wanted to market the timber I would build tramways, and I would put locomotives on the tramways, and I would haul the timber to market in that way, and not by wagons with horses or mules. You can not do it by building highways. There is no use to talk about it. It is ridiculous; it is absurd. It is nonsense, and it is not business.

Mr. SMITH of Idaho. Will the gentleman vote for an amendment providing for the building of railroads in there and buying locomotives to haul the timber to market?

Mr. MADDEN. I yield back the remainder of my time.

The SPEAKER. The gentleman did not have any left to yield back.

Mr. SHACKLEFORD. I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, there are 138,000,000 acres of forest reserve in the 17 Western States of this Republic, and we are all in favor of conservation, and we all ought to be in favor of it. I say to you now as a friend of conservation and as a friend of the forest reserves those of you who are fighting these roads in the forests to-day are cutting off your noses to spite your faces. You are making the forest reserves in the West so unpopular that sooner or later the people of those States will come in here and break down the forest reserves, and you will have no conservation and no forest reserves. My good friend from Wisconsin [Mr. LENROOT] and my other good friend from Wisconsin [Mr. STAFFORD], neither one voted for the roads bill when it first passed the House, and they are evidently not in favor of it now. They both voted against it when this section relating to forests was not in the bill. Are you gentlemen on this side of the aisle going to let them fling dust in your eyes on some side issue when they are opposed to good-roads legislation altogether? Are you gentlemen over on this side going to be misled into striking down conservation and helping to make it unpopular because a few gentlemen here—a very few—are opposed to any appropriation here for roads? During the last three days we have sat here, silent witnesses, and have seen millions appropriated on this floor without ever having been considered by a committee, without ever having any department reporting in favor of it. This proposition is favored by the department; it is reported on favorably by the department; it is asked for by the department; it is needed by the department; it is agreed to by the conference committee. The conference report is adopted by the Senate. The West is entitled to this consideration. It is only fair to them; it is only just to them. We ought not quibble and beat around the bush in giving it to them.

Let me call the attention of this House to one thing: You appropriated $35,000,000 for an Alaskan railway to open Alaska. Now you are asked to appropriate $1,000,000 a year for 10 years, to be returned to the Treasury out of these receipts, to help build roads in the 138,000,000 acres of forest reserves of the West. This is only advancement. These reserves are right here on the mainland of the United States. The roads are needed; the local communities are not able to build them. Are you going to do it, or are you going to screw up your faces and say, "This is wild abandonment of economy"? Are you going to try to break down the Forest Service? I do not believe this House is going to take the back track.

My good friend from Illinois, MARTIN MADDEN, comes in here every year and tries to break down irrigation. He would accomplish that if he could. I do not expect Chicago to do much irrigating in the West, and I do not expect my beloved friend, MARTIN MADDEN, to do much for irrigation in the West. I do not expect him to be in favor of it, but it is the duty of the rest of us to see to it that the Reclamation Service, that the Forest Service, and that conservation are not broken down in the West. It is easy for some one to come in here and start up a big hurrah and try to scare Members to death. I should think in the interest of good administration you would at least have selected two fellows in favor of the good-roads bill to wage this fight. I have called attention to the fact that the gentlemen from Wisconsin, both of them, voted against this very good-roads bill when it passed the House, and they were in slim company then, and if the House does its duty they will be in slim company to-day. Seventeen States out West can not carry the whole conservation propaganda for a hundred million people. You keep it up and the injustice so practiced will finally overthrow the forest reserves. The 17 Western States have 34 Senators and they, plus the industrious and diligent Members of the House from out there, will focus attention on it until it will break it down. The true friends of the forests will try to make them popular, not unpopular. This road provision will help popularize them and will help reconcile the West to these large reserves.

Mr. HARDY. Will the gentleman yield?

Mr. FERRIS. I have but five minutes, but I will yield to the gentleman.

Mr. HARDY. If the forest reserves were cared for by section 8, why were they considered and allowed for in the general apportionment?

Mr. FERRIS. They get a very small amount—10 per cent of the total receipts—not enough to make 1 per cent of what they ought to have.

Mr. HARDY. I do not think the gentleman appreciates my question. They are estimated as a part of the area of the State, and they get their proportion of the general fund. Is not that an injustice to other States if you take care of them in this section?

Mr. FERRIS. I do not think so. Here is a great Government reserve that pays no taxes, that is held there without use, without occupation, without productiveness, and what for? In order that the rest of the country may have conservation of timber, lumber, and all the uses for which timber can be used. I say to you that the little, sparsely settled, arid States of the West can not longer in justice carry the whole conservation propaganda for a hundred million people. [Applause.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. LENROOT. Mr. Speaker, how much time have I remaining.

The SPEAKER. The gentleman has 15 minutes.

Mr. LENROOT. I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I have read the provisions of this bill and I wonder what my colleagues on the House Committee on Roads think of the measure that has come back to this House after the glowing representations they made here on the floor of the House as to the perfect piece of legislation that they had evolved when it was discussed last January. I stand somewhat amazed at the remarks of the gentleman from Oklahoma [Mr. FERRIS] when he gets up here and holds out something akin to a threat to the House, and says that if you do not leave this section in the bill 17 States small in population, 17 half-settled States in the West, are coming in here and overthrow and tear to tatters the great program of conservation which has heretofore been followed. These 17 States have Representatives on the floor who believe in the conservation of everything except the Public Treasury. Section 8 was evidently put into the bill, Mr. Speaker, to give it a little air of respectability.

Mr. FERRIS rose.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Oklahoma?

Mr. WALSH. No; I do not yield. It was put in there to give the bill some semblance of respectability. A provision is put in here about the reimbursement of the Public Treasury.

If it is a good thing for the United States Government to reimburse itself out of its own funds, why isn't it a far better thing for the States within which these roads are to be built to reimburse the Government for the funds that will be used in the building of the roads? That would hardly be a pleasing prospect to these States or the States who have for years neglected a plain duty in relation to taking care of their internal improvements. I submit, Mr. Chairman, that section 8 ought to be stricken from the bill. The whole bill ought to be defeated, as it is an unnecessary burden for the Nation to assume at this time. It is colossal in its raid on the Treasury and is barefaced in its discrimination against the States that pay the major portion of the taxes now assessed as a result of Democratic policies.

Mr. RAKER rose.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from California?

Mr. WALSH. I do not. I say that this section ought to be stricken from the bill for another reason, and that is because it is a subject entirely apart from the purpose of this bill. It is not to promote or facilitate the carrying of the rural mails on any roads on which they may now or hereafter be carried. It is an entirely foreign subject. It ought to come in here as a separate proposition, and should come in here connected with some measure having to do with forest reserves or national parks. Where, oh where, has the $65,000 slice of park gone to, Mr. Speaker? That apportionment which was so vigorously defended by the farmers' friends from the vast agricultural States of Virginia, Alabama, Georgia, Florida, and South Carolina. Truly, those gentlemen have just cause to weep.

Mr. HASTINGS. Will the gentleman yield?

Mr. WALSH. I will not. The appropriation of $25,000,000, which the Shackleford bill called for, in a few years will be increased by this glorious measure to $75,000,000 for rural post roads, and we will then only have just begun this enormous program for the construction of roads throughout the States of this country under Federal auspices, and paid for by the dozen or so really progressive States of the Nation. Under the proportions established by this bill these 17 sparsely populated Western States are going to get the lion's share, because they are going to get it under the seven other sections of this bill and because of their vast areas of nonproductive, lightly taxed land, and if this section is allowed to remain in there they are going to get it also under the pretense of assisting in the development of the forest reserves. [Applause.] They will get an unfair and unjustifiable proportion of the sum herein appropriated, and at the expense of New England and the great manufacturing States within our borders.

Mr. SHACKLEFORD. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Speaker, I am in favor of this bill, but I believe if section 8 is voted down it means no good-roads legislation at this session of Congress. There have been arguments made by the opponents of this bill that section 8 of this bill does not provide that the roads shall be made within the forest reserves; that the State having forest reserves can obtain aid for roads located any place within the whole State where the forest reserve is located. I call your attention to section 1 of the bill, which seems to have been overlooked. If anyone will read this section of the bill, they will see that any road that is located under the provisions of this bill must be located with the consent of the Secretary of Agriculture. The Secretary of Agriculture and the State highway departments must agree where the road shall be located. Therefore the roads provided for under section 8 must be located in and adjacent to the national forests for the development of the national forests and making the resources of the national forests available. Unless the Secretary of Agriculture and the State authorities conspire together to evade the law, these roads will be located fairly, and with this object in view, as clearly expressed in the bill.

I do not believe that a public officer like the Secretary of Agriculture is going to do anything wrong or unfair in locating a road upon which Government aid shall be expended. The Government is simply improving its own property and is advancing money that it will receive back from the forest reserves. The resources of the forest reserves are not available unless we have roads to those resources. These large forest reserves located throughout the West, exempt from taxation, retard the States' development, and it is only fair that the Government do something toward building roads through its own property to connect the State roads on each side. Even an individual would be compelled to do as much as this. The State also is obliged to contribute an equitable amount toward the building and maintenance of these roads.

Another thing. I think that many of our eastern friends who are opposing this road legislation will want to go out and visit our great national parks and forest reserves, and the only way to visit our national parks is to make the beautiful scenery and rich resources of the parks accessible to the public by building good roads in these parks. People spend millions of dollars every year in going to Europe to view scenery that does not begin to be as good as that which we have in our national parks, and I think it is only fair and just that some of the money coming from these great forest reserves be used to make roads within the national parks and forest reserves. Mr. Speaker, I have noticed that almost every man who has spoken against this provision of the bill spoke or voted against the good-roads bill when it first passed the House. They undoubtedly know that it means, if this eighth section of this bill is defeated at this time, that this bill goes back to conference, and it is extremely doubtful whether we will get any good-roads legislation at this session of Congress. We can not ever get a road bill which everyone will be perfectly satisfied with. We have to concede certain points in a great country with so many diversified interests when we legislate for the whole country on a question like roads.

In all great national projects we have to concede certain points, and even if this road law does not meet with the approval of everyone in every particular, I think on the whole it is a step in the right direction, and it will start us in on a great project of national aid to roads which is going to be of inestimable value to all of the people of the country. By passing this bill at this time, voting in favor of this eighth provision and the conference report, we will have a good-road law, and we will at least have national aid given to wagon roads which the people of this country have been trying to get for the last 50 years. [Applause.]

Mr. SHACKLEFORD. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. FESS.]

Mr. FESS. Mr. Speaker, as a believer in the conservation of our national forests, I do not look upon it that that means that they are not to be developed. We nationally conserve them in order to avoid waste or abuse by private industry, and as a believer in this principle of conserving them I also believe in developing them. [Applause.] I am not opposed to the extension of conservation, but I desire to see the forest reserves made usable for the Government instead of for the individual, and if that is true, then we do not want them to stand unused or undeveloped. I want to make them usable, and I think the Government is justified in advancing, if necessary, a certain portion of the money to develop the forests, with the understanding that that is to be returned to the Government. Believing that it is the policy of the Government to use the forests in our conservation scheme rather than to allow them to be regarded as something too valuable to be utilized, I am going to vote for section 8. I think I am justified in it, and I also believe in the building of roads with Federal aid. I think that is a justifiable expenditure of money. For that reason I shall vote not only for section 8 but for the bill as reported. [Applause.]

Mr. SHACKLEFORD. Mr. Speaker, I yield five minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Speaker, much has been said in opposition to section 8 of this measure, which is calculated to mislead the House as to the real purpose and intention of this section. It has been suggested that this money may not be expended for the purpose of developing roads in the national forests, and for opening up the national forests, but may be expended outside of the national forests. In reply to that, I will say to the House that this measure was prepared and is asked for by the Secretary of Agriculture, who has the national forests under his care and charge. Furthermore, the bill provides that before a dollar can be expended a contract must be entered into between the State on the one side and the Secretary of Agriculture on the other; nothing can be done without his approval; he is there to protect the national forests, as it is his duty to do, and it is his duty to see to it that the proposed roads shall be such as will develop and open up the national forests. There is nothing in the objection that this money may not be spent to open up the national forests unless you assume that the Secretary of Agriculture will neglect his duty. What is the situation in my State and in other Western States? Gentlemen from Eastern States demand that some of our Western States shall be set aside in reservations as wood lots, I might call them, for the use and welfare of the future. We do not object to having our States set aside as wood lots, but if they are set aside as wood lots, we do not want these wood lots running across and lengthwise of our States as impassable barriers, as they are in the State of Oregon. Running across my State for 275 miles there is an enormous forest. It renders one side of

the State during a large portion of the year inaccessible to the other side of the State, except that there was built by public-spirited citizens and counties at the northern boundary along the Columbia River, at a cost of nearly $1,000,000, the great Columbia highway. Otherwise this forest renders the eastern part of the State practically inaccessible to the western part of the State. We have in the State of Oregon 13,000,000 acres in forest reserves, worth four or five hundred million dollars—an area almost three times the size of the State of the gentleman from Massachusetts [Mr. WALSH], who is objecting so strenuously to section 8 of this bill. We can not tax this great area which is almost three times the size of his State. If we could tax that area we would build, at our own expense, roads from one end of the State to the other. Last year that enormous area only brought into the State treasury for road and school purposes the small sum of about $49,000. We do not think we are making an unjust demand on the Government when we ask that money be appropriated to open roads through these forests to develop them and to make one side of our State accessible to the other.

I yield the remainder of my time to my colleague, Mr. MCARTHUR.

[Mr. McARTHUR addressed the House. See Appendix.]

Mr. JOHNSON of Washington. Mr. Speaker, I make the request to extend my remarks in the RECORD.

Mr. SMITH of Idaho. Mr. Speaker, I make the same request.

Mr. BRITT. Mr. Speaker, I make the same request.

Mr. EVANS. Mr. Speaker, I make the same request.

Mr. TIMBERLAKE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent that all Members have five legislative days to extend their remarks upon this bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all gentlemen be allowed to extend their remarks in the RECORD on this bill for five legislative days. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWLEY. Mr. Speaker, I earnestly hope that the House will agree to section 8, authorizing the expenditure of $1,000,000 per year for a period of 10 years for the construction of roads in the forest reserves in cooperation with the States and counties in which such reserves are situated. This section enables the Government to improve and make accessible and salable the timber, grazing, and other resources on its property. It also makes it possible for the people who live in and adjacent to the reserves to have the means of communication and transportation absolutely necessary for their growth and development, and to give them opportunity for obtaining proper mail facilities. During the past year Oregon received three-eighths of 1 cent per acre in lieu of taxes for forest-reserve lands. No one will maintain that such an amount gives any appreciable relief to the counties in the construction of roads. The proposed appropriation in this section gives, it is true, small relief in a very difficult situation. If the Government intends to hold these vast reserves, it should not leave them in a wild and inaccessible condition. They should be improved by the Government, at least in construction of roads, to the same extent that they would be required to be improved if they were held in private ownership. Such improvement is only the merest justice to the States in which great areas are withheld from taxation. I am not advocating any utopian scheme at the expense of the National Government, and nothing of that kind is possible under this section. These roads will be built in cooperation with the States and counties, and every dollar expended will be profitably expended. Moreover, the Forest Service in its road construction has proved that it builds good roads at minimum cost also.

Mr. SHACKLEFORD. Mr. Speaker, I yield two and one-half minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, I desire to express the full appreciation on my part and of my colleague [Mr. SHACKLEFORD] of the kindness of friends on both sides of this aisle which has enabled us, through the medium of unanimous consent, to make effective an understanding which through inadvertence had been overlooked.

The immediate proposition before the House this afternoon, is the very simple one whether the United States Government shall improve its own property. That is the kernel of this controversy. I do not think it was ever contemplated that these forests should remain wholly undeveloped and unprovided with roads or trails. The addition of roads will plainly increase the value of the vast area included within our forest reservations. Section 8 provides that the United States shall improve its own property. Is there any valid objection to that action, particularly when we find included in this section a provision for the reimbursement of this expenditure out of the revenues derived from this forest property? In what other legislation for the development of the country, and surely no one can deny this is a proposition of national development, do we find a provision for the reimbursement of the Federal Treasury for the amounts proposed to be expended?

It was only a day or two ago that this body provided hundreds of thousands of dollars for the development of roads in Alaska with no provision or suggestion of provision for reimbursement. Speaking for myself, I see much greater merit in a proposition which looks to the development of the States in the West which hold these great forest reserves than in one looking solely to the development of Alaska. [Applause.] This proposition commends my unreserved support on its merits. It is a project of real conservation. In this connection I desire to call attention to the fact that every gentleman who has opposed this section, is a gentleman who by antecedent vote and speech has shown that he was opposed to the entire policy of Federal aid to road development. It is not that this proposition is particularly obnoxious and objectionable, but that these gentlemen now in opposition are fundamentally opposed to the plan for the Federal Government to aid in the development of the United States through the construction and maintenance of roads over which the mails and traffic of the entire country will be carried.

Mr. MADDEN. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. MADDEN. I know that the gentleman from Virginia wants to be correct.

Mr. SAUNDERS. Why, certainly.

Mr. MADDEN. He does not want to state that speeches made in opposition to this section of the report are all made by men who are opposed to the bill for good roads as it originally passed the House?

Mr. SAUNDERS. So far as I am aware——

Mr. MADDEN. I voted for the bill.

Mr. SAUNDERS. So far as I am aware every speech that has been made this evening in opposition to section 8 has been made by some gentleman who was originally opposed to the road bill.

Mr. MADDEN. The gentleman must be mistaken, for I voted for the bill.

Mr. SAUNDERS. Did not the gentleman speak against the bill?

Mr. MADDEN. I spoke for the bill and voted for it.

Mr. SAUNDERS. My recollection was that the gentleman's attitude toward the bill when it was under consideration, was one of antagonism to the bill, and his speeches were to that effect; but I do not recall how he voted. Of course I accept the gentleman's statement in that connection.

The SPEAKER. The time of the gentleman has expired.

Mr. SHACKLEFORD. Mr. Speaker, I find that I have promised seven minutes more than the time I have, and I want to ask unanimous consent to extend the time——

Mr. LENROOT. Mr. Speaker, what is the request? [Cries of "Vote!"]

Mr. SHACKLEFORD. There is only one more speech on this side.

The SPEAKER. Does the gentleman from Missouri have any request to make?

Mr. LENROOT. I stated to the gentleman I had two more speeches. Now, if the gentleman wants to hold me to it——

Mr. SHACKLEFORD. I have only one on this side. [Cries of "Vote!"]

Mr. LENROOT. Does the gentleman object to my having two short speeches?

Mr. SHACKLEFORD. No; go ahead.

Mr. LENROOT. Mr. Speaker, I yield five minutes to the gentleman from Minnesota. [Mr. ANDERSON.]

Mr. ANDERSON. Mr. Speaker, I voted for the good-roads bill when it passed the House. I have always been for Federal aid for the construction of roads. I am for Federal aid now, but I am opposed to section 8 of this bill.

The question presented by section 8 is not the question of whether we will do something for the development of the national forests or for the development of roads in national forests, but a question of how much we will do. We are now appropriating $400,000 a year for the construction of roads and trails in national forests.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. ANDERSON. I can not yield in five minutes. In addition we are turning over to the States for expenditure in the counties in which the national forests are situated for schools and roads 25 per cent of the proceeds of the national forests and in addition 10 per cent more for roads alone.

Now, the statement has been made that the amounts which will be paid under this bill for the construction of roads in the national forests will be reimbursed out of the proceeds arising from the sales of timber in national forests. As a matter of fact, nothing of the kind will be the case. Instead of paying for these roads out of the proceeds of national forests, we must pay for them out of the money which we collect from the taxpayers' pockets. We are now paying for the maintenance of the national forests approximately $5,000,000 per year, and we receive from the sales of timber in the national forests approximately $2,500,000 a year, so that there is now in the operation of the national forests a deficit each year of $2,500,000, out of which we are proposing to reimburse the Government for the additional million dollars that we propose to expend under this bill.

Of the $2,500,000 which we receive from the proceeds of national forests, as I said before, we now spend approximately $1,300,000 in the construction of roads and trails in these national forests, and we are now proposing to spend an additional one million, although the national forests are not now self-supporting, and we are unable to find out from the Forest Service when they will be self-supporting.

If, as a matter of fact, the Forest Service were self-supporting; if, as a matter of fact, we were getting more from the national forests than we were putting into them, then there would be some justification for this proposal to pay a million dollars more than we are now paying for the construction of roads and trails in those national forests. But the proposition to pay it out of a deficit is absurd and a pure humbug.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Michigan?

Mr. ANDERSON. Yes.

Mr. McLAUGHLIN. The gentleman is a member of the Committee on Agriculture?

Mr. ANDERSON. Yes.

Mr. McLAUGHLIN. Does not the gentleman know that the Forester tells the committee that the reason, or the principal reason, why the receipts from the national forests are not larger is that the development is retarded by lack of roads?

Mr. ANDERSON. I do not remember any such statement having been made to the committee.

Mr. McLAUGHLIN. It has been made year after year.

Mr. ANDERSON. I have not heard it made, and if it has been made, I doubt whether it is correct. The proposition suggested by the gentleman of building roads in national forests for the purpose of aiding logging operations is absurd, as it will be seen to be by anybody who knows anything about logging operations on a large scale. The purpose is not for the development of the national forests, but it is to build roads for the settlers in the national forests and settlers who have settled in areas adjacent to the national forests. It is a proposition to give the national-forest States a sum in addition to that to which they would be entitled if they were treated on the same basis as the other States are treated and in addition to the $1,300,000 they are now getting.

Mr. Speaker, I yield back the balance of my time. [Applause.]

Mr. LENROOT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has six minutes.

Mr. LENROOT. Mr. Speaker, the course of this debate has taken a turn that was quite expected by me. Nearly every gentleman who has spoken on this subject at some time or other in his speech has warned the Members of the House that if they vote against section 8 there will probably be no good-roads legislation, which leaves the proposition a logrolling one—that you tickle me and I will tickle you, or else we can not get any legislation at the hands of Congress at this session.

Now, in the first place, Mr. Speaker, that is not so. This House can vote to express itself under this motion that section 8 should be stricken out, but the House will hereafter have opportunity to recede from the position that it may take to-day and adopt the provision of section 8 included in the Senate bill if later it shall be found necessary.

Mr. Speaker, another phase of this subject: My good friend from Oklahoma [Mr. FERRIS] in the speech that he made said that he took the position he did because he was afraid that unless legislation of this character was enacted the whole system of conservation would be broken down.

Mr. Speaker, I think I can say that I have been somewhat active in pressing conservation measures before this House during the years that have gone, and one of the reasons why I am opposed to section 8 is that if we are going to legislate in this manner conservation is in danger of being broken down. In time to come, if these conservation measures relating to the West shall be broken down, it will not be because of pressure against them from the West, but it will be because of the millions of dollars that have been paid out of the United States Treasury, coming from the taxpayers as a whole, from which there is no direct return to them, but only to the people who inhabit the Western States.

That is the danger there is to the conservation movement to-day. On these forest reservations we are spending out of the United States Treasury two and one-half million dollars more than is received, and when section 8 becomes a law we will be expending $3,500,000 out of the money of the taxpayers of all the United States for the benefit of the people of the Western States alone, and we must call a halt somewhere, so far at least as extravagant expenditures are concerned.

Now, in the opening speech that I made I said that I am not opposed to roads upon national forests. I am not. We do need them, but we do not need them in the manner proposed in this bill, where in all probability we will not get them. If we are going to build roads upon national forests—and we ought to—the Government ought to build the roads from beginning to end. They ought to be appropriated for in the Agricultural appropriation bill, and the Government ought to have the right to supervise and construct the roads from start to finish, which it will not have under this bill.

Now, it has been said a number of times by a number of speakers that I and my colleague [Mr. STAFFORD] voted against the original bill before this House, and therefore our arguments should not be given any great amount of weight. It is true, Mr. Speaker, that I voted against that bill, not because I am not in favor of the principle embodied in that bill or in this bill, because I am in favor of it. I did have an idea—there were not many of us, it is true—but I was one of a small number who had the idea that under the present condition of the Treasury, with a daily increasing deficit in the Treasury, there ought to be some halt upon expenditures by the Government during this time of stress and of trial.

Reference has been made to the Alaskan bill. I voted for the Alaskan bill. I want to say to this House that if the Alaskan bill had come up in this session as a new proposition, under the present condition of the Treasury, I should not have favored it. I should have voted to postpone the building of that railroad in Alaska until the Treasury of the United States was in better condition. True, I was in favor and am in favor of going on with that construction in Alaska, because unless we go on we will lose a very large percentage of the Government money already expended upon that railroad, and we should go on with the work for exactly the same reason that the Committee on Rivers and Harbors were justified in appropriating for continuing improvements upon harbors wherever to stop the improvement would mean a loss to the Government of the money already expended. But, Mr. Speaker, to launch out upon new propositions, however worthy they may be, and however desirable they might be when the Treasury was in a normal condition and we had normal times in the country, this is not the time, under the present circumstances, to launch into expenditures of hundreds of millions of dollars. [Applause.]

Mr. SHACKLEFORD. Mr. Speaker, I yield the remaining time to the gentleman from South Carolina [Mr. LEVER]. [Applause.]

Mr. LEVER. Mr. Speaker, I intend to vote for this conference report precisely as it has been presented to this House. I intend to vote for it for the reason that I am in favor of Federal aid in the building of roads and, further, because I am in favor of the conservation of the natural resources of this country through a proper and sane development of them.

This bill as reported involves both propositions—aid in the construction of roads in order that the farmers of this country may more cheaply transport their products to the market and that they may be more cheaply bought by those who consume them; and, then, I am in favor of it because I see in it a great forward step in the matter of the conservation of the natural resources of this country.

The distinguished gentleman from Massachusetts [Mr. WALSH] alludes sneeringly to the 17 forested States of the West as "17 little Western States." The gentleman from Massachusetts does not realize that the public forest domain of this country, composing 137,000,000 acres, is twice as large as all the New England States put together, Massachusetts included. [Applause.]

The truth of the matter is that the distinguished, active, and energetic gentleman from Massachusetts has been the one fly in the ointment of good-road legislation at this session of Congress. [Applause.] It is true, Mr. Speaker, that he has been a rather small fly, but nevertheless a fly. [Applause and laughter.]

I have been greatly surprised at the attitude of the distinguished gentleman from Wisconsin [Mr. LENROOT], who has posed—and I think properly posed—for many years as the

chief champion of conservation legislation in this country. The gentleman is still a conservationist. I am sure of that; but the gentleman is overlooking the fact that in this section 8 of this conference report is to be found one of the longest steps in the direction of real conservation that this Congress has ever taken. [Applause.] The gentleman's principles have not changed on this conservation proposition. It is that his judgment has gone wrong. I am a conservationist. I have stood here for 14 years—battling with the gentleman from Wisconsin [Mr. LENROOT] in many instances—to prevent private corporations and big business either from bottling up the natural resources of this country or entirely gobbling them in their own interests. I stand here now opposed to exploitation of the property that belongs to all the people of the country by and for a few great private concerns. I am not such a conservationist as to fail to see the absolute necessity and the wisdom of developing to their full capacity and service the natural resources of the country. Here we have an immense domain of forested area. It belongs to me in South Carolina, 3,000 miles away, as much as it does to the distinguished gentleman from California [Mr. RAKER], who sits next to me and is a part of that domain. I am interested in the development of that property. I want to see it bring into the Treasury a fair return. I think I have sense enough to know that a great forest with hundreds of millions of acres of standing timber in it will never be of any use to the people of this country until we have some means of getting into it and developing it. [Applause.]

The SPEAKER. The time of the gentleman has expired. All time has expired. Those in favor of keeping section 8 in this bill will vote "aye," those opposed "no."

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. LENROOT. Division, Mr. Speaker.

The House divided; and there were—ayes 180, noes 53.

The SPEAKER. Section 8 stays in the bill, and the question is on agreeing to the conference report.

Mr. STAFFORD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Have the conference report and statement been read?

The SPEAKER. They have not. The Clerk will read the conference report.

Mr. SHACKLEFORD. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects. The Clerk will read the conference report.

The Clerk read the conference report and statement.

During the reading of the report the following occurred:

Mr. BENNET. Mr. Speaker, I ask unanimous consent that the further reading of the report be dispensed with and that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 856).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. R. 7617, entitled "An act to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the title of the bill and agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter inserted by the amendment of the Senate insert the following:

"That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this act to any State shall be expended therein until its legislature shall have assented to the provisions of this act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this act, the assent of the governor of the State shall be sufficient. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction: *Provided*, That all roads constructed under the provisions of this act shall be free from tolls of all kinds.

"SEC. 2. That for the purpose of this act the term 'rural post road' shall be construed to mean any public road over which the United States mails now are or may hereafter be transported, excluding every street and road in a place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart; the term 'State highway department' shall be construed to include any department of another name, or commission, or official or officials, of a State empowered, under its laws, to exercise the functions ordinarily exercised by a State highway department; the term 'construction' shall be construed to include reconstruction and improvement of roads; 'properly maintained' as used herein shall be construed to mean the making of needed repairs and the preservation of a reasonable smooth surface considering the type of the road; but shall not be held to include extraordinary repairs, nor reconstruction; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act.

"SEC. 3. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, the sum of $5,000,000; for the fiscal year ending June 30, 1918, the sum of $10,000,000; for the fiscal year ending June 30, 1919, the sum of $15,000,000; for the fiscal year ending June 30, 1920, the sum of $20,000,000; and for the fiscal year ending June 30, 1921, the sum of $25,000,000. So much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year, except that amounts apportioned for any fiscal year to any State which has not a State highway department shall be available for expenditure in that State until the close of the third fiscal year succeeding the close of the fiscal year for which such apportionment was made. Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within 60 days thereafter, to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State highway departments and to the governors of States having no State highway departments in the same way as if it were being apportioned under this act for the first time: *Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act.

"SEC. 4. That so much, not to exceed 3 per cent, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act shall be deducted for that purpose, available until expended. Within 60 days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this act will not be needed for that purpose and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the State highway departments, and to the governors of States having no State highway departments, in the same way as other amounts authorized by this act to be apportioned among all the States for such current fiscal year. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population

of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture.

"SEC. 5. That within 60 days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State highway department and to the governor of each State having no State highway department the sum which he has estimated to be deducted for administering the provisions of this act and the sum which he has apportioned to each State for the fiscal year ending June 30, 1917, and on or before January 20 next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year.

"SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvements. Items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per cent of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof. No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

"When the Secretary of Agriculture shall find that any project so approved by him has been constructed in compliance with said plans and specifications he shall cause to be paid to the proper authority of said State the amount set aside for said project: *Provided*, That the Secretary of Agriculture may, in his discretion, from time to time make payments on said construction as the same progresses, but these payments including previous payments, if any, shall not be more than the United States's pro rata part of the value of the labor and materials which have been actually put into said construction in conformity to said plans and specifications; nor shall any such payment be in excess of $10,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span. The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

"The Secretary of Agriculture and the State highway department of each State may jointly determine at what times, and in what amounts, payments, as work progresses, shall be made under this act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official, or officials, or depository, as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State or county.

"SEC. 7. To maintain the roads constructed under the provisions of this act shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained he shall give notice of such fact to the highway department of such State and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road until it has been put in a condition of proper maintenance.

"SEC. 8. That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter, up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

"That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per cent thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

"SEC. 9. That out of the appropriations made by or under this act the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this act.

"SEC. 10. That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this act.

"SEC. 11. That this act shall be in force from the date of its passage.

"Amend the title so as to read: 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes.'"

And the Senate agree to the same.

D. W. SHACKLEFORD,
E. W. SAUNDERS,
Managers on the part of the House.
J. H. BANKHEAD,
CLAUDE A. SWANSON,
CHAS. E. TOWNSEND,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House make the following written statement in explanation of the action agreed upon by the conference committee submitted in the accompanying conference report:

The title to the bill has been amended as follows: "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes."

The following changes in the amendment of the Senate were made by the committee on conference:

Section 1: The following language stricken out: "Nor shall any of the money appropriated under this act be used for constructing extensions of, or mere branch roads out from, toll roads."

Section 2: The following language stricken out: "Not constructed under this act."

Section 2: And also the following language was substituted: "'Properly maintained' as used herein shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface considering the type of the road; but shall not be held to include extraordinary repairs nor reconstruction."

Section 4: Three per cent was substituted for 5 per cent.

Section 6: The language substituted in this section was for the purpose of enabling States to receive the benefit of this act by building roads other than by contract.

Section 7: The language of this section was stricken out and the following inserted:

"SEC. 7. To maintain the roads constructed under the provisions of this act shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained he shall give notice of such fact to the highway department of such State and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road, until it has been put in a condition of proper maintenance."

D. W. SHACKLEFORD,
E. W. SAUNDERS,
Managers on the part of the House.

The SPEAKER. The question is on the conference report.

Mr. LEVER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina demands the yeas and nays.

Mr. LEVER. Mr. Speaker, I withdraw the demand.

The question was taken; and on a division (demanded by Mr. STAFFORD and Mr. RUBEY) there were 181 ayes and 53 noes.

So the conference report was agreed to.

On motion of Mr. SHACKLEFORD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

DRAFT OF THE NATIONAL GUARD.

Mr. HAY. Mr. Speaker, inadvertently, a little while ago, when the conference report was up on House joint resolution 242, the conference report was not agreed to. It is the joint resolution to authorize the President to draft members of the National Guard.

The SPEAKER. The Clerk will report the title.

The Clerk read the title of the joint resolution, as follows:

Joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 867).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, having met, after full and free conference, have been unable to agree.

JAMES HAY,
S. H. DENT, Jr.,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House made every effort to come to an agreement with the managers on the part of the Senate, but were unable to do so.

JAMES HAY,
S. H. DENT, Jr.,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

The conference report was agreed to.

Mr. HAY. Mr. Speaker, since this conference report was agreed to and the conferees appointed by both Houses another conference has been had, and I now present the conference report and ask that it be agreed to.

The Clerk read as follows:

CONFERENCE REPORT (NO. 882).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 4 and 6, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and change the section numbers in the bill as follows:

On page 2, line 23, strike out "3" and insert "2."

On page 3, line 3, strike out "4" and insert "3."

On page 3, line 18, strike out "5" and insert "4."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "drafted," and after the word "forces" insert the following: "drafted for this emergency"; and the Senate agree to the same.

JAMES HAY,
S. H. DENT, Jr.,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
LUKE LEA,
F. E. WARREN,
Managers on the part of the Senate.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. I wish to inquire which House had the papers, and whether any action has been taken on the conference report by the Senate.

Mr. HAY., On the first conference report, which was a report to which we could not agree, the Senate acted and asked for a further conference. I asked that that request be granted and that the House further insist on its amendments. When I did that I neglected to ask that the report be agreed to, but the House appointed the conferees.

Mr. STAFFORD. Has the gentleman at any time up to the present asked that the House agree to the conference asked by the Senate?

Mr. HAY. I have, and the conferees were appointed. The meaning of the conference report is this: The first amendment of the Senate was to strike out the declaration of the House that an emergency existed. The Senate receded on that. The second amendment of the Senate was to strike out the language providing that the provisions of section 111 of the defense act of 1916 should be applied in this emergency. The Senate receded on that amendment. The next amendment of the Senate was to strike out section 2, which provided an appropriation for dependent families, and the Senate inserted in place thereof a provision that members of the National Guard who had families dependent upon them should be discharged on their own application. The action of the conferees strikes out both of these provisions, both House provision and Senate provision.

Mr. STAFFORD. And leaves it as if no action had ever been taken.

Mr. CANNON. Either by the House or the Senate.

Mr. HAY. Yes. Amendment 5 is a transposition of words, and amendment 6 strikes out the word "article" and inserts the word "resolution." I desire to say to the House that so far as I was concerned, I would have insisted upon the provision of the House providing for the dependent families if there had been any way by which we could have brought the Senate to agree with us. I am informed by the Secretary of War that this resolution is absolutely necessary in order that the mobilization of these forces shall proceed and to have insisted further would have been to defeat the resolution. But I will to-morrow introduce a separate bill for the dependent families and ask the Speaker to recognize me on Monday under suspension of the rules. [Applause.]

Mr. MADDEN. Will the gentleman give me two minutes?

Mr. HAY. I will yield to the gentleman two minutes.

Mr. BENNET. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BENNET. Is it the intention of the gentleman to take up the conference report at once without being printed in the RECORD.

Mr. HAY. Yes; it is very important that it should be agreed to. I ask, Mr. Speaker, unanimous consent to consider the conference report notwithstanding it has not been printed in the RECORD.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider the conference report nothwithstanding it has not been printed in the RECORD. Is there objection?

There was no objection.

Mr. MAPES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Can two sets of conferees be working at the same time on the same bill?

Mr. HAY. No; and that is not the fact.

The SPEAKER. This matter was irregular. The gentleman from Virginia presented a conference report, it being a disagreement, and practically it did not make any difference whether it was agreed to or not. As a matter of form the gentleman from Virginia asked to have it agreed to. He found out that it had not been agreed to and the conferees had been appointed, the same ones being appointed over again, and they have brought in this conference report.

Mr. MAPES. But the report of the second conferees was filed before the first conference report was agreed to.

The SPEAKER. That is not the fact. The Chair will direct the Journal Clerk to insert the appointment of the conferees after the first conference report is agreed to.

Mr. BENNET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. Is the House now in possession of the papers?

Mr. HAY. It is.

Mr. BENNET. The Senate has acted favorably upon the report?

Mr. HAY. No; the Senate has not acted at all. We act first. The Senate acted first before, and then we act first this time.

Mr. BENNET. It is my recollection that the papers go to the House asking for the conference.

Mr. HAY. No; it is the other way.

Mr. BENNET. Naturally the papers would he here now, being with the House that agreed to the conference.

Mr. HAY. Yes.

I now yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I can not help but regret that the provision of the resolution for the care of the dependent families of the militiamen who are drafted into the service of the country was not agreed to by the Senate. I know of no action ever taken by a legislative body that was so calculated to arouse the patriotism of men called to the colors as was the action of this House. It must be a matter of sincere regret to everyone who believes in preserving the honor of the flag that the Senate objected to provision being made for the care of the families of the men who have been called to fight the battles of the people. These men have left their business, they have left their wives and children, in many cases without means. Are they to be the subjects of charity while we men here, and other men all over the land, live in a state of luxury and ease and peace, away from danger. The Government for which we speak should provide for the families of the men who fight its battles. Why not? Are they to be allowed to starve while their husbands and fathers fight to preserve the Nation's honor? Is it not enough that the militiamen offer their lives for their country? Should we expect them to leave their loved ones unprovided for also? No; a thousand times no. A government worth fighting for can afford to be generous to those who fight to save it. [Applause.] I am, of course, anxious for the passage of this resolution, but what guaranty have the families of these men who have been drafted into the service that even though this House may pass the bill which the gentleman from Virginia [Mr. HAY] will introduce to provide for them that the bill will become a law? If the Senate would not agree to the resolution of the House, passed by a unanimous vote, to pay $50 a month to the dependent families of National Guardsmen drafted into the service it is fair to assume that they will be willing to leave these women and children whose fathers are upon the battle line fighting for the country to starve while they live in luxury and ease. [Applause.] To authorize the Secretary of War to discharge married militiamen upon their own application is to humiliate all who apply. The men who serve in the militia are proud, they are patriotic, they love their country, they cherish its institutions, they are willing to fight to preserve them. They should not be humiliated by being required to ask to be released from service, and neither should they be compelled to leave their families without assurance that a grateful Government will provide for their comfort and look after their welfare. [Applause.]

Mr. ANTHONY. Mr. Speaker, will the gentleman from Virginia yield to me?

Mr. HAY. How much time does the gentleman want?

Mr. ANTHONY. I ask the gentleman to yield me four minutes.

Mr. HAY. I yield five minutes to the gentleman from Kansas.

Mr. ANTHONY. Mr. Speaker, I regret that it is not possible for this House to pass remedial legislation at this time. The only reason apparently that we are not doing it is on account of the stubbornness of another legislative body in refusing to act conjointly with the House in the matter. The Senate passed a provision authorizing the War Department to excuse the National Guardsmen ordered to the front who had dependent families. The House passed a resolution which would provide a cash payment for the dependent families left behind by these guardsmen. Both of these propositions are good, and I think it is entirely feasible to pass a bill embracing both ideas and leaving it optional with the War Department either to excuse the guardsman called to the front having a dependent family, or to order him to the front and to pay his dependent family such sum as is meet and proper. There is no reason at all, in my judgment, why this House should not insist upon its provision or the adoption of both the House and the Senate provisions incorporated in one bill. However, I yield to the superior judgment of the chairman of my committee on his promise that he will bring into the House legislation designed to make good the position which we have taken upon this subject.

Mr. HILL. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. HAY. I yield five minutes to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, I will say to the gentleman from Kansas that it is entirely possible to pass a bill in this House covering both those propositions, but the same spirit which prevents this amendment for care of dependent families which was passed in the House from being continued as a part of this bill will kill that proposition when it comes up again. There never has been in the history of this world a proposition such as this Congress has carried into effect now—that 132,000 men in the militia of this country, going from their work on Saturday, on Monday morning find themselves in the Regular Army of the United States for three years, with their families uncared for; and it is cruel, it is malicious, it is wicked, to say to those men, "We will not care for the women and children that are dependent upon you." [Applause.] And, Mr. Speaker, I would stand here as a Member of this House till the hot sands of the Mexican deserts had turned to ice before I would submit to such legislation as this. I am opposed to agreeing to this proposition. It is right, it is honest, it is just, it is fair, that we should take care of these people, not only in the spirit of patriotism, not only in the spirit of loving our country, but as Christian brothers, that we should do unto others as we would have others do unto us. [Prolonged applause.]

Mr. HAY. Mr. Speaker, just one word. I am as much in favor of taking care of the dependent families of these soldiers as is the gentleman from Connecticut [Mr. HILL] or any other man, but in the condition in which we find ourselves it is impossible now to insist upon engrafting this legislation upon this resolution, because the necessities of the country demand that this mobilization of the troops shall go forward at once. I therefore hope that there will be no question about the adoption of the resolution, and I can assure the House that they will be given an opportunity in the very near future—within the next few days—to vote on this proposition, and I believe that the whole Congress will finally come to see the justice and the merit of it.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. BUTLER. Would it not be well to place the responsibility where it belongs?

Mr. HAY. Absolutely.

Mr. BUTLER. Is the gentleman from Virginia of the opinion that the Senate will not agree to this proposition on this resolution?

Mr. HAY. On this resolution? I am.

Mr. BUTLER. And indefinitely postpone the program made by the Secretary of War?

Mr. HAY. Unquestionably. They decline absolutely to agree to it.

Mr. BUTLER. And assume the responsibility of doing it?

Mr. HAY. Of course. When they do it they assume the responsibility for it.

Mr. BUTLER. I understand that if we decline to adopt this conference report, the Senate will not agree.

Mr. HAY. I understand it, yes; undoubtedly.

Mr. BUTLER. That is the opinion of the gentleman?

Mr. HAY. It is.

Mr. REAVIS. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. REAVIS. The Senate had an amendment in there to the effect that the head of a dependent family be discharged by the Secretary of War. Why was that amendment not left in if they disagreed to what we put in?

Mr. HAY. The House conferees would not agree to that, for the reason that if it had been agreed to about 20 or 25 per cent of those troops are men upon whom some one is dependent. It would thoroughly disorganize the organizations of the National Guard if such a provision were agreed to.

Mr. REAVIS. Well, if we are not going to provide for their dependent families——

Mr. HAY. And it would be humiliating to the men besides, because the amendment provided that it should be upon their own application.

Mr. REAVIS. Why, if we are not going to provide for the dependents, should we not permit those men to be discharged upon their petition?

Mr. HAY. Because it would absolutely destroy the organization of the National Guard, and we have not time now to get other troops to take their place.

Mr. CHIPERFIELD. Will the gentleman yield to me for about 30 seconds on this proposition?

Mr. HAY. I will.

Mr. CHIPERFIELD. I want to indorse what the gentleman from Virginia says, that it would absolutely destroy the organization of the National Guard if that provision remains in. It seems that those who have the most applications in the way of care, nurture, and support of those dependent upon them are the ones who most freely give in the hour of our country's need. That provision should not remain in; if it does, you have stricken down absolutely the help we should have the right to expect from the National Guard.

Mr. HARDY. Will the gentleman yield me some time?

Mr. HAY. How much?

Mr. HARDY. Not more than five minutes.

Mr. HAY. I yield the gentleman from Texas five minutes.

Mr. HARDY. Mr. Chairman, I believe it is right that something should be said in behalf of the stand taken by the House at the other end of the Capitol. Their position is not without strong reason in support of it, if I understand it rightly.

When I saw the amendment inserted in the Senate in lieu of the provision for money compensation in the House bill, it seemed to me it was a wise substitution. I can give an illustration.

A man from my section of the country who was employed and receiving a salary of about $125 or perhaps $150 a month has a wife and two children dependent upon him. Fifty dollars a month would not compensate him or take care of them. He has been taken away and it is a hardship on them, for they have nothing else in the world. I believe it would be more just to let him be excused than to pay them $50 a month and take him. Now, I may be mistaken, but I believe that the Senate amendment has merit as well as the House provision, and the suggestion of the gentleman from Kansas [Mr. ANTHONY] might be a wise suggestion, to have a bill brought in here providing either of those alternatives. At any rate, I believe that when a man's family is dependent upon him and $50 a month would not take care of them, it is a poor policy to take him away unless in the direst need of our country, and it is a poor excuse to say it will break up the militia if you do not take him, whether it is right or wrong; especially when there are, as I believe, so many young men willing and ready to volunteer for service. I do not believe it will break up the militia or impair its usefulness to permit those situated like the man I have referred to to be excused.

In the Spanish-American War ample numbers of the National Guard volunteered, but the point I am making is only that those who have dependent families might be excused. I do not wish to discuss the monthly $50 pay proposition to take care of the families of those taken. When it is necessary to take them it will be necessary to take care of their families, but in my opinion it is not necessary to take them.

Mr. HAY. I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I hope that this conference report will be adopted. I represent in part a city from which there are going out 10,000 members of the militia, two regiments and a battery from the district which I have the honor to represent, and I think I voice the sentiment of those members of the militia, and I think my friend from Illinois will agree with me—I allude to the gentleman from Illinois [Mr. CHIPERFIELD], who is risking a good deal of a very bright and promising future, for when his State wired to him asking him if he would go to the front as colonel of the Second Cavalry of Illinois, he wired back instantly he would. [Applause.] I think my friend will argee with me that it would be the view of the members of the National Guard in our respective States if we did this afternoon what the President of the United States, through the Secretary of War, says that he wants, and that is this legislation instantly. [Applause.] Then we would rely upon and assure him the sure promise of the distinguished gentleman from Virginia, by word or deed or both, that when he brings in that bill for $50 a month for the dependent families, we will stay here all summer if necessary in order to pass that particular bill. [Applause.] We ought to place the interests of the whole country, as typified on the boundary first, and stand by the request of the War Department and give them the legislation that they ask, and then follow that up with the acts of remedial justice that the men at the front can always depend upon the Congress to do. [Applause.]

Mr. BUTLER. Will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. BUTLER. Does the gentleman encourage himself in the hope that the legislative body that now stands against this measure will ever pass it. Does not the gentleman know that is the end of it?

Mr. BENNET. No; I do not. I think when the country demands it, and will demand it, that the legislative body we can only mention in general terms will accede to right and justice.

Mr. LA FOLLETTE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. LA FOLLETTE. To ask the gentleman from Virginia if he can give me some time.

Mr. HAY. How much does the gentleman desire?

Mr. LA FOLLETTE. About three minutes.

Mr. HAY. How much time have I remaining?

The SPEAKER. The gentleman has 30 minutes left.

Mr. HAY. I yield three minutes to the gentleman.

Mr. LA FOLLETTE. Mr. Speaker, I wish to indorse all that has been said here in the way of patriotic help for dependent families of the National Guard. The desire to do so is commendable and just. We are a wealthy Nation and can well afford to take care of our defenders in emergencies. I am of the opinion, though, that we should show equal consideration for our Regular Establishment when emergencies arise. I also want to say that I am in sympathy with giving the National Guard the greatest amount of pay that the Congress thinks wise to give them, but I think we should bear in mind all the time that our first line of defense is our Regular Army, and we should not pass legislation increasing the pay of men in the National Guard to $30 unless we expect to increase the pay of the first line of defense to the same extent. [Applause.]

If we are going to take care of the dependent families of the guardsmen, we should also look after the dependent families of the Regular soldiers. I know you may say that they now take care of their families out of their wages and that this would not do them any injustice. We have got to depend on the Regular Army of this country as the first line of defense not only now, but for years to come, and if we do to the Regular Army what they consider is unjust we have put a bar against getting enlistments in the Regular Army for years to come.

I say this with the highest regard for the National Guard. I have a boy now in the National Guard on his way to Mexico. [Applause.] I am in sympathy with what has been said here by gentlemen as to the hardships that may be placed on some families by the sudden call to the colors of the National Guard. I think we should see that they do not suffer. I also desire to again express the hope that we will make those provisions in such a manner as to not make the Regular soldier feel that it is best to be a guardsman and thus make the securing of future enlistments in the Regular Army impossible.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

SUSPENSION OF THE RULES ON MONDAY, JULY 3.

The SPEAKER. The Chair announces that on Monday next, at 1 o'clock, the Chair will recognize the gentleman from Virginia [Mr. HAY] to suspend the rules.

SARAH LINCOLN GRIGSBY.

Mr. LIEB. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. LIEB. Mr. Speaker, I hold here in my hand a newspaper account, from the Evansville (Ind.) Courier, of the ceremonies in connection with the dedication of a monument over the grave of Sarah Lincoln Grigsby, sister of Abraham Lincoln. This event was one of unusual historical importance, and consequently is deserving of national attention. Lincoln's mother, Nancy Hanks Lincoln, lies buried in Nancy Hanks Park, at Lincoln City, Spencer County, my home county in Indiana. It was in this park the services were held on June 20, preceding the dedication exercises held in Old Pigeon Cemetery, where Sarah Lincoln Grigsby lies buried, 1 mile south of Lincoln City. I might mention, in connection with the historical part taken by the Lincoln family in my home county, which was Lincoln's boyhood home, that while a member of the State Legislature of Indiana in 1907 I championed a bill in the House, which became a law, establishing a park in the grounds where Lincoln's mother is buried.

Interest in the dedication ceremonies held last week was not confined to Spencer County and the congressional district I have the honor to represent, but to the entire State of Indiana and other States as well. Gov. Samuel N. Ralston was prevented from attending and delivering an address he had prepared, but sent State Senator Fred Van Nuys to represent him.

Members of the Lincoln Route Commission, appointed by Gov. Ralston to determine the route taken by the Lincoln family in going from Indiana to Illinois in 1830, assisted materially in raising the funds to purchase the monument to Sarah Lincoln Grigsby, and it will be seen from a list of the contributors that the interest in the movement was far-reaching.

Mr. Speaker, I ask unanimous consent that this article, written by ex-State Senator William B. Carleton, of Evansville, be inserted in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Following is the article referred to:

PLACE SHAFT TO LINCOLN'S SISTER—MONUMENT TO SARAH, WIFE OF AARON GRIGSBY, IS DEDICATED AT LINCOLN CITY—BIG CROWD IN ATTENDANCE—PROBABLY 1,500, REPRESENTING MANY SECTIONS OF STATE, AT NANCY HANKS PARK—GOV. RALSTON SENDS SENATOR VAN NUYS TO REPRESENT HIM AT THE CEREMONIES.

[By William B. Carleton.]

The monument over the grave of Sarah Lincoln Grigsby, sister of Abraham Lincoln, the great war President, in Old Pigeon cemetery, 1 mile south of Lincoln City, Ind., and over 30 miles east of Evansville, was dedicated Tuesday morning. People came from many parts of the State to do homage to the plain, simple country girl whose brother gave freedom to a race and saved the Nation from disruption in its darkest hour.

Services preceding the dedication proper were held in the beautiful Nancy Hanks Park, at Lincoln City, where the mother of Lincoln sleeps her last sleep. It is estimated that from 1,200 to 1,500 people attended the ceremonies, which were held under the pavilion. Heavy skies overhead forecasted rain and within a half hour after the services were concluded the rain came.

Gov. Samuel N. Ralston was on the program for the principal address, but was unable to come, as he is busy just now helping to get the Indiana National Guard ready to go to the Mexican border in response to the order of President Wilson last Sunday. In the place of Gov. Ralston came former State Senator Fred Van Nuys, of Indianapolis, as the personal representative of the governor, and he made an able and eloquent address.

LARGE BOONVILLE DELEGATION.

Boonville sent one of the largest delegations of any other town to the ceremonies. At least 150 Boonville people went to Lincoln City on the Southern train that left Evansville at 7.15 Tuesday morning. The Boonville band went along. Among the Boonville people who made the trip were Mayor and Mrs. Jasper Thornburg and son; Dr. T. D. Scales, member of the State tax commission; State Senator and Mrs. Homer Hazen; former State Senator Clem Pelzer; William L. Barker; George Hemenway; Pres Tillman; Dr. Spradley, former county auditor; Herb Hoggatt and little son; Thomas Downs, editor of the Boonville Standard, and many others. Rockport, Chrisney, Huntingsburg, Jasper, Gentryville, Tennyson, and many other towns were represented.

JUDGE BRETZ PRESIDED.

The master of ceremonies was Judge John L. Bretz, of Jasper, Ind., chairman of the committee appointed by Gov. Ralston to arrange for the dedication. Other members of the committee are: J. V. Stimson, of Huntingburg; William L. Barker and George Hemenway, of Boonville; and Mrs. Fred Walker and Allen McCullough, of Rockport. Mr. McCullough was unable to attend the dedication because of illness in his family.

Following a few remarks by Judge Bretz the Boonville quartet, composed of Mrs. Nat Youngblood, Miss Edith Hargrave, Edward Bohrer, and Frank Roberts, sang "Indiana," which was well received. A "History of the monument" was then given by Jesse W. Welk, of Greencastle, secretary of the Lincoln route commission, appointed by Gov. Ralston about a year ago to select the route that the Lincoln family followed in going from Indiana to Illinois. Mr. Welk's address follows:

"HOW IDEA OF MONUMENT ORIGINATED.

"The movement to erect a memorial over the grave of Sarah Lincoln, the wife of Aaron Grigsby, grew out of a conversation which took place between the speaker and Joseph M. Cravens, my colleague on the Lincoln route commission, about a year ago. He and I had been traveling through this part of the State on our official errand and were resting one evening in the lobby of a hotel in a nearby town. In going over the occurrences of the day I remember of observing to him that there were two incidents in the history of the Lincoln family which I felt should be carefully preserved for the benefit of posterity.

"One was the scene which took place early in April, 1865, when the most illustrious member of this hitherto unknown family, at that time the President of the United States, visited the Confederate capital, the city of Richmond, Va. It was here that he came into contact with the newly emancipated slaves of the South. As he made his way through the streets of the now ruined and burning city the excited negroes crowded around and followed him wherever he went. Hailing him as their savior and deliverer, they fell to their knees, singing, shouting hosannas to the Lord, and in every way giving expression to their exultation and joy. It was a remarkable spectacle—significant, impressive, dramatic, and without a parallel in history.

"DEATH OF NANCY HANKS.

"The other incident occurred almost half century earlier and within sight of the spot where we are now gathered. There were no crowds, no ruins of great buildings, no signs of martial conflict. It was in the stillness of the deep woods. On a rude bed in the primitive log cabin of that day lay the pale, emaciated form of a woman breathing heavily and evidently nearing the end of her earthly journey. At her side knelt her sorrowing husband, her son, a boy of 10, and her daughter, 2 years older. It is hardly necessary, I imagine, to assure you that it was the death bed of Nancy Hanks and that the weeping daughter was none other than she whose grave we are this day met to dedicate and beautify.

"In my conversation with Mr. Cravens I remember that I expressed the hope that in the course of time some great artist with the requisite skill and genius would be found to transfer these memorable scenes to canvas, so that they might be sent down the ages to the remotest generations. At this juncture it was that Mr. Cravens, adverting to the fact that the graves of Nancy Hanks, her husband, and son were suitably marked, suggested that some attention should now be paid to the last resting place of the daughter. The proposition struck me with telling force—in fact, I was so deeply impressed I appealed at once to our honored and worthy governor, who not only approved of the idea but in many ways rendered us timely and material assistance.

"SMALL GIFTS OF THE MANY.

"At a later conference Mr. Cravens submitted the names of 20 of his friends who might be counted on to help us secure the desired memorial for Sarah Lincoln's grave, to which list I added a like number of my own selection. To these persons we wrote letters asking for subscriptions, but with two conditions appended: First, that no one was expected to subscribe who had not either been born or lived in Indiana; and, second, that no single contribution should exceed $5. The remittances came promptly and generously; and not only from those to whom we had applied but from others to whom we had never written. I remember the case of one man who sent us his check for the required $5, but requested us to return it with a memorandum indicating the total cost of the monument, whereupon he would send us another check for the entire expense. We were obliged to decline the offer on the ground that the memorial was intended to be an expression of the people of Indiana rather than that of a favored and more fortunate few.

"The list of subscribers is alike interesting and noteworthy, representing as it does an unusually wide range of races, religions, and shades of political belief. Among the names can be found a Catholic priest, a Methodist bishop, a prominent Jewish church official, a Democratic governor, a Republican Member of Congress, a man who was once in the Confedereate Army, the president of a great railroad system, a farm laborer who still works by the day, and a woman whose father was a negro slave and received his freedom by virtue of the official act of the greatest American the world has ever known.

"The monument itself is from a block of the highest grade of Vermont granite and weighs 8,000 pounds. The committee which selected the design were impressed by its simple and stately proportions, its symmetry, its artistic finish, and especially by the single wild rose at the top, emblematic of the lonely, orphaned girl who sleeps beneath—a flower which grew and blossomed in the wilderness."

PLEADS FOR AMERICAN SPIRIT.

After reading a few interesting facts about the Lincoln family that Gov. Ralston had prepared, former Senator Van Nuys made a short talk in which he made a plea for more of the spirit of Americanism. He compared the time in which Sarah Lincoln and Aaron Grigsby lived to the present age and said that America is indeed the "land of opportunity." He referred to numbers of foreigners who came to the United States penniless and unknown who have won for themselves fame and fortune here. Among these is United States Senator KNUTE NELSON, of Minnesota. Senator Van Nuys spoke of early republics like Greece and Rome and said that their education was for the classes and the sons of wealth, while in this Republic the public schools are alike open to the sons of the poor and the sons of the rich. He paid a beautiful tribute to the simple life of Sarah Lincoln and to Nancy Hanks Lincoln, the sister and mother of Abraham Lincoln. Senator Van Nuys brought with him a personal message from Gov. Ralston, who, he said, was unable at this time to get away from the State capital. Senator Van Nuys was warmly congratulated over his address at the close of the ceremonies.

The Rockport quartet, composed of Mrs. Pauline Richards, Miss Little Peckinpaugh, A. H. Kennedy, and John J. Brown, rendered a beautiful selection and responded to an encore.

POEM BY MAX EHRMANN.

A poem, entitled "Sarah Lincoln," written especially for the occasion by Max Ehrmann, of Terre Haute, Ind., was recited by Mr. Ehr-

mann, and it was one of the most interesting features of the program. The poem follows:

The summer moon and sun have watched her sleep
Now four score years and eight. To him this place
Was ever dear with twilight's tender memories;
For here her laughing lips cried out, "Halloo!"
As up the path he came at close of day.
A thousand times he bore her on his back,
With boyish strength abused her lovingly,
Provoked by playful taunts, by many jests.
Then she, returning to her tasks indoors,
Left him alone to brood upon the night.
The sunset built famed cities in his brain,
Forced from his breast the sigh for surging men,
Welling up, like wind-tossed rivers, one great hope
To force from life the promises of dream.
One round of toiling days, of peaceful nights.
He stood here once, a saddened boy, forlorn,
And saw her form descend into the earth.
Thus early came the gloaming to his soul.
Into his boyish eyes the far-off look
That, yearning, seeks to see where death has trod,
He wandered forth through darkened wilderness,
Yet somehow ever wandered toward the light
Until he held a nation in his hand.
He was a rock in storm; in milder days
A pliant branch bent down with mellow fruit.
He was as tender as the yellow leaves
That autumn winds toss o'er her grave.
Through leaden days, through fevered, flaming nights,
Through hate and horror of a blood-smeared land,
This early sorrow made for love in him.
Here, then, was sorrow garnished, grief made great,
Here bloomed the balm that soothed a nation's wounds,
And his dead self still makes for love and peace.

FAMILY TRADITIONS.

"Family Traditions" was the title of the paper read by Mrs. Bartly Inco, of Rockport Ind. Mrs. Inco is 70 years old, and was born and reared in Spencer County. Her father was James Grigsby, who died about 28 years ago, and his body was buried in Little Pigeon Cemetery, which is a short distance from Old Pigeon. Redman Grigsby, brother of Aaron and James Grigsby, was the last of the brothers to die. He passed away about eight or nine years ago. The paper of Mrs. Inco follows:

LINCOLN TRADITIONS.

"Ladies and gentlemen, as I have been asked to make a few remarks in regard to the Lincoln and Grigsby families, I will endeavor to do so. However, I do not know that I can add anything of interest to what the most of you know. There has been such great interest created in the Lincoln family in this county, and many of our pioneer residents have brought to light the many interesting things and facts relative to the early history of our county. What I know of the Lincolns I heard from my father, who was a schoolmaster of Abraham Lincoln and lived very near the Lincoln family. It is useless to go into the details of that early school life, as you have all heard about it many times.

"Aaron Grigsby, my father's oldest brother, married Sallie Lincoln, but she lived only a short time after the marriage; and her husband died about three years later. They had a very bright future before them for people of that day. And Sallie Grigsby was much thought of and loved by all of her husband's people. She was given the best burial that could be given in that day, and my father erected a sandstone marker to the graves of both her and her husband. He always looked after these graves, as well as others of our family, as long as he lived.

"My father also attended the funeral of Nancy Hanks Lincoln, and had often told me of how poor the family was, and how they took Nancy Hanks Lincoln to her grave on a rude home-made sled. Her grave was always a place of great interest to me and my brother and sisters when we were children, and I have often gone to the grave, which was always inclosed by a rail pen in those days.

"I might mention that the father of Aaron Grigsby lived with the Indians for about eight years. While his father was out looking for game the Indians came to the house, and after killing three of the oldest children, took Reuben, his mother, and a small baby away with them. They soon discovered that the mother could not walk fast enough so they killed her and knocked the baby's brains out against a tree. For some reason they liked the small boy so they carried him on their backs. They grew very fond of him and used to take him on their hunting trips with them. He said he always wanted to go and to tease him they would insist upon his drinking a quantity of bear's oil before they would let him go along.

"There are many things that I have heard from my father that I do not remember well enough to tell here. However, it has been a great pleasure to me to bring these things of the past to light. It is needless to say that we Grigsbys are already proud of the fact that Sallie Lincoln married into the Grigsby family and are also proud of the prominent part that they played in the early settlement of this county. It is also very gratifying to know that the younger people of his county are becoming more interested in knowing something of those good folks who have gone before and endured such hardships in order that their children and children's children might enjoy the best of the earth. I only hope this interest will continue, and I am sure that Spencer County has as much or more to be proud of in a historical way as any county in the State. I thank you for your indulgence."

SARAH LINCOLN OLDER THAN ABRAHAM.

Sarah Lincoln was born February 10, 1807, and was two years older than Abraham Lincoln. She was married to Aaron Grigsby in 1826 or 1827 and died January 20, 1828. Her death resulted from childbirth. The body was placed in a rude coffin, made from the giant trees that stood in that section of the county in those days, and tenderly borne to Old Pigeon Cemetery, where it was laid to rest. Abraham Lincoln, with his father Thomas Lincoln and sorrowing friends, attended the services. Spencer County was sparsely settled in those days. Aaron Grigsby married the second time, but died in about three years after the death of his first wife and was buried by her side. For years James Grigsby, the father of Mrs. Inco, looked after the graves, but after his death the sandstone marker over the graves crumbled away, and very little of it was left when the new monument was erected over the grave of the sister of the great war President.

LINCOLN MEMORIAL ASSOCIATION.

Following the paper of Mrs. Inco, Hon. Joseph M. Cravens, chairman of the Lincoln Route Commission, of Madison, Ind., made a few remarks. He spoke of the work of the Lincoln Route Commission, saying there are three claimants for the route. He said when the work of the commission has been completed he would suggest that the people of Spencer County organize a "Lincoln memorial association" and urge the building of a great public highway from Troy to Vincennes.

THE LINCOLN FAMILY.

"The Lincoln family" was the subject of an address by Capt. J. W. Wartmann, United States commissioner of this city. His address, which was given the closest attention, follows:

CAPT. WARTMANN'S PAPER.

Thomas Lincoln and his wife, Nancy Hanks Lincoln, were devoted Christians and trusted fully in the Providence of God; and so believing they could not drift beyond God's love and care they, with their son Abraham, left their home in Kentucky and came to the then Territory of Indiana and settled on a tract of land a few miles southeast of Gentryville.

The family was very poor and endured all the hardships and privations of pioneer life. A few years after coming to Indiana, Mrs. Lincoln died of a disease known at the time as "milk sickness."

On her deathbed she called to her bedside her son Abraham and told him to love God and keep His commandments, be honest and true, and love his father and sister Sally.

I pause for a moment to pay a tribute to Nancy Hanks Lincoln—mother of Abraham—to say that in the midst of all the poverty and hardships of pioneer life she took time to instill into the mind and heart of her son those principles of morality which led the afterwards President Lincoln to say, "All that I am, all that I hope to be, I owe to the pious teachings of my sainted mother."

After the death of his wife, Nancy Hanks, Thomas Lincoln returned to Kentucky and married a widow named Johnson, and brought her and her sons to his home in Indiana. A more devoted stepmother than Mrs. Johnson never lived. She took an especial interest in Abraham and did all in her power to train him in right living. Abraham Lincoln worked as a farm hand, mauled rails, and for a little while ran a ferryboat at the mouth of Anderson on the Ohio River. He made a trip on a flatboat to New Orleans; while there he saw for the first time a slave market and remarked to his companion, "If ever I get a chance to strike slavery I will hit it hard." Abraham Lincoln had but a few months' training in a country school. He was a great reader and borrowed books from those who had them. He borrowed from Mr. Josiah Crawford, a school-teacher, Weem's Life of Washington. While Abe had the book the cover came off, and being unable to return it in good condition he said to Mr. Crawford, "I will pay for it." "Well," said Mr. Crawford, "if you will pull corn fodder for two days you may have the book," and Abe pulled the fodder.

INFLUENCED BY NOTED SETTLERS.

In the spring of 1830 the Lincoln family moved from Spencer County to Illinois. It is worth while to remember that in the formative period of his life Abraham Lincoln associated with such early pioneers as Mr. Turnham Jones, Josiah Crawford, the Gentrys, Taylors, and Grigsbys, and no doubt was influenced by their example and conversation.

William Jones—Col. Jones—took the only newspaper published in a city. It was the Louisville Journal, edited by the distinguished scholar, George D. Prentice. On Saturdays Abe would go to Gentryville to read the paper.

Abraham Lincoln was, in the language of that day, a "teetotaler," and remained a temperance man until his death. Abraham Lincoln was a man of prayer. He had been taught to pray by his mother. He sought and received divine guidance in all his official life. See him as he stands on the platform on the car as he started to be inaugurated President of the United States. He invoked his friends and neighbors to pray for him, saying that with God's blessing he would be able to discharge his duty.

Of his official life as President it is not necessary to speak. In the preparation of the immortal proclamation of emancipation it was prepared, he said, after a prayerful consideration and without consulting his Cabinet. In its issuance the shackles dropped from the arms of 4,000,000 slaves, and America wiped out forever the stain of human slavery.

He lived to see the rebellion put down and the Union of States restored. And so this great heroic soul lived and died as the first martyr President.

With malice toward none and with charity for all, this poor, barefoot boy, growing to manhood in Spencer County, went to join the immortals, and, in the language of Secretary Stanton, "Now he belongs to the ages."

SERVICES AT THE GRAVE.

The ceremonies in the pavilion were closed by a selection, "The Flag of Liberty," by the Boonville quartet, and as they sang the last verse of the song they waved a flag, and this evoked a great deal of enthusiasm. After the exercises in the Nancy Hanks Park had been concluded, Judge Bretz, accompanied by Mr. Weik, Mr. Cravens, Capt. Wartmann, former Senator Van Nuys, and Dr. T. D. Scales, drove to the Old Pigeon Cemetery, a mile away, where the monument over the grave of Sarah Lincoln Grigsby was formally dedicated. A short talk was made by Judge Bretz and prayer was offered by Capt. Wartmann. The monument is rectangular in shape and is a plain, simple stone, in keeping with the plain, simple life of Sarah Lincoln Grigsby. It is inscribed as follows: "Sarah Lincoln, wife of Aaron Grigsby, Feb. 10, 1807–Jan. 20, 1828." Above the inscription is the design of a wild rose. The money with which the monument was purchased came from public subscriptions, and the cost was between $400 and $500.

CEREMONIES ARE INSPIRING.

There was something touching, something inspiring to me in the ceremonies, both at the Nancy Hanks Park and at the Old Pigeon Cemetery. Here were people drawn from all over the State to pay homage to one of the pioneer women who has slept for 88 years in a lonely spot in a country graveyard with the sturdy oaks and the wild daisies to keep her company. Her simple life, the manner of her death, the prominence that afterwards was to come to the family, all these things made it possible for people in this generation to come together and be moved by inspiring music and patriotic addresses.

Shortly after the ceremonies at the Old Pigeon Cemetery, Capt. Wartmann was taken ill and it was necessary for him to have a physician

called upon his arrival home. He was greatly improved last night and his condition is not regarded serious. He was accompanied to Lincoln City by his daughter, Miss Sarah Wartmann.

BEAUTIFUL NANCY HANKS PARK.

People who visited Lincoln City Tuesday were impressed with the beauty of Nancy Hanks Park, which is maintained by the State. It is said to be one of the most beautiful spots in the State. Former State Senator Clem Pelzer, of Boonville, who was one of the interested attendants at the ceremonies, was in the legislature several years ago, and it was due to his influence that the State made an appropriation for the park. The Nancy Hanks commission is composed of Dr. J. C. Jolly, president, of Lake, Ind.; Elijah E. Gladden, State forester of Indiana; and Davis Enlow, of Lincoln City, secretary. The custodian is Noah Spurlock, and he has held this position since the park was opened several years ago. He takes great pride in his work, and it is due to his untiring efforts that the park is made so attractive. Mr. Spurlock says travelers come from all parts of the United States to visit the park and to see the grave of Nancy Hanks Lincoln. The State makes an annual appropriation of $1,200 to keep up the park.

Tuesday's ceremonies were attended by many newspaper men in this part of the State, among those present being State Senator Homer Hazen editor of the Boonville Enquirer; Thomas Downs, editor of the Boonville Standard; John Chewning, editor of the Rockport Journal; Wes Kellams, editor of the Rockport Democrat; Ernst Pickhardt, editor of the Huntingburg Signal; and M. McC. Stoops, editor of the Petersburg Democrat.

LIST OF CONTRIBUTORS.

The following is a list of contributors to the monument:

A. A. Adams, New York; George Ade, Brook, Ind.; J. A. M. Adair, Portland, Ind.; J. S. Barcus, New York; Ira Batman, Bloomington, Ind.; U. N. Bethell, New York; T. G. Bowman, Los Angeles, Cal.; W. L. Bryan, Bloomington, Ind.; J. M. Cravens, Madison, Ind.; C. A. Carlisle, South Bend, Ind.; B. D. Caldwell, Orange, N. J.; Otto Carmichael, New York; Paris Caton, Clay City, Ind.; A. B. Crampton, Marion, Ind.; J. B. Cochrum, Indianapolis; Homer Cook, Indianapolis; Hugh Dougherty, Indianapolis; W. T. Durbin, Anderson, Ind.; L. C. Embree, Princeton, Ind.; W. E. English, Indianapolis; C. W. Fairbanks, Indianapolis; S. B. Fleming, Fort Wayne, Ind.; John W. Foster, Washington, D. C.; S. N. Foster, Fort Wayne, Ind.; William Fortune, Indianapolis; W. D. Foulke, Richmond, Ind.; Job Freeman, Terre Haute, Ind.; F. H. Gavisk, Indianapolis; J. P. Goodrich, Winchester, Ind.; C. F. Gunther, Chicago; A. C. Harris, Indianapolis; E. V. Harris, Fort Wayne, Ind.; L. O. Hamilton, Indianapolis; Will Hays, Sullivan, Ind.; George Hemenway, Boonville, Ind.; J. A. Hemenway, Boonville, Ind.; J. H. Holliday, Indianapolis; W. G. Irwin, Columbus, Ind.; Edward Jackson, Greenfield, Ind.; Annie F. Johnson, Pee Wee Valley, Ky.; O. P. Kinsey, Valparaiso, Ind.; Sol S. Kiser, Indianapolis; H. R. Kurrie, Chicago; K. M. Landis, Chicago; Mary L. Landis, Wilmington, Del.; Imogene T. Lesh, Muncie, Ind.; U. S. Lesh, Huntington, Ind.; F. L. Littleton, Indianapolis; F. J. McConnell, Denver, Colo.; Charles McCullough, Fort Wayne, Ind.; W. T. McCray, Kentland, Ind.; Virginia C. Meredith, Lafayette, Ind.; Hugh T. Miller, Columbus, Ind.; M. W. Mix, Mishawaka, Ind.; C. W. Moores, Indianapolis; Joseph Moss, Linton, Ind.; W. W. Mount, Tipton, Ind.; C. M. Murdock, Lafayette, Ind.; David A. Myers, Greensburg, Ind.; Mrs. A. L. Murray, Jersey City, N. J.; Harry S. New, Indianapolis; Vida Newsom, Columbus, Ind.; C. S. Osborn, Sault Ste. Marie, Mich.; T. F. Palmer, Monticello, Ind.; W. W. Parsons, Terre Haute, Ind.; Gene S. Porter, Geneva, Ind.; S. M. Ralston, Lebanon, Ind.; Ele stansbury, Williamsport, Ind.; S. S. Strattan, Chicago; Delavan Smith, Indianapolis; C. G. Sefrit, Washington, Ind.; J. V. Stimson, Huntingburg, Ind.; E. V. Stotsenberg, Indianapolis; J. M. Studebaker, South Bend, Ind.; N. B. Tarkington, Indianapolis; Mrs. N. B. Tarkington, Indianapolis; Thomas Taggart, Indianapolis; W. L. Taylor, Indianapolis; W. H. Vollmer, Vincennes, Ind.; J. R. Voris, Bedford, Ind.; Alice H. Wadsworth, Washington, D. C.; G. M. Walker, New York; H. L. Wallace, Indianapolis; James E. Watson, Rushville, Ind.; Jesse W. Welk, Greencastle, Ind.; Henry L. Wilson, Indianapolis; Wood J. Wilson, Marion, Ind.; Will R. Wood, Lafayette, Ind.; L. B. Ewbank, Indianapolis.

Mr. OAKEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by submitting a telegram from certain officers of the Coast Artillery of Connecticut, asking that they might be admitted into the service of the United States.

The SPEAKER. The gentleman from Connecticut [Mr. OAKEY] asks unanimous consent to extend his remarks in the RECORD by printing a telegram. Is there objection?

There was no objection.

Following is the telegram referred to:

JUNE 28, 1916.

This telegram was received by Connecticut Members of Congress this morning from the Connecticut Coast Artillery Corps:

FORT H. G. WRIGHT, N. Y., *June 27, 1916.*

We, the undersigned officers of the Connecticut Coast Artillery Corps, being assured that we reflect the consensus of opinion of the personnel of this organization, urgently present the claim for recognition as an active factor in the pending imminent trouble in Mexico. We are at the point where we feel that the life of this corps as a unit depends largely, if not entirely, on the disposition made of us in the present crisis, and we earnestly request the privilege of serving the United States in such capacity as the President and his advisers may elect. We further feel that immediate action should be taken; as we are at present mobilized in our annual maneuver camp; and should the organization be permitted to disband, even for a short period, it is doubtful what success would attend an attempt at remobilization. We therefore solicit your assistance in procuring the acceptance of this organization as a unit of National Guard Infantry for immediate service where required.

Col. Henry S. Dorsey, commanding; Lieut. Col. Vincent King; Majs. Morris Payne, John Haff, Stephen Smith; Chaplain Harry Meserve; Capts. Ernest Barrows, Percy Morgan, Hugh Bell, Erwin Cruise, Louis Brague, George Church, Arthur Bennett, William Tarbox, Albert Mossman, William Foord, Charles Lord, Charles Metcalf, David Connor, Elias Hall, James Nestor, Elbert Darbie; First Lieuts. Herbert Bradford, Philip Bronson, Arthur Laroque, William Dennison, Camillo Mazeau, Charles Nichols, Oscar Cowan, Anthony Sunderland, Charles Luchurst, Edmund Reed, Louis O'Neill, Henry Huss, Frank Withee, George Garlick, William Potter; Second Lieuts. Horace Griswold, Donald Cole, Charles Moore, George Donahue, Miles Thompson, Frank Smith, Prentiss Lingan, Earl Herrick, Jesse Dunbar, Frank Godfrey, Wallace Hawley, Charles Voegale, Van Sarles, Joseph Silvia, Ralph Beere, Joseph Cone, Ira Warren.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I desire to call up conference report on the bill H. R. 13486.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of such soldiers and sailors of said war.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 858).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13486) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 18, 19, 20, 21, and 23.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 24, 26, and 27, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Page 1, line 8, strike out "$36" and insert "$30"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Page 26, line 22, strike out "$50" and insert "$40"; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.
CHARLES F. JOHNSON,
MILES POINDEXTER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing vote of the two Houses on certain amendments of the Senate to the bill (H. R. 13486) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes from its disagreement to the amendment of the Senate, and agrees to the same with an amendment in accordance with the evidence submitted.

Amendment No. 2: House recedes. Claimant's short service does not justify an increase in his pension rate.

Amendment No. 3: Senate recedes. Proof submitted justifies proposed increase.

Amendment No. 4: Senate recedes. Proof submitted justifies proposed increase.

Amendment No. 5: Senate recedes. Under committee's rules claimant is entitled to the proposed pension.

Amendment No. 6: House recedes. Correction of service.

Amendment No. 7: House recedes. Correction of service.

Amendment No. 8: House recedes. Evidence submitted justifies the proposed increase.

Amendment No. 9: House recedes. Evidence submitted justifies the rate given.

Amendment No. 10: House recedes. Correction of service.

Amendment No. 11: House recedes. Evidence submitted justifies the rate given.

Amendment No. 12: House recedes. Evidence submitted does not justify an increase in his present pension rate.

Amendment No. 13: House recedes. Evidence submitted does not justify an increase of pension.
Amendment No. 14: House recedes. Claimant's short service justifies only a rating of $24 per month.
Amendment No. 15: House recedes. Rank of soldier entitles claimant to the increase proposed.
Amendment No. 16: House recedes. Rank of soldier does not entitle rate of pension proposed.
Amendment No. 17: House recedes. Rank of soldier does not justify pension proposed.
Amendment No. 18: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 19: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 20: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 21: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 22: House recedes. Claimant's short service does not justify the proposed pension.
Amendment No. 23: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 24: House recedes. Claimant's short service does not justify the proposed pension.
Amendment No. 25: House recedes from its disagreement to the amendment of the Senate, and agrees to the same with an amendment in accordance with the evidence submitted.
Amendment No. 26: House recedes. Evidence submitted does not justify proposed pension.
Amendment No. 27: House recedes. Correction of phraseology; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask that the report be agreed to.
The SPEAKER. The question is on agreeing to the conference report.
The conference report was agreed to.
Mr. RUSSELL of Missouri. Mr. Speaker, I also call up the conference report on the bill H. R. 14484.
The SPEAKER. The Clerk will report the bill by title.
The Clerk read as follows:
A bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of such soldiers and sailors of said war.
The SPEAKER. The Clerk will read the conference report.
The conference report was read.
The conference report and statement are as follows:

CONFERENCE REPORT (NO. 857).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14484) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
That the Senate recede from its amendments numbered 2, 8, 15, 16, 24, 27, 30, 32, 35, 36, and 37.
That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 31, 33, 34, 38, and 39, and agree to the same.
Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Page 12, line 2, strike out "$20" and insert "$12"; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.
CHARLES F. JOHNSON,
MILES POINDEXTER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14484) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:
Amendment No. 1: House recedes. Evidence submitted does not justify the proposed pension.
Amendment No. 2: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 3: House recedes. Correction of service.
Amendment No. 4: House recedes. Correction of service.
Amendment No. 5: House recedes. Claimant's short service does not justify a higher rate of pension.
Amendment No. 6: House recedes. Claimant's short service does not justify a higher rate of pension.
Amendment No. 7: House recedes. Correction of phraseology.
Amendment No. 8: Senate recedes. Evidence submitted justifies proposed pension.
Amendment No. 9: House recedes. Correction of service.
Amendment No. 10: House recedes from its disagreement to the amendment of the Senate, and agrees to the same with an amendment in accordance with the evidence submitted.
Amendment No. 11: House recedes. Claimant's short service does not justify the proposed increase.
Amendment No. 12: House recedes. Claimant's short service does not justify the proposed increase.
Amendment No. 13: House recedes. Evidence submitted justifies the proposed increase.
Amendment No. 14: House recedes. Evidence submitted does not justify the proposed pension.
Amendment No. 15: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 16: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 17: House recedes. Evidence submitted does not justify the proposed pension.
Amendment No. 18: House recedes. Evidence submitted does not justify the proposed increase.
Amendment No. 19: House recedes. Rank does not justify the proposed pension.
Amendment No. 20: House recedes. Correction of phraseology.
Amendment No. 21: House recedes. Evidence submitted does not justify proposed pension.
Amendment No. 22: House recedes. Evidence submitted does not justify the proposed pension.
Amendment No. 23: House recedes. Evidence submitted does not justify the proposed pension.
Amendment No. 24: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 25: House recedes. Evidence submitted does not justify the proposed pension.
Amendment No. 26: House recedes. Claimant's financial condition does not justify granting the proposed increase.
Amendment No. 27: Senate recedes. Evidence submitted justifies the proposed increase.
Amendment No. 28: House recedes. Evidence submitted does not justify the proposed increase.
Amendment No. 29: House recedes. Claimant's short service does not justify the proposed increase.
Amendment No. 30: Senate recedes. Evidence submitted justifies the proposed increase of pension.
Amendment No. 31: House recedes. Correction of service.
Amendment No. 32: Senate recedes. Evidence submitted justifies the proposed increase.
Amendment No. 33: House recedes. Correction of phraseology.
Amendment No. 34: House recedes. Correction of phraseology.
Amendment No. 35: Senate recedes. Evidence submitted justifies the proposed pension.
Amendment No. 36: Senate recedes. Proposed increase is justified by the evidence submitted.
Amendment No. 37: Senate recedes. Evidence submitted justifies the proposed increase.
Amendment No. 38: House recedes. Correction of service.
Amendment No. 39: House recedes. Evidence submitted does not justify the increase proposed.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to consider at this time House concurrent resolution to correct a clerical error in one of these conference reports.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent to consider a concurrent resolution to correct a mistake in one of these bills. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

[No. 43. Sixty-fourth Congress, first session.]

CONGRESS OF THE UNITED STATES.

In the House of Representatives.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 14484) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," the Clerk be, and he is hereby, authorized and directed to restore, on page 11 of the engrossed bill, lines 22, 23, and 24, and lines 1 and 2 on page 12, with an amendment as follows: "Page 12, line 2, strike out '$20' and insert '$12,' the same being for the purpose of carrying out the agreement of the conferees."

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote whereby the concurrent resolution was agreed to was laid on the table.

STANDARD LIME BARREL.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5425) to standardize lime barrels.

Mr. BENNET. Mr. Speaker, I ask unanimous consent that the Clerk may read the bill as it was reported from the committee.

The SPEAKER. The gentleman from New York asks unanimous consent that the Clerk may read the bill as it was reported from the committee. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby established a large and a small barrel of lime, the large barrel to consist of 280 pounds and the small barrel to consist of 180 pounds, net weight.

SEC. 2. That it shall be unlawful for any person to sell or offer for sale lime in barrels for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia without first, by stencil or otherwise, clearly marking on one or both heads of the small barrel the figures "180 lbs." and upon the large barrel the figures "280 lbs." and in addition the name of the manufacturer of the lime and the name of the brand, if any, under which it is sold.

SEC. 3. When lime is sold in interstate commerce in containers of less capacity than the standard small barrel, it shall be sold in multiples of said standard small barrel, and the net weight of such container shall, by stencil or otherwise, be clearly marked thereon, together with the name of the manufacturer thereof and the name of the brand, if any, under which it is sold.

SEC. 4. That rules and regulations for the enforcement of this act, not inconsistent with the provisions of the act, shall be made by the Director of the Bureau of Standards and approved by the Secretary of Commerce, and that such rules and regulations shall include reasonable variations or tolerances which may be allowed.

SEC. 5. That it shall be unlawful to pack, sell, or offer for sale for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any barrels or other containers of lime which are not marked as provided in sections 2 and 3 of this act, or to sell, charge for, or purport to deliver from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, as a large or small barrel or a multiple of said small barrel of lime, any more or less weight of lime than is established by the provisions of this act; and any person guilty of a violation of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding $100.

SEC. 6. That it shall be the duty of each district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the United States court having jurisdiction of such offense: *Provided, however*, That the penal provisions of this act shall not take effect until January 1, 1917.

SEC. 7. That this act shall be in force and effect from and after its passage.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio in charge of the bill if this is the unanimous report of the committee?

Mr. ASHBROOK. It is.

Mr. MONDELL. Is there any emergency requiring the passage of the bill at this time?

Mr. ASHBROOK. There is. The gentleman probably knows that at the last Congress we passed what is known as the Tuttle standard-barrel bill, which goes into effect the 1st of July. That bill would work great hardship to the manufacturers of lime, and in order to protect them it is important that we should pass this bill before the 1st of July. The Senate has passed this bill, which the House has amended somewhat; but I have reason to believe that the conferees will agree if the bill passes the House at this time.

Mr. MONDELL. There has been full consideration and a unanimous agreement?

Mr. ASHBROOK. We have had hearings four or five days on the bill, and it is the unanimous report of the committee.

Mr. CANNON. There is a standard barrel now.

Mr. ASHBROOK. Yes; there is a standard-barrel bill, known as the Tuttle bill, and it was believed to apply only to fruit, vegetables, and agricultural products, and not to commodities of this kind.

Mr. CANNON. Does it apply to lime?

Mr. ASHBROOK. It is so ruled by the Bureau of Standards.

Mr. CANNON. Has the Bureau of Standards the right to make regulations of this kind?

Mr. ASHBROOK. They doubtless have a right to place this construction upon it as the bill reads.

Mr. WALSH. Mr. Speaker, I would like to ask the gentleman in charge of the measure what difference this makes in the weight of a barrel of lime which is now sold?

Mr. ASHBROOK. This makes the barrel weight the same as it now is. It simply takes lime out of the Tuttle bill.

Mr. REAVIS. Mr. Speaker, the purpose of this bill, briefly stated, is as follows: The Tuttle bill, passed by the Sixty-third Congress, was intended, as I read it, to apply solely to agricultural commodities. It fixed the standard barrel for such products by measure. Unfortunately, however, there was used in the bill the phrase "other dry commodities." The Bureau of Standards construes such phrase so as to comprehend the lime industry within the provisions of the Tuttle Act. Now, lime is of different specific gravity. No two brands are of the same density. One lime will weigh 40 per cent more than another. The reason for it is that some lime comes in lumps, while other lime is pulverized. If the lime manufacturers were compelled to sell their commodity by measure rather than weight, and such measure be the Tuttle barrel, there would be 40 or 50 per cent more lime in the barrels in some instances than in others. Lime is largely sold by weight, and not by measure. For that reason the lime industry is practically unanimous in its demand for a standard lime-barrel bill, such standard to be determined by weight rather than measure.

Mr. CRAMTON. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. CRAMTON. Is it the purpose of this bill that there shall be a variety of different lime barrels, of 280 pounds' capacity, we will say, according to the density of the particular brand of lime to be contained in the barrel, or will they have a barrel that will be full of one kind of lime or half full of a different kind of lime, according to the density?

Mr. REAVIS. The purpose of the bill primarily is to relieve the industry of the difficulties imposed by the Tuttle bill and to fix a standard lime barrel, not by measurement but with the contents of the barrel, weighing 280 pounds if a large barrel or 180 pounds if a small barrel. The result will be that a barrel of one character of lime will be much larger in size than a barrel of another character of lime, but both will weigh the same, though of different dimensions.

Mr. CRAMTON. So the weight will be the same, but you will have standard lime barrels of, perhaps, 40 different sizes?

Mr. REAVIS. Probably as many different sizes as there are different densities of lime.

Mr. CRAMTON. Does not the gentleman think it would be much better to relieve the industry entirely of the provisions of the Tuttle bill and to provide that they may sell this commodity by weight entirely instead of by measurement, instead of fixing a standard barrel which is not a standard at all?

Mr. REAVIS. There are two reasons why that should not be done, in my opinion. There were many representatives of the lime industry before our committee, I think at least 20——

Mr. ASHBROOK. I think at least that many.

Mr. REAVIS. They wanted a standard of weight instead of a standard of size, for this reason: One company would sell a barrel of lime for a certain price. Another company would go to their customers and say, "We will sell you a barrel of the same dimensions for 25 per cent less."

The customer purchasing it would think he was saving 25 per cent of the purchase price, when, as a matter of fact, he was getting skinned out of 25 per cent of the purchase price, because the barrel sold in the second instance would weight 50 per cent less than the barrel sold in the first instance. To stop that sort of competition, and to insure the ultimate consumer that he will get exactly the quantity of lime he pays for, they ask that the barrel be standardized, not by size but by weight.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. REAVIS. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. Do I understand that this bill recognizes what has been the prevailing standard weight of the lime trade, 280 pounds and 180 pounds?

Mr. REAVIS. Yes.

Mr. GREENE of Vermont. It does not insist that the barrel shall be of any special size or dimensions, but that the weight shall be recognized as the only standard?

Mr. REAVIS. That the weight shall be 280 or 180 pounds; that the 280-pound barrel or the 180-pound barrel shall be the standard barrel, showing the exact weight of the contents, and this measure fixing that standard was asked for by every legitimate manufacturer of lime in the country, so far as I know. There was no disagreement among the manufacturers.

Mr. GREENE of Vermont. And the lime tradesman who puts 180 pounds of lime in a barrel is within this law?

Mr. REAVIS. There is no question about it.

Mr. CRAMTON. Would not every purpose which the trade seem to desire have been secured if you had reported a bill which would have been somewhat similar to the pure-food regulation, something requiring that every barrel containing lime for sale in interstate trade must be branded with the net weight of the lime contained?

Mr. REAVIS. That is provided by this bill, with an addition.

Mr. CRAMTON. Would not that have been sufficient, without having stated that you are going to fix a standard barrel, when, as a matter of fact, you are not fixing any such thing at all?

Mr. REAVIS. I do not believe it would be sufficient, for this reason: I believe there are no exceptions to the rule that the legitimate lime manufacturers in this country, and in other countries as well, have adopted the 280-pound barrel and the 180-pound barrel as their standards, and that business is being done along those lines now, and has been done along those lines for years.

Mr. CRAMTON. There must be some exceptions, otherwise legislation would not be necessary.

Mr. REAVIS. I said every legitimate manufacturer of lime, and there are no exceptions to that. There are those who do a cutthroat business, who put lime in barrels in large lumps, so that half the barrel is open spaces and not filled with lime. They sell the lime in the same size barrel, representing that they are selling the same quantity of lime for less money, when they are really selling a barrel which weighs much less than 180 pounds.

We want to fix such enterprising gentlemen so that they will put 180 pounds and 280 pounds upon their barrels in order that the ultimate consumer will know exactly the quantity of lime he is getting.

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. CHIPERFIELD. I would like to inquire of the gentleman, for without doubt he has given the subject considerable thought, if it is his opinion that the Federal Government or Congress has the right to fix a standard weight without regard to interstate commerce?

Mr. REAVIS. I will say to the gentleman that I am entirely of the opinion that under constitutional authority Congress has the right to fix standards of weights and measures, that when once it has fixed the standard it has exhausted its powers. Under another constitutional provision we may legislate with reference to interstate and foreign commerce. This bill fixes the standard barrel under the weights and measures clause of the Constitution, and it then fixes a penalty for using any other character of barrel in interstate commerce. In my opinion, the bill would be unconstitutional if it fixed a penalty for intrastate commerce.

Mr. CHIPERFIELD. But it does not apply to the barrel or standard for use in intrastate commerce?

Mr. REAVIS. Not even remotely.

The SPEAKER pro tempore (Mr. RUSSELL of Missouri). Is there objection to the consideration of the bill.

Mr. TREADWAY. Mr. Speaker, I trust that there will not be any effort to prevent the unanimous consideration of this bill at the present time. The discussion seems to have taken a turn as though the lime makers, the dealers, were the ones who were anxious to put this bill through. That is not the situation at all. They would not have applied to Congress for any relief were it not for the misconstruction put upon the so-called Tuttle bill passed in the last Congress. The gentleman from Nebraska [Mr. REAVIS] clearly stated the case when he explained the fact that the phraseology of the Tuttle Act carried the words "other dry commodities." I am not a lawyer and do not profess to interpret law, but I can not for the life of me understand how, if you are legislating for fruits and vegetables, establishing a standard barrel for articles of that nature, you can go beyond that idea and include in it lime. That seems to have been the decision, as the chairman of the committee has said, that has been applied in this particular instance. This is an emergency matter. I have a large number of lime manufacturers in my district, and I have received communications from some of them no longer ago than this morning urging that this legislation be put through before the 1st of July; otherwise every lime producer in the country will be a criminal under the Tuttle Act, when, in my opinion, and I think in the judgment of this House, it never was intended that lime should be included in any way, shape, or manner in that bill when it was pending. I appreciate the criticism of the gentleman from Michigan [Mr. CRAMTON] and I realize that there may be phraseology in the bill that is not agreeable to all of us, but, nevertheless, it is such an important matter to people dealing in lime and manufacturing lime throughout the country that the question of a little different phraseology ought not to prevent the consideration of the bill at this time.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object——

Mr. HASTINGS. Mr. Speaker, I demand the regular order.

Mr. CRAMTON. I shall have to object under that procedure.

Mr. HUMPHREY of Washington. I hope the gentleman from Oklahoma will not insist upon his demand for the regular order.

Mr. HASTINGS. I withdraw the demand for the regular order.

Mr. CRAMTON. Mr. Speaker, I want to object to the suggestions that have been made here that the Bureau of Standards has taken an unwarranted action in their construction of the barrel bill which we passed in the last Congress. We are going headlong on this matter of barrel legislation. We first passed the Sulzer apple-barrel bill, and then in the last Congress we passed the Tuttle barrel bill. At the time it was pending in the House the application of that clause respecting other dry commodities was referred to in the debates, and I myself prophesied that we were getting industries into trouble that did not know what was pending; that we were legislating without giving the general industries an opportunity to be heard; but the gentleman from Ohio and others said that there was nothing to it; that there was no industry that could be affected unjustly; that the bill was all right. The bill, as I read it, applied to all other dry commodities, not saying anything about agriculture or fruit or anything of the kind, but "dry commodities." And right here comes along the head of the procession, the lime industry, and wants relief from the bill which we so recently passed. Now, how many other industries are rapping at your committee room door for some relief similar I did not know. Personally, I believe they ought to have relief. I said a year ago that some of the industries would need relief, and now here the first of the line which some of us prophesied comes along, and I think it ought to have relief.

But the question in my mind is whether the committee which reported it out, and which reported a sort of vague and uncertain bill in the last Congress, has not brought along a companion to it. For instance, the gentleman from Ohio is on his feet, and I will ask him what these words mean. We have none of us had a chance to study this bill; it has just simply been sprung on us here right off the bat. Now, section 3 says—and I would like to have the gentleman give me his attention, so he can explain it. As I said, the last bill that came from that committee on the subject of barrels had a hole in it, and the question of "dry commodities" arose. Let us see what this says:

When lime is sold in interstate commerce in containers of less capacity than the standard small barrel, it shall be sold—

In what?

in multiples of said standard small barrels, and the net weight of such container, etc.

Now, what is meant——

Mr. ASHBROOK. If the gentleman will yield. I have a committee amendment to offer, if unanimous consent is given for the consideration of this bill, as a substitute for section 3; and the section then, I believe, will be satisfactory to my friend from Michigan.

Mr. CRAMTON. I will yield to the gentleman to read his amendment, if it is not long.

Mr. ASHBROOK. I will be glad to do so. This is a committee amendment to section 3:

SEC. 3. When lime is sold in interstate commerce in containers of less capacity than the standard small barrel, it shall be sold in multiples of said standard small barrel, and the net weight of such container shall, by stencil or otherwise, be clearly marked thereon, together with

the name of the manufacturer thereof and the name of the brand, if any, under which it is sold.

Mr. CRAMTON. The amendment does not take care of it because it does not apply to a half barrel sold in a container of barrel shape, but only when it is in a different kind of container than a barrel. If not sold in boxes or sacks, if sold in barrel-shaped containers of half-barrel size, the amendment does not apply in this respect.

Mr. TREADWAY. If the gentleman will permit a suggestion, my understanding is this permits lime to be sold in the quantities specified in a box, in a basket, or any other way.

Mr. REAVIS. I believe the language of the amendment, as I recall it, is, "any other small barrel."

Mr. ASHBROOK. One hundred and eighty pound barrel.

Mr. CRAMTON. I do not know whether the amendment is better than the bill. I have not the amendment before me and I do not have it clear in my mind; but the bill, the gentleman admits, is in faulty condition, just as the bill a year ago was. Now, further, when we come to the penal provision we penalize the man if he puts a little lime extra in just as much as if he did not put in enough. You provide only for prosecution in the Federal court, which may carry a man several hundred miles. Mr. Speaker, I am not going to object to the consideration of the bill because the gentleman here having charge of it waited until the last hour of the afternoon, and so we have to take the chances of passing a poorly constructed bill, for which the lime industry will have to suffer, the same as we did a year ago, or give them no relief. We are obliged to leave them to suffer the evils of the Tuttle barrel bill or substitute the possible evils of this bill. The lime industry, as I understand it, has chosen what it believes to be the lesser evil, and I do not want to interfere with that choice.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. But I do protest against this business of bringing in a bill affecting an entire industry with absolutely no opportunity given to the House for consideration.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Speaker, I suggest to the gentleman from Ohio [Mr. ASHBROOK] that perhaps the most convenient way to consider this would be to have it read by paragraphs for amendment. This is a Senate bill. As I understand, the gentleman has some committee amendments to offer?

Mr. ASHBROOK. Yes.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That it shall be unlawful for any person to sell or offer for sale lime in barrels for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, without first by stencil or otherwise clearly marking on one or both heads of the small barrel the figures "180 lbs." and upon the large barrel the figures "280 lbs." and in addition the name of the manufacturer of the lime and the name of the brand, if any, under which it is sold.

Mr. ASHBROOK. Mr. Speaker, I desire to offer a committee amendment.

The SPEAKER. The Clerk will report the committee amendment offered by the gentleman from Ohio [Mr. ASHBROOK].

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Amend, by adding the word "net," after the word "lbs.," in section 2, line 17 and in line 18.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHBROOK. Mr. Speaker, I desire to offer another amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Amend, by striking out all after the word "lime," in section 2, line 19, page 2, and all of line 20, and add "and where manufactured."

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes; I yield.

Mr. STAFFORD. What is the purpose of requiring the locality of the manufacturer of lime?

Mr. ASHBROOK. Well, I will say to the gentleman that in order to prosecute violations of the act it was deemed wise not only to have the name of the manufacturer who manufactures the lime, but also the place where it is manufactured.

Mr. STAFFORD. Are you not imposing an undue requirement upon the manufacturer of lime when you insist that the place of manufacture should also be stamped on the barrel in addition to the name of the manufacturer?

Mr. ASHBROOK. I think the gentleman will find that nearly all the manufacturers now stamp their town or city with a stencil on the barrel.

Mr. STAFFORD. It is optional now with the manufacturer to do so if he wishes, but here you are requiring all manufacturers to stamp the locality. You are establishing by legislation something that will interfere with the regular processes of trade, and I believe that unless the object is very patent you should not hamper and restrict the due course of trade.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I will; but I want first to say to the gentleman from Wisconsin that I can not conceive where there would be any hardship to the manufacturer in requiring him to include in his stencil the place of manufacture.

Mr. GREENE of Vermont. I should think the gentleman will find that the place where the lime is manufactured is the first indication of the brand and character of the lime. It indicates the kind of lime.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. HICKS. I think there is another consideration that comes in also, and that is to stamp foreign-made lime with the name and place where it is manufactured, so that the American consumer can know whether it is foreign made or American.

Mr. ASHBROOK. The gentleman has it right.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. WALSH. Suppose the lime is sold by some one who is not a manufacturer. Suppose it is taken from a large bin and put into a barrel and shipped. Has the shipper to place on the barrel the place where it originally came from?

Mr. ASHBROOK. Yes; if it is sold by the barrel.

Mr. WALSH. If I am retailing lime that has come from a manufacturer and I put it in a barrel and sell it in my locality, it would be a hardship upon me as a retailer to place the name of the manufacturer on the barrel.

Mr. BORLAND. The gentleman will find, I think, that in the lime industry that case that the gentleman cites will not occur often.

Mr. WALSH. It might occur once.

Mr. BORLAND. If it did occur, it might be easily taken care of by saying "manufacturer or vendor."

Mr. FORDNEY. Mr. Speaker, will the gentleman yield right there?

Mr. ASHBROOK. Yes.

Mr. FORDNEY. It occurs with every lime dealer in the land. There is not a lime dealer in any city in the country that it would not affect. Every lime dealer buys his lime wholesale and sells it at retail.

Mr. ASHBROOK. It is largely sold by the barrel.

Mr. FORDNEY. No; it is not necessarily sold by the barrel.

Mr. BORLAND. I will say to the gentleman that the dealer is usually anxious to put his name on the barrel and also the place where he conducts his business.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. REAVIS. So far as the retailer is concerned, this bill has no application, as it refers solely to interstate commerce.

Mr. WALSH. Suppose it crosses the border from one State into another; will it not have an application then?

Mr. REAVIS. The provision in reference to the manufacturer and the place of manufacture is inserted in this bill largely at the instance of the lime industry of the State of Washington. The cutthroat business that I referred to some time since is the cutthroat business that comes down from British Columbia. Their lime is sent to this country and sold here without the name of the brand on the barrel, without the name of the manufacturer, and we want stamped on that barrel the name of the manufacturer and the place of manufacture, so that if the manufacturer violates the provisions of this bill we will know where to get him. That is the purpose of it.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. WALSH. Even granting to be true what the gentleman has said, that it is necessary to get at these cutthroat dealers, is it necessary to compel the retailer who keeps his lime in bulk and barrels it, in order to comply with the law, to put on the barrel that he sells the lime in the name and place of the manufacturer?

Mr. REAVIS. That being an essential evidence of honesty in this business, I should say it is necessary even for that party to place on the barrel the name of the manufacturer.

Mr. WALSH. The manufacturer would not be responsible. What would be the advantage of putting the name and place of the manufacturer on the barrel if the retailer sold a short-weight barrel of lime? You do not want to prosecute the manufacturer; you want to prosecute the retailer.

Mr. REAVIS. There might be an occasional and exceptional case of that kind, where the retailer selling a short barrel of lime and a real offender might not be reached by putting the name of the manufacturer on the barrel, but if you eliminate it the rule will be that the real criminal will escape, and in order to protect the lime manufacturer and the consumer and penalize the real criminal we are asking for all the information to be stenciled on the head of the barrel.

Mr. WALSH. If the lime is going into interstate shipment, could not the shipper be prosecuted by getting the name of the shipment and the shipper from the freight records?

Mr. REAVIS. Unquestionably.

Mr. WALSH. Then why do you want it put on the barrel?

Mr. REAVIS. If you leave it off in the interest of the exceptional case, you destroy the opportunity to catch the real criminal, and he will be the real criminal in 99 per cent of the cases.

Mr. HICKS. Is not there another consideration? Some man has established a reputation for a certain standard of lime and if his name is stamped on it people who consume lime will buy that particular lime because they know its quality.

Mr. WALSH. If the gentleman has got a reputation that will sell the lime it is a hardship on the retailer who does not manufacture.

Mr. REAVIS. The retailer does not ship in interstate commerce.

Mr. WALSH. He may live on the border line of a State and ship it over.

Mr. REAVIS. Yes; such a thing is possible.

Mr. STAFFORD. Is the gentleman aware that the jobber of lime not a manufacturer, who has established a trade-mark in business by furnishing a high quality of lime will be required in the sale of the lime in barrels to stamp not his own name on the head of the barrel but the name of the manufacturer, and receive no protection whatever for his established trade-mark?

Mr. HICKS. I will say that under this amendment the man who is the retailer can put anything he wants in addition to the manufacturer's name. He can sell it as "Milwaukee best."

Mr. STAFFORD. That would be a very good name, but this requires him to place the name and place of the manufacturer on the barrel and takes away the privilege of the trade-mark which he has established by forcing him to adopt the name of the manufacturer rather than his own.

Mr. BENNET. Mr. Speaker, I move to strike out the last word. In the first place, I think the gentleman from Massachusetts [Mr. WALSH] is absolutely right. Take the case of a man in New York State, from which we ship into adjoining States a great deal of lime. The man buys his lime by the carload lots and desires to ship it out of there in barrels or in sacks. He may not know if he takes his lime out of the general stock who the manufacturer is, but he can very easily—this being a penal statute if this act passes—he can very easily evade this part of the act by shipping his lime in barrels containing only 180 pounds. I am from the State where originated the saying, "You bought the box but not the socks." If you will look at the language you will see that you have added a provision that on the 180-pound barrel he is to put the figures 180, and on the large barrel of 280 pounds, in addition, he must put the name of the manufacturer and the place. It seems to me that the language ought to be amended by inserting, after the word "and," the words "upon either barrel" in addition. I can not see why the contention of the gentleman from Massachusetts is not correct, and why, if a man carries lime from an adjoining State, he should not be compelled to put his name and address on the barrel instead of the manufacturer's name and address.

Mr. STAFFORD. Mr. Speaker, I offer an amendment to the amendment by striking out all after the word "net," in line 18, down to and including the word "sold," in line 20.

Mr. ASHBROOK. I will say to the gentleman from New York that I believe the intent of the bill and the intention of the committee is to apply the same thing to the 180-pound barrel as well as to the 280-pound barrel. In other words, that they should be required to stamp his name on both barrels.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Strike out, on page 2, line 18, all after the word "net," down to and including the word "sold," in line 20.

Mr. STAFFORD. Mr. Speaker, I am not in favor of imposing hardships and restrictions upon the entire lime-shipping trade of the country in order to protect one locality in the importations of lime from British Columbia to the State of Washington. Those of us who have the slightest knowledge of the lime-jobbing trade know that lime is bought in carload lots and is jobbed out and sold not only in intrastate commerce but in interstate commerce in barrels. To force the purchaser of a carload lot to brand the barrel with the name of the manufacturer when he may not know where the lime was manufactured is the imposition of a hardship upon him. It is asking him to do something which in the course of the trade he is not able to ascertain. That is a legislative restriction which is unfair. I do not believe the gentleman from Ohio intended to place any such unreasonable restriction on the jobbing trade of this country. The gentleman can see that in the instance cited it will cause considerable inconvenience.

Mr. GREENE of Vermont. Has the gentleman the idea that very much lime goes from the kilns to the jobbers in bulk?

Mr. STAFFORD. In Waukesha County, a part of the district which I had the honor to represent before it was reapportioned, is a lime district. I visited the lime district quite frequently. They ship the lime from there in carload lots to the jobbers in Milwaukee, and the jobbers in Milwaukee in turn ship it to other places. Now, why should you place the unreasonable restriction upon the jobber that he must brand the barrel with the name of the manufacturer, when he may not know the name of the manufacturer or where the lime was manufactured? Where carload lots are sold and bought by brokers, bought in transit, and the brokers may not know who is the manufacturer of that lime, that would be imposing a hardship upon them. You are requiring something that can not be conformed to by the jobber. Why should you do it just merely to protect some dealers in one place up in the northwestern part of the country, to protect the State of Washington against the international trade from British Columbia?

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. GREENE of Vermont. One of the purposes in my asking the question is to get the opportunity to say that I am now trying to learn what I can about the bill, in the interest of men in my own district who are lime producers and who sell to the jobbers, who ship their lime from their kilns in barrels. My district is a marble district, and underlaid with lime from one end to the other.

Mr. STAFFORD. The lime is shipped from my part of the country in carload lots.

Mr. GREENE of Vermont. The gentleman's district is not the only one.

Mr. SLOAN. I should like to ask the gentleman whether his amendment is supported by the Lime Kiln Club? [Laughter.]

Mr. ASHBROOK. Mr. Speaker, I would like to say to the gentleman from Wisconsin that I believe this is satisfactory to a large majority of the lime manufacturers and dealers.

Mr. STAFFORD. Have the jobbers been heard on this question?

Mr. ASHBROOK. I do not know to what extent they were represented at the hearing, but jobbers appeared before the committee.

Mr. STAFFORD. I know the jobbers of my city have not been heard.

Mr. ASHBROOK. We had numerous representatives from the jobbing trade, as well as the manufacturers.

Mr. STAFFORD. Can not the gentleman see the hardship that will be placed on the jobbing trade in the instance cited by me?

Mr. ASHBROOK. There might be instances where it would work a hardship.

Mr. STAFFORD. Why should you impose that hardship by legislation, if it is not necessary?

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. STAFFORD. I yield to the gentleman.

Mr. HUMPHREY of Washington. How is it going to impose a hardship?

Mr. STAFFORD. I have already cited an instance where lime is bought in carload lots by jobbers. I can conceive that they might not know who the manufacturers are. Then they sell to the trade in barrels, and they would not be able to comply with this condition.

Mr. ASHBROOK. But that would not refer to trade within the State.

Mr. STAFFORD. These jobbers are not limited in their trade, so far as the Northwest is concerned, to the trade only in the State; but they sell throughout all of the Northwest, and I presume the same condition prevails in the other parts of the country.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. TREADWAY. I want to see if we can not reach some agreement as to phraseology that will satisfy all?

Mr. ASHBROOK. I do not think that I have the floor.

Mr. STAFFORD. I have the floor; I yield to the gentleman.

Mr. TREADWAY. Would not this cover the case? Evidently there should be retained on the barrel some identification of the original sale; that is, where manufactured and the address. The committee are very insistent that that should be in the bill, and I think properly so. Would it not take care of the situation if the gentleman from Wisconsin [Mr. STAFFORD] should leave the amendment as it is practically, and then add "or if sold in bulk the name and address of the person barreling it"? That seems to be the object of the gentleman.

Mr. STAFFORD. That phraseology would not meet the case.

Mr. TREADWAY. That is only a suggestion as to the idea.

Mr. STAFFORD. Because that which is sold in bulk might not be sold in barrels.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. REAVIS. Those for whom the gentleman is speaking are the jobbers.

Mr. ASHBROOK. Mr. Speaker, let us have a vote on the amendment offered by the gentleman from Wisconsin.

Mr. HUMPHREY of Washington. I want to be heard upon that amendment.

Mr. REAVIS. They know of whom they buy this lime.

Mr. STAFFORD. Not necessarily. I can not speak as to lime, but take other articles—for instance, pig iron, with which I am somewhat familiar. When a man buys a carload of pig iron from a broker he does not know who is the manufacturer.

Mr. REAVIS. But he knows he buys from a broker.

Mr. STAFFORD. But they may not know the manufacturer of the pig.

Mr. REAVIS. Does the gentleman know of any instance in his own district or elsewhere where lime is purchased from brokers in bulk?

Mr. STAFFORD. I can not say that as to lime, but I know such is the case as to other articles. Did the gentleman ask me whether it was purchased in bulk?

Mr. REAVIS. I do; of brokers?

Mr. STAFFORD. No; not of brokers.

The SPEAKER. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. HUMPHREY of Washington. Mr. Speaker, I demand to be heard upon that amendment.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I hope the House will not agree to this amendment. If it does, you take away a very large part of the value of the bill. I can not understand why it is that any lime manufacturer objects to having his name go upon the barrel. The language which it is proposed to have stricken out is "and in addition the name of the manufacturer of the lime." Why should any honest man object to that? Next, "and the name of the brand, if any, under which it is sold." I can see no reason why anybody should object to that provision. The gentleman [Mr. STAFFORD] refers to the conditions out in the State of Washington. There are conditions there that this reaches, but it is no more so there than in other places along the border. Why should the people in my portion of the country buy lime shipped from British Columbia under the impression that it is made in this country? I think the time has about come when we should legislate in this body for the people of the United States and not legislate for the people of Canada.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. WALSH. Why should you require a retailer who might have purchased the lime from a jobber, and then barreled the lime, to put the name of the manufacturer of the lime on the barrel? Why not put the retailer's name on the barrel?

Mr. HUMPHREY of Washington. Put them both on, if you want to.

Mr. WALSH. You require him by this bill to put the name of the manufacturer of the lime, and the reason is to assist in the prosecution for violation of this law when the manufacturer may not be concerned with the violation of the law at all.

Mr. HUMPHREY of Washington. My reason for wanting the manufacturer's name put on there is because when a man buys the lime I want him to know where it is bought, so that if the man who manufactures the lime is perpetrating a fraud, or if his goods do not come up to the standard, or if they are better than the average, the man who purchases the lime will know who is responsible for it.

That is the reason I want it, in the interest of fair and honest dealing.

Mr. WALSH. If the gentleman will yield further, that may all well be if the transaction took place in one State, but suppose the lime is shipped from your State across the country to New England and there sold by the jobber to the retailer. You are not affording any protection. The reason given is to trace a violation of the law. Now, the manufacturer may not be concerned about the violation of the law.

Mr. HUMPHREY of Washington. I think the man who buys the lime in your State, the retailer who gets the lime that comes from my State, ought to know where the lime comes from and who made it.

Mr. Speaker, I yield the balance of what time I have to the gentleman from New York [Mr. ROWE].

Mr. ROWE. Mr. Speaker, there is a little misunderstanding as to how lime comes into the market. Where the limekilns are close to the market they send it in bulk in cars, but where it is at a distance it comes in the market in barrels. Now, lime coming into New York comes in two ways. That from a distance like Vermont, comes in barrels, and practically all is sold in New York City in barrels. Now, the substitute offered here would work very great injury to the manufacturers of lime. At this present time there are many people of New York City that go around among the builders and buy for 2 cents the old barrels. Then they buy the lime manufactured near New York, which is nothing like the quality of that from Vermont, and fill these barrels and resell them. I am interested in the retailing of lime in New York City, and we want the barrels marked with the State where they come from, and the name also of the manufacturer.

Mr. FINLEY. Mr. Speaker, this is a rather important question to all concerned, and I suggest to the gentleman from Ohio that he let it go over until next Wednesday, as there are a great many people concerned in this matter. There is no quorum here, and I do not want to be forced to make the point of order, and if the gentleman will agree to let the bill go over until next Wednesday it can then be considered; otherwise I should make the point of no quorum.

Mr. ASHBROOK. Mr. Speaker, I was about to suggest to the Members of the House present that I think most of them are more or less interested in this bill. They appreciate the importance of passing the bill at this time, as the Tuttle bill goes into effect on July 1. If the gentlemen are more interested in talking, they can defeat the bill, but if they really want to pass the bill they must allow the bill to be passed now; otherwise they will have to take the chances of the point of no quorum being raised.

Mr. FORDNEY. Mr. Speaker, I will say to the gentleman frankly and sincerely that a very large amount of lime that comes into my home city comes from Ohio in carload lots. You are going to work a hardship upon some of these people if you pass the bill as proposed. If you will give me time and postpone, as the gentleman said, the consideration of this bill for a few days I will by wire to-morrow settle that question with the dealers in my home city.

Mr. ASHBROOK. If the gentleman will allow me I will say to him that the lime interests are very anxious indeed that this legislation should be passed at this time so it will relieve them from the operation of the Tuttle bill, which goes into effect July the first.

Mr. WALSH. Will the gentleman yield? Does the gentleman think the interests of the lime industry should be given preference over the interests of the jobbers or retailers or consumers?

Mr. ASHBROOK. If I said the lime manufacturers I should also include the jobbing interests. The people are all affected alike by this; not only the manufacturers, but the jobbers and consumers.

Mr. MONDELL. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is to vote on the amendment of the gentleman from Wisconsin to the amendment of the gentleman from Ohio.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. STAFFORD. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 8, noes 37.

So the amendment was rejected.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. ASHBROOK].

The amendment was agreed to.

Mr. BENNET. Mr. Speaker, I move to amend, on line 18, after the word "and," on page 2, by inserting the words "on either barrel."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 18, after the word "and" insert the words "on either barrel."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORTON. Mr. Speaker, I desire to offer an amendment. In section 2, line 17, strike out the word "upon," and insert in lieu thereof the word "of."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from North Dakota.

The Clerk read as follows:

Page 2, line 17, strike out the word "upon," and insert in lieu thereof the word "of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Speaker, I move to amend, on line 17, page 2, by adding after the word "upon" the words "one or both heads of."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 2, line 17, after the word "upon" add the words "one or both heads of."

Mr. BENNET. Mr. Speaker, I withdraw the amendment.

The SPEAKER. The gentleman from New York withdraws his amendment. The Clerk will read.

The Clerk read as follows:

SEC. 3. When lime is sold in interstate commerce in containers of less capacity than the standard small barrel, it shall be sold in multiples of said standard small barrel and the net weight of such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand, if any, under which it is sold.

Mr. ASHBROOK. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amend by striking out all of section 3 and substituting therefor the following:

"SEC. 3. When lime is sold in interstate commerce in containers other than barrels of less weight and capacity than the standard small barrel it shall be sold in fractional parts of the net weight contents of said standard small barrel, and the net weight contents of said standard small barrel shall be stenciled or otherwise be clearly marked thereon, together with the name of the manufacturer thereof and where manufactured."

The SPEAKER. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the last word.

Mr. STAFFORD. Do I understand you require on these small containers the name and place of the manufacturer to be placed? Are you also exacting such harsh measures as to require small containers of 25 or 50 pounds to be marked in that way? I think I will make a point of no quorum if you are going to make the bill so unreasonable as that.

Mr. ASHBROOK. Well, Mr. Speaker, in the interest of attempting to pass this bill at this time I will withdraw the committee amendment.

The SPEAKER. The gentleman from Ohio withdraws the committee amendment.

Mr. BENNET. Mr. Speaker, I move to strike out line 23, if the gentleman is going to offer his substitute.

The SPEAKER. The gentleman from Ohio withdrew his amendment.

Mr. BENNET. I move to strike out on line 23, page 2, the word "multiples," and insert the words "fractional parts."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 2, line 23, strike out the word "multiples" and insert the words "fractional parts."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I move to amend in line 24 of section 3, after the word "of" by inserting "lime contained in." As it reads at present, it is the weight of the container, when in fact it ought to state the weight of the lime contained.

The Clerk read as follows:

Page 2, line 4, after the word "of" insert the words "lime contained in."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 5. That it shall be unlawful to pack, sell, or offer for sale for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any barrels or other containers of lime which are not marked as provided in sections 2 and 3 of this act, or to sell, charge for, or purport to deliver from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, as a large or small barrel or a multiple of said small barrel of lime, any more or less weight of lime than is established by the provisions of this act; and any person guilty of a violation of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding $100.

Mr. ASHBROOK. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 4, line 13, strike out the word "multiple" and insert in lieu thereof the words "fractional part."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I move to strike out, in line 14, the words "more or." I do not think that we ought to fine a man for selling something over weight.

The amendment was agreed to.

Mr. CRAMTON. Now, Mr. Speaker, I want to suggest further to the gentleman from Ohio whether the penal section is sufficient to cover a case of fraudulent use of a branded barrel. I do not care to take up any time now.

Mr. BENNET. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee how he determines the United States court having jurisdiction of such an offense. Under section 3 of the immigration law we run across the same condition. I call the gentleman's attention to this in order that he may consider it in conference. We provided what would be an equivalent, and the equivalent here would be the United States court in the district from which the lime was shipped or in which it was received. They have concurrent jurisdiction. I do not know how anybody could tell which court had jurisdiction from this. I hope the gentleman will clear that up in conference.

Mr. ASHBROOK. I will say to the gentleman that my understanding is that the court would have jurisdiction where the offense was committed, where it was sold.

Mr. BENNET. It might be so.

Mr. MONDELL. It would depend on what the offense was. If it was an omission to mark, it would be where there was a failure to mark.

Mr. ASHBROOK. And the same as to branding of short weight.

The Clerk completed the reading of the bill.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ASHBROOK, a motion to reconsider the vote whereby the bill was passed and laid on the table.

EXTENSION OF REMARKS.

Mr. BROWNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the widows' pension bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GARLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BEALES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech by the Hon. AUGUSTUS P. GARDNER at Gettysburg on Memorial Day.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing a speech by the Hon. AUGUSTUS P. GARDNER at Gettysburg on Memorial Day. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 228. An act to amend the United States homestead law in its application to Alaska, and for other purposes; and

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1843. An act to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.; and

S. 1388. An act to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association.

ADJOURNMENT.

And then, on motion of Mr. KITCHIN (at 5 o'clock and 44 minutes p. m.), the House adjourned until to-morrow, Thursday, June 29, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, reported the same without amendment, accompanied by a report (No. 868), which said joint resolution and report were referred to the Committee of the Whole House of the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FARR, from the Committee on Naval Affairs, to which was referred the bill (H. R. 8277) to reinstate Arthur Hubesty Turner as a second lieutenant in the United States Marine Corps, reported the same with amendment, accompanied by a report (No. 862), which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 4890) for the relief of Lieut. Richard Philip McCullough, United States Navy, reported the same without amendment, accompanied by a report (No. 863), which said bill and report were referred to the Private Calendar.

Mr. ESTOPINAL, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9095) for the relief of I. C. Johnson, jr., reported the same without amendment, accompanied by a report (No. 864), which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 15016) for the relief of Asst. Paymaster John D. P. Hodapp, United States Navy, reported the same without amendment, accompanied by a report (No. 865), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (S. 5672) for the relief of sundry building and loan associations, reported the same with amendment, accompanied by a report (No. 866), which said bill and report were referred to the private calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 14572) for the relief of Gertie Foss, reported the same with amendment, accompanied by a report (No. 869), which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 9968) for the relief of the legal representatives of W. H. Mills, deceased, reported the same with amendment, accompanied by a report (No. 870), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 14695) for the relief of Mrs. H. O'Neill, reported the same with amendment, accompanied by a report (No. 871), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15109) for the relief of Catherine A. Fox, reported the same with amendment, accompanied by a report (No. 872), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 16003) for the relief of the heirs of David H. Fish, deceased, reported the same without amendment, accompanied by a report (No. 873), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 14754) for the relief of Charles M. Way, reported the same without amendment, accompanied by a report (No. 874), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 10929) for the relief of John Scott, reported the same adversely, accompanied by a report (No. 875), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 14463) for the relief of Albert E. Kelly, reported the same adversely, accompanied by a report (No. 876), which said bill and report were laid on the table.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 905) for the relief of George W. Waddell, reported the same adversely, accompanied by a report (No. 877), which said bill and report were laid on the table.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 2815) for the relief of John H. Gardner, reported the same adversely, accompanied by a report (No. 878), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 2816) for the relief of Charles H. Cox, reported the same adversely, accompanied by a report (No. 879), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 13371) for the relief of Matthew J. McDermott, reported the same adversely, accompanied by a report (No. 880), which said bill and report were laid on the table.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 16153) for the relief of Denny Costello, reported the same adversely, accompanied by a report (No. 881), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and joint resolutions were introduced and severally referred as follows:

By Mr. DENT [from the Committee on Military Affairs]: A bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. CARLIN: A bill (H. R. 16700) to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913; to the Committee on the District of Columbia.

By Mr. RAUCH: A bill (H. R. 16701) for the purchase of a site and the erection thereon of a public building at Hartford City, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. MOSS of West Virginia: A bill (H. A. 16702) authorizing the submission to the United States District Court for the Northern District of West Virginia of certain claims against the United States for damages suffered by the owners of the wrecked steamboat *Kanawha;* to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 16703) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. STOUT: A bill (H. R. 16704) to preserve the rights of homestead entrymen who are members of the National Guard or Volunteer forces of the United States while in actual service; to the Committee on the Public Lands.

By Mr. DOREMUS: A bill (H. R. 16705) to acquire a site for a public building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 16706) for the purchase of a site for the erection thereon of a public building at Eaton Rapids, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. WEBB: A bill (H. R. 16707) to promote export trade, and for other purposes; to the Committee on the Judiciary.

By Mr. HILLIARD: A bill (H. R. 16708) to pay dependents of enlisted men in the Regular Army and the National Guard while in the service of the United States, make appropriation therefor, and provide the requisite revenue; to the Committee on Military Affairs.

By Mr. HINDS: A bill (H. R. 16709) authorizing the donation of the building at Kennebunkport, Me., known as the old customhouse to the city of Kennebunkport, Me.; to the Committee on Public Buildings and Grounds.

By Mr. GARLAND: A bill (H. R. 16710) appropriating $50,000 for payment of operating forces of public buildings for services performed; to the Committee on Appropriations.

By Mr. STEELE of Iowa: A bill (H. R. 16711) authorizing the Secretary of War to deliver to Alexander Hamilton Chapter, Sons of the American Revolution, Sheldon, Iowa, two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: Joint resolution (H. J. Res. 247) extending the provisions of the act approved June 16, 1898; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 16712) granting a pension to Christopher Disher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16713) to carry out the findings of the Court of Claims in the case of Kate Morehead and others; to the Committee on War Claims.

By Mr. DALLINGER: A bill (H. R. 16714) for the relief of Dana Dudley; to the Committee on Claims.

By Mr. DICKINSON: A bill (H. R. 16715) granting an increase of pension to Samuel J. Boyer; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 16716) granting a pension to Charles E. Derr; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 16717) for the relief of Joseph H. Tavenner; to the Committee on Military Affairs.

By Mr. LESHER: A bill (H. R. 16718) granting an increase of pension to William D. Phillips; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 16719) for the relief of John P. Sutton; to the Committee on Military Affairs.

Also, a bill (H. R. 16720) granting an increase of pension to John F. Scofield; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 16721) granting an increase of pension to Coleman Reynolds; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16722) granting an increase of pension to Joseph Vincent; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 16723) granting an increase of pension to William A. Ruth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16724) granting an increase of pension to David Freed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16725) granting an increase of pension to Francis R. Culp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16726) granting an increase of pension to Edward Blausser; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 16727) granting a pension to Fred E. Pitts; to the Committee on Pensions.

By Mr. VARE: A bill (H. R. 16728) granting an increase of pension to William H. Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16729) granting an increase of pension to Israel Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16730) granting an increase of pension to G. W. Coble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16731) granting an increase of pension to Martin Buehler; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 16732) granting a pension to John H. Bogardus; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of voters of Navajo County, Ariz., relative to woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Petition of sundry citizens of Columbus, Ohio, favoring provision for a volunteer army; to the Committee on Military Affairs.

Also, petitions of sundry citizens of Columbus, Ohio, favoring the passage of the Webb-Smith national prohibition resolutions, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Columbus, Ohio, protesting against the passage of the Webb-Smith national prohibition resolutions, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Columbus, Ohio, protesting against the passage of House bill 9409; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Columbus, Ohio, favoring the passage of House bill 9409; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Columbus, Ohio, favoring the adoption of House joint resolutions 14 and 81; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Columbus, Ohio, favoring the adoption of House bills 6915 and 3081; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Columbus, Ohio, protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petitions of sundry citizens of Columbus, Ohio, protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Columbus, Ohio, asking for a resolution to amend the Federal Constitution, making it unlawful for polygamy and polygamous cohabitation to exist in any place subject to the jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. CAREW: Petition of the Merchants' Association of New York, relative to Senate amendment No. 33 to the rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. CLINE: Memorial of citizens of Kendallville, Ind., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of voters of Navajo County, Ariz., relative to woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Petition of Houston (Tex.) Photo Engravers' Union, against increase of postage of second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Campbell (Tex.) National Exchange Bank, favoring passage of House bill 16359; to the Committee on Banking and Currency.

By Mr. ELSTON: Memorial of board of supervisors, Alameda County, Cal., against Federal inheritance tax; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of citizens of Willow Street, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of supervisors of San Luis Obispo, San Mateo, Santa Barbara, and Monterey Counties, Cal., against the Federal inheritance tax; to the Committee on Ways and Means.

Also, petition of citizens of Soquel, Mountain View, and Santa Barbara County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Mountain View, Cal., against Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of O. McDonald, favoring House bill 8820, relative to criminology; to the Committee on the Judiciary.

By Mr. HERNANDEZ: Memorial of New Mexico Cattle and Horse Growers' Association, favoring House bill 11712, game-refuge bill; to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: Petition of citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of R. J. Short, of Baltimore, Md., favoring House bill 15002, relative to preventing collisions of steam vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. McARTHUR: Petition of sundry citizens of Portland Oreg., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WARD: Petition of Milton P. Bennett and others, of Rockland, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WINSLOW: Petition of sundry citizens of Worcester, Pa., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *June 29, 1916.*

The Senate met at 10.30 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, God of all nations, Thou dost look with infinite tenderness and love upon all the children of men. We come before Thee with the interests of this great Nation in our hearts and invoke Thy divine blessing. Thou dost rule Thy children on the earth by the revelations of Thy will. In the midst of all the stream of human life there is that current which makes for righteousness and which tells the presence of the divine power and the Divine Spirit. That which is in our own hearts, love to mankind, sympathy for the suffering, desire to uplift, to refine, to perfect, we recognize as coming out of Thine own ministry to us and as the working out of the divine program in human life. Do Thou create in us more and more a spirit of fellowship and of good will toward men. May all the influence of our lives and all the ministry of our work go for the establishment of the universal brotherhood. Guide us to this end, for Christ's sake. Amen.

THE JOURNAL.

The Journal of the proceedings of the legislative day of Monday, June 26, 1916, was read and approved.

ESTIMATES OF APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting supplemental estimates of appropriations required by the War Department for the service of the fiscal year ending June 30, 1917, and necessary for the proper equipment of the National Guard called into the service of the United States, etc., $88,495,525.78, which, with the accompanying papers, was referred to the Committee on Appropriations. (S. Doc. No. 482.)

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting supplemental estimate of appropriation in the sum of $28,000 required for the service of the fiscal year ending June 30, 1917, for seacoast defenses, Philippine Islands and Hawaii, for the construction of four gasoline storage tanks at Fort Shafter, Hawaii, which, with the accompanying papers, was referred to the Committee on Appropriations. (S. Doc. No. 483.)

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting supplemental estimate of appropriation in the sum of $25,000 required for the service of the fiscal year ending June 30, 1917, under the appropriation for regular supplies, Quartermaster Corps, for a six months' supply of gasoline, lubricants, and waste for the fortification plants at Hawaii, which, with the accompanying papers, was referred to the Committee on Appropriations. (S. Doc. No. 481.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, further insists upon its disagreement to the amendments of the Senate, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. ANTHONY managers at the further conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads, which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

The message also announced that the House had passed a bill (H. R. 16678) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing that in the enrolling of the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war the Clerk be authorized and directed to restore lines 22, 23, and 24, on page 11, and lines 1 and 2, on page 12, with an amendment to strike out $20 and insert $12, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 16678. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 43) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 14484) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," the Clerk be, and he is hereby, authorized and directed to restore, on page 11 of the engrossed bill, lines 22, 23, and 24, and lines 1 and 2 on page 12, with an amendment as follows: Page 12, line 2, strike out "$20" and insert "$12"; the same being for the purpose of carrying out the agreement of the conferees.

Mr. SMOOT. I move that the request of the House of Representatives be complied with.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a petition of sundry citizens of Terrell, Tex., praying for the enactment of legislation to amend the interstate-commerce act so as to secure State control of rates on hauls entirely within a State, which was referred to the Committee on Interstate Commerce.

Mr. GRONNA presented a memorial of sundry citizens of Carpio, N. Dak., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Mrs. William H. Stokes, of Ackworth, N. Dak., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. ASHURST. I present resolutions unanimously adopted at a mass meeting of American citizens of Irish extraction held in the city of Prescott, Ariz., June 20, 1916. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

RESOLUTIONS UNANIMOUSLY ADOPTED BY MASS MEETING OF AMERICAN CITIZENS OF IRISH EXTRACTION HELD IN THE CITY OF PRESCOTT, ARIZ., JUNE 20, 1916.

Thus her chains as they rankle her blood as it runs
But make her more painfully dear to her sons,
Whose heart, like the young of the desert bird's nest,
Drinks love in each life drop that flows from her breast.

We are assembled here as American citizens of Irish birth or extraction to render financial aid to the oppressed people of Ireland and to make known and voice our solemn protest against the recent atrocious and barbarous murder of 16 Irish patriots by perfidious and tyrannical England, who for more than seven centuries has been the constant despoiler of helpless Ireland.

We are proud to announce that we are in full and complete accord with the aims of the Irish revolutionary brotherhood, which has for its object and purpose the final emancipation of Ireland from the intolerable thralldom and tyranny of England and the establishment of an Irish republic modeled after that of the United States. To the brave and ever-honored Irish revolutionists who captured four-fifths of the city of Dublin in the face of tremendous odds we extend our sincerest admiration. Though temporarily defeated by overwhelming numbers of English soldiers, they maintained to the last hour the most heroic traditions of our race and kept the flag of the Irish republic waving in defiance, unstained by any act of dishonor. The cause for which they fought and bled is as sacred as any ever waged by a downtrodden people for liberty and independence, and that cause must be nurtured and sustained until despotic England is humbled in the dust of defeat and the green flag of Erin waves over Innisfail.

The diabolical murder of 16 Irish revolutionary soldiers after their surrender as prisoners of war has no parallel for baseness and perfidy in the annals of modern warfare. As prisoners of war they were entitled to the same consideration given to other soldiers under like circumstances, but notwithstanding this they were foully murdered by orders from England. Three of them were shot without even the pretense of a drumhead court-martial, and at least one of them who had been grievously wounded at the battle of Dublin, and who by reason thereof could not stand on his feet, was dragged from his prison cot, propped up by English ghouls, while the British firing squad riddled his already wounded body with a fusillade of bullets. Thus we behold the dark and bloody deeds of the Turk and the Mexican doubly discounted in ferociousness by English tyrants, who "gladly feed with Ireland's blood the cannibal appetite" of their savage and revolting natures.

We point to Pablo Lopez, one of Villa's bandits, who was given a month for his wounds to heal by Carranza before being shot. Not so with Connolly, one of the signers of the Irish declaration of independence, who, in his wounded condition, was bolstered up and immediately shot like a wild beast by so-called Anglo-Saxon civilization.

As another instance of British Anglo-Saxon civilization, we point to the Revolutionary War of this American Republic, when England hired the savage Indians to massacre and scalp Americans at so much per head, the amount of reward being determined by the number of American scalps delivered by the red men.

We also point to the War of 1812, when the same despotic power wantonly and maliciously burned the Capitol Building at Washington and sought by every possible means to again enslave the American people, until Gen. Andrew Jackson, at the Battle of New Orleans, with his Kentucky and Tennessee riflemen, delivered this country for all time to come from British aggression and despotism. Therefore, be it

Resolved, That we urge all men and women of the Irish race to contribute liberally at this crucial time to alleviate the distress of our kindred in the old land;

Resolved further, That we are in full accord with the attitude of the Irish race toward the oppressor of Ireland, as expressed at mass meetings recently held in New York, Philadelphia, Boston, Baltimore, Washington, Chicago, San Francisco, Los Angeles, and other places in the United States. In conjunction with our kindred all over the world, we denounce English misrule in Ireland as the most despotic exercised in this day and age by any civilized power of the earth. We call upon Irishmen and descendants of Irishmen everywhere to arouse and bestir themselves in behalf of prostrate Ireland and to oppose English tyranny with might and main, to the end that this modern Babylon who ruthlessly shot and killed 16 Irish prisoners of war in the year of our Lord 1916 may be driven forever from the land of the shamrock.

Resolved, That a copy of these resolutions be published in the local papers, in the Leader, of San Francisco, the Los Angeles Examiner, and the Irish World and Gaelic American, of New York, and that a copy thereof be forwarded to Hon. HENRY F. ASHURST, United States Senator, Washington, D. C.

Witness our hands at Prescott, Ariz., this 20th day of June, A. D. 1916.

P. W. O'SULLIVAN,
J. B. MCNALLY,
ROBERT E. MORRISON,
PAUDRIG O'FAHREILEIGH,
JOHN J. SWEENEY,
Committee.

Mr. SHAFROTH presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. KENYON presented a petition of General Fitzhugh Lee Camp, United Spanish War Veterans, of Dubuque, Iowa, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Grinnell, Iowa, praying for the enactment of legislation to fix standard prices for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the American Reformed Church, of Maurice, Iowa, praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Thornburg, Iowa, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Linn County, Iowa, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Foothill Study Club, of Saratoga, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of the Board of Supervisors of Mendocino County, Cal., remonstrating against the imposition of a Federal inheritance tax, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. COLT. I present resolutions adopted by the House of Representatives of the State of Rhode Island favoring legislation for the prevention of floods. I ask that the resolutions be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution adopted by the House of Representatives of the Seate of Rhode Island for the prevention of floods.

Whereas the frequent floods of the Mississippi River, caused by waters from 31 States, embracing more than 41 per cent of the total area of the United States, result in great loss of human lives in portions of the States of Illinois, Tennessee, Kentucky, Mississippi, Missouri, Arkansas, and Louisiana, and large money losses not only in such afflicted territory but in other portions of the Nation; and

Whereas it has been declared by every member of the Engineer Corps of the United States Army who has dealt with such floods, by the Mississippi River Commission, and by other commissions appointed by Congress, that such floods can be prevented at a reasonable cost; and

Whereas the work of such flood prevention has been going on for many years in the least economical way and over two-thirds of its cost has been borne by the damaged sections, who can no longer cope with this giant problem without effective aid from the National Government; and

Whereas all political parties have declared in their campaign platforms that flood control of the Mississippi River is a national duty: Therefore be it

Resolved by the House of Representatives of the State of Rhode Island, That the Congress of the United States be, and is hereby, requested to fulfill this national duty at its next session, and to enact such legislation as shall provide a separate and comprehensive plan for the prevention of such floods without delay; be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives, to the President of the Senate of the Congress of the United States, and to each Member of the Senate and House of Representatives of this State in Congress.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Lodge of Elks of Woonsocket, R. I., remonstrating against the United States becoming involved in the European war, which was ordered to lie on the table.

He also presented a petition of the State Council of Women of Rhode Island, praying for the establishment of a national leprosarium, which was referred to the Committee on Public Health and National Quarantine.

Mr. HUSTING. I present resolutions signed by about 500 citizens of the city of Ripon, in my State, whose sons enlisted in Company D, Wisconsin National Guard, now encamped at Camp Douglas, heartily approving the policy of adequate national preparedness and requesting that the appropriation of $75,000 for the erection of a Federal building in the city of Ripon, Wis., be diverted from its original purpose and applied to the national defense. Accompanying the resolutions are resolutions adopted by the Common Council of the City of Ripon and also by the Commercial Club of that city. I ask that the resolutions may be printed in the RECORD without the signatures and referred to the Committee on Public Buildings and Grounds.

There being no objection, the resolutions were referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

Whereas the National Congress has made an appropriation of $75,000 for the erection of a Federal building at Ripon, Wis.; and

Whereas it is the belief of the citizens and taxpayers of this community, as expressed by resolutions circulated and signed by them, that in the present emergency the money so appropriated can serve a greater public good by being used for the national defense and that it is the duty of every community to assist so far as possible in every way within its power: Be it

Resolved, That the Common Council of the city of Ripon hereby indorses the resolutions so circulated and signed, and that it adds its earnest request to its Representatives in Congress to immediately introduce and strive to secure the passage of an act diverting the said

$75,000 appropriation from its original purpose and applying it to the national defense.

Resolved further, That a copy of these resolutions be sent to the Representative from this district and to the two Senators from the State of Wisconsin.

Passed this 24th day of June, 1916.

CITY OF RIPON,
L. W. THAYER, *Mayor*.
C. W. STEWART, *City Clerk*.

The Commercial Club of the city of Ripon heartily indorses the movement to cause the Federal appropriation of $75,000 which was to have been used for a Federal building in this city to be diverted to the equipment of our National Army.

RIPON COMMERCIAL CLUB,
SYDNEY S. HALL, *President*.
A. H. FISCHER, *Secretary*.

Whereas an appropriation of $75,000 for the erection of a Federal building at Ripon, Wis., has been made by the National Congress; and

Whereas the people of this community heartily believe in and approve of a policy of adequate national preparedness; and

Whereas we believe that private and local gain and enhancement should always be subservient to the common good: Therefore be it

Resolved, That the citizens of Ripon whose sons enlisted in Company D, Wisconsin National Guards, are now encamped at Camp Douglas, in response to the summons of President Wilson; whose boys of others days were among the first to answer the call of their country in the Spanish and Civil Wars; whose patriotism and loyalty have ever been unbounded and unstinted; with the tearful farewells of mothers, wives, sisters, and sweethearts of soldiers fresh in their memory; with the echoes of the footsteps of the Grand Army of the Republic in State encampment assembled still lingering in their ears, earnestly request their Representatives in Congress to immediately introduce and strive to secure the passage of an act diverting the appropriation made for a Federal building in Ripon from its original purpose and applying it specifically to the equipment of the National Army, preferably in the perfection of the aviation service.

REPORTS OF COMMITTEES.

Mr. CULBERSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 11623) to amend section 4472 of the Revised Statutes, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

He also, from the same committee, to which was referred the bill (H. R. 9542) to amend the second paragraph of section 3264 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879, and as further amended by the act of Congress approved June 22, 1910, asked to be discharged from its further consideration and that it be referred to the Committee on Finance, which was agreed to.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 6484) making appropriation for the improvement of Marine Avenue, in the city of St. Louis, Mo., asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to which was referred the amendment submitted by Mr. MARTINE of New Jersey on the 24th instant, intended to be proposed to the bill (H. R. 1528) for the relief of Martin Huhn, asked to be discharged from its further consideration and that it be referred to the Committee on Post Offices and Post Roads, which was agreed to.

Mr. BROUSSARD, from the Committee on Military Affairs, to which was referred the bill (S. 1691) for the relief of Edward S. Farrow, reported it with amendments and submitted a report (No. 561) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 650. A bill to correct the military record of Wallace Metcalf (Rept. No. 559); and

S. 1361. A bill to correct the military record of Thomas Smart (Rept. No. 560).

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (S. 789) providing for an additional judge for the district of Montana, reported it with amendments and submitted a report (No. 556) thereon.

He also, from the same committee, to which were referred the bill to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it without amendment and submitted a report (No. 557) thereon.

He also, for the Committee on Indian Affairs, to which was referred the bill (S. 5912) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation projects, reported it without amendment and substituted a report (No. 558) thereon.

Mr. HUGHES (for Mr. JOHNSON of Maine), from the Committee on Pensions, to which was referred the bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 562) thereon.

He also (for Mr. JOHNSON of Maine), from the same committee, to which was referred the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 563) thereon.

LAND IN CRAIGHEAD COUNTY, ARK.

Mr. MYERS. From the Committee on Public Lands I report back favorably the bill (H. R. 14630) to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark., and I submit a report (No. 549) thereon. I call the attention of the Senator from Arkansas [Mr. CLARKE] to the report.

Mr. CLARKE of Arkansas. Mr. President, this is a House bill which has been favorably recommended by the department. It proposes to quiet the title of certain occupants of land in the district that has recently come under the control of the Government by reason of changes in the land policy of the country with reference to ancient surveys. It meets the equities of the case, and the department recommends it. I therefore ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M'CABE, MONT.

Mr. MYERS. From the Committee on Public Lands I report back favorably with an amendment the bill (H. R. 600) to validate title to the town site of McCabe, in the State of Montana, and I submit a report (No. 547) thereon. I will state that it is a very short bill, which simply quiets title to lots in a town in Montana. It is of no interest to anybody except the occupants of the lots. It is a House bill, and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I should like to have the Senator from Montana explain to the Senate the real reasons for this legislation.

Mr. MYERS. I will do so, with pleasure, so far as I can.

This is a bill which came from the House, and was introduced in the House by Representative STOUT, of the Public Lands Committee. It is to validate, as I recollect—the bill will show—a Santa Fe lieu-land selection on which a little town site was started. The party who sold lots has been unable to give complete title, and the people have bought a number of lots from him, and are lacking in their title.

I will say to the Senator that the bill was very thoroughly considered yesterday by the Public Lands Committee, in the absence of the Senator from Utah, and very thoroughly discussed. The amendment which was offered and adopted was offered by the Senator from Wyoming [Mr. CLARK]. It was the unanimous consensus of opinion of the committee that with the amendment the bill was entirely just and proper, and it was unanimously ordered favorably reported. My only reason for asking its passage at this time is that it is a remedial measure, and unless it goes through Congress at this session very serious results will occur to the people who have invested their money there.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 1, line 10, after the word "thereto," to insert "to John Lundquist, trustee, for the original purchasers of town lots of the town site of McCabe, in the State of Montana," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to accept for limited patent only Santa Fe Pacific lieu-land selection heretofore made and designated as Glasgow, Mont., land office serial No. 015766, for the following-described land: Southwest quarter of the southeast quarter of section 4, in township 29 north, range 56 east, Montana meridian; and issue patent thereto to John Lundquist, trustee for the original purchasers of town lots of the town site of McCabe, in the State of Montana, which patent shall contain a reservation to the United States of all coal, oil, or other mineral deposits in the land, and the right of the United States, its grantees or lessees, to mine and remove same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM FOGLIO.

Mr. MYERS. I present another report from the Committee on Public Lands, and at the risk of trespassing upon the gen-

erosity of the Senate, I ask that it may be acted upon immediately. I will state now that it is simply a bill to confirm title upon a poor cripple who has suffered from fire and disease and has lived on the land more than the required length of time, but on account of his pitiable condition he has not been able to cultivate the quantity of land the law requires. The action of the committee was unanimous.

I therefore report back favorably without amendment the bill (H. R. 7430) for the relief of William Foglio, and I submit a report (No. 548) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to William Foglio for the southwest quarter section 23, and the northwest quarter section 26, township 29 north, range 30 east, Montana: *Provided*, That no adverse right had accrued to said tract prior to January 1, 1915.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF MAGAZINE RIFLES.

Mr. WEEKS. I present a unanimous report from the Committee on Military Affairs and ask for the immediate consideration of the bill. It is the bill (S. 6212) authorizing the Secretary of War to sell certain magazine rifles, and I submit a report (No. 555) thereon. I will say in explanation that it involves the Government in no expenditure whatever. The Ancient and Honorable Artillery Company of Massachusetts wishes to purchase these rifles for practice purposes, and the bill authorizes the Secretary of War to sell them.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to sell, at the prices at which they are listed for the Army, such United States caliber .30, model 1903, magazine rifles, with slings, bayonets, bayonet scabbards, field belts with suspenders and case containing thong and brush, as the governor of the Commonwealth of Massachusetts may order for issue to the Ancient and Honorable Artillery Company of Massachusetts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the bill (H. R. 16678) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes. The bill simply provides for the equipment of the Regulars and the National Guard on the frontier. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes, namely:

MILITARY ESTABLISHMENT.

For the following to meet expenses on account of the Military Establishment, incurred and to be incurred during the fiscal years 1916 and 1917, because of, or incident to, an emergency demanding the use of troops in addition to the Regular Army, namely:

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, and for radio installations, motorcycles, and motor-driven vehicles used for technical purposes, $250,000.

Radio installations on the Mexican border: For the purchase and installation of radio stations on the Mexican border, including the necessary buildings and other accessories, to be erected on the military reservations at Fort Huachuca, Ariz., Fort McIntosh, Tex., and Fort Bliss, Tex., $60,000.

QUARTERMASTER CORPS.

Pay of the Army: For pay of officers and enlisted men of the National Guard who were ordered into the service of the United States by the President, from the date of their arrival at their company rendezvous to June 30, 1916, $1,648,000.

Mileage: For mileage to officers of the Regular Army for travel incident to the examination and mustering into the service of the United States of the National Guard, $50,000.

Subsistence: For subsistence of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $623,700.

Regular supplies: For regular supplies, Quartermaster Corps, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $105,410.

Incidental expenses, Quartermaster Corps: For incidental expenses, Quartermaster Corps, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $57,620.

Horses for Cavalry, Artillery, Engineers, etc.: For the purchase of horses for Cavalry, Artillery, Engineers, etc., including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $8,025,965.

Barracks and quarters: For barracks and quarters, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $35,000.

Transportation: For transportation of the Army and its supplies, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $9,983,213.83.

Water and sewers at military posts: For water and sewers at military posts, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $70,000.

Clothing and camp and garrison equipage: For clothing and camp and garrison equipage, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $3,791,160.

Construction and repair of hospitals: For construction and repair of hospitals, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $100,000.

Provided, That all the money hereinbefore appropriated under the titles Subsistence of the Army; Regular supplies, Quartermaster Corps; Incidental expenses, Quartermaster Corps; Transportation of the Army and its supplies; Water and sewers at military posts; and Clothing and camp and garrison equipage, shall be disbursed and accounted for by officers and agents of the Quartermaster Corps as "Supplies, services, and transportation, Quartermaster Corps," and for that purpose shall constitute one fund.

MEDICAL DEPARTMENT.

Medical and Hospital Department: For Medical and Hospital Department, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $1,584,000.

ENGINEER DEPARTMENT.

Engineer depots: For incidental expenses for the depots, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, $10,000.

Engineer equipment of troops: For pontoon material, tools, instruments, supplies, and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase and preparation of engineer manuals and procurement of special paper for same, $200,000.

Civilian assistants to Engineer officers: For services of surveyors, survey parties, draftsmen, photographers, master laborers, and clerks to Engineer officers on the staffs of division, corps, and department commanders, $10,000.

Engineer operations in the field: For expenses incident to military engineer operations in the field, including the purchase of material and such expenses as are ordinarily provided for under appropriations for "Engineer depots," "Civilian assistants to Engineer officers," and "Maps, War Department," and including temporary rental of storehouse in the District of Columbia, $600,000.

WAR DEPARTMENT.

SIGNAL OFFICE.

The limitation on the services of skilled draftsmen and such other services as the Secretary of War may deem necessary to be employed in the Signal Office, contained in the legislative, executive, and judicial appropriation act for the fiscal year 1917, is increased from $30,000 to $53,280.

ADJUTANT GENERAL'S OFFICE.

To reimburse the Bureau of Engraving and Printing for material and labor used in furnishing such commissions as are required by the War Department for officers of the Army under the act approved June 3, 1916, "For making further and more effectual provision for the national defense, and for other purposes," including cost of engraving and printing same, $6,000, to remain available during the fiscal year 1917.

NAVAL ESTABLISHMENT.

BUREAU OF MEDICINE AND SURGERY.

Medical Department: For surgeons' necessaries for vessels in commission, navy yards, naval stations, Marine Corps, and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School, Washington, and Naval Academy, $55,000.

Transportation of remains: For transportation of remains, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $6,000.

MARINE CORPS.

Provisions, Marine Corps: For provisions, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $100,000.

Military Stores, Marine Corps: For military stores, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $105,000.

Contingent, Marine Corps: For contingent expenses, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $60,000.

Mr. BRANDEGEE. I merely wish to ask the chairman of the committee what is the total amount carried by the bill?

Mr. MARTIN of Virginia. It is about $26,000,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 6923) authorizing the construction, maintenance, and operation of a bridge across the Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river, and I submit a report (No. 551) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BAYOU BARTHOLOMEW BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10849) granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew, and I submit a report (No. 552) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10925) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew, and I submit a report (No. 553) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12197) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew, and I submit a report (No. 554) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REIMBURSEMENT TO INDIANS IN STATE OF WASHINGTON.

Mr. CLAPP. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 9615) to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington, and I submit a report (No. 550) thereon. I call the attention of the senior Senator from Washington to the bill.

Mr. JONES. The title discloses the purpose of the bill. It passed the House, having been reported upon by the department favorably, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE NATIONAL DEFENSE.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 4 and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and change the section numbers in the bill as follows: On page 2, line 23, strike out "3" and insert "2"; on page 3, line 3, strike out "4" and insert "3"; on page 3, line 18, strike out "5" and insert "4"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "drafted," and after the word "forces" insert the following: "drafted for this emergency"; and the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
LUKE LEA,
F. E. WARREN,
Managers on the part of the Senate.

JAMES HAY,
S. H. DENT, Jr.,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

Mr. LA FOLLETTE. Mr. President, the attendance is very light this morning. The conference report disposes of matters that were controverted sharply in the Senate when the joint resolution was before the Senate. I think it ought to be printed and go over for the day.

Mr. CHAMBERLAIN. If the Senator insists upon that it will go over as a matter of course, but I should like very much to have it acted on to-day if it is possible. There is only one change really of practical moment in the joint resolution, and that is the elimination of section 2 as it was passed by the House originally and the proposed substitute offered by the Senate. That is practically the only change.

Mr. LA FOLLETTE. I ask to have the report go over for the day.

Mr. DU PONT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Stone
Beckham	Gronna	Norris	Taggart
Borah	Hardwick	Page	Thompson
Brady	Hollis	Pittman	Townsend
Brandegee	Husting	Ransdell	Vardaman
Broussard	James	Shafroth	Walsh
Bryan	Jones	Sheppard	Warren
Chamberlain	Kenyon	Sherman	Weeks
Clarke, Ark.	La Follette	Simmons	Williams
Culberson	Lane	Smith, Ga.	Works
Curtis	Lea, Tenn.	Smith, Md.	
du Pont	Martine, N. J.	Smoot	
Fletcher	Myers	Sterling	

Mr. MARTINE of New Jersey. I have been requested to announce the absence of the Senator from South Dakota [Mr. JOHNSON] on public business.

I have also been requested to announce that the Senator from West Virginia [Mr. CHILTON] is detained on a matter of public business.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the conference report submitted by me awhile ago.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon, that the Senate proceed to the consideration of the conference report on House joint resolution 242.

The motion was agreed to.

The VICE PRESIDENT. The Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes. The question is on agreeing to the conference report.

Mr. BORAH. Mr. President, I desire to ask the Senator from Oregon a question. As I understand from the public prints this morning and as I understood the statement of the Senator, the only vital change is in eliminating the two matters over which we were contesting in the Senate, to wit, section 2 of the House provision and the substitute for it adopted by the Senate?

Mr. CHAMBERLAIN. That is all; the elimination of section 2 as passed by the House and the substitute proposed by the Senate Committee on Military Affairs.

Mr. BORAH. And both of those go out?

Mr. CHAMBERLAIN. Both go out.

Mr. BORAH. With the contemplation that they may come in as a separate measure?

Mr. CHAMBERLAIN. I understand that that is the promise made in the other House; that the matter will come in as a separate measure, and that it has been practically agreed to submit a bill covering the disputed provision by unanimous consent early this week or next week.

Mr. LA FOLLETTE. Mr. President, my purpose in asking for a delay in this matter was just this: I do not see on the floor of the Senate at this time any one of the Senators who took part in the debate in support of the House proposition, and I thought it but just that they should have some notice of the fact that this conference report was to be considered, which was regarded as a matter of very great importance and debated at great length. That was my reason for asking that the report go over for a day; but I understand perfectly well that under the rules the chairman of the committee can move to force its consideration at this time. I do not desire to debate

it, but I wanted to give opportunity for those who had debated it to be present when it was considered.

Mr. CHAMBERLAIN. I desire to say to the Senator that it is never my intention to shut off any discussion of any of these matters. All of the Senators—in fact, the whole Senate and the whole Congress—have been advised of the urgency of this measure and the desire to put it through as quickly as possible.

Mr. LA FOLLETTE. But Senators have not been advised that it was to come up this morning. Another appropriation bill was under consideration when we adjourned last night, and it was expected that there would be a morning hour to-day for the introduction of bills, and we adjourned for that purpose.

Mr. CHAMBERLAIN. I will say to the Senator, further, that a number of us waited here to have this report sent in from the House last night. If there was anything that could be discussed with reference to this particular report or if it could be amended in any way, I would have no objection, so far as I am individually concerned, to have it postponed; but an emergency exists, and they have been very anxious at the War Department, in order to avail the Government of the services of the National Guard, to have the joint resolution acted on and passed at once. That is my only reason for urging its present consideration.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. CHAMBERLAIN. Mr. President, in connection with the report and for future reference—I am sure the Senate would like to have it—I have had prepared by the Legislative Reference Bureau of the Library of Congress a table showing the allowances to the soldiers of European countries. It is translated from the French. It also gives the allowances to the dependent families of soldiers of all of the armies of Europe, and I think of some other countries. There has been more or less conjecture as to what these amounts were; and this, I conceive to be, an authentic publication upon the subject. I ask to have it printed in the RECORD for the convenience of Senators; and, in addition to that, I ask to have printed in the RECORD the pay of the various foreign armies, officers and privates, so that the Senate will have for convenience in reference the pay of the armies of practically the whole civilized world—or what was formerly the civilized world, for it is not so any more—and the amounts paid to the families of soldiers in those countries.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

LIBRARY OF CONGRESS,
Washington.

Allowances to the families of soldiers in European countries.

(Translated from Bulletin de la Statistique générale de la France, T. IV, 1914–15, pp. 237–241, 365–367.)

AUSTRIA-HUNGARY.

I. AUSTRIA.

Under the act of December 26, 1912, the parents and relatives (wife, legitimate children, father, mother, father and mother in law, brothers and sisters, illegitimate mother and children) of a soldier called to the colors in case of mobilization are entitled to an allowance, provided they are dependent for their living on the soldier's work. The rate of such allowance is fixed and announced every year in advance.

In time of peace the parents and relatives (wife, legitimate and illegitimate children, father, mother, brothers, and sisters) of a soldier recalled to the colors for a drill period are entitled, if they are dependent for their living on the soldier's work, to an allowance, which is fixed for all the parents and relatives together at 50 per cent of the ordinary pay of a day laborer in the place of residence of the soldier.

II. HUNGARY.

The granting of allowances to the destitute families of soldiers recalled to the colors is governed by the act of June 10, 1882. A law similar to the Austrian law of December 26, 1912, was contemplated in 1913.

BELGIUM.

I. IN TIME OF PEACE.

Under the act of March 21, 1902, personal service as militiaman entitled one to a monthly allowance of 25 francs in the infantry, 30 francs in the cavalry; the allowance is 30 francs for all short-term volunteers and 35 francs for long-term volunteers. Fifteen francs a month is deducted from this allowance, if necessary, to be paid to the father and mother (or grandparents, as the case may be); to the wife, if the soldier is married; to the person who cares for the children, if the soldier is a widower with children.

II. IN CASE OF MOBILIZATION.

Soldiers recalled to the colors under mobilization orders receive the allowance which was granted to them for effective service. When the mobilized soldier is the head of a family he receives 0.50 franc a day for one child and 1 franc for several children. Such allowance is paid to his wife or to the person who cares for the children.

FRANCE.

I. IN TIME OF PEACE.

Under section 12 of the act of August 7, 1912, the families of persons serving either with the army or the navy who before being called were actually the indispensable breadwinners of ther families are upon application entitled to a daily State allowance of 1.25 francs a day, increased by 0.50 franc for every child under the age of 16 years who is dependent on the breadwinner of the family.

II. IN TIME OF WAR.

According to the act of August 5, 1914, such allowance shall be paid out by the State for the whole duration of the war, irrespective of the position of the person called or recalled to the colors.

GERMANY.

I. IN TIME OF PEACE.

Under the act of May 10, 1892, assistance is granted upon application to the families of soldiers called to the colors for a period of instruction, as follows:

a. For the wives, 30 per cent of the local salary of the male adult workmen at the place of residence of the men called. Such local salary is officially determined with a view to insurance against accident.

b. For each of the other persons entitled to assistance (children, parents and grandparents, brothers and sisters, if dependent on the man called), 10 per cent of such salary.

In addition, a special allowance is granted to the families having or having had three sons in the army or in the navy; these families receive an allowance of 240 marks a year every time a new son is called to active service.

II. IN TIME OF WAR.

The act of February 28, 1888, as amended August 4, 1914, governs allowances to the destitute families of the men of the reserve, of the landwehr, of the esatzreserve, of the reserve of the navy and of the landsturm.

The following persons are entitled to allowances:

a. The wife of a soldier, and his children under 15 years of age.

b. His children above 15, his parents, brothers, and sisters; but only if dependent on the soldier and destitute as a result of his incorporation.

c. His illegitimate children, if the soldier is under the acknowledged obligation, as their father, to provide for them. Subject to the conditions stated under letter b, the parents of the wife, as well as her children from a former marriage, may be granted assistance. More distant relatives and wives separated from their husbands are not entitled to allowances.

The minimum allowance is:

For the wife, 9 marks a month from May to October; 12 marks a month from November to April.

For each child or person designated above, letters b and c, 6 marks a month.

For the money allowance may be substituted in part a supply of breadstuffs, potatoes, fuel, etc., which is payable in advance semimonthly. Payments are made by the Lieferungsverbande (combines for furnishing provisions), created in pursuance of the act of June 13, 1873, on military requisitions, which are refunded out of the imperial treasury. The minimum allowance above determined is granted regardless of the relief which may be extended by private associations or persons.

The minimum allowance paid by local administrations and refunded by the empire has been increased and completed by rent allowances, relief in kind, etc., in certain cities.

III. MATERNITY BENEFIT.

The ordinance of December 3, 1914, grants for the duration of the war a maternity benefit to any woman whose husband—

1. Performs military, sanitary, or other analogous service or is prevented by death, injury, sickness, or captivity from continuing to render such service or from exercising a profession;

2. Was insured against sickness, under the imperial insurance code, or through a miners' sick fund, for at least 26 weeks during the 12 months preceding his departure to the colors or for at least 6 weeks immediately preceding such departure.

The maternity benefit consists of:

1. A cash payment of 25 marks to cover the expenses of the confinement.

2. An allowance of 1 mark a day, including Sundays and holidays, for a period of eight weeks, not less than six of which shall fall after delivery.

3. A sum of 10 marks for the services of a midwife, or for medical attendance, should such be necessitated by pregnancy troubles.

4. In the case of women who nurse their infants a nursing allowance of one-half mark a day, including Sundays and holidays, for a period of 12 weeks after delivery.

The ordinance of April 23, 1915, has extended the maternity benefit to women in destitute circumstances. Women shall be considered as such—

1. If during the year or tax assessment year preceding the entry into the service the combined incomes of the woman and her husband did not exceed 2,500 marks;

2. If the income remaining to the woman after the husband's departure does not exceed 1,500 marks for her own benefit, nor 250 marks for the benefit of each child under the age of 15 years.

GREAT BRITAIN.

I. ARMY.

The "allowance of the army" comprises "separation allowances to families" in time of peace as in time of war.

The rates have been so increased, beginning with October 1, 1914, that the total weekly income from such allowance and from the minimum allotment which the married soldier must make from his pay is as follows:

(a) For the wife of a private or corporal, 12 shillings and 6 pence, and 2 shillings and 6 pence for each of the three first children and 2 shillings for each other child.

(b) For the wife of a noncommissioned officer, the weekly allowance varying according to the grade, from 15 to 23 shillings, and 3 shillings for each of three first children and 2 shillings for each other child.

The extra 3 shillings and 6 pence a week is issuable to London families and the special compensation allowance granted to families on the married establishment will continue to be paid as heretofore.

The separation allowance for motherless children will be at the rate of 3 shillings a week for each child, with the regulated allotment from the soldier in addition.

II. NAVY.

According to the royal ordinance of October 20, 1914, the weekly separation allowances to families of sailors and marines are:

1. For the wife, 6, 8, or 9 shillings, according to the husband's grade.
2. Two shillings for each of the two first children.
3. One shilling for each of the other children.
4. Motherless children, 3 shillings each.

The payment in respect of children will be made to boys under 14 and girls under 16 years of age. Families residing within London are

entitled to an additional allowance of 3 shillings and 6 pence per week.

No separation allowance is paid unless an allotment of at least 20 shillings a month is declared by the husband.

ITALY.

I. IN TIME OF PEACE.

By virtue of a ministerial order of 1899, modified in 1907 (Atto No. 118 del 3 luglio 1907, Giornale militare ufficiale), relief is extended to the destitute families of soldiers recalled to the colors for drilling, the restoration of public order, or any other cause.

The following persons are entitled to relief: The wife and the legitimate or recognized children, under 12 years of age, or the children above that age whose incapacity to do any profitable work is evidenced by a medical certificate.

The daily allowance is 0.50 franc for the mother, 0.25 franc for each child in the capitals of Provinces or districts, and is reduced, respectively, to 0.40 franc and 0.20 franc in other communes.

As regards the destitute families of men called to the colors under conscription, the ministerial circular of November 8, 1911, No. 1340, grants, subject to certain conditions, a monthly allowance of 15 lire to the family of a married soldier.

For these two categories of allowances the appropriation asked for under item 80 of the army budget for 1913–14 was 800,000 lire.

II. IN TIME OF WAR OR MOBILIZATION.

Prior to 1914 there existed no special provisions, and the rules applicable to the soldiers recalled to the colors had necessarily to be applied. At the time of the war with Turkey the council of ministers decided on January 16, 1912, to double the amount of the daily allowances to the destitute families of recalled soldiers (classes of 1888 and 1889), and that in cases particularly worthy of interest a daily allowance of 1 lire could be granted to the father and mother of the unmarried recalled soldiers. (War ministry circular of Jan. 19.)

The royal decree of September 20, 1914, determines the daily allowance to be granted to the destitute families of soldiers recalled to the colors as follows:

(a) 1.70 lire for the wife and 1.35 lire for each child under 12 years of age (or above 12, if unable to work), residing in the capital of a Province or district.

(b) 1.60 lire and 1.30 lire if they reside elsewhere.

(c) The destitute father and mother, over 60 years of age, dependent on an unmarried soldier recalled to the colors receive the same allowance as the wife when one parent only is concerned. The father and mother, who both fulfill the aforesaid conditions, receive in all 1.10 lire in the capital of a Province or district, 1 lire elsewhere.

ROUMANIA.

The act of December 23, 1914 (Jan. 5, 1915), authorizing the adoption of exceptional measures, provides for an allowance to families of mobilized soldiers.

Under section 22 the State grants to the families of mobilized soldiers (privates or noncommissioned officers), from the day of mobilization to the fifteenth day following the declaration of a state of peace, an allowance of 15 francs a month per family in rural communes and 20 francs a month per family in urban communes.

In addition, families may receive assistance in the form of work to perform, issues of food and other articles of first necessity, medical relief, care of children in homes and infant asylums; they may even obtain a supplementary money allowance. There is created for this purpose a foundation called the "Fighters' family," with the privileges of a corporation, managed by a central committee established at Bucharest, and by departmental and communal committees.

Under section 20 of the act merchants and manufacturers whose establishments remain open during mobilization, who employ more than five workmen or clerks, either married or having a family dependent on them, who have been not less than two years in their service, are obliged to pay to such workmen or clerks, as long as mobilization lasts, one-half of their salary as assistance extended to the family of the mobilized soldier. Such workmen or clerks have necessarily no right to an allowance from the Government.

Other sections deal with the assignments of pay to the families of officers and reenlisted men of the active army, officers of the reserve, and functionaries entitled to their salaries during mobilization.

RUSSIA.

The ordinance of June 25 (July 8) 1912, governs the conditions under which allowances are granted to soldiers of inferior rank and to their families (pensions to soldiers, widows, and orphans, relief, etc.).

An allowance is granted to the wife and children of a soldier of inferior rank in active service in the army or navy, in the first or second reserve, to his parents, grandparents, brothers, and sisters, if they are dependent upon his work.

Such persons are entitled to a maintenance grant in kind corresponding to at least 1 pood, and 28 pounds of flour, 10 pounds of groats, 4 pounds of salt, and 1 pound of hemp-seed oil per month and per person.

Children below 15 years of age are entitled to one-half of such grant; children above 17 years of age are not entiled to an allowance unless incapable of work; married daughters are likewise excluded therefrom.

The value of the provisions comprised in the food allowances is fixed by the competent provincial authorities after the commencement of hostilities, and is revised on the 1st of September of each year and whenever there occurs a notable change in the prices of provisions.

According to an ordinance of the council of ministers of August 9 (22), 1914, the families of salaried persons called to the colors receive the whole salary for the wife and more than five children, three-fourths of the salary for the wife and four or five children, two-thirds of the salary for the wife and no more than three children, one-half of the salary for the wife alone, and one-third of the salary if the family consists of parents or grandparents or brothers and sisters dependent upon the mobilized soldier.

According to the same ordinance, the families of workmen, salaried persons, and servants in Government establishments, factories, shops, and other similar undertakings receive, in addition to the food allowances above mentioned, one-half of the salary for the wife and more than three children, one-third of the salary for the wife and no more than three children, and one-fourth of the salary for the wife alone.

In both cases when in addition to the mobilized soldier's wife and own children the family includes also parents or grandparents or brothers and sisters each one of them is considered as a child.

SWEDEN.

I. IN TIME OF PEACE.

Assistance to the destitute families of soldiers called to the colors is governed by the royal ordinance of June 1, 1912, as amended September 17, 1914.

The amount of the allowance is fixed as follows for each day of service:

	Öre.
For the wife able to work and 1 child	75
For the wife able to work and no more than 2 children	100
For the wife whose capacity for work is limited	75
For the wife whose capacity for work is limited and 1 child	100
For the wife whose capacity for work is limited and no more than 2 children	125
For 1 child whose father is divorced or is a widower	75
For 2 children or more, whose father is divorced or is a widower	100

Able-bodied wives without children receive no allowance.

The allowance is increased by 40 per cent when the soldier is on drilling periods of the reserve or of the landsturm.

Soldiers must contribute to the allowances to which their wives and children are entitled by paying such portion of their pay as exceeds 20 oere a day.

II. IN CASE OF MOBILIZATION.

The royal ordinance of August 13, 1914, governs the granting of allowances during all the time that a soldier is called in defense of the Kingdom or is retained for this purpose after his term of service in time of peace has expired. His family, in needy circumstances, receives from the Government an allowance of 1 crown per day, as well as an additional sum of 25 oere per day for each child under 15 years of age.

SWITZERLAND.

The ordinance of January 21, 1910, governs the granting of relief to families in destitute circumstances owing to their breadwinners serving in the army.

The wife and children of a soldier and the parents or relatives he supports or who are members of his household are entitled to allowances. They must be proportioned to the needs of the family and not exceed the average daily pay of the soldier, after deduction of an appropriate sum (1 franc, for instance) for his personal needs. For the purpose of determining such allowances, the social position, number, age, and earning capacity of the entitled persons must be taken into account.

The daily allowance can not exceed 2 francs for the wife and 0.70 franc per child, in cities; 1.50 francs for the wife and 0.50 franc per child, in the country.

The allowances are paid by the communes; the cost is borne for three-quarters by the Confederation and for one-quarter by the Canton.

RÉSUMÉ.

In Great Britain the Government allowance to families is added by right to the allotment which soldiers or sailors must make from their pay.

In Belgium the previous deduction from the pay of militiamen is paid to the parents, irrespective of their circumstances.

In other countries where military service is compulsory allowances are granted only to families in destitute circumstances.

(Translated from Bulletin de la Statistique générale de la France, T. IV, 1914–15, pp. 237–241, 365–367.)

A. BERNARD.

The following tables are furnished through the courtesy of the Army War College:

Pay of the various foreign armies.

AUSTRIAN ARMY.	Yearly pay.
Field marshal	$4,800
General	3,360
Lieutenant general	2,803
Major general	2,280
Colonel	1,440
Lieutenant colonel	1,200
	1,080
Major	802
Captain	600
	480
First lieutenant	408
Lieutenant	336
	Daily pay.
Sergeant	$0.14
Corporal	.06
Private (1-year volunteers)	.024

BELGIAN ARMY.	Yearly pay.
Lieutenant general	$3,700
Major general	2,540
Colonel	1,900
Lieutenant colonel	1,420
Major	1,260
Captain (first class)	920
Captain (second class)	740
Lieutenant (first class)	580
Lieutenant (second class)	500
	Daily pay.
Adjutant	$0.54
Sergeant major	$0.32–.43
Sergeant	.28
Corporal	.06–.20
Privates (first class)	.02–.07
Privates (second class)	.02–.06

BRAZILIAN ARMY.

[Currency: Inconvertible paper; exchange rate figured at $0.333.]

	Yearly pay.
Marshal	$11,200
Major general	9,400
Brigadier general	7,600
Colonel	5,800
Lieutenant colonel	4,800
Major	3,800
Captain	3,000
First lieutenant	2,300
Second lieutenant	1,800
Sergeant major	480
First sergeant	360
Second sergeant	288
Third sergeant	216
Corporal	144
Private	72

CHILEAN ARMY.

General of division	$4,000
General of brigade	3,400
Colonels	2,800
Lieutenant colonels	2,400
Majors	2,000
Captains (after 6 years)	1,800
Captains (less than 4 years)	1,400
First lieutenants (after 5 years)	1,200
First lieutenants (less than 5 years)	1,000
Second lieutenants (after 2 years)	720
Second lieutenants (under 2 years)	600
First sergeants	480
Five first sergeants	360
Second sergeants	256
Corporals (first class)	216
Corporals (second class)	180
Soldiers	145
Conscripts	72

N. B.—Rate of exchange figured at $0.20.

DANISH ARMY.

Grade.	Yearly pay. From—	Yearly pay. To—	Daily increase when traveling or on temporary duty not exceeding 30 days.
Generals		$2,650.00	$2.65
Lieutenant generals		2,650.00	2.65
Major generals		2,120.00	2.65
Colonels		1,802.00	2.65
Lieutenant colonels	$1,431.00	1,606.50	2.65
Captains	795.00	1,113.00	2.65
First lieutenants	397.50	556.50	2.12
Second lieutenants		270.30	2.12
Staff sergeants	524.70	588.30	1.59
Oversergeants	429.30	492.90	1.06
Sergeants	270.30	413.40	1.06
Cornets		190.80	1.06
Corporals		159.00	0.795

Grade.	Daily pay. During peace.	Daily pay. During war.
Life guard, under-corporals	$0.278	$0.318
Other under-corporals	.265	.318-$0.397
Life guard, privates	.251	.281
Other privates	$0.225-.238	.281

Reserve during peace.	Yearly pay.	Daily increase under orders.
Colonels	$397.50	$2.12
Lieutenant colonels	397.50	2.12
Captains	270.30	1.59
First lieutenants	53.00	1.06
Lieutenants	53.00	1.06
Staff sergeants	53.00	1.06
Oversergeants	53.00	.795
Sergeants	53.00	.795

During war: Lieutenants (one-half increase of minimum pay), $477.

When at a fortress, officers are allowed one-quarter increase of their pay.

During war line officers are allowed one-half increase of their pay, with the exception of the commanding general and the division generals, who are allowed, respectively, $106 and $53 per month.

Transportation furnished officers and men traveling under orders.

FRENCH ARMY.

Grade.	Active pay.	Retired pay.
Marshal of France	$5,760	
Major general	3,780	$1,562
Brigadier general	2,520	1,044
Colonel	1,627	677
Lieutenant colonel	1,317	547
Major	1,101	461
Captain, after 12 years as such and 30 years' service	1,073	446
Captain, after 8 years as such and 30 years' service	1,073	446
Captain, after 8 years as such and 25 years' service	930	389
Captain, after 4 years as such and 25 years' service	930	389
Captain, after 4 years as such and 20 years' service	830	345
Captain, after 4 years as such and less than 20 years' service	727	302
First lieutenant, after 8 years as such and 20 years' service	727	302
First lieutenant, after 8 years as such and 15 years' service	684	281
First lieutenant, after 4 years as such and 15 years' service	684	281
First lieutenant, after 4 years as such and 10 years' service	641	266
First lieutenant, less than 4 years as such	597	252
Second lieutenant, after 6 years' service	576	236
Second lieutenant, less than 6 years' service	482	201

The above figures vary for the following reasons: First, the grade; second, the employment; third, the station.

Grade.	Daily pay base.	Enlisted men after 5 years' service.	Algerian tirailleur.	Algerian spahi.
Adjutant	$0.49	$1.02	$0.56	$0.31
Sergeant major	.20	.74	.28	.....
Sergeant saddler	.15	.68	.....	.....
Sergeant	.14	.68	.16	.14
Quartermaster corporal	.10⅜	.....	.....	.....
Corporal	.04½	.....	.11	.09
Gunners and artificers	.01½	.....	.....	.....
Privates	.01	.....	.04⅜	.05

GERMAN ARMY.

	Yearly pay.
General and field marshal	$3,495.00
Major general	3,888.50
Brigadier general	2,565.00
Colonel	2,193.00
Lieutenant colonel and major	1,638.00
Captain (first 4 years)	850.00
Captain (5 to 8 years)	920.00
Captain (after 9 years)	1,275.00
Lieutenant (first 3 years)	375.00
Lieutenant (3 to 6 years)	420.00
Lieutenant (7 to 9 years)	475.00
Lieutenant (10 to 12 years)	525.00
Lieutenant (after 13 years)	600.00
Sergeant	76.10
Sergeant (after 5½ years)	118.80
Sergeant (after 9 years)	141.30
Corporal (obergefreite)	37.80
Soldier	19.80

GREAT BRITAIN, ARMY.

[A pound figured as $5.]

Grade.	Yearly pay. When in quarters.	Yearly pay. When not in quarters.
General	$15,000.00	$16,750.00
Lieutenant general	11,250.00	12,500.00
Major general	6,500.00	7,500.00
Brigadier general	4,400.00	5,000.00
Colonel or lieutenant colonel (commanding regiment of Infantry)	2,098.75	.....
Major	1,241.00	.....
Major (after 2 years' service)	1,401.60	.....
Captain	1,058.50	.....
Captain (having higher rank by brevet)	1,241.00	.....
First lieutenant	591.30	.....
First lieutenant (after 7 years' service as such)	682.55	.....
Second lieutenant	474.50	.....
Sergeant major (Infantry of the line)	456.25	.....
Sergeant (Infantry)	211.70	.....
Corporal (Infantry)	149.65	.....
Private (Infantry)	91.25	.....

GUATEMALAN ARMY.

Grade.	Annual pay. Infantry.	Annual pay. Cavalry, Artillery, Engineers, and Staff.
Major general	$3,600.00	.....
Brigadier general	3,000.00	.....
Colonel	1,920.00	$2,040.00
Lieutenant colonel	1,680.00	1,800.00
Major	1,440.00	1,560.00
Captain	1,200.00	1,320.00
First lieutenant	960.00	1,080.00
Second lieutenant	720.00	840.00
First sergeant	547.50	.....
Second sergeant	456.25	.....
Corporal	365.00	.....
Private	273.75	.....

ITALIAN ARMY.

	Yearly pay.
General	$3,000.00
Lieutenant general	2,400.00
Major general	1,800.00
Colonel	1,400.00
Colonel (after 6 years)	1,540.00
Lieutenant colonel (after 6 years)	1,145.00
Lieutenant colonel	1,040.00
Major (after 6 years)	968.00
Major	880.00
Captain (after 10 years)	800.00
Captain (after 5 years)	740.00
Captain	680.00
Lieutenant (after 10 years)	600.00
Lieutenant (after 5 years)	540.00
Lieutenant	480.00
Second lieutenant (after 10 years)	480.00
Second lieutenant (after 5 years)	460.00
Second lieutenant	420.00

	Daily pay.[1]
Sergeant major	$0.50
Sergeant	.42
Corporal	.23
Private	.20

N. B.—For noncommissioned officers, pay increases every 3 years $0.06 per day until 18 years of service (maximum $0.36), when it remains fixed.

JAPANESE ARMY.	Yearly pay.
Generals	$3,750.00
Lieutenant general	2,500 00
Major general	1,950.00
Colonel	1,470.00
Lieutenant colonel	1,090.00
Major	774.00
Captain (first class)	630.00
Captain (second class)	540.00
Captain (third class)	450.00
First lieutenant (first class)	342.00
First lieutenant (second class)	276.00
Second lieutenants	240.00
	Monthly pay.
Sergeant majors	$7.50 to $9.90
Sergeant	3.90 to 6.45
Corporal	2.32 to 2.85

NORWEGIAN ARMY.	Annual pay.[2]
Major general	$2,120.00
General (garrisoned)	1,908.00
Colonel	1,590.00
Lieutenant colonel	1,431.00
Major	1,272.00
Captain	$922.20 to 975.20
First lieutenant	503.50 to 577.70
Second lieutenant[3]	328.60 to 381.60
Sergeant major	168.54 to 387.96
Sergeants	117.66 to 337.08
Corporals	19.08

[1] Including allowance in kind, etc.
[2] This does not include commutation and service allowances.
[3] Only during service.

SERBIAN ARMY.	Annual pay.
General	$2,020.00
Colonel	1,440.00
Lieutenant colonel	1,100.00
Major	990.00
Captain (first class)	630.00
Captain (second class)	520.00
First lieutenant	440.00
Second lieutenant	360.00
Sergeant major	120.00
Sergeant	72.00
Corporal	12.00
Private	3.60

ROUMANIAN ARMY.

Grade.	Annual pay.	Extra allowances.
Minister of war	$2,880.00	$1,920.00
Major general	3,120.00	600.00
Brigadier general	2,640.00	480.00
Colonel	1,920.00	360.00
Lieutenant colonel	1,560.00	240.00
Major	1,200.00	156.00
Captain	960.00	144.00
First lieutenant	720.00	120.00
Second lieutenant	624.00	.....
Sergeant major	324.00	.....
Sergeant	168.00	.....
Corporal	96.00	.....
Private	28.80	.....

SPANISH ARMY.	Annual pay.
General	$5,454.48
Lieutenant general	4,545.36
Major general	2,727.24
Brigadier general	1,813.12
Colonel	1,454.52
Lieutenant colonel	1,187.76
Major	999.96
Captain	636.36
First lieutenant	454.56
Second lieutenant	384.60
Cadet	272.64
Sergeant major	$272.76 to 490.80
Sergeant	130.80 to 272.76
Corporal	71.52 to 94.80
Soldier	53.04 to 55.20

SWEDISH ARMY.

Grade.	Annual pay.	Annual pay with commutation and service allowances.
Generals	$2,120.00	$3,194.58
Colonels	1,590.00	2,488.35
Lieutenant colonels	1,192.50	1,941.13
Majors	1,060.00	1,808.63
Captains (first class)	901.00	1,420.40
Captains (second class)	636.00	1,155.40

SWEDISH ARMY—continued.

Grade.	Annual pay.	Annual pay with commutation and service allowance.
Lieutenants (first class)	$397.50	$793.68
Lieutenants (second class)	270.30	666.48
Second lieutenants	190.80	[1]586.98
Corporals, cash	$95.00– 147.00	$204.00– 256.00
Volunteers	69.00	178.00
Privates	19.70– 49.25	129.00– 158.55

[1] Total cost.

SWISS ARMY.

Grade.	Annual pay.	
	Active service.	Instruction service.
Commander-in-chief	$3,650.00	.....
Chief of general staff	2,920.00	.....
Paymaster general	1,825.00	.....
Colonel (commanding division)	2,190.00	.....
Colonel (commanding brigade)	1,825.00	.....
Colonel	1,460.00	$1,241.00
Lieutenant colonel	1,095.00	949.00
Major	876.00	803.00
Captain (mounted)	730.00	657.00
Captain (not mounted)	730.00	584.00
First lieutenant (mounted)	584.00	511.00
First lieutenant (not mounted)	584.00	438.00
Second lieutenant (mounted)	511.00	438.00
Second lieutenant (not mounted)	511.00	365.00
Sergeant major	219.00	219.00
First sergeant	182.50	182.50
Sergeant (not mounted)	109.50	109.50
Corporal (mounted)	109.50	109.50
Corporal (not mounted)	73.00	73.00
Private	58.40	58.40
Recruit	.....	36.50

TURKISH ARMY.	Annual pay.
Lieutenant general	$5,280.00
Major general	3,960.00
Brigadier general	2,640.00
Colonel	1,584.00
Lieutenant colonel	1,320.00
Major	1,056.00
Adjutant major	792.00
Captain	528.00
First lieutenant	422.40
Second lieutenant	369.60
Sergeant major (first sergeant) (when from noncommissioned officers' school)	211.20
Assistant sergeant major (when from noncommissioned officers' school)	179.52
Sergeant (when from noncommisisoned officers' school)	158.40
Sergeant major (when from ranks)	26.40
Sergeant (when from ranks)	21.12
Corporal	15.84
Private	10.56

UNITED STATES ARMY.	Annual pay.
Lieutenant general	$11,000.00
Major general	8,000.00
Brigadier general	6,000.00
Colonel	4,000.00
Lieutenant colonel	3,500.00
Major	3,000.00
Captain	2,400.00
First lieutenant	2,000.00
Second lieutenant	1,700.00
Sergeant major	480.00
Sergeant	360.00
Corporal	252.00
Private	180.00

THE PANAMA CANAL.

Mr. BRANDEGEE. At the request of the senior Senator from New York [Mr. O'GORMAN] I report back favorably from the Committee on Interoceanic Canals the bill (S. 6447) to amend section 10 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, relating to immigration in the Canal Zone, and I ask for its present consideration. (S. Rept. 564.)

Mr. STONE. What is the bill?

Mr. BRANDEGEE. Let the bill be read. The reading will explain it.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 10 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, be amended to read as follows:

"SEC. 10. The governor of the Panama Canal is hereby authorized to make rules and regulations, subject to the approval of the President, and in like manner to alter or amend the same from time to time, touching the right of any person to enter or remain upon or pass over any

part of the Canal Zone; for the detention of any person entering the Canal Zone in violation of such rules and regulations, and return of such person to the country whence he or she came, on the vessel bringing such person to the Canal Zone, or any other vessel belonging to the same owner or interest, and at the expense of such owner or interest; and in addition to the punishment prescribed by this section for violation of any such rules and regulations, the authorities of the Canal Zone may withhold the clearance of such vessel from any port in the Canal Zone until any fine imposed and the cost of maintenance of such person are paid. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 20 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly."

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. I was about to say a word in explanation of the request for the present consideration of the bill.

Mr. SMOOT. I was going to say to the Senator, because it is a very important measure, that it seems to me it ought to be explained before we vote on it.

Mr. BRANDEGEE. Of course, I would explain anything that was obscure in the bill. I will not enter into a lengthy explanation until I get unanimous consent for the consideration of the bill, of course, but in brief it is this:

The Senator from New York [Mr. O'GORMAN], who is chairman of the Committee on Interoceanic Canals, was called out of town. This is a department bill which originated in the Canal Zone, prepared by the law officer there. It was sent up here by Col. Goethals, governor of the Panama Canal, and has the indorsement of the Panama Canal official in charge of the office here and the indorsement of the Secretary of War. It was sent to our committee by the Secretary of War.

The Senator from New York prepared a written report, which I have here, which I will ask to have printed in the RECORD with the bill. It is the reenactment of section 10 of the Panama Canal act, and extends its provisions somewhat further in relation to the incursion of people on the Canal Zone than the authorities there think ought to be included.

The law at present allows the governor, subject to the approval of the President, to make rules and regulations and enforce them concerning residents upon the Canal Zone and passing across it, but it does not authorize the President to make regulations concerning the deportation of any person who may be there or the control of the vessels which bring them there and dump them upon the canal.

This amendment of the act also provides penalties for the attempt to injure the locks or blowing up the canal, or any such trespasses. It leaves the penalty for a violation as that the same as it was in the original act.

Until I get unanimous consent for the present consideration of the bill, I do not care to pursue the explanation further.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LA FOLLETTE. Mr. President, I am going to reserve the right to object if the bill is to provoke extended debate. It has been some time since we have had a morning hour, and I think it ought not to be taken up with the discussion of one important measure.

The VICE PRESIDENT. At present there is no objection.

Mr. BRANDEGEE. I think the Senator will bear witness that I do not occupy more than my share of the morning hour usually.

Mr. LA FOLLETTE. But something the Senator may say may cause extended debate. That the Senator frequently does.

Mr. BRANDEGEE. While I may cause it, I do not participate in it myself to any unusual extent. The Senator, of course, has the right to interpose an objection at any time.

Mr. LA FOLLETTE. That has been held both ways.

Mr. NORRIS. May I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. Is there any provision in the act to which this is amendatory of one section providing for the publication of these rules and regulations?

Mr. BRANDEGEE. That matter was called to my attention yesterday. There is no provision in the original Panama Canal act for the publication of any processes or legislative enactments or proceedings of courts or anything of that kind on the Canal Zone. I called up the department yesterday and talked with the Secretary over the telephone. I asked him if he would have any objection or if there was any reason why an amendment should not be proposed to this bill which would provide, as to these rules and regulations which the President has authority to promulgate, how long in advance of its taking effect notice must be given to the world. I have here a letter from the department in relation to that, which I should like to have the Secretary read. It is very brief.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, June 28, 1916.

Hon. FRANK B. BRANDEGEE,
United States Senate.

MY DEAR SENATOR: My private secretary communicated to me the message which he received from you over the telephone relative to the bill authorizing the governor of the Panama Canal to deport undesirable aliens, and also advised me of your desire to have a copy of the memorandum prepared by the chief of the Panama Canal office here, which was read to you over the telephone. I am inclosing a copy of that memorandum herewith.

Sincerely, yours,
NEWTON D. BAKER,
Secretary of War.

Mr. BRANDEGEE. The other paper is the one I want read, really.

The Secretary read as follows:

THE PANAMA CANAL,
WASHINGTON OFFICE,
Washington, June 28, 1916.

Memorandum for the Secretary of War.

Referring to the memorandum from your office of this date with reference to the publication of rules and regulations as proposed under Senate bill 6447, I beg to state that, so far as this office is advised, there would be no objections to the incorporation in the bill of some provision to publish such rules and regulations as might be promulgated pursuant thereto, so that general knowledge of same would be disseminated. It may be stated, however, that it is believed that present practice provides sufficient means for giving due publicity to such rules and regulations as would be promulgated pursuant to this bill. Rules and regulations which are promulgated by Executive order are printed in the usual manner for such orders and distributed by the State Department and are also printed in the Canal Record, which has a wide circulation.

As the rules and regulations to be promulgated under the authority of this bill would be prepared by the governor and submitted to the President for his approval, they would necessarily have to be published in Executive orders and in turn printed in the Canal Record. In this manner these rules would reach all diplomatic representatives of foreign Governments stationed in Washington and would also reach the consuls and diplomatic representatives of the United States in foreign countries. By means of the Canal Record they would reach all the large shipping concerns in addition to the diplomatic representatives and consuls.

EARL I. BROWN,
Major, Corps of Engineers, United States Army,
Chief of Office.

Mr. BRANDEGEE. It would appear from that that all these Executive orders of the President take the same course and that notice is published in the same manner. Of course, if that is done, that would seem to me to be sufficient notice. I think, however, it would be well for the Committee on Interoceanic Canals to take up that question, and also the question of establishing by law, not leaving it in the discretion of the President or the governor of the canal, what period of time should be given by way of notice, and all such matters of that kind.

Mr. NORRIS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator.

Mr. NORRIS. Of course, these orders ought to be published and given wide circulation. At the same time it does seem to me there ought to be a requirement of law that some publication should be given, because these rules and regulations are often quite important, providing for penalties, and so forth, and it is within the power of the governor to inflict a hardship or do an injury if he exerted the power that he really possesses.

Mr. BRANDEGEE. I think not quite that way, Mr. President, if the statement made by the department officials is correct, because the publication of the rules is attended to by the executive department here, and it is done through the State Department. It is given to all diplomatic officers and consuls.

Mr. NORRIS. It is not required to be done, however, by law.

Mr. BRANDEGEE. No; apparently not as to any of the notices that are given through the State Department. I think the point made by the Senator is well taken; and, if I had time, if I could do so without a long correspondence with the officials of the canal as to how much would actually be necessary in view of the shipping necessities there, I should have no objection whatever to such an amendment; indeed, I should prepare one myself, if I could; but I hesitate to tamper with it now, with the slight knowledge I have upon the practical part of the matter to be attended to. I, of course, have no more interest in it than has any other Senator, but I know how anxious the Secretary of War is to have this matter attended to now in view of the world-wide conditions that exist.

The Panama Canal is, of course, a very vital and in some respects a vulnerable feature in our military defenses and in

our commercial activities; and I hope that this bill may be allowed to pass without bringing that subject up now or without delaying it perhaps for several weeks in order to get the necessary information.

I will say to the Senator that I have conferred with other members of the committee on the subject, and that as a member of the committee I will do the best I can to get the committee to take up the matter, investigate it, and bring in a bill which will properly provide for it.

Mr. President, I think I have said all I care to say. The measure is really in the interest of protecting a vital national channel of communication, one which is 3,000 miles away from us, and is more or less vulnerable in certain respects. I hope the bill may receive the favorable consideration of this body at this time.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I ask that the report (No. 564) submitted by me heretofore on the bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report referred to is as follows:

The Committee on Interoceanic Canals, to which was referred the bill (S. 6447) to amend section 10 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, relating to immigration in the Canal Zone, having considered the same, report thereon with the recommendation that the bill do pass without amendment.

The purpose of this bill is to amend section 10 of the Panama Canal act, which has particular reference to the exclusion of undesirable aliens from the Canal Zone. In the opinion of your committee it is deemed better legislation to reenact the part proposed to be amended, which makes unnecessary the provision of section 2 as contained in the draft submitted by the War Department. Your committee appends hereto the entire section, showing the original statute in roman, the part proposed to be stricken out in brackets, and the new legislation proposed by this bill in italic.

"SEC. 10. [That after the Panama Canal shall have been completed and opened for operation the governor of the Panama Canal shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary.]

"The governor of the Panama Canal is hereby authorized to make rules and regulations, subject to the approval of the President, and in like manner to alter or amend the same from time to time, touching the right of any person to enter or remain upon or pass over any part of the Canal Zone; for the detention of any person entering the Canal Zone in violation of such rules and regulations, and return of such person to the country whence he or she came, on the vessel bringing such person to the Canal Zone, or any other vessel belonging to the same owner or interest, and at the expense of such owner or interest; and in addition to the punishment prescribed by this section for violation of any such rules and regulations, the authorities of the Canal Zone may withhold the clearance of such vessel from any port in the Canal Zone until any fine imposed and the cost of maintenance of such person are paid. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 20 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 20 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly."

The bill is recommended by the War Department, as will be seen by the following letters:

WAR DEPARTMENT,
Washington, April 27, 1916.

Hon. JAMES A. O'GORMAN,
Chairman Committee on Interoceanic Canals,
United States Senate, Washington, D. C.

SIR: I am inclosing for your consideration a copy of a letter received from the governor of the Panama Canal, submitting a draft of a proposed act "To amend section 10 of the Panama Canal act, approved August 24, 1912," which has particular reference to the exclusion of undesirable aliens from the Canal Zone.

The governor has appointed a committee to consider this question, and the matter has also been investigated by the special attorney for the Canal Zone, who concurs in the recommendations.

The effect of the proposed amendment will be to put into immediate operation the provisions of section 10 of the Panama Canal act as amended and provide authority for the governor to exclude undesirable aliens of all nationalities. It might be suggested that the desired results could be obtained under the provisions of section 10 of the Panama Canal act without modification, but it appears to be the opinion of the authorities on the Isthmus that as section 10 now stands it is not operative, because the canal has not been formally declared open.

I concur in the recommendations of Gen. Goethals and recommend your favorable consideration.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

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THE PANAMA CANAL, CANAL ZONE, EXECUTIVE DEPARTMENT,
Balboa Heights, April 13, 1916.

CHIEF OF OFFICE, THE PANAMA CANAL,
Washington, D. C.

SIR: There is inclosed herewith draft of a proposed act "To amend section 10 of the Panama Canal act, approved August 24, 1912," having particular reference to the exclusion of undesirable aliens from the Canal Zone. There are also inclosed a report of the committee appointed to consider this question, and a copy of a letter from the special attorney, setting forth the existing conditions and the necessity for the proposed legislation.

Will you please submit the proposed act to Congress, through the Secretary of War, respectfully soliciting his favorable recommendation for its enactment into law?

Respectfully,

GEO. W. GOETHALS,
Governor.

—

ANCON, CANAL ZONE, *April 11, 1916.*

Gen. GEO W. GOETHALS,
Governor of the Panama Canal, Balboa Heights, Canal Zone.

SIR: In addition to the explanation contained in the committee's report respecting the proposed amendment to section 10 of the Panama Canal act, I wish to add a few observations to show the necessity of the proposed legislation.

Chinese have been excluded from the Canal Zone heretofore under the provisions of law No. 6 of 1904 of the Republic of Panama, as construed by the decree of the President of Panama, issued on April 15, 1904. This Panamanian legislation was extended to the Canal Zone by the President's order of January 9, 1908.

The above-mentioned law and presidential decree of Panama required considerable administrative machinery, which could not be carried into execution in the Canal Zone, because municipalities had been abolished; and in consequence there were no alcaldes or similar officials in the Canal Zone to carry out the administrative provisions of the Panamanian law.

The Executive order above mentioned made it a penal offense for any ship's master to permit transient persons of the excluded classes to escape from the ship. The courts of the Canal Zone have included Chinese seamen within the meaning of the term "transient persons." I have not been in accord with this ruling, because the Panamanian law clearly indicates that a ship's crew does not come within the term "transient persons."

However, since law No. 6 of 1904 was enacted, the President of Panama has issued a number of decrees materially modifying the provisions of said law No. 6 and enacted new legislation in respect to the exclusion of Chinese and other Asiatics. This new legislation is quite different in many respects from the previous law. It will thus be seen that the Executive order of January 9, 1908, no longer serves the purpose for which it was enacted; that is to say, the enforcing of the provisions of law No. 6 of 1904.

Now that the canal is to be opened to ships of all nations it is my opinion that new rules and regulations should be established respecting the exclusion and deportation of undesirables. The new rules should accord to the shipping interests as liberal treatment as is consistent with the preservation of the best interests of the canal, and this should be so with special reference to ships' crews. While it is proper to prevent persons from using the Canal Zone as a means of violating the exclusion laws of Panama, the assistance rendered to Panama in this matter should not be carried to the extent of unreasonably hampering the ships that traffic with the canal.

The proposed bill, if enacted, will give the President ample authority to deal with the situation at all times, and consequently I hope that the bill will meet with the approval of Congress.

Respectfully,

FRANK FEUILLE, *Special Attorney.*

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ANCON, CANAL ZONE, *April 11, 1916.*

Gen. GEO. W. GOETHALS,
Governor of the Panama Canal, Balboa Heights, Canal Zone.

SIR: The acting governor on March 23 last appointed the special attorney, marine superintendent, executive secretary, and the chief quarantine officer a committee to consider a proposed bill for submission to Congress relative to the exclusion of Chinese from the Canal Zone and the repeal of the Executive order of January 9, 1908, on that subject, and to render a report thereon. A copy of the proposed bill accompanies this report.

The committee has given the proposed bill full consideration, and they have reached the conclusion that the end sought by that bill could be best obtained by the enactment of an amendment to section 10 of the Panama Canal act of August 24, 1912, which gives to the Governor of the Panama Canal the right to make rules and regulations, subject to the approval of the President, to prohibit any person from remaining on or passing over any part of the Canal Zone. That section of the Panama Canal act is inoperative at present, because it will not become effective until the canal is officially opened. In addition, it does not seem broad enough to authorize the President to require a ship bringing an undesirable to the Canal Zone to return such undesirable to the place whence he came. Therefore the committee is submitting a draft of a proposed act amending the above-mentioned section 10, in lieu of the bill previously proposed and referred by the acting governor to this committee.

It will be noted that the amendment to section 10 now submitted by the committee is comprehensive enough to permit the governor to establish rules of exclusion and deportation against all persons, regardless of nationality, and in consequence Chinese and other Asiatics may be excluded under such rules. That part of the amendment which will authorize the governor to require ships bringing excluded persons to the Canal Zone to return such persons to the countries from whence they came will make the regulations more effective, especially that

provision which permits the authorities of the Canal Zone to withhold clearances from any vessel when the fine imposed and the costs of maintenance of the excluded persons are not paid.

The amendment relates only to the first sentence of section 10 of the Panama Canal act, leaving in full force and effect the subsequent provision under which punishments may be imposed for a violation of any of the rules and regulations.

Dr. Guthrie, the chief quarantine officer, one of the members of this committee, is absent on vacation, but the bill here submitted meets with his approval.

Respectfully submitted.

FRANK FEUILLE,
C. A. MCILVAINE,
H. I. CONE,
Committee.

DRAFT.

An act to amend section 10 of the Panama Canal act approved August 24, 1912.

Be it enacted, etc., That the first sentence of section 10 of the Panama Canal act approved August 24, 1912, is hereby amended to read as follows:

"SEC. 10. The Governor of the Panama Canal is hereby authorized to make rules and regulations, subject to the approval of the President, and in like manner to alter or amend the same from time to time, touching the right of any person to enter or remain upon or pass over any part of the Canal Zone; for the detention of any person entering the Canal Zone in violation of such rules and regulations, and return of such person to the country whence he or she came, on the vessel bringing such person to the Canal Zone, or any other vessel belonging to the same owner or interest, and at the expense of such owner or interest; and in addition to the punishment prescribed by this section for violation of any such rules and regulations, the authorities of the Canal Zone may withhold the clearance of such vessel from any port in the Canal Zone until any fine imposed and the costs of maintenance of such person are paid."

SEC. 2. This act shall take effect from and after its passage, but it shall not be construed to alter or amend any portion of said section 10 of the Panama Canal act save and except the first sentence thereof.

SETTLERS ON UNSURVEYED RAILROAD LANDS IN WASHINGTON.

Mr. POINDEXTER. I ask for the present consideration of the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, a bill which relates entirely to lands located in the State of Washington, and is for the relief of homestead settlers on lands which have been in dispute as to conflicting rights of railroad companies. The matter has been under discussion in the Committee on Public Lands for a long time, and the passage of the bill is recommended by the Land Office and by the Secretary of the Interior. Memorials in behalf of it have been passed by the Legislature of the State of Washington, and I ask for the present consideration of the bill.

Mr. SMOOT. Mr. President, I am not going to object to the consideration of this bill at the present time, but I shall object to the consideration of any other bill unless we take up the calendar in order.

Mr. TOWNSEND. Mr. President, bills of serious importance or bills which have received early consideration by committees and have been placed upon the calendar are made to suffer, while later bills which are brought in are considered by unanimous consent in this way. I have no objection to the consideration of any worthy bill—and I am assuming that this is such a measure—but there is on the calendar a bill known by everybody in the Senate as Senate bill 392, providing for the retirement of volunteer officers of the Civil War. That bill is thoroughly understood; it will require no great discussion, unless Senators wish to talk it to death. I am going to object to the consideration of all measures by unanimous consent unless we can fix some time when we can have a vote upon the bill to which I refer. I do not wish to delay matters of importance, which ought to be considered at this time, but I repeat that this bill is such a bill as should require no discussion, unless there be an effort to defeat it by preventing a vote. I think we could dispose of it in a very few minutes if we could get to a vote. If the majority of the Senate does not want to pass the bill at this time, I should very much like to have that majority say so, and I should like to have an opportunity for the Senate to do that very thing.

Mr. POINDEXTER. Mr. President, I sympathize entirely with the interest that the Senator from Michigan [Mr. TOWNSEND] has in the volunteer officers' retirement bill. I have voted with him a large number of times to take it up and hope to have an opportunity to cooperate with him at any time to secure favorable action on the measure. I am sincerely in hopes that the Senator will not object to the consideration of the bill to which I have referred.

Mr. SMITH of Georgia. Mr. President, we can not hear the Senator from Washington on this side of the Chamber.

Mr. POINDEXTER. I will endeavor to make myself heard. I was simply appealing to the Senator from Michigan to allow me to dispose of this local matter, for which I have asked consideration. It will only take probably five minutes. I was stating to the Senator that I was in favor of the bill of which he has spoken.

Mr. TOWNSEND. Mr. President, I realize that situation, but I had not finished my sentence.

I wish to say further that I do not care to interpose an objection to this bill of the Senator from Washington or to any other bill that happened to be pending at the time I rose; but I wish to give notice now that I feel it will be absolutely necessary, if I am to secure consideration of the bill to which I have referred, that I shall insist upon the method of procedure which I have indicated. While I shall not object to the Senator's bill being now considered, I shall feel it my duty to object to other bills which are brought up, unless I am convinced they are matters of such immediate necessity that it would not be proper for me to interpose an objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington [Mr. POINDEXTER] for the consideration of the bill which he has named?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, which had been reported from the Committee on Public Lands with amendments.

Mr. SMITH of Georgia. Mr. President, I wish to support the position of the Senator from Michigan [Mr. TOWNSEND], not with reference to the bill to which he refers but with reference to other bills. There are a number of bills on the calendar which are entitled to a hearing. The first bill on the calendar is entitled to a hearing; a little further down on the calendar is the vocational educational bill, that ought to have a hearing; and a little further down is a bill with reference to convict-made goods, which should be considered. There are a number of bills upon the calendar in which I am especially interested.

I think we are entitled to a morning hour every day to take up the calendar under the rule; and if we really wish to dispose of these bills I should be glad to see a 10-minutes' debate limit put on every one of them, although I could not finish what I should like to say in opposition to the bill mentioned by the Senator from Michigan in 10 minutes.

I think we ought to adjourn this evening until to-morrow morning; that we ought to give two hours of every morning to the consideration of bills on the calendar; and that we ought to take up those bills as they come in their order on the calendar. I am not going to object now to the consideration of the bill of the Senator from Washington, but I desired to make this statement.

The VICE PRESIDENT. The amendments proposed by the Committee on Public Lands to the pending bill will be stated.

The first amendment of the Committee on Public Lands was, on page 1, line 6, after the name "Northern Pacific Railway Co.," to insert "within the State of Washington," so as to read:

That where, prior to July 1, 1913, the whole or any part of an odd-numbered section within the primary limits of the land grant to the Northern Pacific Railway Co., within the State of Washington, to which the right of the grantee or its lawful successor is claimed to have attached by definite location, has been settled upon in good faith while unsurveyed, by any qualified settler, the same shall be subject to all the provisions of the act of July 1, 1898 (30 Stat. L., pp. 620–622), relating to lands in said primary limits so settled upon prior to January 1, 1898, and said act is hereby amended accordingly.

The amendment was agreed to.

The next amendment was, on page 2, to add to the bill the following proviso:

Provided That upon the relinquishment by said railway company of any of the lands so settled upon the selection of any lieu lands by said company shall be confined to the State of Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL DISTRICT OF NORTH DAKOTA.

The VICE PRESIDENT. Are there further reports of committees?

Mr. GRONNA. Mr. President, during the proceedings of the last legislative day the senior Senator from Minnesota [Mr. NELSON] was kind enough to report a bill, purely of a local nature, affecting my State. I could not under the parliamentary condition ask for its immediate consideration at that time. I now send the bill to the desk and ask unanimous consent for its present consideration. I know that it will provoke no discussion, and that it will only take a minute or two to pass it. It is House bill 11878.

Mr. TOWNSEND. Mr. President, I shall have to object under the statement I made a while ago. I am sorry the Senator embarrasses me by that request, because I would not want to object to the consideration of a bill in which he is interested; but I made the statement, and I must object.

Mr. GRONNA. I trust the Senator will permit me to make a statement.

The VICE PRESIDENT. Objection has been made.

Mr. GRONNA. Does the Senator insist upon his objection?

Mr. TOWNSEND. I have no objection to the Senator making a statement, but I feel obliged to object to the consideration of the bill. I made a statement before the Senator rose, not anticipating that he was going to take the action that he has taken, and I can not, without stultifying myself, abandon the position I have assumed.

Mr. GRONNA. I heard the Senator's statement, and the Senator said, as I understood him, that if the bill was of such a nature that it would provoke no discussion and it was necessary to pass it he would not object.

Mr. TOWNSEND. Mr. President, the Senator must have misunderstood me. I did not refer to discussion. I recall the fact that we are now in the midst of preparedness, as we call it, and there are certain supply bills and certain measures of that kind that I regard of prime importance; but I do not consider that any one of these matters is of superior importance to the bill to which I have referred.

Mr. GRONNA. Mr. President, if the Senator will pardon me, I wish to state that this is a bill to subdivide the judicial district of the State of North Dakota. It is important that we should permit the people of that State to have court held at a certain place where it is not now held. The bill will simply facilitate the business of the people of that State. I do not see how there can be any possible objection to it.

Mr. STONE. Mr. President, if objection has been made, as I understand it has been, there is no need of consuming time in discussing it. Mr. President, I desire——

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. The Senator from Missouri is recognized.

Mr. STONE. Mr. President, when the order under the head of resolutions, and so forth, was reached, I had been just called out of the Senate.

The VICE PRESIDENT. That order has not been reached yet. We are on reports of committees.

Mr. STONE. I was told that it had been reached.

The VICE PRESIDENT. No; the order now is reports of committees.

Mr. STONE. I beg pardon.

FORTIFICATIONS APPROPRIATIONS.

Mr. BRYAN. I move that the Senate proceed to the consideration of Calendar No. 493, House bill 14303, being the fortifications appropriation bill.

Mr. CUMMINS. I insist on the regular order.

Mr. WALSH. Will the Senator from Florida allow me to introduce a bill concerning which there is some urgency?

The VICE PRESIDENT. Just a moment. The Chair will consult the rules.

Mr. STONE. Mr. President, I think we ought to go on with morning business.

Mr. BRYAN. I think the motion is in order under Rule VII, Mr. President.

Mr. STONE. What is the motion?

Mr. BRYAN. To proceed with the consideration of the fortifications appropriation bill.

The VICE PRESIDENT. The Chair thinks the motion of the Senator from Florida is in order.

Mr. STONE. I think it is in order.

Mr. WALSH. I ask if the Senator from Florida will not allow me opportunity to introduce a bill concerning which there is some considerable urgency?

Mr. BRYAN. I should like to accommodate the Senator, but the appropriation bills must be gotten out of the way.

Mr. LA FOLLETTE. Mr. President, it seems to me that the Senator ought to have made his motion as against other bills; he ought to have objected to the time being taken up with debate on and passage of bills by unanimous consent, rather than to interpose his motion now, when we might dispose of routine business for which we have waited here for several days.

Mr. BRYAN. I made the motion at the first opportunity under the rules.

Mr. LA FOLLETTE. The Senator could have saved time by interposing an objection to the consideration of a number of private bills which have been considered.

Mr. BRYAN. If the Senate wants to take up time I can not help it. The Committee on Appropriations is very anxious that the fortifications appropriation bill be considered. I happen to be in charge of that bill, and I must insist on the motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida.

Mr. STONE. Is that a debatable motion?

The VICE PRESIDENT. It is not debatable.

Mr. CUMMINS. I should like to have the motion stated. What is the motion?

The VICE PRESIDENT. The motion is not debatable.

Mr. CUMMINS. I have a right to know what the motion is.

The VICE PRESIDENT. The motion is to proceed to the consideration of the fortifications appropriation bill.

Mr. CUMMINS. I simply want to suggest to the Senator from Florida that some of us have bills that we want to introduce, and he will make no time by insisting on the motion he has made.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on the motion of the Senator from Florida.

The motion was rejected.

The VICE PRESIDENT. Reports of committees are still in order. [A pause.] The introduction of bills and joint resolutions is in order.

BILLS AND A JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 6492) to preserve the rights of homestead entrymen who are members of the National Guard or volunteer forces of the United States while in actual service.

Mr. WALSH. Mr. President, I feel justified in saying that I hope speedy consideration will be accorded to this bill. It simply provides that members of the National Guard who go into actual service shall not be subject to forfeiture of their homestead claims while they are in actual service. I trust the bill shall have speedy consideration, and I ask that it be referred to the Committee on Public Lands.

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands.

By Mr. SMITH of Georgia:

A bill (S. 6493) to provide for the installing of industries in the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes; and

A bill (S. 6494) to provide for the installing of industries in the United States Penitentiary, Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes; to the Committee on Education and Labor.

By Mr. KENYON:

A bill (S. 6495) authorizing the Secretary of War to donate to James B. Sample Post, No. 170, Grand Army of the Republic, Fort Madison, Iowa, two brass or bronze cannon or field pieces, with their carriages and a suitable outfit of cannon balls; and

A bill (S. 6496) authorizing the Secretary of War to donate to Alexander Hamilton Chapter, No. 7, Sons of the American Revolution, Sheldon, Iowa, two brass or bronze cannon or field pieces, with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 6497) for the relief of Oleanne Marie Zahl Branum; to the Committee on Public Lands.

By Mr. DU PONT:

A bill (S. 6498) for the relief of First Lieut. Albert K. C. Palmer, United States Army; to the Committee on Military Affairs.

A bill (S. 6499) granting an increase of pension to James Davis; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6500) granting an increase of pension to Ephriam J. Allen (with accompanying papers); and

A bill (S. 6501) granting a pension to Richard C. Spaulding (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 6502) authorizing the commission of Elmer E. Adler as second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. CUMMINS:

A bill (S. 6503) to make retired enlisted men and enlisted men of the Regular Army eligible for appointment as commissioned officers of Militia, National Guard, and Volunteers in the service of the United States; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 6504) for the relief of Ira Strickland (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6505) granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War;

A bill (S. 6506) granting an increase of pension to Joseph H. Alexander (with accompanying papers);

A bill (S. 6507) granting an increase of pension to Marion A. Babcock (with accompanying papers);

A bill (S. 6508) granting an increase of pension to John A. Bell (with accompanying papers);

A bill (S. 6509) granting a pension to Samiria H. M. Bryant (with accompanying papers);

A bill (S. 6510) granting an increase of pension to Walter J. Cripps (with accompanying papers);

A bill (S. 6511) granting a pension to Mary Calvert (with accompanying papers);

A bill (S. 6512) granting a pension to Emma A. Ellis (with accompanying papers);

A bill (S. 6513) granting an increase of pension to William P. Gilbert (with accompanying papers);

A bill (S. 6514) granting a pension to Charles Grunert (with accompanying papers);

A bill (S. 6515) granting a pension to Henry Johns (with accompanying papers);

A bill (S. 6516) granting an increase of pension to John W. Lesh (with accompanying papers);

A bill (S. 6517) granting an increase of pension to Charles W. Lathrop (with accompanying papers);

A bill (S. 6518) granting an increase of pension to Henry C. Linn (with accompanying papers);

A bill (S. 6519) granting an increase of pension to Lydia A. Logan (with accompanying papers);

A bill (S. 6520) granting an increase of pension to Francis Marsh (with accompanying papers);

A bill (S. 6521) granting a pension to Elizabeth M. Murphy (with accompanying papers);

A bill (S. 6522) granting an increase of pension to Thomas J. Stanfield (with accompanying papers);

A bill (S. 6523) granting a pension to Salona Patterson (with accompanying papers);

A bill (S. 6524) granting an increase of pension to Daniel Sheesly (with accompanying papers); and

A bill (S. 6525) granting an increase of pension to John M. Wandel (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6526) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims (with accompanying papers); to the Committee on Indian Affairs.

By Mr. MYERS:

A joint resolution (S. J. Res. 147) extending the provisions of the act approved June 16, 1898; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KENYON submitted an amendment proposing to appropriate $460 to pay William Welsh, of Council Bluffs, Iowa, for the storage of post-office furniture while the post office at that place was being remodeled, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRYAN submitted an amendment proposing to appropriate $100,000 toward the construction of a breakwater at the naval station, Key West, Fla., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BROUSSARD submitted an amendment proposing to appropriate $100,000 for the extension of the wharf at the naval station, New Orleans, La., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. NEWLANDS submitted an amendment proposing to increase the salary of the principal assistant inspector of buildings in the District of Columbia from $1,800 to $2,300, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRADY submitted an amendment proposing to appropriate $7,800 for the improvement of Van Ness Street from Connecticut Avenue to Idaho Avenue NW., etc., in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHAFROTH submitted an amendment proposing to appropriate $15,000 for the improvement of Jewett Street from opposite the Zoological Park entrance to Woodley Road in the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill (H .R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. DU PONT submitted an amendment, intended to be proposed by him to the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

THE NATIONAL GUARD.

Mr. LA FOLLETTE. I introduce a joint resolution and ask to have it printed in the RECORD without reading, and that it lie upon the table.

The VICE PRESIDENT. Without objection, that action will be taken.

The joint resolution (S. J. Res. 148) to amend section 27 and section 58 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, so as to require the consent of parents or guardians to the enlistment of persons under 21 years of age in the Regular Army and in the National Guard, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That section 27 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be amended so as to read:

"SEC. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army Reserve hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army Reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act three years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge: *Provided further*, That no person under the age of 21 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control, and this proviso shall be applicable to all minors enlisted or mustered into the military service of the United States on and after June 3, 1916: *And provided further*, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army the postmaster procuring his enlistment shall receive the sum of $5.

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers."

SEC. 2. That section 58 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and the same is, amended to read as follows:

"SEC. 58. Composition of the National Guard: The National Guard shall consist of the regularly enlisted militia between the ages of 18 and 45 years, organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of 21 and 64 years: *Provided*, No person under the age of 21 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians: *Provided*, That such minor has such parents or guardians entitled to his custody and control, and this provision shall be applicable to all minors mustered into the military service of the United States on and after June 3, 1916."

AMENDMENT OF THE RULES.

Mr. GALLINGER. I desire to give notice that on to-morrow or some subsequent day I shall propose an amendment to Rule XL by adding to the rule the following words:

A two-thirds vote shall be required to suspend, modify, or amend any rule.

Mr. WILLIAMS. Pursuant to the notice which I gave on the 22d relative to a proposed amendment to the rules, I submit the

following resolution. I ask that it be referred to the Committee on Rules.

The resolution (S. Res. 221) was read and referred to the Committee on Rules, as follows:

Resolved, That Rule X, Special Orders, be amended after the second paragraph of clause 2 of Rule X by inserting the following:

"3. No Senator shall be permitted to give notice in advance that at a time named in the future he will address the Senate, and it shall be the duty of the Presiding Officer to enforce the provisions of this clause upon his own motion."

THE NATIONAL DEFENSE.

The VICE PRESIDENT. There is on the table a bill introduced by the Senator from Missouri [Mr. REED], which has been read the first time by its title. Without objection, the bill will receive a second reading and will be referred to the Committee on Military Affairs.

The bill (S. 6452) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, was read twice by its title and referred to the Committee on Military Affairs.

GOVERNMENT EMPLOYEES IN THE MILITARY SERVICE.

The VICE PRESIDENT. There is also a joint resolution introduced a few days ago by the Senator from New Jersey [Mr. MARTINE], which has been read the first time by its title. Without objection, the bill will be read the second time and referred to the Committee on Military Affairs.

Joint resolution (S. J. Res. 146) relative to compensation to be given employees of the Government who enlist in the military service of the United States was read twice by its title and referred to the Committee on Military Affairs.

ARTICLES BY JOHN S. PATTERSON AND PIERRE JAY (S. DOC. NO. 478).

Mr. SHEPPARD. On June 3 last I obtained permission of the Senate to have printed as a public document an article entitled "Six Years of the Guaranty Fund." At the same time the Senator from Oklahoma [Mr. OWEN] presented an article entitled "The Country Banker and the Federal Reserve System," and obtained permission to have his article published with the document I presented, being under the impression that they dealt with the same subject. It has since developed that the two pamphlets deal with entirely different matters. Therefore I ask that the order of the Senate of June 3 last be rescinded and that they be printed as separate documents.

Mr. SMOOT. I will ask the Senator if they have already been printed?

Mr. SHEPPARD. They have not been printed. The Senate directed the printing of them as one document. I discovered that they dealt with different subjects, and therefore I now ask that they be printed as separate documents.

The VICE PRESIDENT. Without objection, it is so ordered.

BUSINESS STATISTICS (S. DOC. NO. 477).

Mr. SIMMONS. Mr. President, I have here certain statistical data prepared by the Department of Commerce, summarizing the business activity in the United States and in leading foreign countries, giving the imports and exports of merchandise of the United States during the fiscal years June 30, 1871, to June 30, 1915—the imports and exports of gold, receipts of railways, bank clearings, business failures, postal, telegraph, and telephone receipts, production of pig iron, and other indices for the United States. I think this would make a very valuable public document, and I ask that these statistics may be printed as a public document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

MEMORIAL ADDRESS ON THE LATE SENATOR BRADLEY.

Mr. SMOOT. I have been requested by a number of Senators to ask unanimous consent that an eulogy of the late Senator WILLIAM O. BRADLEY, by his lifelong friend, Mr. C. Lee Cook, be printed in the RECORD. It consists of only a very few pages, and if there is no objection I should like to have it printed.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

EULOGY OF SENATOR WILLIAM O'CONNELL BRADLEY, BY HIS FRIEND, MR. C. LEE COOK.

"The death of Senator BRADLEY has removed from our midst a distinguished and picturesque man. He was among the last of that heroic type made by the destiny of the Civil War. Although but a boy when the conflict began, the fire of patriotism so burned in his young heart that he ran away from home to enlist, and served on the side of the Union through the war. In the trying days following the end of that strife he was always an ardent adherent of the justice of his country's cause; yet in the full maturity of his brilliant forensic ability, when the Union had no need of vindication, when the bristling armor of her military forces lay rusting beneath the work of peace, he, with a love and loyalty not surpassed, raised his eloquence to heal the wounds of a prostrate South, to revive her broken spirit, and to help build back her system and her enterprise and reclaim the waste of her fields and the ruin of her cities. And, sir, what is more, he did a great work toward readjustment of public sentiment at the North toward, indeed, the true glory of a reunited country.

"Sir, he was well fitted for his course in life; God gave him great gifts: A superior and commanding intellect, a high resolve, an inflexible will, and an eloquence that has not often been surpassed in the forum of our country. This is the more extraordinary since he never received a collegiate training. All the formal instruction he ever had was in the country schools of Kentucky. Neither had he the privilege of the classroom in the study of law. Yet with this handicap he became the equal of most every lawyer of his State, and he had many an occasion to prove that eminence. His fidelity to a client, his recognition of the importance of thoroughly preparing a case, his knowledge of the law, his aptitude in applying the law to intricate circumstances, his adroitness in examining witnesses, his extraordinary powers of analysis in law and fact, his constructive attainments, and his brilliant appeal made him preeminent at the bar. He won a large fortune by his profession, but gave it away in the service of others.

"He was a man of very engaging personality. His spirit seemed to be a flame that lighted all around him, that gave him remarkable capacity for leadership among men. With this unusual qualification, he raised the Republican Party from a secondary place to a majority of the suffrage in Democratic Kentucky, and was thus elected governor in 1895.

"Though he was not in the strictest sense a scholar, for neither chance nor his rugged nature fitted him for that quiet eminence of the inner school, he had yet a fine regard for the refinements of scholarship. He was a man fully conscious of his great talents, yet he never insulted Providence by disdaining the mental limitations of any man. If though first one cast contempt upon him, his tongue became a Damascus blade that seldom met a conqueror. No one ever entertained a nobler view of the office of friendship than did Senator BRADLEY. When once he found in an acquaintance the acceptable virtues of manhood, neither race, religion, nor politics could assail in the feeblest voice a just estimation nor prevent the raising of the true spirit of fellowship toward such a one. His heart was as tender as that of a mother to her infant. His sympathies were as broad as life's field of hope, of joy, of misery, and of strife; worthily he did what he could to secure its happiness, brighten its shadows, assuage its pangs, and ameliorate its conditions.

"While Senator BRADLEY was not a close adherent to religious formalism, in his heart was a profound reverence for the infinite and divine. He was an intense and pious student of the Bible, and on one occasion when I called upon him unannounced I found him, with tears in his eyes, deep in the pages of that sacred book.

"Knowing as I did this great departed man, being honored by him with a most intimate relationship, and enjoying the inner privileges of confidence, though on most every political question our opinions differed, I can say that richly he deserved the tribute, 'His life was gentle, and the elements so mixed in him that Nature might stand up to all the world and say, "This was a man."'

"Sir, 'twill be some time before we shall see his like again."

THE MILITIAMAN AND HIS FAMILY.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD, without reading, an editorial *from yesterday's* Philadelphia Inquirer. I merely wish to say that the editorial was written in an apparently sane, apparently rational, and apparently lucid interval, however fleeting and transient, and, in view of that encouraging symptom no one would be disposed, and I certainly should not be ill-natured enough, to say, to paraphrase the Inquirer's own classical language, that newspapers of the Inquirer kidney are a disgrace to the State in which they are published and to the distinguished profession of which they are festering members.

Mr. SMOOT. Mr. President, I should like to ask the Senator if the editorial has any reference whatever to legislation that is being now considered by Congress?

Mr. GORE. I will say to the Senator that it relates to an incident which occurred in the State with reference to a national guardsman being excused from service on account of the necessity of supporting his family.

Mr. VARDAMAN. Let it be read.

Mr. GORE. I have no objection to its being read.

The VICE PRESIDENT. The Chair will inquire which editorial it is the Senator has sent to the desk?

Mr. GORE. I think it is marked; it is in regard to the National Guard.

Mr. STONE. How long is the article?

Mr. GORE. It is very brief.

The VICE PRESIDENT. Is it the article about Mr. Ford or the one headed "The militiaman and his family"?

Mr. GORE. "The militiaman and his family."

The VICE PRESIDENT. Is there any objection?

Mr. OLIVER. I ask——

Mr. STONE. I want to ask the length of it.

Mr. OLIVER. I insist that it be referred to the Committee on Printing.

The VICE PRESIDENT. That can not be done. If there is any objection to the reading of the editorial, the Chair——

Mr. STONE. The request was to have it printed without reading.

The VICE PRESIDENT. Just a moment. The Chair is answering the Senator from Pennsylvania, who suggested that it be sent to the Committee on Printing. The Chair said that the rule is, when there is a request for the reading of anything in the Senate, that it does not go to the Committee on Printing if there is an objection, but the Chair is bound to put the question whether it shall or shall not be read. The inquiry of the Senator from Missouri, as the Chair understands, is as to the length of it.

Mr. STONE. I did ask as to the length of it, Mr. President, and the Senator who offered it asked that it might be printed without reading. In the pressure of time I can not see the need of reading a long editorial, or a communication, or whatever it is, printed in a newspaper, when the Senator himself does not ask to have it done, but merely asks that it may be printed in the RECORD. There are Senators here who have some business they wish to transact in the morning hour.

The VICE PRESIDENT. Is there any objection to its going into the RECORD without reading?

Mr. GORE. It merely relates to the excusing of a National Guardsman from service on account of being required to support his mother.

The VICE PRESIDENT. The Chair hears no objection to it. The editorial will be placed in the RECORD.

The matter referred to is as follows:

THE MILITIAMAN AND HIS FAMILY.

A story of the human interest sort comes from Mount Gretna. A member of the National Guard was torn by a conflict of emotions. He had gone to camp and he wanted, above all things, to accompany his companions to the Mexican border. But he was the sole support of an old mother. What should he do? Wherein lay his duty? Was it to go down to the international line and protect that line from invasion, or was it to protect his mother from starvation or from becoming a burden upon the community?

Mind you, there was nothing for the aged mother to fall back upon. Governments are not generous. She had her son—and nothing more. To abandon her was to hand her over to charity. And yet this man was a member of the National Guard and he had been summoned to the colors.

Reader, what would you have done in the circumstances?

This militiaman was in a quandary. He placed his case before his captain. And that captain did not hesitate. "The country can get soldiers," that officer is reported as saying, "but your mother has only one son. You stick to her."

And who shall say that that captain was not right? He was right. He was absolutely right. All praise be to him! And all praise to the militiaman who had the courage to do as he did! For it required courage.

If this country were menaced by a great power it would be required of every man that he should do his best and sacrifice his dependent wife, his dependent child, his dependent mother for the good of all. But there is no such menace. War with Mexico may be a long war, but there are men enough to fight it out—men who are not the solitary supports of families—and to such men the task should be given.

PROPOSED PROHIBITION LEGISLATION.

Mr. JONES. Mr. President, I desire to make a parliamentary inquiry.

As I understood the ruling of the Chair yesterday with reference to the notice I gave to suspend the rules in order to permit me to offer an amendment to the Post Office appropriation bill, it was that if a sufficient notice had been given to comply with the rule my motion at that time would have been in order in the consideration of the Post Office bill. I think the Chair was correct in that ruling; but some Senators have suggested that the proposition should be taken up and considered in the morning hour. Now, I do not want to take the time of the morning hour to do it if it is in order for me to offer it when the Post Office appropriation bill is up. I think it is in order then; but I want to submit to the Chair the parliamentary inquiry whether this motion should be called up in the morning hour or whether it would be in order during the consideration of the Post Office appropriation bill. If it should be brought up in the morning hour, of course I want to do it. I do not want to lose any rights.

The VICE PRESIDENT. The Chair is of the opinion that it is in order at either time now.

Mr. CLARKE of Arkansas. Is it not the pending question when we reach the consideration of the Post Office appropriation bill?

The VICE PRESIDENT. The Chair has no doubt of it.

Mr. CLARKE of Arkansas. The Chair has already ruled that the notice was sufficient and that the motion was in order, and we were debating it——

The VICE PRESIDENT. The Chair has no doubt about it.

Mr. CLARKE or Arkansas. Then it is not necessary to bring it up in the morning hour.

Mr. SMOOT. There is no question about it now, because we have had an adjournment.

Mr. GORE. The question has settled itself.

TRADE AGREEMENTS ABROAD.

The VICE PRESIDENT. Are there further resolutions to be offered?

Mr. STONE. Mr. President, under that head I desire to call up Senate resolution 220, which I presented yesterday morning and which was read, and at my request is lying on the table.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read Senate resolution 220, introduced by Mr. STONE on the calendar day of June 28, 1916, as follows:

Whereas it has been widely stated in the public press that a conference was recently held in Paris, France, by authorized representatives of several of the Governments of leading industrial and commercial nations of Europe, now engaged in the European war as allies of France, with the object and purpose of arriving at an agreement between them with respect to their future joint and several industrial and commercial interests; and

Whereas it is also similarly stated that a commercial treaty was entered into at said conference between France, Great Britain, and other allied countries, which treaty it is alleged is now being drafted and is to become operative after the end of said war, with the declared object and purpose of establishing a boycott against the enemies of the high contracting parties to said treaty, both during the war and after the war, and also to promote commercial independence from the central powers; and

Whereas in a statement relating to said treaty, issued by the British Board of Trade, published in the American press, it is stated, among other things, that "The allies declare their common determination to insure the reestablishment of countries suffering from acts of destruction, spoliation, and unjust requisition, and decide to join in devising means to secure the restoration of those countries by giving to them a prior claim on raw materials, industrial and agricultural plants and stock and mercantile fleets, or by assisting them in reequipping themselves in these respects"; * * * that "The allies are to conserve all their natural resources during the period of reconstruction after the war for common use"; that "In order to defend their commerce against economic aggression resulting from dumping or any other mode of unfair competition, the allies decide to fix by agreement a period during which the commerce of the enemy powers will be submitted to special treatment and the goods originating in their countries will be subjected to prohibition or to a special régime of an effective character"; * * * that "The allies' mutual trade is to be fostered in every possible way"; and that "The above steps are to be put into operation immediately": Therefore be it

Resolved, That the President of the United States be, and hereby is, requested to ascertain and send to the Senate at the earliest practicable moment exact information, so far as that may be possible, as to the precise character, form, and full purpose of this agreement or treaty, especially with the view of disclosing to the Senate whether and to what extent neutral nations, especially the United States, may be affected thereby.

Mr. STONE. Mr. President, just a word.

The Congress has now under consideration measures for raising revenue for the support of the Government. That matter is before the House. It will soon come to the Senate. It seems to me that this conference, held in Paris recently, and the reputed treaty entered into at that conference, the general nature of which is set forth in the resolution, raise questions that are of interest to the United States. At least it may be said that the situation presents considerations that are possibly of interest—of great interest—to the United States; and it seems to me that when the Committee on Finance comes to consider revenue legislation, that committee ought to be informed, as far as that is possible, of the exact character of that conference and of the treaty said to have been entered into. The Senate and the House of Representatives especially ought likewise to know, as far as it is possible to know, what the terms of that agreement or treaty are. The resolution merely requests the President of the United States to obtain these facts, so far as he can, and report them to the Senate.

That is all I care to say. I ask that the resolution may be agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The VICE PRESIDENT. The morning business is closed.

POST OFFICE APPROPRIATIONS.

Mr. HARDWICK. I ask that the Chair lay before the Senate the unfinished business, being the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The VICE PRESIDENT. The question is, Shall the rules be suspended in order to enable the Senator from Washington [Mr. JONES] to introduce his amendment?

Mr. HARDWICK obtained the floor.

Mr. JONES. Mr. President, I desire to suggest that I had the floor upon that motion when the point of order was raised.

Mr. HARDWICK. The Senator does not hold it over an adjournment, though.

Mr. JONES. Well, probably not.

Mr. HARDWICK. As I understand, there is no question of order left.

Mr. JONES. That is correct; but I was discussing my motion when the point of order was made.

Mr. HARDWICK. But the Senator does not hold it over an adjournment.

Mr. JONES. I suppose not, but I merely wanted to suggest——

Mr. HARDWICK. Does the Senator prefer to proceed at this time?

Mr. JONES. I should like to do so. I will be through in five minutes.

Mr. HARDWICK. I will yield to the Senator.

Mr. JONES. Mr. President, I understand the motion to suspend the rule in order to offer the amendment which I have proposed is the question now before the Senate. I had nearly completed my remarks when the point of order was interposed by the Senator from Missouri [Mr. STONE], and I shall take but a very few moments now.

I want to refer to one or two suggestions made by the senior Senator from Missouri. He states that he is in favor of the matter of prohibition being taken care of by the States or the localities; that he thinks these questions should be left to the States. So far as that goes, I am in hearty sympathy with him, and I was feeling very much elated that he had come upon our side of this proposition, and felt that he was heartily in favor of the motion; but before he got through he took a position against this motion, which it seems to me is really inconsistent with that position.

My recollection is that the Senator supported the Webb-Kenyon law, and that he made a speech in favor of it. With that I was in hearty accord. It seems to me that the motion now before the Senate has in it exactly the same proposition as the Webb-Kenyon law, and is in line with the suggestion of the Senator that the States ought to be able to control in these matters.

Several of the States have passed laws prohibiting these advertisements. The United States mails are being used to nullify, in effect, those laws; and the only purpose of this amendment is to prevent that being done. It would not prevent the Senator from getting his St. Louis papers, so far as that is concerned, and I would not desire to do it. A good many of those papers do not desire to print these advertisements at all; but it would not be a very difficult matter for them to take care of that situation. What we do desire is that when the State of Washington and other States in the Union do not desire these advertisements to come into their families, to come before their people, and where the people themselves have declared by positive law that they do not want this done, we do not want the United States mails used for the purpose of nullifying those laws.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Certainly.

Mr. SUTHERLAND. I am quite in sympathy with the Senator's proposition, but I want to ask him if he can tell us what States have passed laws similar to that passed in Washington?

Mr. JONES. The State of Washington has passed such a law, the State of Alabama, and three or four more that I am not just sure of. I think Georgia has, and I am not sure but that North Carolina has.

Mr. SUTHERLAND. Some five or six States would be affected?

Mr. JONES. Yes.

Mr. SUTHERLAND. And, as I understand, it has already to some extent become the practice on the part of newspapers which print these advertisements to blot them out before sending the papers to some of these States.

Mr. JONES. I am informed by some of the Senators from these States that that is true.

Mr. SUTHERLAND. That is already done?

Mr. JONES. Yes; they tell me that that is already done; that some of the papers are respecting the laws of those States, and I suppose they get out what might be called a special edition with those advertisements eliminated from the papers that go to those States.

Mr. SUTHERLAND. So that in the case of some great metropolitan paper, all that it would be necessary to do would be to blot out such advertisements as are printed in the edition which goes to those particular States?

Mr. JONES. Yes. It would not be a difficult matter. Some have suggested that it might work a hardship on the newspapers. It would not; and it would not be a difficult matter to take care of that, so far as they are concerned.

But what I wanted to call attention to more than anything else was the situation with reference to the great newspapers of the country. They are not really desirous of these advertisements. They are not opposing this legislation. Many of them are voluntarily dropping out these advertisements, leaving them out, even in territory where it is not unlawful to circulate them, so far as that is concerned.

I have here a statement to which I desire to call attention with reference to that matter. This is prepared by the same organization from which I got the information with reference to magazines which I submitted yesterday. They state:

The present attitude of the daily newspapers of the United States toward liquor advertising and prohibition as revealed by an inquiry of the temperance society of the Methodist Episcopal Church is inspiring. The investigation conducted by the temperance society was made on January 1, 1915, and reached every daily newspaper in the United States. Six hundred and seventy-nine replies were received to 2,160 letters. Five hundred and twenty of the daily newspapers replying reported that they accept no liquor advertising.

Five hundred and twenty out of 679 replying state that they accept no liquor advertisements.

Three hundred and sixty of them announced that they advocate national prohibition in their editorial columns, while of the remainder only 200 are willing—

That I do not care about. All I want to get at is with reference to the advertising.

Ten years ago no one could name a half dozen daily newspapers in the United States which favored national prohibition. * * * To-day such great dailies as the Republican, of Springfield, Mass.; the Philadelphia North American; the Chicago Herald; the Tennesseean and Banner, of Nashville; the Times, of Detroit; the Times, of Indianapolis; the Journal, of Lincoln; the Gazette-Times, of Pittsburgh; the Intelligencer, of Wheeling; and scores of other papers that are representative of power and influence absolutely decline liquor advertising on any terms.

The letters to the society contain some most interesting statements. One New York paper says:

We are constantly being offered liquor propaganda matter to be run as straight editorial or news stuff, but we always decline it.

The Grand Rapids Press declares:

There is an erroneous impression on the part of temperance people regarding the amount of money the newspapers receive for liquor advertisements. The total amount of money received by this paper for the year 1914 from all liquor advertisements was six-tenths of 1 per cent of the whole amount received for advertising.

The Press further says:

If the immediate monetary gain were the only consideration in accepting beer advertising, we would wipe out the whole business without a qualm. Taken altogether, it does not represent the value to us of the advertising for one year of one good retail dry goods house. But if the Press were a prohibition organ, its standing and influence would be curtailed. In following the course that it believes to be fair and sane on the liquor problem its influence for good on all other questions is better than it would be otherwise.

Several of the other notices are with reference to the proposition as to prohibition, which I will not take the time to read, because I do not consider that that is the issue at this time. I just call attention to the fact that out of 679 replies from these daily papers, 520 of them do not now accept liquor advertisements. So that the newspapers of the country are not really interested one way or the other in this matter.

I want to call attention also to the fact that on January 1, 1916, all advertisements of liquor will be eliminated from the billboards of the United States and Canada. That is, all over the country, no matter whether it is contrary to law in a State or not, the company that posts the billboards all over this country and Canada is not going to put up these advertisements.

On January 1, 1916, all advertisements of liquor will be eliminated from the billboards of the United States and Canada. The board of directors of the Poster Advertising Association, which controls the boards in 4,000 towns, has so decided. No liquor contracts will be accepted after May 1, 1915, and all contracts now in existence must terminate by December 31, 1915.

Now, Mr. President, that is about all I am going to say at this time with reference to this amendment. I wish to summarize briefly what it is.

Mr. President, the amendment that I intend to offer, if the rules be suspended and I am permitted to do so, is simply and solely to protect the States in the enforcement of the laws which they have passed for the welfare of their own citizens. It does not attempt to regulate this matter in the States where they have not acted upon it at all. It is the principle of the Webb-Kenyon law which Congress passed over the veto of the President. It simply takes out of the situation as it now is the influence of the United States Government in carrying its mails to nullify the local laws passed by the different States in the Union for the protection of their own citizens, and that, in my judgment, is the sole issue raised with reference to this amendment. Whether I were for prohibition or against prohibition, it seems to me that I could very consistently vote for this amendment. The States have the right to pass those laws. They have passed them for the protection of their own citizens, and the United States Government should assist in every way that it legitimately can in carrying out the policy of those States. By allowing these advertisements and circulars and all that sort of thing to be sent through the mails of the United States we are overcoming the declared policy of those localities.

Some one raised the question as to whether a person ought not to have a right to write a letter to some dealer in intoxicating liquors and ask the purchase price. There is nothing in this amendment which prevents that from being done. The amendment simply prevents the use of the mails for doing what the local laws say can not be done there, and that is all there is to it; and there is nothing, I think, in those laws that prevents a man from writing a letter to some organization and asking for the prices. While the word "letter" is not mentioned in the amendment, it must be taken in connection with the other language of the amendment, which is as follows:

> That no letter, postal card, etc., containing any advertisement, etc., or containing a solicitation of an order.

That would not prevent a person from writing a private letter and receiving an answer to that letter stating what they could sell. But those are matters which can be considered when the amendment is up for consideration. The only question now is whether we will consent to suspend the rules for the purpose of offering an amendment of this character to take the United States Government out of the business, I might say, of nullifying the laws of the different States which they have passed for the protection of their own people.

That, Mr. President, is all I care to submit at this time for consideration.

Mr. HARDWICK. Mr. President, the Senator from Washington has moved, under the provision of Rule XL, to suspend the rules of the Senate so that the Senate may consider as in order a proposition submitted by himself as an amendment to the Post Office appropriation bill. I regret, Mr. President, that the motion comes in this form. For weeks and months we have struggled in an effort to finish the Post Office appropriation bill and to get it enacted as soon as possible. We are facing what appear to be stubborn differences in conference. This question could well be brought up at any time by the action of the Senate committee to which bills of this nature have been referred in a proper way under the existing rules and without suspending the rules. It seems to me there is no more inopportune time than the present, with only a few hours left before the appropriations lapse for many departments of the Government, to burden the annual supply bills with the consideration and determination of such extraneous issue as this.

Of course, Mr. President, entertaining that view and therefore intending to oppose the motion of the Senator from Washington it will be necessary for me to do more than make an argument of that character, because back of the Senator's motion and behind it lie the merits of his proposition. Coming from a constituency which has determined upon the policy of State-wide prohibition, and which has enacted laws to which reference has been made on this floor, it would not be justice to myself if I did not undertake to give with some detail the reasons for my opposition to this proposition, and I must therefore consume more time than I like to consume at this stage of the proceedings.

Personally, Mr. President, during my entire life I have been a consistent local optionist. I have always believed that on sumptuary questions, where it is so difficult to enforce laws setting up standards of personal habits and individual conduct, the wisest and safest policy for any Commonwealth to adopt is the policy of making the unit of enactment the exact equivalent of the unit of enforcement. In other words, I have doubted whether in any Commonwealth of this Republic it were wise to put on the statute books provisions of this character that might be popular in a great majority of the counties of that Commonwealth and yet might be difficult if not impossible of enforcement in some of the counties of that Commonwealth.

In reference to laws of this peculiar character it seems to me that the old-fashioned Democratic plan of letting the people of each locality, in the exercise of local self-government, determine what sort of laws they want to live under and what manner of laws they are prepared to enforce is the wisest and the best plan, and I have yet to change my mind on that question.

The people of Georgia have never voted on it. We have State-wide prohibition by statutory enactment, by action of the general assembly. But I am prepared to concede, because I believe it is the case, that the majority of our people favor State-wide prohibition, and I have no issue with them on that question. I have always thought it was far better for the people of any State to determine for themselves what their policies should be and what their laws should be upon this question, which is essentially and exclusively local in its nature.

I have therefore taken no issue with the law which is now written on our statute books. Since it is written there, I hope it will be enforced to its very letter and to the very limit. No Commonwealth can grow in greatness, in honor, and in real prosperity unless it enforces righteously the laws that its legislatures enact.

If the laws in question are bad laws, enforcement will soon operate to bring about a repeal. If they are good laws, of course, they ought to be enforced because it will be for the good of the people to have them enforced. In any event, respect for the law itself absolutely requires that whatever is written upon the statute books of any Commonwealth of this Republic shall be enforced by its executive and judicial officers.

Mr. President, I am a State-rights Democrat of an old-fashioned if not almost obsolete school. I believe in the absolute and exclusive right of every State in this Union to settle according to its own wishes, according to its own will, every domestic and local question that affects the lives and conduct of its people. For that reason I have always opposed nation-wide prohibition. The question as to what liquor laws or license laws or prohibition laws we shall have in Georgia is a question exclusively for the people of Georgia. My own belief about it is that the people of Georgia have a right to have whatever sort of laws they want on that question and to enforce those laws. In other words, I think the people of Georgia have a right to prohibit within the limits and borders of the Commonwealth of Georgia the sale of liquor even if all the 47 other American States want to permit its sale within their limits.

Mr. VARDAMAN. Will the Senator yield for a question.

Mr. HARDWICK. I do.

Mr. VARDAMAN. Does the Senator object to the Congress of the United States in the proper discharge of its functions helping Georgia to make Georgia's law effective?

Mr. HARDWICK. If the Senator will bear with me and listen to my argument as I develop it, he will see what I think about this entire question. I utterly repudiate the proposition laid down by the Senator from Mississippi and the Senator from Washington. There is no question of enforcing a State policy involved in this proposition when it is clearly understood and carefully analyzed. If so, then I would be persuaded, not unwillingly, either, to support the proposition advocated by the Senator.

But let us see now what sort of an argument is advanced on that question and what it is worth. When the Senator from Mississippi interrupted me I was saying that being a State-rights Democrat I believe that this and every other local question ought to be settled exclusively according to the will and desire of the people of each State. In the manner provided by law the people of my State have decided that they want State-wide prohibition, and I acquiesce in that result. I bow to that verdict, although I had no part in the decision of the question.

But the same legislation that ordained State-wide prohibition in my State, that ordained a prohibition against the circulation of newspapers within its borders containing liquor advertisements, also provided that every citizen in the State should be allowed to purchase, and of course that meant to purchase in any jurisdiction where its sale was lawful, a certain quantity of intoxicating liquor, 2 quarts I think it is, and a certain amount of beers and wines per month. Evidently the Legislature of Georgia was unwilling, without a popular referendum, to completely abolish, or even to attempt to abolish, the use of liquor in the State or to make the use of liquor in Georgia a crime. On the contrary, it expressly provided, whether wisely or not it is no business of mine, that every citizen of Georgia should have a right to purchase a certain quantity of intoxicat-

ing liquor per month and a certain amount of beers and wines and other liquors.

Of course, there may be a serious question raised as to whether or not, considering all three of these enactments of the General Assembly of Georgia, the policy of that State is that nobody shall be permitted to advertise from another State where the sale of liquor is lawful, the liquor that the people of Georgia are permitted by our State law to buy. If the policy of the general assembly of the State had been to completely abolish the manufacture and sale of liquor and to prescribe that no man might drink it without its being a crime and that no man could keep any quantity of it on hand, then probably the Senator from Washington might be right when he asserts that legislation of the kind he proposes ought to be enacted in order to carry out the State policy of such States as those which have taken action like Georgia.

But my understanding is that each one of these States, and I hope a Senator from any other State will correct me if I am in error about that, when they have passed these prohibition laws, have usually allowed a limited amount of liquor to be lawfully kept and consumed by its people. These States did not intend that their people should not be allowed to buy it in New York or in Pennsylvania or in Missouri or in any other locality where its sale is lawful. On the contrary, they did intend to provide that their people should be allowed to buy it in any such State, and they did so provide in my State, and I believe in every one of these other States.

Now, I understand the force of the argument, and it has appealed to me, that is made to the effect that the general assembly of these States having provided by statute that their own newspapers, those published within their borders, and possibly in some cases those circulated within their borders, shall not carry liquor advertisements, therefore it could be fairly contended that it was the purpose of these legislatures to go as far as they could to prevent the circulation of liquor advertisements within their limits. But, Senators, there is another side and an entirely different side to this question. This is a Federal question, and a Federal question exclusively. It can be made nothing else.

I want to say to the Senate there are no stouter upholders of Federal power when clearly given or necessarily implied in the grant than the old-fashioned State-rights Democrats. The necessary corollary to our proposition of local self-government on all local questions is that Federal power on all Federal questions is committed to the exclusive jurisdiction of the Federal Government. How can you contend that the question of what shall go into the mails of the United States is a question that ought to be determined according to the policy of the 48 different States that compose this Union? If that principle be once established, if it be once conceded, there may be 48 different policies not only on this question but on many other questions connected with the transportation and delivery of the United States mails.

So the question of what shall go into the mails of the United States, or what shall be excluded from them, is not a question of State law or policy, and can not possibly be made one. It is a question of Federal power and Federal policy, and nothing else can be made of it. We can not operate the Post Office Department one way in one-half of the country and another way in the other half. We can not have rules and regulations and laws that apply in one part of the country and do not apply in the other. We can not and ought not to make it a crime to put something in the mail in one State and not make it a crime to put that same thing in the mail in every other State of the Republic. So our policy with reference to the Post Office Department and to the mails of the United States is essentially, necessarily, and exclusively a national policy. It can not be modeled on State policies. Otherwise we should be in inextricable confusion; otherwise we would face innumerable contradictions.

The laws of the United States on a question committed to the Congress must be uniform in their operation throughout the Republic. The regulations of the Post Office Department must be as wide as the boundaries of the Republic. Talk about enforcing a State policy in connection with the United States mails! Ah, Senators, those of you who profess to be anxious to do something on this line have not yet proposed the real remedy. If you want to do something effectual and something that you can defend logically and consistently on this floor or anywhere else, what should you do? What could you do that would be a real remedy on this question? If you can procure from the Congress of the United States a ban on liquor, if you can classify it with the lottery ticket or with the dangerous explosive, you can not only exclude advertisements relating to it from the mails but you can exclude the liquor itself from the channels of interstate commerce and you can absolutely stop its sale as a business in this country. There is not one of you but knows that. Why not take the real remedy, if you want to make a real fight on this question? When, however, you do it, when you act on it, when you accomplish this reform, you must do it just as it was done in the lottery case. You must make it uniform throughout the Republic and you must make your law applicable to every State in the Union. You must make your national policy, your Federal policy, as well as your Federal law, exactly the same in every State in this Republic.

Not only that, but consider the inconsistency of the position you occupy. You take intoxicating liquor, the sale of which is legalized under restrictions in most of the States of the Union; you take intoxicating liquor, the sale of which is taxed, except where prohibited by local law, by the Federal Government itself; and from the liquor taxes collected by this Government you derive the most considerable revenue that you derive from any other one item; and yet you propose to say to these people, "We will not outlaw you, because we want to tax you; we will not stamp you out, because we want to milk you; we will not put you out of business, because we want to profit by your being in the business." Ah, Senators, we must have a national policy if we are going to deal with this question as a national question, and we should adopt a consistent national policy.

If we are going to require these people to pay many millions into the Federal Treasury and are going to accept it from them, then we have no right to deny to them, as if they were criminals and outlaws, the agencies of the Federal Government for the transaction of a business we class as legitimate and which we heavily tax. We ought to do one thing or the other. We ought to treat whisky just as we treated the lottery tickets and forbid it the use of the mails of the United States or the agencies of interstate commerce in its transportation and quit taxing it, or we ought give it, as an interest that we recognize and tax, the use of all the agencies of the Government that are given to all citizens except criminals.

I did not intend to say quite so much, and I regret to say that I realize that the position I am taking on this floor this morning is one on which many warm and valued friends at home may differ with me; but it is one which I know is absolutely right; hence I must take it. I know, if I know anything, that we ought to do this thing in a frank, candid, uniform way, one way or the other.

I will tell you another thing. The legislatures of those States that are passing so-called prohibition laws, and at the same time permitting citizens to use enough liquor to keep them drunk throughout the year, have not, in my opinion, handled the question as skillfully as it might have been handled. They profess a desire to abolish the sale of liquor. Well, why not try to entirely prohibit its purchase, its sale, and its use, as far as it can be prohibited by law, instead of undertaking to give, on one hand, the prohibitionists just as radical and drastic a law as they want, and, on the other hand, to give to people who want to drink liquor just as much as they can consume without landing either in the grave or in a madhouse?

The State of Georgia has no law or policy, and can have none, with reference to what shall go in the United States mails. I say we can not deal with this question on any such basis. It is essentially and exclusively a national question. We can not run the Post Office Department as though it were a local institution. Its operations, its rules, and its regulations must be uniform throughout the Republic.

Mr. OLIVER. Mr. President, I am the owner of two papers which are published in the city of Pittsburgh, which for many years have been strong advocates of the principle of local option. Some years ago, after carefully considering the subject from all its aspects, both of those newspapers announced that from that time forward, in order to bring their advertising columns into harmony with their editorial policy, they would exclude liquor advertisements from their columns. I therefore feel a deep sympathy with the object of the legislation proposed by the Senator from Washington [Mr. JONES], and if it were proposed as a separate bill I would hesitate long before opposing it.

I am, however, opposed to suspending the rules of the Senate for the purpose of having the amendment considered, because I think that the rule which excludes general legislation from appropriation bills, except in cases of extreme urgency, and then only practically by unanimous consent of the Senate, is a wise one; and this is not a case where it should be departed from. I shall therefore vote against suspending the rules.

Upon the merits of this proposition, while, as I have said, I am in sympathy with its object, I would be very slow about voting for any proposition to increase the right of espionage on the part of the Post Office Department over private correspond-

ence; and, so far as it applies to letters and circulars, I do not think the legislation should be enacted under any circumstances.

With regard to the circulation of newspapers, the newspapers to which I have alluded have a large circulation in the neighboring State of West Virginia, in which an extremely stringent prohibitory law is in force. I do not know whether that law prohibits the circulation of liquor advertising within the State, but I have little doubt that it does, because if any means of preventing the citizens of West Virginia from obtaining liquor have been neglected by the authorities of that State it has been on account of an oversight on their part, for I think it is the most stringent law in force in any State of the Union.

There are other reputable newspapers published in the city of Pittsburgh, the owners of which have not seen fit to follow my example; and in so acting they are entirely within their rights. I think it would hardly be fair for me to vote for legislation that would enable my newspapers to be circulated within that State and would exclude theirs. They may in certain cases publish special editions, but a great many newspapers are circulated through the mails in such a manner that it would be impossible for the publishers of those papers to publish special editions for special localities. Take the great New York newspapers, for instance; they circulate all over the country, and it would be absolutely impossible for the publishers to so arrange their affairs as to furnish one edition of the paper to prohibition States and another edition to what may be called "wet States."

While, therefore, I sympathize, as I have stated, with the objects of this proposed legislation, I can not bring myself to advocate a policy that will enable the Post Office Department to adopt one system for one State and another system for another. It is a revolutionary proposition, and, while in these revolutionary times, we may eventually come to it, I for my part do not feel ready for it at this time. I, therefore, feel constrained to vote against suspending the rules, and if the rules are suspended I will, with considerable reluctance, vote against the proposition itself.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state it.

Mr. SUTHERLAND. It was suggested yesterday during the debate that the rule which provides for the suspension of any rule of the Senate required a day's notice, and that that was a substitute for the ordinary provision which required a two-thirds vote. I inquire of the Chair whether or not it will require, in the opinion of the Chair, a two-thirds vote to suspend this rule?

The VICE PRESIDENT. The Chair so announced on yesterday. In the Senate of the United States, while the present occupant of the chair has been here, on a former occasion when there was a motion to suspend the rule, the Chair submitted the question to the Senate, and the Senate decided that general parliamentary procedure should be taken into consideration, and that it required a two-thirds vote of the Senate to suspend the rules. The Chair will, in the first instance, so decide; and then nobody knows what the Senate will do on an appeal from the decision of the Chair on that question; but the ruling of the Chair is that it takes a two-thirds vote.

Mr. SUTHERLAND. I have no doubt that the ruling of the Chair is correct and that the suspension does require a two-thirds vote.

Mr. President, on yesterday I interrupted the senior Senator from Missouri [Mr. STONE] to suggest to him that the legislation which is proposed by the amendment of the Senator from Washington was not different in principle from legislation already upon the statute books, particularly that with reference to lotteries. I have before me now the statute upon that subject, which I desire to read into the RECORD. Section 3894 of the Revised Statutes as amended in 1890 provides as follows:

SEC. 3894. No letter, postal card, or circular concerning any lottery, so-called gift concert, or other similar enterprise offering prizes dependent upon lot or chance, or concerning schemes devised for the purpose of obtaining money or property under false pretenses, and no list of the drawings at any lottery or similar scheme, and no lottery ticket or part thereof, and no check, draft, bill, money postal note, or money order for the purchase of any ticket, tickets, or part thereof, or of any share or any chance in any such lottery or gift enterprise, shall be carried in the mail or delivered at or through any post office or branch thereof, or by any letter carrier; nor shall any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery or gift enterprise of any kind offering prizes dependent upon lot or chance, or containing any list of prizes awarded at the drawings of any such lottery or gift enterprise, whether said list is of any part or of all of the drawing, be carried in the mail or delivered by any postmaster or letter carrier.

Then follows the clause prescribing the penalty for a violation of those provisions, a fine of not more than $500 or imprisonment for not more than one year, or both.

Mr. President, I personally can see no difference in principle between the law which I have just read and the proposition which is made by the Senator from Washington in this amendment. In the case of the lottery or the gift enterprise we have laws which have forbidden their existence and forbidden their being carried on. Therefore the lottery and the gift enterprise are outlawed things. There was a day when they were not, when the lottery was regarded as a legitimate enterprise; but the policy of the people has changed in recent years, and they have declared that enterprises of that character henceforth shall be outlawed.

Mr. OLIVER. Mr. President, will the Senator yield to me?

Mr. SUTHERLAND. I yield to the Senator.

Mr. OLIVER. Mr. President, I will ask the Senator if he does not consider that there is this difference: That, in the first place, the law to which he refers is a means toward the enforcement of a Federal law, and, in the second place, it is nation wide in its application, whereas this proposed law is only to be applied in certain particular States?

Mr. SUTHERLAND. No, Mr. President; the statute which I have just read is not in aid of a Federal law. The Federal Government has no more power to forbid a lottery in a State than it has, under the existing Constitution, to forbid the sale of liquor. It has not undertaken to deal with it in that way. If the State of Louisiana chooses to have maintained within her limits a lottery, that State has absolute power to allow it; and I am not sure but that a lottery was maintained in Louisiana after these statutes were enacted. It was forbidden by the statutes of most of the States of the Union, and I think it is now forbidden by statute in Louisiana. But the power to forbid the existence of a lottery is a State power, not a Federal power. The State having forbidden it, the policy of the people of the State having developed to that degree where the lottery has become an outlawed thing, the Federal Government has stepped in and said: "You shall not utilize the mails for the purpose of promoting this unlawful and outlawed thing."

In many of the States of the Union, either by State statute directly prohibiting the sale of liquor in the State or under the operation of local-option laws, the sale of liquor has been forbidden, and to that extent that business has become outlawed. Moreover, many of the States—five or six of them, at any rate—have provided that no circular, no pamphlet, no newspaper containing an advertisement of the liquor business, or giving out information to the general public by means of which they can procure liquor, shall be circulated in those States or in those communities where the sale of liquor is forbidden. Therefore in those States the circularization of the liquor business, the advertisement of the liquor business, is just as much an outlawed thing as the carrying on of a lottery has become in substantially all, if not all, of the States of the Union; and I can see absolutely no difference in principle between the two things.

If it is unlawful in the State of Washington to circulate an advertisement of this character, then it seems to me to be a wholesome thing for the Government of the United States, which alone possesses the power to do it, to step in and say that the mails shall not be utilized for the purpose of carrying on the thing which the State law has forbidden.

Mr. STERLING. Mr. President, in expressing the hope that the motion of the Senator from Washington [Mr. JONES] will prevail, I express my sympathy with the amendment which he has offered to the Post Office appropriation bill.

In addition to the lottery statute cited by the Senator from Utah, I think yet other statutes may be cited which are exactly in line with the legislation proposed by way of amendment to this bill. I think there will be recalled by nearly all Senators here the famous case of Leisy against Hardin, known as the original-package case or decision, under which it was held that intoxicating liquors in the original package were not subject to seizure under State prohibition laws. Of course, the effect of that decision was to nullify to a great extent the prohibition laws of the States having such laws. Then, in order to prevent that condition of affairs, the Wilson Act of August 8, 1890, was passed by Congress. That act provided:

That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

And the Wilson law has been sustained by the Supreme Court of the United States in more than one decision, although I do not now recall the titles of the cases.

Further, Mr. President, comes another piece of legislation in line with this same principle, and that is the Webb-Kenyon law, passed in March, 1913, by Congress, and over the veto of the President. That law prohibits the shipment into any State of the Union of intoxicating liquors where they are to be received, sold, or used—as I remember the substance of the law—in violation of the law of the State into which they are shipped.

Mr. HARDWICK. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator from Georgia.

Mr. HARDWICK. It is the fact, however, that that law is pending before the Supreme Court of the United States on the question of its constitutionality; and the whole court seems to be hopelessly and equally divided, so far as we can hear, on that question.

Mr. STERLING. But the matter involved here is quite another thing.

Mr. HARDWICK. Oh, I quite understand that; but the Senator is citing that as authority for this.

Mr. STERLING. Yes; and I cite that statute primarily for the purpose of showing the action of Congress in regard to this matter, and the view of Congress in regard to permitting the interstate-commerce clause of the Constitution, or that part of the Constitution in regard to post offices and post roads, to interfere with or prevent the operation of the laws enacted by the States by virtue of or under their police power.

Mr. KENYON. Mr. President——

Mr. STERLING. I yield to the Senator from Iowa.

Mr. KENYON. I want to say, in answer to the suggestion of the Senator from Georgia [Mr. HARDWICK], that while the constitutionality of that law has not been determined by the Supreme Court as yet, I think I am right in saying that every Federal court that has passed on that law has sustained it, and every State court except one. Has the Senator from Georgia any information to the contrary?

Mr. HARDWICK. The Senator may be right about that. Of course the main question and the controlling question is what the Supreme Court here finally decides, but that is not very pertinent. Of course there is no contention made by me or anybody else, so far as I know, that this provision would be unconstitutional if we put it in. I do not make that claim.

Mr. STERLING. So, Mr. President, there has been a marked disposition on the part of Congress, as shown by this legislation, to assist the States in the enforcement of the laws which they have enacted in the exercise of the police power of the States.

The Senator from Georgia seems to have based his argument largely upon the State-rights doctrine or principle, as though that doctrine were invaded or violated by this proposed legislation. Mr. President, instead of being a violation of any right of the States it is Federal legislation in aid of what the State has done already in the exercise of its rights, and the mailing or the shipment by mail of circulars or letters or newspapers or other matter containing advertisements of intoxicating liquors is only prohibited in those States which have laws prohibiting such advertisements. It seems to me that under the circumstances the invasion of a State right is the last thing of which the Senator from Georgia or anyone else ought to complain. This does not interfere with but aids in the exercise of the right of a State.

Mr. President, I think this is a sound and wise policy. The law is enacted in the State in the first instance in the interests of good health, the interests of good morals, subjects for which the police power of the State may be invoked; and when the General Government can aid the State in a purpose so great and so laudable as that by the enactment of a simple piece of legislation like this, I think it ought to do so.

[Mr. BORAH addressed the Senate. See Appendix.]

Mr. WORKS. Mr. President, my State is not a prohibition or a "dry" State. It would have been so long since, in my judgment, however, if it had not been for the fact that one of the great industries of the State is the manufacture of wines and brandies from grapes grown in the State. The question of prohibition has been submitted to the voters of the State, and prohibition has been voted down, largely for that reason.

In the State of California, its people having determined that traffic in intoxicating liquors is a legitimate traffic, it certainly would be an infringement upon the rights of the people of the State if the Government should deny to the mails advertisements of that trade. On the other hand, quite a number of the States of the Union have determined just to the contrary; they have voted in favor of prohibition, and have also by statute provided that advertisements of that kind shall not be allowed within the State. It seems to me in that case that the laws and the wishes of the State should be respected by the National Government, and that it is the duty of the Government to do whatever it can to carry out the wishes of the States as declared by their statutory regulations; but the duty of the Government is to all of the States, not to one particular State. You can not separate the rights and obligations of an individual as a citizen of a State from the same rights and obligations as a citizen of the National Government. He is entitled to such protection of his rights as can be had by both the State and the National Governments.

It might be a very serious question which has been suggested by the inquiry of the Senator from Georgia [Mr. HARDWICK] as to whether, in case one State had declared it to be unlawful to advertise the sale of cigarettes, it would be the duty of the Government to withhold from that particular State the mails containing advertisements of that article. The Government must take the broad view of it, it seems to me, that it owes a duty to all of the States. It might be possible that under some circumstances to deny the mails to one of the States would be an injury to other States, and that, taking it as a whole, it is better that the rights of that State should be violated—if they are rights—than that injury should come to all of the other States.

It is not true, however, Mr. President, with respect to the traffic in intoxicating liquors. So great a number of the States have already determined against the traffic and have forbidden the advertisement of the trade that the Government may well say that its prime duty under those circumstances is to protect those States that have forbidden such advertisements and such traffic. That is necessarily so, because it could not, it seems to me, work any injury to the other States.

Mr. REED rose.

Mr. WORKS. It might work some injury to an individual publisher of a newspaper or magazine, but that is a matter that the Government need not take into consideration. It is the rights of the States the Government should protect in a matter of this kind. Now, I yield to the Senator from Missouri.

Mr. REED. Mr. President, can the Senator from California tell me how many States have passed laws prohibiting the advertisement of liquor in the newspapers of the State?

Mr. WORKS. No; I can not.

Mr. REED. Well, the Senator's statement a moment ago led me to believe that he thought a majority of the States had passed laws of that character. I asked the question because I really wanted to elicit the information. I do not pretend myself to know, and I was rather surprised on yesterday to hear the statement made that the State of Georgia had passed such a law, and that newspapers coming into Georgia from outside complied with the law by in some form obliterating such advertisements. Since the Senator from California thinks that there is so large a number of States that have passed such laws that no wrong would be done, although he admits the principle to be that the Government must legislate for all, it would be very interesting to know how many States have laws prohibiting the advertisement of the sale of liquor. I wish some one could give us that information.

Mr. WORKS. Well, Mr. President, I am not able to enlighten the Senator from Missouri on that subject, and I was not basing my position upon the ground that a majority of the States had passed such laws, because I think they have not. I have no idea that a majority or any great number of the States have so enacted; but I was trying to illustrate the idea that I was attempting to convey to the Senate, that Congress should determine what course is for the best interests of the States and for the people of the United States as a whole. If it be true that a half dozen States have enacted statutes of that kind and that mail of that sort could be excluded from those States without any injury to the States that have not enacted such statutes, then I think Congress ought to feel obligated to protect the laws of the States that have that kind of legislation. That is my position.

It has been said by the Senator from Georgia that the States have no rights respecting this matter; at least, they have no power to legislate with respect to it. It is very true, Mr. President, that a State has no power to legislate on the subject of carrying the mails, but it is not true by any means that the State has no right with respect to the carrying of the mails that the Government ought to respect. No State has the right to say to the Government, "You shall convey this kind of mail through or into the State," or "that you shall not carry certain other kinds of mail." It must be admitted that in that sense the States have no control over the situation; but certainly the State that has a law that prohibits the advertisement of the sale of liquor through the carrying of the mails has a moral right to say to the Government, "You should protect the laws of our State." That is all that is intended to be done by this amendment, as I understand; and I can not very well see what legitimate objection can be made to that kind of legislation as affecting the

rights of the States. It is for that reason that I am very earnestly in favor of this amendment.

There is another thing that appeals to me, Mr. President: It has been disclosed here—and it is a fact that all of us know—that a great many of the respectable publications of this country have refused to accept advertisements of this kind. I think that is a fortunate thing. Legislation of this character would tend to encourage just that sort of thing on the part of the magazines and newspapers of the country and to induce them to take the position which has already been taken voluntarily by some of the publications which are now being sent out, and in that way it would be helpful, not only to the State where such advertisements are forbidden to be published, but in all of the States all over the country. It would be a wholesome thing if advertising of that kind was absolutely prevented by the publications themselves, and I should like to see legislation of this kind for that reason, if for no other.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on the motion of the Senator from Washington.

Mr. JONES. Mr. President, I will take just a minute. It was suggested by the Senator from Georgia [Mr. HARDWICK] that this was an inopportune time to take up a matter of this kind in connection with the Post Office appropriation bill, because the 1st of July is near at hand and the appropriations ought to take effect then. Of course, the 1st of July is near, but we have already taken care of that situation. It became perfectly plain that this bill could not become a law before the 1st of July; that the appropriations could not be made before that time; and so a bill has already passed Congress extending the appropriations of the present fiscal year for a certain period of time so as to give us an opportunity to consider these measures. So there is not now the great urgency for haste and early action upon this bill that there was a day or two ago and, therefore, I do not think that that objection as to the consideration of the amendment is now entitled to any particular weight.

The Senator also suggests that the laws of the various States where the selling of liquor has been prohibited, and also where liquor advertisements have been prohibited, permit the citizens of those States to purchase liquor from outside of the State, and therefore he argues that we should not adopt this amendment. It is true that in some, if not all—I do not know whether all, but in some—of the States where they prohibit the sale of liquor inside of the State they do permit the bringing in of liquor from outside into the State; but this amendment does not deal with that situation; it is not intended to deal with that situation. Some States have gone further and have prohibited such advertisements, circulars, and so on, within the State, and the purpose of this amendment is to prevent the circulation of such matter within the State contrary to the State laws.

It has been suggested by some that this would disorganize the Post Office Department and impose upon it additional burdens that would hamper the administration of that department. I can not see how that is true. The Senator from Idaho [Mr. BORAH] has answered that thoroughly. This amendment does not impose any additional burden upon the Post Office Department; this amendment makes certain acts a crime; and the enforcement of that criminal provision will rest upon the proper officers of the Government. That is all there is to it.

Mr. REED. Mr. President, I have not been here during much of this debate, and may therefore be going to ask a question which has already been answered. If so, I will not ask the Senator to answer it again. Let me say, so that my question may be plain, that, of course, if Congress enacts such a law as this, a law directly affecting the machinery of the Government, the duty will devolve upon it to see that the machinery is not employed so that a crime shall be committed through its instrumentality. It is a mere begging of the question to say that no duty will fall upon the Post Office Department when we enact a law declaring that the sending through the mails of a certain class of matter is a crime. As soon as we do that, it becomes our duty as a Government not to employ our agencies and instrumentalities in the actual perpetration of that crime. Now, assume that a man lives in the Senator's own State, that he is a subscriber, let me say, to the New York Times or the New York World, or any other great metropolitan periodical. That periodical carries a vast amount of news and it carries thousands of advertisements. Somewhere in the paper there is an advertisement of a wine or a liquor. How is that man to get his paper? It is inconceivable that that great paper is going to print a special edition in order to send into the State of Washington, the few copies that would be there read. So, in view of the fact that the paper does print such an advertisement, which is perhaps one one-thousandth part of its business, does it not become the duty of the Postmaster General to have the packages containing the paper opened, to examine it and determine whether the governmental agency is being employed for the purpose of violating a solemn statute of the United States?

That is a somewhat involved and prolonged question, but the Senator catches the point, and I ask him how we are going to do this unless the results follow which I have indicated?

Mr. JONES. Mr. President, in the first place I am informed by some members of the Senate that many newspapers now send to the States where prohibition legislation is in force what might be called special editions of their papers with liquor advertisements cut out. They do that voluntarily, and I understand that it is not very much trouble, although I can see that it might involve some trouble, some inconvenience, and some expense, and some of the papers might not be willing to do it.

Now, as to the other point. I do not say that there would not be any duty upon the part of the Post Office Department, and yet there is nothing in this amendment that imposes upon the department any duty to make special investigations or employ any particular force in order to determine whether there are violations or not. The amendment simply says that certain things shall not be done. Then it says that whoever shall knowingly do those things shall be subject to a penalty. We have passed many laws declaring that certain offenses are crimes, and that whoever commits them shall be punished; but we do not hear of prosecuting officers going out generally for the purpose of seeing whether or not those laws are violated. They act whenever a complaint is made. Whenever somebody has reason to believe that the law has been violated and makes complaint, then the prosecuting officers act, and that would be very largely the policy under this amendment. I would expect, of course, that the inspectors of the department and the special officers of the department whom it sends about over the country would, so far as possible, see whether or not the law is being violated; but I do not believe that there would be any duties imposed upon the department under this provision that would especially disorganize it or especially burden it.

Mr. REED. Mr. President, if the Senator will pardon me, he is now putting up this remarkable argument for his amendment, that it ought to be adopted because it will not be enforced.

Mr. JONES. I did not yield to the Senator to misrepresent my position. I did not suggest anything of that sort.

Mr. REED. I did not mean to misrepresent the Senator's position, but is not that the fact?

Mr. JONES. No; it is not.

Mr. REED. Is this not the effect of the Senator's argument: Here is a law, drastic, far-reaching, and sweeping, which the Senator says will not interfere with the Post Office Department much because the Post Office Department will not have to enforce it.

Mr. JONES. No; the Senator from Washington did not say that at all.

Mr. WORKS. Mr. President, as I understand the provisions of this amendment, the offense which is proscribed may be prosecuted in the courts.

Mr. JONES. Certainly.

Mr. WORKS. And the newspaper publisher or the publisher of a magazine who violates the provision by sending this sort of matter into one of the States where it is prohibited is subject to prosecution, like any other criminal.

Mr. JONES. Certainly.

Mr. WORKS. It is not done through the Post Office Department, but through the courts of justice.

Mr. JONES. That is correct; and that is what I tried to say a moment ago.

Now, Mr. President, the Senator from Montana [Mr. WALSH] and some others have raised the inquiry as to why the necessity for making any motion to suspend the rule and place this general legislation upon a general appropriation bill. That would convey to anyone who is not familiar with our proceedings the idea that it is a very unusual thing to put general legislation upon appropriation bills; yet, Mr. President, we do it almost every time we pass an appropriation bill. There is hardly a general appropriation bill that goes through the Senate that does not contain general legislation. General legislation is put upon such bills without any question being raised, without any point of order being raised; it is put on, it might be said, by unanimous consent, when no special emergency is shown, or anything of that sort.

Now, why did we take this course in this case? We took it because we knew that the point of order would be raised the moment the amendment was offered. I do not question any-

body's motive in raising the point of order upon legislation of this kind; but we knew it would be done, and therefore we took the only course that we knew was open to get legislation of this character upon an appropriation bill.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES. Certainly.

Mr. SMITH of Georgia. Is there any general bill covering this same subject pending before the Senate?

Mr. JONES. Mr. President, the amendment which I have offered was taken from a general bill introduced by the Senator from Alabama [Mr. BANKHEAD], who is chairman of the Committee on Post Offices and Post Roads. The bill was introduced February 12, 1916, and no action has been taken upon it.

Mr. SMITH of Georgia. Where is it pending?

Mr. JONES. Before the Post Office Committee, but no action has been taken on it for months.

Mr. BANKHEAD. Mr. President, I think I am called on to say a word.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. Yes; I yield to the Senator.

Mr. BANKHEAD. When this bill was introduced and went to the committee, as usual we referred it to the Postmaster General for an expression of his opinion on the bill, as to the wisdom and propriety of enacting it, and as to how it would affect the Post Office Department. We have not heard from him on the subject——

Mr. JONES. I presume it was sent to him immediately upon its introduction.

Mr. BANKHEAD. So that the bill has not been considered by the committee.

Mr. JONES. The Post Office Department takes from February until nearly the 1st of July, and yet no report is made upon a measure of this character. It seems to me that shows some necessity for further action by Congress. I think that a similar bill was also introduced in the preceding Congress, but no action was taken upon it.

Mr. SMITH of Georgia. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Georgia?

Mr. JONES. Gladly.

Mr. SMITH of Georgia. Mr. President, I do not desire exactly to ask a question, but merely to say a word or two. I am very anxious to vote for such a measure as the amendment of the Senator from Washington. I wish to see it in effect in Georgia, where I live, and I believe the majority of my constituents likewise wish to see it in effect; but, whether they do or not, I do. I wish to help stop from the mails of my State the liquor advertisements which have poured in there from Chattanooga and other places. I am afraid, however, we are not going to get anywhere with the motion which the Senator has made. I am going to vote to suspend the rules, but I think it takes a two-thirds vote to suspend them. I wish to say, if we do not make any progress now, I will support a motion to discharge the Committee on Post Offices and Post Roads from the consideration of the bill to which the Senator has referred, and then I will support a motion to take it up at once and pass it.

Mr. JONES. Mr. President, I am not so hopeless as is the Senator with reference to the action of the Senate. I believe the Senate is going to suspend the rules and allow this amendment to be adopted.

Mr. SMITH of Georgia. I shall vote to suspend the rules, and I hope we will get a two-thirds vote to suspend them.

Mr. JONES. Furthermore, I do not believe it requires a two-thirds vote to suspend the rules. The Senate by a majority vote so decided a year or so ago, but the Senate by a majority vote can decide the other way, and that proposition will be put to the Senate if it should be held that it does require a two-thirds vote to suspend the rules.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. JONES. I do.

Mr. GALLINGER. I have studied the rules a long time, and I have been utterly unable to discover any authority for the statement that it requires a two-thirds vote to suspend the rules. It is true that on a certain occasion, when the Senators were swayed by differing considerations, a majority vote was cast sustaining the point that was made that it required a two-thirds vote; but that was only one instance. It will be used as a precedent, of course, but I am glad to hear the Senator say he is going to test the question again.

Mr. JONES. If necessary.

Mr. GALLINGER. If necessary. Let us have another vote on this proposition, and see whether the Senate thinks it takes a two-thirds vote to suspend the rules, so that we can have a better chance of passing this beneficent amendment. I am glad the Senator is going to make that issue, if necessary.

Mr. JONES. I am certainly going to do that, if it is necessary. I do not believe the Senate is going to refuse to give even a two-thirds vote upon a proposition of this character that looks toward assisting the States in carrying out the declared policies of the States with reference to a great question of this character and one of such great interest throughout all sections of the country.

In this connection I have here a telegram which I have been asked to present to the Senate, and I ask that it may be read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

INDIANAPOLIS, IND., *June 29, 1916.*

Hon. W. L. JONES,
United States Senate, Washington, D. C.:

Representing unquestionably the known wishes of millions of voters who demand protection in prohibition States from mail solicitations to the violation of their laws, we beg the Congress to pass the pending legislation to close the mails of the Nation to advertisements of intoxicating liquors. Such advertisements sent into prohibition communities are a chief factor in nullifying local legislation and State statutes, are offensive to local self-government, and violative of reserved police powers of every State of the Union. Speaking for the constituency represented by thousands of delegates from all States, we plead for passage of this essential and urgent measure of home protection.

Luther B. Wilson, President; Purley A. Baker, General Superintendent; Edwin C. Dinwiddie, Legislative Superintendent; Ernest H. Cheerington, Manager Publishing Interests; Wayne B. Wheeler, General Counsel Anti-Saloon League of America.

Please present above memorial to Senate during discussion.

E. C. DINWIDDIE.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Yes; I yield.

Mr. REED. If the Senator had finished that branch of his discussion, I wanted to call his attention to another matter.

I ask the attention of my good friend from Georgia to this question. It does not relate to the general merits of the bill—that is, it does not relate to the general question as to whether or not liquor advertisements ought to be sent into "dry" territory. So far as I am concerned, I am prepared to do anything that is reasonable to protect "dry" territory against "wet" territory; but I call attention to this language, and I want to ask the Senator who is the author of this amendment if he thinks it can be justified in any law passed among free people:

Whoever shall knowingly deposit or cause to be deposited or shall knowingly send or cause to be sent * * * by mail anything herein forbidden to be carried by mail—

To wit, any document or paper containing a liquor advertisement—

shall be fined not more than $1,000 or imprisoned not more than two years, or both.

Now—and I call the attention of the Senator from Georgia to this:

Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

Starting with that premise, I ask this question: Assume that a young lady residing in the State of Maine reads one of the popular magazines, and it contains an article or a story that is of interest to her sister or her relative residing in the State of Oregon, but it also contains a liquor advertisement, and she, in glancing through the magazine, observes and has knowledge of the fact that it does contain a liquor advertisement. She mails it to her sister in Oregon. Is it not possible, then, for some post-office inspector or somebody else to file in the State of Oregon a charge against that young lady who resides in Maine, and drag her 3,000 miles across the country to trial?

Mr. JONES. Why, Mr. President, of course it is possible. Almost anything is possible in the way of charging anybody with anything. I could go down here and charge the Senator from Missouri with almost anything now. It is possible.

Mr. REED. Is it not only possible to do that, but is it not expressly provided for in this law?

Mr. JONES. Oh, I do not think it probable; but that will come up when we consider the amendment upon its merits. The amendment itself will then be subject to amendment, and any proper amendment no doubt will be put in.

Mr. REED. I have heard little discussion here except upon the merits of this proposition.

Mr. JONES. I desire to say that most of my argument has been confined to the proposition to suspend the rules, and I have not gone very much into the other branch of the matter.

Mr. REED. Would the Senator be willing to answer the question just "Yes" or "No," whether it would not be entirely possible?

Mr. JONES. Why, I said it would be possible. Anything of that character would be possible.

Mr. REED. And would it not be possible not only to bring that charge but to convict her?

Mr. JONES. No; I do not think so.

Mr. REED. In the State of Oregon?

Mr. JONES. No; I do not think so.

Mr. REED. Why not? The Senator has provided for it.

Mr. JONES. I have answered the Senator's question. Of course that is an impossible suggestion.

Mr. REED. Now may I ask the Senator another question? Suppose this same young lady did not read the liquor advertisement and did not know that it was in the book, but that she sent the book containing the liquor advertisement, and thereupon some one—an inspector or somebody else—filed a charge against her in the State of Oregon. Would it not be possible and lawful to arrest her on that charge, carry her across the country, and compel her to go to trial 3,000 miles from her home? Is not that plainly written in the letter of the Senator's amendment?

Mr. JONES. Mr. President, of course that is possible, but the law says it must be done knowingly. Of course I can charge that somebody has done a thing knowingly if I see fit to do it.

Mr. REED. Does the Senator know of any other law that it has ever been undertaken to write upon the statute books of this country which proposes to give to the Government the right to try a man either in his home or in any other place that it wants to pick out? Does not this provision violate the very fundamental doctrine of Saxon civilization, that a man is entitled to a jury of his peers, summoned from the vicinage?

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES. I yield to the Senator; yes.

Mr. SMITH of Georgia. I wish to say to the Senator from Missouri that if he will help us suspend the rule so that we can get at this amendment, I am then perfectly willing to help him perfect it so that its application will be limited to the men engaged in the business who are trying to sell their intoxicating drinks by using the mails.

Mr. JONES. Yes; the Senator will have lots of assistance in getting this amendment in proper shape. As to the suggestion of the Senator with reference to the trial in these different places, I think there is room there for amendment; and I will cooperate very heartily with the Senator in getting a proper amendment, so that people will not be tried contrary to our general system of laws and Saxon jurisprudence. I might suggest that, while I do not remember the exact terms of the lottery law that we passed, I think, possibly, under its terms about the same things could be done that the Senator suggests could be done under this; but I do not know of any such thing having been done and I never have heard of any such attempt being made.

Mr. President, I would have been through by this time except for these interruptions. I am going to refer to just one matter that is not especially important, and that is the question of State rights. I want to say that I admire very greatly the junior Senator from Georgia [Mr. HARDWICK], not only for his steadfast adherence to the principles of State rights as he understands them but also for his courage in standing by his convictions with reference to these matters. I am satisfied that he is perfectly sincere in his views, and it simply increases my admiration for him that, notwithstanding the action of the people of his State, he stands by his convictions here. This question of State rights, however, is a rather peculiar one. Some of us are for State rights one day and then we do not pay much attention to them another day; and some of those who are supposed to know what State rights mean, and who have believed in that doctrine, are to-day the furthest, it seems to me, from the principles of the fathers who adopted the principle of State rights.

I have here volume 12, parts 1 and 2, of the Congressional Debates of the Twenty-fourth Congress, first session, 1835–36. I give this reference so that if anybody wants to look at the matter more fully he can do so. I am not going to read everything that I have marked here, but it seems to me that we had up then—this was referred to by the Senator from Idaho [Mr. BORAH]—the very identical proposition that we have here; and I find that really the patron saint of State rights—Senator Calhoun—was the strong advocate of legislation of this kind. At page 1103 I find this:

The Senate proceeded to consider the bill prohibiting deputy postmasters from receiving or transmitting through the mail to any State, Territory, or District certain papers therein mentioned the circulation of which by the laws of said State, Territory, or District may be prohibited, and for other purposes.

That is very much like this. The purpose sought is substantially the same.

Mr. BORAH. Mr. President, will the Senator permit me to read a paragraph from Jackson's message?

Mr. JONES. Certainly.

Mr. BORAH. This is from the message of President Jackson of December 7, 1835. He says:

In connection with these provisions in relation to the Post Office Department I must also invite your attention to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves in prints and in various sorts of publications calculated to stimulate them to insurrection and to produce all the horrors of a servile war. There is doubtless no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country and so repugnant to the principles of our national compact and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders and peace depends upon the maintenance in good faith of those compromises of the Constitution upon which the Union is founded.

It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the nonslave-holding States to the Union and to their fellow citizens of the same blood in the South have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result not a doubt can be entertained that the nonslave-holding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil.

In leaving the care of other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the confederacy, from being used as an instrument of an opposite character. The General Government, to which the great trust is confided of preserving inviolate the relations created among the States by the Constitution, is especially bound to avoid in its own action anything that may disturb them. I would therefore call the special attention of Congress to the subject and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States through the mail of incendiary publications intended to instigate the slaves to insurrection.

Mr. REED. What is that from?

Mr. BORAH. Jackson's message.

Mr. JONES. At page 1107 I find this:

Mr. Calhoun said that the Senator from Massachusetts had certainly raised a very important point, and he could not do justice to his argument and to himself without previously arranging the various points of it. The Senator, however, was mistaken in his view of the subject. It was because the subject particularly belonged to the States, and it was the duty of the General Government to aid and cooperate with them in carrying their laws into effect, that the bill was framed. He ventured to assert that not only did this duty result from the relations between the States and the Federal Government, but that it was an indispensable duty. The principle was not a new one; it had been applied more than once; but it was an old principle applied to a new case. He threw out these hints to prevent any erroneous impressions resulting from the remarks of the gentleman from Massachusetts.

And then, in part 2, at page 1730, Mr. Calhoun said this:

Mr. Calhoun could not concur with the views taken by the Senators from Massachusetts and Kentucky, that this bill would comprehend in its provisions all publications touching the subject of slavery. In order to bring any publication within the provisions of the bill, two qualifications were necessary. The first was that it must relate to the subject of slavery—

The first provision here is that it must relate to intoxicating liquors—

and the next was that it must be prohibited by the laws of the State to which it is transmitted. He thought that this was the view that would be taken of it by the courts.

I have marked here what I should like to put in my remarks, and I will not take the time of the Senate to read further at this point.

The PRESIDING OFFICER. Without objection, permission will be granted to insert the matter in the RECORD.

The matter referred to is as follows:

The object of this bill was to make it the duty of the postmasters in the States to conform to the laws of such States and not to deliver out papers in violation of their laws. The simple question was, Had this Government the power to say to its officers, "You shall not violate

the laws of the States in which you reside"? Could it go further and make it their duty to cooperate with the States in carrying their laws into effect? This was the simple question. Now, could any man doubt that Congress possessed the power to pass both measures, so that their officers might not come into conflict with the State laws? Indeed, he looked upon measures of this kind to prevent conflicts between the General and State Governments, which were likely to ensue, as essentially necessary, for it was evident that when such conflicts took place the States must have the ascendancy. Mr. C. then briefly recapitulated the principles on which this bill was founded, and contended that it was in aid of laws passed by the States as far as Congress had the power constitutionally to go, and assumed no power to prohibit or interfere with the publication or circulation of any paper whatever; it only declared that the officers of the Government should not make their official stations a shield for violating the State laws. Was there anyone there who would say that the States had not the power to pass laws prohibiting and making penal the circulation of papers calculated to incite insurrection among their slaves? It being admitted that they could, could not Congress order its officers to abstain from the violation of these laws? "We do not," said Mr. C., "pass a law to abridge the freedom of the press or to prohibit the publication and circulation of any paper whatever—this has been done by the States already." The inhibition of the Constitution was on Congress and not on the States, who possessed full power to pass any laws they thought proper. They knew that there were several precedents to sanction this bill. Congress had passed laws to abstain from the violation of the health laws of the States. Could anyone say that the Constitution gave to Congress the power to pass quarantine laws? He had not adverted to the message of the President on this subject, because he believed that the President acted from the best motives and that that part of the message was drawn up without sufficient reflection. He denied, however, that this message was in conformity with the Constitution. It would be directly abridging the liberty of the press for Congress to pass such laws as the President recommended.

Mr. JONES. Mr. President, this language of Senator Calhoun could well be applied to the bill that is now pending. It is exactly of the same character, the same in principle, and the same generally in public policy. I shall not take the time of the Senate further. I do not know whether or not the debate is over on this amendment, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gore	Lippitt	Sheppard
Beckham	Gronna	Lodge	Sherman
Brady	Hardwick	McLean	Smith, Ariz.
Brandegee	Hitchcock	Martine, N. J.	Smith, Mich.
Bryan	Hughes	Myers	Smoot
Chamberlain	Husting	Nelson	Sterling
Clark, Wyo.	James	Newlands	Stone
Clarke, Ark.	Johnson, Me.	Norris	Sutherland
Colt	Johnson, S. Dak.	Oliver	Thompson
Culberson	Jones	Overman	Tillman
Cummins	Kenyon	Page	Townsend
Curtis	Kern	Phelan	Warren
du Pont	La Follette	Pomerene	Weeks
Fletcher	Lane	Ransdell	Williams
Gallinger	Lea, Tenn.	Shafroth	Works

Mr. BECKHAM. I wish to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON]. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Chair desires to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is absent on public business. Sixty Senators have responded to their names. A quorum is present.

Mr. SMOOT. Mr. President, just a word in explanation of my vote upon this motion.

This question was before the Senate on January 13, 1915, upon a motion by the Senator from Texas [Mr. SHEPPARD]. At that time I announced my position on it, and I do not believe that I could explain my vote now in any better way than I did at that time.

I stated then that I thought the Senator from Texas was very unfortunate indeed in trying to suspend the rules for legislation upon an appropriation bill, and called the attention of the Senate to paragraph 3 of Rule XVI, which I shall not take the time to read. I also stated that it was unfortunate that the motion should be to amend an appropriation bill, because of the fact that it would establish a bad precedent, that it might be done at a time when there would be a greater issue involved than the one then presented. The result, if it became an established practice, might often be the defeat of an appropriation bill in a short session of Congress. That could be easily accomplished if this was made the practice of the Senate.

If I were interested in legislation that was of interest to my State, I would not undertake under the rules of the Senate to place it upon an appropriation bill by moving a suspension of the rules of the Senate.

I wish to say to the Senator making the motion that if the principle of the motion was embodied in a bill and was before the Senate for action, I would gladly vote for it, but I can not vote to suspend the rules for the purpose of putting legislation upon an appropriation bill. I believe that the precedent established by it would do a great deal more harm to the future practice of the Senate than the good that would come by adopting it upon the motion made by the Senator from Washington.

Mr. WORKS. Mr. President, I should like to ask the Senator a question.

Mr. SMOOT. I yield to the Senator.

Mr. WORKS. Does the Senator think it would be worse to suspend the rules in order to legislate in this way than to violate the rules by doing it every day we are operating upon appropriation bills by incorporating that kind of legislation in the bill?

Mr. SMOOT. As I stated when that same question was asked me in January, 1915, it is not violating the rules of the Senate when legislation is put upon an appropriation bill by unanimous consent, because the rule specifically provides that it can be done by unanimous consent.

Mr. WORKS. The Senator sits by like the balance of us and sees the rule violated day after day without making any objection.

Mr. SMOOT. If every Member of this body is in favor of the legislation and it goes upon an appropriation bill, and it can not go on in any other way, I do not think it is a violation of the rule. In fact, it is not a violation of the rules of the Senate.

Mr. JONES. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. JONES. If the Senator will permit me, if we were to suspend the rule it is not a violation of the rule. We are acting now in accordance with the rules of the Senate. So there is no violation of the rules involved in the matter.

Mr. SMOOT. I agree with the Senator. The rule was adopted applying only to appropriation bills because of the fact that appropriation bills are necessary for the running of our Government, and generally they come before the Senate in the very closing days of the session. The rule was made to prevent just such motions being made as we are now considering. If we undertake to suspend the rule to adopt this particular legislation upon an appropriation bill, no matter how much we may be interested in it, unless there is unanimous consent given I believe that it would establish a precedent that would arise to plague us in the future. General legislation should not be put upon appropriation bills but should take the regular course that other bills take.

Mr. SHEPPARD. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. SHEPPARD. Did the Senator vote to put the Jones-Works excise law on a general appropriation bill?

Mr. SMOOT. I did not vote to suspend any rule to put it on. If the pending motion was not objected to, I would not interpose an objection.

Mr. SHEPPARD. I asked the Senator if he voted to put that law on a general appropriation bill?

Mr. SMOOT. I think I did.

Mr. SHEPPARD. The Senator is inveighing against the practice of putting general legislation on an appropriation bill, a practice he has himself indorsed.

Mr. SMOOT. I object to suspending the rules to do so, as I have always done in the past. That is my position. When general legislation is proposed upon an appropriation bill and there is objection to it, and then it is undertaken to be placed upon the appropriation bill by suspending the rules of the Senate, I will not vote to suspend the rules. That was my position in 1915, and I so stated to the Senate. I voted against it at that time, and I shall do so now.

Mr. SHEPPARD. If the Senator from Utah will allow me, there was objection to that measure going on a general appropriation bill.

Mr. GALLINGER. That is about what I rose to say to the Senator from Utah. There was objection to putting the Jones amendment on the bill, but some of us voted to put it on, and it went on. It was not a unanimous agreement.

Mr. SMOOT. But there was no motion made to suspend the rules.

Mr. GALLINGER. That is immaterial.

Mr. SMOOT. With me that is very material, and is exactly what is undertaken now.

Mr. GALLINGER. That is leather and prunella.

Mr. SMOOT. It may be with the Senator, but it is not with me.

Mr. GALLINGER. We have a right to suspend the rules under the rule.

Mr. SMOOT. Certainly we have. I have not denied that fact. I know we have a right to suspend the rules under the rule, but I say it is not a wise thing to suspend the rule in order to place legislation upon an appropriation bill. That is my position, and is the position I stated to the Senate before, and I shall not change my attitude in relation to it, no matter what the question involved may be.

Mr. GALLINGER. The Senator bases his objection largely upon the ground that it takes time and may endanger the passage of the bill. The contest over placing the Jones amendment on the bill took time, but it did not defeat the bill. We have all summer to pass this bill.

Mr. SMOOT. I did not say that in this case time was the essence of my objection, but I did say that if we undertake to do this and establish the precedent time might become a very important question, particularly in a short session of Congress.

Mr. GALLINGER. A speech will accomplish the same purpose near the close of a session.

Mr. SMOOT. That may be true. This would add another way of accomplishing the defeat of appropriation bills in the closing days of a session.

Mr. GALLINGER. It is one way out of a hundred.

Mr. WORKS. I do not know that I understand the position of the Senator from Utah. I should like to ask him whether his objection is to placing general legislation on an appropriation bill or to the suspension of the rule for that purpose?

Mr. SMOOT. My objection is to suspending the rule for the purpose of placing legislation upon an appropriation bill.

Mr. WORKS. Then you object to the lawful way, the one provided by the rules of the Senate?

Mr. SMOOT. I did not hear the Senator.

Mr. WORKS. I say, then, you object to doing it in a lawful, legitimate way, as provided by the rules of the Senate.

Mr. SMOOT. No. I object to suspending the rules for the purpose of putting any kind of legislation on an appropriation bill. That is what I object to, and I think the objection is a wise one, when you take into consideration the fact that at a short session of Congress it could be used for defeating an appropriation bill. I wish to state frankly that I would vote with the Senator to discharge the Committee on Post Offices and Post Roads from further consideration of his bill having the same object in view as his intended amendment to this appropriation bill; I will vote for the same proposition if it comes before the Senate in the shape of a bill; I am in favor of the legislation, but I shall not vote to suspend the rules for the purpose of putting the legislation upon an appropriation bill.

Mr. SMITH of Arizona. Before the Senator takes his seat, let me state a difficulty which suggests itself to my mind. I express great sympathy with the position taken by the Senator from Utah. I think I see in this precedent an ability at any time when any Senator desires to put general legislation on an appropriation bill by which every appropriation bill will be subject to the assault on only one day's notice, and he will divert attention from the regular order of the Senate by his desire to take a vote on any item of general legislation obnoxious to the rule which he wishes to move as an amendment. That is, any Senator can by one day's notice load your appropriation bill from start to finish with every man's particular idea of general legislation that ought to go on it by merely giving a day's notice of the fact that you intend to do it. It seems to me it would absolutely break up the orderly proceedings of this body. I, for one, regardless of my opinion on the merits of the measure, will certainly vote now and at any other time against bringing in by one day's notice a vote on a question as to whether the appropriation bill shall be amended by general legislation. That ought to be done by the regular, orderly way of introducing a bill and referring it and reporting it and passing it.

Mr. JONES. Will the Senator permit me? I suggest that under the rule now, whether we adopt this motion or not, any Senator can give any notice that he wants about any amendment at any time, and then we can discuss it.

Mr. SMITH of Arizona. I do not think that is the purpose of the rule.

Mr. JONES. There is nothing in the rules to prevent giving notice.

Mr. SMITH of Arizona. There is a good deal in practical legislation and I will say there is common sense in every one of these legislative bodies.

The mere fact that you can amend the rules by giving a day's notice does not mean that that rule of this body can be changed by one day's notice at your own sweet pleasure. It means that in the orderly procedure of the Senate, if you want to change the rules, it must be done by giving due notice. When the notice is given, you can change the rules. It strikes me that such a practice as that proposed was never contemplated. I do not know that anyone can interrupt any appropriation bill by giving one day's notice and then take a vote whether the Senate will place the item upon an appropriation bill.

Mr. GALLINGER. Mr. President, the Senator from Arizona said these matters ought to be governed by common sense. So far as I am concerned, I am governed by the rules of the Senate in this and all other matters, as I understand it. The rule is explicit and incapable of misunderstanding, that if a Senator gives one day's notice he can move to suspend the rules.

Mr. SMITH of Arizona. If the Senator will permit me right here, as suggested by the Senator from Nebraska [Mr. HITCHCOCK], do you not thereby give an advantage to that general legislation that has never had the sanction of a committee of this body? So you get absolutely undigested action on legislation that has never seen the committee, that has never been before the committee for consideration, when the Senate at its own sweet will on a day's notice can suspend the rules to amend an appropriation bill.

Mr. GALLINGER. We do not suspend the rule at my sweet will, but at the sweet will of the Senate of the United States, of two-thirds; it has been claimed, I think, one-half. If the Senator is so distressed about general legislation I will refer him to bills that have been passed.

Mr. SMITH of Arizona. I was not much distressed about anything.

Mr. GALLINGER. The Senator will please get permission to interrupt me. The Senator may well go to bills that have been passed at this session or bills that are to be passed at this session, and he will see a number of undigested matters in those bills. I refer him to the naval appropriation bill which will soon come before this body, and he will find in it general legislation which never had the sanction of a committee of this body. However that may be, the Senator from Washington was proceeding under the rules of the Senate, and no Senator has a right to criticize him for exercising his right under the rules of the Senate.

Mr. SMITH of Arizona. The Senator does not presume that I was criticizing the Senator from Washington purposely?

Mr. GALLINGER. Oh, no.

Now, one other point. The Senator from Utah is greatly distressed, apparently, that some legislation may be defeated at the close of a session by a motion of this kind. The Senator from Utah knows that this body always gives way to a speech. It may be that if we were about to declare war and a Senator had given notice that he would make a speech he would give way to a declaration of war. That might be so, but it is about the only thing I can conceive of that will take a Senator off his feet in this body; and his speech might defeat an appropriation bill at the close of a short session. A Senator can offer an amendment and debate it at the close of a session. I see no more danger in a motion to suspend the rules leading to the defeat of an appropriation bill at the close of a short session than any other legislative procedure that might take place. So I think there is very little potency in the argument made by the Senator from Utah, so far as that is concerned.

But, Mr. President, the gist of this matter lies in the fact that the rules provide that upon a day's notice a Senator can move to suspend the rules. The Senator from Washington has conformed to that rule. He has given notice. He has made a motion to amend, and now let us vote. I have no disposition to discuss it, but let us vote on it and see how the Senate feels about it.

Mr. CLARKE of Arkansas. Mr. President, this hobgoblin of general legislation on appropriation bills is magnified, I think, unduly on this occasion. For the first 90 years of the history of the United States Senate there was not any prohibition against putting anything on an appropriation bill or any other kind of a bill. About 1879 the Democrats in one branch of Congress annexed a condition in an appropriation bill to an appropriation of certain moneys to employ United States marshals that no part of it should be paid for deputies to appear at the polls, and held up the appropriation bill until that became the law and broke up what was deemed to be a very nefarious practice. Subsequently, those in charge of the Senate concluded that they would render it impossible to repeat that performance, and they adopted this rule, which has been more honored in the breach than in the performance. Daily, I might almost say, at certain periods in the history of the sessions of the Senate hourly it is violated, and to the very great improvement of the legislation of the country.

It is not an absolute rule. It is within the discretion of the presiding officer to refuse to enforce it and submit the matter to the Senate, when the Senate habitually disposes of the question upon its merits, or I should say just as individual Senators care to vote on the ultimate question submitted,

So I find no difficulty about voting to suspend the rule, not only because I am in favor of doing the thing we are trying to do in the end, but because it is an entirely proper procedure under our rules. It is absurd to say that it is an innovation upon anything or anybody, and say we could not suspend the rule for a day, whereas by some procedure and by a majority vote you can repeal the rule entirely and wipe entirely off the book the whole system. As it is a mathematical axiom, that the greater includes all smaller elements, and we could repeal this rule on the notice given by the Senator from Washington, I do not think we offend very greatly when we modify it for a single day.

Mr. BRANDEGEE. Mr. President, one of the strongest reasons underlying the rule is that appropriation bills are necessary for the conduct of the Government, and they are not supposed to be legislative bills. The reason why general legislation should not be permitted on appropriation bills any more than is absolutely necessary is this, that it compels the President, who has the veto power, to veto the whole appropriation bill if he does not approve the legislation that is put upon the appropriation bill as a rider. I think it is a very poor way to legislate. Everybody knows that an appropriation bill has got to go through or the Government has to be held up for its running expenses. Therefore there is an unnatural and abnormal desire to get legislation on appropriation bills in spite of the rule.

The fact that we frequently violate the rule is itself no reason why we should violate the rule. The rule provides for its suspension by unanimous consent. Every time a piece of legislation goes on an appropriation bill it goes on by unanimous consent because it is subject to the point of order under the rule, and if a Senator does not raise the point of order he gives his consent that the rule should be violated.

The only other time a piece of legislation goes on an appropriation bill is when a point of order is made and the Chair submits the question to the Senate. Then the Senate decides whether it is in order or not or whether it is legislation or not. It can do that by a majority vote. But that is not per se a violation of the rule or the judgment of the Senate as to whether it does violate the rule. The fact that the Senate frequently does not vote upon the question but votes upon its desires does not alter that argument at all.

I repeat, the main reason why it is unwise policy to put all sorts of legislative measures on appropriation bills is that it puts the President in a position in which he ought not to be placed until we give him at least authority to veto particular items on an appropriation bill.

Mr. SHEPPARD. Mr. President, I wish to observe here that many of the fundamental rights of the people have been preserved through the power of parliaments to exact conditions in connection with appropriation bills. The right of the English Parliament to attach conditions to supply bills, or to refuse supplies to the Crown unless the people's rights were respected, has been one of the chief safeguards of English freedom. Senators who stand out here against the right to attach conditions to appropriation bills are standing against what has been one of the greatest safeguards of freedom throughout English history.

The VICE PRESIDENT. The question is, Shall the rule be suspended for which the Senator from Washington has given notice?

Mr. CLARKE of Arkansas and Mr. JONES called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. JONES (when his name was called). I have a pair for the week with the junior Senator from Virginia [Mr. SWANSON]. If permitted to vote on this motion, I would vote "yea."

Mr. OLIVER (when his name was called). On this vote I am paired with the junior Senator from Mississippi [Mr. VARDAMAN], who has been called from the Chamber on official business. If that Senator were present, he would vote "yea" and I would vote "nay."

Mr. KERN (when Mr. WILLIAMS's name was called). I desire to announce the absence of the Senator from Mississippi [Mr. WILLIAMS] on official business. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. COLT (after having voted in the affirmative). Has the junior Senator from Delaware [Mr. SAULSBURY] voted?

The VICE PRESIDENT. He has not.

Mr. COLT. As I have a general pair with that Senator, I withdraw my vote.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. BECKHAM (after having voted in the affirmative). I observe that the junior Senator from Delaware [Mr. DU PONT], with whom I am paired, has not voted. I transfer my pair with that Senator to the Senator from Maryland [Mr. LEE], and allow my vote to stand.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of the Senator from Louisiana [Mr. BROUSSARD] on public business. He would vote "nay" if he were present.

I am also authorized to announce the pair of the Senator from Maryland [Mr. SMITH] with the Senator from Vermont [Mr. DILLINGHAM].

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 36, nays 28, as follows:

YEAS—36.

Ashurst	Curtis	Lodge	Sheppard
Beckham	Gallinger	McLean	Sherman
Borah	Gore	Myers	Smith, Ga.
Brady	Gronna	Nelson	Sterling
Chamberlain	Jones	Norris	Sutherland
Clapp	Kenyon	Overman	Thompson
Clark, Wyo.	La Follette	Page	Townsend
Clarke, Ark.	Lane	Poindexter	Weeks
Cummins	Lea, Tenn.	Shafroth	Works

NAYS—28.

Bankhead	Hughes	Lippitt	Reed
Brandegee	Husting	Martine, N. J.	Smith, Ariz.
Bryan	James	Newlands	Smoot
Culberson	Johnson, Me.	Phelan	Stone
Fletcher	Johnson, S. Dak.	Pittman	Tillman
Hardwick	Kern	Pomerene	Walsh
Hitchcock	Lewis	Ransdell	Warren

NOT VOTING—31.

Broussard	Harding	Penrose	Swanson
Catron	Hollis	Robinson	Taggart
Chilton	Lee, Md.	Saulsbury	Thomas
Colt	McCumber	Shields	Underwood
Dillingham	Martin, Va.	Simmons	Vardaman
du Pont	O'Gorman	Smith, Md.	Wadsworth
Fall	Oliver	Smith, Mich.	Williams
Goff	Owen	Smith, S. C.	

The VICE PRESIDENT. In accordance with the former ruling of the Senate that it requires a two-thirds vote to suspend the rule, the Chair decides that the rule is not suspended.

Mr. JONES. Mr. President, I desire to appeal from the decision of the Chair holding that a two-thirds vote is necessary to suspend the rules.

The VICE PRESIDENT. The questions is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. HARDWICK. On that question, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. JONES (when his name was called). While I have a pair with the junior Senator from Virginia [Mr. SWANSON] for the week, I understand that upon this question I am at liberty to vote, so I do so. I vote "nay."

Mr. OLIVER (when his name was called). I had a pair on the last vote with the junior Senator from Mississippi [Mr. VARDAMAN]. I have some doubt, however, as to whether or not that pair would apply on a vote of this kind. In order to be on the safe side, however, I refrain from voting.

Mr. SMITH of Maryland. I have a pair with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Indiana [Mr. TAGGART] and vote "yea."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

The roll call was concluded.

Mr. OLIVER. I transfer my pair with the Senator from Mississippi [Mr. VARDAMAN] to the Senator from Louisiana [Mr. BROUSSARD] and vote. I vote "yea."

Mr. KERN. I again desire to announce the unavoidable absence on official business of the senior Senator from Mississippi [Mr. WILLIAMS]. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. BECKHAM (after having voted in the negative). I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Maryland [Mr. LEE] and will let my vote stand.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

The result was announced—yeas 42, nays 25, as follows:

YEAS—42.

Ashurst	James	Oliver	Smith, Md.
Bankhead	Johnson, Me.	Overman	Smith, Mich.
Borah	Johnson, S. D.	Page	Smoot
Brandegee	Kern	Phelan	Sterling
Bryan	Lewis	Pittman	Stone
Culberson	Lippitt	Pomerene	Sutherland
Fletcher	Lodge	Ransdell	Townsend
Hardwick	McLean	Reed	Warren
Hitchcock	Martin, Va.	Shafroth	Weeks
Hughes	Martine, N. J.	Smith, Ariz.	
Husting	Newlands	Smith, Ga.	

NAYS—25.

Beckham	Curtis	Lane	Sherman
Brady	Gallinger	Lea, Tenn.	Thompson
Chamberlain	Gore	Myers	Walsh
Clapp	Gronna	Nelson	Works
Clark, Wyo.	Jones	Norris	
Clarke, Ark.	Kenyon	Poindexter	
Cummins	La Follette	Sheppard	

NOT VOTING—28.

Broussard	Goff	Penrose	Taggart
Catron	Harding	Robinson	Thomas
Chilton	Hollis	Saulsbury	Tillman
Colt	Lee, Md.	Shields	Underwood
Dillingham	McCumber	Simmons	Vardaman
du Pont	O'Gorman	Smith, S. C.	Wadsworth
Fall	Owen	Swanson	Williams

So the ruling of the Chair was sustained.

Mr. HARDWICK. Mr. President, I now ask to return to page 42, at which I desire to offer the amendment which I send to the desk. I offer this amendment for the purpose of perfecting a number of committee amendments in connection with the provision.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 42, beginning in line 21, after the language "Sec. 16," it is proposed to strike out:

That the Postmaster General is authorized and directed.

The amendment was agreed to.

Mr. HARDWICK. Now, I propose another amendment, which I send to the desk and desire the Secretary to state.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to strike out all of page 55, as the bill now stands, from line 6 to line 24.

Mr. HARDWICK. That is the provision in reference to annual weighing of the railway mails. The committee will have a substitute to offer for that, which I shall submit as soon as the motion to strike out is agreed to.

The VICE PRESIDENT. The committee amendment at that point has been agreed to, and in order for the Senator to offer his amendment it will be necessary to reconsider the vote by which it was agreed to.

Mr. HARDWICK. Then I move to reconsider the action of the Senate in agreeing to the committee amendment.

The motion was agreed to.

Mr. HARDWICK. Now, I move to amend by striking out the language which I have indicated.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to strike out, on page 55, from line 6 to line 24, inclusive, as follows:

From and after the passage of this act and not less frequently than once every year to cause the United States mails to be weighed simultaneously on all railroad mail routes for a period of 30 successive working days, and when such annual weighing is completed he shall readjust the annual compensation of railway mail pay on the basis of the average daily weight of all the mail carried on each route as ascertained by the actual weight taken, as herein provided, which readjustment shall be effective on and after the 1st day of July following such weighing: *Provided*, That such annual weighing shall only be had in those cases in which railroad companies carrying the mails shall perform the work of weighing the mails under the supervision and direction of the Postmaster General and without expense to the Government: *Provided further*, That in case any contractor for a railway mail route shall refuse or fail to perform the work of weighing without expense to the Government, then the mails on such route shall be weighed quadrennially in the manner above provided.

The amendment was agreed to.

Mr. HARDWICK. I now offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. In the amendment offered by the Senator from Iowa [Mr. CUMMINS] and agreed to by the Senate, after the word "applicable" it is proposed to insert the following:

Pending such hearings and the final determination of the question the existing law in reference to the weighing of the mails shall remain in force, except that if the Interstate Commerce Commissoion shall determine that it is necessary or advisable in order to carry out the provisions of this act to have additional and more frequent weighing of the mail, the Postmaster General, upon request of the commission, shall provide therefor in the manner now prescribed by law and under the terms of existing law.

Mr. HARDWICK. Mr. President, just a moment in explanation of this amendment. When this provision of the bill was previously under consideration in the Senate I made the statement to the Senate that the provisions for the details and manner of weighing the mails were in the terms of existing law, and I made that statement on information that I had received in the committee room, which I have since discovered to be inaccurate. I now make whatever apology is necessary to the Senator from Wisconsin for the inaccuracy. I am glad to acknowledge a mistake when I have made one; I am sorry I have made this one, and I desire to correct it.

The existing law is that the weighing of the mails shall be made under the supervision and direction of the Postmaster General, but by the postal employees. That was the part of it that I was mistaken about. I thought that the provision of existing law was that the weighing be made under the supervision and direction of the Postmaster General. I find the existing law further provides that the weighing shall be made by the postal employees, as was contended by the Senator. The committee thinks, on reflection, that this annual weighing ought not to be provided in view of the fact that the Interstate Commerce Commission, if the Senate provision prevails—and we hope it will—have the final disposition and control of this matter. There is no need for annual weighing pending final action by that body. We have, therefore, provided that the existing law with reference to the weighing shall continue in force pending the investigation and completion of the matter by the Interstate Commerce Commission. We have provided, however, that if the Interstate Commerce Commission while it is investigating the subject finds it necessary, in order to know what is right and just to the Government and to the railroads, to have more frequent weighings or weighings anywhere, if they want to have them, upon request the Postmaster General shall have such weighings made for their information.

So long as the Interstate Commerce Commission is to dispose of this matter, and is directed to give it precedence over all other business and to bring it to a speedy conclusion, we have, on reflection and on further consideration, concluded that there is no need for any change of existing law about weighing, except to provide that, if the Interstate Commerce Commission needs any weighing done in order to facilitate its investigation and to add to the thoroughness of it, it shall be done by the Postmaster General under existing law and at their request. I ask for a vote on the amendment, Mr. President.

The VICE PRESIDENT. Just a word for the purpose of getting the record straight. The amendment now submitted by the Senator from Georgia, as the Chair understands, is to come in after the word "applicable." Neither the Chair nor the Secretary is able to find that word.

Mr. HARDWICK. It is on page 3 of the Cummins amendment as originally printed. It is numbered 3, and is on page 3, line 3, of that amendment. It is so indicated in the text of the bill, and ought therefore to be very easy to discover. My amendment comes in at that point.

The VICE PRESIDENT. The Senator's amendment is an amendment to an amendment which was adopted by the Senate as in Committee of the Whole. It will therefore be necessary to reconsider the vote by which the amendment was adopted.

Mr. HARDWICK. Then I move to reconsider the vote by which the amendment was adopted.

The motion was agreed to.

The VICE PRESIDENT. Now the question comes on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARDWICK. On behalf of the committee I offer two more amendments, which I will ask to have voted on separately, and then I think we are through.

The VICE PRESIDENT. The first amendment offered by the Senator from Georgia will be stated.

The SECRETARY. On page 56, after the word "inquiry," it is proposed to insert:

The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this section, and to rent quarters in Washington, D. C., if necessary, for the clerical force engaged thereon.

The VICE PRESIDENT. That seems to be again an amendment to an amendment.

Mr. HARDWICK. It is. I had overlooked the fact that this amendment applied to that section. I will therefore move again to reconsider the vote by which the amendment of the Senator from Iowa [Mr. CUMMINS] as amended was agreed to.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia to reconsider the vote whereby the amendment of the Senator from Iowa as amended was agreed to.

The motion was agreed to.

Mr. HARDWICK. Now I move the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment propossed by the Senator from Georgia to the amendment, the amendment to the amendment having been stated.

The amendment to the amendment was agreed to.

Mr. HARDWICK. I now ask that the second amendment offered by me be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. At the end of the amendment of the Senator from Iowa, it is proposed to insert the following:

That the appropriations for inland transportation by railroad routes and for railway post-office car service for the fiscal year ending June 30, 1917, are hereby made available for the purposes of this section.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JONES. Mr. President, I offer an amendment to come in as a new section.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert as a new section the following:

That no part of the appropriations made in this act shall be used for carrying any letter, postal card, circular, newspaper, pamphlet, or publication of any kind, containing any advertisement of any spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, by the mails of the United States, when addressed or directed to any person, firm, corporation, or association or other addressee, at any place or point in any State or Territory of the United States at which it is by law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively, and the Postmaster General is directed to make rules and regulations to enforce and carry out this limitation.

Mr. HARDWICK. Mr. President, against the amendment of the Senator from Washington I make the point of order that it is general legislation in connection with an appropriation bill, and therefore in violation of cause 3 of Rule XVI. The mere fact that words of limitation are used does not alter the rule, nor relieve the proposition from the rigor of the rule, if, in point of fact, under the guise of a limitation a change of existing law is made, as would be the case under the amendment proposed.

Mr. JONES. Mr. President, this amendment only applies to this particlar appropriation bill and the moneys to be expended under it, and it simply provides that no part of this money shall be spent to carry these different enumerated articles. I understand the amendment is in accord with the rulings of the Chair heretofore on appropriation bills. I can not cite the rulings at the present time, for I have not them before me; but this amendment only applies to this particular appropriation bill and to moneys appropriated in this bill, and it only applies to this one year. It is not general legislation in any sense of the term.

The VICE PRESIDENT. The Chair has heretofore ruled that when there is a limitation upon the expenditure of an appropriation for a given purpose, it is not general legislation; but there must be some exception to every rule, and the effect of this amendment is just the same as that of the amendment which the Senate has refused to consider so far as its practical workings are concerned.

Mr. JONES. I beg to differ with the Vice President in regard to that. It is entirely different from the amendment which I have heretofore proposed.

The VICE PRESIDENT. The Chair has not any question of doubt at all that it is the same amendment, and would accomplish the same purpose in a different way. The Chair rules it is general legislation.

Mr. JONES. I respectfully appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. JONES. I suggest the absence of a quorum.

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Lewis	Sheppard
Bankhead	Hardwick	Lippitt	Sherman
Beckham	Hitchcock	Martin, Va.	Smith, Md.
Brady	Hughes	Martine, N. J.	Smoot
Bryan	Husting	Myers	Sterling
Chamberlain	James	Newlands	Stone
Clapp	Johnson, Me.	Norris	Taggart
Clark, Wyo.	Johnson, S. Dak.	Oliver	Thompson
Cummins	Jones	Overman	Townsend
Curtis	Kern	Page	Warren
Dillingham	La Follette	Pittman	Weeks
Gallinger	Lane	Reed	
Gore	Lea, Tenn.	Shafroth	

Mr. KERN. I wish again to announce the unavoidable absence of the Senator from Mississippi [Mr. WILLIAMS]. He is paired with the Senator from Pennsylvania [Mr. PENROSE]. This announcement may stand for the day.

Mr. BECKHAM. I wish to announce the absence on official business of the Senator from Mississippi [Mr. VARDAMAN].

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of the Senator from Louisiana [Mr. BROUSSARD] on official business.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

For more than a day the Senate of the United States has been engaged in a discussion of the question of setting aside the rules of the Senate to enable the Senator from Washington to introduce an amendment which was general legislation in its character. The Senate sustained the ruling of the Chair that it took a two-thirds majority to set aside the ruling, although a majority of the Senate voted to suspend the rules. The Senator from Washington now submits the following amendment:

That no part of the appropriations made in this act shall be used for carrying any letter, postal card, circular, newspaper, pamphlet, or publications of any kind containing any advertisement of any spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, by the mails of the United States, when addressed or directed to any person, firm, corporation, or association or other addressee, at any place or point in any State or Territory of the United States at which it is by law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively, and the Postmaster General is directed to make rules and regulations to enforce and carry out this limitation.

The Chair has never had any doubt at all about a limitation on an appropriation bill not constituting general legislation, but the Chair also believes that there is another principle, both of the rules of the Senate and of the law in general, that what a man can not do directly he can not do indirectly; that the Senate has once settled this question, and, in addition to that, the fact that the Postmaster General is instructed to make rules and regulations now constitutes in substance out of this amendment general legislation. From that decision of the Chair the Senator from Washington appeals, and the question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. JONES. Mr. President——

Mr. REED. Mr. President, I make the point of order that the question is not debatable.

The VICE PRESIDENT. These questions, under the rules, are not debatable.

Mr. JONES. Mr. President, I will withdraw the appeal; but I desire to offer another amendment, leaving out the clause with respect to the Postmaster General.

Mr. HARDWICK. And as to the amendment now offered I renew the point of order, because it is general legislation, no matter how it is couched. I want to say a word on that subject, Mr. President. The fact that the proposition is put in the words of a limitation is not necessarily controlling. If, in point of fact, even a proposed limitation either creates new law or changes existing law, it is still subject to the rule just the same, although it be stated in the words of a limitation.

The VICE PRESIDENT. Let the Chair understand: Is there a general law with reference to the carrying of letters, postal cards, circulars, newspapers, pamphlets, and so forth, in force and effect in the United States?

Mr. HARDWICK. Yes, sir. All those things are regulated by existing statutes.

The VICE PRESIDENT. By a statute?

Mr. HARDWICK. Yes, sir.

The VICE PRESIDENT. Does the Senator from Washington admit that?

Mr. JONES. No; I do not, Mr. President.

Mr. HARDWICK. There are whole chapters of the Revised Statutes devoted to that subject.

Mr. JONES. Yes; in general appropriation bills, providing appropriations for carrying the mails.

Mr. HARDWICK. Oh, no; there are statutes of the United States which regulate those things.

Mr. JONES. I do not know that they regulate them. I do not think——

Mr. HARDWICK. Oh, there are statutes regulating the carrying of letters and circulars.

The VICE PRESIDENT. It ought to be easy to ascertain the fact in regard to this. If there is a law of that kind, the Chair will sustain the point of order. If there is not, the Chair will not do so.

Mr. JONES. Mr. President, I want to make a suggestion. I do not know that there is any law of the kind which the Chair has in mind; but I desire to suggest that this is an appropriation bill which appropriates money for certain purposes. The amendment simply proposes that no part of that money shall be spent for a certain purpose during this year; that is all. The fact that the Senate has spent a day or has spent two days or four days or six months in the consideration of a motion to suspend the rules of this body in order to permit the offering of an entirely different amendment has no bearing at all upon this proposition. That is a matter for the Senate to determine, and it is a matter that we have a right to determine under the rules of the Senate; so that has no bearing upon the amendment that is now proposed.

This amendment says that no part of the moneys appropriated in this act shall be used for the purpose of doing certain specific, named things; that is, carrying certain articles into certain territory. It only lasts for the year, and it only applies to this bill. It comes clearly within the limitation that has been followed in ruling heretofore with respect to amendments to appropriation bills.

Of course I am not going to take the time of the Senate further. I think we ought to be permitted to vote on it. I think it is clearly in order as far as that is concerned. Whether it is wise or not is a matter, of course, for the Senate to determine; but I certainly think it is in order.

The VICE PRESIDENT. The Chair can not rule unless the Chair knows whether or not there is a law on this subject. Having stricken out the clause directing the Postmaster General to make rules and regulations, this now stands, upon the face of it, as a limitation; but what stands on the face of it does not always control. The question is whether it does or does not change a law of the United States. If it does, the Chair is going to hold that it is general legislation.

Mr. JONES. Mr. President, it does not apply to any law of the United States. It simply applies to this appropriation bill. That is not yet a law. That is all it applies to. It can not change any law. It is not proposed to change any law.

Mr. REED. I should like to ask the Senator if he means to tell the Senate that there are no laws of the United States which provide now that the mails shall be divided into classes, that regulate the matter of carrying the mails, and——

Mr. JONES. Why, there is a law that says that certain classifications of mail shall pay certain postage. I am not interfering with that. I am simply saying that no money appropriated by this bill shall be spent for a certain purpose; that is all.

Mr. REED. I wish to ask the Senator a question.

Mr. JONES. I am ready to permit the Senate to act upon it.

Mr. REED. There ought not to be any necessity to go and hunt up statutes in a matter of this kind.

Mr. JONES. I think that is true.

Mr. REED. I wish to ask if under existing law these newspapers, pamphlets, and periodicals are not mailable?

Mr. BANKHEAD. Of course they are.

Mr. JONES. They are mailable, but this is not going to make them unmailable.

Mr. REED. Then, although they are mailable under existing law, they will not be mailable under the proposed amendment.

Mr. JONES. Yes; they will.

Mr. REED. Therefore the Senator proposes to change existing law.

Mr. JONES. No, Mr. President; the amendment does not say anything about their not being mailable. It simply says that no part of this money shall be used for doing certain things. That is all there is to it.

Mr. HARDWICK. Mr. President, if the Senator will yield to me for just a minute, I find that in the act of March 3, 1879, it is provided that mailable matter of the first class shall embrace letters, post cards, and all matter wholly or partly in writing, except as thereinafter provided. Then that whole chapter goes on to provide as to what the rates of postage shall be, and that matters that come within these classes shall be accepted for the mail. The Senator proposes to change existing law by this proposition of his.

The VICE PRESIDENT. No doubt we can reach a conclusion as quickly by the Chair ruling as in any other way. The Chair rules that it is general legislation.

Mr. JONES. I respectfully appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. JONES. I ask the Chair to state the proposition.

The VICE PRESIDENT. The Chair did state it. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not being advised on this vote, as I was on the former vote, as to his attitude, I am constrained to withhold my vote. If at liberty to vote, I would vote "nay."

Mr. JONES (when his name was called). I have a pair for this week with the junior Senator from Virginia [Mr. SWANSON]. Not knowing how he would vote on this proposition, and not having secured any release, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. OLIVER (when his name was called). Again announcing the transfer of my pair with the Senator from Mississippi [Mr. VARDAMAN] to the Senator from Louisiana [Mr. BROUSSARD], I vote "yea."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "nay."

Mr. CLAPP. I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. POINDEXTER entered the Chamber and voted "nay."

Mr. CLAPP. In view of the entrance of the Senator from Washington [Mr. POINDEXTER], to whom I had transferred my pair, I must withdraw the transfer, and, consequently, withdraw my vote.

The result was announced—yeas 36, nays 22, as follows:

YEAS—36.

Ashurst	Hughes	Lippitt	Reed
Bankhead	Husting	McLean	Shafroth
Borah	James	Martin, Va.	Smith, Ariz.
Bryan	Johnson, Me.	Martine, N. J.	Smith, Ga.
Chamberlain	Johnson, S. Dak.	Newlands	Smith, Md.
Culberson	Kern	Oliver	Stone
Fletcher	La Follette	Overman	Taggart
Hardwick	Lane	Pittman	Walsh
Hitchcock	Lewis	Pomerene	Warren

NAYS—22.

Beckham	Gallinger	Norris	Smoot
Brady	Gore	Page	Sterling
Brandegee	Gronna	Poindexter	Townsend
Clark, Wyo.	Kenyon	Sheppard	Weeks
Curtis	Lea, Tenn.	Sherman	
Dillingham	Myers	Shields	

NOT VOTING—37.

Broussard	Harding	Phelan	Thompson
Catron	Hollis	Ransdell	Tillman
Chilton	Jones	Robinson	Underwood
Clapp	Lee, Md.	Saulsbury	Vardaman
Clarke, Ark.	Lodge	Simmons	Wadsworth
Colt	McCumber	Smith, Mich.	Williams
Cummins	Nelson	Smith, S. C.	Works
du Pont	O'Gorman	Sutherland	
Fall	Owen	Swanson	
Goff	Penrose	Thomas	

So the ruling of the Chair was sustained.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, after the word "hearing" in line 4, page 2, of the amendment of the Senator from Iowa [Mr. CUMMINS], the following:

In fixing and determining what are fair and reasonable rates for such service the commission shall consider the relation existing between the railroads, as public-service corporations, and the Government, and the nature of such service, as distinguished, if there be a distinction, from the ordinary transportation business of the railroads.

The VICE PRESIDENT. It will be necessary to reconsider the Cummins amendment again.

Mr. STERLING. I move that the vote by which the amendment of the Senator from Iowa was agreed to be reconsidered.

The VICE PRESIDENT. The question is on the reconsideration of what is known as the Cummins amendment.

The motion to reconsider was agreed to.

The VICE PRESIDENT. Now the question is on the amendment of the Senator from South Dakota to the amendment of the Senator from Iowa.

Mr. SMOOT. Let the amendment to the amendment be stated.

The VICE PRESIDENT. The Secretary will state it.

The SECRETARY. After the word "hearing" in the amendment offered by the Senator from Iowa [Mr. CUMMINS], and agreed to, near the beginning of said amendment, it is proposed to insert the following words:

In fixing and determining what are fair and reasonable rates for such service the commission shall consider the relation existing between the railroads, as public-service corporations, and the Government, and the nature of such service, as distinguished, if there be a distinction, from the ordinary transportation business of the railroads.

Mr. CLAPP. Mr. President, what is the pending question?

The VICE PRESIDENT. The adoption of this amendment is the pending question.

Mr. CLAPP. I should like to have a word from the Senator from South Dakota as to what is meant by "taking into account the relation"?

Mr. STERLING. Mr. President, there is nothing whatever in the bill as it stands, or any amendment to the bill, calling the attention of the Interstate Commerce Commission to the relation between the railroads, as public-service corporations, and the Government. There is nothing whatever which refers to the particular nature of the service of carrying the mails, as contra-distinguished from ordinary transportation service for shippers. I think in the view of very many, anyhow, there is a marked distinction, and I think it is something that the Interstate Commerce Commission should take into consideration. It is simply for the purpose of inviting the attention of the Interstate Commerce Commission to those facts.

Mr. CLAPP obtained the floor.

Mr. CUMMINS. Mr. President, I should like to say a word here, if the Senator from Minnesota will permit me.

Mr. CLAPP. I yield.

Mr. CUMMINS. I do not think there is any necessity whatever for this amendment, but I think it simply declares what the commission would be bound to take into consideration if it were not in the bill. I do not intend to oppose it, for the reason that I look upon it as simply declaratory of the law as it is. I am hoping that we may get through with this matter. This amendment has been reconsidered about three times already.

Mr. CLAPP. Mr. President, I will go a step further than the Senator from Iowa. Of course the Senator from Iowa knows that there is a very broad insistence to-day—it has not yet been recognized, of course—that the relation of the carrier to the public is such that there should be taken into account in fixing rates, not alone the effect of the rate upon the business of the carrier but the effect of the prosperity of the carrier upon the business of the country. Now, I fear that there may be the suggestion made, and some day urged, that this proposed amendment suggests a relationship there between the carrier and the public that I for one do not feel we have yet reached such a point that we should recognize. For that reason, I think, for one that I would oppose the amendment

Mr. STERLING. Mr. President, just one word. I had not expected, of course, that the offer of this amendment would lead to any particular discussion. I had conferred somewhat with the Senator from Iowa in regard to it. The very principle is embodied in the original bill, as reported to the Senate, in this language:

The commission in making such investigation shall consider efficiency and economy in service, both from the standpoint of the Government and the railroads, and shall also consider the relations existing between the railroads as public-service corporations and the Government.

Now, it is a question as to whether or not the regularity of the service, the certainty of the service, the certainty of the pay, and all such factors, including the protection afforded the railroads by the Government on account of the railroads carrying the mail, should be taken into consideration by the Interstate Commerce Commission. I think they should, Mr. President, and I think the attention of the commission might well be invited to them.

Mr. REED. Mr. President, I want to ask the Senator if he will not cut out the words "if any"? It seems to me utterly absurd to lay down the rule——

Mr. STERLING. "The distinction, if there be any"?

Mr. REED. Yes; "the distinction, if there be any." If Congress is willing to assume that there is a distinction, but leaves the question as to whether or not there is a distinction to the commission, it seems to me this does not give them any rule to act upon.

Mr. STERLING. Let me say to the Senator that so far as I am personally concerned I would gladly eliminate those words, but there are some Senators who insist that there is no distinction, and at their suggestion I inserted the words "if there be a distinction."

The VICE PRESIDENT. The question is on the amendment of the Senator from South Dakota to the amendment of the Senator from Iowa.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Has any other Senator an amendment to offer to the Cummins amendment?

Mr. GORE. Mr. President, on line 22, I believe, page 2 of the print of the amendment, after the word "commission," I move to insert the words "not later than 30 days after the expiration of the notice herein required."

Mr. CUMMINS. I should like to know just where that is to be inserted.

Mr. GORE. I think it is after the word "commission," on line 22, page 2.

Mr. HARDWICK. I will ask the Senator what is the effect of it?

Mr. GORE. It requires the railroads to answer within 30 days after the expiration of the notice. The amendment allows the Government three months in which to file a statement of the rates, and this says that the railroads are allowed 30 days. It is to make it entirely definite.

Mr. CUMMINS. I should like to have the Secretary state it as it would read with the amendment.

The SECRETARY. After the word "commission," near the beginning of the amendment, or in line 22, page 2, of the amendment as printed separately, the Senator from Oklahoma proposes to insert the following words:

Not later than 30 days after the expiration of the notice herein required.

So that if amended the sentence will read:

Thereupon the commission shall give notice of not less than 30 days to each carrier so required to transport mail and render service, and upon a day to be fixed by the commission, not later than 30 days after the expiration of the notice herein required, each of said carriers shall make answer——

Mr. CUMMINS. Mr. President, I have no objection whatever to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Are there further amendments to the Cummins amendment?

Mr. GORE. Mr, President, I desire to move to strike out the proviso on line 24, page 57. While I am on my feet I will say that it seems to me that the presumption ought to be indulged in favor of the department, in favor of the Government, when these changes are made. This allows the railroads to prosecute their case before the commission if they desire. They may not wish to have a hearing upon it. This assumes that in every case a hearing before the commission will be necessary, and it makes necessary such a hearing, whereas the railroads might not desire to present the matter to the commission. I think this would remove a serious handicap.

The VICE PRESIDENT. That does not seem to be in the Cummins amendment.

Mr. GORE. It is not in the Cummins amendment.

The VICE PRESIDENT. The Chair will request the Senator to allow the Chair and the Secretary to dispose of the Cummins amendment. Are there any further amendments to it? If not, the question is on agreeing to the Cummins amendment as amended.

The amendment as amended was agreed to.

Mr. GORE. Now I renew my motion.

The VICE PRESIDENT. That is also an amendment to an amendment that has been agreed to as in Committee of the Whole.

Mr. GORE. Then, I will reserve the motion until the bill reaches the Senate.

Mr. LA FOLLETTE. Mr. President, I move to reconsider the vote by which an amendment which I offered to section 7 was adopted. I wish to make a slight change in it.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin to reconsider the vote by which the amendment indicated by him was adopted.

The motion to reconsider was agreed to.

Mr. LA FOLLETTE. I have not the amendment before me, Mr. President; but the amendment provides that when an order of the Post Office Department adverse to the interests of a publisher, in the opinion of the publisher, has been made after a hearing the publisher may within 10 days appeal from that order to the Court of Appeals. I move to strike out "10" and insert "20." It has been suggested to me that if the publisher lived at some distance from Washington 10 days would not perhaps be sufficient time in which to perfect his appeal.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the sentence—

That upon such hearing, if the Post Office Department decides adversely to the contention of the publisher, such publisher shall have the right within the period of 10 days after the date of the order—

And so forth, the Senator from Wisconsin proposes to strike out the word "ten" before the word "days" and to insert in lieu thereof the word "twenty."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LA FOLLETTE. Mr. President, for the reason that some Senators seem to have misapprehended my position in regard to the so-called Jones amendment, if I may be permitted, I want to say just one word about the vote which I cast in favor of suspending the rules and providing for the consideration of that amendment.

I was not in favor of the amendment proposed by the Senator from Washington. If the rules had been suspended so that a vote could have been had directly upon the Jones amendment, I would have voted against it.

I voted in favor of suspending the rules because it is repugnant to me to defeat an amendment by an indirect vote. I preferred that the amendment should come before the Senate and a record vote be had upon it. I would have recorded my vote against it. But as the motion to suspend the rules was defeated, and as my vote upon that motion caused some misapprehension in regard to my attitude toward the main question, I make this statement in order that the RECORD may correctly show where I stand upon the question.

Mr. WEEKS. Mr. President, I send to the Secretary's desk an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, after line 18, it is proposed to insert the following as a new paragraph:

That the Postmaster General shall have full authority to grant to any employee in the Railway Mail Service, in first and second class post offices, or in the City Free Delivery Service not to exceed two weeks' sick leave in any one year with pay, and shall not approve or continue any rule or regulation which terminates the employment of any employee by reason of absence on account of illness for a period of less than one year.

Mr. WEEKS. Mr. President, that amendment was offered by the junior Senator from New York [Mr. WADSWORTH], who is very much interested in it. As he is unable to be present, I have sent it to the desk, and I make the suggestion that it seems to me to have much merit. I understand that the department has communicated to the committee on the subject of this amendment, and I suggest that that communication be read before the vote is taken on the amendment.

Mr. BRYAN. Let me ask the Senator from Massachusetts what is the provision of law now with reference to these leaves of absence?

Mr. WEEKS. I think the time is six months instead of one year.

Mr. BRYAN. Mr. President, I know that the representatives of these men claim that they have been satisfied with the legislation which has been adopted. This is an extension of a leave of absence from 6 months to 12 months.

Mr. WEEKS. I suggest that the department comment on the amendment be read before the vote is taken.

Mr. BANKHEAD. This proposed amendment was before the Committee on Post Offices and Post Roads and was referred to the Post Office Department. I desire to present the letter of the Postmaster General in explanation of it.

The VICE PRESIDENT. The letter will be read.

The Secretary read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 18, 1916.

Hon. J. H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR BANKHEAD: I have the honor to submit to you the opinion of the department with respect to the amendment intended to be proposed by Senator WADSWORTH to the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917.

Senator WADSWORTH'S amendment would provide—

"That the Postmaster General shall have full authority to grant to any employee not to exceed two weeks' sick leave in any one year with pay, and shall not approve or continue any rule or regulation automatically terminating the employment of any such employee by reason of absence, when ill, for a fixed number of days."

The employees of the executive departments in the District of Columbia, and certain employees of the Federal Government outside of the District of Columbia as well, are entitled, under the law, to leave of absence with pay on account of sickness in addition to the leave of absence with pay authorized for the purpose of vacation. In the case of the employees of the executive departments within the District of Columbia, the law authorizes 30 days' leave of absence with pay for vacation and a maximum of 30 days with pay, in addition, on account of sickness. The different treatment of the two classes of employees has no basis of logic or reason, except that in conferring additional benefits and privileges to the employees of the Federal Government Congress is guided by the condition of the Public Treasury. With particular reference to the employees of the Postal Service, new benefits and privileges in the way of increased compensation and improved conditions of employment have been authorized by Congress gradually during recent years in accordance with the same principles and tendencies which have governed the improvement of working conditions in private employment, and these additional benefits and privileges have been accorded in proportion as the condition of the postal finances and the increasing efficiency of the postal organization would permit.

It seems to me that, although the provisions for leave of absence with pay on account of illness, as provided for in Senator WADSWORTH'S proposed amendment, is sound in principle, it would be inexpedient at this time for Congress to give favorable consideration to it because of the condition of the Public Treasury.

The provision "that the Postmaster General * * * shall not approve or continue any rule or regulation automatically terminating the employment of any such employee by reason of absence, when ill, for a fixed number of days," would have the effect of nullifying sections 306, 697, and 733, Postal Laws and Regulations, which provide that:

"Postmasters may, in addition to the leave of absence with pay provided by law, grant leave of absence without pay to carriers (clerks in first and second class post offices and city and rural letter carriers), such leave not to exceed 30 days in any one fiscal year. Applications for leave of absence to cover a longer period in cases of illness or disability received in the service must be submitted by the postmaster to the First Assistant Postmaster General, with a full statement of the facts, but leave of absence for more than 150 days in one fiscal year will not be granted in any such case. Carriers who desire to be absent for longer periods will be dropped from the rolls without prejudice."

These regulations were adopted and promulgated after very careful consideration, and are believed to be proper and in the interest of both the employees and the service, and they should not be abrogated. The principle on which these regulations rest is that to carry on the rolls a regular employee absent from duty without pay and whose return to duty is problematical works an unreasonable hardship on the substitute force. Substitutes are required to perform irregular service for many years before receiving regular appointments, and their earnings consequently are uncertain. It is essential to the best interests of the service that desirable persons be encouraged to enter and remain in the substitute force, so that the regular force may consist of the best men obtainable. It is therefore necessary that every effort be made to promote the interests of this class of employees whenever this can be done consistently with the interests of the other employees. The resignation or dropping from the rolls of a regular employee, absent without pay, creates a vacancy in the regular force to which the substitute may be advanced. His earnings immediately become regular, he receives vacation with pay, and he is entitled to the benefits of the law granting compensation for injuries received while in the performance of duty. Should the employee who resigned on account of illness be reinstated in the service, the newly appointed employee is relegated to the substitute roll, but he is credited with the period served by him temporarily as a regular employee, so that when he is eventually appointed permanently to the regular force this time is considered in computing the dates on which his annual promotions are authorized. The law governing the promotion of clerks and carriers requires that the advancement from one grade to another shall be made after the completion of one year's service in the lower grade. Consequently the promotion of the newly appointed employee is hastened by the credit he receives for the time previously served by him as a regular employee during the absence of the man who left the service on account of illness. The latter is restored to duty at the salary he received when he resigned.

Although the regulation above quoted provides that employees who desire to be absent for a longer period than 150 days in any fiscal year will be dropped from the rolls without prejudice, and "without prejudice" means that they will be eligible for reinstatement at any time within one year, the practice of the department, in order to reassure the men whose absence is made necessary by sickness, gives such employees the privilege of submitting their resignations, with the distinct understanding in writing that they will be reinstated at any time within one year from the date of their resignation upon the recovery of their health, without any change in their salary status. The object of this practice is to secure to the employee the benefit to his health which will flow from the knowledge that his sickness will not cause his total disbarment from the service.

It should be clear from the foregoing that the regulation works no hardship on the employee whose name is taken from the rolls during his period of absence beyond 150 days, and that it does work a material benefit to the substitute who occupies the regular place during the absence of the disabled employee.

For the reasons above set forth it is the opinion of the department that the provision for leave of absence with pay on account of sick-

ness for employees of the Postal Service is inexpedient, and that the provision abrogating sections 306, 697, and 733, Postal Laws and Regulations, is unwise and detrimental to the interests of the service. Accordingly I recommend that favorable consideration be not given to the amendment intended to be proposed by Senator WADSWORTH.

Very sincerely, yours,

A. S. BURLESON,
Postmaster General.

Mr. BANKHEAD. I am inclined to consent, as far as I can give the consent of the committee, that the amendment shall go to conference and there we will be given an opportunity to investigate it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. WEEKS].

The amendment was agreed to.

Mr. LEWIS. Mr. President, I tender an amendment relative to what is known as the Cummins amendment.

The VICE PRESIDENT. It will be necessary to reconsider the vote again.

Mr. LEWIS. Then I tender the amendment to be put wherever is appropriate.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That it shall be unlawful for any railroad company to refuse to perform mail service at the rates or method of compensation provided for in this act when required by the Postmaster General so to do, and upon conviction for such offense there shall be a fine of $1,000. Each day of refusal shall constitute a separate offense.

Mr. LEWIS. Mr. President, allow me indulgence for a moment. It is reported to me from the State where I live that a railroad—I do not wish to mention their names here as if making a charge against railroads specifically—that a railroad in my State has declined to carry any mail, and 15 towns from the middle of the State to the city of Chicago are threatened with having their mail left upon the roadside to be carried by wagons, the road contending, as we understand, that such contract as was heretofore made with the Government is not satisfactory, and reserving the right promptly or within a short length of time to abandon its contract and therefore declining to resume the contract or to carry the mails by the road.

I think, sir, that such is the offense that it ought not to be permitted, having obtained the contract and assumed to enter upon service for the Government.

I ask to have this amendment adopted that we may have no such ill treatment of the public and that it may serve as a lesson and example to others.

Mr. BANKHEAD. Mr. President, I think it is a proper amendment. There was a provision of this character in the bill as it came from the House, but it was stricken out by the amendment agreed to. If necessary I will move to reconsider the vote by which the Cummins amendment was adopted and allow this amendment to be attached to it.

The VICE PRESIDENT. It can go in as a separate amendment.

Mr. HARDWICK. Let it go in separately.

Mr. LEWIS. I adopt the suggestion of the chairman and his able assistant. It may follow the Cummins amendment as a separate paragraph.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Let us understand. The Cummins amendment is causing the Chair some trouble and the Secretary is trying to find out if that amendment is to be reconsidered and this amendment is to be adopted as a part of it.

Mr. HARDWICK. No; if the Chair will pardon me, that will not be necessary at all. Let it be made a separate paragraph.

The VICE PRESIDENT. It is to be inserted separately in the bill following the Cummins amendment.

Mr. LEWIS. Very well.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. Before the amendment is adopted I wish to say that I do not want to oppose the amendment or anything of that kind, but I want to call the attention of the Senate to the very interesting action it has taken in the adoption of an amendment a moment ago that is clearly general legislation upon an appropriation bill and that no objection was raised by any Member of the Senate to it; that, as a matter of fact, nobody in the Senate knew what it was or that the department had reported against it, and yet it was put in and adopted as an amendment to this general appropriation bill.

This was done by the general consent of the Senate under one of the rules of the Senate which provides that it can be done. I make no objection to it at all. I simply wanted to call attention to the different action of the Senate with reference to its strictness in excluding general legislation from general appropriation bills.

The VICE PRESIDENT. If there be no point of order raised, the Chair declares the amendment adopted.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BANKHEAD. I move that the Senate request a conference with the House of Representatives on the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BANKHEAD, Mr. HARDWICK, and Mr. TOWNSEND conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5425) to standardize lime barrels, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1388. An act to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association;

S. 1843. An act to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.;

H. R. 228. An act to amend the United States homestead law in its application to Alaska, and for other purposes;

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917; and

H. R. 15775. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes.

STANARDIZATION OF LIME BARRELS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5425) to standardize lime barrels.

Mr. CLAPP. I move that the Senate disagree to the amendments of the House and request a conference, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CLAPP, Mr. SHIELDS, and Mr. BANKHEAD conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 13, 18, 19, 20, 28, 32, 34, 35, 36, 38, 40, 41, 45, 47, 51, 54, 57, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 80, 81, 82, 83, 84, 85, 86, 87, 96, 97, and 98.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 10, 11, 12, 17, 22, 24, 25, 27, 29, 30, 31, 33, 37, 39, 42, 44, 46, 48, 49, 53, 55, 56, 58, 59, 60, 61, 62, 78, 79, 88, 89, 90, 91, 92, 93, and 94, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of a permanent wagon and foot bridge across the creek at Internation Avenue, at Nogales, Ariz., on land reserved by the United States for customs purposes, $7,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$154,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Frankford Arsenal, Philadelphia, Pa.;
"For a general shop building, $106,800;
"For extension of artillery ammunition storehouse, $33,000;
"For extension of instrument department building, $22,920;
"For extension of fuse shop building, $132,300;
"For extension of artillery case shop building, $42,000;
"For extension of lead shop building, $12,000;
"For metal storehouse, $25,800;
"For a storehouse for current manufactures, $54,000;
"For purchase of additional land, $125,000;
"For one sewer and connections, $9,000;
"For garage for motor trucks, $12,000;
"For construction or repair of roads, walks, and sea wall, $11,600;
"For increasing facilities for fire protection, $24,000;
"For increasing the facilities of the arsenal for the manufacture of field artillery ammunition, $183,750;
"For five magazine buildings, including necessary barriers and fences about the buildings, railroad connections, sewer lines, lighting mains, etc., $90,900;
"In all, $885,070."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "on a site owned by the Government or to be procured by purchase or condemnation, or in the discretion of the Secretary of War, on any suitable site that may be tendered without cost to the United States which he is authorized to accept"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "During the fiscal year 1917 there shall be covered into the appropriation established from time to time under the act approved March 12, 1914, entitled 'An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes,' the proceeds of the sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof; also any moneys refunded in connection with the construction and operations under said act, and a report hereunder shall be made to Congress at the beginning of its next session"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase of such private holdings in the Sequoia National Park as in the judgment of the Secretary of the Interior are desirable for the better administration of the reservation, $50,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Secretary of the Interior is authorized to employ in the District of Columbia and elsewhere, and pay, during the fiscal year 1917, out of the several appropriations for protection, improvement, and management of the various national parks, including the Hot Springs Reservation, and out of the revenues from rentals and privileges derived therefrom, a superintendent of national parks and to assist him such clerical or other services, not exceeding four persons, as the Secretary shall determine, and also to pay from said funds all necessary expenses of subsistence and travel of said superintendent when absent on duty outside of the District of Columbia. A detailed statement of all expenditures hereunder shall be made to Congress at its next session"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Public Buildings Commission: With a view to ultimately providing permanent quarters for all the governmental activities in the District of Columbia in buildings owned by the Government, a commission is created to be composed of the chairman of the Committee on Appropriations of the Senate and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Public Buildings and Grounds of the Senate and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Appropriations of the House of Representatives and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Public Buildings and Grounds of the House of Representatives and two other members of said committee, to be appointed by said chairman, all of whom shall serve thereon only so long as they are Members of Congress, and the Superintendent of the Capitol Building and Grounds, the officer in charge of public buildings and grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury during any vacancy in said office.

"The said commission shall elect one of its members as chairman of the commission and is authorized to employ such expert clerical or other services as it may deem necessary, and shall avail itself of the advice of the Commission of Fine Arts.

"The said commission shall investigate and ascertain what public buildings are needed in the District of Columbia to provide suitable and adequate accommodations, with allowances for future expansion, for all of the offices, establishments, and public services of the Government in the District of Columbia, the proper location of such buildings, the probable cost thereof, and the probable cost of such new sites as they may deem it necessary for the Government to acquire.

"Any vacancies in said commission shall be filled in the same manner as the original appointments were made.

"For expenses of said commission, $10,000, to remain available until expended and to be paid out on vouchers signed by the chairman of said commission.

"Said commission shall make final report to Congress not later than January 1, 1918."

And the Senate agree to the same.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. MARTINE of New Jersey. Mr. President, I move that that portion of the conference report which proposes to strike from the bill Senate amendment No. 98, which was offered by myself, be disagreed to, and that the conferees be instructed to insist upon the adoption and maintenance of that amendment.

Mr. MARTIN of Virginia. Mr. President, I raise the point of order that the conference report must be adopted or rejected as a whole.

The VICE PRESIDENT. There can be no question but that the report must be agreed to as a whole or rejected as a whole.

Mr. MARTINE of New Jersey. Then, Mr. President, I move that the conference report be rejected. I realize the importance of this report, but I realize as well the manifest injustice done by the rejection of the amendment which I offered. My amendment was in the interest of the cause of labor; hence, it may be flippantly set aside; but these thoughts have occurred to me very strongly: My proposition was that the wages of the employees of the Canal Zone should not be diminished, and that was the clear and distinct understanding when the amendment was adopted. While wages and the cost of living have both been increasing in the States, in the Canal Zone since 1906 wages have stood still. The fact is that the general cost of living of the employees has increased from 25 to 100 per cent.

The proposition affecting these employees does not involve a direct reduction of the wage, but they have been receiving their homes or the rent from their homes; they have been receiving electric current for light and for other purposes of utilization; and they have been receiving such fuel as they require there free of cost. Now comes the proposition that these three features, which are primarily necessary to the well-being of every household and to the maintenance of living, are to be stricken from the bill.

My proposition was that their wage should not be diminished by any measure or provision of the bill. I feel that my amendment was manifestly just to those who have spent their lives on

the Canal Zone, who have in many instances sacrificed their health in the process of becoming acclimated to that tropic zone, who have worked out with their zeal, their industry, their labor, and their genius the great project of which we are all so proud—this great Isthmian Canal that startles the nations. By the rejection of my amendment we are doing an act of unfairness and injustice to those employees.

Therefore, serious as this matter is and serious as my motion is—though I have no hope that it will be adopted—but realizing the full consequences should it be adopted, I move that the report be rejected, because our conferees have receded from the amendment which I proposed and which I have been discussing.

Mr. SMOOT. Mr. President, from the mere reading of the conference report it is impossible for Senators to be informed of what changes have been made in the bill since it was passed by the Senate. There are about a hundred amendments which have been passed upon by the conferees, and I certainly could not from the reading ascertain the action of the conference committee. I wish to ask the Senator having the bill in charge if he will not allow the report to be printed and have it taken up the first thing to-morrow morning?

Mr. MARTIN of Virginia. Mr. President, the Senator from Utah knows that a forfeiture of $650,000 is imminent. It will take the utmost diligence to prevent it, if we proceed immediately, and I am not myself willing to take that responsibility. I think this report should be acted on before the Senate adjourns to-day. If it is not, the responsibility for the forfeiture must be with the Senate and not with me.

Mr. SMOOT. Mr. President, I will say to the Senator from Virginia that he has reference, as I presume, to the payment to be made to the railroad in Alaska?

Mr. MARTIN of Virginia. That is what I refer to.

Mr. SMOOT. I do not think there is any question but that the railroad would be delighted to receive their money, even if it was a few days late.

Mr. MARTIN of Virginia. That may be; but I am not willing to take the risk by affording the railroad the temptation of seizing this $650,000. The Interior Department is very much exercised about it. The Secretary of the Interior has called me over the telephone once and has also written me a letter.

The engineer, Mr. Edes, has also written me a letter—which I have just received, and it is here on my table—urging that there shall not be any delay. Even after the bill is passed it will take some days to perfect this payment.

I think this report ought to be disposed of to-night. I am not willing to take the hazard of that forfeiture; and, if it is taken, it must be the Senate's responsibility and not mine. Therefore, if the Senator from Utah is going to insist on delay, I shall be compelled to move that the Senate proceed to the consideration of the conference report.

Mr. SMOOT. Mr. President, of course the Senator from Virginia knows that I have no desire whatever to delay the consideration of the conference report; but there are a hundred amendments which have been passed upon, and even the numbers of the amendments were not named when the report was read. I have not any question but what the report could be considered in time if we should recess until 10.30 o'clock to-morrow morning.

Mr. MARTIN of Virginia. Does not the Senator from Utah think that, if this matter goes back to conference, it will be impossible to perfect the bill in time to avoid this forfeiture?

Mr. SMOOT. I do not know that.

Mr. MARTIN of Virginia. I know it very well.

Mr. SMOOT. I thought the Senator was perfectly willing to have the report go over. But what about the amendments?

Mr. OVERMAN. If the Senator from Utah is interested in any particular amendment upon which he desires information, why not have it read from the desk?

Mr. SMOOT. I can do that, Mr. President.

Mr. MARTIN of Virginia. I will explain any amendment, so far as I can. What I insist on is that, in the interest of the Government and in order to avoid the forfeiture of this $650,000, the Senate should complete this conference report this afternoon.

Mr. SMOOT. I will state to the Senator from Virginia that I was not thinking of any amendment in which I was interested. What I had in mind was amendments generally to the bill.

Mr. MARTIN of Virginia. To save time, while I am on my feet, I wish to say for the information of the Senate that, being under duress for want of time, the conferees on the part of the Senate did proceed more hastily than was agreeable to us. I should certainly have persisted and continued this conference much longer, with the hope of maintaining some of the positions of the Senate which have now been abandoned, but I did not feel justified in persisting any longer. We sat up nearly all night last night and took the bill up again this morning. The conferees on the part of the Senate have done the very best they could under the circumstances without jeopardizing the interests of the Government.

Mr. GALLINGER. Mr. President, will the Senator from Virginia permit me to make a suggestion?

Mr. MARTIN of Virginia. Certainly.

Mr. GALLINGER. If the Senator from Virginia had not felt under duress, he would not have asked the committee to have worked all day Sunday, would he?

Mr. MARTIN of Virginia. That is certainly true. We worked the entire day on Sunday from 9 o'clock in the morning until 6 o'clock in the evening in order to perfect this bill.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. MARTIN of Virginia. I do.

Mr. CUMMINS. I think it was in the highest degree negligent for the department to depend upon an appropriation of $650,000 in the sundry civil bill, with the consequences which are pointed out by the Senator from Virginia. That payment should have been provided for in a separate and independent bill, and it could have been done long ago without any difficulty whatever.

Mr. MARTIN of Virginia. If the Senator will yield to me right there to make a single remark, I wish to say that I not only agree with what he says, but I consider it most inexplicable that such a clause should ever have been inserted in a contract to be executed by the Government of the United States. The Government of the United States should not have been put under a penalty of $650,000 to comply with this contract. It is able to make its contracts good, and always does make them good, but the fact is it was done, and we have to meet that condition.

Mr. CUMMINS. It was done, and, so far as I am concerned, I would a great deal rather that the United States should lose the $650.000, or whatever else it may lose on account of the forfeiture, than enact legislation which is radically wrong or omit proper legislation which is radically right. So far as I look at it, I am not willing to be coerced into action upon the conference report on account of the alleged forfeiture; but I rose to ask the Senator from Virginia concerning the fate of certain amendments. It may be that I will have no objection whatever to the adoption of the conference report. What disposition was made of the amendment relating to the Federal Trade Commission?

Mr. MARTIN of Virginia. Some of the amendments concerning the Federal Trade Commission were allowed and some were rejected. The conference report allows the commission a chief clerk and it allows secretaries for each member, but reduces the salaries of the secretaries to $1,500 instead of $1,800 as was desired.

Mr. WARREN. Twelve hundred dollars was provided in the House bill.

Mr. MARTIN of Virginia. The House bill provided $1,200, which the Senate increased to $1,800. The House took the ground that the secretaries of Members of Congress receive only $1,500, and the conferees on the part of the House thought that the secretaries of the members of the Trade Commission ought to get along with the same amount. I tried my best to secure $1,800, feeling that the commission ought to have high-class men to aid them in their work.

Mr. CUMMINS. What was done with the provision in regard to rent?

Mr. MARTIN of Virginia. The rent was left at $15,000.

Mr. LEWIS. Mr. President, may I venture to inquire, if the Senator will be so kind as to give me the information, what was the disposition of the provision in bulk to allow the Trade Commission to continue the work of prosecuting its investigations of trade monopoly and the employment of legal assistance.

Mr. CUMMINS. I think that was not involved.

Mr. MARTIN of Virginia. I think we gave all that was desired.

Mr. CUMMINS. What was the fate of the amendment which I offered and which the Senate very gladly accepted, unanimously, I think, appropriating $150,000 to enable the survivors of the battle or seige of Vicksburg to participate in a celebration or memorial in 1917?

Mr. MARTIN of Virginia. I will say to the Senator that the conferees on the part of the House took a peremptory stand and said that they would not under any circumstances agree to that amendment; and we were put to the alternative either of abandoning that or losing the bill. I will say, furthermore, they said they expected that to be provided for in a separate law and not under an appropriation bill.

Mr. CUMMINS. I know that certain Members of the House suggested that it be put in the sundry civil appropriation bill

instead of being passed as an independent measure. It did pass through the Senate as an independent measure and went to the House, and I have been informed that certain Members of the House who had to do with the subject matter suggested that the course be taken that was afterwards taken. If we do not make this appropriation now, we will never be able to make it so as to be effectual; and I do not believe that the Congress of the United States wants to render it impossible for the survivors of one of the most vital struggles of the Civil War to be given the opportunity which this amendment sought to give them.

Mr. OVERMAN. Mr. President, I want to assure the Senator that before we yielded we had assurances from the chairman of the committee which has control of the bill to which the Senator has referred that the bill would be reported out of committee. His idea was that the item did not belong on the sundry civil bill; but, as I recollect—and I think the other conferees will bear me out—he has the matter in his own hands and will report out the bill which has passed the Senate.

Mr. WARREN. Mr. President, with the permission of the Senator, I desire to say a word. As he knows, the measure to which he has referred was passed upon by the Committee on Military Affairs of this body, was reported from that committee as a separate measure, and was passed by the Senate. The chairman of the Committee on Appropriations of the other House took the ground that there was legislation in the original bill that ought to accompany the appropriation. It was talked over by the conference committee in regard to putting that legislation in the appropriation bill. However, we received assurances from the House conferees, after a long discussion over it, that they would call up the separate bill to which the Senator has referred, report it, and undertake to secure its passage. They claim to be as much interested as we are in the final passage of the measure.

Mr. CUMMINS. Mr. President, while I regret very much that it did not remain in the bill, with these assurances, which I accept unqualifiedly, I do not want to interpose any objection.

Mr. MARTIN of Virginia. I will assure the Senator he is not any more earnest about this matter than I am and as are the other Senate conferees.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Wyoming a question. I did not hear what he said about the assurances that a separate and independent bill would be passed.

Mr. WARREN. I asked where the bill was, thinking it was with the House Military Committee. While we were insisting upon this item, I assumed that the separate bill had been referred in the other body to the Military Affairs Committee, but the chairman of the Committee on Appropriations of the House assured us that it was in his committee; that the committee would report it favorably and would attempt to secure action upon it at an early date.

Mr. VARDAMAN. I sincerely hope that he may keep that promise.

Mr. WARREN. I want it to be understood that he did not intend to promise that the House would agree to it, but he gave it as his opinion that the bill would be passed there, as it did here, without serious opposition.

Mr. VARDAMAN. I do not think that there will be any trouble aside from the opposition of the leaders over there, or a few of them.

Mr. President, may I ask the chairman of the committee a question regarding another item? I spoke to the chairman concerning it this morning, but he was not positive concerning it. To what amount was the appropriation for rural sanitation reduced?

Mr. MARTIN of Virginia. It was reduced to $25,000.

Mr. VARDAMAN. From $75,000?

Mr. MARTIN of Virginia. It was. That is a matter in which I am deeply interested and for which I entertain the very highest opinion as a public necessity. We did our best to maintain it at $75,000, but we could not legislate without the concurrence of the House, and they refused that concurrence. So, under the circumstances, we yielded and accepted the $25,000.

Mr. VARDAMAN. It is certainly unfortunate, Mr. President, that the appropriation has been reduced. There is no matter of more vital concern to the American people than the work among the farmers of the country, tending to improve the health and prevent the spread of disease. It is almost a crime of omission for Congress to treat the question as it has in this instance.

Mr. CLARK of Wyoming. Mr. President, I desire to ask a question of the chairman of the committee, with his permission. He has referred—and the same matter has often been referred to as a reason for hastening this conference report—to a certain contract in regard to the purchase of a railroad in Alaska. I should like to ask the Senator, if he can do so, to give us the terms of that contract and that portion which has reference to the forfeiture?

Mr. MARTIN of Virginia. It is a plain forfeiture; and it is most extraordinary that it should be found in a paper signed by an officer of the Government of the United States.

Mr. CLARK of Wyoming. I wanted the terms of it, so that it might be a matter of record.

Mr. MARTIN of Virginia. The forfeiture provision reads as follows:

> Tenth. In case the vendee shall make default in payment of said final installment within the time aforesaid, the vendors for their risk and loss in the premises shall be entitled to retain as and for liquidated and ascertained damages the said first payment and the benefit of any expenditure made by the vendee or by the United States on the property of the railway or otherwise connected therewith.

Mr. CLARK of Wyoming. Now, two other questions. When is the payment due upon the failure on which the forfeiture depends?

Mr. MARTIN of Virginia. I have a letter——

Mr. CLARK of Wyoming. But the document itself must show that.

Mr. MARTIN of Virginia. I was going to say that I have had several letters in which the 1st day of July is given as the date.

Mr. CLARK of Wyoming. But can not the Senator tell from the contract itself?

Mr. MARTIN of Virginia. I am going to come to that. I have an uncertified copy, but I have no doubt an accurate copy—I suppose it is an accurate copy—which says the "5th of July." Letters have been written to me, stating that it is the 1st of July, but the copy of the contract which I have says the 5th of July.

Mr. CLARK of Wyoming. By what officer is the contract signed?

Mr. MARTIN of Virginia. The copy I have is not signed at all. I presume it was signed by the Secretary of the Interior, as he would be the proper officer to sign it. It is a long contract, and the copy sent to me is without signature. It was sent to me as a true copy of the contract executed on the part of the Government, and was sent to me by special messenger from the Interior Department on my request.

Mr. CLARK of Wyoming. But the Senator is not informed as to what officer of the Government made the contract?

Mr. MARTIN of Virginia. I do not know; but it must have been signed by Secretary Lane; and I notice it is marked on the outside "Approved, Woodrow Wilson."

Mr. SHAFROTH. Mr. President, I have no doubt that a great many of us have lost appropriations in this bill which we think are meritorious. I know that I have, and I know the conferees have been compelled to recede from the amendments which were offered in the Senate and approved by the Senate. It seems to me, even if the forfeiture will not take effect until the 5th day of July, it will be difficult, indeed, to get the payment made before that time——

Mr. MARTIN of Virginia. It will take the utmost diligence to do it by that time.

Mr. SHAFROTH. And, therefore, under the circumstances, I think the conference report ought to be approved.

Mr. WEEKS. Mr. President, there is one question I wanted to ask the chairman of the committee about the Alaska Railroad. Was the total payment to the railroad company $1,300,000?

Mr. MARTIN of Virginia. So I understand. Half was paid in cash, and the other half is due on either the 4th or 5th of July.

Mr. WEEKS. When was the first payment made?

Mr. MARTIN of Virginia. I forget the date; about a year ago.

Mr. WEEKS. And that was to be forfeited, according to the terms of the contract?

Mr. MARTIN of Virginia. That was to be forfeited if the last half was not punctually paid—forfeited as fixed and liquidated damages. Those are the terms of the contract.

Mr. WEEKS. I want to ask the chairman of the committee if he does not think it is possible to find out who is responsible for that, and suitably punish any official of the Government who would make a contract of that kind?

Mr. MARTIN of Virginia. Of course it is possible to find out, but I hardly think it would justify the trouble of an investigation. It will not help the present situation, in any event.

Mr. WEEKS. If the chairman of the Committee on Appropriations were in a place of responsibility, and a subordinate of his made a contract of that kind, I am pretty sure the subordinate would lose his head.

Mr. MARTIN of Virginia. That has not yet transpired, and I hope it never will.

Mr. GORE. Mr. President, according to the statement of the chairman of the committee, the appropriation of $75,000 for rural sanitation has been reduced to $25,000 by the conference committee.

Mr. President, this Congress has appropriated $25,000,000 for the improvement of our coast defenses——

Mr. OVERMAN. Mr. President, before the Senator goes further, I think I should state that we held out as long as we could, of course, for the $75,000. We found, however, upon the assurance of the chairman, that this specific appropriation was made $25,000 to require them to do the work, but that they had a large lump sum which they would use for this purpose, and that is the reason the House did not put it in; but we put it in, and they insisted that it go out, because they had provided for it in a lump sum?

Mr. GORE. How much is the lump sum?

Mr. OVERMAN. I will ask the chairman of the committee how much is the lump sum given to the Bureau of Health?

Mr. MARTIN of Virginia. I do not recall the amount at this moment.

Mr. OVERMAN. We insisted on its going in.

Mr. GORE. Mr. President, I am not commenting on the appropriation for the Bureau of Health. It is apart from this particular proposition.

Mr. OVERMAN. I want to say that we insisted on it, and they agreed then to $25,000, upon our suggestion that they must be required to go on with this sanitary work.

Mr. GORE. Why, Mr. President, I did not allude to the appropriation made for the Bureau of Health. I understand that carries a considerable appropriation. What I wish to emphasize is that this bill now carries an appropriation of only $25,000 for rural sanitation. This Congress is appropriating $25,000,000 for our coast fortifications. This Congress is appropriating $180,000,000 upon the Army. This Congress is appropriating more than $300,000,000 upon the Navy. This Congress will appropriate $530,000,000 in preparing to slay our enemies, and $25,000 upon rural sanitation to assist in minimizing human suffering and saving human life!

Mr. OVERMAN. Mr. President——

Mr. GORE. Mr. President, I do not yield.

I believe in industrial preparation; I believe in agricultural preparation; I believe in sanitary preparation. These services are beneficial whether we have peace or whether we have war. And yet more than a half billion dollars is being appropriated by this Congress upon purposes of war and $25,000 appropriated for and in the name of rural sanitation; and that, too, Mr. President, notwithstanding experts estimate that tuberculosis entails an annual loss in the United States of more than $300,000,000; that notwithstanding experts estimate that typhoid and malaria alone entail an annual loss in the United States of $1,000,000,000. Yet we have a half billion for war, and we have the miserable sum of $25,000 for the splendid purpose of rural sanitation!

In Rome it was esteemed as great an honor to save the life of a Roman citizen as to take the life of an adversary of Rome. I trust that this ancient standard of honor may one day be introduced among our standards of modern civilization.

Mr. OVERMAN. Mr. President, I want to say in answer to the Senator that the Bureau of Health gets about $19,000,000. I want to say, in a few words, that the only estimate made by the department is of $75,000; and upon the representation that this work was included in the $250,000 item on page 50; here it is—

Field investigations, * * * including sanitation.

We agreed to reduce it from $75,000 to $25,000, because they had all the money that even they had asked for, according to the representations made to us.

Mr. VARDAMAN. Mr. President, does the Senator announce upon the floor of the Senate that the Department of Health carrying on this work stated to the committee that they had all the money that they needed?

Mr. OVERMAN. No; I say that the chairman of the committee of the House said they had this question before them, and they did not allow it because they had given $250,000 for field work, including rural sanitation.

Mr. VARDAMAN. I had a talk last evening with the chief of that bureau, Gen. Blue, and he was very urgent; and I urged him to bring all the influence he could to bear upon the conferees on the part of the House and the Senate, and he told me that he hoped very much they would be able to retain the $75,000.

Mr. OVERMAN. Dr. Blue knows he need not have brought any influence to bear upon us for this item.

Mr. VARDAMAN. It seems to me it needed to be brought to bear somewhere, because they have lost $50,000. The $25,000 is not enough to go anywhere.

Mr. OVERMAN. I might also state that in the legislative bill, besides that, he has $250,000 to expend for that purpose.

Mr. GORE. Mr. President, I was not reflecting on the committee. I assumed they were overpowered by the conferees with whom they were in session; but I do say that $25,000 merely mocks the hopes of the friends of rural sanitation. In my judgment, it would be better to appropriate nothing than to make such a miserable appropriation as that. It can be of no substantial service. It can serve no other purpose than to deceive those who have their hearts fixed upon this service.

Mr. WARREN. Mr. President, I do not wonder at the irritation of Senators on the outcome of this conference. I have seldom submitted to a conference where I felt more irritation myself. Nothing except the forfeiture of a contract that was in plain sight caused us to agree to and sign this conference report.

I desire to say, however, concerning the chairman of our conference committee and his able associate, the Senator from North Carolina, that in the long service I have had here and in the many conferences of which I have been a member I have never seen a stronger, more vigorous resistance, or a more zealous endeavor to maintain what was put in by the Senate than was manifested throughout the struggle last night until nearly 12 o'clock and again this morning from 9 o'clock until the hour that the report came in. Every inch of it was struggled for over and over. Every moment was occupied, and every point was gained that it was possible to gain. But I say again that I do not feel that we ought again ever to be caught in that kind of a situation. In the first place, I do not believe any officer of the Government ever ought to again expose the Government to the kind of a risk as that to which we have been exposed in this instance by reason of a forfeiture of contract; and the Senate, if it should ever learn of a thing of that kind again, ought to take measures to protect the Government in some other way than to force through, roughshod, Sunday and Monday and Tuesday, a bill that carries $160,000,000 or $170,000,000, where very many of the items have to be in amount something that must be determined upon after mature reflection and judgment of the committee having the bill in charge, and afterwards the approval of the Senate.

Mr. CLARK of Wyoming. Mr. President, in view of the situation and the conditions under which this conference report presents itself, and having been handed a photographic copy of the contract which gives rise to certain of the difficulties, I ask that this contract may be printed in the RECORD in connection with the conference report.

Mr. MARTIN of Virginia. I have no objection to that, but I think the original ought to come back to the committee as soon as possible. They just sent it up for my use.

Mr. CLARK of Wyoming. This is only a photographic copy. It can be returned, anyway.

Mr. MARTIN of Virginia. I want it returned to me. I ask the Secretary to see that it is returned to me, because it was sent to me for my use.

Mr. CLARK of Wyoming. I want an accurate copy of it in the RECORD. I think there are some things in that contract to which the attention of the country ought to be called.

Mr. SHAFROTH. I should think it would be better if it were printed as a Senate document, rather than in the fine type of the CONGRESSIONAL RECORD.

The VICE PRESIDENT. The Chair will instruct the official reporters to make a copy of the contract, and return the original to the Senator from Virginia.

The contract referred to is as follows:

W. E. STAVERT ET AL., SYNDICATE COMMITTEE, AND FRANKLIN K. LANE, SECRETARY OF THE INTERIOR—AGREEMENT OF SALE OF ALASKA NORTHERN RAILWAY.

This agreement, made in triplicate this 6th day of April, 1915, between W. E. Stavert, F. G. Jemmett, and W. J. Boland, as a committee for the management of the Alaska Central Railway Syndicate, under an agreement dated September 14, 1909, herein called the vendors; Franklin K. Lane, as Secretary of the Interior of the United States, acting by the authority of the President of the United States, under an act of the Congress of the United States entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914, herein called the vendee; International Assets Limited, a corporation organized under the laws of the Province of Ontario, Canada, holder of a charge against the deposited securities herein described, herein called the Assets Co.; Geoffrey T. Clarkson, holder of a charge against the deposited securities herein described and as trustee under a deed of trust and mortgage dated August 1, 1911, between the Assets Co. and said Clarkson; the Canadian Bank of Commerce, herein called the Canadian depositary; and American Security & Trust Co., a corporation organized under the laws of the District of Columbia, herein called the Washington depositary.

Whereas the vendee desires to acquire complete control and a clear title to all the assets and franchises of the Alaska Northern Railway Co., herein called the railway; and

Whereas the vendors represent that they are, subject to the charges thereon in favor of said Clarkson and the Assets Co. and one O. G. Laberee, hereinafter referred to, the owners of all the issued bonds and capital stock of the railway; that is to say, $5,000,000 first-mortgage bonds and $5,000,000 fully paid stock; and

Whereas it has been agreed that subject to the terms hereinafter stated the vendor shall sell and the vendee shall purchase said bonds and stock and that the vendors shall procure and deposit the transfers, releases, and other documents hereinafter mentioned, all of which

are herein referred to as the deposited securities, and shall enter into the covenants and agreements herein contained, the intention being that the sale hereby agreed upon shall be conditional upon the vendee through the transfer of said bonds and stock, the delivery of the deposited securities and the covenants and provisions herein contained becoming the owner of the assets and franchises of the railway free to his reasonable satisfaction of all liens, debts, and claims other than any possible claim, right, or demand of the United States.

Therefore, for valuable consideration and in consideration of their mutual promises the parties agree as follows:

First. The vendors agree that they will forthwith upon the execution hereof deposit with the Washington depositary, to be held by it hereunder, the following securities and documents, that is to say:

The temporary first-mortgage 30-year 5 per cent gold bond of the railway for $5,000,000, dated as of May 1, 1910;

Stock certificates for fully paid-up capital stock of the railway to the amount of $5,000,000, with transfers of same in blank duly executed;

Agreements between the railway and the Alaska Northern Construction Corporation and between the railway and the Alaska Northern Express Co. in forms hereto annexed marked "A" and "B," respectively, to become effective only on the final consummation of the sale; and

Resignations by every trustee and every officer of the railway and of all permanent employees—that is to say, of employees other than those subject to dismissal on notice of one month or less.

Second. The assets of the railway are agreed to include those set out in the list hereto annexed marked "C," and as supplementing same the vendors agree to deliver to the vendee on or before June 1, 1915, an inventory in reasonable detail setting forth the rolling stock and other personal property of the railway. It is, however, expressly understood that the sale is not intended to include claims of the railway or of the vendors against any person or persons whomsoever with reference to the title to the Seward town site, otherwise known as United States surveys 726 north and south, other than the lands in said town site set out in said annexed list "C"; and should the vendee or the railway at any time recover any moneys or any lands in respect of any such claims, the same shall be paid over or conveyed to the vendors after deduction of the actual expenses incurred by the vendee or the railway in connection with such recovery; and the vendee shall cause such proceeds to be released from the lien of the mortgage securing the bonds of the railway: *Provided, however,* That the vendee or the railway shall be under no obligation to prosecute same, and that they shall have the right at any time they see fit to compromise said claims on any terms deemed proper.

Third. The vendee shall proceed forthwith to investigate the title to the said securities and assets with a view to the acceptance or refusal thereof before July 1, 1915, but if he shall find that it will be impracticable to accept or refuse the title before that date and shall so notify said Boland and said Clarkson not less than 10 days before that date he shall be entitled to such further time for such investigation as shall be specified in such notice not exceeding two months from said July 1, 1915, which further time is herein referred to as "the extended period."

Fourth. If the vendee shall decide before July 1, 1915, or before the expiration of the extended period, as the case may be, to accept such title he shall thereupon make to the Canadian depositary the first payment hereunder which, in case time shall not be extended as aforesaid, shall be the sum of $500,000, which shall be paid on or before July 5, 1915; and in case time shall be extended as aforesaid shal be the said sum of $500,000 together with interest thereon at 6 per cent per annum from July 1, 1915, until payment, and shall be made before the expiration of the extended period, time being agreed in both the said cases to be strictly of the essence of the contract. Payments shall be made to the Canadian depositary, either in New York or Toronto at the option of the said Clarkson. On receipt of such first payment, the Canadian depositary shall forthwith pay $225,000 thereof to said Clarkson for distribution among parties entitled thereto, and shall hold the balance thereof until it shall have received the consent of O. G. Laberee, the holder of a charge against the deposited securities in form hereto annexed marked "D." On receipt of such consent the Canadian depositary shall forthwith transmit same to the vendee, and shall then pay the balance of said first payment to said Clarkson for distribution as aforesaid. In case said consent of Laberee shall not be delivered as aforesaid the Canadian depositary shall continue to hold said balance until the vendors shall have discharged and paid the lien of said Laberee and shall have delivered to the vendee satisfactory evidence of having done so. On making such payment the vendee shall be assumed to have accepted title to said securities and assets subject only to the covenant with reference to debts of the railway herein contained. If the vendee shall fail to make the first payment within the time above limited, or shall, before the expiration of the time allowed for investigation of the title, notify said Boland and said Clarkson of his rejection of said title, this agreement shall be deemed to be absolutely canceled and the Washington depositary shall thereupon deliver to the said Clarkson all the securities and documents referred to in article 1; and in case such notice shall not be given prior to said July 1, 1915, the vendee shall forthwith, upon giving such notice, pay to the said Clarkson a sum equal to interest at 6 per cent per annum on said $500,000 from said July 1, 1915, until payment.

Fifth. On the making of the first payment as aforesaid the vendee, subject to the provisions hereof, including the provision for forfeiture in case of future default, shall be deemed to be the owner of all the deposited securities, subject only to the obligation to make further payment as herein set forth, and on the making of such first payment the Washington depositary shall thereupon, if so requested by the vendee, deliver to the vendee or on his order the said stock certificates, it being understood that such first payment is part payment of the purchase price of all the deposited securities and not for such stock merely.

Sixth. If at any time after the making of the said first payment the vendee shall give notice to the Washington depositary and the said Boland and said Clarkson that it desires to assume control of the railway, the Washington depositary shall thereupon deliver to the vendee the resignations mentioned in article 1, and, if so requested by the vendee, shall forthwith cause the shares of stock so deposited to be transferred to such name or names as the vendee may instruct. From the time of giving the notice described in this article until the termination of this agreement, the vendee shall have complete operating and financial control of the railway, and all the other parties to this agreement shall take all steps that may be necessary or convenient to that end that the vendee may from time to time reasonably require: *Provided, however,* That if the vendee shall thus withdraw the resignations he shall forthwith deposit with the Canadian depositary like resignations of the successor trustees selected by him and of every officer and permanent employee of the railway appointed by the said trustees, and if he thus withdraws and transfers the stock he shall forthwith deposit with the Canadian depositary certificates for all such stock, with duly executed powers of attorney in blank for the transfer thereof, and the Canadian depositary shall hold the same, and on default hereunder by the vendee shall deliver same to said Clarkson or his order, and on complete performance of this agreement shall deliver the same to the vendee.

Seventh. From the time the vendee takes over the control of the railway it is agreed that such control until default in payment of the final installment shall be absolute. The vendee shall from time to time take and hold all the receipts of the railway; may operate, may extend, change, or alter its lines, plant, and equipment, or any of them, and use all of its assets.

Eighth. The second and final payment shall be the sum of $650,000, without interest, and shall be paid by the vendee to the Canadian depositary in New York or Toronto, at the option of the said Clarkson, and shall be made, in any event, on or before July 5, 1916; time being agreed to be strictly of the essence of this provision; and in case, by appropriation of the Congress of the United States for that purpose, such sum shall be available to the vendee before that date it shall be paid as soon as it becomes thus available. Upon such payment the vendee shall become the absolute owner of all the deposited securities and the Washington depositary shall forthwith deliver the same to him.

Ninth. The vendors and the Assets Co., with the assent of said Clarkson, trustee for bondholders of Assets Co. as aforesaid, out of and to the extent of the proceeds that shall be received by them, respectively, hereunder, agree to indemnify the railway and the vendee against and to hold them harmless from all debts of the railway now existing of which the vendee shall have given notice to the Canadian depositary prior to the making of the final payment hereunder. If any such debt shall arise or be discovered, the vendee may give notice thereof in writing to the Canadian depositary, requiring it to withhold from the said final payment made hereunder a sum to be stated in such instruction, which, in the judgment of the vendee, shall be adequate to protect the vendee from such debt; and in that event the amount so to be deducted shall not be paid to said Clarkson for distribution until such debt is paid, settled, or discharged, but shall be held by the Canadian depositary for the satisfaction and discharge of such debt. The vendors and the Assets Co. shall have the right, in case any such debt is disputed, at their own expense, to intervene in any legal proceedings brought against the railway.

Tenth. In case the vendee shall make default in payment of said final installment within the time aforesaid, the vendors, for their risk and loss in the premises, shall be entitled to retain as and for liquidated and ascertained damages the said first payment and the benefit of any expenditure made by the vendee or by the United States on the property of the railway or otherwise connected therewith, and both the said depositaries shall forthwith deliver to said Clarkson all the said securities, transfers, and documents in their hands, respectively, and the Canadian depositary shall forthwith pay over to said Clarkson for distribution as aforesaid any balance in its hands of said $500,000, irrespective of whether said O. G. Laberee shall or shall not have given the consent aforesaid; and the vendors shall be entitled to be restored to their rights as of the date when the vendee shall have assumed control of the railway, free from any debt, lien, or obligation created or suffered by the vendee. There shall, however, be no obligation on the vendee or on the United States to restore the physical condition of any of said assets in any respect in which the same shall have been altered during such control or operation; nor shall the vendee or the United States be bound to account for any moneys collected, received, or payable in connection with the operation of the railway while under the control of the vendee as aforesaid. The vendee expressly agrees not to do any act while in control as aforesaid which shall cause any surrender, abandonment, or impairment of any of the rights or franchises of the railway.

Eleventh. The vendors, the Assets Co., and the said Clarkson shall from and after the execution of this agreement furnish to the vendee all information as to title and as to the rights and assets of the railway in their possession or control, respectively, that the vendee may reasonably require and shall afford the vendee and its agents an opportunity to examine all documents and records with regard thereto in their possession, custody, or control, respectively.

Twelfth. Neither depositary shall be liable for any action hereunder in good faith nor for anything except its own fraud or gross negligence. Neither shall be liable for the acts of its respective agents or subordinates hereunder, provided the same shall have been selected with reasonable care.

Thirteenth. The charges of the Canadian depositary shall be paid by the vendors and the charges of the Washington depositary by the vendee.

Fourteenth. Assets Co. and said Clarkson, respectively, as holders of charges upon the deposited securities, consent to the execution and performance of this agreement and to the sale and delivery of the deposited securities to the vendee on the terms hereof. The sale shall be free from said charges or claims and from any other charges or claims in favor of them or any of them; and the said parties agree that they will look solely to the purchase price paid hereunder for the satisfaction of said charges or claims.

Fifteenth. The vendee shall be under no obligation in respect of the application of any payment hereunder by the Canadian depositary or by the said Clarkson.

Sixteenth. Notices to be given hereunder shall be sufficient, if deposited in the usual manner in the United States mail, addressed as follows: In the case of the Washington depositary, addressed to such depositary, Washington, D. C.; in the case of the Canadian depositary, addressed to such depositary at 23 King Street West, Toronto, Canada; in the case of the said Boland, addressed W. J. Boland, 2 Toronto Street, Toronto, Canada; and in the case of the said Clarkson, addressed G. T. Clarkson, 15 Wellington Street West, Toronto, Canada.

Seventeenth. It is expressly agreed that the covenants of the vendors and of the Assets Co. are limited to the proceeds of said sale which shall come to their hands and will not involve any further or other liability.

Eighteenth. This agreement shall be binding up the successors and legal representatives of the parties hereto. The vendee executes this agreement in his official capacity as the representative of the President of the United States as aforesaid; and the agreement shall be enforceable by his successor in authority. The powers and duties of each other party hereto shall devolve upon the successors of each of them in their respective capacities. Either depositary may be changed at any time by the consent in writing of the vendee and the said Clarkson.

In witness whereof the Assets Co. has caused these presents to be executed under its corporate seal and under the hands of the proper

officers in that behalf, and the vendors, vendee, and said Clarkson have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered in the presence of—
(Signed) W. E. STAVERT.
As to signature of W. E. Stavert,
(Signed) G. E. DUERN.
(Signed) F. G. JEMMETT.
Signature of F. G. Jemmett witnessed by—
(Signed) W. J. BOYD.
(Signed) FRANKLIN K. LANE.
Signature of Franklin K. Lane,
(Signed) H. A. MEYER, *Witness.*
(Signed) W. J. BOLAND.
Signature of W. J. Boland,
(Signed) B. F. WOODHOUSE.
(Signed) G. T. CLARKSON.
As to signature of G. T. Clarkson,
(Signed) H. M. DETTMAN.

INTERNATIONAL ASSETS (LTD.),
(Signed) W. J. BOLAND, *Vice President.*
(Signed) W. J. BOYD, *Secretary.*
Witness to signatures for International Assets (Ltd.),
(Signed) B. F. WOODHOUSE.

AMERICAN SECURITY & TRUST CO.,
(Signed) CHARLES J. BELL, *President,*
(Signed) JAMES F. HOOD, *Secretary,*
For THE CANADIAN BANK OF COMMERCE,
(Signed) T. A. LASH, *Vice President.*
(Signed) JOHN C. LIND, *Assistant General Manager.*

"A."

This agreement made the 14th day of April, A. D. 1915, between Alaska Northern Railway Co., herein called the Railway, and Alaska Construction Corporation, herein called the Construction Co.; witnesseth that by mutual consent a certain agreement between the parties dated 13th day of April, A. D. 1910, is hereby absolutely canceled and the parties mutually release each other of and from all the covenants, terms, and provisions of the said contract; and it is hereby witnessed and agreed that there is no other executory contract between the parties in existence and that the Railway is not indebted directly or indirectly to the Construction Co. nor under any obligation of any sort thereto, and that the Construction Co. is not indebted directly or indirectly to the Railway nor under any obligation of any sort thereto; and the Construction Co. hereby disclaims all right, title, and interest in or to any of the rolling stock, plant, equipment, or other personal property now held or at any time held or enjoyed in connection with either the construction or operation of the line or any of the other works of the Railway and doth hereby release and quitclaim to the Railway all right, title, and interest in or to all the property, rights, and assets included or intended to be included in the sale of the Railway to Franklin K. Lane, Secretary of the Interior of the United States, representing the President of the United States, or set out in any list of property furnished or to be furnished in connection with such sale.

In witness whereof said Railway has, pursuant to resolution of its board of trustees, caused these presents to be signed in its name and on its behalf by ————, president, and its corporate seal to be hereto attached; and the Construction Co. has, pursuant to resolution of its trustees, caused these presents to be signed in its name and on its behalf by Walter J. Boland, its president, and its corporate seal to be hereto attached, all on the day and year first above written.

(Copy of circular seals.)

Alaska Northern Railway Company, Incorporated, SEAL, 1909, Seattle, Wash.

ALASKA NORTHERN RAILWAY CO.,
By J. C. WILLIAMS, *its Vice President.*
Attest: JAMES A. HAIGHT,
Secretary of Alaska Northern Railway Co.

Alaska Construction Corporation, Incorporated 1910, Seattle, Wash.

ALASKA CONSTRUCTION CORPORATION,
(Signed)
W. J. BOLAND, *President.*
Attest: (Signed)
JAMES A. HAIGHT,
Secretary of Alaska Construction Corporation.

"B."

This agreement made the 17th day of April, A. D. 1915, between Alaska Northern Railway Co., herein called the railway, and Alaska Northern Express Co., herein called the express company, witnesseth that by mutual consent a certain agreement between the parties, dated 6th day of May, A. D. 1912, is hereby absolutely canceled and the parties mutually release each other of and from all covenants, terms, and provisions of the said contract, and it is hereby witnessed and agreed that there is no other executory contract between the parties in existence and that the railway is not indebted directly or indirectly to the express company nor under any obligation of any sort thereto; and that the express company is not indebted directly or indirectly to the railway nor under any obligation of any sort thereto; and the express company hereby disclaims all right, title, and interest in or to any of the rolling stock, plant, equipment, or other personal property now held or at any time held or enjoyed in connection with either the construction or operation of the line or any of the other works of the railway, and doth hereby release and quitclaim to the railway all right, title, and interest in or to all the property, rights, and assets included or intended to be included in the sale of the railway to Franklin K. Lane, Secretary of the Interior of the United States, representing the President of the United States, or set out in any list of property furnished or to be furnished in connection with such sale.

In witness whereof said railway has, pursuant to resolution of its board of trustees, caused these presents to be signed in its name and on its behalf by J. C. Williams, its vice president, and its corporate seal to be hereto attached; and the express company has, pursuant to resolution of its trustees, caused these presents to be signed in its name and on its behalf by S. O. Morford, its president, and its corporate seal to be hereto attached, all on the day and year first above written.

(Copy of circular seal.)

Alaska Northern Express Company, Alaska. SEAL. Incorporated, 1912.

ALASKA NORTHERN EXPRESS CO.,
By (Signed)
S. O. MORFORD, *President.*

(Copy of circular seal.)

Alaska Northern Railway Company, Seattle, Wash. SEAL. Incorporated, 1909.

ALASKA NORTHERN RAILWAY CO.,
By (Signed)
J. C. WILLIAMS, *its Vice President.*
Attest: (Signed)
JAMES A. HAIGHT,
Secretary of Alaska Northern Railway Co.
Attest: (Signed)
CHARLES R. MORFORD,
Assistant Secretary.

(Copy of circular seal.)

HERBERT TOZIER,
Notary Public,
Territory of Alaska.

"C."

A line of railroad commencing at the southern boundary line of United States survey No. 726 south, otherwise the town of Seward to Kern, Alaska, a distance of 71.6 miles, to which the same has been completed, and extending thence in a partially completed condition toward a point on the Yukon River to which projected and all the branches, extensions, easements, rights, liberties, and franchises thereof, and all the railroad tracks, rights of way, depot houses, stations, and terminal grounds, sidetracks, bridges, viaducts, culverts, fences, tunnels, and other structures, docks, ditches, stations, elevators, engine houses, car houses, coal houses, wood houses, warehouses, machine shops, telegraph and telephone lines, superstructures, water tanks, switch tracks, switches, gravel pits; also all equipment, machinery, instruments, tools, implements, ties, iron, rails, furniture, and other chattels; all wood, coal, oil, fuel, and other supplies; all engines, locomotives, tenders, cars, motor cars and other rolling stock, equipment, and furniture of every description; all books of account, maps, inventories, and other documents; all property or interests, legal or equitable, real, personal, or mixed; all privileges and immunities; all the tenements, hereditaments, appurtenances, reversions, remainder, or remainders; all the estate, right, title, interest, claim, possession, and demand whatsoever, as well in law as in equity in any way connected with the said line of railway.

The lands, easements, leases, and locations of the railway, including the following:

Right of way for two railroad tracks over and across lands described as beginning at the southwest corner of United States survey No. 726 south; thence north on the west boundary line of said survey No. 726 south 730 feet; thence east 99 feet; thence south 140 feet to the meander line; thence south 17° 15′ west on the meander line of said survey No. 726 south 321 feet, more or less, to the point of beginning; granted by deed of Frank L. Ballaine to the Alaska Central Railway Co., recorded in Book I of deed, pages 383 and 384 of the records of said precincts and Territory.

Seven and seven-tenths acres of land, more or less, in Seward town site conveyed by deed from Frank L. Ballaine and wife to the Alaska Central Railway Co., dated June 15, 1905, recorded in Book I of deeds, pages 389, 390, 391, and 392 of the records of said precincts and Territory.

Lease of right of way, dated May 6, 1905, covering the location now occupied by the railroad track over the land embraced in United States survey No. 726 south, town of Seward, which lease is recorded in book 1 of leases, pages 6 and 7 of the records of said precincts and Territory, being that portion of the railway track on Railway Avenue, alongside blocks 6 and 7, town of Seward.

The tract of land in Seward, known and described as United States survey No. 605, containing 1.40 acres as surveyed by Charles S. Hubbell, United States deputy surveyor, November 29 and 30, 1910, as terminal tract of Alaska Northern Railway under act of Congress approved June 30, 1906, according to the plat and field notes thereof approved July 10, 1911, filed and of record in the United States General Land Office, Washington, D. C.

Tract of land in Seward known and described as United States survey No. 606, containing 0.28 acre as surveyed by Charles S. Hubbell, United States deputy surveyor, May 31 and June 1, 1910, as terminal tract of Alaska Northern Railway Co. under act of Congress approved June 30, 1906, according to the plat and field notes thereof approved January 10, 1911, and filed and of record in the United States General Land Office, Washington, D. C.

Tract of land known as Alaska Central Terminal Grounds, containing 60 acres more or less, according to the map thereof, as surveyed by William J. Boland, chief engineer Alaska Central Railway Co., April 20, 21, and 22, 1905, being the land embraced in United States survey No. 607, and being immediately north of and bounded on the south by United States survey No. 726; bounded on the north by United States survey No. 243; and on the east by the high-tide line of Resurrection Bay from the south line of said survey No. 243 to the north line of said survey No. 726.

Lots 16, 17, 18, 19, and 20, in block 16, of the town of Seward, conveyed by warranty deed from Frank L. Ballaine to the Alaska Central Railway Co., dated June 15, 1905, recorded June 15, 1905, in Book 2 of Deeds, pages 25 and 26.

Tract of land known and described as United States survey No. 608, containing 19.45 acres, as surveyed by Charles S. Hubbell, June 6–8, 1908, as terminal tract under act of Congress approved June 30, 1906, of the Alaska Northern Railway, situate on the east side of Kenai Bay, according to the plat and field notes thereof, approved February 8, 1911, and filed and of record in the United States General Land Office, Washington, D. C.

Mr. MARTIN of Virginia. In that same connection, there is a letter from the engineer that I should like to have go in the RECORD.

The VICE PRESIDENT. In the absence of objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
ALASKAN ENGINEERING COMMISSION,
Washington, D. C., May 6, 1916.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations,
United States Senate.

DEAR SENATOR MARTIN: In connection with the detailed estimates of the appropriation required by this commission for the construction of the Government railroad in Alaska for the fiscal year 1917, your attention is respectfully called to the item for the "final payment to be made for the Alaska Northern Railway, July, 1916, $650,000."

The contract of purchase of the Alaska Northern Railway, section 5, reads as follows:

"Fifth. The second and final payment shall be made by the vendee to the depositary for account of Geoffrey T. Clarkson, trustee, and shall be the sum of $650,000, without interest. This payment shall be made in any event on or before July 1, 1916, and in case by appropriation of the Congress of the United States for that purpose such sum shall be available to the vendee before that date, it shall be paid as soon as it becomes thus available.

"On such payment made to the depositary the vendee shall become the absolute owner of all the deposited securities."

In the event that the sundry civil appropriation bill is not approved before July 1, 1916, is there some way that money may be made available for this payment?

Respectfully, WM. C. EDES, *Chairman.*

Mr. PITTMAN. Mr. President, the other day I offered an amendment at page 168, line 14, increasing the appropriation for the Department of Labor by the sum of $200,000. The House placed the appropriation at $2,450,000. The estimate of the department was $2,650,000; in other words, $200,000 greater. I was then informed that the senior Senator from Massachusetts [Mr. LODGE] while I was at lunch had offered the same amendment. I have looked up the matter since that time. I find that the Senator from Massachusetts stated some of the grounds urged by the Department of Labor for the necessity of this additional $200,000. The amendment was accepted by the chairman of the committee. It went to the conference. I am now informed, although I have not read the conference report, that the Senate conferees have receded from the Senate amendment with regard to this $200,000 and have accepted the House amendment.

If this were just some ordinary little amendment of local benefit in some State, if it smelt of "pork barrel," I do not conceive that under the emergency we would have any right to examine into it. But here one of the great departments of the Government, that since its organization has been doing more good work than nearly any other department of the Government, is denied its modest estimate, in the face of a hearing before the House committee, and without any excuse being offered by members of either committee of either branch of Congress.

Now, why? I have in my hand a report, made out at my request by the Department of Labor, in which it is stated that this $200,000 is absolutely necessary for the proper conduct of the work of that department. I find by an examination of this report that the other departments of the Government have had their estimates nearly all carried out, or at least the House provisions as to them have been increased. I do not know whether the members of the conference realize the importance of the work of this department, or whether they take the same interest in the work of this department that I do.

I want to say that I believe the Department of Labor to-day is doing more actual internal good for this country than any other department of the Government. It has had additional work thrown on it. It is mediating in these great strike disturbances that naturally arise throughout the country, and there is no reason to expect that those disturbances will decrease. The country is not only prosperous but, as is natural in prosperous times, the cost of living is increasing and has increased, as it always has in prosperous times. That is natural. It is natural, then, that labor should strive to increase the profits of its only product, the same as everyone else is striving to increase his profit. That causes these disturbances throughout the country; and this great labor body that we have here, this department of our Government that we have recently created, has mediated, according to the report of the Secretary of Labor, in something like 150 or 200 of these unfortunate disturbances during the last two years. It has done more to bring about amicable agreements between employer and employee than has been accomplished before by anybody in this country. The report stands here, and shows that nearly one-third of these disturbances were settled through the mediation of this department.

That is not the only work the department is doing, either. There were idle men in one section of this country, and there was a tremendous demand for labor in another section of this country. This department has reached out and has found employees for the congested business in one section of the country, while it has found work for these idle men in other sections of the country.

Now, I want to know if any greater or better work can be accomplished for the people of this country than bringing idle men to work that is waiting for them? That is another great work that has been imposed upon this department. They are carrying it out, and extremely successfully; and I insist that it is not a matter of slight importance.

Let me read to you just a few brief statements from the Department of Labor with regard to this $200,000 appropriation:

It is absolutely necessary that the $200,000 which has been cut out be restored for the following reasons:

(1) Immigration via the Atlantic ports, which are the most affected by the European war, is on the increase and the prospects are that the total for the next fiscal year will be materially in excess of that of the fiscal year 1915; from present indications it may double in volume.

(2) There has been an increased immigration at all Pacific coast ports.

(3) Canadian border: Since the outbreak of the European war, thousands of aliens in Canada, who were subjects of Governments with which Great Britain is now at war, have been seeking to cross the border into the United States, in most cases surreptitiously. The smuggling of contraband Chinese is also active. The registered immigration over the Canadian border line in the last fiscal year was 90,000 in round numbers, and rate of increase for the first 10 months of this year indicates that the increase will bring the figures above the 100,000 limit.

(4) Mexican border: In view of the Mexican situation, additional officers and guards are necessary to handle the cases of diseased aliens and refugees, many of whom are entering the United States surreptitiously, the present force being insufficient to properly look after the work.

In this connection, as we all have seen in the papers during the last few days, hundreds of these Mexicans have been flying across the American border into this country to avoid, as they believe, what will be the horrors of a war between the United States and Mexico. Those men will continue to fly to this country unless we patrol that border with sufficient troops to prevent them from entering.

(5) There has been no cessation of work at the interior stations, as warrant proceedings have been instituted in the cases of several thousand aliens who can not now be deported because of war conditions, and their cases are being placed in shape for final action so that deportation may be made effective as soon as conditions permit.

(6) Employment work: There has been increased activity in connection with the employment work authorized by section 40 of the immigration act, and this must be curtailed and perhaps abandoned altogether unless additional funds can be obtained.

Does Congress desire that important work abandoned? I do not think it does.

(7) Furloughs: During the first four months of the present fiscal year it was necessary to furlough a large number of employees in the Immigration Service in order to prevent a deficiency, and it is obvious that unless the additional $200,000 for which request is made is restored it will become necessary early during the coming fiscal year to resume furloughs. It is apparent that to do so will have a very destructive effect on the morale of the service and prove extremely embarrassing. Not only that, but the effect of furloughing resulted in the loss of some of the best immigration officers because they were able to get steady employment either in civil life or in other departments of the Government at the compensation they were then receiving from the Immigration Service, and in some instances more.

(8) The Immigration Service, except during the European war, has been self-supporting, but when considered in connection with the service commencing at the time of the inauguration of the per capita tax on immigrants it has yielded a net surplus revenue over all expenses of $10,000,000, in round numbers.

And yet this is the service that Congress intends to cripple; this is the service that Congress likely intends to abandon. They do not conceive that the work of this department is of any importance whatever. They tell us that the Government is liable to lose $650,000 of forfeit by reason of the purchase of some railroad in Alaska. I do not believe they will do anything of the kind. I took a big interest in the building of the railroad in Alaska. I know that railroad company could not sell to anybody on earth except the Government, and I know that the Government could parallel that line and the line would be absolutely worthless. There was no necessity for any such clause in the contract, and whether it is there or whether it is not there, do not think for one moment that those people would not be delighted to accept that money. That does not count, either.

I do not care whether we lose the $650,000 if it is to be at the cost of crippling one of the best departments of this Government. I would rather lose $650,000 on behalf of the Government than put out of business the great employment bureau that is finding labor for the laboring men in this country. I would rather lose $650,000 than to have hordes of diseased and ignorant and criminal aliens forcing themselves across the line on the north and on the south. I will not be frightened into this rush by the unfounded fear that $650,000 may be lost.

Again, it seems of interest to the members of this body to know whether the Senate is participating in legislation. If there is no more importance to be attached to an amendment or a bill in this body than simply the pleasure of submitting it to some other branch of Congress for their consideration and approval, I feel that we are wasting our time here in adopting amendments, aye, we are wasting our time in appointing conferees.

Have the conferees on the part of this body the sole responsibility for that $650,000? Have not the conferees of the other branch of Congress any responsibility with regard to the $650,000? Can the conferees of the other body hold that $650,000 proposition as a club over the conferees of the Senate and compel the Senate conferees to agree to anything that the conferees of the other branch want?

Are they not interested in protecting the United States Government against loss? Are they not willing to come to a reason-

able conference, to a fair conference? Are they not willing to concede as well as to demand? Yet so far we have heard nothing from the conferees on our side except that they were compelled to do something they did not want to do because of the insistent demands of the conferees on the part of the other branch of Congress.

If we have got to submit to their insistent demands, if a fair and free conference is going to cease to be a part of the parliamentary situation of these two bodies, then I think the sooner we cease to have conferences the better off we will be; the sooner we find that legislation in this body amounts to nothing, the better off we will be.

That is all I have to say on this matter. Those are my views. I sincerely hope that this conference report will not be agreed to and that our conferees will be permitted to go back and in a fair and free conference with the representatives of the other body, and at least express to those conferees the views of the Senate with regard to some of the amendments we have adopted here after debate. I hope that will be permitted. I hope that this report will not be agreed to. It can not be said that this matter was not brought to the attention of the conferees because there was a hearing in the House of Representatives, which hearing is a public document which announced the facts that I have read to this body.

Mr. MARTIN of Virginia. Mr. President, it is true that this matter was called to the attention of the conferees. The Senator from Nevada seems to think that he is the only man who knows anything about it, and he can get up here and assail and attack and impeach the conferees because we could not succeed in making the House people agree with him about every matter in the bill. He even charges the conferees with not having made an attempt to present it to the House conferees.

Mr. PITTMAN. Just a moment. I do not remember having charged the conferees with not having made an attempt to present it.

Mr. MARTIN of Virginia. The Senator did not use that language, but he did it substantially time and again during his speech.

Mr. PITTMAN. I do not know how much attempt the Senate conferees made. The chairman knows better than I what attempt was made and the responsibility for the failure to retain the amendment.

Mr. MARTIN of Virginia. The Senator has a very vivid imagination. He talks about Congress attempting to destroy the Immigration Service, and yet the bill as now reported appropriates $2,450,000 for the Immigration Service alone. I forget the amount for the entire Labor Department but for the Immigration Service alone it appropriates $2,450,000.

Mr. HUGHES. With no immigration.

Mr. MARTIN of Virginia. The Senator from New Jersey says there is no immigration. There is not any more immigration perhaps than can be cared for with $2,400,000; but if more is required they can do as they always do, make a deficiency and Congress never has failed to meet it. There has been no injustice done to the Immigration Service. No injustice is intended to be done to the Immigration Service, and the attack of the Senator is gratuitous, unauthorized, and unwarranted.

I wish Senators such as the Senator from Nevada would tell us how we can make other people agree with us. By our Constitution it takes the concurrence of both Houses to legislate. We argued this matter as earnestly and as persistently as we were capable of doing. It is true we have not the ability and ingenuity which the Senator from Nevada imagines he has. He thinks it would have been easy enough; and I wish to God he had been on the conference committee and tried his wonderful ability and genius. Then we would have seen what he could do.

At any rate, Mr. President, the conferees appointed by the Senate did the very best they could possibly do. They worked day and night and they believe they worked out a fairly successful result? They held about one-half the amendments which were put on by the Senate, and everybody on the floor of the Senate knows that a great many amendments were put on which while meritorious perhaps were irregular and difficult to sustain. We were unable to sustain them. We sustained half, I think, less than half counting them numerically, but $800,000 in money which was added by the Senate amendments remained in the bill as reported from the conference. We have made reasonable provision for all the services of the Government. While many things have been omitted from the bill which we desired to keep in it, there were none omitted of serious and vital importance, the omission of which would jeopardize the successful administration of the laws of the country and the protection of the rights and interests of the people.

It is perfectly useless for Senators because they have been disappointed about some pet scheme which they are enamored of to come here and assail the conference committee because the Senate conferees were unable to accomplish all they wanted. We made an earnest and persistent and prolonged fight to maintain every proposition which the Senate asked us to maintain, and we think that under the circumstances we met with fair and reasonable success. We would undoubtedly have retained some other items if we had had time, but we did not feel justified in jeopardizing the appropriation of $650,000, and we obtained what we consider is a fairly reasonable bill. The exigencies of the situation required us to hurry. We held on as long as we could reasonably hold on, and we present the result of our work to the Senate and ask the Senate to adopt this conference report, believing the best interests of the country will be subserved thereby.

Mr. JONES. I wish to ask the Senator from Virginia about one or two amendments. I could not ascertain from hearing the conference report what was done with them. One is an amendment involving an appropriation for the medical relief of natives of Alaska. Can the Senator tell me what was done with the amendment?

Mr. MARTIN of Virginia. It was not put in the bill. The House conferees would not agree to it, and it was eliminated. My friend, the Senator from Wyoming [Mr. WARREN], calls attention to the fact that the House has already adopted the conference report, and did it immediately upon its submission this morning, realizing that the exigencies exist and that immediate action was necessary for the preservation of the rights of the Government.

Mr. JONES. The Senator from Wyoming confirms the statement that the chairman of the committee made that the Senate conferees had to recede from that amendment.

I want to ask the Senator also about an amendment which was put on providing for an additional ship for the Pacific coast to be used by the Coast and Geodetic Survey. What became of that amendment?

Mr. MARTIN of Virginia. The Senate conferees receded from that. We secured an amendment for the repair of three ships now in service. We tried our best to keep the fourth, but I am satisfied no serious injury will result if that is delayed for a year. We tried our best to retain it.

Mr. JONES. I am satisfied the conferees did the very best they could under the circumstances, and I have no criticism to make of them. I regret very much that the situation in reference to this bill and this conference report is such as it is. My recollection is that the bill came from another body on Saturday and the committee met on Sunday and on Monday the bill was reported to the Senate. What I think is a subject of just criticism is the delay in bringing this bill to the Senate—in getting it over here. Those in control knew of the situation—what seems to me an inexcusable situation—in reference to the contract in Alaska and what we were likely to forfeit unless the bill was passed, and it should have been gotten sooner to the Senate, so as to give us some time to consider the bill properly, and also the amendments that were to be presented.

If the mere fact that the bill is delayed for only a day or two forces the Senate to give up what it considers important amendments, the Senate might about as well abdicate with reference to appropriation bills. That is simply notice to those elsewhere that all they have to do is to delay the appropriation bills until the stress of the 1st of July, and then they can force the Senate to accept the bill practically as they passed it.

I am not going to delay the bill. I regret very much that these amendments, together with others, were not put in the bill. I think the Government is really neglecting its duty with reference to the Indians of Alaska, who are the wards of the Government, and they are almost helpless without the Government's help and care. The commerce between this country and Alaska is very greatly endangered by the failure of the Government to provide the necessary ships to carry on the work of the Coast and Geodetic Survey and conduct the parties that ought to be conducted in order to discover the great dangers to commerce not only in those waters, but in waters elsewhere.

As I said, I am satisfied the conferees on the part of the Senate under these circumstances did the very best they could. I regret very much that the conditions were such that the conferees could not have more time to consider the amendments, but as far as I am concerned I shall not attempt to defeat the conference report.

Mr. STONE. Mr. President, I desire to ask the chairman of the committee a question. I offered an amendment to the sundry civil bill when it was pending in the Senate, which was

agreed to and made a part of the bill. The amendment proposed to appropriate in round numbers $196,000 to purchase a strip of land lying between Connecticut Avenue and the Zoological Park and add the same to the park.

I understand that the Senate conferees were not able to bring the House conferees to agree to that amendment. I do not know the attitude of the House conferees or the House Committee on Appropriations or the House itself with respect to the merits of the amendment I offered. I am assured that every member of the Senate Committee on Appropriations believed, for I took the matter before that committee, that the strip of land to which I refer should be purchased by the Government and added to the Zoo Park, and that it will be almost necessary that it shall be done, if not now, at some early future time.

I am impressed from what I have heard with the notion that the amendment was not agreed to because of the unusual exigencies of this time and the unusual demands upon the Treasury, the very great addition to appropriations because of the Army and Navy, and other like things, and that it does not concern the merits of the proposition. I should like to ask the Senator if this statement is in accordance with his understanding?

Mr. MARTIN of Virginia. That is my understanding. In fact, the distinct statement made by the House conferees was that they did not question the merits of the proposition. There were two arguments that they made. One was that the cost was unreasonable. The second was that it was not urgent; that it could wait a while. The ultimate acquisition of this ground, they conceded, would be very desirable, if not absolutely necessary. They were not opposed to it on principle or on its merits, but they objected to the expenditure of that amount of money at this particular time. Those were the reasons given.

Mr. STONE. Mr. President, I agree that, in view of the unusual conditions at the present time, the Appropriations Committees of the two Houses, in the exercise of their powers, and keeping those conditions in view, should eliminate and exclude from appropriation bills almost everything that is not now absolutely necessary.

We are going to add hundreds of millions of dollars because of the things with which we are all familiar, and to which I have partly alluded, to our appropriations this year, and we shall have to add hundreds of millions of dollars in the form of additional taxation to the burdens of the people. I myself believe, however meritorious individual propositions may be, it would be a wise thing to put them aside for a while and to await a more opportune time to appropriate for them.

Mr. SMOOT. Mr. President, I recognize the fact that the fiscal year will close within a couple of days, and that this great appropriation bill should become a law before that time. I sympathize with the conferees on the part of the Senate. Ordinarily our conferees have a very difficult task to maintain the amendments adopted by the Senate against the House conferees. From what I can learn the Senate amendments in this particular bill have not been considered upon their merits by the conferees of the House, but brushed aside in an autocratic way that was anything but gentlemanly.

I am not going to delay the adoption of the report by discussing the amendments of the Senate lost in conference. I am quite content to say that though amendments which it seems to me are just and agreed to by the Senate have been eliminated by the conference report. For all this I believe the conferees on the part of the Senate have done the best they could under the existing conditions. When I first examined the conference report and noted the important amendments of the Senate which had been receded from—in fact, I may say they consist of the most important amendments agreed to by the Senate—I felt that perhaps there was a yielding on the part of the Senate conferees that could not be justified; but after talking with the members of the conference committee I believe that they did everything in their power to retain the amendments adopted by the Senate.

I had hoped, Mr. President, that the amendment which I offered providing that the plat of ground west of Ashmead Place, and between it and Rock Creek, and the plat of ground west of Twentieth Street NW., and between it and Rock Creek, would be agreed to in conference. It should have been.

Mr. STONE. Yes; it should have been.

Mr. SMOOT. There is not a question of doubt about it. I understand that the conferees on the part of the House took the position that because four small houses had been built upon the ground it was too expensive to include the ground in the parkway that is to connect Rock Creek Park with Potomac Park.

I care not if a commission did decide that the elimination of the land provided for in my amendment would not in any way affect the beauty of the parkway. I believe that if it is eliminated the people of Washington will never cease to regret the elimination and that small houses should have been built upon land that was originally part of the parkway plan. I believe a mistake was made when it was eliminated. The back yards of those small houses will ever be an unsightly view for the people using the driveway between the parks named and those crossing the beautiful bridge on Connecticut Avenue crossing Rock Creek.

To me, Mr. President, even if the land costs what it is said it will cost—nearly $200,000—it is a mere bagatelle when you take into consideration the detriment to the parkway by allowing the back doors and back yards of a lot of small houses to butt up against the parkway. On March 4, 1913, Congress undertook to provide a parkway to connect the two beautiful parks named. There was a plan agreed upon beforehand, which was submitted to Congress, showing exactly the land that would be necessary to carry the plan to a successful conclusion; but upon investigation it was found that the plan included properties near the Potomac Park, at the mouth of the Chesapeake & Ohio Canal; that it included the Chesapeake & Ohio Canal property, and also included the Washington Gaslight Co. For that reason there was a commission appointed to reexamine the lands to ascertain what lands could be eliminated from the original plan. The commission made the examination and submitted a new plan, excluding the Chesapeake & Ohio Canal property and also the property of the Washington Gaslight Co. and the little strip of property between Twentieth Street and the Connecticut Avenue Bridge. The exclusion of the latter was a mistake, and the amendment which I offered, and which was accepted by the Senate, was to reinclude that small plot of land in the plan.

Mr. President, I am sorry that the amendment was not agreed to. I suppose the chairman of the committee did everything he could do to have it remain in the bill. He so states. I hope that at an early date, upon some other bill, this amendment will be agreed to, and that it will become a law. If it were not for the fact that the fiscal year ends in a couple of days, and if it were not for the further fact that this unfortunate contract entered into with the Secretary of the Interior relative to the next payment for the railroad purchased by the Government in Alaska is involved, I should insist that the conference report be disagreed to, that the Senate ask for a further conference with the House, and that the conferees upon the part of the Senate insist not only upon this amendment but upon a number of other Senate amendments. I wish to say, however, that, under the present conditions and circumstances, realizing the position of our conferees, and believing that they have done the very best they could, I shall not insist upon any further consideration of the items in which the Senate is so deeply interested.

Mr. HUGHES. Mr. President, I do not feel that our action with reference to this conference report should be in any way controlled by the terms of the contract which has been referred to in the debate this afternoon. I doubt if anybody has ever set about purchasing a railroad on the installment plan without entering into some such contract; but I question very much if any attempt would ever be made to enforce such a provision in such a contract against the Government of the United States. Those who have been here any length of time know that Uncle Sam is about as cold-blooded a creditor as exists on the surface of the earth, certainly on this side of the water; and if the other parties to the contract should attempt to enforce the penalty clause of the agreement they would probably be knocking around the Halls of Congress for the next 25 years trying to get committees to listen to their complaints.

We have got possession of this railroad; we have paid part of the money, and whether we pay the balance of it on the 1st of July or the 5th of July or in 15 years, they will be glad to get it. There need be no difficulty, so far as that is concerned; and we can send this report back to conference if we want to do so, in spite of the apprehensions regarding the contract.

If the Senator from Nevada [Mr. PITTMAN] thinks that the matter in which he is interested—and it is a matter in which I am also interested—is of sufficient importance, I think he is fully justified in voting to reject this conference report.

I am deeply interested in the amendment adopted on motion of my colleague [Mr. MARTINE of New Jersey]. That amendment provided for a continuation of the present practice in the Panama Canal Zone of furnishing to employees rent and according them various other privileges.

Mr. MARTINE of New Jersey. Rent, fuel, and electric current.

Mr. HUGHES. The Senate unanimously accepted that amendment; and I feel that, while the Senate conferees in this instance, as they have always done, so far as my knowledge goes, truly represented their associates in the Senate on this matter, they may have been somewhat under duress on account of the hobgoblin made out of this clause of the con-

tract which, it is alleged, is going to work so much injury to the United States. I can say to Senators that there is no court in the world that would enforce that contract against an individual, much less against the Government of the United States. There is not a State in the Union the courts of which would not take equitable cognizance of the rights of the parties to a contract of that kind and do equity between them. That would be so as between citizens, and the United States Government occupies a more favorable position in case of a controversy of that kind than would a citizen.

So far as I am concerned, I am going to vote to send this report back to conference. I am going to strengthen the arm of the chairman of the Committee on Appropriations with a vote of the Senate, if I can, and send him back to conference, and have him tell the gentlemen representing the other House that we are deeply and sincerely interested in the amendments which the Senate has added to this bill, and that we are willing to go just as far toward bringing on a controversy between an individual and the United States Government over the purchase of a railroad as they are.

Mr. MARTIN of Virginia. Mr. President, if the Senator will excuse me for a moment, he will have to find some other language stronger than the English language if he can tell the House conferees those things any more emphatically than they have already been told to them by the conferees on the part of the Senate, and repeated and reiterated by them for about 36 hours.

Mr. HUGHES. I am satisfied that if the chairman of the committee was as vigorous toward the conferees on the part of the House as he is toward Members of the Senate who object to the position taken by the Senate conferees, then no Senator can have any fault to find.

Mr. MARTIN of Virginia. I think if the Senator had been in that conference room, so as to see what transpired and hear what was said, he would never make an intimation of that sort. If I ever violated the proprieties in my life in the discussion of a question, I violated them in the conference with the House conferees.

Mr. SHAFROTH. Mr. President, if the Senator knows the conferees on the part of the House, he will understand that some of them are pretty firm.

Mr. HUGHES. I know some of them.

Mr. SHAFROTH. I went to one of them with regard to an amendment which was inserted in the bill on my motion, and used my best endeavors to get favorable consideration of the amendment, but I could not get any consolation from him at all, although it was a most excellent and meritorious provision.

Mr. HUGHES. I know the conferees on the part of the House. While I have not acted on conference committees with them, I have been engaged in transactions with them where the same qualifications are necessary as are necessary to bring about a successful agreement of a conference committee; but I think if the Senate wants amendments in which it is interested written upon the statute books, it can send this conference report back to the conference committee, and it can get them inside of 24 hours.

All I have to say is that I think it is a public scandal that two or three hidebound gentlemen, who have preconceived notions with reference to certain things, should put the United States Government in the position of being the only employer in the United States that voluntarily and without reason cuts down the wages of its employees at this time. That is what a rejection of the amendment offered by my colleague affecting the employees of the Panama Canal Zone amounts to. I think it is an outrage. I do not think the House will vote to sustain the position of their conferees, and I know the Senate will not vote for that position. Why should two or three gentlemen be able to ram this matter down the throats of Congress?

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, what is the amount we have paid on the railroad in Alaska and how much more is to be paid?

Mr. HUGHES. So far as the railroad is concerned, we have paid something like $600,000; there is something like $700,000 more to be paid, and it must be paid by the 1st of July. If so, it is practically forfeited now; but I want to say that at any time the United States Government pays the amount the other parties will be glad to get it.

Mr. SMITH of Georgia. I merely wanted to express my agreement with the views of the Senator from New Jersey that they can not take the railroad from us; that they will not do so, and they will no doubt be glad to have the balance of the payment anyhow.

Mr. HUGHES. You could not get even a law student to take the opposite position. I think this is just a chimera, a will-o'-the-wisp, and amounts to nothing. I am against the conference report and will ask for an opportunity to vote against it.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HUGHES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a very liberal pair with the senior Senator from New York [Mr. O'GORMAN]. He has given me permission to vote on appropriation bills, and therefore I will vote. I vote "yea."

Mr. JONES (when his name was called). I have a pair for the week with the junior Senator from Virginia [Mr. SWANSON]. His colleague, however, advises me that if he were present he would vote as I shall vote. I therefore vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. TILLMAN (when his name was called). Repeating the transfer I made a few moments ago, I vote "yea."

The roll call was concluded.

Mr. DU PONT. Has the junior Senator from Kentucky [Mr. BECKHAM] voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. I have a general pair with that Senator. I transfer that pair to the senior Senator from California [Mr. WORKS] and will vote. I vote "yea."

Mr. WALSH. I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT], who, I am told, has not voted. Is that correct?

The VICE PRESIDENT. That Senator has not voted.

Mr. WALSH. I transfer that pair to the senior Senator from New York [Mr. O'GORMAN] and vote "yea."

Mr. LEWIS. I desire to announce the absence of the senior Senator from Arizona [Mr. ASHURST], who has been called to the War Department on official business.

The result was announced—yeas 35, nays 18, as follows:

YEAS—35.

Bankhead	Dillingham	Overman	Smoot
Brady	du Pont	Page	Sterling
Brandegee	Fletcher	Phelan	Stone
Broussard	Gallinger	Poindexter	Tillman
Bryan	Jones	Shafroth	Townsend
Chamberlain	Lea, Tenn.	Sherman	Walsh
Clark, Wyo.	Martin, Va.	Simmons	Warren
Cummins	Nelson	Smith, Ariz.	Weeks
Curtis	Oliver	Smith, Md.	

NAYS—18.

Clapp	James	Lane	Sheppard
Gore	Johnson, Me.	Lewis	Thompson
Gronna	Kenyon	Martine, N. J.	Vardaman
Hughes	Kern	Newlands	
Husting	La Follette	Pittman	

NOT VOTING—42.

Ashurst	Hardwick	O'Gorman	Smith, S. C.
Beckham	Hitchcock	Owen	Sutherland
Borah	Hollis	Penrose	Swanson
Catron	Johnson, S. Dak.	Pomerene	Taggart
Chilton	Lee, Md.	Ransdell	Thomas
Clarke, Ark.	Lippitt	Reed	Underwood
Colt	Lodge	Robinson	Wadsworth
Culberson	McCumber	Saulsbury	Williams
Fall	McLean	Shields	Works
Goff	Myers	Smith, Ga.	
Harding	Norris	Smith, Mich.	

So the conference report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by E. T. Taylor, jr., one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House has signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 16677. An act extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies; and

H. J. Res. 242. Joint resolution to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia

Reserves into the military service of the United States under certain conditions, and for other purposes.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I move that the Senate proceed to the consideration of House bill 12717, being the Agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. GORE. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for committee amendments.

Mr. MARTIN of Virginia. Mr. President, will the Senator yield to me for just a moment?

Mr. GORE. I will.

Mr. MARTIN of Virginia. I simply wish to move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

Mr. GORE. Let us take a recess.

Mr. MARTIN of Virginia. I preferred that, but so many Senators objected to it that I did not feel justified in making the motion. They desire to have some morning business transacted.

Mr. GORE. I suggest to the Senator that to-morrow will be the last day of the fiscal year. I have asked to have the first reading of the bill dispensed with, and then my purpose was to move a recess until to-morrow morning, with a view of yielding to the Senator from Florida [Mr. BRYAN], so that he could secure the passage of the fortifications appropriation bill. It seems to me that as to-morrow will be the last day of the fiscal year we ought to rush these appropriation bills and let the morning hour go until the next day.

Mr. SMOOT. Mr. President, I want to say to the Senator that our experience is that when we recess it takes longer to allow Senators to come in the Chamber at all times of the day and introduce their bills at different times than it would if we had a morning hour and had the morning business attended to, and then went right on with the appropriation bills.

Mr. GORE. My observation has been the contrary; but if this recessing policy is a failure, of course I have no objection to the Senator's motion.

The VICE PRESIDENT. The Senator from Virginia moves that when the Senate adjourns to-day it stand adjourned until 11 o'clock to-morrow morning.

Mr. STONE. The Senator from Oklahoma offers an amendment to that, as I understand.

Mr. MARTIN of Virginia. The motion is not subject to amendment.

The VICE PRESIDENT. The motion is not amendable. The question is on the motion of the Senator from Virginia.

The motion was agreed to.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent that the first reading of the bill be dispensed with and that the bill be read for committee amendments. Is there any objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President, there is no intention on the part of the Senator, I assume, to take up the bill to-night for consideration.

Mr. GORE. Mr. President, personally I should be very glad to proceed with it now.

Mr. SMOOT. It is now 10 minutes to 6 o'clock.

Mr. GORE. I think, however, that Senators would prefer that the bill go over, so I shall not attempt to proceed with it at this time.

Mr. STONE. Then I suggest to the Senator that he ask to have the bill laid aside.

Mr. GORE. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. In the absence of objection, the bill will be temporarily laid aside.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 53 minutes p. m.) the Senate, under the order previously made, adjourned until to-morrow, Friday, June 30, 1916, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 29, 1916.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. William P. Kendall to be colonel.
Maj. Deane C. Howard to be lieutenant colonel.
Capt. Nelson Gapen to be major.

To be captains.

First Lieut. Benjamin B. Warriner.
First Lieut. William D. Herbert.
First Lieut. Stephen H. Smith.
First Lieut. George F. Lull.
First Lieut. Charles C. Hillman.
First Lieut. Sidney L. Chappell.
First Lieut. Fletcher O. McFarland.

CAVALRY ARM.

First Lieut. Robert F. Tate to be captain.
First Lieut. Sebring C. Megill to be captain.
Second Lieut. Robert S. Donaldson to be first lieutenant.

COAST ARTILLERY CORPS.

Capt. Edward Kimmel to be major.
Capt. John R. Proctor to be major.
First Lieut. Clifford L. Corbin to be captain.
First Lieut. Lloyd P. Horsfall to be captain.
First Lieut. Charles G. Mettler to be captain.
First Lieut. Charles B. Gatewood to be captain.
First Lieut. Joseph H. Pelot to be captain.
First Lieut. Morgan L. Brett to be captain.
First Lieut. Forrest E. Williford to be captain.
Second Lieut. Charles N. Wilson to be first lieutenant.
Second Lieut. Austin G. Frick to be first lieutenant.
Second Lieut. Sydney S. Winslow to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Frederic Hagler.
Ingvald Martinius Josephson Hotvedt.
Hugo Francis Mehl.
Roy Herndon Cox.
Lawrence Howard Robles.
Magnus Jacob Myers.
Edward Percy Eglee.
Charles Mallory Williams.
Archie Ewing Gordin.
Arthur Ward Cutler.
Abram Schuyler Clark.
Charles H. Merrill.
James Edwin Dewey.
John Wesley Long.
George Irvine McKelway.
Albert Sparr Rider.
William Launcelot Brown.
John Francis Ranken.
Clarence McClellan.
Perry C. Traver.
Austin Charles Wright.
Frank Farrow Simpson.
Clarence Oscar Christian Max.
Charles Hubart Lovewell.
George James Haslam.
Emil Sebastian Geist.
George Clymer.
Joel Ernest Goldthwait.
John Morris Dodd.
James Le Roy Campbell.
Edward Bates Block.
Edward Campbell Davis.
William Lee Wilkinson.
Kendall Emerson.
Dennis Francis O'Connor.
Somers Fraser.
John Lewis Bremer.
George Cheever Shattuck.
Francis William Anderson.
Edwin Bruce Rhea.
Willard Samuel Howard.
Barzilla Milton Hutchinson.
Curtis Alban Evans.
Albert Martin Farrell.
Alford Edward Budde.
Charles Henry Lawrence.
George Sherwin Clarke Badger.

Walter Asbury Newman.
Lee Walton Verdery.
Arthur Morris Zinkhan.
Orville Titus Manley.
Augustus Ravogli.

MEDICAL CORPS.

First Lieut. Frank Wiley Wilson to be first lieutenant.

PORTO RICO REGIMENT OF INFANTRY.

Arturo Moreno to be second lieutenant.

The pay clerks herein named to be second lieutenants in the Quartermaster Corps:

Selden B. Armat.
Francis J. Baker.
Wallace F. Baker.
Stephen R. Beard.
Orva E. Beezley.
John Q. A. Brett.
George C. Brigham.
Dudley M. Brown.
Richard L. Cave.
Jerome Clark.
Eugene Coffin.
Lute E. Collier.
Edward T. Comegys.
Walter D. Dabney.
William F. Daughton.
William M. Dixon.
Guy R. Doane.
Charles B. Eckels.
George Z. Eckels.
Charles F. Eddy.
Edwin F. Ely.
Ed. N. Enders.
Clarence M. Exley.
Horace G. Foster.
Seymour H. Francis.
Otto W. Gralund.
Carl Halla.
James R. Hezmalhalch.
Joseph A. Hill.
Ernest P. Hoff.
Eugene O. Hopkins.
Henry S. Hostetter.
Percy G. Hoyt.
Charles R. Insley.
Franklin C. Kearns.
Montgomery T. Legg.
Claude J. Liebert.
William J. Lisle.
Elmer E. Lockard.
George F. Lovell.
James MacKay.
Alexander C. McKelvey.
William A. MacNicholl.
Herbert A. Main.
Frederick A. Markey.
James A. Marmon.
Alfred J. Maxwell.
Dana W. Morey.
Emmett C. Morton.
Frank T. Neely.
Erskine Neide.
David Nicholson.
Robert G. Nunan.
Arthur A. Padmore.
Frank E. Parker.
Thomas S. Pugh.
Horace G. Rice.
Frank H. Richey.
Harold G. Salmon.
Jerome F. Sears.
Frank B. Shelly.
Harrison W. Smith.
Hastie A. Stuart.
Will T. Taber.
Louis M. Thibadeau.
William W. Thrall.
Walter S. Vidor.
Hardie A. Violland.
Wilhelm P. A. T. Von Hartung.
George N. Watson.
Archie H. Willis.
Horace E. Wilson.
Samuel C. Wilson.

CHAPLAIN.

Rev. Edmond J. Griffin to be chaplain, with the rank of first lieutenant.

REAPPOINTMENT IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Gen. James B. Aleshire to be Quartermaster General, with the rank of major general.

APPOINTMENT BY TRANSFER IN THE ARMY.

Second Lieut. Louis A. Craig to be second lieutenant of Field Artillery.

Second Lieut. Charles L. Kilburn to be second lieutenant in the Coast Artillery Corps.

POSTMASTERS.

ARKANSAS.

E. J. Cook, Marmaduke.

FLORIDA.

T. J. Hammond, Hawthorn.

IOWA.

O. S. Barber, Creston.
Arthur A. Dingman, Aurelia.
J. W. Dole, Fairfield.
Harry C. Graves, Madrid.
Paul Krueger, Jesup.
Bert McKinley, Morning Sun.
Thomas J. Snodgrass, New Market.

MISSISSIPPI.

J. O. Bennett, Louisville.
Samuel H. Jones, Como.
John C. King, Senatobia.

OKLAHOMA.

Herman J. Fleming, Canton.
Roy Tennison, Commerce.

OREGON.

E. D. Alexander, Stayton.

PENNSYLVANIA.

Percy Brewington, Benton.
Daniel Lennon, Galeton.
John D. Moore, Bridgeville.

VIRGINIA.

Gabriella R. Cochran, The Plains.
Milton E. Gee, Meherrin.
Burns N. Gibson, East Falls Church.
Harvey D. Hall, Lawrenceville.
Emmett L. Wade, Vinton.

WISCONSIN.

George M. Breakey, Alma Center.
Clarence L. Jordalen, Deerfield.
Andrew Kaltenbach, Potosi.
Daniel W. McNamara, Montello.
Charles H. Prouty, Genoa Junction.
C. E. Reichenbach, Merrillan.
John Schreibeis, Menasha.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 29, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, help us to realize fully that procrastination is the thief of time; that we must work while it is yet day, for the night cometh when no man can work. Forgive us, we pray Thee, when we put off until to-morrow what should be done to-day; when we proclaim from the housetops patriotism and fail to put it into practice; when we pray for the kingdom of heaven and supinely wait for its appearance; when we seek to pluck the mote out of our brother's eye and behold a beam is in our own eye.

Teach us to turn our thoughts within and know the value of self-examination that we may put aside our own faults and strive to walk worthily before our neighbor. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

BODIES OF MEN KILLED AT CARRIZAL, MEXICO.

Mr. JOHNSON of Washington rose.

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. JOHNSON of Washington. Mr. Speaker, I desire to ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I present a joint resolution, which I desire the Clerk to read in my time.

The SPEAKER. The Clerk will read the resolution in the gentleman's time.

The Clerk read as follows:

House joint resolution 249.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to provide an escort for the transportation from El Paso, Tex., to Washington, D. C., of the bodies of the officers and men of Troop C and Troop K, Tenth United States Cavalry, who were killed in action at Carrizal, Mexico, and to inter said bodies in the Arlington National Cemetery with full military honors.

Mr. JOHNSON of Washington. Mr. Speaker, I should like to ask to suspend the rules and proceed with the consideration of the resolution.

The SPEAKER. The gentleman can not move to suspend the rules on a Thursday.

Mr. JOHNSON of Washington. Then, Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I suggest that this resolution should go to the Committee on Military Affairs. It is a very important matter. I have no doubt that the War Department will do whatever is appropriate, but if we are to request a military escort and to provide for the interment at Arlington of all the men who may lose their lives in Mexico we may find ourselves very much embarrassed. I object.

The SPEAKER. The gentleman from New York objects.

Mr. JOHNSON of Washington. I am perfectly willing that the resolution shall take the course indicated by the gentleman from New York [Mr. FITZGERALD], but in the time still remaining at my disposal I desire to say that the bodies of the men of the Navy who lost their lives at Vera Cruz were brought back and given great attention, great honor, and buried in the full form of the Navy of the United States.

Mr. FITZGERALD. That was done without any action on the part of Congress.

Mr. JOHNSON of Washington. These troopers who lost their lives in Mexico were colored, but they are heroes and were in the service of the United States just the same. [Applause on the Republican side.]

Mr. FITZGERALD. It is not a question of race. White men as well as colored men have lost their lives in this instance. The gentleman is simply making a bunk political speech.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16678. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 6923. An act to authorize the construction, maintenance, and operation of a bridge across Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river;

H. R. 9615. An act to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington;

H. R. 10925. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 10849. An act granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 14630. An act to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark.;

H. R. 7430. An act for the relief of William Foglio; and

H. R. 16677. An act extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 14484) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," the Clerk be, and he is hereby, authorized and directed to restore, on page 11 of the engrossed bill, lines 22, 23, and 24, and lines 1 and 2 on page 12, with an amendment as follows: "Page 12, line 2, strike out '$20' and insert '$12,' the same being for the purpose of carrying out the agreement of the conferees."

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15775. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1697. An act to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable; to the Committee on Interstate and Foreign Commerce.

PER CAPITA PAYMENT TO CHOCTAW AND CHICKASAW CITIZENS (H. DOC. NO. 1248).

Mr. WINGO. Mr. Speaker, I ask unanimous consent that a House document be made of the letter of Assistant Commissioner of Indian Affairs Meritt, dated June 21, 1916, transmitting to the Secretary of the Interior the proposed regulations covering the distribution of the per capita payment provided recently to the Choctaw, Chickasaw, and Seminole citizens, with which the House is familiar. I desire to have the letter and regulations made a House document.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that a certain letter written by the Assistant Commissioner of Indian Affairs, together with the regulations pertaining to the subject of which he writes, the division of the money belonging to the Indians, be made a House document. Is there objection?

There was no objection.

RIGHT OF A MEMBER OF CONGRESS TO HOLD OFFICE IN THE NATIONAL GUARD.

Mr. WEBB. Mr. Speaker, in obedience to the command of the Committee on the Judiciary, I hereby submit a privileged report on House resolution 257, with reference to the right of a Member of Congress to hold office in the National Guard, as reorganized by the act of June 3, 1916. Unless there is demand that the report be read, I shall ask that it be printed and placed on the House Calendar. (H. Rept. 885.)

The SPEAKER. The gentleman from North Carolina files a report from the Committee on the Judiciary respecting the right of a Member of Congress to hold office in the National Guard, which is ordered printed and placed on the calendar.

CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business in order on next Calendar Wednesday be dispensed with and that the business of Calendar Wednesday for next Wednesday be in order to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with and be in order to-morrow. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I have no objection to that, provided that if the conference report on the sundry civil appropriation bill is not disposed of to-day it can be taken up to-morrow.

Mr. SHERLEY. Mr. Speaker, I also desire to have a reservation in regard to the conference report on the fortifications appropriation bill.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he formulate his request so that the consideration of conference reports may be in order to-morrow, notwithstanding that the business of Calendar Wednesday is in order.

Mr. KITCHIN. Mr. Speaker, I will so modify my request.

The SPEAKER. The gentleman from North Carolina modifies his request so that the business in order will not interfere with the consideration of conference reports. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from North Carolina if he is prepared to say now whether he expects the House to sit on the Fourth of July, next Tuesday?

Mr. KITCHIN. I do not. We will adjourn from Monday to Wednesday.

The SPEAKER. Is there objection?

There was no objection.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes. Pending that motion I ask unanimous consent that general debate be limited to 25 minutes on a side, the time on the other side to be controlled by the gentleman from Illinois [Mr. MCKENZIE] and the time on this side by myself.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill, the gentleman from Alabama asks unanimous consent that general debate be limited to 25 minutes on a side, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. MCKENZIE]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill, with Mr. BOOHER in the chair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, I yield 25 minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the House, the Republican Party is in a desperate condition. The old party of privilege, the stand-pat, boss-ridden Republican Party of 1912 is doing business in the same old way. Its once hated and despised bosses have done something to Theodore Roosevelt and a change has come over the spirit of his dreams. In the recent Republican convention held at Chicago the daily papers told us that the old guard was in complete control and that the big bosses were all there and that their delegates knew why they were selected and that they could be relied upon to do the bidding of the bosses. The newspapers also told us that the old guard had generously agreed to let Mr. Roosevelt try out his strength to see if he could secure the Republican nomination. Oh, how generous and magnanimous, Mr. Chairman. [Laughter.] A bunch of old-guard delegates, hand picked by the brazen bosses of 1912, going to give Roosevelt a "fair" chance to get the Republican nomination. [Laughter.] A thousand delegates of the Progressive Party were assembled in convention in the same city. None of them, save Perkins and a half dozen more, understood the program already agreed upon by Root and Smoot, Penrose and Roosevelt. They did not know that the whole thing had been planned at the billion-dollar banquet given in New York to Roosevelt, Root, and others a few months ago. And it did not occur to them, although many suspicions were being whispered around that Elihu Root had planned the tragedy and had written the despicable Chicago play when Roosevelt, Lodge, and Root met in secret conclave a few weeks after the billion-dollar banquet. [Applause on the Democratic side.] The great body of the Progressive Party were not a lot of thoughtless and irresponsible people, as the Republican newspapers characterized them four years ago, but they were men of conviction, devoted to a principle, and they enlisted for life against the corruption and bossism of the Republican Party.

The great bulk of Progressive delegates sent to Chicago and the rank and file behind them at home were sincere American patriots. There was no thought of treachery or double dealing among them. They were fighting for a principle and striving to save the life of the Nation from the deadly hold of the greedy vampires of the Republican Party. [Applause on the Democratic side.]

But where was their leader who, in 1912, had said, "If those fervent in this great fight for the rule of the people for justice and honesty against dishonesty, fraud, and theft, desire me to lead the fight, I will do so"? The same old Republican bosses that he accused of injustice, dishonesty, fraud, and theft in 1912 were in absolute control of the Republican convention in 1916.

Progressives who had challenged them to conflict on a thousand battle fields were there just as determined as ever to keep these unscrupulous and corrupt bosses from seizing again the reins of government. [Applause on the Democratic side.] As one Progressive put it, "Life is short at best, and we go this way but once. I owe a duty to my country, and so help me God I will repudiate this bargain with the Republican bosses." [Applause.] But where was Mr. Roosevelt? After all that had occurred between him and the Republican bosses he could not, and he dared not, face the Progressive delegates assembled in Chicago. [Applause on the Democratic side.] So he remained at Oyster Bay and talked over the long-distance phone. It were well, Mr. Chairman, that that transaction be carried on over a long-distance phone. [Laughter.]

With the landscape glasses that Wall Street had furnished the big bosses looked good to him now. Why, he engaged in conversation PENROSE, of his "porch-climbing" class, and whispered warm-hearted words to him over the phone, and the newspapers tell us that he assured the big boss Senator from Pennsylvania that if he were elected the White House would be wide open to him. [Laughter on the Democratic side.]

Do you remember, my Republican friends, what Mr. Roosevelt said about Mr. PENROSE four years ago? Do you recall how he denounced him as all sorts of a political burglar, boss, and corruptionist? It was really interesting to hear him talking to PENROSE over the long-distance phone and very pathetic to see him trying out his strength before the Republican convention. [Laughter.] This was certainly another instance of the mountain being in labor and bringing forth a mouse, for the long-distance effort of Mr. Roosevelt to deliver 4,000,000 Progressives into the 1912 camp of Republican bosses will be a miserable failure. [Applause on the Democratic side.] It reverses all the rules of arithmetic. Four million will not go into three million. [Laughter and applause.] Trying to make 4,000,000 patriotic Progressives go back to the graft-cursed and boss-ridden remnant of the Republican Party. [Applause.]

What will the patriotic Progressives do since they have been so basely betrayed?

SEVERAL MEMBERS OF THE REPUBLICAN SIDE. They are for Hughes.

Mr. HEFLIN. No, gentlemen; they are going to serve their country and vote the Democratic ticket. [Applause on the Democratic side.] I know that you old standpatters are delighted at the way you roped Roosevelt in, but you will never deliver into the camp of the bosses the men who stood for principle against bossism four years ago. [Applause on the Democritic side.]

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. HEFLIN. Just one question; yes.

Mr. JOHNSON of Washington. Is the distinguished gentleman from Alabama trying to unscrew the unscrutable? [Laughter.]

Mr. HEFLIN. No, sir. I am relating some things that Republicans hate to hear and telling you what you may expect at the hands of the American people at the polls in November. [Applause on the Democratic side.]

Mr. MEEKER. Will the gentleman yield?

Mr. HEFLIN. Just for one question.

Mr. MEEKER. I think the gentleman should know we appreciate fully the gentleman's warning.

Mr. HEFLIN. I do not know how much you appreciate it, but because the "truth is light" I must tell it to you. You will never see the Progressive rank and file voting the ticket nominated by the bosses at Chicago. [Applause on the Democratic side.]

Yes; the old guard is in the saddle, the bosses are in control, and their candidate is backed by Wall Street. [Applause on the Democratic side.] Now, I will take you into my confidence and tell you how I think this thing was done. Not more than a

dozen men were originally consulted about this frame-up pulled off at Chicago by Roosevelt and the Republican bosses. The plan was agreed on, every detail of it, before the convention met—and you now undertake to break a custom dear to the American people and as old as the Government when you drag the Supreme Court into politics. [Applause on the Democratic side.] Yes; all this was planned—not out in the open, not at the fireside of the Progressives of the country, but it was planned in secret caucus by Roosevelt and the big bosses of the Republican Party. [Applause on the Democratic side.]

Mr. McARTHUR. Will the gentleman yield?

Mr. HEFLIN. I can not; my time is limited.

Mr. McARTHUR. For one question?

Mr. HEFLIN. Very well.

Mr. McARTHUR. Has the gentleman heard from the Oregon primaries, where Hughes received four times the number of votes that Wilson received? [Applause on the Republican side.]

Mr. HEFLIN. I am sorry the gentleman called that reflection on Oregon to my attention [laughter on the Democratic side], but Oregon is a small State—hardly as big as my district. They did let you have a primary out there as a kind of decoy duck to keep the people's mind off of what the bosses were really doing all over the country. [Laughter.] Now, what has happened? A special from New York to the Washington Post this morning tells us that ex-Supreme Court Judge Hughes and ex-Progressive Leader Roosevelt dined together last night behind closed doors [laughter], and the waiter was only allowed to enter when he carried hot coffee to Theodore. [Laughter.] He needed hot stimulants, because he was up against a cold proposition. [Laughter and applause on the Democratic side.] Behind closed doors in secret conclave trifling with the rights of the people. [Laughter.] Do you suppose that the American people are going to stand for these mysterious star-chamber proceedings? [Laughter and applause on the Democratic side.]

SEVERAL MEMBERS OF THE REPUBLICAN SIDE. Sure!

Mr. HEFLIN. They take this man off the Supreme Court, dragging it down into politics, and take Roosevelt from the head of the Progressive Party, and lock them together with hot coffee in the same room until the wee small hours of the night. [Laughter.] Do you believe that the people are going to stand for that? [Laughter and applause.] Let me tell you what the Progressives, who have been so badly treated, are going to do in November. They will stand behind Woodrow Wilson, the greatest President who ever sat in the White House. [Applause on the Democratic side.] Mr. Roosevelt says the President uses "weasel words." Do you know the habits of the weasel? He takes hold of the neck of the fowl and sucks its lifeblood. At the bidding of the bosses that is what Roosevelt tried to do to the Progressive Party. [Applause on the Democratic side.] He sat at Oyster Bay and took it by the throat over a long-distance Penrose pipe line and tried to suck its lifeblood. [Applause on the Democratic side.]

Roosevelt has surrendered to the bosses. I am reminded of the fellow who went to Texas. One day some of his friends wired the father that his son was dead. The old man wired for his remains. In a few days a dead tiger, considerably swollen, arrived. The old gentleman sent another telegram, saying: "You shipped me a tiger. Where is my son?" and quickly the answer came, "Son in tiger." [Laughter.] The old Republican elephant, with sides distended, mopes around the old-guard camp while Theodore reposes in his paunch. But, Mr. Chairman, the rank and file of the Progressive Party will beat that old elephant with many stripes before the November election. [Applause on the Democratic side.]

The treacherous deal framed up at the billion-dollar banquet in Wall Street will never receive the sanction of patriotic Progressives. [Applause on the Democratic side.]

To the delight of the Republican bosses, Mr. Roosevelt has been going about the country denouncing President Wilson. He has indulged in a lot of loose talk about the President. But, fortunately for the President and the country, his words do not weigh as they once did. In fact, the Philadelphia Inquirer, a Republican paper, has said: "Roosevelt has degenerated into a professional agitator for personal profit."

A REPUBLICAN MEMBER. He has reformed since then. [Laughter.]

Mr. HEFLIN. I read further: "He has become a thoroughgoing demagogue. His word is of no value whatever." [Applause on the Democratic side.] Now, here is what Judge Hinsdale, a Republican of New York, said of him in 1912:

> He has developed into the most dangerous and unscrupulous enemy of the American Constitution who has ever appeared in this country.

[Applause on the Democratic side.]

Now, Mr. Roosevelt is going to use his words and employ his time trying to elect the cold-storage twins, nominated by the Republican bosses. [Laughter.]

Mr. MURRAY. Icebergs, fringed with seaweeds. [Laughter.]

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. I regret that I have not the time.

I take my text from Genesis, forty-ninth chapter, fourteenth verse: "Issachar is a strong ass, crouching down between two burdens. And he saw that rest was good, and the land that it was pleasant, and he bowed his shoulder to bear and became a servant to tribute." You Republicans know who I am talking about. [Laughter.] In 1912, Mr. Roosevelt denounced the corrupt and arrogant bosses of the Republican Party, but this year we see him begging these same bosses to let him come in and sup with them. They refuse to give him even the crumbs that fall from their table. Penrose and Root, Murray Crane and Smoot, the big four of the old guard, were happy to see the once dashing and intrepid moose man kneeling at the door of the same old bosses, asking their favor and begging their forgiveness. [Applause and laughter on the Democratic side.] Mark you, he had denounced them as a stench in the nostrils of decency. He had branded them as crooks and scoundrels. He had boldly proclaimed them enemies to the Republic and traitors to the country. He told how, by the corrupt use of money, they had defeated the will of the rank and file of the Republican Party and robbed him of the Republican nomination. Then these vile and loathesome creatures were unfit to associate with decent men and unworthy the confidence of a self-respecting people. He denounced them as a bunch of burglars, and declared that they ought to be in the penitentiary. [Laughter and applause.]

But four short years have come and gone. The same big bosses in the same old city assemble in national convention. The Ethiopian has not changed his skin and the leopard makes no apology for retaining his spots, yet Theodore stands at the door and knocks. [Applause and laughter.] At the same time, in another convention, in the same city, his devoted followers are met in national convention. How different with them. They are as brave and resolute as when they followed him four years ago against the corrupt and intrenched bosses of the Republican Party. [Applause.] They are no more in the humor to give up their principles and surrender their convictions now than when they repudiated the brazen agents of lawless capital in 1912. [Applause.]

But what has happened to the noisy general of that brave and patriotic army? Where is he who attended the billion-dollar dinner in New York a few months ago? And where is he who had a conference with Root and Lodge in the same city a few weeks later? Did he go to the convention at Chicago and tell his faithful followers that "A man must do his duty and stand by the right, though the heavens fall"? Did he tell them that the same bunch of burglars that robbed him and outraged them four years ago were in control of the Republican convention? [Applause on the Democratic side.] Or did he tell the Progressives that he had an arrangement with the "old bosses" to the end that he would keep them from making a nomination until the old guard had named their candidate; that he had an understanding with the same old bosses that he would not accept the Progressive nomination while the convention was in session, but would see to it that the executive committee was empowered to hold the matter open to be taken up with him later? [Applause on the Democratic side.] Was this all arranged at the billion-dollar banquet, or was it framed up at the conference that followed? These are some of the questions that you must answer between now and the November election. [Applause on the Democratic side.]

A few weeks ago some American soldiers were told by a Mexican who claimed to be hostile to Villa that he knew where the bandit leader was in hiding, and offered his services to lead them to the place, and they trusted him; but instead of taking them to where they could capture the bandit leader he led them to the most dangerous stronghold of the bandit gang and left them helpless in the face of unexpected conditions, and they discovered that he had deceived them. Exit Theodore. [Applause and laughter.] Armour Packing Co. has a trained ox, whose duty it is to lead every carload of cattle that comes right up to the trapdoor of the slaughterhouse, and there he escapes, stepping through a side door, but they have no opportunity to even postpone temporarily the nomination that awaits them. [Laughter and applause.] But the ox knows his owner, and he must do his master's will. [Laughter.] Once upon a time there was a man from Oyster Bay who had the daring to declare that he stood at Armageddon and battled for the Lord. Then Penrose, Root, and Smoot stood at a guilty distance, crying

aloud for his destruction. But he stands no more at Armageddon. He battles no longer for the Lord. [Laughter and applause.] But Rooted in the confidence of the old guard and Lodged in the affections of the "burglar bunch," he Cranes his neck to do the bidding of the bosses, takes PENROSE by the hand and sings, "Where you lead me, I will follow." [Laughter and applause.] The Progressives of Indiana have just refused to indorse the candidate of the Republican bosses. If I thought that the men who made up the rank and file of the Progressive Party in 1912 meant no more to their country than a lot of puppets and figureheads to be placed around by men who had forfeited their claim to confidence and leadership, I would, as Mr. Lincoln said, "tremble for the safety of my country." [Applause.] But I know and you know that the men who went through that campaign supporting Mr. Roosevelt deserve far better treatment than they received by him at the recent Chicago convention. [Applause on the Democratic side.] The picture is pathetic. The betrayal is complete. John the Baptist died for the faith that was in him; Robert Emmet perished upon the scaffold for the faith that he professed; but Mr. Roosevelt surrendered his convictions and sought to sacrifice the Progressives that the old guard might live. [Applause on the Democratic side.] Some strange and soothing power has touched the once strenuous eyelids of The-o-do-re, and he can not see as well as he once could. [Laughter and applause.]

The big stick has departed,
The square-deal cry has fled,
T. R. takes salt from the old guard's hand,
And the big bull moose is dead.

[Applause on the Democratic side.]

Mr. McKENZIE. I yield two minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, noting the honor that the gentleman from Alabama [Mr. HEFLIN] saw fit by his attack to render to the next President of the United States [applause on the Republican side] and to the great ex-President of the United States [applause on the Republican side], I desire to give this compliment to the orator:

Then T. HEFLIN, the great boaster,
He, the incessant story-teller,
He, most reckless of all talkers,
Heap Big Chief from Alabama,
Made a speech that was pure buncombe.
Much he said that was little heeded,
Most 'bout politics and niggers,
Much with naught therein but hot air.
So the people all laughed at him;
For they caught his empty vauntings,
Heard his imagination rattle,
Only shrugged their shoulders at him,
For wot they not, he was filled with prunes.

[Laughter on the Republican side.]

Mr. McKENZIE. I yield 15 minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause on the Republican side.]

Mr. MONDELL. Mr. Chairman, everybody realizes that since the hosts of Republicanism have joined hands the doom of the Democratic Party is sealed. [Applause on the Republican side.] But we did not expect them to confess it so soon. Furthermore, I do not quite understand why the gentleman from Alabama [Mr. HEFLIN] should have been selected to sing the swan song of his party and to act as the early announcer of the coming funeral ceremonies. He is not fitted for that sort of a rôle. He is jolly and jocund and good-natured. He is not sufficiently funereal to have done the matter justice. The gentleman is familiar with Scripture, and I was particularly taken with his text, "Issachar is a strong ass." What a touching reference to the Democratic donkey. [Laughter.] And who could have pronounced those words with more propriety than the gentleman from Alabama—"Issachar is a strong ass." But when the gentleman quotes Scripture in the presence of the sons of preachers he should quote fully and correctly. The text is, "Issachar is a strong ass couching down between two burdens." And that is exactly the position of the Democratic donkey. Those burdens are so heavy that the party will never be able to get from under them. [Applause on the Republican side.]

I realize what a sad and sorry thing it is to our friends on the other side that all of those of the Republican household of faith and all of those who believe in progress and good government and the maintenance of American honor and American prestige are united for the defeat of the Democratic Party. [Applause on the Republican side.] I realize how sad and sorry a thing it is to them, and it is unfortunate, in view of their belated appeal to our friends, the Progressives, that they have had so little sympathy for them in the past. We had on the floor of the House in the last Congress nearly a score of fine, manly, capable Members of the Progressive faith. I can not recall that the Democratic side ever gave them any sympathy or consideration.

I can not recall that the gentleman from Alabama [Mr. HEFLIN] ever professed any love for them or for the principles they preached and promulgated. His abounding and loudly proclaimed love for the Progressives and the Progressive Party has come too late to be of any benefit to him or to his party. The gentleman has shed the flood of crocodile tears—usual in a Democratic speech in these days—over the awful consequences to the Supreme Court because of the fact that the American people from one end of the country to the other, from the farms, the fields, the factories, and the shops, called to the candidacy of a great party to make him the President of a mighty people, a splendid man from that great tribunal. [Applause on the Republican side.] The gentlemen are much more disturbed over the future of the Democratic Party than they are over the future of the Supreme Court, and they will not fool anybody, particularly in view of the fact that not long since they went to the bench for a presidential candidate. Their tears and lamentations will be in vain, because the American people are not disturbed over the fact that those composing the Republican Party are so intelligent, so patriotic, so clear-sighted that they can discern and call a statesman to high responsibility wherever he may be found or whatever position he may occupy. [Applause on the Republican side.]

But our friends, though cast down and much discouraged, have not entirely lost faith. They still have a lingering hope that in some unforeseen way they may be retained in power. The hope that beats in the breasts of some of them is this, that if unfortunately—and I put it that way out of deference to a virtue I hope they possess—if unfortunately we shall be involved in bloody strife at the ides of November, the American people will not be inclined to make a change of administration. There is a good old rule that it is not a good thing to swap horses while crossing a stream, but I never heard that that rule applied to donkeys. [Laughter on the Republican side.] And the American people will not hesitate to punish the party in power for its faults, and its misdeeds because of the fact, if it should be the unfortunate fact, that we shall be involved in the issues of war. [Applause on the Republican side.]

The gentleman from Virginia [Mr. HAY], in his speech the other day on the bill for the enrollment of the militia, injected a partisan note that, I think, after reflection, he himself must somewhat regret. He ascribed the enthusiasm and the alacrity with which the men of the National Guard have responded to the call of the Commander in Chief to approval by those men of the policy of the administration which had, or at least seemed, to make necessary that call. Mr. Chairman, the men of the National Guard are citizens. They have their views of policies as citizens, but they are soldiers, and as soldiers they did their duty without regard to what their opinions were as to the policy that made necessary their call to the colors by the President. As to the men who have responded as volunteers to that call, it may be said with logic and reason that their enthusiastic and patriotic response to the call is due rather to their utter disapproval of the administration's policy, and their exasperated impatience with it, than to approval of that policy. Our friends on the other side must remember a few things in connection with what may—we hope will not—occur in the near future. We on this side of the House, and all of the American people, will support the national arms. We will do all those things necessary to maintain the honor and the prestige of the country. We will do it for the vindication of American citizenship, we will do it for the rehabilitation of American prestige, we will do it to save the national honor, but it will not be done to vindicate the Democratic Party, to rehabilitate its vanished prestige, or to save it or the administration from the effect and consequence of their faults and errors. [Applause on the Republican side.]

We have voted and we will vote for all the sums that may be necessary, either in preparation for or in the carrying on of war, if it shall unfortunately come, but neither we nor the American people will forget that if war comes it will come after three years of surrender of American rights, abandonment of American citizens, three years of vacillation and dishonor.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Which will, after all our humiliation, have led us into bloody conflict. They will remember that the sacrifice of our people, the loss of our prestige, the compromise of our honor, for three long years apparently in the hope of keeping from armed conflict has led us into the condition that threatens or will bring the horrors of war. [Applause on the Republican side.] I yield to the gentleman from Ohio.

Mr. GORDON. Will the gentleman specify one instance in which the President of the United States has surrendered the right of an American citizen?

Mr. MONDELL. Oh, the whole miserable——

Mr. GORDON. Name one, name one.

Mr. MONDELL. The whole miserable, sorry, sad, and lamentable story is one long chapter of surrender of rights, of abandonment of citizens, of alternate truckling to bandit forces, and bullying lawful authorities beyond our borders.

Mr. GORDON. Name one surrender.

Mr. MONDELL. And meddlesome interference—name one, I wish I had the time to name them all.

Mr. GORDON. Yes; one.

Mr. MONDELL. Well, I know the gentleman does not like to recall the time when hundreds of American men, with their wives and little children, were at the mercy of a howling, drunken Mexican mob at Tampico, and orders came from the administration at Washington to the American commander to sail away and leave them to their fate. [Applause on the Republican side.]

I know that the gentleman does not like to have us recall the fact that we demanded a salute of the flag, and then, after losing more than a score of our brave boys, pulled down our flag and left Vera Cruz without securing that salute. [Applause on the Republican side.]

The administration has done little else than surrender American rights in Mexico. That has been its principal occupation when it was not engaged in meddlesome and impertinent interference with the right of the Mexican people to determine who their ruler should be. At a time in the early stages of the Mexican trouble when we should have notified all Mexican factions that we did not propose to interfere in their affairs, but did propose to have the lives and property of American citizens respected and protected, the administration was busily engaged in attempting to overthrow the only government in Mexico that did protect our people, at the same time issuing frantic appeals to our people to get out of the country and surrender their rights of residence and property, meanwhile petting and coddling and furnishing arms to the bandit chieftains, who were flaunting our authority and outraging our people.

The horrid fruits of the administration's policy of mischief-making, impertinence, vacillation, temporizing, and coddling of bandits have been officially declared by the Secretary of State in a recent letter to the de facto government of Mexico in more humiliating details than any opponent of the administration has ever stated.

We have now reached the period of ultimatums; and, having abandoned practically everything in Mexico, called out our citizens, left their property to plunder, by our policy tended to extend the area and the period of rapine and anarchy, engendered hostilities which will require generations to overcome, the administration is as reckless and as peremptory in its demands as though it were war and not peace that is desired and friction and misunderstanding rather than justice and good understanding that were sought. The American people will not hesitate to strike, and strike hard, if necessary, but after the administration has so long temporized and so much has been lost that might have been gained had we taken the proper stand in the first instance, they are not now in the temper to be hurried into war without full and complete justification for it.

The meddlesome interference with Mexican affairs during the period of the Huerta government, the fiasco of the Vera Cruz occupation, the shameful abandonment of Americans at Tampico, the coddling of Villa and other bandit leaders, the intervention on behalf of Carranza against Villa by allowing troop movements on American territory—all these engendered the spirit that developed and furnished the excuse for the horrors of Santa Ysabel, Columbus, and Carrizal. The whole record has been one of alternate impertinent interference and hypocritical indifference, of truckling and bluffing, of surrendering real and substantial rights and issuing ultimatums relative to questionable ones. During the limited periods in which the administration has not been unjustifiably interfering with Mexican internal affairs it has been protesting any purpose of doing so. In the infrequent periods when the administration has not been coddling and encouraging bandit leaders it has been pursuing a policy calculated to arouse their animosity, and the fruits of alternate interference and supine inaction, coddling and defiance, surrender and impertinence, stand revealed in a situation as lamentable and unfortunate from the standpoint of the Mexican people as from that of the people of the United States.

The American people will meet the foreign issue, whatever it may be, with calmness and courage, but they will not get so busy over foreign issues that they will forget or neglect to hurl from place and power false and faithless leaders at home. [Applause.]

Mr. McKENZIE. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, in the matter of the drafting of the National Guard into the Regular Army service, I wish to call attention to the condition of affairs at Mount Gretna, now called Camp Brumbaugh, where the 10,000 National Guardsmen of Pennsylvania are preparing to muster in. I trust we have not in any way misrepresented to the young men of the Guard what is expected of them in the service of their country, but legislation has been passed here with great rapidity, and during the last few days we have taken from their homes, from their wives and their dependent mothers, father, and children, some of the very best of the young men of this country, who may not have thoroughly appreciated just what they were getting into. It is easy enough to say that a man goes into the service of his country with his eyes open, but it is possible some of them may be impressed without a fair understanding. Notwithstanding the ease with which it is declared in flaring headlines that we are ready to lick anybody and that we have the men and the money, I notice there is a half-page advertisement in the Washington Post this morning appealing to the young men to come forward to fill up the quota for the District of Columbia. Only yesterday in my city the mayor was working strenuously with patriotic citizens there to induce sufficient young men to come forward to complete the draft of the Pennsylvania Guard. They were also preparing to support the families of some of the enlisted men.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. FOCHT. Is not the reason for that the fact that the young men of the country know that they they are not going to Mexico, that there will be no war, and that we are going to withdraw with discredit to the country?

Mr. MOORE of Pennsylvania. That may be; but the young men who have gone into the National Guard have been taught that they would fight together. There has been a comradeship about it. They have been encouraged to stand shoulder to shoulder and to assist each other.

They have learned to know each other and have learned to know their officers, from the sergeants up to the major general of the National Guard. They have now been drafted into the regular service, and here is one result of that draft. It comes from Mount Gretna, in the great Commonwealth of Pennsylvania.

I read now from the Philadelphia Ledger, whose report from the encampment is substantially the same as that published in all of the Philadelphia papers this morning. It says:

> The Second Regiment was virtually ready to get out of the camp to-day when Capt. Kemper examined the muster-in roll. He saw that certain notations in regard to minor details of the men's condition had not been made. Immediately he went to general headquarters and asked why the regulations had not been carried out in full. Gen. Clement immediately called a conference of the brigade and regimental commanders, at which, officers later admitted, Capt. Kemper "read the riot act."
>
> SETTLES RESPONSIBILITY AT ONCE.
>
> Following the conference, as he stood in front of Gen. Clement's tent, he demanded to know the name of the officer who was responsible for the mistakes in the muster roll. Col. Hamilton D. Turner, in command of the Second Regiment, stepped out and said:
>
> "Captain, the muster roll was filled out according to the orders received by me. The order was sent to us to turn in the roll as you received it."
>
> "Well, that order was wrong," snapped Kemper. "It is contrary to all regulations to return a muster roll in such shape as this."
>
> Turning to Surg. Maj. Arnold, who is in charge of the Medical Corps, Capt. Kemper declared:
>
> "There is absolutely no use in sending men down to the border whom the Government will send back. I am not going to permit such men to be sent there. These muster rolls will have to be corrected at once. And hereafter," turning again to Surg. Maj. Arnold, "you will take orders from me. I'll never report to you, but you will report to me. It does not matter whether you have that or not," pointing to the gold maple leaf on Arnold's collar band, the insignia of his office, "and I have these," pointing to his captain's bars, "you will report to me. Maj. Koerper has that, and yet he reports to me."
>
> ONE HUNDRED RECRUITS ARRIVE.
>
> Maj. Arnold made no reply and Capt. Kemper returned to his quarters. Later it was explained that the muster rolls did not note slight physical imperfections, such as flat feet and other minor ailments. The men would not be barred from the ranks for such imperfections, but, according to the regulations, they must be clearly noted. Army officers on the field explained that were such ailments not noted many men, at the conclusion of any action in which they might participate, might put forth a claim for damages or a pension, setting forth that they received disabilities in action.

I should say that Gen. Clement is the major general of the National Guard of Pennsylvania and Capt. Kemper is an officer of the United States Army.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McKENZIE. Mr. Chairman, I yield to the gentleman two minutes more.

Mr. MOORE of Pennsylvania. Mr. Chairman, that is the situation that confronts us, and which was bound to confront us under the draft. Ten thousand young men of the State, believing themselves qualified for service—and this is a very

large proportion of the young men who are going to the front—who may or may not have known that they were going into the service to be Regular soldiers under Regular Army officers for a long period of three years, while their families were left alone at home, at $15 per month, are now faced with conditions exactly as we pictured them here when the draft resolution was under discussion.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. A captain of the Regular Army is now amongst them, a captain against a major general of the National Guard, and he is one of the only two major generals of the National Guard of the United States; three brigade commanders, for we have nine regiments in Pennsylvania, and the various other officers. Instead of going forward with these officers whom they knew, with whom they marched, with whom they have been in camp, with whom they have stood shoulder to shoulder, with whom they have talked patriotism, with whom they expected to fight—these volunteers of the National Guard now find themselves in the Regular Army of the United States, with Capt. Kemper, of the United States Army, in charge. It is one of the things they may have understood, I do not know; but it strikes me that if it was not understood, the Mount Gretna incident just reported will not help along the important work of securing new recruits.

I glory in the fact that Capt. Kemper or any other Regular officer of the United States is trained for his work and is on his job. He has his duty to perform and he may or may not have been discreet in this instance; but it seems to me that as legislators we ought to bear in mind that these young men who have suddenly come under Regular Army discipline, who have been taught patriotism, who have been living and preaching and practicing it on their $50, $100, or $150 a month, in Pennsylvania or any other State, did not know when they enlisted in the Guard that they would be subject to draft under Regular Army regulations for three years in the hot sands of Mexico at $15 a month, while their families were left uncared for.

Mr. GORDON. Will the gentleman now yield?

Mr. MOORE of Pennsylvania. I now yield.

Mr. GORDON. Did the gentleman from Pennsylvania vote for the bill authorizing the President of the United States to draft the National Guard for the purpose of rescuing the Regular Army in Mexico?

Mr. MOORE of Pennsylvania. Yes; when it contained provision for the dependents of these young volunteers. I voted to reduce the draft period from three to two years. I voted for increasing the pay, which I fear the gentleman did not, and then, because I knew my people to be patriotic and I wanted to be myself, I voted to do what it was represented the President wanted done to save the country in an emergency, even if it did force a few willing young men into the service, while hundreds and thousands refused because of the real conditions imposed.

Mr. GORDON. Then what is the gentleman whining about?

Mr. MOORE of Pennsylvania. I am not whining.

Mr. GORDON. The gentleman is.

Mr. MOORE of Pennsylvania. The gentleman has not gone to the front; he is sending others to the front. The gentleman evidently does not understand his constituency; I know mine. We are raising funds now to take care of the families of those who volunteered, and who are now caught for a possible three years.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DENT. Mr. Chairman, has all time expired?

The CHAIRMAN. The gentleman from Illinois [Mr. McKENZIE] has one minute.

Mr. McKENZIE. Mr. Chairman, I yield that to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Further observing the Capt. Kemper incident reported to have occurred at Mount Gretna yesterday, I wish to say that one of the things which will destroy discipline and deter young men from enlisting is just such brutal arrogance as Capt. Kemper is reported to have been guilty of. I want it understood that the Pennsylvania Guardsmen are, many of them, sons of veterans and veterans themselves, and it must not be expected of them that they submit to the insolence and open insult of anybody, be they superior or inferior in official rank. Let us hope that the incident is exaggerated, and that it is the exception where Regular Army officers thus grossly misuse their authority and exhibit lack of self-control, for it is disorganizing, in bad taste, and the height of bad manners. The National Guardsmen of Pennsylvania are, most of them, business and professional men, thousands are college graduates, and all are gentlemen, and I want to most emphatically resent any attempted insult or breach of form manifested against them, and if this report from Mount Gretna is true it is then due that Capt. Kemper be cashiered as a wholesome example.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. DENT. Mr. Chairman, I ask that the Clerk read the bill.

The Clerk read as follows:

For pay of cadets, $462,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Of course, I have no knowledge of the incident referred to by the two gentlemen from Pennsylvania except what is read here this morning from the newspaper, and newspaper accounts are not always to be relied upon as absolutely accurate, but if the incident took place as charged in the newspapers, and the Army officials want to know why men do not readily enlist in the Regular Army, there ought to be posted up in front of them a copy of this account. Whether the incident actually took place or not in the way it was charged I do not know, but the popular impression is that the average young man who goes into the Regular Army is treated too much as a dog or as a servant by the officers in command. We used to have that impression of the Navy. To a large extent that impression has been removed as to the Navy. That is one reason why it is easier to get men to enlist in the Navy than it is in the Regular Army. I understand the necessity of making men in any fighting machine almost automatons—do what they are ordered to do; yet there can be no excuse for a Regular Army officer acting as did this man—I will not call him a gentleman, because if this took place he is an Army officer but not a gentleman—and if this took place as described the man ought to be court-martialed for acting not as a gentleman. [Applause.]

The Clerk read as follows:

For extra pay of officers of the Army on detached service at the Military Academy.

Mr. PLATT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph, after line 11, page 2, the following:

"That hereafter whenever all vacancies at the Military Academy shall not have been filled as the result of the regular annual entrance examination the remaining vacancies shall be filled by admission from the whole list of alternates, selected in their order of merit established at such entrance examinations. The admissions thus made shall be credited to the United States at large, and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law; and whenever by the operation of this or any other law the Corps of Cadets exceeds its authorized maximum strength as now provided by law the admission of alternates as prescribed in this act shall cease until such time as said corps may be reduced to its present authorized strength."

Mr. COX. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. PLATT. Mr. Chairman, this amendment which I have offered for the purpose of filling vacancies at West Point is not the same as the amendment which was offered to the bill to increase the number of cadets at the Military Academy which we passed early in May. It is worded differently, and clearly permits the filling of vacancies only from alternates nominated by Members of the House or Members of the Senate, and takes those alternates in the order of their standing at the entrance examinations. The amendment which was disagreed to on the bill S. 4876 authorized the President to appoint to vacancies any candidates who were found qualified for admission and with no limitation as to their standing in the examinations. This applies only to the list of alternates.

Certainly there should be some way of keeping the vacancies at West Point filled. It is a shame to have classrooms and recitation halls and dormitories and professors there to do the work and to have vacant desks and vacant rooms simply because boys who are nominated by Members of Congress in some instances fail. These vacancies are by no means all due to failure to pass the mental examination. A certain number of boys are always thrown out on physical examinations and a certain number drop out every year after admission. The Military Academy at West Point starts every year with about 70 or 80 vacancies, and by the 1st of January that number of vacancies has increased to one hundred or so, and it increases a little more during the year, due to illness and the dropping out of boys from one cause or another.

The amendment I have offered gives a chance simply to fill such vacancies as occur at the time the entrance examinations are taken because of failure to qualify, and the only boys who can fill them are those who have already taken the examinations as alternates.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. PLATT. Yes.

Mr. COX. I only heard the amendment read a moment ago. Let me ask the gentleman this question: Would this bill permit the appointing authorities to take an alternate from one congressional district that is already filled up and place that alternate in another district where the quota was not filled up?

Mr. PLATT. No; it will not. It simply appoints a boy who has passed the examinations as an alternate and credits him to the United States at large. It does not fill up the vacancies at all for any particular district.

Mr. COX. Then, in other words, my quota may be filled up, but I may have an alternate there on the list who has passed the examination, and if there is a vacancy in some other district for an alternate they could take my alternate and appoint him to that vacancy, for instance, in New York?

Mr. PLATT. No. Your alternate would be appointed if his standing at examination was high enough, but not to fill the New York vacancy. The New York Congressman at the next examination would nominate a principal and alternates just as if this amendment had never been passed.

Mr. COX. But they could take such a student from my district if there was a vacancy in New York and put him in there?

Mr. PLATT. That would be true, if that was the only vacancy in the whole United States. But there would be that vacancy, anyway, until the next examination came around. The New York man under this amendment would have the same right as before to nominate for the next examination. If, as in the case of only one vacancy in the whole country, it is necessary temporarily to increase the strength of the Corps of Cadets the amendment does that.

Mr. COX. Now, when this bill to increase the number of cadets at the Military Academy went through the House before, with all due deference to the gentleman from Alabama in charge of the bill, I will say it contained a section that was finally eliminated in the House, and it gave power, I think, to fill up all vacancies in the Military Academy from the sons of Army officers.

Mr. PLATT. It certainly was not intended to do that, but that provision is not in the amendment now offered.

Mr. DENT. Did the gentleman state that it contained a provision to appoint only the sons of soldiers?

Mr. COX. That was developed in the discussion we had here.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COX. Mr. Chairman, I ask that the gentleman from New York may have five minutes more.

Mr. PLATT. I ask unanimous consent to proceed for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COX. Now, it developed, and I was informed and led to believe at that time, that each Member would have two appointments. Now, I have always managed to keep my quota filled at West Point. I have two high schools in my district from which graduates are certified to West Point and accepted without any examination. They are accepted and admitted without further examination. Then I have them examined by the Surgeon General, and the same is true with respect to cadets at the Naval Academy, and they have no trouble to get in. When the bill to which I referred became a law and I had permission to make my second appointment, I was informed that I could not get another appointment until 1920, having filled my previous appointment a few days before that bill became a law, because my man was taken and the vacancy was given to another Member whose quota had not been filled.

Mr. PLATT. The extra cadets that that bill provided for were apportioned to cover four years and admit a certain number each year, but the appointees for this year for the examination held on June 6 were assigned, I believe, by lot to districts that would have had an appointment next year.

Mr. COX. Have some men not got two appointments there now?

Mr. PLATT. I do not know as to that, but it will work out hereafter so that you will have a new appointment every two years.

Mr. COX. I will have two appointments only at the end of four years, as I understand.

Mr. PLATT. It may perhaps work that way in some cases.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. SHALLENBERGER. Those who had two appointments were those representing districts that received a second appointment by reason of the allotment.

Mr. COX. Are there any congressional districts in the United States now that have got two appointments already made?

Mr. DENT. I do not know what the gentleman means by "two appointments."

Mr. COX. I have always had only one.

Mr. DENT. Under the law, before we repealed the three-year provision you could have two cadets there after the expiration of three years. You did not have to wait until your first appointee was graduated.

Mr. COX. That is true.

Mr. DENT. That was repealed. Now, to state a concrete case, I had a cadet there who had been there three years, and before this law was repealed I had an opportunity to name another. I named another, and he successfully stood his physical and mental examination, so that I had two there before this law increasing the Corps of Cadets was passed.

Mr. COX. You had your quota filled up?

Mr. DENT. Yes; I had my quota filled up before the bill increasing the Corps of Cadets was passed, and when the War Department came to carry into effect this new law increasing the Corps of Cadets I did not get a chance to appoint anybody else.

Mr. COX. You already had your two men?

Mr. DENT. Yes. I already had them under the old law.

Mr. KELLEY. Mr. Chairman, will the gentleman permit an inquiry?

Mr. DENT. Yes.

Mr. KELLEY. When will you make your appointment under the new law; next year or the year following?

Mr. DENT. I may not have another appointment for perhaps two years.

Mr. KELLEY. Either next year or the year following?

Mr. DENT. It will depend upon whether my district is drawn out by lot.

Mr. COX. My appointment expired a year ago last summer.

Mr. DENT. I went to see Gen. McCain about the matter, and here is the letter that Gen. McCain wrote to the Speaker of the House in regard to this subject, which contains a comprehensive explanation of the War Department's action. Perhaps it would be better to have it read from the Speaker's desk. I will ask, Mr. Chairman, that this letter be read in my time from the Clerk's desk.

The CHAIRMAN. Without objection, the letter will be read.

The Clerk read as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, May 27, 1916.

Hon. S. H. DENT, Jr.,
House of Representatives.

DEAR SIR: Referring to your call at the department this morning in regard to appointments to the Military Academy under the provisions of the act of Congress approved May 4, 1916, I have the honor to transmit herewith a list showing the States (Senators) and congressional districts that were selected, by lot, as entitled to cadet nominations for the first increment for admission to the academy this summer. I also inclose a copy of a letter addressed by this office on the 24th instant to Hon. CHAMP CLARK upon the same subject.

Very respectfully,

H. P. MCCAIN,
The Adjutant General.

LIST OF STATES (SENATORS) AND CONGRESSIONAL DISTRICTS SELECTED, BY LOT, AS ENTITLED TO CADET NOMINATIONS FOR THE FIRST INCREMENT UNDER THE PROVISIONS OF THE ACT OF CONGRESS APPROVED MAY 4, 1916.

SENATORS.

Senator UNDERWOOD, Alabama.
Senator PHELAN, California.
Senator DU PONT, Delaware.
Senator SMITH, Georgia.
Senator KERN, Indiana.
Senator LODGE, Massachusetts.
Senator MYERS, Montana.
Senator HUGHES, New Jersey.
Senator CATRON, New Mexico.
Senator SIMMONS, North Carolina.
Senator OWEN, Oklahoma.
Senator LEA, Tennessee.
Senator DILLINGHAM, Vermont.
Senator MARTIN, Virginia.
Senator CHILTON, West Virginia
Senator HUSTING, Wisconsin.

CONGRESSIONAL DISTRICTS.

Fifth district, Alabama.
Sixth district, California.
Eighth district, California.
Ninth district, California.
Eleventh district, California.
Second district, Connecticut.
Eleventh district, Illinois.
Fourteenth district, Illinois.
Seventeenth district, Illinois.
Second district, Indiana.
Third district, Iowa.
Eleventh district, Iowa.
Second district, Kansas.

Fourth district, Maine.
Seventh district, Massachusetts.
Twelfth district, Massachusetts.
Seventh district, Michigan.
Third district, Mississippi.
Fourth district, Nebraska.
First district, New Hampshire.
Second district, New Jersey.
Fifth district, New Jersey.
Eighth district, New Jersey.
Sixth district, New York.
Sixteenth district, New York.
Seventeenth district, New York.
Eighteenth district, New York.
Twenty-third district, New York.
Twenty-sixth district, New York.
Twenty-seventh district, New York.
Twenty-eighth district, New York.
Thirty-fifth district, New York.
Thirty-seventh district, New York.
Forty-third district, New York.
Third district, North Carolina.
Seventh district, North Carolina.
Second district, North Dakota.
Tenth district, Ohio.
Fifth district, Oklahoma.
First district, Oregon.
Fourth district, Pennsylvania.
Fifth district, Pennsylvania.
Sixth district, Pennsylvania.
Eighth district, Pennsylvania.
Ninth district, Pennsylvania.
Eleventh district, Pennsylvania.
Twenty-first district, Pennsylvania.
Twenty-second district, Pennsylvania.
Twenty-eighth district, Pennsylvania.
Twenty-ninth district, Pennsylvania.
Thirtieth district, Pennsylvania.
At large, Pennsylvania.
Third district, Rhode Island.
Fourth district, South Carolina.
Second district, Tennessee.
Third district, Texas.
Twelfth district, Texas.
Fourteenth district, Texas.
Third district, Virginia.
Eighth district, Virginia.
Ninth district, Virginia.
Second district, West Virginia.
At large, West Virginia.
Ninth district, Wisconsin.

MAY 24, 1916.

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR MR. SPEAKER: I have received your letter of the 22d instant, in which you make inquiry as to how it happens that you did not get a cadet to West Point under the new law; also how it happens that, while the Democrats have 23 majority in the House, Republican Members get two-thirds of the increment of cadets. I am glad to have an opportunity to explain to you fully the manner in which the first increment of the increase in the number of cadets at the Military Academy was provided for.

As the law under which this increase was made simply provided that it "shall be divided into four annual increments," which shall be as nearly equal as practicable and be equitably distributed among the sources from which the appointments are authorized, and did not prescribe the manner in which the division should be made, the matter was referred by the Secretary of War to the Judge Advocate General of the Army for an expression of opinion with regard to it.

In reporting thereon the Judge Advocate General used the following language:

"* * * It is seen that inasmuch as 67 congressional appointees qualified as successors to three-year cadets, 502 congressional appointments are authorized independently of the increase, and that the actual increase in congressional appointments to be allotted is 368—92 per year. With reference to these as well as to senatorial appointments (States), it might be contended that the particular districts, etc., which are to be favored by the first annual increment should be determined by lot. If the distribution were to be made by lot it would happen in many cases that two appointments would be made from the same congressional district or State the same year, and that no appointments would be made again from the same for a period of four years. Such a result should be avoided as far as practicable. Had the present law not been enacted those districts and States from which appointments were made the longest periods ago would next be entitled to appointments. I think they should be preferred in the allotment of increments. Those districts which now have a member in the present first class should not share in the first increment, for they either have two cadets at the present time by virtue of appointments made last year under the act of March 4, 1915, or they are entitled to have a representative enter next month as a successor to the present first-class cadet. Many of those districts and States which are represented by a member of the present second class have a recently appointed candidate who will enter in June. It has been seen that there are 67 such congressional appointments and 12 such senatorial appointments. There is a considerable number, however, of districts and States which are represented by a cadet who has been at the academy nearly three years, but whose successor has not been appointed. These should, I think, be entitled to appointment under the first increment. They will, however, by no means exhaust the first increment, and the remainder of that increment, so far as it relates to congressional districts and States, should go to those districts and States which have been represented by a cadet for nearly two years. Apparently there will not be enough of such vacancies, however, to supply all the districts and States whose cadets have been at the academy nearly two years with a vacancy. I know of no other way to determine which of such States and districts shall be favored in the first increment than by lot."

The views of the Judge Advocate General with regard to the matter were approved by the Secretary of War, who referred the matter to this office to make up the list of States and districts to which the first increment should be allotted.

The first increment consisted of 21 cadets to be nominated by Senators and 92 cadets to be nominated by Representatives in Congress. Under the terms of the plan approved by the Secretary of War 5 of the senatorial nominations and 28 Representatives' nominations were allotted to the States (Senators) and districts that, by reason of the repeal of the act of March 4, 1915, lost their right to an appointment in June, 1916, by reason of the failure of candidates appointed to succeed cadets in the class of 1917.

This left 16 senatorial districts and 64 Representatives' districts to be selected to complete the first annual increment—not a sufficient number of vacancies to supply all of the States and districts whose cadets are members of the class of 1918, consisting of 32 States and 107 congressional districts. It consequently became necessary to determine which of the districts represented in the class of 1918 should be entitled to receive another appointment under the first increment. This was done in the following manner:

A list was prepared showing the 32 States (Senators) represented at the academy by cadets in the class of 1918, and another list showing the 107 congressional districts represented at the academy in that class. The senatorial list was numbered from 1 to 32, inclusive, and the Representatives' list from 1 to 107, inclusive. Thirty-two slips, numbered from 1 to 32, were folded and placed in a box (senatorial). Similarly, 107 slips were numbered from 1 to 107, inclusive, and were placed in the Representatives' box. These boxes were thoroughly shaken and handed, with the lists, to The Adjutant General by the clerk who prepared them, who thereupon withdrew from the room.

Then The Adjutant General himself drew from the senatorial box unopened slips, one at a time, until he had withdrawn 16, handing them as withdrawn to his chief clerk, who immediately unfolded them and called aloud the number appearing thereon. This number on the senatorial list was checked by a clerk in the office. In a similar way 64 slips were withdrawn by The Adjutant General from the Representatives' box and handed by him to his chief clerk, who called the numbers appearing thereon, and the clerk holding the list checked the numbers so withdrawn.

After the drawing had been completed the clerk made a list of the States (Senators) whose numbers had been drawn from the box and a similar list showing States and the numbers of the congressional districts therein whose numbers had been drawn from the Representatives' box.

There was nothing in the list or in the numbers in the box to indicate who the Representatives for the respective districts were, and consequently there was nothing in connection with the drawing by lots which would have enabled anyone connected therewith, even if he had desired to do so, to favor any particular Member or any particular party.

I did not know at the time of the drawing and do not know now whether any political party received any advantage over the other as a result of the drawing. I only knew as nominations came in who was successful in obtaining an opportunity to nominate a cadet to enter in the first increment. I am satisfied that the drawing was as fair and impartial as it was possible to make it.

With regard to your question as to why you did not have an opportunity to nominate a cadet to enter in the first increment from your (ninth Missouri) district, I beg leave to say that, as your cadet now at the academy is in the class of 1919, having only entered the Military Academy on June 15, 1915, that district, under the regulations recommended by the Judge Advocate General and approved by the Secretary of War, was not included in the allotment for the first increment to be admitted this summer.

Sincerely, yours,

H. P. MCCAIN,
The Adjutant General.

During the reading,

Mr. MANN. Mr. Speaker, the gentleman can only have this read during his five minutes.

Mr. DENT. I ask that the time be extended.

Mr. MANN. I think it ought to be printed. Nobody is listening to it.

Mr. DENT. All right.

The CHAIRMAN. If there be no objection, the remainder of the letter will be printed in the RECORD.

There was no objection.

Mr. MANN. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. This is clearly legislation on an appropriation bill, as it changes existing law and it is therefore out of order. The Chair sustains the point of order.

The Clerk read as follows:

For pay of nine instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as first and second lieutenants, $4,900.

Mr. SMALL. Mr. Chairman, I move to strike out the last word. I was impressed by the item in the press cited by the gentleman from Pennsylvania [Mr. MOORE], with reference to an alleged incident at Mount Gretna, Pa., on yesterday, and I think the remarks of the gentleman from Illinois [Mr. MANN] were most timely and appropriate. Whether true or not, there is an impression in the public mind that the enlisted man in the Army of the United States does not receive that treatment which his service and his patriotic duty entitle him to receive. This is not the only incident of a similar nature which has been published in the press. I have heard—and I doubt not other gentlemen have heard from the lips of enlisted men—accounts of treatment from officers of the Army which, if true, were not worthy of the officers and which did not entitled them, as was well said, to be ranked as gentlemen. In this connection I have also heard more than once that enlisted men were required to perform menial service, service in the way of personal waiting upon officers, service in the homes of officers, service of a kind which

could not by any stretch of the imagination be characterized as military service. Feeling that this was an important public matter I recently addressed a letter to The Adjutant General asking him if it were true that enlisted men were at any time required to perform menial service. I received from him a reply in which the charge that such menial service was ever required was denied, and I ask leave to print that letter as supplementary to my remarks.

In this connection, Mr. Chairman, it has often occurred to me that the attitude of mind of citizens generally toward the enlisted men was not such as they were entitled to receive, and not fair or loyal on the part of the American public.

All of us have heard remarks from time to time to the effect that the kind of men who enlisted in the Army were in part those whose characters were not above reproach, men perhaps who had been charged with some misdemeanors, and permitted to enlist; men who were not typical of the best element of young men in their respective communities. I know not whether this be true; but the mere fact that such an attitude of mind exists toward the enlisted men in our Army indicates an unhealthy condition. It ought to be considered as an act of service to his country when a young man enlists in our Army, and such an act of service ought to receive the respect and gratitude of American citizenship.

I have been much interested in the discussions here relative to our Army and its composition, as to whether we should rely exclusively upon the National Guard, or whether we should rely in part or in whole upon what has come to be commonly known as a continental army. The National Guard, at any rate, is being tested, and whether that guard shall be equal to the emergency, whether the constitutional limitations upon it shall prevent its being molded into a reserve which shall be mobile and ample at all times to answer the needs of the country, is an open question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. SMALL. But the point which I wish to emphasize is this, that the composition of our Army, both that portion which is in the Regular Army and that which constitutes the reserves, ought to represent an element of our citizenship which enters either the Regular Army or the reserve with the sole desire and purpose to serve the country; and having so entered the Army, that they shall be entitled to a larger degree and respect and gratitude from the American people. The time has come when our country must be in a position of readiness in time of peace for any emergency that may occur, and that condition can only be brought about when there shall be inculcated in the minds of our young men and of American citizens generally the proposition that the Army shall represent and exemplify a spirit of patriotism and of service, and so recognized by our whole body of citizenship. [Applause.]

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to print in the RECORD a letter from The Adjutant General. Is there objection?

There was no objection.

The letter is as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, June 23, 1916.

Hon. JOHN A. SMALL,
House of Representatives.

DEAR SIR: In response to your letter of June 21, 1916, requesting information as to the extent, if any, to which enlisted men in the Army are required to perform menial services, I beg leave to advise you that enlisted men of the Regular Army are not required to perform any duties that can properly be regarded as menial. Many duties are performed by soldiers that possibly might be regarded as disagreeable, or, at least, they may not be such as the men might have been called upon to perform while in civil life. Among those duties, are policing or cleaning the camps or posts at which the soldiers are serving, including barracks, camp grounds, and camp and barracks facilities and conveniences. This work has reference to the well being and comfort of the soldiers themselves, and, being for the common good, is regarded as a matter of duty, to be shared by all. So far as the use of enlisted men of the Army as servants for officers is concerned, such use is prohibited by section 14, act of Congress approved July 15, 1870.

Very sincerely,

H. P. MCCAIN,
The Adjutant General.

The Clerk read as follows:

For extra pay of one enlisted man employed in the mathematical department, at 50 cents per day, $156.50.

Mr. COX. Mr. Chairman, I move to strike out the last word. Here are several different items:

For extra pay of two enlisted men employed in the department of philosophy, at 50 cents each per day, $313.

For extra pay of two enlisted men employed in the chemical department, at 50 cents each per day, $313.

For extra pay of one enlisted man employed in the department of drawing, at 50 cents per day, $156.50.

For extra pay of one enlisted man employed in the mathematical department, at 50 cents per day, $156.50.

Are these all the wages these men receive?

Mr. SHALLENBERGER. That is additional pay that they receive, in addition to their pay as enlisted men. As enlisted men they would draw $15 or $18 a month, and we accord them this extra 50 cents a day because of the duties that they perform in these particular lines of service. In other words, it gives each of these men about $15 a month extra.

Mr. COX. Of course there are different kinds of philosophers.

Mr. SHALLENBERGER. They are not philosophers, but enlisted men employed in the department of philosophy, and so forth, in a clerical capacity.

The CLERK read as follows:

Repairs and improvements to the laundry machinery and apparatus in the cadet laundry, and the purchase of new material, adding machine, tools, etc., to be expended without advertising, $2,500.

Mr. ANTHONY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 24, line 4, insert as a new paragraph, after line 4, the following:

"For new laundry building, $100,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment, unless the gentleman from Alabama [Mr. DENT] is going to do so.

Mr. DENT. I reserve a point of order.

Mr. ANTHONY. Mr. Chairman, I want to call the attention of the House to the extreme necessity for a new laundry building at West Point. It is shown very strongly by a set of photographs which have been sent to me. Here is a photograph of the marking room. It shows working girls crowded into a room of small capacity and without sufficient air space. It is marked on the back "Space entirely too small for the work."

Here is another photograph of the ironing room in the cadet laundry at West Point, showing girls packed in about as closely as they can stand, working in an atmosphere that the inspector general says in summer time reaches the point of 122°. The comment on this picture is:

Ironing room, showing the congested state of machines. Air space entirely too small for the number of employees. Note the ceiling and wall power ventilators. The temperature of this room in summer, in spite of every effort, runs to 109°, and sometimes as high as 122° F.

It does not seem to me that the United States Government should permit working conditions of that kind when we pass laws here requiring private manufacturers to be humane to their employees.

Another photograph is that of the wash room, showing congestion due to lack of space and antiquated building construction. Another photograph is of the building itself used as a laundry. It is stated that it was built in 1869, and is located 2 miles from the source of labor, which requires a 4-mile walk daily by the girls employed. That of itself is a loss of economy on the part of the Government which ought to be looked after. Another photograph shows another part of the old building.

It says:

Laundry—old and dilapidated building. When machinery is going walls vibrate five-eighths of an inch: inclosed on two sides by hills, making it the hottest site on the reservation in summer; condemned by Inspector General on account of its excessive vibration.

Mr. DENT. Mr. Chairman, so far as I recollect, no proposition of this kind was submitted at the hearing, and I do not recall that any member of the committee suggested that there should be anything of this kind.

Mr. ANTHONY. I will say to the gentleman that the matter has been recalled to my attention since the visit of the committee to West Point, and since the bill was framed in the committee.

Mr. DENT. I make the point of order.

Mr. ANTHONY. Will the gentleman withhold it for a moment more?

Mr. DENT. Certainly; I thought the gentleman was through.

Mr. ANTHONY. I desire to ask permission to insert in the RECORD a further statement showing the necessity for this new laundry building, and to express the hope that should another body make provision for this building, as it may, that the gentleman from Alabama will see his way clear to hold it in the bill.

Mr. DENT. I think it is fair to state that that was not called to the attention of the subcommittee or to the attention of the whole committee. It is a new proposition offered here on the floor of the House, and the committee has not had an opportunity to examine it.

Mr. ANTHONY. Nevertheless it is of sufficient importance to warrant an examination.

Mr. DENT. Mr. Chairman, I make the point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas to extend his remarks in the RECORD?

There was no objection.

The statement referred to is as follows:

THE CADET LAUNDRY, UNITED STATES MILITARY ACADEMY.

The steam laundry at West Point was established in 1865. Previous to that time the washing for cadets was done by women living in the post or in its vicinity, but principally by the wives of members of the band.

In 1869 the laundry was destroyed by fire, but was immediately rebuilt, and in 1888 the laundry building was enlarged; again in 1902 it was increased to its present size. A dry-cleaning plant was added to the laundry equipment in 1908.

Since July, 1908, the laundry has done the washing for officers and enlisted men of the post during such times as its maximum capacity was not required for cadets.

To keep pace with the requirements of the increased number of cadets at the United States Military Academy new and additional machinery has been installed from time to time in the old building until it has passed the safety limit, both in weight for the building and in necessary air space for the workers.

In his report of the annual inspection of the Military Academy, July 15 to 25, 1914, the Inspector General, Lieut. Col. D. C. Shanks, United States Army, stated:

"A new laundry is a necessity. The present building is wholly inadequate. It is not worth repair or enlargement. Moreover, it is most inconveniently located. Nearly all of the employees live in Highland Falls. A new laundry, well equipped and of adequate size, should be built on the site selected therefor, southeast of the reservoir.

"West Point has pressing need of several new buildings. When I tried to get an idea of the relative urgency for these various buildings there seemed a general consensus of opinion that a new and an adequate laundry was the most pressing of all needs."

In the report of the last inspection, made by Lieut. Col. A. W. Brewster, United States Army, September, 1915, he states:

"The cadet laundry is so old and dilapidated that it is unsafe. It is a fire trap. When the machinery is going the walls vibrate five-eighths of an inch, and such a building as this would not be permitted in any civilized community. The engine room is 150 feet from the boiler room; it necessitates the engineer running up a flight of stairs. In case anyone was caught in the machinery it would be several minutes before the machinery could be stopped."

This is the only laundry on the reservation, and from May 15 to September 15 of each year is not of sufficient capacity to do the work of those pertaining to the Military Academy. As a result enlisted men, officers, and others are compelled to have their laundry work done elsewhere. For sanitary reasons it is undesirable to have this work go outside of the post.

In the original laundry building has been installed practically all the heavy machinery now in use. As this building was not erected with the idea of sustaining such heavy weight, it has been necessary to shore up the second floor, additional supports having been required from time to time to render it reasonably safe. The building is not such as will lend itself to such an arrangement of machinery as would most economically and expeditiously handle the work, is now filled to its capacity with machinery and employees, is located in the most confined and hottest site on the reservation, and is nearly 2 miles from the main source of labor, Highland Falls, necessitating the hiring of transportation for the employees during the hot or inclement weather.

While everything possible is done to contribute to the comfort of the employees during the summer months—when little other work is done than for cadets—the conditions under which employees have to work are little short of intolerable. A record of temperature from July 15 to September 15, 1915, shows an average of 108° F. downstairs and 109° F. upstairs. The highest recorded temperature was on August 13, 1915, when the thermometer registered 122° F. upstairs and 118° F. downstairs. Numerous heat prostrations among employees occurred during the summer. On September 15 six employees were prostrated by the heat.

Large belt-driven turbine ventilators are installed in the ceiling to exhaust the hot, moist air and numerous electric fans are disposed about the building to drive air into dead spaces, but a condition has been reached where it is impracticable to make further improvements. An increase in the Corps of Cadets would necessitate letting out some of the work or else erecting a temporary structure to house additional machines required.

CADET LAUNDRY, WEST POINT, N. Y.

Total amount requested for new laundry building	$100,000.00
Value of equipment now in the laundry	33,403.25

(All serviceable and could be used in new laundry.)

Work done by laundry averages 73,992 pieces per week, 12,332 pieces per day.

It cost for the year ending December 31, 1915, $24,645.49 to do this work, and the amount received for work done for the same period was $26,774.48, the gain being used to keep up the plant. Any surplus left after that is returned to cadets on June 1 on a basis of patronage.

Average number of employees in winter	48
Average number of employees in summer	77

Pay of employees, piecework, from 13 to 22 cents per hour.

The salaried employees are:

1 manager	$150
1 engineer	90
1 clerk	60
1 driver	60
1 watchman	45

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For repair of boilers, engines, dynamos, motors, refrigerating and other machinery in the cadet mess, and the replacement of same, to be expended without advertising, $500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item on page 27, lines 16 to 19, for the repair of boilers, and so forth, leaves out the words "and supplies" which have usually been carried, so that if they wanted to buy 10 cents worth of something it is questionable whether they could do so without their advertising it. I do not know, and I am asking for information.

Mr. DENT. Mr. Chairman, I have no objection to the words being put in.

Mr. STAFFORD. You may have automatic stoking of a cheap grade of coal or of a high grade of coal.

Mr. MANN. Of course.

Mr. MANN. I did not know whether it was left out purposely.

Mr. DENT. There was nothing in the hearing to indicate why it was left out, so it must have been a mistake in the printing of the bill.

Mr. MANN. It can not hurt anything to insert it.

Mr. DENT. No.

Mr. MANN. I move to insert, in line 16, page 27, after the word "repair," the words "and supplies."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 27, line 16, after the word "repair," insert the words "and supplies."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For installation of automatic stokers under four 440-horsepower boilers in the power plant, $15,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item is for the installation of automatic stokers under the boilers in the power plant at West Point, which I have no doubt is a good thing to do; but I take the floor for the purpose of calling the attention of the House to another power plant. We have a power plant known, I believe, as the Capitol power plant, situated a little ways from the Capitol. I believe we have automatic stokers there. I know we have two chimneys, and I know there is a very serious complaint against us because we are committing a smoke nuisance there. I frequently go on a ride around Potomac Park with a friend of mine in the evening after the adjournment of the House, and I have observed that these chimneys are quite conspicuous, and frequently notice a considerable amount of smoke coming out of them. There has been complaint made recently to the Superintendent of the Capitol, and the District officer, I believe, has threatened to arrest the engineer in charge of the power plant. The House Office Commission, of which I am a member, has jurisdiction over the power plant, and we have been appealed to by the Superintendent of the Capitol as to what shall be done. I am one of those gentlemen who, while disposed to be economical, yet believe that the Government ought not to be the first and most conspicuous violator of the law. [Applause.] I think it is up to us to operate a power plant here which will not commit a smoke nuisance. Whether that can be done by the installation of new machinery, whether it will require a different class of coal which might be a little more expensive, I do not know. I do not think that the Capitol power plant directly under the control of Congress ought to be a violator of the smoke law, and if the House would be willing to sustain the House Office Commission I am very sure we will be able to make some recommendation either for the installation of what they call a Dutch oven—and whatever that is I do not know—or something else, or possibly the use of better coal. Although I do not think it is right to repeat private conversations, yet I think I am warranted in saying that the engineer said to me the other day that the tendency is to employ rather high-class men in charge of the engines and low-salaried men in charge of the boilers. He said, "We need fairly high-class men, of course, in charge of the engines, but, after all, where you most need brainy men to-day is at the boilers, where it requires brains to get the most power out of the consumption of coal, and until the people come to realize that we will always have a smoke nuisance."

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. STAFFORD. My impression is that when we authorized the construction of the Capitol power plant we made provision that there should be smoke consumers in connection with these chimneys. At that time there were devices on the market providing for smoke consumption.

Mr. MANN. I will say to my distinguished friend from Wisconsin that smoke consumers are never in connection with chimneys.

Mr. STAFFORD. They are in connection with the boilers.

Mr. MANN. Yes; smoke consumers are in connection with the fire box. I have no doubt that we have some kind of smoke consumers down there, but there is no smoke consumer on earth up to date that will prevent smoke when you put a lot of low-grade coal all at once on a hot fire.

Mr. STAFFORD. Is that automatic?

Mr. MANN. I do not know; I think it is automatic stoking down there.

Mr. STAFFORD. You may have automatic stoking of a cheap grade of coal or of a high grade of coal.

Mr. MANN. Of course.

Mr. STAFFORD. What is the character of the coal supplied and used at the Capitol plant?

Mr. MANN. Well, it is a pretty cheap grade of coal at present.

Mr. STAFFORD. Is there any mandate on the Superintendent of the Capitol Building and Grounds to use this cheap grade of coal which emits smoke, whereas a high grade of coal would relieve that condition?

Mr. MANN. I think not. It may be, in a few years, under a new contract, we will get a little better grade of coal, but the gentleman understands the coal has been selected on the recommendation of the Bureau of Mines. They make the tests. We have two firemen down here to provide the coal for all of these boilers, and my understanding is when the Bureau of Mines makes its investigation it sends down a high-priced man to begin with. We have firemen who get probably $70 a month, whereas the Bureau of Mines sends down first a $1,800 man, and I think when they undertake the test down here they have nine men to assist him at one boiler, and of course there is no difficulty under such circumstances stoking it with little smoke, but when these nine men go away and the man with the high salary and probably more experience goes away and leaves a $70 man to stoke, he is not quite as successful as the nine would be in preventing smoke. I withdraw the pro forma amendment.

The Clerk read as follows:

And provided, That hereafter when any machinery, apparatus, implements, supplies, or materials which have been heretofore or may hereafter be purchased or acquired from appropriations made for the support of the United States Military Academy are no longer needed or are no longer serviceable, they may be sold or exchanged in such manner as the superintendent may direct, and the proceeds placed to the credit of the appropriation from which originally purchased or acquired, and shall remain available for expenditure throughout the fiscal year in which derived.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph, lines 12 to 21, inclusive. It is clearly subject to the point of order.

Mr. DENT. Mr. Chairman, I think it is subject to the point of order, but I think it was in the last bill.

Mr. MANN. I think the gentleman has an incorrect understanding. I do not think it was in the last bill.

Mr. DENT. I am only going by my recollection of what the superintendent stated.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and concluded the reading of the bill.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOOHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16699, the Military Academy appropriation bill, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORT—SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the sundry civil appropriation bill and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] presents a conference report on the sundry civil appropriation bill and asks unanimous consent for its immediate consideration, notwithstanding the rule. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 899).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 13, 18, 19, 20, 28, 32, 34, 35, 36, 38, 40, 41, 45, 47, 51, 54, 57, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 80, 81, 82, 83, 84, 85, 86, 87, 96, 97, and 98.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 10, 11, 12, 17, 22, 24, 25, 27, 29, 30, 31, 33, 37, 39, 42, 44, 46, 48, 49, 53, 55, 56, 58, 59, 60, 61, 62, 78, 79, 88, 89, 90, 91, 92, 93, and 94, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of a permanent wagon and foot bridge across the creek at International Avenue, at Nogales, Ariz., on land reserved by the United States for customs purposes, $7,500"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$154,580"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Frankford Arsenal, Philadelphia, Pa.:
"For a general shop building, $106,800;
"For extension of artillery ammunition storehouse, $33,000;
"For extension of instrument department building, $22,920;
"For extension of fuse shop building, $132,300;
"For extension of artillery case shop building, $42,000;
"For extension of lead shop building, $12,000;
"For metal storehouse, $25,800;
"For a storehouse for current manufactures, $54,000;
"For purchase of additional land, $125,000;
"For one sewer and connections, $9,000;
"For garage for motor trucks, $12,000;
"For construction or repair of roads, walks, and sea wall, $11,600;
"For increasing facilities for fire protection, $24,000;
"For increasing the facilities of the arsenal for the manufacture of field artillery ammunition, $183,750;
"For five magazine buildings, including necessary barriers and fences about the buildings, railroad connections, sewer lines, lighting mains, etc., $90,900;
"In all, $885,070."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "on a site owned by the Government or to be procured by purchase or condemnation, or in the discretion of the Secre-

tary of War on any suitable site that may be tendered without cost to the United States which he is authorized to accept"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,500"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"During the fiscal year 1917, there shall be covered into the appropriation established from time to time under the act approved March 12, 1914, entitled 'An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes,' the proceeds of the sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof, also any moneys refunded in connection with the construction and operations under said act, and a report hereunder shall be made to Congress at the beginning of its next session."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "For the purchase of such private holdings in the Sequoia National Park as in the judgment of the Secretary of the Interior are desirable for the better administration of the reservation, $50,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "The Secretary of the Interior is authorized to employ in the District of Columbia and elsewhere, and pay, during the fiscal year 1917, out of the several appropriations for protection, improvement, and management of the various national parks, including the Hot Springs Reservation, and out of the revenues from rentals and privileges derived therefrom, a superintendent of national parks, and to assist him such clerical or other services, not exceeding four persons, as the Secretary shall determine, and also to pay from said funds all necessary expenses of subsistence and travel of said superintendent when absent on duty outside of the District of Columbia. A detailed statement of all expenditures hereunder shall be made to Congress at its next session"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Public Buildings Commission: With a view to ultimately providing permanent quarters for all the governmental activities in the District of Columbia in buildings owned by the Government, a commission is created to be composed of the chairman of the Committee on Appropriations of the Senate and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Public Buildings and Grounds of the Senate and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Appropriations of the House of Representatives and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Public Buildings and Grounds of the House of Representatives and two other members of said committee, to be appointed by said chairman, all of whom shall serve thereon only so long as they are Members of Congress, and the Superintendent of the Capitol Building and Grounds, the officer in charge of public buildings and grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury during any vacancy in said office.

"The said commission shall elect one of its members as chairman of the commission and is authorized to employ such expert clerical or other services as it may deem necessary, and shall avail itself of the advice of the Commission of Fine Arts.

"The said commission shall investigate and ascertain what public buildings are needed in the District of Columbia to provide suitable and adequate accommodations, with allowances for future expansion, for all of the offices, establishments, and public services of the Government in the District of Columbia, the proper location of such buildings, the probable cost thereof, and the probable cost of such new sites as they may deem it necessary for the Government to acquire.

"Any vacancies in said commission shall be filled in the same manner as the original appointments were made."

"For expenses of said commission, $10,000, to remain available until expended and to be paid out on vouchers signed by the chairman of said commission.

"Said commission shall make final report to Congress not later than January 1, 1918."

And the Senate agree to the same.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year 1917, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Nos. 1, 2, 3, 4, and 5, relating to public buildings: Appropriates $70,000 for continuation of the post-office building at Columbia, S. C.; strikes out the proposed change in the limit of cost of the post-office building at Durango, Colo.; strikes out the additional appropriation of $15,000 for the site of the post office at Kendallville, Ind.; fixes the limit of expenditure for repairs and preservation of quarantine stations and marine hospitals at $125,000, as proposed by the House, instead of $100,000, as proposed by the Senate; and appropriates $25,000, as proposed by the Senate, for "Operating force for public buildings" for the fiscal year 1916.

No. 6: Restores the language proposed by the House limiting the maximum pay for the various classes of employees in the Bureau of Engraving and Printing to the rate paid therefor January 1, 1916.

No. 7: Appropriates $7,500 instead of $10,000, as proposed by the Senate, for a bridge at Nogales, Ariz.

No. 8: Appropriates $25,000 instead of $75,000, as proposed by the Senate, for studies of rural sanitation by the Public Health Service.

Nos. 9, 10, 11, and 12, relating to Columbia Hospital: Appropriates $2,350, as proposed by the Senate, instead of $2,300, as proposed by the House, for repair of the nurses' cottages; appropriates $11,494, as proposed by the Senate, for expenses of heat, light, and power; and reappropriates for the fiscal year 1917 the unexpended balance of the amount for special equipment and furnishing appropriated in the sundry civil act for the fiscal year 1916.

No. 13: Strikes out the appropriation of $89,441.43 and the reappropriation of the sum of $107,200, proposed by the Senate, for additional land for the Zoological Park.

Nos. 14, 15, 16, 17, 18, and 19, relating to the Federal Trade Commission: Provides for five clerks to commissioners at $1,500 each, instead of at $1,200 each, as proposed by the House, and $1,800 each, as proposed by the Senate; provides for a chief clerk at $2,000 instead of $2,500; reduces the sum for compensation, travel, and per diem of special employees from $250,000 to $244,500, as proposed by the Senate; appropriates $15,000 for rent, as proposed by the House, instead of $20,000, as proposed by the Senate; and appropriates $15,000 for witness fees and mileage, as proposed by the House, instead of $10,000, as proposed by the Senate.

No. 20: Strikes out the language, proposed by the Senate, enlarging the boundaries of the connecting parkway between Rock Creek and Potomac Parks between Ashmead Place, Twentieth Street, and Rock Creek NW.

No. 21, relating to the Frankford Arsenal: Distributes an increase of $71,970 among the various items in the bill as it passed the House to cover increased cost of construction since the original estimates were prepared and appropriates $90,900, proposed by the Senate, for five magazine buildings and the necessary fences, railroad connections, sewers, lighting mains, etc.

Nos. 22 and 23, relating to a new powder factory: Provides that the appropriation may be expended for the construction

of a new plant or for the enlargement of any existing Government plant and authorizes the erection of such a plant on a site owned by the United States or to be acquired by purchase, condemnation, or gift.

No. 24: Appropriates $350,000, as proposed by the Senate, instead of $300,000, as proposed by the House, for repairs to arsenals.

No. 25: Inserts the paragraphs, proposed by the Senate, ratifying the internal-revenue taxes and the tonnage taxes on vessels in foreign trade imposed by the Philippine Legislature, exempts vessels owned by citizens of the Philippine Islands from tonnage taxes and light dues in ports of the United States, and authorizes the refund of such taxes imposed since August 1, 1914.

No. 26: Appropriates $1,500 instead of $1,800, as proposed by the Senate, for the addition of a kitchen and bathroom to the lodge in the Salisbury National Cemetery.

No. 27: Appropriates $200, as proposed by the Senate, to exhume, transport to San Francisco, and reinter in the national cemetery there, the remains of Orman K. Osbon, a teacher in the United States school in Luzon, P. I.

No. 28: Strikes out the appropriation of $150,000, proposed by the Senate, for reunion of Federal and Confederate Veterans at Vicksburg National Military Park.

Nos. 29, 30, and 31: Appropriates $152,500, as proposed by the Senate, instead of $135,000, as proposed by the House, for improvements in Yellowstone National Park; increases the amount for repair of the road in the forest reserve leading out of the park from the east boundary from $7,500 to $15,000, as proposed by the Senate; and inserts authority for the purchase, maintenance, operation, and repair of horse-drawn passenger-carrying vehicles for use in inspection work.

No. 32: Appropriates $25,000, instead of $50,000, as proposed by the Senate, for construction of retaining walls in the Meridian Hill Park.

Nos. 33 and 34, relative to the making or repairs of concrete or asphalt pavements under the control of the officer in charge of public buildings and grounds: Limits the cost per square yard to $1.80 as proposed by the Senate, instead of $1.85 as proposed by the House, and requires that the quality shall be equal to the best laid prior to July 1, 1886, as proposed by the House, instead of July 1, 1915, as proposed by the Senate.

Nos. 35 and 36, relating to the Fine Arts Commission: Strikes out the authority for rent of offices and also the increase of $2,000, proposed by the Senate, for expenses of the commission.

No. 37: Inserts the paragraph, proposed by the Senate, appropriating $100,000 toward the construction of the new Aqueduct Bridge, and in addition thereto authorizes the Secretary of War to enter into a contract or contracts for not exceeding $900,000 exclusive of the $100,000 herein appropriated.

No. 38: Appropriates $35,000, as proposed by the House, instead of $97,000, as proposed by the Senate, for the preparation of topographic maps for the War Department.

No. 39: Appropriates $8,200, as proposed by the Senate, for repairs to the Court of Claims Building.

No. 40: Restores the provision, stricken out by the Senate, repealing the transfer of the Maltby Building to the jurisdiction of the Department of Agriculture.

No. 41: Strikes out the appropriation of $100,000, proposed by the Senate, for the Geological Survey in testing the existence of artesian and other underground water supplies suitable for irrigation purposes.

No. 42: Inserts authority, proposed by the Senate, for the payment of $300, out of the appropriation for the Salt River irrigation project, to the Moeur-Pafford Co. for damages sustained in connection with certain work on that project.

No. 43: Inserts the paragraph, proposed by the Senate, covering the receipts from incidental operations in connection with the construction of the Alaskan railroad into the appropriation therefor, modified so as to limit the return of the receipts to the fiscal year 1917 and to require a report to Congress thereon.

Nos. 44 and 45, relating to relief of the natives of Alaska: Appropriates $50,000 for medical relief, as proposed by the Senate, instead of $25,000, as proposed by the House, and strikes out the sum of $25,000, inserted by the Senate, for the establishment of small industrial enterprises.

No. 46: Increases the allowance to the superintendent of Yellowstone Park for the purchase, maintenance, operation, and repair of a motor vehicle from $500 to $1,000, as proposed by the Senate.

No. 47: Strikes out the appropriation of $15,000, proposed by the Senate, for an interstate wagon road through the Mukuntuweap National Monument, Utah.

No. 48: Appropriates $110,000 for the Glacier National Park in the language proposed by the Senate instead of in the language proposed by the House.

No. 49: Increases the allowance for the supervisor of Yosemite National Park for a motor vehicle from $700 to $1,000, as proposed by the Senate.

No. 50: Inserts the appropriation of $50,000, proposed by the Senate, for the purchase of certain private holdings in the Sequoia National Park.

No. 51: Strikes out the appropriation of $500, inserted by the Senate, for the investigation of lands proposed to be included in a Mississippi Valley National Park.

No. 52: Inserts the paragraph, proposed by the Senate, for the use of national park appropriations and revenues for the employment and expenses of a superintendent and not exceeding four other persons modified so as to eliminate authority for expenses of transferring employees from one park to another and of park supervisors in conferring with the superintendent of national parks, and also limiting the authority under the paragraph to the fiscal year 1917.

No. 53: Inserts the paragraph, proposed by the Senate, transferring certain land in the District of Columbia to the Columbia Institution for the Deaf.

Nos. 54 and 55, relating to the Department of Justice: Appropriates $485,000, as proposed by the House, instead of $510,000, as proposed by the Senate, for the detection and prosecution of crimes, and appropriates $65,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for expenses of suits affecting withdrawn oil lands.

Nos. 56, 57, 58, and 59, relating to United States courts: Inserts the increase of $30,000 proposed by the Senate in the appropriation for United States marshals and their deputies; strikes out the appropriation of $32,400 proposed by the Senate for nine law clerks at $3,600 each for the justices of the Supreme Court; increases the amount for regular assistant attorneys from $325,000 to $350,000, as proposed by the Senate; and inserts authority, proposed by the Senate, opening the courts of the United States to seamen, without furnishing bonds or prepaying costs or fees, for the purpose of entering and prosecuting suits in their own name for their own benefit for wages or salvage, and to enforce laws made for their health and safety.

Nos. 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81, relating to the Coast and Geodetic Survey: Increases the amount for tidal and current observations from $6,400 to $11,720, as proposed by the Senate; increases the amount for repairs of vessels from $40,000 to $56,000, as proposed by the Senate; strikes out the appropriation of $320,000 inserted by the Senate for new vessels; strikes out all of the new employees specifically provided for by the Senate; strikes out authority for the exchange of copper plates; increases the appropriation for expenses of preparation of new charts from $50,000 to $62,500, and authorizes the use of not exceeding $6,000 of that sum for necessary employees, as proposed by the Senate; and strikes out the appropriations of $12,500 and $1,000, respectively, proposed by the Senate, for the installation of new presses.

Nos. 82, 83, 84, 85, and 86, relating to the Bureau of Fisheries: Strikes out the increase of $300, proposed by the Senate, in the salary of the superintendent of the Bozeman, Mont., station; and strikes out the appropriations, proposed by the Senate, for improvements at the Orangeburg, S. C., San Marcos, Tex., and Saratoga, Wyo., fish hatcheries.

No. 87: Strikes out the increase of $200,000, proposed by the Senate, in the appropriation for the Immigration Service.

Nos. 88 and 89, relating to the Senate: Appropriates $7,500 to pay the widow of Senator Shively and $3,000 for folding speeches and pamphlets.

No. 90: Increases the appropriation for the Botanic Garden from $8,000 to $9,000, as proposed by the Senate.

Nos. 91, 92, 93, and 94, relating to the Senate Office Building: Appropriates $55,000 for the maintenance, $5,000 for furniture, and $3,500 for alterations, for the Senate Office Building, and appropriates $17,500 for repairs, improvements, and equipment for Senate restaurants in the Capitol and the Senate Office Building.

No. 95, relating to a public-buildings commission: Inserts the paragraph, proposed by the Senate, for the creation of a public-buildings commission modified so as to increase the personnel by the appointment of two members in addition to the chairman of each of the committees enumerated therein, provides that each of the congressional members shall serve thereon only during the time he is a Member of Congress, and extends the

time for the commission to make its final report from January 1, 1917, to January 1, 1918.

Nos. 96, 97, and 98, relating to the Panama Canal: Strikes out the appropriation of $53,800, proposed by the Senate, for the payment of the Malambo fire claims, and strikes out the language, inserted by the Senate, relative to the wage scale and conditions of employment of persons employed in the construction, operation, or maintenance of the Panama Canal or the Panama Railroad.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. STAFFORD. As I followed the reading of the statement the conferees agreed to Senate amendment numbered 25 providing——

Mr. FITZGERALD. What page?

Mr. STAFFORD. Pages 70 and 71—one part of which provides for admission to American register virtually of vessels owned by citizens of the Philippine Islands. Am I correct in my understanding of the reading of the report that the House conferees receded from their disagreement to this particular amendment?

Mr. FITZGERALD. We did; but there is nothing in the amendment which permits vessels owned by people of the Philippine Islands being registered as American vessels. The amendment provides that vessels owned by citizens of the Philippine Islands and documented as such by the Government of said islands shall be exempt from the payment of tonnage taxes and light dues in ports of the United States. That does not mean American registry by any means.

Mr. STAFFORD. That would not extend to them the privilege of the coastwise trade, I assume, or give any other advantages than merely exempting them from tonnage taxes and light dues?

Mr. FITZGERALD. That is all.

Mr. STAFFORD. What are the acts referred to in the first paragraph of this amendment legalizing certain internal revenue taxes passed by the Philippine Legislature?

Mr. FITZGERALD. They were acts of some considerable importance covering a number of subjects, I do not carry them all in my mind, but the department requested the Senate to ratify those acts and they were examined carefully by men familiar with Philippine matters, and this follows the practice Congress has adopted heretofore in ratifying these acts.

Mr. STAFFORD. This is merely a formal ratification of some action of the Philippine Legislature?

Mr. FITZGERALD. To prevent a claim for the refunding of moneys paid under those laws which provide revenues in the Philippines.

Mr. DUPRÉ. Will the gentleman yield for a question?

Mr. FITZGERALD. I will.

Mr. DUPRÉ. What disposition was finally made of the amendment which the Senate had inserted increasing the appropriation for the Immigration Service?

Mr. FITZGERALD. The Senate receded from that amendment.

Mr. DUPRÉ. Willingly or unwillingly?

Mr. FITZGERALD. Oh, quite willingly.

Mr. DUPRÉ. Willingly, to the gentleman from New York.

Mr. FITZGERALD. The amendment was not reported by the Senate committee, but was put in the bill on the floor of the Senate without discussion.

Mr. DUPRÉ. I suppose we then may expect the system of furloughing to go on during the year?

Mr. FITZGERALD. Either that or the dismissal of the men.

Mr. DUPRÉ. Does the gentleman hold that men trained to that service should be turned out in that way?

Mr. FITZGERALD. I do not see why the Government should pay men and keep them employed when there is nothing for them to do simply because their services were required in the past. I think I could not successfully defend any such practice.

Mr. DUPRÉ. The gentleman is not anxious to. He could do it if he wanted to.

Mr. FITZGERALD. No. I could not justify paying men for whose services the Government has no need.

Mr. DUPRÉ. But I have great confidence in the gentleman's resourcefulness when he is pressed.

Mr. FITZGERALD. The result of the conference is that of the amount added by the Senate, $2,116,535.45, the Senate yielded in conference $1,357,901.43, and the House agreed to items aggregating $758,634. Mr. Speaker, I ask for a vote.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. COX. How much does the bill carry now?

Mr. FITZGERALD. The bill as it passed the House carried $127,540,651.24; as it passed the Senate it carried $129,657,186.67; as agreed to in conference it carries $128,299,285.24.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. MONDELL. I want to call the gentleman's attention to amendments numbered 22 and 23, on page 64, relating to a powder plant. The provision as it passed the House authorizes the establishment of a powder factory on a site to be procured by purchase or condemnation. My understanding was that it was the thought of the committee in framing that language, and I think the statement was made on the floor of the House while it was under discussion that the expectation was that a new powder factory would be built probably west of the Allegheny Mountains, in order that we might have a powder factory that would be more secure from attack than the present powder factory at Picatinny, N. J., in case of war. But according to the language agreed upon provision is made for the establishment of a plant, or the enlargement of any existing plant owned by the Government, for the manufacture of powder, $500,000.

Mr. FITZGERALD. I will read just what was agreed to. This is how the provision now reads:

> For the establishment of a plant, or the enlargement of any existing plant owned by the Government, for the manufacture of powder upon a site owned by the Government, or to be procured by purchase or condemnation, or in the discretion of the Secretary of War on any suitable site that may be tendered without cost to the United States, which he is hereby authorized to accept, $500,000.

The idea was that it might be deemed advisable either to utilize some property already in the possession of the Government or to enlarge some existing plant, not necessarily a powder plant; but it was believed that this would make the authority a little more comprehensive than was provided by the House.

From the statements made before the committee, I believe the gentleman will agree with me that there is very little possibility of the War Department attempting to enlarge the Picatinny Arsenal or to locate a new plant east of the Alleghenies.

Mr. MONDELL. But it might be found to be wise to locate a powder plant in connection with some other existing Government plant.

Mr. FITZGERALD. The Senate was under the impression that if it were so desired there should be no question of the authority. The House agreed to the language inserted by the Senate, and then retained in the bill that part of the provision stricken out by the Senate, with some additional wording to perfect it.

Mr. WHEELER. Mr. Speaker, will the gentleman yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. WHEELER. Was it the opinion of the War Department that if another munitions plant is to be established it should be established west of the Alleghenies?

Mr. FITZGERALD. That was the opinion of the military authorities, and the provision was so worded that that might be done. When the item was drawn by the Committee on Appropriations originally, certain appropriations were recommended to increase the capacity of the Picatinny Arsenal. It was then ascertained that a new unit could be established for $500,000. Upon the statement of the ordnance officials that such a new unit was to be established, it was the opinion of the military experts that it should not be at the Picatinny Arsenal, but should be located in some other section of the country. The committee inserted that authorization for a place separate from Picatinny Arsenal, so that it could be utilized at a point which the military experts of the Government should deem best for military reasons.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. COX. I want to say to the gentleman that I am heartily in favor of the proposition of appropriating this money for the building of a powder plant. I have no doubt but that the gentleman will have a great deal to say as to its location.

Mr. FITZGERALD. Not at all. I do not want to have it in any place near me. [Laughter.] I think that is going to be one of the difficulties about locating it. Everybody is in

favor of establishing a powder plant, provided it is sufficiently far away from where he lives or is interested to make it safe.

Mr. COX. I will say to the gentleman that at Jefferson Barracks, Ind., in the district I have the honor to represent, an ideal place is afforded for the location of a munition plant. There is 17 acres of ground available there, well situated and adapted to the purpose, with tremendous buildings.

Mr. FITZGERALD. Oh, 17 acres of ground is a bagatelle. The Picatinny Arsenal has over 1,500 acres.

Mr. COX. Well, we will give 1,500 acres adjoining the place there.

Mr. FITZGERALD. I suggest that the gentleman prepare a statement showing the facilities and the amount of land, and its accessibility to water and rail transportation.

Mr. COX. I will say to the gentleman that we are right on the Ohio River.

Mr. FITZGERALD. Oh, I do not know whether it is navigable there or not. It might be an injustice and a hardship to the Government to wait until the river there is made navigable. I suggest that the gentleman collect all that information and send it to the War Department so that they will have it on hand.

Mr. COX. I am saying this in the effort to summon the gentleman's aid to get that plant located down there at Jefferson Barracks.

Mr. MILLER of Delaware. Mr. Speaker, will the gentleman yield there?

Mr. FITZGERALD. Yes.

Mr. MILLER of Delaware. I would like to ask the gentleman a question.

Mr. FITZGERALD. Very well.

Mr. MILLER of Delaware. When was this plant authorized? Was it in the bill last year?

Mr. FITZGERALD. It was placed in the bill just this year.

Mr. MILLER of Delaware. Was it not authorized last year?

Mr. FITZGERALD. No; this year. We reported it and explained it to the House, and explained that the saving to be effected would be so great that it ought to be done not only in defense of the interests of the Government but in the interest of the Treasury, and the propriety of it was so apparent that it went through unanimously, a point of order having been withdrawn.

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 16677. An act extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies; and

H. J. Res. 242. Joint resolution to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

Mr. REAVIS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. FITZGERALD. I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present, and the gentleman from New York [Mr. FITZGERALD] moves to adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 3 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Friday, June 30, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 244) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 886), which said bill and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 274) directing the Secretary of War to furnish the House certain information regarding the National Guard of Arizona, New Mexico, and Texas, reported the same without amendment, accompanied by a report (No. 887), which said bill and report were referred to the House Calendar.

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12544) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla., reported the same with amendment, accompanied by a report (No. 888), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WISE, from the Committee on Military Affairs, to which was referred the bill (S. 708) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State, reported the same without amendment, accompanied by a report (No. 890); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVENPORT, from the Committee on the Territories, to which was referred the bill (H. R. 16640) to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914, reported the same without amendment, accompanied by a report (No. 891), which said bill and report were referred to the House Calendar.

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 108) to confer upon the Superintendent for the Five Civilized Tribes in Oklahoma the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior respecting lands allotted to the enrolled members of the Five Civilized Tribes and their individual moneys, reported the same with amendment, accompanied by a report (No. 892), which said bill and report were referred to the House Calendar.

Mr. STEELE of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 3673) to establish a term of the United States Circuit Court of Appeals at Asheville, N. C., reported the same without amendment, accompanied by a report (No. 893), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 13106) for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will, reported the same with amendment, accompanied by a report (No. 883), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13754) for the relief of Charles A. Carey, reported the same without amendment, accompanied by a report (No. 884), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 14978) for the relief of Ida Turner, reported the same with amendment, accompanied by a report (No. 894) which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12135) to reimburse D. H. Carpenter, postmaster at Seddon, Ala., for money and stamps stolen from said post office at Seddon, Ala., and repaid by him to the Post Office Department, reported the same with amendment, accompanied by a report (No. 895), which said bill and report were referred to the Private Calendar.

Mr. FARLEY, from the Committee on Military Affairs, to which was referred the bill (H. R. 4931) authorizing the President to reinstate Francis Patrick Regan as a second lieutenant in the United States Army, reported the same with amendment, accompanied by a report (No. 896), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 1579) for the relief of Annie E. White and the heirs of Patrick White, deceased, reported the same without amendment, accompanied by a report (No. 897), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2544) for the relief of Thomas P. Darr, reported the same without amendment, accompanied by a report (No. 898), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 13707) for the relief of Brooksey Crabtree, reported the same adversely, accompanied by a report (No. 889), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 16733) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 16734) to pay to certain families of the men of the drafted forces of the United States a sum of money for their maintenance during the term of service of such drafted men in the service of the United States; to the Committee on Military Affairs.

By Mr. HAMILL: A bill (H. R. 16735) for the construction and operation of an electric lighting plant adequate for the illumination of the Statue of Liberty on Bedloe Island, New York Harbor; to the Committee on Appropriations.

By Mr. ADAMSON: Resolution (H. Res. 282) for the consideration of Senate joint resolution 60; to the Committee on Rules.

By Mr. JOHNSON of Washington: Resolution (H. Res. 283) relative to the consideration of House joint resolution 249; to the Committee on Rules.

By Mr. ADAMSON: Resolution (H. Res. 284) for the consideration of Senate bill 3331; to the Committee on Rules.

By Mr. GARD: Joint resolution (H. J. Res. 248) providing for the free transmission of mail matter to persons in the military or naval service of the United States; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 249) directing the Secretary of War to give full military burial to bodies of officers and men of the Tenth United States Cavalry who were killed in action; to the Committee on Military Affairs.

By Mr. LONDON: Joint resolution (H. J. Res. 250) to provide for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund and for the mitigation of the evil of unemployment; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16736) granting a pension to William Vanatte; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16737) granting an increase of pension to Leannah Bullis; to the Committee on Invalid Pensions.

By Mr. DIES: A bill (H. R. 16738) for the relief of Mollie Richardson, heir of Stanford Mims, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16739) for the relief of C. G. Boles; to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 16740) granting an increase of pension to Robert Patchell; to the Committee on Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16741) granting an increase of pension to Laony Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16742) granting an increase of pension to B. F. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16743) granting an increase of pension to Christ Stein; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 16744) to validate the homestead entry of William H. Engle for certain land in Colorado; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of New York City, relative to mediation of Latin-American countries; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of National Probation Association, favoring passage of House bill 42, to establish a probation system in the United States district courts; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Petition of Order of Railway Conductors of America, Guadalupe Division, No. 275, Yoakum, Tex., relative to eight hours a day, etc., for employees; to the Committee on Labor.

By Mr. CHIPERFIELD: Petition of city of Chicago, against the La Follette amendment to the rivers and harbors bill, limiting the flow of the sanitary district of Chicago; to the Committee on Rivers and Harbors.

By Mr. HAYES: Petition of board of supervisors of the county of Ventura, Cal., against a Federal inheritance tax; to the Committee on Ways and Means.

By Mr. HINDS: Papers relating to House bill 16709, authorizing the donation of the building at Kennebunk Port, Me., known as the old customhouse, to the town of Kennebunk Port, Me.; to the Committee on Public Buildings and Grounds.

By Mr. KETTNER: Petition of K. C. Beckwith, of Ramona, Cal., opposing preparedness; to the Committee on Military Affairs.

Also, petition of D. C. Bitler, commercial secretary Chamber of Commerce of El Centro, Cal., and J. H. Heath, secretary Chamber of Commerce of Escondido, Cal., favoring ocean-to-ocean highway; to the Committee on Military Affairs.

Also, petition of Thomas W. Furlong, of San Diego, Cal., favoring House adopting Senate concurrent resolution 12, "requesting the President of the United States to designate a day on which funds may be raised for the relief of the Armenians"; to the Committee on the Judiciary.

Also, petition of R. H. Mertan, of San Diego, Cal., favoring House bill 6915 and Senate bill 3081, Penrose-Griffin indefinite leave of absence bill; to the Committee on the Post Office and Post Roads.

Also, petition of M. H. Shirley, of Anaheim, Cal., and 14 others, protesting against Senate bill 5677, Sunday closing; to the Committee on the District of Columbia.

Also, petition of M. H. Shirley, of Anaheim, Cal., and 13 others, protesting against House bill 13778, authorizing Postmaster General to exclude from mails certain publications; to the Committee on the Post Office and Post Roads.

Also, telegrams of the Manufactuers' Association of San Diego, Cal., and the Benson Lumber Co., protesting against antiefficiency rider on fortifications bill; to the Committee on Appropriations.

Also, letter from Manufacturers' Association of San Diego, Cal., W. G., Estep, secretary, protesting against antiefficiency rider on fortifications bill; to the Committee on Appropriations.

By Mr. LOUD: Papers to accompany House bill 16740, granting a pension to Robert Patchell; to the Committee on Pensions.

SENATE.

FRIDAY, *June 30, 1916.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

We thank Thee, Almighty God, for the revelation of the law of righteousness, which is changeless in all generations, that has within it the power of truth, and that has within it and back of it the attestation of its authority in the lives of the people, in the construction of government, in the general onward progress of the world. We thank Thee for the ideals of our Nation born out of the divine revelation of righteousness. We pray that we

may be true to these ideals, building a temple whose fame shall not be extinguished with the years and that shall abide as the very transcript of the divine nature and the expression of God's will on earth. For Christ's sake. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the correction of an error in the enrollment of the bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 7430. An act for the relief of William Foglio;

H. R. 14630. An act to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark.;

H. R. 15836. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes; and

H. R. 16678. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from William H. Johnston, president of the International Association of Machinists, in session at Baltimore, Md., indorsing the so-called Tavenner amendment to the fortifications appropriation bill eliminating certain features of scientific management, which was ordered to lie on the table.

Mr. WORKS presented memorials of sundry citizens of California, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Georgia. I present a short petition, which I ask to have read.

The VICE PRESIDENT. The Secretary will read as requested.

The petition was read, as follows:

ATLANTA, GA., *June 24, 1916.*

Hon. HOKE SMITH,
United States Senator, Washington, D. C.

DEAR SIR: On motion, the secretary was instructed to write to our 2 United States Senators and our 12 Congressmen and send them that part of the report on "Temperance" which deals with soliciting orders for liquor through the use of the United States mails:

"We deplore the fact that we are victimized by the liquor business through the use of the United States mails, and we will continue to call earnestly and persistently on Congress for relief from this accursed use of our mails and intolerant and insolent nuisance in the solicitation for liquor orders that are coming by this means into every home."

W. H. PRESTON,
Secretary of Atlanta District Conference of the Methodist Church South, Held at Druid Hills Methodist Church June 8 and 9, 1916.

Mr. JOHNSON of South Dakota presented memorials of sundry citizens of Hot Springs and Montrose, in the State of South Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hot Springs, S. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. VARDAMAN. I present a petition from the people of Mississippi who live in that dry atmosphere there, praying that Congress pass a national prohibition law. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a memorial of sundry citizens of Laramie County, Wyo., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PHELAN presented memorials of sundry citizens of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Roosevelt Auxiliary, No. 5, United Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a memorial of the Board of Supervisors of San Luis Obispo County, Cal., remonstrating against the proposed imposition of an inheritance tax, which was referred to the Committee on Finance.

Mr. PITTMAN presented a petition of the Loyal Order of Moose of Tonopah, Nev., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WILLIAMS, from the Committee on Finance, to which was referred the bill (H. R. 2184) providing for the refund of certain additional duties collected on pineapples, reported it without amendment and submitted a report (No. 574) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (H. R. 8697) for the relief of Collector of Internal Revenue A. S. Walker, reported it without amendment and submitted a report (No. 576) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 158) authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of $300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector, reported it without amendment and submitted a report (No. 577) thereon.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably with amendments the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and I submit a report (No. 575) thereon. I desire to give notice that as soon as the consideration of the Agricultural appropriation bill has been concluded I shall move that the Senate proceed to the consideration of the naval bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

BRAZOS RIVER BRIDGE, TEXAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12362) granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas, and I submit a report (No. 565) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BAYOU BARTHOLOMEW BRIDGE, ARKANSAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13715) granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark., and I submit a report (No. 566) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. I have other reports from the Committee on Commerce for the construction of bridges, but on account of the pressure of time this morning I will not ask for their consideration at present.

Mr. SMOOT. Let them go to the calendar.

Mr. SHEPPARD. Let them go to the calendar.

The VICE PRESIDENT. The reports will be received and placed on the calendar.

BRIDGE BILLS.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 6372) to authorize the counties of Baldwin and Mobile, Ala., successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers, reported it without amendment and submitted a report (No. 573) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 13835. An act to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian (Rept. No. 567);

H. R. 14483. An act to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak. (Rept. No. 568);

H. R. 14534. An act permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River, in the State of Montana (Rept. No. 569);

H. R. 14823. An act to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana (Rept. No. 570);

H. R. 15318. An act granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States (Rept. No. 571); and

H. R. 15322. An act granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North (Rept. No. 572).

PORTS OF ENTRY, STATE OF WASHINGTON.

Mr. LODGE. From the Committee on Finance I report back favorably without amendment the bill (H. R. 12954) for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise, and I ask for its present consideration.

There being no objection, the bill was considered as in the Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

USE OF ALCOHOL IN HOSPITALS.

Mr. STONE. From the Committee on Finance I make a report, unanimously favorable as far as the committee is concerned, upon the bill (H. R. 15347) to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning. I will ask to have the bill read, and because of the urgency of the matter, I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES L. FREER.

Mr. STONE. From the Committee on Finance I report back without amendment the bill (S. 6068) authorizing and directing the Secretary of the Treasury to cancel and remit a certain income tax assessed against Charles L. Freer, of Detroit, Mich., with a favorable recommendation that it pass. I ask for the present consideration of the bill.

There being no objection, the Senate, in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to cancel the assessment of $13,252.21, being income tax on profit on the sale of Charles L. Freer, of Detroit, Mich., in the year 1915, of 12,095 shares of Parke, Davis & Co.'s stock, $1,000,000 of the proceeds from the sale of said stock having been given to the Smithsonian Institution for the erection of a building to house the art collections presented to the Nation by Mr. Freer under deed of gift dated May 5, 1906, and the remainder having been paid by Mr. Freer for the purchase of additional objects which have been added to the collections and presented to the Nation by him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF DUTIES ON TOBACCO CUTTINGS.

Mr. SMOOT. I am directed by the Committee on Finance to report back favorably, without amendment, the bill (H. R. 7256) providing for the refund of duties collected on certain tobacco cuttings. It will lead to no discussion, and I will ask to have it acted upon now.

There being no objection, the Senate, in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDICIAL DISTRICT OF NORTH DAKOTA.

Mr. GRONNA. I ask unanimous consent for the consideration of a bill for which I asked consideration on yesterday, being Order of Business 495, House bill 11878, to amend section 90 of the act to codify, revise, and amend the laws relating to the judiciary.

Mr. BRYAN. I object.

The VICE PRESIDENT. There is objection.

MARINE HOSPITAL RESERVATION, CLEVELAND, OHIO.

Mr. SUTHERLAND. From the Committee on Public Lands I report back favorably without amendment the bill (S. 2845) authorizing the sale of the marine hospital reservation in Cleveland, Ohio, to which I direct the attention of the Senator from Ohio.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TOWNSEND. I shall have to object.

Mr. POMERENE. Will the Senator withhold his objection until I can say just a word in explanation? The bill has been approved by every member of the committee who is here. I will state the situation briefly.

This marine-hospital site was bought in the thirties for the sum of $12,000. In the fifties a small hospital was erected upon it. Since that time the property has grown in value until it is said to be worth from a million to a million and a half of money. It is wholly out of date and not fit to be used for this purpose. It is interfering with a civic-center plan which has been adopted by the city. The municipality and everybody are very anxious to have this property sold. The bill provides that it shall be appraised and sold under the direction of the Secretary of the Treasury. It is now interfering very largely with the contemplated plan to build a union station.

The matter has been under consideration for many years, and I hope the Senator from Michigan will withdraw his objection.

Mr. TOWNSEND. I should like very much to accommodate the Senator, but we know the calendar is crowded with just such bills of equal importance that ought to be considered, and I felt that in justice to the bills on the calendar we could not allow such bills to be considered out of their order. I have given notice to that effect and I shall insist on my objection.

Mr. SUTHERLAND. I am very sorry the Senator from Michigan objects to the consideration of this bill. It is a very necessary one and one that, of course, could be passed without any objection at all. But in view of the objection I will ask leave to withdraw the report, so that I may present it at a later date and renew the request.

The VICE PRESIDENT. The report is withdrawn.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUSTING:

A bill (S. 6527) granting an increase of pension to Edwin Rogers;

A bill (S. 6528) granting a pension to Della M. Wayne;

A bill (S. 6529) granting an increase of pension to Carlyle J. Dutton;

A bill (S. 6530) granting an increase of pension to George Banghart;

A bill (S. 6531) granting a pension to W. K. Neal;

A bill (S. 6532) granting an increase of pension to Anna Daggett;

A bill (S. 6533) granting an increase of pension to Sybil A. Burdick;

A bill (S. 6534) granting an increase of pension to Lucy E. Sturdevant;

A bill (S. 6535) granting an increase of pension to Toyger Peterson;

A bill (S. 6536) granting an increase of pension to Royal E. Dake; and

A bill (S. 6537) granting an increase of pension to Frederick W. Mase; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6538) appropriating $1,000 to investigate the feasibility of a national park along the upper Mississippi; to the Committee on Public Lands.

By Mr. WORKS:

A bill (S. 6539) granting an increase of pension to Ruth A. McMillan (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 6540) to repeal section 4411, Revised Statutes; to the Committee on the Judiciary.

By Mr. LA FOLLETTE:

A bill (S. 6541) authorizing the President to reinstate Francis Patrick Regan as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 6542) granting a pension to Thomas Collopy; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 6543) for the relief of John P. Sutton; to the Committee on Military Affairs.

By Mr. OVERMAN:

A bill (S. 6544) to authorize the Secretary of the Navy to erect a suitable monument over the remains of Rear Admiral Charles Wilkes, United States Navy, in the national cemetery at Arlington, Va.; to the Committee on the Library.

By Mr. TAGGART:

A bill (S. 6545) granting an increase of pension to William D. Harris;

A bill (S. 6546) granting an increase of pension to Peter Holwick;

A bill (S. 6547) granting an increase of pension to Peter Coan;

A bill (S. 6548) granting an increase of pension to Benjamin F. Ray; and

A bill (S. 6549) granting an increase of pension to Samuel B. Garber; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6550) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce by railroad to afford a safe clearance between structures located on their roadways and locomotives and cars passing over their lines, to require such common carriers to equip their passenger cars with cinder deflectors, and for other purposes; to the Committee on Interstate Commerce.

By Mr. BORAH:

A bill (S. 6551) to amend an act providing for the withdrawal from public entry of lands needed for town sites in connection with irrigation projects; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 6552) to provide that noncommissioned officers and enlisted men of the United States Army on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $100,000 for the acquisition of 504 acres of land situated near the city of Vancouver, Wash., to provide suitable target ranges for each arm of the military service situated at Vancouver Barracks, intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. TILLMAN submitted an amendment providing that hereafter every officer of the Navy shall be officially addressed by the title of his rank without any distinction or discrimination whatever, except that in written communications the corps to which any such officer belongs shall be stated next after his name, intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BRADY submitted an amendment providing for a readjustment of the salaries of the chief clerk and assistants in the office of the Chief of Staff, United States Army, intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $277,470 for all necessary expenses for investigations, experiments, and demonstrations in the dairy industry, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. McLEAN submitted an amendment intended to be proposed by him to the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, which was ordered to lie on the table and be printed.

TARGET PRACTICE IN THE NAVY.

Mr. LODGE submitted the following resolution (S. Res. 222), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed, if not incompatible with the public interest, and if the facts are not regarded as confidential, to send to the Senate a statement as to the grade assigned for elementary target practice, whether classified as excellent, good, fair, poor, or unsatisfactory, in each of the last two years, to the following battleships of the Atlantic Fleet: *Arkansas, Delaware, Florida, Georgia, Kansas, Louisiana, Michigan, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, San Diego, South Carolina, Utah, Texas, Virginia, Wyoming.*

SIR ROGER CASEMENT.

Mr. MARTINE of New Jersey. Mr. President, would it be in order to offer a little resolution?

The VICE PRESIDENT. That depends on what the Chair decides.

Mr. MARTINE of New Jersey. I am asking for the Chair to decide.

The VICE PRESIDENT. The Chair decides that this is the time to offer it.

Mr. MARTINE of New Jersey. I will read it (S. Res. 223):

Whereas the Senate of the United States have heard with deep regret that the sentence of death has been pronounced upon Sir Roger Casement, after a hasty (so called) trial: Therefore be it

Resolved, That the President of the United States be, and is hereby, requested to ask a stay in the execution of said sentence, in order that new facts may be introduced.

Mr. President, I realize that we are a good ways over here from the point of action, but I feel that human sympathies are much alike the world over. I believe that in the prosecution and conviction of Sir Roger Casement due regard to justice has been ignored. The resolution, it seems to me, is but a faint and slight step toward the end that humanitarian sympathy might prompt the United States, at peace with the world, to act.

Mr. STONE. What disposition does the Senator ask to have made of the resolution?

Mr. MARTINE of New Jersey. I should like to have an expression of the sentiment of the United States by its adoption. It simply asks that the President of the United States be requested to intercede or to stay the execution of the sentence of death upon Sir Roger Casement until new facts may be presented.

Mr. STONE. Mr. President, I heard the resolution read and I know what it is; but I ask what disposition the Senator from New Jersey has asked be made of it at this time?

Mr. MARTINE of New Jersey. I should like to have the Senate adopt it as the expression of our sentiment.

Mr. STONE. Is the Senator from New Jersey asking for the present consideration of the resolution?

Mr. MARTINE of New Jersey. I should like to have present consideration of the resolution.

Mr. STONE. Mr. President, permit me to say just a word. It may be that the Senate should give expression of its sentiment with respect to this matter. On the other hand, it might not be a very proper thing to be done in view of the conditions surrounding the case of Sir Roger Casement. I think, sir, that in the circumstances as they are a resolution of this character should receive the consideration of the Committee on Foreign Relations before we act impulsively on it, whatever our individual sentiments may be, pro or con. It is a matter that I submit should be given somewhat thoughtful consideration before the Senate takes the responsibility of definite or affirmative action.

I ask the Senator from New Jersey if he will not permit this resolution—I shall be glad to have his consent to this suggestion—to be referred to the Committee on Foreign Relations? I assure him that at the first meeting of that committee I will ask the committee to consider it.

Mr. MARTINE of New Jersey. Mr. President, I realize the wisdom of the deliberation which should probably take precedence over my impulsive feelings, methods, and actions, and so long as I can be assured that the resolution will not go to the committee to sleep the sleep of the righteous and just and never come out of committee I shall be quite willing that it may go to the Foreign Relations Committee. With the assurance of the Senator that in a short time or at the first meeting of the committee—and I trust that they may have a meeting very early—the committee will act upon and report the resolution I consent to the Senator's suggestion.

Mr. STONE. Mr. President, I can not give assurance as to the action of the committee.

Mr. MARTINE of New Jersey. No; I realize that.

Mr. STONE. I can merely say that when the committee meets the chairman of the committee will lay the matter before the committee for its consideration.

Mr. MARTINE of New Jersey. That is entirely satisfactory to me, Mr. President.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

Mr. SUTHERLAND. Mr. President, what was the result of the heated discussion which just occurred between the Senator from Missouri [Mr. STONE] and the Senator from New Jersey [Mr. MARTINE]?

The VICE PRESIDENT. The resolution submitted by the Senator from New Jersey was referred to the Committee on Foreign Relations.

COMMITTEE SERVICE.

On motion of Mr. LODGE, it was

Ordered, That Mr. HARDING be appointed to fill the vacancy on the Committee on the Philippines occasioned by the death of Mr. BURLEIGH.

BUSINESS STATISTICS (S. DOC. NO. 477).

On motion of Mr. FLETCHER, it was

Ordered, That the illustrations accompanying the letter from the Chief of the Bureau of Foreign and Domestic Commerce, Department of Commerce, transmitting pursuant to request the corrected manuscript of the report on business activity in the United States and in leading foreign countries be printed as a part of said document.

ADDRESS BY SENATOR FLETCHER (S. DOC. NO. 479).

Mr. STONE. I have been sent an address delivered by Senatory DUNCAN U. FLETCHER April 19, 1916, in response to the toast of the minister of foreign affairs of Argentina at a farewell dinner given to the delegates of the Argentine Government at the capital of Buenos Aires, a copy of which I have in my hand, and I desire that it be printed as a document.

The VICE PRESIDENT. Is there objection? The Chair hears none. It is so ordered.

STATE EMPLOYEES IN MILITARY SERVICE.

Mr. MARTINE of New Jersey. Mr. President, a few days since I introduced a resolution having for its purpose that the United States Government should pay all such clerks and employees their regular wage in conjunction with their wage as soldiers. I said then, and I desire to emphasize it here again, that while the resolution went over, very many employers throughout the country are pursuing that policy. I have here, cut from the New York Tribune, what might well be termed a model list, where employers are paying their regular wage to those of their men who may have enlisted or who are in the National Guard and have gone to the front. I ask that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATE TO GIVE ALL EMPLOYEES IN THE GUARD FULL PAY.

The State of New York, following the lead of patriotic New York business men, announced yesterday it would continue full pay of all State employees called to the colors in the National Guard.

The announcement was made by Gov. Whitman after he had consulted the legal departments of the State government.

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FULL-PAY MEN FILL HONOR ROLL—175 EMPLOYERS SHARE THE SACRIFICES OF THOSE CALLED TO COLORS—BROOKLYN RAPID TRANSIT VOLUNTEERS FOR $9,000 A MONTH—HARDPAN PATRIOTS PLEDGE JOBS BACK, PLACE IN LINE, AND INSURANCE IF KILLED.

Hardpan patriots—business men, who are willing to go deep into their pockets for their country while their employees go to the firing line for their country—enrolled in the business men's roll of honor last week to the number of 175.

The business men's roll of honor is the list of employers who are willing to share with their men the burden involved in going to the front for Uncle Sam. It includes those men who have volunteered to care for the wives, motners, and children of guardsmen while the guardsmen are in service and getting only $14 a month. It is the roll of those who have heard the guardsmen remark, "I'd like to go, but there's the wife and children," and have come to the rescue with the cold cash.

BROOKLYN RAPID TRANSIT TO PAY $9,000 A MONTH.

Among the 175 business men are some of the largest employing firms in the city and some of the smallest. There is the Brooklyn Rapid Transit, whose manager said yesterday: "Of course, it's not important, but it may be of interest that the loss to us will be $9,000 a month." And there is the small, unheard-of fellow, trying to keep his concern going, who said yesterday: "I have only one employee in the guard, and I wish with all my heart that I could pay him his full salary for as long as he may be away. There's nothing I would like better. But I can't promise that for the simple reason that I might not be able to do it. But I did promise him this when he left—that I'd see to it that his wife and children didn't want for anything while he was gone, even if I had to go hungry myself."

The roll is no respecter of nationalities. German firm names punctuate the list, and among the early recruits was the Liverpool, London & Globe Insurance Co. (Ltd.).

Department stores of the city have been among the first and most generous in their response to the call to the colors. Before the call of the executive committee of the Merchants' Association had gone out, praising the spirit of the militiamen and recommending that employers be actuated by a similar patriotism, B. Altman & Co. had lined up with the city of New York in a promise to every guardsman in their employ that his full salary would be paid to his dependents while he was gone.

FORTY-FIVE GO FROM ALTMAN'S.

Michael Friedsam, president of the company, announced to the 45 militiamen in the employ of the Altman store that they would have leaves of absence for as long as they were with the colors; that they would receive full pay while they were away, would be kept in line of promotion, and their jobs would be waiting for them when they came back. For good measure, the Altman store added a comfort kit to its Godspeed to the departing soldiers.

The New York John Wanamaker store has always encouraged preparedness, and the Seventy-first Regiment has a machine-gun section composed entirely of men from the Wanamaker store. Twenty-five other men are scattered through other regiments. Managers of Wanamaker's have already made arrangements to send a man's full salary to him, to turn it over to a designated relative, or to put it in the bank for the militiaman, and hand the entire sum with interest over to him upon his return from Mexico.

SALARIES AND INSURANCE BY MACY'S.

R. H. Macy & Co., immediately following the call of President Wilson, sent a letter to each of the 42 guardsmen in the store's employ promising not only the payment of their full salaries while away, but also guaranteeing the payment of $500 insurance to a designated heir, if the militiaman met death. This offer is good until January 1, 1917, when the plan will be reconsidered.

"Of course we will pay the salaries of men while they are doing military duty," was the response yesterday of Saks & Co. "A dozen of our men have gone. No man from this store shall lose because he does his duty."

A representative of the Gimbel Bros. Co. told the 32 men leaving that store for military duty that their pay would be sent to their wives while they were away, and that, instead of losing by their absence, they would return to their employers "more appreciated than ever."

ABRAHAM & STRAUS HAVE 200 IN GUARD.

Abraham & Straus, of Brooklyn, said that the call to arms would cost them nearly 200 men, but that all would have full pay and leaves of absence. Other companies granting the same were Butler Bros., in their stores in all cities; Best & Co.; Frederick Loeser & Co.; Rogers, Peet & Co.; Franklin, Simon & Co.; and Montgomery Ward & Co.

The Childs restaurants, heavy contributors to the National Guards of many States, will pay salaries and hold positions for all of its employee militiamen. The United Cigar Stores, even more thoroughly distributed among the States, will also give full pay. The Sheffield Farms-Slawson-Decker Milk Co. saw its treasurer, Thomas W. Decker, answer the call to arms and immediately announced to its employees that every one of its guardsmen answering the call would have full pay while doing militia duty.

A group insurance amounting to more than a quarter of a million dollars has been taken out by the U. T. Hungerford Brass & Copper Co. to cover the lives of its employee-militiamen. By the terms of this insurance, which is paid for by the company, a life insurance of one year's salary will be paid to relatives in case of the death of a militiaman. These employees will also receive full pay.

James Newton Gunn, president of the United States Tire Co., made good on his preparedness advocacy yesterday with the following announcement to his men:

"We have been prime movers in the campaign for adequate national preparedness. Some time ago a recruiting meeting for the National Guard was held under the auspices of the United States Rubber Co. Any of you men who want to go to Plattsburg may have two weeks' extra vacation to do so. Any of you men who are called to the front will get full pay every day you are gone."

CONSOLIDATED SWINGS IN LINE.

The board of governors of the Consolidated Exchange of New York stopped at no halfway measure. All in one swoop they announced that any employee of the exchange who "now belongs to the National Guard, or who may enlist in the guard or any other branch of the armed forces of the United States," will receive full pay while away and find his position waiting for him upon his return.

The details of the generous and spontaneous manner in which New York's business men have met the President's call to the colors, and voluntarily accepted a burden second only to the task assumed by the men who will actually tread the hot and dusty Mexican trails and face the enemy bullets, might be continued indefinitely. Following 's the business men's roll of honor—the employers who will pay in full or in substantial part the salaries of their employee-militiamen who bear arms for their country:

Employers who will pay guardsmen:

A.

Abraham & Strauss.
Amalgamated Paint Co.
American Bank Note Co.
American Exchange National Bank.
American Lithograph Co.
B. Altman Co.
American Metal Co.
American Piano Co.
American Sugar Refining Co.
American Surety Co.
American Telegreph & Telephone Co
American Tobacco Co.
Auto Supply Manufacturing Co.

B.

Bankers' Trust Co.
Bank of Manhattan.
Bank of New York.
Barrett Co.
Behr, Herman & Co.
Best & Co.
Bernhard Scholle & Co.
B. F. Goodrich Co.
Bethlehem Steel Co.
Bloomingdale Bros. ($500 insurance).
Bliss, E. W., Torpedo Co.
Borgfeldt & Co.
Borden Condensed Milk Co.
Britton, W. R., & Co.
Brooklyn Eagle.
Brooklyn Rapid Transit Co.
Brooklyn Union Gas Co.
Brown Bros. & Co.
Browning, King & Co.
Brown, M. B., Co. (good care).
Butler Bros.
Byllesby, H. M., & Co.

Central Railroad of New Jersey.
Central Trust Co.
Century Co.
Chase National Bank.
Chemical National Bank.
Childs's Restaurant.
Claridge Hotel.
Collier's Weekly.

Degnon Contracting Co.
Delaware, Lackawanna & Western Railroad Co.

Eberhard Faber Pencil Co.
Edison, Thomas A., Co.
Empire Trust Co.

Firestone Tire Co.
First National Bank.
Flatbush Gas Co.

Gimbel Bros.
Gleason-Tiebout Glass Manufacturing Co.
Globe Indemnity Co.
Gotham National Bank.

Hammond Typewriter Co.
Hanover National Bank.
Harriman National Bank.
Hearn, James A., & Son.
Hill Publishing Co.

Ingersoll-Rand Co.
Interborough Rapid Transit Co.
International Banking Corporation.

Jamaica Gas Light Co.
Johns-Manville Co.

Keith Vaudeville Circuit.

Lane Bryant Co.
Lawyers' Mortgage Co.
Liberty National Bank.
Liggett-Riker-Hegeman Co.
Liverpool, London & Globe Insurance Co. (Ltd.).

McAlpin Hotel.
McEnery's, Brooklyn.
Macy, R. H., & Co.
Manufacturers' Trust Co.
Martin, M., & Co.
Mechanics & Metals National Bank.
Melville Shoe Co.

A. I. Namm & Son.
National Bank of Commerce.
National Biscuit Co.
National City Bank.
National Conduit & Cable Co.
National Park Bank.
National Surety Co.
New Netherlands Bank.
New York Athletic Club.
New York City.

Oppenheim, Collins & Co.

Paige-Detroit Co.
Pease Piano Co.
Percy Kent Co.

Richmond Hill & Queens County Gas Co.
Rogers, Peet & Co.

Saks & Co.
Savage Arms Co.
Schrader's, A., Son.
Seaboard National Bank.
Sheffield Farms - Slawson - Decker Milk Co.

Tribune, The.
Trans-Atlantic Tr. Co.

U. H. Dudley & Co.
Union Paper Co.
Union Trust Co.
Union Zinc Smelting Corporation.
United Booking Offices.
United Cigar Stores.

Vacuum Oil Co.
Vanderbilt Hotel.

Wanamaker, John.
Ward Baking Co.
Westcott Express.
Wolf Co., The.

C.

Columbia Trust Co.
Consolidated Stock Exchange.
Corn Exchange Bank.
Comperthwait & Sons.
Crane & Co.
Cushman & Dennison Manufacturing Co.

D.

Driggs-Seabury Ordnance Co.
Dunn, R. G., & Co.

E.

Equitable Trust Co.
Erie Railroad.

F.

Frank & Dubois.
Franklin Simon & Co.
Frelinghuysen Insurance Agencies.

G.

Greenhut Co.
Greenpoint Metallic Bed Co.
Grinden Art Metal Co.
Guaranty Trust Co.

H.

Hodenpyl, Hardy & Co.
Hoe, R., & Co.
Hoggson Bros.
Hungerford, U. T., Brass & Copper Co.

I.

Irving National Bank.
I. Weissberger & Son.

J.

Journal of Commerce.

K

Kirkman & Son.

L.

Loeser, Frederick & Co.
Loew Vaudeville Circuit.
Loose-Wiles Co.
Lorillard, P., Co.

M.

Metro Pictures Corporation.
Merchants National Bank.
Michaels, J., Furniture Co.
Miller, Charles E.
Montgomery Ward & Co.
Morgan & Co.
Mortgage Bond Co.

N.

New York Central Railroad.
New York, New Haven & Hartford Railroad Co.
New York, Ontario & Western Railway.
New York Railways Co.
New York Title & Mortgage Co.
New York Trust Co.
Newtown Gas Light Co.

O.

P.

Pictorial Review.
Produce Exchange.

R.

Ruppert, J., & Co.
Ryerson, Joseph T., & Son.

S.

Shapiro & Aronson.
Shellas & Chestnut Furniture Co.
Standard Oil Co.
Standard Oilcloth Co.
Sun, The.
Sweeney Manufacturing Co.

T.

Title Guarantee & Trust Co.

U.

United States Mortgage & Trust Co.
United States Rubber Co.
United States Tire Co.
Universal Films Co.

V.

Vitagraph Co.

W.

World, The.
Woodhaven Gas Light Co.
Western Union Telegraph Co.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On June 26, 1916:

S. 3423. An act to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla.

On June 27, 1916:

S. 3344. An act to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes; and

S. 5863. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

On June 28, 1916:

S. 6. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths;

S. 17. An act permitting H. L. Corbin to purchase certain lands;

S. 32. An act for the relief of William G. Williams, sr.;

S. 67. An act for the relief of Mathilda P. Hansen;

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material";

S. 3205. An act to amend "An act to protect the birds and animals in the Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894;

S. 3436. An act for the relief of John Alexander Besonen;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo";

S. 3929. An act validating certain applications for and entries of public lands;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 5244. An act authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester range line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with;

S. 5348. An act to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes;

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota;

S. 5839. An act to repeal paragraph 4 of section 21 of the public buildings act approved March 4, 1913, providing for the construction of a national archives building;

S. 5910. An act authorizing the sale of the lighthouse reservation at Scituate, Mass.; and

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On June 30, 1916:

S. 3203. An act authorizing the Secretary of the Interior to sell certain lands to the city of Lemmon, S. Dak.;

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 3722. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

S. 3928. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes;

S. 4026. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio;

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden;

S. 4476. An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin Island

Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912; and

S. 5777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing, maintaining, distributing, and supplying of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

HOUSE BILL REFERRED.

H. R. 16699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title.

Mr. CHAMBERLAIN. I move that the bill be referred to the Committee on Military Affairs.

The VICE PRESIDENT. The bill will be referred to the Committee on Military Affairs.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 44), which was read:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13486) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," the clerk be, and he is hereby, authorized and directed to restore the matter stricken out by the amendment of the Senate numbered 1 with an amendment as follows: In line 3 of the matter restored strike out "$36" and insert "$30"; and also restore the matter stricken out by the amendment of the Senate numbered 25 with an amendment as follows: In line 3 of the matter restored strike out "$50" and insert "$40," the same being for the purpose of carrying out the agreement of the conferees.

Mr. JOHNSON of Maine. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

FORTIFICATIONS APPROPRIATIONS.

The VICE PRESIDENT. Are there further concurrent or other resolutions? If there be none, morning business is closed.

Mr. BRYAN. I move that the Senate proceed to the consideration of the fortifications appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The VICE PRESIDENT. The pending amendment is the committee amendment, on page 7, to strike out and insert. The amendment has heretofore been read. The question is on agreeing to the amendment.

Mr. TOWNSEND. What is the amendment, Mr. President?

The VICE PRESIDENT. The amendment is on pages 7 and 8, and has to do with the patent of John Hays Hammond, jr.

Mr. TOWNSEND. Mr. President, I desire to say a word further in regard to this matter. I had some papers on my desk last evening in reference to it, but they have been mislaid. I can, however, perhaps state all that I desire to say on the subject without having the outline which I had prepared on yesterday.

I have stated that it seemed to me the part of wisdom for the Government to take advantage of this offer as presented by Mr. Hammond and his associates. The proposition, which I think is thoroughly understood, is to the effect that if, after an examination by a board consisting of three Army officers and three naval officers, it shall be found desirable, then the Government shall enter into a contract to purchase this invention at $750,000, $30,000, or so much thereof as is necessary, to be used for investigating the invention, to be taken out of the purchase price.

The Senate provision is simply an appropriation of $30,000 with which the same board, consisting of three officers of the Army and three officers of the Navy, shall proceed to investigate the matter. If they find that the purchase of the invention is desirable, then they are to report back to Congress, and Congress can then deal with the proposition as it sees fit.

It is possible, of course, that we might obtain this invention at that time; that is, after this board has investigated and reported. It is also possible that it can not be obtained at that time. Indeed, if I understand the situation correctly, Mr. Hammond has waited for at least a whole year since he made this proposition, or a similar one, to Congress, and there has been plenty of opportunity for him to dispose of his invention to a foreign government at a time the most favorable imaginable.

As to whether there is any basis or reason for purchasing this device, I should like to refer to the fact that Mr. Hammond has been working on it for a long time, and for several years last past an Army officer has been detailed to work at the laboratory where this device has been perfected, and has noticed every operation in connection with it. Not only that, but it has been under the investigation of a great many officers of the Army, who have seen it work. They have noticed, for instance, that this projectile could be controlled with such accuracy that on one occasion it was directed at a bamboo rod about 3½ miles away and it hit this mark, and that this was done repeatedly.

The Army officers who have investigated the device say it is a good thing. They express no doubt about this, and therefore it has seemed to me that if we have an opportunity to enter into a contract of purchase we should not throw it away. We have neglected valuable opportunities in the past, and inasmuch as we do not propose to spend a single dollar more in entering into this contract than we would spend if we had not entered into it now, providing the device is decided not to be of sufficient value to warrant its purchase, we ought to decide as the House has decided.

Mr. POMERENE. Mr. President——

Mr. TOWNSEND. I yield to the Senator.

Mr. POMERENE. Am I right in assuming from the statement that the Senator from Michigan has made that the Army officer detailed to make the observations in the laboratory regarded it as wholly practicable?

Mr. TOWNSEND. The Senator is correct about that. That officer appeared before the House committee, and the House hearings, which are full and complete, show that it is a device of exceeding merit, in the judgment of the officers.

Mr. VARDAMAN. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I desire to ask the Senator a question. Where is the contract to which the Senator refers? It is not set out in this bill, is it?

Mr. TOWNSEND. I presume the Senator means the copy of the contract setting forth what it contains. That is in the House hearings.

Mr. VARDAMAN. I understood the Senator to say that the Government, if this device is proven a success, of course, would take it. Is that provision made in this bill?

Mr. TOWNSEND. The House provision does that; but the Senate has stricken that provision out, as the Senator will notice.

Mr. VARDAMAN. Oh, yes.

Mr. TOWNSEND. It is referred to in the House provision as contract "Z." It has been signed by the inventors and is now placed at the disposal of the Government to be signed by the Government's authorized representatives, if this board, after thorough investigation, declares the device to be practicable and one which ought to be purchased by the Government.

Mr. VARDAMAN. Mr. President, does the Senator think that that board ought to be given plenary power to pass upon that, and close the contract without reference to Congress again?

Mr. TOWNSEND. I think so, Mr. President. I would not say that if the Government had not already been investigating it and had not had a man on the job to look it over for two years or more last past. I think it would be worth while to read into the RECORD, if we had time—but I do not care to do that now—the letter which Secretary Garrison sent to the chairman of the Committee on Appropriations last March a year ago, in which he states what has been done by the department and why it thinks that this is a device entitled to the favorable consideration of Congress.

Mr. President, I do not care to detain the Senate any longer. It is simply a practical matter to me, and one in which we are taking no chance, it seems to me; no more so as least than we are in expending $30,000 and having the board of officers report back to Congress.

Mr. BRANDEGEE. Mr. President, I will detain the Senate but a very brief period in expressing my views about this proposed Senate committee amendment.

It seems to me that if the Government wants to control this machine of destruction it should investigate it and experiment with it and test it to the satisfaction of its experts, in whose judgment it has confidence, and should proceed to take it at the price it agrees upon with the owner. If I understand the situation, Mr. Hammond, the owner of this patent and the builder of the machine, has spent a very large sum of money in developing this very ingenious and, according to the testimony of the board of officers who examined it, upon which the House provision is based, extremely desirable weapon. It seems to me that if, upon examination, we approve the weapon and want it, we should pro-

vide in this bill for its purchase. The House provision does that.

One investigation has been held by an expert board. The invention has been approved. The Senate committee amendment provides for another investigation to be held by a board of three Army and three Navy experts, and then does nothing about it. I submit that the Government of the United States ought to be reasonable about a pure business proposition, as this is.

I understand the owner of the patent has already declined a much larger offer from a foreign government for the invention and has refused to place this weapon in their hands if his own Government desires to have it. I think that is patriotic and commendable. I think he ought to be met in the same spirit in which he approaches our Government. It seems to me for us to say, this device having been indorsed by one board of experts, that now we will appoint another board of experts, and if they indorse it and report favorably upon it the whole thing will be left in just the situation it is to-day, is an unreasonable attitude for this Government to take.

The owner of this patent is not attempting to force it upon this Government nor to sell them "a pig in a poke." He has a patent on a machine of destruction which, if it turns out to be what the experts have already said it is, might determine a war in our favor. It might develop into an instrument of coast defense that would save untold millions of dollars, and it might save bombardment of our cities, and so forth. Nobody can imagine the benefits that it might confer if it is what the experts have already said it is.

It seems to me to be utterly unreasonable to say to this man, he having declined a foreign sale of this device, having offered it to our Government and our own military experts having favored it, "We will appoint another commission, and if they favor it, well, maybe we will see you later; but do not sell it to anybody else in the meantime. You continue to lose the interest on your money and to hang the proposition up in mid-air, and then if it is again approved by another board, you must again come to Congress, and then have the matter again go through the committees of both branches of Congress, and submit it to us again."

It has been intimated that the Senate will know more about how to decide this question upon the merits of this invention if another commission investigates it and reports favorably upon it. Mr. President, I venture to say that there is not a Senator in this body who will know any more about this torpedo-carrying boat if another commission test it and report just as the first one did—that it is satisfactory, and a success, and they recommend its purchase. There is not a Senator here who will know anything more about the invention itself than he does now, or whose judgment will be any better upon the proposition to purchase it than it is at present.

I do not think it is fair to tie this thing up through another session of Congress. If it is a good thing, we may need it before another session of Congress meets. I think that if the owner of this apparatus offers it to the Government subject to our approval upon examination, we ought to say: "We will take it subject to our own approval, and we will appoint a board to decide upon the merits of it"; or else we ought to say, "We do not know enough about it to take it, and we decline to trust anybody's judgment, even that of our own experts."

All this man wants is to be met in a fair, business way, as one business man would meet another. What is proposed here is very much as if some one wanted to buy a horse, and the owner of the horse said, "All right, the price of it is so much; you can have it at so much; you can send your own veterinary surgeon around here and examine it; you can drive it; there is no use taking my word about it; make your own examination; and if at the end of a week you want it at that price, you can take it," and the prospective purchaser sent a veterinary surgeon around, and the veterinarian reported that the horse was sound and gentle and worth the money, and then the man who wanted a horse came back and said, "Well, you just keep the horse, and maybe next year I will come around and see you, but don't sell it to anybody else."

That is a perfectly unbusinesslike transaction; and nobody ought to be expected to be put in the attitude in which the Senate amendment puts the owner of this patent. As I say, if I thought Senators would be in any better position to vote after another board had found exactly what this first board says, I would be in favor of waiting; but I know we will not know anything more about the merits of this matter then than we do now. Therefore I think, in common justice and fairness, we either ought to take this thing subject to the approval of our own agents that we appoint to examine it, or else we ought to drop it and release the man who has made us the offer.

I hope, therefore, that the Senate amendment will be rejected.

Mr. WEEKS. Mr. President, I am quite in accord with what the Senator from Michigan [Mr. TOWNSEND] and the Senator from Connecticut [Mr. BRANDEGEE] have said on this matter. It seems to me, however, that it may be in order to call to the attention of the Senate, in addition to what they have said, what this patent really means. Of course, I can not qualify as an expert in radioelectricity, and I assume that no other Senator can, so I think in all probability if this matter were discussed a week there would be very little more information in the minds of Senators than there is now. It is a question of reading the hearings, which are very voluminous—some 200 pages of them—taken in the House, where the matter was given serious and, I think, intelligent consideration.

Those hearings demonstrate that all of the Army officers, the members of the Board of Ordnance and Fortifications, are enthusiastically in favor of the purchase which is proposed; that there was some little doubt in the mind of one naval officer, but that the officers of the Navy had not given the matter the same consideration which has been given it by the officers of the Army. I think the doubt in the mind of this particular naval officer depended largely on whether or not the torpedo could be followed to any considerable distance. That question came up the other day—how long the person in control of the torpedo could follow it. Of course, he can not do it when it is beyond his vision. It can be relayed from point to point along the shore if the torpedo is going to follow a course along the shore, and it can probably be relayed from an aeroplane to a distance much greater than 6 miles.

There are three methods of coast defense—coast fortifications, mines, and some method of making a direct attack on an enemy. We have the fortifications, very largely of the first quality; we have mine fields, and can plant more; but in order to make the fortifications effective the enemy must come within a distance which will enable him to be reached by our guns and in order to make the mines effective the enemy must get into the mine field. The third method is to attack the enemy; and the only way to do it is by some such contrivance as is proposed in this case.

I suggested the other day that the English Government paid $500,000 for a torpedo which could be controlled by wires, by direct connections. It never has been successful beyond a reasonable distance. I think, on the whole, it is largely discredited, due, perhaps, to an increased gun range. But here seems to be a method of controlling an attack with an effective weapon on an enemy who is proceeding against our fortifications. It is possible that we may be wasting the money, but, in my judgment, we can not afford to take the chance.

This Senate proposition of $30,000 for a further investigation might in itself be all right if the owners of the patents had in any way been consulted and had agreed to it; but they have not been, and, furthermore, they would not consent to any such proposition as that. This matter has been considered and investigated by the best men we have in the military service, and we have their report—among them the Chief of Fortifications, Gen. Weaver, and the Chief Engineer of the Army. We can not find better men than have investigated this subject. More than that, it seems to me that the House provision does protect the Government. We make the contract, and if the device does not come up to the conditions which the contract imposes, then we do not have to take it. It is simply a question of putting it into practical effect.

We have done a vast amount of procrastination in the past in such matters, wisely frequently, perhaps wisely nine times out of ten. Very many such patents do not develop practical results; but, on the other hand, the tenth one does do an immeasurable amount in producing protection and producing an effective weapon. At this time, when we are liberally spending millions and hundreds of millions of dollars for purposes of defense, it seems to me the height of folly for us to take any chance in a matter of this kind.

When we come to the question of patents—that question was raised by the Senator from Oklahoma the other day—I understand that there are other patents that deal indirectly with matters of this kind; but it is the application of the patent to the particular purpose which is effective in this case, and in that matter Mr. Hammond guarantees the Government, or will guarantee the Government, in any way possible, to protect the Government's interests. Of course, these patents have not been issued, they are simply claims that have been taken up. The patents have not been issued, because if they were issued, then they would be available to foreign Governments, and would be of no use to ourselves, or no special use to ourselves. I understand that there have been many hundreds of them allowed—128, I think—that apply directly to this particular process. In that connection I want to read a statement relating to the pat-

ents which I think will be more illuminating than anything I could say.

With respect to the Hammond application for patents, Hon. William M. Ingraham, Acting Secretary of War, in a letter to Hon. SWAGAR SHERLEY, dated June 10, 1916, states as follows:

A very large majority of the claims have been allowed as the result of such examination, though patents have not yet been issued, for the reason that it has not been deemed best to make the investigations public. It should be added that there are over 100 applications, embracing more than 2,000 claims.

From the statement of the Acting Secretary of War it is apparent that the United States Patent Office considers that Mr. Hammond's work is of an original character, otherwise the claims would not have been allowed. As further evidence that his work is different from that of other people who have been attempting to control mechanisms by wireless energy there is a four-volume thesis written by Mr. Hammond which has been for some time in the possession of the War Department. This thesis deals in great detail with the work which has been attempted in the United States and abroad in the art of controling mechanisms by wireless and other forms of radio energy. This work describes in detail all the patents in this art that have been issued in the United States and the rest of the world.

It is therefore apparent that the War Department is thoroughly familiar with the work of other inventors in this field, and has given Mr. Hammond preference because of his work being of an original character. It is believed by the War Department that Mr. Hammond controls those essential features which are necessary for the construction of a system of wireless control of torpedoes having a significant military value. As further evidence of Mr. Hammond's belief in the validity of his own patent applications, he agrees to protect the United States Government from any infringement suits. This clause is embodied in the contract between him and the War Department.

Under those conditions and circumstances it does seem to me that the Senate would not be acting prudently or wisely without adopting the House provision covering this apparatus.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

Mr. WEEKS. Yes; I yield.

Mr. LA FOLLETTE. May I inquire if the Senator is familiar with the testimony taken on this subject by the House committee?

Mr. WEEKS. I have read the testimony.

Mr. LA FOLLETTE. I simply wanted information. I have not been able to read it myself.

Mr. WEEKS. I became interested in the matter, and I have, I think, read all of the testimony that has been taken.

Mr. LA FOLLETTE. Aside from the amount of money that is paid to cover the expenses incurred by Mr. Hammond and his company and such reasonable and fair compensation as he thinks himself entitled to for the invention itself, leaving that all out of consideration, what would be the expense attendant upon installing this device, with the plant—I use, of course, very crude terms—necessary to operate it?

Mr. WEEKS. I understand about $400,000 for the plant; so that the total expenditure would be about $1,150,000 if the Government accepted the device and installed the plant.

Mr. LA FOLLETTE. Following that up a little further, Mr. President, what field could be covered from that plant as a directing agency?

Mr. WEEKS. I am afraid I can not answer that question with accuracy. I assume that a wide range could be covered from that plant if you did not get beyond a range of perhaps 6 miles from the shore; but when it comes to following it at a considerable distance from the shore by means of aeroplanes I do not know.

Mr. LA FOLLETTE. But the Senator stated in the earlier portion of his remarks something about relay stations.

Mr. WEEKS. Yes. Of course, you can not direct a torpedo, if I understand correctly, beyond your vision, which is probably not more than 5 or 6 miles; but if you had a relay station to take up that control along the shore or from an island or from any other point of vantage, depending on the height of the observer, you could continue to direct it much farther, as far as the vision could follow the torpedo. But when you go offshore, then I take it that you could not follow the torpedo farther than your vision could follow it without the use of an aeroplane. It is contended, however, that by using an aeroplane it can be followed and directed indefinitely 20 or 30 or 40 or 50 miles; I do not know how far.

Mr. LA FOLLETTE. Would the aeroplane be a sort of substation from which it would be directed?

Mr. WEEKS. I understand so; and the power of directing would depend somewhat on the size of the aeroplane and its capacity to carry apparatus for this purpose. But I want to say frankly to the Senator that I do not pretend to be an expert in matters of this kind, and I am simply quoting from the testimony given by our Army officers as I understand it.

Mr. LODGE. Mr. President, will the Senator yield to me a moment?

Mr. WEEKS. I yield to my colleague.

Mr. LODGE. As I understand, the range of vision is the limitation from the shore.

Mr. WEEKS. I think so.

Mr. LODGE. The wireless apparatus can be moved along the shore, but they are controlled, in the distance out, by the range of vision. Now, Mr. SHERLEY, in a speech in the House, in which he sums up all this very admirably, says:

The question involved there is the question of the amount of energy which can be sent out from the aeroplane, and that is dependent upon the weight-carrying capacity of the aeroplane. There is no reason why an aeroplane can not now be constructed with sufficient weight-carrying capacity to have installed in it a wireless apparatus that would be able to send the necessary energy so as to control this torpedo at a distance of 5 or 6 miles—

That is, 5 or 6 miles from the aeroplane—

If that could be done, the extent to which the torpedo could be used would be very great. Instead of being confined by shore vision, as you would be if the control came from shore batteries, you would be able by following over the torpedo to go over a radius of many miles and control the torpedo from a height sufficient to put the aeroplane beyond danger of serious attack by antiaircraft guns of an enemy fleet.

That is, you can not extend the operation of the torpedo beyond the range of vision from the shore apparatus; but with the aeroplane, at a distance of 5 or 6 miles from the torpedo, you can control it, of course, for any distance.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. LODGE. Certainly.

Mr. LA FOLLETTE. Do I understand the Senator to mean that the aeroplane can carry a directing power out any distance to sea?

Mr. LODGE. That is, the wireless apparatus; and he says the only limit is sufficient weight-carrying capacity to have installed in the aeroplane a wireless apparatus that would be able to send the necessary energy.

Mr. LA FOLLETTE. Then the aeroplane has no connection with the station on shore?

Mr. LODGE. None whatever; it is an independent apparatus.

Mr. LA FOLLETTE. Oh, I see.

Mr. LODGE. It is only a question of where you have your apparatus. On the shore it is limited by the range of vision.

Mr. LA FOLLETTE. If the Senator knows, what would be the total cost of an aeroplane and the apparatus necessary to direct the torpedo in its course, if the Senator has that information, approximately?

Mr. LODGE. I do not know what an aeroplane costs, but an aeroplane is not a very expensive thing and the wireless apparatus is not expensive. The expensive thing is the shore plant, which will cost, according to the figures in the bill as passed by the House, four hundred and odd thousand dollars. That apparatus, I understand, can be moved along the shore, and to get a distance from the shore you have to have an aeroplane to carry on the apparatus just as you move it on the shore.

Mr. LANE. This device, it seems, will not operate farther than 5 or 6 miles from the shore, and you deal with a foreign ship which is doing business with you 14 to 20 miles away. I do not know how far they do shoot. They claim they can shoot 25 miles; but you can not use this apparatus without furnishing additional energy to carry it farther from an aeroplane. You would have to go out 5 to 10 miles to sea in an aeroplane in order to steer this thing against the ship. But it seems that the type of aeroplane for the work has not been invented and nobody knows whether it can be used successfully or not. It has to be developed.

Mr. LODGE. What kind of aeroplane has not been invented? Why is it more difficult for an aeroplane to carry a wireless apparatus than to carry a machine gun with two men?

Mr. LANE. It is on account of the weight, I suppose. They say they have not developed the type of vessel necessary.

Mr. LODGE. I beg the Senator's pardon.

Mr. STONE. I beg pardon; wireless apparatus has been installed and the success of it demonstrated on aeroplanes. Aeroplanes go a long distance in the air and flash their messages to people on the earth. They do it in Europe and they do it elsewhere.

Mr. LANE. In reply to that statement I will say that everybody knows you can send a wireless telephone message or a flashlight from an aeroplane with a battery. You can carry such a battery in your pocket. It does not weigh over 2 or 3 pounds, and makes sufficient light to see the range of human vision, and it will not weigh over 1 or 2 pounds. If the Senator has any

doubt about that, I can manufacture one for him myself; but it does not furnish energy enough to guide a torpedo boat.

Mr. LODGE. I do not know that the Senator knows whether it can or not.

Mr. LANE. Here is the evidence. They say here it has not been done. Here is the evidence, and I will look it up.

Mr. LODGE. I saw a statement that they had not made it yet to carry sufficient weight, but there is nothing to prevent it.

Mr. LANE. You can have an apparatus on a torpedo boat, but there is no positive information to the effect that the apparatus will work from a reinforcing station located on an aeroplane which floats on unstable air. An aeroplane is not a stable thing. It is like a boat bobbing around on rough water, and it is hard to control. It is not yet fully developed. It is not as stable as a Zeppelin.

Mr. LODGE. Boats on waves carrying wireless apparatus send messages to great effect. The motion does not affect it.

Mr. LANE. But the boat is more stable than the aeroplane. Here we are figuring on buying this apparatus and subsequently developing an aeroplane of sufficient ability to carry machinery to control and guide the torpedo. The torpedo will not go farther than 6 miles from shore. That is conceded.

Mr. LODGE. That is, the range of vision.

Mr. LANE. And the range of gunfire is 20 miles.

Mr. LODGE. I understand that perfectly.

Mr. LANE. So we can get out 6 miles in order to destroy the enemy.

Mr. LODGE. There is no doubt that they have guns which can throw shells 20 miles. The aeroplane extends the range of vision.

Mr. WORKS. I had risen to make an inquiry of the Senator from Massachusetts when the Senator from Oregon interposed. It seems we have discovered an expert in the person of the Senator from Oregon and he will be able to inform me better than the Senator from Massachusetts, who, I understand, does not claim to be an expert.

Mr. LODGE. I do not claim to be an expert; I only take the word of men who are experts.

Mr. WORKS. I am very much interested to know how successfully this aeroplane might be used in a matter of this kind. I want to inquire, first, whether there have been any tests made of that feature of this matter. Does the Senator from Massachusetts know whether there has been any such test made?

Mr. LODGE. There is a statement here by Lieut. Decker, who made the examination, in which he makes a statement on that point. He says:

> I was ordered to Mr. Hammond's research laboratory at Gloucester on December 26, 1915, for the purpose of investigating and reporting upon the practicability of controlling these carriers from energy sent out from an aeroplane. I went into the theoretical end of the question with Mr. Hammond very thoroughly, and I was personally present during nearly every one of the experiments that were made with the apparatus we had, and the results were very satisfactory indeed.
>
> The apparatus that was used as the transmitting station in this aeroplane control was, as Mr. Hammond has testified, a model of what would be used in the aeroplane itself, and was supported about 350 feet in the air. The set was very small, comparatively speaking. It was only radiating 1.4 amperes from the antennæ, and the receiving set consisted of a makeshift antennæ supported by an old rope without even any insulator in it and a bamboo rod run up alongside a wagon drawn by a horse. Inside the wagon was this mechanism which would ordinarily be used in the boat, and as we ran along on the country road, whenever we thought we had gone a good distance we tied the earth lead to any convenient hydrant, or something of that sort. In many cases the earthing was very imperfect, and we successfully operated this mechanism up to a distance which I approximated as being at least four-fifths of a mile. That was with a radiated energy of about 1.4 amperes from the aeroplane antennæ. From these experiments alone I was firmly convinced, personally, that we could expect, without any great difficulty, a distance of control of at least 5 miles. I calculated roughly we should expect a distance of that much with the kind of set we could get now and put in an aeroplane. Therefore, I think the problem of aeroplane control is just a question of development and of spending the necessary time and money on it. There is nothing fundamentally wrong with it.
>
> Mr. RAUCH. What have you to say as to the range of activity in aeroplane control of this device?
>
> Lieut. DECKER. That, sir, is dependent entirely on how much gasoline you can carry in your boat and how much gasoline you can carry in your aeroplane.

That is the experiment made by the expert officer sent down. He experimented, of course, with a small apparatus.

Mr. WORKS. Such wonderful things have been done by the use of electricity that I should hardly question anything that may be suggested. I was skeptical, however, about the ability to use as unstable a foundation or mechanism as an aeroplane for purposes of this kind. I think that is a very important feature of this question. Take, for example, the Pacific coast. Unless you can use an aeroplane successfully, you would have to establish an almost continuous line of these stations from one end of the coast to the other, because troops can be landed on the Pacific coast almost anywhere, and they are accessible to boats coming in from the ocean. That being so, unless you can use the aeroplane, you would have to have, as I said, these continuous stations all along the coast in order to make them effective.

Mr. LODGE. If the Senator will allow me, on the shore they can move the radio or wireless apparatus everywhere.

Mr. WORKS. I presume that may be done, but that it seems to me would be a very imperfect way of dealing with the conditions which might arise in case of war. In the carrying along of one station in that way, it seems to me, in order to make a permanent benefit, there must be a permanent and fixed station at least at various places along the coast.

For that reason I was very much interested in the aeroplane feature of the question, and I wanted to know whether such test has been made as would indicate that this torpedo could be successfully operated in that way. The testimony which has been cited by the Senator from Massachusetts seems to indicate at least that it may be done.

The sentiments I have heretofore expressed might indicate that I would oppose legislation of this kind. I think we are going to an unreasonable extent in the preparation we are making for war. I do not believe that there is anything in the conditions in this country that exist at the present time to warrant the extent to which we are going. But here is a case where this instrument of destruction, which I hope we may never be called upon to use, may go into the hands of some foreign nation and at some time be used against us. I think it would be very unfortunate to allow that to be done, if it has any virtue as a killing machine, because we may some time have to resort to the killing of other people in order to protect our own Nation. While I am a man of peace, I do not believe in peace at any price. I think we must protect our own country by all proper and legitimate means, which may mean war.

Therefore, in this instance, it seems to me, if this device is anything like it is represented to be, it is very important that our Government should have some control of it. It does seem to me that it is unnecessary to delay the matter by making additional tests. Where the matter has gone as far as it has, it seems to me it would be better and safer to act upon it right now, and to protect ourselves against the possibility of this device going into the hands of some other government. I should be sorry to think that Mr. Hammond or any other American citizen would dispose of this device with any idea that it would some time be used by a foreign nation against his own country.

Mr. LODGE. Will the Senator allow me just there to quote what Mr. SHERLEY said in the House, because the committee examined the very point the Senator is now speaking of? He speaks of the proposition Mr. Hammond made to sell the torpedo to us at a much lower price, royalties and the right to sell elsewhere, and then stated that—

> he had expended some $300,000 in the development of this invention, in the experimentation and in the conducting of this work over a number of years. He then made the proposition to the committee that he would sell to the United States simply the rights here, leaving him free to sell the rights abroad.
>
> The committee was unanimous in the belief that if the thing was worth acquiring it was worth acquiring in its entirety, and that we ought to get the exclusive right and not leave it to be sold to possible enemies, and I think it is due to Mr. Hammond to say that he has all along shown a desire that his country should possess what he believes to be this very valuable weapon, and he has refrained from availing himself of perhaps the most unusual market that will ever present itself to an inventor, the market abroad brought about by virtue of the European war, in order to give to his own country opportunity of acquiring it.
>
> Mr. Hammond in his entire bearing and dealing with the committee exhibited a desire to serve his country and a consideration that I think was admirable, and I think it is due him to state it here. The committee being of the opinion that we ought, if we acquired it at all, to acquire the exclusive right also came to this opinion; that it was more desirable to buy the thing outright and have done with the question of royalties than to buy with a less first payment and then to continue royalties.

Mr. WORKS. I am glad to hear that statement of the position taken by Mr. Hammond. Of course, if his own Government should refuse to take over this device at a reasonable price, it might be a justification of Mr. Hammond if he should attempt to dispose of it to some foreign nation. I think we ought to treat him and his associate fairly in this matter and that if it is a desirable thing for the Government to have we should pay a reasonable compensation for the device.

Mr. WEEKS. Mr. President, what the Senator suggests is exactly what has happened in the past. We have had opportunities to buy various weapons at different times which promised well, but we did not take advantage of it and they were sold to foreign Governments, like the Maxim patents, which have been extremely useful to foreign Governments. Of course, you might buy something which is not valuable. That is a chance, and it would be folly to buy everything that is offered at this time; but when our experts advise us that this has every promise of being effective it seems the height of folly to open the door to its being sold to a foreign Government. Nobody

can blame Mr. Hammond or those associated with him if, after giving the Government every opportunity to make the apparatus, they then take advantage of the most unusual market for apparatus of this kind the world has ever seen.

Mr. WORKS. I am inclined to agree with the Senator from Massachusetts. We must necessarily take some chances in dealing with a matter of this kind. If after a reasonable investigation there is a probability that this device will do what is claimed for it, I should think it would be a wise thing for the Government to expend this money at this time and for this purpose.

Mr. LANE. Mr. President, I should like to finish what I began to say.

If this is a good invention, I want it. I do not want money to stand in the way of our acquiring it. I am just as anxious as anyone, but I think we ought to buy it on terms such as I would suggest, that if it proves successful after a fair trial upon the part of an independent committee appointed by Congress and giving it a reasonable time trying it out with the aeroplane or reenforcing it, placed upon the aeroplane so that they can go farther than a range of 5 miles, and so we can get out to the sea far enough to do something with it, and contract with the gentlemen under bond that we will take it at a fair price. It is worth more than $750,000 to us if it will do that. But if it will not cover a range greater than 5 or 6 miles from shore and you can not operate it from an aeroplane, which will have to go to sea at least 5 or 6 miles in order to set it, and 5 or 6 miles farther, and then do that again in order to get out 15, which is in the range of the guns, and a third station still to overcome the range of these long-range rifles, and which are on board ship, it is not a very valuable invention. We have guns on shore that will shoot that far, and they can shell our cities. They will not protect our cities if there is a range only 5 miles from shore. Everybody ought to know that without being an engineer.

Mr. HITCHCOCK. Will the Senator answer a question, that it may be understood? I should like to know how far it is possible to see this torpedo with the naked eye or a glass?

Mr. LANE. They claim about 5 or 6 miles, not to exceed 6 miles.

Mr. HITCHCOCK. That is the claim of Mr. Hammond?

Mr. LANE. Of Mr. Hammond.

Mr. HITCHCOCK. You can not control it from the shore? An aeroplane or some other vessel must be sent out to control it?

Mr. LANE. Yes; it is limited by the range of vision. They can control it indefinitely, but can not tell where it is going.

Mr. HITCHCOCK. If it can be sent out a distance of 4 or 5 miles it can be seen as well by the vessel it is about to attack that distance.

Mr. LANE. No; I think not. I think it is all to the advantage of the man operating, for the enemy does not know where it is coming from.

Mr. HITCHCOCK. Is it made invisible?

Mr. LANE. It is carried upon a boat, a sort of double pontoon boat, a skipjack, if you please, that goes at a speed of 50 miles an hour. The value of the torpedo depends upon the rapidity it travels. It gets in under the ship.

Mr. STONE. It may go under water?

Mr. LANE. It may even go under water.

Mr. HITCHCOCK. What is the device that makes it invisible at a distance of 4 or 5 miles?

Mr. LANE. They put on it a sort of reflector, a flash light, and it is invisible to the enemy. They can do it easily.

Mr. HITCHCOCK. So it is not visible to the enemy for that distance?

Mr. LANE. No. The device is all right in that respect, in my opinion. I am giving my opinion.

Mr. LODGE. It was shown in the testimony as the Senator from Oregon stated, that—

> You may use either what they call a sea sled, which is a boat riding on the surface of the water and which gains great speed, and depends upon its speed to render it invulnerable from gunfire of the ship, or you can use a boat like a submarine which is awash, which is running with its vitals under the water but with the top exposed. In the boat is carried the torpedo, which can be fired from it at any moment; and there is also carried, if need be, a large amount of explosives, so that if the torpedo fails to hit, the actual boat itself could be run into the target and an explosion had.

Mr. HITCHCOCK. I should like to inquire of the Senator if an actual experiment has been made by the use of an aeroplane?

Mr. LANE. No; there has not been.

Mr. LODGE. The experiment, of which I read an account, was made by Lieut. Decker.

Mr. HITCHCOCK. That was by a horse and wagon on shore.

Mr. LODGE. Yes; but it was for the same purpose, to see how far they could control the radio apparatus.

Mr. HITCHCOCK. Why has not such an experiment been made by an aeroplane?

Mr. LODGE. They have not, I suppose, yet built one.

Mr. HITCHCOCK. Aeroplanes are common.

Mr. LODGE. Aeroplanes are common; yes.

Mr. LANE. Mr. President, I want to hold the floor. I do not wish to yield to lose the floor, though I am willing to yield to questions.

Mr. TOWNSEND. Mr. President, I want to suggest to the Senator from Oregon [Mr. LANE] and to the Senator from Nebraska [Mr. HITCHCOCK] that Capt. Behr, of the Coast Artillery Service, was detailed to be present at the construction, operation, and experiments with the Hammond device for something over two years. He makes the statement which appears in the hearings on page 312, which, it seems to me, would be of considerable value to the Senate if it could be read. It occupies about two pages, all told, of the record. It is the statement of a man who has been on the job, and of a man who was detailed for this purpose. He explains in detail the workings of this apparatus and what it is proposed to do with it.

Mr. HITCHCOCK. I should like to hear his statement read. There are, however, one or two questions which seem to me to be the crucial tests of what the Senate ought to do. Has an actual experiment with an aeroplane been made?

Mr. LANE. It has not been, so far as I know.

Mr. HITCHCOCK. If it has not been made, why has it not been made?

Mr. LANE. What I wanted to accomplish was to have the Senate, before it agreed to expend this money, make the bargain to purchase this device contingent upon its successful operation from an aeroplane. If it can be operated successfully from an aeroplane, I desire that the Government shall buy it, and I shall vote for its purchase. If it can not be so operated, then I shall not value it so highly, although it might be useful on many occasions.

There is, however, another thing about it, which is, that within a year after operation it can be duplicated by a foreign nation.

Mr. HITCHCOCK. Can the Senator from Oregon explain why the experiment with an aeroplane has not been made?

Mr. LANE. No; I can not. I do not know; but it has not been done. They imitated an aeroplane by putting some object up on top of a tower and balancing it in such a way that they thought it was a correct imitation of an aeroplane. For myself I had rather be riding on that than on an aeroplane, looking to my own safety.

Mr. HITCHCOCK. Then, the Senator from Oregon is not able to state why an aeroplane experiment has not been made?

Mr. LANE. It has probably been on account of the cost. As nearly as I can assume—and I merely deduce this—there is no aeroplane yet in existence, in America at least, which will handle this apparatus. I may be mistaken. They could probably easily procure an aeroplane and try it out to ascertain whether it was suitable for the work.

Mr. HITCHCOCK. Can the Senator state whether the $30,000 provided in the bill will defray the expense of making this test?

Mr. LANE. I think it will take more than that if you are going to purchase an aeroplane of sufficient capacity and steadiness to carry up the apparatus. I think possibly——

Mr. BRANDEGEE. Will the Senator allow me to interrupt him?

Mr. LANE. I may be mistaken, I will say to the Senator from Nebraska. I do not speak from authority. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I was going to ask the Senator this question: Inasmuch as the House provision provides for a board of Army and Navy experts to make whatever tests they think ought to be made, and to report upon this purchase—and the machine can not be bought unless they should report favorably—and inasmuch as the Government owns an aeroplane for its Army, officers and aviators can operate and make the test without any expense at all, without purchasing an airship, why does not that fulfill the conditions?

Mr. LANE. I do not think this Government owns an aeroplane which will travel through the air with any safety to the navigator; in fact, most of them have come to earth and caused a loss of life of the helmsman. I think we are practically out of aeroplanes; at least, I am so informed, although we have spent millions of dollars in building them. We ought, however, to build another type, and we should do so promptly.

Mr. BRANDEGEE. I will say to the Senator from Oregon that I saw a very good-looking aeroplane the other day over at the Senate Office Building—it was a Curtiss machine, I believe, or a Wright machine—which the Government, I suppose, can

purchase, if it so desires, for a very moderate sum. Aeroplanes, as I am advised, cost from about $7,500 to $100,000, according to size and depending on the kind desired.

Mr. LANE. I also saw the aeroplane to which the Senator from Connecticut refers. It was in a good, safe position; it was near the ground, and I climbed aboard of it.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. LANE. I yield to the Senator for a question.

Mr. REED. If the Senator from Oregon will permit me to interrupt him, I will say that it seems to me that the Senator has raised a very important and a very practical question, but it has been stated in a fragmentary way, owing to interruptions which have been made, and I want to review it.

I understand the facts, as the Senator states them, to be that the torpedo can not be controlled from the shore at a distance of more than 5 or 6 miles, because that is the limit of vision as applied to this particular device; secondly, it therefore becomes necessary, if the torpedo is correctly directed, that some means must be employed to follow the torpedo to keep within sight of it and thus to direct its course; thirdly——

Mr. LANE. If the Senator will allow me right there, I desire to make a statement in reply to that, and then, I am sure——

Mr. REED. Will the Senator not let me state his case, because I am very much in accord with him?

Mr. LANE. I want the Senator to get it right. Imagine this aeroplane, if you please, going to sea in pursuit, starting a torpedo ahead of a foreign vessel at war with us, 20 miles away from us at sea—and that is about the range of their guns—in a heavy storm, if you please, it would be rather an uncertain quantity.

Mr. REED. I desire to make an explanation of the third point. As I understand—and I hope the Senator will not leave the room——

Mr. LANE. I am not going to leave the room; I am only going to get where I can hear the Senator.

Mr. REED. As the Senator suggested, the plan is to carry a wireless apparatus in an aeroplane, which will be powerful enough so that by the employment of that apparatus the torpedo can be directed to any distance we may want to go.

Fourth, that no device to be carried upon aeroplanes has yet been perfected, and that no aeroplane has ever been put to the test of carrying a device sufficiently powerful so that the torpedo can be directed and controlled.

Mr. LANE. Mr. President, I do not wish to claim, and I did not intend to say, that no device has been invented which can be carried on an aeroplane, for I am sure there have been many; but whether the aeroplane can carry a device for this work is problematical.

Mr. REED. Well, taking those modifications—fifth, there never yet has been an experiment made whereby an aeroplane has carried a wireless device and has actually directed the course of a torpedo.

Now, Mr. President, if the Senator from Oregon is right in those contentions, then under the House provision we have this question presented to us: Are we willing to pay $750,000 if a board appointed by the President "shall be"—and I quote the language of the bill—"favorable to the acquisition of such rights, such report to be made after a demonstration of the said system to the control of torpedoes"?

Mr. WEEKS. Mr. President——

Mr. REED. Just a moment. Under that language this board could accept the device and pay $750,000 if it should report "after a demonstration of the application of the said system to the control of the torpedoes," in favor of acquiring the right.

There might be control of a torpedo for 5 miles; indeed, it is said we have that control from the shore; but there is nothing in this language to require that the control can be for 10 miles or 20 miles or 30 miles from shore, either from an aeroplane or otherwise; and hence——

Mr. WEEKS. Now, Mr. President——

Mr. REED. When I finish this sentence I will yield.

Mr. WEEKS. I think I can explain that to the Senator's satisfaction if he will yield.

Mr. REED. The Senator can never explain that to my satisfaction, because I can read the English language, and I have drawn a few contracts myself. This language ought to provide that the demonstration of control should be of such character as to prove that the torpedo can be controlled for a given number of miles from shore. If that is put in, I will be very much in favor of the House provision. On the other hand, if it only can be controlled for 5 miles, it still might be a useful device, worth a large sum of money; but it would not at all be worth the amount that it would be if it could be controlled for a greater distance. So I say the language of the House provision, if we should conclude to accept it, ought to be amended and made specific. Now I gladly yield to the Senator if he desires; indeed, I am through with what I have to say.

Mr. WEEKS. Mr. President, I have no intention of criticizing the Senator's knowledge of language. Every Senator will recognize that the Senator from Missouri is an expert in the meaning and use of the English language. What I wanted to do was to point out that the torpedo may be controlled for a much longer distance from the shore than 5 or 6 miles, to which reference has been made, by the use of any aeroplane or any kind of a machine simply by using a system of signals. All you have to do is to install a wireless apparatus in the machine and signal to the station on shore the direction which you want to have the torpedo take. This was suggested by the Chief of Ordnance and Fortifications himself, that a system of signals be devised to communicate from the flying machine to the shore by one call if you wished the torpedo to go to the right, two if you wished it to go to the left, or by any system of signals which may be devised for that purpose. In that way, by using the simplest form of machine, simply having the wireless apparatus installed, you may control the torpedo for a very considerable distance from shore.

Mr. REED. That, however, the Senator will agree, while it might be adopted, might be a very different thing from direct control from an aeroplane itself.

Mr. WEEKS. I agree with that.

Mr. REED. So I think, as it was the purpose of the House provision to have a real demonstration, if we are to take the House language, we ought to amend it and make it certain that the test shall be a real test, and then, if the machine does not come up to the expectations, it might be of value to us nevertheless, and we might want to acquire it, and doubtless would.

Mr. VARDAMAN. Mr. President, I wish to ask the Senator from Massachusetts a question. It seems that he has given the subject considerable thought and study. As I understand, the Senator from Massachusetts holds that the better way to operate this device would be from a battery on shore, directed by signals from an aeroplane.

Mr. WEEKS. That is the practical way under present conditions.

Mr. VARDAMAN. That is the practical way. Now, has any demonstration of that character been made?

Mr. WEEKS. I do not find anything in the testimony to indicate that a demonstration exactly in that form has been made, but that suggestion was made by the Chief of the Bureau of Fortifications.

Mr. VARDAMAN. I want to ask the Senator this question: Have any experiments been made as to the effectiveness of this torpedo, the effectiveness of the shot? Has anything of that kind been done?

Mr. WEEKS. I think very general experiments have been made, as far as could be done with the apparatus that has been installed.

Mr. VARDAMAN. What is the estimated cost of the apparatus?

Mr. WEEKS. Four hundred thousand dollars.

Mr. VARDAMAN. Of one apparatus?

Mr. WEEKS. About $400,000.

Mr. VARDAMAN. That is an apparatus for shore use?

Mr. WEEKS. Yes.

Mr. VARDAMAN. What is the size of the torpedo, the dimensions of the projectile used?

Mr. WEEKS. I think it might be made of any size. I do not know the definite measurements.

Mr. BRYAN. Mr. President, the boat which has been used with which to make these experiments is about 50 feet in length.

Mr. VARDAMAN. The torpedo?

Mr. BRYAN. No; the boat.

Mr. VARDAMAN. The boat that carries the torpedo?

Mr. BRYAN. Of course they have not been using torpedoes; they have been using boats, such boats as could carry the torpedo.

Mr. VARDAMAN. They have never, then, in fact, used the torpedo at all; they have never experimented with that?

Mr. BRYAN. Not so far as the hearings disclose.

Mr. LANE. Mr. President, if the Senator will allow me, they use the carrier in which the torpedo would be placed, and which amounts to practically the same thing.

Mr. VARDAMAN. Mr. President, the public mind is very much excited just now on the question of war. I sometimes think that half of the American people, or two-thirds, are half crazy on the subject of spending money for war. If you want

to sell a gold brick now, call it a means of preparedness and you will find somebody offering a very liberal price for it. I am very much in favor of preparation——

Mr. LA FOLLETTE. Mr. President, I think if the Senator would substitute the words "Congress of the United States" for "the American people" in the statement he has made, he would be much more nearly accurate.

Mr. VARDAMAN. I will apply it to the Congress of the United States and raise the per cent and make it about 95 per cent. I do not, of course, want this wonderful discovery to be used against the American people. I hardly think that the patriotic young gentleman who has made this discovery would for a mere matter of dollars and cents dispose of it to an enemy. But if he did, and the thing should work, there is no question in my mind about somebody else discovering something to meet it, or something similar to it. But I am not opposed to the proper investigation of this matter for the purpose of ascertaining whether or not it is really what it purports to be. I am, however, unalterably opposed at this time to making a conditional appropriation of three-quarters of a million dollars, to be paid out upon the conclusion of the investigation of two or three or a half dozen men who may be selected from the Army and the Navy to determine whether or not this thing is effective. Let the investigation be made under the direction of Congress, report the result of their investigation to Congress, and then let Congress determine whether or not it is worth the price.

I think, as I said a moment ago, that we have gone wild on this question of preparedness or preparation for war, and I think there is less necessity for preparation for war than there has been in half a century. I believe if we should wait awhile and see what is going to happen in Europe, wait until we shall be able to measure the extent of the fearful havoc being wrought in that ill-fated country, then, if our good offices, which we should offer to lead the world back into the paths of rational peace, shall be rejected, the time will be ample for us to go to the almost desperate and depauperating extremes to which this Congress proposes to go of making preparation to defend ourselves against an imaginary enemy. If the world determines that in the future the affairs of the nations of the earth must be settled by the arbitrament of the sword, then the United States Government will be in a position where she can build a hundred battleships and pay for them, or organize and equip a hundred regiments and pay for them, where the depauperated, depleted, bruised, and broken nations of Europe could not build and equip and pay for one.

Mr. SHAFROTH. Mr. President, I do not take exactly the position of the Senator from Mississippi [Mr. VARDAMAN], nor do I take the position of the other Senators who have spoken in favor of the adoption of the House provision. I believe that this is a good invention, but I am not certain of it. I believe that inventors should be rewarded, but I do not believe in entering into a contract which places it beyond our power to determine whether or not this is good. I believe we ought to take an option upon this property. I do not believe the inventor ought to be held to keep this device for the American Government without due compensation, and for that reason I believe in sending the matter to conference so that the conferees can make a proposition to him to give him, so far as I am concerned, a hundred thousand dollars for an option to the Government to take this property.

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. SHAFROTH. Certainly.

Mr. LODGE. The Senator speaks about taking an option. Does it not take two to get an option?

Mr. SHAFROTH. Certainly, it does. Then, if the inventor of this apparatus does not wish to take the hundred thousand dollars, I would say: "We can not agree to the terms that are contained in the House provision." For that reason I voted, in the committee, in favor of the Senate amendment to it—not that the Senate amendment will go through, but that it will put it in conference, and thereby we can see him and see whether or not he will do this. If he does not do it, I must say that I would not consent to appropriate this $750,000, and $417,000 in addition thereto, without further assurances that we would not be bound by it after the investigation.

Mr. President, I know they say this matter must be investigated and can be investigated by individuals whom the department may name; but, Mr. President, that is not satisfactory to the Senate, whose power and duty it is to determine the matter for themselves. On that account it seems to me that we ought not to close this matter. But I do believe in giving the inventor a hundred thousand dollars and letting him take the chance as to whether or not this invention is what it is claimed to be.

If he is so certain that it is a good thing—and he knows it better than anybody else—then it seems to me he ought to grab at the proposition of being paid a hundred thousand dollars for an option, the Government to exercise the option within a definite time to be fixed; and then the Government would lose a hundred thousand dollars if it did not turn out to be the proper instrument that they wanted in this destructive warfare.

Mr. TOWNSEND. Mr. President, may I ask the Senator how he would determine, if it were left to him, whether or not this was a practical and useful device?

Mr. SHAFROTH. I would want the testimony of the various persons, and I would want to see for myself whether or not, in my judgment, it was good. They probably will differ. Men here on the floor of the Senate differ with relation to this matter.

Mr. TOWNSEND. Would not the Senator, in the final analysis, rely upon the judgment of experts in the employ of the Government and serving the Government to settle this question for him?

Mr. SHAFROTH. Not necessarily. In most instances I would; there is no doubt about that; but the difficulty is this: Where a thing is done and completed, and there is the pressure and the insistence and the urging upon the Members that have the final disposition of the matter, it is not like a report, and does not give them the independence that they would have if they were to report to Congress and know that their reasons were to be investigated by the Congress itself.

I want to say that if I were proposing to buy an invention I would take an option upon it. I would not go to anybody on earth. I would want to see whether there were objections to it, whether there were other forces that might come in and negative this force, whether or not other matters might make it so that it would not be of the use that it is claimed. Yet I believe it is a great instrument and likely will prove good, but I do not believe it to the extent of saying that I am going to appropriate $1,100,000 for that purpose. That is not the way men do business in their own private affairs.

Whenever an inventor comes to you and you give his device a cursory examination, you then determine whether or not you would like to take an option upon it, but hardly anybody asks you in those instances to buy it directly, and you would not want to have it left to you in that way. A man might say, "Yes, I will agree to buy this, and I will leave it to you." That imposes upon the person a moral obligation to pay for the lost time. The proper way to do it is to pay him for the lost time, to give him $100,000, and say, "Now, we will take a certain limited time to pass upon this matter. We will make these tests, and if they are satisfactory, if the device proves good, then all right and good"; and it seems to me that would be the way to do it.

I understand that the War Department appointees have passed favorably upon this matter. I understand that the naval officers have not investigated the matter. It seems to me we are buying it without knowing exactly what we are going to get. The option proposition, by which we will lose something, and by which we compensate the inventor for the loss of time, it seems to me, is the proper way to determine this matter. If it is sent to conference, then any proposition that we might make him could be embodied in the bill, and for that reason I believe that we ought to adopt the Senate amendment—not that the Senate amendment would necessarily go through, but that a solution of this question will come from it in the nature of an option, in my judgment, by which we can perhaps save a large sum of money to the Government in the event that it does not turn out well, and by which we can give to the Government the advantage of this invention if it proves to be a success.

For those reasons, Mr. President, I think the matter ought to go to conference. It can not go to conference by refusing to amend the House bill. If the provisions in the House bill are not amended, this is a closed proposition on the part of the Government. If the Senate amendment is put through, then the negotiations and the agreements between the House and the Senate can determine what is the best thing to do with relation to the matter. In my judgment, the best thing is the option that men exercise in their own affairs, giving a limited amount—a hundred thousand dollars is a very large amount to give; and, yet, notwithsanding that, I would be willing to do it—so as to make it clear to the inventor of this device that his rights are protected in the meantime.

Mr. WEEKS. Mr. President, before the Senator takes his seat I want to ask him if he approves of the kind of option that was exploited yesterday in the consideration of the sundry civil bill, where we paid $650,000 as an option, on condition that an additional amount should be appropriated to pay for that road within a year; otherwise, the option should be forfeited?

Mr. SHAFROTH. That was a forfeiture clause.

Mr. WEEKS. And whether Congress is justified in appropriating money to be put up as an option with any forfeiture clause attached?

Mr. SHAFROTH. Why, if it is to the advantage of Congress to do it, and if we do it in our own private affairs, of course it is.

Take the very illustration the Senator gave a little while ago, that the English Government had paid $500,000 for an experiment of this kind, for a device that was connected with wires. The Senator gave that as an illustration, to show that the United States is not the only Government doing this, but that other governments are spending large amounts of money for devices of this kind. And yet this morning he said that this device had not proved successful, which would show the unwisdom of the British Government in paying the $500,000. So while the illustration may be very good as a precedent for this Government buying something of this kind, it is not good in the fact that it did not prove to be successful for the English Government.

Mr. OLIVER. Mr. President, it seems to me that the proposition of the Senator from Colorado [Mr. SHAFROTH] to give $100,000 for an option on this invention would be rather, I will say, an unusual proceeding, not to characterize it by a stronger term, because we already have an option on it without paying any $100,000, without investing anything but the $30,000 necessary to experiment with it. Why pay $100,000 for an option on it when the proposition is already before us to buy it for $750,000 contingent upon a favorable report, which is the very contingency upon which we would accept it in case we had this option?

It seems to me that the Senator from Colorado is simply proposing to put into this thing $100,000 more than is absolutely necessary; to pay $100,000 for an option on something that we might not accept after investigation, when we already have a proposition before us to buy it, because this proposition is in effect an option to buy it if, after investigation, this board of Army and Navy engineers report in favor of it.

As a member of the subcommittee, Mr. President, I favored the Senate amendment. As a result of the discussion that I have heard, and the further investigation, I have changed my mind. I believe that the proper course for us to pursue is to adopt the proposition as it came from the House, and I expect to vote that way.

Mr. JOHNSON of South Dakota. Mr. President, I want to say, for one, that I am very heartily in favor of the plan suggested by the Senator from Colorado [Mr. SHAFROTH], if it can be satisfactorily handled in that way. It is a business proposition pure and simple.

I understand that the only difference between the proposition of the House and the Senate amendment is this, and I want to ask the Senator from Florida if I am correct: The House bill provides that we shall purchase this patent or invention at a certain price on the recommendation of the Army board, which has reported, and in addition thereto the recommendation of the new board which is to be appointed from the Navy Department; in other words, a joint recommendation from both boards, both the Army and the Navy, and that the purchase shall be made without referring it again to Congress. I understand that the Senate amendment proposes to appropriate $30,000 for a further investigation, and that that is about the difference between the House provision and the Senate amendment. I wish to ask the Senator from Florida if that is correct?

Mr. BRYAN. That is correct; yes.

Mr. JOHNSON of South Dakota. Mr. President, I shall not take the time of the Senate on this subject; but I desire to say that my judgment is that if the idea of the Senator from Colorado could be carried out—in other words, if we could secure a legal option upon this invention—that would be the proper and more satisfactory way to handle it, because we would not then run the risk of spending about a million dollars for an invention that we do not know would in any way come up to what is claimed for it by the experts.

Mr. LANE and Mr. REED addressed the Chair.

The VICE PRESIDENT. The Senator from Oregon.

Mr. LANE. Mr. President, I will detain the Senate only a moment and will then give way to the Senator from Missouri.

If this device should prove successful it would be of inestimable value to this or any other country. It would do away with the cost and the expense of maintaining fortifications and would save the country money in every way. It would render it impregnable. We would be justified in paying the inventor millions and then doing him honor in addition, and I would be willing to do it.

I wish it no harm, and hope it may prove to be just such a success as is claimed; but it would be an easy matter to test it. Let us or him or some one else build an air vessel which will carry the impulsive apparatus which furnishes the energy, and then go out to sea in chase, if you please, of a fast motor boat which makes, say 30 or 40 miles an hour—this torpedo container or carrier is estimated to travel about 50 miles an hour—and overtake it and strike it, without the torpedo aboard. It can be easily tested to the satisfaction, not necessarily of a naval expert, but of any man. The very plainest citizen in the country will understand it and know whether or not it is successful. It is easy to demonstrate. So I hope that we may adopt an amendment contingent upon the successful operation of this apparatus beyond the range of the guns of foreign ships from our shores. It is of no particular value to us to make a 5-mile excursion with a torpedo, if the enemy's ship throws a shell 20 miles. We must get outside of their range, so that they will be unsafe if they come within 25 or 30 or even 40 miles of our coast.

Mr. REED. Mr. President, I offer the following amendment to the House language:

Strike out in lines 22 and 23, page 7, the words "of the application of the said system to the control of torpedoes"; and amend the text by inserting the word "practical" before the word "demonstration" in line 21, striking out the word "a" before "demonstration," and adding a letter "s" to the word "demonstration," so that it will read "demonstrations," and in lieu of the language stricken out insert the following:

Showing that the torpedo can be directly and effectively controlled for a distance of 20 miles from shore, and can be effectively used against warships at sea at that distance. Said board shall further find that the secrecy of said invention has been fully preserved.

So that the section will read——

Mr. BRYAN. I suggest to the Senator that if he will just begin reading on line 21, that will be sufficient.

Mr. REED. So that the section will read, beginning at the word "*Provided*," on line 18:

Provided, That said sum shall not be paid unless a report of a board of three Army and three Navy officers, to be appointed by the President, shall be favorable to the acquisition of such rights, such report to be made after practical demonstrations showing that the torpedo can be directly and effectively controlled for a distance of 20 miles from shore——

Mr. SHAFROTH. Will the Senator read that slowly?

Mr. REED. The language to be inserted is as follows:

Showing that the torpedo can be directly and effectively controlled for a distance of 20 miles from shore, and can be effectively used against warships at sea at that distance. Said board shall further find that the secrecy of said invention has been fully preserved.

I offer that amendment, and I desire for a moment to engage the attention of the Senate to it.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

Mr. GORE. Mr. President——

Mr. REED. I should like to close my remarks at this time.

The VICE PRESIDENT. This does not cut off the Senator's remarks.

Mr. GORE. If the Senator from Missouri desires to finish his remarks at this time, I ask that the unfinished business be temporarily laid aside for that purpose, and for that purpose only.

Mr. BRYAN. Oh, let us go on and finish this bill.

Mr. GORE. I see no reason why we should do that. The Agricultural appropriation bill has been on the calendar since the latter part of May, and this bill was reported only a few days ago.

Mr. BRYAN. Let me say to the Senator that we spent an hour and a half the other day on this same question, and we have had the debate all over again this morning. This appropriation bill has a right over the other bill, and it will be out of the way pretty soon. If the Senate now takes up the Agricultural appropriation bill, when we come back to the fortifications bill the whole question will have to be gone over again. I hope the Senator will not ask that.

Mr. GORE. I will say that from the discussion here I think Senators would rather like to have further time for the investigation of this proposition. I shall ask the Senate to proceed with the unfinished business following the speech of the Senator from Missouri. I certainly shall not make any effort to consume time.

Mr. REED. Mr. President, of course it is not necessary to lay aside the unfinished business for me to finish the very few remarks I want to make. I simply desire to state the case and let the Senate consider it.

I make no reflection upon Mr. Hammond by the statement I am about to make. From all I have read of him I believe he is a young man of extraordinary genius, and looking at the question of the value of his invention in the light of such knowledge as he possesses I am inclined to the view that probably Mr. Hammond has produced a device revolutionary in its character and of very great value to the country obtaining it.

Nevertheless, Mr. President, I make this remark, that I have never yet known an inventor of real talent who was not able not only to convince himself but to convince everybody else that the thing he had produced will work in a wonderful way. Experience shows that frequently models are produced that will work perfectly, yet when you come to make the real machine and subject that machine to actual test defects are shown which frequently demonstrate that the invention which promised so much is absolutely worthless.

Now, Mr. President, there is not in the world, in my opinion, a practical and sensible mechanic or a practical engineer who will not say that the only way to really tell whether anything will work is to build it and subject it to the practical every-day test. You can not guess at it; you can not figure it out from models; you can not figure it out theoretically, because some condition that was overlooked may arise, and in the actual test of a practical application the thing that promised wonders may turn out to be of no real utility.

We are told this morning by the distinguished Senator from Massachusetts that England paid half a million dollars for a device to direct torpedoes by means of wires, and that the device has been practically scrap heaped. We know that millions of dollars have been spent by various Governments in undertaking to perfect the Zeppelin, and yet I believe that that device has never been perfected to a point where it has been accepted as practical by either England or France.

Mr. President, here is the condition as I understand it: Mr. Hammond has made this torpedo and a device to direct it. It costs something over $400,000 to erect a wireless plant of sufficient power so that the machine can be thoroughly put to a test. It seems to be conceded that up to the present time they have not actually demonstrated the ability to control the torpedo more than 4 or 5 miles from shore. A torpedo operating within that range, of course, is not of the same utility as one which could be used effectively at a distance of 20 or 25 miles from shore. The range of the guns from ships is much longer that the effective control of this torpedo.

Now, it is said that a device can be invented, and when it is invented can be installed in an aeroplane and that an aeroplane can follow the torpedo and an operator on the aeroplane can control the flight of the torpedo so that he can send it with deadly effect against any vessel for any distance within 20 or 25 miles from shore. But no one has ever made the machine yet that is proper to be carried in the aeroplane. No one has ever put such a machine in an aeroplane. No one has ever in an aeroplane possessing such a machine followed the torpedo and directed it. That is a matter that rests for demonstration in the future, and when we come to the demonstration it may prove that we can not get an aeroplane sufficiently powerful to carry the apparatus, for this is not an apparatus to talk with; it is an apparatus to control a boat with. It may be that we can not make the machine itself that will be carried in an aeroplane and from the aeroplane effectively used.

Now, we are asked to agree to pay $750,000 by the terms of the bill as passed by the House. What does the bill require shall be ascertained by the board before the money is paid? Not that the machine in demonstration shall be operable from an aeroplane or controllable from an aeroplane, and thus made effective 20 or 25 miles from shore. That is not what this board is to find out. This board is simply to report, and I quote the language of the House bill, "favorable to the acquisition of such rights." Upon what condition? "Such report to be made after a demonstration of the application of said system to the control of torpedoes."

Senators, I invoke your attention to this. That means nothing except that Mr. Hammond's invention must control a torpedo. If it can control the flight of a torpedo 1 mile, that would be a compliance with the conditions named in the House bill, whereas what we want is a device that will control a torpedo and effectively control it for 20 or 25 miles. If that is what we mean, let us say what we mean. Therefore I have offered the amendment referred to.

Now, as to the proposition that we must buy this immediately or we will lose it forever. That may be the hard condition by which we are confronted, but it is a condition that I think no patriotic American citizen ought to impose.

I am not acquainted with the inventor of this device. I know his distinguished father by public reputation. I have recently read in the newspapers the utterances of that distinguished father declaring that every patriot in this country ought to stand for certain policies for the good of the country and rather severely criticizing some of our very high officials. I wonder if it is possible that the son of that great patriot, born and reared under the American flag, would for any sum of money whatever sell his invention to a country that might some day invade our shores and kill our people and make such sale while our Government is only asking the opportunity to make a thorough investigation. I wonder if that is possible. I have in mind a man born upon a foreign soil under another flag who produced an invention during the great war that revolutionized naval warfare and who never received, and so far as I know did not ask at the time, anything for the invention. I refer, of course, to John Ericsson, the inventor of the *Monitor*.

I stood on the streets of Washington the other day and saw clerks from stores marching out with their new uniforms on. I saw them leave behind their families and their homes. I saw others in my mind's vision coming from the farm, from the forest, from the factory, from the hamlet, and from the village all over the United States. They were going out to lay upon the altar of their country their service, their toil, their labor, their suffering, and mayhap their lives. I do not believe that Mr. Hammond will ever sell this invention to a foreign country, no matter what the price offered, so long as our country says to him, upon a proper and full investigation, we will, if his invention be found to be what he claims it is, pay him three-quarters of a million dollars, a princely fortune, as much money as any man really ever ought to have.

So I think neither Mr. Hammond nor any other person ought to object to an amendment of the character I have offered.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The question is on the amendment of the Senator from Missouri.

Mr. WEEKS. Mr. President, I hope the amendment offered by the Senator from Missouri will not prevail.

Mr. BRYAN. Let us find out where we are.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WEEKS. I would be glad to yield, but there is not any use of talking on account of the confusion there is in the Chamber.

The PRESIDING OFFICER. Senators will please take their seats and cease from audible conversation.

Mr. BRYAN. I ask the Senator from Massachusetts to yield to me long enough to find out if the Senator from Oklahoma will not allow us to proceed with the fortifications bill.

Mr. WEEKS. I yield for that purpose.

Mr. GORE. I will say in response to that question that the Agricultural appropriation bill was placed upon the calendar in the latter part of May, May 22, and it has been the uniform custom of the Senate for the appropriation bills to be taken in their order on the calendar except by consent. I yielded to the chairman of the Committee on Appropriations the other day for the purpose of bringing up the sundry civil appropriation bill, and I agreed with the Senator from Florida that after the Agricultural bill was made the unfinished business I would allow it to be laid aside in order that he could proceed with the fortifications bill upon the assurance that it would take very little time. It does seem to require considerable time, and I know of no urgent reason why the fortifications bill should be given precedence over the Agricultural appropriation bill. I trust the Senator from Florida will allow us to proceed with the unobjected amendments to the Agricultural appropriation bill, and I shall try at the earliest convenient moment to give him the right of way for the further consideration of the fortifications bill. I can not yield at this time, as there seems to be no immediate prospect of closing the consideration of the fortifications bill.

Mr. BRYAN. Let me make a statement and let us see whether there is or not. In the first place, it is impossible to make progress by taking up an appropriation bill and considering it for a few minutes of time and expect us ever to get through with it. I was placed in that attitude on one occasion yesterday and the day before. I gave way for the unfinished business which was the Post Office appropriation bill. I understood as the Senator from Oklahoma now states it, when the Agricultural appropriation bill was made the unfinished business he would then yield until the Senate finished the consideration of the fortifications bill. We have had a little more than an hour this morning to consider it.

All the amendments of the committee to the bill have been agreed to except this one amendment. Of course, the matter involved in it called for some consideration in order that Senators might be informed about it. After an hour or two of discussion it went over to another time, and when we resumed it this morning other Senators who had not been here wanted to know something about it and they were given some information upon this amendment. Now, we are about ready to vote and the Senator from Oklahoma wants to proceed with the Agricultural appropriation bill.

Mr. GORE. Mr. President——

Mr. BRYAN. So, Mr. President, when we come back the third time to consider this item we shall have to go all over it again.

Now as to the urgency of this bill, on account of unusual conditions it carries an increase over any fortifications bill that was ever reported to either branch of Congress. It carries upward of $25,000,000. There are appropriations here for the purchase of millions of dollars' worth of guns and ammunition. If it is not passed and approved within a day or two a resolution must be passed. I appeal to the Senator from Oklahoma to let us go on and get through with it. We will not be an hour on the bill in my judgment.

Mr. GORE. I will ask if the bill is not provided for in the joint resolution extending appropriations?

Mr. BRYAN. No. If the Senator will not agree to that, I will state to him very frankly that the Senate will have to determine which of these bills it wants to consider.

Mr. GORE. I will state frankly to the Senator if he undertakes to do that he probably will not make very much progress with his bill.

Mr. WARREN. Mr. President, may I say a word to the Senator from Oklahoma? I am a member of both the Committee on Agriculture and Forestry and the Committee on Appropriations, and I am, of course, especially interested in the passage of both the bills. I appreciate fully the long delay that has occurred on the Agricultural appropriation bill. I believe I am fully as anxious as is the Senator from Oklahoma——

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. I rose only to say a word and I have about finished.

Mr. WEEKS. I think I have the floor.

The PRESIDING OFFICER. The Senator from Massachusetts yielded, the Chair understands.

Mr. WEEKS. I yielded to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Wyoming now has the floor.

Mr. WARREN. I hope the Senator from Oklahoma will permit a little more time to the fortifications bill, because I feel that it would tend to the earlier passage and to better feeling on the Agricultural appropriation bill. We are so very far behind in the passage of most of the appropriation bills that a joint resolution was passed extending all appropriations for 30 days on the basis of last year's appropriations; but this is almost ineffective as to the fortifications bill, because one-twelfth of the last year's fortifications bill is probably not a fiftieth of what the present bill is. If the Senator from Oklahoma feels that he can do so, I wish he would wait until we finish the fortifications bill. I think it will take but a short time to finish it.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. WEEKS. I yield to the Senator from Indiana.

Mr. KERN. I suggest to the Senator from Oklahoma that in the interest of good feeling, both as respects his own bill, the Agricultural appropriation bill, and this bill, if he will yield an hour now, it is thought that the fortifications bill can be gotten out of the way.

Mr. GORE. I will say that if there be any reason to accept the assurance of the Senator from Florida that we are on the eve of a vote, I shall not object, and on the request of the Senator from Indiana I shall again ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The unfinished business will be temporarily laid aside, and the Senator from Massachusetts will proceed.

Mr. WEEKS. Mr. President, I wish to say a few words in relation to the amendment offered by the Senator from Missouri. I think it very important that the matter should be brought clearly to the attention of the Senate.

I understand there is an agreement that we shall go on with the fortifications bill for an hour.

The PRESIDING OFFICER. That is the understanding.

Mr. STONE. What is that agreement? I did not know that an agreement was submitted by the Chair.

The PRESIDING OFFICER. The Agricultural appropriation bill was laid aside temporarily.

Mr. STONE. The Senator from Oklahoma, on his own motion, laid it aside?

The PRESIDING OFFICER. Temporarily.

Mr. STONE. And that is all there is to it—temporarily.

The PRESIDING OFFICER. The Senator from Massachusetts will proceed.

Mr. WEEKS. Mr. President, I wish to address myself briefly to the amendment which has been offered by the Senator from Missouri, because I think it contains a very important matter which should be brought to the attention of the Senate.

The Army Board on Ordnance and Fortification reported that it was desirable to pay $830,000 for this apparatus, contemplating simply the direction of the torpedo a distance from shore which one's vision would make possible, without any regard to conducting the boat further by means of aeroplanes, either directly or indirectly. In other words, what the Senator from Missouri has now proposed would require an apparatus, or rather would require that the inventor demonstrate that he can do a great deal more than the Army board proposed when it recommended paying $830,000 for the invention.

Mr. President, I hope and believe it will be demonstrated that a torpedo can be directed a great many more miles than is proposed in the proposition which came from the Army board. I hope it can be controlled 10, 20, or 30 miles from the shore and be effective, but the inventor would be simply giving away his invention at the proposed price if he had something that he felt sure could be demonstrated as capable of doing all that is proposed in the pending amendment.

In other words, he would not think of selling it for $750,000, and the Army board did not have that in contemplation.

Mr. REED. How much does the Senator think he would want?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. WEEKS. Yes; I yield for a question.

Mr. REED. How much does the Senator think a patriotic American citizen would want from his Government before he would go and sell a device of that kind to some other country?

Mr. WEEKS. Mr. President, I am not my brother's keeper; and he must take what he thinks is the patriotic and businesslike action. I do not think that this Government can afford to say to its citizens who demonstrate something of vital use to the Government that they shall turn it over to the Government without reasonable compensation. I think that would be the height of folly. It is a misuse of the word "patriotism" to claim that a man shall give his devices to the Government when they have great financial value.

Mr. REED. Mr. President, I do not claim he should give it. If he has what has been stated here on the floor, I am willing that he should have three-quarters of a million dollars for it; but the Senator says if this device could be controlled for more than 5 or 6 miles, that then the inventor would be warranted in asking a much larger sum for it; and I inquired about how high the Senator thought we would have to go?

Mr. WEEKS. I said if there were a certainty that it could be demonstrated that it could be controlled a much greater distance, then the invention would undoubtedly have a commercial value many times $750,000. What the Senator from Missouri is now proposing is something entirely foreign to the report of the Board on Fortifications and Ordnance. Therefore I hope the Senate will refuse to adopt the amendment, because I am certain that the contract could not be carried out on any such terms.

Mr. BRYAN. Mr. President, I can see no good object to be accomplished by the adoption of the amendment offered by the Senator from Missouri [Mr. REED]. The House provision shows that Mr. Hammond has signed a proposal of a contract, and deposited it with the War Department, conveying all his rights to his patents and inventions. The hearings held before the House committee show that this mechanism can be controlled for 28 miles.

Mr. REED. No; for 10 miles.

Mr. BRYAN. I will read the testimony to the Senator. It is found on page 270 of the hearings, and is as follows:

How far from a radio station can you operate?

Mr. HAMMOND. With only 5 kilowatts, about 6 and a fraction horsepower, we have operated the mechanism 28 miles.

Suppose they could not operate it 20 miles, but could operate it 15 or 18 miles, that would not justify a refusal to take advantage of the offer made by Mr. Hammond.

Again, Mr. President, what board can come to Congress and say that the secrecy of this invention has been preserved?

That is in the amendment offered by the Senator from Missouri.

Mr. President, I hope we may get an early vote upon the amendment of the Senator from Missouri and upon the committee amendment. The matter has been pretty thoroughly discussed. I may again state my position in a word. I do not believe it is unreasonable to ask of Mr. Hammond that this matter be postponed for a sufficient length of time for an investigation to be made—or for a more thorough investigation to be made than has been made—by the officers of the Navy Department, who have not investigated it at all.

The proposition that Mr. Hammond will sell this invention to some foreign Government has no terrors for me. I do not believe he will do that even if he has an offer. I do not think that Mr. Hammond is the sort of man who would want to sell an engine of destruction to a foreign Government.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. BRYAN. I yield.

Mr. REED. The Senator from Florida, I believe, reported in favor of the Senate amendment and is, therefore, willing to entirely postpone everything until there shall be an investigation.

Mr. BRYAN. Yes, Mr. President; let me say that the investigation would be made and over with and another bill would be passed before the 4th of March next.

Mr. REED. Very well. Now, why does the Senator from Florida object to my perfecting the House language by putting in some safeguards in the way of an investigation; because after that is perfected, still the Senator's proposition to have an investigation and bind us to nothing will be before the Senate. Why not perfect the House measure so that, if it does pass, it shall pass with some safeguards?

Mr. BRYAN. I think this provision that it must be demonstrated that these torpedo boats can be controlled directly for 20 miles is a limitation that ought not to be placed in the House provision. I think that is too much to require. I do not think it will be necessary to have it shown that these torpedo boats can be controlled for 20 miles, and if they can not be controlled for 20 miles, under the amendment of the Senator from Missouri the proposal made by Mr. Hammond would be rejected.

Mr. REED. How far does the Senator from Florida think they ought to be controlled to be of any use?

Mr. BRYAN. I do not claim to be an expert. I have heard experts discuss this provision so much this morning that I think about the only mistake which either the House or the Senate have made is that they did not provide that the experts be chosen from the respective bodies to determine this whole question.

Mr. REED. Mr. President, that is a very beautiful bit of irony.

Mr. BRYAN. I did not include the Senator from Missouri in that suggestion, because he has not pretended to be an expert.

Mr. REED. But, unfortunately, the committee composed of Members of this body brings in a report, and this body is not yet ready to abdicate its duties and functions, even at the request of a committee composed of its own Members. Neither ought the Members of this Senate to be sneered at because they have ventured to suggest a practical amendment to the language of the bill. I assumed, of course, when I asked the Senator from Florida how far he thought this ought to be controlled before we paid $750,000 for the invention that, as chairman of the subcommittee, he would have some sort of answer based upon his own knowledge or that which he had acquired.

Mr. BRYAN. Mr. President, I stated to the Senator from Missouri that I did not include him among the experts that have testified here this morning, but I want now to explain that neither do I claim to be an expert. I should not think, however, that you could expect to hit anything farther than you could see it.

There is one other thing that makes me believe the Senate committee amendment is wise. If we may direct the torpedoes only from the shore station, and if we can not have them operated by aeroplanes, it seems to me that we are entering upon a rather expensive proposition. It will be noted in the text of the House bill that a torpedo unit costs $417,000. So if you are going to be confined to the shore batteries or stations, you could only operate these torpedo boats from the units; you could only have as many as you could pay for at the rate of $417,000 apiece. It seems to me that that would make a very great limitation upon the use of the invention.

Mr. REED. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. BRYAN. Certainly.

Mr. REED. The picture painted here this morning was of an aeroplane sailing over the ocean and directing one of these torpedoes at 20 or 25 miles, so that we could go beyond the reach of the deadliest guns carried by any dreadnaught that sails the ocean. Now the Senator from Florida tells us that, in his opinion, that is a question which is unsolved, and the Senator from Massachusetts [Mr. WEEKS] practically tells us that he wants us to buy this device upon terms and conditions that do not require a control of more than 5 or 6 miles. So we have at least gotten rid of some part of the invention this morning; that is, the inventive imagination of some of the advocates of this measure.

Now, I ask the Senator this: If it be possible to control the flight of a torpedo from a secondary battery carried in an aeroplane, then why is it not possible to have upon a battleship that is about to be attacked an equally powerful or a more powerful battery, and to direct the torpedo in any direction the battleship wants to have it go? If that be so, what does the invention amount to?

Mr. BRYAN. That matter came up at the first discussion of this provision. It is claimed that an enemy ship can not interfere with the control of the torpedo boat.

Mr. REED. Why?

Mr. BRYAN. That is in the invention.

Mr. REED. Yes.

Mr. BRYAN. I can not explain it, but it is plain that it can not be done. It is claimed that the *Dolphin* tried to do it and failed.

Mr. REED. It ought to be a part of this test to ascertain if that can not be done.

Mr. BRYAN. The Army officers have said that that attempt has been made and that it has failed. Mr. Hammond says that it is by the changing of the wave lengths, as I understood him; that if an enemy ship should get the same wave lengths that this torpedo boat is using the torpedo boat could change them, and then the enemy ship could not control the matter.

There is another statement in the hearings to the effect that if the enemy ship undertakes to interfere the torpedo will turn head first and go for the enemy ship.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I yield.

Mr. VARDAMAN. I should like merely to make this suggestion to the Senator: All the questions which have been asked by the Senator from Missouri, to my mind, go to show the wisdom of the course which the committee has pursued, that this matter should be thoroughly investigated, and then a report of such investigation be made to Congress for action on the subject.

As to the suggestion that haste is necessary to prevent the sale of this device to some other nation, of course that, as the Senator from Florida [Mr. BRYAN] has said, has no terrors for me whatever. I do not believe it is going to be sold to any other power. If, however, it should be sold to any other power and should prove effective, as an implement of warfare, I have no doubt about somebody in the United States devising something equally as good. This Congress will not be intimidated by any veiled threat of that character.

Mr. BRYAN. Mr. President, I have the same opinion as that expressed by the Senator from Mississippi. In addition, it seems to me that when Mr. Hammond lays a proposition before the Government for consideration and adoption, he certainly ought to give sufficient time for the most complete investigation to be made.

Mr. VARDAMAN. That is the point I was just going to make. Certainly the inventor does not want the Government to take something which the inventor himself may not know is going to be the thing that he sells or that the Government intends to buy. Certainly the inventor is not going to grow impatient and insist upon the Government taking the device before the Government has had an opportunity to test it thoroughly and to ascertain just exactly what it is buying.

Mr. BRYAN. I do not think so; and that is the view the committee took.

Mr. VARDAMAN. It seems to me it is very like all other talk about preparedness, that you have got to weld the iron while it is hot. The world is crazy on this subject of war and profits. You must act while the public mind is inflamed—have the contracts signed before calm reason assumes her normal function.

Mr. STONE. Mr. President, I would like to say a few words about the immediate question before the Senate.

I favor the House provision as against the proposed Senate committee amendment. I would like to state some of the reasons, not all of them, that incline me quite decisively to favor the House view. And yet in doing this I feel as if I were almost wasting time. There are very few Senators present in the Chamber. I do not fancy the idea of addressing myself merely to the circumambient air, and still less to empty chairs. Hence I say it rather looks like a waste of time to talk if I talk with a hope of impressing my colleagues—my absent colleagues.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to his colleague?

Mr. REED. I would be very glad to suggest the absence of a quorum.

Mr. STONE. No; that would do no good. I suppose my distinguished and enlightened colleagues have read the title of this bill, and from that have come to a conclusion as to its merits.

Neither my colleague [Mr. REED] nor I, nor any of us, can keep Senators in their seats if they do not wish to stay within the Chamber. There is a condition in that respect it is difficult to change.

Mr. President, I shall attempt to condense as well as I can the observations I have had in mind to make. Some Senators now present, I know, understand the provisions of the House bill and understand the provisions of the proposed Senate committee amendment. Some of us know that Mr. Hammond, after years of patient study and effort, has invented a device for controlling the direction or course of torpedoes or other bodies charged with high explosives by electrical processes. He has laid his invention before the Government of the United States with a proposition to transfer that invention to the Government for its exclusive, monopolistic control.

I will not attempt to describe the invention so far as it is known. I fear I could not do that successfully. I think his proposition is understood by Senators who have looked into the matter. I content myself with saying that if this invention will accomplish the things the inventor claims for it, it would be of inestimable value to the Government and people of the United States.

What is claimed for it? What will it do? In a word, this is what it is claimed it will do, namely, that through the operation of electrical energies controlled by the devices of this invention an explosive body may be directed in its course until it comes in contact with a given body, stationary or movable, against which it is directed.

Senators have asked how far from shore can the course of the explosive body be controlled. The answer is, first, for 6 miles from shore, which is the limit of shore vision; secondly, it can, through air machines or aeroplanes properly equipped, be controlled to a much farther extent from shore.

Mr. LA FOLLETTE. As far as they fly.

Mr. STONE. Yes; as far as the controlling air vessel can fly. Thirdly, it is affirmed that mechanical electrical apparatus can be installed on battleships or other sea craft to follow out beyond the limit of shore vision and direct indefinitely the course of the explosive body. Hence there are three ways of control, as claimed by the inventor. Now, let me put this up to you, Senators, and ask if it is not worth your serious attention. Let it be conceded that this invention can not be made effectively operative beyond 6 miles from shore; that that is the limit of control capacity. Assuming that to be true, then I put up to you this concrete proposition. We have spent about a half billion dollars in the construction of the Panama Canal. The importance of that waterway as a line of communication between the western and eastern shores of our continental Republic will not be questioned; its importance every man admits. The canal must be kept intact if we are to pass in times of stress our warcraft from the Atlantic to the Pacific and vice versa. We have islands lying out upon either side some miles away from the two mouths or entrances to the canal.

Assuming, now, that this invention will accomplish what it is asserted it will accomplish, and if we should, in accordance with Mr. Hammond's plans, establish radiodynamic stations on these islands, fronting both the Pacific and Atlantic entrances to the canal—miles out from the entrances—would we not be able to guard these entrances, so far as this invention could be made effective to that end, not only for 6 miles of shore vision from the mouth of the entrance, but for twice or three times that distance? If we could use this invention to do that, and only that, we would receive a consideration for the proposed investment of vastly greater value than the sum carried by this bill as the price to be paid for the invention.

Again, our harbors along the seacoast, lying in front of our great cities, in time of war would be strewn with mines for a distance of 4 or 5 miles out from the shore. It is a matter of common knowledge that in times of war, when enemy battleships seek to creep into our harbors so as to get into closer and more deadly range, they send, under the shadow of night, their mine sweepers to take up the mines that lie as dangerous obstructions in the path of warships. If this invention will do what its inventors say it will do, and if we owned and controlled it, no enemy ship could do the thing I refer to. We could send this electrically controlled destroyer, also slipping even more silently through the shadow of the night, to meet the ships engaged in attempting to destroy our mines, and the mine sweepers would themselves be sent to the bottom.

Mr. President, I do not personally know about the value of this invention. I make no pretense of that kind. I am not one of the "experts" to whom the Senator from Florida sarcastically referred. Indeed, I do not think any expert has appeared on the floor of the Senate; but we need not be electrical or nautical experts to have common sense, and be able to express opinions as Senators. I do not know anything about the invention as an expert. I can not with personal knowledge or assurance speak as to its value. How are we to determine as to its value, and when? Shall we attempt to do that to-day or to-morrow or at some more distant future time?

The Senator from Florida could not as an expert determine the value of this invention either in money or effectiveness, neither could the Senator from Colorado nor I. They will admit that as I do. We know we are not fitted for that job. Then to whom must we commit the question of determining its value? Of necessity we must remit that question to experts in fact, real experts; and by that I mean strong and honest men who have devoted their lives to the study of questions of which this is a part, and who understand such questions if anybody in the country understands them.

This invention has been tested already by Army experts, the very kind of men upon whom we must depend to have its value determined. Officers in control of our coast defenses—distinguished and capable Army officers, with Gen. Weaver at their head—have tested it, have experimented with it—not idly, not as a matter of mere curiosity, but seriously, deliberately, extensively, in a businesslike way—to really determine its value and capabilities, and over their official signatures they have reported upon their examination and made solemn recommendations to the Government. That has been done already by the very kind of men who must make these additional examinations if they are to be made at all and be regarded as of value.

But this young inventor is willing to have another test. And here, Mr. President, I digress long enough to say that I never saw Mr. Hammond until during the present week. I have read of his invention. I have read numerous publications about it. I have felt greatly interested in it, and I desired to talk with him about it, and did talk with him during the present week more than once. He gave me a fund of information that I hold to be of value. He is not only willing but he desires to have his invention authoritatively and exhaustively examined in all its particulars by the ablest, or among the ablest, men in the military and naval service of the country—tested until they are completely satisfied as to its merits. The House bill is intended to accomplish that end and to settle the question as to whether this Government desires to purchase and own this invention or prefers to turn it down.

It has been said that Mr. Hammond will not dispose of his invention to a foreign country. I know nothing about that. I have no license to speak for him. I do know this, that foreign countries know about this invention. Foreign countries, or the scientific men of foreign countries, have been endeavoring for years to invent something of this kind. Foreign countries have heard of Mr. Hammond's success or alleged success. They have heard of the experiments made by him on the shores of Massachusetts. The fact of these experiments has not been kept secret, indeed could not be kept a secret, and foreign governments are asking Mr. Hammond to make experiments for them on their ocean shores. Those who would deal with him, if he satisfied them that his invention will do what he claims, would deal with him in a large and liberal way. They are more than ready to negotiate with him. But this young man of rare inventive genius—and I am glad we have such young men in America—has patriotically determined, before he would even negotiate, or even seriously consult with any foreign power, to come to his own Government—first, at the other end of the Avenue and then at this end of the Avenue—and lay

his invention and his offer before both the executive and legislative departments, and see whether his own Government, after a thorough demonstration, would desire to take over his invention. For this course I take the greatest pleasure in commending him.

Of course objections can be raised. We can say, as it has been said, that other people can invent something like this and that we can not long retain a monopoly of the invention even if we accept the Hammond proposition. As to that I can not speak with assurance. I know that no other invention of the kind has yet been discovered.

Mr. LANE. Mr. President, does not Mr. Hammond say so himself, that they can duplicate it in less than a year?

Mr. STONE. I did not know that he had said that.

Mr. LANE. He says so right here.

Mr. STONE. Of course it can be duplicated if the secret is known. There would be no difficulty about that.

Mr. LANE. Without the secret; they can solve the secret in less than a year.

Mr. STONE. Well——

Mr. LANE. I do not object to it, Mr. President.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. LANE. I will ask the Senator to yield. He is addressing himself to the Senate.

The PRESIDING OFFICER. Does the Senator yield?

Mr. STONE. I do, since the Senator wishes it.

Mr. LANE. And I want the Senate to know what Mr. Hammond says.

Mr. STONE. What does he say?

Mr. LANE. He says they can duplicate it in less than a year.

Mr. STONE. Read what he says.

Mr. LANE. I will. I will find it. Go ahead, and I will find it.

Mr. STONE. Then find it. What he said to me, and in the hearings to which my attention has been called, was this—that the great fundamental parts of his invention, the essential parts of it, without which everything else would be valueless, is secret. This secret would, under his contract as printed in the RECORD, be conveyed to the Government of the United States, to be locked in the secret archives of the Government, and not to be exposed under any circumstances or in any contingency. That is what he says and that is his proposal.

To be sure, there are men in any important Government of the world who, if they knew the essentials of the invention could recreate or duplicate it. As to whether we could hold and keep this secret for our own use, I know no more than any other man. As a matter of opinion, I should say we could. If the United States should have in its possession, and in its possession alone, the essential and determinative features of this invention, and that should be given out to foreign nations, it could only be done through fraud, through crime, through some treasonable action of our own officials or by theft. That efforts might be made to obtain this secret goes for the saying, but would such efforts succeed? To say they would succeed is to place a low estimate upon the integrity, the honor, the patriotism of the officers of the American Army and Navy and of the officials of the department into whose custody the great secret would be committed. Important state secrets have been and may be divulged. Our diplomatic and Army signal codes have been obtained by enemies, or by foreign governments, but whether by theft or treachery or bribery or whether by one means or another, I do not know, but that has been done, and may be done again. But shall we hesitate to take over this invention because of a possible danger of that kind? I should think not.

Mr. President, just what will we do if we adopt the House bill? We will appropriate $750,000 conditionally, to be paid to Mr. Hammond and his associates, when—how? After the investigations already made by the expert Army officers in charge of our coast defenses have been supplemented by another investigation to be made by Army and Navy officers to be appointed by the President of the United States. And what are they to investigate? Every feature of this invention—everything tending to show its uses, its capabilities, its value. They are to go fully into all its possibilities—into everything showing what it can do, what may be done against it, what it may do when directed from shore, from the air, or from a battleship. These six experts from the Army and Navy will take the whole subject in all its aspects under consideration; and, Senators, upon such men we are bound to depend. There is nobody else for us to depend upon.

Already we have had a report from the coast defense officers; but we do not stop at that. Their examination is to be supplemented by another examination upon which there is no time limit. For that examination $30,000 is to be appropriated to be taken out of the $750,000 to be paid to Mr. Hammond. This board is to be charged with a high and most responsible duty. For one I am willing in this grave matter to trust such men and rely upon them. I have no fear that my faith will be misplaced. I do not like the proposed amendment. It means only delay—unnecessary delay. We should act now, definitely and finally. Why not now, as well as at some future time?

Mr. President, some Senator wanted to know why Mr. Hammond was urging this now, why he was so impatient. He has manifested no urgency or impatience in the talks I have had with him. I say again he impressed me as a young man of a very high type of intelligence, of splendid Americanism, and as being full of the spirit of patriotism. That is the way he impresses me; but he wishes to know whether or not this Government wants his invention; that is all. And he has a right to know that without unnecessary dillydallying; and he has a right to know that without having his loyalty or patriotism put in question.

Mr. President, it seems to me we run a great risk if we do not purchase this invention, and do it now, if the claims made for it are satisfactorily established. I think the House provision is a safe one and a wise one. I shall vote against the Senate committee amendment to the end that the House provision shall stand. If the Senate decides otherwise, I shall, of course, be content.

Mr. LANE. Mr. President, I am in hearty accord with the senior Senator from Missouri [Mr. STONE] in his desire to acquire this device if there is any reasonable ground for our doing so; and I would hesitate to say that it is not worth the price which we are asked to pay for it even if it does not carry farther than 5 miles from shore, for the reason—my attention was called to this by one of the Members of Congress who has this matter in charge—that if you can send a torpedo 5 miles from a battleship at sea, and control its course, it would be worth the money. But as far as concerns its being anything which will long remain a secret, I acquired doubts from reading the testimony of some of the gentlemen who testified before the House committee.

One of them was Col. Treat. I am reading now from the hearings on the fortifications bill before the subcommittee of the House Committee on Appropriations. Col. Treat, on page 306, in answer to a question by Mr. SHERLEY, testified as follows:

> Mr. SHERLEY. Do you not think that if an enemy could do the same thing, operating from their ships, that it would take away some of the effectiveness of our offense operating from the shore?
>
> Col. TREAT. I certainly do, and I think that inside of six months or a year they would have a similar apparatus.

That does not say that they would obtain it by fraud. The general principles of wireless telegraphy are known by the scientists of all nations, and better known by the scientists of a number of nations, I presume, than they are in this country, for the reason that they have made a greater study of it.

Then again, on page 317 of the same hearings, in the testimony of Lieut. Decker, the statement is made by him that—

> It is possible that an experienced radio engineer could take this boat, as it is assembled, and get every bit of information out of it of value in a short time, with the exception of the detector. It would be practically impossible to get anything out of that because it is more or less a question of a secret process.

But they could make, in my opinion, a detector which would answer every purpose.

Capt. Behr, who stayed for a year and a half, I think, in charge of the investigations for the Government—not less than that—makes the statement on page 310, in answer to a question by Mr. SHERLEY as to the time it would take to discover the secret of this invention:

> Well, I doubt whether it can be done inside of a year.

Now, that would be all right, too, in a way. The Senator misunderstands me if he thinks I am opposed in any way to this invention. If all nations knew it, if every nation on the earth knew it, it would still be valuable to us and worth the price if we knew it also, as it would protect our shores from invasion. It would render the smallest, the poorest country invulnerable to the attacks from the sea of an enemy. For that reason I am in a general way in favor of it. All I want to do is to guard this Government against the purchase of something which has not the necessary range from the shore to take the place of fortifications. I am not so much in favor of it if we still have to go ahead and put in this apparatus, this device, and at the same time be compelled to build fortifications and maintain them for the defense of our country; and I did not want the Senate to misunderstand how far the invention went. Beyond 5 or 6 miles these projectiles will not protect the coast. The vessels of foreign nations and our own throw a shell 14 or 15 miles.

Mr. STONE. Mr. President, aside from controlling the direction of this little boat carrying the explosive by an apparatus attached to an aeroplane in the air which the Senator questions, I put this question to him: An aeroplane may beyond all doubt, flying miles in the air, flash signals to the shore and by the signals the shore radiodynamic plant can direct the course of the torpedo. That is also one of the things stated in this report.

Mr. LANE. Mr. President, I think the Senator is a little optimistic in that respect, and I will tell him why. That will work all right for signals from aeroplanes as to location of a stationary body or fortification upon which to land your shells, but to land shells on a war vessel running 25 miles an hour—some of them travel as high as 30—it not being a fixed point, and the message to be transmitted through an intermediary, it also moving rapidly, to the commander of the battery or to the man who, the Senator assumes, controls the course of this torpedo—it would not, in my opinion, work very accurately. It probably would be inaccurate to an extent that would render it valueless. I know something about that, for the reason that I have had experience in shooting at moving targets. Any man knows that you may calculate the distance, but a man in an aeroplane can not so easily calculate the speed of the vessel. He will be kept too busy guiding his own vessel.

Mr. STONE. Is it not true that now coast guns fire at targets far beyond the shore range?

Mr. LANE. Absolutely.

Mr. STONE. And they are moving as high as 20 miles an hour from signals sent from the air. The shots are directed——

Mr. LANE. I do not think so. I never heard of it, but it may be true.

Mr. STONE. That is my understanding of it—and the signals come instantaneously.

Mr. LANE. The observer on shore with his instruments can ascertain the velocity of the object which he is shooting at, and the wind pressure which he has to gauge against, and then land his shots very accurately, but whether he can do that through an intermediary aeroplane or not I do not know, for it seems it has never been tested.

I do know, as the Senator says, and I think perhaps what is in his mind, it is true as to a stationary object, but if the Senator has ever had any experience in shooting at an object from a boat which is going over the waves he will find neither the object which he shoots at nor himself in a stationary position. It is a different matter, and while that can be accomplished to act through a floating intermediary a second relay would render it problematical.

In regard to the control of these projectiles from an aeroplane, Lieut. Decker stated that it was a problem of aeroplane control, and that was then a question of development and spending certain necessary time and money upon it—that it had not yet been devised. The Senator is basing his argument on a proposition and a device which has not yet apparently been devised.

I want to call the attention of the Senate to that. It may work out beautifully, and I have no doubt that in the course of time with experiments carried on it will, but I wish to call attention to the fact that an aeroplane which is to drive the torpedo tandem, if you please, 10 or 15 miles out to sea has not been devised according to the testimony as far as I can ascertain from reading the evidence on the subject. I have no doubt it will in time, I do not question that. I have thought in view of these other problems which will have to be solved, we should make a thorough test before we purchase the device or enter into a contract with the provision in it to the effect that the device be tested and it can easily be done, and if it is successful, then I am willing to vote to accept and pay for it double the price the inventor asks for it. Instead of $1,150,000 I will vote to make it $2,500,000 after it is demonstrated that this torpedo can be driven tandem at sea from an aeroplane a distance of 25 or 30 miles and blow up the enemy's ship. I would not want anything better, and when I had it well in hand I would challenge the whole world to a naval combat and I could beat them off the seas.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. REED].

Mr. WEEKS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Curtis	Gallinger
Bankhead	Clapp	Dillingham	Gore
Brady	Clark, Wyo.	du Pont	Gronna
Bryan	Culberson	Fletcher	Harding
Hughes	Lee, Md.	Reed	Stone
James	Lodge	Saulsbury	Sutherland
Johnson, Me.	McLean	Shafroth	Thompson
Johnson, S. Dak.	Martin, Va.	Sheppard	Townsend
Jones	Norris	Sherman	Vardaman
Kenyon	Overman	Simmons	Warren
Kern	Page	Smith, Ariz.	Weeks
La Follette	Pittman	Smith, Ga.	Williams
Lane	Poindexter	Smith, Md.	Works
Lea, Tenn.	Pomerene	Smoot	

Mr. HUGHES. I desire to announce the unavoidable absence of the Senator from Montana [Mr. MYERS], who is detained from the Senate on account of illness.

The VICE PRESIDENT. Fifty-five Senators have answered the roll call. There is a quorum present. The question is on the amendment of the Senator from Missouri [Mr. REED].

Mr. POINDEXTER. Mr. President, I only want to say a word as to the question upon which we are voting. It seems that both the House of Representatives, judging by their provision in regard to this matter, and the Senate committee, judging by its proposed amendment, are agreed on the proposition that this matter ought to be further investigated. Each one of these provisions provides for an investigation.

Mr. BRYAN. I will suggest to the Senator from Washington that the vote now comes upon the amendment offered by the Senator from Missouri to the House text of the bill.

Mr. POINDEXTER. After that we will then vote on the Senate committee amendment to the House provision, and that is what I am speaking of. The only difference is practically—and consequently the only thing to be determined by a vote upon the Senate committee amendment is—whether Congress will surrender all control over the matter to a commission of Army and Navy experts which may be employed, to appoint your commission and allow them to determine whether or not the $1,100,000 shall be expended; or, on the other hand, according to the Senate committee amendment, whether we will appoint such a commission and have them investigate and get their report, and see the report and use our judgment as to whether it is reasonable and logical or not, and finally determine whether we should expend the money. I think the latter course is the wiser one. I think the Senate committee amendment ought to be adopted.

It has been urged by a good many people that Senators and Representatives are not experts. I do not know whether they are or not. They are experts on some subjects. There may be experts in one or the other body, it makes no difference, but you might as well proceed according to the same theory in the trial of any case by a court where expert witnesses are called upon technical questions and allow them to decide the case. Nobody ever heard of such a proceeding. It is probably very seldom that a technical or a scientific question is presented to a court by experts on that subject that you can not get an equal number of experts upon the opposite side to testify just as strongly. You will get a report from a committee of experts upon this question, we will assume, favoring this invention. I venture to say, I assert, that you can get a report from an equal number of just as competent experts adverse to the invention.

I have great faith in the technical men in the Army and the Navy. I am not disputing the fact of this discovery or invention of this wonderful torpedo control, but I am disputing its practical application as an instrument of actual warfare. It is in an experimental stage, so far as that is concerned. It is admitted that those things which are absolutely essential to carry out the plan described by the inventor, of directing this torpedo at a great distance, have not been actually tried. They assume that they can direct it from an aeroplane. They have never undertaken to do it. No one knows whether they can or not.

I have some opinions here, not given in an official capacity, from scientific men who doubt the practicability of that sort of a control of a torpedo. Without giving their names, if I may be permitted I will let their statement stand for just what it is worth upon the statement itself. I will read a few lines of it. One statement is:

> It seems as if this invention should be considered to be in the same class as a torpedo directed by a wire that proved to be proof to interference—

An invention the Senator from Massachusetts [Mr. WEEKS] spoke of as having been acquired by Great Britain and of having been a failure, and the reason why it was a failure was that they could not locate the torpedo because they could not see it—they did not know where it was, and consequently they could not direct it. This man, who is an expert, said that the same reasons apply to this, that being out of sight it would be impossible for them to tell where it is or in what direction it is going, and consequently, of course, they could not control its course. I am not accepting that as final. I say it is a consideration which ought to impel us not to decide this matter finally now

or to abdicate our right of deciding it in future, but to submit it to this commission for their report and then determine it. He proceeds:

Having been carefully examined and experted, and also proved to be perfectly dirigible under conditions of service, but was found impracticable because once being launched on its mission it was impossible to accurately determine its position from time to time and therefore to know at any moment the direction it should be guided.

It is not a question of how far you can control the machinery by which a torpedo may be directed in its course if you know where the torpedo is. I assume that it might be at a very great distance. The President of the United States, who is not an expert, as far as I know, in wireless telegraphy or any other kind of telegraphy, started the powerful machinery of the Panama-Pacific Exposition 3,000 miles away over a wire. I presume he could have done it by means of wireless appliances, which seem to operate with equal if not greater power than the electrical impulse carried over wire. We can talk by wireless; we can start machinery by wireless. That does not minimize in any way at all the credit that is due to this inventor for having thought of what seems to be a comparatively simple thing, so far as the application is concerned—the proposition that you can use wireless electrical methods, already know, to start machinery in the same way that you start it over wires. Like every other great invention after it is thought out and announced, it seems comparatively simple, and the wonder is that some one of us had not thought of it before, but that does not in any way detract from the credit which is due to the inventor or from the value of the invention.

I am only mentioning this circumstance for the purpose of emphasizing that the important element is in determining the value of the practical application of this invention for the purpose of destroying hostile ships at sea.

Another circumstance which is urged by these technical and scientific men is the fact that this torpedo is perfectly visible, so long as it is within the range of vision, not only to the person who is controlling it and who sends it on his mission, but to the enemy. The enemy can see it as far as we can see it. They can see its approach and they have the means of destroying it. That is one feature that is emphasized in the argument against its practical value in actual warfare. I will read a few words on that subject.

Mr. CLAPP. If the Senator will pardon me, I think some of the experts here in the Senate this morning have testified that it is so adjusted—and I think it is due to the invention to say this—that it can be seen from the point where it is to be controlled, on account of the reflection of light, when it would not be observed from the other point of view.

Mr. POINDEXTER. That might be true to a certain extent. It might be seen farther from the rear than it can be seen from the opposite direction. I do not know in regard to that. One statement is the following:

The consensus of opinion seems to be that while it may possess some novelty, yet it is felt, from an engineering and military standpoint, that it has a number of decidedly vulnerable points, which, as near as can be remembered, may be catalogued something as follows:

First. In its final form it is said to be directed by wireless from an aeroplane flying overhead.

(a) Anything happening to the aeroplane itself, its personnel, or its wireless equipment would render the torpedo useless.

Second. Wireless phenomenon, from start to finish, is not only one of great sensitiveness but is of the high potential electric variety which is easily put out of commission by the least moisture, being especially vulnerable when running close to water, particularly rough water, as would very likely be the case with the torpedo.

Third. The torpedo runs on the surface of the water toward a battleship or fleet and is thus visible. The battleship is always protected by a mosquito fleet of high-speed small vessels, which would be perfectly aware of the presence of this adjunct to the coast defense, and would therefore be on the lookout for it. The moment it was spied, there being no personnel upon the torpedo, and it being impossible for the torpedo, running at a high speed, to turn at all quickly, they would feel themselves entirely at liberty to run just as close in to the torpedo as necessary to pepper her full of shot. The torpedo is so vulnerable that one shot alone would suffice to sink her or blow her up.

Fourth. To attain any such speed as has been officially claimed for this torpedo, the boat would have to be one of the most high-powered boats for its size ever built.

That is, the boat upon which the torpedo is floating. Of course, it is understood that the plan proposed here is to put the torpedo upon a small boat, carrying it over the surface of the water. The proposal is that there shall be upon that carrier wireless electrical apparatus which is responsive to wireless electrical impulses by which the course of the boat upon which the torpedo is launched will be directed. Of course, as I said before, it can only be directed when it can be seen and when its location is known.

Some reference was made this morning to 6 miles. Of course, I think it is the common knowledge of everybody that it would be impossible to see a small launch carrying a torpedo 6 miles. It is doubtful whether it could be seen 2½ miles. I do not know in regard to that. I have had some experience in looking at ships at sea, and it is difficult to see a battleship 7 or 8 miles at sea with the naked eye. This little launch upon the surface of the water would only be seen a very short distance away, and when out of sight it is beyond control.

This man, speaking of the boat upon which the torpedo is launched, says:

It would therefore be in a very constant high state of pulsation and vibration. The wireless directive apparatus and the other wireless adjuncts which have been named in connection with the torpedo are not only very complex but of a highly delicate and extremely sensitive nature, and if any one of the various intricate factors should become deranged through the great vibration present, of course the torpedo would immediately become unmanageable.

Fifth. Of course, each torpedo, with its plant, adjuncts, and the hydroaeroplane that would need to be used with it, constitutes an expensive unit, and the total chances, considered in their most favorable light, of its ever becoming effective seem altogether too slight to justify the initial expense, to say nothing of the proposed bonus or payment for the rights.

I state that only for what it is worth upon its face, and it seems to me to be extremely logical. It does not require an expert to make the final decision of these matters. It requires an expert to understand the scientific machinery by which the results are accomplished, but when we are given the results and the known conditions, it only requires common experience and common sense to draw a conclusion. That is why I say that we should be left to judge after we see the report of this board of Army and Navy experts which the Senate committee amendment proposes.

Mr. LANE. Will the Senator allow me to ask him from what authority he was quoting?

Mr. POINDEXTER. I was quoting from a number of authorities, but I do not cite it upon the strength of their position or their authority. I cite it only for what it is worth upon its face.

Mr. WORKS. Mr. President, as I understand the proposition in the House bill and the amendment proposed by the committee, the House bill provides for the actual purchase of this invention, the price to be paid only upon a favorable report as to its efficiency by the board. That is provided for, and that will be the effect of the House provision.

The proposed Senate committee amendment provides only for the investigation, and nothing else; and when that investigation is made and a report comes in, we shall be just where we are to-day, except we will have that information here in Congress, instead of having it before the proper department as under the provisions of the House bill. I do not agree with the Senator from Washington that the latter is the best course to pursue. I think we had better act in this matter now, and leave the determination of the efficiency of this device to the proper officers when that report is made.

Mr. BRANDEGEE. Mr. President, as I said this morning in speaking on the main bill, it seems to me that the House provision is much better than is the Senate provision. When I say that, of course, I mean that, if I may so say, it appeals to my judgment as the best, the most businesslike, and the commonsense way to proceed.

Either of these amendments recommends another investigation by a board of experts. It is perfectly evident that nobody on this floor knows anything about wireless or radio control of torpedoes or of torpedo boats that are carrying torpedoes. If we did, there would be no occasion, perhaps, to refer this matter to a board of experts. Of course, it goes without saying that this invention being a secret and a patented thing, the very provisions of the bill authorizing that it shall be kept secret can not be analyzed and diagnosed here by Senators so as to form an intelligent opinion or to come to a reasonable conclusion about the merits of the case.

The Senator from Washington [Mr. POINDEXTER] has read certain extracts from statements of gentlemen who have furnished him with their views about this matter. They criticize this invention, this contrivance; their criticisms may be perfectly justified; I do not know; but I would not allow their opinions to influence my vote on this question. They can take their testimony and their opinions to the board of experts which we propose to appoint, to weigh their merits and to test them against the opinions of other experts, and then to experiment with the boat in actual service.

It strikes me that, even if this invention does not do something that some Senator thinks it ought to do, it still may be worth the amount of money named for this Government to control it. These expert Army and Navy men, who will have the advantage of using $30,000, if they see fit, to summon all the experts in the country before them, may be able to see uses for this torpedo boat in defense and offense which we have not considered at all. It may be found to be worth the full price, and more than the price, asked for it, after they have experimented with it, for the uses that they may see it is available to be put to. If we desire

to have a new arm of the service, I can not conceive of any more common-sense way or of any safer for the Government to pursue than to authorize its purchase, subject to the decision of the very authorities that we pay to decide these questions for us.

I think it really unwise to put on amendments such as the one which the Senator from Missouri [Mr. REED] has offered, which attempts to prescribe the tests which the investigating board shall employ and the standards to which this invention shall conform before they shall even recommend its purchase.

We can see so little about this thing and we know so little about it, that it seems to me the more complete freedom we give to these sworn officers of the Government—whom we have educated and whom we trust with all our secrets of defense—to use their own judgment and to ascertain in their own way, in view of all their knowledge, whether the Government ought to have this invention or not, the better it will be. If they say that they think this thing is worth the $750,000 which the bill provides, and they recommend its purchase to the President, I think that we may safely take a chance, rather than, and much more safely than, to take the chance which the Senator from Mississippi [Mr. VARDAMAN] says he is willing to take, to wit, take the chance that the gentleman who in good faith offers this to the Government at a reasonable price will bear the entire burden himself and take all the chances himself, and that the Government shall take no chances, and then appeal to his patriotism—which is simply the Government's appeal to the charity of a private individual—to bear all the expense and take all the chances in order that the Government may avail itself of the fruits of his labor at his expense. I am free to say that I can not understand the reasonableness of such a proposition as that; and I hope that the amendment will be voted down, and that the House provision will be agreed to.

Mr. WALSH. Mr. President, in my opinion the amendment offered by the Senator from Missouri [Mr. REED] is subject to an objection which may also very properly be lodged against the amendment offered by the Senate committee. I do not think that a report telling all about the experimentation to be made by officers of the Army and Navy, telling all about what this device will do or what it will not do, should be published and laid before Congress. For perfectly obvious reasons the matter should be kept as much a military secret as it is possible to keep it. That can not be done under the plan offered by the Senate committee amendment or by the plan offered by the amendment of the Senator from Missouri.

I am satisfied, however, that we ought not to entrust the purchase of this device absolutely to these officers of the Army and the Navy under the House provision. The President appoints these officers, but he has absolutely nothing whatever to say with respect to the question as to whether or not the device shall be purchased. If these officers conclude that it ought to be purchased, it will be purchased, even though the President, upon such information as he has about the matter, should be satisfied that the public interest directs the other course.

I propose to offer an amendment which I think ought to be accepted, and to which no one, as it seems to me, ought to offer any objection. I desire to put the responsibility upon the President to buy or not to buy, as may seem to him wise, upon a favorable report made by the board of Army and Navy officers. The President is responsible to the people; and if the device shall eventually prove an entire fiasco, he will be obliged to assume the responsibility for it. I accordingly, Mr. President, move to amend the House provision by striking out the word "unless," at the end of line 18, on page 7, and to insert thereafter "except upon the approval by the President of"; to strike out the words "the President," in line 20, and to insert "him"; and to insert the word "which" after the word "him," so that it will read:

That said sum shall not be paid except upon the approval by the President of a report by a board of three Army and three Navy officers, to be appointed by him, which shall be favorable to the acquisition of such rights.

I am authorized by the Senator from Missouri to say that if the Senate should accept this amendment he will consent to withdraw his amendment.

Mr. BRYAN. Do I understand the Senator from Missouri withdraws his amendment?

Mr. BRANDEGEE. I had that same idea in my mind when I was speaking. I entirely agree with the Senator from Montana about the matter. I think the amendment which he suggests is perfectly proper.

Mr. BRYAN. I think the amendment proposed by the Senator from Montana improves the House provision.

Mr. WALSH. Then, Mr. President, I offer the amendment which I have tendered as a substitute for the amendment offered by the Senator from Missouri.

Mr. BORAH. Will the Senator from Montana again read his amendment?

Mr. WALSH. I will read it as the language would be if the amendment should be adopted:

Provided, That said sum shall not be paid, except upon the approval by the President of a report of a board of three Army and three Navy officers to be appointed by him, which shall be favorable to the acquisition of such rights.

Mr. BRANDEGEE. It should read "which report shall be favorable."

Mr. WALSH. I will insert the word "report" there.

Mr. SMITH of Georgia. Mr. President, is the effect of the amendment proposed by the Senator from Montana to leave the President in a position where he will be obliged to buy this device if the report thereon is favorable?

Mr. WALSH. No.

Mr. SMITH of Georgia. Or does it broadly still leave it in the President's discretion as the head of the Army and Navy to buy it if, on a favorable report, he thinks the purchase desirable?

Mr. WALSH. That is the purpose, and I think the language justifies that construction.

Mr. SMITH of Georgia. And the Senator is satisfied that that language fully meets that condition?

Mr. WALSH. I am.

Mr. SMITH of Georgia. If it does, I shall vote for the amendment and shall also vote for the House provision as it will be amended.

Mr. VARDAMAN. Will the Senator from Montana be good enough to again read his amendment?

Mr. WALSH. As proposed to be amended the language would read:

Provided, That said sum shall not be paid, except upon the approval by the President of a report of a board of three Army and three Navy officers to be appointed by him, which report shall be favorable to the acquisition of such rights.

Mr. VARDAMAN. That is not altogether clear.

Mr. SMITH of Georgia. I hardly think that language meets the idea presented by the Senator from Montana. It seems to me it should provide that the President, upon a favorable report of this board, should have the right, in his discretion, to make the purchase if he thought that the needs of the Government required it. With that language, or substantially that language, I am ready to vote for the amendment.

Mr. WALSH. Let me say to the Senator that if the President does not want to buy the device he will not adopt the suggestion of the board and will disapprove their report, in which case the purchase would not be made.

Mr. SMITH of Georgia. I did not catch the Senator's remark.

Mr. WALSH. I stated that if the President does not want to buy the device and is satisfied that the interest of the Government will not be subserved by its purchase, he will then decline to approve the report recommending the purchase.

Mr. WEEKS. Mr. President, I should like to call the attention of the Senator from Montana to the fact that his amendment entirely changes the conditions which the House provision imposes. The House provision proceeds on the theory that a sale is made provided the apparatus comes up to the conditions approved by a scientific board. The provision as proposed by the Senator from Montana [Mr. WALSH] changes that and leaves in the hands of some one else after the board has reported the determination of whether the purchase shall be made. I do not know how the owners of this patent will feel about that proposition, but the amendment makes of it a very different kind of proposition.

Mr. WALSH. Let me say to the Senator from Massachusetts that I do not so understand the House provision at all. The provision in the House bill does not specify any requirements whatever which the device must meet. The amendment of the Senator from Missouri attempts to specify some requirements which it shall meet. I think it would be difficult for us, with the meager knowledge we have of the possibilities, to attempt to specify.

I call the attention of the Senator from Massachusetts to the fact that the House does not endeavor to lay down any requirements. It merely provides that the device must be of such value as disclosed by the test as will satisfy the board of Army and Navy officers that it ought to be accepted, and the amendment I propose puts the ultimate responsibility to make this purchase upon the President.

Mr. WEEKS. Mr. President, I understand that the House would have authorized an appropriation for the purchase if such purchase had been approved by the officers of the Navy to the same degree that it had by the officers of the Army. The Board of Ordnance and Fortification recommended the

paying of $830,000 for this apparatus. The Army officers, who naturally are those who would pass upon it, are evidently convinced that the purchase ought to be made, and they recommend its purchase, but the officers of the Navy have not given the same consideration to it, and for that reason this proposition was put in the bill by the House.

I do not know anything about how the owners of the patent would feel, after they have demonstrated that this apparatus will do substantially what they claim it will do, about leaving its purchase to the option of the President. I merely call that to the Senator's attention, because I think it does change the provision.

Mr. WALSH. Mr. President, I have no information on the subject, I may say; but I should naturally think that these gentlemen, moved by patriotic impulses, as I have no doubt they will be, could scarcely find any reason for declining to allow the President of the United States to say whether we had better take the device or not.

Mr. OLIVER. Mr. President, I feel satisfied that if a board of Army and Navy officers, after full investigation, recommend the purchase of this invention, and give good grounds for so recommending, the President of the United States will approve their report. I see no objection whatever to the amendment offered by the Senator from Montana, and, so far as I am concerned, I hope it will be adopted.

Mr. BORAH. Mr. President, may I ask the Senator from Montana a question?

Mr. WALSH. Certainly.

Mr. BORAH. Does the Senator construe his amendment to leave it to the discretion of the President to purchase or not to purchase, even if the report of the Navy and Army officers should be to the effect that the patent will do what it is now contended it will do?

Mr. WALSH. Yes; he would still have the discretion under the amendment not to buy the device, because the House bill does not contemplate that the device shall do anything; it simply contemplates that the board of officers shall recommend the acquisition of the device.

Mr. BORAH. Then, the President may, under the amendment proposed by the Senator from Montana, for reasons wholly outside of any report, decline to purchase the device?

Mr. WALSH. I should say so; he could disapprove of the recommendation made in the report that the Government acquire the invention.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Montana a question. It seems to me that the House bill provides that the board of Army and Navy officers shall make the investigation for the purpose of determining certain facts. If in their investigation they find, in their opinion, that this device, apparatus, or whatever you may call it, will do a certain thing, and they report that fact to the President, under the terms of the amendment proposed by the Senator the President will be compelled to accept it, whether he approves the purchase or not.

Mr. BRANDEGEE. Mr. President, the Senator is mistaken——

Mr. WALSH. I do not agree with the Senator in either particular.

Mr. TOWNSEND. Mr. President, if the Senator will yield to me, I think that I perhaps am justified in stating that the patentees are willing that this provision shall rest upon the amendment of the Senator from Montana. They have such confidence in the merits of the invention that they are perfectly willing to abide the judgment of the President after it has been investigated by a board of Army and Navy officers.

Mr. WILLIAMS. Mr. President, for information I wish to ask a question of the Senator from Montana. I am not sure that I understand his amendment, because it is sent to me in lead pencil and interpolated, on page 7, line 18. As I understand, his amendment means that the sum shall not be paid unless a board of Army and Navy officers, to be appointed by the President, report in favor of it, and unless their report meets with the favorable approval of the President. Is that right?

Mr. WALSH. That is the idea intended to be expressed by the amendment.

Mr. WILLIAMS. Well, Mr. President, I am not a radioelectrical engineering expert. A good many Members of the Senate have qualified to-day as radioelectrical engineering experts. I frankly confess that I know nothing about the technicalities of this branch of science. If the invention offered by Mr. Hammond is accurately described by him and by the experts who thus far have studied it, it is worth $20,000,000 to the United States Government; if it is not, it is not worth anything. It reminds me of the old story about the man who went to sell a mule to another man. When he got through describing the mule, the other man said, "If the mule comes up to your description, it is worth $10,000; if it does not, I am not buying any mule." [Laughter.]

It seems to me that the amendment offered by the Senator from Montana is perfectly right. Under the Constitution, at any rate, the President is Commander in Chief of the Army and Naval forces of the United States. If you are going to provide that a certain amount of money shall be paid provided a certain board, consisting of three Army and three Navy officers, shall approve of it, it is nothing but right and proper that it shall also provide that the constitutional chief shall approve of it.

I do not know anything much about this. I have read a little about it in the newspapers; I have read a little about it in the magazines. Comparing my concealed knowledge with the proffered information of Senators, I am about as well equipped to pass on it as they are, I think; but I not only do not claim that I am equipped to pass upon it, but I do not even confess that I am. I do not even go so far as a lawyer in middle Tennessee went when somebody said that he had been accused of being the best lawyer in that section of the State. Somebody else asked, "What is the proof of it," and he said, "There is no proof of it; confound it, I confess it; I admit it." [Laughter.]

It seems to me, Mr. President, that this is a great invention, if it is an invention at all, and I do not know whether it is at all or not. If you can run out a torpedo under wireless control even 5 or 6 miles, that is one of the new things that the world has to treat as a scientific miracle. I no more understand it than I understand wireless telegraphy, and I do not understand anything about that. I no more understand it than I understand Morse's telegraph system; and I do not understand that, and the average citizen does not; but if there be a man in the United States who has a device whereby a torpedo can be guided for even 5 or 6 miles—not by wires, not by physical contact, but by wireless touch, that man is as great as Marconi—I will not say greater, because without Marconi he could not have gone that far. Just as a dwarf on the shoulders of a giant is not greater than the giant, but the dwarf's vision is superior to that of the giant's, so this man's vision, if what is claimed for this invention be true, is superior to that of Marconi himself.

Suppose that you can not guide this torpedo by wireless any more than 5 or 6 miles; suppose that an aeroplane can not be invented to extend its transcoastal vision any further than its transoceanic vision; suppose that all it can do is to direct by wireless an invisible, incomprehensible, concealed system, an attack upon a dreadnaught or upon a transport ship filled with troops and entering one of our harbors; suppose that is all it amounts to; then let us suppose that one of them is down at Cape Henry or at Cape Charles to protect the entrance to the Chesapeake on the way to the Capital of the United States; suppose that one of them is at Port Eads, at the mouth of the Mississippi River, to protect the United States against that division that the Union Army effected during the war and after which the Confederacy was helpless; suppose that one of them or two of them or three of them, at the prices fixed in this bill, are off Sandy Hook to protect the harbor of New York; suppose that one of them is at the entrance to the Golden Gate to protect San Francisco; that one of them is at the island of Catalina, off Los Angeles, to protect Los Angeles on the Pacific coast; and suppose that machine succeeds in sinking one dreadnaught or one transport with three regiments aboard—it will justify the expenditure of every dollar appropriated in this bill.

This year the Democratic Party, in charge of the administration and of both Houses, is afflicted—and I use the word "afflicted" advisedly—with protecting and preparing for any sort of danger that may menace the United States. We know now that we have got to appropriate at least two hundred millions of dollars more than we have ever appropriated in our entire history. Are you going to hesitate about $1,150,000 to invest in something that you think could protect the entrance to the Chesapeake, Sandy Hook, the Golden Gate, that could possibly, even if not probably, sink a dreadnaught or a transport with two or three regiments aboard?

I have heard a great deal said about the patriotism of John Hays Hammond. My heart responds to a few words that were uttered this morning by the Senator from California. If I had been wise enough, mechanical engineer enough, to make this invention, I would not have let my children or grandchildren know that I had ever come to the Congress of the United States for compensation for it. I would have put it at the service of my Government and my country. I especially would have done that if my father were a millionaire and I needed no money; but that is not the question. You are faced with this condition.

What are you going to do with it? Are you going to buy this device, or are you going to let it go by the board? Are you going to leave it possibly to the heart of somebody who has not the same sort of a heart that you and I have to sell it to some foreign country?

It seems to me absurd to talk about making out of one device, one invention, a universal Atlantic and Pacific coast defense for the entire United States. Of course, that can not be done. The question arises as to whether you can create aerial wireless stations on aeroplanes in order to defend the coasts. If you can, this thing is worthy many times the price that you are required to pay by the Hammond family. If you can not do it, it is worth two or three times the amount of money that they want for it even to defend New York Harbor, or the entrance to the Chesapeake, or the entrance to the Mississippi, or the entrance to San Francisco Bay. Why swallow camels and hesitate about gnats?

It seems to me that the only thing needed in this provision is the amendment offered by the Senator from Montana, and that is that after these expert boards get through with it their order shall be approved by the President of the United States, who under the Constitution is the Commander in Chief of the Army and Navy. Why? Not because the President is a radioelectrical engineering expert, but because, after he gets all the information that radioelectrical engineering experts can give to him, he is after all a man of magnificent sense and fully equipped for the place which he now occupies, not only as the Chief Civil Magistrate of this country but as the Commander in Chief of the Army and the Navy. He will act as a nonexpert sitting in judgment upon expert conclusions, and he will act as a dwarf acts upon the shoulders of a giant. A dwarf can see farther than a giant can if he is on the shoulders of a giant, not because he is a dwarf, but because he is on the shoulders of a giant; and the President ought to be permitted to decide finally and conclusively as to whether the report of these experts shall or shall not be accepted.

The VICE PRESIDENT. As a matter of parliamentary law, the amendment of the Senator from Missouri [Mr. REED] is still pending.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. The Chair was about to suggest that it might be temporarily withdrawn, and if the amendment of the Senator from Montana is not adopted it will be again presented.

Mr. WALSH. I am authorized by the Senator from Missouri to say that his amendment may be considered as temporarily withdrawn.

The VICE PRESIDENT. Then the question is on the amendment of the Senator from Montana.

The amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the committee amendment.

Mr. GORE. Mr. President, I desire to offer an amendment at the close of the amendment just adopted, running in this language:

And provided further, That said board is authorized and directed to test and report upon the efficiency of the Clark invention of similar character, and in case of a favorable report said invention and patent rights may be likewise purchased upon terms to be approved by the President.

I hope the Senator from Florida will accept the amendment.

Mr. BRYAN. Mr. President, of course I can not accept the amendment in that form, because the Senate amendment does not authorize the President to approve and thereby put into effect anything. If the Senator will limit his amendment to the first half of it——

Mr. GORE. I desire to make it coterminous with the amendment just adopted, the one offered by the Senator from Montana.

Mr. BRYAN. That is, that the board of Army and Navy officers should report upon the merits of the Clark device?

Mr. GORE. As I understand, under the amendment offered by the Senator from Montana, the Hammond invention might be purchased. I desire to give them equal chances. This amendment simply gives an opportunity to have the Clark invention tried out the same as the other.

Mr. BRYAN. The Senator from Montana offered his amendment to the text of the House bill.

Mr. GORE. I am offering this following his amendment—not to the Senate amendment.

The VICE PRESIDENT. The amendment offered by the Senator from Oklahoma will be stated.

The SECRETARY. It is proposed to add, after the amendment just adopted, the following:

And provided further, That said board is authorized and directed to test and report upon the efficiency of the Clark invention of similar character, and in case of a favorable report said invention and patent rights may be likewise purchased upon terms to be approved by the President.

Mr. WEEKS. Mr. President, I should like to ask the Senator from Oklahoma if he would have any objection to inserting in his amendment the words "and other," so as to read, "the Clark and other inventions"?

Mr. GORE. That was my original idea, to insert the words "and other similar inventions." I think they ought to be in there; but after the provision was adopted for the purchase of it, offered by the Senator from Montana, I felt some doubt about authorizing the purchase of all other inventions. I do not know that there are any besides the Hammond and Clark devices. I have no objection to it, however.

Mr. WEEKS. I understand that there are a great many inventions that relate indirectly to this subject.

Mr. GORE. Very well. I think that ought to go in.

Mr. BRANDEGEE. Mr. President, let me ask the Senator a question. Of course his amendment is not in print, and I have not had an opportunity to read it critically; but who is to agree upon the price to be paid for other inventions?

Mr. GORE. The amendment, as I offered it, provides that the payment is to be made upon terms approved by the President. I would rather assume that possibly it would go over. I have an idea that the Clark invention is superior to the Hammond invention, and that it can be purchased for much less money, and I do not think the opportunity ought to be foreclosed.

Mr. BRANDEGEE. Mr. President, I have no objection whatever to an examination of any invention that could possibly be of any service to the Government or the purchase of it at a proper price.

Mr. GORE. Certainly there can be no objection to that.

Mr. BRANDEGEE. None whatever. It simply occurred to me that this bill carries a provision of $30,000 to be devoted to the examination of the Hammond invention. I do not know anything about the expense that would be incurred in investigating all other inventions of similar character and making the necessary tests. That is one thing that occurred to me. Another thing is that nobody has offered any other invention to the Government at any price whatever. We are utterly in the dark about that. A third consideration is that even if it is desirable to purchase all of these things, if they are meritorious and do not conflict with each other, it seems to me to be a little hasty to authorize the President to buy certain things upon the recommendation of a board at any price he may see fit to name. It is a little irregular method of appropriating money, it seems to me.

Mr. GORE. I rather agree with the Senator that it is a little hasty and perhaps lacks the circumspection that ought to be employed.

Mr. BRANDEGEE. I want to suggest to the Senator, also, that unless some definite sum were specifically appropriated, I doubt whether, in law, the money could be gotten out of the Treasury—whether even the President could pay it.

Mr. GORE. I have no doubt that if the terms were agreed upon the matter would be allowed to drift until Congress reassembled. I have no objection to that course being pursued. In fact, I do not know whether they would determine to purchase it at all or not. I think they ought to investigate it and determine it upon its merits, and I have no doubt that it could be held in reserve until Congress met.

Mr. BRANDEGEE. If this $30,000 is necessary and sufficient for the investigation of the Hammond invention, which has been considered by both committees and reported upon by an expert board, all right; but I do not think the $30,000 intended to be appropriated for this one purpose, if needed for that purpose, should be diverted to all these other investigations. I was going to suggest also that I have no objection whatever to letting the amendment go in the bill in any form the Senator from Oklahoma wants to have it, for the purpose of having it considered in conference, for I am quite convinced that the House would never agree to it as it is.

Mr. GORE. That is the paramount object I had in mind, and I should expect the conferees to work it out more effectively and more systematically than I have been able to do offhand here. I hope, however, it will remain in the bill as it is offered.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the committee amendment.

Mr. BRANDEGEE. Let the question be stated again.

The VICE PRESIDENT. The question now is on the committee amendment, which is the amendment to strike out the House provision.

Mr. OLIVER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on striking out the House provision and inserting the Senate provision. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. Not knowing how he would vote if present, I will withhold my vote.

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED], who is temporarily absent from the Chamber. I am informed that if he were present he would vote "nay." Therefore I feel at liberty to vote. I vote "nay."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I wish to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina], and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am informed by his colleague and by the Republican whip that if he were present he would vote "nay." Desiring to vote "nay" myself, I regard myself as released from the pair for this particular vote. I therefore vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I have a general pair with the senior Senator from New York [Mr. O'GORMAN], but under the terms of that pair I am permitted to vote on questions of this kind. I vote "nay."

Mr. WALSH. I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT], but I am advised that he would vote as I am about to vote. Accordingly, I vote "nay."

Mr. HARDING. In view of the announcement made by the senior Senator from Mississippi [Mr. WILLIAMS], I transfer my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

Mr. WALSH. I announce that my colleague [Mr. MYERS] is absent on account of illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

The result was announced—yeas 28, nays 42, as follows:

YEAS—28.

Bankhead	Gronna	Lea, Tenn.	Smith, Ariz.
Beckham	Hardwick	Overman	Smith, Md.
Bryan	Hughes	Poindexter	Swanson
Clapp	Johnson, S. Dak.	Ransdell	Taggart
Clarke, Ark.	Jones	Shafroth	Thompson
Fletcher	Kenyon	Sheppard	Tillman
Gore	Kern	Simmons	Vardaman

NAYS—42.

Ashurst	du Pont	Nelson	Sterling
Borah	Gallinger	Newlands	Stone
Brady	Harding	Norris	Sutherland
Brandegee	Husting	Oliver	Townsend
Broussard	James	Page	Walsh
Chamberlain	Johnson, Me.	Pittman	Warren
Clark, Wyo.	La Follette	Pomerene	Weeks
Colt	Lane	Saulsbury	Williams
Culberson	Lee, Md.	Sherman	Works
Curtis	Lodge	Smith, Mich.	
Dillingham	McLean	Smoot	

NOT VOTING—25.

Catron	Lewis	Owen	Smith, S. C.
Chilton	Lippitt	Penrose	Thomas
Cummins	McCumber	Phelan	Underwood
Fall	Martin, Va.	Reed	Wadsworth
Goff	Martine, N. J.	Robinson	
Hitchcock	Myers	Shields	
Hollis	O'Gorman	Smith, Ga.	

So the amendment of the committee was rejected.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, line 8, after the figures "$100,000," it is proposed to add:

Provided, That hereafter the Chief of Coast Artillery shall have the rank, pay, and allowances of a major general."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEEKS. I move to amend by striking out the whole of section 6, commencing on line 24, page 16.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16 it is proposed to strike out section 6 of the House text, which was originally section 5, in the following words:

SEC. 6. That expenditures for carrying out the provisions of this act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate: *Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Massachusetts.

Mr. BORAH. Will the Senator state the provision that he proposes to strike out?

Mr. WEEKS. It is what is now section 6; it was section 5.

Mr. GALLINGER. Let the provision be read, Mr. President.

Mr. HUGHES. Mr. President, a parliamentary inquiry. It is the intention of the Senator to strike out the proviso?

Mr. WEEKS. Yes; that is what I want to have stricken out.

Mr. HUGHES. Then the Senator really wants to strike out the proviso rather than beginning at the section. Would it not be better to change the amendment?

Mr. WEEKS. I will have the amendment commence with the word "*Provided*," line 3, page 17.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 17, beginning at line 3, it is proposed to strike out the following words:

Provided, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. BRYAN. Mr. President, I move to lay the amendment on the table.

The VICE PRESIDENT. The Senator from Florida moves to lay the amendment on the table. [Putting the question.] The ayes seem to have it.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). Announcing my pair with the junior Senator from Alabama [Mr. UNDERWOOD], I withhold my vote. If permitted to vote, I should vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

I wish to state that my colleague [Mr. MYERS] is absent on account of illness.

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from New Jersey [Mr. MARTINE] and vote "nay."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

Mr. HARDING. In announcing my pair, I stated my position under an apprehension that I was voting for the amendment suggested by the Senator from Massachusetts. However, I transfer my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. GALLINGER (after having voted in the negative). I have voted, but I have a pair with the Senator from New York [Mr. O'GORMAN]. This is a question concerning which I am not at all sure as to his attitude, and therefore ask to have my vote withdrawn.

Mr. DU PONT (after having voted in the affirmative). Mr. President, I voted under a misapprehension, supposing the question was on the amendment proposed by the Senator from Massachusetts [Mr. WEEKS]. Since voting, however, I have learned that the question is on laying the amendment on the table. I therefore desire to change my vote from "yea" to "nay."

The result was announced—yeas 36, nays 20, as follows:

YEAS—36.

Ashurst	Fletcher	La Follette	Sheppard
Bankhead	Gronna	Lane	Simmons
Beckham	Hughes	Lea, Tenn.	Smith, Ariz.
Borah	Husting	Norris	Stone
Brady	James	Overman	Swanson
Bryan	Johnson, Me.	Ransdell	Taggart
Chamberlain	Johnson, S. Dak.	Reed	Thompson
Clapp	Jones	Saulsbury	Vardaman
Culberson	Kenyon	Shafroth	Walsh

NAYS—20.

Brandegee	Harding	Oliver	Townsend
Clarke, Ark.	Hardwick	Sherman	Warren
Curtis	Lee, Md.	Smith, Mich.	Weeks
du Pont	McLean	Smoot	Williams
Gore	Nelson	Sterling	Works

NOT VOTING—39.

Broussard	Hitchcock	Newlands	Shields
Catron	Hollis	O'Gorman	Smith, Ga.
Chilton	Kern	Owen	Smith, Md.
Clark, Wyo.	Lewis	Page	Smith, S. C.
Colt	Lippitt	Penrose	Sutherland
Cummins	Lodge	Phelan	Thomas
Dillingham	McCumber	Pittman	Tillman
Fall	Martin, Va.	Poindexter	Underwood
Gallinger	Martine, N. J.	Pomerene	Wadsworth
Goff	Myers	Robinson	

So Mr. WEEKS's amendment was laid on the table.

Mr. GALLINGER. Mr. President, I did not expect that a motion to lay the amendment of the Senator from Massachusetts on the table would be made, and I had intended to occupy three or four minutes in the discussion of that amendment. That privilege has been forbidden me by the action of the Senate. I now ask unanimous consent to place in the RECORD communications—few in number—from citizens of my State and, I believe, one or two from other States relating to this subject, without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

COMMITTEE OF TEN TO OPPOSE LEGISLATION ANTAGONISTIC TO EFFICIENCY IN AMERICAN INDUSTRY,
New York, June 27, 1916.

Hon. JACOB H. GALLINGER,
The Senate, Washington, D. C.

MY DEAR SIR: I understand that some of your constituents have called your attention to the antiefficiency legislation now pending in Washington. I refer particularly to the Tavenner amendment to the various appropriation bills, some of which have already passed the House, and others are now under consideration.

These riders prohibit the use of time studies, premiums, or bonus payments in the Government work authorized under these appropriations.

Time studies are simply a means of determining the best method of accomplishing work and the amount of time required by a workman, without fatigue, to accomplish the work through these best methods.

Bonus and premium payments are a means of rewarding the industrial worker by an extra payment over and above his daily wage for the accomplishment of a fair day's work.

The opponents of these efficiency measures have made a false statement, that they are simply the means of setting an excessive task, based on the capabilities of the most rapid workmen, and that less capable workmen are forced to accomplish this or suffer. This is absolutely false, and ample evidence can be furnished to anyone who honestly desires the information.

The efforts which are being made by the leaders of organized labor are of vital importance to the industries of the country, and will, we believe, receive the condemnation of everyone who makes a thorough study of the conditions.

I trust that your active opposition to the Tavenner measures may be counted on.

If there is any further information that we can give you, we shall be very glad, indeed, to furnish it.

Yours, very truly, W. HERMAN GREUL, *Secretary.*

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, D. C., June 27, 1916.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: In four appropriation bills—the Army bill, the naval bill, the fortifications bill, and the sundry civil bill—now pending before the Senate of the United States or its committees there has been incorporated an amendment, popularly known as the Tavenner amendment, prohibiting the use of certain methods incident to the establishment of an efficiency system in Government manufacturing establishments. Against such legislation, which would block the road to increased efficiency in Government plants, the Chamber of Commerce of the United States has placed itself on record, and we would earnestly ask your attention to the following resolution adopted at the fourth annual meeting, held in Washington, D. C., February 8, 9, and 10, 1916.

Very respectfully, yours,

ELLIOT H. GOODWIN,
General Secretary.

INDUSTRIAL EFFICIENCY.

Whereas the Chamber of Commerce of the United States, assembled in its third annual meeting, urged that Congress should reject the so-called Dietrick amendment to a pending appropriation bill in so far as this amendment sought to prevent the study of methods to increase industrial efficiency in manufacturing establishments of the Government and to forbid additional compensation to employees as a reward for improvement in skill and effort;

Whereas no legislative enactment of any kind should have as its purpose interference with the development of industrial efficiency in ways which comport with the public interest: Now, therefore, be it

Resolved, That the Chamber of Commerce of the United States, in fourth annual meeting assembled, emphatically reaffirms the attitude it has previously taken upon this question.

—

EXECUTIVE OFFICES GERMAN-AMERICAN BUTTON CO.,
Rochester, N. Y., June 21, 1916.

Senator JACOB H. GALLINGER,
Washington, D. C.

DEAR SENATOR: We want to appeal to you to oppose the legislation before Congress aimed to prevent the use of time study and the stop watch in Government work and premium payments to Government workmen. This proposal is based on absolute and utter misunderstanding. The stop watch or some time-measuring device is essential to the determination of rates that are really accurate and fair to the worker. It is used only to determine the rates. It is never held over the operator afterwards, and once rates are determined its use ceases.

Bonus and premium payments are a true recognition of efficiency and mean sharing with the worker the savings effected. Proposed legislation appears in Tavenner House bill, also Van Dyke Post Office bill and naval appropriation bill as reported. To approve this antiefficiency legislation would be a crime, and surely a grave injustice to American labor. Workers in plants where rates are correctly established by scientific time studies and where proper bonus payments are given will all strongly approve and indorse their use.

Very truly, yours,

GERMAN-AMERICAN BUTTON CO.,
HENRY T. NOYES, *Treasurer.*

—

EFFICIENCY SOCIETY,
New York, June 19, 1916.

To Members of Congress:

Under date of January 21, 1916, before his elevation to the Supreme Court, Mr. Louis D. Brandeis, an eminent advocate of the workers, wrote us as follows:

"Referring to the proposed congressional legislation to prohibit the introduction or use of time study and premium payments in Government establishments, in my opinion, any such restriction upon the conduct of Government establishments would be highly inadvisable. The purpose for thus proposing the legislation is doubtless one which all of us would approve. Increased efficiency ought not to be purchased at the expense of health and other qualities essential to good citizenship and the general welfare; but no one can doubt that increased efficiency is essential to the public welfare; that we have not yet learned now best to secure that efficiency, and that the most important element in securing efficiency is the knowledge of facts, to the ascertainment of which time study is a means.

"To prohibit time study and premium payment is as crude a method of affording to the workingman proper protection as the proverbial 'burning of the house to roast the pig.'"

We respectfully request you to consider this in connection with the Van Dyke and Tavenner bills and appropriation riders.

Yours, truly,

A. W. KIMBER, *Secretary.*

—

SOUTH MANCHESTER, CONN., *May 31, 1916.*

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: We are informed that the naval appropriation bill as reported includes a provision preventing the introduction of efficiency methods into naval construction work.

We feel that this could never be seriously proposed by anybody who really understood the true significance of what has come to be known as "scientific-management" work. The introduction of these methods is as great a stride in advance as was the introduction of machinery in the place of old-fashioned hand work. It is most distinctly favorable to the interests of the working people and the public and will soon be so understood. To have our Government set itself in opposition to such a broad, enlightened forward movement would be a most serious blunder, and most assuredly would react against anybody indorsing it.

We most urgently bespeak your interest in this matter, and urge you to cast your vote against all forms of legislation whose object is the hindrance of the development of efficient methods of conducting public work.

Yours, respectfully, CHENEY BROS.,
Per CHARLES CHENEY,
Treasurer.

SULLIVAN MACHINERY CO.,
Claremont, N. H., June 21, 1916.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR GALLINGER: Your letter of the 2d instant was duly received, and, as I understand from letters received from both of our Representatives they were opposed to the Tavenner bill but that it passed the House and is now a measure pending in the Senate, and, I think, attached as a rider to the naval appropriation bill.

Such legislation as that is about as far away from efficiency for preparedness as anything the labor agitators could think of, and I most sincerely hope it can be defeated in the Senate.

With kindest regards,

Yours, very sincerely, J. W. UPHAM, *Treasurer.*

INDIANAPOLIS, IND., *June 23, 1916.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: We urge that you use your efforts to defeat any measure which contemplates the prohibition of efficiency methods by private or governmental manufacture of materials made for our Government.

* * * * * * * * *

Lack of efficiency and the encouragement of same by our Government will lead to a tragedy in times of peace and a holocaust in times of war. Let us be warned by England's opposition to efficiency and prepare ourselves by economy and scientific methods for both industrial and military competition, and further fortify ourselves by the recommendations of a tariff commission.

Yours, very truly,

DIAMOND CHAIN & MANUFACTURING CO.,
By L. M. WAINWRIGHT, *President.*

BURGESS SULPHITE FIBRE CO.,
Berlin, N. H., May 30, 1916.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR GALLINGER: Inclosed please find copy of letter writtten to Hon. CYRUS A. SULLOWAY, which will explain itself.

I sincerely hope that you will use your efforts to prevent legislation of this kind from going through when it reaches the Senate.

I can not emphasize too strongly the fact that it would be a distinct backward movement for the Government of this country to begin to take sides against those industries that are trying to do their work in a scientific manner. There is absolutely nothing about a scientific-managed plant which will operate against the workman's bests interests; in fact, his future depends upon scientific investigation by his employer, of the conditions under which he is working, and time-study work is one of the essential factors.

With kindest regards, I remain,

Very sincerely, yours, ROBERT B. WOLF.

LETTER TO MR. SULLOWAY.

TUESDAY, *May 30, 1916.*

Hon. CYRUS A. SULLOWAY,
House of Representatives, Washington, D. C.

MY DEAR MR. SULLOWAY: I sent you a day letter to-day, according to the inclosed confirmation, and I sincerely hope that you will do your utmost to prevent legislation of this character from going through.

Time-study work is a very important factor in furnishing means for recording man's progress, and, while it is usually the case that bonus or premium payments go with the type of management that use time study, it is nevertheless a fact that the principal gain comes from giving the man a knowledge of the progress of his work. This enables him to do his work more intelligently, for he is taught how to use his brains; in fact, instead of a man doing his work in a routine uninterested way he is given some incentive to use his brains and intelligence.

There is no surer way to reduce the industrial efficiency of this country than to have the Government frown upon scientific management of industries, and real scientific management can not be used unless scientific time studies are made of the individual operations that the men are going through.

The attached bulletin outlines our type of management in Berlin, and I hope that you will take the time to look it over, so that you can perhaps get a little different point of view regarding the scientific management movement.

With kindest regards, I remain,

Very sincerely, yours, ROBERT B. WOLF.

Mr. GALLINGER. I ask permission also to insert from the Bulletin of the Society to promote the Science of Management, a most interesting article entitled "Individuality in Industry," by Robert B. Wolf, of Portland, Me.

The VICE PRESIDENT. In the RECORD?

Mr. GALLINGER. I wish to have it inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Bulletin of The Society to Promote the Science of Management, August, 1915.]

INDIVIDUALITY IN INDUSTRY.

[A paper presented at the Boston meeting of the Society to Promote the Science of Management, May 21, 1915. By Robert B. Wolf, manager of manufacturing, Burgess Sulphite Fibre Co., Berlin, N. H.]

A PAPER EMPHASIZING THE NECESSITY OF GIVING INDIVIDUALITY TO THE INDUSTRIAL UNIT ITSELF, AND HOW IT CAN BE ACCOMPLISHED.

About three years ago I was asked by the "Committee on economic administration of industrial establishments" of the American Society of Mechanical Engineers what I considered to be the "new element in the art of management." At that time, while the general principles of what I wish to present for your consideration to-day were in my mind, they were more or less indefinitely formulated, and I hesitated to give them expression. Since then, however, I have had ample opportunity to verify my earlier conclusions and have put many of them into actual practice.

In presenting for your consideration my conception of progressive industrial organization, I do not wish to have it understood that I am attempting to elaborate on the methods of Mr. Taylor and others, nor do I wish to detract in any way from the splendid work done by these men. I hope that this paper, however, will show that there is a relationship between the various methods and will point out how they are all forward steps in the great movement which increases man's productiveness and his creative powers.

In order to give you my ideas more clearly a general review of present conditions in the industrial world seems to me necessary.

Many of you have undoubtedly had more or less opportunity to observe the deplorable inefficiency of most of our large industrial concerns, especially those commonly known as trusts, where a number of formerly independent plants have been united under one common management. The plants are usually scattered over a considerable area and the central offices located in some commercial center.

The first step in the organization of these corporations has usually been the removal of the resident owners and managers from the various localities to the central offices and the subsequent attempt to carry on the functions of management by the superintendent and heads of departments. These men, in most instances, not having had any real knowledge of manufacturing costs and profits, are, of course, incapable of conducting the business intelligently. It, therefore, becomes necessary for the central office to perform much of this work for the various plants.

As a rule, no final manufacturing costs are made at the plant and, as a consequence, those who are held directly responsible for the cost of producing and who have the most intimate knowledge of operating conditions have not a very intelligent basis upon which to work. They can receive very little help from the former managers; in the first place, because these managers are so far removed from the actual conditions that their judgment is affected; and in the second place, their interest is divided among so many different plants that, in the very nature of things, they can not give the various problems the time required for intelligent consideration.

A realization of the impossibility of keeping close watch on details at a distant plant is perhaps responsible for the removal of some of the vital functions of the individual plants to the central offices, such as purchasing, selling, construction and maintenance, cost keeping, etc.

A central purchasing department has undoubtedly many advantages, but as ordinarily conducted in large corporations these advantages are almost entirely offset by the obstacles placed in the way of free choice on the part of the mill organizations and the consequent discouragement of individuality in making selections. The impossibility of handling all of the purchases by one capable man necessitates delegating a lot of minor purchases to subordinates, who have no real knowledge of actual mill requirements. Even though they know what is required in one mill, they can not know in others where conditions are not the same.

The purchasing agent should have full power to build up an efficient organization for keeping informed of the market conditions, so that requisitions from the mills can be handled with promptness and dispatch. The department should be able to furnish full, complete information to the individual plants whenever they need it in order to properly purchase supplies. It should encourage the mills to furnish specifications and welcome attempts on their part to keep comparative records for the purpose of determining the best materials to use. It should always conduct itself toward each separate organization as if it were an outside firm, employed to give advice and assistance in every way possible to enable purchases to be made economically. Each plant should receive frequent reports from the purchasing department giving complete information about materials found to be giving good results in other places. This one feature alone would make it immensely valuable to the parent corporation.

I have dwelt upon these details merely to show how greatly a central purchasing department can aid if put in its proper relationship to the various plants, namely, that of servant rather than the equal of the manufacturing department. Certainly nothing can be more important to manufacturing than the proper purchasing of materials which are to be converted into the finished product or which are needed to effect this conversion.

Let us take accounting next. Why are accounts kept and what is their purpose? In the last analysis, accounts are records of the progress of accomplishment and are used to enable those in charge of the corporation's affairs to decide upon the future policy to pursue.

Why, then, should any attempt be made by the central office to keep accounts that are of strictly local interest to the individual plants? And why even attempt to dictate how and when these accounts should be kept? In so far as comparisons between individual plants are concerned, this is justified, but no further, and even in this case it should not be pushed to a point where comparisons which local conditions at the plants demand are not allowed.

The foregoing should not be misconstrued to mean that I believe a central accounting system for corporations is not necessary or desirable, for it most certainly is. The accounting department should confine itself, however, to such accounting as is of interplant nature, and not attempt to dip into local conditions except in an advisory capacity.

One serious mistake often made is allowing the accounting department to practically control the mill offices. These, for reasons to be pointed out later, should be entirely under the control of the local management, subject, of course, to frequent auditing by the accounting department.

The central office of the corporation needs only resultant figures giving a true record of the progress of each plant, and made in such a way that comparisons can be easily made, the local plants being required to furnish any figures called for at all times.

The selling in most cases can be handled by the central office much better than any other function; indeed, the main purpose in forming large corporations was primarily to stop ruinous competition between plants, especially in periods of slight demand. There should, however, be much closer touch between the selling department and the mills and a much more intimate knowledge of operating conditions by the salesmen. The degree of this intimacy is, of course, one of the important things to be decided by the chief executive.

"Maintenance and construction" is another thing which should be touched upon. There is usually much damage done to the individual plants by decisions of "absentee" engineers, whose knowledge of the plant conditions can not be of such an intimate nature that they can make intelligent decisions. This very often actually retards progress in the organization and serves to discourage individual effort upon the part of the local mill management.

A high-grade consulting engineer employed to devote his entire time to the corporation's affairs would be a very valuable asset. He should conduct himself toward each individual plant exactly as he would if

they were all independent establishments and his own clients. There would be this very important difference, however, which would mean much greater freedom of action; i. e., he would be entirely free to give each plant the benefit of his experience in others, and in this way would be a constant, highly intelligent means of exchanging ideas of mutual interest and benefit.

Of course, I realize that most of this is a review of things already known to many of you, but this review seems to me to be necessary in order to properly present what, I hope, will be more constructive in nature.

I am now going to make a plea for the development of plant individuality. This is not merely a return to old conditions existing prior to amalgamation, but a regaining of all the advantages of the old order of things with the additional advantages of the new.

To begin with, we must have managers in our plants who have real executive ability and who are not selected because of their particular skill in certain manufacturing lines. These managers should have power to select and form their own organizations, and for this reason must be men who have a broad realization of their unity with the parent corporation. They should be the kind of men who are ready to receive suggestions and receive them gladly and at the same time have individuality enough to reject those things which, from their knowledge of conditions, seem unwise to incorporate.

Having selected this type of manager, the work of developing the organization's individuality can begin.

A good organization must have the following elements:

1. A certain definite function to perform.
2. A definite central organization of control.
3. A thorough system of recording all events which take place in the performance of the work.
4. Means for vitalizing certain subconscious functions of control so as to produce prompt, intelligent action without direction from the conscious mind.
5. Means for making newly acquired accomplishments automatic.

In other words, the question resolves itself into developing in the plant as a unit all of the functions so wonderfully exemplified in the human body.

Recognizing the principle that any organization to be progressive must have individuality, let us see how this individuality can best be built up. To do this we must have some knowledge of what constitutes individuality, and I know of no better way to illustrate this than by showing how unity of action is maintained in the organized activities of the physical body.

The mechanism which enables the human body to act as a unit is the nervous system, which controls, either consciously or subconsciously, every bodily function. We have thousands of afferent (or ingoing) nerve paths leading from every portion of the body into the central nervous system, where every external impression is finally recorded in the cortex of the brain.

The end organs, which enable us to see, hear, smell, and taste, all have their nerve paths leading to the brain, and we find upon analysis that what we once called the sense of touch is wonderfully differentiated into various senses, as, for instance, the thermal sense (of hot and cold), the pressure sense, and the sense of pain, each conducted inwardly by a special set of nerves, which respond only to its particular kind of stimulation.

We find that all of the nerve paths lead to the brain through various relay stations, or nerve centers, for an intelligent kind of sorting or grouping of the impulses that take place, so that the final presentation to the brain is in proper form for recording.

We find also that while all impressions are in some way recorded in the cortex of the cerebrum, that many of the nerve impulses producing them (in nerve centers through which they pass) act directly upon certain efferent (or outgoing) nerves, whose function it is to produce musculo-motor action in the body, this resultant action taking place before the conscious mind has had time to direct it.

A study of the cortex of the brain, which is the seat of all consciousness, including memory, self-consciousness, and volition, reveals a wonderful mechanism for coordinating and relating our sense impressions and musculo-motor action; for instance, the sense of violin playing has its seat in close proximity to the musculo-motor center which controls the motion of the arms; in other words, the place where the final recording of an external impulse takes place is close to and always associated with impulse terminals of a similar nature and at the same time with those nerve cells which can enable the individual to further the action required for the proper development of an accomplishment.

In addition to the foregoing, which has to do principally with the conscious action of the mind, we find a wonderful control of the bodily functions by the brain, which keeps the various organs in harmonious relationship with each other. When, for instance, the environmental conditions demand heavy muscular action on the part of the individual and there is a waste of muscular tissue and a demand for its removal, the nerve which accelerates the heart action is stimulated and increased circulation results, enabling the blood to carry material for restoring the body tissues to their normal condition and carrying away waste products. At the same time that the heart is accelerated the lungs are caused to increase their rate of respiration through stimulation of the nerve accelerating the motion of the diaphragm. Many other things too numerous to mention occur simultaneously, such as the operation of the sweat glands to assist the organs of elimination to carry off the waste products, etc.; but enough has been stated to illustrate the point I wish to make, namely, that the whole unity of action is made possible only because of the marvelous control exercised over the body by the nervous system. It is only when this control is lost, through disease or injury, that the unity of action and consequent definiteness of purpose upon which progress depends is impaired.

In order to understand the reason for the simplicity and wonderful unity of the nervous system, in spite of its apparent infinite complexity, it is necessary to describe its three great subdivisions:

The sympathetic system.
The spinal system.
The cortical system.

Take first the sympathetic system, which is the seat of those almost entirely automatic functions over which the conscious mind has only very indirect control. This consists principally of the efferent (or outgoing) nerve cells, whose bodies are collected into ganglia, or groups, located outside of the spinal cord, principally in the head and in the body cavities. For instance, the nerves which stimulate the growth of the hair, the finger nails, and even the growth of the body itself; the vaso-constrictor and vaso-dilator nerves controlling the contraction and expansion of the blood vessels; the nerves controlling the beating of the heart and thousands of other functions are all a part of the sympathetic nervous system. This is so designed that it constantly reminds and, in a sense, releases the forces required to keep the routine work necessary to our preservation in motion.

Next, let us take the spinal system, which is located inside of and protected by the backbone. This is the seat of those semiautomatic functions over which the brain has a direct and constant control. These functions—such, for instance, as walking or breathing—after once being set in motion by the will, acting through the brain or conscious mind, are kept in motion by the nerves in the spinal cord without the conscious effort of the individual. It is also the seat of the so-called "reflex muscular action," which causes the body to act involuntarily for its own protection, when necessary.

The fundamental difference between the subconsciousness of the sympathetic system and the subconsciousness of the spinal system is that the stimulating nerve power of the latter is more or less directly under the control of the conscious will, while the sympathetic system performs its work independently of it.

Finally, let us describe the cortical system, which is really an outgrowth of the spinal system, surmounting it, cordinating, and controlling its action. The upper portion, or cortex of the brain, is the seat of the memory, where all the sensory impressions from every portion of the body are brought by the afferent (or ingoing) nerve paths, and from which originate the efferent (or outgoing) impulses, which keep the body functioning properly in accordance with its environment. The will, having the power to recall and use the stored-up records in the brain, can, by means of communicating nerve fibers in the cortex, direct the organism through its outgoing nerves to useful efforts of progressive accomplishment.

Having described the functions of the three main divisions of the nervous system, it now remains to sketch briefly the relationship of each to each other.

The sympathetic nervous system is connected, through what the anatomist calls the "preganglionic nerves," with the brain and spinal cord, and comprises the outlying efferent (or outgoing) nerve cells, through which the impulses from the central nervous system finally reach the involuntary muscles and glands, the spinal-cord connections coming out between the spinal vertebræ and the direct brain connections being made through the cranial nerves coming down from the cortex direct. The so-called sympathetic nerve cells are connected into ganglia (or groups) located, as before mentioned, in the head and body cavities. The various nerve plexes, such as the pulmonary and the solar, are also a part of the sympathetic system, and the connections into these ganglia and plexes, coming from both the cranial nerves and the spinal nerves, complete the cycle which produces a harmonious working together of the parts and a continuous correcting or complementing action.

I could go on almost indefinitely with illustrations of this nature, but enough have been given to bring out the point I wish to make, namely, that the human body is an organization of many elements—and, I might say, of many personalities, for each cell has individuality of its own, and many can live outside of the body itself—all working together in harmony, under the direction of the will, acting through the nervous system.

If anyone wishes to inquire into the forces which have led up to the individual development of mankind, he will find himself at once plunged into the realm of psychology and mental philosophy. I can heartily recommend such a course as immensely profitable and of practical value.

The five important facts, however, that have to do with the subject in hand are:

1. That the human body is such a wonderful organization because it is the product of the forces of creation acting through millions of years of evolution.
2. That its capacity for progress depends upon the maintenance of the unity resulting from this creative evolution and upon a conscious recognition of this unity.
3. That this unity would not have been possible without the development of the nervous system.
4. That the conscious intelligent progress made by mankind could not have reached its present level until in the process of evolution a mechanism had been built up in the nervous system itself capable of recording the various impressions which the senses are constantly receiving.
5. That the recording of past events, with the power of consciously recalling them for the solution of problems immediately confronting it, is absolutely essential to its development.

Now, what I want to point out is that inasmuch as man's progress depends upon the perfect coordination of his forces to produce unity of action, we have no right to expect an industrial organization to make progress (which it must do as a unit) without the establishment of a conscious coordinating mechanism similar to the nervous system in the human body.

Is it not a fact, then, that the success of scientific management, properly applied, is due to its action in building up the individuality of the organization? I think there is not the slightest doubt on this point, nor is there any doubt that the failure of some organizations to put their business on a scientific basis has been caused largely by the fact that they have not used the mechanism of scientific management for the purpose of perfecting its unity.

I am personally very familiar with one large flourishing establishment, which has no less than 100 recording and 100 indicating instruments, representing 20 or more different kinds of sensory impressions, such as temperatures, pressures, colors, gas compositions, liquid densities, liquid levels, etc., all required in order to maintain uniformity of product and economy of operation.

Recognizing, then, these various recording devices and instruments which come in direct contact with the work as the end organs of newly acquired senses, we must conduct the impulses resulting from the instrumental contacts through suitable channels to the place where all things affecting the organization are recorded.

We must have, in other words, an organization memory, which is entirely apart and separate from the memory of the various individuals of the plant. It is only by having such a place of record, where all things affecting the organization as a unit can be recorded, that a proper perspective can be obtained.

A gradual development of such a memory by the addition of new senses will tremendously accelerate the rate at which the organization will progress, just as in the individual the addition of new concepts to the brain tremendously increases its reasoning power.

In designing the recording mechanism or plant memory it is best to use graphical methods in order that comparisons may be easily made. Figures, it must be remembered, are static, while curves show tendencies.

By the use of graphical records things affecting each other can be brought in close relationship, enabling those whose business it is to

control the manufacturing process to see at a glance what action is necessary on their part to produce the best results, not only with respect to their own department, but with respect to the whole plant.

If I had time I would like to describe to you in detail a chart room containing over 1,400 separate plotted records, all used to record the operations of a single plant. These charts are so arranged and grouped as to be instantly and at all times available for study by those directing the organization's activities. This department is the plant memory and corresponds to the third and last acquired great subdivision of the human nervous system—the brain.

Having described the memory part of the organization, as corresponding to the cerebrum of the brain, let us now consider the part corresponding to the spinal cord, which is the seat of what we will call the vital or intelligent subconscious action. In our industrial organizations this corresponds to the control by the department heads and foremen, who are constantly directing and setting in motion corrective forces tending to keep the organization functioning properly. This is analogous to what the anatomist calls "reflex action."

Now, in the average organization much of the the work is done in this manner without direction from the central conscious mind. There being no plant memory, this is the only way it can act, and progress is necessarily extremely slow; as it is, for instance, in the insect world, where the spinal system is not surmounted by a brain.

As the coordinating effect of a brain, however, enables the spinal cord to do much better work, so does the addition of a plant memory tremendously aid by intensifying the subconscious action; as, for instance, when it acts through its executive branch to stimulate the creative energy of the foreman, subforeman, and even individuals, by giving them a record of the performance of their work and by making comparisons with others. By this means a spirit of emulation is built up which makes each man desire to do good work of his own free will. The urge comes from within instead of from without. The result of having this spirit permeate the organization means an entire reversal of the old order of things, where the chief executive uses his creative force to make his department heads carry on their work, and they in turn pass the impulse along to their foremen, and so on until it reaches the last man in the organization, where it is felt very faintly indeed.

The new order carried out to its ultimate point means that each man in the organization is interested, because those above him have had brains enough to furnish him with the means of recording his progress. He then feels that he is creating something and is happy. His foreman, being released from the tedious work of making his men work against their will, finds stimulation in directing the forces he feels flowing upward for him to direct. As a consequence, he becomes creative in his work.

The department head has the same experience and finally the chief executive finds himself directing the forces looking to him for leadership and he himself becomes creative, and no longer wears himself out by trying to drive his own creative force into the men in his organization, thereby depleting his own supply.

Finally, let us take that part of the organization corresponding to the sympathetic nervous system, for it has a very important place in our scheme of rounding out the organization's individuality. Much of the organization's activity must become automatic, otherwise our capacity to acquire new accomplishments will be greatly limited. Man's progress in the world consists largely in the conscious acquisition of new talents and making them subconscious, or automatic. We begin this when we, as children, consciously learn to walk and later in life, perhaps, learn by dint of hard work, to ride a bicycle. Once having learned these things, we no longer have to think about them, but our minds, while we are doing them, are released for other purposes.

Now, in our plant organization there is no better method of installing a subconscious control than by the use of a tickler system, as it is used in the Taylor system of scientific management. This consists simply of a cabinet with a drawer for each month in the year, containing substantially built folders for each day of the month. In these drawers are placed the various memoranda, to be taken out and distributed on the proper dates, reminding those to whom they are addressed of certain routine work to be done. A system so safeguarded as to keep the conscious mind of the organization informed when a departure is made from methods decided upon as best, or made so responsive to changes in plant conditions as automatically to allow the executive branch to know when conditions should be changed, is fulfilling a long-felt want. I can describe to you a thousand ways in which such a system is serving a large industrial concern and enabling the conscious mind of its executive, department heads, foremen, and others to do creative work for its advancement.

There are many other functions which can be brought into use, all of them having exact counterpart in the human body, nor is there any end to the elaboration of methods. I will not weary you, however, with any more details.

I want now to state, in as few words as possible, what seems to me are the essentials of organization work. The first thing to decide upon is what constitutes individuality. The units must be no larger than they should be to function properly as units in the performance of a common task. If the corporation ownership is large, divide it into these units and make them come into the parent organization as complete units.

Having determined your units, give them individuality in the following manner:

First. Furnish them with means of becoming conscious of themselves and of their environment, by building up a system of scientific registration and control similar to the nervous system of the human body.

Second. Provide a definite central place for recording all of the various sensory impressions furnished by the recording mechanisms, arranged in such a way that comparisons of the whole progress of the plant can be made with the least possible effort, exactly as it is done in the brain of the human body.

Third. Provide for the subconscious control of the newly acquired accomplishments as exemplified by the spinal and sympathetic nervous systems in man, thereby liberating the conscious mind to deal with new problems of a creative nature.

If these three functins of management are kept in mind there will be no danger of becoming confused by the mechanism of control, for it will always be seen to be what it really is, namely, the nervous system in progress of development in order to establish greater unity of organization.

Furthermore, a thorough recognition of these three cardinal principles for establishing unity of action is a perfect safeguard against oversystematizing. The human nervous system is extremely flexible and always more or less under the control of the will, and it is of the utmost importance that the mechanism for controlling and unifying an industrial organization be equally flexible and capable of being modified.

An organization filled with red tape is like a man who has lost his will power and is dominated by his appetites and desires. He can not become efficient until the will regains control and restores unity of action.

Any system so designed that it does not permit the intimate contact of employer with employee and therefore does not fully recognize the value of the human touch is doomed to failure.

I sincerely hope that in outlining this philosophy of management I have indicated to you how an organization can be made so conscious of itself as to realize at once when the human units, of which it is composed, are not being given the proper opportunity for self-expression, or to realize as well when these same human units are not receiving the sympathetic help they need for their own individual development.

Men can be productive only when they take an interest in their work, and they will not take this interest unless those intrusted with the direction of their efforts realize that they must teach them constantly how to exercise their creative powers.

In conclusion, I wish to assure you that this paper is not an academic discussion of what might be done, but as true a picture as I can give you of methods I have actually used successfully.

DISCUSSION.

Mr. SHELTON. Mr. Wolf has drawn an exceedingly interesting analogy, well calculated to help managing members of an industrial organization keep their balance. Yet he does not seem to stick to his own parallel. For instance, the autonomy which Mr. Wolf would give the accounting department of the different local organizations in a large corporation does not seem consistent with his picture of centralized control over bodily activities such as is exercised by the cranial system. If the central office of the corporation can determine the one best way, whether in accounting or any other practice, should it not hold the subsidiary plants responsible for living up to that standard? The central office, it seems to me, should be in a peculiarly advantageous position in the establishing of proper standards. Therefore I take issue with Mr. Wolf's contention that its relation to local plants should be purely advisory.

The suggestion that an industrial organization to make progress as a unit should have a conscious coordinating mechanism comparable to the nervous system in the human body is hardly open to argument. Neither is it open to argument that every organization can and should have a distinct individuality as a whole, to which its component parts harmoniously contribute. The question whether scientific management helps to build up such an individuality can certainly be answered in the affirmative. But the statement that "the failure of some organizations to put their business on a scientific basis has been caused largely by the fact that they have not used the mechanism of scientific management" seems to me absolutely wrong.

Tickler systems, recording devices, and indicating instruments are mechanisms valuable and often necessary. Yet scientific management does not lie in these. How often have we heard Mr. Taylor emphatically declare that scientific management is not a particular mechanism of any sort, but is primarily a point of view. That, it seems to me, indicates the secret of success or failure in scientific management. It depends not on the mechanism but on the individuality which controls and uses the mechanism.

Taking Mr. Wolf's own analogy, Mr. Taylor's cerebrospinal and sympathetic nerve systems were built on much the same plan and of much the same material as those of the rest of mankind. Yet consider the difference in the way he—in his individuality, his point of view—used those mechanisms and with what results.

Mr. MIXTER. The paper says that an organization filled with red tape is like a man who having lost his will power is dominated by his appetite and desires. I think it is the other way round, that a concern dominated by red tape is like a man with excessive will power who has a fixed idea and who will not change or changes with great difficulty. I think in all human affairs, whether Government or industry, we never can achieve anything that approximates the coordination of the human person. As regards the different plants under one central ownership, the problem is very much the same as the problem of controlling armies in the field in time of war. What the general staff does is to plan in advance, and then the plan is executed, and the two great modern innovations have been the very thorough planning in advance and also learning this lesson as it never was learned before, of never interfering with commanders. Scientific management as to planning in advance is very similar to the work of the general staff. In practice does scientific management do the other thing just as well? Isn't there a little too much of a tendency to control everything from the planning room?

As regards the personality of persons in a particular plant, it seems to me that the only thing that you can do about that is to have a working suggesting system and have everyone in the planning room or in the shop realize that any idea he has that he thinks will benefit the work in any way will be considered, and if found to be good will be adopted and he will be given credit for it in some money award or by publishing his name, and so given the full credit for it. It seems to me that nothing is more deadening to individuality than for clerks and foremen and others to feel that they are not given credit for suggestions of that sort. The spirit of the thing is that suggestions for improvement are welcome. Clerks and foremen do see many ways in which things can be improved, and if they do not feel that they will be given a sympathetic hearing it takes the heart out of them and they have no individuality.

Mr. FEISS. The plant is more than a building, a set of machinery, or a routine system or any mechanical device. Its ultimate success is the result of a group of individuals and is an expression of that type. Each plant I have been in has a certain type of management and a certain type of workers. I have seen two plants in the last month under exactly the same methods. They are under scientific management, and still the whole organization of the plants is different. They express something, and the thing that impresses me is the type of worker and how much that type is in its expression similar to the type expressed by the personality of the management. When you get into the bigger organizations, where plants in different localities are under one general management, it seems to me that the point is well taken that it is impossible to perform certain personal functions from a central location.

After all, plant management is a little more than keeping a few machines running and keeping the building open. The building up of organization depends on the personal contact between the managers and their employees. That can not be controlled in any of its expressions by anybody except the men on the job. In fact, in my opinion, that is the ultimate key to success. I believe that there is a limit in management to this expression, and whenever a plant is so large that the individuality of the plant ceases to exist, that personal

contact no longer is there, that it is too large to be efficient. It seems to me that is the very reason why a large controlling company does not locate all its manufacturing under one roof. There is a limit to what one man can personally do. Somebody who is on the job is essential to get the utmost efficiency and that expression of individuality which means real management and real success.

Mr. SCOVILLE. I was impressed by what the author of the evening said about recording instruments. I attended a little convention of paper manufacturers at Erie, Pa., which was presided over by a number of extremely methodical Germans. In going through a plant an American that I knew pointed out a paper machine that was running at high speed and said, "Look at that gauge go," and I read several hundred revolutions a minute. I said, "Is that fast?" and he said that it was. I asked, "why don't the others go fast?" And he said, "Mostly because they don't know how. In most paper mills they take a piece of white paper about so long [indicating] and they have some contrivance for sticking it in, and the man has to depend on his eye." A great deal of the success which those paper industries in Erie have obtained is due to the competent and systematic use of their recording instruments. That is an example that many of us will follow, and when they get recording instruments that will do what our speaker told us about they will plot it out.

Mr. VALENTINE. Mr. Feiss struck the note that appeals to me. I felt just one lack in Mr. Wolf's paper. I felt there were a lot of things down the line that his scheme of things could not take into account. I missed the idea of will power all the way through. It seems to me that the danger that those of us who have scientific management most at heart see for scientific management is that it shall not be adequately scientific and that it shall not sufficiently take into account the constant, continuous, and forever-and-ever-amen uncertainties of things that make life both a success and a failure.

Mr. WOLF. I am glad that Mr. Valentine has pointed out that my paper apparently does not appear to put sufficient emphasis upon the human will, for I will try to correct this impression. Perhaps I took too much for granted that in comparing the organization with the human body this feature would be clearly understood. My effort has been to describe how an organization can be built up which will allow the greatest possible latitude for the expression of the individual will.

The manager and all of his assistants must be in close touch with the men and easily accessible to them at all times.

The position taken by Mr. Feiss is very much to the point, namely, that a plant is more than a set of machinery, or a routine system, or a mechanical device.

When we recognize the fact that the form taken by the bricks and mortar, machinery, etc., is, in the first instance, conceived by a human mind, we surely can not fail to realize that ultimate success depends upon encouraging the creative faculty of that same mind. Truly, then, as Mr. Feiss points out, the progress of the plant is, in the last analysis, an expression of a typical group of individuals. I have been simply trying to show how this group can be aided in the expression of their creative powers by giving individuality to the group and at the same time blending every member of the organization into that individuality.

Mr. Mixter missed the point when I indicated the effect of red tape. No man can best express his will if any portion of his anatomy is overdeveloped, as, for instance, the glutton who has allowed his appetite to become his ruling passion. Unless his will asserts itself he will weaken his whole organism by becoming a slave to his stomach. The thing which makes it hard for him to break the habit is the domination of the senses, such as taste and smell, with particular reference to the demands of the digestive tracts.

It is particularly hard for the other bodily functions to get their requisitions past the overdeveloped system of the gastronomic nerves, all of which naturally tends to break up the unity of action.

I agree with Mr. Mixter that there is danger of making scientific management too much like a military organization by overemphasizing the planning department. We must do more than give men a chance to make suggestions to the planning department; we must give them an opportunity to externalize the suggestions of their own minds in the performance of their work. This is something a military organization does not permit to any but the general staff. A military organization is not designed to create, but to destroy, so we can not handle a producing system in the same way.

A central corporation office assumes the military type when it attemps to determine for all plants a "one best way" of accounting or recording manufacturing operations.

Just as individual men differ in temperament, so the individual plants differ, and each one is a law unto itself.

The relationship between the directive principle back of the central corporation and each manufacturing plant should be the same as that between the common law of the land and individual men. This does not in any way prevent the central governing body from adopting standards of great value to the individual units. Except for those regulations, however, whose violations would endanger its corporate unity, it must not attempt to force their adaptation if they are not acceptable in each particular case.

Mr. Shelton, I fear, misunderstood my meaning. I did not say that the "failure of some organizations to put their business on a scientific basis has been caused largely by the fact that they have not used the mechanism of scientific management," but that their failure to use this mechanism for the purpose of perfecting its unity was the reason why they did not make a success.

I agree with him thoroughly that the point of view is of primary importance and the mechanism merely incidental. It helps very materially to clarify the point of view.

In concluding this discussion I feel that I must call attention to Mr. Barth's remark that he does not see how I have time to study anatomy and philosophy. I feel that I can not afford not to take the time. It is of the greatest importance that we understand which way we are going in all of this complicated process of civilization. There must be some purpose back of all of the wonderful creative activity surrounding us and a philosophy of life is necessary to all of us in order that we may get our poise; otherwise we simply add to the noise and confusion. Philosophy is merely a search for the truth underlying our own individual organized life. So must we also build up a philosophy of management, which will give us the principles underlying industrial organization. In this way alone can we properly direct it.

Mr. GALLINGER. And also a paper in the form of an allegory on the stop watch and the lawn mower. I ask that that also be inserted.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

THE ALLEGORY OF THE STOP WATCH AND THE LAWN MOWER.

Mr. TAVENNER, or some other Congressman, has at his home a large lawn which is mowed at 30 cents an hour by Thomas, who also takes care of the grass in the yards of various neighbors. One afternoon the Congressman notices that the noise of the mower, which has been clicking away since early morning, gets on his nerves. He goes to a window and watches the laboring Thomas. The pace up and down the lawn looks to be unnecessarily slow, and a closer observation discloses the further fact that the width of the cut, the feed of the machine, so to speak, is pretty narrow.

So the Congressman, unjust and unnatural though it be, pulls out his watch and times Thomas on a trip across the grass. It may or may not be a stop watch. It tells him that the trip consumed 3 minutes 40 seconds. A further timing shows that 20 seconds is consumed at the end of each cut in turning and resting, giving a total of 4 minutes. The Congressman does not feel stingy about it, but he resents the extra hours of irritating noise.

When Thomas goes home he leaves the mower behind him, and the Congressman decides to make a few tests. Had the workman known what was to happen he would have gnashed his teeth with rage, according to some of the labor leaders. However, his employer pushes the mower at what he considers a fair pace the length of the lawn, timing the trip, mind you, and does it in 2 minutes 50 seconds. Then he times the turn and decides that 10 seconds, including a few moments for a deep breath or two, is a proper allowance. His total is 3 minutes. The width of the lawn is 100 feet. Why not a broader swath? he asks himself.

So he gets out another instrument of precision, a yardstick. He finds that the cutting blades of the mower are 18 inches long, while the cut made by Thomas was but 8 inches. Now he is really interested. He experiments and finds that, allowing a suitable lapping over of swaths, a 15-inch cut would be about right.

The Congressman, little realizing that he is making a scientific time study, continues the investigation in his library, with paper and pencil: "Thomas has been taking 150 trips; the 15-inch swath would mean but 80 trips. Thomas takes 4 minutes a trip; he could do it easily in 3 minutes. The broader cut would mean very little additional muscular exertion. His total time is 4 minutes multiplied by 150 equals 600 minutes, or 10 hours. My time would be 3 minutes multiplied by 80 equals 240 minutes, or 4 hours. At 30 cents an hour the saving of 6 hours would be $1.80, to say nothing of the wear and tear on my nerves, while I am preparing my bill to prohibit the use of the stop watch and the payment of premiums for labor in Government shops."

The Congressman knows Thomas to be no intentional laggard, but rather a man who has established his labor in an ambitionless, unthinking rut. He is mowing lawns according to the customs established by his trade. His employer does not wish to discharge him, and so he works out a neat little plan which should be of benefit to both of them, he believes. A day or two later the monthly bill is presented, and one item reads: "Labor mowing lawn, at 30 cents per hour, $3."

When the Congressman pays it he broaches his idea to Thomas:

"See here; your bill is all right, and here is a check for it. Now, you know I hate the clatter of that mower, so I'll tell you what we'll do. I'll pay you the same 30 cents an hour for your time and I'll divide with you the wage for all the time you save from 10 hours. We'll call that the standard time. If you cut the grass in 8 hours—and do it well, of course—you'll get 30 cents an hour for the 8 hours and also 30 cents for one additional hour. If it takes you only 4 hours, you'll get 30 cents an hour for that and the same rate for 3 hours additional, half of the 6 hours you have saved. So you'll receive 7 hours' pay for 4 hours' work, which is $2.10, or 52 cents an hour. Pretty good, isn't it? I'll save 6 hours of noise and the difference between $2.10 and $3. You can put in those saved 6 hours on some other lawn, which at 30 cents an hour will give you $1.80, making your total for the 10 hours $3.90. That's better than $3. Get the idea?"

Thomas thinks it over and figures it out, and finally says:

"It seems a pretty good plan, but supposing the grass is wet or something else is wrong and the job takes me 12 hours. What then?"

"Oh," replies the Congressman, "that would be all right. You would get your 30 cents an hour anyway. I guarantee you the hourly wage."

Inspiration comes to Thomas under the spur of a new ambition. He works out speeds and feeds of his own. The trip time he reduces to 2 minutes; he clips the lapping to 1 inch, and borrows a neighbor's lawn mower having 24-inch blades, giving him a 23-inch swath and reducing the number close to 50. His total time is 2 minutes multiplied by 50, or 1 hour 40 minutes. He receives his wage for 5 hours 50 minutes, which is $1.75, or more than $1 an hour for his actual working time. He feels well contented with himself, but is a little shy about telling the Congressman about it, because he does not know what will be said concerning that 24-inch lawn mower.

The Congressman laughs at him.

"You're all right, my boy. The idea was yours. You're entitled to the results of it. And you've reduced my bill to $1.75. The broader the cut the better. Get a 24-foot mower, if you want to, or a horse mower. We're partners, you see."

Then a neighbor, who is perchance the president of the lawn mowers' union, hears of the arrangement and goes to the householder.

"Look here, Mr. Congressman, you ought to be ashamed of yourself. The idea of holding a watch on an honest American workman! And paying him a premium for his labor! Shame! There ought to be a law on the statute books to protect men like Thomas against such an outrage."

And the Congressman, as any sane lawn owner would, tells his critic to go hence. What right has a neighbor or anyone else to interfere in a strictly private transaction.

"Thomas is pleased; I am pleased; so they can all go hang."

Thomas's viewpoint of industry has been changed. He has found that it pays in dollars and cents to do his best work. He is using his brain to better advantage. He is trying to get his other employers to adopt the same system. And the wise ones, to conclude the allegory, are doing so.

Mr. TOWNSEND. Before the subcommittee on the fortifications appropriation bill we took some testimony as to the working of this plan at the Watertown Arsenal. The testimony was given by Gen. Crozier. I ask unanimous consent to insert that testimony, consisting of the pages I have marked, in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

TIME-STUDY AND PREMIUM-PAYMENT SYSTEM.

Gen. CROZIER. That prohibits using time studies and premium payments, which I think is a very disastrous proviso. We have had a good deal of experience now with time study and premium payments. We have been operating under the time-study and premium-payment system at the Watertown Arsenal, where we have done the most of it, for five years. Under it the output has very considerably increased, the cost of labor has very considerably decreased, and the pay of the workmen has very considerably increased.

Senator TOWNSEND. What do you mean by that?

Gen. CROZIER. The amounts paid employees have very considerably increased.

Senator TOWNSEND. Oh, yes.

Gen. CROZIER. The Watertown Arsenal employs about 600 workmen, and I get from the arsenal a monthly report of the amount of work which is done under the premium system by each individual workman who works under that system, and the increased earnings of these men for the time when they are working on premium-paid jobs averages about 27 per cent of their regular day pay, and has done so for years. The premium earned by the men, if it were spread out over all of them who work on premium jobs at all, would increase their pay in accordance with the recent records on an average by $10 a month.

Senator TOWNSEND. You say the men do not work on premium jobs all the time?

Gen. CROZIER. Because we are not able to make time studies of all the jobs as we would like to; but we make all the premium jobs we can. That 27 per cent applies to the time they work on premium jobs, and if that were spread over all the time when they were working on premium jobs it would amount to 27 per cent; that is, 27 per cent over their regular wages, and the wages are fixed in accordance with the wages of the vicinity for work of like character; and those wages are now ascertained for us by the Department of Labor. We have followed that practice within the last year of asking the Department of Labor to send an agent up there to determine the wages, so as to have an outside agency make the comparison. It has not resulted in any increase of any significance whatever in the wages we have been paying ourselves at the places where we have been practicing this time-study and premium-payment system.

Senator OLIVER. Have you discovered any discontent among the workmen themselves with this system?

Gen. CROZIER. There is evidence of discontent in the form of petitions, although none very recent, sent in, numerously signed, from workmen.

Senator OLIVER. From the men themselves?

Gen. CROZIER. From the men themselves; yes, sir. There is also evidence the other way, in the way of strongly worded letters of protest against the abolition of this time study and premium payment from some of the men themselves. The evidence in the establishment of cheerfulness and cooperation and industry and satisfaction with the method is very strong indeed. The relations there have never been more harmonious; but, then, there is the evidence of these petitions.

Senator TOWNSEND. What do they ask for in these petitions—what is their grievance?

Gen. CROZIER. One of the most common things set forth in the petitions is that one workman will be given a premium job and have a chance to earn a premium, and another workman in the same shop, with claim to be equally meritorious, and perhaps is equally meritorious, will not be given a premium job and will not have a chance to earn a premium. The answer to that is that while that is true to a certain extent, we make it true to the least possible extent, and as the method continues, and as we become more accustomed to it, we are continually increasing the percentage of employment on premium jobs.

Another part of the answer is that that complaint is not a complaint of the premium system, but a complaint of there not being enough of it. The man who does not get a premium job and does not have an opportunity to get a premium still gets the full pay of his grade in comparison with the wages of the vicinity, and a man who gets a premium job gets more. Now, the complaint as to the man who does not get the opportunity to earn the premium is the complaint that this premium system is not carried far enough. We are extending it as much as we can.

Senator TOWNSEND. Would it be possible to make it universal?

Gen. CROZIER. I doubt if it ever reaches that point, although we have a very considerably increased percentage of premium work since we started the system.

Senator JONES. When you start the premium-system work do you start all the men in that kind of work on premium work, or are you able to start only a part of the men?

Gen. CROZIER. All the men doing the same kind of a job we start on premium work. The premium work requires for its inception that what is called a time study shall be made of a job. That is to say, a man comes and watches a good workman employed on a job, with the knowledge of that workman—they both understand what the process is—and times all of his different operations, and makes such suggestions as to where they could be done with better facility, where there could be an improvement made; where he could do something in the way of bringing up another piece, for instance, while the piece in the machine is moving instead of doing that while the machine is stopped, and so forth. The time is then arrived at in which the job could be reasonably expected to be performed without undue fatigue in continuous operation. Then, to that is added, in our practice in the Watertown Arsenal, two-thirds; it is increased by two-thirds, and a man is told that for any time he saves within that time thus increased he will get a premium, which will be so adjusted that if he does the work in this time ascertained to be the time in which it could be reasonably expected to be done the premium will amount to one-third of his pay; and he can do it in still less if he wants to, and he often does.

Senator JONES. When your time experiments show that the work can be done in 60 minutes you fix the reasonable time for doing that at what?

Gen. CROZIER. If we find that the job can be done, say, in 45 minutes, we add to that an allowance based upon experience for fatigue and interruptions, etc., and get it up to, say, 60 minutes, and we often add a greater allowance than that. We will take that 60 minutes as the time in which it could be reasonably performed and we will add to that two-thirds, making 100 minutes, and we will say to the man, "For all the time within 100 minutes that you save you will receive a premium, and that premium will be so adjusted that if you do that job in 60 minutes the premium will amount to one-third of your pay, and you can do it in less time if you want to." It is on that system that these men doing premium jobs earn from 25 to 27 per cent more than their regular wages.

Senator TOWNSEND. What effect does that have upon the hours of labor?

Gen. CROZIER. We work eight hours, in accordance with the statute, irrespective of that system, and we do not exceed it.

Senator UNDERWOOD. You merely get a larger output from the men who do premium jobs?

Gen. CROZIER. Yes; a larger output, and an output which is over twice as large on the average as we got and as we continue to get on the jobs on which the men do not get premiums.

Senator TOWNSEND. Have you caused any study or investigation to be made as to the effect upon the physical condition of the laborer himself of this speeding-up process?

Gen. CROZIER. I have examined that subject carefully and have employed experts who have had a great deal of experience in that, and, based upon our experience, this allowance for fatigue which I mentioned a moment ago is fixed. In addition to that I have in several instances made an analysis of characteristic jobs at the Watertown Arsenal to see whether there is any possibility of the men being overworked. For instance, a job will be done on a machine, in a lathe, we will say. That job is divided into two general parts, called, with reference to the time that they require, the machine time and the handling time. The handling time is the time when a man has to be doing something with his hands; he has to be putting a piece of work in his machine and setting it up to be turning on the feed screw of his cutting tool, or something of that kind. The machine time is the time when the workman stands in as comfortable an attitude as he cares to take and watches the machine work. In the ordinary machine it is rarely that the handling time amounts to as much as half of the total time. So that for more than half his time the man is usually watching his machine do the work, and that has been the case in the instances which I have examined, and I have examined those instances usually with reference to some complaint.

Senator TOWNSEND. You started to tell us, and you did mention the one complaint, that there were not enough premium jobs to go round. What other complaints do the laboring men set up in their petitions or by letter or otherwise?

Gen. CROZIER. Another very common complaint is that the premium jobs or opportunities to earn premiums are given to low-priced men; that the object of this system is to procure work which is practically the work of high-class tradesmen, such as machinists, to be done by a much lower class of men, who can do one thing only, and are therefore included under the term of "machine operators," as distinct from machinists; and that therefore this works a discrimination against the higher class men in favor of the lower class men. At the Watertown Arsenal I have had that specially examined into, and have found that the records show that the proportion of earnings by the high-class men at that arsenal is considerably higher than the proportion of earnings by the low-class man. In other words, the facts are the exact contrary of those alleged in the complaint.

Now, with reference to another feature of that complaint, and this is a feature which is borne down on pretty strongly by the labor unions, namely, that there is a tendency to eliminate the machinist's trade in favor of the machine operator, who does only one thing and it not an all-round man, my answer to that is that in general it has nothing to do with this time-study and premium-payment system, or with the subject of scientific management, of which that system forms a part, but it is an accompaniment of all industry. It has been done since the beginning of industry and is being done now all the time. It receives an illustration in our work in the manufacture of the infantryman's rifle, for instance. In the early days a rifle was manufactured by a gunmaker who made all parts of the rifle himself. It is now manufactured by a large number of men working on machines which are to a very considerable extent automatic, each man making some part, or even doing only some operation on some part. Some of those parts require a hundred operations, and man may do only one of them.

Senator OLIVER. Mr. Ford has carried that pretty nearly to perfection in his establishment, has he not?

Gen. CROZIER. Yes.

Senator OLIVER. Having one man do one thing?

Gen. CROZIER. And another man do another. That accompanies all industry. By means of that, in the rifle industry we are able to make a far better rifle than under the old system that was in vogue years ago and at a far lower price.

Senator OLIVER. And under the old system of manufacture no other rifle would ever be like that rifle.

Gen. CROZIER. And all the parts are now interchangeable. Another illustration, which is a very familiar one, and you all are probably, at least, as familiar with it as I am, is that of the shoemaker. In the olden time a shoemaker used to make the whole shoe. The result of the change in method of making shoes is that they are much cheaper, and the result is that people can wear shoes now who never could think of wearing shoes in the old days. So much for that complaint.

Senator TOWNSEND. Were there any other complaints?

Gen. CROZIER. There was a complaint which has been made on behalf of our workmen by outside workmen, but which has not been made by the workmen themselves, in regard to speeding up and overwork. There is no allegation of overwork by our workmen. No man has ever said or admitted that he was overworked. So that I suspect I should not include that complaint in my answer to your question, since it is not made at our establishments.

Senator JONES. About how many protests have you had against this system from the Watertown Arsenal laborers?

Gen. CROZIER. I think three or four, probably. Some of them are very numerously signed. But, with regard to that, my conviction is that those signatures were procured at the instance of labor organizations outside of the arsenal.

Senator JONES. How many employees have you there?

Gen. CROZIER. About 600.

Senator JONES. About what proportion of them have signed some of these petitions?

Gen. CROZIER. In some cases, over one-half. One workman wrote me in regard to one of these numerously signed petitions that if the signatures were removed of men who had signed the petition under some kind of compulsion, and of men who had signed without knowing what they were signing, there would be nobody left but the framers of the petition. That came from a workman. In that particular case, the method followed of obtaining a good many signatures was to circulate a blank piece of paper, and for the men to sign that, and then the signatures were copied off onto the petition. A large number

of the signatures were in the same handwriting on the petition. I do not think that was done with any fraudulent intent. I think that the men who signed all knew that they were signing some form of protest against the system, and the man who did the copying did not realize that that was not the way to present signatures. I do not think there was any intentional bad faith in it.

Senator JONES. Can you, without too much trouble, put in your statement copies of those petitions, leaving off the signatures?

Gen. CROZIER. Yes, sir. I can furnish you with what perhaps will suit you better, a marked copy of a congressional document in which the petitions are printed, and also certain other matters in connection with the petitions, for instance, my answers to them. If there is any way of getting hold of Senate Document No. 800, of the last Congress, I could in a short time allude to several others, I think, and allude to the answers.

Senator JONES. If it has already been printed, that is enough.

Senator OLIVER. I received a petition from the employees of the Frankford Arsenal at Philadelphia, which it seems to me included all of the employees, very nearly, protesting against this proposed legislation.

Gen. CROZIER. Yes.

Senator OLIVER. Do you recollect that?

Gen. CROZIER. Yes.

Senator OLIVER. As the result of that the Committee on Military Affairs of the Senate struck it out of the bill, but it was afterwards restored on the floor.

Gen. CROZIER. Yes. Now, with reference to that, Senator, I think I ought to give you the reason why you have not been ever since receiving vigorous protests along the same line since that legislation was put back in the bill on the floor.

Senator OLIVER. Yes.

Gen. CROZIER. The reason is this: The prohibition that was put on the Army bill last year was in very similar language to this, and prohibited the payment of premiums in addition to the regular wages.

Senator JONES. Where is that, here?

Gen. CROZIER. The language is as follows:

"Nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages."

I secured a ruling from the comptroller that piecework rates were different from premiums, and that prohibitions were not included of the employment of pieceworkers; so that, as the work at the Frankford Arsenal is largely repetition work, and lends itself to piecework, I changed the premiums to piecework. I think I ought to explain to the committee now that in my opinion there is no essential difference between piecework and premium work, in its stimulating effect. There are some differences in the conditions under which the two kinds of payments can be made, but it makes little difference whether the stimulus is in the form of piecework rates or premium-work rates.

The difference comes in this, however, that the premium-work rates have special application to work that is not in the nature of repetition work, of which there will be very few pieces, and perhaps only one, done, whereas the piecework rate applies largely to repetition work where large numbers of the same article are turned out. So that, although the prohibition of premium rates was not very effective at the Frankford Arsenal where there is repetition work, it would be very effective at the Watertown Arsenal, where we make gun carriages and there is very little repetition work.

Senator UNDERWOOD. Is there anything else you want to bring to the attention of the committee, General?

Senator TOWNSEND. Have you figured, General, how much saving per year is made by this premium and time-study business at Watertown?

Gen. CROZIER. I had made up there some careful observations in regard to several jobs of work upon one occasion, which was done under the premium-payment system, after time studies and under the regular day-wage system, and it was found on those jobs that the time occupied under the regular day-wage system averaged 2.7 times that in which the same jobs were done under the premium rate. That would make the labor cost, you see, very considerably greater.

Senator TOWNSEND. I did not understand that matter of 2.7. What was that?

Gen. CROZIER. A man would take, to do a given job of work, 2.7 times as long under a regular day-wage system as he would under the premium-rate system; and that is not a singular experience at all. It is very common. I have had made at the Watertown Arsenal a curve of the rate of production of pig iron, per employee, commencing at about the time we put in the premium system, and as the premium system continued the curve of production regularly rose until the production ended up with over three times the amount it had been to start with, in the same length of time.

Senator UNDERWOOD. Was that in the manufacture of pig iron, you say?

Gen. CROZIER. That was in the manufacture of pig-iron castings produced per employee, not in money value but in pounds produced.

Senator UNDERWOOD. That was making castings, not in the production of pig iron?

Gen. CROZIER. No; it was iron casting in the foundry, and not the production of pig. We do not do that.

Senator JONES. Is there any plant where this prohibition that was put in the military bill has really gone into effect affecting any considerable number of employees?

Gen. CROZIER. No; not to any extent; for the reason that at the Watertown Arsenal, where the prohibition of the payment of premiums would have been serious, the work is practically all done from appropriations made in the fortifications bill, and last year this legislation was not put on the fortifications bill. This is the first time it has appeared on the fortifications bill.

Senator JONES. So that there is no complaint where that prohibition has affected any considerable number of employees?

Gen. CROZIER. No, sir; not so far; but there will be if this remains on this bill.

Senator JONES. Yes; I understand.

Gen. CROZIER. Now, I think I will make another statement with respect to that. With reference to this payment on the piecework system and on the premium system these items of legislation have been attached to these bills, and under them the ruling of the comptroller will protect the disbursing officer; but there is a bill pending with a favorable recommendation before the House of Representatives covering the same subject, in which it is made a criminal offense to do the things which are prohibited here, and if that bill should become a law I should feel very indisposed to direct any officer to make even any payments on the piecework system, because, when it becomes not a matter in which he can not be protected by a ruling of the comptroller, but a matter of criminal prosecution, he would be, I think, treading a very narrow line in distinguishing in that way between piecework rates and premium rates.

Senator JONES. You have not had any petition from anybody who has been affected by that prohibition to have it done away with, have you?

Gen. CROZIER. Yes, sir.

Senator JONES. From where?

Gen. CROZIER. Individual workmen at the Watertown Arsenal have written letters protesting against this legislation.

Senator JONES. Since it was passed?

Gen. CROZIER. Yes; although it did not affect them, because these workmen were at the Watertown Arsenal; but they saw the threat of it, and they were aware of the bill I have just mentioned to you, and they were aware of the intention to submit these items of legislation as amendments to the appropriation bills.

Senator TOWNSEND. Were these labor-union men? Did they belong to the unions or were they not members?

Gen. CROZIER. I think not, Senator, although there is something in regard to which we never inquire.

Senator TOWNSEND. I did not know but what you might know.

Gen. CROZIER. We make no discrimination against the unions.

Senator TOWNSEND. I know you do not, but I was wondering whether any members of the Federation of Labor had felt that this was not a fair thing and had so expressed themselves to you.

Gen. CROZIER. No employees that I know to be members of the Federation of Labor have so expressed themselves to me.

Senator TOWNSEND. Do you know of any influence anywhere that is working against this efficiency plan except organized labor?

Gen. CROZIER. No, sir. There was a man who took an interest in the subject who claims to be an expert along this line, and he criticized some of our methods at the Watertown Arsenal as not properly fulfilling their intent, as not being scientific enough, but he is a very strong advocate of the general method of which this forms a part.

At the request of the Secretary of War the Federal Industrial Relations Commission created by the act of August, 1912, took up this subject of scientific management. They did not make any investigation of what we were doing at the Watertown Arsenal themselves, but they employed a committee composed of Prof. Hoxie, of the University of Chicago, a representative of the employer class, Mr. Valentine, and a representative of the labor class, Mr. Frey, to make an investigation of the Watertown Arsenal, and that committee made a report, which has not been published officially, but the substance of which has been published in a book by Prof. Hoxie, entitled "Scientific Management and Labor." In this book he did not mention the Watertown Arsenal, but he discussed and to a certain extent criticized the methods of what claims to be scientific management. He said that its performances were not up to its claims. The substance of his objections was that it was not scientific enough; that is to say, it did not efficiently, skillfully do what it claimed to do. But the report stated in effect that scientific management had come to stay and that there must be adjustment of its conditions and those of labor.

Senator JONES. Were they unanimous in that conclusion?

Gen. CROZIER. I think they were; yes, sir. I think it was stated that these general conclusions were unanimous. Now, perhaps I am justified in stating one illustrative instance of the kind of criticism which they make, which by some one else was directed particularly at the Watertown Arsenal. Mr. Frey, the labor member of that committee, which I may call the Hoxie committee, presented to the Committee on Labor of the House of Representatives an illustration of what he claimed to be the unscientific nature of this time study to determine the reasonable time in which a piece of work can be done at the Watertown Arsenal. The illustration he presented was a chart showing the efficiency of a certain workman over a certain period of time. The efficiency was determined by the ratio of the time which he took to perform his assigned job of work to the reasonable time which the time study showed it ought to take. If he had done it in the exact reasonable time, his efficiency would be 100 per cent. If he did it in a longer time, his efficiency would be less, and if he did it in a shorter time his efficiency would be greater.

In the chart that man's efficiency varied from 20 per cent to over 200 per cent—that is, his efficiency went up and down very violently, you might say—and Mr. Frey from that, assuming that the man was constant and worked just about as well at one time as at another, concluded that these jobs were unscientifically set and that sometimes performance was possible and sometimes impossible within the time which had been given as the reasonable time. The answer to that is that upon consulting the records it was found that with reference to this man, whom we were able to identify, that when performing the identical job at different times his efficiency varied in the most irregular way—that is to say, it varied by as much as 100 per cent—which completely refutes the supposition that the man was constant and that the irregularities must therefore have been due to unscientific time setting. The curve went up and down in very much the same way, although the fluctuations were not so great, but they were very great. The man was temperamental, and when he thought that he had a good job and he could make a good thing he hit it pretty hard, and when he did not he behaved in the reverse manner.

In addition to that, taking the evidence presented by Mr. Frey himself, the average efficiency of the man for this considerable period of time which his records cover averaged 120 per cent. That is to say, on the average he was able to do the work in less time than the reasonable time we said it could be done in, by the amount which gave him an average efficiency of 120 per cent instead of 100 per cent, and consequently that man, during the time which Mr. Frey's estimate covered, earned an average of 50 per cent over and above his regular day's pay.

Senator JONES. You do not know whether this particular man was opposed to the system or not?

Gen. CROZIER. Yes; he was opposed to the system.

Senator JONES. He was opposed to it?

Gen. CROZIER. Yes; but the conclusion is very difficult to avoid that he is opposed to it on paper only. He is an official of a labor union—that he has brought to our attention himself—and he is a good workman, and he earns these high premiums, and he continues to earn them, and has been doing it for years, and there is no evidence that he does not like it, except that he says he does not like it. He earns these premiums, and takes them cheerfully—seems to like to get them.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRYAN. I move that the Senate request a conference of the House of Representatives on the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. BRYAN, Mr. LEA of Tennessee, and Mr. JONES conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOON, Mr. FINLEY, and Mr. STEVENSON, managers at the conference on the part of the House.

RURAL CREDITS (S. DOC. NO. 480).

Mr. FLETCHER. I ask unanimous consent to submit the supplemental report of the United States Commission on Rural Credits and that it be printed in the RECORD and also be made a document.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. There was so much confusion in the Chamber I could not hear what the request was.

Mr. FLETCHER. It is the supplemental report of the United States Commission on Rural Credits, and the last report. It consists of only a couple of pages. I ask to have it printed in the RECORD and also as a document.

Mr. SMOOT. Would it not be better for the Senator to confine it to one, either the RECORD or as a document?

Mr. FLETCHER. I desire to have it appear in the RECORD and it ought to be printed as a document also.

Mr. SMOOT. It has been the universal practice, I will say to the Senate, to print either in the RECORD or as a document, but not in both.

Mr. FLETCHER. But this is the report of the Commission on Rural Credits, and I think it is entitled also to be printed in the RECORD. It will not take half a page of the RECORD.

Mr. SMOOT. It is only establishing a precedent for what we have undertaken to prevent. It has been the rule to print either one way or the other.

Mr. FLETCHER. That applies to ordinary documents but this is the final report of the United States Commission on Rural Credits, including its work up to this time, and I think it ought to be printed in the RECORD for general information and then it ought to be printed as a document.

Mr. SMOOT. I do not think it should be done.

Mr. STONE. What is the report?

Mr. FLETCHER. It is the report on rural credits.

The VICE PRESIDENT. Is there objection?

Mr. STONE. I do not object.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

The report referred to is as follows:

SUPPLEMENTARY REPORT UNITED STATES COMMISSION ON RURAL CREDITS.

WASHINGTON, D. C., *June 30, 1916.*

To the Congress:

The act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (H. R. 20415, Public No. 293, 63d Cong.), authorized the United States Commission on Rural Credits to continue its work for another year and made available such part of the unexpended balances of the original appropriation provided for it as might be necessary for its further work. Complying with this provision of Congress the members of this commission have continued their investigation of the needs of the farmers of the United States, and after a most careful consideration of the subject present herewith a brief report to supplement its original recommendation (S. Doc. 380, pts. 1, 2, and 3).

The commission, in cooperation with the American commission, after a most extended study attempted to clearly separate the credit needs of the farmers of this country into two main classes: (1) Long-term land-mortgage credit, and (2) short-term personal credit. It was the judgment of both commissions, as shown in earlier reports, that it was advisable to first take up the question of long-term land-mortgage credit. It is gratifying to note that since the commission made its original report and prepared a bill to provide for a system of long-term land-mortgage credit, nearly, if not quite all, public consideration has approved of the general action in separating these two types of credit and in urging immediate consideration of land credit.

The commission also notes with pleasure that not only have practically all bills introduced into Congress dealt with long-term mortgage credit, but, further, that nearly all have followed the general recommendations outlined by the commission, varying only in detail of organization or method of procedure. The commission looks with great satisfaction upon the fact that land-mortgage legislation has finally been enacted, which we sincerely believe will be successful and effective.

We are satisfied from several years' investigation, however, that this legislation will not solve the entire rural-credits problem. We recognize that there are in the United States some 2,360,000 tenant farmers. Many of these will inherit farms. Others who are industrious and frugal will be able to take advantage of the system and purchase farms, but many others who are equally worthy will be unable to do so. Steps should be taken to provide a special system which will make it possible for all worthy tenants and efficient farm laborers to become occupying farm owners.

Turning now to another phase of this question, it is our judgment that much remains to be done to improve the short-term personal credit facilities for farmers, and it would seem wise to continue the investigation and study which is being carried on at the present time until additional facilities are provided, which will more nearly meet the legitimate needs of farmers for personal credit.

DUNCAN U. FLETCHER.
RALPH W. MOSS.
HARVIE JORDAN.
JOHN LEE COULTER.
CLARENCE J. OWENS.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. GORE. I ask that the Senate proceed with the consideration of House bill 12717, the Agricultural appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

The VICE PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, under the subhead "Office of the Secretary," on page 4, line 23, after the words "farm practice," to strike out "$220,000," and insert "$230,000," so as to make the clause read:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $230,000.

Mr. GORE. Yesterday the formal reading of the bill was dispensed with, and I desire to have it read for action on the amendments of the committee.

The VICE PRESIDENT. That is the way it is being read. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 4, after line 24, to strike out:

For studying methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes; for their irrigation; for testing powders in clearing them; and for utilization of by-products arising in the process of clearing; in cooperation with the States, companies, or individuals, or otherwise, $5,000.

The amendment was agreed to.

Mr. JONES subsequently said: Mr. President, I have been temporarily engaged in some other matters, and I wish now to inquire why the Committee on Agriculture and Forestry reported an amendment to strike out the provision on page 4, beginning in line 25 and ending in line 4 on page 5, in reference to studying the methods of clearing off "logged-off" lands, and so forth, which amendment has been agreed to?

Mr. GORE. Mr. President, I will say that we had a report from the department on that subject, and it was evident from the report that all existing methods of logging off land had been tested out by the department. That report stated that there might be devices developed in the future which it might be necessary or advisable to try out; but the members of the committee took the view that the process of getting logs and stumps off land was a very ordinary one. For that reason they concluded to drop the provision from the bill. It has been contained in the Agricultural appropriation bills for a number of years, experimentations have been carried on for some time, and we felt that in the light of the report, up to date at least, the question had been pretty thoroughly exhausted.

Mr. JONES. Mr. President, the Senator from Oklahoma says that the committee felt that very ordinary devices were suitable for this purpose. Does the Senator take into consideration the character of the timber, the stumps, and so forth, that have to be taken off the land in our western country?

Mr. GORE. Yes, sir.

Mr. JONES. Some of the stumps are from 6 to 8 and 10 feet in diameter, and sometimes even greater.

Mr. GORE. They are much larger than that in many cases; but I have the report to which I have referred, and if the Senator so desires I will ask that the amendment be passed over for the present.

Mr. JONES. The amendment has been adopted by the Senate, and I will not ask for its reconsideration until I have had an opportunity to look over the report to which the Senator refers. I may not then feel justified in moving a reconsideration, although I think it is a very great mistake to cut out this provision, for the matter of logging off the land is a very serious one, especially on the Pacific coast. I shall not, however, at this time ask for a reconsideration of the vote by which the amendment was agreed to, and I will try to get hold of the report on the subject from the department.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 5, line 5, after the words "general expenses," to strike out "$225,000" and insert "$230,000," so as to make the clause read:

In all, for general expenses, $230,000.

The amendment was agreed to.

The next amendment was, on page 5, line 6, after the words "Secretary of Agriculture," to strike out "$688,160" and insert "$693,160," so as to make the clause read:

Total for Office of the Secretary of Agriculture, $693,160.

The amendment was agreed to.

The next amendment was, under the subhead "Weather Bureau," on page 9, after line 1, to insert:

For the purchase of a site and the erection of a building at Cape Henry, Va., to be constructed under the supervision of the Chief of the Weather Bureau, plans and specifications to be approved by the Secretary of Agriculture, and for all necessary labor, materials, and expenses connected with this work, $22,500.

Mr. KENYON. Mr. President, if it is not out of order to inquire about the increases in appropriations in this bill, I should like to inquire if it is necessary at this particular time to have the Weather Bureau building in Virginia and the other one in Wyoming? I was not present in committee when this matter was discussed, and I should like to know the reason for the great emergency at this time for making appropriations for these purposes.

Mr. GORE. Mr. President, if the Senator from Iowa addressed a question to me, I did not understand him.

Mr. KENYON. I asked the chairman of the committee with relation to the pending amendment, and also the one following it, which provides for the same thing at Cheyenne, Wyo. Why is it necessary at this time to make these appropriations?

Mr. GORE. Mr. President, I will say with reference to the weather station at Cape Henry that it is regarded as one of the most important stations in the entire country. It is situated near the entrance to the Chesapeake Bay, and the present site of the weather bureau is situated on land which will be included within the new fortifications. On that account it is necessary to provide other quarters. It could not be operated within the immediate vicinity of the large guns, for the machinery and the apparatus are so delicate that the guns would interfere with their functions.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 9, after line 7, to insert:

For the purchase of a site at Cheyenne, Wyo., and the erection thereon of a building for use as a Weather Bureau observatory, to be constructed under the supervision of the Chief of the Weather Bureau, plans and specifications to be approved by the Secretary of Agriculture, and for all necessary labor, materials, and expenses connected with the work, $20,000.

Mr. GORE. With reference to this amendment, I will refer the Senator from Iowa to the Senator from Wyoming [Mr. WARREN].

Mr. WARREN. Mr. President, the weather station at Cheyenne, Wyo., is one of the oldest in the United States. It was established there by the War Department many years before the Agricultural Department obtained jurisdiction of Weather Bureau matters, and it is now a large and important station. They have no Federal building for the purpose and therefore must pay rent. This appropriation does not add anything to the expenses of the office itself, except to give it a habitation in which to house its property.

Mr. KENYON. I should like the Senator from Wyoming to inform us how they are accommodated at this time? Is there not a Federal building there in which they are stationed?

Mr. WARREN. While there is a Federal building in Cheyenne, it is not sufficiently large for the purpose of accommodating this bureau, and has not been able to provide for it. We have waited many years, hoping that provision might be made in the Federal building for this bureau by finishing up the third story and rearrangement of offices, but the United States business is large at that point and constantly growing larger, so that they are not able to take care of all of the other Federal offices, to say nothing of the Weather Bureau. Therefore it has always been necessary to provide for this bureau outside of the Federal building; and that is the case at present.

Mr. KENYON. I am not going to make any objection to the amendment, Mr. President. I know it is practically useless to object to anything in any of these bills.

Mr. WARREN. This appropriation is a very modest one.

The VICE PRESIDENT. The amendment is agreed to, without objection.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 9, line 15, after the words "general expenses," to strike out "$1,388,700" and insert "$1,431,200," so as to make the clause read:

In all, for general expenses, $1,431,200.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the words "Weather Bureau," to strike out "$1,724,760" and insert "$1,767,260," so as to make the clause read:

Total for Weather Bureau, $1,767,260.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Animal Industry," on page 12, line 20, after the word "cattle," to insert "and malta fever in goats," so as to make the clause read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabbies in sheep and cattle and malta fever in goats, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon; the inspection work relative to the existence of contagious diseases, and the tuberculin and mallein testing of animals, $532,780.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the words "cattle ticks," to strike out "$632,400" and insert "$782,400," so as to read:

For all necessary expenses for the eradication of southern cattle ticks, $782,400.

The amendment was agreed to.

The next amendment was, on page 13, line 6, after the words "live stock," to insert "and dairy," so as to read:

For all necessary expenses for the eradication of southern cattle ticks, $782,400, of which sum $50,000 may be used for live stock and dairy demonstration work in cooperation with the States Relations Service, in areas freed of ticks, and of this amount no part shall be used in the purchase of animals for breeding purposes.

Mr. JONES. Mr. President, I desire to ask the chairman of the committee the object of the amendment inserting the words "and dairy" before the word "demonstration." What is the purpose of those words? What kind of demonstration work do they calculate on doing?

Mr. GORE. Mr. President, I will state to the Senator that those words were added upon the recommendation of the department.

Mr. JONES. I understand that, but what does the department want to do?

Mr. GORE. I will ask to have the text read; I do not quite catch the connection.

The VICE PRESIDENT. The Secretary will read the clause as proposed to be amended.

The Secretary read as follows:

For all necessary expenses for the eradication of southern cattle ticks, $782,400, of which sum $50,000 may be used for live stock and dairy demonstration work, in cooperation with the States Relations Service, in areas freed of ticks, and of this amount no part shall be used in the purchase of animals for breeding purposes.

Mr. GORE. I have a communication from the department on the subject, which I will ask to have read by the Secretary.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

BUREAU OF ANIMAL INDUSTRY.

Page 12, line 18, after the words "live stock," insert "and dairy."

Note: The solicitor suggests that this change be made in order to clearly authorize the department to conduct demonstration work in tick-freed areas in connection with creameries and cheese factories. The department believes that this work is essential to the most rapid development of dairying in the region which has been freed from ticks. The establishment of creameries and cheese factories in this region will make possible the profitable expansion of the dairy-cattle industry to an extent which otherwise would be impossible.

Mr. JONES. Mr. President, I can not see where there is any indication in that statement as to the character of work which they propose to do. Do they propose to demonstrate how to milk cows and how to churn butter?

Mr. GORE. I hardly think it would extend to such elementary demonstration as that.

Mr. JONES. That is what I thought.

Mr. GORE. The bill in another part contains a specific appropriation in connection with the cheese industry and cheese factories; but in the southern territory rescued from the fever tick so much attention has not been devoted to the dairy industry as in other sections, and I presume it is for the purpose of introducing the industry in that section.

Mr. JONES. Is there not another appropriation in the bill somewhere else for dairy experiments and demonstration work?

Mr. GORE. Yes, sir; under other circumstances.

Mr. JONES. Why is it necessary, then, to make part of the appropriation for the eradication of southern cattle ticks available for this purpose? Why not use the funds provided elsewhere in the bill for this purpose in the southern section of the country?

Mr. GORE. As I remember, the other appropriations are to be expended in specific directions, which might not be applicable to the southern section, and sufficient money would not be available under these provisions for the extension of the dairy industry in the rescued territory.

Mr. JONES. If sufficient money would not be available under those appropriations, I should think it would be better to increase those appropriations than to take some of this money which has been used for a long time for the eradication of southern cattle ticks.

Mr. GORE. I will say that this does not carry an additional appropriation for the purpose. It merely provides for the extension of the work and the dissemination of information upon this subject. The appropriation is not increased at all, but merely the purposes to which the appropriation may be applied are increased.

Mr. JONES. I understand, Mr. President, that it does not increase the appropriation, but it puts it in such shape that the estimate that will come in for the next appropriation will be larger than it would otherwise be, covering the work authorized in this paragraph. I doubt the wisdom of putting that amendment in the bill, but I shall not say anything further concerning it.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 13, line 18, after the words "Bureau of Animal Industry," to insert:

And provided further, That of the total amount appropriated by this paragraph $35,000 shall be immediately available.

Mr. GORE. I suggest that that proviso be omitted.

Mr. SMOOT. I was going to suggest that it be not agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 13, line 24, after the word "markets," to strike out "$272,470" and insert "$277,470," so as to make the clause read:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated-butter factories and markets, $277,470.

Mr. BRADY. I ask that that clause be passed over. There is an amendment which I desire to propose to it, and so I ask that it be passed over for the present.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 14, line 8, after the words "necessary expenses," to strike out "$208,320" and insert "$214,320," so as to read:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $214,320: *Provided*, That of the sum thus appropriated $25,000 may be used for experiments in the breeding and maintenance of horses for military purposes.

Mr. PITTMAN. Mr. President, I desire to call the attention of the chairman of the committee to the appropriation of $214,320 in line 9, page 14. I have an amendment prepared, which I intend to offer at the proper time, appropriating $200,000 to assist in experiments in the breeding of horses. In the following paragraph there is an appropriation of $25,000 for experiments in the breeding and maintenance of horses for military purposes. What I desire to do is to subtract that $25,000 from the $214,320, and then, after that is done, to add another paragraph providing for an appropriation of $200,000. Therefore, I ask to have that amendment passed over for the present.

Mr. GORE. Then the amendment may be passed over for the present to enable the Senator to present his amendment.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The SECRETARY. Continuing the reading on page 14, line 9——

Mr. SMOOT. Let all of that paragraph go over down to the end of line 16.

The VICE PRESIDENT. Without objection, the paragraph will be passed over.

Mr. SMITH of Arizona. I should like to inquire why lines 14, 15, and 16, on page 14, have been stricken out?

The VICE PRESIDENT. That amendment has been passed over temporarily. The whole paragraph has been passed over.

Mr. SMITH of Arizona. The only trouble is that if it is passed over I should like to inquire when it is to be taken up again. I prefer to say what I have to say at this particular time on that amendment.

Mr. GORE. I will say that the reason the Senate committee struck it out was that they felt that the ostrich industry was not one that could be extended over the country generally, or that promised very substantial returns.

Mr. SMITH of Arizona. I know; but have they investigated at all about it? Perhaps there was no man on the committee who knew anything about the ostrich industry of the country. The House committee evidently did. I will ask the chairman of the committee if there was any reason in the world for taking this action except that the committee did not know about ostriches?

Mr. GORE. Mr. President, I think the committee had in a general way some information upon the subject, and they certainly had no evidence presented to them that would sustain the conclusion that it was a promising industry, or one that made any very golden promise.

Mr. SMITH of Arizona. I know; but this being in the House bill, and coming over to the Senate, I should not think the Senate committee would strike out a provision unless some reason was given to them for striking it out. The investigation was made before a committee that had original jurisdiction of appropriation bills.

Mr. GORE. Undoubtedly the action of the House ought to have considerable weight with the Senate committee and with the Senate itself. However, it is not conclusive; and I think the committee were justified in the conclusion that this industry is not one that can be extended generally over this country or that can be made of general interest to the public; and as this is a charge upon the public, it ought to be of a general character.

Mr. SMITH of Arizona. Does the Senator know, or did any member of his committee suggest at any time, how much the Government was already expending in experiments on the improvement of the ostrich feather, and how many ostriches there were in my State alone?

Mr. GORE. I know there are a number of ostriches in the Senator's State, and also in California.

Mr. OVERMAN. How many? Let us have the facts.

Mr. SMITH of Arizona. I wish the chairman of the committee, without taking the time that would be necessary to discuss it, would permit that amendment to be voted down, and leave it as it was in the House bill. I assure him that it is as essential as any one thing in the bill. I could read matter that I have here, and give you the data of the whole business; but what is the use of consuming the Senate's time with it?

Mr. GORE. I prefer to let the matter go to conference, and then I shall be glad to take it up with the Senator. It is only a small amount, and if the Senator has any reasons to present to the committee we shall be glad to hear him.

Mr. SMITH of Arizona. The only reason I am pressing it now, if the Senator please, is because I was called away from the Senate, and I have waited for the last hour or two to get to this little matter, thinking that upon the mere suggestion of it, inasmuch as the Senate committee had no data at all on which it acted, this item would be put back. No objection having been made, no proof taken, and no facts ascertained, I thought probably the committee would not insist upon omitting this item of $34,500 for investigations, including the feeding and breeding of ostriches, and investigations and experiments in the study of the ostrich industry. The Government itself has already spent quite a large amount of money along this line, and imported 30 ostriches only last year, as I understand, purely for the purpose of crossing the breed, and ascertaining the means of obtaining the best ostrich feather that can be grown.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator, I will call his attention to the fact that the House bill provided that of the total appropriation, the sum of $37,000 "may be used for experiments in poultry feeding and breeding, including the feeding and breeding of ostriches and investigations and experiments in the study of the ostrich industry." The Senate committee strikes out the clause with reference to the feeding and breeding of ostriches, and leaves the appropriation at $34,500. I take it, therefore, that the amount of the appropriation required for this industry would be only $2,500.

Mr. SMITH of Arizona. Now, I ask the Senator, for what reason did they strike it out? Was there any proof given before the committee that they did not need it?

Mr. FLETCHER. The Senator can not quarrel with me. I am with him on the proposition. I am calling his attention to the fact that only an expenditure of $2,500 is proposed for this purpose.

Mr. SMITH of Arizona. I thank the Senator for the suggestion of a fact which I had not noticed, that they reduce it from $37,000 to $34,500. They leave the turkey and the hen, which are quite familiar objects in the front yards of most of the districts of this country; but when it comes to the ostrich, about which they know nothing, which is worth five times as much as the poultry of the State that it is in, they provide that it shall be absolutely excluded, and that a sensible investigation at so small a sum as $2,500 shall be cut off, in the very face of the fact that in 1915 the department purchased ostriches of different breeds for the purpose of crossing, to determine if it were possible to improve the quality of the feathers now being produced. The only difference between ours and the best ostrich feathers grown, for that matter, has been the result of crossing the breeds. That is the thing they are now investigating; and with hundreds of the birds, some worth $250 or $300 or $400 apiece, this $2,500 for continuing the investigation is struck out without any reason on earth.

Mr. SMITH of Georgia. Mr. President, can the Senator from Arizona tell us anything about the ostriches of Arizona as a reason why we should pay something toward them? Instead of calling upon the committee to explain why we did not appropriate the money, we would like to hear from the Senator why we should.

Mr. SMITH of Arizona. Will the Senator tell me why anything should be appropriated for hens and chickens?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Arizona. Why?

Mr. SMITH of Georgia. That is one of the greatest industries in the United States; and the study of the culture of chickens and their diseases has been of inestimable value to the people of this country.

Mr. SMITH of Arizona. If that work has been of inestimable value to the people of the country deriving a revenue from it, why does the committee say that ostriches that bring in money, cattle that bring in money, or other products that yield something for the men who raise them shall not receive any assistance?

Mr. SMITH of Georgia. The Senator does not understand me. What I wanted him to do was to tell us what ostriches there were—what the industry amounted to.

Mr. KENYON. Where do they live?

Mr. SMITH of Georgia. So far as the committee was informed, there was a little drove down here, a sort of an amusement drove, near Jacksonville, that excursionists in Jacksonville go out to see—an utterly impractical endeavor, except for the entertainment of visitors; not a practical proposition that involved the general welfare. If the Senator will point out that the ostrich industry is one worthy of improvement and one worthy of culture, I will vote to set aside the action of the committee; but I would not vote for it on account of this little amusement drove down in Florida.

Mr. SMITH of Arizona. I am not at all surprised at the action of the committee after the ignorance of the question displayed by the very learned and competent Senator from Georgia.

Mr. SMITH of Georgia. That is not what I am asking the Senator.

Mr. SMITH of Arizona. I know what the Senator is asking me, and I am telling him. No wonder the Senator from Georgia has never heard of an ostrich excepting in Africa and the few that were somewhere in Florida! Therefore he would strike out an appropriation, because he says it is going to be a mere experiment on a little matter in Florida.

I do not think the House committee would have been subject to that sort of an accusation any more than the committee of the Senate. The only difference was that they knew what they were talking about, and the Senate committee did not stop to inquire, as they usually do. I am not reflecting upon them, but rather commending their anxiety to see that the appropriations are cut to the lowest possible figure; but I do protest against their providing for chickens and ducks and geese and all the poultry of all the people that are represented here and discriminating against this important industry. The largest herd of ostriches, if you can so denominate them, in the world is in Arizona to-day.

Mr. OVERMAN. How many are there?

Mr. SMITH of Arizona. I could not say, for I want to be perfectly accurate; but it goes up into the hundreds.

Mr. ASHURST. Into the thousands.

Mr. SMITH of Arizona. Probably into the thousands. Last year $5,000,000 worth of ostrich feathers were imported into this country. I have the data here in regard to the whole business; but I get so tired of hearing discussion on the floor of the Senate that I do not want to go into the matter in detail.

Mr. SMITH of Georgia. The Senator is not hearing discussion on the floor of the Senate now. He is contributing it, and we want the benefit of his information. I admit my lack of knowledge, and I am asking the Senator to give me the facts.

Mr. LODGE. Mr. President, will the Senator yield to me a moment?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. SMITH of Arizona. I do.

Mr. LODGE. I believe I am right in saying that the ostrich industry in southern California and Arizona and th t region has been established for many years.

Mr. SMITH of Arizona. A great number of years.

Mr. LODGE. Because I recall, in the second McKinley campaign, that an enthusiastic Democratic orator was in southern California, and at a meeting there he was pointing out the infamies of the tariff, and, among other things, he said, "Now, look at the duty on ostrich feathers; look at the duty on the feathers your wives and daughters wear!" The chairman caught him by the coat and said, "Don't talk about ostrich feathers here; we have ostrich farms in this town." [Laughter.]

Mr. SMITH of Arizona. Plenty of them.

Mr. LODGE. Exactly. It is an old industry and a good one.

Mr. SMITH of Arizona. I want to say that the industry amounts to a very great deal. The investigations here suggested, in my opinion, are absolutely essential to the welfare of the industry, and they can be very cheaply carried on.

I shall proceed further, if necessary, to have these words restored in this bill, and the amount likewise restored.

Mr. SMOOT. Mr. President, I will suggest to the Senator that perhaps, if this were stricken out of the bill, the Department of Agriculture would still expend money for the purpose of experimenting in the ostrich business; because I find that in the case of the appropriation we made for the eradication of the foot-and-mouth disease in 1915 within two weeks the Secretary approved expenditures, first, of $271.81 and, a few days later, of $303.77 to inspect the ostrich-breeding work being conducted in Arizona and to study the ostrich, poultry, and turkey industries at other points enumerated.

Mr. CLARK of Wyoming. Using the money out of what appropriation?

Mr. SMOOT. He took it from the $2,000,000 appropriated for the eradication of the foot-and-mouth disease in 1915.

Mr. OVERMAN. By what authority?

Mr. SMOOT. No authority. What I was thinking was——

Mr. SMITH of Arizona. The very thing that the Senator suggests shows the necessity of my keeping my appropriation.

Mr. SMOOT. If the Senator had waited a minute, I was going to call attention to that fact, because I would very much prefer to make a direct appropriation for this purpose than to have the Secretary of Agriculture send Mr. Harry M. Lehmann and others to Arizona for this purpose and take it out of a fund that was appropriated directly for some other purpose.

Mr. GORE. Mr. President, of course, I could not say without having investigated the record, but I will ask the Senator from Utah whether he knows if this might not be the explanation of that circumstance: When the foot-and-mouth disease broke out in the country, the Secretary had to draw upon lump funds in order to meet the emergency, there having been no emergency appropriation for that purpose. We then made an appropriation for the reimbursement of those funds. Might it not be that out of those reimbursements the expenditures to which the Senator has referred were made? I do not know myself.

Mr. SMOOT. No, Mr. President; because of the fact that the expenditures were made from June 11 to June 30, 1915, after the appropriation of $2,000,000 was made for the foot-and-mouth disease, and I will say to the Senator that this is only one item. I can call the Senator's attention here, for instance, to an expenditure for investigating the system used by the city of New York in grading milk, taken out of that fund, and another expenditure for the purpose of attending a meeting of the Southern Sanitary Association, held at Asheville, and delivering addresses on subjects pertaining to the dairy.

Mr. GORE. The Senator knows that out of the appropriation to which he refers, the lump funds were to be reimbursed. I assume that is the one.

Mr. SMOOT. No, Mr. President; the Senator is mistaken in even thinking for a moment that that is the way it was done. When the appropriation was made, Congress required the Secretary of Agriculture to make a detailed report upon the expenditure of the $2,000,000.

I have before me now that report, found in House Document No. 113, Sixty-fourth Congress, first session, showing the expenditures for travel from Washington to points outside of the District of Columbia, and the charges made to that fund. Here is a detailed statement as to the men that were sent, the title of the work, the destinations to which they went, the kind of work and business they were sent for, the amount appropriated, the total expense, and the appropriation to which it was charged.

Mr. GORE. I will say, Mr. President, that it is my purpose to have the unobjected amendments considered this afternoon; and if there is to be further discussion on this subject I will ask that the pending amendment be passed over. If the Senator from Arizona has to leave the city, of course we will proceed with it.

Mr. SMITH of Arizona. I was suggesting to the Senator that this is such a small amendment as compared with some of the appropriations that it strikes me it will be a good plan to settle this, and when I am done with it I am through with this bill. I will tell the Senator that there are a great many items in the bill that I should like to see go out, and many omitted from it that I should like to see put in.

Mr. GORE. In view of that remark, after one observation, I do not know but that I will consent to have the amendment go back in the bill. I think it will be public economy.

I merely wish to observe that the poultry industry of the United States, as everybody knows, is the second largest industry connected with the American farm. The output annually is worth a billion dollars. Corn is the only other product which exceeds it in value. The poultry output exceeds cotton in value, and it exceeds wheat in value. That is the justification for making generous appropriations for the poultry industry.

I have visited the ostrich farm in California to which the Senator from Massachusetts alludes. I did not know that cutting out this $2,500 item would interfere with the carrying on of that industry. We supposed that the enterprise and intelligence of the people of California and of Arizona had placed it upon a permanent footing, so that paternalism might be withdrawn from this infant industry; and perhaps it was in the mind of some Senator that if we could dispense with these fine feathers it might afford a little protection to the feathers of the American eagle in the way of preparedness.

I believe I will consent to have this go back.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee, which will be stated.

The SECRETARY. On line 12, page 14, after the word "appropriated," the committee proposes to strike out "$37,000" and insert "$34,500," and in line 13, after the word "breeding," to strike out "including the feeding and breeding of ostriches and investigations and experiments in the study of the ostrich industry."

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee what use is made of this money appropriated for poultry feeding and breeding? I recognize the importance of the poultry industry and that it is carried on all over the country. It seems to me that that is one evidence, probably, of the lack of the need of further assistance in the way of paternalism, as the Senator calls it. Now, what is done by the department with this money?

Mr. GORE. The Senator, of course, is aware that the industry is widely distributed. He also knows that in many sections and in many localities they have not introduced the finer breeds of poultry. Nobody knows better than the Senator from Washington that there is no better investment than fine blood in connection with chickens and other live stock. Poultry clubs are organized all over the country; the boys and girls are induced to organized poultry clubs, and I think efforts are made to stimulate the introduction and the improvement of breeds throughout the country.

Mr. JONES. How is it done?

Mr. GORE. Of course I could not describe the minutiæ of the operation.

Mr. VARDAMAN. Mr. President, if the Senator will yield to me for just a moment, I will say to him that at these experimental stations they experiment in mixing the food to ascertain the combination that brings the best results—what produces the laying of eggs, making fat, and all that—just as they experiment in blending the varieties to improve the breed of the fowl. It is a question of judicious selection, of blending the different strains in order to develop the chickens demanded for special purposes. There are certain strains of chickens that are desired for their egg-laying qualities, others for the table, and it will be remembered that the endless variety of strains of chickens are the result, largely, of development brought about by judicious selection and breeding.

I want to say to the Senator, when you consider the magnitude of this enterprise, taking it as a whole, if the appropriation were $100,000 it would not be excessive. There is no money this Government will invest that will bring a larger return to all the American people than the money prudently invested in this enterprise.

Mr. JONES. I thought if this work was needed very much, it is an extremely small appropriation.

Mr. VARDAMAN. If the Senator will pardon me, every appropriation connected with the Agricultural Department is small. The entire department receives little more than the cost of one great battleship, when we all realize that that department is doing more to add to the material welfare, the comfort, and the happiness of the producing American people than any other department of the National Government.

Mr. JONES. I wish to ask the Senator where the Government is raising poultry and developing different breeds?

Mr. VARDAMAN. It is done at the agricultural colleges and at the agricultural experiment stations.

Mr. JONES. State agricultural colleges?

Mr. VARDAMAN. Yes; and those under the control of the Government. There is a department in every agricultural college in the United States where this work is going on.

Mr. JONES. Is this money to be used there?

Mr. VARDAMAN. It is not to be used there, but it is to be used by the department, I suppose, in Washington.

Mr. JONES. That is what I was trying to find out, whether the money is to be used for the particular purpose for which it is appropriated. I was just trying to get information. I do not think there is anything wrong about it.

Mr. VARDAMAN. The representatives of the Agricultural Department here in Washington go all over the United States, as special agents or experts, teaching the people the truth about this great question.

Mr. SMITH of Georgia. Mr. President, I can answer the Senator's question very easily. It is used in connection with the experiment stations in different States and in cooperation with them in such a way as under the discretion of the department here it is deemed advisable to use it, the total amount being $214,000. It all falls under the same class and it is used in connection with the experiment stations.

Mr. JONES. I merely want to say that I have no objection to the appropriation, and I think there is really more reason for continuing this ostrich appropriation than there might be for the poultry appropriation, because it is virtually a new industry. I think the possibilities of its development are very great, and the chairman of the committee has acted wisely in allowing the appropriation to go back.

The next amendment was, on page 14, line 22, after the word "products," to strike out "$88,020" and insert "$138,020: *Provided*, That of said sum $50,000 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals," so as to make the clause read:

For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and the necessary alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, $138,020: *Provided*, That of said sum $50,000 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals.

The amendment was agreed to.

The next amendment was, on page 15, line 21, after the word "disease," to insert "*And provided further also*, That such amount as the Secretary of Agriculture may deem necessary and proper may be expended in testing serums, vaccines, and other preventives of hog cholera," so as to make the clause read:

For investigating the disease of hog cholera, and for its control or eradication by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers, associations, State or county authorities, $360,000: *Provided*, That of said sum $175,000 shall be available for expenditures in carrying out the provisions of the act approved March 4, 1913, regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals: *And provided further*, That of said sum $35,000 shall be available for researches concerning the cause, modes of spread, and methods of treat-

ment and prevention of this disease: *And provided further also*, That such amount as the Secretary of Agriculture may deem necessary and proper may be expended in testing serums, vaccines, and other preventives of hog cholera.

Mr. JONES. I wish to ask the chairman of the committee why it is necessary to put that amendment in? It seems to me it is covered by the language in the preceding part of the paragraph.

Mr. GORE. I will state the reason for it. There has been a recent distinguished scientist in Louisiana who claims to have devised a vaccine that is a specific for hog cholera, and there did not seem to be money available under the law to conduct the experiments. An effort was made by the Senator from Louisiana [Mr. RANSDELL], and he can explain it fully if it is desired. In conducting the experiments the Government was handicapped and the experiment was handicapped by a lack of funds and cooperation between the scientist and the Government. If the new vaccine accomplishes what is claimed in its behalf it meets a most serious emergency in this country.

Mr. JONES. Of course I am in hearty sympathy with the purpose of it, but the language in the preceding part of the paragraph is as follows:

For investigating the disease of hog cholera, and for its control or eradication by such means as may be necessary, including demonstrations—

And so forth. It seemed to me that that covered the whole subject and I could not understand why they needed any further authority, but of course if they think they do need it I am not opposed to giving it.

Mr. GORE. I think in view of the history of this particular case it is desirable to have this language in the bill.

Mr. RANSDELL. Mr. President, I should like to add just a word. The Senator from Oklahoma in charge of the bill has stated a part of the facts. I do not care to go into a full history of the discovery of these very eminent scientists from Louisiana, Drs. Duval and Couret, but there seemed to be some trouble about having the discovery thoroughly tested by the Department of Agriculture. Dr. Duval is professor of pathology in Tulane University, and he and his associate, Dr. Couret, claim to have discovered a sure preventive of hog cholera. They have made a test of this remedy with a great many hogs—several hundred, in fact—and have demonstrated to their own satisfaction that it is a preventive.

When they attempted to have it tested by the Government merely with a view of securing a permit to use the serum in interstate commerce, because, as the Senator from Washington is aware, no man can sell serums of this kind until the department has given a permit——

Mr. JONES. I hope the Senator does not understand that I am opposed to the amendment.

Mr. RANSDELL. I understand that.

Mr. JONES. It seemed to me that the language of the paragraph was broad enough to allow the department to do almost anything it wanted to do within that appropriation to accomplish the purpose desired.

Mr. RANSDELL. I understand the Senator's position. I am simply trying to explain very briefly the motives that induced the Committee on Agriculture and Forestry to put in these words. We felt that Drs. Duval and Couret were not securing quite the active cooperation in testing out this serum that the importance of the discovery warranted, and to prevent any possibility of a lack of a complete and thorough investigation in the future, not only of this remedy—if it be a true remedy—but of any other discovery, we deemed it best to place these specific words in the statute, so that there could be no possible misunderstanding.

I may say that recently investigations have been going on in a most satisfactory way, at least in a most thorough way; we can not know how satisfactory they will be until they have been completed, but they are at least being made in a very thorough manner, and I think the department will be enabled to say in the near future whether it be a valuable discovery or not.

As the Senator knows, nothing could be very much more important to this Nation than the discovery of a remedy that would cure or prevent hog cholera. We had evidence before us about two years ago that in the State of Iowa the loss by hog cholera was $33,000,000 in one year, and the loss to the Nation annually from hog cholera is enormous. It was merely to make assurance doubly sure on this most important subject that these words were inserted.

Mr. SMOOT. I desire to suggest to the Senator having the bill in charge that the word "*also*," in line 21, page 15, after the words "*And provided further*," be stricken out.

Mr. GORE. I observed that when the Secretary read it. I intended to have the word "*also*" stricken out.

The VICE PRESIDENT. That modification of the amendment will be made.

Mr. ASHURST. I have an amendment to the committee amendment. I should like to have it read. I would ask the chairman of the committee if it be parliamentarily in order at this time as an amendment to the committee amendment?

Mr. GORE. I will state that it is the policy to act for the present on the amendments of the committee, and that amendments to be offered by individual Senators will be taken up at a later stage in the proceedings.

Mr. ASHURST. I have no objection, but I would like to have the amendment read.

The VICE PRESIDENT. It will be read.

The SECRETARY. After line 24, page 15, insert:

For the elimination and eradication of the purple loco weed, the white loco weed, and other poisonous leguminous weeds, in Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming, $100,000.

The VICE PRESIDENT. The Chair does not see how that has anything to do with the committee amendment.

Mr. ASHURST. It is not in order then. That is what I rose to ask.

The VICE PRESIDENT. It does not apply to the committee amendment at all. It will be in order after the committee amendments are disposed of.

Mr. STERLING. I wish to suggest an amendment to the amendment of the committee. It seems to me that there is no necessary connection between the amount that may be expended there and the rest of the paragraph.

So far as the appropriation is concerned, I would suggest that after the words "such amount," at the beginning of line 22, page 15, the words be inserted "of the above appropriation," so as to read:

That such amount of the above appropriation as the Secretary of Agriculture may deem necessary and proper, etc.

Standing alone, it might be construed as authorizing the Secretary of Agriculture to expend money not herein appropriated.

Mr. GORE. I understand that merely makes the language more explicit, and I have no objection to it.

The VICE PRESIDENT. The amendment will be so modified, without objection. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment was, on page 16, line 2, after "$75,000,"' to insert "of which sum $20,000 shall be immediately available," so as to make the clause read:

For all necessary expenses for the investigation, treatment, and eradication of dourine, $75,000, of which sum $20,000 shall be immediately available.

Mr. WARREN. I think the chairman will ask that we do not agree to the amendment which makes a part of this appropriation immediately available. It is not necessary.

Mr. GORE. I ask that the amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 16, line 9, after the words "general expenses," to strike out "$2,222,776" and insert "$2,433,776," so as to make the clause read:

In all, for general expenses, $2,433,776.

Mr. WARREN. I think action on the total should be omitted for the present until the figures preceding it are corrected, and that then the clerks at the desk be instructed to correct it.

The VICE PRESIDENT. Without objection, the Secretary will be instructed to correct the total.

The next amendment was, on page 16, line 17, after the words "Bureau of Animal Industry," to strike out "$2,965,746" and insert "$3,176,746," so as to make the clause read:

Total for Bureau of Animal Industry, $3,176,746.

The VICE PRESIDENT. This total will be passed over.

The next amendment was, under the head of "Bureau of Plant Industry," on page 17, line 1, before the word "mailing," to strike out "and," so as to read:

One superintendent of seed weighing and mailing, $2,000.

The amendment was agreed to.

The next amendment was, on page 18, line 3, after the word "laborer," to strike out "at," so as to read:

One skilled laborer, $960.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Plant Industry," on page 21, line 4, after the word "investigations," to strike out "$48,820" and insert "$53,320," so as to make the clause read:

For the investigation, testing, and improvment of plants yielding drugs, spices, poisons, oils, and related products and by-products, and for general physiological and fermentation investigations, $53,320.

The VICE PRESIDENT. The Secretary informs the Chair that there is a mistake in printing those figures.

Mr. GORE. I rise to call attention to a typographical error and to ask that it be corrected. The figures should be "$53,820."

The VICE PRESIDENT. The change will be made. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment was, on page 21, line 9, after the word "thereof," to strike out "$88,770" and insert "$109,920," so as to make the clause read:

For investigating the handling, grading, and transportation of grain, including the grain sorghums, and the fixing of definite grades thereof, $109,920.

Mr. GRONNA. Mr. President, would the chairman of the committee just as soon have that amendment go over?

Mr. GORE. Mr. President, I ask that the amendment shall go over for the present.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 21, line 21, after the word "diseases," to insert "and flax wilt"; in line 23, after the word "production," to strike out "$157,005" and insert "$164,505"; on page 22, line 1, after the word "That," to strike out "$10,000" and insert "$20,000"; and in line 2, after the word "wheat," to insert "oats, and barley," so as to make the clause read:

For the investigation and improvement of cereals and methods of cereal production, and the study of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases and flax wilt, and for the investigation and improvement of broom corn and methods of broom-corn production, $164,505: *Provided*, That $40,000 shall be set aside for the study of corn improvement and methods of corn production: *Provided, also*, That $20,000 shall be set aside for the investigation of the diseases of wheat, oats, and barley known as black rust and stripe rust.

The amendment was agreed to.

The next amendment was, on page 22, line 9, after "$10,840," to insert:

Provided, That of this sum $5,000 shall be used for investigating, experimenting, and testing flax fiber in the manufacture of crash and linen.

So as to make the clause read:

For testing and breeding fibrous plants, including the testing of flax straw, in cooperation with the North Dakota Agricultural College, which may be used for paper making, $10,840: *Provided*, That of this sum $5,000 shall be used for investigating, experimenting, and testing flax fiber in the manufacture of crash and linen.

The amendment was agreed to.

The next amendment was, on page 22, line 15, after the word "beet," to insert "and beet seed," so as to make the clause read:

For sugar-beet investigations, including studies of diseases and the improvement of the beet and beet seed, and methods of culture, and to determine for each sugar-beet area the agricultural operations required to insure a stable agriculture, $41,495: *Provided*, That of this sum $10,000 may be used for investigations in connection with the production of table sirup, including the breeding, culture, and diseases of cane, and the methods of manufacture, standardization, and marketing of sirup, and the utilization of cane by-products.

The amendment was agreed to.

The next amendment was, on page 22, line 25, after the words "grazing lands," to strike out "$24,000" and insert "$27,000: *Provided*, That of this sum, $3,000 shall be used to cooperate with horticultural organizations in the standardization of botanical names in horticultural use," so as to make the clause read:

For investigations in economic and systematic botany and the improvement and utilization of wild plants and grazing lands, $27,000: *Provided*, That of this sum, $3,000 shall be used to cooperate with horticultural organizations in the standardization of botanical names in horticultural use.

The amendment was agreed to.

The next amendment was, on page 23, line 7, after the word "paragraph," to strike out:

Provided further, That no part of this appropriation shall be used in the free distribution, or propagation for free distribution, of cuttings, seedlings, or trees of willow, box elder, ash, caragana, or other common varieties of fruit, ornamental, or shelter-belt trees in the Northern Great Plains area, except for experimental or demonstration purposes.

So as to make the clause read:

For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, $160,000: *Provided*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge, for what reason did the committee report to strike out lines 8, 9, 10, 11, 12, 13, and 14, on page 23?

Mr. GORE. I did not hear what the Senator from Utah said.

Mr. SMOOT. The committee has reported to strike out the proviso in the item for the investigation and improvement of methods of crop production under humid, semiarid, or dry-land conditions, as follows:

Provided further, That no part of this appropriation shall be used in the free distribution, or propagation for free distribution, of cuttings, seedlings, or trees of willow, box elder, ash, caragana, or other common varieties of fruit, ornamental, or shelter-belt trees in the Northern Great Plains area, except for experimental or demonstration purposes.

The House inserted that proviso, and I ask for what reason is it reported to be stricken out by the Senate committee?

Mr. GORE. I will say, Mr. President, that at the station at Mendan, N. Dak., the Government has been for some years distributing seedling trees, and a great many farmers and settlers in that region have been availing themselves of this free distribution. The other House inserted this provision in order to prohibit the continued distribution of these free seedling trees, and the Senate committee reports to strike out the proviso so that the distribution may continue in the future as it has been going on in the past.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 25, line 4, after the word "weeds," to strike out "$140,920" and insert "$135,920"; and, in line 7, after the word "seeds," to strike out: "*Provided further*, That $5,000 of this amount shall be used for a reconnaissance survey of the noxious-weed situation in the spring-wheat areas of the United States," so as to make the clause read:

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants; and to conduct investigations to determine the most effective methods of eradicating weeds, $135,920: *Provided*, That of this amount not to exceed $60,000 may be used for the purchase and distribution of such new and rare seeds.

The amendment was agreed to.

The next amendment was, on page 25, line 16, after the words "general expenses," to strike out "$1,840,840" and insert "$1,872,490," so as to make the clause read:

In all, for general expenses, $1,872,490.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to strike out:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $252,540. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants, shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided, also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants.

Mr. SMOOT. I ask that that amendment go over.

The VICE PRESIDENT. Is there objection to the amendment going over?

Mr. GORE. Let it be passed over, Mr. President.

Mr. SMOOT. I will say to the Senator from Oklahoma that I am perfectly willing to discuss the question now, but I am quite sure it would be next to impossible to secure a quorum, and of course we should have to take a vote upon the amendment before it could be finally acted upon.

Mr. GORE. I have no objection to the amendment being passed over.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 28, line 7, after the words "Plant Industry," to strike out "$2,511,620," and insert "$2,290,730"; so as to make the clause read:

Total for Bureau of Plant Industry, $2,290,730.

The amendment was agreed to.

The next amendment was, under the subhead "Forest Service," on page 28, line 13, after the words "one forest supervisor," where it occurs the first time, to strike out "$2,600" and insert "$2,800"; so as to read:

Salaries, Forest Service: One Forester, who shall be chief of bureau, $5,000; 1 chief of office of accounts and fiscal agent, $2,500; 7 district fiscal agents, at $2,000 each; 1 forest supervisor, $2,800.

The amendment was agreed to.

The next amendment was, on page 30, line 15, after the words "in all," to strike out "$2,361,120" and insert "$2,361,320"; so as to read:

One charwoman, $540; 1 charwoman, $480; 1 charwoman, $300; 11 charwomen, at $240 each; in all, $2,361,320.

The amendment was agreed to.

The next amendment was, on page 33, line 8, before the words "National Forest," to strike out "Chiricahau" and insert "Chiricahua," so as to make the clause read:

Chiricahua National Forest, Ariz. and N. Mex., $2,558.

The amendment was agreed to.

The next amendment was, on page 33, after line 22, to strike out:

Dakota National Forest, N. Dak., $201.

Mr. GRONNA. Mr. President, I simply wish to say to the Senate that it was upon my motion in committee that this item was stricken out. I thought it was only a mockery to appropriate $201 for the protection of a national reserve. Further than that, there are about 21 sections of land, I believe, included within this national forest. Every acre of that land ought to be opened up to settlement; the people ought to be permitted to go on those lands and make homes. For that reason I wanted it stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 39, line 21, after the words "national forests," to strike out "$1,800,508" and insert "$1,800,307," so as to read:

In all, for the use, maintenance, improvement, protection, and general administration of the specified national forests, $1,800,307.

The amendment was agreed to.

The next amendment was, on page 43, line 3, after the words "general expenses," to strike out "$3,188,616," and insert "$3,188,415," so as to make the clause read:

In all, for general expenses, $3,188,415.

The amendment was agreed to.

The next amendment was, on page 43, line 12, after the words "navigable rivers," to strike out "$15,000," and insert "$25,000"; in line 13, after the word "therein," to insert "or for carrying out its purposes"; and in line 14, after the word "agents," to insert "title attorneys," so as to make the clause read:

To enable the Secretary of Agriculture more effectively to carry out of the provisions of the act of March 1, 1911 (36 Stat., p. 961) entitled, "An act to enable any State to cooperate with any other State or States, or with the United Sates, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $25,000 of the moneys appropriated therein, or for carrying out its purposes, shall be available for the employment of agents, title attorneys, clerks, assistants, and other labor and for the purchase of supplies and equipment required for the purpose of said act in the city of Washington.

The amendment was agreed to.

The next amendment was, on page 44, line 3, after the words "Forest Service," to strike out "$5,549,736" and insert "$5,549,735" so as to make the clause read:

Total for Forest Service, $5,549,735.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Chemistry," on page 44, line 9, before the words "clerks, class one," to strike out "23," and insert "26"; and in line 11, before the words "clerks, at $900 each," to strike out "34" and insert "30," so as to read:

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,500; 3 executive clerks, at $2,000 each; 8 clerks, class 4; 11 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 26 clerks, class 1; 12 clerks, at $1,020 each; 13 clerks, at $1,000 each; 1 clerk, $960; 30 clerks, at $900 each.

The amendment was agreed to.

The next amendment was, on page 46, line 21, after the words "Bureau of Animal Industry," to strike out "$40,000" and insert "$49,000," so as to make the clause read:

For investigating the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs, and for experimental shipments of poultry and eggs within the United States, in cooperation with the Office of Markets and Rural Organization and the Bureau of Animal Industry, $49,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 9, to strike out:

For the employment of chemists and other scientific assistants for investigation and experiment in the utilization of coloring materials, $50,000.

And insert:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States, $50,000.

The amendment was agreed to.

The next amendment was, on page 48, line 8, after the word "analysis," to strike out "$632,954" and insert "$657,951," so as to make the clause read:

For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia; and to cooperate with associations and scientific societies in the revision of the United States Pharmacopoeia and development of methods of analysis, $657,951.

The amendment was agreed to.

The next amendment was, on page 48, line 15, after the word "elsewhere," to strike out "$10,000" and insert "$5,000," so as to make the clause read:

For investigating the grading, weighing, and handling of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $5,000.

Mr. GORE. I will ask that the naval-stores amendment be passed over. The junior Senator from Georgia [Mr. HARDWICK] desired to be present when it was discussed.

Mr. SMITH of Georgia. I think we ought to leave in the provision of the House bill.

Mr. GORE. I will say that I have no objection to the restoration of the amount as carried in the House bill.

Mr. SMITH of Georgia. The change was made in committee on my motion. I have since made a further investigation of the item in connection with naval stores men, and I think the amount provided by the House is needed. I suggested the reduction because I thought $10,000 provided by the House bill would not be needed, and, as I have said, in committee it was on my suggestion that the reduction was made. I now think that the amount should be restored, and I hope the Senate committee amendment may be rejected.

Mr. GORE. I have no objection to that course being pursued.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 48, line 16, after the words "general expenses," to strike out "$838,211" and insert "$867,211," so as to make the clause read:

In all, for general expenses, $867,211.

The amendment was agreed to.

The next amendment was, on page 48, line 17, after the words "Bureau of Chemistry," to strike out "$1,153,801" and insert "$1,182,801," so as to make the clause read:

Total for Bureau of Chemistry, $1,182,801.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Soils," on page 50, after line 8, to insert:

For the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, including the establishment and equipment of such plant or plants as may be necessary therefor, $175,000: *Provided*, That the product ob-

tained from such experimentation may be sold at the market price of such product, and the amount obtained from the sale thereof may be used by the Secretary of Agriculture in continuing such experimentation.

The amendment was agreed to.

The next amendment was, on page 51, line 3, after the words "general expenses," to strike out "$258,735" and insert "$433,735," so as to make the clause read:

In all, for general expenses, $433,735.

The amendment was agreed to.

The next amendment was, on page 51, line 4, after the words "Bureau of Soils," to strike out "$328,735" and insert "$503,735," so as to make the clause read:

Total for Bureau of Soils, $503,735.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Entomology," on page 52, line 14, after the words "forage crops," to insert "including a special investigation of the Hessian fly," so as to make the clause read:

For investigations of insects affecting cereal and forage crops, including a special investigation of the Hessian fly, $114,660.

Mr. THOMAS. Mr. President, referring to line 15, page 52, I should like to ask the Senator in charge of the bill to inform me as to the aggregate amount of money which has been appropriated in former bills for investigating the Hessian fly?

Mr. GORE. I will state that the language is inserted in the bill this year for the first time.

Mr. THOMAS. No; there have been appropriations for the Hessian fly and the gipsy moth ever since I have been here.

Mr. GORE. I think not in express terms. There may have been money used for that purpose.

Mr. THOMAS. I think the Senator is mistaken about that.

Mr. GORE. Possibly I may be. This was not in the bill as passed by the House. The Senate committee inserted the words "and the Hessian fly" upon the suggestion of the department.

Mr. THOMAS. Does the Senator know what benefit has been derived from former appropriations for this purpose and why it is necessary that we should appropriate such a large sum of money for that purpose?

Mr. GORE. I will say that I am not familiar with the history of the effort to exterminate or to combat the Hessian fly. I will have it passed over, however, if the Senator desires.

Mr. THOMAS. Oh, I am not going to make any point against the amendment.

Mr. GORE. I have not the information available at the moment.

Mr. THOMAS. It seems to me, however, that we ought to have some returns from the various appropriations designed to minimize or exterminate these pests.

Mr. GORE. I think the Senator is entirely correct; and I may say that I wrote to the Secretary suggesting that I would appreciate it if he would submit to me a list of the wars waged against various insect pests and parasites where the investigation had been prosecuted to success, so that we could eliminate them from this bill. I told him that the bill, from one end to the other, swarmed with every conceivable sort of insect pest; and I think I will offer an amendment before the consideration of the bill is concluded requiring a report of that sort annually.

Mr. SHAFROTH. Mr. President, I want to suggest to my colleague that the words "including a special investigation of the Hessian fly" do not increase the amount of the appropriation.

Mr. THOMAS. I understand that; but the amendment suggested to my mind the fact that these appropriations follow each other every year with great regularity, thus conforming to the general custom that where an appropriation is once made for a special purpose the precedent is set, and from that time on we make that appropriation in some amount, sometimes without much information as to the manner in which the money was expended under the previous appropriation or any information about the result.

Mr. SHAFROTH. There is not a distinct appropriation for the investigation of the Hessian fly. The other provision, for investigations of insects affecting cereal and forage crops, carried an appropriation of $114,660, and this is just included as a part of that appropriation.

Mr. THOMAS. I do not intend to oppose it.

Mr. GORE. I should like to state, before passing from that item, that last year $5,000 was expended by the department in an effort to exterminate the Hessian fly, although it was not expressly authorized in the appropriation. The department suggested that this time language be inserted expressly granting that authority, and also asked for an increased appropriation of $5,000. The committee did not increase the appropriation $5,000, as requested, but did insert the language conveying the authority.

Mr. NELSON. Mr. President, I desire to offer an amendment to the Senate committee amendment. After the words "Hessian fly" I move to insert the words "and the chinch bug." The chinch bug is one of the great enemies of the spring-wheat crop in the Northwestern States.

Mr. THOMAS. Why does not the amendment cover that?

Mr. NELSON. I want the words "and the chinch bug" inserted after "including a special investigation of the Hessian fly." It is a great pest. I have known whole fields to be entirely destroyed by it.

Mr. GORE. I have no objection to the amendment.

Mr. THOMAS. May I inquire of the Senator whether the appropriation as it stands is not ample for this purpose? It is for investigations of insects affecting cereal and forage crops.

Mr. NELSON. But the amendment refers particularly to the Hessian fly, and I think the chinch bug is as bad a pest as the Hessian fly. It is a far greater enemy and more destructive to our wheat crops in the Norhtwest than the Hessian fly. That is an insect that is particularly fatal to the winter-wheat crop, but the chinch bug is a most vicious enemy and most destructive to the spring-wheat crop.

Mr. GORE. I will say to the Senator from Minnesota that work is being carried on by the department along this line, and that last year $3,500 were expended in combating the chinch bug. I have no objection to the insertion of the amendment if the Senator insists upon it.

Mr. NELSON. I wish the Senator would agree to it.

Mr. GORE. So far as I can, I consent.

Mr. NELSON. I move to insert "and the chinch bug" after the words "Hessian fly."

Mr. LANE. Mr. President, I should like to ask the chairman of the committee, the Senator from Oklahoma, if he knows what proportion of the appropriation is to be expended on the cigarette beetle?

Mr. GORE. I will furnish the Senator with that information directly. I am not able to find out at this moment.

Mr. LANE. I should like to know how many of the beetles the money will buy for the use of the Government. Have the committee any estimate on that?

Mr. GORE. I did not understand the Senator's observation.

Mr. LANE. I want to know how many of the beetles the appropriation will purchase. I suppose they are to be used in destroying cigarettes.

Mr. GORE. I will furnish the Senator with that information a little later on. The Senator from Florida can no doubt enlighten him on that point. I understand there was $2,650 expended last year on the cigarette beetle.

Mr. LANE. That ought to buy a good supply of them. My idea was that the Government would probably aid in purchasing large numbers of them in order to destroy the cigarettes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota to insert, after the words "Hessian fly," the words "and the chinch bug."

Mr. GORE. I accept the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

EXECUTIVE SESSION.

Mr. GORE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m.) the Senate took a recess until to-morrow, Saturday, July 1, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 30, 1916.

PROMOTION IN THE ARMY.

Chaplain Robert R. Fleming, jr., Nineteenth Infantry, to be chaplain, with the rank of captain, from June 25, 1916, after seven years' service.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Frederick G. Dillman, Third Infantry, to be second lieutenant in the Coast Artillery Corps, with rank from June 12, 1913.

Second Lieut. Samuel J. Heidner, Coast Artillery Corps, to be second lieutenant of Infantry, with rank from June 12, 1913.

APPOINTMENTS IN THE ARMY.

DENTAL CORPS.

Acting Dental Surg. Lowell B. Wright to be dental surgeon, with the rank of first lieutenant, from May 8, 1916, to fill an original vacancy.

Acting Dental Surg. Walter Lee Reesman to be dental surgeon, with the rank of first lieutenant, from June 12, 1916, to fill an original vacancy.

PROMOTIONS IN THE NAVY.

Capt. Thomas S. Rodgers to be a rear admiral in the Navy from the 13th day of June, 1916.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1916:

William H. P. Blandy,
Terry B. Thompson, and
Samuel S. Thurston.

Passed Asst. Paymaster Howard H. Alkire to be a paymaster in the Navy from the 13th day of June, 1915.

Passed Asst. Paymaster Edwin M. Hacker to be a paymaster in the Navy from the 30th day of July, 1915.

Gunner Harry A. Pinkerton to be a chief gunner in the Navy from the 21st day of December, 1915.

Boatswain Percy H. Bierce to be a chief boatswain in the Navy from the 21st day of December, 1915.

Capt. James C. Breckinridge to be a major in the Marine Corps from the 12th day of June, 1916.

Capt. Arthur T. Marix to be a major in the Marine Corps from the 12th day of June, 1916.

The following-named first lieutenants to be captains in the Marine Corps from the 12th day of June, 1916:

Albert E. Randall,
Arthur Racicot,
Tom D. Barber,
Hermann T. Vulte,
Andrew B. Drum,
Calhoun Ancrum,
David M. Randall, and
Holland McT. Smith.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 12th day of June, 1916:

Arthur J. White,
Lester S. Wass,
Charles D. Barrett,
Edmond H. Morse,
Gerald A. Johnson,
Harry Schmidt,
George C. De Neale,
Albert R. Sutherland,
Harry L. Smith,
Selden B. Kennedy,
Miles R. Thacher,
Lloyd W. Williams,
William B. Sullivan,
David S. Barry, jr., and
David L. S. Brewster.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 3d day of June, 1916:

Edward C. Fuller, and
Arnold W. Jacobsen.

Midshipman Earl H. Jenkins to be a second lieutenant in the Marine Corps from the 12th day of June, 1916.

REGISTER OF LAND OFFICE.

John Thomas Joyce, of Silverton, Colo., to be register of the land office at Durango, Colo., vice George H. Charlton, whose term will expire July 12, 1916.

POSTMASTERS.

ALABAMA.

Vera C. Jones, to be postmaster at Oakman, Ala., in place of J. A. Huggins, resigned.

ALASKA.

C. J. Todd to be postmaster at Valdez, Alaska, in place of J. D. Jefferson. Incumbent's commission expires August 20, 1916.

CALIFORNIA.

John A. Perry, jr., to be postmaster at Cowchilla, Cal. Office becomes presidential July 1, 1916.

Wilhelm T. Botzbach to be postmaster at Galt, Cal., in place of Silas T. Merrill, deceased.

COLORADO.

Nettie Cornwell to be postmaster at De Beque, Colo., in place of E. R. Heflin. Incumbent's commission expires July 24, 1916.

DELAWARE.

E. B. Harrington to be postmaster at Harrington, Del., in place of B. I. Shaw. Incumbent's commission expired June 12, 1916.

ILLINOIS.

James Fielding to be postmaster at Colfax, Ill., in place of Chauncey M. Gilmore, deceased.

James R. Pyne to be postmaster at Maywood, Ill., in place of H. H. Nichols. Incumbent's commission expires August 9, 1916.

INDIANA.

William G. Moss to be postmaster at Spencer, Ind., in place of Franklin M. Field, resigned.

May White Wood to be postmaster at West Lebanon, Ind. Office became presidential October 1, 1915.

IOWA.

J. J. McManus to be postmaster at Ossian, Iowa, in place of John Moe. Incumbent's commission expired February 19, 1916.

LOUISIANA.

George S. Eastin to be postmaster at St. Martinville, La., in place of R. P. Halphen. Incumbent's commission expired June 12, 1916.

Thomas F. Frere to be postmaster at Franklin, La., in place of Mary N. Allen. Incumbent's commission expired January 15, 1916.

Thomas E. Wright to be postmaster at Houma, La., in place of C. H. Wallis. Incumbent's commission expired June 12, 1916.

MAINE.

Charles M. Guptill to be postmaster at Berwick, Me., in place of J. W. Mathews. Incumbent's commission expires July 18, 1916.

MASSACHUSETTS.

Tilen K. Callaghan to be postmaster at Northfield, Mass., in place of L. R. Alexander. Incumbent's commission expired February 1, 1916.

E. J. Dion to be postmaster at Northbridge, Mass., in place of B. W. Brown. Incumbent's commission expired February 8, 1916.

Richard T. Fennessey to be postmaster at Danvers, Mass., in place of Charles Newhall. Incumbent's commission expired December 20, 1915.

John J. Fleming to be postmaster at North Grafton, Mass., in place of G. L. Campbell. Incumbent's commission expired June 5, 1916.

John J. Kelly to be postmaster at Dalton, Mass., in place of M. E. Stockbridge. Incumbent's commission expired April 5, 1916.

Lorna H. Leland to be postmaster at Templeton, Mass. Office becomes presidential July 1, 1916.

Alexander H. McDonald to be postmaster at Littleton, Mass. Office becomes presidential July 1, 1916.

Patrick R. Mullany to be postmaster at Hatfield, Mass. Office became presidential April 1, 1916.

MICHIGAN.

James R. McCarty, to be postmaster at Mackinac Island, Mich. Office become presidential July 1, 1916.

MINNESOTA.

Margaret M. Briggs, to be postmaster at Princeton, Minn., in place of Lemuel S. Briggs, deceased.

MISSISSIPPI.

William D. Deterly, to be postmaster at Natchez, Miss., in place of H. C. Turley. Incumbent's commission expires July 30, 1916.

MISSOURI.

Clarence L. Chandler, to be postmaster at Malden, Mo., in place of C. R. Peck. Incumbent's commission expires August 6, 1916.

Effie Chitwood, to be postmaster at Carl Junction, Mo., in place of T. B. Milton. Incumbent's commission expired May 27, 1916.

George J. Goeltz, to be postmaster at Bismarck, Mo., in place of Henry Oehler. Incumbent's commission expires August 9, 1916.

George Hutchinson, to be postmaster at Aurora, Mo., in place of J. M. Mathes. Incumbent's commission expired May 27, 1916.

NEBRASKA.

Charles E. Fanning to be postmaster at Omaha, Nebr., in place of J. C. Wharton. Incumbent's commission expired February 12, 1916.

NEVADA.

Dora E. Kappler to be postmaster at Carlin, Nev. Office became presidential July 1, 1916.

NEW JERSEY.

J. P. Delaney to be postmaster at Sea Isle City, N. J. Office became presidential July 1, 1916.

Winfield H. Stephens to be postmaster at Bradley Beach, N. J., in place of George Deiss, jr., removed.

Godfrey R. Stocker to be postmaster at Stewartsville, N. J., in place of H. E. Frey. Incumbent's commission expires July 13, 1916.

NEW YORK.

Walter C. Burton to be postmaster at Brooklyn, N. Y., in place of William E. Kelly, resigned.

Elton Dudley to be postmaster at Crown Point, N. Y., in place of W. H. Wolcott. Incumbent's commission expires July 13, 1916.

Daniel W. Hanley to be postmaster at Albion, N. Y., in place of L. M. Spaulding. Incumbent's commission expires July 27, 1916.

George S. Hart to be postmaster at Freeville, N. Y., in place of F. W. Smith. Incumbent's commission expires July 13, 1916.

Richard H. Henson to be postmaster at Phoenicia, N. Y. Office became presidential July 1, 1916.

Eva S. Kirby to be postmaster at Nassau, N. Y. Office became presidential July 1, 1916.

W. L. Mayall to be postmaster at Brown Station, N. Y., in place of Robert W. Parrish, resigned.

George J. Meyer to be postmaster at Buffalo, N. Y., in place of William F. Kasting, deceased.

George S. La Moree to be postmaster at Highland, N. Y., in place of Byron Clearwater. Incumbent's commission expires July 13, 1916.

James E. Purcell to be postmaster at Narrowsburg, N. Y., in place of J. S. Green. Incumbent's commission expires July 27, 1916.

NORTH DAKOTA.

W. S. Murray to be postmaster at Elgin, N. Dak. Office became presidential January 1, 1916.

OHIO.

S. E. Bethel to be postmaster at Flushing, Ohio, in place of R. H. Wiley. Incumbent's commission expired April 24, 1916.

W. H. Bucke to be postmaster at Eaton, Ohio, in place of O. A. Gale. Incumbent's commission expires July 16, 1916.

P. J. Curren to be postmaster at Sabina, Ohio, in place of J. M. Washington. Incumbent's commission expired June 12, 1916.

Karl B. Hummel to be postmaster at Wilmington, Ohio, in place of John S. Hummel, resigned.

E. E. Moore to be postmaster at Richwood, Ohio, in place of Owen Livingston. Incumbent's commission expires July 18, 1916.

G. V. Riddile to be postmaster at Barnesville, Ohio, in place of T. G. Moore. Incumbent's commission expired May 10, 1916.

OKLAHOMA.

George M. Carson to be postmaster at Blackwell, Okla., in place of J. W. Randall. Incumbent's commission expires July 13, 1916.

PENNSYLVANIA.

J. C. Billman to be postmaster at Herndon, Pa. Office became presidential July 1, 1916.

Edward Cavanaugh to be postmaster at Coaldale, Pa., in place of Frank Barrett. Incumbent's commission expired March 1, 1916.

John F. Lavelle to be postmaster at Girardville, Pa., in place of T. D. Davis. Incumbent's commission expired April 5, 1916.

Joseph T. King to be postmaster at Lawrenceville, Pa., in place of E. J. Beeman. Incumbent's commission expired April 11, 1916.

George B. Montgomery to be postmaster at Kane, Pa., in place of Alfred Evans. Incumbent's commission expires July 23, 1916.

TEXAS.

W. E. Abbe to be postmaster at Dublin, Tex., in place of N. D. Smith. Incumbent's commission expires August 23, 1916.

Alfred P. Hinton to be postmaster at Columbus, Tex., in place of Louis Weete. Incumbent's commission expires August 23, 1916.

H. C. Jordan to be postmaster at Sanderson, Tex., in place of C. C. Gates. Incumbent's commission expires August 23, 1916.

William A. Medlen to be postmaster at Royse City, Tex., in place of G. F. Taylor. Incumbent's commission expires August 23, 1916.

John H. Wood to be postmaster at Rockport, Tex., in place of B. M. Sheldon. Incumbent's commission expires August 26, 1916.

VERMONT.

John O'Donnell to be postmaster at Pittsford, Vt., in place of W. E. Denison. Incumbent's commission expired February 15, 1916.

VIRGINIA.

Samuel A. Hersperger to be postmaster at Round Hill, Va. Office becomes presidential July 1, 1916.

WASHINGTON.

Frank D. Clark to be postmaster at Vader, Wash. Office became presidential January 1, 1916.

D. B. Heath to be postmaster at Raymond, Wash., in place of F. L. Turner. Incumbent's commission expired March 4, 1916.

L. A. Rochford to be postmaster at Rockford, Wash., in place of W. L. Oliver. Incumbent's commission expires July 13, 1916.

WEST VIRGINIA.

William E. Patterson to be postmaster at Davis, W. Va., in place of J. E. Houston. Incumbent's commission expired May 17, 1916.

WISCONSIN.

Andrew Baertsch to be postmaster at Fountain City, Wis., in place of J. A. Oenning. Incumbent's commission expired January 16, 1916.

Wiley H. Ferguson to be postmaster at Crandon, Wis., in place of William Vanzile. Incumbent's commission expires July 23, 1916.

Jacob Lang to be postmaster at Kaukauna, Wis., in place of J. C. Mitchell. Incumbent's commission expires July 23, 1916.

W. S. Manning to be postmaster at Ladysmith, Wis., in place of J. W. Fritz. Incumbent's commission expired May 15, 1915.

Lawrence Murphy to be postmaster at Wautoma, Wis., in place of Otto J. Melcher, resigned.

Alger C. Pearson to be postmaster at Baraboo, Wis., in place of F. E. Shults. Incumbent's commission expired August 12, 1915.

R. A. Tenney to be postmaster at Livingston, Wis. Office became presidential January 1, 1916.

Silas A. Towne, to be postmaster at Lavalle, Wis. Office became presidential October 1, 1915.

Herbert Winkler to be postmaster at Florence, Wis., in place of J. E. Parry. Incumbent's commission expires July 23, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 30, 1916.

POSTMASTERS.

MISSISSIPPI.

William D. Deterly, Natchez.

PENNSYLVANIA.

C. W. Dundon, Edinboro.

TEXAS.

William T. Henderson, Odessa.
Thomas E. Neill, Van Horn.
J. T. Rountree, Cooper.
Martha B. Waters, Thrall.

WITHDRAWAL.

Executive nomination withdrawal June 30, 1916.

A. E. Gerlach to be postmaster at Fountain City, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 30, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art love, rich in grace, plenteous in mercy, pour out upon us as individuals and as a Nation Thy blessing. We confess our ignorance and pray for wisdom and knowledge, our weakness, and pray for strength that we may resist the temptations which assail us on every hand, our selfishness, and pray for generosity, nobility of character, that under Thy guidance we may become the synonym throughout the world of wisdom, purity, and nobility of soul. For Thine is the kingdom and the power and the glory for ever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLERK TO COMMITTEE ON CLAIMS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 285 (H. Rept. 900).

Resolved, That the employment of the additional clerk to the Committee on Claims, authorized by House resolution 164, adopted March 11, 1916, be, and the same is hereby, continued for a period of 30 days from the date of expiration of said employment, and that compensation therefor at the rate of $75 per month be paid out of the contingent fund of the House.

The resolution was agreed to.

WILLIAM M'KINLEY COBB.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 241 (H. Rept. 902).

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the first session of the Sixty-fourth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

Mr. LLOYD. This is the usual allowance paid to the expert accountant assigned to that committee.

Mr. STAFFORD. Is this the same gentleman that performed the services in times past?

Mr. LLOYD. Yes.

Mr. STAFFORD. The same man who performed the services in the prior Congress?

Mr. LLOYD. The same man.

Mr. STAFFORD. Is it the same amount that was allowed in the prior Congress?

Mr. LLOYD. The same amount that was allowed in the last Congress.

Mr. STAFFORD. We established the precedent in the last Congress of allowing this amount to this individual assigned to this committee?

Mr. LLOYD. Yes.

Mr. STAFFORD. How long does it continue?

Mr. LLOYD. It is a lump-sum appropriation. In the last Congress we set the precedent of $2,000 for a Congress, and we allow him $1,200 for the first session, and in December, or some time during the winter, we will present another resolution, if he has served up to that time, for $800 more.

Mr. STAFFORD. You do not plan to increase the allowance for the Congress?

Mr. LLOYD. No.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NORMAN E. IVES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 242 (H. Rept. 901).

Resolved, That there be paid out of the contingent fund of the House $1,500 to Norman E. Ives for extra and expert services to the Committee on Invalid Pensions, from March 5, 1915, to June 4, 1916, each date inclusive, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

The following committee amendments were read:

In line 2 strike out "$1,500" and insert "$1,400"; in lines 3, 4, and 5 strike out the words "from March 5, 1915, to June 4, 1916, each date inclusive," and insert the words "during the first session of the Sixty-fourth Congress."

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman whether this is the customary resolution for the person assigned to this committee.

Mr. LLOYD. It is the customary resolution, but there is a slight change in it which I wish to explain. In the last Congress we allowed $2,000 to this expert clerk. By this provision in the end we will pay $2,200 during the coming year, and the reason of that is this: This particular expert receives $200 less through the Pension Bureau than the clerk of the other committee, and we felt that he certainly rendered as much service to the General Government as did the expert clerk of the other committee, and therefore we are giving him $200 more than we gave to the expert clerk in the other committee to even it up.

Mr. STAFFORD. It is the policy of the Committee on Accounts to have the total sum paid each clerk on the statutory rolls the same?

Mr. LLOYD. Yes.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 5425) to standardize lime barrels, had requested conference with the House, and had appointed Mr. CLAPP, Mr. SHIELDS, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6447. An act to amend section 10 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, relating to immigration in the Canal Zone;

S. 1792. An act for the relief of settlers on unsurveyed railroad lands; and

S. 6212. An act authorizing the Secretary of War to sell certain magazine rifles.

The message also announced that the Senate had passed with amendment bill of the following title:

H. R. 600. An act to validate title to the town site of McCabe, in the State of Montana.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. BANKHEAD, Mr. HARDWICK, and Mr. TOWNSEND as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12954. An act for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise;

H. R. 12362. An act granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River in the State of Texas;

H. R. 7256. An act providing for the refund of duties collected on certain tobacco cuttings;

H. R. 13715. An act granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.; and

H. R. 15347. An act to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, had asked a conference with the House on the said bill and amendments thereto, and had appointed Mr. BANKHEAD, Mr. HARDWICK, and Mr. TOWNSEND as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6212. An act authorizing the Secretary of War to sell certain magazine rifles; to the Committee on Military Affairs.

S. 1792. An act for the relief of settlers on unsurveyed railroad lands; to the Committee on the Public Lands.

S. 6447. An act to amend section 10 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, relating to immigration in the Canal Zone; to the Committee on Interstate and Foreign Commerce.

RECLAMATION EXTENSION.

Mr. TAYLOR of Colorado. Mr. Speaker, some time ago a conference committee was appointed on the bill H. R. 6057, the reclamation extension bill, from the Irrigation Committee. Judge SMITH of Texas, chairman of the committee, is unavoidably absent, and will be for quite a little time, and I ask that the gentleman from California [Mr. RAKER] be added as one of the conferees in lieu of Judge SMITH.

The SPEAKER. Without objection, the gentleman from California [Mr. RAKER] will be appointed instead of Judge SMITH.

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing an interview given by the Hon. EBENEZER J. HILL on the Monday following the Republican national convention.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD by printing an interview given by the gentleman from Connecticut [Mr. HILL] shortly after the Republican convention. Is there objection?

There was no objection.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial from the Washington Post of this morning entitled "Fodder for machine guns."

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks by printing an editorial from the Washington Post entitled "Fodder for machine guns." Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I did not catch the title of the editorial,

The SPEAKER. "Fodder for machine guns." Is there objection?

There was no objection.

Mr. STEPHENS of Nebraska. I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by the President at Philadelphia yesterday before the Associated Advertising Clubs of the World.

The SPEAKER. The gentleman from Nebraska [Mr. STEPHENS] asks unanimous consent to extend his remarks by printing a speech made by the President at Philadelphia yesterday. Is there objection?

There was no objection.

Mr. MCARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the official abstract of the election returns of the State of Oregon at the presidential primary held there on May 19. Some little jest has been made about it——

The SPEAKER. It is not debatable. The gentleman asks unanimous consent to extend his remarks in the RECORD by printing an abstract of the returns at the presidential primary held in Oregon a few weeks ago. Is there objection?

There was no objection.

Mr. SIEGEL. I ask unanimous consent to extend my remarks in the RECORD on the conditions in the war zone in Europe.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on conditions in the war zone in Europe. Is there objection?

There was no objection.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 44.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13486) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," the Clerk be, and he is hereby, authorized and directed to restore the matter stricken out by the amendment of the Senate No. 1, with an amendment, as follows: In line 3 of the matter restored strike out "$36" and insert "$30"; and also restore the matter stricken out by the amendment of the Senate No. 25, with an amendment, as follows: In line 3 of the matter restored strike out "$50" and insert "$40," the same being for the purpose of carrying out the agreement of the conferees.

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS FOR SATURDAY, JULY 1, 1916.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business on the Unanimous Consent Calendar for Monday next be dispensed with, and that the same be in order to-morrow.

Mr. MANN. Business that would be in order Monday?

Mr. KITCHIN. Yes; that the same be in order to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that business that would be in order on next Monday, the first Monday in the month, unanimous consent, suspension of the rules, and so forth, be taken up to-morrow instead of Monday. Is there objection?

There was no objection.

Mr. DUPRÉ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUPRÉ. Will the Speaker's statement that he will recognize the gentleman from Virginia [Mr. HAY] to move to suspend the rules on Monday for the consideration of a bill relating to the National Guard hold good to-morrow under the circumstances?

The SPEAKER. Yes.

Mr. KITCHIN. I want to modify my request by asking that conference reports shall be in order to-morrow also.

The SPEAKER. The gentleman modifies his request, so that conference reports will be in order to-morrow. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13486) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, the Clerk be, and he is hereby, authorized and directed to restore the matter stricken out by the amendment of the Senate numbered 1 with an amendment as follows: In line 3 of the matter restored, strike out "$36" and insert "$30," and also restore the matter stricken out by the amendment of the Senate numbered 25 with an amendment as follows: In line 3 of the matter restored, strike out "$50" and insert "$40," the same being for the purpose of carrying out the agreement of the conference.

ADJOURNMENT FROM SATURDAY UNTIL WEDNESDAY NEXT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet on Wednesday next.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-morrow it adjourn to meet on Wednesday next. Is there objection?

There was no objection.

Mr. KITCHIN. I ask unanimous consent to meet at 11 o'clock on Wednesday instead of at 12 o'clock.

The SPEAKER. The gentleman asks unanimous consent that the House meet at 11 o'clock on Wednesday, instead of 12 o'clock. Is there objection?

Mr. MANN. Reserving the right to object, if the gentleman insists upon it, I will not object, but many Members will go out of the city, and it will not be very convenient for them to get back by 11 o'clock on Wednesday.

Mr. KITCHIN. Then we will meet at 12 o'clock, and sit later.

The SPEAKER. The House will meet on Wednesday at 12 o'clock.

Mr. MCKENZIE. Mr. Speaker, I wish to inquire whether or not the bill that was made the special order for Monday, introduced by the chairman of the Committee on Military Affairs [Mr. HAY] will be in order to-morrow.

The SPEAKER. The Chair will recognize the gentleman from Virginia at 1 o'clock to-morrow, unless we are in the midst of one of these unanimous-consent matters.

Mr. HAY. I will be recognized to move to suspend the rules?

The SPEAKER. Yes.

Mr. MANN. It will be suspension day to-morrow.

The SPEAKER. Yes; suspension day and unanimous-consent day has been transferred from Monday to to-morrow.

Mr. MANN. Mr. Speaker, I think the Chair ought to recognize the gentleman from Virginia to-morrow immediately after the reading of the Journal.

The SPEAKER. Very well. The Chair will recognize the gentleman from Virginia to-morrow immediately after the reading of the Journal.

Mr. HAY. Very well.

CALENDAR WEDNESDAY.

The SPEAKER. Under the order heretofore made business in order on Calendar Wednesday next is in order to-day. The Clerk will call the committees.

The Clerk called the Committee on the Judiciary.

WESTERN AND EASTERN JUDICIAL DISTRICTS, OKLAHOMA.

Mr. CARLIN. Mr. Speaker, I call up the bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of the United States courts, in the State of Oklahoma, to the eastern judicial district of said court in said State, for judicial purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Osage and Pawnee, in the State of Oklahoma, are hereby transferred from the western judicial district of the United States court, in Oklahoma, to the eastern judicial district of said court, in said State, and hereby made a part of said eastern judicial district of said court, in said State, for judicial purposes: *Provided*, That all crimes and offenses committed prior to, and all prosecutions pending at the time of the taking effect of this act shall be prosecuted and determined as if this act had not been passed.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

Mr. CARLIN. Mr. Speaker, I will ask that the Clerk read the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of United States court, in the State of Oklahoma, to the eastern judicial district of said court in said State, for judicial purposes, having considered the same, report thereon with a recommendation that it do pass.

Oklahoma is divided into two judicial districts, the eastern district and the western district. This bill seeks to transfer the counties of Osage and Pawnee from the western district to the eastern district of that State. Both counties are in the congressional district of the author of the bill. At the present time there the Federal court sits at Tulsa. A portion of the city of Tulsa is in Osage County. Those parties residing in that part of Tulsa situated in Osage County are within the jurisdiction of the Federal court that sits at either Guthrie, Enid, or Oklahoma City, a distance of from 100 to 150 miles. Part of those counties affected by this bill are so situated with reference to distance and railway facilities that without any inconvenience the people residing in them can attend the court at Tulsa, but both are far removed from any other site of the court. Numerous petitions of citizens and attorneys residing in the affected territory were filed with the committee asking a change. No one, although notice was given, opposed the transfer. Telegrams from the bar associations in the two counties affected are printed herewith as a part of this report. The committee unanimously reported the measure.

Mr. THOMPSON rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. THOMPSON. Mr. Speaker, I desire to discuss this bill at some length. I desire to be recognized.

Mr. CARLIN. Mr. Speaker, I think the situation is this: There is some opposition to the report of the committee, and a member of the committee, Mr. MORGAN, as I understand it, will have the right to recognition.

The SPEAKER. Any gentleman who is recognized has a right to an hour.

Mr. MANN. Mr. Speaker, the rule provides that there shall be two hours of general debate.

The SPEAKER. That is true. The Chair will recognize the gentleman from Virginia [Mr. CARLIN] for an hour and the gentleman from Oklahoma [Mr. MORGAN] for an hour.

Mr. CARLIN. Mr. Speaker, I yield 15 minutes of my time to the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Speaker, it is always a very unpleasant task to oppose certain members of one's delegation, and it is unpleasant also when the delegation can not agree on legislation affecting its State. I do not think it will be necessary for us to discuss this matter for an hour. It is apparently a proposition of whether this House prefers to compel the Government of the United States to pay additional mileage and send the parties away from the place of holding the Federal court, because in the earlier days the districts were so apportioned, or whether they desire to have them attend court at the nearest and most convenient place from an economical standpoint and for the matter of convenience to parties. I desire to say in this connection that I have not thought to trespass on the territory of anyone else. It is a sort of mutual benefit association as between my friend THOMPSON and my friend MORGAN. As the district now stands, the parties who have to attend the Federal court must go from my district and to one place in Mr. MORGAN's district and one place in Mr. THOMPSON's district, and, of course, the gentlemen interested in the cities and towns in their districts are not taking into consideration the question of distance a man has to travel or the question of convenience in getting to and from a place, or the question of the expense or the increase in the expense it is to the Government and to the litigants to take their witnesses there to attend court.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. WINGO. Do I understand that the gentleman seeks to take two counties that are in his congressional district from the western district and add them to the eastern district?

Mr. DAVENPORT. That is the fact. I want to call the attention of Members of the House to the situation. This dark line on the map which is before us shows the outline of the first congressional district, which borders upon States of Arkansas, Missouri, and Kansas. In the corner here is the city of Tulsa, in the first district, where the Federal court is held regularly. Over here is Osage County, in this first district, and this section here is Pawnee. These are the two counties that we desire to transfer from the western to the eastern judicial district for judicial purposes. Here are the railroads running through Pawnee, going into Tulsa, around this way by Osage Junction, from the extreme northeastern corner of Osage County in a diagonal line down to Tulsa, so that most of the litigants can leave home at supper time in the evening and be there the next morning to attend court, or a great many can leave at breakfast time and get over there in two or three hours. The nearest point of holding court from Tulsa in the western district is at Enid. That is in the district of my colleague, Mr. MORGAN. The nearest point in the district of my colleague, Mr. THOMPSON, is over here; but as for the people in this section of Osage, and in that section of Pawnee, they must go clear across that distance, which is something between 80 and 100 miles to the nearest point of holding a Federal court. I believe that the intention of establishing a court is for the convenience of the litigants and so that it may be as economical as possible to the Government. I would not have sought to rearrange that convenience had I been trespassing upon any of my colleague's territory or upon the convenience of anyone in those counties in going to Federal court. I can understand why my colleagues oppose this proposition, because the people of the city of Enid and the people of the city of Guthrie or Oklahoma City, the business men, would get the benefit of what little money those who attend court spend while they are in the respective cities attending court. I can understand it, because they have not taken into consideration, in my judgment, anything further than that; but I believe this Congress ought to give to those people along that line the protection that they need, the convenience of attending court.

Now, it may be presented by some of my fellow Members of this House that the docket of the eastern district of Oklahoma is crowded and they can not get their cases tried. I admit the docket at Muskogee, one of the places of holding court in the eastern district, which is down here, is crowded, but I put in this RECORD on the 3d day of April of this year the docket for the last term of the Federal court held at Tulsa, and it shows there were 15 criminal cases of that term which had four weeks to run, and 17 civil cases, so that the docket at Tulsa is not crowded and that part of the argument should not, in my judgment, influence any Member of the House. Now, that is the situation, gentlemen. I also put in the RECORD at that time a communication from the bar association in Tulsa County and different parties living in that locality.

Mr. KELLEY. Are the first, second, and third districts in the eastern district?

Mr. DAVENPORT. The first, second, and fourth——

Mr. KELLEY. Indicate on the map just the line that separates the eastern from the western district.

Mr. DAVENPORT. I can not follow them here because of the way they were embraced in the old Indian Territory, the old Indian Territorial division, so I can not follow them down offhand, and I am only seeking by this bill to make it more convenient for those who live in Osage and Pawnee Counties to get to Tulsa, which is practically Osage County.

Mr. KELLEY. Transfer them——

Mr. DAVENPORT. From the western to the eastern. Now, there are more than a thousand people who have gone to the outskirts and live in and around a radius of a mile and a half in the corner of Osage County who get their mail at Tulsa, and do business there, and to get to the Federal court they would have to go either to Enid or Guthrie or Oklahoma City. In

other words, you can see by the map that Osage County runs into the corner of the city of Tulsa. I have seen that city grow from 300 population to 35,000 population and I know every foot of the ground.

The nearest point of Pawnee County is less than 16 miles from the city of Tulsa, and a direct line of railroad running three passenger trains daily goes to Tulsa, so it is absolutely a question of whether or not we are willing to continue these counties in the western district and compel these parties to go either up here to Enid or down here and change cars and go to Guthrie or Oklahoma City. As I said, I put in the RECORD some time ago a number of letters in reference to this matter. I put in some at that time from the Department of Justice. While the business is heavy at Muskogee in the eastern district, the Department of Justice submits it, so far as that court is concerned, to the better judgment of this House.

I want at this time, however, to file in the RECORD a petition signed by a number of citizens asking that they be permitted to go down to Osage Junction and come to Tulsa by what is known as the Missouri, Kansas & Texas Railroad instead of being compelled to go to the other places.

I append the following letter as a part of my remarks.

Mr. Speaker, I reserve the balance of my time.

The letter is as follows:

HOMINY, OKLA., *April 3, 1916.*

Hon. JAMES S. DAVENPORT, M. C.,
Washington, D. C.

DEAR SIR: We, the undersigned residents of Hominy, Okla., and vicinity, indorse and urge that you use your best efforts in securing the passage of the bill providing for the transfer of Osage and Pawnee Counties from the western judicial district of the Federal court to the eastern district with cases triable at Tulsa instead of Enid, Guthrie, and Oklahoma City.

W. E. Schwaba, M. Mullindore, J. W. Spaks, Chas. F. Dodson, Carl F. Matthew, O. E. Stewart, W. M. Surwod, F. V. Wilson, T. J. W. Hoffman, W. S. Coan, R. L. McCay, S. H. Roleunage, H. R. Adams, J. West, Herman Comett, S. B. Elrod, C. H. Stenger, William H. Theisen, W. F. Herron, H. C. Higgins, Corbett Comett, P. P. Montgomery, G. F. Stahr, B. L. Westbrook, Oscar K. Petty, James Jenkins, O. J. Parkhurst, L. D. Edgington, Percy Dixon, Guy G. Bennett, P. H. Harris, H. W. Hoffman, O. W. Kingsbury, Ira Mullins, J. J. Page, C. E. Page, Charles Pettet, Sam Castell, E. C. Beard, C. E. Carnagey, Dick Wallace, D. A. Williams, L. S. Weiser, Prentiss Price, O. L. Barlow.

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield 15 minutes to the gentleman from Oklahoma [Mr. THOMPSON].

Mr. THOMPSON. Mr. Speaker, the only explanation for this bill is the popularity of my colleague from Oklahoma [Mr. DAVENPORT]. There is absolutely no reason on earth for this bill; on the contrary, it is in the face of all reason. My colleague put in the RECORD, on the 3d of April, a letter from the Attorney General, and the Attorney General at that time suggested that this bill ought not to pass unless a rearrangement was made in the districts in Oklahoma, and he suggested to Mr. DAVENPORT that he call for a report of the district judges and the district attorneys of both the western and eastern districts if Mr. DAVENPORT desired them.

Mr. DAVENPORT did not ask the Attorney General to ask the district judge or the district attorney in either the eastern or western district to make these reports. But I did, and I have the reports here from the district judge and the district attorney of both those districts, and they all oppose the enactment of this bill and the transfer of these two counties—Osage and Pawnee—from the western to the eastern district of Oklahoma. I shall send these letters to the Clerk's desk and ask them to be read in a moment. I want to say, Mr. Speaker, that the reason that these two counties ought not to be transferred from the western to the eastern district is that the eastern district is overworked. It is two or three years behind in its work and the western district is up with its work, and, if you do not want to create another judicial district and give another United States judge and another United States attorney, you want to transfer from the eastern to the western district instead of from the western to the eastern district, because just as sure as you transfer those two counties from the western to the eastern district you will create a condition that will create another judicial district down in Oklahoma. That is the whole question. Now, I sympathize with my friend Mr. DAVENPORT——

Mr. CAMPBELL. Will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman.

Mr. CAMPBELL. Where is the greater part of the business now—in the eastern or the western district?

Mr. THOMPSON. Why, the business in the eastern district is several times as great as in the western district.

Mr. CAMPBELL. Is it proposed to take these two counties and place them in the eastern district?

Mr. THOMPSON. It is proposed to take two counties where the least amount of business arises in the western district, take them out of the western district, and put them in a district two or three years behind with its work. That is a fact.

Mr. CAMPBELL. Is that not good politics for eastern Oklahoma, to get another judge?

Mr. THOMPSON. I do not think so. I live in eastern Oklahoma.

Mr. CAMPBELL. But they want another district and another judge?

Mr. THOMPSON. That is all it means, of course—another judge and another district attorney and another marshal—and I am opposed to it, because I do not think it is necessary.

Mr. HARRISON. May I ask the gentleman a question?

Mr. THOMPSON. Certainly.

Mr. HARRISON. Which is the most convenient for those people—to go to Guthrie or to go to Tulsa?

Mr. THOMPSON. Here is the situation, I will say to my friend from Mississippi: Down in Oklahoma, both in the eastern district and in the western district, we do not have divisions of the court business. In other words, the eastern district has places of holding court at Tulsa, Vinita, Muskogee, McAlester, Chickasha, and Ardmore. So many counties are not set off and given to Tulsa. Another group of counties are not given to Vinita, another to Muskogee, and so on; but when the business arises, no matter whether it arises in Tulsa or not, it goes to Ardmore, Chickasha, McAlester, Muskogee, Vinita, or wherever the court is in session. It does not make any difference whether it is most convenient to do the business there or not. The question of how much business there is does not make any difference. It does not make any difference whether it arises in any particular county. It goes all over the eastern district to be tried, maybe hundreds of miles away. My colleague will not deny these facts.

Now, Mr. Speaker, I want to quote from the last report of the Attorney General. Here is the report of the Attorney General for the fiscal year ending June 30, 1915. It shows that the population of the eastern district in 1910 was 834,395, and in the western district the population in 1910 was 822,760. Now, I do not know that any man acquainted with the eastern district and the western district of Oklahoma, or any man who is acquainted with the oil development and the gas development and the consequent manufactures that grow out of that kind of development, will contend that the western district, which is a purely farming part of our State, compares at all in population with the eastern part of the State, the eastern district.

Mr. MANN. Mr. Speaker, will the gentleman yield there?

Mr. THOMPSON. Yes.

Mr. MANN. This proposes to transfer two counties from the western to the eastern district?

Mr. THOMPSON. Yes, sir.

Mr. MANN. Are the two counties in the western district in the gentleman's district?

Mr. THOMPSON. In mine?

Mr. MANN. Yes.

Mr. THOMPSON. No, sir; they are in Mr. DAVENPORT's district.

Mr. CARAWAY. Mr. Speaker, will the gentleman yield for a question?

Mr. THOMPSON. I do.

Mr. CARAWAY. Is your sole opposition to it a belief that it is to be followed by the creation of a new judgeship in Oklahoma?

Mr. THOMPSON. That is not my sole opposition. My sole opposition is that if you do transfer these two counties, you make it absolutely necessary to create another judicial district.

Mr. CARAWAY. That is the basis of your opposition, then?

Mr. THOMPSON. Not all of it.

Mr. CARAWAY. Then, what is it?

Mr. THOMPSON. Well, I have tried to make it plain to the gentleman. I am sorry I have not made it plain to the gentleman. I am satisfied that it is my fault that I have not, not the gentleman's.

Mr. CARAWAY. Let me ask you another question.

Mr. THOMPSON. Very well.

Mr. CARAWAY. The people in those counties are now compelled to attend a court that sits in your district?

Mr. THOMPSON. No, sir; they are not.

Mr. CARAWAY. Do they not do it?

Mr. THOMPSON. Partly they do and partly they do not; but they do not have to go 100 miles to attend court, and I say to the gentleman from Arkansas there are many counties in his district where they have to go a greater distance.

Mr. CARAWAY. Can you name any one of them?

Mr. THOMPSON. Not at this moment.

Mr. CARAWAY. There is not one.

Mr. THOMPSON. I accept the gentleman's statement as to that. But there are many districts in which the people are compelled to go greater distances, I am sure the gentleman will admit.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. HARRISON. The gentleman says these counties are about 100 miles away from his district, where some people go to court?

Mr. THOMPSON. There are some places that far away; yes.

Mr. HARRISON. How do they get to these places?

Mr. THOMPSON. In Pawnee County it is easier to get to Guthrie and Enid, which is in Mr. MORGAN'S district. It is just as easy to get to those two places as to get to Tulsa, to which they seek to transfer Pawnee County. In some parts of Osage County the railroad connections with Guthrie and Enid are better than the railroad connections with Tulsa. In the eastern part of Osage County the railroad connections are better with Tulsa than with Guthrie or Enid.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield there?

Mr. THOMPSON. Yes.

Mr. COOPER of Wisconsin. I want to ask a question in order to see if I understand the gentleman's objection to the transfer of these counties from the western to the eastern district. In the eastern district the calendar is two years behind, is it?

Mr. THOMPSON. Yes; perhaps three years behind.

Mr. COOPER of Wisconsin. In the western district, in which these two counties are located, the calendar is pretty well up?

Mr. THOMPSON. Yes.

Mr. COOPER of Wisconsin. So that the gentleman's contention is exactly this: That to take two counties from the western district, where the calendar is clear up, and put them over into the eastern district, where the calendar is three years behind, would be inexpedient?

Mr. THOMPSON. That is a fact.

Mr. COOPER of Wisconsin. And those are the two counties that supply the bulk of the business in the western district?

Mr. THOMPSON. Yes. I have one letter here which says that one-eighth of the business in the western district comes from Osage County alone.

Mr. COOPER of Wisconsin. And that calendar is all up?

Mr. THOMPSON. Yes.

Mr. COOPER of Wisconsin. Then the gentleman contends that if we put into the district, the calendar of which is already two years behind, two counties that are not so busy, but where the calendar is up, the calendar in the eastern district will be still more hopelessly behind, and it will be necessary then to create a new judicial district and a new judge and district attorney, and so on?

Mr. THOMPSON. Yes. I will have read at the desk a letter from the judge of the eastern district, to whose district it is proposed to transfer these counties. He says their district is swamped now with business which they can not transact.

Mr. COOPER of Wisconsin. If we put those two counties over into a district where the calendar is already two years behind, how can they catch up with the calendar unless there is another judge created?

Mr. THOMPSON. They can not.

Mr. COOPER of Wisconsin. That is the gentleman's objection?

Mr. THOMPSON. Yes.

Mr. COOPER of Wisconsin. It looks to me like a valid objection.

Mr. THOMPSON. The objection is to transferring these counties where the business is up to a district where the business is behind. That means, of course, the creation of a new district, which the judge and the district attorney of the eastern district say will have to be created. The report of the Attorney General shows that at the close of business on June 30, 1915, there were 21,150 civil suits pending in the eastern district of Oklahoma.

There were 627 criminal cases pending in the eastern district of Oklahoma, an increase of 62 criminal cases over the preceding year. In other words, the business increased that amount during the year. In the western district there were only 187 civil cases pending at the end of the year and 109 criminal cases, a decrease in both civil and criminal business.

Now, I want to call the attention of the committee to this further fact, which is a very important fact in the consideration of this bill: Osage and Pawnee Counties are made up of two Indian reservations. Osage County is the old Osage Indian Reservation. Pawnee County is the old Pawnee Indian Reservation. The treaty, tribal laws, and regulations in those reservations are entirely different from those in the Five Civilized Tribes—the Chickasaws, Choctaws, Seminoles, Creeks, and Cherokees—which constitute the eastern district. The judge in the western district has been trying these cases for 10 years, and is familiar with their laws, treaties, and tribal regulations. The judge of the eastern district does not understand these tribal laws and treaties, rules, and regulations. So if you transfer these two tribal counties from the western district over into the eastern district you will transfer them from a judge who is familiar with their treaties, laws, and regulations into the district of a judge who does not know anything at all about them.

In this connection I send to the Clerk's desk and ask that the Clerk read in my time a letter from the judge and district attorney of the western district and a letter from the judge and district attorney of the eastern district of Oklahoma.

The SPEAKER pro tempore. The letters will be read in the gentleman's time.

The Clerk read as follows:

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF OKLAHOMA,
Oklahoma City, Okla., May 3, 1916.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Your letter of April 5 is acknowledged, in which you request my views regarding the proposed transfer (by H. R. 11148) of Osage and Pawnee Counties from the western to the eastern district of Oklahoma. I regret very much the delay which has occurred in forwarding my reply.

A practical consideration in favor of the transfer is the nearness of Tulsa, one of the court towns in the eastern district. The attendance upon court there of persons concerned would be more convenient and economical, particularly from Osage County. However, under the existing plan, by which there are no divisions, the entire docket is triable at each place of holding court, and the regular terms are held but once a year. Hence, cases from those counties might call for earlier trial at other points inconvenient to them, and the advantage would not exist. Special terms are authorized, but by experience, where so many places are designated by law for regular terms, the special terms are not as a rule practicable at each place, especially for jury trials. Nevertheless, it seems quite likely that cases from those counties could be chiefly heard at Tulsa, and in that respect there is ground for the transfer.

In my judgment there is a more important consideration against the transfer, and that is the comparative state of the dockets in the two districts. The work in both is quite heavy, but in this district, doubtless, it is more nearly up and will so continue in the future. The result from the addition of the two counties to the eastern district would be an increase in the work of the court already burdensome on that side, and would mean more delay than now occurs in the hearing of cases from those counties. My view is that the more equal division and certain prospect of greater dispatch of the court work, secured by the retention of the two counties in this district, outweigh the considerations to arise from the transfer, and that the transfer is inadvisable.

Yours, very truly,

JOHN H. COTTERAL, *District Judge.*

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON. Will my colleague Mr. MORGAN of Oklahoma yield me 10 minutes more?

Mr. MORGAN of Oklahoma. I yield to the gentleman 10 minutes more.

Mr. THOMPSON. I ask the Clerk to continue the reading of the letters.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF OKLAHOMA,
JUDGE'S CHAMBERS,
Muskogee, Okla., April 19, 1916.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Replying to your letter of April 5, 1916 (C. S. 37-E.-11), asking expression of my views as to proposed legislation involved in H. R. 11148, which contemplates the transfer of Osage and Pawnee Counties, in this State, from the western to the eastern judicial district, I have to say:

So far as relates to the addition of these two counties to this district, considered from their geographical location, and railroad facilities with reference to Tulsa, the nearest court town in this district, I believe that point is probably more accessible than the nearest point of holding court in the western district, and in this respect, such change might be of advantage. There is this phase of the matter, however, which I must call to your attention:

The volume of business in this district is constantly growing, and has been for a good while more than one judge can attend to properly, working every day in the year. The district now includes the Five Civilized Tribes and the Quapaw country, and the litigation incident to the titles to these Indian lands has been heavy from the very beginning of statehood. With a population approximating over a million people, with large coal, lead, and zinc mining interests, railroads and other industrial activities, the district has afforded no small amount of ordinary Federal litigation, aside from the Indian feature. In addition to this, each year has seen the oil and gas industry grow, until now it covers a very large part of the district, and in the opinion of conservative oil men is only well started. New fields are constantly being brought in. Values of lands grow by leaps and bounds, and as they all depend upon Indian titles, the litigation growing out of this oil and gas activity is enormous. The oil and gas litigation now pending and in immediate prospect is enough of itself to keep one judge reasonably busy in giving it prompt and proper attention. The oil and gas are bringing in extensive smelters, refineries, and other kindred industries which are fast becoming most fruitful sources of litigation. In addition to the usual amount of ordinary criminal business of a Federal nature incident to a district of such population, there is a large volume of prosecutions arising from the violation of

the laws for the suppression of the liquor traffic among the Indians, to which pending legislation, if it passes, will immeasurably add.

I make this statement to impress the fact, for some time apparent to me, that rather than taking on more territory and additional burdens, the Federal court of this district, if it is to serve the litigants with the promptness and dispatch and efficiency to which they are entitled, needs some assistance in carrying the ever-increasing load. If Osage and Pawnee Counties, with their additional burden of litigation, are added, there should, in my judgment, be some legislation by which corresponding relief can be afforded. It has been suggested to me that the department might favor taking a part of the western portion of this district and adding it to the western district. This would be a measure of relief, but would probably be subject to the objection that it would result in putting the Choctaw and Chickasaw Nations partly in two districts, whereas the fact that the acts of Congress relating to them are identical might make it preferable that they be not so divided.

My mature judgment is that the business at present and in prospect for years to come in this district is sufficient to amply justify its division into two districts, each with enough business to keep its judge reasonably busy, especially, as by assignment, the judges could work back and forth according as the pressure of business in either district from time to time might require. In the adjustment incident to laying out such additional district, the matter of detaching Osage and Pawnee Counties from the western district might be considered.

I appreciate the fact that it will be urged that judges from other districts in this circuit might be assigned to aid in the work here. To that there are several answers. The judges of this, the eighth circuit, are almost all so busy in their several districts that I have found it very difficult to get much of their time. When they do come, they are unfamiliar with the peculiar Indian questions which permeate so much of our litigation, and hence, their usefulness is curtailed. On the other hand, if another district were created, and a judge appointed who had lived and practiced here in this Indian country, familiar with its peculiar legislation, he could at once take up his share of the burden.

You have asked an expression of my views, and I have taken the liberty to express them fully and frankly. I am seriously in earnest when I say that in my judgment there is ample justification for another district in this State.

Very respectfully,

RALPH E. CAMPBELL,
United States District Judge.

Mr. CLINE. Mr. Speaker, I understood the gentleman to say there were 21,000 cases on the docket of one of these district courts?

Mr. THOMPSON. Yes.

Mr. CLINE. What is the character of those cases?

Mr. THOMPSON. They are suits by the United States to cancel titles to 21,000 different tracts of land.

Mr. CLINE. Will all of them have to be tried?

Mr. THOMPSON. There are 347 different issues that will have to be tried, but there are 21,000 individual suits.

Mr. CARAWAY. And the trial of one or two will settle them all?

Mr. THOMPSON. No; there are 347 different issues of law involved, and the trial of the law question involved will settle, as far as the law is concerned, 21,000 cases; but the facts are different in each case.

Mr. CARAWAY. As a matter of fact, the court said that eight or nine cases will settle them all.

Mr. THOMPSON. Oh, no; there have been over 137 cases already disposed of, and they only dispose of 3,700 cases. There were 24,000 cases to be tried.

Mr. HUDDLESTON. Will the gentleman yield for a question?

Mr. THOMPSON. I yield to the gentleman.

Mr. HUDDLESTON. What is the population of these two districts?

Mr. THOMPSON. I gave that a moment ago. There are 834,395 in the eastern district and about 822,760 in the western district.

Mr. KELLEY. I understand from the statement made by the gentleman that the eastern district is overworked and the western district has not enough to do.

Mr. THOMPSON. That is what the reports of these judges and district attorneys show.

Mr. KELLEY. Why not transfer Tulsa County from the eastern district to the western district. That would relieve the eastern district and at the same time accommodate those people.

Mr. THOMPSON. That would be much preferable, and I would be willing to do that, if my colleague from Oklahoma Mr. DAVENPORT would. I think that would relieve the situation and be a fair settlement of the matter.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON. I will ask my colleague for more time.

Mr. MANN. A parliamentary inquiry. Who controls the time on the two sides?

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. MORGAN] and the gentleman from Virginia [Mr. CARLIN].

Mr. THOMPSON. I should like five minutes more.

Mr. MORGAN of Oklahoma. I yield five minutes more to my colleague.

Mr. THOMPSON. I will ask the Clerk to continue the reading.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE UNITED STATES ATTORNEY,
WESTERN DISTRICT OF OKLAHOMA,
Oklahoma City, May 7, 1916.

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: I have the honor to reply to your letter CS 37E 11, of April 5, 1916, requesting an expression of my views regarding H. R. 11148, entitled "A bill transferring the counties of Osage and Pawnee from the western judicial district of the United States court in the State of Oklahoma to the eastern judicial district of said court in said State for judicial purposes."

I am not advised as to what has occasioned the introduction of this bill, nor the interests proposed to be served thereby. However, there has heretofore been some agitation among the attorneys of Pawhuska, Osage County, looking to securing a Federal court at Pawhuska, and I am constrained to believe that these attorneys have inspired this bill in the hope of at least procuring a Federal court nearer them, as Tulsa is just across the line of Osage County and nearer than any of the court towns in the western district. I do not know of any interest of the Government to be served by such change, except possibly some expense of witnesses in the event the cases arising in Osage and Pawnee Counties are tried at Tulsa. However, there are no court divisions in either district, and, unless the cases arising in Osage and Pawnee Counties are tried at Tulsa, there would be no saving of expense, as the other court towns appear to be no nearer than Guthrie, Oklahoma City, and Enid in the western district.

The court cases arising in Pawnee and Osage Counties are tried either at Guthrie, Oklahoma City, or Enid, principally at Guthrie, thus furnishing three terms of court each year to dispose of the cases arising in these counties, which is greatly to the interest of the Government in both civil and criminal cases. I am of the opinion that no three court towns in the eastern district can dispose of this business at any less expense of witnesses.

A large volume of business comes from Osage County to this office, particularly since there has been no tribal attorney for the Osages. Much of it is disposed of without the necessity of court action. However, I would estimate that Osage County furnishes one-eighth of the criminal cases for this district, consisting almost wholly of disposing of liquor to Indians or introducing liquor on Indian allotments or reservations, also more civil cases in which the Government is interested than from any other Indian agency in this district. The civil business from Osage County has been increasing, and I believe will continue to increase for some time to come.

Pawnee County furnishes its quota of Government business, about on an average with the other counties embracing Indian agencies, except Osage and Kiowa Agencies.

There is no necessity for such a proposed change in this district. Our court dockets are more nearly up and cleared of cases than ever in the history of the court. Every criminal case on the docket for trial wherein arrests have been made is assigned for trial at the present term of court except five, in four of which all of the defendants have not yet been taken into custody, and for this reason were not assigned for trial. The grand jury now in session will probably return 50 new indictments, but these will likely be disposed of at the present term and at the Enid term commencing June 5. Thus the criminal docket, which a year ago was far behind, will be practically clear with the exception of new indictments returned by the present grand jury now in session. We can continue to keep the criminal docket of cases for trial practically clear in this district at the close of each term of court.

The clerk of the court informs me that there are now 60 civil law cases pending, 19 equity cases, and 3 bankruptcy cases in this district, and that a large majority of the civil cases that are at issue will be disposed of by July 1. The clerk informs me also that the entire docket is more nearly clear of cases than ever in the history of the court. This has been accomplished by steady and rapid work on the part of all the court officials. Day and night sessions of court during the trial of criminal cases is the rule. My entire office force work under high pressure practically all the time, and the amount of work, especially during terms of court, which are in practically continuous session for 10 months of the year, require my office force to work in the office and in the court room practically every night.

In view of the foregoing, I can not see any necessity for any change in the district at this time or any interest of the Government to be served by such change.

Respectfully,

JOHN A. FAIN,
United States Attorney.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON. I ask my colleague for three minutes more.

Mr. MORGAN of Oklahoma. How much time have I left?

The SPEAKER pro tempore. The gentleman has 30 minutes left.

Mr. MORGAN of Oklahoma. I yield to my colleague three minutes more.

Mr. THOMPSON. I ask unanimous consent to print in the RECORD the letter from the district attorney for the eastern district of Oklahoma.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks by printing in the RECORD the document referred to. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES ATTORNEY,
EASTERN DISTRICT OF OKLAHOMA,
Muskogee, Okla., April 8, 1916.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of April 5, 1916 (C. S. 37 E 11), suggesting that the department had been requested to furnish information regarding H. R. 11148, entitled "A bill transferring the counties of Osage and Pawnee from the western judicial district of the United States court in the State of Oklahoma to the

eastern judicial district of said court in said State, for judicial purposes," the substance of said bill being to transfer Osage and Pawnee Counties from the western to the eastern district of Oklahoma.

You request that I furnish you with an expression of my views as to the proposed legislation at the earliest practicable date.

The volume of business before the court of this district is so great that the docket now is far behind, and Judge Campbell is very greatly overworked.

For the hearing of equity cases the court is in almost continuous session. By reason of this very large amount of work requiring such continuous application, Judge Campbell is not enjoying good health.

The work of our office drags somewhat because of Judge Campbell's inability to give consideration to the numerous pleadings that necessarily have to be presented. During the term of my service as district attorney, instead of the litigation in the Federal court growing lighter, it has steadily grown heavier. Not only is this true with reference to litigation instituted by the Government, but also with reference to litigation instituted by private individuals. From my knowledge of the situation, growing out of a long residence in this district and my experience in this office, I am of the deliberate opinion that the work in the district, as presently constituted, is, and for many years will be, too much for one judge.

As suggested above, I feel that under present conditions, there is a necessity for a division of the work now before the court in this district. In this connection, I suggest that the law relating to real property in the Choctaw and Chickasaw Nations is similar, and that in the Seminole, Creek, and Cherokee Nations is somewhat similar, but different from that in the Choctaw and Chickasaw Nations. There is also a similarity of industry in the Cherokee and Creek Nations with that in the Osage and Pawnee country, so that if the Cherokee, Creek, Seminole, Osage, and Pawnee countries should be placed in one judicial district, I should think it would be quite advisable. There will be sufficient work to keep the court quite busy for many years. The same is true of the Choctaw and Chickasaw country.

My judgment is that the division of this district, as suggested above, and the creation of an additional Federal judicial district would be a matter of great economy not only to private litigants but also to the Government. The additional expense now incurred by the Government in the bringing of witnesses from remote parts of the district to the places of holding court and the service of process is much greater than would be the salaries of the officers of a new court.

As suggested above, the work of the Federal court during my term of office has increased rather than diminished. I am informed this has been true since the creation of the court. My judgment of conditions in the eastern half of the State, including Osage and Pawnee Counties, is such as to lead me to believe that litigation in the Federal court will increase and continue to increase for many years. Another reason why I suggest the creation of an additional Federal judicial district is that the habits, customs, and interests of the Indian people, as well as all other residents in the Cherokee, Creek, Seminole, Osage, and Pawnee countries, are similar. Therefore litigation arising in this section of the State could be more easily disposed of and the law more accurately determined if all of it was presented to one judge for consideration. The same situation exists in the southern end of the State, including the Choctaw and Chickasaw country.

If the eastern district should be so re-formed as to comprise that territory now in the eastern district north of the Canadian River, including Osage and Pawnee Counties, which territory would also include the Cherokee, Creek, and Seminole Nations, and a new district should be created south of the Canadian River, including the Choctaw and Chickasaw country, I think it would be advisable from every standpoint. My suggestion of territory to be embraced in the proposed eastern and southern districts is intended to be general.

I think the business now before the court is too much for one judge to attend to, and of course the adding of Osage and Pawnee Counties to the business now before the court without a division of the district would simply mean an additional congestion of an already congested docket.

I take the liberty of making this full explanation and proposing the creation of an additional Federal judicial district in response to your letter in order that you may understand the situation as it appears to me.

As I view the situation, I think the creation of an additional judicial district is not only advisable but almost imperative if litigation instituted in the United States court in the territory now embraced in the eastern district of Oklahoma shall be attended to with the proper dispatch.

It therefore seems to me that it would be advisable that this bill should become a law, in conjunction with a bill creating a southern Federal judicial district in this State.

Respectfully,

L. H. SINEBAUGH,
United States Attorney.

Mr. THOMPSON. Mr. Speaker, I will state that the United States attorney for the eastern district of Oklahoma and the United States attorney for the western district, the judge for the eastern district and the judge for the western district all report against this bill. They all agree that the work in the western district is up, and that the work in the eastern district is three or four years behind, and that if these counties are transferred it will be necessary to create a new district. That is the report of these men.

Now, Mr. Speaker, I want to read a telegram from the county attorney of Pawnee County addressed to me, as follows:

PAWNEE, OKLA., *March 29, 1916.*

Hon. J. B. THOMPSON,
Congress Hall Hotel, Washington, D. C.:

I as for one am opposed to the bill to put Pawnee County in eastern Federal judicial district, and believe that the majority of the people of the county are of the same opinion.

J. A. MCCOLLUM, *County Attorney.*

In addition to all this, the attorney general in his letter to my colleague, Mr. DAVENPORT, which was put in the RECORD on the 3d of April, says to Mr. DAVENPORT that this bill ought not to pass—he says that in effect, although he does not say it in so many words—unless there is a rearrangement of the districts down there in which certain counties are taken out of the eastern district and put in the western district. That letter has already appeared in the RECORD. For that reason, Mr. Speaker, I am opposed to the bill, and I think the people in our State are opposed to it, and I hope the bill will not pass. As much as I love my colleague and would like to see him win in this fight, I can not go against the wishes of my State. I want to say that if it had not been for my colleague, this bill never would have been reported. It is a Davenport bill and not a Pawnee-Osage bill.

Mr. Speaker, I recognize I am speaking to a House where no quorum is present, and when we defeat them by a vote of those who are present they will call for a quorum, and when gentlemen come in they will vote for the committee report without regard to the fact that the committee reported this bill without showing the courtesy to Mr. MORGAN, who is a member of the Judiciary Committee, or to myself, a Member of the House, that they were considering the bill.

I rest content, however, in the knowledge that those who know the provisions of the bill will vote against it and that the bill will never become a law. I assure gentlemen who vote for this bill that it will never get started on its legislative course in the Senate, where those who oppose will have a fair chance with those who favor it—a condition which has not been permitted in the House. [Applause.]

Mr. DAVENPORT. Mr. Speaker, I have explained the bill in detail as to the situation down there. We come back to the same proposition that I stated. My colleagues have presented the objections as they claim, but they are only argumentative objections. I want you to consider the language of both the trial judges. They both admit that it would be economy to the Government and a convenience to the people situated in the two counties. I ask this House if they are going to consider this position from the standpoint of the Federal officers who have to do perhaps a little more work. My colleague is altogether mistaken about its being my bill. It makes no difference to me, as far as I am individually concerned. The record shows, with one exception, that every man that has spoken on this proposition in either county is in favor of it. It is easy enough to understand why some gentlemen should object to it; they do not want the bread and butter money expended at the places of holding court in their district taken away from them, and they have no consideration for the men who have to travel with their witnesses in civil lawsuits to attend court. My colleagues are not considering that proposition. Neither of my colleagues are considering that. Now, as to the question of the crowded docket in the eastern district, we have plenty of business there. I call your attention to the fact that on the docket of Tulsa there was but 15 or 16 criminal cases and 17 civil cases for the month's docket. My colleagues know that you do not have to try civil cases anywhere else except the place that is nearest and most convenient to you, unless you, in open court, agree to try the case at some other place. The grand jury sits in different places, and if a defendant demands it and asks for it he is permitted to have his case tried at the nearest place of holding court.

Now, the gentleman's statement of the docket at Muskogee is not correct. I will tell you about the 3,000 cases; that has been used for an argument for a long time. There are about 344 separate cases now on the docket. There are a lot of people named in these cases, and in nearly every instance one case settles five or six thousand cases. There are some thirteen hundred of them on the docket now; that is, that many defendants named in the cases. I say to the House that if you gentlemen believe that the court officials should be given consideration instead of the citizens of these counties you will not vote for the bill. I am surprised at my colleague that he should take this position for the paltry hope of winning for his district, and that he should seek to bring in here and try to prejudice you by trying to scare you by saying that they will try to get another district. But concede his argument, and I want to ask you gentlemen of this House, are you going to vote under that scare to force men who have property involved in a lawsuit to take their witnesses miles away simply because they want them to come there for what little money they spend?

Mr. IGOE. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. IGOE. Is it not true that the gentleman favored an additional judge to the circuit court of appeals?

Mr. DAVENPORT. Yes; and with all his acumen, shrewdness, and ingenuity he is standing up for the bill now which has been reported and is on the calendar.

Mr. THOMPSON. That does not affect the creation of another district down in Oklahoma, does it?

Mr. DAVENPORT. No; and this bill does not affect it.

Mr. THOMPSON. Do not the district judges and the district attorneys all protest against this bill?

Mr. DAVENPORT. They may say what they please; I have a right to my opinion. Everybody says that it is more convenient and more economical to take them to Tulsa——

Mr. THOMPSON. I will say that that is for the reason, as the gentleman knows, that there is no division between the court towns, and you take a man from Tulsa to Ardmore——

Mr. DAVENPORT. I did not yield for an argument. The gentleman knows that it is not true that you have to go all over the district. You do not have to have your cases tried anywhere else except in the court that is the nearest to where you live. My colleagues know that, because they have been practicing in the Federal courts ever since they became constitutional Federal courts in Oklahoma.

Oh, they say that judges say this and that, and the district attorneys. Mr. Speaker, I have never yet seen a Government official in all of my experience of several years who was overworked.

Mr. MORGAN of Oklahoma. The gentleman surely does not refer to Congressmen?

Mr. DAVENPORT. I do not refer to any one, but I have never yet seen it. That is the situation. If I were intruding upon some one's territory or were presenting a matter here that would inconvenience the people of those districts, then I say to you that I would not stand here and argue it. If it was in one of my colleagues' districts and did not touch my district, except to take some court business out of my district, I would not be raising my voice against it, but I would say to my fellows that I would join them for the convenience of the people. But this affects no one's district, except it brings those people down here, where they ought to be. That is the situation. There is no alarming condition. The district attorney or one of the judges said that unless a rearrangement of the district is made such and such a thing would happen. I am honestly for that proposition, but the bill was before the Judiciary Committee, and my colleagues knew or ought to have known it, because one of them is on that committee, and if they believe the districts should be rearranged by Congress, then I say that the bill is open for amendment. The bill was open for amendment before the committee, and not a single one of them was heard. If this bill fails to pass, here are the facts: Some of my unfortunate constituents who get into trouble have to go down to Enid or Oklahoma City or to Guthrie and spend some money for hotel bills and railroad fare and per diem, and my colleagues Mr. THOMPSON and Mr. MORGAN are willing to have them do it in order that they may spend that money in their congressional districts.

Mr. MORGAN of Oklahoma. Mr. Speaker I yield to the gentleman from Illinois [Mr. MANN] such time as he desires to use.

Mr. MANN. Mr. Speaker, there are a great many ways of accomplishing a given result. If you can not do it one way, then do it in another. No one to-day would think it proper to vote for an additional judge for the eastern district of Oklahoma; but if this bill passes to-day, then to-morrow any of us would be justified in voting for an additional judge for this district, or even more, or to divide the eastern district into two districts instead of having only one. Here is a case where the eastern district is away behind in its business and the western district is up in its business. It is now proposed to transfer counties from the western district, where the business is up to date, to the eastern district, where the business is away behind.

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. THOMPSON. I beg to say to the gentleman that there is a bill now pending just for that purpose.

Mr. MANN. Yes; but it has not been reported.

Mr. THOMPSON. I know; but a report from the Attorney General is being requested upon it.

Mr. MANN. Very well. I say that I have no doubt that that is one of the objects of the bill. The western district is able to take care of its business. If this were a bill to transfer two counties from the eastern district to the western district, there would be some justice in it. But here are two districts, one behind and one up to date, and instead of trying to bring them both up to date, trying to fix it so that one will not have too much to do, it seems to be an effort to add to the burdens of the already overworked one. It is true everywhere that the willing worker has work added to his burden, but it is not wise legislation for us to add to the burdens of the eastern district, which are now too great, and take away from the burdens of the western district, where now they do not have enough to do. I do not think this bill ought to receive favorable consideration from any body of legislators which has the slightest intention of looking after the welfare of the public. [Applause.]

Mr. MORGAN of Oklahoma. Mr. Speaker, I am in a way personally interested in this bill. We all know how these things are. These districts were made before I was in Congress and before the other gentlemen from Oklahoma were in Congress. They were established years ago by the enabling act which brought Oklahoma in as a State. I do not think it is just right to take from one what has been deliberately given to it and give it to another. I say very frankly that I would oppose taking from my district or from any other district that which it now has and giving it to another district, unless there was absolutely some good, sufficient reason based upon the interest of the public which demanded it, and that reason should be made plain to the House before action is taken. I am upon the Judiciary Committee, and it so happened that this bill was reported out at a time when I was absent attending other official duties; otherwise I should have put in a minority report. I do not know whether the Members of this House can see this map, but here is Osage County, and here is the western district, running in an irregular line. Down here is Guthrie, with the railroad running directly up in this direction, and over here is Enid, in my district, with the railroad running directly from Tulsa to Enid through Osage and Pawnee Counties. Possibly it is true that in mere distance there is a little difference in favor of Tulsa, probably an average of 25 miles, but there is only one intervening county between those two counties, so that, as United States business is generally transacted, any of these towns is very convenient. But leaving aside any personal interest any of my constituents might have which would lead me to oppose this change, which, so far as you are concerned, is immaterial, as has been so well said by the gentleman from Illinois [Mr. MANN] and by my colleague [Mr. THOMPSON], the one fact that in the eastern district the business is three years behind and in the western district the business is practically up to date is of itself sufficient reason why this House should not and, in my judgment, will not transfer two of the counties which contribute mostly to the business in the western district to the overloaded district on the eastern side.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. MADDEN. So that the actual condition would be, if the bill proposed by the gentleman from Oklahoma [Mr. DAVENPORT] should pass, that it would transfer business from a court that already has its business current to another court which is three years behind; and if that be the case, there is absolutely no justification for the passage of this bill.

Mr. MORGAN of Oklahoma. Certainly not. The only argument which is worth while considering which the gentleman from Oklahoma [Mr. DAVENPORT] presented is that looking to the convenience of people.

But, my friends, the question of convenience after all depends upon the promptness with which the business is transacted. If these two counties are transferred to the eastern district, lawyers, clients, and officers will go down to Tulsa and hang around there for weeks waiting to have their cases tried; but if they remain where they are they will go to Guthrie or Oklahoma City or Enid where their business is transacted promptly and expeditiously, and hence as a matter of convenience it is better to do this than it would be to transfer where you would have to wait weeks and months to have your cases tried. Many of you are lawyers and know something about courts and know how inconvenient it is, how costly it is, and how annoying it is to have to go to court and wait around there days and days before your case is called.

Mr. MADDEN. So there would be no economy at all in the matter of saving of railroad fare, as that would be a mere bagatelle as compared with the amount of money expended at hotels, and so forth, waiting for the consideration of cases?

Mr. MORGAN of Oklahoma. Absolutely.

Mr. CARAWAY. Will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. I will.

Mr. CARAWAY. How many cases are pending on the docket at Tulsa now?

Mr. MORGAN of Oklahoma. Well, that is not a fair question.

Mr. CARAWAY. The gentleman does not object to people knowing it?

Mr. THOMPSON. Will the gentleman yield?

Mr. MORGAN of Oklahoma. In just a moment. As the gentleman knows, we have in the district four, five, or six court towns, and the judge tries cases in these various towns without regard to the county in which they arose, and the business of another county can be brought to Tulsa.

Mr. THOMPSON. There is not a case pending at Tulsa; there is not a case pending at any place except Muskogee in

the eastern district, because they have but one clerk there; they do not have a deputy clerk at the other places; they simply farm out these cases and take them over when they get ready to try them——

Mr. CARAWAY. Oh, well——

Mr. THOMPSON. Yes.

Mr. CARAWAY. That does not happen to be the record.

Mr. THOMPSON. That is the record.

Mr. CARAWAY. No; it is not.

Mr. THOMPSON. I say it is the record.

Mr. CARAWAY. The gentleman knows a deputy is assigned to these cases——

Mr. THOMPSON. At Muskogee. The gentleman does not know anything about it. I know, and I feel sorry for the gentleman.

Mr. MORGAN of Oklahoma. Now, the fact is, if there is to be any change, as has been suggested, there ought to be a readjustment and bringing from the eastern district some of these counties over to the western district, and that matter ought to be thoroughly gone over before the proper committee to see whether or not a proper and better adjustment might be made, but in the end it must be made by transfer from the eastern district to the western district and not from the western to the easern district, so I hope this bill will be voted down.

Mr. IGOE. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. IGOE. The gentleman knows there are several bills pending before the committee for the creation of an additional district——

Mr. MORGAN of Oklahoma. An additional circuit.

Mr. IGOE. Does not the gentleman believe the condition of business in Oklahoma now justifies the creation of an additional district court?

Mr. MORGAN of Oklahoma. That, of course, does not depend upon this.

Mr. IGOE. The statement was made——

Mr. MORGAN of Oklahoma. As the gentleman from Illinois [Mr. MANN] so forcibly said, if you increase the business of the eastern district then it would be justifiable for this House to make two districts of the eastern.

Mr. IGOE. I am speaking of the whole State, the condition of business in both districts as they stand to-day.

Mr. MORGAN of Oklahoma. I say, as a matter of fact, the business in the eastern district now is so crowded as to be justified in giving another judge.

Mr. IGOE. Does the gentleman believe we ought to have three districts in Oklahoma now?

Mr. MORGAN of Oklahoma. Well, I believe if properly divided they could do the business, but it is not properly divided.

The SPEAKER pro tempore. The gentleman has used 10 minutes.

Mr. CARLIN. Has the gentleman used all of his time?

Mr. MORGAN of Oklahoma. I believe I have no further time to use.

Mr. CARLIN. If the gentleman has concluded, I am going to conclude in 10 minutes.

Mr. MORGAN of Oklahoma. All right.

Mr. CARLIN. I yield 10 minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Speaker, I am in a very fortunate position in this case, because I have no real interest in the outcome. That is more than either of the gentlemen, I presume, who have addressed the House can say.

I know the bill was pending before the Committee on the Judiciary and came to a subcommittee of which I was acting chairman. After being heard by this subcommittee it was unanimously reported to the full committee with a favorable recommendation, and after lying there some days it was unanimously reported favorably by the full committee. The gentleman from Oklahoma [Mr. MORGAN] is a member of that committee. The truth about the matter is the gentleman had not heard from his restaurant keepers at that time and did not know he would object to the bill. [Laughter.]

Mr. MORGAN of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CARAWAY. I will yield.

Mr. MORGAN of Oklahoma. Does not the gentleman believe the rights of restaurant keepers are as good as lawyers?

Mr. CARAWAY. Yes, sir——

Mr. MORGAN of Oklahoma. And has not the gentleman restaurant keepers in his district?

Mr. CARAWAY. Yes, sir; and the restaurant keepers of Oklahoma are being represented on this floor by the two gentlemen from Oklahoma to-day. Now, there are eight Representatives from the State of Oklahoma.

The gentleman from Oklahoma [Mr. MORGAN] is a member of the Committee on the Judiciary, before which this bill was pending and by which it was reported. He never opened his mouth in opposition to the bill while it was pending before that committee, and no living soul ever heard from him any objection he had to this bill.

Mr. MORGAN of Oklahoma. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Arkansas yield to the gentleman from Oklahoma?

Mr. CARAWAY. Yes.

Mr. MORGAN of Oklahoma. I would like to know if the gentleman ever came to "the gentleman from Oklahoma" representing this district and asked him anything about this bill, whether he was in favor of it or whether he thought it was a good thing or not?

Mr. CARAWAY. I will answer that question in this way: Does the gentleman from Oklahoma want to say to the people of Oklahoma that he does not speak for them in his own committee unless some one asks him what he thinks about a matter affecting them?

Mr. MORGAN of Oklahoma. If I had charge of a bill which affected any colleague of mine on a committee, I would ask him something about it, whether he thought it was a good bill, and whether he thought it ought to be passed, before I would report it. [Applause.]

Mr. CARAWAY. And the gentleman would not oppose it unless somebody should ask him to do so? Is that it?

Mr. MORGAN of Oklahoma. I do think that a gentleman in charge of a bill owes it as a courtesy to me to consult me about it if he thought it would affect me. I know, of course, that the gentleman from Arkansas does not mean any offense. I am sure the gentleman's action was thoughtless on his part. I accept the gentleman's explanation, but in this case I think the gentleman ought to have asked me about this bill.

Mr. CARAWAY. Is that the reason why the gentleman did not oppose it then, because I did not ask him about it?

Mr. MORGAN of Oklahoma. I did not happen to be there when the bill was up; otherwise I would have opposed it.

Mr. CARAWAY. Is the gentleman certain that he was not in the committee room when it was reported?

Mr. MORGAN of Oklahoma. I will say this, that I have no knowledge of it. If I was in the committee room I was asleep, or else I was captivated by the speeches that were made by the gentleman. [Laughter.]

Mr. CARAWAY. I will say that if the gentleman was captivated by anything it was not by a speech. No one opposed the bill then, and if the gentleman had any opposition to offer to it he failed to make it known. It was pending there for some time, and no gentleman from Oklahoma then opposed it, so far as I have ever heard.

Now, Mr. Speaker, it is a rather peculiar situation here. The city of Tulsa is situated in one of the counties which it is proposed to remove from one district of Oklahoma to another, and it so happens that people living in the counties sought to be transferred could, by merely walking across the street, be in the court room if this change were made. If it is not made, they will either have to go to Enid or to Oklahoma City, in the district of the gentleman from Oklahoma [Mr. MORGAN].

Mr. THOMPSON. Guthrie and Oklahoma City are in my district. Enid is in the district of my colleague Mr. MORGAN.

Mr. CARAWAY. Oh, Mr. Speaker, I did not yield to the gentleman for a speech. The gentleman has made 8 or 10 speeches already without shedding any light on the subject. [Laughter.]

Mr. THOMPSON. Oh, I shall not try to enlighten the gentleman. He is not constituted so as to receive any enlightenment. [Laughter.]

Mr. CARAWAY. What is the use of the gentleman coming in here and talking about certain court dockets when the court dockets show absolutely the contrary to what he says as to how many cases are pending at Tulsa? He knows and I know that you have to certify a case down to some court seat, and you must have it on the docket in order to try it. The judge or the district attorney do not simply go to a town and open up the docket and proceed to try the case. It has to be there long enough to be set down for hearing and have the jury summoned, get the parties into court with their witnesses, and then proceed to try the case in an orderly manner.

Mr. THOMPSON. Does the gentleman say that I am not honest about it?

Mr. CARAWAY. I did not mean to say that.

Mr. THOMPSON. The gentleman does not know what the facts are. I have practiced law there, and my colleague [Mr. DAVENPORT] knows about the situation there.

Mr. DAVENPORT. Mr. Speaker, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. DAVENPORT. That matter was gone into time and time again, and I think my colleague [Mr. THOMPSON] ought to let the gentleman from Arkansas finish his speech. The court assigns a docket for those places. That is the way they are assigned.

Mr. THOMPSON. They are assigned at Muskogee.

Mr. DAVENPORT. I do not know where they assign them, but the clerk's office is at Muskogee, the one headquarters in the entire district where the cases are assigned and sent to Tulsa for trial.

Mr. CARAWAY. And notice is sent how many days in advance?

Mr. DAVENPORT. About 10 days in advance.

Mr. MEEKER. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Missouri?

Mr. CARAWAY. Yes.

Mr. MEEKER. I merely wanted to know who was making the speech. [Laughter.]

Mr. CARAWAY. I was just getting ready to make it. I know that the gentleman from Oklahoma [Mr. THOMPSON] is absolutely mistaken as to the procedure. In the court in which he most often appears I expect the rule there is for the justice who presides to sit where it is most convenient. He doubtless carries his docket around with him. I think that is the procedure. [Laughter.] But everybody who practices law in a Federal court knows that there must be some assignment of a case before it can be tried. In Oklahoma when a man is sued in a civil case in a Federal court he has the option of being tried in the court sitting nearest him. If he is indicted, whenever in his district it may have been returned, he has the right to have the cause remanded to the court nearest to him. In fact a man has the right there to be tried in the court nearest to him in preference to anybody else's court; he has the right to be tried in the court of his own choosing. Here we have a situation where a man in Tulsa could walk across the street and be in court in two minutes' time after he left his front door, and yet it is proposed, if this bill be defeated, to require him to go up into the district represented by Mr. MORGAN or Mr. THOMPSON, as now, to be tried. Each one of these gentlemen has denied that he is opposed to this bill because he feared it would lead to the creation of a new district court in Oklahoma, and that is right, for I will bet my head to a jew's-harp—and I have no use whatever for a jew's-harp, because I do not know how to play it——

Mr. LANGLEY. If the gentleman can not play a jew's-harp, his education has been sadly neglected. [Laughter.]

Mr. CARAWAY. But, as I said, I will bet if you did propose to-morrow to establish a new court in Oklahoma it would command the earnest support and vote of both of the gentlemen opposing this bill to-day.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. EMERSON. About the only objection presented to this bill is the condition of the court docket. Can the gentleman explain that?

Mr. CARAWAY. Here is the condition of the docket: They have more lawsuits down there than any place else in the world, and they are all about the same thing, and when you have tried one of them, you have tried them all. [Laughter.] They have 21,000 cases now on the docket in the eastern district, according to the statement of the gentleman from Oklahoma [Mr. THOMPSON], but he knows and everybody else knows that all those cases affect certain Indian rights to lease, and when you determine whether the Indian can or can not do that, the cases are settled by that one case. Of course when a lawyer gets a client down in Oklahoma he rushes into court, although he might easily sit down and say, "This case of Jones will settle your case." But of course it does not carry with it the same right to charge fees that it would if he had taken the case into court himself. [Laughter.]

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. CARAWAY. No; I want to finish.

Mr. MORGAN of Oklahoma. I just want to ask the gentleman a question.

Mr. CARAWAY. Well, now, is the gentleman awake? I do not want to take advantage of him while he sleeps. [Laughter.]

The SPEAKER pro tempore. Does the gentleman from Arkansas yield to the gentleman from Oklahoma?

Mr. CARAWAY. Yes.

Mr. MORGAN of Oklahoma. The gentleman seems to be reflecting upon the lawyers in Oklahoma, on the eastern side, and I understand that most of them came from Arkansas.

Mr. CARAWAY. I think that is true. We got after them there, and they ran away and went to Oklahoma. The sheriff followed them to the State line, but could not catch them, or they would not have been in Oklahoma.

Mr. THOMPSON. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. THOMPSON. I want to say that Chief Justice White said that the ablest lawyers who came before the court were those who came from Oklahoma.

Mr. CARAWAY. Who?

Mr. THOMPSON. All of them.

Mr. CARAWAY. That all of the lawyers from Oklahoma were the ablest lawyers before the court.

Mr. THOMPSON. Yes.

Mr. CARAWAY. All right. That will be news to everybody else. [Laughter.] I think, however, that the gentleman is just as accurate in that statement as in the other statements he made about this bill.

I think he is entitled to as serious consideration on that statement as he is on any other statement made in opposition to this bill. It shows just about as much familiarity with the character of the lawyers who appear before the Supreme Court as with the facts about the court docket in Tulsa or any other court town in Oklahoma.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CARLIN. I yield to the gentleman five minutes more.

Mr. MORGAN of Oklahoma. How much time has each side used? I understood the other side had only 10 minutes more.

Mr. CARLIN. I had 30 or 40 minutes, but I said I would use only 10.

Mr. CARAWAY. I want only a minute. Here are eight Members from Oklahoma. Three Members are affected. I am informed rather credibly that 90 per cent of the people affected are in favor of this bill. The gentleman from Oklahoma [Mr. THOMPSON] who is opposing it is in rather a peculiar situation. He was first suggesting the necessity of rearranging the entire State and giving a new judgeship to the eastern district of Oklahoma if this bill passed. He was asked over and over again if he was opposed to a new judgeship in Oklahoma, and he said he was not. Now, if he is not, what reason did he give why he was opposed to this bill? There is not a line in his statement from beginning to end that constitutes a valid reason why the people living in these counties, almost under the shadow of the court building, should not have their trials at home. Let the cases be heard by people who know them and know their witnesses. The gentleman did say that the judge in the eastern district of Oklahoma knew more about certain treaty rights than anybody else. Now, gentleman, if that is the fact, he ought to go home and have an insurance policy placed on that judge's life, because that judge might die and all the wisdom in Oklahoma die with him. [Laughter.]

It strikes me that if they have only one man who knows anything about Indian treaties, we should better transfer these two counties and commence to educate somebody else before that one judge becomes incapacitated to hear the cases, so that a little learning may be left in Oklahoma about Indian treaties.

Gentlemen, I would not have said anything about this, except that this is the report of the committee, and I happened to have made that report. The gentleman from Illinois [Mr. MANN] based his entire objection to the measure on the ground that it would call for a new judge. I take it there is nothing in the record which warrants that statement. I also express it as my own individual opinion, without knowing whether the judge is or is not overworked, that the courts of this land are created for the people, and every man ought to have the right to have speedy justice. He ought to be permitted to have his cause tried where the expense incident to carrying his witnesses is not prohibitive. If you agree with me, you are going to vote to remove these two counties, so that the people living right there in the shadow of the courthouse, across the street from the courthouse, may have their causes tried at home instead of traveling up to Enid or Oklahoma City, 100 or 150 miles away, and paying railroad fare and mileage for the witnesses, and being put to all the expense incident to a trial in a foreign jurisdiction. Under the law in Oklahoma, confuse it as they may, a man has the right to have his cause tried in the court nearest to where he resides. All of us who know anything about the trial of cases in Federal courts know that if a man is indicted for a crime he has to bear the expense of carrying his witnesses to the place of trial to make his defense, and if he is acquitted

he is frequently made a bankrupt by the expense incident to showing that he is innocent of any wrongdoing. The people ought to have the right to have decided these matters at home. No man living in either one of these counties has protested against the removal of the two counties from one district to the other. All the opposition arises among the people living in Guthrie, Enid, and Oklahoma City, 100 or 150 miles away. Incidentally the Federal judge said he thought he had too much to do. Well, I am not so much concerned about how much work the Federal judge does as I am concerned that the poor people living in these counties shall have speedy justice and without prohibitive expense.

Mr. COOPER of Wisconsin. The gentleman says he wants these poor people to have speedy justice?

Mr. CARAWAY. Yes.

Mr. COOPER of Wisconsin. Is it true that if this change is made you put them into a district the calendar of which is already three years behind?

Mr. CARAWAY. Oh, no.

Mr. COOPER of Wisconsin. I thought that was admitted.

Mr. CARAWAY. The other gentleman admitted it. I did not. They admitted it in behalf of their own case. The docket at Tulsa shows the assignment of 31 cases for trial at a court session of 30 days. There were 17 criminal cases for peddling whisky. The gentleman knows how long it takes to try one of those. The judge asks the defendant if he is guilty, and he says, "No, sir"; and the witness says he is guilty, and the court says, "$100 and 30 days." That is the trial of a whisky case in the Federal court. [Laughter.]

Mr. COOPER of Wisconsin. I know nothing about this case. I heard nothing about it until the discussion began; but I understand the gentleman from Oklahoma [Mr. DAVENPORT] admits that there are a thousand civil cases untried.

Mr. DAVENPORT. I said there were 354 cases which are known as Indian land cases; that those involve about 30,000 different defendants; and that all but about 1,300 had been settled or adjusted. That was the statement I tried to make as clearly as I could.

Mr. COOPER of Wisconsin. All but about 1,300 have been settled.

Mr. CARAWAY. And one or two cases will settle the other 1,300.

Mr. COOPER of Wisconsin. These two counties, as I understand, are now in a district the calendar of which is cleared up.

Mr. CARAWAY. If the gentleman will pardon me, it may be that in some of the cases where defendants have elected to have their trial near their homes, it may be two or three years before they get to trial. A whole lot of defendants in Oklahoma, you know, do not want a speedy trial. If they have got a bond, they had rather stand on their bond than have a speedy trial of their cases. At Tulsa there are 31 cases and 30 days to try them—1 a day. There are 17 criminal cases, and every one for selling whisky to the Indians. It is a thriving industry, and one not likely to fail, and I presume the same number of cases and the same defendants are liable to be on the docket next time. But it is evident that any man living in these counties can have his case set down for trial and get a speedy trial; but he can not do it if he is compelled to go to Guthrie and gets into the hands of those restaurant keepers there. He may stay a month. I think the bill ought to pass. [Applause.]

Mr. MANN. Mr. Speaker, I move to strike out the enacting clause.

The SPEAKER. The gentleman from Illinois moves to strike out the enacting clause.

The question was being taken, when Mr. DAVENPORT made the point of no quorum.

The SPEAKER. The gentleman from Oklahoma makes the point of no quorum. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 146, answered "present" 18, not voting 133, as follows:

YEAS—137.

Anderson	Curry	Freeman	Hernandez
Anthony	Dale, Vt.	Gardner	Hicks
Bennet	Dallinger	Garland	Hill
Britt	Danforth	Gillett	Hinds
Britten	Dempsey	Glynn	Hollingsworth
Browne	Dillon	Good	Hood
Campbell	Doolittle	Gould	Howell
Carew	Doughton	Gray, N. J.	Hull, Iowa
Carter, Mass.	Ellsworth	Green, Iowa	Hutchinson
Coleman	Elston	Greene, Vt.	Johnson, S. Dak.
Cooper, W. Va.	Esch	Hadley	Johnson, Wash.
Cooper, Wis.	Farr	Hamilton, Mich.	Kearns
Cox	Focht	Haskell	Keister
Crago	Fordney	Hawley	Kelley
Cramton	Foss	Hayes	Kennedy, Iowa
Cullop	Frear	Helgesen	Kennedy, R. I.
Kinkaid	Miller, Minn.	Rogers	Switzer
La Follette	Mooney	Rowe	Temple
Langley	Moore, Pa.	Rowland	Thompson
Lehlbach	Moores, Ind.	Russell, Ohio	Timberlake
Lenroot	Morgan, Okla.	Schall	Tinkham
Lindbergh	Mudd	Scott, Mich.	Towner
Lobeck	Nelson	Siegel	Volstead
Longworth	Nichols, Mich.	Sloan	Walsh
Loud	Nolan	Smith, Idaho	Wason
McArthur	Norton	Smith, Mich.	Watson, Pa.
McCracken	Oakey	Smith, Minn.	Williams, Ohio
McKenzie	Page, N. C.	Snell	Wilson, Ill.
McLaughlin	Parker, N. J.	Stafford	Winslow
Madden	Platt	Steenerson	Wood, Ind.
Mann	Ramseyer	Stephens, Cal.	Woods, Iowa
Mapes	Reavis	Stephens, Miss.	Young, N. Dak.
Matthews	Reilly	Sterling	
Mecker	Ricketts	Stiness	
Miller, Del.	Roberts, Nev.	Sweet	

NAYS—146.

Abercrombie	Dewalt	Howard	Rucker
Adamson	Dickinson	Hughes	Russell, Mo.
Aiken	Dies	Hull, Tenn.	Saunders
Allen	Dill	Igoe	Shackleford
Almon	Dixon	Jacoway	Shallenberger
Ashbrook	Doremus	James	Sherwood
Aswell	Dowell	Kettner	Shouse
Ayres	Dupré	Kincheloe	Sims
Bailey	Dyer	King	Small
Barkley	Edwards	Konop	Smith, N. Y.
Beakes	Emerson	Lazaro	Steagall
Bell	Evans	Lee	Stedman
Blackmon	Farley	Lesher	Steele, Iowa
Booher	Flood	Lewis	Steele, Pa.
Borland	Foster	Liebel	Stephens, Tex.
Buchanan, Ill.	Gallagher	Lloyd	Stone
Buchanan, Tex.	Gallivan	McGillicuddy	Taggart
Burke	Gandy	McLemore	Tague
Burnett	Gard	Magee	Talbott
Byrns, Tenn.	Garrett	Mays	Tavenner
Candler, Miss.	Godwin, N. C.	Montague	Taylor, Ark.
Cannon	Goodwin, Ark.	Moon	Taylor, Colo.
Cantrill	Gordon	Moss, Ind.	Thomas
Caraway	Gray, Ala.	Neely	Tillman
Carlin	Gray, Ind.	Nicholls, S. C.	Tribble
Cary	Hamlin	Oldfield	Van Dyke
Casey	Hardy	Padgett	Vinson
Church	Harrison	Phelan	Walker
Cline	Hastings	Quin	Watkins
Coady	Hay	Ragsdale	Whaley
Collier	Hayden	Rainey	Wheeler
Connelly	Heflin	Raker	Williams, W. E.
Conry	Helm	Randall	Wilson, La.
Crisp	Helvering	Rauch	Wingo
Davenport	Hensley	Rayburn	Wise
Decker	Hilliard	Rouse	
Dent	Holland	Rubey	

ANSWERED "PRESENT"—18.

Carter, Okla.	Humphrey, Wash.	McDermott	Sisson
Clark, Fla.	Humphreys, Miss.	McKinley	Venable
Garner	Keating	Overmyer	Young, Tex.
Glass	London	Peters	
Huddleston	McClintic	Sherley	

NOT VOTING—133.

Adair	Eagan	Kitchin	Pratt
Alexander	Eagle	Kreider	Price
Austin	Edmonds	Lafean	Riordan
Bacharach	Estopinal	Lever	Roberts, Mass.
Barchfeld	Fairchild	Lieb	Rodenberg
Barnhart	Ferris	Linthicum	Sabath
Beales	Fess	Littlepage	Sanford
Black	Fields	Loft	Scott, Pa.
Bowers	Finley	McAndrews	Scully
Browning	Fitzgerald	McCulloch	Sears
Bruckner	Flynn	McFadden	Sells
Brumbaugh	Fuller	McKellar	Sinnott
Burgess	Graham	Maher	Slayden
Butler	Greene, Mass.	Martin	Slemp
Byrnes, S. C.	Gregg	Miller, Pa.	Smith, Tex.
Caldwell	Griest	Mondell	Snyder
Callaway	Griffin	Morgan, La.	Sparkman
Capstick	Guernsey	Morin	Stephens, Nebr.
Chandler, N. Y.	Hamill	Morrison	Stout
Charles	Hamilton, N. Y.	Moss, W. Va.	Sulloway
Chiperfield	Hart	Mott	Sumners
Cooper, Ohio	Haugen	Murray	Sutherland
Copley	Heaton	North	Swift
Costello	Henry	Oglesby	Tilson
Crosser	Hopwood	Oliver	Treadway
Dale, N. Y.	Houston	Olney	Vare
Darrow	Hulbert	O'Shaunessy	Ward
Davis, Minn.	Husted	Paige, Mass.	Watson, Va.
Davis, Tex.	Johnson, Ky.	Park	Webb
Denison	Jones	Parker, N. Y.	Williams, T. S.
Dooling	Kahn	Patten	Wilson, Fla.
Driscoll	Kent	Porter	
Drukker	Key, Ohio	Pou	
Dunn	Kiess, Pa.	Powers	

So the motion to strike out the enacting clause was rejected.

The following pairs were announced:

Mr. CALLAWAY with Mr. PETERS (from June 3, ending July 22).

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. LIEBEL with Mr. ROWLAND.

Mr. DEWALT with Mr. MCFADDEN.

Until further notice:

Mr. GLASS with Mr. SLEMP.

Mr. LITTLEPAGE with Mr. AUSTIN.
Mr. HOUSTON with Mr. GUERNSEY.
Mr. RIORDAN with Mr. WARD.
Mr. CLARK of Florida with Mr. FULLER.
Mr. BLACK with Mr. HAUGEN.
Mr. DAVIS of Texas with Mr. FESS.
Mr. MORRISON with Mr. HUMPHREY of Washington.
Mr. SLAYDEN with Mr. MCKINLEY.
Mr. OLIVER with Mr. LAFEAN.
Mr. LOFT with Mr. MCCULLOCH.
Mr. MCKELLAR with Mr. CHIPERFIELD.
Mr. CROSSER with Mr. SINNOTT.
Mr. CALDWELL with Mr. SUTHERLAND.
Mr. SUMNERS with Mr. MCFADDEN.
Mr. SMITH of Texas with Mr. PAIGE of Massachusetts.
Mr. FERRIS with Mr. COPLEY.
Mr. BURGESS with Mr. DUNN.
Mr. WATSON of Virginia with Mr. BEALES.
Mr. O'SHAUNESSY with Mr. TILSON.
Mr. LINTHICUM with Mr. PARKER of New York.
Mr. LIEB with Mr. MOTT.
Mr. OGLESBY with Mr. PRATT.
Mr. PATTEN with Mr. SWIFT.
Mr. SEARS with Mr. VARE.
Mr. POU with Mr. SNYDER.
Mr. ALEXANDER with Mr. DAVIS of Minnesota.
Mr. BYRNES of South Carolina with Mr. CHARLES.
Mr. DOOLING with Mr. GREENE of Massachusetts.
Mr. EAGLE with Mr. HOPWOOD.
Mr. GREGG with Mr. DRUKKER.
Mr. BRUCKNER with Mr. CHANDLER of New York.
Mr. DALE of New York with Mr. DENISON.
Mr. SABATH with Mr. POWERS.
Mr. PARK with Mr. SULLOWAY.
Mr. WEBB with Mr. MILLER of Pennsylvania.
Mr. HAMILL with Mr. KAHN.
Mr. FITZGERALD with Mr. HAMILTON of New York.
Mr. ADAIR with Mr. DARROW.
Mr. JONES with Mr. KIESS of Pennsylvania.
Mr. OLNEY with Mr. MORIN.
Mr. MURRAY with Mr. SCOTT of Pennsylvania.
Mr. KEY of Ohio with Mr. MORTON.
Mr. WILSON of Florida with Mr. KREIDER.
Mr. STEPHENS of Nebraska with Mr. TREADWAY.
Mr. LEVER with Mr. RODENBERG.
Mr. KITCHIN with Mr. MONDELL.
Mr. HULBERT with Mr. EDMONDS.
Mr. MAHER with Mr. PORTER.
Mr. MCANDREWS with Mr. HILL.
Mr. SPARKMAN with Mr. THOMAS S. WILLIAMS.
Mr. BARNHART with Mr. MOSS of West Virginia.
Mr. MORGAN of Louisiana with Mr. SELLS.
Mr. DRISCOLL with Mr. GRIEST.
Mr. FINLEY with Mr. HEATON.
Mr. HENRY with Mr. FAIRCHILD.
Mr. GRIFFIN with Mr. HUSTED.
Mr. FLYNN with Mr. COSTELLO.
Mr. ESTOPINAL with Mr. CAPSTICK.
Mr. EAGAN with Mr. BACHARACH.
Mr. BRUMBAUGH with Mr. BUTLER.
Mr. MCANDREWS with Mr. BOWERS.
Mr. PRICE with Mr. SANFORD.
Mr. STOUT with Mr. ROBERTS of Massachusetts.

For the balance of the session:

Mr. GARNER with Mr. BARCHFELD.

Mr. PETERS. Mr. Speaker, I desire to withdraw my vote of "yea" and answer "present," as I am paired.

The name of Mr. PETERS was called, and he answered "Present."

Mr. GARNER. Mr. Speaker, is the gentleman from Pennsylvania, Mr. BARCHFELD, recorded?

The SPEAKER. He is not recorded.

Mr. GARNER. Mr. Speaker, I wish to withdraw my vote of "nay" and answer "present."

The name of Mr. GARNER was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

Mr. STAFFORD. Mr. Speaker, I desire to offer an amendment. I move to amend, in line 9, by inserting after the word "prosecution" the words "and actions."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "prosecution," insert the words "and actions."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. THOMPSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 139, answered "present" 18, not voting 134, as follows:

YEAS—143.

Abercrombie	Davenport	James	Rucker
Adamson	Decker	Kincheloe	Russell, Mo.
Aiken	Dent	King	Saunders
Alexander	Dewalt	Konop	Shackleford
Allen	Dickinson	Lazaro	Shallenberger
Almon	Dies	Lee	Sherwood
Ashbrook	Dixon	Lesher	Shouse
Aswell	Dupré	Lever	Sims
Ayres	Dyer	Lewis	Small
Bailey	Edwards	Liebel	Steagall
Beakes	Emerson	Lloyd	Stedman
Bell	Estopinal	McAndrews	Steele, Iowa
Blackmon	Farley	McDermott	Steele, Pa.
Booher	Gallagher	McGillicuddy	Stephens, Tex.
Borland	Gallivan	McKellar	Stone
Brumbaugh	Gandy	McLemore	Stout
Buchanan, Ill.	Gard	Magee	Taggart
Buchanan, Tex.	Garrett	Mays	Tague
Burke	Godwin, N. C.	Montague	Talbott
Burnett	Goodwin, Ark.	Moon	Tavenner
Byrnes, S. C.	Gray, Ala.	Moss, Ind.	Taylor, Ark.
Byrns, Tenn.	Gray, Ind.	Mudd	Taylor, Colo.
Candler, Miss.	Hamlin	Nicholls, S. C.	Thomas
Caraway	Hardy	Oldfield	Tillman
Carew	Harrison	Oliver	Tribble
Carlin	Hastings	Overmyer	Van Dyke
Carter, Okla.	Hayden	Padgett	Vinson
Cary	Heflin	Phelan	Walker
Casey	Helm	Quin	Watkins
Church	Hensley	Rainey	Whaley
Cline	Hilliard	Raker	Wheeler
Coady	Howard	Randall	Williams, W. E.
Collier	Hughes	Rauch	Wilson, La.
Connelly	Humphreys, Miss.	Rodenberg	Wingo
Conry	Igoe	Rouse	Wise
Crisp	Jacoway	Rubey	

NAYS—139.

Anderson	Foster	Lenroot	Rowland
Anthony	Frear	Lindbergh	Russell, Ohio
Barchfeld	Freeman	Lobeck	Schall
Bennet	Gardner	Longworth	Scott, Mich.
Britt	Garland	Loud	Siegel
Britten	Glynn	McArthur	Sloan
Browne	Good	McKenzie	Smith, Idaho
Campbell	Gould	McLaughlin	Smith, Mich.
Cannon	Gray, N. J.	Madden	Smith, Minn.
Carter, Mass.	Green, Iowa	Mann	Smith, N. Y.
Coleman	Greene, Vt.	Mapes	Snell
Cooper, W. Va.	Hadley	Matthews	Stafford
Cox	Hamilton, Mich.	Meeker	Steenerson
Crago	Hamilton, N. Y.	Miller, Del.	Stephens, Cal.
Cramton	Haskell	Miller, Minn.	Stephens, Miss.
Cullop	Hawley	Mondell	Sterling
Dale, Vt.	Helgesen	Mooney	Stiness
Dallinger	Hernandez	Moores, Ind.	Sweet
Davis, Minn.	Hicks	Morgan, Okla.	Switzer
Dempsey	Hill	Nelson	Temple
Denison	Hollingsworth	Nichols, Mich.	Thompson
Dill	Hood	Nolan	Timberlake
Dillon	Howell	Norton	Tinkham
Doolittle	Hull, Iowa	Oakey	Towner
Doughton	Hutchinson	Parker, N. J.	Volstead
Dowell	Johnson, S. Dak.	Parker, N. Y.	Walsh
Dunn	Johnson, Wash.	Platt	Wason
Ellsworth	Kearns	Porter	Watson, Pa.
Elston	Keister	Ragsdale	Williams, Ohio
Esch	Kennedy, Iowa	Ramseyer	Wilson, Ill.
Evans	Kennedy, R. I.	Reavis	Winslow
Flood	Kinkaid	Ricketts	Wood, Ind.
Focht	La Follette	Roberts, Nev.	Woods, Iowa
Fordney	Langley	Rogers	Young, N. Dak.
Foss	Lehlbach	Rowe	

ANSWERED "PRESENT"—18.

Garner	Keating	Peters	Sisson
Gillett	London	Rayburn	Venable
Glass	McClintic	Reilly	Young, Tex.
Huddleston	McKinley	Sherley	
Humphrey, Wash.	Page, N. C.	Sinnott	

NOT VOTING—134.

Adair	Bowers	Cantrill	Cooper, Wis.
Austin	Browning	Capstick	Copley
Bacharach	Bruckner	Chandler, N. Y.	Costello
Barkley	Burgess	Charles	Crosser
Barnhart	Butler	Chiperfield	Curry
Beales	Caldwell	Clark, Fla.	Dale, N. Y.
Black	Callaway	Cooper, Ohio	Danforth

Darrow	Haugen	Loft	Roberts, Mass.
Davis, Tex.	Hay	McCracken	Sabath
Dooling	Hayes	McCulloch	Sanford
Doremus	Heaton	McFadden	Scott, Pa.
Driscoll	Helvering	Maher	Scully
Drukker	Henry	Martin	Sears
Eagan	Hinds	Miller, Pa.	Sells
Eagle	Holland	Moore, Pa.	Slayden
Edmonds	Hopwood	Morgan, La.	Slemp
Fairchild	Houston	Morin	Smith, Tex.
Farr	Hulbert	Morrison	Snyder
Ferris	Hull, Tenn.	Moss, W. Va.	Sparkman
Fess	Husted	Mott	Stephens, Nebr.
Fields	Johnson, Ky.	Murray	Sulloway
Finley	Jones	Neely	Sumners
Fitzgerald	Kahn	North	Sutherland
Flynn	Kelley	Oglesby	Swift
Fuller	Kent	Olney	Tilson
Gordon	Kettner	O'Shaunessy	Treadway
Graham	Key, Ohio	Paige, Mass.	Vare
Greene, Mass.	Kiess, Pa.	Park	Ward
Gregg	Kitchin	Patten	Watson, Va.
Griest	Kreider	Pou	Webb
Griffin	Lafean	Powers	Williams, T. S.
Guernsey	Lieb	Pratt	Wilson, Fla.
Hamill	Linthicum	Price	
Hart	Littlepage	Riordan	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BARKLEY with Mr. LAFEAN.

Mr. FITZGERALD with Mr. GILLETT.

Mr. DOREMUS with Mr. DANFORTH.

Mr. KITCHIN with Mr. MOORE of Pennsylvania.

Mr. CROSSER with Mr. FARR.

Mr. DALE of New York with Mr. HINDS.

Mr. KETTNER with Mr. COOPER of Wisconsin.

Mr. HELVERING with Mr. MCCRACKEN.

Mr. NEELY with Mr. CHIPERFIELD.

Mr. HULL of Tennessee with Mr. CHARLES.

Mr. HOLLAND with Mr. CAPSTICK.

Mr. HAY with Mr. BUTLER.

Mr. CALDWELL with Mr. CURRY.

The result of the vote was announced as above recorded.

On motion of Mr. CARLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS of Texas, indefinitely, on account of sickness.

To Mr. ASHBROOK, for one week, on account of important business.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post Office appropriation bill (H. R. 10484), to disagree to the Senate amendments and agree to the conference asked for by the Senate, and that the Speaker appoint the conferees.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the Post Office appropriation bill, to disagree to the Senate amendments and agree to the conference asked by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees:

The Clerk read as follows:

Mr. MOON, Mr. FINLEY, and Mr. STEENERSON.

CLAIMS OF THE STATE OF MASSACHUSETTS.

Mr. CARLIN. Mr. Speaker, I call up for consideration the bill (S. 3346) now on the House Calendar, No. 140.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the State of Massachusetts for premium paid for coin with which it paid the interest and principal of its bonds issued in the year 1861 for money borrowed and used to furnish troops of the State for the service of the United States during the Civil War, and also its claim for interest and premium paid for coin used in payment of such interest on bonds issued for money borrowed and expended at the request, during said war, of the President of the United States in protecting the harbors and fortifying the coast, which claims were rejected by the Comptroller of the Treasury Department, be, and the same are hereby, referred to the Court of Claims for a determination of the law and the facts and report to Congress. The evidence of the amount of said expenditures and of the computations of such premiums made by the accounting officers of the Treasury on file in said department, as furnished by the State, may be considered by the court so as to relieve the State of the necessity of again filing said evidence in court.

Mr. CARLIN. Mr. Speaker, I do not understand there is any opposition to this bill. It is a unanimous report. Unless it develops there is some opposition to it, I yield 10 minutes to the gentleman from New York [Mr. DANFORTH] to make an explanation of the bill.

Mr. DANFORTH. Mr. Speaker, I dislike to take up the time of the House, but for the benefit of gentlemen present who perhaps do not know about this bill, I will say that it is the claim introduced by the State of Massachusetts based upon an expenditure made by that State for the purchase of gold with which to pay interest on these bonds which were issued in 1861 and 1862 for equipping troops, and, further, for fortifying the harbor of Boston during the war of 1861 to 1865.

Both these claims have been passed upon by the Auditor of the Treasury and both were allowed, but the Comptroller of the Treasury struck them out and refused to pass them on the ground that the purchase of gold and payment of interest on these bonds in specie was nothing but a gift by the State of Massachusetts to the holders of the bonds.

Mr. COX. Will the gentleman yield?

Mr. DANFORTH. Certainly.

Mr. COX. How much does the State of Massachusetts actually claim the Government owes them on the interest claim which Massachusetts makes?

Mr. DANFORTH. I have not the figures before me, but my recollection is that it is a trifle over half a million dollars on the purchase of the gold.

Mr. COX. Does the gentleman mean now by that half a million is the interest charge alone?

Mr. DANFORTH. The bonds have been paid and the interest would have been allowed and paid, as I understand it, if it had not been for the question of the purchase of the gold.

Mr. COX. I find in the report accompanying this bill an item here for strengthening Boston Harbor——

Mr. DANFORTH. Yes.

Mr. COX (continuing). And fortifying its coasts. The report says that that was at the request of the President and Secretary of War, with the understanding that the amount expended by Massachusetts should be reimbursed. The report says that that amount was $209,885.61. Now, in the $500,000 which the gentleman claims the Government owes the State of Massachusetts, is this $209,000 embraced or is the interest included?

Mr. DANFORTH. I said $500,000; that covers, as I understand it, the claims of the State.

Mr. COX. The entire claim?

Mr. DANFORTH. I may be wrong about that; I have not the figures, but that is my recollection.

Mr. COX. Where is the law or where is the authority on which the State of Massachusetts claims the President of the United States and the Secretary of War authorized the State of Massachusetts to fortify the city of Boston with the understanding that the Government would reimburse them? I can not find it.

Mr. DANFORTH. Well, I have assumed on the statement presented at the hearing before the committee that it was a fact, and I am not prepared to refer the gentleman to the law.

Mr. COX. Has the gentleman in his possession or has he ever read the law, or is there any record on file in the Department of War whereby the President—at that time Mr. Lincoln—or his then Secretary of War, agreed to reimburse the city of Boston if they would fortify that city?

Mr. DANFORTH. I have not any doubt there is such a request and that it was duly authorized to be made by the President and the Secretary of War.

Mr. COX. That is what I am trying to get at. There was an act passed in 1861 making reimbursements to the various States that would equip troops for the Army. That was somewhat enlarged by an act which passed Congress in, I think, 1862; but the two acts passed by Congress upon which this whole claim is bottomed and based do not have any reference at all to the fortifications of any city.

Mr. DANFORTH. It was not the fortification of the city. It was for the strengthening of the fortifications in the harbor, in Boston Harbor.

Mr. COX. Will the gentleman yield a little further?

Mr. DANFORTH. Surely.

Mr. COX. Did the State of Massachusetts expend this entire $3,000,000 for the purpose of equipping troops?

Mr. DANFORTH. I do not think there is any doubt about that. Those facts are established.

Mr. COX. Did it expend any of it in equipping troops, or did it expend it in the fortifications?

Mr. DANFORTH. Bonds were issued on two different dates for the two different purposes. There is no question about that.

Mr. COX. The gentleman would not claim, would he, that the State of Massachusetts had any right to be reimbursed for the fortification of Boston Harbor unless Congress had by au-

thority of law offered to reimburse the city of Boston, or any other city that would fortify, would he?

Mr. GALLIVAN. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. DANFORTH. Yes.

Mr. GALLIVAN. Mr. Speaker, I would like to say to my friend from Indiana that it does not seem to be within the bounds of reason that the State of Massachusetts would go in and fortify forts owned and controlled by the Federal Government unless with the authority and probably at the request of the Federal Government. These forts were the property of the United States, and not of the State of Massachusetts, and the State was not expending this money upon these defenses except as it was authorized and probably requested to do by the United States.

Mr. COX. I do not know what are the bounds of authority or of propriety or impropriety. What I am trying to get at is, Is there any authority, any contract, any law that was passed by Congress wherein Congress assured the city of Boston or the State of Massachusetts or any other State of the North that if they fortified their cities they would be reimbursed for their expenditure? That is what I am trying to get at.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield, and to whom does the gentleman yield?

Mr. DANFORTH. I will yield to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. I think I can answer to the gentleman's satisfaction. That debt has been once recognized by Congress. In 1884 Congress passed a bill reimbursing the State of Massachusetts for the principal of this money, on the distinct ground that it had been advanced at the request of the Lincoln administration, and this amount that we are now asking for is not for the principal, but for the interest on that principal; and the reason why Massachusetts did not then ask for the interest is that it supposed, as the other States did, I think, that what the State had paid for interest was not to be reimbursed. But later than that the State of New York brought in a claim for interest, and it went to the United States Supreme Court, and the Supreme Court decided that interest was a valid claim. Since then interest charges have been paid to all the other States, and they would have been paid to the State of Massachusetts, except that in its claims, which were pending in 1884, Massachusetts had not said anything about interest, and in the act of Congress paying it it simply said, "Pay the claim that is on file," and the claim for interest was not on file. The principal was paid, and thus the fact was recognized that the original amount was advanced by Massachusetts for the benefit of the United States.

Mr. COX. Mr. Speaker, will the gentleman yield right there?

Mr. GILLETT. Certainly.

Mr. COX. Right at that time what claim was on file? Was it only the interest claim or the claim for the fortification of the city of Boston?

Mr. GILLETT. It was the claim for the principal sums expended upon the fortifications.

Mr. COX. What is governing me is the report of the committee. It is confined to two propositions. One is upon interest, which at one time was allowed by the Auditor of the War Department and then disallowed by the Comptroller of the Treasury.

Mr. GILLETT. Yes; the auditor allowed it.

Mr. COX. But the claim of $209,000 for the fortification of the city of Boston was entirely disallowed. Where is the law that ever authorized Congress to repay that?

Mr. GILLETT. The gentleman is mistaken. That claim is for interest.

Mr. COX. Then, the report is wrong. It is clearly wrong.

Mr. GILLETT. No; I think not.

Mr. DANFORTH. The report says that the amount of $209,000 was paid.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DANFORTH] may have five minutes more.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. DANFORTH. Yes.

Mr. GARDNER. Is not this bill simply a reference to the Court of Claims for ascertainment of the law and facts?

Mr. DANFORTH. Nothing whatever but that.

Mr. GARDNER. The questions asked by the gentleman from Indiana [Mr. Cox] are the questions naturally to be asked in the Court of Claims. This is not a bill for the payment of any sums. It is a reference to the Court of Claims for a finding of the law and facts in the premises?

Mr. DANFORTH. That is all.

Mr. GARD. Mr. Speaker, will the gentleman yield.

Mr. DANFORTH. Yes.

Mr. GARD. May I ask if the gentleman from Massachusetts [Mr. GILLETT] is correct in the matter of interest, or is it a question of premium?

Mr. DANFORTH. It is a question of premium on the bonds of 1861, which were issued to raise money to equip the troops. In the other matter it was the interest on the bonds which were issued to fortify or strengthen the fortifications in Boston Harbor, in Massachusetts Bay.

Mr. GILLETT. Mr. Speaker, will the gentleman yield for a moment?

Mr. DANFORTH. Yes.

Mr. GILLETT. In answer to the suggestion of the gentleman from Indiana [Mr. Cox] that this was not for interest, I will say that the report states it just as I said. The report at the bottom of page 2 says:

> Another item of expense disallowed at the Treasury Department related to the amount expended by Massachusetts to strengthen Boston Harbor and fortify the coast. This was done at the request of the President and Secretary of State upon the understanding that the amount expended by Massachusetts would be reimbursed. Congress, July 7, 1884, enacted that the accounting officers should examine the claim of Massachusetts incurred for this purpose, "now on file with the third auditor," and report the amount to Congress. The accounting officers found $209,885.61 should be refunded. This did not include interest or coin payment.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. MANN. Evidently the gentleman did not carefully read the bill. The bill provides that this is a claim of the State of Massachusetts for premium on the gold with which to pay the interest.

Mr. GILLETT. Exactly; for the interest and for the premium on the gold with which the State paid the interest. The gentleman says we did not pay the interest.

Mr. MANN. Oh, yes. It is not a claim for interest paid on the bonds at all.

Mr. GILLETT. No.

Mr. MANN. It is a claim for premiums paid for coin with which it paid the interest first, and, second, also it is a claim for interest and premium paid for coin used in the payment of such interest. The interest on the bonds has already been paid by the Government to Massachusetts.

Mr. GILLETT. Exactly; on the equipment of troops.

Mr. MANN. I understood the gentleman to say this was a claim for the interest paid by the State of Massachusetts on the bonds.

Mr. GILLETT. No. And also for the interest on coast defenses—not for the other bonds.

Mr. MANN. I have read all the claim there is.

Mr. RAKER. Will the gentleman yield?

Mr. GILLETT. I yield.

Mr. RAKER. I understand the State of Massachusetts has been paid for the principal and interest of the money expended.

Mr. DANFORTH. I believe that is true as to the interest.

Mr. RAKER. And this is for the purpose of ascertaining the amount of premium the State of Massachusetts had to pay for gold at that time.

Mr. DANFORTH. Not at all.

Mr. RAKER. With which it paid the interest and with which it paid the principal.

Mr. DANFORTH. This bill is introduced for the purpose of allowing the Court of Claims to report the facts and the law on this question.

Mr. RAKER. But covering that point. The State of Massachusetts has been paid its principal and interest on these bonds.

Mr. DANFORTH. Yes.

Mr. RAKER. And it wants to submit the question to the Court of Claims to see whether or not it is entitled to the amount of premium it paid on gold for the purpose of paying the principal and interest on the bonds.

Mr. BENNET. Will my colleague yield?

Mr. DANFORTH. Certainly.

Mr. BENNET. I find by looking at the statute of 1884 that the claim on which this was based was recognized by that Congress, and that the proper accounting officers of the Treasury Department were directed to examine the claims of the State of Massachusetts for expenses incurred and paid at the request of the President and Secretary of War in protecting the harbors and strengthening the fortifications on the coast. Answering the question of the gentleman from Indiana, the fact that Massachusetts was requested to strengthen its fortifications was recognized by Congress 32 years ago. The matter was referred

to the accounting officer, and under that provision $209,885.61 was recommended to be refunded. And now this additional claim is as stated by the gentleman from Illinois. Am I correct about that?

Mr. DANFORTH. I believe that is correct. Unless there are further questions to be asked in regard to the purpose of this bill, I will say that it is simply to refer it to the Court of Claims to get at the facts, determine the law, and have that court report back to Congress. I trust that there will be no opposition to it.

Mr. CARLIN. I yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. I read from Twelfth Statutes United States, page 276, the act upon which this bill is based. It provides:

That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State or to its duly authorized agent all costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury—

And so forth, approved July 22, 1861.

This is the organic act on which this proposed bill is based. There is not a word in this act which authorized the Congress of the United States to pay anything at all to any State for fortifying and equipping its harbors. This act proposes to reimburse the States for arming, equipping, clothing, and provisioning its soldiers, not for the purpose of paying any State that has expended money in an attempt to fortify its harbors.

Mr. BENNET. Will the gentleman yield?

Mr. COX. I will yield in just a moment. On page 615 of the same volume it provides that the same act should apply to the repayment of States which had provisioned and clothed soldiers before as well as after the act. I do not believe that this bill has much merit in it. I do not care what other States have done. I do not care whether my State has ever gotten any claim back or not. I do not know if it has. But the idea of a great State, even if it be my State, coming in here and trying to get a claim more than 50 years old for premiums paid for gold upon its bonds does not appeal to me.

Mr. RAKER. Will the gentleman yield?

Mr. COX. I agreed to yield first to the gentleman from New York [Mr. BENNET].

Mr. BENNET. I want to ask the gentleman if his attention has been called to that statute which I read a moment or two ago.

Mr. COX. Yes; I heard it. I do not think it applies, or alters the case one way or the other.

Mr. RAKER. One question I want to submit to the distinguished gentleman from Indiana is that if this claim is just and legal, the State ought to have a right to go before the Court of Claims and present it.

Mr. COX. They have all the facts down there now. Why can they not adjust the claim now with the Treasury Department, if the Comptroller of the Treasury of the United States will pass it? It is the evident purpose to get it down to the Court of Claims in the hope of getting a special finding of facts there, so as to bring stronger pressure upon Congress to get Congress to pass it ultimately. If the claim is just and meritorious and the Comptroller of the Treasury has the power and authority under the law to allow it, and all the facts are known, why fool with this bill? Why not let them adjudicate it right now?

Mr. RAKER. It will do no harm to send it to the Court of Claims.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. CARLIN. I yield three minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Speaker, the gentleman from Indiana is clearly in error. Massachusetts is not before Congress to-day asking for a claim. Massachusetts asks for the privilege of going before the Court of Claims to establish the facts in the case; and as the gentleman from California [Mr. RAKER] has said, what is the harm in allowing this to go to the Court of Claims? Do you want to deny the old Bay State her day in court? I can not believe it. As has been said, if this is not a legal claim it is an equitable one, and Massachusetts asks for the opportunity to prove it. The money in question came out of the pockets of her people; the Federal Government promised reimbursement. Technicalities have thus far estopped payment of this money. My friend from Indiana not only has no confidence, apparently, in the Court of Claims, but, judging from his closing statement, he has no confidence in the Congress, to which the Court of Claims will make its report. I say to the House that the members of the Judiciary Committee gave this matter very careful consideration; that theirs is a unanimous report, and I hope the House will not waste any more time on it but vote its approval now. My State simply asks for justice—no more, no less.

Mr. MANN. Mr. Speaker, the funny end of this bill is so apparent that I can not refrain from calling attention to it. The Senate has taken the trouble to pass the bill, which is entitled "conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts." When we read the bill it is not a bill to adjudicate the claims, but to refer the claim of Massachusetts to the Court of Claims for determination of the law and facts and to report to Congress. They have messaged that bill over to us and asked our concurrence in it. They could have done all we are asked to do by the passage of a simple Senate resolution referring this bill to the Court of Claims under the judicial title.

The statute provides that when a bill for any claim is pending in Congress, otherwise than for a pension, either House of Congress can refer the bill to the Court of Claims and have the Court of Claims report to Congress its finding of facts and conclusions of law. Our distinguished Committee on the Judiciary, to which this bill was erroneously referred, it being a claim, did not apparently remember this statute. If this bill had gone to the Committee on Claims, to which it properly should have been referred, the Committee on Claims would have known that it was not necessary to pass the bill to get this disposition of it by the Court of Claims.

Mr. DANFORTH. I want to say to the gentleman that the bill as it came to the Senate was for the purpose of adjudicating the claims.

Mr. CARLIN. I call the gentleman's attention to the fact——

Mr. DANFORTH. I am not quite through.

Mr. MANN. And I am not through, either. [Laughter.]

Mr. DANFORTH. I would like to ask the gentleman whether the provision in regard to taking evidence, and now on file with the accounting officers of the Treasury, could have been done by a simple resolution from the Committee on Claims?

Mr. MANN. It could. The Court of Claims can call for any evidence on file in the departments of this Government; not only can do that but does do it. So we are asked to pass a bill apparently unnecessary.

Mr. CARLIN. If the gentleman will yield, in the last war-claims bill which passed the House, and it was an appropriation bill, there was included a provision taking from the Court of Claims a certain part of its jurisdiction with reference to claims growing out of the Civil War, and I think perhaps it was that provision which induced the Senate to provide a separate bill.

Mr. MANN. My friend from Virginia thinks that perhaps it does, but it does not, and if our distinguished Judiciary Committee, who understood and thought that perhaps it did, had taken the trouble to look at the statute, they would have found that it did not. That repealing clause which I hold in my hand provides as follows:

SEC. 5. That from and after the passage and approval of this act the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States based upon or growing out of the destruction of any property or damage done to any property by the military or naval forces of the United States during the war for the suppression of the rebellion; nor to any claim for stores and supplies taken by or furnished to or for the use of the military or naval forces of the United States, nor to any claim for the value of any use and occupation of any real estate by the military or naval forces of the United States during said war; nor shall said Court of Claims have jurisdiction of any claim which is now barred by the provisions of any law of the United States.

Mr. CARLIN. The gentleman read some of that so low that I did not hear him. Does the gentleman think that that does not apply to a claim of this sort?

Mr. MANN. Plainly this is not a claim growing out of the destruction of property nor for supplies furnished the Federal forces during the war; however, the bill is here, unnecessary though it is.

Mr. CARLIN. There can not be any harm in referring it to the Court of Claims, even in this way, although some others might have preferred a simple resolution.

Mr. MANN. The harm is uselessly bringing into the House a bill in reference to a claim which might have been disposed of by the other body—I will not say, as one distinguished Senator said somewhere, and I do not know that it would be permissible to say that he said that the House conferees had not acted gentlemanly—that it would be better to act both gentlemanly and intelligently. [Laughter and applause.]

Mr. CARLIN. I did not quite catch the last part of the gentleman's remark.

Mr. MANN. I was not making any reflection on the gentleman from Virginia or any other Member of the House. This bill provides for reference of the claim of Massachusetts for

the premium paid for coin; also, it says "for interest and premium paid for coin." I confess that I do not quite understand what it means when it says "interest paid for coin."

Mr. GILLETT. The gentleman is mistaken. Interest does not apply to the coin. It is a claim for interest and the premium paid for coin. Those are two different things.

Mr. MANN. I suppose I know what is in the mind of the man who drew it; but what it says is "interest paid for coin used in the payment of interest on the bonds." The State of Massachusetts, so far as this bill is concerned, has been paid the principal and the interest.

Mr. GILLETT. The gentleman is mistaken. It has not been paid the interest.

Mr. MANN. So far as this bill is concerned, it has been paid the interest.

Mr. CARLIN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CARLIN. Is the gentleman opposed to the bill?

Mr. MANN. I am. The State of Massachusetts, the great liberty-loving State, raised some money during the Civil War, as other States did, and raised it by borrowing money.

It desired to pay the bonds in gold. I admire the spirit of the State of Massachusetts, standing up to pay its bonds in gold, but I would admire the spirit a good deal more if Massachusetts had preferred to pay the bonds in gold out of her own pocket, instead of asking the rest of the country to pay that expense. I remember the days when they were discussing greenbackism, the question whether we should pay the Government bonds of the United States in coin or in greenbacks, and I can remember how gentlemen from Massachusetts used proudly to refer to the fact that the great old Commonwealth of Massachusetts paid her bonds in gold. She now wants us to pay the money back to her.

A few years ago, Mr. Speaker, I believe the State of Illinois did receive some money, whether on just this account or not I do not know. I remember that I voted against the proposition. I felt for the time ashamed of my State, that having risen to the occasion during the Civil War, having paid its expenses, she should come now at the door of Congress and ask Congress to pay back to her the expense which she was proud to incur in order that the children might get back the money that their parents had paid in pride.

Mr. CARLIN. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the importation of cattle from Central and South America.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD on the subject of the importation of cattle from Central and South America. Is there objection?

There was no objection.

Mr. CARLIN. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, I do not know anything about this bill, not the first thing, and in that I am a good deal like the gentleman on my right.

Now, what happened? In the Civil War the State of Massachusetts was paying its obligations in gold coin. It did not repudiate the gold clause in its bonds, nor did it try to do so, but all through the war the State fulfilled its obligation to pay principal and interest in gold. We issued some bonds to take care of expenses which we were incurring in behalf of the National Government. We issued those bonds and we promised to pay gold, and when the time came we actually did pay in gold, principal and interest alike. In order to get the gold, we had to go out into the money markets and pay a premium for it, because gold was at a premium. It is the repayment of that expenditure which we seek. This bill asks for us the right to go to the Court of Claims and prove our case.

Mr. CARLIN. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, this title, I will admit, is subject to the just criticism which the gentleman from Illinois [Mr. MANN] has made. It reads "Conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts." I wish the bill conformed to the title, as it originally did, and that the bill was to adjudicate these claims. That was the original intent, but it was changed in the Senate. So instead of adjudicating, it simply sends the matter to the Court of Claims to get the opinion of that court. I think the gentleman from Illinois should be glad of that, because if he is opposed to the bill that lessens the effect of it, and it really just gets the opinion of the court. But I think gentlemen are mistaken in the understanding of this bill. I know the gentleman from Illinois [Mr. MANN] is. The bill provides for two different classes of obligations. One thing it provides for is, the repayment of interest on some bonds which were issued by the State of Massachusetts, at the request of the President, to fortify the coast. In that case the principal has been paid, but the interest has not been paid. If you will punctuate it carefully, or read it carefully, you will see that it applies to that interest. As against that I can not see any objection. That is about one-third of the claim. The reason that was not paid before was that when the claim was presented and the principal was paid the State of Massachusetts did not suppose that the interest would be paid. That point was raised and went to the Supreme Court from some other State whether the interest paid by the States should be repaid, and it was decided in the affirmative, and all claims of other States for that interest have been paid, so that Massachusetts is only asking what has been done for the other States. The balance of the claim, as my colleague [Mr. GARDNER] has said, is to pay the premium which the State paid to get gold.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. BARKLEY. Assuming this payment by Massachusetts was a voluntary act as to principal, interest, and premium, I desire to inquire of the gentleman what more obligation there is on the part of the Government to repay the premium than the interest and the principal?

Mr. GILLETT. I do not think there is any more, but the principal and interest have been paid.

Mr. BARKLEY. The whole claim, then, is simply for premium? I thought the gentleman said there was another item.

Mr. GILLETT. I do not make myself clear apparently. The State of Massachusetts issued bonds for two purposes. One was for equipping troops. On that the principal and the interest has been paid, as it has been for every other State.

Mr. BARKLEY. By the State?

Mr. GILLETT. Originally by the State, and has been refunded by the United States.

Mr. BARKLEY. Principal and interest?

Mr. GILLETT. Principal and interest. The only claim that is left unpaid connected with the bonds issued for the troops is the extra amount which the State of Massachusetts paid in order to get gold with which to pay the principal and interest of the bonds. The State has only been repaid what it would have expended if it had paid its bonds and the interest on them in greenbacks; but inasmuch as it paid them in gold it cost the State more, and it is that extra amount which forms part of the claim covered by this bill.

Now, whether that should be repaid or not is a question that is not before us. The only question before us is whether the Court of Claims shall pass upon the question and report their decision to Congress.

Mr. SMITH of Michigan. What is the reason why the claim for the repair of the harbor or protecting the harbor of Boston has been deferred until the present time?

Mr. GILLETT. I am going to come to that in a moment. Just let me finish with this part of the claim first. Whether that principle of repaying the premium in gold which the State was obliged to pay is a principle that this House will adopt I do not know. But this bill is simply to refer that to the Court of Claims and get their report upon it. We do not ask the House to pay it now. I confess I do not see, personally, why, having paid it, the State is not just as much entitled in equity to be repaid as were all the other States for the expenditures for which they have been repaid. But, as I say, I put that aside now because we do not ask it.

Mr. COX. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. COX. During the war did the State of Massachusetts pay all of its claims and all of its obligations in gold?

Mr. GILLETT. It did. That is just the point.

Mr. COX. Did it pay all of its employees——

Mr. GILLETT. They paid everything in gold——

Mr. COX. Everything?

Mr. GILLETT. I presume not; but they paid all the bonds in gold.

Mr. COX. They paid only the bonds in gold?

Mr. GILLETT. Yes; only bonds.

Mr. COX. And the other employees and other debts and obligations were paid in currency?

Mr. GILLETT. I presume so; I do not know.

Mr. COX. What higher obligation was there upon the State of Massachusetts to pay its bonds in gold than to pay its other obligations in gold?

Mr. GILLETT. That is not a question that is before us now and I can not answer it. They established that policy; I do not

know why. Probably for the same reasons of fiscal policy as the United States did.

Mr. BARKLEY. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. BARKLEY. Was it stipulated in the bonds that they should be paid in gold?

Mr. GILLETT. It was not stipulated in the bonds that they agreed to pay in gold. Whether they should be repaid or not is not before us now, and it is only a question of referring this to the Court of Claims.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. LONGWORTH. Have the other States been repaid the premium on the gold?

Mr. GILLETT. I do not believe any other State paid in gold, but I am not sure about that. I do not think so. I think this is a novel question.

Mr. LONGWORTH. Is this the first time claim has been made for the payment of the premium?

Mr. GILLETT. It has been hanging here for a good many years. I do not know whether it has been before the House or not, but it has been pending a good many years.

Mr. MANN. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MANN. After all, what will be accomplished if this bill passes?

Mr. GILLETT. As I say, I regret it has been changed from its original purpose as indicated by the title to which the gentleman called attention, but it will get now a report of the Court of Claims. What objection is there to that?

Mr. MANN. It will get a report of the Court of Claims based wholly upon facts already ascertained in the auditor's office.

Mr. GILLETT. It will save us arguing them here, then.

Mr. MANN. No; we will argue about what the meaning of the Court of Claims is.

Mr. GILLETT. Oh, I do not know. The gentleman will, I presume.

Mr. MANN. Very likely I will if I do not know any more about it than the gentleman knows about this.

Mr. GILLETT. I claim to know all about this, and the gentleman is mistaken about it.

Mr. MANN. Well, if he knows all about this he knows that this bill contemplates the Court of Claims shall take the facts already reported in the auditor's office, practically the decision of the auditor. They are not to get any new evidence.

Mr. GILLETT. Well, they had to get the facts and report them.

Mr. MANN. Well, we could get them by passing a resolution, or the gentleman could get them from the auditor's office.

Mr. GILLETT. That might have been the better way; but this is before us now.

Mr. MANN. Any committee could get these facts. Now, what is the law. It is a question of policy as to whether we pay or not.

Mr. GILLETT. There may be some law in the auditor's office.

Mr. MANN. The facts are not disputed; it is a question of policy for Congress to determine, and it sidesteps it by sending it to the Court of Claims.

Mr. WINGO. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired

Mr. GILLETT. Will the gentleman from Illinois yield me some time?

Mr. MANN. I yield five minutes to the gentleman from Massachusetts.

Mr. GILLETT. I yield to the gentleman from Arkansas.

Mr. WINGO. In replying now to the suggestion of the gentleman from Illinois [Mr. MANN] in reference to the use of this evidence, I would like to call the attention of the gentleman to the provision of the bill, in that the bill provides that this evidence shall be used only in determining the amount of the expenditures and the computation of the premium. That is the only purpose they have for using that down there.

Mr. GILLETT. Yes.

Mr. WINGO. And not for the purpose indicated by the gentleman from Illinois.

Mr. GILLETT. Exactly.

Mr. GORDON. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. GORDON. If I understand the nature of this claim, it is to reimburse Massachusetts for the premium she had to pay upon gold in order to redeem the bonds which she had issued on account of the Civil War.

Mr. GILLETT. Yes; partly. That is one part of it.

Mr. GORDON. Does the gentleman think it is a sound claim, that because her credit was bad she had to pay a premium in order to discharge her own obligations? [Laughter.] That may be funny, but it is a proper question.

Mr. GILLETT. But paying these premiums took just so much money from the State of Massachusetts, which went to the advantage of the United States. No other State did that—issued bonds, payable in gold—and why should not Massachusetts get what it cost her, just as much as the other States got what it cost them? But I will say that is not before us now. It is simply a question of referring it to the Court of Claims to report on that.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. GARDNER. It was because the credit of the United States was bad—not that the credit of the State of Massachusetts was bad—that the State of Massachusetts had to pay a premium?

Mr. GILLETT. Yes.

Mr. MANN. The gentlemen are both mistaken about that. It was not a question of credit but a question of taking that action because gold was at a premium.

Mr. GARDNER. And what was the reason why gold was at a premium, I will ask the gentleman from Illinois? It was because of the doubt as to whether the bondholders would ever get their money back.

Mr. COX. Mr. Speaker, will the gentleman yield there?

Mr. GILLETT. Yes.

Mr. COX. Did the bonds on their face state that the interest should be payable in gold?

Mr. GILLETT. I do not know whether it was so stated in the bonds or not. I suppose not.

Mr. PHELAN. The State of Massachusetts paid the interest in gold, whether it had to or not.

Mr. COX. The Comptroller of the Treasury disallowed this item on the ground that the payment by the State in coin was a mere gratuity to the holders of the bonds, did it not?

Mr. GILLETT. Yes.

Mr. COX. Now, if the State of Massachusetts paid it merely as a gratuity, in the name of common sense is there any valid reason why Massachusetts should come to the Congress of the United States and ask Congress to pay several hundred thousand dollars for that?

Mr. GILLETT. The State of Massachusetts did it because it thought it was just, because having agreed to pay these bonds in gold, as everybody understood when they were issued, then when afterwards the legal-tender act was passed by Congress allowing all debts to be paid in paper money, they still thought they ought to pay them in gold, as it was understood they would when the bonds were issued.

Mr. COX. The State could not do that unless it was written in the bond.

Mr. GILLETT. Yes; it did. It was done by the act of the legislature.

Mr. COX. It did not have to do it unless it was written in the bond. I think that part of the report gives your whole case away.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. BARKLEY. Were these bonds bought by the city of Boston?

Mr. GILLETT. I have no doubt they were sold to the people of Boston and Massachusetts, and pretty generally.

Mr. BARKLEY. This was to fortify Boston, to protect the inhabitants of Boston from attack?

Mr. GILLETT. Oh, the gentleman is again confusing two items of this bill. I would like to make that clear.

Mr. BARKLEY. I wish the gentleman would.

Mr. GILLETT. I will try. I thought I had already. There are two propositions in this bill. I have tried to separate them, but I will try again. There were two entirely different purposes for which this money went. One was to repay the premium paid for the gold to redeem the bonds which were issued, not for Boston Harbor but for the troops, for the security of the Government, as everywhere else in the United States. That is one class of claim.

Then, in addition to that, there is this other class. The President requested the State of Massachusetts—the Government of the United States being short of funds at that time—the President requested the State of Massachusetts to protect its coast. For that purpose the State of Massachusetts issued other bonds. On these bonds even the interest has never been paid back by the United States. The interest on all other bonds has been paid to the State of Massachusetts and to every other State, but upon these bonds not simply the premium has not been paid, but the interest itself has not been paid.

Now, I can not see any objection to the payment of that claim, inasmuch as a similar claim was paid to every other State,

and the reason why it was not paid to Massachusetts was by reason of a verbal mistake, as you might call it, a verbal interpretation of the law of 1884, which was held only to allow the payment of the principal, whereas every other State has received both principal and interest. The State of New York brought suit, and the court held that the interest which had been paid was a debt as well as the principal, and should be repaid by the United States, and it has been repaid to all the other States. Those are the two different claims.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that the gentleman be allowed one minute more.

Mr. MANN. I ask unanimous consent that the gentleman may proceed for two minutes more.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] proceed for two minutes more. Is there objection?

There was no objection.

Mr. BARKLEY. Now, Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. BARKLEY. Is there any claim in this bill for the interest on the premium that was paid for the gold?

Mr. GILLETT. No; that is not involved at all. There is no such claim.

Mr. ROGERS. Mr. Speaker, will the gentleman permit a question?

Mr. GILLETT. Yes.

Mr. ROGERS. What is the amount of money involved in each of these two parts of the claim?

Mr. GILLETT. There is something over $600,000 involved for the premium on gold on the bonds issued for the equipping of troops, and there is something less than $300,000 on the other part of the claim, for the interest on the money borrowed to strengthen the defenses of Boston—about a million in all.

Now, as I say, we do not ask Congress now to pass upon this question. I wish we did. But this bill simply provides for leaving it to the Court of Claims and letting that court make a report to us upon it. Other States, including the State of Illinois, have had their money paid back. This is the last claim of this character that I know of which has not been paid.

Of course it would be noble on the part of the State of Massachusetts, as the gentleman from Illinois [Mr. MANN] says, not to ask it; but every State has now for many years past endeavored to receive back from the United States Government what was advanced. We are, I believe, not more selfish than the rest of the States to-day.

I know my city is sending out to-day to the troops that are traveling south money which it will never get back. My small city sent yesterday a check for $1,000 to the militia now entrained to pay for comforts and ease their way down to the southern border, and I have no doubt that in every State and city in this country money like that will be paid to their troops, which will never be asked back. But there are certain other large expenses which have been incurred for the United States and to which other States have asserted their claim and been paid. I do not think it is unpatriotic for the State of Massachusets to be placed on the same plane. [Applause.] It might have been better if the United States had never adopted the policy of paying any of these claims, but having paid all but one, I do not think we ought to suffer because we have been less pressing than other States.

Mr. MAGEE. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. GILLETT. Yes.

Mr. MAGEE. The gentleman, as I understand, has stated that the bill only provides that the Court of Claims, to which this claim is referred, shall make a report, while the bill reads "referred to the Court of Claims for a determination of the law."

Mr. GILLETT. Yes; and the facts, and report them to Congress.

Mr. MAGEE. Is it not the idea and intention of this bill for the Court of Claims to determine what the law is in the case?

Mr. GILLETT. Yes; it certainly is.

Mr. CARLIN. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Speaker, when this bill was first referred to the committee it provided that the Court of Claims might adjudicate this claim. In the committee practically the same discussion came up as has come up on this floor. Meantime the Senate had modified the bill so that the whole matter would be referred to the Court of Claims with instructions to report back on the law and the facts, and the House committee agreed to that proposition and reported the bill in this form. There is a question of law involved in the case. It is not all settled, and it would not be possible to have a determination of the question merely on the facts alone. The claim is in two parts, as the gentleman from Massachusetts [Mr. GILLETT] has stated, and the State of Massachusetts has been pressing the claim all of these years. And as late as about 1906 or 1907 the Auditor for the Treasury Department allowed the greater part of the claim, if not all of it, but on appeal to the comptroller the claim was disallowed. The comptroller said he had only authority to allow what he considered legal claims, and that if this was anything it was an equitable claim, and that those who pressed it should appeal to the Congress of the United States and have the Congress pass upon it; that it was without his jurisdiction under the strict letter of the law.

Mr. Speaker, there is no question but what the State of Massachusetts did spend this money; that it did buy this gold with which to pay the interest; that it did have to pay the premium; and the reason why it paid it was because of the passage of the legal-tender act by Congress after the State of Massachusetts had voted these bonds. The State of Massachusetts acted in good faith, spent this money for the gold with which to pay the interest, just as it spent the money for the interest and the principal. We have reimbursed the State for the interest and the principal and I, for one, can not see any distinction between reimbursing the State for the money spent for gold to maintain its credit and pay this interest and reimbursing the State for the money spent for principal and interest.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. IGOE. Yes.

Mr. COOPER of Wisconsin. I see, on the top of page 2, that the Court of Claims is given authority to make a determination of the law and the facts. That will amount to a decision, will it not?

Mr. IGOE. It will amount to a decision without an appropriation. Now, here is my position on that question. I do not believe it is proper for the Members of this House or for the Congress to question the propriety of a State in asserting a claim of this kind. The State of Massachusetts is one of the sovereign States of this Union. Whether it is proper or improper, wise or unwise, for that State to assert its claim, it comes here in good faith. It says that it has a claim, and the least that we can do is to say, "You can have the privilege of going into the Court of Claims and having that court pass upon the law and the facts"; and that is all this bill amounts to.

Mr. EMERSON. How did these other States get theirs?

Mr. IGOE. This is the only claim I know of where a reimbursement is sought for premiums paid for gold. The interest claims, let me say, were disallowed all along until the State of New York, in a case that was decided somewhere about 1900, asserted that interest was reimbursable just the same as principal, and that claim was sustained by the Supreme Court. Since that time the States have presented their claim for interest, and they have all been allowed. Even the claim of the State of Massachusetts for interest has been allowed.

Mr. EMERSON. Is the claim described in this bill similar to those of the other States?

Mr. IGOE. The difference is this: The greater part is for money which the State of Massachusetts paid for gold to pay interest and principal.

Mr. EMERSON. I understand that.

Mr. IGOE. The only difference is this: In one case it is interest, and in the other case—that is, in this case—it is both interest and money spent with which to buy gold to pay that inerest. Now, if you can draw the distinction then you have got the difference.

Mr. BARKLEY. Assuming that this is not strictly speaking a legal claim against the Government which would permit it to be paid by the auditor——

Mr. IGOE. That is his opinion. That is a question of law. He has one opinion. Maybe the court will say it is a legal claim.

Mr. BARKLEY. If that be true, is it not a fact that all the Court of Claims could report would be the amount and the facts with respect to the payment of the money, and then say it is up to Congress to determine whether it was a moral obligation which we ought to pay?

Mr. IGOE. The Court of Claims could say whether it was a claim that comes within the act under which Congress agreed to reimburse the State, whether it comes under the head of a strictly legal claim, or whether it is merely a moral and equitable obligation. For my part, I am willing to pay equitable claims.

Mr. RAKER. Did the original bonds require the interest to be paid in gold?

Mr. IGOE. My recollection is that they did not, but the Legislature of Massachusetts passed a resolution that they would pay in coin.

Mr. RAKER. And they did pay in coin?

Mr. IGOE. They did pay in coin.

Mr. RAKER. And all they ask is to have the law and the facts adjudicated?

Mr. IGOE. That is all this does. It does not make an appropriation at all.

Mr. COOPER of Wisconsin. I want to ask the gentleman a question about the title of this bill.

Mr. IGOE. I will say that the title has not been changed. It probably should be changed. It was not the intention of the committee in reporting the bill to give the Court of Claims the power to render a judgment, as was provided in the first bill that was introduced.

Mr. COOPER of Wisconsin. This title gives the Court of Claims the authority to adjudicate. An adjudication is the entering of a judgment by a court.

Mr. IGOE. That was not the intention of this bill as reported.

Mr. COOPER of Wisconsin. On page 2 this is referred to the Court of Claims for a determination of the law and the facts.

Mr. IGOE. That is what we intended to do.

Mr. COOPER of Wisconsin. A determination of the law and facts is the decision of a court.

Mr. IGOE. But it does not carry a judgment. It was not the intention to do anything except to get a report from the court.

Mr. COOPER of Wisconsin. I was wondering how, with the title, the language on page 2 would be construed. The title gives express authority to enter a judgment.

Mr. IGOE. The title is not a part of the bill. It could easily be amended.

Mr. COOPER of Wisconsin. But on page 2 there is a provision that this court shall determine the law and the facts in the case.

Mr. IGOE. That is all we intend that the court shall do.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman one minute.

Mr. COOPER of Wisconsin. In looking through the bill, after reading the title, two questions at once arose in my mind: First, as to how the Court of Claims would construe the language in lines 1 and 2, on page 2. The title reads as follows:

An act conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts.

Now, an adjudication by a court is the entering of a judgment by a court. And therefore, according to the title, the purpose of the bill is to empower the Court of Claims, in its discretion, to enter a judgment in favor of the State of Massachusetts against the Government of the United States.

And lines 1 and 2, on page 2, carry out the purpose set forth in the title. For in these lines the claims of Massachusetts are—

Referred to the Court of Claims for a determination of the law and the facts and report to Congress.

The word "determination" is defined by Bouvier as meaning, in law—

The decision of a court of justice.

Bouvier gives the following definition of "decision":

Decision.—In practice: A judgment given by a competent tribunal.

Therefore it is clear that this language, in lines 1 and 2, requires the Court of Claims to render a decision—a decision as to the facts and a decision as to the law; in other words, to enter a judgment.

The second question in my mind was whether Congress wished to go so far in this case as to confer such power on the Court of Claims.

Mr. MANN. Mr. Speaker, there are some other matters that want to be taken up on the call. Can not we make an agreement as to time when we will order the previous question?

Mr. CARLIN. I think so. There are quite a number of requests on this side, and I will agree to 12 minutes on a side.

Mr. MANN. Let us make it 10 minutes on a side.

Mr. CARLIN. I will agree to 10 minutes. Mr. Speaker, I ask unanimous consent that all debate on this bill be concluded in 20 minutes, and at the end of that time the previous question be considered as ordered.

Mr. COX. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. Will that preclude the offering of any amendment?

The SPEAKER. It would.

Mr. COX. Mr. Speaker, I think the point raised by the gentleman from Wisconsin is vital. If it be the purpose of the framers of this bill, if their only desire be to refer to the Court of Claims this claim, they ought not to insist upon referring it to the Court of Claims with power contained in the bill to render judgment.

Mr. MANN. Does the gentleman from Indiana want to be heard on his amendment?

Mr. COX. I am going to offer an amendment.

Mr. MANN. I will yield to the gentleman to offer an amendment.

Mr. GARDNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. Can the gentleman from Illinois yield to the gentleman from Indiana to offer an amendment without yielding the floor?

The SPEAKER. The Chair thinks not; he could yield to him to make a speech.

Mr. GARDNER. If the gentleman from Illinois wishes to yield the floor——

Mr. MANN. I am willing to yield the floor. I was trying to expedite affairs; but if the gentleman from Massachusetts does not want to, all right.

Mr. GARDNER. I can take the floor myself.

Mr. MANN. The gentleman can not get the floor, for the gentleman from Virginia has control of the time in favor of the bill.

Mr. GARDNER. Any Member that the Chair recognizes in his own right can move the previous question.

Mr. CARLIN. Mr. Speaker, I will change my request so as to bring the matter to a vote. I ask unanimous consent that all debate be closed in 20 minutes, the time to be controlled as at present, and at the end of the 20 minutes the amendment offered by the gentleman from Indiana [Mr. Cox] shall be voted upon, and after that the previous question shall be ordered on the bill and all amendments thereto.

Mr. COOPER of Wisconsin. Who is to control the time under that agreement?

The SPEAKER. The gentleman from Virginia controls one half and the gentleman from Illinois the other half.

Mr. RAKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAKER. How much time is remaining to the gentleman from Virginia and the gentleman from Illinois under the rule?

The SPEAKER. Twenty-two minutes to the gentleman from Virginia and 27 minutes to the gentleman from Illinois. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent that general debate shall close in 20 minutes, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. MANN], and at the end of the 20 minutes the amendment of the gentleman from Indiana [Mr. Cox] shall be voted upon and the previous question considered as ordered on the bill and amendments to final passage. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I will ask the gentleman from Virginia if he can give me three minutes?

Mr. CARLIN. I will give the gentleman a minute or two.

Mr. MANN. I will yield to the gentleman three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARDNER. Reserving the right to object, if the previous question is ordered on the bill to its final passage it precludes the possibility of amending the title as well.

Mr. MANN. Does it?

Mr. CARLIN. There is no suggestion that I know of the desirability of amending the title.

Mr. MANN. The title is always amended after the passage of the bill.

The SPEAKER. That has been the practice since the Chair has been a Member of the House. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CARLIN. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Speaker, in order to take up the point as to the allegation that Massachusetts is asking something to which it is not entitled, I want to state the facts to the House.

Massachusetts issued some bonds. It agreed to pay interest on those bonds, and at that time the only way it legally could pay interest was to pay in coin. Subsequently the United States Government passed a legal-tender act so that legal tender could be paid for debts as well as coin. When it passed that act the United States Government itself, knowing the possible injustice of paying interest in legal tender on bonds, when the

understanding at the time these bonds were issued was that they would be paid in coin, made a specific exception in that act itself, so that the United States Government obligated itself in the legal-tender act to pay interest and principal on bonds in coin, not in so-called legal tender. Massachusetts simply followed the lead of the United States. It had agreed to pay interest. At the time when the bonds were issued the only way it could pay that legally was to pay it in coin. Even though the United States Government made legal tender payment for obligations, the State of Massachusetts could not morally take advantage of that act. The whole trouble was that the United States Government itself could not keep its legal tender up to par, and therefore when the State of Massachusetts passed a resolution to pay its obligations in coin it simply was dealing only with justice to the holders of those bonds. When the Commonwealth did that, when it paid that interest in coin, it was paying what the United States had agreed to pay back to them. Therefore, although they had to pay a premium for that coin, the whole thing, interest and premium, was an obligation ultimately of the United States; and if the Commonwealth of Massachusetts, in order to carry out its obligations which the United States was subsequently going to assume, was obliged to pay not only the amount of interest in legal tender but also money expended as to premium to get coin instead of legal tender, then the United States Government ought in justice to pay that whole amount. In other words, the Commonwealth of Massachusetts in getting coin to pay its interest on these bonds was simply doing what it had agreed to do, and in doing that it ought to be backed up by the United States Government. The United States Government could not back it up by paying to the Commonwealth of Massachusetts what would amount to legal tender when the Commonwealth of Massachusetts had paid coin. There is the whole proposition. There is no injustice in the claim of the Commonwealth of Massachusetts. I have mentioned this, although we do not settle the question here, so as to show a very good reason why this should be referred to the Court of Claims.

Mr. MANN. Mr. Speaker, I yield six minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, the suggestion of my colleague, Mr. MAGEE, it seems to me, goes to the root of the whole matter. The fact is that the State of Massachusetts from the beginning went to sleep on her rights. The State of New York, usually not more rapid in such matters than the State of Massachusetts, did not go to sleep upon her rights. We filed our claim with the Secretary of the Treasury within six years after it had accrued, and under section 1063 of the Revised Statutes, as it then stood and, I presume, still stands, we had our case referred to the Court of Claims, and in the end secured a judgment for $131,000, which the United States paid. Under the decision of the Supreme Court in the case of The United States against New York, it seems to me very clear that if the State of Massachusetts had gone about the matter properly in due time, she would have had this money long ago. What she is trying to do now in a cumbersome, bungling sort of way is not what is expressed in the resolution at all, but, as my colleague pointed out, she is really trying to get away from the statute of limitations.

Mr. IGOE. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. IGOE. The facts show that shortly after that decision, I think, the State of Massachusetts presented its claim and it was allowed by the auditor, but disallowed by the comptroller, and since that time the State of Massachusetts has been appealing to Congress for relief.

Mr. BENNET. If I can rely upon the report of the Committee on the Judiciary, the reason that these claims were not allowed was that they were not included in the claim.

Mr. IGOE. That is the second part. There are two claims here. The claim the gentleman is speaking about is the equipment.

Mr. BENNET. Whatever it was, it was not presented to the Treasury Department within six years after it accrued. It is barred by the statute of limitations, and what they are trying to get at by this act is to do away with the statute of limitations. Personally I believe that after we have passed this bill, if we pass it, and it has gone to the Court of Claims, the Court of Claims will be barred by the decision in the case of The United States *v.* New York (160 U. S., 598), from considering it at all.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Did the comptroller in his decision indicate that it was barred by the statute of limitations?

Mr. BENNET. This decision that I have referred to holds that unless it was presented to the Secretary of the Treasury within six years it was barred, and on the second page of the report on this bill, near the bottom, I find the following language:

> The decision was put upon the technical grounds that the claim on file with the third auditor did not mention interest or premium.

So that Massachusetts has never filed its claim with the Treasury Department for what it seeks to get under Senate bill 3346, and under this decision in the case of The United States *v.* New York, after this matter goes through the whole weary length of the Court of Claims, the Court of Claims will in all probability have to throw the matter out because this case holds, following other cases, that where the claim was not presented within six years, the mere reference, without waiving the statute of limitations, confers no jurisdiction on the Court of Claims, so very probably we are going through an entirely profitless performance.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. BENNET. I yield to the gentleman.

Mr. GARDNER. I have here a statement of the case by the commissioner from Massachusetts, Mr. Hackett, and he makes no mention whatever of the comptroller having rejected the claim on the ground advanced by the gentleman from New York. The gentleman from New York I presume has read the comptroller's decision. Did it contain any statement to the effect that this case was barred by the statute of limitations?

Mr. BENNET. If the gentleman will allow me to put two and two together. The report of the Committee on the Judiciary on this particular bill says the decision was put upon the technical ground that the claim on file with the third auditor did not cover interest or premium. The Supreme Court of the United States, in the case of The United States *v.* New York (160 U. S., 598), holds that where a claim is not presented to the executive department within six years after it accrues it is barred by the statute of limitations and that the Court of Claims can not consider it. It seems to me that that is very clear and very plain.

Mr. IGOE. Will the gentleman yield?

Mr. BENNET. I will.

Mr. IGOE. It so happened that the State of Massachusetts filed the claim after that decision and was allowed the amount that was spent for interest, but this amount for premium was disallowed. Now, there is another part of it, a second claim, and the greater part comes under this——

Mr. BENNET. But inasmuch as this bill only relates to interest and premiums——

Mr. IGOE. No; it relates to two things. It relates to the equipping of troops for one thing and it relates to fortifications for another thing.

Mr. BENNET. It simply relates to interest on bonds and premium paid for gold coin——

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, of course the title is no part of a bill, but it sometimes is used in construing the law. As I have already pointed out, this title confers jurisdiction on the Court of Claims in effect to enter a judgment upon the claims of the State of Massachusetts against the United States. Even if the title were changed, the language in lines 1 and 2 on the second page carries out the intent set forth in the original title. The Court of Claims is to be given the power to make a determination of the law and the facts; that is, to enter a judgment. As I said a moment ago, in law the "determination" of a court is the decision of a court. Thus we have this bill conferring unusual jurisdiction upon the Court of Claims.

If the court should enter a judgment against the United States the Committee on Appropriations would, of course, provide for its payment out of the Treasury.

The usual practice in cases of this kind is for Congress to require the court to make and report findings of facts and conclusions of law and report these to Congress.

Mr. SMITH of Idaho. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. I yield to the gentleman.

Mr. SMITH of Idaho. Is not the word "determination" synonymous with "ascertainment" in this bill?

Mr. COOPER of Wisconsin. I gave the only definition that is given by Bouvier in his law dictionary, a work which long has been a standard authority. A court's determination of the law and the facts in a case is the court's judgment in the case.

Mr. SMITH of Idaho. But there are other authorities on the meaning of words.

Mr. COOPER of Wisconsin. I know of no authority who differs from Bouvier in his definition of the word in question.

Bouvier's Law Dictionary is one of the foremost authorities, and the definition which it gives of the word "determination" is this:

Determination: A decision of a court of justice.

And, as I said, the word "decision" he defines as follows:

Decision, in practice: A judgment given by a competent tribunal.

Mr. GARDNER. Will the gentleman yield to me?

Mr. COOPER of Wisconsin. Yes.

Mr. GARDNER. Assuming that the gentleman's construction of the law is right—I think very likely it is—did not the comptroller have exactly the same power to determine the law and the facts? Could not he have decided the other way and paid that claim?

Mr. COOPER of Wisconsin. The gentleman is asking me a question the answer to which I can not enter into at this time, because I do not want to be drawn away from the issue before us; that is, whether we wish to enact a law conferring authority upon the Court of Claims to enter a judgment in favor of the State of Massachusetts against the Government of the United States.

Mr. GARDNER. It is a question of whether we want to give power to review an adverse decision of a comptroller who had the power to find out what were the facts and the law.

Mr. COOPER of Wisconsin. Then we should give the Court of Claims authority simply to make and report findings of fact and conclusions of law.

Mr. GARDNER. Why should it not have the power——

Mr. COOPER of Wisconsin. But what the gentleman wants the Court of Claims to have is the power to enter a judgment.

Mr. GARDNER. Precisely.

Mr. COOPER of Wisconsin. I thought so, and I am opposed to that.

Mr. GARD. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Speaker, the State of Massachusetts is entitled to precisely what the State parted with. The State issued bonds to equip troops for the United States and to do certain fortification work. The State did not agree to pay the interest in gold, but the United States provided that the interest on all bonds of the United States should be paid in gold. When that interest was due on the bonds of Massachusetts the State made it an obligation of honor to pay it in gold.

Now, two distinguished officers of the Government have disagreed as to whether the United States in equity ought to pay the State of Massachusetts for what the State of Massachusetts was not technically and in law obliged to pay, but what the State was obliged in all honor and fair dealing to pay. It might have paid this interest in currency that was not worth more than 40 cents on the dollar.

Now, the attitude of the Government toward the States in 1861 is shown by the language that is quoted in the decision of the Supreme Court in the One hundred and sixtieth United States, which has been referred to here. On July 25, 1861, Secretary Seward telegraphed to the State of New York: "Buy arms and equipments as fast as you can. We pay all." And on July 27 he telegraphed again that "Treasury notes for part advances will be furnished on your call for them." And the interest on those notes was payable in gold. On August 16, 1861, the Secretary of War telegraphed to the governor of New York:

Adopt such measures as may be necessary to fill up your regiments as rapidly as possible. We need the men. Let me know the best the Empire State can do to aid the country in the present emergency.

And on February 11, 1862, he telegraphed:

The Government will refund the State for the advances for troops as speedily as the Treasurer can obtain funds for that purpose.

Now, in discussing this attitude of the Government the Supreme Court said:

Liberally interpreted, it is clear that the acts of July 27, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes expressed in the act of 1861, the title of which shows that its object was to "indemnify the States for expenses incurred by them in defense of the United States."

The State of Massachusetts paid gold, as it was understood to agree to pay in 1861. It was a part of the expense of that State, and the question as to whether that created a legal obligation against the United States is all that is to be decided by the Court of Claims if this bill is passed.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. TAGGART. I ask one minute more, Mr. Speaker.

Mr. GARD. I yield to the gentleman one additional minute.

The SPEAKER. The gentleman is recognized for one minute more.

Mr. TAGGART. As the distinguished gentleman from Illinois said, the Senate, by a resolution, might refer this to the Court of Claims; the House, by resolution, might refer it to the Court of Claims; but we can and should dispose of it by allowing the Court of Claims to decide whether the Auditor or the Comptroller of the Treasury was right. And this determination called for here as to the law and facts would not be a judgment but an ascertainment as to whether or not this is a legal obligation of the United States. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has again expired.

Mr. GARD. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. FOCHT].

The SPEAKER. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for two minutes.

Mr. FOCHT. Mr. Speaker, whether this bill shall be regarded as one for a premium, for expense, or for interest, there is nevertheless abundant justification and precedent for presenting it at this time or at any time.

In the Sixty-second Congress there was passed by this House a bill reimbursing the State of Pennsylvania for a claim which was very closely parallel to this one. That claim arose in this way: President Lincoln telegraphed to Gov. Curtin, of Pennsylvania, to equip and forward a number of troops. Pennsylvania's financial resources having been exhausted, the governor borrowed the money from the money lenders of Philadelphia to pay for the equipment of the troops. Pennsylvania was rather dilatory; but nevertheless she came here with a bill and presented it to the Sixty-second Congress, and there must be here members of the War Claims Committee who passed favorably upon that measure, and certainly there must be many Members here on the floor of this House who voted for it. In any event, the interest charge was not designated as "interest," but was denominated "expense," and this House passed the bill for the expense of the use of that money which was borrowed from the money lenders of Philadelphia, $200,000, and it was paid to the State.

Therefore, Mr. Speaker, it seems to me that that same measure of justice should be extended to the State of Massachusetts which was accorded to Pennsylvania, and surely no man will say, no man dare say, that Pennsylvania during the Civil War was not always loyal. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. MANN] has one minute and the gentleman from Virginia [Mr. CARLIN] has one.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. Cox] to offer an amendment in my time.

Mr. COX. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Cox: Page 2, line 1, after the word "a," strike out "determination of the law and the facts" and insert in lieu thereof "finding of facts and conclusions of law."

Mr. COX. Mr. Speaker, just a word. I believe that this amendment ought to be adopted by the proponents of the bill. If their only idea is in getting a finding of fact, they ought not to insist upon sending the bill down to the Court of Claims with power in the bill to enable the Court of Claims to render a judgment against the United States, and, in my candid opinion, the language contained in this bill not only empowers the Court of Claims to find the facts, but empowers the Court of Claims to render a judgment against the United States. I believe the amendment should be adopted.

Mr. CARLIN. Mr. Speaker, I would have no objection to the adoption of this amendment if it were material or amounted to anything, but the fact is it would mean only delay to send this bill back to the Senate again. For that reason I hope that the amendment will be voted down. I move the previous question.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. Cox].

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. COX. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 37, noes 51.

So the amendment was rejected.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, on a division (demanded by Mr. Cox) there were—ayes 76, noes 17.

Accordingly the bill was passed.

The SPEAKER. The title should be amended. Does anyone wish to suggest an amendment to the title? Usually it is left to the Clerk.

Mr. GARDNER. Mr. Speaker, the title is all right, in view of the vote.

On motion of Mr. CARLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES CIRCUIT COURT OF APPEALS, ASHEVILLE, N. C.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to consider in the House as in Committee of the Whole House on the state of the Union the bill (H. R. 3673) to establish a term of the United States circuit court of appeals at Asheville, N. C.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider in the House as in Committee of the Whole House on the state of the Union H. R. 3673. Is there objection?

Mr. CANNON. Let it be reported.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the judges of the United States circuit court of appeals for the fourth circuit shall annually open and hold a term of the court of said circuit at Asheville, N. C., at such time as may be fixed by the judges thereof.

SEC. 2. That this act shall be in force from and after the date of its passage.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out section 2.

Mr. CARLIN. I have no objection to that.

The motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CARLIN, a motion to reconsider the last vote was laid on the table.

COMPENSATION FOR INJURIES TO FEDERAL EMPLOYEES.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to consider in the House as in Committee of the Whole the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider in the House as in Committee of the Whole House on the state of the Union H. R. 15316. Is there objection?

Mr. MANN. Mr. Speaker, I do not think the gentleman ought to make that request.

Mr. CARLIN. Does the gentleman object?

Mr. MANN. I object, because if the gentleman got to consider this bill in the House, he would be lost. I object.

Mr. CARLIN. Then, Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

Mr. MANN. It is automatic.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 15316, with the gentleman from Tennessee [Mr. SIMS] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. CARLIN. Mr. Chairman, I do not know whether there is any opposition to the bill. I am wondering if an agreement can be reached by which we may vote upon this bill this evening.

Mr. MANN. Of course, the gentleman knows that that can not be done.

Mr. CARLIN. I do not know it, because the number of requests to speak on the bill on this side have been very greatly reduced, and I did not know whether the same was true on the other side.

Mr. MANN. We could not read the bill in the rest of the afternoon. The bill ought to be read when there is a chance for consideration of it. I think we ought to get it along so that we can pass it on next Calendar Wednesday.

Mr. CARLIN. Does the gentleman want any general debate? Can we not agree to dispense with the general debate and take up the bill by sections?

Mr. MANN. Really it seems to me that a bill of this sort ought to be explained by the gentleman who introduced it and the gentleman who reported it. It is an absolute departure from what the Government has done heretofore, and I think it ought to be considered.

Mr. CARLIN. How much time is wanted on that side for general debate?

Mr. MANN. The rule provides for an hour on each side.

Mr. CARLIN. Unless it is curtailed.

Mr. MANN. I think we had better commence now and use the time.

Mr. CARLIN. Mr. Speaker, I will yield 20 minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, the bill which has been reported from the Committee on the Judiciary and known as H. R. 15316, is in some respects, as the gentleman from Illinois has said, a departure from existing law, but it is a departure from existing law in the interest of the extension of humane legislation, and in my discussion I shall not approach it in any attitude of partisanship but in full recognition of its merit as modern progressive legislation.

I think there are many people in the United States who do not know that this country has had a compensation law for Federal employees. But there was a law passed, and there is an existing law, the law of May 30, 1908, which provides a compensation for certain classes of persons in governmental employment. The idea of that bill was conceived in the development of modern conditions. Under the old common law there was absolutely no recovery for damages for injury or death unless there could be proven that it was not caused by the negligence of the employee himself or of anyone associated with him in employment. This was probably wise in its day and time, wise when industry was small, wise when the man in charge of the business had the actual personal knowledge thereof and could look after the welfare of those employed by him; but as time and conditions changed, as development and industry grew, as from a small wayside blacksmith's shop a mammoth manufacturing plant has been developed, from the time when a few men were employed to to-day when many thousands of men are employed, radically different conditions have arisen, and so the present belief and the trend of modern thought is that a man who is injured in an accident in a manufacturing plant does not become a broken human chattel, but that industry and society owe to him the continuing duty of call and attention during disability.

It is not to place a man in the same category as a wheel or a cog that, if broken, is to be cast aside on the scrap heap, but instead of the injured man and his family having to assume all the responsibility of the injury, the responsibility is now placed on the industry. That is the distinction; that is what makes the difference between the old law and the new law.

The new law in effect is that because the United States of America is to-day the greatest employer of labor in the world that same employer should put the brunt of the disability upon the industry. This bill merely asks and has for its purpose the extension of aid to a man or his family at a time when aid is needed.

Under the existing law and the limit of existing law is that if a man be injured, or if he be killed, under certain conditions a bill may be brought into Congress, and one year's pay may be given him or his family, and under certain other conditions an additional year's pay may be given him. But the distinction this law seeks to write into the statutes and on the record of humane legislation of the United States of America is that from the beginning of a man's injury the United States seeks to protect him and seeks to protect his family.

This bill embodies the most wise and most humane provisions. In the first place, it says that when a man is injured there shall be afforded him immediate temporary relief. He shall have a physician; there shall be called at once medical attendance; he is to have hospital treatment, if necessary, all for the purpose of bringing him speedily back to health and strength.

The next proposition is that if the injury be but trivial, for some slight injury, they shall wait a time, three days, and if at that time the injury has developed, then the compensatory protection of the United States begins. This bill provides, and it is a limitation, that to receive compensation one must have been injured while in the performance of his duty. I say with entire frankness that when the bill came to the Judiciary Committee it was not the bill that is here presented, it was wider in its scope, but under the guidance of this committee the bill has been redrafted and reintroduced.

It starts with the primary idea that the injury must occur in the performance of duty. Secondly, it has an exception, that if a man be injured because of his own willful misconduct, then he may not properly recover compensation. If he be injured because of intoxication, he may not have compensation. But

in all other cases subject to the provisions of this bill the aid of the Government of the United States is tendered for the benefit of the man and of his family.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. STEPHENS of Texas. What would be the effect if the injury occurred through the negligence of a fellow servant?

Mr. GARD. Of course this bill eliminates the fellow-servant rule. In all modern legislation there is a tendency to eliminate the fellow-servant rule. The tendency of such legislation in every State seems to be to do away with this timeworn and abandoned idea of one's not being allowed to recover because of the negligence of a fellow servant. This bill starts, then, after an injury has occurred and places before the man who has received the injury two things: First, the best aid of the Government in getting him back to his health and strength; and, second, if the disability be continuing, it provides for a two-thirds payment of whatever his salary may be, with the maximum of $100 and the minimum of $50 a month, so that in no event could there be any recovery under the provisions of this bill for an amount in excess of $66.66 per month. The other amounts, based on the sum of $50 or intervening amounts, according to what a man earns, would be in the ratio of two-thirds, but never in excess of $66.66 per month. It is the idea of the law that this sum of money is to protect a man and his family and keep the family together. It is not the idea to pay a large sum of money to encourage malingering, but it is the primary object of the bill to place the benefits of what it contains for the workman and his family, in order that the man may be restored to health and strength and ability to work.

This law is administered by a commission. It provides that a commission of three shall be appointed, of whom not more than two shall be members of the same political party. It provides for the administration of this enactment under the guidance of that commission. The commission is vested with the power to employ investigators. It is vested with the power to employ physicians and with the power to afford nursing and hospital treatment, all for the purpose, I reiterate, of restoring the injured man to health. It seems to me that this bill, the outlines of which I have briefly sought to give the members of the committee, is such a bill as must be recognized as a step far in advance toward needed humane legislation. It is a legislative provision which recognizes the human right, that right whose recognition has often been made subservient to the property right. It establishes the dominant rights of life, health, and happiness, and seeks again to rebuild the man and restore him to his family.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. TRIBBLE. The bill makes no provision for those who have been injured in the service heretofore. You provide for the future, but how about those who are now living and who have been injured?

Mr. GARD. Those who have been injured before the passage of the bill are compensated according to certain existing laws, but this bill makes no provision under this law for those who have been injured before. In other words, it is not retroactive.

Mr. TRIBBLE. Does not the gentleman think it should be?

Mr. GARD. I do not see how it can be.

Mr. TRIBBLE. If a man injured in the service in the future is entitled to recover, why should not a man who has been injured in the service in the past be entitled to the same privilege?

Mr. GARD. I think until this law is passed no one would have any rights under it, and that necessarily those who were injured some time ago would have to be compensated under the existing laws.

Now, there is another provision in which the committee may be interested, and it is a very practical one. It is to know that since this law of 1908 has been in existence a great number of reports of accidents have been made, and as the existing law applies to something more than one-fourth of those who are the employees of the Government of the United States I believe that something like $1,800,000 has been paid in the five years of which accurate reports have been made under the present law.

This proposed law carries an authorization of $500,000, and the best evidence that the Committee on the Judiciary could get was that there would not be needed a larger sum of money than this for the first year's operation of the new law.

Under the old law there have been different numbers of accidents and different amounts returned as compensation with about the aggregate I have given. The new law provides, as I have said, this authorization with the idea that $500,000 will be sufficient for the first year, and with the thought that from the development of this at its maximum the amount of compensation to be paid will never exceed one-half of 1 per cent of the entire governmental pay roll. The law is comprehensive, it is one law which takes into its provisions all the civil employees of the United States of America. It provides that any of these men or women, or any persons under the age of majority, who may be injured while in the performance of their duty may be compensated as provided herein. It affords safeguards both to the person injured and the Government of which he is an employee. It provides that an application for compensation must be made, that the application be given consideration, and that a continuing examination be made of the man who has sought compensation under this new Federal law, all to the end that assistance and aid may be given him as he requires it, but that as soon as possible he be again self-sustaining.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. GARD. I do.

Mr. STEPHENS of Texas. Will the gentleman inform us what length of time is given in which the man can file a claim and where it must be filed?

Mr. GARD. The law provides that the department in which the man is employed must return the fact of the injury to the governing commission. The application must be made in 60 days. But there may be a condition making it impossible to file application within that time. He may have had some severe injury; he may have had a partial stroke of paralysis, or something which would prevent him from coming within the exact words of the law; but the recognition of the application is entirely under the discretion of the governing board.

Mr. CANNON. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Illinois.

Mr. CANNON. How many employees, if this bill should be enacted in its present shape, will come within its provisions?

Mr. GARD. It is estimated that about 400,000 will come within its provisions.

Mr. CANNON. How many employees are there now under existing law that receive compensation where they are injured in a hazardous employment?

Mr. GARD. It is estimated that there are about 95,000.

Mr. CANNON. Am I correct in understanding of the existing law that Government employees are only compensated for injuries who are engaged in hazardous employment?

Mr. GARD. That is true, and that definition of hazardous has been extended to certain branches, notably in the last year to the river and harbor work and the Forestry Bureau, I believe.

Mr. CANNON. About 95,000 that are entitled to relief under existing law are employed in hazardous employment?

Mr. GARD. Yes, sir.

Mr. CANNON. And it is proposed now to increase the number not engaged in hazardous employment by 300,000 or 350,000?

Mr. GARD. I am informed that the present Post Office appropriation bill carries some protection by a similar bill for approximately 115,000.

Mr. CANNON. That has not yet been enacted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARLIN. Mr. Chairman, I yield 10 minutes additional to the gentleman from Ohio.

Mr. CANNON. And it covers all employees of the Government?

Mr. GARD. All civil employees of the United States.

Mr. CANNON. All within the civil service. That would include the postmasters?

Mr. GARD. Oh, no.

Mr. CANNON. That is civil employment. Is there any exception in the bill—are they excepted?

Mr. GARD. As I am reminded by a member of the committee [Mr. STEELE of Pennsylvania], a postmaster is an officer. These are civil employees.

Mr. CANNON. How about the rural letter carriers?

Mr. GARD. The rural letter carriers are included within the purview of this bill.

Mr. CANNON. And the city letter carriers?

Mr. GARD. They likewise are included.

Mr. CANNON. They do not hold offices?

Mr. GARD. They are employees.

Mr. TAGGART. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. GARD. Yes.

Mr. TAGGART. In the Post Office appropriation bill approved March 9, 1914, all post-office employees are included in an accident-insurance bill of the Government.

Mr. CANNON. Is that the present law?

Mr. TAGGART. That is the present law, but it is administered in the discretion of the Postmaster General. I have it here.

Mr. CANNON. I just wanted to find out how broad it was. So that it includes all the employees embraced within the civil service—I mean in the classified service?

Mr. GARD. No; it excludes those who would be classed as officers. It includes all who would be classed as civil employees.

Mr. CANNON. And that would be pretty well up to 400,000 in all?

Mr. GARD. That is the number which it has been thought would be covered by this law.

Mr. CANNON. And what is the maximum which is to be paid under this law, if enacted?

Mr. GARD. The maximum to be paid is a monthly amount of sixty-six and two-thirds dollars per month.

Mr. CANNON. Very well. Suppose a $2,000 clerk is injured and dies, and suppose he has a family of 10 people and a widow. What would the widow and the children draw?

Mr. GARD. They would draw compensation to that amount, sixty-six and two-thirds dollars.

Mr. CANNON. Not $100?

Mr. GARD. No. One hundred dollars is the maximum, and two-thirds of that is all that could be drawn.

Mr. CANNON. How much would the widow draw?

Mr. GARD. Thirty-five per cent of his wage in case of death. Probably I misunderstood the gentleman or his questions were complicated. The first referred, I might say, to the fact of a man being injured and not killed, and he would be paid sixty-six and two-thirds dollars per month as long as the disability continued.

Mr. CANNON. If a $2,000 clerk were injured and died and there was a widow and no children, she would draw $750 a year for life, if she does not remarry?

Mr. GARD. She would be entitled to whatever provision is made for her in the law until her death or marriage.

Mr. CANNON. Even if there are no children?

Mr. CARLIN. Yes; even if there are no children.

Mr. DAVIS of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. DAVIS of Minnesota. During the conversation between the gentleman from Illinois [Mr. CANNON] and the gentleman from Ohio [Mr. GARD] the term "civil employee" was used quite frequently, and also "those who are in the classified service." Is there or is there not a distinction between those two classes of employees?

Mr. GARD. Not so far as this particular bill is concerned.

Mr. DAVIS of Minnesota. Do I understand the beneficiaries under this bill must be engaged in the service of the Government of the United States under the classified civil service?

Mr. GARD. Not at all.

Mr. DAVIS of Minnesota. Hence an employee who is not in the classified civil service but is now operating or employed by the Government and enters that service under and by virtue of a law which permits that service and exempts them from entering therein, simply by operation of the law and not as a classified servant, still receives the benefits of this law?

Mr. GARD. Anyone who has a civil employment. That is a distinction between civil and military—Army and Navy—service. Anyone who has an employment in a civil capacity in which the United States is his employer comes within the purview of this act.

Mr. DAVIS of Minnesota. I gathered from the conversation that proceeded between the gentleman from Illinois and the gentleman from Ohio that it was limited to those engaged in the classified civil service.

Mr. GARD. It applies to all civil employees.

Mr. DAVIS of Minnesota. All civil employees?

Mr. GARD. Yes.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. HAMLIN. The question I was going to ask the gentleman was the exact question asked by the gentleman from Minnesota [Mr. DAVIS]. The answer has been given.

Mr. SLOAN. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Nebraska.

Mr. SLOAN. I understand from the language of this bill that where a husband was killed while in the prosecution of his duty as a civil servant of the Government, his widow would receive 35 per cent of his salary during the period of her life or widowhood.

Mr. GARD. That is correct. Section 10, paragraph A, provides the method of payment to the widow if there are no children, and that 35 per cent of his compensation shall be paid to her until her death or marriage.

Mr. SLOAN. Then, if the deceased husband had been drawing $2,000 a year, she would receive during her widowhood $700 per year.

Mr. CARLIN. Yes.

Mr. SLOAN. Now, if one of our soldier boys should go to Mexico and lose his life, his widow would receive during her widowhood possibly $12 a month.

Mr. CANNON. Well, $8.

Mr. SLOAN. Twelve dollars would be the rule, would it not?

Mr. CANNON. No.

Mr. GARD. Of course the gentleman is speaking of a military-service pension?

Mr. SLOAN. Yes; strictly as a matter of comparison.

Mr. GARD. I understand.

Mr. SLOAN. I was just developing that to see whether or not it looks like entire justice, at this particular time, that there should be the special inducement made for civil service, special rewards in certain cases, when they are denied where a large danger comes.

Mr. GARD. The gentleman knows that the amounts which are paid to widows of soldiers is entirely within the determination of Congress. Whatever amount Congress determines, they may allow as an Army or service pension.

Mr. SLOAN. Yes; but that has been determined for a number of years, with no present prospect of a material increase.

Mr. CARLIN. Let me show you this difference between the civil and the military pensions. The military pension is paid to the man whether he does any other service or engages in other work or private business or not. Under the provisions of this bill, if he is able to go back to work he must do so, and then he gets only partial disability pay.

Mr. SLOAN. I was discussing the case where a man ceased to work anywhere. I was discussing the condition of the widow.

Mr. GARD. Inasmuch as I have now occupied the time of the committee longer than I had originally intended, I conclude by saying that this bill is in the interest of the conservation of human life, health, and happiness, and that it makes its strongest appeal in providing means by which the home—that greatest element in civilization—may be maintained for a Federal civil employee who has received injury while in the performance of his duty.

Mr. CARLIN. I will give the gentleman a reason. The earning capacity of the civilian employee is, say, $2,000 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARLIN. I ask to be recognized. I have charge of the bill.

The CHAIRMAN. For how long?

Mr. CARLIN. For two minutes. I will say that the earning capacity of the civilian employee would be $2,000 a year, while the earning capacity of the military employee would be about $300 a year. So, when you come to adjust these payments, they must be adjusted upon the earning capacity of the person who is to receive the benefit.

Mr. SLOAN. I do not see why the gentleman uses the word "must."

Mr. CARLIN. How else can you do it? There is a difference in the earning capacity of men.

Mr. SLOAN. The whole range of figures is in the control of the committee.

Mr. CANNON. The difference is this: One man gets $2,000 a year. There are hundreds and thousands of other men agonizing to get that pay. He is killed and his widow gets $750. We are drafting men now. The man who is drafted goes in at $15 a month and his widow would get $12 a month at the highest.

Mr. CARLIN. Well, the gentleman has the privilege of offering an amendment along those lines if he wishes.

Mr. GARDNER. Will the gentleman yield?

Mr. CARLIN. Yes.

Mr. GARDNER. I think the gentleman from Illinois is mistaken. It is true that the widow of the $2,000 man gets $700 if he dies of the injury occurring in the service of the United States, but he must die within six years of the time that the injury is received. While I agree with the gentleman that the soldier's widow gets too little, if the soldier incurs death as the result of service and if the soldier has being in receipt of a salary of $2,000, being an officer, his widow gets very much higher pension than $12 a month.

Mr. CARLIN. The test here is not whether they get too little, but whether we are paying too much. There may be some men

in the Army who get too little and some who get too much, but that is a question that can be considered in the proper bill.

Mr. GARD. Will the gentleman yield?

Mr. CARLIN. Yes.

Mr. GARD. Does not the gentleman think that there has been some error in regard to what has been said concerning the $750? The 35 per cent which the widow gets applies to the $100 a month, which is the maximum allowance, and therefore that would be $35 per month, and twelve times $35 does not equal $750.

Mr. CANNON. I was only taking the statement of the gentleman.

Mr. CARLIN. It is simply a mistake in multiplication. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 34 minutes.

Mr. CARLIN. I will ask the gentleman from Minnesota to use 34 minutes, and then I will ask that the committee rise.

Mr. VOLSTEAD. I can not use more than 10 or 15 minutes, but I will yield 5 minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Chairman, the legislation proposed by this bill is wise, just, and economical to the Government. There are about 400,000 employees of the Government under the civil service, and the present act of May 30, 1908, under which Federal employees receive compensation for injury and death while in the service of the Government only covers about 100,000 of them. In my opinion, the act of May 30, 1908, is a reflection on this great Government. I have had plenty of chances to see how this act operates. It is my privilege to be a member of the Committee on Claims in this House, and in the report of the Judiciary Committee on this bill I observe the following language:

> Many of the States of this Union have such compensation laws which are working with most excellent results, and now it is proposed that the United States shall have a compensation law for the protection of all its employees, and thus give relief from the cumbrous and inefficient system of presenting private claims to Congress for its action, often delayed and many times insufficient, and to give its sanction to this great principle of humanity.

I can back up every word of the paragraph that I have read. It makes a man's heart heavy to sit on the Committee on Claims and see the bills for relief that come before the committee for the employees of this great Government who have been injured in the performance of their duties or of those who have been killed and left dependents behind. So, much special legislation comes before the committee because, as I have said, the present law only covers about 100,000 of the employees.

Mr. HICKS. Will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. HICKS. Did I understand the gentleman to say that the States have a law similar to this for State employees?

Mr. MILLER of Delaware. No. I was quoting from the report in which it says that there are State compensation laws, not for State employees but for employees of private concerns. For the first six months of the Sixty-fourth Congress there have been introduced about 200 bills before the Committee on Claims, covering injuries that happened to employees of the Government. The total of these bills if enacted into law would amount to $713,709.79.

Mr. IGOE. Do the most of these bills cover injuries that have occurred since the passage of the law of 1908?

Mr. MILLER of Delaware. Some do; but some go back of 1908. It was the practice of the Committee on Claims when a bill came to them for injuries not covered by the act of May 30, 1908, to allow compensation or relief in the manner it would have been allowed had it been covered by that act.

Mr. IGOE. Has it not been the experience of the gentleman that the amount allowed under that act was very small?

Mr. MILLER of Delaware. I will say that it has made me ashamed to report bills carrying the amount that we did. It was all the committee could do, however, because a man in a service of the Government not covered by the law could hardly be given more than a man in a service covered by the 1908 compensation act.

I shall not go into further details now, because I have only a few moments; but I have had a chance to study just what this act of May 30, 1908, does. In my opinion it is a reflection upon this great Government, and we will be doing not only a humane thing in passing this bill, but we will be doing what is wise, just, and economical, because, after this bill is passed, it is very doubtful if the character of bills will be introduced that have been introduced in the past covering claims not covered by the law. There will be uniformity and a fair and generous law for all Government civil employees and not a part of them.

Mr. Chairman, not taking any more of the time of the committee now, I am going to conclude by asking unanimous consent to insert in the RECORD as a part of my remarks the data which I have prepared respecting bills presented to the Committee on Claims during the first six months of this Congress covering claims of injured or killed Goverament employees not covered by the present law.

Mr. STEPHENS of Texas. Mr. Chairman, the gentleman stated that before the Committee on Claims there were a great many claims of a certain character that would come under this bill. Would those claims be transferred under the terms of this bill as reported before the House to this commission that has control of the payment of the amounts due, or would they still have to be presented to the Committee on Claims?

Mr. MILLER of Delaware. Mr. Chairman, I would have to refer that question to the gentleman having charge of the bill. As I remember the bill, they would not, because nothing can prevent a Member from introducing any kind of a bill he desires.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware to extend his remarks in the RECORD in the manner indicated?

There was no objection.

The table referred to is as follows:

Bills relating to injuries received by employees of the Government introduced in the present Congress up to June 1, 1916, and referred to the House Committee on Claims.

House bill No.	Member.	Case.	Result.	Where employed.	Amount asked.
1011	Buchanan, Ill	Scharde	Injured	Post Office Department	$500.00
1012	do	Sheldon	do	do	2,500.00
1358	Davis, Minn	Corson	do	General Land Office	2,000.00
1431	Evans	Rock	do	Lo Lo forest reserve, Mont	577.15
1528	Hamill	Huhn	do	United States Government employee, Hoboken post office.	7,500.00
1592	Humphrey, Washington	Trahey	do	Puget Sound, navy yard	10,000.00
1607	Hull	Abel	Killed	United States Government, Rock Island	5,000.00
1608	do	Adams	Injured	do	5,000.00
1609	do	Burgard	do	Rock Island Arsenal	559.36
1634	Kahn	Hellyer	do	United States Soldier's Home, Washington	5,000.00
1660	Kent	Ponevace	do	Panama Canal	7,500.00
1777	Konop	Deutsch	do	Coast Guard, Wisconsin	1,000.00
1963	Mondell	Keys	do	Shoshone reclamation project, Wyoming	2,000.00
1970	do	Land	Sick	New York Navy Yard	593.41
2204	Raker	Dunlop	Fever	Government employ, Panama Canal	3,000.00
2207	do	Harris	Injured	Ranger, national forest, Idaho	10,000.00
2235	Roberts	Fitzgerald	Killed	Boston Navy Yard	2,000.00
2515	Sells	Allen	Injured	Government employ, Tennessee River	2,500.00
2536	Slayden	Buckholdt	do	Government employ, Panama Canal	10,000.00
2541	do	Keene	do	Fort Brown, Tex., teamster	15,000.00
2554	Smith, Minnesota	Cameron	do	Government dam, Mississippi River	2,500.00
2558	Smith, New York	Butler	Killed	United States lightship	7,500.00
2601	Sparkman	Fineren	Injured	United States employ, Guilford battlefield	5,000.00
2611	Steele	Roche	do	Rural carrier, Iowa	8,000.00
2638	Stephens, California	Tainter	do	United States Railway Mail, Chicago & North Western.	10,000.00
2642	do	Muller	do	United States reclamation carpenter, California.	5,000.00
2743	Taylor, Colorado	Akin	Killed	United States marshal, Colorado	5,000.00
2815	Tavenner	Gardner	Injured	Rock Island Arsenal	1,000.00
2816	do	Cox	do	Rock Island Arsenal	500.00
2913	Thomas	Chelf	do	Conductor, Panama Canal	5,000.00
2958	Tilson	Holloway	do	Steward on lighthouse tender Cactus	1,000.05
3022	Winslow	Colvin	do	Charlestown Navy Yard	948.00
3145	Connelly	Hailman	do	Shot by Indian in Nevada	734.44

Bills relating to injuries received by employees of the Government introduced in the present Congress up to June 1, 1916, and referred to the House Committee on Claims.—Con'td.

House bill No.	Member.	Case.	Result.	Where employed.	Amount asked.
3159	Edmonds	Wilkie	Injured	Panama Canal, Government employ	$1,200.00
3238	Hayes	Elliott	Killed	Mare Island Navy Yard	1,073.00
3250	Hinds	Blake	Injured	Portsmouth Navy Yard	2,000.00
3255	Johnson, Wash	Houyde	Killed	Forest Service, Rainier National Forest	5,000.00
3294	Meeker	Schmieder	do	Government employ	5,000.00
3296	do	Becherer	do	Government employ, Jefferson Barracks	5,000.00
3423	Sherwood	Wenzel	Injured	Defective elevator, Toledo, Government building.	5,000.00
3791	Buchanan, Ill	Schroeder	do	Post Office Department	5,000.00
3931	Dyer	Perkins	do	United States Marine Hospital, Cairo, Ill	5,000.00
3932	do	Rheinlander	do	Quartermaster's Department, United States, St. Louis.	5,000.00
4321	Kent (same as 1660)	Ponevace	do	Panama Canal	7,500.08
4418	North	Pentz	do	Panama Canal	15,000.00
4461	Oldfield	Goodloe	do	Engineer Department, Tennessee River	5,000.00
4517	Roberts	Jackson	do	Deputy United States marshal	10,000.00
4586	Shouse	Trump	do	Deerfield, Kans., reclamation project	2,000.00
4587	Sinnott	Graham	do	Rural carrier in Oregon	5,000.00
4932	Cary	Chrysler	Killed	Surgeon, Soldier's Home, Milwaukee	5,000.00
5049	Gallivan	Edwards	do	Navy Department	1,500.00
5096	Hayden	Leon	do	United States employee, Arizona reclamation	780.00
5184	Howard	Thompson	Injured	Railway Mail, Louisiana	1,500.00
5185	do	Hammomd	do	Work under postmaster in Atlanta, Ga	5,000.00
5203	Jacoway	Fein	do	Panama Canal	10,000.00
5219	do	Williams	Killed	Rural carrier, Springfield, Ark	601.80
5411	Mann	Nelson	Injured	Panama Canal	10,000.00
5685	Taggart	Lewis	do	Railway Mail Service	1,000.00
5832	Anthony	Morgan	do	Guarding prisoner at jail, Leavenworth	2,000.00
6008	Treadway	Burke	Disabled	Panama Canal	2,000.00
6205	Hayes	Lawrence	Injured	Military telegraph, Alaska	2,000.00
6206	do	Rouse	Killed	Geological Survey	600.00
6208	do	Campbell	Injured	Teamster for United States at Presidio of Monterey.	500.00
6223	Howell	Lafferty	Killed	Reclamation Service	2,500.00
6306	O'Shaunessy	Steele	Injured	Washington Navy Yard	10,000.00
6307	do	Boreson	do	Government torpedo station, Newport, R. I	5,000.00
6405	Vare	Healey	Killed	Philadelphia Navy Yard	193.60
6406	do	Yenser	do	do	480.00
6732	Talbott	Jennings	Injured	Washington Navy Yard	5,000.00
6770	Kahn	Monahan	do	Government employee, national-bank agency, Treasury.	1,371.18
6773	do	Miller	do	Letter carrier, California	950.00
7062	Fess	Hayes	do	Bureau of Engraving	3,000.00
7167	Kahn	Fitzgerald	Killed	Forestry Service	5,000.00
7239	McArthur	Heberer	Injured	Telegraph corps, Alaska	2,500.00
7423	Stephens, California	Dodge	Killed	Teamster for Government at Presidio of Monterey, Cal.	10,000.00
7752	Cooper	Guttormsen	Injured	Government employ	3,500.00
7816	Gandy	Rush	Killed	United States penitentiary, Kansas	5,000.00
7860	Hill	Johnston	Injured	Panama Canal	10,000.00
7883	Kettner	do	Killed	Postmaster, California	2,000.00
7973	Sinnott	Davis	Injured	Columbia River Canal	15,000.00
8058	Britten	Samuelson	do	Reclamation, Wyoming	10,000.00
8062	do	Graham	Killed	Railway mail	5,000.00
8117	Foster	Helfman	Injured	Government locks in Illinois	6,000.00
8141	Husted	Curran	Killed	Naval magazine, Iona Island, N. Y	5,000.00
8199	Smith, Idaho	Nickerson	do	Reclamation, Idaho	5,000.00
8200	Smith, Texas	Sitters	Killed	United States inspector	2,000.00
8262	Costello	McColgan	do	Frankford Arsenal	7,500.00
8264	do	Grennen	Injured	do	5,000.00
8289	Humphrey, Washington	Wilford	do	Puget Sound Navy Yard	10,000.00
8335	Taylor, Colorado	Holman	do	Reclamation, Colorado	5,000.00
8416	Hayden	Trujillo	do	Reclamation, Arizona	713.25
8563	Konop	Archiquette	do	Government farm, Wisconsin	1,000.00
8608	Sabath	Reed	do	United States employee	3,000.00
8700	Carter	Lindstrom	do	Government arsenal, Watertown	10,000.00
8701	do	Oakland	do	do	10,000.00
8703	Cooper, W. Va	Williams	Disabled	Ferryman, W. Va	750.00
8788	Summers	Drake	Injured	Panama Railroad	5,000.00
8908	Young, N. Dak	Hensley	do	Washington Navy Yard	1,500.00
8962	Dickinson	Laffon	do	Express rider, Oregon	3,000.00
9033	Smith, N. Y	Smith	do	United States post office, Buffalo	5,000.00
9076	Gandy	Sjostrom	do	Sanitarium, South Dakota, Government	5,000.00
9082	Hull	Sammons	do	Rock Island Arsenal	782.50
9168	Humphrey, Wash	McKay	do	Explosion of powder set off by Government employees at Fort Worden, Wash.	2,500.00
9202	Tavenner	Nicholson	do	Post Office Department	1,000.00
9340	Bruckner	Gumb	do	Government building, Ellis Island	1,040.00
9375	Langley	Potter	do	United States marshal, Kentucky	140.00
9377	do	Ramey	Killed	Deputy marshal, Kentucky	1,000.00
9378	do	Slone	do	do	1,000.00
9969	Konop same as (8563)	Archiquette	Injured	Goveanment farm, Wisconsin	5,000.00
9974	McArthur	Stoich	do	Columbia River Canal	5,000.00
9994	Mudd	Walker	do	Laborer, General Land Office	10,000.00
10512	Fields	Wilson	Killed	Deputy United States marshal, Kentucky	1,000.00
10788	Edmonds	Skill	Injured	Interior Department in California	5,000.00
10823	Estopinal	Selby	do	Panama Canal	2,530.00
10850	Burgess	King	do	do	10,000.00
10858	Darrow	Hutson	do	Bureau of Standards	5,000.00
10929	Almon	Scott	do	Government river improvements	10,000.00
10931	do	Blair & Blake	do	Alabama, river improvements	650.00
11002	Charles	Morris	Killed	Panama Canal	2,500.00
11112	Kent	Tower	do	Engineer Department	3,000.00
11124	Mudd	Rehn	Injured	Employ United States Naval Academy	3,000.00
11194	Gillett	Phelps	do	United States Armory, Massachusetts	547.45
11261	Aiken	Corbin	Killed	Deputy United States marshal	1,000.00
11262	do	do	do	do	1,000.00
11304	Page	Moffitt	do	Deputy United States collector, North Carolina	10,000.00
11348	Carter	Veno	Injured	Watertown Arsenal, Massachusetts	5,000.00
11380	Sears	Kopp	do	Panama Railroad	5,000.00
11439	Holland	Easton	do	Navy Yard, Norfolk, Va	2,500.00
11641	Barkley	Davis	do	Employed on United States snagboat, on Cumberland River.	3,000.00
11660	Haskell	Hesterman	do	Brooklyn Navy Yard	5,000.00
11661	do	Burns	do	do	2,000.00
11750	Miller	Hurdle	do	Life-saving Service	1,000.00
11843	Oglesby	Knickerbocker	do	Mail carrier, Yonkers N. Y	868.51

Bills relating to injuries received by employees of the Government introduced in the present Congress up to June 1, 1916, and referred to the House Committee on Claims—Cont'd.

House bill No.	Member.	Case.	Result.	Where employed.	Amount asked.
12077	Huddleston	Bradley	Disabled	Panama Canal Zone	$2,500.00
12177	Roberts	Moore	Injured	Weigher's laborer, Boston	3,000.00
12239	Humphrey	Root	do	Government employee, Buffalo post office	3,000.00
12240	Kahn	Brodie	do	Loading Army transport, San Francisco harbor	1,000.00
12243	McKenzie	Cain	do	Lineman on Illinois and Mississippi Canal	5,000.00
12556	Hawley	Meagher	do	Engineer department	280.00
12610	Hulbert	Ridley	Killed	Canal Zone, Government employee	3,000.00
12742	Hicks	Schlect, etc	do	Government fortifications, Willets Point, N. Y.	3,000.00
12900	Cantrill	Vaughn	Injured	Lock on Kentucky River	374.40
13146	Moss	Meek	Killed	Mail carrier, West Virginia	5,000.00
13173	Charles	Purcell	Injured	Panama Canal	2,500.00
13188	Howard	Slate	do	Post-office employee in Atlanta, Ga	1,000.00
13191	Kahn	McCarthy	do	Army transport Logan	5,000.00
13245	Hadley	Pierce	Killed	Alaska Engineering Commission	1,500.00
13354	Beales	Allen	Injured	General Land Office	3,000.00
13371	Sanford	McDermott	do	Watervliet Arsenal	2,000.00
13557	Stephens, Cal	Storm	do	Army transport cook on transport Crook	1,000.00
13613	Wilson, La	O'Sullivan	do	Government employee, Ouchita River	2,000.00
13632	Carter	Gauley	do	Watertown Arsenal	1,200.00
13707	Thomas	Crabtree	Killed	Leavenworth Penitentiary	5,000.00
13745	Kearns	Beyersdoerfer	Injured	On United States snag boat E. A. Woodruff	5,000.00
13748	Maher	Hartnett	do	United States Navy	1,215.85
13754	Rogers	Carey	do	Letter carrier, Lowell, Mass	132.57
13785	Davenport	Plank	Killed	United States officer killed in Indian country	5,000.00
13786	do	Davidson	do	do	5,000.00
13820	Smith, Tex	Buttner	do	Immigration Service	1,380.00
14463	Smith, N. Y	Keily	Medical attendance.	Seventh Battery United States Volunteer Artillery.	232.25
14495	Gray, N. J	Von Der Heide	Injured	Engineer, Department F, Delaware	438.20
14570	Steenerson	Grace	Killed	Government employee	469.50
14572	Stafford	Foss	do	Revenue-Cutter Service	2,000.00
14601	Miller, Pa	Robinson	do	Rural carrier, Mercer County, Pa	2,000.00
14745	Dyer	Gillespie	do	St. Louis, Mo	10,000.00
14755	Roberts, Nevada	Poe	Injured	United States Railway Mail Service	450.00
14784	Gandy	Provost	do	Indian School, Rapid City, S. Dak	5,000.00
14810	Stout	Canniff	Killed	United States lighthouse tender	1,345.00
14978	Anthony	Turner	do	Guard, Leavenworth, Kans	5,000.00
15109	Bennett	Fox	do	Post office clerk, New York City	(1)
15639	Powers	Mullins	do	Deputy United States marshal	1,000.00
15546	do	Same as preceding			
15511	Porter	Stratton	Injured	Panama Canal	5,000.00
15358	Davenport	Gilstrap	Killed	United States officer in Indian Territory	5,000.00
15244	Hood	Dennis	do	United States Government, Cape Fear River	
15179	Lee	Marinos	do	Isthmian Canal Commission	5,000.00
15178	do	Argyros	Injured	United States Army transport Logan	5,000.00
15171	Fitzgerald	Fenton	do	Panama Canal	500.00
15708	Smith, Minnesota	Milttlie	do	do	2,500.00
15797	Rowe	Schroeder	do	Brooklyn Navy Yard	127.88
16032	Kettner	Hardy	do	Navajo Indian school	2,000.00
16116	Patten	Gibbs	Killed	Customhouse, New York City	2,880.00
16141	Smith, New York	Rooney	Injured	United States Post Office, Buffalo, N. Y	5,000.00
16228	McKinley	McCarty	do	Mailing clerk, post office, Mattoon, Ill	20,000.00
	Total				713,709.79

[1] Year's salary.

Mr. CARLIN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SIMS, Chairman of the Committee of the whole House on the State of the Union, reported that that committee had had under consideration the bill H. R. 15316, and had come to no resolution thereon.

ADDRESS OF REPRESENTATIVE GRAY OF INDIANA, MAY 30, 1914.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by my colleague, Mr. GRAY of Indiana, at Battle Ground Cemetery in the District of Columbia, on May 30, 1914.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

DIGEST AND MANUAL.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 288.

Resolved, That there be printed 2,000 copies of the Digest and Manual of the rules and practice of the House of Representatives for the first session of the Sixty-fourth Congress, the same to be bound and distributed under the direction of the Clerk and Doorkeeper of the House.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15836. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 16678. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 14630. An act to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark.; and

H. R. 7430. An act for the relief of William Foglio.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 27, 1916:

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines.

On June 30, 1916:

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.;

H. R. 13669. An act to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.;

H. R. 15006. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 15007. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 15775. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes; and

H. R. 16677. An act extending appropriations for the necessary operations of the Government and of the District of Columbia and for the payment of pensions under certain contingencies.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 9615. An act to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington;

H. R. 6923. An act to authorize the construction, maintenance, and operation of a bridge across Little River, at a point where the line between townships 12 and 13 north, range 8 east, crosses said river.

H. R. 10849. An act granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew; and

H. R. 10925. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 16677. An act extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies;

H. R. 228. An act to amend the United States homestead law in its application to Alaska, and for other purposes;

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917;

H. R. 15775. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 7430. An act for the relief of William Fogilo;

H. R. 14630. An act to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark.;

H. R. 15836. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 16678. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes; and

H. J. Res. 242. Joint resolution to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Saturday, July 1, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Attorney General, transmitting copy of a letter from the United States attorney at New York City, calling the attention to the need of an amendment to section 245 of the Criminal Code of the United States and submitting a tentative draft of such amendment (H. Doc. No. 1261); to the Committee on the Judiciary and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Tennessee River between Browns Island and the railroad bridge below the city of Florence (H. Doc. No. 1262); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, transmitting list of judgments rendered by the Court of Claims which have been presented to the Treasury Department and which require an appropriation for their payment (H. Doc. No. 1263); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioner of Internal Revenue relative to six claims mentioned therein for refunding taxes illegally collected and submitting a clause for inclusion in the general deficiency bill (H. Doc. No. 1264); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation in the additional sum of $250,000 required for the service of the fiscal year ending June 30, 1917, for disposition of remains of officers, soldiers, and civil employees (H. Doc. No. 1265); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a communication from the Assistant Attorney General, submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases (H. Doc. No. 1266); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting a record of judgments rendered against the Government by the United States District Court for the Western District of Missouri under the provisions of the act of March 3, 1887 (H. Doc. No. 1267); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting schedule of claims allowed by the several accounting officers of the Treasury Department under appropriations the balance of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (H. Doc. No. 1268); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examinations of Stilaguamish River, Wash. (H. Doc. No. 1269); to the Committee on Rivers and Harbors and ordered to be printed.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Schuylkill River from the Delaware River to South Street Bridge, with a view to dredging to a depth of 35 feet, including consideration of any proposition for cooperation on the part of local or State interests (H. Doc. No. 1270); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 16734) to pay certain families of the men of the drafted forces of the United States a sum of money for their maintenance during the term of service of such drafted men in the service of the United States, reported the same with amendment, accompanied by a report (No. 903), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 147) authorizing the promotion of an officer on the retired list of the Army who served in the Civil War, reported the same without amendment, accompanied by a report (No. 904), which said bill and report were referred to the Private Calendar.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (S. 809) authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley, reported the same without amendment, accompanied by a report (No. 905), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 5318) for the relief of Kate Chateau, reported the same without amendment, accompanied by a report (No. 906), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. HINDS: A bill (H. R. 16745) authorizing the donation of the building at Kennebunkport, Me., known as "the old customhouse," to the town of Kennebunkport, Me.; to the Committee on Public Buildings and Grounds.

By Mr. PHELAN: A bill (H. R. 16746) providing for a site and a Federal building for post office at Peabody, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: A bill (H. R. 16747) to authorize the Secretary of War to furnish two condemned cannon to F. L. Aiken, mayor of the city of Onalaska, La Crosse County, Wis.; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 16748) to incorporate the Descendants of the Signers of the Declaration of Independence; to the Committee on the Judiciary.

By Mr. CARTER of Oklahoma: A bill (H. R. 16749) authorizing the Secretary of the Interior to collect and publish statistics on the production, manufacture, and marketing of crude petroleum; to the Committee on Mines and Mining.

By Mr. HAYDEN: A bill (H. R. 16750) providing for the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 16751) for the purchase of a site and the erection thereon of a public building at Winamac, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. SEARS: A bill (H. R. 16752) to provide for the erection of a public building at Kissimmee, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: Resolution (H. Res. 286) for the consideration of S. J. Res. 60; to the Committee on Rules.

Also, resolution (H. Res. 287) for the consideration of S. 3331; to the Committee on Rules.

By Mr. SIEGEL: Joint resolution (H. J. Res. 251) authorizing the printing of 5,000 copies of the Flags of the Maritime Nations; to the Committee on Printing.

By Mr. HAYDEN: Concurrent resolution (H. Con. Res. 45) authorizing the printing of 5,000 copies of Handbook of American Indians; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 16753) granting a pension to Mary E. Henderson; to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 16754) granting a pension to Daniel R. Sayles; to the Committee on Pensions.

Also, a bill (H. R. 16755) granting a pension to Edward C. Hoffman; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 16756) granting an increase of pension to Daniel J. Newell; to the Committee on Pensions.

By Mr. GRAY of Alabama: A bill (H. R. 16757) for the relief of Rittenhouse Moore; to the Committee on Claims.

Also, a bill (H. R. 16758) granting a pension to Irwin C. McRae; to the Committee on Pensions.

By Mr. HOWARD: A bill (H. R. 16759) for the relief of the King Hardware Co., Atlanta, Ga.; to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 16760) to authorize the appointment of Orlo Cahill Whitaker to the grade of first lieutenant in the Army; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 16761) for the reimbursement of James E. Murphy for the loss of a horse while hired by the United States Reclamation Service; to the Committee on Claims.

By Mr. VAN DYKE: A bill (H. R. 16762) granting a pension to Guy W. Atherton; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of men in engine and train service on Frisco Railroad, relative to eight hours a day, etc.; to the Committee on Labor.

By Mr. CAREW: Petition of National Association of Woolen and Worsted Overseers, relative to protective tariff; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of the Merchants' Association of New York, relative to Senate amendment No. 33 to the rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. MOON: Petition of citizens of Belvidere, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Petition of sundry citizens of Wheeling, W. Va., favoring passage of the Lobeck bill (H. R. 16060); to the Committee on Agriculture.

By Mr. NOLAN: Petitions of boards of supervisors of Alameda and Ventura Counties, Cal., against Federal inheritance tax; to the Committee on Ways and Means.

By Mr. PORTER: Petition of sundry citizens of Allegheny County, Pa., favoring a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of 550 citizens of Los Angeles, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: Petitions of E. C. Bird and others, of Boulder, Colo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *July 1, 1916.*

(Legislative day of Friday, June 30, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber; not more than half a dozen. I suggest the absence of a quorum.

Mr. GORE. Will the Senator from Utah let me suggest that we need not take up the time by a call of the Senate. We are now considering unobjected amendments, and if any amendment is agreed to which is opposed it can be reconsidered on the request of any Senator.

Mr. SMOOT. I think we will save time by having a quorum here to begin with.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Lea, Tenn.	Smoot
Beckham	Gore	McLean	Sterling
Brady	Gronna	Martin, Va.	Stone
Brandegee	Hardwick	Norris	Sutherland
Bryan	Hitchcock	Overman	Taggart
Chamberlain	Husting	Page	Thomas
Clapp	James	Poindexter	Thompson
Culberson	Johnson, S. Dak.	Shafroth	Townsend
Cummins	Jones	Sheppard	Vardaman
Curtis	Kenyon	Sherman	Warren
Dillingham	Kern	Simmons	Weeks
du Pont	La Follette	Smith, Ga.	Williams
Fletcher	Lane	Smith, Mich.	Works

Mr. LEA of Tennessee. I have been requested to announce that the Senator from Ohio [Mr. POMERENE] is detained on public business. I will let this announcement stand for the day.

Mr. VARDAMAN. I have been requested to announce the absence of the Senator from Montana [Mr. MYERS] on account of illness. He is paired with the Senator from Connecticut [Mr. MCLEAN]. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. GORE rose.

Mr. CLAPP. Will the Senator from Oklahoma yield to me for a moment? I wish to note a motion to reconsider the vote by which the Senate committee amendment, striking out the additional proviso, lines 8 to 14, inclusive, on page 23, was adopted. I simply desire to note the motion at this time.

Mr. GORE. I yielded for that purpose. The Senator has a right to enter the motion.

I will state that through an oversight a committee amendment was omitted from the print of the bill, and I now ask leave to offer the amendment in its appropriate place.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 41, line 13, in the item for investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and so forth, strike out "$135,200" and insert the following: "and for commercial demonstrations of improved methods or processes in cooperation with individuals and companies, $160,200."

The amendment was agreed to.

Mr. GORE. I will say that a similar oversight appears, and the Senator from Idaho [Mr. BRADY] will submit the amendment agreed upon by the committee. I ask for its adoption.

Mr. BRADY. In the item for investigations, experiments, and demonstrations in the dairy industry, and so forth, on

page 13, line 24, after the words "$277,470," I move to strike out the semicolon and insert a colon, and to insert the following proviso:

Provided, That $5,000 of this sum shall be used for investigations, experiments, and demonstrations in connection with the manufacture and marketing of cheese.

The amendment was agreed to.

Mr. GALLINGER. I was detained in the committee room all day yesterday in the consideration of an appropriation bill. I will ask the chairman of the committee if there was an understanding reached that the committee amendments should first be considered.

Mr. GORE. That is the plan we are now pursuing. We are to dispose of the committee amendments first.

The reading of the bill was resumed at page 52, line 17.

The next amendment of the Committee on Agriculture and Forestry was, on page 52, line 19, after the words "Argentine ant," to strike out "$64,400" and insert "$74,400," so as to make the clause read:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, $74,400.

The amendment was agreed to.

The next amendment was, on page 53, after line 16, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site within or near the corporate limits of the city of Wellington, Sumner County, Kans., said site to contain a sufficient and suitable tract of ground and the location of the site to be approved by the Secretary of Agriculture. When a good and sufficient title to said site is held by the Government of the United States the Secretary of the Treasury, acting in conjunction with the Secretary of Agriculture, shall cause to be erected thereon a suitable building or buildings for the use and accommodation of the entomological laboratory or field station of the Department of Agriculture of the Government at Wellington, Kans., said site and building or buildings complete to cost not to exceed the sum of $10,000.

Mr. SMOOT. I ask that this amendment may go over for the present.

The VICE PRESIDENT. It will go over.

Mr. THOMPSON. When the matter is called up again I should like the Senator from Utah to call my attention to it. It is a matter of considerable importance to the wheat and corn producers in the Middle West.

Mr. SMOOT. I will say to the Senator from Kansas that as soon as the bill is read through for action on the committee amendments and all the items objected to have been passed over we will then begin with the bill from the first and take up each of the objected items and consider them in order.

Mr. THOMPSON. I should like to be heard before the matter is passed upon.

Mr. SMOOT. I assure the Senator that if there will be a chance to get word to him, if he is not in the Chamber, I will see that it is done.

The next amendment was, on page 54, line 7, after the words "general expenses," to strike out "$464,650" and insert "$484,650," so as to make the clause read:

In all, for general expenses, $484,650.

The amendment was agreed to.

The next amendment was, on page 54, line 26, after the words "Bureau of Entomology," to strike out "$868,880" and insert "$888,880," so as to make the clause read:

Total for Bureau of Entomology, $888,880.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Biological Survey," on page 56, line 16, after the words "United States," to strike out "$25,000" and insert "$21,000," so as to make the clause read:

For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," $21,000, of which sum $2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Mr. GRONNA. Mr. President, my attention has been called to this item, and I have been reliably informed that some of the game preserves will not be looked after in case this appropriation is reduced.

Mr. GORE. I will say to the Senator that if he desires to discuss the pending amendment I will ask to have it passed over for the present. I am anxious to consider unobjected amendments first.

Mr. GRONNA. I simply wanted to give notice that I shall move to amend the amendment, not at this time but when the unobjected Senate committee amendments have been adopted. I wish to offer an amendment to restore the amount fixed by the House. My attention was called to the fact that there is a game preserve in Arkansas, for instance, the Big Lake game preserve, and the bureau was unable, due to a lack of funds, to look after it at all. We have some 70 game preserves, and the small amount of $25,000 has been appropriated. In at least one-half of these game preserves they have to keep wardens; there are about 35 of them in the different sections of the United States where a warden is being employed, and the appropriation is too small. I wish that the item may go over.

The VICE PRESIDENT. It will go over.

The next amendment was, on page 57, line 7, after the word "marten," to strike out "$400,540" and insert "$420,540," so as to read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $420,540.

The amendment was agreed to.

The next amendment was, on page 57, in line 10, after the words "public lands," to strike out:

Provided further, That of this sum not more than $5,000 may be used in investigating the disease of wild ducks in the Salt Lake Valley region of Utah.

Mr. SMOOT. I ask that that amendment go over.

The VICE PRESIDENT. The amendment goes over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 57, line 13, after the word "sum," to insert "not less than"; in the same line, after the word "than," to strike out "$250,000" and insert "$125,000"; in line 14, before the words "be used," to strike out "may" and insert "shall"; and in line 16, after the words "animal husbandry," to insert:

And provided further also, That of this sum not more than $125,000 shall be used on the public lands, national forests, and elsewhere in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals.

So as to make the clause read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $420,540: *Provided*, That of this sum $15,000 shall be used for the destruction of ground squirrels on the national forests, and other public lands: *And provided also*, That of this sum not less than $125,000 shall be used on the national forests and the public domain in destroying wolves, coyotes, and other animals injurious to agriculture and animal husbandry: *And provided further also*, That of this sum not more than $125,000 shall be used on the public lands, national forests, and elsewhere in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals.

The amendment was agreed to.

The next amendment was, on page 58, line 15, after the words "general expenses," to strike out "$534,200" and insert "$550,200," so as to make the clause read:

In all, for general expenses, $550,200.

The amendment was agreed to.

The next amendment was, on page 58, line 16, after the words "Biological Survey," to strike out "$578,203" and insert "$594,230," so as to make the clause read:

Total for Bureau of Biological Survey, $594,230.

The amendment was agreed to.

The next amendment was, under the subhead "Division of Publications," on page 59, line 24, before the words "skilled laborers, at $840 each," to strike out "seven" and insert "eight"; in line 25, before the words "skilled laborers, at $720 each," to strike out "seventeen" and insert "sixteen"; and on page 60, line 8, after the words "in all," to strike out "$177,280" and insert "$177,400," so as to make the clause read:

Salaries, Division of Publications: One Editor, who shall be chief of division, $3,500; 1 editor, who shall be assistant chief of division, $2,500; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 4 assistant editors, $1,800, each; 1 assistant editor, $1,600; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexter, $1,400; 1 assistant in charge of illustrations, $2,100; 2 draftsmen or photographers, at $1,600 each; 2 draftsmen or photographers, at $1,500 each; 2 draftsmen or photographers, at $1,400 each; 1 draftsman or photographer, $1,300; 7 draftsmen or photographers, at $1,200 each; 1 assistant photographer, $900; 1 assistant in charge of document section, $2,000; 1 assistant in document section, $1,800; 1 foreman, miscellaneous distribution, $1,500; 1 forewoman, $1,400; 1 clerk, class 3; 1 clerk, class 2; 9 clerks, class 1; 16 clerks, at $1,000 each; 40 clerks, at $900 each; 18 clerks, at $840 each; 2 skilled laborers, at $900 each; 8 skilled laborers, at $840 each; 4 skilled laborers, at $780 each; 1 chief folder, $1,200; 16 skilled laborers, at $720 each; 1 folder, $1,000; 2 folders, at $900 each; 2 skilled laborers,

at $1,100 each; 1 skilled laborer, $1,000; 2 messengers, at $840 each; 2 messengers, at $720 each; 3 messengers or messenger boys, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 1 laborer, $840; 2 laborers, at $600 each; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $177,400.

The amendment was agreed to.

The next amendment was, on page 60, line 27, after the words "Division of Publications," to strike out "$197,530" and insert "$197,650," so as to make the clause read:

Total for Division of Publications, $197,650.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous expenses," on page 63, line 14, after the word "department," to strike out "$115,000" and insert "$130,000," so as to make the clause read:

Miscellaneous expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $130,000.

The amendment was agreed to.

The next amendment was, under the subhead "Rent in the District of Columbia," on page 63, line 19, after the words "Department of Agriculture," to strike out "$123,689" and insert "$138,689," so as to make the clause read:

Rent of buildings, Department of Agriculture: For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, $138,689: *Provided*, That the Secretary of Agriculture shall submit annually to Congress in his estimates of appropriations a statement showing what proportion of this appropriation is paid for the quarters occupied by the various branches of the department.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

The next amendment was, under the subhead "States Relations Service," on page 64, line 4, before the words "clerks, at $1,000 each," to strike out "19" and insert "21"; in line 5, before the word "clerks," where it appears the second time, to strike out "8" and insert "5," and, in line 12, after the words "in all," to strike out "$127,700" and insert "$127,540"; so as to make the clause read:

Salaries, States Relations Service: One director, $4,500; 1 chief clerk, $2,000; 1 financial clerk, $2,000; 1 clerk or proof reader, $1,800; 3 clerks, class 4; 3 clerks, class 3; 1 clerk, $1,500; 9 clerks, class 2; 22 clerks, class 1; 21 clerks, at $1,000 each; 24 clerks, at $900 each; 7 clerks, at $840 each; 5 clerks, at $720 each; 1 library cataloguer, $900; 1 clerk or photographer, $720; 3 messengers, messenger boys, or laborers, at $600 each; 10 messengers, messenger boys, or laborers, at $480 each; 1 messenger, messenger boy, or laborer, $360; 3 messengers, messenger boys, or laborers, at $300 each; 1 skilled laborer, $900; 4 laborers or charwomen, at $480 each; 9 laborers or charwomen, at $240 each; in all, $127,540.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I notice in the item for the rent of buildings for the Department of Agriculture there is an increase of $15,000. Will the Senator having the bill in charge state why that increase is necessary?

Mr. GORE. Mr. President, the principal reason is because of the necessity of additional quarters for the Forestry Service. If the Senator from Utah desires, I will have a memorandum in reference to that matter read which will explain it very fully.

Mr. SMOOT. Mr. President, I would like to have the letter read. I will say to the Senator from Oklahoma, however, that nearly every department has asked for increases in the appropriations for rent, and that in nearly every case, when an investigation has been made of the request, it has been found that such increases were not absolutely necessary, and in many cases where such increases were asked for in other appropriation bills they have been disagreed to. I should like now to hear just what the reasons are for this increase.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

RENT IN THE DISTRICT OF COLUMBIA.

NOTE.—The bill as passed by the House provides for a considerable expansion of the activities of the department, notably in the case of the Office of Markets and Rural Organization and the States Relations Service. This, of course, will necessitate the appointment of a large number of additional employees in the city of Washington. It is estimated that, in order to provide suitable accommodations for the force necessitated by the increased appropriations for these two branches alone, at least 14,000 square feet of additional floor space will be required. It is impossible to provide accommodations for the additional employees in the buildings now occupied by these bureaus.

Many other branches of the department are now seriously overcrowded, and, unless relief can be afforded, this condition will be aggravated during the next fiscal year. From time to time it has been necessary for the department to rent several buildings which are not suitable for office purposes and are not fireproof. If the increase recommended is allowed, and authority is given to enter into term leases as suggested in the next note, it is believed that the department will be able to secure the erection of another large modern fireproof office building in the neighborhood of the department grounds to accommodate the Forest Service, enable the abandonment of several nonfireproof structures, provide for the expansion of the offices now needing additional space, and relieve some of the congested conditions now prevailing. This will result in a greater centralization of the various branches of the department, will greatly facilitate the transaction of Government business, and will be decidedly economical and advantageous. It is urgently recommended that the increase be granted.

This item was not included in the estimates because it was impossible at that time to forecast the action of the Congress upon the department's recommendations and the need for additional space was not so apparent.

Mr. SMOOT. Mr. President, I wish to call the attention of the chairman of the committee to the fact that this memorandum states that the additional space required will be 14,000 square feet. The Government now generally pays from 32 cents a square foot to 40 cents a square foot according to the location and class of building. If it be a fireproof building, the price paid is generally 40 cents per square foot. There are, however, buildings in Washington which the Government is renting for 33⅓ cents per square foot, which are classed as modern fireproof buildings. Granting that this should be a fireproof building, and that we paid even 40 cents a square foot for it, that would amount to $5,600, while the increased appropriation asked for, and which has been allowed by the committee, is $15,000. In my opinion, Mr. President, that is entirely too much, even on the showing made by the Forestry Service.

Further, I want to call attention to the fact that in the sundry civil bill there is a provision for the creation of a joint committee of the House and of the Senate for the purpose of investigating the whole question of rents paid by the Government in the District of Columbia, and also authorizing a report to Congress of their opinion as to whether the Government of the United States should not erect its own buildings; if so, at what cost, and what the interest would amount to upon the cost, as compared with the amount of money which we pay as rent in the District of Columbia to-day. In view of that, I do not believe that we ought to enter upon any plan of having buildings erected here for any of the departments or bureaus of the Government at this time, at least not until that investigation is made and a report is submitted to Congress upon it. I ask the Senator if under the conditions an increase of $5,000 would not be ample?

I will also state to the Senator that the Department of Labor, occupying a great part of the Hay Building, across the street from the State, War, and Navy Building, secures all the space which they have there for $20,000 a year. Now, the Forest Service is asking a $15,000 increase to house a few men who will be provided for in this bill, and I think it is unreasonable and ought not to be allowed. Upon the basis that we are paying for the best fireproof buildings in the District, granting that the 14,000 square feet of space which they claim they want as additional space for that bureau is necessary, it could be procured for $5,600, and I believe that the Senator himself, after this statement is made, which I assure him is absolutely correct, will agree that the $15,000 asked for is too large.

Mr. GORE. Mr. President, I entirely agree with the Senator from Utah [Mr. SMOOT] in regard to the general policy which is outlined. I think that the policy of renting buildings instead of constructing buildings for the Government service is wasteful and extravagant. I think that the Government ought to abandon the policy of renting buildings. I think that it ought to construct all the buildings necessary for the accommodation of its employees and for the discharge of its functions. Acting upon that theory, the committee disallowed the proposition to lease a building for five years with the hope that a reform might be brought about in harmony with the Senator's suggestion.

The 14,000 feet of additional space required relates to the Marketing Bureau and to the Bureau of States' Relations. Fourteen thousand feet would be required for their accommodation, as I remember. In addition to that, greater space is required for the Forestry Service, and, in addition to that, the extra space required for these services, the department proposes to abandon the use of buildings which are not fireproof and substitute buildings which are fireproof for the preservation of the official records.

There is no estimate in the communication as to the amount of space that would be required for that change or as to the amount of space that would be required for the Forestry Service. I may say that I think the Marketing Division is a branch of the public service that ought to receive favorable and sympa-

thetic consideration at the hands of the Senate. The Senator from Utah knows that the farmers of the country are feeling the keenest interest in improved marketing facilities. Our marketing facilities are not up to the standards that prevail in other countries. The bill carries a considerable additional appropriation for the expansion of the Marketing Division, and I think this bureau ought to receive favorable consideration and ought not to be handicapped for want of space. I trust this amendment will be allowed to go to conference.

Mr. SMOOT. Mr. President, the Senator understands that in my statement I agreed that the 14,000 square feet of space for the marketing division should be provided for; but I am quite sure that they can get that amount of space at a yearly rental of $5,000; I am positive of it. I do not want to interfere with them, but I do believe that the additional $10,000 is not necessary, and that the Forestry Service can get along, at least for another year, without it, because there is no increase in the number of forests anywhere in the country; there is no increase in the number of employees of that bureau, and there is no increase of the administrative force in any particular here in Washington.

Mr. GORE. I am happy to say that is so.

Mr. SMOOT. And therefore, Mr. President, I still believe that $5,000 increase would be ample, instead of $15,000.

Mr. GORE. I hope the Senator will let the item go to conference, and I will be glad to take it up with him and the department further and limit it to the actual necessities of the case.

Mr. GALLINGER. Mr. President, this matter of rent in the District of Columbia is very familiar to us all; it has been debated over and over again. I have been of the opinion that there are abuses in the matter of renting buildings in the District of Columbia. It has seemed to me that in some instances they were not required and that in other instances the rent paid was exorbitant; in fact, I know that to be the case, and I have put in print a schedule of the rentals paid here and the percentage that the owners have received, which in some instances is inordinately high.

Realizing that the controversy ought to be seriously taken up, the Senator will find in the sundry civil appropriation bill passed only a few days ago that a joint commission is provided to take up this entire matter and report to Congress at the beginning, I think, of the next session. It will be a great work, but the commission will be composed of men who are somewhat familiar with the subject and who doubtless will go into it in a very thorough manner. I hope when that commission does its work and reports to the Congress that this annual, and I might well say almost perennial, discussion of the subject will end.

Personally I have not been able to make myself believe that in many instances these rented buildings were necessary, nor have I been able to persuade myself that those who have made the arrangements and signed the contracts have been as wise as they ought to have been in the amount of rental which they have agreed to pay.

Mr. President, I know nothing about this particular item. I should, of course, follow the committee in their recommendation if they have looked into it carefully, but I wanted to put in the RECORD the fact that the Committee on Appropriations, recognizing the importance of this matter, have taken steps which we think will reach a solution of this very troublesome question.

Mr. OVERMAN. Mr. President, I desire to say that from the language of the communication which has been read it is very evident that some real estate agent desires to put up a building and rent it to the Government. I will say to the chairman we have this same question to contend with on every appropriation bill.

Mr. GORE. I will say that we refused to insert a clause authorizing a five years' lease.

Mr. OVERMAN. Then they do not need the $15,000, because the authorization to lease has not been granted. I ask the Senator to note this language in the communication which he has had read:

If the increase recommended is allowed, and authority is given to enter into term leases as suggested in the next note, it is believed that the department will be able to secure the erection of another large modern fireproof office building in the neighborhood of the department grounds to accommodate the Forest Service.

Mr. GORE. The committee did not allow that.

Mr. OVERMAN. I understand the committee left out the authorization for a lease, and therefore the Agricultural Department does not need the $15,000, because they will not be able to secure the new building.

According to the estimate of 14,000 feet of additional space required, they do not need to exceed $6,000, and the provision for the lease, as I have said, having been left out, why do they want $15,000 when, according to their own estimate, they only need $6,000?

Mr. GORE. The 14,000 feet referred to was expressly limited to the marketing division and to the States Relations Bureau. In addition to that they suggest the necessity for additional space in connection with the Forestry Service and for the storing of their archives in fireproof rather than in nonfireproof buildings.

Mr. OVERMAN. That is so if they can have a new building, but the committee has not allowed the provision for the new building, and therefore the department does not need any more than the space especially needed for the marketing division, and that can be secured for not to exceed $6,000. I suggest to the Senator that he accept an amendment providing for $6,000 additional.

Mr. GORE. Mr. President, I am willing to accept an amendment reducing the amount to $10,000, and then in conference I should not object to reducing it to $6,000 if that is found advisable; but I should not like arbitrarily to reduce it without a little further investigation.

Mr. OVERMAN. We have given them more money than they need to secure the space they desire.

Mr. GORE. I will say that I would not object to an amendment providing that they should not pay more than a certain amount per square foot. I am willing to limit it in every possible way so as to guarantee economy.

Mr. OVERMAN. If it is limited to $10,000, that will be satisfactory to me.

Mr. GORE. I have no objection to reducing it to $10,000.

Mr. SMITH of Georgia. Mr. President, several years ago, soon after I came to the Senate, I called attention, as the Senator from New Hampshire [Mr. GALLINGER] perhaps will remember, to the exorbitant prices that in a number of instances we were paying for buildings. We developed the fact that men erected their buildings and financed them and paid for them on 10-year leases out of what they got from the Government. Now, I do hope that we will not submit to it longer. Three years ago we appointed a committee of the Senate to look into the matter and report to us, hoping that they would give us some definite information, and enable us to bring this leasing of buildings to a close.

One of the real troubles we have had has been the desire in every instance, whenever any kind of building was erected for the Government, to put up some wonderful piece of architectural structure. I insist that in the enlargement of buildings for a department like the Departure of Agriculture we ought to adopt a plain, simple, businesslike form of construction. We have the land. We ought to put up a 400-room building, which could be done at a cost of $600,000. We ought to adopt that policy, and adopt a policy which would look forward to a general enlargement, with a well-balanced, well-constructed series of buildings—not products of wonderful architectural beauty, but using business sense upon a plan of additions and additions and additions as we need them to meet the wants of the departments. I hope we will get something from this committee, and I am glad to see this cut to $10,000.

The chairman of the committee and the entire committee were opposed to allowing the contract for any term of years. We rejected that. I hope that we will never make another. I am sure that we can save one-half the rent we pay and have better buildings if we will put them up for ourselves.

Mr. GALLINGER. Mr. President, in considering the appropriation bills we oftentimes glide over carelessly provisions that are incorporated in the bill and really do not carry the matter in our minds. I am going to take time to read the provision that was inserted by the Senate committee in the sundry civil bill, which has become a law, relating to this subject, thinking it may be well for Senators to know precisely what it is:

Public Buildings Commission: With a view to ultimately providing permanent quarters for all the governmental activities in the District of Columbia in buildings owned by the Government a commission is hereby created, to be composed of the chairman of the Committee on Appropriations of the Senate and one other member of said committee, to be appointed by said chairman; the chairman of the Committee on Public Buildings and Grounds of the Senate and one other member of said committee, to be appointed by said chairman; the chairman of the Committee on Appropriations of the House of Representatives and one other member of said committee, to be appointed by said chairman; the chairman of the Committee on Public Buildings and Grounds of the House of Representatives and one other member of said committee, to be appointed by said chairman; the Superintendent of the Capitol Building and Grounds, the Superintendent of Buildings and Grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury during any vacancy in said office.

The said commission shall elect one of its members as chairman of the commission, and is authorized to employ such expert clerical or other services as it may deem necessary, and shall avail itself of the advice of the Commission of Fine Arts.

The said commission shall investigate and ascertain what public buildings are needed in the District of Columbia to provide suitable and adequate accommodations, with allowances for future expansion, for all of the offices, establishments, and public services of the Government in the District of Columbia, the proper location of such buildings, the probable cost thereof, and the probable cost of such new sites as they may deem it necessary for the Government to acquire.

Any vacancies in said commission shall be filled in the same manner as the original appointments were made.

And then a small appropriation was made.

That provision does not specifically authorize the commission to inquire into the matter of rents; but it does provide a means whereby we shall, if we are wise, in the near future get rid of paying rents at all.

I have great hopes that this commission will practically solve this question, which is so often debated in the Senate.

The VICE PRESIDENT. Before the Senator from Utah took the floor this amendment had already been agreed to. Shall the vote be reconsidered?

Mr. SMOOT. I did not so understand. I was on my feet before——

The VICE PRESIDENT. We are two pages beyond this.

Mr. SMOOT. If that is the case, then I ask unanimous consent for a reconsideration of the vote by which the amendment was agreed to.

The VICE PRESIDENT. In the absence of objection, the vote will be reconsidered. The Chair hears no objection.

The SECRETARY. It is now proposed, in lieu of the amount proposed to be inserted, $138,689, to insert $133,689.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 66, line 11, after the words "necessary expenses," to strike out "$661,300" and insert "$651,300," so as to make the clause read:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $651,300: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

The amendment was agreed to.

The next amendment was, on page 67, line 9, after the words "necessary expenses," to strike out "$143,000" and insert "$165,000"; in line 10, after the word "Alaska," to strike out "$48,000" and insert "$60,000"; in line 11, after the words "Porto Rico," to strike out "$40,000," and insert "$50,000, of which sum $10,000, or so much thereof as may be necessary, shall be used for the maintenance of a substation for the introduction, propagation of, and experiment with tropical and other fruit trees, in the event the Porto Rican Government, either by itself or in cooperation with individuals, establishes the substation on at least 50 acres of land, with the buildings, tools, implements, live stock, etc., as may be necessary," so as to make the clause read:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $165,000, as follows: Alaska, $60,000; Hawaii, $40,000; Porto Rico, $50,000, of which sum $10,000, or so much thereof as may be necessary, shall be used for the maintenance of a substation for the introduction, propagation of, and experiment with tropical and other fruit trees, in the event the Porto Rican government, either by itself or in cooperation with individuals, establishes the substation on at least 50 acres of land, with the buildings, tools, implements, live stock, etc., as may be necessary; and Guam, $15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam: *Provided*, That of the sum herein appropriated for the experiment station in Hawaii $5,000 may be used in agricultural extension work in Hawaii.

The amendment was agreed to.

The next amendment was, on page 68, line 15, after the words "general expenses," to strike out "$2,842,140" and insert "$2,854,140," so as to make the clause read:

In all, for general expenses, $2,854,140.

The amendment was agreed to.

The next amendment was, on page 68, line 16, after the words "States Relations Service," to strike out "$2,969,840" and insert "$2,981,680," so as to make the clause read:

Total for States Relations Service, $2,981,680.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Public Roads and Rural Engineering," on page 70, line 13, after the words "road materials," to strike out "$37,780" and insert "$42,780," so as to make the clause read:

For investigations of the chemical and physical character of road materials, $42,780.

The amendment was agreed to.

The next amendment was on page 71, line 2, after the word "conduits," to insert: "For demonstration work in irrigation from underground supplies of water through the construction of concrete or other reservoirs and the use of windmills and other appliances;" and in line 13, after the words "necessary expenses," to strike out "$103,400," and insert: "$105,900: *Provided*, That $2,500 of this sum, or so much thereof as may be necessary, shall be used for the establishment of an overhead system of irrigation at or near Denver, Colo: *Provided further*, That the United States shall be at no expense for land or water in connection with such plant;" so as to make the clause read:

For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances, and the development of equipment for farm irrigation; the flow of water in ditches, pipes, and other conduits; for demonstration work in irrigation from underground supplies of water through the construction of concrete or other reservoirs and the use of windmills and other appliances; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; for the purchase and installation of equipment for experimental purposes; for the giving of expert advice and assistance; for the preparation and illustration of reports and bulletins on irrigation; for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside of the District of Columbia; and for supplies and all necessary expenses, $105,900: *Provided*, That $2,500 of this sum, or so much thereof as may be necessary, shall be used for the establishment of an overhead system of irrigation at or near Denver, Colo: *Provided further*, That the United States shall be at no expense for land or water in connection with such plant.

Mr. JONES. Mr. President, I want to ask the chairman of the committee what the object of that provision is. What is the purpose of establishing this overhead irrigation system at Denver?

Mr. GORE. I will say that it relates to what is known as the Skinner system and other systems of overhead irrigation. These systems have been successfully established in New Jersey, and perhaps in other parts of the country; and I think they might revolutionize the irrigation of the country, particularly in communities accessible to large markets.

Mr. JONES. If the Skinner system is successful, why send people out to Denver to demonstrate it.

Mr. GORE. I will say that a great many provisions in this bill have that object in view—that there is more or less conservatism in people where they become accustomed to a particular system.

Mr. JONES. What is the Skinner system? What sort of a system is it?

Mr. GORE. There are, I think, two different systems. I had occasion to visit a locality in New Jersey where one of the systems was in operation. I think 10 acres had been brought under the plant. Pipes some 30 or 40 feet apart are erected some 6 or 8 feet above the surface of the ground, with little openings or orifices about 4 feet apart in these pipes, and with a small gasoline engine the water is forced through these pipes. I think it requires only 30 or 40 pounds of pressure. The water comes out of these orifices in the form of vapor, and it is estimated that you can get the equivalent of an inch of rain in about 10 hours. I will say that the increased production on this 10 acres almost surpasses the dreams of avarice. The owner gave me figures where he had realized a thousand dollars an acre from products grown in this way.

In the West I do not think this system has ever been instituted at all. I think there is more or less doubt as to the success, especially of the vast and expensive systems upon which the West has been relying. At any rate, they are very expensive, and this system costs only about $100 or $120 an acre to install. Of course, it would succeed only in densely populated communities, in the vicinity of large markets; but I think it would be of incalculable value to the arid and semiarid regions in the western part of our country.

Mr. JONES. Are they to take some private land out there and install this plant in it?

Mr. GORE. I suppose the city of Denver would furnish the ground and furnish the water. I do not know, of course.

Mr. JONES. It says, "at or near Denver, Colo.: *Provided further*, That the United States shall be at no expense for land or water in connection with such plant." Has any proposition been submitted to the committee through the department or otherwise?

Mr. GORE. No, sir; there has not. I will say that the system does not seem to be generally known about through the country. For my own part, I learned of it rather by accident; but I think it contains such immense possibilities that I thought it ought to

be brought to the attention of the people in the western part of this country.

Mr. JONES. I will say to the Senator that, of course, anything that will develop new and efficient methods of irrigation, better than those already in use in the irrigated sections, of course, would be of value; but it seems to me that in irrigated sections like Colorado and out in my State they are pretty well up to date. Take it in my locality: It is nothing unusual to get products of a thousand dollars and even greater value an acre off of our land under our systems of irrigation. We have different systems of irrigation that we have tried and developed and put into operation.

Mr. SHAFROTH. Mr. President——

Mr. GORE. I will say that I happened to visit this system in New Jersey, and happened to be in Denver the following fall, and it occurred to me that it would be of incalculable value to that region; and of course, if instituted in Denver it would be given publicity over that entire region. I shall not insist on it if the Senator objects, but I should regret to see it go out.

Mr. JONES. I am not objecting to it. I am simply asking for information, and I want to know the reason why it should go in. If the committee, from the investigations they have made, and the Senators from Colorado, think it to be a wise expenditure of money, I shall not make any objection to it.

Mr. GORE. It is a very modest appropriation, and I think it might be worth multiplied millions to that region.

Mr. SHAFROTH. Mr. President, relating to this matter I will say that I am a member of the Committee on Agriculture and Forestry. This item was not proposed by myself, but at the same time I heartily concur in it. The situation is simply this: This is a system that has been demonstrated in various parts of the United States as applicable to places where there is intensive cultivation, where the amount that can be raised on a 10-acre or 5-acre tract amounts to probably two or three thousand dollars. This is a system which can be used with a little economy on their part, and on that account it is one of the tests that is going on. These people are doing it in other parts of the country. This is a general appropriation for a large sum of money, which includes an underground supply and other sources, and it seems to me Denver affords one of the opportunities to test it in as good a place as can be found. Denver, of course, is centrally located in the arid region. I believe that for testing irrigation of this kind applicable to the arid region, perhaps the best location that could be obtained would be near a large city where persons could be taken, and it could be demonstrated to them.

The appropriation is only $2,500, and it is out of a sum to be expended. It would not reduce the amount of the appropriation if it is stricken out. For that reason it seems to me that it ought to remain, and let us see if there will not be some good result from it. If there is not, they will abandon it.

Mr. JONES. I want to call the Senator's attention to the fact that it does actually increase by $2,500 the amount carried by the bill, but I make no criticism on that account.

Mr. SHAFROTH. I see that is the fact.

Mr. SMOOT. Mr. President, of course I can only express an opinion as to this Skinner system being of any advantage whatever to the western country. I am free to say that in my opinion it will never be used. Of course I am not going to object if they want to spend $2,500 to establish an overhead system at Denver; but if the statement made by the chairman is correct, that it will cost $125 an acre to establish it without the water itself, I doubt very much whether there is any land out there that is not already provided with water which could stand that wonderful expense.

But I want to call the Senator's attention to a proposition which would be of immense benefit to the semiarid and arid part of our country. I believe that before many years there will be developed all through that arid country artesian wells. The lands are of hardly any value whatever to-day. People can not live upon them, and therefore they lay there as waste land. To sink an artesian well is too expensive for a poor man hunting a home to undertake. If the Government of the United States wants to assist in irrigation and open that vast waste of land, I may call it, to the people of the United States to make homes for them, I believe there can be no better way than to appropriate money for the Government to demonstrate whether artesian wells can be found in that country or not.

I have submitted an amendment to this bill. I know it is out of order to offer it at this time, but I speak of it because I am fully convinced that there are millions of acres of lands in the intermountain country, in that arid and semiarid district of the United States, that never can be cultivated unless by the development of an underground flow of water. If the Government could go into a county and demonstrate there that it is possible to secure an artesian well of sufficient size, furnishing a quantity of water enough to develop the lands within a reasonable distance of it, then I believe capital would take hold of the proposition, advance the money to the entrymen, and that land, which is now absolutely of no use to the State in which it is located or to the Government of the United States in any way would become fertile land with homes.

At the proper time I want to offer an amendment for that purpose.

Mr. SMITH of Georgia. Mr. President, I do not think this is the proper bill to which to attach an investigation of that section with reference to wells. I think that falls under the head of the Geological Survey. The difficulty about testing for water with an artesian well is that you can not determine by sinking a well at one point ordinarily what could be accomplished 20 miles from it unless a geological study is made. We had this subject up in committee for consideration and we concluded that it would be well for the Geological Survey to map out a good deal of that territory and see if there were any number of locations of the same character occupying a position where tests in a few would give information as to all.

I think the committee were unanimously of the opinion that we would like to see something of that sort done, but they thought it was necessary to take the knowledge of the members of the Geological Survey rather than of the Agricultural Department.

Mr. SMOOT. I will say to the Senator he is perfectly correct in the statement he has made, that the item rightfully should go upon the sundry civil appropriation bill. I also wish to state that in the sundry civil appropriation bill that has just passed, the conference report upon which has been agreed to, there was an item which read as follows:

> Two hundred and fifty thousand dollars, of which $100,000 may be used to test the existence of artesian and other underground water supplies suitable for irrigation in arid and semiarid regions by boring wells, one-half to be immediately available.

The Senate agreed to that amendment. It went into conference, and we are all aware of the unfortunate result of our conference on the sundry civil appropriation bill.

I wish to say to the Senator having this bill in charge that I take the statement he made to me as absolutely correct, that the committee intends next year, if nothing is done under the sundry civil appropriation bill, to handle this question in some way on the Agricultural appropriation bill.

Mr. OVERMAN. There is a provision in the sundry civil bill about artesian wells.

Mr. SMOOT. It was stricken out in conference.

Mr. OVERMAN. I think the Senator is in error about that.

Mr. SMOOT. No; here is the record.

Mr. JONES. If the Senator will permit me, there has been carried an item in the sundry civil appropriation bill for the investigation of artesian and underground water. That, I think, is in the bill now, but they have held continually that they can not use that for sinking artesian wells, for boring wells.

Mr. OVERMAN. I know there is a provision in the bill.

Mr. JONES. I never could understand the theory why they could not do it, because I do not think they could investigate the underground supply without sinking a well; but that has been their holding. They never undertake to sink wells.

Mr. SMOOT. Yes, they never spend a dollar in boring for water, and it is absolutely impossible to demonstrate whether you are going to get water unless you bore a well and find out whether water will come to the surface or not.

Mr. PITTMAN. Mr. President——

Mr. SMOOT. I yield to the Senator from Nevada.

Mr. PITTMAN. Do I understand that the Senator from Utah intends to offer an amendment later on?

Mr. SMOOT. Of course I know a point of order would be made against it, but I was hoping the chairman would not enforce a point of order. However, I am going to offer the amendment and I am going to plead with the chairman of the committee to accept the amendment and allow it to go into conference. Of course I recognize the fact that one objection will prevent it from going upon the appropriation bill.

Mr. SHAFROTH. The Senator does not ask that now?

Mr. SMOOT. No; I am not asking that now.

Mr. SHAFROTH. The Senator expects to do it when the time comes to offer individual amendments?

Mr. SMOOT. Yes.

Mr. OVERMAN. Mr. President, regular order.

Mr. PITTMAN. Mr. President, I hope to be here when the Senator from Utah offers that amendment. I should like to urge its passage.

Mr. SMITH of Georgia. Mr. President, I am opposed to putting this work on the Agricultural Department.

Mr. PITTMAN. I think I have the floor.

Mr. SMITH of Georgia. Excuse me.

Mr. OVERMAN. I call for the regular order. There is nothing before the Senate.

Mr. SMITH of Georgia. I thought the Senator from Nevada had concluded his remark. I beg his pardon.

Mr. PITTMAN. I simply want to add my plea to that of the Senator from Utah that the chairman of the committee will not raise a point of order against it and that no other Senator will. I think it should be agreed to after our unfortunate experience with the sundry civil appropriation bill. There is no doubt that that is the proper bill. I have no doubt there are a great many proper amendments that were put on that bill, which upon proper consideration would have passed. As I had the opportunity of stating the other day, I am very sorry that the conference report on the sundry civil bill was agreed to. But it was agreed to. The Senate seemed to think it was necessary, that an emergency had arisen, and that it should be put through. Owing to the haste we were debarred from considering amendments of the kind the Senator has referred to.

I trust a point of order will not be raised against this amendment, but that we will be allowed to consider it on its merits, and I am satisfied that then the Senate will recognize its merits.

As has been said by the Senator from Washington [Mr. JONES], we have never had available an appropriation to seek out artesian and subsurface water in those arid States. The Government owns all that vast quantity of land. It has not been taken up under the homestead act or under the desert-land act or under any existing act, and it never will be taken up unless subsurface waters can be found, waters that are unknown to-day.

If the Government will grant that land to the States the States will develop that water. The States now have no interest in it and the Government certainly should take some steps to give some value to that land, either by developing the water or turning it over to the States to develop.

I trust when this matter comes up it will be allowed to be considered on its merits.

Mr. WORKS. Mr. President, there are so many absurd and useless appropriations and there is such an enormous waste of public money in the Agricultural appropriation bill that it is hardly worth while to object to a small item like this. But speaking of the whole section of which the proposed amendment is a part, the absurdity of the National Government operating from Washington, undertaking to educate the people of Colorado, for example, in the matter of irrigation, must be apparent to anybody who has any knowledge of the situation.

I suppose Colorado has been one of the most active and enterprising States in the whole Union in the matter of developing and supplying water for irrigation purposes, both surface water and underground, and people there could probably teach the Agricultural Department a good deal more than that department could teach them.

Mr. President, the National Government has no ownership in the water that is devoted to irrigation. It has no control or no right to regulate the use of the water in any way whatever. It is a jurisdiction in all its parts that belongs to the States, not to the National Government. There is no earthly reason under those circumstances why the Government should be expending its money for any such purpose as is included in this particular section of the bill. If the National Government has public land that it desires to irrigate, it is perfectly legitimate for it to put down wells for the purpose of discovering artesian water or to resort to any other means of developing and supplying water for the use of its own land.

We undertook to do that in the establishment of the Reclamation Service, which, in the beginning, was perfectly legitimate and within the power and jurisdiction of the National Government. But we have extended it far beyond that. The Reclamation Service is now devoted in large part to supplying water to private land, not land owned by the Government. Some of the reclamation projects are wholly and entirely devoted to supplying water to private lands and not to publicly owned lands.

I think it is a great question, Mr. President, whether a project of that kind if devoted wholly to the supply of water to private lands is constitutional or within the power and jurisdiction of the National Government. But here is a proposition now for the Government to go into this matter of developing water, teaching the States how to develop a supply of water from underground and from surface sources. There is not any legitimate reason why the Government should do any such thing as that. While, of course, it is intended to be a benefit to the Western States, one of which I represent here, in part, I think it is an illegitimate use of the public funds and ought not to be done.

There are a great many other proposed appropriations here for the benefit, for example, of the South in the cultivation of their crops, and other sections of the country for various purposes. A great many of them, I think, are illegitimate. We have gone beyond all reason in appropriations made for the use of the Agricultural Department. I do not know where we are going to stop. We are broadening out the service constantly year after year. The amounts appropriated are increasing as we go along until after a while we will be in a situation where we are coming near bankruptcy on the part of the Government, taking this and other departments into account.

It is a matter that is a rather serious one to me, and I am not saying these few words about it for the purpose of making any attempt to defeat this appropriation, because I think that would be an idle effort. Every attempt almost that is made here to get money out of the Public Treasury for the benefit of States is successful. I have contended against it at various times with practically no success. I am not going to take up the time of the Senate now in making any argument against this particular appropriation, but I think it is time that the Congress of the United States should be considering how far we can legitimately go and how far we ought to go in making appropriations of this kind.

Mr. SMITH of Georgia. Mr. President, I wish to refer to the suggested amendment of the Senator from Utah at this time, because if nobody objects to it I shall object to it. I shall object to this work being attached to the duties of the Agricultural Department.

Mr. GORE. Mr. President——

Mr. SMITH of Georgia. I wish to give my reasons for it.

Mr. GORE. Let us pass over the amendment.

Mr. SMITH of Georgia. While the discussion is on I wish to state my views on this question that they may go into the RECORD at this point.

I am opposed to putting upon the Agricultural Department a responsibility for which I consider it utterly unfit. The question of sinking wells for artesian water is not a farming project, comprehended by men who know how to cultivate the soil; it is a great geological problem; and the Agricultural Department has not experts who are competent to handle it; the Geological Survey has experts who are or should be masters of that subject, so far as it can be determined; and to make an appropriation for the Agricultural Department to sink wells to test out the problem of obtaining artesian water would be simply a waste of money.

That is why I shall object to tying it to the Agricultural appropriation bill. I have at all times been ready and anxious to see the Geological Survey proceed with tests of that kind in connection with their studies. My objection to putting it on the Agricultural Department is that I do not think they have any organization competent to handle it.

Mr. JONES. Mr. President, I wish to say a word in reference to the suggestion of the Senator from Georgia and also with reference to the suggestion of the Senator from Utah that this amendment would not be in order on this bill. I think the amendment will be in order because it has been estimated by the head of the department. There is an estimate here. The mere fact that it has heretofore been carried under the Geological Survey or some other bureau does not preclude it from being in order, in my judgment, under the rule. But that question can be considered when the time comes.

I want to suggest to the Senator from Georgia that while it is true there has heretofore been carried an appropriation for the investigation of artesian water under the Geological Survey, in my judgment there is no reason why the Agricultural Department could not do this work just as well as it is done by the Geological Survey. I know that that Survey investigates the geological conditions of the earth and so on, and makes its guesses with reference to whether or not there is artesian water here, there, or yonder. That information is available for the Agricultural Department; but, furthermore, that information is not very reliable. I myself know of one place in my State where the Geological Survey made an investigation and reported that artesian water could not be gotten, yet to-day there are 25 or 30 wells, each one flowing water enough to irrigate from 80 to 160 acres. By their scientific methods they can not tell whether or not there is artesian water. The only really efficient way to do it is to sink a well and see whether or not water is there; and the Agricultural Department is just as able to sink a well at a place where there are possibilities of obtaining artesian water as is the Geological Survey.

The Geological Survey do not send out officials from Washington, but they have people go out and get a well-drilling machine and put the well down. They do it by contract under the appropriation.

So I can not see very much force in the objection to putting the provision on the Agricultural bill. If it is an important thing to be done, if it is a necessary thing to be done, there is, in my judgment, not any bill to which it is more germane than to the Agricultural appropriation bill, which has to do with the development of agriculture, and that is exactly what the matter of developing artesian wells has to do with. So I hope when the amendment of the Senator from Utah [Mr. SMOOT] comes up, I shall be able to be present.

Mr. KENYON. I should like to ask the Senator from Washington a question. Would not that amendment more properly go on the river and harbor bill?

Mr. JONES. In some sections of the country, possibly, from what has been said here.

Mr. KENYON. Does this provision cover the sinking of artesian wells in the bottom of some of the rivers?

Mr. JONES. I have not as yet found any reference to them. I am satisfied, however, that if there had been anything of that kind here the Senator from Iowa would have gotten his eagle eye on it.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 72, line 14, after the words "necessary expenses," to strike out "$20,000" and insert "$27,805," so as to make the clause read:

For investigating farm domestic water supply and drainage disposal, the construction of farm buildings, and other rural engineering problems involving mechanical principles, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $27,805.

The amendment was agreed to.

The next amendment was, on page 72, line 19, after the words "general expenses," to strike out "$510,820" and insert "$526,125"; so as to make the clause read:

In all, for general expenses, $526,125.

The amendment was agreed to.

The next amendment was, on page 72, line 20, after the words "Rural Engineering," to strike out "$599,200" and insert "$614,505," so as to make the clause read:

Total for Office of Public Roads and Rural Engineering, $614,505.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Markets and Rural Organization," on page 74, line 9, after the word "fruits," to strike out "and"; and in line 10, after the word "vegetables," to insert "and other products," so as to make the clause read:

For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits, vegetables, and other products, $136,600.

The amendment was agreed to.

The next amendment was, on page 74, after line 10, to insert:

To enable the Secretary of Agriculture to gather from stockmen, live stock associations, State live-stock and agricultural boards, common carriers, stockyards, commission firms, live-stock exchanges, slaughtering and meat packing companies, and others information relative to the number of different classes and grades of marketable live stock, especially cattle, hogs, and sheep in the principal live-stock feeding districts and growing sections; prices, receipts, and shipments of the different classes and grades of cattle, hogs, and sheep at live-stock market centers; prices of meats and meat-food products and the amounts of such products in storage; to compile and publish such information at such frequent intervals as most effectively to guide producers, consumers, and distributers in the sale and purchase of live stock, meats, and other animal products; and to gather and publish any related information pertaining to marketing and distribution of live stock, meats, and animal by-products, the sum of $65,000: *Provided*, That $15,000 shall be immediately available.

Mr. WARREN. I move to amend the amendment of the committee by striking out the proviso on page 75, line 3.

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee by striking out the proviso on page 75, line 3, as follows:

Provided, That $15,000 shall be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 75, line 4, after the word "For," to strike out "the investigation and demonstration" and insert "investigating, demonstrating, and promoting the use," so as to make the clause read:

For investigating, demonstrating, and promoting the use of standards for the different grades, qualities, and conditions of cotton, and for investigating the ginning, grading, stapling, baling, marking, compressing, and tare of cotton, $48,000: *Provided*, That of the sum thus appropriated $28,620 may be used for testing the waste, tensile strength, and bleaching qualities of the different grades and classes of cotton in order to determine their spinning value and for demonstrating the results of such tests.

The amendment was agreed to.

The next amendment was, on page 76, line 2, after the word "methods," to strike out "$20,000" and insert "$35,000," so as to make the clause read:

To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse useful information connected with the distribution and marketing of farm products through investigational, demonstrational, or extension methods, $35,000.

The amendment was agreed to.

The next amendment was, on page 76, line 7, after the words "general expenses," to strike out "$541,960" and insert "$621,960," so as to make the clause read:

In all, for general expenses, $621,960.

The amendment was agreed to.

The next amendment was, on page 76, line 10, after the words "provisions of the," to strike out "act approved August 18, 1914 (Public, No. 174, 63d Cong.), entitled 'An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes,'" and insert "United States cotton-futures act," so as to make the clause read:

Enforcement of the United States cotton-futures act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States cotton-futures act, including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of this act, $120,750.

The amendment was agreed to.

The next amendment was, on page 76, line 22, after the words "Rural Organization," to strike out "$792,590" and insert "$872,590," so as to make the clause read:

Total for Office of Markets and Rural Organization, $872,590.

The amendment was agreed to.

The next amendment was, under the subhead "Enforcement of the insecticide act," on page 77, line 20, after the word "purposes," to strike out "$80,410" and insert "$85,670," so as to make the clause read:

To enable the Secretary of Agriculture to carry into effect the provisions of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes," $85,670.

The amendment was agreed to.

The next amendment was, on page 77, line 21, after the words "insecticide act," to strike out "$105,000" and insert "$110,260," so as to make the clause read:

Total for enforcement of the insecticide act, $110,260.

The amendment was agreed to.

The next amendment was, under the subhead "Federal Horticultural Board," on page 79, line 4, after the words "ordinary work," to strike out "$21,758,393" and insert "$22,178,527," so as to make the clause read:

Total, Department of Agriculture, for routine and ordinary work, $22,178,527.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 79, after line 12, to insert:

International Farm Congress and Soil-Products Exposition: To enable the Secretary of Agriculture to cooperate with and make an exhibit illustrative of the investigations, products, and processes relating to farming in the subhumid, arid, and semiarid regions of the United States at the International Soil-Products Exposition, to be held at El Paso, Tex., in conjunction with the International Farm Congress, during the fiscal year ending June 30, 1917, including labor and all expenses in the city of Washington and elsewhere, $20,000.

The President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Farm Congress, to be held at El Paso, Tex., in connection with said International Soil-Products Exposition: *Provided*, That no appropriation shall be granted or used for the expenses of delegates.

The amendment was agreed to.

The next amendment was, on page 80, after line 15, to insert:

That the President of the United States is hereby authorized to designate such areas on any lands which have been or which may hereafter be purchased by the United States under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams," and acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except

under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both.

Mr. BORAH. Mr. President, I desire to ask the Senator in charge of the bill for his construction of this proposed amendment before I raise a point of order in regard to it.

Mr. GORE. I shall first have to refer to the history of the attempt to secure this legislation. I think a year ago the Senate committee recommended an amendment to enact and enforce a criminal statute in connection with certain forest reserves in the State of North Carolina. It went out, either on a point of order or otherwise. Western Senators seemed to fear the establishment of such a precedent. Now, this year the amendment has been drawn to correspond with the forest reservation acquired under what is known as the Weeks Act; it is limited to the land acquired in pursuance of that act. It is not extended by the terms of the proposed statute to all those lands, but the President, upon proclamation, can set aside reserves; and after they are so established the penal provisions authorized in this act will become applicable.

I understand that in North Carolina there is a good deal of depredation on the game in the forest reserves, and to prevent that is really the point to be accomplished by this legislation. We wished to safeguard the reserves of the West and to prevent the excitement of any apprehension on that score. The Senator from North Carolina [Mr. OVERMAN] can explain the necessity for this provision more fully and forcefully than I can.

Mr. BORAH. So far as I am individually concerned, if I can be assured that this amendment is limited to the land covered by the Appalachian Forest Reserve purchase I shall make no objection to it.

Mr. GORE. If it is not so limited, we will make it so, I will say to the Senator.

Mr. OVERMAN. It refers particularly to the Appalachian Forest Reserve act.

Mr. SHAFROTH. Let me suggest to the Senator——

Mr. OVERMAN. Mr. President, who has the floor?

Mr. SHAFROTH. That it be amended by inserting the words "in the State of North Carolina."

Mr. OVERMAN. It might be desirable to apply it to Virginia or Georgia.

Mr. President, I will state the purpose of the amendment if I have the floor.

The VICE PRESIDENT. The Senator from Idaho has the floor. Does he yield to the Senator from North Carolina?

Mr. BORAH. I yield to the Senator.

Mr. OVERMAN. I want to say that in the Appalachian Range the Government has acquired what is known as the Vanderbilt estate. Mr. Vanderbilt had established a game preserve there, and the only purpose of this amendment is to protect the game on that preserve.

Mr. SMOOT. At Biltmore?

Mr. OVERMAN. At Biltmore, N. C. That is all the amendment is designed to accomplish. The land purchased there constitutes a game preserve. The State of North Carolina has given its consent to this legislation; and it is proposed that the President may set aside that land. That is all that is intended, and it is to apply to that particular place. We have made it general, however, as to the Appalachian Range reservations under the Weeks bill, because there might be some land just across the line in Tennessee that it would be desirable to cover. The Senator will see that the provision is so limited, because reference is made particularly to the Weeks Act.

Mr. BORAH. When I first had my attention drawn to this amendment, I did not observe that it was limited to the lands covered by Thirty-sixth Statutes at Large, page 961.

Mr. OVERMAN. I tried to limit it to the particular land referred to in the Weeks act. It only applies to land acquired under that act.

Mr. BORAH. There is no doubt, then, as I understand, but that it was the purpose and intent of the committee to limit it to that.

Mr. OVERMAN. There is no doubt about that.

Mr. BORAH. So far as I am concerned, I shall make no further objection to it.

Mr. SMITH of Arizona. Will the Senator permit a suggestion? In order to make it perfectly clear, why could we not put, at the end of the section, language similar to this:

That this game preserve shall apply only to lands purchased by the Government under the act named herein?

Mr. OVERMAN. You would have to read the act and see what it means. It says here that the land to be designated is the land purchased under the act of March 1, 1911.

Mr. SMITH of Arizona. That is the same act I am referring to.

Mr. OVERMAN. That is the act.

Mr. SMITH of Arizona. I say, why not provide that this game preserve shall be limited to the lands purchased under the act of March 1, 1911?

Mr. OVERMAN. I have no objection to that amendment. It is limited.

Mr. BORAH. I see no particular objection to the amendment. I think, if the Senator from Arizona will observe, that upon reading the first few lines of the amendment he will find that that limit is already there.

Mr. OVERMAN. Yes.

Mr. BORAH (reading)—

That the President of the United States is hereby authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the act of March 1, 1911.

Mr. SMITH of Arizona. I think it is clear enough myself.

Mr. BORAH. I think so.

Mr. SMITH of Arizona. But in order to eliminate any possible objection I made that suggestion.

Mr. GALLINGER. Mr. President, it is specifically stated in the amendment that it applies only to the so-called Weeks Act, and it can not be made applicable to any other part of the country.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I do.

Mr. JONES. As I understand from the Senator from North Carolina, the real purpose of this provision is to cover a particular situation in his State. If that is true, I think it ought to be limited to that, and we ought to put in the words.

Mr. OVERMAN. New Hampshire has some land——

Mr. GALLINGER. If the Senator will permit me, it applies also to the White Mountain region in New Hampshire, where the National Forest Reservation Commission, under the so-called Weeks Act, has purchased quite a tract of land.

Mr. JONES. I know, Mr. President, that it applies to all this land, but the Senator from North Carolina said that before these lands were purchased there was a game preserve there in North Carolina, and the purpose of this is to protect that particular game preserve.

Mr. OVERMAN. In addition to that, I said that other States in this range ought to have the same protection.

Mr. JONES. I understand; but there is the situation that already exists in North Carolina. Now, there is no suggestion that there is any special need of a game preserve in any of these other places.

Mr. OVERMAN. The Senator from New Hampshire wants it to apply to his State.

Mr. JONES. He simply suggested that the Weeks law does apply to it. Now, I do not know whether there is any particular need for a game preserve up there or not.

Mr. OVERMAN. There may be. I do not know.

Mr. JONES. If there should be, of course I would not object to it if the Senator from New Hampshire says there is need of it.

Mr. GALLINGER. Our people are very much interested in the protection of game, and we have in New Hampshire pretty nearly all kinds of game that you will find in any part of the country. I feel very sure that they would be delighted to have a game preserve on that Government reservation.

Mr. BORAH. I shall make no objection if it is just confined to the area east of the Allegheny Mountains. I am not sufficiently informed as to the needs or conditions of that country to pass intelligently upon its needs.

Mr. OVERMAN. I want to say that my amendment that was submitted to the committee said "purchased by the United States in the western part of North Carolina." The Agricultural committee itself struck that out, so that it might apply to Virginia, Georgia, Tennessee, and New Hampshire and the White Mountains.

Mr. JONES. Mr. President, I shall not make the point of order against this proposition; but it does seem to me that we are placing a tremendous authority in the Secretary of Agriculture when we make a violation of his rules and regulations a misdemeanor punishable by fine or imprisonment. These rules and regulations are recommended by bureau officers, and they are changed from time to time. All sorts of rules are made, and everybody is supposed to know what those rules and regulations are, and yet they are in no statute anywhere. They are not found in any law. It does seem to me that we ought to be careful about that; but I want to suggest an amendment to this language. In line 7, page 81, after the word "such," I want to insert the word "general," so that it will read "except

under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe."

Mr. CLARKE of Arkansas. Mr. President, may I say to the Senator from Washington that I think it is a very great outrage to put general legislation on an appropriation bill.

Mr. JONES. Oh, yes. Well, we have done it many times since the Senate voted against it.

Mr. CLARKE of Arkansas. We have failed to do it several times, too.

Mr. OVERMAN. Mr. President, I have this amendment which I will offer, if there is any objection, to cover that point of order:

Provided, That this provision shall be effective only——

Mr. JONES. I am not going to make any point of order.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 81, line 7, in the committee amendment, it is proposed to insert, before the word "rules," the word "general."

The amendment to the amendment was agreed to.

Mr. BORAH. Mr. President, I have no objection to that; but I do not believe this amendment is subject to the criticism which is made by the Senator from Washington. If I thought so, I would not vote for it. I would have made a point of order. It is not the violation of the rules and regulations which is a crime. The statute makes it a crime to kill this game. The exceptions are established by the rules and regulations, but the violation is the violation of the statute. That is the way I construe the amendment from a hasty reading.

Mr. OVERMAN. That is all.

Mr. JONES. Oh, I see.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. OVERMAN. The Senator from Washington does not insist on his amendment?

Mr. JONES. Yes; I think my amendment should go in. I think these exceptions should be made by general rule, and not by special rule.

The VICE PRESIDENT. It is in.

Mr. OVERMAN. All right; I have no objection.

The Secretary resumed the reading of the bill, beginning on page 81, line 11, with the subhead "Part A."

Mr. GORE. Mr. President, I will ask that we pass to page 123, omitting the present consideration of the items which immediately follow where we are now.

Mr. GALLINGER. Does the Senator want to return to some amendments?

Mr. GORE. No. The Senator realizes that there are several riders contained in this bill. We have reached them now. I think we had better pass to page 123, where there are some items more directly connected with the bill as an appropriation bill.

Mr. GALLINGER. Before that is done I want to call the attention of Senators who are more disturbed about general legislation on an appropriation bill than I am or have been to the fact that another body has placed on this bill two statutes—possibly three statutes—which we are asked to consider and approve. I think very likely they will be approved by the Senate; but in all the period that my service covers I have never known such a mass of general legislation to be put on an appropriation bill as we have now before us. It may be possibly for the public good and desirable that it should be done.

Mr. BORAH. Mr. President, we have this consolation in regard to it, that we still have the rules of the Senate, if it is not proper to do so.

Mr. GALLINGER. The rules of the Senate, however, would not apply to provisions incorporated in the bill by another body. We could not strike them out by making a point of order if we tried.

I thought it was well, in a few words, to call attention to this extraordinary method of legislation, because we are oftentimes met by the very body that placed this mass of general legislation in this bill with the suggestion that the Senate places general legislation on appropriation bills; and while we have sometimes put one statute on an appropriation bill, I have never known an instance where we put a code of laws on an appropriation bill, which we come pretty near doing in this bill.

Of course the legislation will remain on the bill, and will remain on the bill to be used as a precedent in the future that our custom here in both Houses to some extent in the case of contested legislation—legislation that can not get through the two bodies under debate, under discussion, and by vote—is to find an easy way, the line of least resistance, by carefully smuggling it into an appropriation bill or openly putting it there; and, in violation of the rules of both Houses, we legislate in this way.

As I have said, I have not been disturbed to the extent that some other Senators have in reference to this custom, which is contrary to our rules, and I only call attention to the fact to show that the Senate is a small offender compared to what has been done in this bill by another body.

The reading of the bill was resumed, beginning with line 25, page 123.

The next amendment was, on page 124, line 20, after the word "exceed," to strike out "$70,000" and insert "$55,000," so as to make the clause read:

That not to exceed $55,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed $10,000 of this amount shall be expended for the purchase of such vehicles and boats, and that such vehicles and boats shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year.

Mr. STONE. Mr. President, I would like to say a word about this appropriation of $70,000 in the House bill, reduced—happily reduced—by the Senate committee to $55,000. This appropriation is made as a lump sum, to be expended by the Department of Agriculture "for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia." How are these automobiles and these carriages, to be drawn—I presume, by dapple-gray horses—and these motor boats to be used?

Mr. GORE. Mr. President, the principal use of these means of conveyance is in connection with the Forestry Service. They are necessary in the suppression of fires and patrolling the forest reserves, and the motor boats are used on the lakes of the forest reserves. The Senate committee reduced the House appropriation for this purpose from $70,000 to $55,000.

Mr. STONE. I see that and approve it.

Mr. GORE. I think the principal use is in connection with the Forestry Service. For a time they used, in connection with the hog-cholera service, the motor cycles. I am not sure whether that practice is continued or not.

Mr. STONE. Mr. President, the chairman of the committee says, as I understand him, that these motor machines—automobiles, and so forth—are to be used in connection with the Forestry Service. That means they are to be used for riding around over the forest reserves and in going when it is necessary to points where there is danger of forest fires, and so on. Machines of this kind cost considerable money.

Mr. GORE. I will say they do not really use automobiles, as I understand. They use Fords, as a rule, in connection with this service.

Mr. STONE. Well, the Ford is a good machine. I can certify to that from some experience with it. The Ford machine can go into places where few other automobiles are capable of going.

Mr. GORE. I think that is the reason why they are used—because they are most serviceable in connection with this work.

Mr. STONE. I do not believe that even a Ford machine could follow a deer or a rabbit through a forest jungle. I have heard it said here in debate, off and on, that these forest reserves interfere with the development of the States where they are located, partly because the local authorities can not make roads through them so as to connect one place with another place across these large areas. So it must be that the question of roads is an important consideration. Even a Ford machine must have a road of some kind, and even a Ford machine costs from $450 to $500. Now, you can buy a mighty good horse for about $150, and I think a good horse would be more serviceable in finding one's way through a forest to a given point than an automobile.

Mr. President, we are getting very aristocratic in these days. We have now reached the point when even a forester looking after forest reserves, and whose duty it is to run here and there on his reserve to look after some little business connected with his official duty—going out from the home the Government provides for him—a Senator by my side remarks, sotto voce, "and also provides him with a uniform"——

Mr. OVERMAN. Also with a green feather in his hat.

Mr. STONE. The Senator from North Carolina says, "with a green feather in his hat." I do not know as to the exact accuracy of that, but I do know that we supply all his needs, including a decent salary. Now, when he wants to go across the

hills or through the tangled forest to look after and defend his reserve against depredations or against forest fires, I would like to know if he could not use a $150 horse to better advantage than a $500 automobile?

We are getting to be too aristocratic. I think appropriations like this ought to go out of the bill.

Mr. President, I do not follow appropriation bills very closely; my time is occupied with other things; but now and then when I do look at them I find items of this kind that astound me. That great committees of the Senate and the House should put such things in appropriation bills is amazing; and yet it has been done year after year ever since I have been here. Instead of appropriating $70,000, as the House did, or $55,000, as our Senate committee recommends, I think if we would put in, say, about fifteen or twenty thousand dollars to buy horses and mules for this service we would save a lot of money to the Treasury and the people, and at the same time furnish a better means for performing a better service.

I know my friend from Oklahoma, the distinguished chairman of this committee, does not wish to throw the money of the people away idly or extravagantly, merely to comply with the whims and caprices of people who happen to be in the public service here and there. He must be opposed to that sort of policy.

Mr. President, speaking of automobiles, and of carriages drawn by pretty horses, with liveried drivers wearing plug hats, cockades pinned on them, yellow boots with breeches stuck in the tops of the boots, and all that, it is a common sight in Washington. I have nothing to remark about it when vain men and vainer women do it at their own expense; but it is a disagreeable sight to the eyes of many old-fashioned and really refined people when we see this snobbery exploited at the public expense. I have a machine; but I bought and paid for it out of my own pocket, as have other Senators who have ventured upon this extravagance. I think the business of Senators and Members of the House is just as important as the business of Secretaries or Assistant Secretaries of executive departments, and certainly as important as that of the clerks in these departments. But we Senators pay for our own transportation.

I know that I have to go almost every day from one department to another on official business, and I have been doing it for many years, and when I did not own a machine—and I did not own one until very recently—I borrowed one, if I could, or I went on the street cars or walked. I think the business I am sent here to perform—whether I perform it acceptably and well or not may be a question—but the business, in itself as a business, is as important, and indeed far more important, than that imposed upon the officials, generally speaking, who throng the executive departments in Washington.

Mr. President, for years we have been making headway in this direction. We are still progressing. Now we are proposing to go out into the forest reserves and into services of that kind to provide such officials with automobiles and motor boats to float up and down the streams that cross their reservations and to furnish them with such means of recreation and diversion. We have been doing this sort of thing from year to year for a long time, and it is getting worse and worse from year to year. If I could have my way, I would cast all such things out of these bills; but I know I can not have my way. I have seen this question tested often enough to know I can not have my way. All I can do is to express my opinion now, as I have heretofore, and leave it at that. All I can do is to protest.

Mr. WARREN. Does the Senator really think it is growing worse and worse?

Mr. STONE. I am quite sure it is not growing any better.

Mr. WARREN. Sometimes an open confession is good for the soul.

Mr. GORE. I entirely sympathize with the horny-handed and practical observations of the Senator from Missouri.

Mr. STONE. Not very horny-handed.

Mr. GORE. Yes; they are.

Mr. STONE. I have a pretty soft hand.

Mr. GORE. The observations are horny-handed, and the Senator deserves credit for them. I am willing to join with him in curtailing extravagance, beginning with battleships and going all the way up or down to Ford machines.

The Senator is under an erroneous impression at least as to a portion of this appropriation. Not a dollar of this entire amount can be used in the District of Columbia in connection with high official personages or liveried servants. By express terms the money is to be used outside of the District of Columbia.

The Senator from Missouri is of course familiar with the history of this struggle in the Senate. Some two or three years ago the sundry civil bill contained a provision undertaking to prohibit the purchase and use of automobiles for officials within the District of Columbia. The Committee on Agriculture followed that precedent. It happened that the succeeding year there was one machine used between the District of Columbia and some farm over in Virginia, which seemed to us to violate the terms of the preceding act, and we adopted language that would even exclude the use of that machine for that purpose. The Agricultural Committee has prevented the use and abuse as far as legislation can do it of machines by officials in the District of Columbia. This appropriation relates to the field service.

I shall not discuss the relative merits of the automobile and horse-drawn vehicles, or horses and mules, in connection with this particular service. I may say that a great many business men, that a great many department stores, that a great many grocery stores are substituting the machine for delivery purposes as against the horse and the mule, I assume on the ground of economy. I know not what other motive might inspire such a change.

Mr. President, we have had forest fires in this country which entailed losses of millions and millions of dollars. We have expended more than a half a million dollars in a single year for the prevention of forest fires. This appropriation is in the nature of an insurance. It is a species of preparedness, preparation to anticipate the ravages of forest fires, preparation to minimize their enormous losses on Government property. While the horse and the mule might serve on certain trails threading the forest, we have spent much money upon the construction of roads to aid in the prevention and suppression of forest fires. Upon these highways there can be no question as between the relative merit of the automobile and the Missouri mule, although I would not detract either from the character or the reputation of the Missouri mule. The committee reduced the appropriation from $70,000 to $55,000, the amount carried last year, and if the Senate, upon consideration of this measure shall decide to eliminate it I shall have no further protest to make.

Mr. SHAFROTH. Mr. President, I wish to call the attention of the Senator from Missouri to the fact that prior to the passage of the act which was approved on the 16th day of July, 1914, appropriations had been in lump sums without any specification as to whether automobiles should be purchased or not. There was considerable discussion of the question, and this is the provision that was put in the legislative, executive, and judicial act approved July 16, 1914:

SEC. 5. No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used.

This statement is made in the House report:

In compliance with the provisions of section 5 of the legislative, executive, and judicial appropriation act of July 16, 1914 (38 Stat., 454), a paragraph is included authorizing the expenditure of not exceeding $70,000 from the lump-sum appropriations of the various bureaus for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats for the conduct of the field work of the Department of Agriculture. This paragraph does not carry any appropriation. It simply grants the specific authority required by the act of July 16, 1914.

Mr. President, there is no question but that these vehicles are a source of economy. There is not any question but what they are needed, and needed not only in that branch of the Government but also by the field agents that are sent out by the Government.

Mr. GALLINGER. Will the Senator permit me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. GALLINGER. I am not at all familiar with the conditions in the Forest Service, particularly in the forest reserves. I will ask the Senator if any considerable part of the forest reserves can be traversed by automobiles.

Mr. SHAFROTH. Quite a little. Those roads are built by the State, however, and many of them were built before any forest reserves were established. There are a number of roads there but not nearly as many as there ought to be.

Mr. GALLINGER. As a rule, they are trails, are they not?

Mr. SHAFROTH. No. There are parts of them that are trails. For instance, take the town of Aspen in the State of Colorado and the town of Leadville, Colo., there are roads there and good automobile roads, put there before there was any forest reserve, and they can use those in going long distances. It is almost imperative that there should be some kind of vehicle of this nature employed. It seems to me the fact that the com-

mittee reduced the amount from $70,000 to $55,000, and I doubt the wisdom of it, shows that the committee were careful in making this appropriation.

Mr. GALLINGER. Simply for information, what method do the agents employ for travel where there is merely a trail?

Mr. SHAFROTH. Horses.

Mr. GALLINGER. Horseback?

Mr. SHAFROTH. Yes; horesback. But you can not take an apparatus of sufficient quantity to do any good for the purpose of extinguishing fire on horseback, and there are a good many of these men who are employed as supervisors and agents of the Government in the forest reserve. There are over a thousand of them and there is a limited number of automobiles that could be employed. It is not every one who has an automobile. That would be out of the question. Of course they are very limited, but there are certain places that they regard as being more important than others. Perhaps there are places where more than one agent stays, and on that account an automobile can be used to advantage in going from one part of the reservation to the other.

Mr. GALLINGER. I did not mean to express any hostility to the provision, but I wanted a little information. That is all.

Mr. SHAFROTH. It seems to me this is a wise provision if we are going to administer the affairs of the forest reserves in a proper manner.

Mr. STONE. Mr. President, the amendment will go through all right. I shall not make any motion; everyone here knows it ought not to be in the bill.

Mr. BORAH. Mr. President, I think the only question involved in this controversy would be the extent to which we furnish automobiles rather than the fact that we do furnish some automobiles. I do not know whether we are furnishing too many or not. The question which was asked by the Senator from New Hampshire [Mr. GALLINGER] is based upon a supposition which very generally prevails throughout the East, and that is that these forest reserves are reserves which are covered by forests, which is a very great misapprehension. The fact is that there are thousands of acres in and hundreds of miles to be traveled through these forest reserves where the roads are practically as good for automobiles as they are here in Washington. These reserves are not all that mountainous, forest-covered region which naturally presents itself to the mind when you think of a forest reserve.

Mr. GALLINGER. If the Senator will permit me, if it is simply territory denuded of trees, what particular need is there of its being traveled for the purpose of protecting it?

Mr. BORAH. That raises a different question, a question which I have often presented here, but nevertheless they are traversed by these people who are there for the purpose of traveling over them, and they can travel much more expeditiously and cheaply in automobiles ordinarily than they can otherwise.

But I hope the Senator from New Hampshire will not be misled by the supposition that these forest reserves are of that kind which one would naturally suppose them to be by the name which they bear.

I was traveling across one of our forest reserves some three years ago in company with a gentleman from the East. After we had driven in an automobile for hours I said to him, "Now, you have been traveling across a certain named forest reserve." He said, "These jokes are all right, but this is a little exaggerated, it seems to me." I said, "This is, in fact, a forest reserve." There was not a tree in sight, unless it was some willow or some small shrubbery or something of that kind along practically a dry stream; neither had there ever been a tree upon that land. The Lord had never been able to make a tree grow on it, but it was within a very large forest reserve. That is the condition we have to deal with in regard to this matter. Of course, not all lands in the reserve are such, but vast areas are, and therein lies the "winter of our discontent."

Mr. SHAFROTH. Let me suggest to the Senator from Idaho also the fact that nearly one-third of the total area that is included in the forest reserves has been located on that line which we call above the timber line, where nature has decreed that no tree can ever grow. Yet millions and millions of acres are included in that area.

Mr. CLARK of Wyoming. Mr. President, I desire to ask the Senator from Colorado a question. He read the statute which provides under certain limitations for the purchase and use of automobiles, motor-drawn or horse-drawn vehicles. That statute also provides that there shall be an itemized estimate of each of these and showing by what officer it is to be used. I assume that itemized and particular estimate has been furnished for this year's appropriation.

Mr. SHAFROTH. I think so. I have not the Book of Estimates here.

Mr. GORE. I have a letter here from the Secretary of Agriculture, which I will ask to have printed in the RECORD.

Mr. CLARK of Wyoming. But that would hardly form an estimate in the intention of the law. It is the intention of the law evidently that among the regular estimates to be furnished shall be an estimate in particular of these vehicles and the persons who are to use them.

Mr. SHAFROTH. I will state to the Senator that I do not know whether it is in the Book of Estimates, but I will examine and let him know.

Mr. CLARK of Wyoming. Can the chairman of the committee tell me?

Mr. GORE. I intend to ask to have a letter from the department printed in the RECORD.

Mr. CLARK of Wyoming. The letter of the department is not an estimate.

Mr. GORE. I understood the Senator desired to know what information there was in the Book of Estimates on the subject.

Mr. CLARK of Wyoming. Yes. The chairman was unable to state it at that time?

Mr. GORE. I can not do it without consulting the Book of Estimates.

Mr. SHAFROTH. I will state to the Senator I will examine it and let him know.

Mr. VARDAMAN. Mr. President, I wish to say just a word at this time.

Mr. GORE. I understand that the entire subject is set out in detail in the Book of Estimates.

Mr. VARDAMAN. Mr. President, I am not going to delay the consideration of this matter very long, but I can not refrain from expressing my delight that the senatorial conscience has been somewhat aroused on the question of squandering public funds to provide luxurious means of transportation for the well-paid officeholders in Washington. I think if we are going to start to cut down expenses in furnishing luxuries to the officers of the Government we ought to commence in the District of Columbia.

The vehicles provided for in this paragraph are to be used, I understand, for the protection of public property. They are not luxuries, such as are enjoyed by some of our distinguished well-paid officeholders. If we are going to begin to economize in the matter of buying automobiles and carriages, I insist that we begin where it is doing some harm or costing something to the American people. If Government property needs protection, it is the duty of Congress to provide the means of protecting it regardless of the cost. This is not the place for economy. I for one believe that we can save a good many thousand dollars a year by stopping the furnishing of automobiles to officials of this Government in Washington whose salaries are sufficient to justify them in paying for their own automobiles or horse-drawn carriages, if they desire them. It is in my opinion an unwarranted prodigality of public funds to provide these luxuries for the private use of the public officers.

Mr. STONE. Mr. President, I wish to say that it seems to me, as we go along, we might begin now as well as later to establish a progressive policy with respect to this governmental habit to which we are committing ourselves. In Berlin, years ago, I noticed that when the Kaiser rode in his automobile along the public streets and across the parks, he had seated in front of him a herald who blew the royal trumpet, the royal signal, and everybody else was legally obliged to get out of the way or be lawfully run over. Berlin was not the only capital where this rule prevailed. Following these examples of those who rule by divine right, I submit that in this bill or in the next we should insert a provision legally establishing the offical toot for these automobiles. We should decide by law just how and in what way to sound the official signals; and, when sounded, just what private citizens must do. It should be setttled whether the ordinary citizen, including Members of Congress, shall run into fence corners, if any there be, or slide off onto the farthest side of the road to give a clear way to the Secretary, the Assistant Secretary, the chief clerk, the Forester, or whatever it may be. It would seem to be important as we go along this path that there should be some statutory rule established to distinguish the ordinary citizen from the department clerk and the Forester.

Mr. GORE. Mr. President, I merely desire to observe that if our Government resolves to commit itself to militarism, to Cæsarism, to Kaiserism, we must be prepared to accept the inevitable accompaniments.

Mr. WARREN. Mr. President, the automobile has been the subject of a great deal of fun, as well as a great deal of contention, on former occasions here. I recall a long debate not many years ago when one of the prominent Members of this body objected to the word automobile being contained in any

of the appropriation bills, or the Government owning one. He said that he had never ridden in one and never expected to do so, and his State had none in its borders as far as he knew, and he hoped there would not be one there. The second day after I noticed in the newspapers where his son had bought one and had a slight collision on the streets with somebody. A week later one live-stock association in his State had bought a number of automobiles to round up the cattle on the ranges.

It is undobutedly true there have been abuses in the use of automobiles the same as in horses and carriages, but in this particular matter under debate I have no interest if it is sought to cut it out, except to say that it is not intended to apply in the city of Washington. That is prohibited by the language of the section itself.

It is true, as stated, that forest reserves have great open stretches upon which there is no timber. It is also true, however, that there are forested patches here and there, and the distances across open spaces, in case of fire, if one summons help from the other, must be made as rapidly as possible. Horses are very generally used; they are used in all the mountain trails, but in places where the forests are separated by these areas or where different forest reserves join each other it is much cheaper than having horses to have automobiles.

Furthermore, in the case of fire it is very much quicker to reach the scene of action. When there is a fire that is liable to get beyond the reach of the regular men employed, aid is always sought at the nearest village, the nearest town, or the nearest ranch. The automobile that goes there and brings the men back gets them there much more quickly and the amount and value of timber saved in that way is a great many times what this proposition of $55,000 amounts to to furnish automobiles for rapid transportation.

Mr. CLARK of Wyoming. Mr. President, I would like at this moment to call my colleague's attention to the fact that less than 10 per cent of the expenditure in the Book of Estimates is for service in forests.

Mr. WARREN. It is not only the forest reserve but it is matters of hog cholera, and so forth, where there must be quick action; it is a matter of the quick prevention of the spread of diseases from one point to another. As a matter of fact agricultural pursuits are usually conducted off of railroads where there must be some mode of transportation. So they are used in all these different ways.

Mr. CLARK of Wyoming. My suggestion was not pointed at that position. I was only suggesting that as a matter of fact nearly all the argument that has been used in favor of this appropriation was the tremendous saving it would make by preventing destruction from forest fires, and I am also pointing out the fact that the estimates show that less than 10 per cent is used in that way.

Mr. SHAFROTH. The Senator from Wyoming asked me a short time ago whether the Book of Estimates contained a detailed statement concerning the needs of the department. I will state that in the Book of Estimates of appropriations for 1917, at pages 288, 289, 290, 291, and 292 will be found a detailed statement as to exactly what these automobiles were used for.

Mr. CLARK of Wyoming. I will say to the Senator, I have the estimate in the book furnished me by the clerk of the committee since I made the request.

Mr. SHAFROTH. I had better make a short explanation concerning this matter. I have here the Book of Estimates, in which I find a "Statement of proposed expenditures for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats for the Department of Agriculture for the fiscal year ending June 30, 1917, as required by section 5 of the act of July 16, 1914 (38 Stat., p. 508)."

Then there follows this detailed statement:

Bureau, division, or office.	Horse-drawn or motor-propelled.	Appropriation.	Number.	Description.	Amount.
Office of Farm Management	Motor-propelled	Farm management	1	Motorcycle	$150
Weather Bureau	do	General expenses, Weather Bureau	1	Launch	70
Do	do	do	1	Motorcycle	30
Bureau of Animal Industry	do	Inspection and quarantine	1	Automobile	625
Do	do	Eradicating cattle ticks	1	do	600
Do	do	do	1	do	600
Do	do	Military horse breeding	1	do	600

This statement goes on as to the various departments and extends to everything that is under the jurisdiction of the Agricultural Department—the Bureau of Entomology, the Bureau of Chemistry, the Forestry Service, and so forth.

Mr. OVERMAN. Had not the Senator better put the whole table in the RECORD? I think it ought to be there.

Mr. SHAFROTH. I do not think it is desirable to insert this whole table in the RECORD.

There is also a detailed statement in reference to the Forestry Service on page 290; there is a similar statement on page 292, showing, for instance:

General expenses, Forest Service—

This is the expense item for a motorcycle, which was $335. There were three of those, each of which cost $335, and there was an expenditure for maintenance of $85, $65, and $60, respectively.

Then there are launches which are used. Many of these items are for motorcycles and launches, and they, of course, are necessarily used in——

Mr. OVERMAN. Where are the launches used?

Mr. CLARK of Wyoming. The launches are used in Alaska.

Mr. SHAFROTH. I will state that here is one referred to "for use in boarding ships and as a lifeboat in emergencies." That is employed at Sand Key, Fla.

The next motorcycle which appears in this table to the amount of $100 was:

For use of animal husbandmen in visiting ostrich farms in Arizona. Travel can not be advantageously performed by any other means except by automobile, and that is more expensive.

Here is another motorcycle—

used in making trips to the Egyptian cotton experiment station in the Salt River Valley, Ariz.

There was also a motorcycle—

used in visiting various parts of the projects and in making trips between the station and town for the purchase of supplies.

Mr. OVERMAN. I did not ask for information relative to motorcycles. I inquired as to launches. I do not know why the Agricultural Department needs launches.

Mr. SHAFROTH. I read from the Book of Estimates as follows:

Motor boats	1,540	Forest-fire protection on Kaniksu, Pend Oreille, Coeur d'Alene, Missoula, Bridger, Superior, Minnesota, Tonto, Tahoe, Wenatchee, Siuslaw, Olympic, Crater, Chelan, Madison, and Columbia National Forests.	Forest ranges and patrolmen.
Motor boat	375	General administration on Florida National Forest.	Forest supervisor and forest rangers.
		* * * * * *	
Do	100	Forest-fire protection on Chugach National Forest, Alaska.	
		* * * * * *	
Do	250	Patrolling Klamath Lake Bird Reservation, Oreg.	Warden in charge of Klamath Lake Bird Reservation, Oreg.

I presume these are used wherever there is a large body of water which it is necessary for the employees to go over or to traverse the length of.

Mr. President, the provision is in accordance with the estimates; it is made in perfect detail and conforms exactly with the law. I doubt very much the expediency of reducing the appropriation to $55,000, in view of the necessity which is shown in these estimates.

The VICE PRESIDENT. The amendment is agreed to, without objection.

Mr. BORAH. Mr. President, has the committee concluded the consideration of committee amendments?

Mr. GORE. No, sir. There are several other amendments which have been passed over, and one or two yet to be considered.

Mr. BORAH. Mr. President, while I am on my feet, I want to say a few words, not for the purpose of raising any question in regard to it but in order that the RECORD may contain in brief my views in reference to this amendment, on pages 80 and 81.

In so far as the amendment on pages 80 and 81, with reference to game preserves undertakes to give the National Government jurisdiction over the game preserves for the purpose of enforcing criminal laws, I do not mean by refusing to raise an objection to the amendment that I concede the proposition that the National Government can exercise that power. I think that matter belongs to the States. If those who are advocating this amendment believe that the National Government can enforce that kind of a law, and are content with it, all right; but as a legal proposition I do not believe that it is sound doctrine.

Mr. JONES. Mr. President, if it is in order, I wish to ask permission to reconsider the vote by which the amendment on page 4 of the bill striking out the provision regarding the study of methods of clearing off "logged-off" lands was agreed to.

Mr. GORE. I wish to ask if the Senator from Washington merely wishes to now lodge the motion or wishes the amendment now reconsidered? I shall interpose no objection to notice being entered.

Mr. JONES. I think it will take only a moment.

Mr. GORE. I would not want to reopen the matter now. I had rather finish the committee amendments; but there will be no difficulty about opening the matter at the Senator's convenience.

Mr. JONES. It is in reference to a committee amendment, and I thought the Senator might be willing to have the matter reopened now.

Mr. PITTMAN. I should like to ask the chairman of the committee if he would prefer at this time to recur to the amendment on page 14, which was passed over?

Mr. GORE. I will say that we are only lacking one or two amendments, I think, of finishing the consideration of the committee amendments. Then we shall revert, in their order, to all of the amendments which have been passed over.

Mr. PITTMAN. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 125, line 14, before the words "The Secretary of Agriculture," to insert the following side head: "Detailed estimates for executive officers, clerks, and employees below the grade of clerk."

The amendment was agreed to.

The next amendment was, on page 126, line 3, after the words "arising out of," to strike out "an outbreak" and insert "the existence"; and in line 9, after the words "the sum of," to strike out "$2,500,000" and insert "$1,250,000," so as to read:

Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $1,250,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease.

The amendment was agreed to.

The next amendment was, on page 126, after the words "such disease," at the end of line 11, to insert:

including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations, and said sum shall be immediately available for the purposes specified: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any of such appraisements.

Mr. SAULSBURY. Mr. President, I am not sure that it is now in order, but at this point I desire to move to amend the committee amendment after the word "specified," in line 19, on page 126, which I hope will be accepted by the Senator in charge of the bill.

In explanation of the amendment I will say that this provision relates only to the existence or outbreak of the foot-and-mouth disease which may hereafter occur, and makes provision for the payment of certain damages in that event. I have had some correspondence with the Department of Agriculture regarding a case which might possibly be attended to under a claims bill, but it seems that as provision is being made for this, and as the department have stated that they are not in funds to make a sufficient recompense for the losses incurred by the person to whom I refer, it might be well to provide that this particular case might be provided for out of this appropriation.

I have here from the governor of my State, who knows all the circumstances, and was very useful and instrumental in eradicating the foot-and-mouth disease, two letters regarding this amendment, which I ask that the Secretary may read, showing the very great desirability of the amendment.

The VICE PRESIDENT. The Secretary will read as requested.

Mr. LODGE. Mr. President, before that is done—I have no opposition to this amendment—I merely want to ask if individual amendments have been reached or whether the committee amendments have all been disposed of?

The VICE PRESIDENT. There are still committee amendments undisposed of.

Mr. GORE. I will say that we are now considering only committee amendments.

Mr. LODGE. That is what I understood.

Mr. GORE. But the Senator from Delaware [Mr. SAULSBURY] being desirous of leaving the city this evening for that reason I have made an exception in his favor in the consideration of amendments.

The VICE PRESIDENT. The Senator from Delaware has offered an amendment to a committee amendment, which is in order.

Mr. GORE. But I have pursued the rule of passing over committee amendments where Senators desire to either amend or discuss them.

The VICE PRESIDENT. The amendment proposed by the Senator from Delaware will be stated.

The SECRETARY. On page 126, line 19, in the committee amendment, after the word "specified," it is proposed to insert the following:

And of the above sum $2,500, or so much thereof as may be necessary, shall be immediately available to enable the Secretary of Agriculture to ascertain and pay the loss caused George P. Frederick, of Newport, Del., resulting from disinfecting his premises by Government inspectors during the outbreak of the foot-and-mouth disease in the fall of 1914.

Mr. SMOOT. Mr. President, before that amendment is acted on, I want to suggest that in lines 18 and 19 the words "and said sum shall be immediately available for the purposes specified," be stricken from the Senate committee amendment.

Mr. GORE. Yes; I desire to have that done.

Mr. SMOOT. Then the amendment offered by the Senator from Delaware would follow the word "regulations" instead of the word "specified."

Mr. GORE. I ask to have that proviso stricken from the bill.

The VICE PRESIDENT. The amendment will be modified to that extent.

Mr. SAULSBURY. Mr. President, in explaining this amendment, I desire to have two letters from the governor of my State read, so that the committee of conference appointed on the bill may be in possession of the facts regarding the proposed amendment.

Mr. SMOOT. Do I understand the chairman of the committee has accepted the amendment?

Mr. SAULSBURY. No; I do not so understand.

Mr. SMITH of Georgia. Is it proposed in this way on the floor of the Senate to suggest the amount to be paid for a loss and pass upon it? If so, I am obliged to object to it.

The VICE PRESIDENT. The amendment does not specify the amount.

Mr. SAULSBURY. I may say that the amendment limits the amount and authorizes the Secretary of Agriculture to ascertain the loss.

The VICE PRESIDENT. The amendment does not provide the amount to be paid, but limits the amount the Secretary of Agriculture may pay.

Mr. SMITH of Georgia. Mr. President, I think it ought to take its course with all other claims of this character. It is very dangerous for us to select out one claim and legislate concerning it. I do not see why the general appropriation carried in the bill would not leave this claim subject to be considered just like any other claim.

Mr. SAULSBURY. Mr. President, I may say to the Senator that he is mistaken about that, because while the provision in the bill relates to the very class of injuries to which this special one belongs, it is for future recompense, and applies only in case such injuries occur in the future. It seems to me that it would be certainly a very good thing to provide that in a case of this kind this individual should not be put to the difficulty of having a special claims bill introduced and referred to the Court of Claims, with all the resulting expense——

Mr. SMITH of Georgia. Mr. President——

Mr. SAULSBURY. If the Senator will pardon me—when there is a million and a quarter dollars appropriated for this

very purpose. It seems to me there is no reason why we should legislate in favor of unknown claims which may arise in the future and refuse to act upon one that is known, is certified to by the governor of the State, and can be treated under the general provisions of this act.

Mr. SMOOT. The provision in the bill relates to claims which have been or may be filed with the Government.

Mr. SMITH of Georgia. Mr. President, there is a fund still undisposed of in the hands of the Secretary of Agriculture for handling generally the foot-and-mouth disease, and no deficiency has been reported to us. I think putting this claim from the floor in an appropriation bill unwise, and it would be a very dangerous precedent.

Mr. SAULSBURY. Mr. President, the Senator is under a misapprehension regarding that; and I can read to him from letters I have in my hand from the Secretary of Agriculture showing that he has no funds in hand from which he can pay these damages. I read from a letter of the Secretary of Agriculture addressed to me on the 11th day of November, 1915.

Mr. SMOOT. Will not the Senator have both letters read to which he has referred?

Mr. SAULSBURY. I will have those letters read; but, as preliminary to answering the suggestion of the Senator from Georgia, I desire to read from the letter of the Secretary of Agriculture. The Secretary of Agriculture says:

> The solicitor of the department concurs in this view and is of the opinion that in the absence of an appropriation for paying such claims as that advanced by Mr. Frederick the department is without authority to reimburse him. It is believed that if his injury merits redress by the Government his remedy is with Congress.

That is also concurred in by the Acting Secretary in a letter to me under date of October 23, 1915, in which he says:

> The department is of the opinion, however, as stated in the Secretary's letter of March 18, that even though Mr. Frederick's claim were equitable, it would have no authority to pay it from any appropriation available to the department.

Mr. SMITH of Georgia. Then, it does not fall under the general class of such claims under the procedure which we have been following.

Mr. SAULSBURY. I ask, in order to inform the Senator in regard to this claim and how it arose, that the letters which I have sent to the Secretary's desk from the governor of my State be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT, DOVER, DEL.,
Wilmington, Del., October 25, 1915.

Hon. WILLARD SAULSBURY,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I have your favor of the 19th instant and am very glad that you have taken up the George Frederick matter with the department. I was in personal charge of every detail of the case of enforcing the quarantine against the hoof-and-mouth disease in 1914, and familiarized myself with the Frederick case, and I can say to you without any hesitations that Mr. Frederick's grounds for the claim of reimbursement are absolutely substantial. He was unable to conduct his business after his place was disinfected. Dr. Schauffler advised him to correct this effect by washing, but it did not in any way correct the trouble. After some months he obtained the services of a chemist, who finally was successful in reducing the odors arising from disinfection. In the meantime his business was practically destroyed. Although Mr. Frederick's plant was in bad condition at the time it was disinfected, I consider that the manner in which disinfection was applied and the personal manner in which he was treated by the department agents was outrageous and unwarranted. In conclusion, I will say that if this trouble had arisen through the fault of any official of the State of Delaware I would have seen to it that the legislature reimbursed Mr. Frederick. As it was, the matter of disinfection was entirely in the hands of the Government officials, and I could not make a just claim upon the State of Delaware.

I thank you for your cooperation in this matter, and trust that you will call upon me if I can be of any assistance.

Very respectfully, yours,

CHARLES R. MILLER, *Governor.*

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT, DOVER, DEL.,
Wilmington, Del., March 9, 1916.

Hon. WILLARD SAULSBURY,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Permit me to call your attention to my letter of October 25, 1915, relative to the damage incurred by George P. Frederick, of Newport, Del., by reason of the manner in which the Government agents fumigated his plant. I sincerely trust that Mr. Frederick can be reimbursed an amount commensurate with the loss which he has sustained. My letter of the 25th of October accurately and clearly states the facts. The delay in having Mr. Frederick's case settled has created such a feeling in our State that it would seriously interfere with any future action which might be necessary for the Federal authorities to take in case another epidemic would occur requiring Federal intervention in Delaware.

In Mr. Frederick's case the militant attitude of the chief Federal officer was such as to create a deep-seated and resentful prejudice against the Federal officials; and I can personally indorse this attitude, as I was cognizant with all the facts at the time the incident occurred.

I am pressing this matter for two reasons: First, I think Mr. Frederick's claim is a just one, and, second, I wish to establish a feeling of cordiality on the part of our citizens toward the national authorities, who, I know, are conscientiously and earnestly endeavoring to assist State officials and citizens in eradicating infectious diseases.

Thanking you in advance for your assistance, I shall be glad to hear from you in regard to this matter.

Very truly, yours,

CHARLES R. MILLER, *Governor.*

Mr. SMOOT. Mr. President, I wish to ask the Senator if this item—and it is a personal claim—has ever been presented to the Senate or the House of Representatives in the form of a bill for the relief of the claimant?

Mr. SAULSBURY. No, I may say.

Mr. SMOOT. Does not the Senator believe that that is the proper course to be pursued?

Mr. SAULSBURY. I think, Mr. President, that might be the usual course; but no one knows better than does the Senator how difficult it is to get a bill of that character through the Claims Committee on account of the enormous number of claims before it; and it seemed to me, when there was an item in this bill to pay damages caused in the same way that the damage has been caused this man, and when the department has suggested that it needed additional legislation, and the whole matter was before the Senate for consideration, that this was a very proper way to close up such an account as this.

Mr. SMOOT. Of course, it is obnoxious to the rule to put any private claim upon an appropriation bill; but I understand that there has been no real investigation made as to the actual amount that is due Mr. Frederick.

Mr. SAULSBURY. No; not by any department; and the amendment simply empowers the Secretary to ascertain the damage and pay not exceeding $2,500—of course, leaving everything in the hands of the Department of Agriculture, just as everything is left in the hands of the Department of Agriculture under the provisions of this special appropriation.

The Senator is doubtless very familiar with the method of settling claims of this character. I presume that in the settlement of various claims as between private individuals probably not one in a thousand comes to litigation, and they should not lead to litigation as against the Government if that can be avoided by negotiation and by proper settlement. Of course the danger would be in trusting an ordinary agent to settle Government claims; I can understand that; but there is nothing compulsory in this amendment; it simply makes an appropriation to the extent of $2,500, out of which the Secretary may make an equitable adjustment of this man's actual losses, which, according to the letters of the governor of Delaware, are shown to be substantial, and which should be settled.

I only desire to say a word more. The governor of the State was very active and very energetic, and during practically the whole time the foot-and-mouth disease was being stamped out in my State gave his personal services to the Government officials in helping them and assisting them throughout the State in their work. Senators will see from his letter that he feels that for the general good, to produce a better feeling toward the Government officials, and to insure that they shall not be arbitrary in their actions as affecting the people, this particular case should be settled. I say it would be a very good thing to let it be done, and I hope no Senator will object to it.

Mr. SMOOT. Mr. President, I inquire of the Senator what steps have been taken by the department to find out just what damage was done to Mr. Frederick?

Mr. SAULSBURY. This matter has been in correspondence between the Department of Agriculture and me for a good many months, possibly running up to a year. They first sent there to make an inspection the same man who had fumigated Mr. Frederick's place, and I think, from the tone of that official's report on the situation, that it was about what usually comes from a department inspector who is sent to overlook his own work. He did not think that anything should be paid. On my request, another man was sent there, and his report led to the conclusion reached by the department that however just the claim of Mr. Frederick might be they had no funds available from which to pay it, and, therefore, it made no special difference as to whether the claim was a valid one or not.

Mr. SMOOT. Is this claim any different from other claims against the Government for the loss of cattle?

Mr. SAULSBURY. I fancy not.

Mr. SMOOT. I want to say to the Senator that there has been an appropriation made for the purpose of paying such claims. Whether that appropriation has been entirely exhausted I can not say, but in the appropriation bill of a year ago and in a special bill which was passed by Congress appropriating an additional million dollars over and above that which was appropriated in the Agricultural bill, provision was made for the payment for cattle which were killed because of

the order of the Department of Agriculture on account of the foot-and-mouth disease.

Mr. SAULSBURY. The point made by the department may be that this is not a claim for recompense for cattle killed This man had a butcher shop in which was meat which, I fancy, came from infected cattle. The chief injury, as I understand, to this man came not from condemning and taking his meat but from leaving his place in such a condition that other meat which he brought in to sell became so affected by the odor of the fumigating material which had been used, that it was rendered absolutely worthless, and he could not sell it. It may be that the department can not recompense such injuries as that from the old appropriation. I confess that I do not know about that.

Mr. SMOOT. I think the Senator ought to introduce a bill for Mr. Frederick, and I think the claim ought to be examined into by the appropriate committees of the House and the Senate. If Mr. Frederick was damaged—and I have no doubt that he was—and if the damage was occasioned unlawfully, I do not think there will be any trouble at all in getting a bill for his relief through Congress. We have passed more claims bills at this session, I presume, than we have passed during the four or five sessions; but it is a dangerous proposition to undertake to put a claim upon an appropriation bill when there never has been even a bill introduced in Congress to provide for its payment.

Mr. SAULSBURY. Of course, the Senator appreciates that the amendment appropriates no money to Mr. Frederick; it appropriates money from which his claim, when ascertained by the department, may be paid, just as this general provision will operate as affecting claims which may arise in the future.

Mr. SMITH of Georgia. Mr. President, if this appropriation in the bill applies to the future, it applies equally to the past.

Mr. SAULSBURY. If the Senator will read the provisions of the paragraph, I think he will find that he is mistaken.

Mr. SMITH of Georgia. If the claim in which the Senator from Delaware is interested is one which this bill would provide for in the future, it is provided for if it happened in the past.

Mr. SAULSBURY. But if the Senator will read the terms of the provision of the bill he will see that he is mistaken.

Mr. SMITH of Georgia. No; I am not mistaken. What I mean is that if there has been no provision in the past to meet any such claim as that presented by the Senator, then there is no provision in the future to meet any such claim. It is a different character of claim from the claims provided for in this appropriation and stands upon a different footing. I do not think it ought to be added to this appropriation bill without consideration by the committee. I think it would be a mistake to set the precedent of adopting an amendment incorporating a claim of this kind in an appropriation bill when the principle involved and the question of liability, even, have not been considered by the committee.

The VICE PRESIDENT. Is not the same phraseology used in this bill as is used in the former bill? For instance, on line 14 it reads:

> Of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease.

Is not that the same as the language of the existing law?

Mr. SAULSBURY. That would cover undoubtedly the meat of this man which had been infected.

The VICE PRESIDENT. Well, is not that the same phraseology which was in the original appropriation regarding the foot-and-mouth disease?

Mr. SMOOT. I could not say as to that without referring to the law.

Mr. SAULSBURY. I am not familiar with the phraseology of that act, but I hope that no Senator will see fit to make a technical objection.

The VICE PRESIDENT. The Chair is making the inquiry because the Chair sees a point of order coming and wants to find out what the original act was.

Mr. SAULSBURY. I am not able to give the Senator at the moment the wording of that act. Possibly I can find it.

Mr. SMOOT. This is the provision as to the $2,500,000 in the act a year ago under the headline of "Eradication of foot-and-mouth and other contagious diseases of animals":

> In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, or other contagious or infectious diseases of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend, in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease.

That is the appropriation that was made a year ago. Then in the conference, I suppose, there was added the following:

> Including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease wherever found, and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations, and said sum shall be immediately available for the purposes specified.

The VICE PRESIDENT. That is exactly the language used here; and the ruling of the department must have been made upon the theory that the fumigation of a butcher shop was not "material contaminated by or exposed to" the disease, under those constructions that you get once in a while. The Chair does not believe it is the law. A man is certainly just as much entitled to pay, if he is entitled to anything—the Chair does not say he is entitled to anything—but if he is entitled to anything he is just as much entitled to pay for the destruction by fumigation of his butcher shop as he would be for the destruction of his cleaver or any other of the appliances or material that he might have around the shop. It seems to the Chair that the Secretary of Agriculture now has ample authority and money to adjust this claim.

Mr. SMOOT. It looks that way to me, Mr. President, and I can not see why the amendment should be put in this bill. There would be some justification for putting in an amendment directing the Secretary of Agriculture to investigate all the claims made against the Government for the purposes named in the amendment of the Senator, but I do believe we ought to go to work and pick out one claim and tell the Secretary of Agriculture to investigate that and pay it if he finds that the amount is due the man for damages. I think, as the Vice President says, that under the wording of the bill itself, with the Senate amendment, the Secretary is already authorized to pay any claim against the Government for materials destroyed by fumigation on the part of the Government.

Mr. SAULSBURY. That may be very true, Mr. President, but I once heard of a man who was in jail, and he was told by his lawyer that they could not put him in jail. "But," he said, "I am here."

Now, the department rule that they have no money available to pay this claim. The only effect of adopting this amendment would be to authorize the department to investigate this claim. I do not think there was any Senator within the hearing of the Secretary's voice when he read these two letters from the governor of my State saying that he has personal knowledge of this particular matter who does not think that a technicality here is really to cause very unnecessary trouble to this man, who has been injured by the inspectors of this Government. It seems to me that in such a case as this it is hardly necessary to interpose a technical objection to an investigation by the department which is charged with such investigations, and is able to pay out millions of dollars on those investigations, for the purpose of preventing justice being done to this man, who is supported by the governor of the State, who says he desires this claim particularly to have attention by the Government for the purpose of assisting the officers of the Government in case any outbreak should occur in the future.

Mr. KENYON and Mr. GALLINGER addressed the Chair.

Mr. SAULSBURY. I will yield to the Senator from Iowa, who first rose.

Mr. KENYON. Mr. President, I merely want to say to the Senator from Delaware that if claims of this character are to be paid by the Government, I know that in my State the claims would amount to enormous sums. I have not understood that the Secretary was recognizing this class of claims. I am not quite clear yet, because we could not hear all of the discussion, as to whether the Secretary has given any intimation that claims of this class are to be paid, as he understands it, under the law. I think there would be $5,000,000 of this class of claims from my State, and certainly the claims from the State of Illinois would even exceed that, because that is where the foot-and-mouth disease was perhaps at its worst.

I can not understand why one special class of damages should be attached to a bill of this kind, when all of these other cases have been ignored and of course will be ignored. It seems to me it is clearly a claim.

Mr. GALLINGER. I rose to ask substantially the same question as that which has been propounded by the Senator from Iowa. I was about to inquire as to whether or not the department had acknowledged the validity of the claim, but did not pay it for the reason that there were no funds available for that purpose? Am I correct in assuming that that is the case?

Mr. SAULSBURY. The ground of the department's opinion is not clear in the correspondence which I have. Therefore I can not answer the Senator's question.

Mr. SMITH of Georgia. Mr. President, I can state to the Senator that the department has ample funds to meet all liabilities under the act of Congress which was similar to the one

now before us, and there could not have been a refusal to pay for lack of funds. The refusal to pay was for lack of funds to meet this kind of claim upon the ground that Congress had not provided for the payment of any claims of this character.

Mr. GALLINGER. I have had some knowledge of the procedure in these cases. It seems to me that the claim in which a constituent of the Senator is interested has substantial grounds; that the payment ought to cover a case of that kind and all cases of that kind; but I, of course, do not know what attitude the department takes, and for that reason I propounded the question.

Mr. SAULSBURY. I could not satisfy the Senator about that. I think possibly this proposed amendment might be very much improved—and I think, undoubtedly, it should cover cases of this character—by adding certain words in the amendment after the word "materials," on line 14. I do not know what the Senate will do with a claim of this kind. I think, in the form in which I have introduced it, the justice of it is absolutely manifest and there is very good reason for its adoption.

The VICE PRESIDENT. The Chair does not know whether there is a point of order made here or not.

Mr. KENYON. Mr. President, I will make the point of order, if it has not been made—I understood the Senator from Georgia made the point of order—that it is in effect a claim.

The VICE PRESIDENT. The Chair expressed an opinion just now that perhaps the Chair had no right to express, something which the present occupant of the chair is frequently likely to do.

The Chair has no means of knowing whether the rejection of this claim comes from the construction of the statute or because the Secretary of Agriculture did not deem it a proper claim to allow. Beyond any question of doubt, as it stands now, it is a private claim on an appropriation bill, and the Chair will be compelled to sustain the point of order, if that is the point.

Mr. CUMMINS. Mr. President, I offer an amendment to the committee amendment. I move to insert, immediately before the word "quarantine," in line 18, page 126, the word "lawful."

Mr. GORE. Mr. President, so far as I am concerned, I have no objection to the insertion of the word proposed.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SAULSBURY. Mr. President, may I, then, offer an amendment on such lines as to cover in a general way what has been objceted to, the objection being sustained on the point of order? After the word "materials," in line 14, I move to insert the words "buildings, shops, or other property," so that it may cover such conditions as that which I have described, and so that this claim may be presented to the Department of Agriculture.

Mr. SMITH of Georgia. Let us get at just what that would be. On what line would it come in, and where?

Mr. SAULSBURY. After the word "materials," on line 14.

Mr. SHAFROTH. What page?

Mr. SAULSBURY. Page 126. I move to insert at that point the words "buildings, shops, or other property."

Mr. SMITH of Georgia. Mr. President, this amendment is not changing existing law. This amendment, inserted by the committee, is a mere repetition of existing law. The proposed amendment is a change of existing law and extends the liability of the Government. I make the point that it is objectionable to the rule.

The VICE PRESIDENT. The Chair will be compelled to overrule that point of order. This is an appropriation to apply to certain purposes, and the Senate can make the appropriation for any purpose it pleases. This is not a general law heretofore made, but simply an appropriation for a certain purpose. The Senate can make the appropriation for this purpose if it chooses.

Mr. CUMMINS. Mr. President, I desire to suggest to the Senator from Delaware that in my opinion he will not accomplish the purpose he has in view by the amendment he has offered. I am interested in the matter because, as my colleague has just said, there are claims in my State, of the general character of the one now presented from Delaware, amounting to millions of dollars. The reason those claims could not be paid or even considered under the law as it is proposed to be is that the law is limited to compensation for things that are purchased or destroyed by the Government. The claim made by the Senator from Delaware, as I understand it, is for damage to things that have not been purchased or destroyed by the Government. Therefore, simply to add "buildings or any other structure" would not reach the case, unless the former words are enlarged or modified to permit damages to be paid for things that have not been purchased or destroyed in order to meet the ravages of the disease.

If the Senator from Delaware and the Senate desire to enlarge the liability of the Government so that compensation will be made for all damages that have been brought about by quarantine regulations to farmers and butchers and all others who have been affected, I do not know that I will oppose that sort of legislation, because my State would be very deeply interested in it; but candor requires me to say that it will immensely increase the amount of the appropriation necessary to pay these claims. The $1,250,000 here provided for would hardly begin the work of compensation. I think the Senate ought to understand very clearly just what it is doing before the change in the law is made.

Mr. GORE. Mr. President, I will say that I have not made a point of order on the other claim. It seems to have been done by others. It seems to be a specific claim, and somewhat of the character of other claims that have been paid, although I had not given them thorough consideration. But the amendment which has just been offered seems to open the gateway for millions of claims. I may say that the Government of the United States has expended $4,500,000 in its efforts to extirpate the foot-and-mouth disease, and has paid half of the losses entailed upon the owners of cattle and other property destroyed in this crusade, when it might have destroyed them without compensation at all. I fear to insert this provision, because no man can tell the number of claims that might follow in its train.

I therefore move to lay the amendment on the table.

The VICE PRESIDENT. The question is on the motion to lay on the table the amendment of the Senator from Delaware.

The amendment was laid on the table.

Mr. GORE. Mr. President, there is an amendment which has been suggested by the department in connection with this provision, and I will offer the amendment at this time. It is merely a proviso. The fund of $600,000 remaining over from the appropriation last year lapsed on yesterday. The provision contained in the bill relates to anticipated exigencies. The department suggests that the amount of the unexpended balance be reappropriated and made available for the payment of claims already accrued if there be such.

Mr. SMOOT. Mr. President, did the Senate committee have that in view when they reduced the amount of $2,500,000 appropriated by the House to $1,250,000?

Mr. GORE. No, sir; I will say to the Senator that they did not. In the examination of this question it was stated that they had ample funds on hand to pay all the accrued claims and all anticipated claims during the remainder of the fiscal year. I was a little surprised at this request coming in, but it is simply in pursuance of the policy which has been deliberately adopted.

Mr. SMOOT. The amount we provide for the ensuing year would be $1,850,000, then, instead of $1,250,000.

Mr. GORE. Yes, sir; but it is of an entirely different character. The $1,250,000 relates to future exigencies, and the damages that may occur in the future.

Mr. SMOOT. No; to past and future ones.

Mr. GORE. It is not at all retroactive. There may be some claims and losses which have occurred in the past which could not be compensated for without this provision which I offer. It is to meet that situation that this amendment is presented.

Mr. SMOOT. I do not understand the situation in that way. This appropriation of a million and a quarter dollars is to arrest and eradicate "any such disease"—that is, the foot-and-mouth disease—"including the payment of claims growing out of past and future purchases and destruction." So, if we now make the $600,000 unexpended balance available for the coming year, the appropriation for this purpose will be $1,850,000 instead of $1,250,000.

Mr. GORE. Under that construction I should not have presented this amendment.

Mr. SMOOT. I do not think there is the least question but that that will be the result. I will ask the Secretary to state the amendment, and then we will see.

The PRESIDING OFFICER (Mr. KENYON in the chair). The amendment will be stated.

The SECRETARY. On page 127, line 2, after the word "appraisements" and before the period, it is proposed to insert a colon and the following proviso:

Provided further, That so much of the appropriation of $2,500,000 made by the Agricultural appropriation act of March 4, 1915, for the fiscal year ending June 30, 1916, for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals as remains unexpended at the close of said fiscal year is hereby reappropriated and made available for expenditure during the fiscal year ending June 30, 1917, for the objects mentioned in said appropriation act, includ-

ing necessary investigations to determine whether said diseases have been completely eradicated in districts where they previously existed.

Mr. SMOOT. There is not any question that if we adopt that amendment the appropriation for the coming year will be $1,850,000.

Mr. GORE. I will withhold the amendment for the present, then, because I questioned the head of the Animal Bureau very particularly upon this point, and he answered that they had funds available for the payment of all accrued claims and for all anticipated claims during the remainder of the fiscal year.

Mr. SMOOT. That is the last fiscal year, and that ceased on yesterday.

Mr. GORE. That ceased on yesterday. I had overlooked the clause to which the Senator called my attention in the committee amendment. I withhold that amendment for the present, and will look into it further.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

FORTIFICATIONS APPROPRIATIONS—CONFERENCE REPORT.

Mr. BRYAN. I desire to present the conference report on the fortifications appropriation bill.

Mr. GORE. I will ask that the unfinished business be temporarily laid aside for that purpose, if the Senator will assure me that the consideration of the report will not lead to several hours' debate.

Mr. BRYAN. I think I can assure the Senator of that.

The PRESIDING OFFICER (Mr. KENYON in the chair). The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 6, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 8, 9, 11, 12, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out "$5,000" and insert in lieu thereof "$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"SEC. 6. That except as expressly otherwise authorized herein no part of the sums appropriated by this act shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per cent more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government: *Provided, however*, That whenever in the opinion of the President an emergency exists affecting the general welfare of the United States, he may waive the limitations contained in this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Renumber the section to read "7"; and the Senate agree to the same.

N. P. BRYAN,
LUKE LEA,
WESLEY L. JONES,
Managers on the part of the Senate.
SWAGAR SHERLEY,
G. W. RAUCH,
F. H. GILLETT,
Managers on the part of the House.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Florida to explain briefly what amendments the Senate has receded from, and also what amendments the House has receded from.

Mr. BRYAN. Mr. President, the Senate receded from the first amendment in disagreement, which was an appropriation by the House of $250,000, the Senate amendment being for $225,000, for the protection, preservation, and repair of fortifications.

The Senate also receded from the increase of $54,000 for the construction of mining casemates, cable galleries, and so forth.

The Senate also receded from the amendment for the purchase, manufacture, and test of sea-coast cannon, in which the amendment of the Senate increased the amount to the estimate of the department.

Mr. SMOOT. That is, from $2,700,000 to $6,000,000?

Mr. BRYAN. No; it is on page 4, the last paragraph. The House provided for $1,284,500. The Senate raised that to $1,764,500. The Senate receded on that and on the item at the bottom of page 4, increasing the House appropriation by half a million dollars.

Mr. SMOOT. Did the House recede from that amendment?

Mr. BRYAN. No; the Senate receded.

Mr. SMOOT. What did the Senate do in relation to the——

Mr. BRYAN. I am going through first with what the Senate did. I will explain to the Senate the action of the House when I have done that.

Then the Senate receded from amendment numbered 10, with reference to the Clark invention.

The House receded from the increase by the Senate in disagreement on page 4. The Senate increased the House item from $2,700,000 to $6,000,000, and the House receded.

For contract authorizations, the Senate increased the House authorizations by a million and a half dollars, or to $3,000,000, and the House receded.

The House receded from the Senate amendment on page 5, by which the Senate increased the appropriation for the purchase, manufacture, and test of ammunition from $400,000 to $480,000.

The House receded from the amendments with reference to the Hammond invention, found on page 7.

Mr. SMOOT. The House receded?

Mr. BRYAN. The House receded.

The House receded from section 3, on page 15.

Mr. SMOOT. That is in relation to the services of skilled draftsmen?

Mr. BRYAN. Yes.

The House receded from the disagreement on section 4, with an amendment to increase the amount to $10,000. Then section 4, as it appears here of the House language, which was stricken out, was restored, with the proviso that the limitation could be waived whenever, in the opinion of the President, it was necessary for the public welfare.

The total amount of reduction in the appropriations put on by the Senate is half a million dollars. The Senate had put on some additional amounts of over $3,000,000—nearly $4,000,000.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended on pages 126 and 127.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 127, after line 2, to insert:

To enable the Secretary of Agriculture to ascertain and pay the damages due William Blair, of Hominy, Okla., resulting from the dipping of his cattle by the Bureau of Animal Industry in August, 1915, $18,293, or so much thereof as may be necessary.

Mr. SMOOT. Mr. President, this is a private claim on an appropriation bill, and similar to the amendment which was offered by the Senator from Delaware [Mr. SAULSBURY]. Does not the Senator having the bill in charge believe that that ought to go through Congress the same as other claims?

Mr. GORE. Mr. President, I should like to make a statement in connection with this provision. I may say that my colleague [Mr. OWEN] introduced a bill covering this claim, which for some reason was sent to the Committee on Agriculture and Forestry rather than to the Committee on Claims.

The proposal was discussed in the committee. I stated to the committee that I would not move to attach this amendment to the bill. The Senator from North Dakota [Mr. GRONNA], who is a member of the committee, was so much impressed with its

justice that he made the motion and the motion was agreed to by the committee.

Now, I should like to state briefly the character of this claim which I think places it really upon exceptional ground. This man Blair owns some 900 head of cattle. We passed a law which requires the dipping of cattle under certain circumstances. The Department of Agriculture sent down an inspector to superintend the dipping of this herd of cattle. In mixing the chemicals too much of some element was retained or contained and the result was that a number of the cattle were burned to death. Some 50 or 60 of them died outright and all the others were seriously damaged; the owner was obliged to carry them over for the period of a year.

When they were being dipped the owner of the cattle, Blair, protested to the inspector that he was killing his stock, and made an effort to have him change his methods; but in despite of that the inspector persisted with the dipping, and this damage resulted. The inspector I do not think was under bond, but at any rate, he has left the United States.

The department has made an investigation of this occurrence and has recommended that Blair ought to be paid the sum of $18,000. Of course he insisted that he was entitled to some $30,000, but there were elements of loss which the department did not take into account. But the department admits that it was done through its agent in compelling a citizen to submit to the laws of the land, and by the administration of the law by the department this citizen has sustained a loss of some $18,000. I may say that it has resulted, I understand, in the bankruptcy of Blair.

As the Government has done this itself, through its own representative, compelling its citizens to submit to the dipping of the cattle under the law, and the dipping was carried on over his protest at the time the stock was burned to death, and serious damage was entailed, damages admitted by the department, which I have no doubt resulted in the bankruptcy of this man, it seems to me that it really places it upon exceptional ground and that as the department confessed its own error, confessed the loss, he ought not to be obliged to be subjected to the additional cost, time, and delay of pursuing the ordinary route of obtaining redress against the Government of the United States.

There is no doubt but that the amendment is liable to a point of order. It is merely a question as to whether or not the circumstances rescue it from that necessity.

Mr. SMOOT. I really believe, Mr. President, on a claim of this kind, after just a few moments' consideration by any committee it would be reported favorably. There is not any doubt but that the money is due Mr. Blair on the statement made by the Senator from Oklahoma, and I am not going to interpose a point of order against the amendment, because it seems to me that not only has the man been damaged to the amount of $18,000 but a great deal more than that.

Mr. GORE. I think more.

Mr. SMOOT. From the statement of the Senator I feel justified in withholding any point of order. I am perfectly willing that the claim shall be placed in this bill.

Mr. GRONNA. Mr. President, I trust no Senator will interpose an objection to this item. It was very carefully considered by the committee. As the chairman of the committee has stated, this man has sustained an enormous loss through no fault of his own, but through the fault of the Department of Agriculture or through that of the department's inspector. The claim is a small one in comparison with the tremendous loss which the man has sustained, and we ought to allow the amount which was placed in the bill by the committee.

Mr. SHERMAN. Mr. President, I know of no reason why this individual claim should be singled out and paid in this extraordinary manner. There may be a hardship imposed upon the stock owner. Undoubtedly there are numerous cases where all the Government may be able to do and all the several States may do will not compensate the owner of the live stock for the loss. That is one of the things beyond remedy. The Government can not at its own expense undertake to even up all those processes.

In my own State I am quite sure more than $8,000,000 would be required if property owners were compensated for the stock destroyed by either State or Federal authority, or both. About a million and a half dollars has been paid out in that State by the Government, either for the value of the stock itself, the expenses incurred, or the destruction of property that was unavoidably connected with the infected stock and required to be destroyed.

These matters, though, Mr. President, would not justify making out separate bills for each of the property owners to be compensated here in the manner of this particular item on page 137. If this process were followed in the one case it ought to be followed in others. I know of a single case, that of one of my constituents, living in Lake County, Ill., not far from Waukegan, where a herd was destroyed by 27 Federal inspectors, who went in with guns and by intimidation destroyed a herd that had been bred for many years. The stock was slaughtered and left lying on the premises for 48 hours after destruction to spread the infection. A reasonable valuation put on the single herd is more than $300,000. The uniform sale made for many years past out of the herd for breeding purposes would indicate the value of the property destroyed to be $300,000. The herd is all gone. It is an absolute destruction.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Will the Senator from Illinois yield to the Senator from North Dakota?

Mr. SHERMAN. Certainly.

Mr. GRONNA. In the case to which the Senator from Illinois refers, did not the department offer to pay a certain amount? I ask the Senator if the Agricultural Department did not in that case offer to pay a certain amount?

Mr. SHERMAN. Yes, sir; they offered to pay the beef value on the market.

Mr. GRONNA. Which was rejected by the owner of the stock. This is a different case, I will say to the Senator. The cattle were killed, and they were killed by an officer of the Government, but no pay has been offered to the farmer who lost the stock, and the amount appropriated in the bill is not one-fourth of the value of the stock.

Mr. BRADY. And they were killed by an officer of the Government.

Mr. GRONNA. Against the protest of the owner of the cattle.

Mr. BRADY. Against the protest of the owner.

Mr. SHERMAN. That does not add any virtue to it whatever. There is not a stock owner in the country who did not protest. If the mere idle form of a protest shall attach some right or impose upon the Government the duty of appropriating without going through the ordinary course of a claim in the department, then the Senate will be swamped with claims of a like kind. The fact that a protest was made would not stop the Government operation. The protest was made in every instance in my own country. Mrs. Durand, in the particular instance to which I called attention, went to the circuit court, a court of general jurisdiction, and obtained an injunction against the destruction of the property on the ground that it was an irreparable injury, because neither the Government nor the State ver proposed to pay more than the beef value. The injunction was disregarded by the officers of the department or their representatives who went upon the premises and destroyed the property, as I have already stated. So that was an aggravated case. Still, I apprehend that even the beef value of the herd, if put in here on page 127 as a particular provision, specifying Mrs. Durand by name and providing ten, fifteen, or twenty thousand dollars for her payment, would be subject to a point of order. If not subject to a point of order, it would be subject at least to the argument that it had no place in that form in this bill. Let whatever in the discretion of Congress is a proper sum be fixed, and then let the claim be filed in the department like all the other claims and be paid.

These cattle were dipped, I understand, and some of them died as a result. They were dipped by the Government. Why?

Mr. NELSON. Is the Senator familiar with what occurred in Chicago at the time they had what they called a fat-cattle show, where they gathered in blooded cattle from all over the country and then quarantined them and killed some of them? Is the Senator familiar with that occurrence?

Mr. SHERMAN. Somewhat, but not in great detail. I know that during a part of the time some of my friends were there.

Mr. NELSON. Some of the people of Minnesota were caught in that, and lost their blooded cattle, fine short-horn cattle, and they only proposed to pay the same as for ordinary steers for beef purposes.

Mr. SHERMAN. That is correct. There were some male cattle at that point whose value, of course, will be said to be speculative—that would be regarded as a fancy price. For people who are familiar with this grade of cattle, those that are registered, it is not a fancy price, as any stock raiser knows. The bulls that sell at $5,000 are not disposed of at an exaggerated value at all. Many of those animals were destroyed. Many others were kept in quarantine. Many others were so handled or exposed to suspicion because of the quarantine or misfortune that the sales that would have resulted were entirely destroyed and the business of that herd was broken up at least since that time, and probably it will interfere somewhat for several years to come. Of course, these prospective

sales are purely a speculative value. They are not an element of damages in any claim that is to be made; to say the least of it it is the direct damage to the property owner.

I know of no reason why this particular claim should be put in this form. The mere fact that the property owner lost something does not justify, to my mind, its being embodied in this bill. Why should he not take his chances with the rest of the live-stock owners? I do not know the fact that he lives in Oklahoma attaches any particular virtue to the cattle or the owner thereof.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. SHERMAN. Certainly.

Mr. GRONNA. I do not wish to be understood in any manner to say that the department were justified in doing what they did in the case the Senator has referred to in his own State. But this is a different case. The department did not enter upon the premises of this man and offer to buy his cattle for the purpose of slaughtering them. They entered upon the farm and against the protest of this farmer proceeded to dip them.

Mr. SHERMAN. Then what is the difference?

Mr. GRONNA. And the cattle died. This man has not been remunerated in any way, because, as the Senator knows, under the law the department could not reimburse him for the loss or pay him for the damages he sustained.

Mr. SHERMAN. Let it be added under an appropriate wording that if the cattle were not killed directly by slaughter in order to eradicate disease, if they were treated in a manner which resulted in their damage or death, it would be included. Put it on the same basis that other property owners are paid who lose live stock.

I assume that when the cattle were dipped it was for some specific purpose; that they had some disease—probably the foot-and-mouth disease. I make the inquiry. It may be that they had cattle tick or some contagious disease which the department did not want to spread to neighboring herds.

Mr. GORE. I will say that the owner was prepared to ship them to market, I understand, and the cattle were not diseased; they were dipped for the purpose of disinfecting them, through fear of fever.

Mr. SHERMAN. What was the nature of the disease?

Mr. GORE. They had no disease, I will say to the Senator. My understanding is that the cattle were prepared for market and the owner was arranging to ship them to market at that time, and the dipping was required because they were going, I suppose, from an infected territory to an uninfected territory.

Mr. SHERMAN. Might I inquire what kind of disease was apprehended.

Mr. GORE. Fever tick.

Mr. SHERMAN. That is a contagious complaint, or, rather, the tick is contagious like the ordinary parasite that belongs to other animals or the human body. Whenever you are around in the neighborhood where it can reach you it does so. It has predatory instincts like these evil trusts which are continually going about in order to obtain sustenance.

I understand the southern cattle fever is the result of being bitten by the tick, and it communicates the disease to the animal so bitten. So if the animal would desire to scratch itself on some adjacent fence stake or building, if it was successful in its operation it would leave the tick and keep the fever; and when another animal came along the tick would immediately take up its headquarters on this other animal not so infected, and so the disease spreads. It is a question of the activity of the tick.

I do not know any difference between dipping an animal in the particular part of the United States subject to the Texas fever, as we call it, when it comes into the stockyards, and killing it as the result of dipping and shooting it outright in order to prevent it from infecting by the foot-and-mouth disease and transmitting it to other yards in the neighborhood. I fail to see any difference. It does not make any difference whether I lose my stock by being shot by the Government inspector because it has foot-and-mouth disease or dipping my cattle just before I ship them in order to disinfect them from Texas fever before they are received in interstate trade for packing houses in Chicago. What is the difference? It is a distinction without a difference, and it is a distinction that applies peculiarly to Oklahoma. It does not apply any place else.

I do not know how many high-toned bulls were killed in my State—not the bulls on the Chicago market, but genuine ones. They were slaughtered at the hands of Government agents ruthlessly. It did not make any difference how distinguished their pedigree or how desirable they were, they all went the same way.

Mr. GRONNA. Will the Senator allow me?

Mr. SHERMAN. All right.

Mr. GRONNA. I suggest to the Senator from Illinois that there is a difference. If this herd had had the foot-and-mouth disease, the Department of Agriculture would have been authorized under the law to pay certain damages. There is no law that I know of permitting the Department of Agriculture or anyone else to pay anything for animals virtually killed by the department.

Mr. SHERMAN. I have already suggested, Mr. President, that a few apt words be added here by which in such cases the damage may be paid. Whatever the object of the dipping, it was to enable the live-stock owner to make his shipment. Otherwise the cattle that were ready to go into the market could not have been put into interstate trade. Undoubtedly the dipping could have been prevented by the property owner if he had refrained from shipping his cattle.

Mr. GORE. Mr. President, I have looked into the matter further, and I find that, instead of being prepared for shipment in Oklahoma to some market, they had been brought from a Texas point below the quarantine line, I understand, into a portion of Oklahoma north of the quarantine line, and for that reason they were being dipped, but it was insisted by the owner that they were not infested with ticks.

Mr. SHERMAN. Let me inquire: The dipping was supposed to be for the purpose of enabling the live-stock owner to ship the cattle?

Mr. GORE. No; that was my impression; but I find, on looking at the record, that they had been shipped from a point in Texas below the quarantine line to a point in Oklahoma north of the quarantine line, and for that reason they were being dipped in order to render them immune in that section.

Mr. SHERMAN. But the dipping in any case was necessary if they continued in interstate trade. They could have been returned to the shipper.

Mr. GORE. They could, of course, have been returned to Texas. The owner insisted that they were not infested with ticks.

Mr. SHERMAN. Then there would not have been so much loss as to have them die as the result of the treatment.

Mr. GORE. I say the owner insisted that they were not infested with ticks. He had veterinarians examine them who said they were not infested with ticks. Notwithstanding that, they were still dipped.

Mr. SHERMAN. I do not see the justice of adding a claim of this sort to this bill. I shall vote to sustain the point of order when made.

Mr. GORE. Mr. President, before the Senator does that, permit me to say a few words. Of course, I realize the fact that this man lives in Oklahoma, and that the cattle were killed in Oklahoma constitutes no special exception in favor of the claim. The Senator is undoubtedly correct in that contention; but I wish to bring this matter to his attention:

Under the quarantine laws of the United States the Government can destroy diseased cattle in certain cases without any compensation to the owner. It does that constantly now; it destroys a great deal of live stock without any compensation whatever to the owner. When the foot-and-mouth disease broke out it raged with its peculiar virulence in the Senator's State and adjacent States, and the department felt called upon to slaughter those cattle for the protection of the live-stock industry of the United States. The losses were so extensive and so serious that the Government departed from its general practice and made an exception in favor of this outbreak and compensated the owners of those cattle, at least in part, and, in conjunction with the States, supposedly in full. It could have slaughtered many of those cattle without any compensation to the owners; no owner would have had even the color of a case for damages against the Government; but the Congress of the United States departed from the established custom and voluntarily compensated those owners. It did not remit them to the ordinary course of obtaining reparation through a private claim.

Now, this is an exceptional case, of course not so extensive, but it seems to me that the equities back of the payment to the owner of the cattle infected with the foot-and-mouth disease in the Senator's State obtain in favor of this man who, without any fault of his own, was subjected to serious losses. His situation would have been much better if these cattle had been infected with the foot-and-mouth disease. In that case he would have been compensated, he would not have been compelled to go to the Court of Claims, he would not have been compelled to come to Congress and go through the tedious process of securing the passage of a private-claims bill. That is the only reason.

The Senator is entirely correct in his insistence that this is obnoxious to the point of order. It seems to me that there is a species of equity which has been extended by the Government to citizens of his own State in cases less entitled in some respects to consideration, an equity which might at least be justified in the adoption of this amendment. I hope the Senator will be able to see it in that light.

Mr. SHERMAN. Mr. President, I shall make a point of order against the amendment.

The PRESIDING OFFICER. Does the Senator make a point of order?

Mr. SHERMAN. Yes, sir; I will when I conclude my remarks. I wish to say a little something before I take my seat on the general merits. This may be a hardship, but it is one of a very great number of hardships growing out of the diseased condition of cattle. There is even less equity in this application than in the case where, contrary to the wishes of the owners, the animals were slaughtered. There it was known that there was to be a destruction. Here there was an effort to cure a diseased condition of cattle or at least to disinfect them and make them proper for further shipment. The difficulty is, it seems to me, like making this an exception to the general rule. It could be obviated by some proper amendment to this section or to the committee amendment which is proposed to the section that would avoid the precedent here for making particular claims in this form in an appropriation bill. It seems to me that we can avoid that precedent by doing so.

On the question of hardship I do not care to take very much time. I can only say that a great many stock raisers in the West and in the northwestern part of the country are out a great many hundreds of thousands of dollars, some of them having been brought almost to a point of bankruptcy by their misfortunes. Some of them still have notes at the bank representing the purchases of stock killed by Government inspectors. They have received the appraised value, some part of it from the State, 50 per cent of it from the total amount allowed, and the remaining part from the Government. Altogether about $1,450,000 has been paid out in my own State, the total losses in property in that State would aggregate more than $8,000,000. A great many of these herds were owned by tenant farmers whose ability to continue successfully their business was tied up in their stock. So when this misfortune came it was a most serious matter for them. They have lost and will not recover for some years to come. Those are more equitable claims than anything that this property owner presents, who would undertake to ship cattle through and over a given State line and then they were taken by the Federal inspector and dipped, and in the process some of the cattle died. I know in this difficulty of last year, at the live-stock show in Chicago, values aggregating many millions of dollars passed from a quick asset either into a slow asset or totally disappeared.

There is a good deal of prejudice—I find it in some of the hearings before the committee—that a blooded animal ought not to be paid for at any more than its beef value. If that could be announced as a general rule, then there is an end of all live-stock improvement in the live-stock industry; you put an end to all incentive to breed the better class of cattle in the United States.

Mr. GORE. I should like to say to the Senator that the pending bill contains the provision that breeding cattle can be paid for at the rate of three times their beef value.

Mr. SHERMAN. I understand. That is supposed to be a sort of just compromise between the actual value sold in the ordinary course of trade of blooded animals and the mere beef value or the scrap stock value put upon the animal. I do not know whether three times the value will prove at all adequate. It may be that that is the only practical basis on which an agreement can be reached; but I know that the Herefords, the Guernseys, the cattle that are distinctly bred and their pedigrees followed year after year, with a view of developing the largest amount of carcass in the slaughterhouse, that animals of that description, both male and female, sell for prices that are out of all proportion, apparently, to their value. Still the beef raisers in the corn and clover country inevitably tend to get the blooded cattle as beef producers. They find that it is money in their pockets to do so.

I know there is some feeling against a blooded bull. I remember some years ago there was great prejudice in my part of the country against the animals that were pedigreed. It was said that a crabapple bull was just as good as any other, and it was a discrimination against the right of the common people to interfere with the scrub bull. They have gotten over that notion in every part of the country where they breed either for beef or milk.

I only refer to this to show the manifold hazards the stock raisers not only in my State but in the adjoining States of Iowa and of Missouri and generally in the live-stock producing States have incurred.

I want to have printed in the RECORD at length, without reading, Mr. President—for I do not want to take much time—the history of the origin and development of the foot-and-mouth disease, discovered about August 18 to August 23, 1914, at Niles, Mich., and running on through to the present time, including the difficulty at the Live Stock Show at Chicago last fall.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

HISTORY.

1. Suspicious cases discovered about August 18 to 23, Niles, Mich. Dr. Clemo, local veterinarian, called to David Muruk's farm. Dr. W. T. Graham, local veterinarian, called to William Hoadley's farm.

2. Dr. Graham sent special-delivery letter to State Veterinarian Dumphy.

3. Dr. Dumphy notified Federal Inspector E. P. Shaffter at Detroit.

4. Dr. Fess, assistant inspector, was sent to Niles September 1. He and Dumphy took samples of diseased tissue and contents of vesicles and sent them to the Bureau of Animal Industry at Washington. Eight days later experts reported to the Detroit inspector that it was a noncontagious disease—mycotic stomatitis. (Read bulletin by Dr. J. A. Moore, director New York State College of Veterinary Science.) The cases at Niles ran through the entire herd. Also read pamphlet issued by Bureau of Animal Industry, November 28, 1908, "Differential diagnosis," and still Dr. Ward, of the Pathology Division, said cases at Niles, Mich., were mycotic stomatitis.

5. September 19, with disease increasing and no action or quarantine or interest displayed by the Bureau of Animal Industry, after one month, Dr. Hallman, Michigan College of Agriculture, went to Niles, obtained specimens, and he and State Veterinarian Dumphy inoculated a calf at East Lansing. They had results in four days and concluded the disease was infectious, which mycotic stomatitis is not.

6. Again Federal inspectors were notified at Detroit, but not until October 5 did Federal Inspector E. P. Shaffter go to Niles, Mich. When he arrived there, six weeks later than he should, he became convinced it was foot-and-mouth disease. He got samples, sent them to Washington, and asked for experts to come on from Washington, but put on no quarantine. Cattle were shipped to Chicago Stock Yards, farmers were coming and going on infected farms. Dr. Adolph Eichorn, who had had considerable experience in Europe, was sent to Michigan, almost two months after cases were first reported to the Bureau of Animal Industry. Why was not Eichorn sent there August 26? Dr. Adolph Eichorn was sent to Niles, Mich., October 6, but although he reported by wire at once that the disease was probably foot-and-mouth disease, not until October 13, a week later, did Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, call Dr. U. G. Houch and tell him to go to Niles, Mich., as they likely had foot-and-mouth disease there. He, with J. R. Mohler, H. E. Smith, and B. A. Gallagher, went to infected section and pronounced the disease, after two months' delay, foot-and-mouth disease.

In the meantime shipment of hogs from the Michigan district had infected the Union Stock Yards at Chicago. That square mile of pens became rotten with the disease. The disease has since been proven to have been in the stockyards prior to October 15.

Serum was made from infected hogs for weeks. Several hundred of the most valuable dairy animals in the world were permitted to be shipped into the annual dairy show October 20, and yet it was known to exist among serum hogs of the Chicago Serum Co., at Union Stock Yards, November 20, when about 120 of these hogs were destroyed on account of this disease, Veterinary Inspector Bennett permitting cattle to come and go and dairy-show cattle arriving. October 27 Federal Inspector Bennett absolutely denied there was a single case of foot-and-mouth disease at the stockyards to the dairy-show officials, but the following day advised the manager of the dairy show to spread in aisles and approaches saturated shavings with disinfectants.

October 30 dairy-show cattle put in quarantine.

October 31 disease found in dairy-show herd. Shipments of feeders continued for four days after from the stockyards to various counties in Illinois and adjoining States, so that by November 6 reports poured in showing 19 counties in Illinois infected.

November 1, although disease was known to be in the cattle of Darlington & Co. and Ronan & Kelly, the yards were still open to visitors who visited pens and tramped about without restriction over all the premises. It was doubtless due to visitors the week previous that brought the disease from the yards to the dairy-show cattle at the Coliseum.

By December 10 Connecticut, Delaware, Indiana, Iowa, Illinois with 46 per cent, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Wisconsin, Kentucky, and Kansas had the disease.

January 27, 1915, three loads of infected hogs reached Philadelphia from the Chicago stockyards, showing disease still at yards with shipments made.

June 26, 1915, entire State of Illinois lifted from quarantine, except Union Stock Yards.

August 7, 1915, fresh outbreak of disease from hog cholera serum started on the farm of Henry Pearson, near Wheeling, Ill. Thirty hogs in herd of 124, 2 cattle in herd of 4 being found infected.

August 10, 1915, outbreak in hogs near Wyanet, in Bureau County.

August 16, 1915, but for outbreak, it was the intention to open the Union Stock Yards to free movement of feeders on this date; something significant in this, a new epidemic.

August 19, 1915, nine herds in Cook County, Ill., one in Bureau, one in Warren, two in McDonough Counties infected on this date, as well as one herd in Dodge County, Minn., in Posey County, Ind., and one in Saginaw County, Mich.

From this date, August 19, 1915, to present date, March 23, 1916, with the disease still in evidence in Christian County, Ill., hundreds of herds have been slaughtered, bringing anxiety and distress upon the owners.

The serum which caused this latter outbreak, which has cost the lives of thousands of head of live stock and hundreds of thousands of dollars, besides bringing upon the owners of the cattle untold suffering and deprivation was due to eleven hundred dollars' worth of hog serum produced by the Chicago Serum Co. at the stockyards some time prior to October 20, 1914, and through Department of Agriculture was permitted to be kept and after a questionable test in July, 1015, was sent on sale.

The first animal of the Crab Tree herd was taken August 16, 1915, at once isolated, and State veterinarian sent for. State veterinarian was at Half Day, Ill., 15 miles away, combating a fierce raging of the disease from the first case on August 7 at Wheeling, a few miles distant. He did not know what disease the animal had, he said, although for 10 days working in infected herds. The following day brought Federal Inspector Lavery, and although the animal was by himself, one man to attend him, the cattle barns thoroughly disinfected, the Federal inspector pronounced this case (the worst case in the Crab Tree herd) "weed poisoning," and said no precaution from infecting the herd need be taken. In 10 days animal was as well as ever and pegged in alfalfa field.

September 7, Federal Inspector L. E. Eppla in making the rounds found the young stock barn with aged bulls completely recovered from the foot-and-mouth disease; all lesions healed; so light was the attack that not one animal showed any sign of disease or sickness, some young calves not even having it.

The milking herd of 36 head had one-third recovered, one-third just starting. By September 19 not one trace of foot-and-mouth disease could be found in herd. September 17 a thorough examination by State and Federal inspectors found but one lesion and by September 19 that had healed.

September 24, Dr. Joseph Hughes was permitted to inspect herd, and Dr. Hughes, who had so successfully carried the dairy show cattle through the disease, could not tell that there had ever been any foot-and-mouth disease, as no evidence showed.

October 1, the family started to use the milk and make butter out of the cream. Calves were born healthy, vigorous, wonderfully fine; milking herd coming back to full milk; not one case of abortion; butter fat higher than before disease, even with fresh cows.

November 8, milk records and cream tests show herd in normal condition, and had been for three weeks.

November 9, herd never as fine; 7 cows ready to drop their calves; young stock slick and beautiful; 15 splendid young bulls, vigorous and strong; dams in advance registry; as fine imported Guernsey blood as ever brought to America.

Twenty-six armed men came upon the premises, although enjoined by circuit court injunction, imprisoned the men and Mrs. Durand, shot the animals in the stanchions, 140 years of pure-bred breeding of the finest dairy strains the country ever possessed.

Twenty-seven hours before the Federal men took last animal from stable.

Forty-eight hours a single animal was buried.

Dragged across the paddock, through the pasture one-third of a mile and left in a heap, a trail of blood to mark the way. But well animals taken from clean, sanitary, disinfected stables—the birds, squirrels, rabbits, and dogs carried no infection away, for there was none; and not one animal contracted the disease from the Crab Tree herd, notwithstanding the outrageous handling of the operation.

With an expenditure of over $300,000, and building up of one of the highest milk, cream, and ice-cream businesses in the country, the breeding and selling of pure-bred cattle, through the carelessness, ignorance, and, one might add, criminal intent of the Bureau of Animal Industry the entire enterprise has been completely eliminated and one of the finest dairy farms in America, an example to dairy farmers, has laid idle for six months.

Is the Department of Agriculture created to destroy rather than to encourage the American farmer, breeder, producer? Is the Bureau of Animal Industry operated for the benefit of the packer exclusively? Wholly inefficient, that branch of the Department of Agriculture has lost the respect and confidence of the entire farming element of America. For the first time in the history of the United States, American breeders and farmers are organizing in various States for protection and recognition.

In cases of an epidemic such as the recent outbreak of foot-and-mouth disease, caused absolutely through the incompetence of the Bureau of Animal Industry, the breeder asks not only adequate compensation for cattle killed but also for all losses and expenses relative to and incurred through the malady. The patience and good humor of the breeder have been exhausted and a radical reformation in the operation of the Bureau of Animal Industry is now asked for.

Mr. SHERMAN. Mr. President, I should like to make the point of order that this appropriation for an individual claim is not properly incorporated in the bill, but is contrary to the rules of the Senate.

The PRESIDING OFFICER. The point of order that this is a private claim on an appropriation bill will be sustained.

Mr. GORE. Mr. President, I should like to ask the Senator from Illinois if he thinks that the Senate conferees ought to recede on this proposition to pay this value on the 3 to 1 basis for cattle slaughtered under the foot-and-mouth extermination policy and to remit such owners to their remedy through private claims bills?

Mr. SHERMAN. No; I am making no point of order against that amendment.

Mr. GORE. Mr. President, notwithstanding it is a committee amendment, I will make that point of order. I will say that that proposition went out in the other House on a point of order, and I make the point of order against it now.

The PRESIDING OFFICER. Will the Senator from Oklahoma specifically state his point of order?

Mr. GORE. I refer to the amendment authorizing the payment for animals slaughtered in such cases on a basis of 3 to 1.

Mr. SHERMAN. The claim of Mr. Blair for $18,293?

Mr. GORE. That has already been acted upon.

The PRESIDING OFFICER. Will the Senator from Oklahoma make his point of order more specific, pointing out the exact language to which he refers?

Mr. GALLINGER. Mr. President, the provision might go out in the other House on a point of order and yet not be subject to a point of order in the Senate. Our rules here are very different with reference to points of order from those in the other House.

Mr. GORE. I think the amendment would be subject to the point of order here. It is legislation proposing to fix the basis for the liquidation of private claims, and it is undoubtedly subject to the point of order.

Mr. SMOOT. Has the amendment been agreed to, Mr. President?

The PRESIDING OFFICER. It went out on a point of order.

Mr. SMOOT. Was the point of order made against the whole amendment?

The PRESIDING OFFICER. The point of order was made against the amendment commencing on line 3, on page 127.

Mr. GRONNA. Mr. President, the amendment referred to by the chairman of the committee has already been adopted.

The PRESIDING OFFICER. Yes; that amendment has been adopted; but the amendment to which the Senator from Utah [Mr. SMOOT] refers, the Chair presumes, was the one which went out on the point of order.

Mr. GALLINGER. Mr. President, I will ask, Is it the last amendment against which the point of order has been made?

The PRESIDING OFFICER. The point of order just sustained was made against the amendment, on page 127, beginning with line 3. The Senator from Oklahoma [Mr. GORE] now makes the point of order against the amendment on page 126.

Mr. GORE. I merely ask to have the amendment stricken out.

The PRESIDING OFFICER. The amendment has been adopted.

Mr. GORE. Then I move to reconsider the vote by which it was adopted; or I will bring the matter up in the Senate.

Mr. GALLINGER. The ruling of the Chair was undoubtedly correct as to the amendment on page 127. It is evidently subject to a point of order.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the amendment on page 126 was agreed to.

The motion was rejected.

Mr. GORE. Mr. President, I will renew my motion in the Senate.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 127, line 8, after the words "Department of Agriculture," to strike out "$24,673,393" and insert "$23,929,320," so as to make the clause read:

Total carried by this bill for the Department of Agriculture, $23,929,320.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I understand that that is the last of the amendments reported by the committee, and I ask the Senator from Oklahoma if he will not consent to adjourn at this time? It is Saturday afternoon, and everybody is tired out.

Mr. GORE. There are a few amendments of not very considerable importance which I think may be disposed of in a few minutes. It is not my purpose to hold the Senate very late.

Mr. CURTIS. Mr. President, I should like, if the Senator from Oklahoma and the Senator from Utah will consent, to return to an amendment on page 53. I do not expect to be present on Monday, as I shall be obliged to be absent on some business of the Senate in connection with one of the Senate committees, with my colleague [Mr. THOMPSON], and should therefore like to have the amendment to which I refer now disposed of.

Mr. GORE. In view of the statement on the part of the Senator from Kansas, I ask that the amendment to which he refers be now stated.

The PRESIDING OFFICER. The amendment referred to by the Senator from Kansas [Mr. CURTIS] will be stated.

The SECRETARY. The amendment referred to, which was passed over, was, on page 53, after line 16, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site within or near the corporate limits of the city of Wellington, Sumner County, Kans., said site to contain a sufficient and suitable tract of ground and the location of the site to be approved by the Secretary of Agriculture. When a good and sufficient title to said site is held by the Government of the United States the Secretary of the Treasury, acting in conjunction with the Secretary of Agriculture, shall cause to be erected thereon a suitable building or buildings for the use and accommodation of the entomological laboratory or field station of the Department of Agriculture of the Government at Wellington, Kans., said site and building or buildings complete to cost not to exceed the sum of $10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CURTIS. Mr. President, I now find that the Senator from Utah [Mr. SMOOT] has not had time to examine the statement which I gave him in reference to the amendment, and he says he would rather have the amendment go over. If the chairman has no objection, I will ask that the amendment may go over and that we may dispose of it later.

Mr. SMOOT. I will say to the chairman of the committee that it will not take any length of time to discuss the amendment. I simply desire to ask the Senator from Kansas a few questions in relation to the necessity for it.

Mr. GORE. I have no objection whatever to the amendment going over. I consented to its immediate consideration for the convenience of the Senator from Kansas.

Mr. SMOOT. I recognize that.

Mr. THOMPSON. Mr. President, in connection with this amendment, I desire to say that I have here a letter from the Chief of the Bureau of Entomology, which I should like to have inserted in the RECORD, without reading, showing the purposes of the amendment.

Mr. SMOOT. It would be very helpful to have the letter in the RECORD, and then I can read it.

The PRESIDING OFFICER. Without objection, the letter will be inserted in the RECORD.

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ENTOMOLOGY,
Washington, D. C., November 30, 1915.

Hon. WM. H. THOMPSON,
Senate Office Building, Washington, D. C.

MY DEAR SIR: Your favor of the 26th instant is received, and in reply I am glad to furnish you with the following information:

This bureau has an entomological laboratory and field station located at Wellington, Sumner County, Kans. The territory covered by the entomologists connected with the field station comprises Kansas, southern Nebraska, southwestern Iowa, western Missouri, western Arkansas, Oklahoma, and northern Texas. This is one of the two strongest field stations of the section of cereal and forage insect investigation. There are employed at this station five permanent assistants, a stenographer, and janitor, and in summer the force is increased by the addition of two or three temporary assistants.

The beginning of field work in the vicinity of Wellington was in the spring of 1907, in connection with the green bug outbreak of that year. A permanent station was established there in August, 1908, since which time it has been necessary to move the laboratory three times.

At this point the most important insects under investigation, with relation to their control by the farmers are the Hessian fly, the chinch bug, the fall army worm, the false wireworm, the white grub, the true wireworm, the green bug or spring grain aphis, and the alfalfa webworm. In addition to these major projects, and simultaneous with them, a large number of minor investigations are being carried on. These minor investigations dovetail, so to speak, with the more important ones, and are therefore conducted at practically no expense.

In reply to your inquiry as to whether or not the work at the Wellington station has been, or is likely to be, of sufficient value to justify the establishment of a permanent station at that point, one or two specific instances may be mentioned which bear on the work already done there.

In 1908 there occurred in Kansas a disastrous outbreak of Hessian fly. The matter was at once taken up by our assistants in cooperation with prominent millers, grain men, farmers, and others, and a campaign was inaugurated which resulted in the prevention of a fall attack of the pest, in its consequent elimination from the grain fields the following spring, and in a saving to the wheat growers of that section of more than a half million dollars, this figure being given as a conservative estimate by Mr. George H. Hunter, a very well-known miller and grain dealer of southern Kansas. With reference to more recent work with the Hessian fly, Mr. W. L. English, supervisor of agriculture for the St. Louis & San Francisco Railway, under date of August 27, 1915, writes as follows:

"I wish to say that your field assistants at Wellington, Kans., have done some exceptionally good work in our territory, and we appreciate the efforts being put forth to arouse farmers to a realization of the situation that confronts them with reference to the Hessian fly. We appreciate very much the cooperation we have received from your office relative to this work."

There have always been carried on at this point extensive and important investigations with the chinch bug which have enabled the farmers of this section to reduce greatly, and in many cases to prevent entirely the losses previously caused by this well-known pest.

The work of this station will, it is expected, be continued along similar lines to those followed in the past. Some of the investigations under way, such as those dealing with false wire worms and white grubs, will eventually result in enabling the farmers to control the ravages of these very destructive pests by thoroughly practical measures.

But while, as may be seen from the foregoing, much work of great value to the farmer and to the State has been done at the Wellington station, and while much more is under way which must result in equal profits to all concerned, it is but fair to say that many investigations which should have been taken up long ago remain still untouched because of the lack of facilities for conducting them. For instance, the thrice-repeated necessity of changing the laboratory location has effectually prevented the investigation of subterranean insects—that is, such insects that pass the larval stage below ground—because in many cases this period covers a series of years. For the same reason we have been unable to secure, for permanent use, grounds upon which to carry on experimental plat tests. You will understand that such tests are inaugurated for the purpose of testing thoroughly certain proposed measures for the elimination or control of insects, that the real, practical value of such measures may be demonstrated before they are advocated for public use. Such tests are without value, and indeed impossible of accomplishment, unless they can be continued in the same field for a reasonable period of years. I have cited these instances to indicate the difficulties under which the work at Wellington has been conducted, and to indicate also, in some measure, the need for a permanant establishment at that point.

I trust that this, in a general way at least, embodies the information you desire.

Very respectfully, yours, L. O. HOWARD,
Chief of Bureau.

Mr. SMOOT. Now, I will renew my request to the Senator from Oklahoma [Mr. GORE]. It being Saturday afternoon and it being impossible to secure the presence of a quorum, I suggest to the Senator that he now move that the Senate adjourn.

Mr. GORE. I had rather return to the passed-over amendments. Let us make what progress we can for a little while. It is still early. Any seriously contested amendment, of course, I shall not make an effort to have considered, for we should probably lose a quorum; but at this early hour I should not like to consent to delay the consideration of amendments which might not consume much time, for when we next meet, fresh and invigorated after adjourning over Sunday, everybody will be full of oratory.

Mr. SMOOT. Mr. President, I do not think the Senator from Oklahoma ought to say that, because I do not remember an Agricultural appropriation bill which has gone along so smoothly as has this one. There has been no oratory indulged in at all, and I do not think there is any disposition to debate the bill at length.

Mr. GORE. I was making no reflection on the Senator from Utah, but I simply had in my memory incidents that occurred here yesterday.

Mr. SMOOT. Those were in connection with an entirely different bill.

Mr. GORE. Yes.

The PRESIDING OFFICER. The first amendment passed over will be stated.

The first amendment passed over was, on page 13, line 24, after the word "markets," to strike out the figures "$272,470" and to insert "$277,470," so as to make the clause read:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated-butter factories and markets, $277,470.

Mr. WARREN. Has the Senator from Idaho [Mr. BRADY] been heard from in reference to that amendment? The amendment was passed over because the Senator from Idaho, who is now in a meeting of the Committee on Military Affairs, asked that it might go over.

Mr. SMOOT. The Senator from Idaho offered his amendment to the provision, and it was agreed to by the Senate.

Mr. WARREN. Has he done so since then?

Mr. SMOOT. Yes; he did so to-day; and I do not think there is now any dispute about the matter.

Mr. WARREN. If the amendment of the Senator from Idaho has been offered and agreed to, I know of no objection to the amendment.

The PRESIDING OFFICER. The committee amendment has not yet been agreed to. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SECRETARY. The next amendment passed over is, on page 14, line 9, to strike out——

Mr. SMOOT. Is not the first amendment passed over at the bottom of page 4? I think that amendment was passed over at the request of the Senator from Washington [Mr. JONES].

Mr. JONES. I will say to the Senator that that amendment was adopted while I was engaged on another matter, and there will have to be a motion made to reconsider it before it can be taken up.

Mr. SMOOT. Why would not this be a good time to take it up?

Mr. JONES. I will be glad to have that done if the chairman of the committee is willing.

Mr. GORE. I did not understand the Senator.

Mr. JONES. I shall be glad to make a motion to reconsider the vote whereby the amendment at the bottom of page 4, striking out the item for studying the methods of clearing off "logged-off" land was agreed to, and will do so whenever the chairman of the committee is willing.

Mr. GORE. I think it would be perfectly proper at this time.

Mr. JONES. Very well.

Mr. GORE. I hope the motion to reconsider will be agreed to.

Mr. JONES. I make the motion to reconsider the vote whereby that amendment was agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington to reconsider the vote whereby the amendment at the bottom of page 4 and top of page 5 was agreed to.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

Mr. JONES. Mr. President, I hope that that amendment will not be agreed to. It was stated yesterday that it was stricken out on a report from the department. The clerk of the com-

mittee has kindly procured for me a copy of the House hearings with relation to this item, and I find, on page 45, that, while Mr. Spillman, of the Agricultural Department, came before the committee and stated substantially what the chairman of the committee said yesterday, he also said something further with reference to this matter. Without reading all that he said, I will read a portion of his testimony near its conclusion:

The CHAIRMAN. Is it your expectation to have this item an indefinite item or do you expect to reach final conclusions in the near future?

Mr. SPILLMAN. On certain phases of the problem I think we have reached final conclusions, or approximately final. They probably will never be absolutely final—that is, as to methods and as to cost of using these different methods we have reached approximately final conclusions. As to the conditions under which any given method is justifiable we have not reached final conclusions yet; but we have made, I think, important progress in that direction this past year, and we can use that fund to very great advantage at least for a year or two more. I can not say now just how much longer, but we certainly can use it this next year to advantage.

Mr. President, it seems to me that that warrants a continuance of this appropriation for a year or so. I know that in my section of the country, where there are thousands of acres of land on which timber has been cut, the question of getting the stumps out is of very great importance. In some cases it costs, under the methods now employed, $125 or $150 an acre; but after it is cleared the land is very productive; and any method or any system by which the clearing of these lands can be facilitated and cheapened is one of very great importance to our people. I hope that the Senate will continue this appropriation for the coming year, at any rate, and let the department see if they can not further assist us in the matter, especially along the lines Mr. Spillman indicates in his statement.

I do not want to take the time of the Senate further. I know the Senator from Oregon is very much interested in this matter. He is not here, and I hope the chairman of the committee will not be disposed to insist upon the committee amendment at this time.

Mr. GALLINGER. Mr. President, the language which has been stricken out, it appears to me, is of rather an extraordinary nature, and I feel that it ought to be stricken out. We are going to appropriate money for what?

For studying methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes; for their irrigation; for testing powders in clearing them; and for the utilization of by-products arising in the process of clearing.

Why, Mr. President, if the Senator from Washington, instead of living in the Northwest lived in New Hampshire, he would know that we think we have solved the problem of getting rid of rocks of various sizes, some of them weighing tons, which we are obliged to clear off if our lands are to be worth anything for agriculture. The Senator from Wyoming [Mr. WARREN] suggests, so that the sheep can get their noses in the grass. Why it should be necessary in this age of the world to test powders to find out what kind should be used to blow rocks and stumps out of the ground surpasses my comprehension. We use dynamite.

Mr. JONES. Yes; but we use a different kind of powder in getting stumps out than is used in getting rocks out.

Mr. GALLINGER. Well, dynamite will blow stumps out. I have seen it done over and over again, and we have stumps, as well as rocks, in the section of the country from which I come.

Mr. JONES. It is a question of economy—of ascertaining the cheapest method.

Mr. GALLINGER. In other words, it is another one of the propositions to spend money to investigate what has been demonstrated by the good old farmers for the last 50 years.

Our land has all had to be cleared. The people who came into New Hampshire came on horseback from Essex County, Mass., and they settled in a wilderness. Their first duty was to clear off trees enough to build cabins, and, of course, they had to fight Indians while they were doing that.

The next duty they had to perform was to get the rocks off the land so that they could raise something to support their families. We have built stone walls enough in New Hampshire to almost encircle the United States, and we learned how to get rid of the rocks and how to get rid even of the stumps in the early days when the settlers did not have high-power powders and did not have dynamite; but in this enlightened age they understand what powder will do, they know what dynamite will do, and they know what log pullers will do, and they clear their lands. Now, why we should put into the hands of a theorist an appropriation to tell the farmers how to get rid of stumps I can not for the life of me understand. I think it is a waste of money to undertake anything of this kind.

But, Mr. President, I want to address myself—and I prefer to do that on Monday rather than to-day—to this entire paragraph concerning farm management. I believe it is the greatest humbug that ever was thought of in connection with agriculture, and that we are wasting not only the sum of $5,000 proposed to be appropriated for this item, but the much greater sum which, I believe, is proposed to be appropriated elsewhere in this paragraph. I desire at least to satisfy myself by a little discussion of that paragraph, because I shall feel that I have neglected a duty if I do not call attention to what I think to be an inexcusable waste of public money in appropriating to enable a man who knows little about agriculture, and who has 40 clerks in his office, and 3 photographers—and nobody knows whether they photograph fields before they are planted or after the crops are up—to go around the country with 3 photographers and some slides, I believe, and tell the farmers how they can best farm their little parcels of land.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. GALLINGER. With pleasure.

Mr. NELSON. I want to call the attention of the Senator to an appropriation that immediately precedes this, and which, to my mind, is even——

Mr. GALLINGER. Even worse?

Mr. NELSON. Yes; which is even worse.

Mr. GALLINGER. I did not suppose that was possible.

Mr. NELSON. I refer to the paragraph which reads:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $230,000.

Mr. GALLINGER. Yes; that is another illustration of the fact that we are putting in the hands of men, who perhaps never did a day's work on a farm in their lives, large sums of money to enable them to tell farmers how to farm.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. With pleasure.

Mr. WORKS. Does the Senator think that that is any worse than the attempt to teach the people of the Western States how to irrigate their land?

Mr. GALLINGER. I think not. I think it is along the same line. These things remind me of what John B. Gough said. Some of you perhaps have heard John B. Gough, the temperance orator, a man who understood the art of gesture as no other man has in my time. A theological student came to him one day and said, "Mr. Gough, I should like to have you teach me gestures." "Teach you gestures," Mr. Gough replied, "I would just as soon teach a dog how to wag his tail." It is just so with these things. We are enabling theorists, men who have comfortable quarters in Washington, making it necessary for us to rent great buildings, men surrounded with 40 clerks and 3 or 4 messengers and 3 photographers, to go around the country teaching the farmers how to farm! But I wish to discuss that more at length when I have time, and I hope I will have an opportunity to do so on Monday.

Mr. GORE. Mr. President, I should like to say to the Senator from California [Mr. WORKS] that this bill carries an appropriation for investigating diseases of citrus fruits and for the extermination of the Mediterranean fly and other pests which infest and infect citrus trees. That is done on the supposition that the General Government ought to assume that expense and lend that assistance and service to the citrus-fruit growers in his State and in Louisiana and in Florida. Now, if the Senator will say that that is an idle appropriation for my part I shall be glad to accept an amendment that none of it shall be wasted in his State.

Mr. WORKS. Mr. President, the Senator from Oklahoma will not be able to intimidate me in any such way as that. Of course if these diseases are such as to give the National Government jurisdiction because of their interstate character and because of their transmission from one State to another, such expenditures can be justified, but they can not be justified on any other ground.

Mr. GORE. I think that is true.

Mr. WORKS. You may apply it to my own State if you will. If it were simply a question of taking care of and protecting the trees of California, and the other question did not enter into it, I should say it was a wrongful appropriation of money. The people of California should pay for those things and not the National Government; but the Federal activity has always been attempted to be justified on the ground that it is an interstate question, and sometimes it is. That is the only justification for it. I am not asking anything for the State of California that I would not be willing to grant to any other State.

Mr. GORE. I entirely agree with the Senator as to the principle he lays down. I think it applies to the irrigation plant at Denver. The method of irrigation to be employed there has not been elsewhere introduced in the West, as I understand. If

its success is demonstrated there, it can be applied generally throughout that section with incalculable advantage.

The department introduced drought-resisting wheat, and it has been a great success throughout the arid region. Senators may say that it ought to have been left to the States, to the localities, and to the farmers themselves; but the Government and the farmers have thought otherwise; and experience has abundantly justified the wisdom of Congress and the expenditure of that slight amount of money.

Now, it is easy for Senators to criticize particular items in this bill, and I own to having done so myself. The Senator from Washington [Mr. JONES] criticized in a moderate way the proposed irrigation plant at Denver, notwithstanding its success, if demonstrated, would be of incalculable service to a number of States; yet he insists upon retaining a provision to demonstrate the processes of clearing "logged-off" land when the department officials say they have pretty well exhausted the known means and appliances, although their statement, of course, would not foreclose the possibility of new inventions in the future. They have explained before the committee the different processes of clearing logged-off land. Those who were supposed to know, said it was a matter of common knowledge, and did not require expert skill or experience.

I mention this now because Senators manifest a tendency—and I suppose it is justifiable, in the main—to criticize particular items, when there are other items of the same character which they would undoubtedly justify. I remember that on yesterday the Senator from Colorado [Mr. THOMAS] resisted the insertion in this bill of the provision in regard to investigations affecting the Hessian fly, and he may have been right in that; but it was followed the next moment by a motion on the part of the Senator from Minnesota [Mr. NELSON], who I think volunteered a suggestion a moment ago, that a provision for investigating the chinch bug be put in this bill. I say that, to illustrate that, Senators who criticize, sometimes with full knowledge and sometimes perhaps with insufficient knowledge, are not themselves quite in a situation always to cast stones.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from California?

Mr. GORE. I do.

Mr. WORKS. I hope the Senator from Oklahoma will take notice of the fact that the only item in the bill which I have criticized is one that is supposed to be of benefit to my own State.

Mr. GORE. Yes, sir; I understand that; and I am sure the Senator will rejoice one of these days that the Senate voted it in.

Mr. JONES. Mr. President, I desire to say, with regard to the Senator's suggestion about my opposing the item for irrigation at Denver, that I did not oppose that item. I simply made some inquiries to get information with reference to it, and when I got the information I made no opposition to the amendment.

Mr. GORE. I may have done the Senator an injustice; and if so, I beg to apologize for it.

Mr. JONES. I know the Senator did not intend to do so, of course. I assume that there are probably a great many items in this bill that, strictly speaking, may not be justifiable, and I know several members of the committee hold that view; but the item for studying methods of clearing "logged-off" land, while not a matter of national importance, in the sense that it affects the whole country, has been carried in the bill for two years; the department have done a good deal of work; and Mr. Spillman, while he thinks they have finished the investigation of certain phases of the work as nearly as they can, says there are some other questions in the study of which they can use this money very advantageously during the next year or two.

I am not, of course, an old pioneer like the Senator from New Hampshire [Mr. GALLINGER], but I do remember the time, when I was a boy, when I helped to clear some land in the State of Illinois of timber and helped plow the land after it was cleared, and I know that the problem of clearing in that State—and I think probably it would be true in New Hampshire—is entirely different from the problem in the Northwest.

I know that in Illinois when the trees were cut down and the land was plowed in two or three years the stumps were all gone. In our country that is not the case. The stumps do not rot, and after the trees have been cut down for 10, 12, 15, or 20 years there will be stumps 8, 10, and 15 feet in diameter, just as solid as they were when the trees were cut. So that the problem of clearing our land after the timber has been cut is entirely different from the problem in the East and in the Middle States. It is not a poor man's proposition; it is not a cheap proposition; and the question of getting the kind of powder that can be used efficiently and economically in the clearing of that land is a very important question. Possibly they might blow the stumps out with dynamite, but I do not think so. The stumps will split, and they are pretty nearly as hard to get out after they are split as when they are solid. So that the question of getting the stumps out is a very important one.

I think this item is quite as justifiable as many of the other items in the bill. I recognize the force of the criticism of the Senator from New Hampshire with reference to many of these items; but I think, from my knowledge of the situation out in the West and of what the people there have to do, that this item is justifiable; and in view of the work which has already been done and of the hope expressed by Mr. Spillman that in the next year or two some other important developments may be brought about I do hope that the Senate will continue this item.

Mr. GALLINGER. Mr. President, I will ask the Senator if it is not a fact that the stumps in his country can be gotten rid of more readily than they can in the Eastern States?

Mr. JONES. Not in any of the Eastern States that I have been in or had any experience in.

Mr. GALLINGER. I have traveled through the Senator's State and through Oregon, where the inhabitants are said to be web-footed, and I have found that the character of taproots that we have in the East are not found, as a rule, in the trees of the West, especially in the States where they have very heavy rainfall. Am I correct about that?

Mr. JONES. There are not so many taproots, but there are many other kinds of roots that go all over the country. Take the cedar trees. There they have, you might say, a great many taproots going away down into the ground.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. GALLINGER. Certainly.

Mr. NELSON. I want to say to the Senator that when they logged their lands out there, their cedar trees and so forth, they cut the stumps very high; they cut the tree and left a long stump. In recent years they have been cutting off those stumps and making shingles out of them, and a good many of the cedar shingles and cypress shingles that we get in our country are made from those dead stumps.

Mr. JONES. They make just as good shingles as the tree.

Mr. GALLINGER. I observed, in a little trip I made from Seattle to the Canadian city on the seacoast, that there was the most reckless kind of cutting that I supposed intelligent human beings ever practiced, and I did not know why it was. I was told by some one that it was because the high winds shivered the tree near the base. I do not know whether there is anything in that or not.

Mr. JONES. I never heard of anything of that kind in my State.

Mr. GALLINGER. But the trees were cut several feet from the ground. I do not wonder that they are making shingles out of them, because I thought then that if we in the Eastern States could only have what is wasted in those parts through which I traveled, we would be a very happy people.

Mr. JONES. In reference to that, I just want to say that it is true that they used to cut the cedar trees, especially quite high up, and now, as the Senator from Minnesota says, they are using the cedar stumps. The cedar is just as solid and makes just as good shingles now as in the days when they thought, I suppose, that there was an unlimited supply of cedar, and they cut it as they did because it was more easy to cut it in that way, I suppose.

Mr. GALLINGER. Mr. President, sometimes I wonder—and I think I have expressed it once or twice before in the Senate—whether I am not neglecting the interests of the people whom I try to represent. We have rivers in New England that if they were in the South would demand very large appropriations. In fact, we have creeks in New England that would call for appropriations if they were in another section of the country, but we do not ask for appropriations for them. We have rocks where the Senator's constituents have stumps, and I want to give a little personal experience. I am not much of a farmer, but I have a little rocky farm on which I amuse myself. I do my farming chiefly in a hammock when I am there in the summer time. I thought I would break up 1 acre of land that I imagined probably never had been plowed—if it had been, it had not been to my knowledge in 60 years—on a corner of a field where I found my hay crop was not doing very well. The breaking up of that 1 acre of land and the removal of the rocks cost me $225, and I do not believe I could sell the acre of land for $10.

Now, I did not think of coming here and asking to have an item put in this appropriation for farm management to the effect that this distinguished Prof. Stillman or Spillman, or whatever his name is, should come to New Hampshire at the expense of the Government and tell us how to get rid of those rocks.

In other words, my impression is—and I do not want to be too positive about it—that we are appropriating money for things that have been demonstrated over and over and over again. It seems inconceivable to me that the great country represented by the Senator who has just spoken and by other Senators on this floor, having been inhabited as long as it has by intelligent men, by men who have worked out a living on the land, should not to-day know how to get rid of stumps.

It is inconceivable to me; and I do not believe any man in an office here in the city of Washington, surrounded by 40 clerks and 3 photographers and 4 messengers, carrying an appropriation of $230,000 for that one little establishment, can go to the State of Washington and tell the Senator's constituents how to get rid of stumps to any better advantage than they can get rid of them themselves. I can not bring my mind to feel that it is a possible thing.

But, Mr. President, as I said before, I want to spend a few minutes—not very long, because I have gotten over making long speeches in the Senate—in the discussion of this entire item, and I should like to do so on Monday. I hope that the question now under consideration will pass over for the present.

Mr. RANSDELL. There is no objection to that, Mr. President.

Mr. PITTMAN. Mr. President, may I ask if the next amendment passed over is not on page 14?

The SECRETARY. The next amendment passed over is on page 14.

Mr. RANSDELL. I understand that is the next one that was passed over.

The SECRETARY. From line 1 to the proviso in line 11.

Mr. PITTMAN. I offer an amendment which I should like to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 9, it is proposed to strike out "$214,320" and insert "$189,320;" also to strike out the proviso beginning with the word "*Provided*," in line 9, down to and including the word "purposes," in line 11, and to insert, at the end of line 16, the following:

The sum of $200,000 is hereby appropriated, for the fiscal year ending June 30, 1917, out of any money in the United States Treasury not otherwise appropriated, for the purchase and maintenance of stallions for the production of horses for agricultural and military purposes: *Provided*, That all expenditures authorized under this act shall be made by the Bureau of Animal Industry, Department of Agriculture.

Mr. PITTMAN obtained the floor.

Mr. RANSDELL. Mr. President, if the Senator will permit me, I am requested by the chairman of the committee, in charge of the bill, to ask that this matter be passed over until Monday. Will the Senator consent to that?

Mr. PITTMAN. Very gladly.

Mr. JONES. As I undersand, the amendment on page 4 has gone over at the request of the Senator from New Hampshire.

Mr. RANSDELL. That is correct.

Mr. JONES. That is entirely satisfactory to me.

The SECRETARY. The next amendment passed over is on page 21, relative to investigating the handling, grading, and transportation of grain, and so forth.

Mr. GRONNA. I ask that the amendment go over. I have an amendment to offer to the appropriation which I want to consider in connection with this amendment.

Mr. RANSDELL. I have no objection at all, Mr. President, to the amendment going over until Monday.

The SECRETARY. The next amendment passed over is on page 25.

Mr. SMOOT. That is the seed provision. I ask that it go over. We can not dispose of that question to-day.

Mr. RANSDELL. I have no objection at all.

The SECRETARY. The next amendment passed over is on page 53, line 17.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. SMOOT. It was agreed that that amendment should go over until Monday.

Mr. RANSDELL. Does the Senator allude to the amendment on page 53?

Mr. SMOOT. Yes.

Mr. RANSDELL. The Senator asks that that go over?

Mr. SMOOT. That goes over until Monday.

The SECRETARY. The next amendment passed over is on page 56, for the maintenance of the Montana national bison range.

Mr. GRONNA. Mr. President, I do not see the chairman of the committee in the Chamber. I do not feel like taking up this matter while he is absent.

Mr. WARREN. Let it go over.

Mr. GRONNA. I want the amount appropriated by the House restored; but I ask that it go over until the Senator returns to the Chamber.

Mr. RANSDELL. I have no objection.

Mr. SMOOT. The amendment on page 57, which went over at my request, I should like to have go over until Monday, too.

Mr. RANSDELL. I have no objection.

The VICE PRESIDENT. Those are all the amendments passed over.

Mr. THOMPSON. I desire to offer an amendment and have it lie on the table, relative to the development of the sugar-beet seed industry in this country.

Mr. GORE. Mr. President, I will say that in the case of the so-called grain-grades rider there have been several amendments suggested by the department, and I wish to present them now and have them adopted, so that this particular portion of the bill can be reprinted, and we will have it on the desks of Senators who are interested in it on Monday.

Mr. SMOOT. Does the Senator mean that he offers certain amendments?

Mr. GORE. I am going to offer them and have them adopted now if I can.

Mr. SMOOT. That will lead to the discussion of the whole subject.

Mr. GORE. I do not think so. It will take only a few minutes, after which we propose to adjourn.

Mr. SMOOT. Let the amendments be stated.

Mr. GORE. Yes, sir. I have them arranged here.

The SECRETARY. On page 101, line 14, it is proposed to strike out "grades" and insert "standards"; on the same page, line 17, it is proposed to strike out "grades" and insert "standards"; atfer the word "act" and before the period, it is proposed to insert:

The word "person," wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations; the words "in interstate or foreign commerce," wherever used in this act, mean "from any State, Territory, or District to or through any other State, Territory, or District, or to or through any foreign country, or within any Territory or District." When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

Mr. SMOOT. That seems to be a far-reaching amendment, and I will ask the Senator to allow it to go over and be pending and take it up on Monday.

Mr. GORE. I will say that if it suits the Senator I would rather it would be adopted and printed in the body of the bill, which will make it somewhat more intelligible. Of course I would consent to a reconsideration if the Senator desired it.

Mr. SMOOT. If the Senator will consent to a reconsideration, I shall have no objection at all.

Mr. GORE. There will be no trouble about this or any other amendment that I am now offering. I think Senators have a right to a reconsideration.

Mr. SMOOT. That is all right, then.

Mr. GRONNA. Mr. President, may I suggest to the Senator to have these amendments printed in italics, so that we can find them more easily in the bill?

Mr. GORE. Yes, sir.

Mr. SMOOT. They will be printed in italics.

Mr. GORE. My understanding is that they will be so printed, because they are not committee amendments; but if I am in error about it I will ask to have that done.

Mr. GALLINGER. Mr. President, under the ordinary method of printing a bill they will not be printed in italics. They will be a part of the bill.

Mr. NORRIS. Mr. President, will the Senator from Oklahoma permit me to suggest that he simply offer the amendments and then ask to have them printed?

Mr. GALLINGER. As pending.

Mr. NORRIS. They are offered as pending amendments, and can be printed in that way. If they are adopted, they will become a part of the bill.

Mr. GORE. I will say to the Senator that the only objection I could urge to that is that it is so much more difficult to consider them and to appreciate their real significance. I have just stated to the Senator from Utah that any amendment that is adopted under this request will, of course, be subject to reconsideration at the instance of any Senator. I desire to have them offered now and adopted, so that they can be printed in

the body of the bill. The bill can be then much more intelligently considered.

Mr. NORRIS. The suggestion that I made was to print them in the body of the bill, if the Senator is going to have a reprint of the bill, as I understand it, and let them be printed as amendments in italics. Then we can take them up and they will show on their face just what they are.

Mr. GORE. I will say that the most of them are verbal and inconsequential changes. If there is any amendment in regard to which the Senator particularly desires to have that course pursued I will consent that it be done.

Mr. NORRIS. I do not know what the amendments are going to be.

Mr. GORE. I assure the Senator that there will be no difficulty whatever in securing a reconsideration.

Mr. NORRIS. But there will be nothing on the face of the bill to show that they are amendments.

Mr. GORE. I have requested that they be printed in italics.

Mr. NORRIS. Of course I doubt whether the Senator can accomplish that in the way he desires, because if he should have them adopted as a part of the bill, and if they were printed as amendments, then the other amendments to the bill that are printed in italics would mean one thing and the italics in another part of the bill would be part of the bill. It seems to me it would lead to some difficulty.

Mr. GORE. Very well.

Mr. NORRIS. The Senator will not lose anything by having them printed in italics as amendments.

Mr. GORE. I should like to suggest, then, that we pursue the reading of the amendments; and that in the case of any amendment where any Senator desires that course taken, we, of course, will do it. There are some that are purely verbal in character, and we might as well get them behind us now. I want to speed the consideration of the bill as much as I can without inconvenience or without assuming too much risk in the haste.

Mr. GALLINGER. I will request that the last amendment read, which seems to be a pretty important one, be simply printed in italics as an amendment pending.

Mr. GORE. I ask that that be done, Mr. President. That may also be done with any other amendment that any Senator desires.

The SECRETARY. On page 102, lines 12, 13, and 14, it is proposed to strike out "from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country," and to substitute therefor "in interstate or foreign commerce."

On page 103, line 4, after the word "shipped," it is proposed to insert the words "in interstate or foreign commerce."

On page 104, line 24, it is proposed to strike out "which has been" and to substitute therefor a comma.

On page 104, line 25, at the beginning of the line, before the word "shipped," it is proposed to insert "which has been."

On page 106, line 4, after the word "for," it is proposed to insert the words "shipment or delivery for shipment in," and strike out the word "and" and substitute therefor the word "or."

On page 106, line 9, at the beginning of the line, it is proposed to insert the words "shipment or delivery for shipment in."

Mr. BRANDEGEE. Mr. President, what was the amendment on page 102?

The SECRETARY. On page 102, lines 12, 13, and 14, it is proposed to strike out "from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country," and to substitute therefor "in interstate or foreign commerce."

Mr. BRANDEGEE. All right.

Mr. NELSON. Mr. President, I want to call the attention of the chairman of the committee to the fact that I wish he would have all these amendments which are offered printed in italics whether they are agreed to or not, so that we can tell just what they are.

Mr. GORE. The Senator from Nebraska suggested that that would still be confusing.

Mr. BRANDEGEE. Have all the committee amendments been adopted?

Mr. GORE. There are a few——

Mr. BRANDEGEE. Then there would be no way of telling the proposed amendments from the committee amendments which are already printed in italics.

Mr. GORE. There are no committee amendments to the grain-grading section, as I believe.

Mr. BRANDEGEE. I do not know about the section, but if there are any in the bill——

Mr. GORE. The printing of these amendments in italics would serve the Senator's purpose. There are no other amendments.

Mr. NELSON. There are no other amendments; and if these are printed in italics, that will identify them, if the Senator will have that done.

Mr. GALLINGER. I do not want to be techincal, Mr. President, but if these amendments appear in the bill printed in italics they will appear as pending amendments—absolutely so—so that can not well be done. I have thought that the Senator would not lose any time if he allowed them all to appear in the bill as pending amendments. We will agree to them just as quickly.

Mr. GORE. I know; but the Senator will see, from the character of the amendments already proposed, that most of them are simply clarifying the meaning; and to have the bill cluttered up with them, so to say, renders it more difficult to appreciate the really important parts of it.

Mr. GALLINGER. It will not take five minutes to agree to all those.

Mr. GORE. My only purpose has been to facilitate the consideration of the bill and to enable Senators to arrive at the real points involved.

Mr. GALLINGER. Then I will appeal to the Senator to let them be printed as pending amendments, and printed in italics. There will be no trouble about agreeing to them in a very few minutes.

Mr. GORE. Very well.

The VICE PRESIDENT. Does the Chair understand that the Senator desires a reprint of the bill?

Mr. GORE. Only that part of it relating to grain grades.

Mr. CLAPP. If the Senator will pardon me, I will suggest that he take this section and have it printed by itself, with the amendments that he is proposing, and bring it in Monday morning in concrete form; and it will then show on the face of it the amendments that he proposes now, and thus avoid all confusion. He can have that done. The chairman of a committee can always have that done.

Mr. GORE. My request was that this section relating to grain grades should be printed separately. I have no objection to indicating these amendments as pending amendments. What I desire is to have this section of the bill in convenient form for Senators to consider Monday and in the most intelligent form for their consideration.

Mr. GALLINGER. That will be done in that way.

Mr. CLAPP. All that the Senator will have to do—and he will not have to have the consent of the Senate for it, either—will be to take the section, prepare his amendments to it, take it to the clerk, and have it printed in that form, showing the proposed amendments.

Mr. GORE. I understand that; but I thought that it would be better to adopt a lot of these verbal amendments to-day. I think it would be less confusing, when the bill is printed, to be rid of all these amendments substituting "interstate commerce" for the great rigmarole "between States, Territories, and Districts." It would simplify it a good deal; but if Senators prefer the other course, I have no objection. It was purely their convenience that I was considering. So I will ask to have this section reprinted separately from the bill, with the amendments which I have offered as pending amendments, including an amendment which I now send to the desk, but which need not be read under this arrangement.

The VICE PRESIDENT. Without objection it will be so ordered; and Part B will be printed in amended form, showing amendments proposed by the committee printed in italics and pending.

Mr. CLAPP. I understand the chairman to say he did not care to have the last amendment read. Is that correct?

Mr. GORE. Yes.

Mr. CLAPP. Then I ask the attention of the junior Senator from North Dakota [Mr. GRONNA] and inquire whether he would have any objection at this time to voting pro forma to reconsider the vote by which the amendment on page 23 was adopted and then have it passed over? In the interim I have no doubt he and I can arrange some terms that will fix it satisfactorily; and if we can not, he can later move again to adopt the amendment. I have no doubt that unless it can be amended——

Mr. GRONNA. I will say to the Senator that I have no objection to a reconsideration at this time, but I would not like to waive final action on it.

Mr. CLAPP. No; I do not mean that. I suggest reconsidering the vote and having it passed over, and in the interim let us see if we can not agree on an amendment. I move, then, that the Senate reconsider the vote by which the amendment

on page 23 was agreed to, beginning with the word "*Provided*," on line 8——

Mr. GRONNA. That is perfectly agreeable to me.

Mr. CLAPP. And terminating with the word "purposes," on lines 13 and 14. I move that the vote be reconsidered by which it was adopted.

The VICE PRESIDENT. Without objection, it will be reconsidered.

Mr. GORE. Now, Mr. President, I understand that a number of amendments were passed over a few moments ago, when I happened to be absent from the Chamber.

The VICE PRESIDENT. They were passed over the second time.

Mr. CLAPP. If necessary, I suggest that the amendment to which I have referred be passed over for the present.

Mr. GORE. On page 91 there is a committee amendment which I should like to have considered.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 91 it is proposed to strike out section 11, which includes down to the words "pursuant to this act," on page 94.

Mr. SMITH of Georgia. Mr. President, I agree with the report of the committee to strike out section 11 and section 11a; but I wish to call attention to the effect of section 11 as it was found in the bill which we passed in August, 1914.

Section 11 placed a tax of $10 a bale upon sales of cotton made by persons in the United States in foreign exchanges unless those exchanges used the contract prescribed by the act of August, 1914, which was substantially the contract provided in this bill. During last fall and winter and during the past spring cotton has usually sold very much higher in Liverpool than it sold upon the American exchanges, and the impression has existed that the $10 a bale tax upon sales made in the United States on those exchanges had caused an injury to the cotton trade in this country by preventing, except on payment of a tax on $10 a bale sales on the Liverpool exchange. It has been thought by many that the Liverpool market was much higher than the American market and that the difference in price was not made up by the cost of shipment to Liverpool.

Through the aid of the Agricultural Department I have had compiled a table showing the relative prices upon the New Orleans exchange day by day of cotton sales, and upon the Liverpool exchange. I have also had prepared a table day by day showing the cost of shipment during these periods from New Orleans and from New York to Liverpool. The result of this work discloses the fact that the cost of transportation to Liverpool, added to the cost upon the New York exchange or the New Orleans exchange, nearly every day for the past 12 months, was such that the total of the price here plus the cost of delivery in Liverpool made a sum larger than the price of the Liverpool sales, and that really, had there been no $10 a bale tax on transactions upon the Liverpool exchange, the proposed use of the Liverpool exchange amounted practically to nothing as a means of profit.

I ask leave of the Senate to put some of these figures in the RECORD, making comparison of prices—only a few of them that I will select—in demonstration of the statement I have made with reference to the matter. The report of the department showed comparison day by day. I will only print the statement of conclusion by the department and figures one day in each month.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

REPORT FROM DEPARTMENT OF AGRICULTURE.

TABLE 1.—*New Orleans spots and Liverpool futures.*

This table covers the period of time from April 6, 1915, to April 29, 1916. It shows the price of cotton in New Orleans as represented by the spot quotations of that market, the estimated total approximate cost to deliver cotton from New Orleans on future contracts in Liverpool, the estimated value of cotton landed in Liverpool and delivered on future contract, the Liverpool future quotations for the month of delivery, and the difference between the value of the cotton and the price received on contract.

It will be observed that at no time, except on January 4, 1916, could cotton be purchased in New Orleans and landed at Liverpool and delivered on future contract without thereby incurring a loss. A discount of Liverpool futures under the true value of spot cotton as determined by its cost to purchase in New Orleans and deliver on contract in Liverpool is represented by the sixth column, the word "minus" being profixed to the figures that show the relative discount of the Liverpool contract. It will be noted that during the greater part of the period under consideration Liverpool contracts were more than 1 cent per pound below the parity of American markets, but during April, 1916, the discount narrowed to an average of about 60 points. Under such conditions as disclosed by this table, it can not be maintained that the inability to hedge cotton in Liverpool was of serious detriment to the American cotton exporters.

1 Date.	2 New Orleans spots.	3 Estimated approximate cost to deliver on contracts at Liverpool (in cents).	4 Estimated approximate price to deliver on contracts in Liverpool (in cents). (Sums of columns 2 and 3.)	5 Liverpool futures (in cents).	6 Difference.
1915.				*May–June.*	
Apr. 6	9.31	3.07	12.38	11.33	−1.05
May 1	9.37	2.80	12.17	11.08	−1.09
				June–July.	
June 1	8.93	2.45	11.38	10.09	−1.29
				July–Aug.	
July 1	9.00	2.37	11.37	10.33	−1.04
				Aug.–Sept.	
Aug. 2					
Aug. 3	8.69	2.26	10.95	10.38	− .57
				Sept.–Oct.	
Sept. 1	9.31	3.13	12.44	11.53	− .91
				Oct.–Nov.	
Oct. 1	11.75	2.72	14.47	13.41	−1.06
				Nov.–Dec.	
Nov. 1	11.75	3.02	14.77	13.69	−1.08
				Dec.–Jan.	
Dec. 1	12.00	3.44	15.44	14.65	− .79
1916.				*Jan.–Feb.*	
Jan. 3	11.88	3.72	15.60	15.57	− .03
				Feb.–Mar.	
Feb. 1	11.56	4.73	16.29	15.05	−1.24
				Mar.–Apr.	
Mar. 1	11.13	4.60	15.73	15.05	− .68
				Apr.–May.	
Apr. 1	11.88	3.99	15.87	15.01	− .86

TABLE 2.—*New Orleans spots and Liverpool spots.*

This table covers the period of time from February 1, 1915, to April 29, 1916. It shows the price of spot cotton in New Orleans, the approximate cost to land cotton at Liverpool from New Orleans, the approximate value of the cotton landed at Liverpool, the current Liverpool spot quotations, and the difference between the Liverpool spot quotations and the value of the cotton landed at Liverpool.

An examination of these figures discloses that cotton might have been purchased in New Orleans on spot terms and sold on spot terms at published quotations at Liverpool occasionally at a profit, but that normally the Liverpool spot quotations were at a discount as compared with the cost of cotton purchased in New Orleans plus the charges to land it in Liverpool. At times this discount of Liverpool spot quotations was more than 1 cent per pound, but the average discount seems to have been about one-half cent per pound. As Liverpool spot prices are thus shown to be below the parity of spot cotton in New Orleans, it does not seem rational to conclude that Liverpool was the logical market in which to place a hedge or to consign cotton.

1 Date.	2 New Orleans spots.	3 Approximate cost to land at Liverpool (in cents).	4 Approximate price landed at Liverpool (in cents) (sum of columns 2 and 3).	5 Liverpool spot quotations (in cents).	6 Difference between Liverpool spot quotations and approximate price landed at Liverpool (in cents).
1915.					
Feb. 1	8.06	1.90	9.96	10.02	+0.06
Mar. 1	7.75	2.09	9.84	9.90	+ .06
Apr. 1	9.06	2.61	11.67	11.34	− .33
May 1	9.37	2.72	12.09	11.30	− .79
June 1	8.93	2.36	11.29	10.26	−1.03
July 1	9.00	2.28	11.28	10.44	− .84
Aug. 2	8.69	2.17	10.86		
Sept. 1	9.31	3.05	12.36	11.88	− .48
Oct. 1	11.75	2.66	14.41	13.94	− .47
Nov. 1	11.75	2.96	14.71	14.20	− .51
Dec. 1	12.00	3.39	15.39	14.90	− .49
1916.					
Jan. 3	11.88	3.67	15.55	16.02	+ .47
Feb. 1	11.56	4.09	16.25	15.48	− .77
Mar. 1	11.13	4.56	15.69	15.54	− .15
Apr. 1	11.88	3.94	15.82	15.40	− .42

TABLE 3.—*Ocean freight rates from New York and New Orleans to Liverpool.*

This table covers the period of time between January 2, 1914, and April 19, 1916. It shows the quoted freight rates on cotton in cents

per hundred pounds from New York to Liverpool and from New Orleans to Liverpool. It is understood that each quotation is in effect until the date of the next succeeding quotation.

It will be noted that the freight rates have increased more than tenfold over the normal rate that existed prior to the outbreak of war in Europe. This great increase in freight seems to have been the chief determining factor for the increase in the value of cotton in English over American markets.

1914	Freight on cotton from New York to Liverpool (per 100 pounds).	1914	Freight on cotton from New Orleans to Liverpool (per 100 pounds).
January 2	$0.28	January 2	$0.31
January 8	.20	January 6	.33
January 15	.28	January 13	.35
		January 24	.37
February	.28	February 5	.33
		February 17	.32
March 9	.20	March 11	.30
April	.20	April	.30
May	.20	May 15	.28
June	.20	June	.28
July	.20	July	.28
August	.20	August 3	[1] .28
September 8	.40	September 24	.50
September 15	.35		
October	.35	October 15	.45
		October 23	.55
		October 29	.60
November 2	.50	November 11	.65
November 16	.60		
December 1	.75	December 1	.70
		December 4	.75
		December 11	.85
		December 12	1.00

[1] $0.33 nominal.

Each quotation is in effect until the date of the next succeeding quotation.

1915	Freight on cotton from New York to Liverpool (per 100 pounds).	1915	Freight on cotton from New Orleans to Liverpool (per 100 pounds).
January 15	$1.00	January —	$1.00
January 23	1.25		
February 23	1.50	February 6	1.25
		February 23	1.10
March 23	2.00	March 25	1.40
		March 31	1.50
April 15	1.50	April 5	1.60
		April 21	1.45
May 1	1.25	May 7	1.15
June 29	1.00	June 14	1.00
July	1.00	July 27	.90
August	1.00	August 4	1.00
		August 10	1.15
September 1	1.25	September 1	1.25
		September 22	1.10
October	1.25	October 4	1.40
		October 14	1.30
		October 20	1.20
November	1.25	November 2	1.35
		November 10	1.50
		November 19	1.60
		November 29	1.70
December 8	1.75	December 8	2.00
December 22	2.00		

Each quotation is in effect until the date of the next succeeding quotation.

1916	Freight on cotton from New York to Liverpool (per 100 pounds).	1916	Freight on cotton from New Orleans to Liverpool (per 100 pounds).
January 4	$2.50	January 5	$3.00
February 14	2.75	February —	3.00
February 19	3.00		
March —	3.00	March 2	2.90
		March 17	2.50
		March 27	2.25
April 1	2.50	April 4	2.00
April 8	2.00	April 17	2.10
		April 19	2.25

Each quotation is in effect until the date of the next succeeding quotation.

Mr. GALLINGER. Mr. President, I will ask the Senator from Oklahoma what his purpose is in the further consideration of this bill?

Mr. GORE. I will say to the Senator that I was under the impression that the pending amendment to strike out section 11 could be passed upon without any discussion and without any delay. It has been very thoroughly considered by the committee, and very thoroughly considered by the Senators who reside in the cotton States. Of course, that would not be conclusive; but generally their wishes are shown a great deal of deference in the Senate.

Mr. GALLINGER. Possibly there is no objection to it.

Mr. GORE. I do not think there is.

Mr. GALLINGER. Let the question be put.

Mr. GORE. I suppose it would have been put if the Senator had not propounded the interrogatory. I will say if there be any objection to the adoption of the warehouse-act amendment I shall move a recess, but I know of no controversy on that. The uncontroverted points I wish to finish, and nothing that involves any debate or controversy will be taken up. I hope we can take a recess in a few minutes.

Mr. GRONNA. May I ask the Senator from Oklahoma if the Senator from South Carolina [Mr. SMITH] is agreed to this provision?

Mr. GORE. I am not sure as to what the Senator's plans were. He offered no amendment to this in committee. If the Senator returns, however, on Monday, or before the conclusion of the bill, of course the matter could be reconsidered at his instance. There will be no difficulty about that.

Mr. GRONNA. I know he was very much opposed to this provision. That was my understanding at that time.

Mr. GORE. The Senator is mistaken; he was very much in favor of it, but desired to offer a substitute for section 5. We discussed it; he did not offer it in committee. I do not think that section 5 has any relation to section 11, which the Senator from South Carolina heartily favors.

Mr. SMOOT. Why not let it go over?

Mr. GORE. I would rather dispose of it now if we can do so.

Mr. SMITH of Georgia. There is no objection from any Senator to striking out section 11 and section 11a. The trade generally seems to desire the sections stricken out. One reason we put section 11 into the original bill was that there was a fear that the operators of the New York Cotton Exchange might move over to Canada to get rid of the tax and to continue their illegal speculative contracts; but now the large majority of the members of the New York Cotton Exchange recognize the fact that they can do business under an honest contract—a contract that gives the manufacturer who buys for future delivery something that he can spin—and there is no necessity for the section to prevent that danger.

While the Agricultural Department still approves the sections and hopes to force the Liverpool Exchange and other foreign exchanges to adopt our contract, the trade generally believes the Agricultural Department is mistaken about it. They think it is unwise to keep the two sections, and the Senate committee yielded to what we understood the trade wanted and most of the farmers preferred. I think the farmers were mistaken in supposing the provision injured them last year, and I myself do not believe it did injure them at all.

The figures I put into the RECORD show that the differences between the Liverpool prices and the New Orleans and New York prices were made up in the varying cost of transportation. That was not fully appreciated by the farmers of the country; but we all agree, I think, that sections 11 and 11a may be stricken out. I know the Senator from South Carolina is very anxious to have them stricken out.

Mr. SMOOT. Why can we not agree to the committee amendment?

Mr. SMITH of Georgia. Everybody agrees to the committee amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. GORE. I will say that the warehouse-act amendment is of considerable length. It is substantially a bill that was passed through the Senate a couple of years ago. If Senators, however, think it will involve any discussion, I shall not insist on its consideration now.

Mr. SMOOT. Let it go over.

Mr. GORE. My desire is to dispose of any other item that can be got rid of now.

Mr. GRONNA. I do not see the Senator from Iowa [Mr. CUMMINS] here. I talked with him this afternoon, and he stated to

me that he is very much interested in that provision. I ask that it may go over until Monday.

Mr. GALLINGER. Then let us adjourn.

Mr. GORE. I know of no other matter to be considered this afternoon, and I am ready to move that the Senate take a recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts.

The message also announced that the House disagrees to the amendments of the Senate on the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERLEY, Mr. RAUCH, and Mr. GILLETT managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3673. An act to establish a term of the United States Circuit Court of Appeals at Asheville, N. C.; and

H. R. 11148. An act transferring the counties of Osage and Pawnee from the western judicial district of the United States court, in the State of Oklahoma, to the eastern judicial district of said court in said State, for judicial purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6923. An act to authorize the construction, maintenance, and operation of a bridge across Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river;

H. R. 7617. An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes;

H. R. 9615. An act to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington;

H. R. 10849. An act granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 10925. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew; and

H. R. 14484. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Department of California and Nevada, Grand Army of the Republic, praying for the enactment of legislation to provide a Civil War Volunteer Officers' Retired List, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Redlands, Cal., praying for an appropriation for the construction of a military road from the Atlantic to the Pacific coasts; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Association for the Study and Prevention of Tuberculosis, of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit employees of the Public Health Service from becoming members of medical or health societies, which was referred to the Committee on Public Health and National Quarantine.

REPORTS OF COMMITTEES.

Mr. BORAH, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 12365) to promote the reclamation of arid lands, reported it without amendment and submitted a report (No. 578) thereon.

Mr. FLETCHER, from the Committee on the Judiciary, to which was referred the bill (S. 6540) to repeal section 4411, Revised Statutes, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce; which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARDING:

A bill (S. 6553) granting a pension to Robert W. Irvine; to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 6554) granting an increase of pension to Sandford Peter Coan; and

A bill (S. 6555) granting an increase of pension to Nathan Reeder; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. REED submitted an amendment providing that in any State which has or which may hereafter have a State grain-inspection department established by the laws of such State the Secretary of Agriculture shall issue licenses to the persons authorized and employed to inspect and grade grain under the laws of such State, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $100,000 to enable the Secretary of the Interior to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment providing that the parcel of ground west of Ashmead Place and between it and Rock Creek, and the parcel of ground west of Twentieth Street NW., and between it and Rock Creek, be included as a part of the connecting parkway between Potomac Park, Zoological Park, and Rock Creek Park, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SAULSBURY submitted an amendment proposing to include Philadelphia, Pa., Camden, N. J., and Wilmington, Del., in the list for specific plans for improvements of the harbors and connecting channels and for the defense of harbors, etc., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was ordered to lie on the table and to be printed.

Mr. GRONNA submitted an amendment providing that no inspector or deputy inspector licensed by the Secretary of Agriculture to inspect or supervise the grading of grain shall, during his term of service, be interested, directly or indirectly, in the handling, storing, shipping, purchasing, or selling of grain, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and to be printed.

Mr. THOMPSON submitted an amendment proposing to appropriate $10,000 for the development and improvement of American strains of sugar-beet seed and for the establishment of a permanent sugar-beet-seed industry in the United States, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. PITTMAN submitted an amendment proposing to appropriate $200,000 for the purchase and maintenance of stallions for the production of horses for agricultural and military purposes, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H. R. 3673. An act to establish a term of the United States circuit court of appeals at Asheville, N. C.; and

H. R. 11148. An act transferring the counties of Osage and Pawnee from the western judicial district of the United States court in the State of Oklahoma to the eastern judicial district of said court in said State for judicial purposes.

RECESS.

Mr. GORE. I move that the Senate take a recess until 11 o'clock Monday morning.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m., Saturday, July 1, 1916), the Senate took a recess until Monday, July 3, 1915, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 1, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou whose sacred influence has guided us and whose strong right arm has upheld us as a Nation through all the vicissitudes of the past, forsake us not, we beseech Thee, in the trying ordeals through which we are now passing, but let Thy spirit be in us, that we may be guided to a happy and peaceful solution of all the problems which confront us to the betterment of all mankind, and we will ascribe all praise to Thee, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech delivered by the President before the Press Club in New York on yesterday.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks by printing the President's speech before the Press Club in New York. Is there objection? [After a pause.] The Chair hears none.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 14303, the fortification bill, to disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table the fortification bill, to disagree to all Senate amendments, and agree to the conference asked by the Senate. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. SHERLEY, Mr. RAUCH, and Mr. GILLETT.

EXTENSION OF REMARKS.

Mr. TAGGART. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. TAGGART. To ask unanimous consent to extend my remarks in the RECORD by inserting an article in the American Federationist of July, 1916, by Mr. Samuel Gompers, president of the American Federation of Labor, entitled "Promises and performances."

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD by printing an article by President Samuel Gompers, American Federation of Labor, on "Promises and performances." Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the letter of Hon. Charles E. Hughes to Col. Theodore Roosevelt.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a letter from the Hon. Charles E. Hughes to Col. Theodore Roosevelt. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD.

Mr. STAFFORD. On what subject? The gentleman seems to be very bashful to-day.

Mr. RAKER. On promises and performances generally.

Mr. STAFFORD. The gentleman's party is very strong on the score of promises.

Mr. MANN. And short on performances.

Mr. RAKER. I will be able to show they have all been carried out except one——

The SPEAKER. This is not debatable. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. QUIN. Mr. Speaker, I ask unanimous consent to extend my remarks by putting an editorial in the RECORD from a South Carolina newspaper.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by printing an editorial. Is there objection?

Mr. MANN. On what subject—love, courtship, and marriage?

Mr. QUIN. Politics.

Mr. CANNON. On which side, for or against? [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6068. An act authorizing and directing the Secretary of the Treasury to cancel and remit a certain income tax assessed against Charles L. Freer, of Detroit, Mich.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, had requested a conference of the House of Representatives on the bill and amendments, and had appointed Mr. BRYAN, Mr. LEA of Tennessee, and Mr. JONES as the conferees on the part of the Senate.

The message also announced that the President had approved and signed bills of the following titles:

On June 26, 1916:

S. 3423. An act to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla.

On June 27, 1916:

S. 3344. An act to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes; and

S. 5863. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

On June 28, 1916:

S. 6. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths;

S. 17. An act permitting H. L. Corbin to purchase certain lands;

S. 32. An act for the relief of William G. Williams, sr.;

S. 67. An act for the relief of Mathilda P. Hansen;

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto, for the removal of gravel and ballast material";

S. 3205. An act to amend "An act to protect the birds and animals in the Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894;

S. 3436. An act for the relief of John Alexander Besonen;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo";

S. 3929. An act validating certain applications for and entries of public lands;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay; and

S. 5244. An act authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with;

S. 5348. An act to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes;

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota;

S. 5839. An act to repeal paragraph 4 of section 21 of the public buildings act, approved March 4, 1913, providing for the construction of a national archives building;

S. 5910. An act authorizing the sale of the lighthouse reservation at Scituate, Mass.; and

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On June 30, 1916:

S. 3203. An act authorizing the Secretary of the Interior to sell certain lands to the city of Lemmon, S. Dak.;

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 3722. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

S. 3928. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes;

S. 4026. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio;

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden;

S. 4476. An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912; and

S. 5777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing, maintaining, distributing, and supplying of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

COMPENSATION TO CERTAIN FAMILIES OF THE DRAFTED FORCES OF THE UNITED STATES.

Mr. HAY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 16734, with committee amendment, together with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia moves to suspend the rules and pass the bill H. R. 16734, reading into it the committee amendment and also the amendment which he sends up. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 16734) to pay to certain families of the men of the drafted forces of the United States a sum of money for their maintenance during the term of service of such drafted men in the service of the United States.

Be it enacted, etc., That the sum of $2,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than $50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being drafted, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge from such service, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family: *Provided*, That the action of the Secretary of War in all cases provided for in this act shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act: *Provided further*, That this act shall not apply to any such enlisted man called or drafted into the service of the United States who shall marry after the 1st day of July, 1916; and the word "family" shall include only wife, children, and dependent mothers.

Mr. MANN. Mr. Speaker, the word "or" ought to be inserted in line 8, at the beginning of the committee amendment, so it would read, "$50 per month or so much of said amount."

Mr. HAY. I think that the gentleman is correct. I ask the Clerk to insert the word "or."

The Clerk read as follows:

Insert after the word "month," in line 8, the word "or."

Mr. CULLOP. Mr. Speaker, I would like to ask the chairman of the committee if the age of children ought not to be specified, not over 16 or 15 years of age. Suppose a child is 20 years old, a young man, abundantly able to work. I would like to suggest that the age limit ought to be specified in there.

Mr. HAY. Mr. Speaker, I will state to the gentleman from Indiana that this provides for dependents wholly in the discretion of the Secretary of War, and I hardly think he would authorize the payment of any of this money to children who are supporting themselves or who are able to support themselves.

Mr. CULLOP. The word "dependent" would not altogether excuse one who is well able to work not under 21, because the obligation of parent would exist there. I make this suggestion to the chairman for his consideration at least.

Mr. DUPRÉ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUPRÉ. May I inquire whether under this proceeding under suspension of the rules there will be a possibility to have a separate vote on the amendments reported by the committee?

The SPEAKER. No; there will not.

Mr. DUPRÉ. I want to ask the gentleman from Virginia if it could not be possible for him to obtain unanimous consent that would permit us to operate under some proceeding of the House that will allow some of us, who think the committee amendment striking out the provision for discharge ought to be tested in the House, to make a motion.

Mr. HAY. So far as I am personally concerned, I would be very glad to have the House discuss the whole proposition under the five-minute rule, and if the gentleman will ask unanimous consent I will not object.

The SPEAKER. Unanimous consent for what?

Mr. DUPRÉ. I ask unanimous consent that this bill may be considered under the five-minute rule.

The SPEAKER. Yes; but this is under suspension of the rules.

Mr. DUPRÉ. I am trying to avoid that. The gentleman from Virginia [Mr. HAY] says he would have no objection to its being considered in that way, so that an opportunity may be afforded to Members of the House to express their views on this amendment.

The SPEAKER. They have 20 minutes in which to express their views.

Mr. DUPRÉ. But they can not register their views unless they vote against the whole bill, as I understand the rule.

The SPEAKER. All the Chair knows is that the gentleman from Virginia moves to suspend the rules and pass this bill. Is a second demanded?

Mr. SMALL. I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SMALL. I am.

Mr. HAY. I ask unanimous consent, Mr. Speaker, that a second may be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a second may be considered as ordered. Is there objection to the request that a second be considered as ordered? [After a pause.] The Chair hears none.

Mr. DUPRÉ. I ask unanimous consent that an opportunity be given to vote as a separate proposition on the amendment offered by the committee striking out the provision in regard to the discharge of enlisted men under certain conditions.

The SPEAKER. If the gentleman from Virginia wishes to modify the bill to that extent, he can make a motion to do so, but the House can not vote piecemeal on a bill under suspension of the rules.

Mr. HAY. "The gentleman from Virginia" is opposed to the provision that the gentleman from Louisiana [Mr. DUPRÉ] wants to put into the bill.

Mr. DUPRÉ. But the gentleman is not opposed to opportunity being given the House to pass upon it?

Mr. HAY. No.

Mr. MANN. The regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded, and the regular order is that the gentleman from Virginia has 20 minutes and the gentleman from North Carolina has 20 minutes.

Mr. RAKER rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. Will the gentleman yield for a question?

Mr. HAY. I can not yield out of my time.

Mr. RAKER. I think there will be no objection. I ask unanimous consent, Mr. Speaker, that I may proceed for two minutes.

Mr. MANN. Mr. Speaker, was a second dispensed with?

The SPEAKER. Yes; a second was dispensed with, and the gentleman from Virginia [Mr. HAY] is recognized for 20 minutes.

Mr. HAY. Mr. Speaker, I do not think it necessary to consume the time of the House in advocating this resolution, which has already been passed upon by the House without a dissenting vote.

I desire to ask unanimous consent to put into the RECORD a statement of the laws of other countries with regard to giving aid to dependents of soldiers. These countries include Austria-Hungary, Belgium, France, Germany, Great Britain, Italy, Roumania, Russia, Sweden, and Switzerland.

Mr. MILLER of Delaware. Reserving the right to object, I would like to ask the gentleman a question.

Mr. HAY. Under the leave to extend remarks, I state that I have been requested by Mr. LITTLEPAGE and Mr. NEELY, of West Virginia, to state that they were unavoidably absent and were in favor of this bill.

The SPEAKER. There is no objection about it.

Mr. MILLER of Delaware. I thought the gentleman asked unanimous consent to insert a statement in the RECORD.

Mr. HAY. I asked unanimous consent to incorporate a statement of the laws referred to in my remarks.

Mr. MILLER of Delaware. Are they not the same statements, or composed of the same extracts, as were printed in the Senate proceedings a day or two ago?

Mr. HAY. I do not know.

Mr. MILLER of Delaware. If so, I do not see any use in printing them over again. There is no use in doing it if they are already in the Senate proceedings; but I do not object, nor am I opposed to this proposition.

Mr. MANN. Will not the gentleman from Virginia ask unanimous consent that Members may have leave to print on this bill within five legislative days?

Mr. HAY. Yes. I ask unanimous consent, Mr. Speaker, that all Members may have leave to print remarks on this bill within five legislative days.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that all gentlemen shall have the privilege of printing remarks in the RECORD for five legislative days on this bill. Is there objection?

There was no objection.

Mr. HAY. Now, Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. HAMILL].

Mr. DYER. Mr. Speaker, will the gentleman yield there?

Mr. HAY. I can not yield.

Mr. DYER. I wanted to ask the gentleman if his request to print these laws has not been granted?

Mr. HAY. I supposed it was.

The SPEAKER. Is there objection?

There was no objection.

Following is the statement referred to:

LIBRARY OF CONGRESS,
Washington.

Allowances to the families of soldiers in European countries.

(Translated from Bulletin de la Statistique générale de la France T. IV, 1914–15, pp. 237–241, 365–367.)

AUSTRIA-HUNGARY.

I. AUSTRIA.

Under the act of December 26, 1912, the parents and relatives (wife, legitimate children, father, mother, father and mother in law, brothers and sisters, illegitimate mother and children) of a soldier called to the colors in case of mobilization are entitled to an allowance, provided they are dependent for their living on the soldier's work. The rate of such allowance is fixed and announced every year in advance.

In time of peace the parents and relatives (wife, legitimate and illegitimate children, father, mother, brothers, and sisters) of a soldier recalled to the colors for a drill period are entitled, if they are dependent for their living on the soldier's work, to an allowance which is fixed for all the parents and relatives together at 50 per cent of the ordinary pay of a day laborer in the place of residence of the soldier.

II. HUNGARY.

The granting of allowances to the destitute families of soldiers recalled to the colors is governed by the act of June 10, 1882. A law similar to the Austrian law of December 26, 1912, was contemplated in 1913.

BELGIUM.

I. IN TIME OF PEACE.

Under the act of March 21, 1902, personal service as militiaman entitled one to a monthly allowance of 25 francs in the infantry, 30 francs in the cavalry; the allowance is 30 francs for all short-term volunteers and 35 francs for long-term volunteers. Fifteen francs a month is deducted from this allowance, if necessary, to be paid to the father and mother (or grandparents, as the case may be); to the wife, if the soldier is married; to the person who cares for the children, if the soldier is a widower with children.

II. IN CASE OF MOBILIZATION.

Soldiers recalled to the colors under mobilization orders receive the allowance which was granted to them for effective service. When the mobilized soldier is the head of a family he receives 0.50 francs a day for one child and 1 franc for several children. Such allowance is paid to his wife or to the person who cares for the children.

FRANCE.

I. IN TIME OF PEACE.

Under section 12 of the act of August 7, 1913, the families of persons serving either with the army or the navy who, before being called, were actually the indispensable breadwinners of their families are, upon application, entitled to a daily State allowance of 1.25 francs a day, increased by 0.50 franc for every child under the age of 16 years who is dependent on the breadwinner of the family.

II. IN TIME OF WAR.

According to the act of August 5, 1914, such allowance shall be paid out by the State for the whole duration of the war, irrespective of the position of the person called or recalled to the colors.

GERMANY.

I. IN TIME OF PEACE.

Under the act of May 10, 1892, assistance is granted upon application to the families of soldiers called to the colors for a period of instruction as follows:

(a) For the wives, 30 per cent of the local salary of the male adult workmen at the place of residence of the men called. Such local salary is officially determined with a view to insurance against accident.

(b) For each of the other persons entitled to assistance (children, parents and grandparents, brothers and sisters, if dependent on the man called), 10 per cent of such salary.

In addition a special allowance is granted to the families having or having had three sons in the army, or in the navy; these families receive an allowance of 240 marks a year every time a new son is called to active service.

II. IN TIME OF WAR.

The act of February 28, 1888, as amended August 4, 1914, governs allowances to the destitute families of the men of the reserve, of the landwehr, of the ersatzreserve, of the reserve of the navy and of the landsturm.

The following persons are entitled to allowances:

(a) The wife of a soldier and his children under 15 years of age.

(b) His children above 15, his parents, brothers, and sisters; but only if dependent on the soldier and destitute as a result of his incorporation.

(c) His illegitimate children, if the soldier is under the acknowledged obligation, as their father, to provide for them. Subject to the conditions stated under letter (b), the parents of the wife, as well as her children from a former marriage, may be granted assistance. More distant relatives and wives separated from their husbands are not entitled to allowances.

The minimum allowance is: For the wife, 9 marks a month from May to October, 12 marks a month from November to April; for each child or person designated above letters (b) and (c), 6 marks a month.

For the money allowance may be substituted in part a supply of breadstuffs, potatoes, fuel, etc., which is payable in advance, semimonthly. Payments are made by the Lieferungsverbande (combines for furnishing provisions), created in pursuance of the act of June 13, 1873, on military requisitions, which are refunded out of the Imperial treasury. The minimum allowance above determined is granted regardless of the relief which may be extended by private associations or persons.

The minimum allowance paid by local administrations and refunded by the Empire has been increased and completed by rent allowances, relief in kind, etc., in certain cities.

III. MATERNITY BENEFIT.

The ordinance of December 3, 1914, grants for the duration of the war a maternity benefit to any woman whose husband—

1. Performs military, sanitary, or other analogous service, or is prevented by death, injury, sickness, or captivity from continuing to render such service or from exercising a profession.

2. Was insured against sickness under the Imperial insurance code, or through a miners' sick fund, for at least 26 weeks during the 12 months preceding his departure to the colors or for at least 6 weeks immediately preceding such departure.

The maternity benefit consists of—

1. A cash payment of 25 marks to cover the expenses of the confinement.

2. An allowance of 1 mark a day, including Sundays and holidays, for a period of 8 weeks, not less than 6 of which shall fall after delivery.

3. A sum of 10 marks for the services of a midwife, or for medical attendance, should such be necessitated by pregnancy troubles.

4. In the case of women who nurse their infants, a nursing allowance of one-half mark a day, including Sundays and holidays, for a period of 12 weeks after delivery.

The ordinance of April 23, 1915, has extended the maternity benefit to women in destitute circumstances. Women shall be considered as such—

1. If during the year, or tax-assessment year, preceding the entry into the service, the combined incomes of the woman and her husband did not exceed 2,500 marks.

2. If the income remaining to the woman after the husband's departure does not exceed 1,500 marks for her own benefit, nor 250 marks for the benefit of each child under the age of 15 years.

GREAT BRITAIN.

I. ARMY.

The "allowance of the army" comprises "separation allowances to families" in time of peace as in time of war.

The rates have been so increased, beginning with October 1, 1914, that the total weekly income from such allowance and from the minimum allotment which the married soldier must make from his pay is as follows:

a. For the wife of a private or corporal, 12s. 6d. and 2s. 6d. for each of the three first children and 2s. for each other child.

b. For the wife of a noncommissioned officer, the weekly allowance varying, according to the grade, from 15s. to 23s., and 3s. for each of three first children and 2s. for each other child.

The extra 3s. 6d. a week is issuable to London families, and the special compensation allowance granted to families on the married establishment will continue to be paid as heretofore.

The separate allowance for motherless children will be at the rate of 3s. a week for each child, with the regulated allotment from the soldier in addition.

II. NAVY.

According to the royal ordinance of October 29, 1914, the weekly separation allowances to families of sailors and marines are:

1. For the wife, 6s., 8s., or 9s., according to the husband's grade.
2. Two shillings for each of the two first children.
3. One shilling for each of the other children.
4. Motherless children, 3s. each.

The payment in respect of children will be made to boys under 14 and girls under 16 years of age. Families residing within London are entitled to an additional allowance of 3s. 6d. per week.

No separation allowance is paid unless an allotment of at least 20s. a month is declared by the husband.

ITALY.

I. IN TIME OF PEACE.

By virtue of a ministerial order of 1899, modified in 1907 (Atto. No. 118 del 3 uglio 1907, Giornale militare ufficiale), relief is extended to the destitute families of soldiers recalled to the colors for drilling, the restoration of public order, or any other cause.

The following persons are entitled to relief: The wife and the legitimate or recognized children under 12 years of age, or the children above that age whose incapacity to do any profitable work is evidenced by a medical certificate.

The daily allowance is 0.50 franc for the mother, 0.25 franc for each child in the capitals of Provinces or districts, and is reduced, respectively, to 0.40 franc and 0.20 franc in other communes.

As regards the destitute families of men called to the colors under conscription, the ministerial circular of November 8, 1911, No. 1340, grants, subject to certain conditions, a monthly allowance of 15 lire to the family of a married soldier.

For these two categories of allowances the appropriation asked for under item 80 of the army budget for 1913–14 was 800,000 lire.

II. IN TIME OF WAR OR MOBILIZATION.

Prior to 1914 there existed no special provisions, and the rules applicable to the soldiers recalled to the colors had necessarily to be applied. At the time of the war with Turkey the council of ministers decided on January 16, 1912, to double the amount of the daily allowances to the destitute families of recalled soldiers (classes of 1888 and 1889), and that in cases particularly worthy of interest a daily allowance of 1 lire could be granted to the father and mother of the unmarried recalled soldiers. (War ministry circular of Jan. 19.)

The royal decree of September 20, 1914, determines the daily allowance to be granted to the destitute families of soldiers recalled to the colors, as follows:

(a) 1.70 lire for the wife and 1.35 lire for each child under 12 years of age (or above 12 if unable to work), residing in the capital of a Province or district.

(b) 1.60 and 1.30 lire if they reside elsewhere.

(c) The destitute father and mother over 60 years of age dependent on an unmarried soldier recalled to the colors receive the same allowance as the wife, when one parent only is concerned. The father and mother who both fulfill the aforesaid conditions receive in all 1.10 lire in the capital of a Province or district, 1 lira elsewhere.

ROUMANIA.

The act of December 23, 1914 (January 5, 1915), authorizing the adoption of exceptional measures provides for an allowance to families of mobilized soldiers.

Under section 22, the State grants to the families of mobilized soldiers (privates or nocommissioned officers), from the day of mobilization to the fifteenth day following the declaration of a state of peace, an allowance of:

Fifteen francs a month per family in rural communes.

Twenty francs a month per family in urban communes.

In addition, families may receive assistance in the form of work to perform, issues of food and other articles of first necessity, medical relief, care of children in homes and infant asylums; they may even obtain a supplementary money allowance. There is created for this purpose a foundation called the "Fighters' family," with the privileges of a corporation, managed by a central committee established at Bucharest and by departmental and communal committees.

Under section 20 of the act, merchants and manufacturers whose establishments remain open during mobilization, who employ more than five workmen or clerks, either married or having a family dependent on them, who have been not less than two years in their service, are obliged to pay to such workmen or clerks, as long as mobilization lasts, one-half of their salary, as assistance extended to the family of the mobilized soldier. Such workmen or clerks have necessarily no right to an allowance from the Government.

Other sections deal with the assignments of pay to the families of officers and reenlisted men of the active army, officers of the reserve, and functionaries entitled to their salaries during mobilization.

RUSSIA.

The ordinance of June 25 (July 8, 1912) governs the conditions under which allowances are granted to soldiers of inferior rank and to their families (pensions to soldiers, widows, and orphans, relief, etc.).

An allowance is granted to the wife and children of a soldier of inferior rank in active service in the army or navy, in the first or second reserve; to his parents, grandparents, brothers, and sisters, if they are dependent upon his work.

Such persons are entitled to a maintenance grant in kind, corresponding to at least 1 pound and 28 pounds of flour, 10 pounds of groats, 4 pounds of salt, and 1 pound of hempseed oil per month and per person.

Children below 15 years of age are entitled to one-half of such grant, children above 17 years of age are not entitled to an allowance, unless incapable of work; married daughters are likewise excluded therefrom.

The value of the provisions comprised in the food allowances is fixed by the competent provincial authorities after the commencement of hostilities, and is revised on the 1st of September each year, and whenever there occurs a notable change in the prices of provisions.

According to an ordinance of the council of ministers of August 9 (22), 1914, the families of salaried persons called to the colors receive: The whole salary for the wife and more than five children, three-fourths of the salary for the wife and four or five children, two-thirds of the salary for the wife and no more than three children, one-half of the salary for the wife alone, one-third of the salary if the family consists of parents or grandparents or brothers and sisters dependent upon the mobilized soldier.

According to the same ordinance the families of workmen, salaried persons, and servants in Government establishments, factories, shops, and other similar undertakings, receive in addition to the food allowances above mentioned: One-half of the salary for the wife and more than three children, one-third of the salary for the wife and no more than three children, one-fourth of the salary for the wife alone.

In both cases, when in addition to the mobilized soldier's wife and own children, the family includes also parents or grandparents or brothers and sisters, each one of them is considered as a child.

SWEDEN.

I. IN TIME OF PEACE.

Assistance to the destitute families of soldiers called to the colors is governed by the royal ordinance of June 1, 1912, as amended September 17, 1914.

The amount of the allowance is fixed as follows for each day of service:

	Öre.
For the wife able to work and 1 child	75
For the wife able to work and no more than 2 children	100
For the wife whose capacity for work is limited	75
For the wife whose capacity for work is limited and 1 child	100
For the wife whose capacity for work is limited and no more than 2 children	125
For 1 child whose father is divorced or is a widower	75
For 2 children or more whose father is divorced or is a widower	100

Able-bodied wives without children receive no allowance.

The allowance is increased by 40 per cent when the soldier is on drilling periods of the reserve or of the landsturm.

Soldiers must contribute to the allowance to which their wives and children are entitled by paying such portion of their pay as exceeds 20 öre a day.

II. IN CASE OF MOBILIZATION.

The royal ordinance of August 13, 1914, governs the granting of allowances during all the time that a soldier is called in defense of the Kingdom or is retained for this purpose after his term of service in time of peace has expired. His family, in needy circumstances, receives from the Government an allowance of 1 crown per day, as well as an additional sum of 25 öre per day for each child under 15 years of age.

SWITZERLAND.

The ordinance of January 21, 1910, governs the granting of relief to families in destitute circumstances owing to their breadwinners serving in the army.

The wife and children of a soldier and the parents or relatives he supports or who are members of his household are entitled to allowances. They must be proportioned to the needs of the family and not exceed the average daily pay of the soldier, after deduction of an appropriate sum (1 franc, for instance) for his personal needs. For the purpose of determining such allowances the social position, number, age, and earning capacity of the entitled persons must be taken into account.

The daily allowance can not exceed 2 francs for the wife and 0.70 franc per child in cities; 1.50 francs for the wife and 0.50 franc per child in the country.

The allowances are paid by the communes; the cost is borne for three-quarters by the confederation and for one-quarter by the canton.

RÉSUMÉ.

In Great Britain the Government allowance to families is added by right to the allotment which soldiers or sailors must make from their pay.

In Belgium the previous deduction from the pay of militiamen is paid to the parents irrespective of their circumstances.

In other countries where military service is compulsory, allowances are granted only to families in destitute circumstances.

Translated from Bulletin de la Statistique générale de la France, T. IV, 1914–15, pp. 237–241, 365–367.

A. BERNARD.

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] is recognized.

Mr. HAMILL. It is a surprising thing that any opposition should be voiced against this bill or that any argument should be deemed necessary to bring about its enactment. To the ordinary American sense of fairness the proposition is so clear; it is so self-evident in its justice, propriety, and moderation as to call forth immediate and instinctive approval.

The theme of all the complaints we have heard in opposition simmers down to this statement, that it would, first of all, impose an unwise demand upon the Treasury at the present time, and that, furthermore, it would establish a practice which would cause these payments to be continued under the guise of pensions in the future. As to the last objection, I am sure we can safely refer that matter to be disposed of at the sessions of Congress which will come after us. They will deal then better than we can now with the situation if it arises. We need not anticipate and legislate with regard to a contingency which may or may not actually happen. At best it is only a speculation that it will happen.

Those guardians of our money vaults who condemn this appropriation because of cost should exercise discrimination and consider the purpose of it. This is one of the legitimate expenses of national defense. It is, after all, one of the lightest obligations the people are called upon to assume. To uphold the honor of our flag and to preserve our territory inviolate from the footsteps of the bandit and the spoiler may demand the expenditure not only of treasure but of life as well.

A few weeks ago I was one of the throng that lined the sidewalk to see the regiment of my home city marching out to its mobilization camp. The long lines of well-drilled guardsmen in their uniforms and accouterments were followed by files of youths who still wore civilian dress—new recruits who had enlisted a day or two before.

It was a thrilling sight, and the applause of the multitude broke forth in successive peals all along the route. It was a part of the great scene the American people were witnessing in every section of the country. It was the minutemen of 1916 answering in the spirit of 1776 the summons of the President. [Applause.]

Had the opponents of this bill been spectators of any of these scenes, I have no doubt they would have rent the sky with their cheers of encouragement. And such encouragement is commendable, so far as it goes; but the defect in it is that it does not go deep enough. It reaches only to the lungs, whereas it ought to extend deeper and reach the pocket as well.

Several of these men whom I personally know relinquished positions in the post office paying not less than $100 a month. They are men with families, whose support is derived solely from their salaries. Most of the other soldiers had abandoned good positions in civil life, and were in a similar predicament.

Now, what about the loved ones these men have left behind? What about the true-hearted mothers and sisters and daughters

and wives who encouraged them to go forth under the flag, who greeted them possibly for the last time, and who may yet be called upon to mourn the loss of their unreturning brave?

There is neither excuse nor argument for withholding this appropriation. The great business houses of the country have decided to hold on their pay rolls at full salary the men who have gone to the front. These corporations who in theory of law own no soul have demonstrated by their generosity that they do possess a heart. The Government can not do less. The American people will not tolerate less. The overwhelming demand of the American people is for the passage of this bill. [Applause.]

The SPEAKER. The time of the gentleman from New Jersey has expired. The gentleman from North Carolina [Mr. SMALL] is recognized for 20 minutes.

Mr. SMALL. Mr. Speaker, when the so-called drafting bill was before this House several days ago I voted for it, although it contained the substance of this bill. I did so because of the exigency which existed for the drafting of the National Guard into the regular service. But now that we have this question concretely presented in a separate bill, I feel free to voice my opposition to it and to express the reasons which actuate me.

I realize full well the fine sentiment behind the members of this House who favor this bill. I realize the force of their appeals to patriotism; but I insist that we should also appeal to the cool, sober judgment of ourselves and of the American people, and that this bill is not in the interest of real patriotism.

Mr. Speaker, this bill involves an unwarranted and unnecessary expenditure. No man can prophesy the amount which will be ultimately involved in it, even as applicable to the National Guard. In the debate at the other end of the Capitol it was said that from 10 to 25 per cent of the members of the Guard would make application under such a law for the support of their families. If you say 10 per cent, 10,000 out of the 100,000 men that it is supposed the National Guard will furnish, you have $6,000,000 annually required to support their families under the provisions of such a law. When the bill was originally here $1,000,000 was sought to be appropriated. Now, for some reason not explained by the committee, it has been increased to $2,000,000. I ask in all sincerity, why has it been increased? What is the basis upon which the increase was made? And can any Member say that the amount named in this bill is sufficient for the purpose?

Mr. HAY. Does the gentleman want an answer to that?

Mr. SMALL. I will yield.

Mr. HAY. The reason it was increased was because after making careful inquiry the committee thought that this $2,000,000 would be amply sufficient until the meeting of the next session of Congress.

Mr. SMALL. I will come to that part of it upon another phase of this question in a moment.

This bill does not provide for the Regular Army. I know it will be said that the Regular Army is composed of men who were enlisted without the burden and expense of a family upon them. Whether that is literally true or not I do not know; but I have, and I doubt not every Member of this House has, from time to time received applications from the families of men in the Regular Army asking for their discharge because the presence of the soldier was necessary for their support. And I take it there are instances—how numerous I do not know—in the Regular Army where, if this principle is to be applied, it ought to be applied to them. The result of any such legislation as this would be the demoralization and the disorganization of the Regular Army.

Some weeks ago we passed a bill increasing the Regular Army by 20,000 men, calling for volunteers to enlist. It has been stated, and I presume authoritatively, that up to this time less than 12,000 of the 20,000 men asked for have enlisted, although strenuous efforts have been made to secure them. Why was it? I have not the time or the inclination to go into the reasons for it, but I do insist that such legislation as this will not have a tendency to create a disposition upon the part of our citizens to enlist in the Regular Army, and that it will increase many fold the difficulties of securing sufficient enlistments to make up the larger Army which has been authorized in the national-defense act. This bill does not provide for volunteers. Gentlemen may say, "If volunteers are necessary, we will meet that question when we reach it"; but I contend that it ought to be reached now, that this is the time to perfect such legislation as will be applicable to every phase of this necessity which is said to exist, and which undoubtedly in time of war will exist.

Mr. MEEKER. Will the gentleman yield?

Mr. SMALL. For a question.

Mr. MEEKER. What suggestion has the gentleman to offer for the caring for these needy families? If this is not done, how would you take care of them?

Mr. SMALL. I will endeaver to answer the gentleman directly. Further, this bill does not provide for the family of a soldier killed in action. We are seeking here to provide support for families——

Mr. HAY. Will the gentleman permit an interruption?

Mr. SMALL. Certainly.

Mr. HAY. The drafting resolution which was passed the other day provided for that.

Mr. SMALL. How much did it provide?

Mr. HAY. The pension law.

Mr. SMALL. Twelve dollars a month is the maximum, is it not?

Mr. HAY. That depends. I do not know. I am not sufficiently familiar with the pension law.

Mr. SMALL. We are seeking to provide a maximum of $50 a month for the support of families of the National Guard actively engaged in the service; but if they shall surrender their lives in the service of their country, then they are relegated to the general pension law, and, as I understand, the maximum amount which the family can receive under such circumstances is $12 a month. That is another illustration of the inconsistency of this proposed law.

Mr. DUPRÉ. The gentleman recognizes that that pension is for the remainder of the widow's life, while it is contemplated that this will be only during the service in this particular emergency.

Mr. SMALL. That is obvious in itself. Mr. Speaker, this legislation has not been requested by the National Guard, although the National Guard have been neither timid nor modest in asking for legislation which they desired of Congress. They were in evidence when we were framing the national defense act, and I was in sympathy with them; but they made known their wishes at that time, and I take it if any such exigency existed as would make this law necessary, there would have been evidence of some demand on the part of the National Guard for this legislation.

Mr. GORDON. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman from Ohio.

Mr. GORDON. The law authorizing the President to draft these men into the Army had not yet been passed nor even considered at the time the national defense act was passed.

Mr. SMALL. Oh, the gentleman is wrong about that.

Mr. RUBEY. Is not the very fact that the National Guard have not asked for this legislation the strongest argument in favor of it?

Mr. SMALL. It would not do to apply that formula to legislation generally in the House. How much time have I consumed, Mr. Speaker?

The SPEAKER. Ten minutes.

Mr. SMALL. I want to hurry along. The gentleman from Ohio [Mr. GORDON] is wrong with regard to the enlistment of the National Guard. In the Dick bill, which we passed in the Fifty-seventh Congress in 1901 and 1902—I have not time to look up the date, but I have the bill before me—the President was given specific authority to draft the National Guard into the service, and the National Guard were not content with that.

But the Dick bill was amended in 1908, upon the insistence of the National Guard, to the effect that the National Guard should be first called to the service, ahead even of the volunteers. So that we have had for more than 10 years a statute authorizing the President to draft into the service the National Guard of the States.

Mr. HAY. Will the gentleman permit me?

Mr. SMALL. Yes.

Mr. HAY. Is the gentleman aware of the fact that the Attorney General declared that act to be unconstitutional?

Mr. SMALL. The Attorney General did not hold it to be unconstitutional except in this respect: He held that the President was not authorized to draft them into the service outside of continental United States. That was the opinion of the Attorney General, agreed to by the Judge Advocate General. With the exception of that construction of the act the President has had authority since the enactment of the Dick bill, and by the amendment of 1908, to draft the National Guard into regular service in time of emergency.

Mr. QUIN. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. QUIN. Have we not authority under the present act, passed on the 3d of June, to take the National Guard to Chapultepec or to Mexico City?

Mr. SMALL. Mr. Speaker, there is no precedent that I know of for this legislation. I am willing to admit that when

it is necessary for the national defense that we should wage a war, a war of duration and of magnitude, that provision ought to be made, some equitable, fair provision, for the support of the dependent families of soldiers. But while there is no precedent for this, while it may be necessary in time of emergency, yet it ought to be well-considered legislation.

Let me point out some evidences familiar to the House that this bill has not been considered. It was brought in the other day with an appropriation of $1,000,000, with no provision for the discharge of enlisted men in the guard who had dependent families. The chairman on yesterday introduced a bill increasing it to $2,000,000, and continuing a provision by which men in the National Guard with dependent families might be discharged.

But the committee, in considering that bill, struck out the provision for the discharge of soldiers with dependent families, and although that provision was in the bill introduced by the chairman, yet the chairman to-day says he is opposed to it. And, after, as we may suppose, careful deliberation on the part of the committee drawing the bill of yesterday, to-day even we have committee amendments offered, amendments suggested by Members of the House which are accepted by the members of the committee—all indicating that this is half-baked legislation and does not properly meet such an exigency as it is intended to meet.

This bill leaves its administration to the War Department. We have had a demand from the Secretary of War which came to us a few days ago for additional appropriations for increase of clerical force, and now we are adding to the burdens of that department by the administration of this law. If it is to be passed at all the administration ought to be imposed on the Bureau of Pensions. Let them find the facts and let them reach conclusions, and, if necessary, leave the final approval with the War Department.

Mr. Speaker, the theory of this bill is based on compensation for service. I say deliberately, based on the glorious history of our own country and of every other country whose people have waged righteous and defensive wars, that compensation and patriotism do not go together. In the great Civil War, so far as the South was concerned, men upon both sides admitted the high principles which actuated the soldiers of the South, men on both sides admit the high patriotism which actuated those who fought for the preservation of the Union. That was patriotism with no thought of compensation behind it. Every war which we have fought, the men who stood by the flag and who exemplified the courage and high type of American citizenship, were actuated, not by thought of compensation, but by the high patriotic impulses. You can not mix the two together.

This country, through Congress, has been generous and liberal to the volunteers of the Civil War who fought for the Union. As a Southern man I have always voted for every piece of legislation which was brought in here, though some times reluctantly, for any increase of pension or recognition of those soldiers, but who will stand up to-day and contend that the type of patriotism of the country, of the sons from which these soldiers came has been heightened or increased by this liberality on the part of the Government?

Upon the contrary, the abuses which have crept into the administration of the pension law have evoked criticism from some of the most patriotic men of the country.

Mr. Speaker, these men who enlisted in the National Guard volunteered for service, and not for dress parade. Is there any member of that Guard or any Member of this House who will intimate that any member who enlisted in the National Guard did not enlist for actual service in time of war if this country demanded it? And yet it is said of them that they did not expect to serve in actual war, and that we must enact this half-baked legislation, which, I insist, is not in the interest of real patriotism nor does it make for the welfare of the Republic.

Mr. DYER. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. DYER. Would the gentleman be in favor of dependent families to be covered by this legislation being the recipients of the bounty and charity of the various cities and communities, or does he think that the Government owes the men who are serving the duty of looking after the people who are so unfortunate as to have no support?

Mr. SMALL. The gentleman will not induce me to commit myself to any suggestion that these families ought not to be cared for. I do insist that service in our Army, whether it be the Regular Army, the National Guard, or the Volunteer Army, must be based on the highest patriotic impulses of a true American citizen and not upon the idea of compensation. If legislation is necessary at this time for the support of dependent families of soldiers we should so draft and frame a law that it shall meet every contingency in the future, so that the dependent families may have whatever is right and proper on the part of the Government.

Mr. DOWELL. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. DOWELL. Does the gentleman believe that the patriotism of one who enlists is affected if the General Government takes care of his family during the time he is engaged in the service?

Mr. SMALL. I will answer that question by saying that there is such a thing as pauperizing a citizen, chilling his patriotism with the thought of compensation.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. HAY. Mr. Speaker, I yield three minutes to the gentleman from North Carolina [Mr. STEDMAN]. [Prolonged applause.]

Mr. STEDMAN. Mr. Speaker, as I listened to the discussion of the bill under consideration by the gentleman from North Carolina [Mr. SMALL], in which State both he and I had the good fortune to be born and reared, events which happened in that State more than 50 years ago have crowded thick and fast upon my memory. The unhappy Civil War was raging, and a supreme effort was being made by the people of North Carolina, directed by the consummate ability of their great war governor, Zebulon B. Vance, to provide for the comfort and efficiency of the North Carolina soldiers in the army of northern Virginia. How well that work was done is recorded in history. That was not all. Under the directions of this great governor, the people of North Carolina bestowed the same care and labor and effort to take care of the women and children and the helpless families of Confederate soldiers in North Carolina that they bestowed upon the soldiers who went to the battle field. [Applause.]

The soldiers of North Carolina who slept upon the battle fields of northern Virginia and dreamed at night as they looked up at the stars of those they loved at home rested calmly, for they knew that their helpless families who were left at home would be cared for by the great State which is represented in part by the gentleman and myself. That was not all, Mr. Speaker. There were many hundred Federal prisoners in Salisbury, N. C., in prison. From the depots of supplies which were furnished the families of soldiers in the Confederate Army those wives and children, the people left at home, at the request of the governor of North Carolina, took a part of their substance and carried it to the prison at Salisbury, did it constantly, and supplied the necessities of the Union soldiers, which were made inevitable by the result of the great Civil War. [Applause.]

Can it be possible that this great Government, standing for courage, for heroism, for advanced civilization in every civilized land, is unwilling to provide for its own soldiers, members of the National Guard, drafted on a few days' notice into the Regular Army, with the same comfort and care and kindness that the State of North Carolina bestowed upon its soldiers when it sent them to the Army of Northern Virginia more than 50 years ago? I have thought that if any Member of this House had a doubt as to how he should vote, if he would read the history of North Carolina, from which my friend comes and which I know full well, and then would go out to Statuary Hall and look at the bronze image of that great man who directed the efforts in behalf of humanity, he would discard all doubt and come back here and vote for this bill with joy, with delight, and with enthusiasm. [Applause.]

My heart prompts me to say just one word about the National Guard. I can not speak of the National Guard throughout the country at large, but I can speak for the National Guard of North Carolina, and I know all about that guard. I have seen some criticism with reference to the National Guard generally, comparing it with the Regular Army. I want to say, Mr. Speaker, that the National Guard of North Carolina, and I hope what I say is not improper or inappropriate, is equal, man for man, to any battalion of troops in the Regular Army of the United States, it matters not from which section of the country they come. [Applause.] That National Guard is faithful in its allegiance to this country. It is ready to carry the flag as far to the front as any troops in the Regular Army, and it will return that flag without tarnish and blemish when the war is ended to the people who sent them to the battle field. [Applause.]

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. RAGSDALE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. GOODWIN of Arkansas. Mr. Speaker, I join in that.

The SPEAKER. The time is limited under the rule to 40 minutes.

Mr. STEDMAN. I ask for two minutes additional.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes.

The SPEAKER. Several gentlemen ask unanimous consent that the gentleman from North Carolina may proceed for five minutes. Is there objection?

Mr. MANN. Mr. Speaker, I hope the gentleman will not ask that. We have some other business that we ought to attend to.

Mr. STEDMAN. Two minutes is all I desire.

Mr. MANN. If the gentleman takes two minutes, other gentlemen will want the same privilege accorded them.

Mr. RAKER. As the gentleman from Virginia [Mr. HAY] is going to yield two minutes to me, I will relinquish it in favor of the gentleman from North Carolina. [Applause.]

Mr. HAY. Then, Mr. Speaker, I yield two minutes more to the gentleman from North Carolina.

Mr. STEDMAN. Mr. Speaker, the sentiment expressed here so eloquently by the gentleman from Connecticut [Mr. HILL] in discussing this same subject a day or two ago found a responsive echo in my heart. I desire now to read two extracts from a message sent by Gov. Craig of North Carolina to the President of the United States on last Wednesday, which I find in a North Carolina paper this morning:

> The National Guard of North Carolina is ready to obey the orders of the President of the United States and volunteer to go into Mexico, or elsewhere, as they may be ordered, regardless of the technical provisions of the Army reorganization bill. * * * Every man, from the brigade commander down to the private in the ranks, is ready to sign any enlistment volunteering his services to the United States anywhere and at any time.

This bill ought to be passed enthusiastically, without a dissenting voice. [Applause.]

Mr. AIKEN. Mr. Speaker, I want for a few moments to call attention to the remarkable record just established by Anderson County, S. C., which is in the congressional district that I have the honor to represent.

According to the census of 1910, Anderson County had a population of 69,568, of whom 43,232 are white. Since the President issued his call for the mobilization of the militia, Anderson County has sent into camp three companies of Infantry, a machine-gun company, and a regimental band—one of the best that I ever heard, by the way—all recruited to the required strength. On top of this another company has been organized and will be ready to go forward if there should be a call for volunteers. In other words, in a county of less than 45,000 white population, approximately 500 young men have responded to the call of their country to duty. This is a remarkable record. I am sure that I am safe in the assertion that no other county of equal population in the United States has made a record that comes anywhere near it.

Practically all of these young men who have volunteered are sons or grandsons of Confederate soldiers, and in looking over the roster of the companies I have noted with pride the names of quite a number of men who served with me in the First South Carolina Regiment in the War with Spain, in 1898.

Anderson County is one of the greatest counties in the United States. Its population is more than 99 per cent native born, and of the purest Anglo-Saxon stock. It is a great county in agriculture, a great county in manufacturing, a great county in civic righteousness, educational progress, and all that goes to make for good citizenship, and it has just shown in the most striking manner possible that it is a great county in patriotism and love of country.

It is a high honor, gentlemen of the House of Representatives, to represent such a constituency in the American Congress. I would be recreant to my duty if I did not make this statement here to-day, so that there may be preserved in the pages of the CONGRESSIONAL RECORD, for as long as our civilization shall stand, this slight tribute to the greatness of Anderson County and her splendid people.

This bill is right, and should be passed unanimously, for it is our duty to provide liberally for the dependent ones of our patriotic men who have gone to the front. [Applause.]

Mr. HAY. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, a few days ago the Members of this House passed with practical unanimity this identical proposition as an amendment to the bill providing for drafting the National Guard into the Federal service, but forces outside of this House willed that it should be stricken from the bill. I hope that to-day this bill will pass with such an emphatic vote that even those who opposed the other proposition will consent that this measure become a law. I do not know whether it is wisdom to have a military system that permits married men to be enrolled in time of war before the single men are all exhausted, and I have not time now to discuss it; I do not know that the President of the United States has the power to call single men first by draft, and I have not the time to discuss that; but the fact remains that there are many married men in the National Guard in the several States, and they have been drafted into the Federal service by the President. What is the result? They are taken from their usual vocations, many of them remunerative, and put into the Army at $15 a month. Their wives and children and dependent mothers are left at home. What must follow? They must have assistance from some source. I am glad to know that many patriotic men of the country are offering to pay their men full salaries while they are in the service of the country, but should we ask that of them? Many patriotic societies are being organized to assist in the charitable work necessary to provide support for the wives, children, and dependent mothers of the soldiers. Many people are ready to give of their substance to aid them.

But, gentlemen of the House, is this the policy which our Nation should pursue toward the men called to arms as volunteers or drafted into the service? Shall we permit the humiliation not only of the soldier but of his dependent loved ones by refusing to assume the burden of their support while he is in the ranks serving the Nation, but leave it to the charitably inclined people in each community to carry in a little food or perhaps dole out a few dollars to the wife or mother, thus putting them in the class of dependents, and causing a blush to come to the cheeks of the wives and mothers when compelled to accept such charity. Surely many a proud-spirited mother or wife would want before accepting such aid from those who remain at home. More than that, it is wrong to place them in such a position. The soldier who leaves a wife or dependent mother and goes to the front, to do and to die, if necessary, for our common country, has troubles enough to bear without suffering the humiliation of knowing that his loved ones are in need on account of his absence, or compelled to take from the hand of charity the things necessary to sustain life. Is it not enough for the wife or mother to bear, to surrender the son or husband to the service of our country, without having added to their other sad thoughts as the shades of night fall about their abode the thought of food and fuel for the morrow? Surely their sacrifice is sufficient without this unnecessary and cruel requirement. Let us away with all subterfuge, all maudlin talk about patriotism and free service and sacrifice on the part of the soldier. This is a mighty Nation. Rich beyond all measure. Millions are wasted annually in one way and another by unwise and reckless appropriations of the public money, and now shall it be said of us as a nation that when we called into the service of the country men to serve as soldiers, taking them from their walk in life, where they have been permitted to support those dependent upon them, we will not care for their dependent ones? Shame on the Nation that would pursue such a course, and may God grant that it shall never be said of our country.

Mr. HAY. Mr. Speaker, I yield one minute to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Speaker, I, of course, am in favor of this bill. I think it will have a very healthy effect for the Government of the United States to set such an example and that private employers throughout the country, who are already acting very liberally, will be stimulated to continue their patriotic course toward their employees who enlist. I regret the committee has seen fit to strike out that section giving authority to the Secretary of War under certain conditions to permit the discharge of men with dependent families. Such authority ought to be vested in him, because there are exceptional cases where unforeseen contingencies and extreme hardships may arise for which relief should be provided. It is not a reflection on the National Guard to make such a request. Such a privilege will not be abused, but I think some power, some authority, should be given that will make possible release from the service. The Senate has gone on record in its favor and this House should have been given an opportunity to express itself on this subject. [Applause.]

For the benefit of those who think the Secretary of War can now discharge members of the National Guard, even on proper showing, I insert copy of a letter this day received by me from The Adjutant General. According to him, "regardless of the merits of a case, the department has no discretion in the matter." If that be true, then Congress should act, and act quickly:

> WAR DEPARTMENT,
> THE ADJUTANT GENERAL'S OFFICE,
> *Washington, June 30, 1916.*
>
> Hon. H. GARLAND DUPRÉ,
> *House of Representatives.*
>
> DEAR SIR: In response to your letter of the 28th instant, inclosing three telegrams (returned herewith) relative to ——— ———, for whom it is desired to secure a release from military service or an indefinite leave, I beg leave to advise you as follows:
>
> The department has received a considerable number of requests for the discharge of members of the National Guard who have been mus-

tered into the service of the United States, and with respect to whom it is claimed that their discharge would be either in the personal interest of the men themselves or in the interest of their dependent families or relatives. The subject has received careful and thorough consideration as to what might be done by the department in the way of granting relief in cases of this kind, and after such consideration the conclusion has been reached that there is no authority in existing law under which men of the class referred to can be released from military service.

You will see, therefore, that regardless of the merits of a case the department has no discretion in the matter and that all requests for discharge in cases such as that of ——— ——— must be denied.

An indefinite furlough can not be granted to an enlisted man.

Regretting that I am unable to advise you favorably in this matter, I remain,

Very respectfully, H. P. MCCAIN,
The Adjutant General.

The SPEAKER. The time of the gentleman has expired.

Mr. HAY. Mr. Speaker, I will yield one minute to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I believe that those who stay at home in safety ought to provide for the families of those who risk their lives by going to the front. We ought not to make war at the expense of the wives and children [applause] of those who fight for the common honor and rights of us all. [Applause.]

Mr. Speaker, the greatest commercial association in this world, I believe, is the Chicago Association of Commerce. The great heart of Chicago, speaking through that association, sends this message to Congress:

The Chicago Association of Commerce urges upon Congress the desirability of enacting legislation providing suitable allowances for the dependents of our enlisted men.

JOHN W. O'LEARY, *President.*

[Applause.]

I am proud of the association and happy of the opportunity to help by contributing my little mite—staying here—to help take care of those dependent on the ones who go to the front. [Applause.]

Mr. HAY. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. HAY. I yield one minute to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I concur heartily in the idea that the Federal Government make some provision for the dependents of those who are called out to the border of our country and may have to engage in war. In the city in which I live a company enlisted and is now in the service, and many of those were men who labored by the day for a living. They regretted the fact that they must go and leave their families dependent, but the citizens of that city said, "You go, and we will take care of your family until you return." [Applause.]

An association has been formed in that little city providing for a liberal contribution of the money of the citizens for members of the family of those soldiers whose families are dependent. Three other companies have gone from other towns of the district, and I have no doubt their citizens are equally generous with those left at home who were dependent. I am glad, my friends, to see that this House is making a precedent which is looking toward humanity in time of service of the boys of the country. It is easy to talk patriotism here, but let those who remain at home help pay for care of the families of those who are in the service. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAY. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, the bill under consideration provides relief for dependent families of militiamen who were covered into the Regular Army by operation of law and went to the front to defend the country. When war is imminent it is necessary for certain of the citizenship to go to the front and defend the Nation. It always requires the very flower of the country to perform this patriotic and dangerous task; it selects from among all of us the bravest, the most patriotic, the most capable, and the ones who are well equipped in health, strength, and mental vigor. Harsh as this may seem, it is true, for certainly in a time of great stress it is never the weaklings who can defend us, but the strongest ones instead.

To every thoughtful man war is a terrible thing; to every thoughtful man it is a terrible thing to drag a citizen from his daily task of accomplishment and accumulation and put him into the war at a great sacrifice; but even worse than this is to make him suffer the dissolution of family and leave his loved ones behind that he may go to the front, that he may hazard his life, hazard his future, and run every risk and hazard known to man.

Inasmuch as it is necessary for them to go, inasmuch as the Congress has already decreed that they must go, we all must of necessity feel keenly their going. While our poor words of sympathy, praise, and admiration will perhaps suffice to cheer them on to endurance, valor, and success, something far more substantial is needed for the wives and children and dependent ones left behind. For me and for mine, I reluctantly give my consent that these brave young, patriotic men should go at all to the front in defense of our country, thereby leaving us behind in health and strength with full opportunities for the betterment of our condition. For me and for mine, I shall not be content, I am not content, I never expect to be content, to allow these boys to go to the front without the one consoling fact that the great Government of the United States will not allow those left behind to suffer destitution, want, and degradation brought about by the absence of their loved ones who are defending the Nation. [Applause.]

Members here and Members in the other body oppose this legislation. They have asserted, and are making every effort to carry conviction with it, that to look after the helpless and dependent families left behind is a comingling of patriotism with money matters and sordid things. I assert all such argument is fraught with ignorance or hypocrisy. I assert such statements are far from the truth. I assert that it is pitiable that any such sentiments should prevail. The American Nation is to-day not only the richest Nation of all the world both in patriotism and wealth, but it is more capable now than ever before to look well after the wants not alone of our defenders at the front but of those left behind. I insist that it is the duty of Congress this day to take this step toward the protection and maintenance of our defenders' families left behind. I assert it is not too much for them to expect or us to do; I assert it is only what a great, patriotic Nation is willing to do, desirous to do, and ought to do in a time of great stress like this. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAY. Mr. Speaker, the gentleman from North Carolina [Mr. SMALL] stated the National Guard is not asking for this legislation. No, they have not asked for it, because they are too busy getting ready to go to the front to make a demand upon the Congress. The whole country believes Congress ought to do its duty without being asked. [Applause.] The gentleman says that this will affect enlistments in the Regular Army. Never in the history of this country, when there were militia and volunteer organizations to enlist in, have its people enlisted in the Regular Army. They prefer to enlist and serve with their friends and their brothers from their own communities. This legislation will not affect enlistments in the Regular Army. This legislation is intended for the purpose of letting these men go to the front with the knowledge that their loved ones at home are being taken care of, and that they can render arduous service with a free heart and an open mind without agonizing upon what may be occurring at home.

I therefore hope that this House will, by a unanimous vote, record its voice in favor of this legislation, which, whether it is a precedent or not, ought to be enacted into law now. [Applause.]

The SPEAKER. The question is on suspending the rules and passing this bill.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of suspending the rules and passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 299, nays 2, answered "present" 5, not voting 129, as follows:

YEAS—299.

Abercrombie	Burke	Curry	Estopinal
Adamson	Burnett	Dale, Vt.	Evans
Aiken	Byrnes, S. C.	Dallinger	Farr
Alexander	Byrns, Tenn.	Danforth	Ferris
Allen	Campbell	Davenport	Finley
Almon	Candler, Miss.	Davis, Minn.	Focht
Anderson	Cannon	Decker	Fordney
Anthony	Cantrill	Dempsey	Foss
Aswell	Caraway	Denison	Foster
Austin	Carew	Dent	Frear
Ayres	Carter, Mass.	Dickinson	Freeman
Bailey	Carter, Okla.	Dies	Gallagher
Barkley	Cary	Dill	Gallivan
Beakes	Casey	Dillon	Gard
Bell	Cline	Dixon	Gardner
Bennet	Coady	Doolittle	Garrett
Blackmon	Coleman	Doremus	Glass
Booher	Collier	Doughton	Glynn
Borland	Connelly	Dowell	Godwin, N. C.
Bowers	Conry	Dunn	Good
Britt	Cooper, W. Va.	Dupré	Goodwin, Ark.
Britten	Cooper, Wis.	Dyer	Gordon
Browne	Cox	Edwards	Gray, Ala.
Brumbaugh	Crago	Ellsworth	Gray, Ind.
Buchanan, Ill.	Cramton	Elston	Green, Iowa
Buchanan, Tex.	Crisp	Emerson	Greene, Vt.
Burgess	Cullop	Esch	Hadley

Hamill	Langley	Padgett	Steele, Iowa
Hamilton, Mich.	Lazaro	Page, N. C.	Steenerson
Hamilton, N. Y.	Lee	Park	Stephens, Cal.
Hamlin	Lehlbach	Parker, N. Y.	Stephens, Miss.
Hardy	Lenroot	Peters	Stephens, Nebr.
Haskell	Lesher	Price	Stephens, Tex.
Hastings	Lever	Quin	Sterling
Hawley	Lewis	Ragsdale	Stiness
Hay	Lieb	Rainey	Stone
Hayden	Liebel	Raker	Stout
Hayes	Lindbergh	Ramseyer	Sulloway
Heflin	Lloyd	Randall	Sweet
Helgesen	Lobeck	Rauch	Switzer
Helm	Longworth	Rayburn	Taggart
Helvering	McAndrews	Reavis	Tague
Hensley	McArthur	Reilly	Talbott
Hernandez	McClintic	Ricketts	Tavenner
Hicks	McCracken	Roberts, Nev.	Taylor, Ark.
Hill	McCulloch	Rodenberg	Taylor, Colo.
Hilliard	McDermott	Rogers	Temple
Hinds	McGillicuddy	Rouse	Thomas
Holland	McKellar	Rubey	Thompson
Hollingsworth	McKenzie	Rucker	Tillman
Hood	McKinley	Russell, Mo.	Timberlake
Howard	McLaughlin	Russell, Ohio	Towner
Howell	McLemore	Saunders	Van Dyke
Huddleston	Madden	Schall	Venable
Hughes	Magee	Scott, Mich.	Vinson
Hull, Iowa	Mann	Sells	Volstead
Hull, Tenn.	Mapes	Shackleford	Walker
Humphrey, Wash.	Matthews	Shallenberger	Walsh
Humphreys, Miss.	Mays	Sherley	Wason
Igoe	Meeker	Shouse	Whaley
Johnson, S. Dak	Miller, Del.	Siegel	Wheeler
Johnson, Wash.	Miller, Minn.	Sims	Williams, T. S.
Jones	Mondell	Sinnott	Williams, W. E.
Kearns	Moon	Sisson	Williams, Ohio
Keating	Mooney	Slemp	Wilson, Ill.
Kelley	Morgan, Okla.	Sloan	Wilson, La.
Kennedy, Iowa	Mudd	Smith, Idaho	Wingo
Kennedy, R. I.	Nelson	Smith, Mich.	Winslow
Kent	Nicholls, S. C.	Smith, Minn.	Wise
Kettner	Nichols, Mich.	Smith, N. Y.	Wood, Ind.
Key, Ohio	Nolan	Snell	Woods, Iowa
Kinkaid	Norton	Sparkman	Young, N. Dak.
Kitchin	Oakey	Stafford	Young, Tex.
Konop	Oldfield	Steagall	The Speaker
La Follette	Oliver	Stedman	

NAYS—2.

	James	Small	

ANSWERED "PRESENT"—5.

Clark, Fla.	London	Platt	Sears
Garner			

NOT VOTING—129.

Adair	Farley	Kincheloe	Pou
Ashbrook	Fess	King	Powers
Bacharach	Fields	Kreider	Pratt
Barchfeld	Fitzgerald	Lafean	Riordan
Barnhart	Flood	Linthicum	Roberts, Mass.
Beales	Flynn	Littlepage	Rowe
Black	Fuller	Loft	Rowland
Browning	Gandy	Loud	Sabath
Bruckner	Garland	McFadden	Sanford
Butler	Gillett	Maher	Scott, Pa.
Caldwell	Gould	Martin	Scully
Callaway	Graham	Miller, Pa.	Sherwood
Capstick	Gray, N. J.	Montague	Slayden
Carlin	Greene, Mass.	Moore, Pa.	Smith, Tex.
Chandler, N. Y.	Gregg	Moores, Ind.	Snyder
Charles	Griest	Morgan, La.	Steele, Pa.
Chiperfield	Griffin	Morin	Sumners
Church	Guernsey	Morrison	Sutherland
Cooper, Ohio	Harrison	Moss, Ind.	Swift
Copley	Hart	Moss, W. Va.	Tilson
Costello	Haugen	Mott	Tinkham
Crosser	Heaton	Murray	Treadway
Dale, N. Y.	Henry	Neely	Tribble
Darrow	Hopwood	North	Vare
Davis, Tex.	Houston	Oglesby	Ward
Dewalt	Hulbert	Olney	Watkins
Dooling	Husted	O'Shaunessy	Watson, Pa.
Driscoll	Hutchinson	Overmyer	Watson, Va.
Drukker	Jacoway	Paige, Mass.	Webb
Eagan	Johnson, Ky.	Parker, N. J.	Wilson, Fla.
Eagle	Kahn	Patten	
Edmonds	Keister	Phelan	
Fairchild	Kiess, Pa.	Porter	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered in the affirmative.

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. DEWALT with Mr. MCFADDEN.

Mr. GARNER with Mr. BARCHFELD.

Mr. STEELE of Pennsylvania with Mr. GRAHAM.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. SLAYDEN with Mr. MCKINLEY.

Mr. FLYNN with Mr. PRATT.

Mr. CALDWELL with Mr. POWERS.

Mr. ADAIR with Mr. ROWE.

Mr. BLACK with Mr. SCOTT of Pennsylvania.

Mr. FLOOD with Mr. BUTLER.

Mr. DRISCOLL with Mr. VARE.

Mr. EAGLE with Mr. WATSON of Pennsylvania.

Mr. DAVIS of Texas with Mr. TREADWAY.

Mr. CROSSER with Mr. TILSON.

Mr. CARLIN with Mr. SWIFT.

Mr. HENRY with Mr. BACHARACH.

Mr. HULBERT with Mr. MOORE of Pennsylvania.

Mr. SHERWOOD with Mr. SANFORD.

Mr. POU with Mr. ROWLAND.

Mr. OVERMYER with Mr. PAIGE of Massachusetts.

Mr. MOSS of Indiana with Mr. MOORES of Indiana.

Mr. MAHER with Mr. KIESS of Pennsylvania.

Mr. FIELDS with Mr. COOPER of Ohio.

Mr. LITTLEPAGE with Mr. FAIRCHILD.

Mr. WATSON of Virginia with Mr. GOULD.

Mr. CLARK of Florida with Mr. FULLER.

Mr. RIORDAN with Mr. WARD.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. WATKINS with Mr. HAUGEN.

Mr. EAGAN with Mr. GREENE of Massachusetts.

Mr. WILSON of Florida with Mr. ROBERTS of Massachusetts.

Mr. HARRISON with Mr. HEATON.

Mr. DALE of New York with Mr. TINKHAM.

Mr. JACOWAY with Mr. LOUD.

Mr. OLNEY with Mr. KREIDER.

Mr. FARLEY with Mr. COSTELLO.

Mr. HART with Mr. GARLAND.

Mr. MORRISON with Mr. HUTCHINSON.

Mr. ASHBROOK with Mr. KAHN.

Mr. WEBB with Mr. GRIEST.

Mr. O'SHAUNESSY with Mr. SNYDER.

Mr. GRIFFIN with Mr. CHARLES.

Mr. BARNHART with Mr. DRUKKER.

Mr. GANDY with Mr. EDMONDS.

Mr. LINTHICUM with Mr. KING.

Mr. OGLESBY with Mr. HUSTED.

Mr. MORGAN of Louisiana with Mr. GRAY of New Jersey.

Mr. KINCHELOE with Mr. FESS.

Mr. GREGG with Mr. CHANDLER of New York.

Mr. BRUMBAUGH with Mr. CAPSTICK.

Mr. CHURCH with Mr. COPLEY.

Mr. LOFT with Mr. HOPWOOD.

Mr. TRIBBLE with Mr. MORIN.

Mr. SUMNERS with Mr. LAFEAN.

Mr. PHELAN with Mr. MOTT.

Mr. PATTEN with Mr. SUTHERLAND.

Mr. SMITH of Texas with Mr. MARTIN.

Mr. NEELY with Mr. PORTER.

Mr. MURRAY with Mr. DARROW.

Mr. DOOLING with Mr. CARY.

Mr. CALLAWAY with Mr. BRUCKNER.

Mr. SABATH with Mr. CHIPERFIELD.

Ending July 5:

Mr. FITZGERALD with Mr. GILLETT.

The result of the vote was announced as above recorded.

FORTIFICATIONS.

Mr. SHERLEY. Mr. Speaker, I present a conference report on the fortifications appropriation bill, and I ask unanimous consent for its present consideration.

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman from Kentucky asks unanimous consent for the present consideration of a conference report on the fortifications appropriation bill. Is there objection?

There was no objection.

Mr. SHERLEY. I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that the statement of the House conferees may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the House conferees.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 915).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 6, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 8, 9, 11, 12, and 14, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out "$5,000" and insert in lieu thereof "$10,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"SEC. 6. That except as expressly otherwise authorized herein no part of the sums appropriated by this act shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per cent more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government: *Provided, however*, That whenever in the opinion of the President an emergency exists affecting the general welfare of the United States, he may waive the limitations contained in this section."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Renumber the section to read "7"; and the Senate agree to the same.

SWAGAR SHERLEY,
G. W. RAUCH,
F. H. GILLETT,
Managers on the part of the House.

N. P. BRYAN,
LUKE LEA,
WESLEY L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

No. 1: Appropriates $250,000, as proposed by the House, instead of $225,000, as proposed by the Senate, for protection, preservation, and repair of fortifications.

No. 2: Appropriates $200,000, as proposed by the House, instead of $254,060, as proposed by the Senate, for mining casemates, cable galleries, etc., necessary for the operation and care of submarine mines.

Nos. 3 and 4, relating to the purchase, manufacture, and test of field-artillery ammunition: Appropriates $6,000,000, as proposed by the Senate, instead of $2,700,000, as proposed by the House, and authorizes contracts in addition thereto in the sum of $3,000,000, as proposed by the Senate, instead of $1,500,000, as proposed by the House.

Nos. 5 and 6, relating to the purchase, manufacture, and test of seacoast cannon: Strikes out the increases, proposed by the Senate, of $480,000 in cash and $500,000 in contract authorizations.

No. 7: Appropriates $480,000, as proposed by the Senate, instead of $400,000, as proposed by the House, for practice ammunition for field artillery.

Nos. 8 and 9: Inserts the language, proposed by the Senate, requiring the President to approve the report of the special board of Army and Navy officers to be appointed to investigate and test radiodynamic torpedoes before the purchase of the invention is made.

No. 10: Strikes out the provision, inserted by the Senate, requiring the special board appointed to investigate radiodynamic torpedoes to report upon the "Clark and other similar" inventions.

No. 11: Provides, as proposed by the Senate, that the Chief of Coast Artillery shall have the rank, pay, and allowances of a major general.

No. 12: Inserts the section, proposed by the Senate, authorizing the use of $50,000 of the sums appropriated in the bill for the services of skilled draftsmen and others in the office of the Chief of Ordnance.

No. 13: Appropriates $10,000 instead of $5,000, as proposed by the Senate, for the rent of space in Washington for the drafting force of the office of the Chief of Ordnance.

No. 14: Changes the section number as proposed by the Senate.

Nos. 15 and 16: Restores the matter stricken out by the Senate limiting the cost of material purchased to not to exceed 25 per cent of the cost of manufacturing the same at Government arsenals or not to exceed 25 per cent of the estimated cost of manufacturing at Government arsenals, modified so that the President may waive the limitations of the section whenever in his opinion an emergency exists affecting the general welfare of the United States. The amendments also change the section numbers of the bill.

SWAGAR SHERLEY,
GEO. W. RAUCH,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. SHERLEY. Mr. Speaker, the bill as it passed the House carried cash appropriations of $22,368,050 and contract authorizations of $12,300,000, a total of $34,668,050. The amount added by the Senate was: Cash, $3,889,060; contract authorizations, $2,000,000; or a total of $5,889,060; making a grand total of $40,557,110 as the bill passed the Senate.

The House receded on cash sums amounting to $3,380,000 and on contract authorizations of $1,500,000, making a total of $4,880,000. The Senate receded on cash items of $509,060 and on contract authorizations of $500,000, or a total of $1,009,060.

The bill as agreed upon now carries, cash $25,748,050, and contract authorizations of $13,800,000, or a total of $39,548,050.

The increase as agreed upon over the bill as it passed the House amounts in cash and contract authorizations to $4,880,000, which is largely the result of one increase by the Senate touching field-artillery ammunition. The bill as it passed the House carried for field-artillery ammunition $2,700,000 cash, and contract authorizations of $1,500,000, or total cash and authorizations of $4,200,000. The bill as it passed the Senate and as agreed to in conference carries $6,000,000 cash and $3,000,000 in contract authorizations, or a total of $9,000,000 for this purpose.

When the bill was being considered by the Committee on Appropriations, the Treat Board report, touching the amount of Field Artillery and the ammunition therefor to be accumulated as a reserve, had not been approved by the War Department, and the committee allowed all the estimates that were then asked. Since that time the report of the Treat Board has been approved, subject to certain modifications by the War Department, and in order to carry out with a reasonable degree of rapidity the recommendations embodied in that report it was believed by the War Department that the item as it passed the House should be increased. In view of the situation that confronts us, the fact that ammunition for field guns might be very necessary to have in sufficient quantities, the House conferees felt constrained to yield to the Senate in that particular.

The only other large amendment made by the Senate related to the manufacture of seacoast cannon, where they increased the cash appropriation of the House from $1,084,500 to $1,764,500, and increased the authorization for contracts from $3,000,000 to $3,500,000. That increase was made by the Senate evidently under a misapprehension as to the amount of money that would be needed at this particular time, and after a reconsideration of the matter the Senate receded from its position, and the items as they passed the House were restored to the bill.

The Senate agreed to the provision of the House touching the appointment of a board to report upon the Hammond torpedo and to purchase the same in the event that that report was favorable, with a slight modification. They provided that the money should not be expended until a favorable report by this board had been approved by the President. The House provision simply provided that the money should not be expended until and unless a favorable report had been made by this joint board of Army and Navy officers. The Senate required the approval of the President, and the House conferees were very glad to acquiesce in that further safeguarding of the provision.

The Senate also adopted a provision calling upon this joint board to investigate an invention alleged to have been made by a Mr. Clark, or any others that might be offered touching such weapons; but inasmuch as there had never been any report made on any of those inventions, and nothing was known of them except what was obtained from the statement of a Senator that he understood there were such inventions, we did not believe this joint board should be called upon to investigate them, especially in view of the fact that we carry a $300,000 appropriation for the Board of Odnance and Fortifications, which is a

statutory board created for the express purpose of investigating and passing on all inventions of this character. So that it is perfectly possible for these or other inventors to have a report made by the Board of Ordnance and Fortifications in the usual manner. The Senate accordingly receded from that amendment.

The Senate struck out of the bill a provision that was found in section 4, which provided that in the expenditure of the moneys appropriated in the bill contracts should not be let for a price in excess of 25 per cent more than the cost of making in the arsenals, where such articles had been made, or in excess of 25 per cent more than the estimated cost where such articles have not been made. The conferees restored the provision, with a proviso in the following language:

Provided, however, That whenever in the opinion of the President an emergency exists affecting the general welfare of the United States he may waive the limitation contained in this section.

In other words, it was believed that it might be desirable, in case of any emergency confronting the country, to give to the President the right to waive that limitation as to cost, in order that we might not be deprived of the opportunity of procuring munitions that might be of great value to the country. The Senate also inserted two provisions, one authorizing the services of clerical draftsmen to be used by the chief of ordnance and to be paid for out of the funds appropriated in the bill, not to exceed $50,000. That was an amendment that would have been put on the bill by the Committee on Appropriations in the House, except that under a misapprehension they thought that the matter had been sufficiently cared for in the legislative appropriation bill. The House, therefore, receded from its disagreement to that Senate amendment, and it is let in the bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. STAFFORD. Did this provision result from a subsequent recommendation of the Chief of the Bureau of Ordnance?

Mr. SHERLEY. It did.

Mr. STAFFORD. Because, when we framed the legislative bill, we granted to the department everything that was asked for and besides carried into the bill provisions adopted under the emergency resolution that passed the fore part of the session.

Mr. SHERLEY. The gentleman is correct. In that legislative bill we carried a provision of $140,000 for that purpose, but we have put 300 or 400 per cent more work on the ordnance people than heretofore by the increases in this bill and the Army bill. It did not seem the part of wisdom to handicap the ordnance people in doing the necessary drafting work in order to be in a position to spend these sums, and the House, therefore, receded.

The Senate also put in a provision authorizing not exceeding $5,000 of the funds to be spent for renting suitable space in Washington for draftsmen. It had been believed when the legislative bill passed that under the rearrangement in the Army and Navy Building provided for, that space might be found necessary for the ordnance people. That has not proved to be practicable, and under representations made by the chief of ordnance the House agreed to the Senate amendment with an amendment increasing the amount to $10,000. It requires a good deal of floor space in order to enable the draftsmen with their large tables to do their work and the House conferees believed it proper that they should have facilities to do this important work.

One other amendment of importance that was placed by the Senate upon the bill was the amendment which provides that hereafter the Chief of Coast Artillery shall have the rank, pay, and allowance of a major general. When the Army reorganization bill was up in the House there was an amendment offered on the floor by the gentleman from Kentucky [Mr. FIELDS], in this same language, and it passed the House unanimously. The bill went to the Senate, and that provision was stricken out, and stayed out, as the result of the conferees' action.

The Senate on its own initiative placed this provision in the bill, and while it is not customary, as a rule, to carry such provisions on the fortification bill, inasmuch as the Senate insisted on its amendment and the House had already by its action at this session passed a provision in the same terms, the House conferees yielded, and the provision remains in the bill.

Mr. Speaker, I believe that I have enumerated every important amendment, and if any gentleman wishes to ask a question I will yield.

Mr. STAFFORD. Will the gentleman explain why the Chief of Coast Artillery should have the rank and pay of a major general?

Mr. SHERLEY. The reason, in my judgment, is that the Chief of Coast Artillery is not merely a staff officer, but he is also practically a line officer; he has under him 40,000 men; he has under him all the management and control of fortifications of all of our coasts and of our insular possessions and Panama. His duties are analogous to those of department commanders. He has control of all of the mine fields and mine operations, and it is believed that his duties are the duties of a line officer as much or more than they are the duties of a staff officer, and that his position is one of sufficient magnitude to warrant the rank that would correspond to a commander in the line having even a less number of troops under him.

Mr. Speaker, if there are no further questions, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14303) entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes."

EXTENSION OF REMARKS.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to print in the RECORD two letters received from prominent citizens of my district who are officers in labor organizations composed of railroad employees. These letters are in the nature of protests against congressional action or interference in a controversy now being had between the railroad and railroad employees involving the hours of labor—or the eight-hour-a-day proposition.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing the letters referred to. Is there objection?

There was no objection.

UNANIMOUS-CONSENT CALENDAR.

The SPEAKER pro tempore. Under the special order the Unanimous Consent Calendar is now in order, and the Clerk will read the first bill.

REVISED STATUTES OF THE UNITED STATES.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

AMENDING ACT TO REGULATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 722) to amend section 20 of an act to regulate commerce approved February 4, 1887, as amended, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

INVESTIGATION OF INTERSTATE AND FOREIGN COMMERCE.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

AVIATION SERVICE, UNITED STATES ARMY.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 65, creating a joint commission of Congress to investigate the Aviation Service of the United States Army.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

OVERISSUES OF SECURITIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent to have that go over.

Mr. ADAMSON. Very well. I ask that it be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it will be passed over without prejudice.

There was no objection.

PROTECTION OF STREAMS, ETC., IN CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Subsequently,

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same, be passed over without prejudice. It is No. 132 on the Calendar for Unanimous Consent.

Mr. MANN. The gentleman asks that it shall remain on the calendar?

Mr. RAKER. That is all.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

MINING ON INDIAN RESERVATIONS, ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have the bill passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER AT MEMPHIS, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12999) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn.," approved August 23, 1912.

The SPEAKER pro tempore. Is there objection?

Mr. ADAMSON. Mr. Speaker, I have not been furnished with the amendments that were suggested, and I ask unanimous consent that temporarily we may pass this over, so that the amendments can be furnished later.

Mr. MANN. I think it would better be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to passing the bill over without prejudice?

There was no objection.

Mr. MANN. Possibly the gentleman can return to it later.

Mr. ADAMSON. In case the amendments are presented before the end of the day I will ask unanimous consent to return to it.

MARCUS A. JORDAN.

The next business on the Calendar for Unanimous Consent was the bill (S. 888) authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class.

The SPEAKER pro tempore Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I do not see the author of the bill in the Chamber, and I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the bill going over without prejudice?

There was no objection.

NATIONAL PARK, GETTYSBURG, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13342) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. I object.

The SPEAKER pro tempore. The gentleman from Wyoming objects.

DAMS ACROSS NAVIGABLE WATERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

CUTTERS FOR THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill S. 2719, providing for the construction or purchase of cutters for the Coast Guard.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

THE LIGHTHOUSE SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14340) to furnish all seagoing vessels in the Lighthouse Service and all other seagoing vessels of the Department of Commerce with radio equipment and auxiliary power for the operation thereof.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

CUTTERS FOR THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 515) providing for the purchase or construction of cutters for the Coast Guard.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

THE LIGHTHOUSE SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14338) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have no objection to the general purpose of the bill except I question the propriety at this time of providing by omnibus provision for the increase of the salary of the lighthouse inspectors from $2,400 to $3,000. If the gentleman is willing to eliminate section 6, I have no objection to the remainder of the bill.

Mr. ADAMSON. Mr. Speaker, I will say to the gentleman that the department appeared through the Secretary of Commerce and strongly urged that, and gave reasons the committee thought good. Of course if the House thinks differently, it has the right to vote it out.

Mr. STAFFORD. I would like to say to the gentleman that we had this same recommendation when we were considering the legislative, executive, and judicial appropriation bill, and the committee did not think it was wise at this time, in view of the condition of the Treasury, to make such a liberal increase in salaries. I shall be constrained to object unless we can have an understanding about the elimination of section 6.

Mr. ADAMSON. Will not the gentleman relieve me of the necessity by moving it himself? Will not the gentleman move it?

Mr. STAFFORD. No—well, I will move it if I have an understanding——

Mr. ADAMSON. I will not resist it.

Mr. STAFFORD (continuing). That it will not be resisted by gentlemen on the other side.

Mr. ADAMSON. Well, make the motion; I will not resist it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, this bill is on the Union Calendar. I ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to establish, provide, or improve the following aids to navigation and other works in the Lighthouse Service, under the Department of Commerce, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded:

Light keepers' dwellings and appurtenant structures, including sites therefor, within the limit of cost for each item fixed by the act approved February 26, 1907 (34 U. S. Stat., p. 996), $75,000.

Constructing and equipping light vessels for general service on the Great Lakes, or for general service, $150,000.

SECOND LIGHTHOUSE DISTRICT.

Constructing and equipping a lighthouse depot for the second lighthouse district, $85,000.

THIRD LIGHTHOUSE DISTRICT.

Constructing or purchasing and equipping a lighthouse tender to replace tenders worn out in service in the third lighthouse district, or in the Lighthouse Service generally, $150,000.

Improvement of the offices and laboratory at the general lighthouse depot at Tompkinsville, Staten Island, N. Y., $21,000.

Improving the aids to navigation on the East River, N. Y., $16,000.

FIFTH LIGHTHOUSE DISTRICT.

Constructing and equipping a light vessel for station off Cape Charles, Va., or for general service, $130,000.

Improving lights and fog signals leading to Cape Charles, Va., $12,800.

Improving aids to navigation and establishing new aids on the eastern shore of Chesapeake Bay and tributaries, Md. and Va., $29,000.

NINTH LIGHTHOUSE DISTRICT.

Removal and rebuilding on another site of the light station and dwelling at or near Point Borinquen, P. R., $85,000.

TENTH LIGHTHOUSE DISTRICT.

Aids to navigation at Huron Harbor, Ohio, $4,500.

Improving the aids to navigation at Fairport Harbor, Ohio, $42,000.

ELEVENTH LIGHTHOUSE DISTRICT.

Improvement at Detroit, Mich., lighthouse depot, $53,000.

Light station and fog signal at or near Sand Hills, Mich., $75,000.

Improving aids to navigation and establishing new aids at or near the entrance to Keweenaw Waterway Harbor of Refuge, Portage River, Mich., $110,000.

TWELFTH LIGHTHOUSE DISTRICT.

Improving the light and fog-signal station at Manitowoc North Breakwater, Wis., $21,000.

Removing and rebuilding Chicago Harbor Light Station, Ill., and establishing lights on the new breakwater in Chicago Harbor, $142,000.

Establishing and improving aids to navigation at Indiana Harbor, Ind., $100,000.

SIXTEENTH LIGHTHOUSE DISTRICT.

Aids to navigation and improvement of existing aids in Alaska, $60,000.

NINETEENTH LIGHTHOUSE DISTRICT.

Constructing and equipping a temporary lighthouse depot at Honolulu, Territory of Hawaii, pending the establishment of a permanent depot, $5,000; and authority is hereby granted to erect such temporary depot on land to be leased.

Construction and equipment of a lighthouse depot for the nineteenth lighthouse district, $90,000.

SEC. 2. Hereafter the Secretary of Commerce is authorized, whenever he shall deem it advisable, to exchange any right of way of the United States in connection with lands pertaining to the Lighthouse Service for such other right of way as may be advantageous to the service, under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses, not exceeding the sum of $500, are incurred by the United States in making such exchange the same shall be payable from the appropriation "General expenses, Lighthouse Service," for the fiscal year during which such exchange shall be effected.

SEC. 3. Hereafter post-lantern lights and other aids to navigation may be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriations for the Lighthouse Service on the Mobile, Tombigbee, Warrior, and Black Warrior Rivers, Ala.

SEC. 4. Hereafter the appropriation "General expenses, Lighthouse Service," shall be available for the purchase, equipment, repair, and operation of motor-propelled vehicles for transporting passengers or freight for use of the Lighthouse Service in the Hawaiian Islands.

SEC. 5. Hereafter light keepers and assistant light keepers of the Lighthouse Service shall be entitled to medical relief without charge at hospitals and other stations of the Public Health Service under the rules and regulations governing the care of seamen of the merchant marine: *Provided*, That this benefit shall not apply to any keeper or assistant keeper who receives an original appointment after the passage of this act, unless the applicant passes a physical examination in accordance with rules approved by the Secretary of Commerce and the Secretary of the Treasury.

SEC. 6. Hereafter the annual salaries of lighthouse inspectors, excepting the inspector of the third lighthouse district, shall not exceed $3,000 each.

Mr. STAFFORD. Mr. Speaker, I move to strike out section 6.

Mr. ADAMSON. I will not resist that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, strike out lines 20, 21, and 22, inclusive.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

SEC. 7. Furnishing all seagoing vessels in the Lighthouse Service with radio equipment and auxiliary power for the operation thereof, $60,000.

Mr. ADAMSON. Mr. Speaker, some portion of this bill has already been enacted in a separate bill, and therefore I move to strike out sections 8 and 9 without having them read, and that section 7 be renumbered by making it section 6. I ask unanimous consent to do that.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to strike out sections 8 and 9 without reading. Is there objection? [After a pause.] The Chair hears none. And to renumber section 7, making it section 6. Is there objection? [After a pause.] The Chair hears none.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE AT NAVY YARDS, GUN FACTORIES, ETC.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11168) granting 30 days' leave of absence each year, without forfeiture of pay during such leave, to employees at United States navy yards, gun factories, naval stations, and arsenals.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, I want a little information, if the gentleman from Maryland is in shape to give it. How much is this going to cost the Government?

Mr. FARR. About a million dollars, I think, on paper.

Mr. COX. What does the gentleman mean by saying a million dollars on paper?

Mr. FARR. I think the rest, recreation, and so forth, that these men will get will more than compensate for the cost in money, and it will be doing justice to a lot of men rather than have them discriminated against as they are to-day.

Mr. DYER. Equalize them with the others.

Mr. COX. Is it the intention to go forward with other legislation giving all Government employees 30 days' leave of absence?

Mr. TALBOTT. This will apply to a number of men working in the navy yards and arsenals.

Mr. COX. It applies to 40,000 men now.

Mr. TALBOTT. Thirty thousand, I think, originally.

Mr. COX. And it will cost the Government a million dollars a year if enacted into law?

Mr. FARR. On paper.

Mr. COX. Oh, well, it does not make any difference whether it is on paper or not; the cost will have to be paid by the Treasury of the United States.

Mr. TALBOTT. These are high-class mechanics, most of them.

Mr. DYER. Who work hard.

Mr. TALBOTT. Work hard and render this Government substantial service, and it puts them in equality with other people who are getting like salaries. They go down to these gun shops; they are intelligent people, and they do all kinds of important work for the Government; and the Committee on Naval Affairs, after due consideration, unanimously came to the conclusion that these people were entitled to this 30 days' leave of absence.

Mr. MANN. Will the gentleman yield?

Mr. TALBOTT. Yes.

Mr. MANN. How much leave of absence do men in Washington get in the departments?

Mr. TALBOTT. I think they get 30 days' leave.

Mr. MANN. What does that mean—30 calendar days? Does not the law provide for 30 days' leave of absence?

Mr. BORLAND. I will say to the gentleman that the comptroller recently made a ruling that that meant 30 working days. The comptroller recently made a ruling, in reference to the Government Printing Office, that it meant 30 working days.

Mr. MANN. I am talking of men in the departments. I do not think the comptroller has made a ruling which means 30 working days. Men who work by the day get paid by the day and get 30 working days' leave of absence, but men who work by the month, as most of them do, get a month's leave of absence. That is what they get. Why would it not be perfectly fair to give these men 30 days' leave of absence?

Mr. TALBOTT. If the gentleman will offer an amendment to that effect.

Mr. MANN. Instead of 30 working days give them 30 days' leave of absence.

Mr. TALBOTT. If the gentleman will offer an amendment of that kind I will accept it.

Mr. MANN. I have no objection to giving them 30 days' leave of absence.

Mr. TALBOTT. We will accept that.

Mr. COX. Reserving the right to object, Mr. Speaker, do I understand the gentleman from Illinois will offer such an amendment?

Mr. MANN. Yes; to strike out the word "working," so that it will stand "30 days' leave of absence."

Mr. STAFFORD. I understand that the comptroller has construed "30 days" to mean 30 working days, so that these employees would be granted something like 35 or 36 days in a year for the vacation period.

Mr. TALBOTT. We have accepted the amendment to be offered by the gentleman from Illinois.

Mr. STAFFORD. It is not a question of accepting the amendment. It is a question as to the real purposes, as to the number of days to be granted to these employees. This would mean that we would grant the employees in our arsenals and navy yards a furlough with pay for one-eighth of the working days in the year.

Mr. DYER. Thirty days including Sundays.

Mr. STAFFORD. At the present time Federal employees in mechanical pursuits get something in the neighborhood of 18 days and two or three Sundays and holidays in addition.

Mr. TALBOTT. They have now 15 days, and they ought to have 15 days more. It is a unanimous report from the committee. I do not want to take up the time of the House in discussing it. We accept the amendment.

Mr. STAFFORD. Would the gentleman accept, after the word "granted," "not exceeding 30 days"?

Mr. KEATING. No. They want 30 days' leave of absence. They want to be placed on an exact equality with the clerks.

Mr. STAFFORD. The phraseology, then, would be that each and every employee of the navy yards, arsenals, and repair stations "are hereby granted not to exceed 30 days' leave of absence each year."

Mr. KEATING. They might be granted only five days' leave of absence under that.

Mr. DYER. The department might grant them only 10 days.

Mr. FARR. Or only two days.

Mr. HOWARD. That would be all they might get.

Mr. STAFFORD. Would the gentleman say "30 days, including Sundays"?

Mr. KEATING. Why not treat them exactly as the clerks are treated?

Mr. STAFFORD. Oh, there is a different rule between the clerks and these men in the arsenals and workshops. The reason why these clerks in the departments are granted 30 days' leave of absence is because there is not as much work in the departments at the time of their vacation period, and for humanitarian reasons they grant them a leave of absence when their work is not so pressing.

Mr. COX. Mr. Speaker, I am willing to withdraw my objection to it.

Mr. TALBOTT. We are willing to accept the amendment of the gentleman from Illinois [Mr. MANN].

Mr. STAFFORD. I understand you are willing to accept the amendment to strike out the word "working"?

Mr. MANN. They have already accepted that an hour ago. [Laughter.]

Mr. STAFFORD. The gentleman should not be so impatient. The intention is to grant these employees 30 days in a year?

Mr. TALBOTT. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. FARR. Mr. Speaker, I ask unanimous consent to have the bill considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. FARR] asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That each and every employee of the navy yards, gun factories, naval stations, and arsenals of the United States Government is hereby granted 30 working days' leave of absence each year, without forfeiture of pay during such leave: *Provided*, That pro rata leave with pay shall be allowed to those serving fractional parts of a year: *And provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed.

With a committee amendment as follows:

On page 1, line 7, after the word "Provided," strike out the words "That pro rata leave with pay shall be allowed to those serving fractional parts of a year," and insert "That it shall be lawful to allow pro rata leave only to those serving 12 consecutive months or more."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out, in line 5, the word "working."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "working."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MUDD. Mr. Speaker, having myself introduced a bill granting 30 days' leave of absence to the several classes of employees named in the pending bill, it almost goes without saying that I am heartily in favor of this legislation. It is surprising to me that this just and proper action was not taken long ago and the unjust discrimination removed in the matter of leave of absence to these employees of our Military Establishments by placing them upon an equality with the 40,000 Government employees in the service here in Washington and elsewhere who are enjoying the benefits of 30 days' leave without forfeiture of pay. Why this discrimination should ever have existed, or why it should have been allowed to exist for so long a time, is more than I can understand. I suppose when the original leave of 15 days was allowed to the men who labor hard in our navy yards, naval stations, arsenals, and so forth, opposition was encountered from men who would save money to the Government at the cost of denying recreation to these artisans and laborers, and rather than lose all holidays these employees were content to take what they could get. There is no good reason now, if any ever existed, why we should not accord to the men, both skilled and unskilled, who work in Government establishments the same degree of consideration for their health, comfort, and happiness as is shown toward those who perform clerical services in the departmental service. This is a humanitarian proposition. These men literally earn what they get by the sweat of their brows. I know that the employees at the United States Naval Academy and at the Indianhead Proving Ground, in my district, perform hard, manual labor under hazardous conditions. They need and require respite for the period of at least 30 days in a year. To give them this rest from labor, with pay, conserves their physical and mental resources and produces a greater degree of efficiency, of which the Government will get the benefit.

I sincerely hope this bill, that will bring joy, renewed hope, and vigor into many homes, will pass this House and become law at this session.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TALBOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. MUDD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

WAGES OF EMPLOYEES IN NAVY AND WAR DEPARTMENTS.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent that the next bill (H. R. 9548), to regulate the wages of certain employees in or under the Navy and War Departments of the Government, be passed over without prejudice. It is the next bill on the calendar, No. 185.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. GRAY] asks unanimous consent that the next bill, Calendar No. 185, be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next one.

WOMAN'S TITANIC MEMORIAL ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 104) granting permission to the Woman's Titanic Memorial Association to erect a memorial on public ground in the city of Washington, D. C.

The title of the resolution was read.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

The Clerk will report the next bill.

EXCLUSION OF INTOXICATING LIQUORS FROM NATIONAL PARKS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. McDERMOTT. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

MOQUI AND NAVAJO INDIAN RESERVATIONS, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10115) authorizing the adjustment of the rights of settlers on the Moqui and Navajo Indian Reservations in the State of Arizona.

The title of the bill was read.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

FEDERAL AID TO INDIGENT TUBERCULOUS PERSONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11864) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

COPYRIGHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13981) to amend the copyright law.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That section 12 of the act of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," be amended by adding thereto the following proviso:

"*Provided, however*, That in the case of any work referred to in this section wherein copyright has been secured by publication of the work with notice of copyright which by reason of its character, bulk, fragility, or because of dangerous ingredients can not expediently be filed, the register of copyrights may determine that there shall be deposited in lieu of two complete copies of such work such identifying photographs or prints, together with such written or printed descriptions of the work as he shall find sufficient to identify it: *And provided further*, That in the case of motion-picture photoplays and motion pictures other than photoplays, whenever deposit has been made as required by the provisions of the act of Congress (Public, No. 303) approved August 24, 1912, and registration has been secured thereunder, such deposit and registration shall hereafter be held to be sufficient for all purposes, and copies of such photoplay or motion picture if it is later reproduced in copies for sale; and the provisions of the amendatory act of August 24, 1912, are hereby made to apply to motion-picture photoplays and motion pictures other than photoplays that have been reproduced in copies for sale or otherwise published."

With the following committee amendments:

Page 2, line 8, strike out the word "Numbered" and insert the word "Number."

The amendment was agreed to.

Page 2, line 10, after the word "nineteen" insert the word "hundred."

The amendment was agreed to.

Page 2, line 12, after the word "sufficient" strike out the words "for all purposes."

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 2, strike out all after the word "Act," in line 8, down to and including the word "three," in line 9, and insert in lieu thereof the following: "entitled 'An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the act respecting copyrights," approved March 4, 1909.'"

Mr. MANN. That is to give a proper description of the act which they refer to in the bill as "Public, Numbered 303," which means nothing, because every Congress has a different series of numbers.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION FOR INJURIES TO FEDERAL EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

Mr. MANN. Mr. Speaker, this bill is under consideration on Calendar Wednesday, and I think it should go off this calendar.

The SPEAKER pro tempore. Does the gentleman object?

Mr. MANN. I object to its present consideration.

The SPEAKER pro tempore. The gentleman from Illinois objects. The bill will be stricken from this calendar.

NATIONAL PARK SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15522) to establish a national park service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, those in charge of this bill have agreed to reduce these salaries somewhat. If they will offer such an amendment and will agree to do their best to hold the amount in conference as it passes the House, reducing the salary of the director to $4,500, I shall not object.

Mr. LENROOT. It is my purpose to offer such an amendment.

Mr. COX. And I suppose the gentleman will hold that in conference if he can?

Mr. LENROOT. We will attempt to follow the wishes of the House, of course.

The SPEAKER pro tempore. Is there objection?

Mr. KEATING. Reserving the right to object, I shall have to object to the present consideration of the bill—although I am very much in favor of the measure as a whole—unless some provision can be made by which isolated monuments which are entirely within the forest reserves may continue under the jurisdiction of the Agricultural Department.

Mr. LENROOT. It is my intention to offer an amendment to accomplish that very purpose. I shall offer an amendment striking out the words "and the Department of Agriculture," so as to leave the monuments within the national forests still within the jurisdiction of the Department of Agriculture.

Mr. KEATING. I withdraw my objection, Mr. Chairman.

Mr. STAFFORD. Reserving the right to object, will the gentleman inform the House whether it was the purpose, under the proviso to section 3 on page 4, to permit the Secretary of the Interior to impose terms when he grants the privilege to graze live stock within any national park?

Mr. LENROOT. Yes.

Mr. TAYLOR of Colorado. I wish gentlemen would speak a little louder, so we can hear them.

Mr. STAFFORD. I was inquiring of my colleague whether it was the purpose, under the phrase "under such rules and regulations as he may prescribe," to grant authority to the Secretary of the Interior to impose terms for the grazing privilege in national parks.

Mr. TAYLOR of Colorado. Oh, yes.

Mr. KENT. The idea is this: A number of these parks have large areas where the grass goes to waste, and where it is beneficial to the park to have a certain amount of grazing. The intention is to put such areas as that, where the grazing would be no injury but a benefit, under such rules and regulations as are common to all the national forests.

Mr. STAFFORD. But the intention is to make a proper charge for the grazing privilege?

Mr. KENT. Oh, yes.

Mr. STAFFORD. And the phraseology "under such rules and regulations as he may prescribe" would cover the terms for the use of the privilege?

Mr. KENT. Oh, yes.

Mr. STAFFORD. There is another provision for one assistant director at $2,500. What is the pressing need for that? We have not created assistant directors of other bureaus, and I can not see any urgent need for one in this case, though I realize that the director may for a good portion of the time be called away from his post of duty here in Washington.

Mr. LENROOT. That is the reason for it. There are 13 national parks, comprising over 4,000,000 acres of land. The director, in fact, will be absent from Washington during a very large portion of the time. That is not true of any other department of Government here at Washington. That is the reason in this case why we provide for an assistant director.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of an objection.

Mr. LENROOT. Mr. Speaker, the bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read section 1 of the bill, as follows:

Be it enacted, etc., That there is hereby created in the Department of the Interior a service to be called the national park service, which

shall be under the charge of a director, who shall be appointed by the Secretary and who shall receive a salary of $5,000 per annum. There shall also be appointed by the Secretary the following assistants and other employees at the salaries designated: One assistant director, at $2,500 per annum; one chief clerk, at $2,000 per annum; one draftsman, at $1,800 per annum; one messenger, at $600 per annum; and, in addition thereto, such other employees as the Secretary of the Interior shall deem necessary: *Provided*, That not more than $8,100 annually shall be expended for salaries of experts, assistants, and employees within the District of Columbia not herein specifically enumerated unless previously authorized by law. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Mr. LENROOT. Mr. Speaker, I desire to offer an amendment to section 1.

The Clerk read as follows:

Page 1, line 7, strike out "$5,000" and insert "$4,500."

The amendment was agreed to.

Mr. LENROOT. Mr. Speaker, I have another amendment to section 1.

The Clerk read as follows:

Page 2, line 2, strike out the words "the Secretary of the Interior shall deem necessary" and insert in lieu thereof the words "Congress may from time to time provide for by appropriation or other act."

The amendment was agreed to.

Mr. LENROOT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 20, strike the words "and the Department of Agriculture"; also on page 2, line 25, strike out the words "situated within or."

Mr. TAYLOR of Colorado. Mr. Speaker, I would like to ask the gentleman from Wisconsin what his idea is about this matter?

Mr. LENROOT. I will state frankly that I ought to have consulted the gentleman from Colorado, but the chairman of the committee consulted with me and found there was a considerable degree of objection to including national monuments within forest reserves.

Mr. TAYLOR of Colorado. If they are wholly within the reserve that might be true.

Mr. LENROOT. That is what this does.

Mr. TAYLOR of Colorado. Does it apply to monuments wholly within the forest reserve or partially within the forest reserve?

Mr. LENROOT. It applies to both cases. It permits cooperation of the Secretary of Agriculture with the Secretary of the Interior where the monument is contiguous to a forest reserve.

Mr. TAYLOR of Colorado. How about monuments that are not connected at all with forest reserves?

Mr. LENROOT. They are left with the Secretary of the Interior.

Mr. TAYLOR of Colorado. The committee decided unanimously to put national monuments under the jurisdiction of the Interior Department. We want to have a systematic distribution of improvements and the expenditure of money under the service. If the monuments are left with the forest reserve, they may not be improved as rapidly or systematically in the way of roads and otherwise as if they were put under this park service and all of them provided for in an orderly way.

Mr. LENROOT. I consulted with various members of the committee; I did not consult with the gentleman from Colorado, but when it was learned that there was objection to the action of the committee in that respect, the members individually thought it wise to meet that objection by eliminating that feature from the bill.

Mr. TAYLOR of Colorado. As far as any one small monument is concerned entirely within the forest reserve, it is all right, but the general policy of a systematic control of improving the monuments as parks and places of amusement ought to be under the Interior Department, and the committee agreed to that proposition.

Mr. LENROOT. As far as any monument is concerned partially within a forest reserve, the President may by proclamation at any time take it out of the forest reserve, and it would then fall under the Secretary of the Interior.

Mr. HAYDEN. If the gentleman will permit me, I wish to say that the President has authority to transfer the jurisdiction of national monuments from one department to another. I sincerely hope his amendment will be adopted. I have given the matter some study.

Mr. MANN. These amendments were agreed upon in order to get the bill up.

Mr. LENROOT. Yes; objection would have been made to the bill unless we agreed to make these amendments.

Mr. BORLAND. I would like to ask the gentleman who has charge of the bill if there is not a bill before the Public Lands Committee, or possibly on the calendar, making the Grand Canyon a national park instead of a monument.

Mr. HAYDEN. I can answer that question. The Secretary of the Interior prepared such a bill and gave it to me for introduction. I have not introduced it because of an objection by the Secretary of Agriculture who now has jurisdiction over the Grand Canyon National Monument. There is a disagreement between the two departments as to where the boundary lines should be. I have been informed, however, that the interested officials have practically agreed upon the limits of the proposed national park. As soon as a definite understanding is reached I shall introduce the bill, because I am heartily in favor of transferring the Grand Canyon to the jurisdiction of the Interior Department.

Mr. BORLAND. The Grand Canyon ought to be a national park, for it is adjacent to and surrounded by a national forest. The two ought to be separate. The Grand Canyon ought to be under the jurisdiction of the park department.

Mr. HAYDEN. I can say that everybody, not only the departments but the people throughout the country generally, are in favor of making the Grand Canyon a national park. You will remember, however, that when the last national park in Colorado was established there were serious disagreements, but finally an arrangement was made that was entirely satisfactory to the people of Colorado and to the department officials.

Mr. BORLAND. Then the gentleman thinks the bill is practically agreed upon and will soon be ready for passage?

Mr. HAYDEN. I understand so, except for some details.

Mr. KENT. Will the gentleman permit me to read a paragraph from Secretary Houston's report?

Mr. TAYLOR of Colorado. Yes.

Mr. KENT (reading)—

Unquestionably the Grand Canyon should be established as a national park and placed under the direct administration of the national park service. Such a plan and measure would meet with the department's earnest approval. In addition, the Mount Olympus national monument, which is the only other monument under the administration of this department embracing any considerable area, should be given careful consideration as a possible national park, and if not included in such park by congressional action should be restored to its original status as national forest land. If it should eventually be found desirable to transfer to the park service any of the other nine national monuments in the national forests, this may be accomplished at any time for any particular area by the issuance of a presidential proclamation vacating the national forest withdrawal in so far as it covered the national monument area. This would have the effect of transferring jurisdiction to the national park service.

Mr. BORLAND. There is no question about that, and I think it should be done.

Mr. HAYDEN. Mr. Speaker, I will state that I have taken this matter up with the governor of my State, with the State land commission, and the board of supervisors of the county wherein the Grand Canyon is located. I find that everyone is favorable to the creation of such a park, if its boundaries are properly limited. There has been some objection upon the part of persons who are now grazing live stock within the monument and the adjacent national forest, but I am sure that an arrangement can be made that will properly protect their interests, because the use of the adjacent range can in no way interfere with the scenic beauties of the canyon. I am also satisfied that the water power and mineral resources of the Grand Canyon can be made available for use without detracting from its grandeur in the slightest degree.

Mr. BORLAND. I am very glad that that is true.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violations of any of the rules and regulations authorized by this act shall be punished as provided for in section 50 of the act entitled "An act to codify and amend the penal laws of the United States," approved March 4, 1909, as amended by section 6 of the act of June 25, 1910 (36 U. S. Stat. L., p. 857). He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide, in his discretion, for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding 20 years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to

them by the public: *Provided, however,* That the Secretary of the Interior may, under such rules and regulations as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 4, line 7, after the word "regulations" insert the words "and on such terms."

The SPEAKER. The question is on agreeing to the amendment.

Mr. LENROOT. Mr. Speaker, I do not think it adds anything, but I have no objection to it.

Mr. TAYLOR of Colorado. It is not necessary. They will regulate it enough.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Speaker, I move to strike out the last word. The last proviso in section 3, down to and including line 12, answers practically all of the objections that have been made in regard to national parks, and in this bill in particular, that the parks, monuments, and reservations shall be used and live stock may be permitted to graze therein when it will not in any way interfere with the general park purposes.

The Clerk read as follows:

SEC. 4. That all acts or parts of acts inconsistent herewith are hereby repealed: *Provided,* That nothing in this act contained shall affect or modify the provisions of the act approved February 15, 1901, entitled "An act relating to rights of way through certain parks, reservations, and other public lands."

Mr. LENROOT. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, lines 13 and 14, strike out the words: "That all acts or parts of acts inconsistent herewith are hereby repealed: *Provided,*"

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LENROOT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BERKSHIRE TROUT HATCHERY.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 218) authorizing the acceptance of the gift of the Berkshire trout hatchery, Berkshire County, Mass.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

There was no objection.

The SPEAKER. This resolution is on the Union Calendar.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the resolution be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the United States of America hereby accepts from Mrs. Mary E. Scully, as a memorial to her husband, title to the lands known and to be known as the Berkshire Trout Hatchery, located in Berkshire County, Mass., together with the buildings, ponds, and other improvements located thereon and the water and other rights pertaining thereto, and the Secretary of Commerce is hereby authorized to receive from Mrs. Mary E. Scully a deed for the said property. The title to said property is accepted upon the terms and conditions prescribed by the donor, namely, that it shall be used by the United States Bureau of Fisheries, Department of Commerce, as a fish hatchery and for experimental work in fish culture.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURKE, a motion to reconsider the vote by which the House joint resolution was passed was laid on the table.

FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., 807), providing for the opening of the Fort Assiniboine Military Reservation.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the bill be passed over without prejudice?

There was no objection.

RACE-GAMBLING BETS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15949) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or racing odds.

The SPEAKER. Is there objection?

Mr. COADY. I object.

The SPEAKER. The gentleman from Maryland objects, and the bill will be stricken from the calendar.

SHOSHONE TRIBE OF INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 489) authorizing the Shoshone Tribe of Indians, residing on the Wind River Reservation, in Wyoming, to submit claims to the Court of Claims.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. LOBECK. Will the gentleman withhold his objection for a minute?

Mr. MANN. No; it is too late. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

LANDS FOR EDUCATIONAL PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15096) to amend an act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

FLANDREAU, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14944) authorizing the Secretary of the Interior to make transfer on certain conditions of the south half of lot 14 of the southeast quarter of section 21, township 107, range 47, Moody County, S. Dak., to the city of Flandreau, to be used as a public playground.

Mr. DILLON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

FISH-CULTURAL STATIONS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15617, to establish fish-hatching and fish-cultural stations in the States of Alabama, Louisiana, Florida, Georgia, South Carolina or North Carolina, Maryland or Virginia, Oregon or Washington, Texas, Oklahoma, Illinois, Washington, Arizona, New Mexico, Michigan, Idaho, Missouri, Pennsylvania, Delaware or New Jersey, and Minnesota.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the Calendar.

STANDARDS OF CLASSIFICATION FOR COTTON.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15913, to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce, to prevent deception therein, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

INTERSTATE USE OF AUTOMOBILES, ETC.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 208) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce.

The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. COADY. Mr. Speaker, I object.
Mr. BORLAND. Will the gentleman withdraw his objection?
Mr. COADY. I am sorry, but I can not accommodate the gentleman.
The SPEAKER. This is not debatable. The Clerk will report the next bill.

PUBLIC LANDS IN THE STATE OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. MANN. I think the gentleman from Colorado desires to have this bill passed over.
Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.
The SPEAKER. The gentleman from Colorado asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

BUREAU OF WAR RISK INSURANCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, when does this authority expire under the law? I do not happen to recall it at this second.
Mr. ALEXANDER. About the 1st of September; on the 2d of September, the report says.
Mr. MANN. The gentleman from Pennsylvania [Mr. MOORE] was giving some attention to this and was making some investigation of it.
Mr. ALEXANDER. It is of vital importance to our shipping interests to continue it if the war continues.
Mr. MANN. I do not think it is. I think perhaps there would be time—the gentleman from Pennsylvania is not here——
Mr. ALEXANDER. I hope the gentleman will not object. I want to get this off my mind.
Mr. MANN. Well, the gentleman from Pennsylvania, who is not here to-day, I think, did not know this bill would be reached to-day. Of course this is not the usual unanimous-consent day. I do not like to stand in the way——
Mr. ALEXANDER. Well, of course I think the bureau ought to be extended, in view of the conditions in Europe at this time; but the only concern I have is that it may become a law before Congress adjourns.
Mr. MANN. Mr. Speaker, I ask unanimous consent that the question may be submitted to the House on the bill H. R. 13224 next Wednesday right after the reading of the Journal as to whether there is objection to the consideration of the bill or not.
Mr. ALEXANDER. That is all right; I have no objection.
The SPEAKER. What was the request of the gentleman from Illinois?
Mr. MANN. That on next Wednesday, after the disposition of the business on the Speaker's table, the Speaker shall submit to the House the question whether there is objection to the immediate consideration of H. R. 13224, the war-risk insurance bill.
The SPEAKER. The gentleman from Illinois asks unanimous consent that next Wednesday, after the reading of the Journal, and so forth, that the Chair submit to the House a unanimous-consent request to take up the war-risk insurance bill referred to. Is there objection?
Mr. DYER. Mr. Speaker, reserving the right to object, may I ask the gentleman, Will that take any considerable portion of the time of the House that day if there is no objection?
Mr. MANN. Well, I should say it would not take any time at all whether it is objected to or not.
Mr. DYER. The McGillicuddy bill——
Mr. MANN. The gentleman is mistaken in that; the McGillicuddy bill is not up on Wednesday. Yesterday was next Wednesday in the House.
Mr. DYER. I have no objection.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CLASSIFICATION OF SALARIES, VETERINARY INSPECTORS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. COX. Mr. Speaker, I object.
The SPEAKER. The gentleman objects, and the bill is stricken from the calendar.

THE VIRUS, SERUM, AND TOXIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, I ask to have the bill passed without prejudice.
The SPEAKER. The gentleman from Illinois asks to have the bill passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

HOURS OF SERVICE FOR RAILROAD EMPLOYEES.

The next business on the calendar for unanimous consent was the bill (H. R. 9216) to amend sections 2, 3, 4, and 5 of an act entitled, "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. COLEMAN. Mr. Speaker, I object.

LANDS WITHIN CRATER NATIONAL PARK.

The next business on the calendar for unanimous consent was the bill (H. R. 14868) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater National Park, and for other purposes.
The Clerk read the title of the bill.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.
The SPEAKER. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.
The Clerk read as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Oregon, approved January 25, 1915, ceding to the United States exclusive jurisdiction over the territory embraced within the Crater Lake National Park, are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and porperty, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Oregon.

SEC. 2. That said park shall constitute a part of the United States judicial district for Oregon, and the district court of the United States in and for Oregon shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Crater Lake National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Oregon in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Oregon shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of this act, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds,

or fish so killed, caught, or taken, or who shall violate any of the other provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to the passage of this act, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of this act, natural curiosities, or other matter or thing growing or being thereon or situate therein, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Is this bill open to amendment now?

The SPEAKER. Yes.

Mr. RAKER. I want to offer an amendment at the end of section 4; I think that is an oversight.

The SPEAKER. Send the amendment up.

Mr. RAKER. Page 4, line 19, strike out at the end of the line the words "and be," and all of line 20. The provision stricken out is as follows:

And be adjudged to pay all costs of the proceedings.

I wish the Clerk would report it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, lines 19 and 20, strike out the following language, beginning after the word "both," in line 19, "and be adjudged to pay all costs of the proceedings."

Mr. MANN. It has been in all these other bills. Do not the costs follow the convictions always?

Mr. RAKER. That is what I wanted to find out. The committee has spent a good deal of time on the other bills that went through, but somehow or other this has not been called to our attention.

Mr. TAYLOR of Colorado. Mr. Speaker, if the gentleman will look at the report of the Secretary of the Interior he will find that the Secretary reports that the provisions of this bill are identical, except as to the necessary changes of the name, with the Crater Lake and Mount Rainier bills.

Mr. MANN. I think it would be the case, regardless of putting it in this bill.

Mr. RAKER. If that is the case in the other bills, I shall not object.

Mr. LENROOT. It is now the same as in the law with respect to Glacier National Park.

Mr. MANN. It was in the bill that we passed the other day.

Mr. RAKER. By unanimous consent, Mr. Speaker, I ask to withdraw the proposed amendment.

The SPEAKER. Does the gentleman withdraw his amendment?

Mr. RAKER. Yes.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

Mr. MONDELL. Mr. Speaker, I wish to ask the gentleman from Colorado [Mr. TAYLOR] whether the language of this section is identical with the language of the similar section in the Yosemite Park bill, if he knows. I want particularly to call his attention to the word "shall," in line 25, page 4. The language is the same as the language in the case of the Glacier National Park bill.

Mr. TAYLOR of Colorado. Yes; and the Mount Rainier bill.

Mr. MONDELL. I am not sure that is the same as the language in the Yellowstone Park bill. It seems rather drastic. It provides that all teams, horses, means of transportation, guns, and traps shall be forfeited on conviction.

Mr. TAYLOR of Colorado. It seems to me that is unnecessarily drastic. But we do not know anything about the comparison with the Yellowstone National Park bill. It seems that the guns and traps should be confiscated, but a man's horses and wagons should not be confiscated unnecessarily.

Mr. MANN. It would only happen where a man deliberately goes in for that purpose.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. I think the Yellowstone Park bill is prior to the Mount Rainier and Glacier Park bills. Those two bills were the first ones, and this is intended to follow those two bills. The committee and the various departments have gone over it fully.

The SPEAKER. The Clerk will read.

Mr. MANN. Mr. Speaker, I move, in line 17, page 4, to strike out the word "situation" and insert the word "situated."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for Oregon, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by said Secretary as aforesaid.

Mr. MANN. Mr. Speaker, I move to amend, page 6, line 25, by inserting, before the word "Oregon," the words "the district of."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 25, at the beginning of the line, insert the words "the district of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary of $1,500, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Crater Lake National Park, at a place to be designated by the court making such appointment: *Provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in sections 11 and 12 of this act.

Mr. MANN. Mr. Speaker, this bill is now being read for amendment. There are two amendments in section 9. By the way, I think we did not agree to the committee amendment in section 4.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 2, by striking out the word "personal."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 7, line 14, by striking out the word "sections" and inserting the word "section."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 7, line 14, by striking out the words "and twelve."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk proceeded with and concluded the reading of the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

BRIDGE ACROSS FLINT RIVER, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16287) granting the consent of Congress to the county of Sumter, or to the county of Dooly, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Sumter, or to the county of Dooly, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Flint River at a point suitable to the interests of navigation, at or near Murrays Ferry, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRISP, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

UNCOMPAHGRE INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation in the State of Utah, containing gilsonite or other like substances, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar.

Mr. HOWELL. Will the gentleman allow it to be passed without prejudice?

Mr. MANN. I have no objection to passing it without prejudice.

The SPEAKER. The gentleman from Utah asks unanimous consent to pass over the bill without prejudice. Is there objection?

There was no objection.

SIOUX TRIBE OF INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. GANDY. Has the gentleman any objection to letting the bill go over without prejudice?

Mr. MANN. I do not think so.

The SPEAKER. Has the gentleman from South Dakota any request to make?

Mr. GANDY. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

Mr. GANDY. The next bill on the calendar, numbered 282 (H. R. 10774), is identical, being the corresponding House bill. I make the same request as to that.

The SPEAKER. Without objection, the bill will be passed without prejudice.

BRIDGE ACROSS MISSOURI RIVER, KANSAS CITY, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16097) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the time for commencing and completing the construction of a bridge authorized by the act of Congress approved June 17, 1914, to be built across the Missouri River near Kansas City is hereby extended to one year and three years, respectively, from the 17th day of June, 1916.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BORLAND, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC LANDS FOR PARK PURPOSES, GUNNISON, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20) authorizing the county of Gunnison, Colo., to purchase certain public lands for public-park purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the county of Gunnison, Colo., is hereby authorized for a period of five years and after the passage of this act to purchase, and the Secretary of the Interior is hereby directed to convey to said county for public park purposes, for the use and benefit of said county, the following-described lands, or so much thereof as the said county may desire, to wit: The southeast quarter of southwest quarter, section 11, the east half of the northwest quarter, the southwest quarter, and the southwest quarter of the southeast quarter of section 14; the west half of the northeast quarter, the northwest quarter, the northeast quarter of the southeast quarter, the west half of the southeast quarter, and the southwest quarter of section 23; and the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter and west half of the southeast quarter of section 22, all in township 48 north, range 5 west, New Mexico principal meridian, in Gunnison County, containing 1,000 acres, more or less.

SEC. 2. That the said conveyance shall be made of the said lands to the said county by the Secretary of the Interior upon the payment by said county for the said land, or such portions thereof as they may select, at the rate of $1.25 per acre, and patent issued to said county for the said land selected to have and to hold for public park purposes, subject to the existing laws and regulations concerning public parks, and that the grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted, and all necessary use of the land for extracting the same: *And provided further*, That said county shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and that if the said land shall not be used as a public park, the same, or such parts thereof not so used, shall revert to the United States.

The Clerk read the following committee amendment:

Page 1, line 4, after the word "years," insert the word "from."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 14, after the word "patent," insert the word "be."

Mr. MANN. That certainly does not improve the language any, notwithstanding the department recommended it.

Mr. TAYLOR of Colorado. I think the gentleman is right; but the department recommends it, and the committee thinks it does not hurt anything to put it in.

Mr. MANN. Some clerk up there who did not understand grammar recommended it.

Mr. TAYLOR of Colorado. I think that is correct.

Mr. MANN. If you want to deface your bill by agreeing to the amendment, I shall not object. It was properly drawn by the gentleman in the first instance.

Mr. TAYLOR of Colorado. The gentleman thinks it ought not to be agreed to?

Mr. MANN. I think it ought not to be inserted in the bill.

Mr. TAYLOR of Colorado. I ask that the House disagree to the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read the following committee amendment:

In lines 15 and 16, strike out the words "subject to the existing laws and regulations concerning public parks."

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend line 17 by striking out the words "and that" and insert the word "but."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 2, line 17, by striking out the words "and that" and inserting the word "but."

Mr. TAYLOR of Colorado. I accept the amendment, Mr. Speaker.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS BLACK RIVER, BENNETTS FERRY, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16068) to authorize the construction, maintenance, and operation of a wagon bridge across the Black River at or near Bennetts Ferry, Ark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the county of Clay, in the State of Arkansas, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Black River at or near Bennetts Ferry at a place where the public highway leading from Corning to Piggott crosses said river, and at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 1, in line 7, strike out the word "and."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill to authorize the construction, maintenance, and operation of a bridge across the Black River at or near Bennetts Ferry, Ark."

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

COAL LANDS, KAYCEE, WYO.

The next business on the Calendar for Unanimous Consent was the bill (S. 3986) granting certain coal lands to the town of Kaycee, Wyo.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, what does the gentleman expect to do with this bill?

Mr. TAYLOR of Colorado. I will state very frankly to the gentleman——

Mr. STAFFORD. I do not wish to have a derivation of the words "Kay Cee," but what is the purpose of the bill under consideration?

Mr. TAYLOR of Colorado. The town of Kaycee, Wyo., as I understand it, desires to either purchase or lease 40 acres of coal land for the use of the inhabitants of the town. It is a long ways from a railroad, an interior place, and they desire to lease or buy this tract of land.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes; certainly.

Mr. MANN. There was at one time a very celebrated man and horse in the State of the gentleman from Wisconsin called K. I. C. I wanted to know whether they stole that name from him.

Mr. TAYLOR of Colorado. Oh, the gentleman from Illinois is not a good sport. That horse was J. I. C.

Mr. STAFFORD. It was a horse bearing the initials of the famous J. I. Case.

Mr. MONDELL. For the gentleman's information, I will state if he will yield——

Mr. STAFFORD. I yield to the gentleman who is an authority on Celtic names.

Mr. MONDELL. A citizen of my native State of Missouri years ago, wandering northwest in search of a better country, established a ranch and used as his brand the letters K. C. In the course of time a small village grew up at the ranch and the letters Kay Cee were written as written in the bill.

Mr. STAFFORD. Was there any trade-mark on it?

Mr. MONDELL. No; no trade-mark as far as I know.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Reserving the right to object to the bill, I want some information in regard to it.

Mr. TAYLOR of Colorado. Will the gentleman permit an additional statement on my part?

Mr. MANN. Gladly.

Mr. TAYLOR of Colorado. I will say that so far as the city of Grand Junction, Colo., is concerned, I have had a bill here for a number of years authorizing the city of Grand Junction to open a municipal coal mine. That city is situated near a large coal belt, and there is one tract especially advantageous for the use of the town. The coal companies have been more or less practicing extortion on the inhabitants of the city for many years. It is a city which is operated under a commission form of government. It desires to open up a coal mine of its own and see if they can not work it economically and advantageously.

In view of the fact that the committee has several times favorably reported the bill, I was authorized to add this provision to the Wyoming bill that has already passed the Senate, and I feel that it is along the line of wise and beneficial conservation and the economical use of the coal, especially when the city is in the midst of coal land, it would look as though the inhabitants of the town should have a right to relieve themselves from unnecessary expense. I can not see how anyone can object to this bill, and I hope the gentleman will not object to the Wyoming bill or the Grand Junction provision which is an amendment to the bill.

Mr. MANN. Mr. Speaker, I have always been in favor of public utilities owned by a municipality. I think it is a wise thing for cities to own their waterworks, but it is perfectly evident, I think, to everyone that a municipality or Government and private parties can not compete in furnishing the same thing. If the municipality or Government is to do a thing, it is inevitable that it must have exclusive control. You can not have the private individual or corporation successfully compete with the governmental agency, because they will not permit it.

Here is a proposition at the very start that where private parties want to furnish coal they have to pay the Government for it. But when you let the municipality do it you give it to them for nothing. If you are going to do a thing of that sort, it means in the end that you are going to endeavor to put out of business those engaged in it privately, and have the governmental agency do that business. If you undertake that policy, you have to consider whether you will discriminate in favor of the municipality that gets coal as against one that can not get coal or own a coal mine close by.

It is a very intricate and very important subject. I do not believe that we ought to enter into it without knowing what we are doing. I know that in the bill we recently passed we undertook to discriminate in favor of the municipalities owning coal mines. I also know that that bill has not yet passed.

Mr. TAYLOR of Colorado. And probably will not.

Mr. MANN. My recollection is, although I may be mistaken, that certain gentlemen occupying very distinguished positions in various States around Colorado, and possibly including Colorado, have not been fretting themselves into a fury in an effort to get the bill passed.

Mr. TAYLOR of Colorado. I think the gentleman's surmise is correct.

Mr. MANN. My friend from Colorado did not vote for it when it was in the House.

Mr. TAYLOR of Colorado. I did not vote for a general law for the Government to lease everything that we have in our western country; of course not.

Mr. MANN. I am not criticizing the gentleman.

Mr. TAYLOR of Colorado. Will the gentleman permit another suggestion?

Mr. MANN. Certainly.

Mr. TAYLOR of Colorado. I want to say that the very reason that the gentleman from Illinois gives, namely, that the municipality can not compete in cost of production with the coal company, is the reason that the land is to be leased to them without a royalty, because if we compelled the municipality to pay the same price as a private company pays for the coal land, of course they could not compete at all, in most cases.

But my thought about this coal land and water power for municipalities free of royalty is that the mere possibility of competition will be sufficient to benefically reduce the charges for coal to these various municipalities on the public domain in the West. My idea is that if a city adjoins a hundred thousand acres of coal land, and can mine coal at a dollar and a half or $2 a ton, where it is now being charged $6 a ton, it is no discrimination to a city 100 miles away that would have to pay for it anyway. I can not see any reason why a city advantageously located like that should not have cheaper coal for its inhabitants if it can get it.

Mr. MANN. I do not know what they charge for coal in the district represented by my colleague Mr. FOSTER—in fact, I am not sure that they have coal mines in his district.

Mr. FOSTER. Oh, yes.

Mr. MANN. But all over the State of Illinois I am sure that you can buy coal at the mines for $1.25 or $1.50 a ton.

Mr. TAYLOR of Colorado. You can not in many places in Colorado.

Mr. MANN. You can wherever a private individual is permitted to open a coal mine.

Mr. TAYLOR of Colorado. In many places the coal companies will not sell you coal at the mines; moreover, the inhabitants of a city can not go to a coal mine off several miles and buy coal.

Mr. MANN. Oh, yes; they will.

Mr. TAYLOR of Colorado. I do not think the Colorado Fuel & Iron Co. will sell coal at the mine by retail at $1.25 or $1.50 a ton or at all.

Mr. MANN. That may be.

Mr. FOSTER. I hope the gentleman does not quote the Colorado Fuel & Iron Co. as an example of what other coal companies in the country do. I think they are a law unto themselves; at least they have been up to within a very short time since in the State of Colorado.

Mr. TAYLOR of Colorado. I am simply trying to prevent extortion by coal companies and to let one town which has an abundance of coal land near it have a municipal coal mine. It seems to me there can be no higher or better use of that coal than that. If the coal companies are not charging more than they should, they can not be hurt by this bill.

Mr. MANN. I suppose it is possible that the people in these towns may put themselves under the pleasure of reading what the gentleman says and the burden of reading what I say about this; but if they want to get this permission, I would suggest to those gentlemen that they use their influence to get the general leasing bill enacted into law.

Mr. TAYLOR of Colorado. Oh, well, the gentleman would have them swallow Federal bureaucracy, with all its evils, and surrender our State's birthright to get a little cheaper coal.

Mr. MANN. They do not swallow anything. It does not hurt them. They want it for themselves, but they do not want it for anyone else.

Mr. TAYLOR of Colorado. Millions of acres of Government coal land are lying idle. We want all the people to be given an opportunity to obtain fuel at a fair price and not be held up. If they could buy coal as they ought to be able to, I would not ask for this kind of legislation.

Mr. MADDEN. I suppose they might influence the gentleman to vote for the general leasing law.

Mr. TAYLOR of Colorado. No. I would not correctly represent the sentiment of my district if I voted for the general leasing bill on everything we have out there, and put all our resources on a Federal royalty basis. It is not, in my judgment, fair or just or reasonable to ask us to accept or burden our country with that kind of a proposition.

Mr. MADDEN. Did I understand the gentleman to say that no person could buy coal at the mines in his State?

Mr. TAYLOR of Colorado. Oh! They might at some of the mines.

Mr. MADDEN. Unquestionably anywhere else in the United States they can do it.

Mr. TAYLOR of Colorado. This bill is intended to obviate this very condition. To bring about a situation whereby the people can get coal at what is a fair price, considering the cost of production.

Mr. MADDEN. What is the matter with the State laws of the State of Colorado that you can not do that?

Mr. TAYLOR of Colorado. You can not regulate everything by State laws.

Mr. MADDEN. Anybody can buy coal at the mines if they want more than a ton—if they want a carload.

Mr. TAYLOR of Colorado. If the coal companies charge you $6 a ton for it, it does not do you any good.

Mr. MADDEN. The gentleman knows that they do not charge any such price as that.

Mr. TAYLOR of Colorado. They charge twice what they ought to.

Mr. CAMPBELL. Does the gentleman say that the consumers of coal in a city adjacent to a coal mine can not get the coal for that community from this coal mine near by?

Mr. TAYLOR of Colorado. They can not get it without paying what the companies that produced the coal charge for it, and what they believe to be at least twice what they could mine it for themselves.

Mr. MADDEN. What could they mine it for?

Mr. TAYLOR of Colorado. They think they can mine it and sell it for about $3 a ton.

Mr. MADDEN. How do they know what they can mine it for?

Mr. TAYLOR of Colorado. The coal company pays only about 75 cents a ton to mine it, and it would not cost much to haul it into town.

Mr. MADDEN. How much does it cost the coal companies to mine it?

Mr. TAYLOR of Colorado. In many cases I understand it is from 75 cents to a dollar a ton.

Mr. MADDEN. Oh, you can not mine it for that. They might pay that to the labor, but there is a charge other than the amount paid to the miner.

Mr. TAYLOR of Colorado. I understand, but at the same time there is no reason why they should charge $6 a ton for it. This town had to pay $6,000 for coal at one time several years ago, and they have been appealing to me five or six years to pass this bill and relieve that situation.

Mr. COX. What is the population of the town?

Mr. TAYLOR of Colorado. About 8,000.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. TAYLOR of Colorado. I trust the gentleman will not object to this bill.

Mr. MANN. Well, if the gentleman wants to make a demand for the regular order I will make a point of no quorum. The gentleman wants unanimous consent for something for himself; that is the only way the gentleman can get up his bill. I think we ought to know——

Mr. TAYLOR of Colorado. I hope in the interest of these towns the gentleman will not object, because it is certainly beneficial to both, and we have adopted this policy in the House in the general leasing bill and why should not we be consistent?

Mr. MANN. Oh, we have not adopted this policy in the House.

Mr. TAYLOR of Colorado. Yes; we passed the general leasing bill providing all cities, municipalities, and so forth, shall have coal mines free of royalty.

Mr. MANN. That is true; and the gentlemen was opposed to it.

Mr. TAYLOR of Colorado. Yes; but I was not opposed to that provision. In fact, that provision allowing towns to mine coal free was my own amendment to the bill.

Mr. FOSTER. Does not my colleague think the gentleman from Colorado ought to be encouraged a little bit in his ideas of conservation?

Mr. MADDEN. I think the gentleman from Colorado ought to be consistent. He ought not to be opposed to a measure which gives the very privilege he seeks here and then come in and ask for an exception to be made to a rule which he helped to make himself.

Mr. TAYLOR of Colorado. I was the author of that provision in both the coal-leasing bill and the water-power-leasing bill, allowing cities and towns to have both without paying royalties.

Mr. MADDEN. But the gentleman voted against the provision of which he was the author.

Mr. TAYLOR of Colorado. No; I voted against the whole bill. The bill contained a hundred things besides that.

Mr. MADDEN. The gentleman certainly was not very consistent.

Mr. TAYLOR of Colorado. If there had been nothing else in the bill but that, I would have certainly voted for it. If the bill was going to pass, as I knew it would, I wanted to get at least one good feature injected into it.

Mr. MADDEN. The gentleman voted against the bill, and then he comes in here and asks the same thing to be done to a town in his State.

Mr. TAYLOR of Colorado. I do not see anything inconsistent. I am in favor of all cities and towns having the freest possible right to mine and sell coal as cheaply as possible to its inhabitants. I see nothing wrong or inconsistent in that.

Mr. MADDEN. I think the gentleman is proud of his consistency in being inconsistent.

Mr. TAYLOR of Colorado. I think the chances are that the city will never be required to open this mine at all. I think when this bill is passed the coal companies will promptly drop the price of coal about $3 a ton. I think that is what it amounts to.

Mr. MADDEN. I think if the gentleman is refused the privilege of having this law passed, the House will be doing a great favor to the community it is presumed to be trying to favor, because when they undertake to mine coal, if they get the privilege, they will discover it will cost twice as much as they pay now, and then they will be taxing the poor men who have little homes on the outskirts of the town to pay the losses.

Mr. TAYLOR of Colorado. Oh, no; the people of Grand Junction are willing to take chances on that.

Mr. FOSTER. The gentleman might think so in Illinois, but not in Colorado.

Mr. MANN. Mr. Speaker, I object.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. Both gentlemen from Illinois object.

Mr. TAYLOR of Colorado. Will the gentlemen allow the bill to remain on the calendar?

Mr. MADDEN. I have no objection to the bill remaining on the calendar, but I would like to be here when it is called up again.

The SPEAKER. Does the gentleman object to the bill being passed without prejudice?

Mr. MADDEN. No.

The SPEAKER. The Chair hears no objection.

H. SNOWDEN MARSHALL.

The SPEAKER laid before the House the following letter from the Sergeant at Arms.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
June 26, 1916.

Hon. CHAMP CLARK,
Speaker of the House of Representatives, United States:

Pursuant to the command of the warrant of the House of Representatives, signed by the Speaker of the House and dated the 22d day of June, 1916, I arrested H. Snowden Marshall at the city of New York on the 26th day of June, 1916, and immediately after said arrest I was served with a writ of habeas corpus, issued by the Hon. Augustus N. Hand, one of the justices of the District Court of the United States for the Southern district of New York, requiring me to produce the body of the said H. Snowden Marshall before said court, and the said justice made a direction upon said writ that, pending the said habeas corpus proceedings, the said H. Snowden Marshall should be at liberty to go upon his own recognizance.

Thereupon I produced the said H. Snowden Marshall before Mr. Justice Hand, sitting in the said district court, and made a return to the said writ, whereupon further proceedings on said writ and the hearing in the said habeas corpus matter were adjourned by the said court to the 30th day of June, 1916, at 9.30 o'clock a. m., and the justice of the court directed that the said H. Snowden Marshall be permitted to go on his own recognizance to appear in said court at the time last above mentioned.

Respectfully submitted.

R. B. GORDON,
Sergeant at Arms, House of Representatives.

The SPEAKER. Ordered filed.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Should not that communication from the Sergeant at Arms be printed in the RECORD, instead of being filed?

Mr. MANN. It will be printed, having been read.

Mr. RAKER. But the Speaker said it was simply to be filed.

The SPEAKER. That is the only order for the Chair to make, because, being read, it goes in the RECORD anyway.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7617. An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes;

H. R. 14484. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12362. An act granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas;

H. R. 15347. An act to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning;

H. R. 7256. An act providing for the refund of duties collected on certain tobacco cuttings;

H. R. 12954. An act for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise;

H. R. 14303. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 13715. An act granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6068. An act authorizing and directing the Secretary of the Treasury to cancel and remit a certain income tax assessed against Charles L. Freer, of Detroit, Mich.; to the Committee on Claims.

BRIDGE ACROSS SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16641) granting the consent of Congress to Julian B. McCurry, A. G. McCurry, P. W. Walton, and J. J. Fretwell to construct a bridge across the Savannah River. This is a bridge bill that did not reach the Unanimous Consent Calendar in time. It is very important, and I ask unanimous consent that it be called.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent for the present consideration of the bill H. R. 16641, Calendar No. 291, a bridge bill, which was not put on the calendar three days in advance. Is there objection?

Mr. MANN. Let it be reported.

The SPEAKER. The Clerk will report it.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Julian B. McCurry and A. G. McCurry, of Hartwell, Ga.; P. W. Walton, of Madison, Ga.; and J. T. Fretwell, of Anderson, S. C., and their successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near McDonalds Shoals, between McDonalds Shoals and Hanks Ferry, in the county of Hart, State of Georgia, on the west, and the county of Anderson, State of South Carolina, on the east, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Amend, page 1, line 5, by striking out "J. T. Fretwell" and inserting "J. J. Fretwell."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

ISSUANCE OF LAND PATENTS TO MYTON AND DUCHESNE, UTAH.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the request of the Senate for the appointment of conferees on Senate bills 35 and 36 be granted, and I ask that the conferees whose names I send to the desk be reported to the House.

Mr. MANN. The bills will have to be laid before the House first.

The SPEAKER. Of course. What is the number of the bills?

Mr. TAYLOR of Colorado. Senate No. 35 and Senate No. 36.

The SPEAKER. The Clerk will read the bills by title.

The Clerk read as follows:

A bill (S. 35) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah.

A bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah.

Mr. MANN. What are the Senate amendments?

Mr. MAYS. They are House amendments. The amendments were offered in the House and the Senate refused to concur.

Mr. MANN. Did the amendments provide that they should pay $1.25 an acre?

Mr. MAYS. That is one of the amendments.

Mr. MANN. I will say to the gentleman if the amendments go out in conference there will be no more bills of that kind passed by the House by unanimous consent while I am here.

Mr. TAYLOR of Colorado. The gentleman will give the conferees credit for the action they have taken.

Mr. MANN. I should think the Senate took action without consultation with the Members of the House.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks that the House insist on its disagreement to the amendments of the Senate. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. TAYLOR of Colorado, Mr. FERRIS, and Mr. LENROOT.

STATE ANTIGAMBLING LAWS.

Mr. SIMS. Mr. Speaker, I rise to move to suspend the rules and pass the bill (H. R. 15949) to prevent the nullification of State antigambling laws by international or interstate transmission of race gambling bets or racing odds.

Mr. MANN. I make the point of order, Mr. Speaker, that there is no quorum present.

ADJOURNMENT.

Mr. TAYLOR of Colorado. I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present, and the gentleman from Colorado [Mr. TAYLOR] moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p. m.) the House adjourned, pursuant to the order previously made, until Wednesday, July 5, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the Secretary of State submitting an urgent estimate of appropriation for the relief and transportation of destitute American citizens in Mexico (H. Doc. No. 1271); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting supplemental estimates of appropriations required for the service of the fiscal year ending June 30, 1917, for fortifications, Panama Canal (H. Doc. No. 1272); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting additional estimates of deficiencies required by the War Department for the service of the fiscal year ended June 30, 1916 (H. Doc. No. 1273); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and a joint resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BEAKES, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 6915) granting indefinite leaves of absence to superannuated employees of the Postal Service, reported the same with amendment, accompanied by a report (No. 907), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LONDON, from the Committee on Labor, to which was referred the joint resolution (H. J. Res. 250) to provide for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund and for the mitigation of the evil of unemployment, reported the same without amendment, accompanied by a report (No. 914), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16380) granting the consent of Congress to the board of supervisors of Highlanding Township, Pennington County, Minn., to construct a bridge across Red Lake River, reported the same without amendment, accompanied by a report (No. 908), which said bill and report were referred to the House Calendar.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6242) authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia, reported the same without amendment, accompanied by a report (No. 909), which said bill and report were referred to the House Calendar.

Mr. PARKER of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16554) to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River in the State of New York, reported the same with amendment, accompanied by a report (No. 910), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16185) to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes, reported the same with amendment, accompanied by a report (No. 911), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16534) to authorize the commissioners of Lycoming County, Pa., their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa., reported the same without amendment, accompanied by a report (No. 912), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16604) to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the west branch of the Susquehanna River from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa., reported the same without amendment, accompanied by a report (No. 916), which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15736) to provide for aviation in the Coast Guard, reported the same without amendment, accompanied by a report (No. 917), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 3296) for the relief of Gertrude Becherer, reported the same with amendment, accompanied by a report (No. 913), which said bill and report were referred to the Private Calendar.

MOTION TO DISCHARGE COMMITTEE.

Under clause 4 of Rule XXVII, motion to discharge committee was filed as follows:

By Mr. GORDON: To discharge the Committee on Public Buildings and Grounds from the further consideration of the bill (H. R. 4713) to authorize the Secretary of the Treasury to sell the United States Marine Hospital reservation in Cleveland, Ohio.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. KITCHIN: A bill (H. R. 16763) to increase the revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. LESHER: A bill (H. R. 16764) to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsontown, Northumberland County, Pa., to White Deer Township, Union County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: A bill (H. R. 16765) authorizing the Secretary of War to donate to the Waynesburg Park Association, Waynesburg, Greene County, Pa., two bronze cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 16766) to further amend an act to amend an act to amend section 4400, title 52, of the Revised Statutes of the United States, concerning the regulations of steam vessels, approved August 2, 1882, and also to amend section 4414, title 52, of the Revised Statutes, "Regulation of steam vessels," approved March 1, 1895; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARTER of Oklahoma: A bill (H. R. 16767) for relief from forfeiture to purchasers of the unallotted lands of the Choctaw and Chickasaw Tribes; to the Committee on Indian Affairs.

By Mr. ASWELL: A bill (H. R. 16768) to provide for the establishment of a military post or permanent mobilization camp at Camp Stafford, Alexandria, La.; to the Committee on Military Affairs.

By Mr. KITCHIN: Resolution (H. Res. 289) for the consideration of H. R. 16763; to the Committee on Rules.

By Mr. DUPRÉ: Resolution (H. Res. 290) for a reprint of the soil survey of the New Orleans area, Louisiana; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 16769) granting an increase of pension to Charles M. Kiger; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 16770) for the relief of the estate of John H. Piatt, deceased; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 16771) for the relief of the Knight Motor Co., a corporation; to the Committee on Claims.

By Mr. FARR: A bill (H. R. 16772) granting an increase of pension to Mary Lahey; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 16773) granting an increase of pension to George N. Taylor; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 16774) granting a pension to Sarah E. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16775) granting a pension to Emma Crewitt; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 16776) for the relief of W. K. Ellis; to the Committee on Claims.

By Mr. MOONEY: A bill (H. R. 16777) granting an increase of pension to Stephen Devol; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 16778) granting an increase of pension to Joseph Donnells; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 16779) for the enrollment of A. O. Mallory and others as citizens by blood of the Choctaw Nation; to the Committee on Indian Affairs.

By Mr. STOUT: A bill (H. R. 16780) to validate the homestead entries of Anna W. Thrailkill; to the Committee on the Public Lands.

By Mr. SUTHERLAND: A bill (H. R. 16781) granting an increase of pension to W. K. Brown; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 16782) granting an increase of pension to Albert Lincoln; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16783) granting an increase of pension to Francis M. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16784) granting an increase of pension to Lewis Paul; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16785) granting an increase of pension to Samuel Dragoo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16786) granting an increase of pension to Bernard Hardy; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 16787) granting a pension to James G. Whalin; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of committees representing men in engine and train service on the Frisco Railroad, relative to eight hours of work; to the Committee on Labor.

By Mr. DYER: Petition of Mary B. West, vice president National Probation Association of Memphis, Tenn., indorsing Senate bill 1092 and House bill 42; to the Committee on the Judiciary.

Also, petition of Mrs. J. Malcolm Forbes, executive board Massachusetts Branch of Women's Peace Party of Boston, in re ultimatums; to the Committee on Foreign Affairs.

By Mr. FARR: Memorial of Industrial Board of the Department of Labor and Industry, Harrisburg, Pa., favoring House bill 16207, relative to creation of a woman's division in the Federal Department of Labor; to the Committee on Labor.

By Mr. STEPHENS of California: Petition of the Friday Morning Club of Los Angeles, Cal., and M. M. Starr and 12 others, of Los Angeles, Cal., favoring freedom of the press and opposing House bill 13778; to the Committee on the Post Office and Post Roads.

Also, petition of S. W. Mudd and 15 others, of Los Angeles, Cal., favoring Senate concurrent resolution 12; to the Committee on Foreign Affairs.

Also, resolutions of State Board of Equalization and County Auditors' Association of California; Board of Supervisors, Alameda, San Mateo, Contra Costa, Monterey, and Ventura Counties, Cal., protesting against Federal inheritance tax; to the Committee on Ways and Means.

SENATE.

MONDAY, *July 3, 1916.*

(Legislative day of Friday, June 30, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

Mr. JONES. Mr. President, there are only half a dozen Members present, so I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martine, N. J.	Smith, Ga.
Beckham	Gore	Overman	Smoot
Brady	Gronna	Page	Sutherland
Brandegee	Husting	Pittman	Swanson
Broussard	James	Poindexter	Taggart
Bryan	Johnson, Me.	Pomerene	Thomas
Catron	Johnson, S. Dak.	Ransdell	Thompson
Chamberlain	Jones	Reed	Vardaman
Clapp	Kenyon	Saulsbury	Walsh
Clark, Wyo.	Kern	Shafroth	Warren
Culberson	La Follette	Sheppard	Weeks
Cummins	Lane	Sherman	Williams
Fletcher	McLean	Simmons	Works

Mr. WALSH. I wish to state that my colleague [Mr. MYERS] is absent on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from West Virginia [Mr. CHILTON], who is absent on official business.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

The pending amendments are the amendments offered by the committee to part B of the bill.

Mr. GORE. I desire to revert now to the first amendment passed over and to take up the amendments passed over in the order in which they were passed over. I will say that I desire to dispose of the amendments to the bill as an appropriation bill before considering amendments that are so-called riders.

Mr. REED. I did not hear the statement.

Mr. GORE. I was suggesting that I desire to consider the several amendments passed over for further consideration, and I wish to consider all the amendments pending to the bill as an appropriation bill properly before proceeding to the consideration of the amendments which are so-called riders.

Mr. PITTMAN. In view of the statement made by the chairman of the committee, I suggest that on Saturday we reached the amendment on page 14. In view of the notice given by the chairman, I call his attention to the fact that the first amendment passed over and not disposed of is the committee amendment on page 14 and the amendment I offered to it.

Mr. GORE. I will say that I referred to committee amendments and not to amendments that have been presented by Senators. Where any Senator has offered an amendment to a committee amendment that committee amendment will be passed over for the present.

The VICE PRESIDENT. The first amendment passed over will be stated.

The SECRETARY. On page 14, line 9, the committee report to strike out "$208,320" and insert "$214,320," so as to read:

For all necessary expenses for investigations and experiments in animal husbandry, etc., $214,320.

Mr. GORE. I will ask that that be passed over in view of the fact that the Senator from North Dakota [Mr. GRONNA] desires to present an amendment to it.

The VICE PRESIDENT. The amendment will be passed over.

The SECRETARY. The next amendment passed over is, on page 21, line 9, to strike out "$88,770" and insert "$109,920," so as to read:

For investigating the handling, grading, and transportation of grain, including the grain sorghums, and the fixing of definite grades thereof, $109,920.

Mr. GORE. I will make the same request with reference to this amendment, that, in view of the amendment of the Senator from North Dakota, it be passed over until the grain rider is considered.

The SECRETARY. The next amendment passed over is, on page 23, to strike out lines 8 to 14, inclusive.

Mr. CLARK of Wyoming. Before passing to that, I wish to ask for information as to the amendment on page 22 for the sugar-beet investigation. The Senator from Michigan [Mr. TOWNSEND], who is not present, proposed an amendment to that paragraph. I wish to ask if that section will be still open to amendment, or has the amendment been acted upon?

The VICE PRESIDENT. It has been agreed to.

Mr. GORE. Not the amendment to which the Senator from Wyoming refers. That has not been agreed to, although another amendment has, and the matter will stand over.

Mr. CLARK of Wyoming. That is the information I wanted to get. It is still open?

Mr. GORE. It is still open. I expect to accept an amendment which will be tendered by the Senator from Michigan.

Mr. THOMPSON. I also have a slight amendment to that section I shall want to take up at a future time when the section is considered and also at the same time when the amendment offered by the Senator from Utah [Mr. SMOOT] is considered.

Mr. GORE. This amendment will be passed over and Senators will be given an opportunity to present amendments to it.

The VICE PRESIDENT. The Secretary has it agreed to, and that is all the Chair knows about it.

Mr. THOMPSON. The committee amendment was agreed to, but not the amendments offered by individual Senators.

The VICE PRESIDENT. There are amendments of Senators to the committee amendment.

Mr. THOMPSON. They have been agreed to.

The VICE PRESIDENT. No; the Chair would like to know whether the proposed amendments are amendments to the committee amendment.

Mr. THOMPSON. They are.

The VICE PRESIDENT. Then here we are again acting in violation of the rules, which do not permit these motions to reconsider. We have reconsidered some of these amendments three times now.

Mr. GORE. I think that is hardly the status of the amendment. The committee reported in favor of inserting the words "and beet seed," which was agreed to. The Senator from Michigan intends to offer an amendment at a later stage increasing the amount of the total appropriation, with the proviso that $10,000 shall be expended in experimentation with beet seed, which will come properly at the later stage as an amendment to the bill.

Mr. THOMPSON. I am interested in the same amendment and also in other amendments of the same section.

The VICE PRESIDENT. We are either going to pass over the amendment now or act upon it.

Mr. CLARK of Wyoming and Mr. CLAPP addressed the Chair.

The VICE PRESIDENT. The Senator from Wyoming.

Mr. CLAPP. I understand we are now on the amendment on page 23.

The VICE PRESIDENT. The Chair recognized the Senator from Wyoming.

Mr. CLAPP. I beg pardon.

Mr. CLARK of Wyoming. I merely made the statement and the inquiry I did because of the absence of the Senator from Michigan [Mr. TOWNSEND], with whom I have conferred upon the subject matter of the amendment. I had hoped the matter would not be foreclosed so as to prevent him from offering that amendment.

Mr. CLAPP. I desire to say to the Senator in charge of the bill that the Senator from North Dakota [Mr. GRONNA] and myself, have not been able to work out any solution of the amendment on page 23 striking out lines 8 to 14, but as the bill is going to be before the Senate for some time I will ask that it be further passed over, and I hope we may come to some conclusion about it.

Mr. GORE. Of course, as was suggested by the Chair a moment ago, it is about the third time we have been passing over the amendment. I apprehend it will be impossible for the Senator from Minnesota and the Senator from North Dakota to agree because they represent entirely antagonistic views, but I merely say that in passing, and I am willing to have this amendment passed over for the third or fourth time as the case may be.

Mr. CLAPP. The Senator from North Dakota and myself have within the last few minutes, I think, agreed, without any difficulty, the only matter being to frame the proper language. I have no doubt at all that we shall be able to agree.

Mr. GORE. In view of the diplomatic negotiation I ask that the amendment be passed over.

The VICE PRESIDENT. It will be passed over.

The SECRETARY. The next amendment passed over is, on page 25, to strike out under the side head, "Purchase and distribution of valuable seeds," from line 17 to line 6, on page 28.

Mr. KENYON. Mr. President, this is the usual seed-provision part that we have every year and that the Senate strikes out, but when it comes out of conference it is generally inserted.

I wish to say just a word about it, Mr. President. I realize that when a large appropriation comes along it is too important a matter to object to, and if a small appropriation comes along it is entirely too trivial to object to. So, in fact, there is no appropriation in any of these bills that can apparently with propriety be objected to.

Mr. VARDAMAN. I wish the Senator would speak so that we can hear him. There is so much competition with him in the Senate Chamber that I can not hear anything he says.

Mr. KENYON. There was so much confusion during the Senator's remark that I could hardly understand his request.

Mr. VARDAMAN. It is difficult to hear the Senator. Would it be too great a strain upon his vocal cords to speak loud enough to be heard above the din?

Mr. KENYON. I am willing to speak loud enough to be heard above an ordinary din, but not the usual senatorial din.

I think that this free-seed appropriation that goes on year by year discredits Congress. It creates in the minds of the people, while it is a small matter, the notion of getting something for nothing, and to regard the Government as a great Santa Claus, who can simply pass out presents to everyone.

I am not contending against the distribution of rare plants and bulbs and seeds, a custom which, I think, originated a century ago. There may be merit in that; but this sending out of twenty-five or thirty thousand packages of garden seed to the constituents of Members of Congress is simply a silly farce that has cost the people of this country, outside of the loss in postage and the burdening of the Postal System of our country, in the four years from 1909 to 1913, according to Senate Document No. 1104, $1,110,933. The number of packages sent out during those four years was 48,568,801. If postage had been paid thereon, it would have amounted to $467,759.04; in other words, it costs about $250,000 a year to carry on this system, which is nothing but a system of political seed—that is all—to make the constituent feel that he is in very close relationship with his Member of Congress.

I ask to have inserted in the RECORD a little statement showing this expense of distributing these seeds for these four years, the cost of postage, and the number of packages sent out through the mails. I shall not take time to read it.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The statement referred to is as follows:

Expense of distributing seeds for the years 1909–1910 to 1912–13, inclusive.

VEGETABLE AND FLOWER SEEDS.

Purchasing	$556,102.00
Packeting and mailing	$383,459.00
Total cost	$939,561.00
Number of packages	48,204,521
Other miscellaneous seed purchased amounting to	$173,372.00
Total cost	$1,110,933.00
Total number of packages sent out through the mails	48,568,801
Cost of postage to the Government on the above amount of seed sent through the mails and for which no postage was collected	$467,759.04

Mr. KENYON. Mr. President, I know the arguments that are presented every year for the system; they are that it is a good thing for the farmer; that we can afford to do something for the farmer; that it is trivial to object to it; that it tends to the development of the love of the beautiful; that the back yards are adorned with flowers; that the school children get an incentive to develop the beautiful in their lives and in nature; that it makes wives happy; that it makes the children happy; that it keeps the boys on the farm, brings the blush of health to the cheeks of children, and it is for the benefit of agriculture. If all this were so, it is very strange that the Department of Agriculture should have repeatedly asked to have this practice stopped, for the Department of Agriculture is about as much interested in the development of agriculture as is anybody or any institution.

I do not know, Mr. President, that we can ever stop spending money. This bill is carrying appropriations for every conceivable kind of proposition—chasing every kind of bug that anybody could ever think of. This Government is getting into all kinds of business; and, as the chairman of the Committee on Appropriations said the other day, that if the matter does not stop pretty soon, the Government will be a bankrupt institution. I do not know where all this money is to come from to pay these bills. The sundry civil bill, which we passed a few days ago, has in it appropriations for buying sites and for the con-

tinuation of public buildings in towns of less than a thousand people. We ought, if we can, to pay some attention to where the money is to come from.

I think this congressional seed distribution brings Congress into disrepute. It is a joke throughout the country. A few little packages of garden seed are sent out, when you could go to the store and buy for 5 cents better garden seeds than are sent out by the Government, because it is seldom that many of these garden seeds ever grow anyway. One Congressman received a letter from one of his constituents, to whom he had sent a package of these garden seeds, which read as follows:

Send me another package of beans. My wife made bean soup out of the last ones you sent, and we had it last night for supper. It was great.

[Laughter.]

That is about the way the garden-seed business is regarded in this country. It can hardly come under the head of "Preparedness," although beans are considered a very essential factor in military warfare.

In this connection, before the lobby committee, as I find on page 3304 of their report, Senator REED asked Mr. Mulhall a question concerning a statement in a letter which he had written, and which letter seems to me to illustrate this seed business. Mr. Mulhall says in this letter:

I sent out two days ago 24 sets of books to all the members of our executive board, and I sent you yesterday a large bag of seeds, and I will send to Mr. Boudinot and yourself this afternoon a number of packages of flower seeds. I have been keeping myself busy for the last 10 days in getting a corner on seeds in this city. At the present time I am promised 2,000 packages; and if you know any farmers in our organization who wish to cultivate any vegetables or flowers this coming season, I would be very glad to have them franked out to any address you may give.

This is one of the eminent gentlemen who were doing lobbying work around Congress. I have here an editorial from the Wallace Farmer, one of the great farm papers of the country, on this subject, which I send to the desk and ask the Secretary to read at this time in connection with what I have to say.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

FREE SEEDS.

We felt like throwing up our hat and shouting a few hallelujahs when we read in the report of the Secretary of Agriculture that he would ask Congress not to make an appropriation for the free distribution of garden seed as usually conducted. We hope he will be able to persuade Congress to give up this hoary graft.

Long years ago, before there was any Agricultural Department, Congress made an appropriation for the free distribution of seeds. There was necessity for it then; there is no such necessity now. Ever since that time Congress has been appropriating, we don't know how much money, but probably, including the expense, from a quarter to a half million each year, to enable Congressmen to frank some common garden seeds—which sometimes would grow—to farmers who had exactly the same kind of seeds growing in their own gardens year after year.

It was a very nice, easy way for the Congressman to make the lady of the farm believe he was thinking of her and sending her a present through the mails each year.

The Secretary proposes to carry out the original idea of the grant—to get rare and valuable seeds and plants for different localities, which can be tested out in these localities, to ascertain whether they are suitable to the soil and climate. The best way to do this is through the experiment stations.

Speaking generally, the farmers have been disgusted with this business, to our certain knowledge, for about 20 years, yet it still continues. It is nothing but a bit of congressional graft which the Congressman is not willing to give up. We doubt whether the present administration, with all its power, will be able to shut off this petty, little, picayunish graft, this delicate reminder to the voter that his Congressman at Washington is lying awake nights thinking about him and his wife and his family and his farm. We certainly wish the Secretary success in this most desirable reform. The good wife on the farm will have no trouble in getting beans and peas and carrots and raddishes and "yarbs" and "garden sass" without any help from Congress or the Congressman, and without any obligations to him. (Wallace Farmer, Des Moines, Iowa, Jan. 11, 1914.)

Mr. KENYON. Mr. President, I send to the desk, and ask to have read, a statement from the Daily Journal-World, of Lawrence, Kans., on this subject.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

LAWRENCE, KANS.

The Daily Journal-World of this city, of February 12, says: "The senate yesterday afternoon passed a resolution by Davis, of Bourbon, to request Kansas Congressmen and United States Senators to quit sending free seeds to their constituents in Kansas. The resolution sets forth the fact that the growth of agricultural colleges and the general knowledge of the people regarding the advantages of using good seeds has put an end to the need of the old time-worn congressional practice. In addition, the resolution stated that this practice loaded up the mails and constituted a heavy and needless expense to the Federal Government and the mail service. The resolution also requested the Kansas Congressmen to use their influence toward securing a bill putting an end to the distribution of free seeds by Members of Congress. The senate passed the resolution without a dissenting vote."

Mr. KENYON. So we find the State of Kansas trying to protect its citizens from receiving these seeds, and it is not a matter of much wonder in the mind of anybody who has ever had any of these seeds sent to him that there is a movement to protect the public from them. There is not any more reason for sending out free seeds than there is for sending out clothespins, safety pins, colic remedies, or anything else. I send to the desk, and ask to have read, a statement from the Marshalltown Times-Republican on the same subject.

The Secretary read as follows:

[From the Marshalltown (Iowa) Times-Republican of Mar. 26, 1915.]

By their seeds ye shall know them. Congress has adjourned. It has passed the usual appropriation bill and made the customary distribution of worthless seeds to the voters as a cheap sop for past loyalty.

If every recipient of garden seeds would plant them and then vote accordingly at the next congressional election, what a world of new faces would be noticeable in the halls of Congress. We tried planting some of them several years ago with the following result:

AND WHAT CAME FORTH.

The lettuce seed brought forth fruit in the form of leaves about as thick as a cabbage leaf and of a texture resembling a palm-leaf fan. We had had visions of the tender, succulent variety, but, although I had just paid a $50 dentist bill, I was unable to make any noticeable impression. We took some to an old lady who had the reputation of having more jaw action than any one in town and told her if she liked it to come over—we had a plenty. She never came. I spoke to a friend that owned a corn shredder, but he refused to give it a try out, as the machinery was not guaranteed against anything tougher than a dried corn stalk. We then conceived the idea that a valuable forage crop had been overlooked and so fed some to the cow, and for weeks we could see her, even in her leisure moments, in a masterly attempt to put it away for keeps. The result was that we fed her on bran mash for two weeks to enable her to rest up and be normal.

RADISH OF HOLLOW VARIETY.

The radishes were of the not uncommon hollow variety. If you ate them without peeling you were apt to come to the conclusion that you were eating horseradish. If you peeled them you wondered how the wood-pulp manufacturers had overlooked such a promising raw material.

The onions were in size about like a school boy's assortment of marbles, but what they lacked in size they made up in strength. If you would give it a moment's thought, you would probably come to the same conclusion that I did, and that is Congress had them bred up to take the place of whisky killers.

One day we had congressional salad from these selfsame vegetables, with appropriate dressing. They say time dulls all memories, but that salad still holds a vivid place in my memory, and I never will forget the Congressman responsible for sending the seed except when in the election booth. By their seeds ye shall know them.

[Laughter.]

Mr. VARDAMAN. Mr. President, if I may ask the Senator a question, one of the articles which he has just had read stated that at one time it was deemed prudent and profitable to distribute these seeds. How could it be more profitable at any other time in the history of this country than it is now, if the seeds which are sent out shall be from an improved variety of the plant? Certainly I can not understand how the Secretary of Agriculture would send out any other seed or would buy any other seed than those of the very best variety? This is an age of progress in agriculture, and we should be careful lest we may do something to hinder or retard this progress which is doing so much and promising still more for the good of mankind.

I want also, in this connection, to ask another question. How can the distribution of seed be graft on the part of Congressmen, when it only means for the Congressman more work, more trouble, a little larger office force, and in very many instances, I dare say, an outlay of money from his own pocket? Of course the seed are sent to the farmers of the country and to the people in towns who desire to plant them for their good, for their benefit, to improve the variety of the plants they grow and for their individual betterment. For the life of me, if the seed to be distributed are the character of seed that ought to be selected by the Agricultural Department, and which this bill contemplates should be purchased, I can not see how their distribution can fail to be beneficial to the entire country.

Mr. KENYON. Mr. President, if the argument of the Senator is good, then the seed ought to be sent out by the Agricultural Department as a part of their business, and not be sent out by Members of Congress as a part of the business of a Member of Congress.

Mr. VARDAMAN. So far as I am personally concerned, I should be very glad to have that system adopted. I take it that the Members of Congress only desire the distribution of the seeds to their constituents for the benefit of their constituents. I really do not think the distribution of seed has ever secured a vote or influenced a man to cast a vote; and I think it is a reflection upon the intelligence and the patriotism of the farmers of this country to say that they could be influenced by so trivial a thing as a few packages of seed,

especially when we consider the fact that the seeds belong to the voter and not the Congressmen who distribute them.

Mr. KENYON. Well, the intelligence and the patriotism of the farmers of this country are such that they know a cheap little graft when they see it, and they know that this practice is of that character.

Mr. VARDAMAN. Well, how does the Senator make it out to be a graft upon the part of Representatives and Senators?

Mr. KENYON. I make it out to be a graft because we are spending the public money for the purpose of trying to help reelect some Member of Congress.

Mr. VARDAMAN. The men to whom the seeds are sent pay the expenses, and not the Congressmen. The Member of Congress gets nothing from it, and the men who pay the expenses get the seeds.

Mr. KENYON. The men who pay the expenses?

Mr. VARDAMAN. Yes; the men who pay the expenses—the men for whom the department buys the seeds—receive the seeds.

Mr. KENYON. And those men would like to stop that expenditure, if it be possible to do so. Of course I realize that it is not possible to stop any kind of expenditures. This is one of the little things that has grown up in this country from a very worthy beginning, when Benjamin Franklin sent over here from France bulbs and rare plants to send out among the people to be developed; but now to send out 5 cents' worth of radish seeds or onions or parsnips, or some such fool proposition as that, is an entirely different matter.

Mr. VARDAMAN. If the Senator will allow me for a moment, he says we can not stop this abuse.

Mr. KENYON. I do not think we can.

Mr. VARDAMAN. I think it is a matter which we can safely leave to the representatives of the people; and I dare say that the Members of Congress, who are so sensitive to the public will and so desirous of winning the approval of their constituents, would not send out these seeds or appropriate a penny for them if they had any idea that their constituents did not want them.

Mr. KENYON. Mr. President, I will have to differ about that. I ask that the article which I have sent to the desk be read.

The VICE PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

WHEN WILL THEY ABOLISH IT?

The congressional garden seed is due in the same old packet, perhaps the same old seed. A few kernels of corn, a bean or two, some salsify, perhaps a teaspoonful of beet seed. That's enough. It's a packet of congressional seeds.

The little pack of flower seeds that accompanies it sometimes comprises a few zinnia seeds, a meager pinch of nasturtiums—any old thing handy. What's the difference? It's only a pack of congressional garden seeds.

Nobody pays any attention to it at either end of the route. The Congressman orders it sent out. The receiver oftener than not throws it aside as not worth bothering with. Its seeds are no better or worse than those sold two packages for a nickel, probably not as good as those sold in bulk, whereof a nickel buys a nickel's worth. Friendless, unnoticed, except by the postal clerk, who curses it, the congressional seed slinks about like a poor relation at a rich wedding.

It is one of the best illustrations of how hard a graft dies; for in this day that's all it is—a petty graft. There's no reason for it, except that it carries a reminder of the Congressman in the frank written across the corner of the packet. Nobody wants it. Everybody would be pleased to abolish it. Still it lives on—one of the perquisites.

The congressional garden seed is an example of run-down decency. There was a time when it actually meant something, when new varieties were thus introduced, and people welcomed Government seeds, planted them, and passed on the variety; but that was long ago, and matches 1914 as Daniel Webster's chaise compares with a six-cylinder car.

It isn't a very expensive matter; it doesn't amount to as much as other unnecessary expenditures, but the utter worthlessness and foolishness of it annoy those who receive it. They don't want it. Abolish it.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. KENYON. I yield.

Mr. MARTINE of New Jersey. Mr. President, I have always believed that the make-up of the people of the United States was much the same in honesty of purpose the country over; and I can not understand how there can be such a wide difference between the farmers of Iowa and the farmers of New Jersey. The Senator says the farmers of Iowa, if I may judge from the articles which he has had read from Iowa and Kansas papers, do not want free seed; that it is the same old seed.

I will say that from the State of New Jersey I have received no protest from any farmer or from any individual, whatever his occupation may be, against receiving free seeds; but, on the contrary, I have received very many earnest solicitations for seeds, and I have received very many letters speaking most approvingly of the results obtained from planting the seeds which were sent in other years. For one, I believe that they are of infinite advantage. They are not all the same old seeds, as one of the articles read has intimated. The Agricultural Department has tested the seeds in almost every, if not in every, instance; they know the character of them, and they know the reasonable probability of their germination. Of course, everything depends upon climatic conditions and soil. A man could not sow them into the middle of a macadamized road and expect them to germinate and to be fruitful; but, under ordinary care, I assert that the intimation made by the Senator, and contained in these articles, is far from the truth.

The Senator says the free-seed distribution costs a quarter of a million dollars or more every year, and doubtless it does. There is no question about that; but at the same time the Senator has no way of computing the benefits that come from it. I do not believe the Senator will stand in his place and say that this is an absolute loss, that no benefit has come to the country from the distribution of these seeds. I stated last year, and I state again, that in very many instances in my own lifetime and in my own experience seeds that were sent from the Agricultural Department have been of real and positive benefit; and the ridiculous little articles that some newspaper man may write in the little narrow corner of his back office in Kansas or in Nebraska, ridiculous stories about selling one's birthright for a mess or pottage, and things of that kind, do not appeal to me, nor do they appeal to the people of the State in which I live.

Now, in response to the idea that nobody wants seeds——

Mr. KENYON. Is the Senator through with his question?

Mr. MARTINE of New Jersey (continuing). I have said that everybody wants seeds, and I regret very much to see the Senator take the position that he does.

I find here on page 46——

Mr. KENYON. Will the Senator let me know when he is through the question?

Mr. MARTINE of New Jersey. Well, it is a long proposition [laughter], this matter of agriculture; and the Senator has been a good while promulgating his theory and his ideas against these appropriations on the ground that the farmers laugh at us and think we are but fools and that we are trying to capture their votes with a few seeds. I do not know of any farmers in my part of the world who are so cheap as to be captured by seeds, and they would scout the proposition that they are in any way influenced by their distribution.

If I may be permitted, I find here on page 46——

Mr. KENYON. What part of the question is this, now?

Mr. MARTINE of New Jersey. I beg pardon.

Mr. KENYON. The Senator rose to ask me a question. I should just like to keep the run of it. What part of the question is the Senator now propounding?

Mr. MARTINE of New Jersey. The question is the general proposition of expending public moneys for the benefit of the farmer, if we choose, and I am speaking apropos of that.

I find here on page 46, beginning at line 16, an item in regard to which I hear no protest from the Senator, for investigating the preparation for market, handling, grading, packing, and so forth, of poultry and eggs. The Senator might say that that was simply spending the public money for no particular avail; but all this information is of infinite value to the farmer.

I do not understand why the Senator early in the session inveighed against the appropriations for all the little water channels of our country, our harbors, and little rivulets for the purpose of improving them, and now he has gotten off on the other tack, to attack everything that shall affect the farmer in the matter of seeds. I think he is most unfortunate in his course. With the Senator's ordinarily generous, genial, and lovable type of mind, he has utterly gone astray, it seems to me, this morning.

Mr. KENYON. Mr. President, I can, of course, understand how anybody who votes for the waterless Trinity River can vote for the seed proposition. I am not finding fault with anybody who does it, however. I can also point out a distinction to the Senator when he asks the difference between the Iowa farmer and the New Jersey farmer, or between the Iowa farm and the New Jersey farm. Of course I realize that with a few of these packages of seeds you might seed an entire New Jersey farm, but they would not go very far on an Iowa farm. [Laughter.]

Mr. President, I am sorry the Senator from New Jersey has gone out, as one of the uses to be made of the seeds there might have appealed to him in his State.

I ask permission to insert in the RECORD, without reading, an article on this subject by Oliver Owen Kuhn.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

UNCLE SAM, ESQ.—CONGRSS AND FREE SEEDS.

[By Oliver Owen Kuhn.]

One of the time-honored annual "institutions" of Congress—the regular spring distribution of free vegetable and flower seeds by Members of both Houses of Congress—has been about completed.

The annual distribution of seeds began away back in the days when the Department of Agriculture, now perhaps the largest and certainly one of the most important departments of the Federal Government, was nothing but an obscure bureau, occupying a couple of rooms and with not more than three or four employees besides the chief. From its beginnings as a gratis distribution of a few hundred samples of seeds of various kinds it has grown into one of the biggest things—in point of size, remember, and not of actual importance, economic or otherwise—of annual recurrence.

This year of grace 1916 about 80,000,000 of small packets of assorted vegetable and flower seeds were sent out in the names of Senators and Members of the House of Representatives. In packages containing five small packets each, these seeds went to every congressional district in the United States, 16,000,000 of packages being the total number mailed on request of Members of both Houses of Congress from the office of seed distribution of the Department of Agriculture.

Estimating the weight of each package, containing its five smaller packets, at 2 ounces when in its heavy envelope ready for mailing, the seeds sent by Members of Congress to admiring constituents this year weighed just about 2,000,000 pounds. If each package had borne a 2-cent stamp instead of the frank of a Member of Congress, the postage bill would have been something like $320,000. But Senators and Representatives do not pay postage on free seeds any more than on copies of speeches, public documents, and official mail; so the Post Office Department was not a penny better off for carrying this tremendous bulk of matter as first-class mail.

NO SMALL OUTLAY REQUIRED FOR PROGRAM.

Extensive preparation and no small outlay are required for this pleasant little program of sending annually to practically every voter in the United States a package of garden and flower seeds. Each Senator and each Member of the House is allotted the same number of packages for the congressional distribution. This year the number allotted to each Member of Congress was about 30,000 packages. It frequently happens that a Representative or a Senator whose constituency is almost entirely urban has little use for his whole allotment, in which case it is easy to arrange with another Senator or Representative from an agricultural section to "swap" excess seeds for something else.

Each Member of Congress supplies the office of congressional seed distribution with the names and addresses of those to whom packages are to be mailed. Franks are also supplied in the required number, to be pasted on the envelopes containing the seed packets. The office of seed distribution does the rest; the Members of Congress don't even know what kind of seeds go into the packages, except in rare cases where individual requests for certain seeds are complied with.

A newspaper published in a city not far from Washington recently contained a notice calling attention to the fact that the proprietor of the paper had received a large consignment of free Government seeds from the Representative from that congressional district. The seeds, the article said, were from blue-blooded aristocrats of the vegetable and floral world, grown by Uncle Sam's experts, and absolutely the ne plus ultra of their kind, and the newspaper announced flamboyantly that these seeds would be given, as long as they lasted, to patrons of the paper. Nearly half a column of space was devoted to extolling the quality of the seeds, the article repeating several times the statement in regard to them having been produced on Government farms and by the Government's scientific agricultural experts.

GOVERNMENT-GROWN SEEDS SELDOM SENT.

As a matter of cold fact, the Government doesn't distribute a pound of Government-grown seeds a year, on an average. About the only real Government seed that has been distributed in recent years—and this only in relatively small quantities and to certain favored sections—was the durum wheat introduced several years ago and now grown extensively in certain regions of the West especially adapted to its cultivation. Practically every ounce of seed that is sent out in the annual congressional distribution is bought from seedsmen in every part of the United States. More than this, the Government in all its branches is required to make its purchases on the basis of competitive bids, and naturally this is true in the matter of garden and flower seeds.

Each year the department makes up lists of the seeds, indicating varieties and quantities desired, and submits these lists to seedsmen everywhere—in all parts of the United States and Canada, and even in England, France, Belgium, Holland, and other countries of Europe. Bids for supplying the seeds are asked, the recipients of the lists and letters being asked to bid on the entire list or on any part of it, and to submit tenders on larger or smaller quantities. As is the case in awarding contracts for other Government supplies, successful bidders are required to give bond for the satisfactory execution of the contracts they may be awarded, but the Department of Agriculture goes a step further, stipulating that seeds to be supplied to the Government for distribution must be grown under a sort of governmental regulation and inspection, if required, and that all seeds must be able to pass rather strict inspection and tests. This is just about as far as the Government has anything to do with the actual production of the seeds distributed at the request of Members of Congress.

It sometimes happens that the Department of Agriculture is conducting experiments with new varieties or new species of plants that promise to be valuable additions to American agriculture. This was the case with the durum wheat referred to, the original seed being brought to the United States from Siberia, where it was found by an agent of the department. In such cases Members of Congress may obtain larger or smaller quantities of seed of such plants to be sent to a constituent for trial.

DILEMMA FACED BY ONE CONSTITUENT.

Not many years ago a Member of the House learned of experiments being conducted by the department with a new and promising variety of clover. Thinking the new plant might be valuable in his part of the country, and desiring to please a certain constituent with a mark of his distinguished consideration, the Representative had a bag of the clover seed sent to said constituent. It arrived all right and the recipient was duly elated until he happened to notice the tag bearing the address and the frank of the Representative, on which appeared in black lettering the stereotyped warning, "$300 fine for private use."

The recipient of the seed read this to mean that he would be subject to a heavy fine if he sowed the seed on his own land. So, after consultation with neighbors, who agreed with his interpretation of the warning, the clover seed was sown along the roadside. That, the farmers agreed, was not private use, though they couldn't see where much benefit was to come to the community from such use of the fine Government seed.

Later the same man received other consignments of seeds from the Representative, all bearing the Member's frank and each frank with the warning against private use. At last, when a bushel or so of packages had accumulated—vegetable seeds, farm seeds, bulbs, and flower seeds—the farmer wrote to his Representative:

"Please don't send me any more seed," he said in his letter, "it doesn't do me any good, as there's no place where I can plant or sow it. I sowed the clover seed on a strip along the road, as I didn't want to have to pay $300 fine for using it privately, but flower seeds and melons and the other things you have sent me would do no good that way, and it says on the package $300 fine for private use. So the seeds and things are doing me no good, so please don't send any more."

An explanation, of course, promptly went out the farmer, but it was several months before his suspicions were entirely allayed.

In addition to the garden and flower seeds distributed each spring the Department of Agriculture distributes each fall for Members of the House and Senate assortments of bulbs of flowering plants. Last fall about 10,000 boxes of bulbs were distributed, each box containing from 10 to 15 bulbs of tulips, hyacinths, narcissi, etc. These bulbs are obtained in the same manner as are the seeds for congressional distribution; that is, they are bought from the people who grow them. The Government hasn't a thing in the world to do with their production; all it does is to buy them and send them out for Members of Congress.

Mr. KENYON. I also ask leave to insert in the RECORD a little statement showing the population of certain towns provided with public buildings, sites, and continuations in the sundry civil bill recently passed, which, of course, does not relate to the subject in hand, but bears on this question of throwing away public money. Also an editorial from the Des Moines Register on the subject of free seeds. I ask to have those inserted without reading, Mr. President.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Painesville, Ky., is given in the census as Painesville town, Johnson County.

Population:

1890	506
1900	541
1910	942

Bill carries $4,000 for a site.

Pikeville town:

Population:

1890	456
1900	508
1910	1,280

Bill carries $7,000 for site.

Newcastle town, Wyo. (p. 1111):

Population:

1890	1,715
1900	756
1910	975

This bill carries $1,400 for a site.

Basin, Wyo. (p. 1111):

No population given in 1890.

1900, no population given.

1910, population, 763.

Bill carries $5,000.

The House of Representatives has just voted with its usual gusto to send out $240,000 worth of free seeds to the constituents of Congressmen—to which is added the expense of carrying them post free.

Congressional zeal in the advancement of agriculture is always marked when free seeds are under discussion, but should it be proposed to have the Department of Agriculture distribute these seeds pro rata among the congressional districts, Congress would suddenly be stricken with a sense of economy and all the ciphers would be stricken from $240,000. Even the dollar sign might be eliminated.

Free seeds could be made of immense value in the furtherance of agriculture. Were these seeds distributed by the Agricultural Department or the colleges of agricultural, it would be possible to obtain reports on the results obtained from new varieties of seed that would definitely determine their value.

As it is, they are a free gift from the Government and nothing more—save as they influence votes in the next congressional election. Free seed distribution could be a blessing and a benefit. As practiced it is a graft. (Des Moines Register.)

Mr. KENYON. I also send to the desk a poem on this subject from the New York Press, which I will ask to have read, and with that I will conclude my remarks.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

TO A CONGRESSMAN.

(After receiving a letter promising many packets of free seeds.)

[From the New York Press.]

Dear Sir: I got your little note,
But if you want to keep my vote
Don't send the seeds you mention there,
But drop them in the empty air.
Last year you sent me quite a pack,
And, trusting fool, I broke my back
To plant them in the yawning ground
And make for each its little mound.
I watered them with tender care,
Protected them from crow and bear,

And plowed between the long, straight rows—
Oh, could I punch you in the nose!
Tobacco came where beans should be.
Now, as I never smoke, you see,
The crop was not a welcome one;
Tobacco worms had lots of fun.
The taploca wildly grew
Where I had looked for green peas new,
And rhubarb raised its horrid head
In what I thought a parsley bed,
While rank alfalfa made a muss
Where should have bloomed asparagus.
I stuck up frames to hold tomatoes,
And on them crept some sweet potatoes.
Worst of all, wild turnips popped
Where I the melon seedlets dropped.
Please send your seeds to far Peru,
Or Mexico, or Timbuctoo;
But kindly wipe me off your slate,
Or you won't be my candidate.

[Laughter.]

Mr. NORRIS. Mr. President, while I have always favored the striking out of this provision, I can not help but realize that we have always come back after the conferees have reported and accepted the language in the bill and provided for the distribution of these seeds.

It might be well to note that elsewhere in this bill provision is made—very wisely, I think—for the investigation of new, rare seeds and bulbs and plants. I think it is generally conceded by everybody that we can wisely expend public money for the development of plants that are new and for experiments to be tried in various localties in the country for the purpose of developing new seeds and bulbs. Ample provision is made outside of this provision for such work, and the striking out of this language will not interfere in any way with the carrying on of that kind of work by the Agricultural Department.

It does not seem to me, however, that we ought to expend the amount of money appropriated in this item for the purpose of purchasing and sending out under congressional frank the ordinary, common garden seeds, that can be bought anywhere at any grocery store in the country. It does not do any particular good. It is a great waste of money, not only of the money that we spend for the purchase of seeds, but it costs an enormous amount of money to distribute this seed over the country. That is not included in this item.

The item here that the Senate committee seeks to strike out appropriates $252,540. That is for the purchase of ordinary, common, vegetable, and flower seeds, that can be purchased anywhere across the counter of any grocery store in the United States in the proper season.

The argument has been made very often, and is made in the defense of this item by those who believe in it—and I mention it in perfect respect; I am not finding fault with the argument; I think it is the only argument that can be made in favor of this item—that a great many poor people, who have small plats of ground, raising small vegetable gardens in their back yards, are thus enabled to supply themselves and their families with vegetables.

If it went no further than that, I do not believe there would be any serious objection to the item. I want to call attention briefly to what I believe would be a fair solution of the problem. If Senators and Members of the House defend this item on the ground I have stated—and I think principally they do—that it enables poor people over the country to get a few vegetables, then they will have no objection to the amendment that I am about to propose.

If we will take away the power to send out seed excepting as it is requested, then no one will get seed who is not interested in it, who does not need it, and who does not want it; and before I offer my amendment I want to call attention to what I believe is an illustration of the fact that the large bulk of the people do not want this distribution to take place.

Mr. JAMES, a Member of the House of Representatives, represents a district in Michigan. It is, he says, a district composed mostly of poor people, men who work in the mines, and farmers. Practically all the population of his district is composed of these kinds of people. It is a district where there probably would be the largest demand for distribution of this kind. In order to determine just how many people in his district really wanted seeds, he inserted in every newspaper published in his congressional district an advertisement in which he called attention to the fact that he had these seeds for distribution, and asked those who wanted them to write to him and make a request, and he would see that they were supplied.

After that advertisement had been inserted in every newspaper in his district, Mr. JAMES said that he received about 1,000 requests. He had 25,000 packages of seeds to send out, and he received, from that extensive method of advertising, requests for 1,000 packages. Then he sent out 40,000 printed slips to teachers in schools and asked the teachers to give these slips to the pupils. The slips were printed and contained instructions similar to the advertisements, stating how they could get seeds for nothing if they would send to the Congressman. After sending out 40,000 slips that were distributed among the school children in his district and taken home to their parents, and after inserting in all these papers the advertisements I have described, he received altogether about 5,000 requests for seeds.

Mr. President, it is probable that Mr. JAMES reached the most of the people in his district who wanted these seeds. He went to a great deal of pains and considerable expense in order to ascertain who it was in his district that did want them. That enabled him to send out about 12½ per cent of the packages of seeds he had.

Mr. President, if seeds were sent to people who needed them, who were poor, even though they were seeds of the common variety, I for one would have no objection. It does not seem to me that the Congressman ought to be made the means of this distribution. Something has been said here about the votes of the people, and it has been stated that votes are not secured in this way. I agree with that. It seems to me that very few votes are so secured. But whether or not there are any votes in it for the Congressman or the Senator, it is not a fair way to get votes. It is not a fair way to attempt to induce people to vote.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KERN in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. Without combating at all the attitude which the Senator has taken and is about to take on this question, I will ask him if it is not absurd for anyone to say that these seeds are sent out for the purpose of procuring votes? They are sent out by and to Democrats and Republicans and Progressives.

Mr. NORRIS. Yes; but Democrats and Republicans and Progressives all have votes to cast.

Mr. GALLINGER. All have votes to cast; but is it not absurd, is it not wild talk, that any man is influenced in his vote by receiving a package of seed?

Mr. NORRIS. I think so, and on that line I will read a letter that a Representative from the State of Oregon received and which was printed in the RECORD on the 18th day of last April. Representative MCARTHUR, of Oregon, received the following letter——

Mr. GALLINGER. I have heard that letter read.

Mr. NORRIS. The letter is short, and I will just read it.

PORTLAND, OREG., *February 15, 1916.*

Hon. C. N. MCARTHUR, M. C.,
Seed Distributor, Department of Agriculture.

DEAR SIR: I received the seeds which you sent. I will let you know how they grow. I will vote for you on election day.

Mr. GALLINGER. He probably belonged to the same party the Representative did.

Mr. NORRIS. He might have voted for him anyway. I do not think that Congressmen send these seeds out with the idea that they are getting votes. I am not charging that.

Mr. GALLINGER. On the other side I have heard it stated that in fact letters have been written to men in public life scolding them for sending them seed on the ground that they did not grow. They would be much more likely to lose votes than to get them when that is the case.

Mr. NORRIS. I think as a rule the department get the best seeds they can, and I think they will grow if properly planted in the right kind of soil.

Mr. GRONNA. If the seeds were inferior when he found it out he might change his mind and vote against him.

Mr. NORRIS. That might be. He wrote the letter before the harvest came on.

Mr. JOHNSON of South Dakota. I should like to ask the Senator from Nebraska if his proposed amendment indicates that the applicants for seed should write their Representatives or write to the department?

Mr. NORRIS. I will answer the question and I am going to have the amendment read now in a few minutes, after I have made the preliminary remarks I expect to make. I only want to say before offering it that I am in favor of the Senate committee amendment striking this provision out of the bill, but we all realize that in the past while taken out in the Senate it has gone back in conference, and it seems to me to be the part of wisdom instead of striking it out to insert a provision that to my mind meets the objection of all those Congressmen who are insisting that seeds should be sent out. I send it to the desk and ask to have read the amendment which I propose.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 26, line 3, strike out "$252,540" and insert "$75,000"; and after the word "*Provided*," in line 12 on the same page, strike out down to and including line 6 on page 28, and in lieu thereof insert the following:

That said seeds, bulbs, shrubs, vines, cuttings, and plants shall be sent only to such persons as shall make request therefor: *And provided further*, That all such requests made of Senators, Representatives, and Delegates in Congress, if transmitted to the Department of Agriculture, shall be complied with by said department.

Mr. NORRIS. Mr. President, the part I propose to strike out is the language that makes provision for turning over to Congressmen their respective quotas of the seed, and my amendment provides that anyone who wants a package of seed shall write to the Agriculture Department and it will be sent to him, or if he should write to a Senator or Representative, as I presume they would sometimes, because they have been sent out by Congressmen in the past, that the request, if transmitted to the department, shall be complied with as though the request were made directly to the department.

Mr. JONES. I suggest to the Senator whether there should not in the amendment appear the words "in the order in which they are received."

Mr. NORRIS. I have no objection to that amendment. If the Secretary will send me the amendment, I would be very glad to add that language. I will add it at the end of the amendment.

Mr. JONES. Then the question would be whether they would only comply with the request when sent in by Senators and Representatives.

Mr. NORRIS. I will say to the Senator from Washington that I will add it so that it will read this way:

That said seeds, bulbs, shrubs—

And so forth—

shall be sent only to such persons as shall make request therefor in the order of the receipt of such request: *And provided further*, That all such requests made of Senators—

And so forth. I offer this amendment because I believe, if it is agreed to by the Senate, it can be retained in the bill in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

Mr. REED. Mr. President, I dislike to take the time of the Senate, but I am opposed to this amendment. I am opposed to this sort of economy, because it is economy that makes in the end for waste. Every once in a while some Senator or Representative attacks the distribution of seeds, and he nearly always tells us that seeds are only distributed because Members of Congress desire thereby to get votes. Not every Senator puts his opposition upon that ground, but nearly always he, by innuendo, conveys the impression that the real reason for the distribution of seeds is the desire of the Congressman to secure votes.

Mr. President, if this amendment was to pass it would save each person in the United States approximately one-quarter of a cent. The amount of money that would thus be put in the pockets of the people is truly startling. The advocates of such a plan of economy surely have a fine issue upon which to parade their interest in the plain, common people.

I do not believe that the original proposition for the free distribution of a limited amount of seed by the Federal Government was initiated for any such small or contemptible reason as that some one figured that thereby he could secure favor with his constituency. I believe that the distribution of seeds in this country was begun and has been maintained because by sending out over the country a variety of seed, which are supposed to be of the best varieties and types of our grains and of our vegetables and of our flowers, there is scattered broadly throughout the entire country samples of these particular products, and that thereby the old principle of making two blades of grass grow, or two flowers grow, or two ears of corn grow, or two stalks of grain grow where one grew before is being carried out.

I call attention for a moment to a contradiction in which the advocates of the abolition of free distribution of seeds are involved. It is claimed, in the first place, that Congressmen want to send these seeds to curry favor with their constituency. It is claimed, in the second place, that their constituency do not want the seeds. Now, you can not make both arguments stand up at the same time. Unless the seeds are desired by the constituency, then it will do nobody any good to send them out. If they are desired by the constituency, then that is abundant evidence that they are of benefit to the constituency, because the farmers, the wives of men living in small villages who raise some of their own garden stuff, and the wives of men in cities and towns who raise flowers, will not favor a Congressman and vote for a Congressman who sent them something they do not want. The very fact that a Congressman sends out seeds to please his constituency must be bottomed upon the idea that the constituency has use for the seed and are grateful to those who send them. It has been urged that seed should only be sent to those who write for them.

The idea of a seed distribution is not bottomed upon the thought that the seeds are to be sent to people who have discovered that the Government is in the possession of some seed of improved variety and therefore write for something they desire. It is based upon the fact that the welfare of all the people in the United States rests in part upon the prosperity of the agricultural classes and because the promotion of agriculture is of benefit to everybody in the country. So the Government does not send out seed merely to please some man who has heard of something that he wants and accordingly asks for it. The object is to generally introduce into the country improved varieties of cereals, vegetables, plants, and flowers.

Now, let us see how it works. Unfortunately it is one of those things that never can be checked up, but, applying the common observation of men, we all know it is true that if a good farm wife has raised in her garden a tomato that is better than that raised by anybody else in the community, it is but a little time until all the other neighbor women will have gotten hold of that particular tomato. If a farmer has an improved variety of corn, in a short time his neighbors have learned of it and have obtained some of his seed. In a little time after if a flower of a peculiar or a rare variety is blossoming in front of some farmhouse or some village home the neighbors secure the seed or the slips. Thus there is gradually disseminated throughout every community the benefits of improved varieties of all plant life. I have not the slightest doubt but that every dollar that has been expended in seeds by the Government has brought back a hundredfold to the country.

The last thing we ought to be paring is this Agricultural bill. I agree with one side of the speech the Senator from Oklahoma made the other day—that side of it in which he complained that we were not sufficiently liberal in our Agricultural appropriations.

The startling fact is that the entire appropriation for agriculture does not equal the cost of two battleships.

I agree that we must put this country in a condition of defense. Yet I can not overlook the fact that every battleship we buy is a dead loss except as it may be and is, of course, necessary to defend the country. That necessity only arises because of the barbarous condition of the world in which we live. It is the use of that much steel, iron, and wood for a purpose that never produces another penny. When it is out of date it must be "scrapped," and that much of wealth is gone. The money we pay for the maintenance of the men in our Navy withdraws that many men from the useful arts and avocations where they would be creators of wealth, and makes of them consumers instead of producers. Every dollar we pay for the manufacture of a cannon is that much money laid away in a nonproductive instrument. Every dollar we pay for the purchase of powder and rifles and uniforms and equipment, and the maintenance of our armed forces, means that much money consumed, that much money so invested that it never brings back a dollar except—and I fully grant the exception—it is necessary to have these armed forces to protect the integrity and peace of our Nation. But if all the world would keep the peace, what an immense waste could be saved.

We have appropriated, and have properly appropriated, hundreds of millions of dollars in the direction I have indicated. But let me point the contrast between that kind of an expenditure and an expenditure for the improvement of agriculture. The man who can produce a condition that will enable the farmers of this country to raise 1 bushel of corn more an acre has contributed to the wealth of this country an incalculable sum. The chairman of the committee tells me it would mean an increase of 100,000,000 bushels per annum in the United States. The man who could produce a condition that would give us 5 bushels more corn an acre would increase the wealth of this country a half billion dollars annually.

I need not take the time of the Senate to extend that illustration to the other farm products, for every man's mind will at once travel over the ground upon the mere suggestion.

So, likewise, everything that we can do that will check farm pests will result in an equal or a proportionate benefit. I say that I am willing to vote every dollar that reasonably promises a return. I am not in favor of any cheese-paring policy on the Agricultural bill.

Senators tell their experience. This is mine: It has been my habit generally to send these seeds to some man interested in agriculture in each county or in each community, and to ask him to distribute them among the people who will make use of them. When I sought to change, and did in part change, that method last year I had almost innumerable complaints. The question asked by these people was if they were no longer to get seeds, and I was told that the people who had been in the habit of getting seeds for years in this way were clamoring and wanting to know why they did not get their distribution of seeds.

Some of these seeds are probably wasted; some are not properly planted; some seeds may never go into the ground; I grant that; but if 10 per cent of them go into the ground, if 10 per cent of them produce results, then the aggregate advantage to the country is far and away beyond the cost of the collection and distribution.

Mr. NORRIS. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I yield.

Mr. NORRIS. If what the Senator from Missouri says be true, if we assume that he is right—I have no means of knowing what per cent of these seeds are used——

Mr. REED. I am not assuming that is right; I am assuming that as the most extreme view anybody could take.

Mr. NORRIS. I suppose the Senator is; but does not the Senator think that it is of very doubtful propriety for Congress to provide for this seed distribution, if we go on the theory that 90 per cent of the seed for which we provide the distribution is going to be wasted?

Mr. REED. No, Mr. President. If one seed falls in good ground and "brings forth an hundredfold," it pays ten times over for the seed that might be wasted.

Mr. NORRIS. Would we not accomplish that result if we adopted this amendment and sent these seeds only to those who wanted them?

Mr. REED. No. I have already answered that argument. But I repeat that I have not said that only 10 per cent is properly utilized. I suppose that 80 or 90 per cent is so utilized; what I said was that if only 10 per cent were utilized, that if in every community out of every 10 packages of seed you sent of an improved variety of beets, an improved variety of cabbage, an improved variety of corn, an improved variety of millet, an improved variety of cotton, or an improved variety of any farm product—if 1 seed out of 10 that is planted and grows, the result is to introduce into that community an improved variety, and in a little while everybody who is alive and up to date will have that improved variety. If you improve the variety, as I have undertaken to say, even by increasing the yield 1 bushel an acre, you vastly benefit the people of the country.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri further yield to the Senator from Nebraska?

Mr. REED. I do.

Mr. NORRIS. I concede what the Senator from Missouri has just said, but I believe the Senator must likewise concede that this particular item, which the Senate committee seeks to strike out, does not propose to send out a single solitary improved variety of seed; it is just the common, ordinary seed which one can buy anywhere.

Mr. REED. Mr. President, I will answer that statement in a few moments. Just at this time I want to discuss the proposition to cut out the House provision. I am not in favor of striking out the House provision at all. The last place you ought to economize is on a thing that reproduces itself a hundred times over. If a man had one grain of wheat that would grow and produce twice the crop of wheat now raised, that man would have in that grain of wheat more of wealth, more of possible advantage to the world, than is contained in all the gold mines in existence and all that ever will be discovered. When you cut off a distribution of seed you are cutting off at the point of re-creation; if you cut off the re-creation, you cut off a benefit that would otherwise have been multiplied by millions.

Why, Mr. President, it is only a few years ago, within my lifetime, when the common hog could outrun an ordinary race horse; when it was generally stated that a thoroughly developed razorback hog could reach his nose though a knot hole and eat three rows of corn inside the fence—an exaggeration, of course, but one which nevertheless in a way told the fact, although in an extreme form. Private individuals many years ago brought improved varieties of pigs to the United States. If the Government at that time had at a reasonable price distributed to every community in the country these improved breeds and thus given the country the superior animal 10 or 15 years earlier than it obtained them through private venture, the benefit to the country would have been immeasurable.

The same thing is true of cattle; it is true in a large degree of sheep; it is true especially of cereals and grasses. There was a time when there were large strips of country that were regarded as arid which are to-day bearing great crops of grasses and corn, because the Agricultural Department made investigation and brought seed to this country. In everything on the farm—and I do not stop to go into details—there has been a constant improvement, and if it had not been for that constant improvement the farms could not at this time feed the people of the cities.

Let us not commence our economies by cutting off seeds. Let us not for the sake of saving a few dollars in that way stop development. I hope that the Senate committee in its efforts to save money will not undertake to do it by cutting off an investment that makes for the creation of wealth.

Mr. THOMPSON. Mr. President——

Mr. REED. I have finished.

Mr. THOMPSON. I merely want to call the Senator's attention to the fact that I think his statement as to the cost of the distribution of seed is higher than it really is. It only involves an expenditure of about a quarter of a cent per capita instead of a cent and a quarter, as suggested by the Senator. I have figured it out, and I think that is correct. It is only proposed to appropriate $250,000 for this purpose, as I understand.

Mr. REED. Very well. I will accept the mathematics of the Senator from Kansas.

I think the Senator is right. I had figured it out in my head while I was on my feet, and probably got a decimal point wrong.

Mr. VARDAMAN. Mr. President, I am glad, for the good of the Republic, that the able Senator from Iowa [Mr. KENYON] has not a corner on all the patriotism and all the desire to protect the National Treasury. Patriotism is a common attribute, and love of country is as natural to the heart of the citizen as the love of the child for its parents. It is quite fortunate that men may differ about questions of policy, even in matters of principle, without necessarily imputing improper motives. It would be well if all Senators should avail themselves of that privilege. It never strengthens one's position to impute unworthy motives to others. I do not think that there is anything in this appropriation for the distribution of seeds that savors in the least of graft. Certainly the Member of Congress who distributes the seed derives no pecuniary profit from it. It only means more work for him and even the outlay of his own funds in order to have the seed distributed to his constituents. If the distribution of the seed were made only from the common, worthless varieties of seeds which are produced in this country, of course, there would be no excuse or justification for this appropriation, but I am going to indulge in the presumption that the Secretary of Agriculture is going to carry out the law and obey the mandate of Congress. The law provides that—

> The Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned.

If he sends out any other than the best of seed, which are developed after years of culture and intelligent selection, seed that are tested, then he fails to do the will of the Congress.

As has been so pertinently stated by the eloquent Senator from Missouri [Mr. REED], the profits which are derived by the farmers from the planting of proper seed and the results which flow therefrom can not be overestimated. I have an instance in mind down in the State of Mississippi which illustrates what I want to impress upon the Congress. You will remember that for years the opinion prevailed throughout the land that corn could not be cultivated profitably in Mississippi. I am personally acquainted with a gentleman—a farmer—who devoted years to the development of a certain variety of corn. He went over his field and selected from the best hills of corn the most prolific; and year by year, after planting this selected corn, he succeeded in developing a variety that yielded more than twice the amount of ordinary corn. That man is a benefactor to his day and generation. And although his work was for his own selfish aggrandizement, still the result of his work will prove of inestimable benefit to the entire country. To my mind such service is of the highest order of altruistic endeavor.

The Department of Agriculture is doing a very great work for the American people, and what it has already accomplished is but an augury of what it may do. Whenever an acre of ground is made to yield more foodstuffs this year than it did last year the man who accomplishes that becomes a real benefactor; he becomes one of the saviors of the world; and the Nation owes to that man a debt of gratitude.

I was amazed some weeks ago when, while we were discussing the question of establishing a nitrate plant, it was stated upon the floor of this Chamber that scientists had made the statement before the committee that sufficient fertilizer could be developed by a plant that might be established at some point in the United States where the power was ample which would increase the wheat crop 3,000,000 bushels every 24 hours, which amount—as I remember making the calculation at the time—would more than double the wheat crop of America to-day.

Mr. President, the man who wants to promote the welfare of the American people will not hesitate on split hairs when it comes to making appropriations which are going to bring about such beneficent results. If the Agricultural Department does its duty and sees to it that the seeds which are distributed under the terms of this section are of the proper quality, it will greatly increase the profits of agriculture in this country; and, after all, the products of the farmer furnish the base upon which all the superstructure of commerce rests. By his labor the farmer produces the things that feed and clothe the world. When he prospers the whole superstructure of commerce prospers. When the wheat fields yield an abundant harvest the railroads are running their trains on full time, the factories are busy, and there are no bread famines. When the cotton farmer is successful in his labor and propitious seasons favor his endeavors the banks are filled with money, the merchants pay their bills, and prosperity abounds throughout the Southern States of this Republic. But paralyze the strong arm of the farmer, sterilize the soil, withhold from him propitious seasons, and all other branches of trade in the country languish and the commerce of the Nation dies. Agriculture is the great heart of commerce, which gives life and strength and stability to our entire business fabric.

I do not believe that any money carried in this bill will bring larger returns to the American people, without regard to vocation or calling, than the money appropriated in this paragraph, if it shall be prudently and intelligently invested. As I said a moment ago, I am going to indulge the presumption that the Agricultural Department is going to do its duty. I sincerely trust that in the matter of economy we may not begin here. Giving, in this instance, is hoarding—extravagance is economy. Giving for a purpose such as is provided in this bill will bring prosperity; it will bring money to the Treasury; it will bring wealth to the American people. It is an investment that is going to bring large returns in prosperity, preparedness, peace, and plenty for all the people.

Mr. GORE. Mr. President, I merely wish to say that some Senators seem to overlook the fact that there is another provision in the bill, carrying an appropriation of $60,000, under which new and rare seed are purchased and distributed. The provision under consideration now relates not to new seed; it relates not to rare seed nor to improved seed. It relates purely and simply to garden seed—the ordinary vegetables that are planted and cultivated in the gardens. The point which has always had the greatest force with me has been that the distribution of garden seed really did not have the effects ascribed to it by the Senator from Missouri. It does not start anything. It is a perpetual round. It is a sort of a wine press, a treadmill. We start everywhere just where we started the year before. I doubt if any of these seed are saved and garnered for planting the succeeding year.

I believe that this amount could be wisely expended if it were devoted to the purchase and distribution of new and rare and improved seed. All the arguments presented in favor of this provision would apply if it contained a provision that it should be devoted to the purchase and distribution of new and rare seed, or of improved seed; but I doubt whether it has this force with respect merely to garden seed or to vegetable seed.

I trust that the committee amendment will prevail, and that the matter will be sent to conference. Of course, it is vain to prophesy, and I do not know what might emerge from the conference; but I trust the Senate committee amendment will prevail, and that the item will not be restored.

Mr. REED. Mr. President, if the Senator will pardon me a moment, just in the interest of accuracy and also in reply to a statement by the Senator from Nebraska [Mr. NORRIS], I call attention to the fact that the House text does not apply to just ordinary seeds.

Mr. VARDAMAN. It applies to testing valuable seeds.

Mr. REED. Let me read it:

> And the Secretary of Agriculture is hereby directed to expend the said sum—

That is, $252,540—

> as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States.

Then follow other provisions.

Mr. President, that does not mean the ordinary haphazard seed. I agree with the Senator from Mississippi [Mr. VARDAMAN] in his statement that if the Secretary of Agriculture does his work correctly—and, like the Senator from Mississippi, I am going to assume that he does—then this provision means that there is constantly to be sent out from the Agricultural Department the very best that can be obtained, so that there is being poured into each community of the United States some of the best seed that the country affords, which means inevitably an improvement.

The Senator from Oklahoma, who is the chairman of this committee, has been such a consistent friend of the agriculturist that I regret that he is inclined to take the view he does of this particular provision.

Mr. VARDAMAN. Mr. President, if the Senator will permit me——

Mr. REED. And I hope that, in view of this discussion, he will not insist on the Senate amendment. I know he will not, unless his judgment is to the contrary.

Mr. GORE. Mr. President, I feel that I ought to say, in behalf of the department, that at least, in my opinion, they exercise a great deal of care in the selection of these seed. I do not believe that the seed are subject to the criticism which has been advanced against them in certain parts of the country. I believe, as a rule, they are satisfactory in their yield, and I want to protect the department, so far as I can, against that particular criticism.

I trust that I am a friend of at least two classes of our people, if we have any right to differentiate them into classes. One is the farmer and the other is the taxpayer. I do not know that their interests ever come into collision, but it has sometimes seemed to me that this provision might very well be dropped, and that we might be able to work out something in conference that would guarantee the results which Senators assume flow from this provision now, and which I trust do, or will in the future. It seems to me that that, probably, would be the best course for the matter to take.

Mr. REED. I want to say that the Senator from Mississippi rose to ask me a question. I did not mean to decline to answer any questions or to permit any interruption he meant to make. The Senator from Oklahoma, not knowing that the Senator from Mississippi had risen, began speaking, and this is my first opportunity to yield.

Mr. VARDAMAN. I was going to make a suggestion, but it has escaped me just at this moment. I was listening to the colloquy with the Senator from Oklahoma, and I do not recall it just now.

Mr. SMOOT. Mr. President, the Senator from Oklahoma suggests that the Senate agree to striking out this provision with a view of allowing it to go to conference and, further, with the hope that something can be worked out that will be satisfactory both to those opposed to the seed distribution and to those who are in favor of it.

I am one of those who believe that this legislating in conferences and by conferees has already gone too far. If there is any legislation to be acted upon, it ought to be decided upon by the Senate or the House and not left to the conferees. Legislation by conferees, which is so common to-day, is a violation of the rules of both Senate and House and against the practice in the past. The practice now is to secure the passage of a bill in some form, and then have conferees appointed. They in turn write an entirely new bill, bring it back in the shape of a conference report, and it has to be agreed to or rejected as a whole. No amendments can be made to it and no part of it disapproved unless as a whole. I think the time has come when that kind of legislating should cease.

A few years ago I was of the opinion that the distribution of seeds was almost a waste of money, and I then took the position that it would be very much better if it should cease entirely. During the last two or three years, however, I have changed my opinion, and it came about in this way:

In my State, I dare say, 90 per cent of all of the seed that is distributed by the Congressmen and the Senators of that State is sent to the schools of the State, and I will say frankly that I have never yet sent any of the seed to any of the schools in the State unless it had been by request from the school. The reports that come to me from the distribution of seed in this way are most gratifying, and it is for that reason that I am going to vote against the committee amendment striking out the House provision and allow the continuation of the distribu-

tion of seed, for I am positive that in the way the seed in being distributed now it is doing an immense amount of good among the people of this country.

If it were a mere matter of the distribution of garden seed, such as radishes, cabbage, or turnips, that would be one thing; but, Mr. President, there is more involved in the practice of distributing seed to school children by our Government than the receipt of the seed, even if it were confined to the three varieties that I mentioned. I believe the results are worth the money, because of the fact that the practice is encouraging the children of our country to plant the seed, cultivate the ground, and watch the growth from seed to maturity. I do not believe the children will live long enough to forget the lesson. If we can instill in the children the least degree of thrift, and the idea that they should create something, and not be eternally spending money made by others, I think the money appropriated for the distribution of seed will be most profitable to the future communities of this country.

In sending out seed, as I do, I never think whether the applicant is a Democrat or a Republican or a Progressive or a Socialist. I do not care whether he is black or whether he is white. If he is interested in the planting of the seeds, I am perfectly willing that he should get them so long as I have them for distribution; and I never think of what effect it will have upon me politically. I can not bring myself to the position of believing that that is thought of by Congressmen or by Senators. As far as I am concerned, I would just as lief have the seed—I might say, I would rather have the seed distributed by the department directly. I do not care how they are distributed, as long as they reach the people that will take advantage of them, and some advantage will be gained in their planting and cultivation.

I can say as to the provision in the bill appropriating $60,000 for new and rare varieties of seed that similar appropriations in the past have already demonstrated far-reaching benefits. The results in the intermountain country, on arid and semi-arid lands, have been such that no one will claim that that work has not been of inestimable value to the people and will be to the whole country. Lands that formerly were as bare as a floor and upon which nothing would successfully grow with the exception of sagebrush are now producing forage crops from seed that has been gathered from the far ends of the world; and if we continue to distribute such seed in larger quantities I am quite sure that there will be established in the West another producing forage crop for stock that will not only amount to enough to repay the $60,000 a year, but that will mean millions of dollars to the people of that section of the country.

Mr. President, I am in favor of the House provision. I shall vote against the amendment offered by the committee, and sincerely trust that the Senate will do the same.

Mr. BRANDEGEE. Mr. President, just a few words on this subject.

I think it is, of course, a very silly thing for the Government to send out, in the small packages that it does, the ordinary seeds. I do not think it does the slightest good to anybody to receive an envelope with 15 or 20 kernels of corn in it or 20 or 30 peas. Those common seeds can be bought in every hardware store and every country grocery store for 2 or 3 cents a package or 5 cents a package. I think it is a nuisance to everybody to have to send them out and is an offense to the common sense of the recipients.

I would be perfectly willing to send to anybody who wanted them—preferably through the Agricultural Department, if a system could be devised—any new kind of seeds that the people could experiment with. The great mass of the seeds that are sent out, I am satisfied, are of no use whatever to the people who receive them. I think very few people experiment with the ordinary garden seeds that they receive. They are thrown to the birds or given away, or they perform no useful function whatever. I think the Government ought to stop that sort of business. I do not know how much expense there is connected with it, but I think it is foolish for the Government to concern itself with that sort of thing.

I will say, if there are any new varieties of seeds or of plants that can be of any use to anybody that a person may receive and experiment with and develop a new species or make something of value grow in land where nothing now would grow, there would be some value to that; but this general distribution of ordinary garden seeds through the country is not only a joke, but it is more or less of a petty scandal.

I shall vote against the general distribution of garden seed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS] to the amendment of the committee.

Mr. MARTINE of New Jersey. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GALLINGER. Let the amendment to the amendment be read; I am not familiar with it.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. On page 26, line 3, strike out "$252,540" and insert "$75,000," and after the word "*Provided*," in line 12 of the same page, strike out down to and including line 6 on page 28 and in lieu thereof insert:

That said seed, bulbs, shrubs, cuttings, and plants shall be sent only to such persons as shall make request therefor, in the order of the receipt of such requests: *And provided further*, That all such requests made of Senators or Representatives and Delegates in Congress if transmitted to the Department of Agriculture shall be complied with by said department.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). I transfer my pair with the junior Senator from Kansas [Mr. CURTIS] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SIMMONS (when his name was called). I wish to inquire whether the Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator, which I transfer to the Senator from New York [Mr. O'GORMAN] and vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan] on important business. He is paired with the Senator from Missouri [Mr. REED]. This announcement will stand for the day.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent, and I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. WEEKS (when his name was called). Has the senior Senator from Kentucky [Mr. JAMES] voted?

The VICE PRESIDENT. He has not.

Mr. WEEKS. I have a general pair with that Senator and will withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arkansas [Mr. ROBINSON] and vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I was requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM].

Mr. CATRON. I will inquire if the Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a pair with that Senator and withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. POMERENE. I desire to announce that the junior Senatr from Kentucky [Mr. BECKHAM] is detained on public business. He is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

The result was announced—yeas 24, nays 30, as follows:

YEAS—24.

Borah	Johnson, S. Dak.	Nelson	Sutherland
Brandegee	Jones	Norris	Taggart
Bryan	Kenyon	Page	Thompson
Clarke, Ark	Kern	Poindexter	Townsend
Fletcher	La Follette	Sheppard	Walsh
Hughes	Lane	Sterling	Works

NAYS—30.

Ashurst	Hardwick	Reed	Swanson
Brady	Johnson, Me.	Shafroth	Tillman
Broussard	McLean	Sherman	Underwood
Chamberlain	Martine, N. J.	Simmons	Vardaman
Clark, Wyo.	Overman	Smith, Ariz.	Warren
Gallinger	Pittman	Smith, Ga.	Williams
Gore	Pomerene	Smoot	
Gronna	Ransdell	Stone	

NOT VOTING—41.

Bankhead	Fall	Lodge	Saulsbury
Beckham	Goff	McCumber	Shields,
Catron	Harding	Martin, Va.	Smith, Md.
Chilton	Hitchcock	Myers	Smith, Mich.
Clapp	Hollis	Newlands	Smith, S. C.
Colt	Husting	O'Gorman	Thomas
Culberson	James	Oliver	Wadsworth
Cummins	Lea, Tenn.	Owen	Weeks
Curtis	Lee, Md.	Penrose	
Dillingham	Lewis	Phelan	
du Pont	Lippitt	Robinson	

So Mr. NORRIS's amendment to the amendment was rejected.

Mr. GALLINGER. Mr. President, as I understand it, the question now is on the committee amendment.

The VICE PRESIDENT. On the committee amendment.

Mr. GALLINGER. Mr. President, I have in former years occupied a little time of the Senate in giving what I thought were substantial reasons for continuing this appropriation. I will not repeat what I have several times before said, nor do I desire to delay the Senate by advancing any new argument if I could think of one. I will content myself by simply saying I shall vote against the amendment of the committee and in favor of the House provision.

Mr. GORE. Mr. President, I will merely say that I hope the committee amendment will be sustained by the Senate. I think I see what is in the minds of Senators, and if the item is not excluded from the bill entirely I think something can be done to conform it to the theory and view and purpose of Senators who seem to favor it.

Mr. REED. Mr. President, I desire to make just this statement. I hope that the bill will be made to conform to the views of the Senate whatever those views are, and I think the place to find out whether it conforms to it or not is now and here and not after it has gone from the control of the Senate. I agree with what the Senator from Utah says on that subject. I have every confidence in the chairman of the committee, I do not want to interfere with his plans, but I think that the place to make the bill is here and in the other House and not in conference.

Mr. GORE. Mr. President, I should like to say in this connection that I feel the force of those observations, but as chairman of the committee I felt bound on the last roll call to vote against the amendment offered by the Senator from Nebraska, and other members of the committee voted against it, because the committee had reported in favor of striking out the section. I believe that but for that the amendment offered by the Senator from Nebraska would have prevailed. It was lost by 6 votes. A number of members of the committee voted "nay" because they were acting under the report of the Committee on Agriculture and Forestry. That is why I make that suggestion. Perhaps members of the committee felt under an obligation to stand by the report made by the committee, and but for that they would have voted for the Senator's amendment. I trust if this proposition is restored now the Senator from Nebraska will renew his motion in the Senate when Senators will be liberated from this obligation and can proceed in accordance with the suggestion of the Senator from Missouri and make this bill here and now in accordance with the views of Senators. I appreciate and other Senators will appreciate, I may say, the restraint under which members of the committee feel when a matter of this sort was under the consideration of the committee and when the committee acted upon it.

Mr. REED. Do I understand the Senator means to tell us that the committee tied itself up by some agreement by which the members of the committee will support the report regardless of the merits of a proposition?

Mr. GORE. I said nothing of that sort.

Mr. REED. Then I——

Mr. GORE. I said nothing from which the Senator can draw that inference. Members of the committee voted "yea" and "nay" on this proposition—some of them for and some of them against it—but I know some members of the committee voted "nay" who would prefer this amendment to the House proposition.

Now, I may say, though it is not usual for Senators to state what transpired in committee, no agreement of that sort was reached. The Senator knows that after a committee has had a measure under consideration, has discussed it and agreed upon it, there is some sense of an obligation to maintain the report of the committee as the common sense of the committee.

I may say in this connection, I voted against striking this proposition out in the Committee on Agriculture and Forestry. I was voted down on the proposition, but I feel that as chairman of the committee I am under some obligation to reflect here the aggregate sense and mature judgment of the committee after it has been deliberately arrived at.

I had not intended to say that, but I feel that the circumstances justified it.

Mr. REED. How does the Senator expect, then, to have that obligation, such as it is, discharged by any vote?

Mr. GORE. My idea was this, Mr. President, that if the amendment of the Senator from Nebraska failed, as it did fail, the vote will recur on the proposition to strike out the provision contained in the House bill in accordance with the Senate committee report. If that motion to strike out prevails, then if in the Senate the Senator from Nebraska renews his amendment, Senators will, of course, be free. That is an angle at which we can approach the matter and vote on that amendment upon its merits without any disrespect toward the report of the committee. It is purely a matter of the situation in which we have become involved by the particular time and angle at which the amendment comes up.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. GALLINGER and Mr. REED called for the yeas and nays.

Mr. SHERMAN. Mr. President, I presume that this is the time when I should state, if at all, that I am opposed to this House measure on free seeds and in favor of the committee amendment. It comes here finally, as the Senator from Utah suggested, in the form of the conference committee's report, and I must vote either for or against the committee's report in its entirety with no opportunity to amend that portion of it.

I only wish to state, and put myself on record upon the roll call that is to be taken, that I am in favor of discontinuing this appropriation. It is here as a perennial source of expense.

If I had been in favor of the principle at all I should have voted for the amendment of the Senator from Nebraska. It modifies the evil of the principle and not only reduces the appropriation but puts it in a condition where those who really want a supply of the kind mentioned can obtain it by application to the Secretary of Agriculture. This puts it where there shall be at least a minimum of the evil.

I come from a large agricultural State, not only of staple field products but in market and truck gardens. The whole scheme of seed distribution in the State of Illinois is regarded as a huge joke. Whenever an editor all the way from the smallest crossroads paper to a metropolitan daily runs out of anything else to exercise his satirical faculties on he selects the distribution of seeds, and properly so. A large part of them have properly treated it as in the extracts offered by the Senator from Iowa. The radishes furnished, for instance, are not properly developed enough, on the one hand, to be breath killers in a wet State or fit for table products in any of the States. It is universally regarded as a standing joke.

I do not know how many applications I have had annually, probably 500 from the entire State of about 6,000,000 population, embracing nearly a million and a half voters.

Instead of trying to start a seed exchange over in my office I started a sort of jobbing house. I just dump it out to the chairman of the county committee and send four 5,000 packages and tell them to use it ad libitum. It is just like the direction marked on the outside of a bottle when you get it from a prescription druggist, "Use as needed." So I just tell them to take them and distribute them to everybody wherever they think they will do the most damage.

As an adjunct of agricultural improvement, it stands in the catalogue of the supremely ridiculous in every great agricultural State. It may do some small good; I do not know that it is entirely a loss of money; but out of a quarter of million dollars the whole thing could be covered with $10,000 and do just as much good if distributed with any degree of care.

So I am against the whole principle of the thing, and I voted against the amendment of the Senator from Nebraska for that reason and not because of any lack of some merit in modifying it.

Mr. SMITH of Georgia. Mr. President, in the Agricultural Committee I voted in favor of striking out the House provision.

I thought there could be a more economical use of the money than is presented; that we could spend this money in sending other valuable seeds to farmers in a way that would be of more service to them.

I will say very frankly that, so far as my information goes, the House will insist upon this provision. I think they are wedded to it. Unless the conferees can agree with the House upon some clearly better plan, the conferees will have to bring the measure back here, and I prefer the House measure to no provision at all, although I think it is a wasteful measure. I voted to strike it out, because I think we could spend the money in a better way; but unless we find a better way I am in favor of retaining it. I am going to vote, however, to strike out the House provision. I hope the conferees will come back with a better way to distribute seed, but if they do not they will have to bring the House provision back.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS (when his name was called). I again announce the same pair as before and withhold my vote.

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. WEEKS (when his name was called). I am paired with the Senator from Kentucky [Mr. JAMES]. He is absent and I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the announcement upon the last roll call concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

Mr. REED (after having voted in the negative). I voted without announcing, as I should, the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from California [Mr. PHELAN]. I now make that announcement and allow my vote to stand.

In this connection I desire to state that on the previous vote I likewise voted without making the announcement of the transfer. It was an inadvertence.

Mr. McLEAN. Has the senior Senator from Montana [Mr. MYERS] voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. I have a pair with that Senator and withhold my vote.

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. If he were present, I would vote "nay." I withhold my vote on account of his absence.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], but an understanding between us permits us to vote on questions of this kind.

I desire to announce that the Senator from Vermont [Mr. DILLINGHAM] and the Senator from Kansas [Mr. CURTIS] are absent from the Senate on official business.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "yea."

The result was announced—yeas 33, nays 21, as follows:

YEAS—33.

Borah	Clapp	Hughes	Lane
Brady	Clarke, Ark.	Johnson, S. Dak.	Nelson
Brandegee	Fletcher	Jones	Norris
Bryan	Gore	Kenyon	Overman
Chamberlain	Gronna	La Follette	Page
Sheppard	Stone	Thompson	Works
Sherman	Sutherland	Townsend	
Smith, Ariz.	Taggart	Walsh	
Smith, Ga.	Thomas	Warren	

NAYS—21.

Ashurst	Johnson, Me.	Ransdell	Swanson
Bankhead	Kern	Reed	Vardaman
Broussard	Martine, N. J.	Shafroth	Williams
Clark, Wyo.	Pittman	Simmons	
Gallinger	Poindexter	Smoot	
Husting	Pomerene	Sterling	

NOT VOTING—41.

Beckham	Harding	McLean	Shields
Catron	Hardwick	Martin, Va.	Smith, Md.
Chilton	Hitchcock	Myers	Smith, Mich.
Colt	Hollis	Newlands	Smith, S. C.
Culberson	James	O'Gorman	Tillman
Cummins	Lea, Tenn.	Oliver	Underwood
Curtis	Lee, Md.	Owen	Wadsworth
Dillingham	Lewis	Penrose	Weeks
du Pont	Lippitt	Phelan	
Fall	Lodge	Robinson	
Goff	McCumber	Saulsbury	

So the amendment of the committee was agreed to.

Mr. THOMPSON. Mr. President, I simply wish to say, relative to the question which has just been decided, that I am favorable to the distribution of seeds to farmers who may desire them, and I therefore voted for the amendment submitted by the Senator from Nebraska [Mr. NORRIS]. This matter was thoroughly considered by the committee in the form in which it was presented by the House; and I am opposed to the general and unrestricted distribution of seeds as provided by the bill as it came from the House and to the manner in which we have been making this distribution. I therefore voted against the House provision. Had the amendment of the Senator from Nebraska prevailed, I would have voted for the House provision as so modified. The whole subject now going to conference, I hope the conference committee will be able to make a satisfactory adjustment of the entire question.

The VICE PRESIDENT. The next committee amendment passed over will be stated.

The SECRETARY. The next committee amendment passed over was, on page 53, after line 16, to insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site within or near the corporate limits of the city of Wellington, Sumner County, Kans., said site to contain a sufficient and suitable tract of ground, and the location of the site to be approved by the Secretary of Agriculture. When a good and sufficient title to said site is held by the Government of the United States, the Secretary of the Treasury, acting in conjunction with the Secretary of Agriculture, shall cause to be erected thereon a suitable building or buildings for the use and accommodation of the entomological laboratory or field station of the Department of Agriculture of the Government, at Wellington, Kans., said site and building or buildings, complete, to cost not to exceed the sum of $10,000.

Mr. THOMPSON. Mr. President, as this amendment is of much importance to the people of my State and to the great agricultural section of the Middle West, and my colleague [Mr. CURTIS] desires to be present when it is considered and to speak on the question, as I understand, and as he is absent on official business, and will be absent until day after to-morrow——

Mr. SMOOT. I will say to the Senator from Kansas that his colleague will be present on Wednesday morning next.

Mr. THOMPSON. I desire to ask the chairman of the committee, if, under these circumstances, he will not allow the amendment to be passed over until my colleague may be present?

Mr. GORE. Mr. President, I understand the junior Senator from Kansas desires to be present when the amendment is to be considered and to be heard upon it.

The VICE PRESIDENT. Is there objection to agreeing to the amendment?

Mr. SMOOT. Does the Chair mean is there objection to action upon the amendment to-day?

The VICE PRESIDENT. Yes.

Mr. SMOOT. I hope the request of the senior Senator from Kansas [Mr. THOMPSON] will be agreed to, and that the amendment may be allowed to go over, because, as he has stated, the junior Senator from Kansas [Mr. CURTIS] desires to be present when it is considered and to speak upon it. He is away at present on official business.

The VICE PRESIDENT. If no Senator objects to the amendment, it is adopted. That is a good way to get rid of it.

Mr. REED. I object to it.

Mr. SMOOT. Let the amendment go over, Mr. President.

The VICE PRESIDENT. The amendment goes over.

Mr. REED. I think, if we are entering upon an era of economy, by cutting off the distribution of seed to farmers, there is no use of buying any new ground on which to establish new stations.

Mr. THOMPSON. Mr. President, I shall be ready to present the merits of this proposition at the proper time when it is regularly before the Senate for consideration.

The VICE PRESIDENT. The amendment goes over. The next committee amendment passed over will be stated.

The next committee amendment passed over was, on page 56, line 17, after the name "United States," to strike out the figures "$25,000" and to insert "$21,000," so as to make the clause read:

For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," $21,000, of which sum $2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Mr. GRONNA. Mr. President, I trust the chairman of the committee will accept the House provision. As I said on Saturday last there are about 70 bird reserves in the United States. For about one-half of those bird reserves wardens have been appointed, and for that number we appropriate only $25,000.

I am reliably informed that unless the bureau can get at least $25,000 for this purpose there will be several of these bird reservations which will not be looked after at all. There is a reservation in Arkansas—the Big Lake Reservation—that had to be overlooked last year. There is a new reserve in my State—the Sullys Hill National Park—for which we ought to have at least $400 or $500 to provide a keeper to look after that particular reserve. The sum appropriated for this purpose by the bill as it comes from the other House is but a small amount—only $4,000 additional to what the committee of the Senate has agreed upon. I trust the chairman of the committee will allow the House provision to be restored.

Mr. SMOOT. Mr. President, may I ask the Senator from North Dakota a question?

Mr. GRONNA. I yield to the Senator.

Mr. SMOOT. I desire to know the reasons for the increase over the amount estimated for. The department estimates for $21,000—just what the Senate committee has reported to grant.

Mr. GRONNA. I know that, Mr. President. The amount estimated was $21,000; that is true; but the House increased the appropriation to $25,000 after they had heard the arguments of the heads of this particular bureau.

Mr. SMOOT. I understand, Mr. President, that the estimate was agreed to by all of the bureau heads, but that the increase was granted upon the request of a Member of the other House.

Mr. GRONNA. Oh, no; that is not the case, Mr. President. The appropriation was increased at the request of the bureau itself, I will say to the Senator.

Mr. SMOOT. Was it so increased over the estimated amount?

Mr. GRONNA. Yes; over the estimate that was reported to Congress.

I do not wish to delay the Senate. It is hardly necessary to consume any length of time to dispose of this question. It is a small matter; but I know that the amount of $25,000 is needed if these bird reserves are going to be looked after.

Mr. McLEAN. Mr. President, I wish to ask the chairman of the committee the reason for reducing this appropriation?

Mr. GORE. Mr. President, I will say that the committee had just one reason—the Book of Estimates calls for $21,000; and we assumed that the department had made a thorough investigation of the needs of the different parks or reserves to be served by the appropriation. The House committee recommended to the House the adoption of the amount contained in the Book of Estimates—$21,000. A motion was made, however, on the floor of the House, as I remember, to increase the amount to $25,000; and it was adopted by the House in that way. Now, the Senate committee reduces the appropriation to the amount asked for by the department, assuming that it will cover all the needs and requirements of that particular service.

I may say this illustrates the difficulty of economy in reducing these appropriations. It is difficult to turn down a request so earnest as that made by the Senator from North Dakota [Mr. GRONNA], and yet Senators are, of course, under some obligation when they have the guidance of the Book of Estimates. That constitutes both a reason and a justification, if I may need to say "justification."

Mr. GRONNA. I know the Senator will admit that we have increased appropriations in similar instances in this bill; that when we have received a letter from the department or when the head of a bureau has appeared before the committee or has given us information that increased appropriations are necessary, we have made the increase.

Mr. GORE. Of course, that is entirely true. Emergencies sometimes arise after the Book of Estimates has been submitted. I am not limiting my objection to that reason. I may say that, so far as I recall, no head of any bureau recommended this increase before the Senate committee and no one appeared before the committee to suggest an increase of this item. The committee therefore felt justified in standing by the Book of Estimates.

Mr. GRONNA. Mr. President, of course the chairman of the committee states the fact when he says that no one appeared before the committee asking for this increase. The Senator knows how difficult it is for the heads of some of the bureaus to avail themselves of the privilege of appearing before committees. I will say to the Senator, however, that some of these men called upon me and asked for this increase.

Mr. McLEAN. Mr. President, I do not think that the reduction of this appropriation will be in the interest of economy. If I understand this demand, it is for the protection of Big Lake, as the Senator from North Dakota [Mr. GRONNA] has said, for Sullys Hill Park, and for some other reserves for which at present there are no funds. There are some 70 of these bird reserves in the country. I am informed by reliable parties that something like 100,000 wild fowl were killed in violation of law on Big Lake during the last season. The hunters respect no season, but they kill the wild fowl at all times.

It is very important that these reserves should have a reasonable sum appropriated for their protection. I am quite certain that this money is felt to be necessary by those who have the responsibility of policing the reserves. I certainly hope that the amendment of the committee will be rejected. Otherwise we shall have some of the most important of these reserves entirely without protection. I repeat, it has been reported to me that 100,000 ducks were killed in one of those reserves in one season, in violation of the law and without any regard to the open and closed seasons.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

Mr. GRONNA. Mr. President, I ask that the question may be again stated.

The VICE PRESIDENT. The committee amendment passed over will again be stated.

The SECRETARY. On page 56, line 17, it is proposed to strike out "$25,000" and to insert "$21,000."

Mr. GRONNA. Mr. President, before the vote is taken, I simply wish to state that I trust the amendment reported by the Senate committee will not be adopted, for I wish to have the House provision adopted. We are appropriating thousands of dollars for some of these reserves. This property will all go to waste if we fail to get a sufficient appropriation to protect it and to care for the birds and animals in these reservations.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

The next committee amendment passed over was, on page 57, line 10, after the word "lands," to strike out:

Provided further, That of this sum not more than $5,000 may be used in investigating the disease of wild ducks in the Salt Lake Valley region of Utah.

Mr. SMOOT. Mr. President, for two years past the House of Representatives have included in the Agricultural appropriation bill an item of $5,000 for investigating the disease of wild ducks in the Utah Valley. It is unnecessary, I think, for me to say that that disease is still prevalent. The department has asked for the amount named in the bill, and the House has given the amount for that investigation. I can not see for the life of me why the committee should have reported to strike it out.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I yield.

Mr. KENYON. I should like to ask the Senator what are some of the diseases of wild ducks?

Mr. SMOOT. Mr. President, the disease which is killing the ducks by millions is a new one, and the department for two years has been trying to discover what it is and what can be done to prevent it. I can not imagine an appropriation more important than is this, designed, as it is, to investigate the disease and to discover some remedy which will prevent the death of millions of ducks in that district.

Mr. KENYON. I do not think the committee had any information as to the diseases of wild ducks. Are these ducks not out in nature, enjoying all the blessings of good air and plenty of exercise? [Laughter.]

Mr. SMOOT. Let me make a brief statement to the Senator. It was first thought that the disease was caused by the smelter smoke—that the fumes from the smelters killed the ducks—and yet that can not be the case, because of the fact that the smelters had been in operation there for many years before the disease appeared. Then it was thought that it was because of the alkali in the water in the pools surrounding the lake, but investigations so far have not proven that to be positively the case. Now the department is undertaking to ascertain just what it is that causes the destruction of the ducks.

I have a letter here, which I desire to read, which will show the conditions existing there. While those conditions have improved in comparison with the conditions of two years ago, and the department still hopes that it will be able to prevent the death of the ducks from the disease which has destroyed them in the past, yet the work has not been completed. The letter is from Mr. A. P. Bigelow, a citizen of Ogden, Utah:

THE BEAR RIVER CLUB CO.,
Ogden, Utah, May 27, 1916.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I hesitate to again encroach upon your time, but I have recently learned that the Senate Committee on Agriculture has cut out the item of $5,000 which was intended to be used in investigating the disease of wild ducks in the Salt Lake Valley region of Utah during the coming season.

For the past two years the Biological Survey has had Dr. Wetmore, of the department, located at the mouth of Bear River studying conditions in the hope of being able to find the cause of the duck malady which, since 1910, has destroyed so many millions of not only ducks but other species of waterfowl.

On account of the Salt Lake Valley being one of the four great lines of flight used by the waterfowl in their migration north and south, the great loss of birds that has occurred here has been of national effect. We have lent aid to the inquiry in every way possible. We are very much interested in the work of the department; we feel that the work has been pushed with the greatest zeal and that a lot of very valuable data has been acquired by the department, which has fully justified the expenditure; that it would be wise to continue the work through the present season, when, no doubt, it can be brought to a successful conclusion.

Therefore we would very much appreciate it if you can see your way clear to have the item of $5,000 reintroduced on the floor of the Senate when the bill is up for discussion.

Yours, very sincerely, A. P. BIGELOW, *Secretary.*

Mr. GORE. Mr. President, I should like to ask the Senator who wrote that letter?

Mr. SMOOT. Mr. A. P. Bigelow, of Ogden, Utah.

Mr. GALLINGER. Mr. President, I will ask the Senator if the department has made any report of its investigations so far as they have been conducted?

Mr. SMOOT. I have myself received reports from the department, but I do not know whether they have ever been published. I think, however, they have been. The investigation is still going on.

Of course, if it were only a matter affecting ducks for hunting purposes and to aid sportsmen, that would be an entirely different proposition; but there are millions of ducks in that locality affected and many people rely upon them for food.

Mr. McLEAN. Mr. President, I wish to suggest to the Senator from Utah that this disease, as I understand, is intestinal, and if infectious and it should spread beyond its present limits, it would be disastrous to the waterfowl throughout the continent. It is very important that this disease should be eradicated.

Mr. SMOOT. Mr. Bigelow says that this valley is on the line of flight of the birds going north and south. The department is undertaking to solve the problem of the cause of this malady which is destroying millions of ducks. I myself, in going out to Saltair, have seen the ground covered with them; and if there is any appropriation in this bill from which immediate beneficial results can come, it is this small amount of $5,000.

Mr. GALLINGER. Mr. President, in asking my question as to the department reporting on the subject, I assumed that their experts have made the autopsies——

Mr. GORE. Mr. President——

Mr. GALLINGER. If the Senator will excuse me a moment—and that the actual condition of the birds has been determined. Having accomplished that, then the next step would be to try to find a remedy, whatever it might be. If, as stated by the Senator from Utah—and, of course, he states it from knowledge—thousands and tens of thousands——

Mr. SMOOT. Millions of them, Mr. President.

Mr. GALLINGER. And millions of birds have died, it seems that any reasonable appropriation should be cheerfully granted to try to remedy such a condition.

Mr. SMOOT. Dr. Wetmore is engaged in this work.

This is the only item in the bill affecting Utah, and perhaps the Senator from Oklahoma thinks it ought to go out on that account; but I want to say to the Senator that to strike it out would be unjust. If there are any appropriations in this bill, as I have already said, that ought to be made, this is one of them, because the results of it will surely be beneficial.

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. GORE. I do not care to interrupt the Senator; I thought the Senator had concluded.

Mr. SMITH of Arizona. Mr. President, I should like to interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SMOOT. I yield to the Senator.

Mr. SMITH of Arizona. Mr. President, I agree heartily with what the Senator from Utah has said. We are assuming to protect migratory birds, and we find that in the line of their regular flight, from South America perhaps, going through our country to the north and returning, this being the great interior passage ground, vast numbers of wild ducks are being killed. The idea of millions of those ducks being destroyed there, and at the same time making appropriations to protect migratory birds under the Federal law enacted by Congress a short time ago, seems to me ridiculous. I can not see why $5,000 can not be appropriated to ascertain, if possible, some means of preventing the great loss to the world that would be occasioned by the destruction of this particular species of game bird. I feel, being a lover of that particular sport myself and feeling the absolute necessity for the protection of the ducks, that there is no one item in this bill affecting animal life that is any more important than this little amount asked for by the Senator from Utah; and I trust that the Senator in charge of the bill will see his way clear to make no opposition to it.

Mr. SMOOT. Mr. President, I wish to say further that it has already been demonstrated that ducks from other sections of the country, which have been marked and numbered, have been found dead on the shores of the lake on account of this disease. This appropriation will not be to the advantage of Utah alone; it is a question of the preservation of ducks and game of all kinds which pass through that section of the country. I am going to ask the Senator from Oklahoma, without even a vote, to recede from this amendment; and I believe, after the explanations which have been made, that he certainly will be willing to do so.

Mr. GORE. Mr. President, of course it is pretty hard, as I suggested a few moments ago, to resist an appeal of that sort from a Senator representing a State like Utah. I assume that his reference to this being the only item in the bill affecting Utah was, of course, made in a Pickwickian sense——

Mr. SMOOT. It was.

Mr. GORE. Because nobody, of course, would wish to discriminate against any State.

I think the Senator from Utah [Mr. SMOOT], certainly the Senator from Arizona [Mr. SMITH] and the Senator from Connecticut [Mr. McLEAN], are under a misapprehension in regard to this disease. The experts have ascertained the cause of this disease; at least they feel satisfied as to their theory about it. It is caused by the alkali that seeps out of the ground where the water accumulates in pools. They have taken water from the pools and given it to uninfected ducks, and they died of the disease. They have taken the salt and the alkali from the bottom of these pools, and when they have dried it up, made a solution of it, and given it to well ducks the ducks have died. So that is a pretty clear demonstration of what is the cause of this disease. They have also demonstrated that the duck, if taken before the disease is advanced too far, can be cured by giving it fresh water, and Mr. McAtee, of the Bureau of Biological Survey, states that the ducks can be cured for something like 5 or 10 cents per duck.

Mr. SMITH of Arizona. How are you going to catch them?

Mr. GORE. I am going to leave that to the game warden of Utah. I do not understand that myself.

Mr. SMOOT. I hardly think that is a cure, because the waters of Utah Lake are just as fresh as any waters in the world and the ducks visit that lake; in fact, waters from that lake furnish much of the irrigation water supply for Salt Lake County. Bear River, where the ducks visit, is just as fresh water as you will find anywhere in any mountain stream, and the idea of saying that giving a little fresh water to the ducks will cure them appears to me to be ridiculous.

Mr. GORE. I will say that last year the disease did not prevail to a large extent.

Mr. SMOOT. I will say to the Senator that it did prevail to a great degree last year and it has also prevailed this year.

Mr. GORE. Of course I would not dispute the word of the Senator from Utah, but I speak by the authority of Mr. McAtee,

of the Bureau of Biological Survey. He says the disease did not prevail last year, and he ascribes as the reason—at least the theoretic reason—the fact that the rainfall was less than usual, and that a great deal of water was drawn from the streams by irrigation, and, consequently, the stagnant pools did not form.

Mr. SMOOT. The trouble with that statement is that the spring rainfall in the State of Utah last year was a great deal more than it was the year before. I think that last year the dry-farming crops of our State were better than ever before on account of the unusual amount of rain that fell during early spring.

So far as the alkali seepage is concerned, that comes from irrigation, and there was not last year a single acre more of irrigated land, where this seepage occurs near the lake, than there was the year before. The water is furnished through canals, and from those canals the water seeps just the same one year as another. So it can not be that that is the case.

Mr. GORE. Then, Mr. President, the money we have expended on this seems to have been entirely wasted.

Mr. SMOOT. No, Mr. President.

Mr. GORE. They seem to have made absolutely no progress; and the theories that have been advanced are controverted by the Senator from Utah, who does not, I suppose, profess to be an expert.

Mr. SMOOT. No; I do not say that the effects as stated are not correct. That may be true; but I do say that the disease of the duck existed last year, and it exists this year. I do say that the department itself estimated for this amount, and the House included it in the bill, and I do not know where the information came from on which it was stricken out.

Mr. GORE. The information came from Mr. McAtee, of the Bureau of the Biological Survey, and that was the authority upon which the Senate committee based its action. He stated that he thought the disease could be cured by the game warden of Utah, or that whatever steps can be taken to remedy a disease of that sort can be taken by him in view of their investigations.

I must say, in regard to the duck estimate, that unfortunately we do not have very many recommendations that an appropriation once made should ever be reduced; and I realize the difficulty of meeting this combination between the ostriches and the lame ducks. It is a pretty hard coalition to encounter, especially when it is done in the name of economy. I will merely add that that is the only reason the committee had—the report of Mr. McAtee.

Mr. KENYON. Mr. President——

Mr. GORE. I yield to the Senator from Iowa.

Mr. KENYON. The Senator mentioned lame ducks. As I understand, this provision is not sufficient to take care of the lame ducks. This is really for wild ducks. How much has been spent on this proposition in the past?

Mr. SMOOT. About $10,000.

Mr. KENYON. And what has been accomplished by it?

Mr. SMOOT. I think a great deal has been accomplished by it. I think the result will be, from what I can learn, that perhaps with this appropriation there will be some kind of an agreement reached by all concerned as to how best to prevent this disease or malady in the future.

Mr. KENYON. This disease or malady seems to be only as to the wild ducks in the Salt Lake Valley region.

Mr. SMOOT. Oh, the ducks fly from place to place.

Mr. KENYON. But it is not true, is it, that this malady exists in other parts of the country among the wild ducks?

Mr. SMOOT. I can not say.

Mr. KENYON. These wild ducks might go down to Atlantic City or other places like that.

Mr. GORE. Mr. President, just one word more. Of course there can not be any debate about the fact that if they have not ascertained the cause of this disease, and if there is any prospect of ascertaining it and preventing the loss of life among these ducks there could not be any controversy about continuing this appropriation. The committee felt that the investigations had been made with sufficiently fruitful results.

Mr. SMOOT. The Senator does not think for a minute that I have asked for an appropriation of $5,000 simply to keep Dr. Wetmore on this investigation, does he?

Mr. GORE. Oh, not at all. I never heard of Dr. Wetmore before. I supposed that probably the Senator had not seen the statement of Mr. McAtee before the House committee, made in February last, to which I have referred.

Mr. SMOOT. I hope that the amendment of the committee will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is, on page 4, lines 25 to 26, and on page 5, lines 1 to 4, for studying methods of clearing off "logged-off" lands.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. GALLINGER] stated that he desired to speak on this amendment.

Mr. GALLINGER. Mr. President, on Saturday last I made some observations concerning this amendment. My mind has not been changed about the matter at all since then. I believe it would be just as sensible for Congress to make an appropriation to teach dentists how best to pull teeth as it is for Congress to make an appropriation to teach farmers how best to pull stumps on their logged-off lands.

I had intended, Mr. President, as I suggested, to discuss the entire subject, which is included under the title of "Farm management," as I remember, but I have changed my mind about that. If Senators want to inform themselves as to the subject, if they will turn to the CONGRESSIONAL RECORD of April 14, when this matter was before another body, and read there a little debate that occurred between the chairman of the House committee, Mr. LEVER, and the Republican leader, Mr. MANN, they will get a good deal of information on this subject. I have read that debate, and it has impressed me quite deeply with the notion that this was a very extravagant expenditure of public money. I am only going to take two or three minutes on it to-day.

This bureau, or division, as I suppose it should be more properly called, has 1 chief of office at $4,000. His name, I believe, is Mr. Spillman. It has 1 executive assistant at $2,250, 2 clerks of class 3, 3 clerks of class 2, 6 clerks of class 1, 2 clerks at $1,100 each, 1 clerk at $1,080, 1 clerk or photographer at $1,020, 8 clerks at $1,000 each, 10 clerks at $900 each, 4 clerks or map tracers at $840 each, 3 clerks or map tracers at $720 each, 1 lantern-slide colorist at $720, 1 messenger or laborer at $720, 1 messenger, messenger boy, or laborer at $660, 3 messengers, messenger boys, or laborers at $480 each, 1 laborer at $360, 4 charwomen at $240 each, 1 library assistant at $1,440, 1 photographer at $1,400, 1 photographer at $1,000, 1 draftsman at $1,440, 1 draftsman at $1,200, and 2 draftsmen at $900 each; in all, $60,810.

Mr. President, what on earth a division of this kind is doing with 40 clerks, 3 photographers, and the other assistants that are allowed surpasses my comprehension. In the colloquy to which I called attention when the bill was under consideration in another body it was stated that the duties of the gentleman in charge of this division are to go into different sections of the country and ascertain whether the farmers are working to the best advantage; in other words, Mr. President, whether they are getting as large a return for their investment in the matter of crops as they ought to get, to teach them efficiency—the very thing that we are voting against here as applied to the manufacturing establishments of the country, because we are voting that the least intelligent man is the man who sets the standard. But the farmers are being taught by this gentleman to conserve their energies and get as much as they possibly can out of their little investment.

In other words, this gentleman seems to be making social calls. He finds a farmer who has planted 10 acres of oats and 5 acres of corn and 2 acres of potatoes, and he asks him how much money he has made out of it. Then he goes to the next farmer, and if he finds that he has planted substantially the same acreage he ascertains what he has made out of it, and if the second man has made less than the first man he tells him that he ought to get better results. Just how he is going to get them I do not know—whether these 40 clerks go out and give information of that kind to the horny-handed farmers, these clerks presumably being some of them college graduates and some high-school graduates and some who have not graduated from anywhere, employed under the civil service. Whether they tell the farmers how to get better results or not I do not know. But here is a division, Mr. President, the entire function of which, apparently, is to teach the farmer, from visiting him, how he can get better results than he is getting from his land, whether it is a small farm or a large farm.

Mr. President, this appropriation has been duplicated for several years past—I do not know how long—and no report has ever been made as yet of its operations or its results. That fact was brought out in the debate to which I allude.

I am not going to move to strike the provision from the bill. The House put it in, and I shall indulge the hope that it may do some good, although I confess I am greatly at a loss to know what good it can do. What I want to say about it—and

all I care to say about it now—is that we are constantly discussing the question of rents in the District of Columbia. We are asking ourselves the question why this department or that department wants more floor space that it is having. I think it is easy enough to determine that from this item in the bill. Here is a division that, so far as we can learn, is doing mighty little good. Its officials have not made any report to Congress as to the result of their inquiries; and yet, in some building in the city of Washington—I do not know where it is; presumably in the Agricultural Department, which is now renting outside buildings and asking for additional appropriations for rentals—presumably in that department they have 40 clerks housed somewhere and working, I suppose, upon this question that comes to them in some way or other, I do not know how. I think it is something that is worthy of being discussed, and for that reason I have called attention to it as briefly as I have.

Mr. President, so far as the amendment is concerned, I have only to repeat what I said the other day—that I think it is rather absurd to continue an appropriation to teach farmers how to get rid of stumps on their logged-off farms, and as to what is the best quality of powder to blow those stumps out. I will ask the Senator from Washington how many different qualities of powder there are that he knows anything about?

Mr. JONES. Mr. President, I do not know much about any kind of powder. I never have had any particular use for powder, and never have used it to any extent, but I have heard the people talk about the powder that is used. There are some kinds of powder that are known to be suitable for this work, and, of course, they are used, but some of it is too costly for the results that are accomplished.

Mr. GALLINGER. Is not the farmer likely to find that out, when he goes to clear off his farm, without being told about it?

Mr. JONES. The trouble is that there are large areas of these lands that the farmers do not go on simply because of the tremendous cost of getting off the stumps. They do not know how to get them off cheaply. They have not the money with which to conduct these experiments, and so they do not take them, and the lands are simply lying idle. There are thousands of acres of these logged-off lands that are not being farmed at all, very largely because they apparently have not discovered an economical and cheap way to get the stumps off—a way that would induce a man to go on the lands. It takes money to do it, and they have not the money with which to experiment in that way.

Of course a farmer who owns some land that he expects to farm can, when he gets the land, experiment with it, and get along the best way he can. A man who has not very much money, and does not know how to deal with these lands from which the timber has been cut and get the stumps off, does not take them up.

Mr. KENYON. Mr. President——

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator from Washington if the farmer himself does not know how to do this, who is there connected with the Agricultural Department who understands it? There are no experts in stump pulling. There are experts, perhaps, in logrolling, and things of that kind; but how can you get men who know something about it if the farmer himself does not know about it?

Mr. JONES. Mr. President, the farmer knows something about getting stumps off, in a general way, of course. He knows something about the cost of it by the methods that are now in vogue. Some of them, on lands of their own, probably in pretty good shape, having plenty of horses and lots of tools, clear a few acres a year and get along very well; while if some economical way could be developed, much more of this land would be cleared, and the people who now hesitate and, in fact, refuse to go on these lands or take them might go on them.

As I understand, the work heretofore has been done by the Agricultural Department in cooperation with the State institutions. I do not know just exactly how it is done, but I know that a great many persons in different lines of work are able to go out, when they have some money, and carry on experiments and develop better methods of doing things than those who have been actually engaged in that line of work have developed. They give special attention to developing along certain lines. The farmer is not spending all of his time experimenting. He has to use the instrumentalities he has at hand to do the very best he possibly can. The purpose of this appropriation is to have somebody give special attention, and give his time, with some money back of him, to trying to determine the most efficient way of doing these things.

Mr. KENYON. I do not understand that any of these college graduates who go out to teach farmers how to farm know very much about the stump-eradication business.

Mr. JONES. Well, I do not know. These are not men who graduate. I do not know just who is the representative that the Department of Agriculture sends out.

Mr. KENYON. Would this cover experiments with different stump pullers, and matters of that kind? Does the Senator have that in mind?

Mr. JONES. I suppose so. I suppose that would cover those, as well as powder.

Mr. KENYON. I think that is about the only way of successfully getting rid of stumps.

Mr. JONES. No; there are some people out there who blow up stumps. They claim that they can do it more economically with one class of powder than with some other class of powder. Some claim that one kind of powder is too expensive; and a great deal of the work is done by blowing up the stumps, or a combination of methods of blowing up the stumps and pulling them out with machinery of different kinds. The only purpose of this appropriation is to try to ascertain the cheapest possible method of getting rid of these stumps.

So far as I am concerned, I am not going over the ground that we went over the other day. I do not ask this appropriation because it is of interest to the State of Washington. I have never yet in my service here asked anybody to vote for an amendment because I was urging it, or anything of that sort. I assume that the Senate will vote upon this proposition as its Members consider it upon its merits. If the Senate does not think it is a wise expenditure of money to carry on this work for another year or two, as Mr. Spillman says—Mr. Spillman in his testimony states that they can get good use out of this money for a year or two; he does not expect it to be continued indefinitely—if the Senate does not think that can be done, of course I would expect the Senate to adopt the committee amendment.

The provision was put in by the House after investigation. I believe, myself, that it is a good thing. I believe we ought to get some good results from it. I am hoping that we will. I do not compare it with any of the other items in this bill. There are many items in the bill about which different Senators have different opinions. We have just rejected a committee amendment with reference to an item in the bill that some Senators do not think the United States Government would get very great results from. I believe we will get greater results from an amendment of this character than from an amendment like that which the Senate has just rejected; but I do not question the wisdom of the Senate in rejecting that committee amendment. I will not question the wisdom of the Senate if it accepts this amendment, although I shall still hold my opinion that the Senate has acted unwisely.

Mr. MARTINE of New Jersey. Mr. President——

Mr. JONES. If I have the right, I yield to the Senator. I think the Senator from New Hampshire has the floor.

The PRESIDING OFFICER. The Chair will state to the Senator from New Jersey that the Senator from New Hampshire has the floor.

Mr. MARTINE of New Jersey. I was not aware of that fact.

Mr. GALLINGER. I will yield to my friend from New Jersey, if he will not get excited.

Mr. MARTINE of New Jersey. Mr. President, I would hardly believe that the average farmer throughout the length and breadth of the United States is so stupid as to need much instruction in the matter of getting rid of stumps. There are dozens of leaflets and pamphlets published in this country that give explicit directions for the use of dynamite in blowing out stumps, and I do not believe it is necessary to go about it in this way. I know of no farmer in my little Commonwealth who is so dull that he would not understand the method of blowing out a stump, with a few little directions, in a few minutes, without sending out some specific individual with a badge on him to tell him how to apply the dynamite. We not only use it for blowing out stumps but we use little sticks of dynamite for blowing out holes in which to plant peach trees and apple trees. It is cheaper than digging, and it is infinitely better. The soil is so disintegrated that it is made friable, and the trees thrive better.

I can not believe that in the State of Washington, from which the distinguished Senator comes, there is any farmer who needs any more instruction than a simple little leaflet on the use of dynamite to blow out a stump. He can blow them to smithereens with a little chunk of dynamite, at little or no cost to himself and without calling into agency any arm of the Government.

Mr. GALLINGER. I am glad that my friend from New Jersey fortifies me in the suggestion I made on Saturday last. Instead of looking up different grades of powder, perhaps there are different grades of dynamite which afford a more effectual

method of blowing out stumps and rocks and other impediments to agriculture.

This is a small item, and yet it struck me as being so unusual and unnecessary that I could not help indulging in a little criticism of it. I want to read it again:

For studying methods of clearing off "logged-off" lands, with a view to their utilization for agricultural and dairying purposes; for their irrigation; for testing powders in clearing them; and for the utilization of by-products arising in the process of clearing; in cooperation with the States, companies, or individuals, or otherwise.

There are several things that struck me as being peculiar about that item. One was that we needed any instruction on how to get rid of stumps. We have been getting rid of them in New Hampshire from the earliest days. Another thing is, just what relation the taking off of the stumps has to irrigation.

Mr. JONES. I will say to the Senator that I was surprised to see that language in there myself. I did not know that it was there. That might be stricken out.

Mr. GALLINGER. I should think so. Certainly it would not apply to some States, like Washington and Oregon, where they have too much water now.

Mr. JONES. It would not apply where they raise timber, but there are some parts of the State to which it would apply. That does not apply to the logged-off land section. I admit that. I am surprised to see that in the provision.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I yield.

Mr. KENYON. I would suggest to the Senator that those lands might be a proper subject of irrigation. In the river and harbor discussion a year or so ago the Senator pointed out certain streams where it was necessary to remove the stumps in order to have some navigation in them.

Mr. GALLINGER. Yes; that is true.

For testing powders in clearing them.

Now, I asked the question, How many grades of powder are there? I do not know. There is smokeless powder. If the people who want to clear their lands do not like to see smoke they take smokeless powder. I suppose there are several grades of common powder. I do not know how that is. I did not suppose there were many grades. So I thought it was rather remarkable that they should be testing powder to see which one would be most effectual in blowing a stump out of the ground. I should think the one that had the most power would be the one that would do the most execution.

Then, again:

And for the utilization of by-products arising in the process of clearing.

I will ask the Senator from Washington what that means? What by-products do they get in the process of blowing out stumps?

Mr. JONES. I do not know.

Mr. NELSON. Shingles.

Mr. JONES. I do not know just what bearing that has, except, as the Senator suggests, making them up into shingles. That may sound funny, of course, to somebody who is not thoroughly familiar with the situation out there; but, nevertheless, there is a whole lot of truth in it. As was brought out the other day, a lot of these cedar stumps that were cut off high are being used now for shingles, and they make just as good shingles as the tree; but about them, of course, I do not know. I suppose there are lots of these stumps underground there. I do not know whether they could be used in making wood alcohol, or something of that kind, or not. I know we heard some talk about that some time ago.

Mr. LANE. Mr. President, I think I can answer that question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. GALLINGER. Certainly.

Mr. LANE. Those stumps of the fir are loaded with pitch. The roots of them, if left in the ground, will not rot in 100 years, and I question if they will rot in 500 years. The by-products are creosote, tar, and turpentine. They started out a number of years ago to distill them for those products, which have a certain value. It has not been found profitable, for the reason that the stumps are very hard to get out of the ground; and if the Senator ever entered into the task of clearing the stumps off a few acres of that "logged-off" land he would find that it makes all the difference in the world what kind of powder you use. If you take a quick, hard-shooting smokeless powder and overload the charge it will blow a hole in the ground and not lift it cleanly. You have to put a charge of powder under the stump which will split it and lift it to the surface, but not heavy enough to send it flying; so they use a slower powder, and they do not tamp it as much as they would if they wanted to fire a cannon. That is a different proposition. They need something to lift up the stump and split it, so that they can get it out a section at a time and pull it out with a stump puller or grub it out with a grubbing hoe and an ax. The larger charge of powder is too expensive and also is useless. From the talk I have heard here, they are harder to remove than those of this eastern country. For a small stump it used to cost about 50 cents for powder. The powder has to be tamped by a man who knows the proper way to do the work and where and how to place the powder under the stump. Those stumps do not have a tap root. They spread over much ground.

Mr. GALLINGER. That, I assume, has been demonstrated, from what the expert from Oregon tells us.

Mr. LANE. I object to anybody who has ever dug out a stump or blown one out or had any experience in this world in the way of making his living by his hands, when he gets up and relates simple information which he has learned by experience, being dubbed an expert by Senators who perhaps never dug out a stump in their lives. I am not an expert.

Mr. GALLINGER. I have dug out a good many.

Mr. LANE. I have had under my charge the blowing out of several acres of them—not the largest timber—and I have grubbed some of the largest stumps. It is difficult work, and it is expensive work; and if there is anything the Government can do to teach those people how to get rid of them cheaper than they can do it now it will be valuable information, for the reason that where the largest tree grows, and the biggest stump stands in the ground, and the most expensive to get out is the most valuable land and richest soil in that country. They will not grow except upon rich land; but if you grub an acre of it, it costs about $200 for the labor. It will average that, I think; and when you get your land grubbed it will not sell for over $60 or $70 an acre.

Mr. GALLINGER. I assure the Senator from Oregon that when I used the term "expert" I used it in a complimentary sense rather than otherwise, because the Senator from Oregon is really the only Senator who has given us the slightest information on this subject.

Mr. LANE. I thank the Senator.

Mr. GALLINGER. Mr. President, I do not intend to offer an amendment to that item asking the Agricultural Department to spend five or six thousand dollars in telling the people of New Hampshire how they can get rid of rocks on their farms to the best advantage, but I think there would be just as much sense in it as there is in this amendment. We have a very serious proposition confronting us. We have to clear our land of rocks before we can cultivate it. We have used dynamite, we have used powder, we have used stump pullers, and I will assure the Senator that I have removed a great many stumps—that is, a great many stumps have been removed under my direction—and we have some knowledge of it. We would like some short cut to get rid of rocks on our farms, but I think the old farmers know just about as much about it as the Agricultural Department does. We would like some short cut to get rid of rocks on our farms, but I think the old farmers know just as much about it as the department.

That is all I am going to say about this. If the Senate thinks it is wise to keep this little appropriation in the bill, it will not be disagreeable to me in any way; but I think we ought to commence a system of elimination in a good many of our bills where appropriations once made for a specific purpose are carried year after year, whether the real necessity exists or not for its continuance.

Mr. LANE. Mr. President, I sympathize with the Senator and the problem which the farmers of the rugged fields of New England must encounter, where the soil is covered with bowlders. It is very similar to what we have in the West, where the stumps are left after logging off the land. Those stumps rot out very slowly. They are not like the timber in this part of the country, for the reason that the stump of a fir tree contains the most pitch, which is a preservative. It is full of tar and turpentine and creosote, and frequently you will find a tree growing over and astride the stump of a dead tree a thousand years old and the roots of the dead tree just as sound, apparently, as the day it fell. They use them for pitch wood. Everybody from the pine district knows that an old pine knot and a pine root is practically indestructible. They do not rot out in the time allowed for any living man to make a farm by waiting for them to decay. If one grubs them, he tackles stumps, many of them 6 or 8 feet through. All through Oregon and Washington there are thousands of acres of them. Hundreds of the trees before they were cut were 150 to 200 feet high and 100 feet to the first limb, and you have a contract on your hands in trying to remove them.

If by some investigation of the department it should develop a plan by which this very valuable creosote and turpentine and tar could be extracted from those stumps and render a return for the expense of removing them, it would be invaluable. You may go up and down the coast hundreds of miles and find the logged-off lands which farmers are not using and can not use; they grow up into brush, a trash growth such as dogwood, wild cherry, vine maple, sweet laurel, and salal, and become impenetrable thickets.

Mr. GORE. Mr. President——

Mr. LANE. I yield to the Senator.

Mr. GORE. I should like to say to the Senator from Washington that the bill carries a separate appropriation for testing various products to ascertain what can be obtained from them and to assist in placing or obtaining those materials on a commercial basis. A laboratory is maintained at Madison, Wis. The bill carries an appropriation for that purpose. I think for two or three years we carried an appropriation for the University of Idaho to determine the products that might be extracted from the various woods.

Mr. LANE. I will say for the information of the chairman of the committee who has charge of the bill that experiments to make a profit from the by-products of timber, such as pine, fir, and other resinous trees which contain those constituents, do not apply to logged-off land, for you can not handle this waste material from stumps which are cut off 10 or 12 feet above the ground, and some of them 4 or 5 feet, without first getting the stumps out of the ground in order to take them to the distillery in order to distill these products out of them, and the problem is to get them out of the ground. The rest is easy. The cost is in removing them from the ground. On the other hand, you can not operate a still by placing it on top of each individual stump, although that has been tried. So we are compelled to do one of three things—grub them out, blow them out, or burn them; and in order to burn them you have to bore them and watch the fire and keep it fed from the waste material around wherever you can secure it. A stump will burn for two weeks, which means time. I have the idea, however, that burning is the cheapest way, for the reason that they contain much resin, and a settler can keep a number of them burning at one time. But if he wants to get rid of them quickly and to develop his home for his family in a good climate and with good soil, he is face to face with a proposition that is almost insurmountable. They blow them with powder. I want the Senator from New Hampshire to realize that it takes a different kind or character of powder to blow that from what is used to blow rock. It takes a hard-hitting powder to blow bowlders. They use such a powder to shatter bowlders in placer mines. The roots of these stumps extend 50 and sometimes even 80 feet under the ground, and it is laborious work to dig them out. It is a problem that faces a small empire, and it is just as good land as there is on this continent.

It is good enough land for anybody. Homes for thousands are lying there unused. The settlers are unable to go upon them for the reason that they have not the means to clear the land, and it lies there doing no good on earth to anybody at present. I do not know what the department will do or the results which they will obtain, but if they were to turn their attention to the subject and by some fortunate chance or by some investigation discover some easy method, some material which they could place upon the tops of them which would rot them quickly or easily and remove them from the soil or utilize them for the by-products, it would be worth millions of dollars to the people of the Pacific coast, not only of Oregon but of Washington and northern California, and this appropriation of $5,000 would be a bagatelle—would be but a bagatelle for valuable information, and I shall vote for it.

Mr. GALLINGER. Mr. President, I learned from the chairman of the committee that an amendment similar to this, carrying a similar amount, has been in the Agricultural appropriation bill for eight years, and that the bulletins have been issued by the department. That did not seem to be known when an inquiry was made in another body, in which they practically admitted that they have tested every known device, that while something in the future may be discovered that will be of greater value than what they now are cognizant of, they have practically come to the end of their rope, so to speak.

Mr. LANE. I have read the bulletin, and they recommend to the settler the grubbing hoe and the ax, and that makes the land cost about $200 an acre in labor.

Mr. GALLINGER. The grubbing hoe and the ax, of course, have been used from time immemorial for that purpose. They did not discover that.

Mr. LANE. That was discovered by Cain. We get that information from the old Biblical story.

Mr. GALLINGER. Mr. President, I have said all I care to say.

Mr. JONES. With reference to the last suggestion I want to read just a passage from the hearings before the committee. This has not been closed up entirely, as would be the impression from what the Senator has said:

Mr. SPILLMAN. On certain phases of the problem I think we have reached final conclusions, or approximately final. They probably will never be absolutely final; that is, as to methods and as to cost of using these different methods we have reached approximately final conclusions. As to the conditions under which any given method is justifiable we have not reached final conclusions yet; but we have made, I think, important progress in that direction this past year, and we can use that fund to very great advantage at least for a year or two more. I can not say now just how much longer, but we certainly can use it this next year to advantage.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GORE. I wish to observe in this connection that I am going to try to get hold of some of these devices to get stumps out of the ground in order to get some of these items out of appropriations.

Mr. TOWNSEND. Do I understand that the committee amendments have been disposed of?

The VICE PRESIDENT. There are a number passed over.

Mr. TOWNSEND. I should like unanimous consent, if I can have it, to submit an amendment at this time, as I am obliged to attend a conference committee meeting at 3 o'clock.

Mr. GORE. I will ask the Senator if he alludes to the beet-seed provision.

Mr. TOWNSEND. I do.

Mr. GORE. I have no objection to the offering of that amendment at this time, because I do not think it will occasion any delay or provoke any discussion. For that reason I consent, as far as I can do so, that it may come up now.

The VICE PRESIDENT. By unanimous consent the amendment will be received. The amendment will be stated.

The SECRETARY. On page 22, line 18, substitute "$51,495" for "41,495," and after the word "*Provided*" insert:

That not less than $10,000 of this sum shall be used for the development and improvement of American strains of sugar-beet seed and for the establishment of a permanent sugar-beet industry in the United States: *And provided further.*

Mr. VARDAMAN. On what page?

The VICE PRESIDENT. Page 22, line 18.

Mr. TOWNSEND. Mr. President, I will state that this is an amendment increasing the appropriation in the bill $10,000 and providing that that $10,000 shall be used for the purpose mentioned in the amendment.

The amendment was offered by me, but was not referred to the department until after the committee had made its report. The Agricultural Department has reported upon it favorably and has given the reasons in full showing the need of this kind of work. Owing to the European conflict, we can not obtain the sugar-beet seed that the country has been in the habit of obtaining abroad. We have not produced it here. The department, however, has made some experiments in conjunction with the work of sugar producers in the country showing that the seed can be produced here and of a better quality, and tend to better sugar-beet product in the country.

The statement of the Secretary is most illuminating, and I am going to ask to have it put in the RECORD, together with the report that has been made under it by various experts having this matter in charge. I know that there can be no objection to the amendment if Senators understand the real object of it. I do not care, however, to delay the Senate with reading any of the communications from the Secretary of Agriculture unless it is desired.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Michigan.

The amendment was agreed to.

Mr. TOWNSEND. I ask leave to insert in the RECORD a letter from the Secretary of Agriculture and other matter prepared in the department on this subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE, *June 5, 1916.*

Hon. T. P. GORE,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR GORE: Commenting upon the amendment proposed by Senator TOWNSEND to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, etc., it is evident that the purpose of this amendment is to provide the

sum of $10,000 for use in the development and improvement of American strains of sugar-beet seed and the establishment of a permanent sugar-beet seed industry in the United States. The amendment proposes to provide for this through an increase of the subappropriation under Bureau of Plant Industry for "sugar-beet investigations" from $41,495 to $51,495, with the following proviso:

"That not less than $10,000 of this sum shall be used for the development and improvement of American strains of sugar-beet seed and for the establishment of a permanent sugar-beet industry in the United States."

Careful consideration of the conditions as they exist at this time discloses that owing to the existing war in Europe there has been very great difficulty in securing a supply of sugar-beet seed adequate for the present needs of our growers. The industry has in the past relied almost exclusively upon importations of seed from Germany and Austria, supplies from which sources have been obtainable only with great difficulty and in a much smaller total quantity than in the past. The outlook for a sufficient supply of sugar-beet seed from Europe during the next year or more is so uncertain that the beet growers are apprehensive lest the securing of a sufficient supply for the maintenance of the present acreage during the season of 1917 from foreign sources may be impossible.

Experimental work by this department and beet growers in the past indicates that it is entirely practicable to produce in this country a supply adequate for our present needs, at least, when sufficiently definite knowledge regarding the localities best suited to the production of the seed and the methods of planting, harvesting, and handling the seed are understood.

Under pressure of the existing exigency the industry has undertaken to greatly enlarge the American production through plantings prepared for last year and made during the present spring in several States, including Michigan, Montana, Idaho, Utah, and Colorado. If normal yields can be secured, the plantings already made are expected to produce approximately 40 per cent of our seed requirements for the spring plantings of 1917, and the production of approximately 60 per cent of the requirements for the spring of 1918 is hoped for.

The undertaking rests however, upon such a narrow base of practical experience and training that every agency bearing on the solution of the problems involved should be brought into play. There is needed also an enlargement of the work already under way under the existing subappropriation in the breeding of improved strains of beets specially adapted to American conditions, as the maintenance of a high sugar content in the crop is not less important than the provision of an adequate supply of seed.

It would, therefore, appear that, regardless of whether the country should aim ultimately to produce its entire supply of beet seed, the existing exigency should be met to the extent that this is possible through scientific research and practical experimentation in cooperation with the industry.

The language of the subappropriation for "sugar-beet investigations" (H. R. 12717, Senate print, p. 22, lines 14–22) is adequate to cover this work, and in view of the necessity that the work be undertaken on an adequate scale during the present crop season if the desired results are to be accomplished, it is recommended that the sum of $10,000 be added to this subappropriation, changing the sum $41,495, in line 18, page 22, to $51,495.

Very truly, yours, D. F. HOUSTON, *Secretary.*

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SUGAR-BEET SEED.

Economic position: One-half the sugar of the world is produced from sugar beets, and in 1915 one-fifth of the sugar requirements of the United States, or 874,220 tons, worth, at 4½ cents per pound, $78,000,000, was produced from beets grown on American farms.

Due to plant breeding: The entire industry, at home and abroad, is dependent upon the skill of the plant breeder, who has developed the most scientifically bred plant in the world; but as the plant is subject to atavism, the most scientific work is required constantly and will be for all time, else the beet will deteriorate and become useless for sugar-making purposes.

Dependence upon Europe: The domestic beet-sugar industry is wholly dependent upon the warring European countries for its supply of sugar-beet seed, the imports of which now amount to 145,000 bags annually, costing over a million dollars, and without which it could not operate.

Seed supply cut off: Germany and Austria, our main source of supply, have prohibited the exportation of sugar-beet seed, and after eight months' continuous work through our Departments of State and Agriculture and our embassies abroad the present insufficient supply of sugar-beet seed will result in several American beet-sugar factories being unable to turn a wheel during the next campaign.

Can grow seed in America: The Department of Agriculture has demonstrated that better sugar-beet seed can be produced in the United States than the best seed which can be purchased in Europe, but because it can not be produced as cheaply as it can be purchased there and because it is an industry requiring the utmost agricultural skill and patience American beet-sugar companies have continued to depend upon foreign growers for their seed supply.

Will produce seed in America: Because of the difficulty experienced in securing foreign seed, the members of the United States Sugar Manufacturers' Association have formed a cooperative sugar-beet seed company, known as the United States Beet Seed Co. This company was formed last October with $100,000 paid-up capital, which since has been increased to $300,000, and is preparing to produce a large quantity of seed. In 1916 this company and the various domestic sugar companies will produce 60,000 bags of sugar-beet seed, mostly from mother beets selected from fields of commercial beets in the fall of 1915. For next year's planting the seed company has imported 50 bags of the highest grade elite seed, for which it paid $1,000 per bag, and the 1917 domestic crop of seed is estimated at 85,000 bags.

Domestic beet-sugar crop of 1916–17: Notwithstanding the shortage of seed, plantings this year probably will amount to 800,000 acres, for which 16,000,000 pounds of seed, or 145,000 bags, should be planted, but as the supply is short less seed will be sown per acre, which involves the risk of not securing a sufficient stand should weather conditions be unfavorable at planting time.

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UNITED STATES DEPARTMENT OF AGRICULTURE SUGAR-BEET SEED STATION AT SCHUYLER, NEBR., 1891–1893.

In 1891 your department established a sugar-beet seed-breeding station at Schuyler, Nebr., and the report issued by the department giving the results there obtained in 1893 showed an increase of 12 per cent of sugar per acre as compared with the results obtained from the best imported grown alongside of the home-grown seed.

[From Department of Agriculture Farmers' Bulletin No. 52, 1897.]

(By Dr. Harvey W. Wiley.)

In the experiments conducted at the station at Schuyler during the season of 1893 a comparison of the beets grown from domestic and imported seeds was made. The plants from the native-grown seed seemed to have a higher vitality and to be better suited to the climatic conditions of the locality than those grown from imported seeds. They showed during the growing season a more abundant foliage and a better development of roots. This higher vitality and quality of the beets grown from domestic seed illustrate in a forcible degree the advisability of the production of our beet seed at home. Even granting that seeds produced in foreign countries have the same high qualities, it must be admitted that their vitality is in danger of being very much diminished during shipment to this country. The moist air of the holds of the ships in which they are transported often produce moldiness and incipient germination, which tend to greatly diminish their value. Not only did the beets produced from the home-grown seed have a higher percentage of sugar, but they also afforded a higher yield per acre, as determined in the experiments at Schuyler. The mean tonnage per acre from the home-grown seed was 21.1 and from the imported seed 17.9. The mean pounds of sugar produced per acre from the home-grown seed was 5,891 and from the imported seed 5,185. This shows an increase of about 12 per cent in the actual quantity of sugar per acre when domestic seed was used. These data should be carefully studied by all those who are interested in the production of beet sugar in this country. Perhaps the time has not yet come for the inception of such work, but it is evident that it will not be long before there will be a demand for the establishment in this country of a plantation or plantations devoted exclusively to the production of beet seeds on the most approved scientific principles.

The quantity of seed required to plant an acre is about 15 pounds. The approximate number of acres planted to beets in this country during the past season was 30,000, requiring 450,000 pounds of seed. It is evident that there is already an opportunity for the active operation of a large plantation devoted exclusively to the production of beet seeds for domestic use.

Another point to be considered is that by the importation of foreign seeds there is danger of introducing those fungoid and microbian diseases of beets which have produced such ravages in Europe.

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STATE OF WASHINGTON SUGAR-BEET SEED.

Some years ago the Department of Agriculture established an experiment station on the seed farm of Mr. Morrison in the State of Washington, and good progress was made until he sold his farm to the fruit boomers, when the station necessarily was discontinued.

The following tables show that for a period of six years this State of Washington seed gave the department better results than did the best imported seed grown alongside of it:

[From Progress of the Sugar-Beet Industry in 1909, United States Department of Agriculture.]

TABLE I.—*Relative performance of sugar-beet varieties for the entire six-year period covered by the tests.*

Designation of variety tested.	Arranged by stations.			
	Roots.	Sugar.		Standing of variety tested.
	Tons per acre.	*Per cent.*	*Pounds per acre.*	
Morrison	15.26	16.69	5,011	1
Original	14.14	17.43	4,847	2
Breustedt	14.20	16.64	4,664	4
Mette	14.38	16.48	4,675	3
Schreiber	13.95	16.95	4,632	6
Braune	14.40	16.34	4,635	5
Heine	13.87	16.89	4,608	7
Utah	13.88	16.78	4,597	8
Hoerning	14.37	16.25	4,547	9
Jaensch	13.79	16.55	4,506	10
Dippe	13.43	16.85	4,452	11
Kuhn	12.88	17.12	4,333	12

Designation of variety tested.	Arranged by years.			
	Roots.	Sugar.		Standing of variety tested.
	Tons per acre.	*Per cent.*	*Pounds per acre.*	
Morrison	13.40	16.53	4,325	1
Original	12.49	17.14	4,206	2
Breustedt	12.69	16.36	4,078	3
Mette	12.56	16.31	4,007	6
Schreiber	12.17	17.03	4,041	4
Braune	12.74	16.15	4,031	5
Heine	11.98	16.70	3,894	9
Utah	12.09	16.70	3,962	7
Hoerning	12.51	16.15	3,911	8
Jaensch	11.93	16.44	3,839	11
Dippe	11.86	16.67	3,864	10
Kuhn	11.54	16.87	3,821	12

TABLE XI.—*Relative standing, by stations and by years, of sugar-beet varieties, arranged by stations.*

Designation of variety tested.	Fort Collins, Colo., 3 years.	East Lansing, Mich., 5 years.	Holland, Mich., 6 years.	Geneva, N. Y. 6 years.	Union, Oreg., 3 years.	Logan, Utah, 4 years.	Fairfield, Wash., 6 years.	All stations.
Morrison	1	4	3	1	1	2	1	1
Original	5	2	5	3	2	1	2	2
Breustedt	9	5	7	2	9	3	8	4
Mette	2	11	10	9	15	7	5	3
Schreiber	8	1	4	4	10	12	3	6
Braune	6	6	9	5	4	5	12	5
Heine	7	3	11	10	8	4	11	7
Utah	4	9	12	7	15	6	4	8
Hoerning	3	12	1	12	11	9	6	9
Jaensch	10	10	2	8	3	10	7	10
Dippe	11	8	8	6	7	11	9	11
Kuhn	12	7	6	11	12	8	10	12

[1] The Mette and the Utah varieties have the same relative standing at Union, Oreg.

SUGAR-BEET SEED.

GERMINATION TESTS OF THE DEPARTMENT OF AGRICULTURE IN 1903.

The foreign seed tested was Dippe, Vilmorin, Rabbethge & Giesecke, Mahrenweiser, Schreiber, Breustedt, and Ramdohr. The tests of domestic seed were Morrison, grown in the State of Washington; Utah Sugar Co., grown in Utah; Agnew, grown in California; and Alma Sugar Co., grown in Michigan.

Some of the domestic seeds tested fell below some of the foreign brands, but the State of Washington seed showed a materially higher germinating power than did the best foreign seed. The average results secured from the nine brands of foreign seed and from the Washington seed were as follows:

	9 brands foreign seed.	Washington seed.	Superiority of Washington seed.
			Per cent.
Number of sprouts in 6 days	150.4	198.5	31.9
Number of sprouts in 14 days	166.7	203.0	21.8
Average per cent of balls developing sprouts in 6 days.	70.3	96.5	37.3
Average per cent of balls developing sprouts in 14 days	76.2	97.5	28.0
Total average number of sprouts from 2½ pounds seed in 6 days	70,973.0	96,800.0	36.4
Total average number of sprouts from 2½ pounds seed in 14 days	78,175.0	98,600.0	26.1

The sugar content of the Washington beets, as shown by 185 tests made by the State Agricultural College at Pullman, Wash., October 10, 1903, was as follows:

	Number of beets.	Average sugar in beet.
		Per cent.
Below 18 per cent	8	17.25
18–19 per cent	15	18.48
19–20 per cent	52	19.38
20–21 per cent	53	20.30
21–22 per cent	39	21.22
22–23 per cent	16	22.22
23–24 per cent	1	23.00
24 per cent	1	24.00
Total	185	20.21

	Per cent.
162 beets average	21.69
110 beets average	22.15

DISADVANTAGE OF RELYING UPON FOREIGN-GROWN SEED.

In 1903 the United States Department of Agriculture sent Mr. J. E. Tracy, sugar expert of the department, to Europe, where he spent five months on sugar-beet seed farms. The following is from his report in the Yearbook of the Department of Agriculture for 1904:

"While there are careful and painstaking growers in France and Germany, where the great bulk of the sugar-beet seed used in this country is produced, there are many who are not only careless in their methods but dishonest in their practice in handling sugar-beet seed. They pose as growers and claim to make extensive analyses every year of individual roots, whereas in reality they simply buy seed where they can do so most advantageously, regardless of its quality. A large proportion of the seed used in the United States is furnished by such dealers, while the better class of German growers who, through 15 or 20 generations of plants, have conducted most careful field and experimental trials and annually spend thousands of dollars in testing individual roots and making records and photographs of them, sell but very little seed here. This is largely due to the lack of interest and failure on the part of the American seed buyers in investigating the methods and establishments of those from whom they secure seed.

"The information one generally secures from sugar-beet seed growers not only as to their own business but as to that of their associates as well is frequently unreliable. Exaggeration is very common and it is frequently impossible for an outsider to reconcile the results of his own observations with the statements made, both in conversation and in print. Seed which is sold as having been grown in the most careful and scientific manner is often actually the cheapest and poorest grade of seed procurable. It consists of both new and old seed, which has been grown under widely different conditions of soil and climate and is mixed together by specially constructed machinery. It is explained that the different lots of seed are mixed to insure an evenness both in the germination of the seed and in the quality of the crop. The absurdity of mixing all kinds and grades of seed to produce uniformity in the crop is evident.

"It is generally admitted that the sugar beet, being one of our most highly bred plants, is very susceptible to the influences of both climate and soil conditions; hence seed should be used which was produced under the most favorable conditions for the production of beets best suited to each particular locality. The best seed imported is raised for the most part under very similar climatic and other conditions, but it is sown here in America under all conditions and in all soils, in New York and Michigan, Nebraska and Washington, and in the arid and semi-arid regions of Utah and California. No single strain can be the best for all of these varied localities. We can never expect to secure the best results in our sugar-beet industry when we have such conditions in the seed branch of the business.

IMPORTANCE OF GROWING SUGAR BEET SEED AT HOME.

"It is absolutely essential to success that we secure the best quality of seed, and past experience has conclusively shown that we can not depend upon doing so from abroad. We must raise it ourselves, and in such a careful, scientific manner that it will not only be of the best quality but will have such characteristics as will make it adapted to the particular needs and requirements of the locality where it is to be sown. Seed raised on a particular soil and under certain climatic conditions may not be best suited for planting in like soils and under similar climatic conditions; in fact, very often it is not. Seed from comparatively poor soil may do best on rich soils, or that raised in the East may do best when sown in the West. Only study and personal experience on the part of each factory manager can determine what seed is best suited for the conditions in his region.

"For several years efforts have been made to raise seed on a commercial scale in various sections of the United States, particularly in the States of Michigan, Nebraska, Utah, Colorado, and Washington, but not until recently has any serious attempt been made to raise it from pedigreed roots, or in accordance with the scientific methods found to give the best results.

EXCELLENCE OF AMERICAN-GROWN SEED.

"During the last three years the Department of Agriculture has been conducting extensive experiments in testing American-grown seed in comparison with the best grade of imported seed procurable. These experiments have shown a marked difference in sugar content, purity, and yield, and in these qualities the American-grown seed compared most favorably with the imported. This is remarkable, as the American-grown seed was grown by seedsmen who had little knowledge and made little use of the scientific methods practiced in Germany. If it is said that the superiority of American-grown seed in these trials was due to the fact that the imported European seed was of inferior grades, then it is high time we gave up depending upon Europe for our supply, as every effort was made to secure for these comparative tests the best grades of seed procurable in Europe, and the prices paid were as high as those paid by the most critical factories there. If it be said that the soil and natural conditions were responsible for the superiority of the American-grown seed, it makes more evident the desirability of growing our own seed and emphasizes the importance of our doing it according to strictly scientific methods."

Mr. TOWNSEND. I also ask leave to insert in the RECORD a letter written to the Senator from California [Mr. PHELAN], who is greatly interested in the subject, but who is unavoidably absent, and wanted to have this matter inserted in the RECORD.

Mr. GORE. I rose to refer to the absence of the Senator from California [Mr. PHELAN], who has expressed great interest in the amendment just adopted.

There being no objection, the matter was ordered to be inserted in the RECORD, as follows:

UNION SUGAR CO.,
San Francisco, June 23, 1906.

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am inclosing for your consideration some data in re the trouble we have had in securing sugar-beet seed for our factory operation and in re the efforts of our company, together with the other sugar beet companies of this country, to grow seed for ourselves.

During the past eight months every effort has been put forth to obtain an adequate supply of seed from foreign countries. These efforts have been only partially successful. As stated above, the sugar companies of this country have launched a new industry by organizing the United States Beet Seed Co. for the purpose of growing our own seed.

This work requires the skill and continuous effort of the best plant breeders which are to be had. Only the skillful, methodical work of our great Department of Agriculture could insure the highest results, and this is written to you to suggest the propriety of a modest increase in the Department of Agriculture appropriation bill, the same to be used for the establishment of Government experiment stations on these seed farms that have been established. The Beet Seed Co. will provide everything necessary in order to grow the seed, so the expense to the Government should not exceed $10,000 a year.

It is not to save the industry money that the suggestion is made, as the $10,000 will be a small part of the total amount expended in the growing of seed. It is, however, with a view to making doubly sure the success of an agricultural enterprise which, if successful, will distribute the amount now expended for foreign seed among American growers, which is conservatively estimated at $1,000,000. This will also make our sugar industry independent of Europe, and which, if we succeed in breeding a superior strain of seed, will go far toward offsetting the commercial advantage of the lower cost of labor in foreign sugar-producing countries.

While I have not consulted with the officers of the seed company referred to above, I naturally assume that they would be more than pleased to have the cooperation of our Department of Agriculture in order that the success of this important agricultural undertaking may be made doubly sure, and as I personally know that you are very much interested in all that is for the development of California, I have addressed this to you with the idea that you will do everything possible to bring about the result desired.

Thanking you in advance for whatever you may do in the matter, I am,

Yours, truly, GEO. E. SPRINGER, *Secretary.*

Mr. SHEPPARD. Are amendments from individual Senators to the Agricultural appropriation bill in order?

Mr. GORE. I will say there is an amendment on page 14 which was passed over. I believe the Senator from Nevada [Mr. PITTMAN] is in the Chamber. I presume that comes next.

The VICE PRESIDENT. The Chair can not answer the Senator from Texas. The Chair does not know whether the committee amendments are disposed of, or whether they are to go over, or what is to become of them.

Mr. GORE. I think the Chair had better take counsel of the clerks and see whether the records will illuminate the subject. I do know of other amendments to the bill as an appropriation bill which precede the riders. It is my desire to finish those amendments before taking up the riders.

The VICE PRESIDENT. They have been passed over, and the Chair does not know whether the Senator from Oklahoma wants to take them up now.

Mr. GORE. Yes, sir; I want to go back and begin at the beginning.

The VICE PRESIDENT. Then the Senator from Texas is not in order. The amendment on page 14 will be stated.

The SECRETARY. On page 14, line 9, strike out "$208,320," and insert "$214,320."

Mr. PITTMAN. This is the place where I desire to move an amendment. I have submitted the amendment which has been read and passed over. I will state what is simply the purpose of the amendment.

As the section now stands it provides that $25,000 may be used in experimenting for breeding and maintaining horses for military purposes. That is the way it reads at present. The amendment I have offered and which I now desire to have considered provides for $200,000 instead of $25,000 for the purpose of stallions for the upbreeding of thoroughbred and standard-bred horses in this country, both for agricultural and for military purposes.

It is reported to-day to the Senate by Gen. Aleshire, the Quartermaster General, that out of the 22,000,000 horses in this country only 30,000 are fit for cavalry purposes, and that of that 30,000 probably only 10,000 could be obtained at the present time. That statement alone should call attention to the condition of the horses in this country. To think that there are only 30,000 out of 20,000,000 horses that are fit for cavalry service—and yet this is one of the greatest horse-raising countries in the world!

What is the reason of it? It is because the breeding of horses in this country has been absolutely neglected. It is because we find very few sound horses among the middle-weight horses in the country. In fact, the type that is most general in this country, the most universally serviceable in this country, is unfortunately the most defective. That condition does not exist in any other civilized country in the world. Austria, France, Germany, England, Italy, and Russia have for a great many years been upbreeding horses in their countries through the methods that I am now urging upon the Senate. Even in Canada the Canadian Government has sent all over the world and purchased the very finest stallions that could be obtained, and they are furnished to the farmers of Canada having sound mares for service free of charge for the purpose of upbreeding the stock of that country.

We find to-day that the medium-weight horse of every country in the world where any attention is paid to the development of animal life is superior to our own. We are appropriating in this bill $24,000,000 to improve the agricultural products of this country, and yet we are appropriating only $25,000 for the upbreeding of the horse, the raising of which is one of the great products of the country. We are appropriating under the head of animal industry, where this amendment is found, $4,000,000, and yet of that $4,000,000 devoted to the upbuilding of the animal industry only $25,000 is set aside for the upbuilding of the horse industry of this country.

The necessity of the horse in military preparedness is apparent to all of us. Even in France, where they have the greatest roads in the world, where the motor-driven vehicle has been developed to the fullest extent, the allies were compelled to purchase $100,000,000 worth of horses during the first year of the war. The statistics show that the average life of cavalry horses in the war now progressing in Europe is only 13 days.

Now, then, as a method of defense in this country—and we are compelled to consider methods of defense; no matter how peace loving we may be we must realize that unjustifiable wars do occur; we must realize that they will occur again; and it is our duty to be prepared to defend this country and to be so prepared that, if possible, we will discourage an attack; but if the attack comes, then we will be so supplied with the instruments of war that the loss of life on our side will be minimized as far as possible.

Take our present condition. Let a war occur between this country and Mexico—which we all hope may be averted, and which there are good chances of averting—will not the cavalry be the most essential arm of that war? Has not the experience of our forces in Mexico to-day demonstrated that it is almost impossible to move troops except with cavalry? The thirty or forty or fifty thousand soldiers that we will have in Mexico, or that we have there now, will nearly all require horses. Yet the Quartermaster General of the United States Army says there are only 30,000 available in all the United States fit for the service. How in the event of war can you expect to remount those men, when the history of the war in Europe shows that the average life of a cavalry horse is only 13 days?

Mr. POMERENE. May I ask the Senator on what information is the statement based that there are only 30,000 horses fit for cavalry purposes in the United States?

Mr. PITTMAN. It is based upon the statement of Gen. Aleshire, Quartermaster General.

Mr. POMERENE. I know; but where does he get the information to enable him to make a statement of that kind? It seems to be an authoritative source. I am amazed at the statement, if it be true.

Mr. PITTMAN. You will find that since 1911 the Quartermaster's Department has been assembling statistics for this purpose. I have here the bulletin that was issued in 1911, which practically sustains the statement of Gen. Aleshire, which was made in the last few weeks.

Of course, this bill can not remedy the immediate conditions, but the immediate conditions have forced upon us the necessity for this character of work for the future; that is, the phase of it for preparedness.

On the other hand, it is one of the greatest industries in this country. It is a known fact that a sound horse, with good wind, good bones, good heart, is twice as efficient and will produce twice the work in his life as will a defective horse of the same weight and size.

The economy of having horses of a sound type is so apparent that it requires no argument in a matter of this kind. Yet we have for years and years entirely overlooked the upbreeding of the horse, when we have spent millions of dollars in the upbreeding of all kinds of plant life. We furnish seeds to the farmers through the country free of cost for the very purpose, if possible, of bringing about a higher standard and a better grade of plant life. We have established throughout the whole country agricultural experiment stations for the very purpose of establising a better grade and a more productive plant life. Here we have the horse, that is absolutely essential to the production of all farm material, that is in more general use as an instrumentality of farm production than any other instrument in existence, an instrument that not only plows the field but transports to the market the production of his farm, and yet we have entirely forgotten that instrumentality of farm life, that instrumentality of commerce. We have made no effort to upbuild that blood; we have made no effort to create a sound, fine, durable type of horse in this country. We have shut our eyes to the experiences of the surrounding nations. We have predicted that the horse would be cast aside by the self-propelled vehicle, and yet we know that is not coming true. Increase the self-driven motors as much as you may, and you still have in its proper sphere the horse, and you always will have.

This matter is of very great importance. It is important on two grounds: It is important upon the ground of an intelligent development of one of the greatest products of this country, and it is necessary upon the ground of preparing ourselves with instrumentalities of war equal to those of any nation which in the future we may have to meet. In this connection I ask that a letter from Gen. Mills, which I send to the desk, be read by the Secretary.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
DIVISION OF MILITIA AFFAIRS,
Washington, June 7, 1916.

Hon. KEY PITTMAN,
United States Senate.

MY DEAR SIR: In acknowledging your letter of the 23d ultimo inclosing a copy of the bill introduced by you in the Senate for the encouragement of the production of better horses for agricultural and military purposes permit me to express sincere hope for the passage of the bill.

I feel that the many years of military service, much of which was as a Cavalry officer, may serve to enable me reasonably well to express an opinion of the merits of the bill; certainly it will serve to explain my great interest in a practical step toward encouraging the production of better horses.

For a number of years it has been increasingly evident that the type of horse suitable for military purposes is no longer holding its own in our country. The production of this type has decreased seriously, and

the increasing difficulty of a supply experienced in the purchasing even of the modest number required for our small Army at peace strength is evidenced very emphatically by the high rise in cost.

The difficulty and cost of providing suitable horses for an army of the size that would be required were we forced into war with a first-class power would be correspondingly great; it can be avoided only by the exercise of foresight in encouraging our breeders to return to a type of horse that will meet the need. Experience shows that no real results can be attained except under Federal guidance and assistance. The average farmer and horse owner of to-day have no definite idea as to what constitutes the military type of horse, especialy for Cavalry, nor is he likely to find in his neighborhood a stallion with such blood in his veins. A campaign of education is necessary; suitable types must be shown through our horse-raising States, and suitable-type stallions must be there placed in service, with just and equitable agreement between the Government and the private owner as to disposition of colts.

It is manifestly extravagant and unwise to purchase at any price for military use a horse whose conformation and mechanical framework indicate probable breakdown and replacement under conditions of military service. A great and increasing majority of horses offered now to our purchasing agents are undesirables of this kind. If this country is to avoid the danger of some day being forced to take such horses for the reason that there are no suitable ones to be had, it is obvious that legislation providing Federal assistance and guidance must be given to it.

I feel that the steps you are initiating are timely from the standpoints of both financial economy and military efficiency, and I hope your bill may be enacted into law.

With esteem and kindest regards, I remain,

Very sincerely, yours,

A. L. MILLS,
Brigadier General, General Staff.

Mr. PITTMAN. Mr. President, I also ask that a very short letter from the Acting Secretary of War, Hon. William M. Ingraham, be also read on the subject.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, May 27, 1916.

Hon. KEY PITTMAN,
United States Senate.

MY DEAR MR. PITTMAN: In compliance with your request contained in communication of the 23d instant, I have the honor to submit the following report on S. 5799, Sixty-fourth Congress, first session, herewith returned, being a bill "For the encouragement of the production of better horses for agricultural and military purposes," and appropriating $200,000 for that purpose.

Great difficulty has been experienced in securing suitable horses for the military service, caused by a decrease, throughout the country, in using horses for saddle purposes and also brought about by the development of heavy draft types of horses and the great extension of mechanical traction. This condition of affairs prompted the War Department in March, 1910, to request the cooperation of the Secretary of Agriculture in evolving a plan for enabling the Army to obtain suitable horses. This request resulted in each department appointing a representative, who, conjointly, outlined the plan set forth in the accompanying Circular No. 178 for breeding horses for the Army.

In brief, the breeding scheme consists of having the Government furnish high-grade stallions and breed them to suitable mares owned by farmers and breeders, who enter into an agreement to sell the resulting foal to the Government during the year the same is three years old, provided the Government desires to buy the animal. If the owner prefers, he can retain the colt by paying a service fee of $25. In case the Government does not exercise the option to purchase the colt (on account of defects in the animal or otherwise) the owner may retain the foal without paying a service fee. Blank copy of agreement herewith.

Congress appropriated $50,000 in fiscal year 1913 to put this breeding scheme into operation, and the succeeding fiscal years the following funds were appropriated to the Department of Agriculture for the purpose of breeding horses for the Army in accordance with the plan in question:

Fiscal year 1914	$50,000
Fiscal year 1915	30,000
Fiscal year 1916	25,000

Owing to the limited funds, the Department of Agriculture had to confine its operations to the following districts, each district at present containing the number of stallions specified below:

DISTRICTS.	*Number of stallions.*
New England:	
Vermont and New Hampshire	7
Central district:	
Virginia, West Virginia, and southern Ohio	18
Kentucky and Tennessee	12
Total	37

It would be very desirable to extend this breeding plan by purchasing additional stallions and placing them in various parts of the United States. This would greatly encourage the breeding of suitable horses for military purposes and a sufficient number of suitable mounts would be produced to meet the needs of the Army in time of peace and in war, and the animals could be purchased at very reasonable prices. The appropriation contemplated in accompanying bill (S. 5799) would accomplish this purpose to a great extent, and its passage is recommended.

Unless steps are taken to extend the plan of breeding horses suitable for military purposes by appropriating sufficient funds, it is believed that the Government will be very materially handicapped should the time come when large numbers of remounts are needed.

Very respectfully,

WM. M. INGRAHAM,
Acting Secretary of War.

Mr. PITTMAN. Mr. President, for the purpose of hastening the conclusion of this matter, I ask leave to have published in the RECORD Circular 178 of the Department of Agriculture, Bureau of Animal Industry, which is referred to in the letter of the Acting Secretary of War.

The VICE PRESIDENT. Without objection, it will be so ordered.

The circular referred to is as follows:

[Circular 178. Issued April 19, 1911.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
Bureau of Animal Industry.
[A. D. Melvin, Chief of Bureau.]

BREEDING HORSES FOR THE UNITED STATES ARMY.

[From the report of the Chief of the Bureau of Animal Industry for 1910.]

Although horses are now commanding higher prices than have been known for many years, there is evidently a great shortage in their production. The United States Army has for some years found it difficult to maintain an adequate supply of suitable horses, and it seems that if the efficiency of the Cavalry is to be maintained it will be necessary for the Government to take up some systematic plan to encourage the breeding of horses of a type suitable for Army use.

During the past year the Secretary of War requested the cooperation of the Secretary of Agriculture in evolving some plan for enabling the Army to obtain suitable horses. The Secretary of War pointed out that the supply of horses fit for remounts is becoming more and more limited, and that the present indications are that the country would find it impossible to mount its Army from its own resources in time of war and is rapidly reaching a point where the needed supply of suitable remounts for the present strength of the Army would be extremely difficult to obtain, if obtainable at all. As a result this department designated a representative to join with a representative of the War Department in considering the subject and formulating a plan. The Department of Agriculture was represented by Mr. George M. Rommel, Chief of the Animal Husbandry Division of the Bureau of Animal Industry, and the War Department by Capt. Casper H. Conrad, jr., Third Cavalry, United States Army, detailed for duty in the Quartermaster General's Department in connection with the purchase of remounts. These gentlemen have outlined a plan for breeding horses for Army use, which is presented in the following pages. The statement setting forth the reasons why the War Department regards it as imperative for the Government to undertake the work of encouraging the breeding of horses for the Army was prepared by Capt. Conrad and is inserted here with the consent and approval of the Quartermaster General. The plan for breeding the horses was prepared by Mr. Rommel with the assistance of Capt. Conrad and other officers of the Army stationed in Washington, and has been formally approved by the War Department. To carry out this plan would require appropriations for the use of the Department of Agriculture estimated at $250,000 for the first year and $100,000 a year thereafter.

THE NECESSITY FOR GOVERNMENT ENCOURAGEMENT OF BREEDING ARMY HORSES.

The difficulty experienced by the Quartermaster's Department in procuring remounts seems perfectly natural. The early settlement of the United States, particularly the eastern part, went on some time before the advent of steam and electric transportation, and the settlement of the western part even now in the most remote points takes place without the assistance of modern transportation. In all new countries the horse has played an important part in the advancement of civilization and the general scheme of settlement. Even in the first part of the nineteenth century the horse was a very much more important animal in Europe and the British Isles than at present.

During the opening of a country the settler must, owing to the absence of roads and other forms of transportation, put his principal reliance upon the horse; he is forced to travel trails and long distances, and for this purpose finds that he needs a horse suitable to carry him quickly and comfortably to his destination. To accompany him and carry the articles necessary for his daily life, he needs a pack animal. So long as conditions remain unchanged, a desirable type of saddle and pack animal will exist in good numbers; but so soon as the country becomes more settled and habitations more permanent, the mountain trail gives place to the road, and later the country road to the worked and metaled highway, and the type of horse rapidly changes. The necessity for the saddle animal lessens; the light draft animal becomes more important; the people ride less and discard the expensive pack transportation; the horse is attached to a light vehicle with which he is able to transport more than one person or a heavier load. As the roads become better and the country more extensively cultivated, the lighter horse is used more for pleasure or solely as a means of drawing the carriage; another type of horse becomes more useful and economical, and the light draft type appears to be succeeded by the heavy draft. Next come the railroad, the trolley line, and the automobile. The people ride and drive less, and fewer horses of the riding types are bred. Riding is indulged in almost solely for pleasure. A new country is a country on horseback; an up-to-date one, a country in an easy chair.

In the United States the type of horse suitable for Army purposes is now proportionately less numerous because it is not found necessary to the civilians of the country, and the Quartermaster's Department is finding it each year more difficult to supply the yearly demands of the mounted branch of a small Army.

The horses of our mounted branches are severely criticized by representatives of foreign armies, while from our own officers come reports of poor animals, poor performance, many quickly developed unsoundnesses and short life.

As an illustration, in the West it is found that a marked change has taken place in recent years in the so-called "cow pony." Twenty years ago cattle ranches of the West were practically without fences and unlimited, and the cowman found it necessary to breed and use a type of quick, active pony. As the West became settled and as agriculture was taken up the large free ranges changed to the large fenced pastures of a few years ago. These large pastures are now being broken up into even smaller ones. The yearly round-up requiring riding over immense distances and active work has about disappeared. To-day cattle are not chased and roped, but are driven into the small pastures and pens and quietly handled. The quick cow pony of the past has given place to a larger animal, frequently having a cross of draft blood. It may be said that the cow pony of the West has practically disappeared.

Virginia has long been famous for the horse known as the Virginia hunter. Even the breeding of this type of horse has been sadly affected by the high price of heavy draft horses, and further influenced by the fact that only those hunter-bred horses that attained full

size brought high prices. Under the haphazard methods of breeding in vogue in these sections not more than one in six colts could be depended upon to attain the size necessary to bring a high price, and the farmer found himself the possessor of four or five small horses for which there was no steady market. When he found that all draft colts, in spite of minor blemishes, brought good prices as 3-year-olds, he at once ceased to breed the hunter type, with its many misfits, and commenced on heavy draft horses. The disappointment in the hunter-bred horse would not have been so great had the breeding of this type been done scientifically and rationally. The hunter-bred horse as now raised in Virginia is sired almost entirely by stallions either sent to the country gratis of sold at small prices to individuals by wealthy people in the North who desire hunters and are looking to the future supply. A farmer living in the neighborhood of a thoroughbred stallion, and feeling that he would like to breed a hunter, will take advantage of the nearest and cheapest stallion in his neighborhood, regardless of what the result may be. All that he considers necessary is that the horse should be, first, a thoroughbred; and, second, that he should be a pleasing individual; never taking into consideration the fact that the mare might not be suited to the horse nor the horse to the mare. Hence the misfits, the discouragement, and the decrease in number of the hunter type. It is said that not one-tenth as many hunters are bred in Virginia to-day as formerly.

Even more appalling than the present scarcity of horses suitable for military purposes in this country is the large number of unsound horses that are constantly being examined by purchasing officers. Horses of this class can be the result of but one thing, and that is an absolutely irrational system of breeding, or the lack of any system whatsoever. When it is remembered that a sound and serviceable horse of a particular type costs no more to raise than an unsound horse, the immense waste caused by our present lack of system is only made more apparent.

The enactment in a number of States of laws whose effect is to prohibit the standing of unsound stallions for public service will no doubt, in time, tend to correct this evil; but not until the horse-raising States generally prohibit absolutely the public stud service of unsound stallions will unsound horses be less common on the market. Such legislation in one State is an excellent thing for that particular State, but it is very likely to drive all the unsound stallions across the borders into adjoining States where laws against the unsound stallion do not exist.

The next census will probably show that there are in the neighborhood of 23,000,000 horses in the United States. It would seem that in this immense number there must be many thousands of horses suitable as remounts for the Army, and there probably are; but the fact that the type desired is comparatively scarce, and that the horses that would do are scattered over an immense area and are in demand for other purposes than the military, makes it not only expensive and impracticable to obtain them, but next to impossible to do so.

The purchase of young horses for the Army during the last fiscal year has been more or less successful, but all officers connected with the Quartermaster's Department have reported that while they were obtaining a fair number of horses, they could see no prospect of obtaining them in any number in future years, and all report the apparent necessity for the Government's assistance in the rational breeding of Army horses in the country.

As no system of supply, so far as the Army is concerned, which deals with peace conditions alone, is complete, the War Department must constantly keep in mind the possibilities of war, and it is not surprising that, finding difficulty in purchasing a supply of remounts for the peace Army, there should be more or less uneasiness when war requirements are considered.

The waste of horseflesh in war times is enormous, and in a war of any magnitude in which this country might be engaged the number of horses required will not be confined to the thousands per year, but will extend into the hundreds of thousands.

In this connection attention is invited to a few of the records on this subject:

"There were purchased for the armies of the Federal Government in the fiscal year ending June 30, 1864, 188,718 horses. There were captured from the enemy and reported 20,388. Leaving out of consideration those captured and not reported, it should be observed that the Army required 500 horses each day for remounts. This, therefore, is the measure of destruction of horses during the same period.

"During the eight months of the year 1864 the cavalry of the Army of the Potomac was supplied with two remounts, nearly 40,000 horses. The supply of fresh horses to the army of Gen. Sheridan during his campaign in the Valley of the Shenandoah has been at the rate of 150 per day.

"During the Russian campaign the French crossed the Nieman in June, 1812, with cavalry, artillery, and train horses to the extent of 127,121. About 60,000 of these pertained to the cavalry. On December 13 the remnant of the invading army recrossed the Nieman with 1,600 cavalry horses. In six months the horses had all disappeared."

Examples of the terrible waste of horseflesh during war might be multiplied ad libitum.

The question of remounts for the Army became so serious during the Civil War that in 1863 the Cavalry Bureau was established. One of the principal duties of this bureau was the purchase and inspection of horses for the Army. Six remount depots were established. The most important of these was Giesboro Manor, situated on the north bank of the Potomac, nearly equal distance between Washington and Alexandria. To show the magnitude of operations of the Cavalry Bureau, the following report of the Giesboro depot is given:

On hand Oct. 1, 1863, cavalry horses	4,281	
Received to Dec. 31, 1863	36,932	
Total		41,213
Issued	22,204	
Sold	1,651	
Died	1,637	
Total		25,492
On hand Jan. 1, 1864		15,721
Received by purchase, Jan. 1, 1864, to June 30, 1866		5,326
Received from other depots for issue		59,507
Received for recuperation		85,980
Received by transfer from Artillery		4,120
Total		170,654
Issued to armies in the field	96,006	
Issued to officers after June 30, 1865	1,574	
Issued for sale or sold at depot	48,721	
Died	24,321	
Total		170,622
On hand June 30, 1866		32

This does not take into consideration the twelve or thirteen thousand artillery horses handled at this depot.

This report closes with the abandonment of the depot, but it is to be remembered that nearly all the volunteer cavalry was mustered out immediately after the surrender of Gen. Lee's army the preceding year, so that nearly all the horses were handled during a period of 18 months.

Until recently acts of Congress appropriating money for the purchase of horses for the Army required that they should be purchased by contract from the lowest responsible bidder after advertisement. The specifications of the horse to be delivered under contract are those of a perfect animal, which, of course, is seldom seen. The inspectors and purchasing officers are required to reconcile these specifications with existing conditions, keeping in mind fairness both to the contractor and to the Government. This system led to the building up of the class of middlemen who purchased animals from the breeders, presented them for the action of the Government inspectors, and sold them at the contract price. Until recently this price ranged from $100 to $150. Considering the large expense to which the contractor would be put, it could not be expected that all of the Government's money would be invested in horseflesh. The result was, considering the profit by the contractor, his expenses, etc., that the price paid by the Government secured for the cavalry a horse worth from $70 to $100. Nothing is known of the breeding of these animals further than that they were "probably of such and such breeding." Often the question of breeding was not raised, the principal requisite being that they should give promise of performing the duties expected of them.

The contract system has tended to discourage the horse breeder of the country, as the money paid him by the contractor, after much haggling, was often very little more than the cost of raising the horse. There has been no incentive for breeders, even in the best naturally endowed sections, to breed the type of horse that the Army needs.

Again, in recent years the demands for heavy draft animals for farming purposes, the high prices that these animals are bringing, the fact that they cost no more to raise, and bring even a higher price, although blemished, has had a further bad effect upon the breeding of the desired saddle type. Even before the present high prices of all horses and the higher price of the draft horse existed, the breeding of the type considered best for Army purposes received another severe setback by the adoption of electric and cable street railways and the extension of the trolleys. While not generally appreciated, the best "railroaders," as the horses used for street cars were called in the market, were the very kind that made the best cavalry mount. This horse was desirable for street-car purposes because of his endurance and his willingness to work.

The contract system received its first serious setback, from the contractor's standpoint, when the Army, due to the clamor for better mounts, insisted upon a closer compliance with the contract specifications and rejected more of the horses presented by the contractor. The sudden rise in the price of horses further embarrassed the contractor, and the added difficulty of obtaining horses to present for inspection caused many of the contractors to fail in their deliveries, made other reluctant to bid, later led to the impossibility of obtaining horses under this system in certain sections, and finally led to authority being given by Congress for open-market purchases. This method, while apparently a little more expensive to the Government, had the advantage of eliminating the middleman, giving the breeder all the money which the Government was willing to pay for horses, and giving the Government value received in horseflesh.

The establishment in 1908 of the remount depots has further improved the type of horse for the Army, as the system of purchasing young horses 3 and 4 years old, often unbroken, has enabled the Government to get the best type of horse before he has cost the breeder much money, and when he could be sold for a reasonable amount. These horses, sent to the depots for maturing and handling, and finally issued to troops as 4½ and 5 year olds, while costing the Government more per head than the horses 5 and 6 years old formerly purchased and issued directly to troops, are very much better horses from the beginning, are properly developed at a critical period in their existence, rationally handled, and, when issued to troops, have been received with enthusiasm as a great improvement over the matured horses formerly issued under the old system. Even considering the high market value of horses at present, it is believed that, under the remount system, horses can be issued to troops at not to exceed a total average cost of $225. The latest contract price of cavalry horses is $183.75; for artillery horses, $213.75. Many of the late contract horses are young and require some handling at depots before suitable for service; others are mature.

Horses purchased as mature under the old system have had a useful life in the Army of 6.4 years on an average. The better grade of horses, such as are now being purchased, rationally developed and handled, should and will have a useful average life of 10 years. It is easy to see that the better horse issued from the depot at a cost of $225 that lasts 10 years is cheaper than the horse costing from $183 to $213 lasting only 6.4 years. In addition, the Army will have had a better horse throughout the entire period of usefulness. The horses being issued from the depot could undoubtedly be sold at time of issue at a handsome profit. Many individuals would bring fancy prices. It is needless to say that if it were possible to purchase them in issue form it would be necessary to pay much more than they have cost under the depot system.

European countries long ago found it not only advisable but necessary to supervise the breeding of horses in order to supply the demands of their armies, and every European country of importance, with the exception of England, has for years been encouraging the breeding of the proper type of army remount. England, one of the most important horse countries of the world, has for many reasons only recently been forced to this step. It is interesting to note that practically the same conditions confront England that confront this country at the present time, and that almost identical steps are contemplated in the two Anglo-Saxon countries to accomplish the same result—suitable army horses in sufficient number.

A PLAN FOR BREEDING HORSES FOR THE UNITED STATES ARMY—NUMBER OF STALLIONS REQUIRED.

From the best information available it would appear that a comprehensive plan to breed the horses needed for the mounted service

of the Army on the present peace footing should provide for not less than 2,000 horses a year, and need not exceed an estimated allowance for over 2,500 a year.

To determine the number of stallions needed for this work, allowances must be made for failure of stallions to get in foal all mares served, for ordinary losses of foals, and for failure of foals bred to prove suitable for remounts.

A good, sound stallion will get about 75 per cent of his mares in foal. Of the resulting foals, an average of at least 10 per cent will die from various causes before they are old enough to be purchased as remounts. In the proposed Army horse-breeding work probably about 50 per cent of the remainder would be suitable for remounts.

Based on an estimate of 100 stallions, the following results could be expected for varying numbers of mares served by each stallion:

Number of mares covered by each stallion.	Estimated number of suitable remounts by 100 stallions.
40	1,350
50	1,688
60	2,025
70	2,363

An estimate of 100 stallions would therefore appear to be conservative. It is doubtful if stallions average more than 70 mares a season, as a rule. In some localities it would probably be possible to stand stallions for a short fall breeding season in addition to the usual spring season, in which case a larger number of mares could be covered. In others only a spring season would be feasible, and a smaller number of suitable mares might be offered.

DISTRIBUTION OF STALLIONS.

The country should be divided into four or more breeding districts, as follows, and stallions assigned as indicated:

New England district (vicinity of Maine and New Hampshire)	10 Morgans.
Central district (Virginia, West Virginia, Kentucky, and Tennessee, with perhaps certain sections of Indiana and Ohio)	30 Thoroughbreds. 10 Standard breds. 10 Saddlers.
Southwestern district (vicinity of Missouri or Texas, with perhaps certain sections of Iowa)	5 Thoroughbreds. 5 Saddlers. 5 Standard breds.
Northwestern district (Montana, Washington, Oregon, and perhaps California)	15 Thoroughbreds. 10 Standard breds.
Total	100

It might be well to subdivide one or more of these districts. The above arrangement is worked out to establish such districts so that they will be in reasonable proximity to Government stations where the stallions may be kept between breeding seasons.

NUMBER OF REMOUNTS AVAILABLE ANNUALLY.

Based on the foregoing estimates, the number of remounts available yearly from these sections would be as follows, with stallions covering the maximum of 70 mares, and taking 24 as a convenient unit for the number of suitable remounts got by each stallion annually:

New England district	240 Half-Morgans.
Central district	720 Halfbreds. 240 Half-Standard breds. 240 Saddlers.
Southwestern district	120 Halfbreds. 120 Saddlers. 120 Half-Standard breds.
Northwestern district	360 Halfbreds. 240 Half-Standard breds.
Total	2,400

A considerable number of the horses sired by the Morgan and standard-bred stallions would be suitable for Cavalry remounts, but a much larger number would be preferable for the Field Artillery. The number of estimated remounts by Morgans and standard breds is 840. In selecting stallions of these breeds due consideration should be given the necessity for artillery remounts.

SELECTION OF BREEDING DISTRICTS.

Those localities should be selected for breeding districts where conditions are especially suited to horse raising, where the type of mares is most likely to approach the type of horses desired for the Army, where a light type of horse will always in the long run be the most profitable to the farmer and draft horses least likely to gain a firm foothold, and where mares are sufficiently numerous to give the stallions maximum service. A careful survey of the horse-raising districts of the country will be necessary before this question is settled, and the returns of the Thirteenth Census can probably be used. The Bureau of Statistics of the Department of Agriculture states that it is impossible to use its returns for this purpose. Perhaps, however, that bureau could assist in making the survey.

The Government reservations where stallions would be kept between the breeding seasons would be the points around which the work would center. In some cases it might be possible to stand some stallions on the central station itself. Stallions should be distributed in lots of five around the central stations, and such further distribution could be made as necessity required. At the close of the season they would be returned to the central station and kept there until the next season or sent to another locality.

THE EXPERIMENTAL FEATURE.

The plan has experimental possibilities of the highest order, which should be utilized. The leading features are the test of the value of different breeds to produce remounts and the value of different soils and climates for the purpose, which could soon be determined by the Army by keeping records of performance. Certain troops, squadrons, and batteries, and entire regiments, could be supplied with remounts bred in a certain way in certain localities, and the possibilities of the plan from an experimental standpoint would thus become very great. By the time a second large appropriation to purchase stallions would, if ever, be necessary, the Government would be in possession of facts which would enable it to show definitely whether the plan had been successful, and whether any crosses or localities should be eliminated from further consideration. It might be well, also, to consider the feasibility of arranging with the breeders to reserve a small number of high-class fillies each year for breeding purposes; otherwise mare owners would be compelled to replace their mares by purchase, which would bring the problem little nearer solution at the end of 20 or 50 years than it was at the beginning. That it is possible in time to fix the type desired for remounts is by no means questionable, and this may indeed be very desirable.

TERMS OF SERVICE.

No mare should be bred to a Government stallion until she has been approved by the proper officer as of the type suitable to produce remounts. The common unsoundnesses, the tendency to which may be transmitted from one generation to another, should naturally disqualify a mare, but even more important would be the necessity to refuse a mare on account of manifest faults of conformation, action, or quality.

The terms of service should be free, the owner of the mare entering into a contract to give the War Department an option on the resulting foal during the year it is 3 years old (estimating a horse to be 1 year old on the 1st of January after it is foaled) at a price to be fixed before the mare is bred. A provision should be included in the contract that the mare must remain in the owner's possession until the foal is weaned, and that, in case the foal is sold before the War Department has exercised its option, a service fee shall be exacted from the breeder of the foal. Provision should be made, however, to cover such emergencies as the death of the breeder, etc.

The price contracted to be paid for remounts should be fixed annually for each State by a board of arbitration before the breeding season opens, subject to the approval of the Secretary of War. For example, in January or February, 1912, this board would meet in each State mentioned above and agree upon the price to be paid for remounts bred in that State to be purchased in 1916; in 1913 prices to be paid in 1917 would be fixed, and so on. The arbitration board should be composed of an officer of the Army, an officer of the Department of Agriculture, and a citizen residing in the State, preferably a competent horseman. In purchasing remounts, no discrimination should be made against mares; colts should have been castrated at the breeder's expense, preferably between 1 and 2 years of age.

ORGANIZATION.

The breeding work would be administered by the Bureau of Animal Industry of the Department of Agriculture through the Chief of the Animal Husbandry Division. This division would direct the work under the supervision of the chief of the bureau, and keep the breeding records and the reports on the development of the foals. Not later than January 1 of each year it should furnish a report for transmission to the War Department on the actual number of 3-year-olds in each breeding district available for purchase during the year and the probable number of these that will make satisfactory remounts. A competent animal husbandman should be employed, with headquarters at Washington, as a traveling inspector of breeding stations, to keep the department in close touch with the work in addition to receiving regular reports from the breeding districts.

The men in charge of the breeding districts should be obtained from the field force of the Bureau of Animal Industry. These men should be good veterinarians, with a thorough knowledge of horse husbandry. Their field experience would make them invaluable for this work, and the loss to the field service of the bureau would be more than compensated by the fact that they could handle the work better than any men who might be obtained from the outside. If the Government undertakes this project it must do so under the most favorable auspices, and no risk of failure should be run. As success would largely depend on the ability of the men in charge in the field, the best men available should be obtained. The expert assistants to men in charge of breeding districts should be animal husbandry graduates of agricultural colleges, and not veterinarians. This would balance the service in a very effective way.

The duties of these men would be to direct the work at the breeding stations in their districts, to attend to the keeping of the records, to advise mare owners on the care of horses, and, if possible, to travel through their districts before the breeding season opens and approve mares, directing how they should be bred, if necessary. Until the work is on a thorough, well-organized basis, the approval of mares should be done by the men in charge of districts or their expert assistants.

The men in charge of stallions as stud grooms should be employees of the Department of Agriculture, for whose appointment experience in the handling of horses should be the first consideration. Preference should be given men who had been honorably discharged from the mounted service of the Army and who presented certificates from officers in whose commands they had served showing their proficiency in horsemanship.

It is hardly necessary to point out the desirability of having the breeding service so organized that it will be carried on from year to year by the same or about the same corps of employees, in order that it may have a definite, stable, and continuous policy.

THE PURCHASE OF STALLIONS.

Stallions should be purchased by a board of three, composed of an officer of the Army, an officer of the Department of Agriculture, and a practical horseman, whose knowledge of breeds, pedigree, and markets and whose integrity can be relied upon.

In selecting the stallions, suitability for the purpose and freedom from unsoundness likely to appear in progeny should, of course, be first considered, and the stallions should be old enough to have shown their worth as sires of the class of horses desired. In buying standard breds, saddlers, and Morgans any tendency to pace, rack, mix gaits, paddle in front, sprawl behind should disqualify, and only those stallions should be selected which come from families which show none of these tendencies to a marked degree. The presence of such faults in their get would, of course, disqualify them.

EXPENSE.

It is believed that this plan could be put into full operation at a cost not to exceed $250,000 for the first year. This will allow for the purchase of first-class stallions with proved stud records and will provide for the employment of first-class men to carry on the work. The expense in subsequent years, on the same basis of 100 stallions, would require appropriations estimated at $100,000 annually, which would allow for the replacing of stallions as necessity required.

On the basis of 40 mares per stallion, the system would cost about $40 per colt produced. If the maximum of 70 mares were covered by each stallion, the cost per colt produced would be about $20. Con-

sidering the fact that the normal stud fee in the country is from $10 to $25, with a probable average of $15, it will be seen that under this system the expense would be somewhat greater than by using privately owned stallions, but it is believed that the advantages of breeding and the results in foals would more than compensate for the increase. While the increased cost would not necessarily be made up to the central Government, the increase in State and local taxes on more valuable foals would more than counterbalance the loss under this system. As a matter of fact, the resultant cost of such a careful system of breeding can not be computed in dollars and cents, particularly as the effect of systematic effort in the breeding of Army remounts should have such a favorable influence on all breeding in this country as to be of inestimable benefit to the horse industry and far outweigh any expense that might be debited against this system.

Approved.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 10, 1911.*

Mr. PITTMAN. Mr. President, I also ask leave to publish in the RECORD, without reading, a letter from the president of the Nevada Stockmen's Association, giving some very cogent reasons for the passage of this measure. I shall not ask to have it read, but, in the interest of saving time, ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The letter referred to is as follows:

UNITED LAND & CATTLE CO.,
Reno, Nev., May 24, 1916.

Hon. KEY PITTMAN,
United States Senate Chamber, Washington, D. C.

DEAR SIR: Your letter of May 13 to hand regarding the bill that you intend to support in favor of the appropriation for the purchase of thoroughbred and standard bred studs to be distributed throughout the horse-raising States.

I think it is a very good bill and should be passed, and I herewith give you as much information as I can off-handed, without making a thorough search throughout the State for such data, as I have not the time to investigate as fully as I would like.

Mr. Wingfield, I, and others consider Nevada especially adapted for the raising of thoroughbreds on account of the excellent climate, as the horses seem to be very hardy and have good wind and the best of feet and legs, and this opinion was certainly shared by Mr. Theodore Winters, who gave up his breeding farm in California and came to Nevada and located at Washoe particularly to raise thoroughbred horses; and he met with great success and raised such horses as Yotambien, the unbeaten El Rio Rey, The Czar, Yo El Rey, and in later years such celebrities as Neva Lee, Scarborough, and winner of California Derby, Royal Rogue, Princess Zelaka, and a host of others. Notwithstanding that Mr. Winters is dead the firm is still carried on and they are breeding right along.

Messrs. Kinkaid & Allen are also breeding some very fine stock at Fallon; and you, no doubt, are aware of the fact that when Burns & Waterhouse quit racing they moved their breeding stock all to Fallon, and they are now there on account of the excellent climate and conditions suitable for the breeding of thoroughbreds.

You are, no doubt, aware of the fact that Mr. George Wingfield and ourselves own the largest breeding establishment west of the Mississippi, known as the Nevada Stock Farm, owning over 100 brood mares and 6 stallions with world-wide reputations. Among some of the finest mares in America to-day we have Sugar Maid, Scarlet Oaks, Celestia, present holder of the world's record of 1⅛ miles, and Rose Lawn. It is very doubtful if there is a breeding firm in America that can boast of a higher class bunch of brood mares, both on performance ability and blood lines, than the Nevada Stock Farm.

Mr. Wingfield sent to England last fall and imported 10 head of the best blood lines to be found in Europe. He has among the lot the celebrated stallion Honeywood, winner of the Cambridgeshire stakes of 1914, one of England's classics; also the mare Polistena, considered one of the best mares of her age in England. In addition to the two older horses above named, Mr. Wingfield brought over four yearling stallions and four yearling fillies of the very best English and Irish breeding.

This opinion as to Nevada being particularly suitable to the raising of thoroughbred stock is shared by horsemen, trainers, and owners in general; and Mr. M. P. Guilliams, who had charge of the Theodore Winters's estate for 10 years and also the Nevada Stock Farm for three years, considers that Nevada is superior to any State in the Union for the production of high-class horses.

We consider this an industry which should be encouraged by the Government, and this opinion is shared not only by owners and breeders but by trainers and everyone else interested in the welfare of the thoroughbred horse.

Mr. Wingfield, as you, no doubt, are aware, has spent perhaps a quarter of a million dollars in establishing this plant, and to-day it has world-wide reputation. He has his stables racing in Kentucky and Tia Juana at the present time and has been racing all winter in New Orleans. He has sold several very fine colts this winter, and at the present time has about 25 young horses ready for sale this fall, which he expects to ship East for the yearly sales in New York.

I trust that you will be successful in having this bill passed, as it means a great deal not only to Nevada but to the entire United States, and it will encourage the industry a great deal. Any time that I can be of any benefit to you with information, I would be very pleased to hear from you.

With kindest personal regards, I remain,

Very respectfully, yours, W. H. MOFFAT.

Mr. PITTMAN. Mr. President, I simply want to say in conclusion that the stockmen of my State have unanimously indorsed this measure. In fact, I have received numerous letters from other States indorsing the measure. These men realize the necessity of the upbreeding of horses in this country. In fact, the type of horse that they intend to upbuild is the average weight and sized horse, which is of more general practical utility than is any other type of horse. The effort is simply to get a type of horse that is free of defect; that is sound in wind, bone, and heart; which will have the endurance, which will have the life, and which will be able to accomplish probably twice as much as the ordinary common horse of this day. I think it would be a great thing for the farmers of this country, and I sincerely hope that the amendment will be adopted.

Mr. GALLINGER. Mr. President, I was unavoidably kept from the Chamber for a few minutes, and I desire to ask what amount does the Senator from Nevada propose to have appropriated for the purpose to which he refers?

Mr. PITTMAN. I desire to have appropriated $200,000 instead of $25,000.

Mr. GALLINGER. And the proposition is to encourage the raising of horses of the average size and weight, such as the Morgan, for instance, and types of that kind?

Mr. PITTMAN. Yes; the idea is to get a better strain into the horses of the country; to take sound mares throughout the country and make available for them pure types of sound stallions, as they have done in all civilized countries for many years, and as they are doing in Canada to-day, as the Senator from New Hampshire knows.

Mr. GALLINGER. Yes. Mr. President, we have made several appropriations heretofore for this purpose. Have the results been reasonably satisfactory thus far?

Mr. PITTMAN. Both the Quartermaster's Department and the Department of Agriculture report that the experiments have been very satisfactory, but that they need more of these animals in order that they may distribute more widely throughout the country. They are serving a great purpose where they are located at the present time.

Mr. GALLINGER. In view of the fact that we are selling our horses in very large numbers to the allies, so called, I should think there would be danger of their draining our country of the very horses that we are raising for our own use.

Mr. PITTMAN. I think that that has occurred, I will say to the Senator from New Hampshire.

Mr. GALLINGER. And if we are going to war, if that contingency overtakes us, which we all hope will not, I think there ought to be an embargo on the selling of horses to foreign countries when we ourselves are so much in need of them.

There must be a very great shortage of horses in this country at the present time, I should think; and we ought to be careful not to expend our money for the raising of horses to be sold to other countries for military purposes. I merely make that suggestion as a thought that occurs to me as I stand on my feet. I have not investigated the matter carefully. I am, however, very warmly in favor of the Senator's proposition; and I hope it will be agreed to.

Mr. BRADY and Mr. VARDAMAN addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

Mr. VARDAMAN. Mr. President, if the Senator from Idaho [Mr. BRADY] will pardon me for a moment, I desired to ask the Senator from Nevada [Mr. PITTMAN] a question for information before he took his seat.

Mr. BRADY. I will yield to the Senator from Mississippi for that purpose.

Mr. VARDAMAN. Does the United States Government maintain any farm for the breeding of this character of horse for which the Senator's amendment is intended to provide?

Mr. PITTMAN. The Government has three such stations now in existence.

Mr. VARDAMAN. Where are they located?

Mr. PITTMAN. They are experimental farms. Their location is set out in the letter which has been read from the desk, and it may be again read for the information of the Senator. I will say, however, that there is one station in Virginia; another, I think, in Vermont; and another in New York.

Mr. VARDAMAN. I think that any effort or purpose of this kind on the part of the Government would necessarily be productive of good. However, the Government aid in the development of the horse is really needed less than in that of any other branch of the animals of this country. More attention has been paid to the development of the horse; more money has been expended for that purpose; and more interest on the part of business people has been shown in that direction than in relation to almost any other animal with which man has had to do.

I am not interested in the breeding of the war horse; but I am very much interested in breeding the horse that man may use for the cultivation of his farm and as a means of transportation. I think one of the greatest luxuries a man ever enjoyed is the ownership of a good saddle horse; but you can not develop even the war horse, the military horse, without helping the farmer; and, as I have oftentimes said upon the floor of the Senate, whenever you help the farmer, whenever you make the farm profitable, you add to the wealth, the happiness, the

prosperity, and the patriotism of the entire American population.

Mr. PITTMAN. Mr. President, if the Senator from Idaho [Mr. BRADY] will permit me, I desire to say that it is true a great deal of attention has been devoted by private enterprise to the upbuilding of the horse; but that has largely been, as the Senator knows, to the breeding of the thoroughbred of the racing stock on the one hand, and on the other hand, of a heavy draught horse. The ordinary horse of this country, the general type as used all over this country, the horse of from 14 to 15 hands, has not been the subject of upbuilding, and that happens to be the best type of horse for the Cavalry. The ordinary, medium weight, good saddle horse makes a good Cavalry horse, and, unfortunately, that type of horse apparently has been neglected both by private enterprise and by the Government.

Mr. BRADY. Mr. President, there is no question that the appropriations which have heretofore been made along the line of the amendment of the Senator from Nevada [Mr. PITTMAN] have been beneficially used and have produced satisfactory results. As the Senator from Mississippi [Mr. VARDAMAN] has said, if a horse is produced that is well adapted for general purposes, then a horse is produced that is good for war purposes or for farming purposes. Therefore, I think the results to be derived from this amendment will be as beneficial to the farmer as to the military service. So I am very heartily in favor of this amendment and expect to vote for it.

However, I am more interested in the attitude of my good friend from New Hampshire [Mr. GALLINGER] than I am in the appropriation, for I can not exactly understand his manner of reasoning. A short while ago he objected to an appropriation of the small amount of $5,000 for clearing off "logged-off" land in the western country. For a number of years that appropriation has been provided for on the list of appropriations made, and we feel that it has been beneficial; but my good friend from New Hampshire, who is usually in favor of almost anything our people in the West desire, has opposed that very seriously.

I see in reading over the list of appropriations for the purchase of horses for breeding purposes that for the fiscal year of 1914 there was an appropriation made of $50,000, in 1915 of $30,000, and in 1916 of $25,000; and the Acting Secretary in his letter to the Senator from Nevada says:

Owing to the limited funds, the Department of Agriculture had to confine its operations to the following districts, each district at present containing the number of stallions specified below:

DISTRICTS.	*Number of stallions.*
New England:	
Vermont and New Hampshire	7
Central district:	
Virginia, West Virginia, and southern Ohio	18
Kentucky and Tennessee	12
Total	37

So 37 of the horses have been distributed throughout these districts for the benefit of the farmers in those districts. We in the West do not object to that at all. It will be seen, however, that $105,000 have been spent, and it is proposed that we should appropriate $200,000 more; but it will be found on investigation that the West produces more horses than the districts named in this letter, and we have not received one penny of the benefit of these appropriations. They have not extended, you will notice, beyond the Mississippi River.

It seems to me that, to be fair, we ought to help one another; and while my good friend from New Hampshire has refused to help us to take a few stumps out so that we could pasture the horses after we raise them, I want to say that I am perfectly willing to assist him in getting horses for breeding purposes, and I shall therefore support the amendment.

Mr. GALLINGER. Mr. President, the Senator from Idaho ought to be satisfied, inasmuch as the Senate committee amendment to which he has referred was disagreed to, and he is going to have the Government experiment still further as to the best method of blowing out stumps, although after trying to solve that problem for eight years, they have thrown up their hands and say they have exhausted their resources. However, that was a very inconsequential item, and I did not oppose it very strenuously. I called attention to it as being, I thought, a bit of extravagance.

New Hampshire has no special interest in this matter. There is a farm in Vermont, which is included in the list of stations where these experiments are being carried on, and if they are breeding there, as I hope they are, the Morgan horse, a type which has almost entirely disappeared, they are doing the country great service, because of all the types of horses that this country has ever known for general purposes, in my opinion, the Morgan horse stands at the head.

I will assure my friend from Idaho, however, that before this session closes I will probably vote for appropriations for the section of country which he so well represents and the other Western States, as I have always done, which will cause him to forget the fact that I did not think it was expedient for the Government to experiment in blowing out stumps in his State and a few other States of the West. I was good-natured in my opposition to that amendment. I believed that the Senate committee had acted wisely in striking it out; but it remains in the bill, and I am not feeling badly over the fact that I was voted down.

Mr. WEEKS. Mr. President, I should like to ask the author of the amendment, which is now pending, two or three questions, but before doing so I should like to have the amendment read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 14, line 9, it is proposed to strike out "$214,320" and insert "$189,320"; after the word "*Provided,*" in the same line, to strike out "That of the sum thus appropriated $25,000 may be used for experiments in the breeding and maintenance of horses for military purposes: *Provided further*"; and at the end of line 16 to insert the following:

The sum of $200,000 is hereby appropriated, for the fiscal year ending June 30, 1917, out of any money in the United States Treasury not otherwise appropriated, for the purchase and maintenance of stallions for the production of horses for agricultural and military purposes: *Provided*, That all expenditures authorized under this act shall be made by the Bureau of Animal Industry, Department of Agriculture.

Mr. WEEKS. Mr. President, I want to ask the Senator from Nevada if he does not think that after the word "stallions" the words "and mares" should be inserted? If we are going to produce thoroughbreds or cross them it may be necessary to purchase mares as well as stallions.

Mr. PITTMAN. Mr. President, for a number of years the method employed in carrying out this work in the neighborhood where these stations have already been established is this: The Government supplies without charge the stallions to the farmers in the vicinity for the service of the sound mares of a suitable type, except in the event that an option that the Government has to purchase is denied, in which case, at the end of three years, the farmer may pay the $25 and keep the foal. So the only real object of this provision is to secure a cross between sound mares and thoroughbreds. That is the new type which they are building up; but of course I recognize the necessity of the Government keeping on hand at all times thoroughbred stallions, and I believe that it would be practicable for the Government at these stations to keep a certain number of thoroughbred mares so that the strain might be upheld.

Mr. WEEKS. That is the reason I made the suggestion to the Senator from Nevada. It seems to me that the Government at its cavalry remount stations, such as the one in Virginia, should have some thoroughbred mares as well as stallions, so that it would alway have a sufficient number of thoroughbred stallions available for all sections of the country. I therefore hope that the Senator will accept an amendment adding after the word "stallions" the words "and mares," so that that purpose may be carried out.

Mr. PITTMAN. Mr. President, I have no objection to that, and I will adopt that language as part of my amendment.

Mr. WEEKS. Mr. President, I want to ask the Senator one more question. Does he think, under the provision as it now stands, that the Government could expend money for the maintenance of the stallions and mares under these conditions?

Mr. PITTMAN. I do. I think that is the intention of the provision. It uses the language "and maintenance of."

I may say, Mr. President, this is only an enlargement of the existing law or, rather, of the existing practice of the Department of Agriculture. The experiment has been carried on in this way for several years, and has been successful. They are now, of course, maintaining the stallions, and they are using them throughout the country. The Agricultural Department and the War Department agree that it has been a great success in the localities where the plan has been tried, and they feel the necessity of enlarging this work throughout the whole country. Therefore I am satisfied that provision is made for the maintenance of these animals.

Mr. WEEKS. Now, one more question. Who is to make the purchases of these animals? Is it to be done by joint commission of officers of the Agricultural and War Departments, or by some officials of those departments, or by whom?

Mr. PITTMAN. There is no attempt in my amendment to change the existing practice, which is to purchase by the head of the Bureau of Animal Industry of the Department of Agriculture.

Mr. WEEKS. As the amendment provides for horses for agricultural and military purposes, I want to ask the Senator if he does not think it would be desirable that a representative of the War Department—the Quartermaster General, for example—should have a voice in the purchase of horses for that department for military purposes?

Mr. PITTMAN. I will say, Mr. President, that I am satisfied that the Agricultural Department and the War Department are in perfect harmony in regard to the medium-weight horse, and I am afraid that if we were to provide for a determination by two separate departments we would be apt to have conflict and confusion. I would not desire to change the practice which has been followed, and which has been absolutely successful up to the present time.

Mr. WEEKS. I do not want to impose any restrictions on the carrying out of this amendment. It does seem to me, however, that there are quite different qualities in the ideal agricultural horse and the ideal military horse. It is almost universally agreed that the horse which weighs about a thousand pounds makes the best Cavalry horse, while very frequently a horse weighing 50 per cent more than that would be the ideal agricultural horse. If the Senator thinks that that difference will be considered and given proper attention by the Bureau of Animal Industry, I have no desire to amend the provision; but in a matter of such great importance relating to our Army it does seem as if somebody connected with the War Department should have a voice in determining the kind of horse to be purchased.

Mr. VARDAMAN. Mr. President, if the Senator will yield to me for a moment, I wish to state that the provision sets out distinctly what is to be accomplished. The Agricultural Department is to carry out that plan, and I think we may assume that if the Agricultural Department in carrying out the plan should determine that there are experts in the War Department or in the Army whose experience and observation would be needed or desirable in the matter of developing it, there would be no trouble about the services of such persons being obtained; but when you divide the authority you might bring about a conflict, I am afraid, that might militate against the proper and orderly execution of the law. I think it would be well to leave this matter to the Bureau of Animal Industry to carry it out without bringing in too many departments of the Government to deal with one specific question.

Mr. SMITH of Arizona. Mr. President, I should like to ask the proponent of this amendment how long this experiment of breeding, as nearly as possible, an ideal middle-weight perfect horse for the Army, which is confessedly a good horse for the farm, has been in operation? When was it started?

Mr. PITTMAN. Only three or four years.

Mr. SMITH of Arizona. Therefore, no time at all has elapsed so that we could get any idea of the percentage of successes in the effort they are making?

Mr. PITTMAN. Not in this country; no.

Mr. SMITH of Arizona. Have there been any reports on, say, the yearling or the 2-year-old products of this experiment?

Mr. PITTMAN. I do not know myself, except that the department states that it has been a success, and I assume they must have had some ground for the statement.

Mr. SMITH of Arizona. I do not want to be understood as opposing the amendment, but, knowing something of the horse myself, having a pretty intimate acquaintance with him, having been raised in probably the best horse country in the world, I do not believe that the most intellectual horse breeders in this land have ever been able to get 5 per cent of the purpose for which they were making the crossing; and but for the large exportation of horses to Europe during this war I should feel very much inclined to the belief—and that is the ground of my objection to this amendment—that it would be safer for the Army to set a type of horse themselves, for which they would pay a given sum when needed, and increase the profit and the incentive of the men who know about the horse, not only as they stand and look at him, but about the crossing of bloods and the probable effect of such crossing.

I know that in the State of Kentucky, for instance, the most marvelous horse that the world had ever seen, the Kentucky saddle horse, has completely changed type, and the older and better one has almost passed from our observation. If the horse breeder knew that for the production of a horse of a certain type he would get fair remuneration, you would get better results than you will by any possibility of the Government otherwise helping to do it; for, as I have said, the intelligent breeder has to study not only the particular horse and the cross he proposes to make, but the pedigrees of both; for the very best horse, in its cross, may throw back from the dam the worst possible features and probably the worst possible shape. Any intelligent breeder of stock—and, I think, if it could be carried out in the human family it would be much better—knows the part that heredity plays in it.

As a fact that might be interesting to the Senate, I remember when, as a boy, walking around with old man Jerre Duncan, who lived in Bourbon County, Ky., and he showed me, among a beautiful lot of calves, one that was perfectly pied—as spotted as a leopard. He pointed out that calf, and he said, "Look at that! My father imported Lady Teasewater"—I think the name of the cow was—"in 1817. There have been 30 crosses of absolutely pure red from that time, and this is the first production of the kind, and that is an ideal picture of the original cow."

When it can go to that extent it becomes obvious that, even after you have studied as far as you can and started to produce horses for the Government, it is better for the Government to set a type and pay a large premium for that particular type of horse than it is for the Government itself to do it under men who know a horse when they see him.

In answer to the suggestion of the Senator that an Army man ought to be put on the board or that he should be added to those selecting the peculiar type to be bred, and that probably a soldier knows a horse as soon as he looks at it as well as anybody, he has very little idea of what the breeding of that horse is and cares very little. He is no more competent to cross these strains of blood than a man that never saw a horse unless he has studied that particular feature of the matter.

So while I shall not oppose the amendment I do suggest to the Senate that, as the Senator has well said, no better all-around-purpose horse ever stood on American soil than the Vermont horses to which he refers, the old Morgan stock. They are liberally distributed through our best Kentucky stock of horses. You can see the type and know it; and no better type could be bred for the Army. I congratulate whoever was doing this in trying to keep as far as possible that original strain.

I shall not vote against the amendment, but in my judgment it would be much wiser to do as I have said—and I will not repeat it—see that the crossing is done by men who know the business, and let the Government pay a premium for the product they are looking for.

Mr. GRONNA. Mr. President, I agree with what the Senator from Arizona [Mr. SMITH] has said—that if the Government would make it possible for the horse breeders to get a fair price for their horses there would be no trouble about getting plenty of horses. But, Mr. President, I rose mainly to congratulate the country on the fact that the conservative, stand-pat idea of New England harmonizes with the Jeffersonian principles of the far West.

Mr. President, if the proposition were made for the Government of the United States to engage in the manufacture of shoes, I suspect that the Senator from Massachusetts would be at once upon his feet characterizing such an appropriation as socialism; and I congratulate him on agreeing with the old populistic idea which was so characteristic and so prevalent in the early nineties.

Mr. President, in the case of every other industry save that of agriculture those who are engaged in that business are supposed to understand their own business. The manufacturer of shoes and boots in the State of Massachusetts will not be shown anything by the Government of the United States as to how to carry on his manufacture; but when it comes to the question of teaching the poor farmer how to farm there is always an opportunity, and it is always important for the Government to do that.

I want to make the statement, Mr. President, that there are thousands of men in the United States, private individuals, who know more, single-handed, about the breeding of horses than the heads of all the bureaus of the Agricultural Department combined.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. GRONNA. Yes; I gladly yield.

Mr. POMERENE. Has not this conversion occurred since the day when Mr. Justice Hughes and Col. Theodore Roosevelt got together in perfect accord?

Mr. GORE. Mr. President, I want to say that the crossing of the Republican elephant and the bull moose has nothing to do with this proposition. [Laughter.]

Mr. GRONNA. Mr. President, I appreciate fully the statement of the Senator from Ohio. I do not know what has brought about the change in the Senator from Massachusetts. That is for him to say, and not for me. I do know, however, from the statement he has made here this afternoon that he evidently agrees not with the Jeffersonian idea, but with the doctrine promulgated by Tom Watson and by other populistic leaders of recent years.

Mr. GALLINGER. Mr. President——

Mr. GRONNA. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I will ask the Senator from North Dakota if he does not agree with me that, whatever other results the getting together of Justice Hughes and Theodore Roosevelt has had, a change in the administration at Washington will inevitably ensue?

Mr. GRONNA. Oh, Mr. President, there is no question but that there will be a change. There is no question about that. But I could not let the opportunity go by without saying a word to characterize the statement made by the Senator from Massachusetts [Mr. WEEKS], who is regarded not only by the Republicans but by the people of this entire country as a conservative, and as against public ownership, and as against the Government doing anything whatever save and except to appropriate money for rivers and harbors and such things as that.

The farmer of the United States need not be told by any Government official how to raise horses. Thank God, we have today college graduates who are living upon the farm and who know more about the rearing of horses than any Government official and perhaps more than any Government official will ever know. We have in the United States hundreds and thousands of men who can not be hired by the Government of the United States, because it can not afford to pay them the wages to which they are entitled. I will say to the Senator from Massachusetts that it is just as unfair to the agricultural industry for the Government to engage in private business affecting the farmer as it is for the Government of the United States to engage in the business of manufacturing boots and shoes.

Mr. VARDAMAN. Mr. President, will the Senator yield to me for a suggestion?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. GRONNA. I yield.

Mr. VARDAMAN. The purpose of this is not to proscribe the farmer in any way. It is only cooperative in its nature. The Government of the United States, as has just been stated by the Senator from Nevada, purchases these highly bred stallions, and they are used in the communities in which they are kept. It is for the purpose of building up the breed of the horse and not to proscribing the farmer's conduct. It is not a reflection upon the intelligence of the farmer.

We all understand that every farmer can not buy a very expensive stallion or a very expensive bull or anything of that kind. You remember that when the great empire builder, Mr. Hill, built his railroad through the new country of the North and the West one of the first things he did to improve the stock and to help promote agriculture was to buy these fine strains of cattle and horses and to distribute them all along the line of his road. He gave the use of them to the farmers.

Mr. GRONNA. May I ask the Senator in that connection whether Mr. Hill applied to the Agricultural Department and asked for assistance to purchase those animals?

Mr. VARDAMAN. Why, certainly he did not. He had the money with which to do it, and he was engaging in that, I might say, moved by selfish altruism, which meant the building up of his own interests by making other people prosperous.

Now, that is the purpose of this provision. It is to help the farmer. God bless him! I do not want to restrict him or hinder him or handicap him in any way. I want the Government, wherever it can, to lend its strong hand to him as he struggles and strives to upbuild the world, to feed it and to clothe it, with his own labor; and that is the purpose of this sort of legislation. It is cooperative, it is helpful, instead of being proscriptive. It is not a reflection upon the intelligence of the farmer or upon his ability to manage his own affairs.

Mr. GRONNA. Will the Senator from Mississippi permit me to ask him a question?

Mr. VARDAMAN. Yes, sir; certainly.

Mr. GRONNA. If it is a proper function for the Government of the United States to go into the business of breeding horses, is it not also a proper function for the Government to go into the business of producing all sorts of grain?

Mr. VARDAMAN. As my friend the Senator will understand, this is not producing horses for profit. The Government is not entering into business in competition with anybody. It is not raising horses to sell even to itself.

Mr. GRONNA. I am well aware of that.

Mr. VARDAMAN. It is simply enabling the farmer to produce horses which the Government needs and will buy from the farmer; that is all.

Mr. GRONNA. I am well aware that the Government of the United States could not, if it wanted to, go into business and compete with anybody. I am well aware of that.

Mr. VARDAMAN. "Sufficient unto the day is the evil thereof." It is not doing so; and whenever the Government of the United States can, with its strong hand, help the struggling, I think it is a very proper use of the governmental function. I think that governments are made for men rather than men for governments. And when the Government without destroying the individual initiative can by laws that affect all alike aid the citizen for the good of all it should do so.

Mr. GRONNA. Well, Mr. President, I think I have demonstrated beyond a question of doubt since I became a Member of Congress that I have at all times, whenever I had an opportunity to do so, voted for appropriations for anything that would disseminate knowledge to the farmers of this country; but it is a different proposition to cooperate with a farmer on the one hand and on the other to go into a business which is absolutely in competition with him and with his industry. I say to the Senate that you have no man in the employ of this Government who is competent to judge what is the right kind of a horse to buy, so far as it affects the farm, and the very reason for it is that the Government does not and can not afford to pay the wages that are being paid to the men who are engaged in that business.

If it is wrong for the Federal Government to engage in private business in manufacture, it is fundamentally wrong, I say, for it to engage in a business which always has had competition. There certainly can be no complaint made, nor can the charge be sustained, that the farmers of this country have been enabled to perfect a combination and control prices, whether it be in horses or anything else.

Mr. President, I do not think we should enact legislation of this kind. I am not opposed to it because it is a socialistic measure, for I am not afraid of socialism, but I think it is subject to a point of order.

I make the point of order that it is legislation; that it has not been estimated for by the department; and, therefore, that it is subject to the point of order.

The VICE PRESIDENT. Is there any estimate?

Mr. GRONNA. There is no estimate.

Mr. HUGHES. Mr. President, I was in sympathy with the amendment originally proposed by the Senator from Nevada, but I do not think I am quite in sympathy with the amendment as modified at the suggestion of the Senator from Massachusetts.

I can understand the advisability of the Government purchasing stallions and loaning them to the farmers in the adjacent territory. It has been demonstrated that the cross between the thoroughbred stallion and the blooded mare brings forth a superior type of horse. That has been demonstrated all over the country, and the work is going on now, in my own opinion, so far as the horse-breeding and horse-production industry is concerned. But a provision for the Government to use part of this money for the purchase of thoroughbred mares, and for the officials of any department of the Government to engage in the business of attempting to breed what would naturally be thoroughbred horses, is one of very doubtful validity, to my mind.

I do not know, as has been said here, that there is any officer of the Government who pretends to be equipped to enter into that line of business, and I sincerely hope the Senator from Nevada will insist upon his amendment in its original form.

Mr. BRADY. Mr. President, I understand that the Senator from Nevada has not accepted the amendment of the Senator from Massachusetts.

Mr. HUGHES. Well, I did not know. I understood him to say he would accept that modification.

Mr. SMOOT. He accepted it.

Mr. HUGHES. I think it changes the whole scheme and initiates an entirely different policy, the success of which, I think, is very doubtful.

Mr. GORE. He did accept it.

Mr. PITTMAN. Mr. President——

Mr. BRADY. I think the change would be detrimental to the amendment.

Mr. PITTMAN. I stated that I had no objections to the amendment.

Mr. HUGHES. Well, Mr. President——

The VICE PRESIDENT. Let us get to the point of order. A point of order is made for the Chair to rule upon.

Mr. HUGHES. Is there a point of order to the amendment?

The VICE PRESIDENT. There is a point of order pending to the amendment. Has this been estimated for by the department?

Mr. GORE. Mr. President, I will send the Book of Estimates to the Chair.

The VICE PRESIDENT. There was a bill of like character to this amendment, was there?

Mr. PITTMAN. A bill of like character was referred to the committee.

The VICE PRESIDENT. And reported favorably to the Senate?

Mr. PITTMAN. There has been no report at all upon that bill.

The VICE PRESIDENT. How does the Senator from Nevada think, then, that this amendment is in order?

Mr. PITTMAN. This matter was estimated for.

The VICE PRESIDENT. Where?

Mr. PITTMAN. In this language:

Provided, That of the sum thus appropriated $25,000 may be used for experiments in the breeding and maintenance of horses for military purposes.

And yet the total amount in the Book of Estimates under this section is $214,320.

The VICE PRESIDENT. Yes; that is very true, but it is an estimate of $25,000 for this purpose, and, as the Chair understands the rules of the Senate, if that appropriation is to be increased the increase must be made by a report of a committee of the Senate, and after it is made by a committee of the Senate it must be referred to the Committee on Agriculture and Forestry at least one day before it is considered.

Mr. SMOOT. Mr. President, may I ask another question? I have looked in the Book of Estimates for an estimate for this amount and for this purpose, but I am unable to find it. Can the Senator point to it?

The VICE PRESIDENT. Here is the estimate, on page 42:

Provided, That of the sum thus appropriated $25,000 may be used for experiments in the production of horses suitable for agricultural and military purposes.

Mr. SMOOT. That does not show that it has been estimated for; that is, I mean, for the $200,000.

The VICE PRESIDENT. Oh, for the $200,000 there has been no estimate.

Mr. PITTMAN. What I am trying to explain, my construction of it, is this: As I recollect the Book of Estimates, there is no estimate made of this $25,000 sum at all. It appears in the paragraph in the Book of Estimates copied from the bill, but in the column of estimates you do not find any estimate of $25,000 or any other sum, if I recollect rightly. Now, then, in the paragraph before it there is an estimate that reads as follows:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $208,320.

I think that is the only estimate there is.

The VICE PRESIDENT (reading)—

Provided, That of the sum thus appropriated $25,000 may be used for experiments—

As it was in the House—

in the breeding and maintenance of horses for military purposes.

Or, as the Senate amendment proposed it—

for production of horses suitable for agricultural and military purposes: *Provided further*, That of the sum thus appropriated $37,000 may be used for experiments in poultry feeding and breeding, including the feeding and breeding of ostriches and investigations and experiments in the study of the ostrich industry.

Now, of the $208,320 there is $25,000 for the horse experiments, $37,000 for the poultry and ostrich experiment, and the balance of it is—

For * * * investigations and experiments in animal husbandry, * * * in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses.

The Senator from Nevada cuts down the $208,320, as the Chair understands the amendment, by $25,000 and makes it $189,320, but he adds $200,000 on at the end. That makes $389,320 appropriated under this clause, and there seems to have been only $208,320 estimated for.

There is a plain rule of the Senate that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session—

This does not come under any of those classes—

or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

This does not seem to have been proposed in pursuit of the estimate of a head of a department, nor does it seem to have been moved by the direction of a standing committee. When it is moved by the direction of a standing committee the rule further provides that where it proposes to increase an appropriation already contained in the bill it shall at least one day before it is considered be referred to the Committee on Appropriations, and so on to the various committees.

Mr. PITTMAN. Of course this amendment was referred a few days ago, but it has not been reported.

The VICE PRESIDENT. Well, it was not proposed by a standing committee.

Mr. PITTMAN. No; it was referred to the committee, increasing the appropriations, but it has not been reported. I admit that.

The VICE PRESIDENT. The Chair is quite clearly of opinion that in order to increase an appropriation, as this does, as it has not been estimated for by one of the heads of the departments, it must first be reported by a standing or select committee of the Senate, and after it has been so reported it must be referred to the Committee on Appropriations. The Chair believes that it is the duty of the Chair to sustain the point of order.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from North Dakota if there is any distinction in his mind in this matter, and if the amendment offered by the Senator from Massachusetts was not included in my amendment? My amendment simply intends that the same as they have in all other countries—if the Government sees anywhere a stallion that is producing a fine breed of horses it will use the strong power of the Government to go out and buy that animal, and will then allow the farmers of the country, if the farmers approve of that breed, to use that stallion, paying nothing, mind you, for the use of it on the start, and only paying for it in the event that when 3 years old they will sell to the Government at a fixed price, say $200.

Mr. GRONNA. Does the Senator from Nevada suppose that the farmers would pay the price or pay whatever it cost the Government? Is that the idea? Does the Senator believe the Government could buy these horses cheaper than the farmers themselves could buy them?

Mr. PITTMAN. No; but there are a great many farmers in my part of the country who have commenced to raise horses and they have sold a great many of them recently at a good profit. They have not found available in their section of the country stallions of the type that will improve the breed of horses to the extent that they want to improve it.

Mr. GRONNA. Let me say to the Senator from Nevada that I have considered this proposition very thoroughly. The Government has had a small horse farm in the State of Virginia near the city of Washington, and I must say that from my standpoint, I believe it has been an absolute failure.

Mr. PITTMAN. Of course, I am not discussing any question now as to the amendment. It has passed from consideration, and I have nothing to say on it. I intend, however, to take this up on some other line, because I think it is an outrage on the people of the country to treat this matter in the narrow-minded local way in which it has been treated. It is not given any consideration apparently at all except based upon that of some supposed prejudice. Every civilized country in the world has been pursuing this policy for years and years, and has bred better stock than we have bred. In Canada, just across the line——

Mr. GRONNA. Mr. President——

Mr. PITTMAN. Just a minute, please. In Canada, across the line from the Senator from North Dakota, they are pursuing that same policy. The Canadian Government have gone to Arabia, they have gone to France, they have gone to Russia, they have gone everywhere to pick up some of the very best material in horseflesh that can be found anywhere in the world. They brought them to the farmers of that country and they have lent them to the farmers for the upbreeding of their stock, and everywhere they have found the condition improved.

I have a letter here from stockmen of my State, and I want to say that we raise in our State proportionately more horses than in nearly any other State of the Union, and the very best horses that are raised. We have a line of thoroughbreds which are raised in that State that have never been beaten. They raise a horse with the best bone, the best muscle, the best blood, and the best wind and heart found anywhere in this country. They have taken the stables of California up to Nevada and have them there now.

I come from a stock-raising State. While I do not pretend to be an expert in the matter, I know all farmers are not so jealous of their own stock that they are unwilling to accept the gratuitous services of a great Government in the upbuilding of that stock. To stand here and say that it is right to furnish high-grade seeds for the farmer but it is not right to furnish them the opportunity of fine blooded stock, to say that it is right

to go out and teach them how to treat hog cholera but it is not right to present them with the finest blooded stock of the country, it seems to me is a narrow-minded absurdity.

I might go on and give the Senate the history of this movement through other nations if I did not think it was a waste of time.

Mr. MARTINE of New Jersey. Mr. President, I feel that this bill is of vital importance not only to the farmers but to all the rest of humanity. It seems to me, in order that the Senate may be enlightened, we should have a fuller representation, and hence I suggest the lack of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Me.	Overman	Smoot
Brady	Johnson, S. Dak.	Page	Swanson
Brandegee	Kenyon	Pittman	Taggart
Broussard	Kern	Poindexter	Thomas
Catron	La Follette	Pomerene	Thompson
Clapp	Lane	Ransdell	Underwood
Clarke, Ark.	Lodge	Shafroth	Vardaman
Fletcher	McLean	Sheppard	Walsh
Gallinger	Martine, N. J.	Sherman	Weeks
Gore	Nelson	Simmons	Williams
Gronna	Norris	Smith, Ariz.	

Mr. LANE. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. THOMPSON. I wish to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. HUSTING].

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present.

Mr. GORE. I ask that the list of absentees be called.

The VICE PRESIDENT. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. HARDWICK, Mr. SMITH of Georgia, and Mr. TOWNSEND answered to their names when called.

Mr. BRYAN, Mr. STERLING, and Mr. BANKHEAD entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. PITTMAN. Now I offer an amendment to the pending committee amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 14, at the end of line 16, insert:

That the sum of $200,000 is hereby appropriated for the fiscal year ending June 30, 1917, out of any money in the United States Treasury not otherwise appropriated, for the purchase and maintenance of stallions for the production of horses for agricultural and military purposes: *Provided*, That all expenditures authorized under this act shall be made by the Bureau of Animal Industry, Department of Agriculture.

Mr. GORE. I think that is practically the same amendment that went out on a point of order.

Mr. PITTMAN. The Senator from North Dakota said he would not make a point of order against the amendment in that form. He conferred with me about it, and it was written in accordance with his idea on the subject.

Mr. GORE. I will make the point of order for the present. I may withdraw it later. I have not had an opportunity to examine it.

The VICE PRESIDENT. The Chair does not understand. Does the Senator from Oklahoma make the point of order?

Mr. GORE. Yes, sir; I make the point of order now. I have not had a chance to look into it.

The VICE PRESIDENT. It must be sustained if the point of order is made. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. GORE. I will say that an amendment was passed over in order to afford an opportunity to the Senator from Minnesota [Mr. CLAPP] and the Senator from North Dakota [Mr. GRONNA] to reach an agreement concerning some difference between them in the matter. I ask to have that amendment called up.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 23, the committee report to strike out lines 8 to 14, inclusive, in the following words:

Provided further, That no part of this appropriation shall be used in the free distribution, or propagation for free distribution, of cuttings, seedlings, or trees of willow, boxelder, ash, caragana, or other common varieties of fruit, ornamental, or shelter-belt trees in the Northern Great Plains area, except for experimental or demonstration purposes.

Mr. CLAPP. Mr. President, I offer the following amendment. In line 10, after the word "distribution," I move to insert "except within the district now covered thereby, in accordance with Bulletin No. 2, issued by the superintendent of the Northern Great Forest Section, Mandan, N. Dak., October 12, 1914."

I think that will make the provision agreeable to the junior Senator from North Dakota.

Mr. GRONNA. Mr. President, so far as I am personally concerned I have no objection to modifying the amendment as suggested by the Senator from Minnesota. As the chairman of the committee knows, I opposed the provision proposed by the House for this reason. The Government of the United States has appropriated large sums of money to an experimental station at Mandan, N. Dak. That station sent out a few trees to farmers of the State, not to the whole State. They issued a bulletin which stated that they would furnish trees to any farmer living west of the one-hundredth parallel, which is more than halfway west in our State, and then including the same portion of South Dakota west of the one-hundredth parallel, including Montana and Wyoming and east of the line in a contour of 5,000 feet.

Mr. President, that is a small area, and I think that the opposition to this provision is only because of the fact that the men who are engaged in the nursery business fear that this is going to interfere with their private business; but in order to assure those people that it can not do so, I have no objection, so far as I am personally concerned, to the adoption of the amendment specifying the language of this bulletin, that they shall only do so in this particular district.

I could not, Mr. President, favor the proposition of the other House, because it would practically nullify the law. It would only permit this station, which is a valuable one, to grow the trees and shrubs named in the bill, and then to make no use of them. I talked to several of the men who appeared before the Committee on Agriculture and Forestry. State Senator Cashman, of Minnesota, was one of them, and he admitted that so far as the present supply of the station is concerned, it could not interfere with the nursery business, for not one-half of the people of my State could be supplied with a single tree, because the number the station produces is limited; but I shall not oppose the amendment, in order to obviate the fear which Senator Cashman said existed in the minds of the farmers. He stated that he was not opposed to the number of trees shipped out by the station, but he was opposed to giving the idea to the farmers that they could get as many trees as they wanted for nothing.

Mr. CLAPP. I think, Mr. President, that this is probably a very happy solution of the issue.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota [Mr. CLAPP] to perfect the text of the original bill.

Mr. GALLINGER. Mr. President, before the motion is voted on, I should like to educate myself as I go along. Will some Senator tell me exactly what kind of a tree a "caragana" is?

Mr. CLAPP. I can not answer that question.

Mr. GALLINGER. Mr. President, I do not get any additional education; so I shall not pursue my inquiry.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota to the text of the part of the bill proposed to be stricken out by the committee.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment to strike out the proviso as amended. [Putting the question.] The noes have it. The committee amendment is rejected and the House text stands, with the amendment of the Senator from Minnesota incorporated in it.

Mr. TAGGART. Mr. President, I have been giving some attention to the pending Agricultural appropriation bill. I think, perhaps, the Department of Agriculture has done as much as, if not more, in a general way for the farmer, the stock breeder, and for the general welfare of the country than has any other department.

With regard to the matter of seeds and their free distribution by the Government, which was thoroughly discussed this morning, I notice that the appropriation for this item last year amounted to $252,540. Of this appropriation $25,245.95 was expended for salaries; $1,241.48 was expended for travel and field expenses for inspecting seed growing under contracts; $12,400 was expended for office stationery and supplies; $72,948.88 was expended for packeting, assembling, and mailing seed under contracts; $9,400 was expended for freight, express, and drayage; $2,363.11 for miscellaneous expenses; and $128,904.58 for plants, seed, and bulbs.

Mr. President, it will be observed that about one-half the total expenditure of $252,540 carried in this item last year was actually expended in the purchase of seeds, and all of the remainder, $124,621.24, went into salaries, travel expense, labor, freight, express, and so forth.

The people have an idea that all these seeds are new and rare seeds, grown by the Government upon its experiment stations, but the truth is that all the seeds are bought and purchased in the open market under competitive bids.

But every time the Government actually spends one dollar for seeds it expends a corresponding dollar in expenses and charges for labor, freight, drayage, salaries, traveling expenses,

and so forth, before the seeds reach the ultimate consumer. It is a useless expenditure of money, and does not give the people a corresponding benefit in return. Mr. President, there are many items in this bill on a par with this one, amounting, in the aggregate, to several millions of dollars, which go to pay the traveling expenses of a lot of useless employees in the way of railroad fare, Pullman fare, and so forth, which ought to be eliminated.

Mr. President, I am in favor of the department's investigating and research work; but the item of free seed does not come within the line of the department's work. It is a gratuity which the people do not appreciate; but in its scientific and research work, in my opinion, the department does much good for the country.

At last it has become a recognized fact that farming is a science, as much so as any other business or profession, and perhaps it is the greatest of all sciences, except the science of medicine, and through investigation and research the department is able to furnish the country with a great deal of valuable information. In other words, along this line the department becomes a school-teacher for rural people, constantly searching and investigating for new things to meet new conditions as they arise; but after it has solved the problems through its experiment and research work, and when it has reached a definite conclusion as to the remedy to be applied, appropriations for this line of work should stop, and the information should be given to the people through bulletins or in some less expensive way than the way now in vogue to get this information to them.

Mr. President, I find, on page 13, an item of $632,400, which has been increased in the Senate to $782,400, "for the eradication of southern cattle ticks." The department, through its research work, long ago found the remedy to eradicate cattle ticks, and this remedy is in possession of cattle raisers and growers in sections of the country afflicted with it. To-day everybody knows what is required to destroy the tick, but, notwithstanding the fact that this knowledge and information is complete, enormous amounts of money are yearly carried in this bill to enable the people in the respective States to do work which they ought to do at their own expense, and with which they are thoroughly familiar.

It may be that the item for the free distribution of seed and also the provision for the eradication of the cattle tick are both essential and necessary. As was said by the Senator from Missouri [Mr. REED] this morning, the Bureau of Soils, the Bureau of Horticulture, the Bureau of Chemistry, and some other bureaus have accomplished valuable work; and where it has been possible to increase the production from one ear of corn to two ears or from one grain of wheat or from one grain of oats to two grains, and that result has been achieved, it is of incalculable value to the country.

But, Mr. President, I find, on page 57 of the bill, an item of $420,540 to enable the department to investigate the food habits of North American birds, including experiment and demonstration work of destroying wolves, coyotes, prairie dogs, gophers, and to investigate the disease of wild ducks in the Salt Lake Valley region of Utah.

I hastily ran through the hearings on this bill before the Committee on Agriculture in the House, and this item developed some wonderful things which the department is doing along the line of destroying wolves, coyotes, ground squirrels, gophers, doctoring ducks, and so forth. This is the third time that the item of $15,000 for the destruction of ground squirrels has appeared in the bill. Mr. McAtee, of the Department of Agriculture, in speaking of the work done under this item last year, boastfully says: "They cleared the ground in Indian reservations and public domain in California of ground squirrels at a cost of 9.9 cents per acre." This is rather expensive for the clearing of the forests in that locality of these little pests.

Mr. President, I presume every State in the Union has been afflicted with these small pests, and yet not until recently was Congress ever asked to make an appropriation to exterminate the little ground squirrel.

In speaking of the item of $5,000 for investigating the disease of wild ducks in the Salt Lake Valley region, Mr. McAtee, of the department, gravely and solemnly declares that at last the department has found that the disease affecting wild ducks around Salt Lake is due to the ducks there drinking alkali water. He says that last year they experimented on 586 ducks by first giving them alkali water, such as is found in the pools in the region of Salt Lake, and that they successfully cured 426 of this number at the nominal cost of from 5 to 10 cents per bird. He further assures the committee that by a scientific treatment of the wild ducks they can be permanently cured by placing them where they have access to only pure water; but, Mr. President, in my judgment, this would be rather expensive treatment for all the millions of wild ducks annually congregating at Salt Lake, Utah; yet Mr. McAtee says he feels sure he has a successful cure that will be accepted by the sportsmen throughout that region of the country.

Mr. President, of this item of $400,540, it is proposed that $15,000 be expended in the destruction of ground squirrels, $5,000 to be used in treating sick ducks in Utah, and $125,000 to be used in the national forests and public domain in destroying coyotes, wolves, and other animals injurious to agriculture—without mentioning "lame ducks"—and, in addition, $125,000 to be used in the destruction of wolves and coyotes afflicted with rabies.

Here is a large appropriation, and I undertake to say nearly every dollar of it will be worse than uselessly spent. Of all the useless jobs in the Government—and there are many of them, in my opinion—these jobs and positions "top the list." Much of this money is worse than wasted—it is squandered with no corresponding return of benefit to the people.

The country infested with these predatory animals seems to be divided into nine districts, with a worthy inspector in charge of each district. It is proposed, through this appropriation, to add 14 or 15 additional inspectors, making a total of 24 or 25 in all. These inspectors are appointed through the Civil Service Commission, I presume, at the end of fierce and strenuous competition, with good, round salaries, and each one of them is empowered to hire hunters and trappers at salaries ranging from $75 to $115 per month. Each inspector, so the evidence discloses, can not look after more than 10 or 15 hunters. This means that there will be from 300 to 400 hunters put on the statutory roll at salaries ranging from $75 to $115 per month.

Mr. President, imagine this army of hunters traveling over the national forests and public domain upon Uncle Sam's pay roll. Such an army as this would make old Nimrod himself blush in shame, if he was alive, to see it.

The evidence showed that one of these hunters, after one month's hard and faithful toil, was able to kill one coyote, for which he drew down his salary of $115. One of these hunters, at Poll Mountain, Wyo., made a wonderful record, scored a bull's-eye—hit the ring. He was actually able to kill three wolves in six weeks, for which he drew down his salary of $115 a month for this period of time.

Another hunter actually found—for which he should have been awarded a medal—a den of wild coyotes, killed the old mother and 13 young ones. So it goes, Mr. President, all through the hearings had on this item before the House committee on this bill.

The business-like thing to do would be to expend this money by placing a premium upon the scalps of wolves and coyotes. This at least would have a tendency to stimulate the activity of the three or four hundred sportsmen now on the pay roll, but actually loafing on their jobs; but the department seems to be averse to this. It says this would not be economy; that it would be extravagance for the Government to use this appropriation or any part of it in paying a bounty for the scalps of these predatory animals. The department criticizes the idea of the people in the vicinity keeping a pack of hounds in order to protect themselves against the destruction of such animals, and it equally opposes the idea of the Government keeping hounds for the purpose of getting rid of these animals. I do not want to impugn the motives of the men in charge of this work, but it looks to me as if the department is not very anxious to get rid of these animals for fear that some one of its men now on the pay roll under civil service would lose a good, fat job.

In contrast with the department's idea and way of handling this situation, let me call the attention of the committee to the statement made by Representative STEELE, of Iowa, a member of the Committee on Agriculture in the House. He says:

> I have a ranch of 20,000 acres that I leased in the State of South Dakota. I went there to raise cattle and the coyotes began killing the calves. I obtained a pack of hounds and killed 15 or 20 of those coyotes with hounds; then I found where they raised their young and I put men to digging them out, and I do not believe I have a coyote to-day within 10 miles of my ranch.

Compare the statement of this practical, hard-headed farmer, speaking from experience, with the bunglesome manner in which the Department of Agriculture is trying to get rid of these pests. Here is a man who got rid of them by his own means through a pack of hounds, practically at no cost at all. On the other hand, here is the department hiring a lot of hunters at salaries of from $75 to $115 per month. I see by the statement of the Hon. Mr. RAKER, a Member of the House from the State of California, that last fall 40 of these hunters were trooping through his country. Mr. President, the department says that one inspector can not handle to exceed from 10 to 15 hunters. This means when this appropriation is worked out

there will be from three to four hundred hunters on the pay roll. The thing to do is to cut this appropriation out and to let the people work out this problem themselves, exactly as Representative STEELE worked it out on his ranch. The department has already found a method for exterminating the ground squirrel, the gopher, and so forth, by poisoning it with strychnine mixed with oats, wheat, or barley; and as the department has worked this out through its research work, why make this appropriation?

Mr. President, if ever there was a time in the history of the American Congress when we ought to practice economy, that time is now. With appropriations this year amounting to upward of $1,600,000,000, we ought to cut out every useless expenditure we possibly can. It is the useless and needless expenditure of money of which the people complain, and they have a right to complain. I have only pointed out a few such expenditures, and I reiterate that many millions of dollars of useless expeditures are found in this bill, all of which should be eliminated before it becomes a law.

I understand that the Senate has eliminated the free-seed item, and, if that action shall be final, a saving of $252,540 will be effected. By eliminating the item for eradicating southern cattle ticks, for which the Senate committee has increased the appropriation from $632,400 to $782,400, and the item for investigating the food habits of North American birds and mammals, which the Senate committee has increased from $400,540 to $420,540, including provisions for the destruction of wolves, prairie dogs, and so forth, a further substantial saving may be effected. In order to test the sense of the Senate, I move to strike out, on page 57, commencing in line 1, down to and including line 22. The item proposed to be stricken out covers the provision for killing coyotes, prairie dogs, and so forth.

Mr. GORE. Mr. President, if the Senator from Indiana has concluded his remarks, I will ask him to reserve that motion until we have finished the committee amendments.

The VICE PRESIDENT. All the committee amendments have not yet been passed upon, and the motion of the Senator from Indiana will have to be held in abeyance until the committee amendments shall have been disposed of.

Mr. TAGGART. Very well.

Mr. WORKS. Mr. President, I did not hear all that was said by the Senator from Indiana [Mr. TAGGART], but I heard him say something about killing ground squirrels in California. Is there a provision in this bill appropriating money for that purpose?

Mr. TAGGART. There is an appropriation of $15,000, as I understand, for that purpose.

Mr. WORKS. Provision for that purpose is generally made, Mr. President, in aid of the Public Health Service. There have been several hundred thousand dollars expended in California by the National Government in the effort to exterminate the ground squirrels in that State, upon the theory that they are carriers of the bubonic plague. I have at times protested against that expenditure of money by the Government, and I think the Senator from Indiana is perfectly right in criticizing that item.

There was considerable controversy at one time as to whether the bubonic plague existed in California at all. That was several years back. The Public Health Service determined that the plague did exist. They maintain now that the plague is carried by ground squirrels—or, rather, by the fleas which are found on the ground squirrels—and they are expending an immense amount of money for the purpose of getting rid of the squirrels.

The system is for the Government to contribute a certain sum of money, the county in which the squirrels are to be destroyed contributing a like amount. The farmers in California are quite ready to contribute their share, because, as an economic question, they want to get rid of the ground squirrels. They have no fear of the bubonic plague; their money is not paid upon any such idea or consideration as that; but the Government is maintaining in California a large force—I do not know how many, although an investigation which took place not long ago before the Public Health Service disclosed the number—of men who are being used for that purpose. I am satisfied that we are throwing away that money, and I think it ought not to be expended.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Oklahoma?

Mr. WORKS. I yield to the Senator.

Mr. GORE. I think possibly this consideration, which the Senator may have overlooked, may have something to do with this appropriation: Apart from the theory that the ground squirrel conveys the bubonic plague, it has been the policy of the Government, with respect to wolves and coyotes and other animals which were objectionable to the settlers, to make an appropriation for the extermination of those animals on the public domain and in the national forests, because the State and local authorities, it seems, do not have the power to do that. The General Government has proceeded on the theory that it was not right to maintain the public domain or national parks or forest reserves as breeding grounds for these animals and let them loose upon the settlers in the vicinity of the reserves. I think that is the theory upon which this appropriation is made.

Mr. WORKS. I think, Mr. President, that that is a correct theory. I think the Government ought to take care of its own land in that way. I am told now by the Senator from Utah [Mr. SMOOT] that there is no such provision in this bill as has been suggested.

Mr. SMOOT. Mr. President, I will say to the Senator from California that there is no provision whatever for that purpose. The appropriations made for that purpose come under the heading "Public Health Department," in another appropriation bill. The amount of $420,540 appropriated in this bill and referred to by the Senator from Indiana [Mr. TAGGART] has no reference whatever to California, with the exception of the forest reserves which may be located in California, and has no more reference to the forest reserves in California than to the forest reserves in any other State. The Senator well knows that the vast forest reserves—and in my State over 50 per cent of its area is taken up by such reserves—are nothing but breeding grounds for coyotes, for prairie dogs, and for wolves.

Mr. SHAFROTH. And mountain lions.

Mr. SMOOT. And mountain lions. The officers of the State can not go on the reserves and destroy them. The reserves are under the care of the Government, and wolves and mountain lions and coyotes have no respect whatever for the boundary lines of national forest reserves. They come out and destroy the stock, the sheep, and other property of the people. All we ask of the Government in this appropriation is at least to take care of those animals which are bred and reared and cared for upon the Government's own ground. The Senator from Indiana was absolutely wrong in the statement that he made in relation to the object of this appropriation.

Mr. WORKS. Mr. President, the Senator from Utah understands very well what I have been commenting on.

Mr. SMOOT. Yes; I understand what the Senator has in mind.

Mr. WORKS. Because the Senator is connected with the Public Health Committee. That is not done upon public land at all. It is done upon private land.

Mr. SMOOT. That is in the cities.

Mr. WORKS. And it has an altogether different purpose. I think it is perfectly right that the Government should expend money for the purpose of protecting outsiders where it comes from the public land. I had not discovered in going over this bill any such appropriation as this relating to California. That is the reason why I asked the Senator from Indiana the question that I did in the beginning.

Mr. THOMAS. Mr. President, at the last session of the Senate, when the Agricultural bill was up for consideration, I objected to the appropriation carried by that bill, which, I think, was then about $300,000, for the purpose of exterminating wild animals on the public domain. I felt then, as I feel now, that it was another of the entering wedges for appropriations for purposes that were, to say the least of it, of questionable value to the public service.

It is true, as the Senator from Utah says, that in the sections of the public domain embraced by the national forests there is, and probably will continue to be, an increase in the number of these predatory animals; but the Forest Service force ought to be required to attend to that pest, and as a part of their duties they can easily suppress it, in my judgment.

This appropriation tends to give employment to additional men who, upon a salary of perhaps not less than $100 a month, devote themselves to the extermination of wild animals. Their salaries go on whether they succeed in killing any of these animals or not. There is no particular incentive for their working overtime, or for their conducting a campaign against the existence of these animals that would tend to exterminate them. They get their salary, their per diem, whether they kill one animal a day, one animal in 30 days, or no animal at all.

The States of the West—some of them, at least—have adopted a very different and more effective policy, one which in my State has proved to be very successful. The State pays a bounty upon the scalp of every predatory animal mentioned in the statute, and the man who gets the money must produce the scalp. There is an incentive for good work, for active work, for effective work, for results, and the results almost always occur. They are in visible evidence; and, as a consequence, until these forest reserves became so numerous and so extensive, these pests were largely minimized. The number of

wolves, particularly in my State, is negligible. If, however, instead of appropriating this large sum of money for the purpose, we require the Forest Service and their subordinates to do this work, we certainly will accomplish quite as much in the way of the extermination of these animals, and we will absolutely save this amount of money to the Treasury.

I am glad the Senator from Indiana has called attention to it; and I hope that the motion which he has interposed, and which I understand is temporarily withdrawn, will be favorably acted upon when it comes up for consideration.

Mr. FLETCHER. Mr. President, would it be agreeable to the Senator now for me to move to insert after the word "diseases," on page 19, line 7, the words "including tobacco diseases," so as to make it clear?

Mr. GORE. I have no objection, so far as I can speak for the committee, to the adoption of this amendment. I do not want to take the time of the Senate.

Mr. FLETCHER. I offer that amendment, Mr. President. On page 19, line 7, after the word "diseases," I move to insert the words "including tobacco diseases"; and then I will follow that, on the same page, line 8, with a motion to increase the amount of the appropriation from $38,500 to $43,500. That would add $5,000 to the amount of the appropriation. It is a very important industry, not only in my State but in other States. There is need of study of diseases of the soil and plants in connection with that industry, and this is a very small increase.

I offer the amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, line 7, after the word "diseases," it is proposed to insert "including tobacco diseases."

The amendment was agreed to.

Mr. FLETCHER. On the same page, line 8, I move to strike out "$38,500" and insert "$43,500."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On the same page, in line 8, it is proposed to strike out "$38,500" and insert "$43,500."

Mr. VARDAMAN. What is that for, Mr. President? I have not clearly understood.

Mr. FLETCHER. It is to extend the investigation provided for on page 19 to tobacco diseases as well as the diseases of other plants mentioned in the item.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. I move another amendment, on page 48, line 9, after the word "weighing," to strike out the word "and," and after the word "handling" to insert the words "and transportation," so that in connection with that work there would be included weighing, handling, and transportation. A similar provision obtains in other portions of the bill as to other items.

Mr. GORE. Mr. President, speaking for the committee as well as I can, I have no objection to the amendment. It makes the language in this section conform to the language in other sections.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, is there any amendment pending at the present time?

Mr. FLETCHER. I have one other amendment, if the Senator will allow me. On page 25, line 4, I move to strike out "$135,920" and insert "$140,920." The effect of this would be to increase that appropriation $5,000.

Mr. SMOOT. What is that amendment, please?

Mr. FLETCHER. On page 25, line 4, the amendment proposed by the committee was the appropriation of $135,920 for the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, and so forth, and other items—a total of $135,920. I made some inquiry of the department and I find that this sum will not be sufficient to carry on certain investigations and studies which ought to be made in other places than those they have had in their minds, notably in Florida for one; and I think that in order to obtain any sort of benefit for Florida under this appropriation it will be necessary to increase that amount by $5,000. So I have asked that the increase be made from $135,920 to $140,920.

Mr. SMITH of Georgia. In other words, the motion is to reconsider the action of the Senate in adopting the committee amendment.

Mr. FLETCHER. It is to increase by $5,000 the amount as adopted on the motion of the committee.

Mr. SMITH of Georgia. We reduced it $5,000, and the amendment of the committee has been adopted by the Senate. I suppose the motion would be to reconsider the action of the committee and leave it as the House placed it.

Mr. SMOOT. I will ask the Senator whether he wants to add any words to the bill in connection with that item?

Mr. FLETCHER. No; I do not. I believe that if that amount is made $140,920 the work will be carried on where it is needed and in addition to places where it is already intended to carry it on.

Mr. SMOOT. The Senator has assurances from the Secretary of Agriculture that if the amount is increased $5,000 the $5,000 will be spent in Florida. Is that it?

Mr. FLETCHER. I have no such assurance. I have never talked with the Secretary of Agriculture about it for a minute; but I have the assurance that under the present amount as provided there no work of this sort could be done in Florida. I am hopeful that if it is increased by $5,000 it may be done.

Mr. SMOOT. I will ask the chairman of the committee what induced the committee to reduce by $5,000 the amount the House provided for?

Mr. GRONNA. Mr. President, I think, if the Senator from Florida will yield to me, that I can tell the Senator from Utah what induced them.

Mr. GORE. I will say that there was a provision in the bill as it came from the House to make a survey of the noxious-weed situation, for which $5,000 was appropriated. That noxious-weed proposition was stricken out and the corresponding amount to carry on the work was stricken out.

Mr. SMOOT. Then the estimate included the $5,000 to be used for a survey of the noxious-weed situation in the spring-wheat areas, and so forth? The estimate of the department included that $5,000 item, did it not?

Mr. GORE. I could not say without consulting the Book of Estimates.

Mr. SMOOT. I do not think there is any doubt about that, because that is the provision of the House.

Mr. GORE. I had the impression that it went into the bill on the floor of the House, but I am not certain about that.

Mr. SMOOT. Then I make the point of order against the increase now of $5,000, if the action of the House and the Senate committee has been agreed to.

Mr. GORE. That is already agreed to.

Mr. SMOOT. It has been agreed to?

Mr. GORE. It has.

Mr. SMOOT. Then I make the point of order that the $5,000 is an increase of the appropriation without being reported from a standing committee.

Mr. GRONNA. Mr. President, will the Senator allow me to make a brief statement?

Mr. SMOOT. Yes; I will withhold the point of order temporarily.

Mr. GRONNA. I will say that the language of the House bill which the Senator from Utah has just read was stricken out on my motion. I said that I did not believe it was a function of the Government to eradicate weeds. This money, of course, would go to my country, or to the spring-wheat country; and I made the motion to strike it out because I believed the farmers of the United States ought to be patriotic enough to eradicate the weeds on their own farms, and not ask the Federal Government to do it for them. In accordance with that the $140,000 was reduced to $135,000.

Mr. SMOOT. I have no objection to the striking out of the $5,000. That is not what I am objecting to at all.

Mr. GRONNA. No; I understand, Mr. President. I will say that the reason why the amount was reduced from $140,000 to $135,000 was that the language providing $5,000 for the eradication of weeds in the spring-wheat belt was stricken out.

Mr. SMOOT. I so understood, Mr. President, when I made the point of order.

Mr. STERLING. Mr. President, I simply wish to ask the Senator from North Dakota, then, if the words in lines 3 and 4 should not be stricken out as well, according to his own theory, these words being—

> And to conduct investigations to determine the most effective methods of eradicating weeds.

Mr. GRONNA. I have no objection to those words going out.

Mr. SMOOT. Mr. President, I make a point of order against the amendment offered by the Senator from Florida, as it is increasing an appropriation, and not estimated for, and not reported from a standing committee.

Mr. FLETCHER. Of course, in the first place, it is not increasing it. The bill as passed by the House carried $140,920.

Mr. SMOOT. Yes; but that included $5,000 for the survey of noxious weeds.

The VICE PRESIDENT. The amendment has been agreed to, carrying $135,920 in all, on the record.

Mr. SMOOT. That is all right, then, Mr. President.

Mr. FLETCHER. The motion was to increase that to $140,000.

The VICE PRESIDENT. That can not be done.

Mr. FLETCHER. Very well, then, Mr. President.

The VICE PRESIDENT. The Senator can move to reconsider the vote.

Mr. FLETCHER. Inasmuch as it has opposition, I will not.

The VICE PRESIDENT. And if the Senate reconsiders the vote, then the Senator can have the question put as to whether the Senate amendment shall be agreed to or whether it shall not be.

Mr. FLETCHER. I will not press it for the moment. I may take it up later, Mr. President. If the point of order is to be made against it, I will not urge it. I may reach it again after investigating the matter of the point of order.

Mr. GORE. I think the Senator from New Hampshire desires to offer an amendment at this point.

Mr. GALLINGER. Mr. President, I have an important amendment that I intended to offer to the bill; but I will say to the chairman of the committee that as the Senate is so thin at the present time, and as several Senators who spoke to me about the amendment and said they desired to be present have left the Capitol, if it is agreeable to the Senator from Oklahoma, I would prefer that he allow it to go over until Wednesday morning.

Mr. GORE. That is entirely agreeable. I was trying to adjust the proceedings to the convenience of the Senator.

I should like to say, Mr. President, that in what is known as the *cotton-futures* act, which I believe begins on page 81, the recommendation of the committee that sections 11 and 11a should be stricken out was agreed to by the Senate on Saturday; and there are several minor amendments following that and before it intended to conform the act to the striking out of these two sections. I should like now to take those up. That is the reason for them, and that is the object of them—to conform the act to the striking out of sections 11 and 11a.

I ask to have the amendment stated.

The VICE PRESIDENT. The amendments will be stated.

The SECRETARY. On page 85, line 5, it is proposed to strike out "quality, or the grade, or the length of staple" and insert "classification."

The amendment was agreed to.

The SECRETARY. In line 7, after the word "question," it is proposed to insert "of the true classification of said cotton."

The amendment was agreed to.

The SECRETARY. On page 86, line 4, after the word "true," it is proposed to strike out "quality or grade or length of staple" and insert "classification."

The amendment was agreed to.

The SECRETARY. On page 90, line 20, after the word "contract," it is proposed to insert a comma and the words "subject to reasonable variations therefrom, which shall be fixed in rules and regulations prescribed by the Secretary of Agriculture."

The amendment was agreed to.

The SECRETARY. On page 94, line 18, it is proposed to strike out all after the word "Treasury" down to and including the word "Treasury" in line 24.

The amendment was agreed to.

The SECRETARY. On page 95, line 5, it is proposed to strike out, after the word "privies," down to and including the word "act" in line 13.

The amendment was agreed to.

The SECRETARY. On page 95, line 8, it is proposed to strike out "12" and insert "11."

The amendment was agreed to.

The SECRETARY. On the same page, line 23, it is proposed to strike out "sections" and insert "section."

The amendment was agreed to.

The SECRETARY. In the same line, it is proposed to strike out the comma after "three" and the words "eleven and eleven A."

The amendment was agreed to.

The SECRETARY. On line 24, it is proposed to strike out the word "origin" and the comma.

The amendment was agreed to.

The SECRETARY. On page 99, line 17, it is proposed to strike out "19" and insert "18."

The amendment was agreed to.

The SECRETARY. On the same page, line 18, it is proposed to strike out "20" and insert "19."

The amendment was agreed to.

The SECRETARY. On line 20 of the same page it is proposed to strike out, after the word "immediately," the semicolon and all down to and including the word "seventeen," in line 22.

The amendment was agreed to.

Mr. SMITH of Georgia. It includes also a change in the numbering of the section.

The VICE PRESIDENT. That is authorized.

Mr. GORE. In the grain-grades act there are several places where the words "interstate or foreign commerce" ought to be substituted for other language. I ask the Senate to take them up and the further changes proposed, and I should like to have them agreed to now. The important amendments I shall not ask to have considered.

The VICE PRESIDENT. The amendments will be stated.

The SECRETARY. On page 101, line 14, before the word "act," to strike out "grades" and insert "standards"; in line 17, before the word "act," to strike out "grades" and insert "standards"; and after the word "act," to insert: "The word 'person,' wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations; the words 'in interstate or foreign commerce,' wherever used in this act, mean 'from any State, Territory, or District to or through any other State, Territory, or District, or to or through any foreign country or within any Territory or District.' When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person"; on page 102, line 12, after the word "shipment," to strike out "from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country" and insert "in interstate or foreign commerce"; in line 15, after the word "sold," to insert a comma and strike out "or"; in the same line, after the word "sale," to insert a comma and the words "or consigned for sale"; in line 17, after the word "sold," to insert a comma and strike out the word "or"; in line 18, after the word "sale," to insert a comma and the words "or consigned for sale"; in line 20, after the word "any," to insert the words "person may ship or deliver for shipment in interstate or foreign commerce any"; in the same line after the word "sold," to insert a comma and strike out "or"; in the same line, after the word "sale," insert a comma and the words "or consign for sale"; in the same line, after the word "grade," to strike out "may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce" and insert "which is sold, offered for sale, or consigned for sale"; on page 103, line 2, after the word "sold," to insert a comma and strike out "or"; in line 3, after the word "sale," to insert a comma and the words "or consigned for sale"; in line 4, after the word "shipped," to insert "in interstate or foreign commerce"; in line 11, after the word "sold," to insert a comma and strike out "or"; in line 12, after the word "sale," to insert a comma and the words "or consigned for sale"; in line 15, after the word "shipped," to insert "in interstate or foreign commerce"; in line 17, after the word "party," to insert the words "to the transaction"; in line 19, after the word "determine," to strike out "and certify"; on page 104, line 4, after the word "person," to insert a comma and the words "except as permitted in section 4"; in line 19, after the word "sold," to insert a comma and strike out "or"; in the same line, after the word "sale," insert a comma and the words "or consigned for sale"; in line 24, after the word "grain," to insert a comma and strike out "which has been"; in the same line, after the word "sale," to insert "or consigned for sale by grade, which has been"; on page 105, line 8, after the word "inspection," to insert "and grading"; in line 13, before the words "the Secretary of Agriculture," to strike out "In every such case" and insert "Whenever an appeal shall be taken or a dispute referred to"; in line 14, after the word "Agriculture," to insert "under this act, he"; in line 15, after the word "fee," to insert a comma and the words "in case of an appeal"; in line 17, after the word "fees," to insert a comma and the words "not so refunded," and a comma; in line 19, after the word "grade," to insert "signed by him or by such officer or officers of the Department of Agriculture as he may designate, upon an appeal taken or dispute referred to him under this act," and a comma; in line 21, after the words "United States," to strike out "in all suits between such parties, or their privies," and the comma; on page 106, line 4, after the word "grain," to insert "and to certificate the grade thereof"; in the same line, after the word "for," to insert "shipment or delivery for shipment in"; in the same line, after the word "interstate," to strike out "and" and insert "or"; in the same line, after the word "commerce," to insert a comma and the words "under this act and the rules and regulations prescribed thereunder"; in line 7, after the

word "society," to insert "partnership"; in line 9, before the word "interstate," to insert "shipment or delivery for shipment in"; in line 11, before the word "grades," to strike out official," and in the same line, after the word "grades," to insert "of the official grain standards"; in line 14, after the word "has," to insert "or which may hereafter have a"; in the same line, after the word "inspection," to insert "department"; in line 15, after the word "by," to strike out "law" and insert "the laws of such State"; in the same line, after the word "shall," to strike out "in issuing" and insert "issue"; in line 16, after the word "licenses," to strike out "give preference"; in the same line, after the word "to," to insert "the"; in line 19, after the word "him," to insert "under this act"; in line 20, after the word "given" to insert "to the licensee"; in the same line, after the word "that," to strike out "any inspector has been found to be" and insert "such licensee is"; in line 24, after the words "certificate of," to strike out "inspection" and insert "grade"; on page 107, line 1, after the word "has," to strike out "knowingly"; in line 12, after the word "knowingly," to strike out "or carelessly"; in line 16, after the words "certificate of," to strike out "inspection or"; on page 108, line 5, after "Sec. 11," strike out "That the word 'person' wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other persons acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person," and insert: "That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered"; in line 17, after the words "sum of," to strike out "$125,000" and insert "$250,000"; in line 20, after the word "including," to insert "such"; and in the same line, after the word "persons," to insert "and means," so as to make part B read:

PART B.

That this part, to be known as the United States grain standards act, be and is hereby enacted, to read and be effective hereafter as follows:

"That this act shall be known by the short title of the 'United States grain standards act.' The word 'persons,' wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations; the words 'in interstate or foreign commerce,' wherever used in this act, means 'from any State, Territory, or District to or through any other State, Territory, or District, or to or through any foreign country, or within any Territory or District.' When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

"SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment in interstate or foreign commerce any such grain which is sold, offered for sale, or consigned for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold, offered for sale, or consigned for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any person may ship or deliver for shipment in interstate or foreign commerce any such grain not sold, offered for sale, or consigned for sale by grade which is sold, offered for sale, or consigned for sale by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold, offered for sale, or consigned for sale by one of the grades fixed therefor in the official grain standards may be shipped in interstate or foreign commerce to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold, offered for sale, or consigned for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped in interstate or foreign commerce without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to the transaction to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"SEC. 5. That no person, except as permitted in section 4, shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold, offered for sale, or consigned for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain sold, offered for sale, or consigned for sale by grade, which has been shipped, or delivered for shipment, in interstate or foreign commerce, shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection and grading to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. Whenever an appeal shall be taken or a dispute referred to the Secretary of Agriculture under this act, he shall charge and assess and cause to be collected a reasonable fee, in amount to be fixed by him, which fee, in case of an appeal, shall be refunded if the appeal is sustained. All such fees not so refunded shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, signed by him or by such officer or officers of the Department of Agriculture as he may designate, upon an appeal taken or dispute referred to him under this act, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"SEC. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent, to inspect and grade grain and to certificate the grade thereof for shipment or delivery for shipment in interstate or foreign commerce under this act and the rules and regulations prescribed thereunder. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, partnership, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for shipment or delivery for shipment in interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the grades of the official grain standards of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has or which may hereafter have a State grain-inspection department established by the laws of such State, the Secretary of Agriculture shall issue licenses to the persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him under this act whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of grade, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 8. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 9. That any person who shall violate any of the provisions of sections 4 or 7 of this act, or any inspector licensed under this act who shall knowingly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000 or be imprisoned not more than one year, or both.

"SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000 or be imprisoned not more than one year, or both.

"SEC. 11. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere."

The amendments were agreed to.

Mr. GORE. On page 102, line 5, I move to strike out the word "sixty" and insert the words "one hundred and twenty," so as to read:

And shall give public notice, not less than 120 days in advance of such date or dates.

The amendment was agreed to.

Mr. GORE. I desire now to ask that the bill may be laid aside.

Mr. GRONNA. I have an amendment which I should like to have printed. I ask that it be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GORE. I ask unanimous consent that the unfinished business be laid aside temporarily.

The VICE PRESIDENT. Without objection, it is so ordered.

COURTS IN NORTH CAROLINA.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 3673) to establish a term of the United States Circuit Court of Appeals at Asheville, N. C., and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It provides that the judges of the United States Circuit Court of Appeals for the Fourth Circuit shall annually open and hold a term of the court of the circuit at Asheville, N. C., at such time as may be fixed by the judges thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FINANCIAL CONDITION OF THE TREASURY.

Mr. THOMPSON. Mr. President, I ask to have printed in the RECORD an article from the Washington Post of July 2, relative to the financial condition of the Treasury at the close of the last fiscal year.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SIMMONS. Did I understand the Senator to ask that it be printed in the RECORD?

Mr. THOMPSON. Yes, sir.

Mr. SIMMONS. Has not that same statement been already printed?

Mr. THOMPSON. Not that I am aware of.

Mr. OVERMAN. That statement has already been printed.

Mr. THOMPSON. Then I desire to withdraw the article, and in its place I ask to have printed a later statement from the Secretary of the Treasury.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

STATEMENT OF SECRETARY M'ADOO.

WASHINGTON, D. C., *July 1, 1916.*

The fiscal year closed on June 30, 1916, with the Treasury in a very strong and gratifying condition, reflecting the great and unprecedented prosperity of the country.

Subject to revision upon analysis of complete returns, the reports show that the balance in the general fund at the close of business yesterday was $236,879,520.90, including amounts to the credit of disbursing officers and outstanding Treasury warrants. With these eliminated, the balance was $174,965,231.97, the greatest balance in the general fund of the Government since 1908.

The surplus of all receipts over all expenditures for the year amounted to $78,737,810.11, as compared with a deficit of $59,436,580.15 for the fiscal year 1915.

The surplus of ordinary receipts over ordinary disbursements (exclusive of Panama Canal and public debt transactions) was $61,112,813.74, as compared with a deficit of $42,867,797.59 the previous year.

Income-tax receipts reached the great total of $124,867,430.28, as compared with $79,828,675.27 for the previous year. This amount included $56,909,941.78 from corporations and $67,957,488.50 from individuals, exceeding all estimates of collections for the year.

Customs receipts for the year amounted to $211,866,222.34, as against $209,268,107.43 the previous year, and exceeding the estimate by more than $16,000,000.

Receipts from internal revenue were unprecedented and remarkable, reaching the enormous total of $512,740,769.58, and exceeding all previous estimates by many millions. Ordinary internal-revenue receipts amounted to $387,873,339.30, and, excluding the emergency revenue from this amount, these receipts were approximately $304,000,000, or $32,000,000 greater than had been estimated.

The large receipts from internal revenue are due in great measure to the unprecedented prosperity of the country and the vigorous enforcement of the internal-revenue laws. Receipts from tobacco, for instance, were the greatest in the history of the Internal-Revenue Service. The exact total for the year which closed yesterday will not be available until the returns have been analyzed, but for the 11 months ended May 31, 1916, receipts from tobacco exceeded the income from this source during the corresponding period of the previous year by $6,810,000, exclusive of all emergency-revenue taxes. Receipts from tobacco have always been an index of business conditions.

The cost of collecting the great sum of $512,740,769.58 of internal-revenue taxes was only 1.40 per cent, the lowest cost in the history of the Internal-Revenue Service.

The balance in the general fund for the fiscal years 1909 to 1916, exclusive of amounts credited to disbursing officers and outstanding Treasury warrants, is indicated by the following table:

1909	$126,375,428.10
1910	106,894,675.67
1911	140,176,926.13
1912	167,152,478.99
1913	165,960,984.79
1914	161,612,615.53
1915	104,170,105.78
1916	174,965,231.97

The $174,965,231.97 balance in the general fund mentioned in the above table for the fiscal year ended yesterday will undoubtedly be increased when revised returns are received.

The following is a detailed statement of receipts and disbursements for the fiscal year just closed as compared with the previous year:

	Fiscal year 1916.	Fiscal year 1915.
ORDINARY RECEIPTS.		
Customs	$211,866,222.34	$209,268,107.43
Ordinary internal revenue	387,873,339.30	335,828,377.21
Income tax	124,867,430.28	79,828,675.27
Miscellaneous	52,873,496.04	66,618,623.17
Total	777,480,487.96	691,543,783.08
ORDINARY DISBURSEMENTS.		
Checks and warrants paid (less balances repaid, etc.)	693,466,805.39	711,512,138.68
Interest on public debt paid	22,900,868.83	22,899,441.99
Total	716,367,674.22	734,411,580.67
Excess of ordinary receipts	61,112,813.74	
Excess of ordinary disbursements		42,867,797.59
PANAMA CANAL AND PUBLIC-DEBT RECEIPTS.		
Tolls, etc	2,554,576.63	4,119,407.34
Sale of postal savings bonds	1,803,500.00	933,540.00
Deposits for retirement of national-bank notes (act of July 14, 1890)	56,565,405.00	21,453,415.00
Total	60,923,481.63	26,506,362.34
PANAMA CANAL AND PUBLIC-DEBT DISBURSEMENTS.		
Checks paid (less balances repaid, etc.)	18,629,571.76	25,821,653.90
Bonds, interest-bearing notes, and certificates retired	35,903.00	47,533.00
National-bank notes retired (act of July 14, 1890)	24,633,010.50	17,205,958.00
Total	43,298,485.26	43,075,144.90
Total all receipts	838,403,969.59	718,050,145.42
Total all disbursements	759,666,159.48	777,486,725.57
Excess of total receipts	78,737,810.11	
Excess of total disbursements		59,436,580.15

WALLACE METCALF.

Mr. GALLINGER. Mr. President, during the last three weeks I have been detained almost all the time in the committee room in the consideration of appropriation bills. I believe I have not had an opportunity to make a single request of the Senate. There is a small bill upon the calendar that will pass without objection, and I should like to have it considered. I ask unanimous consent for the consideration of the bill (S. 650) to correct the military record of Wallace Metcalf.

There being no objection, the bill was considered as in Committee of the Whole. It provides that in the administration of the pension laws, and the laws governing rights and privileges to honorably discharged soldiers, Wallace Metcalf shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company H, Ninth Regiment Vermont Volunteer Infantry, on the 31st day of December, 1862. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third read, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Wallace Metcalf."

JUDICIAL DISTRICT OF NORTH DAKOTA.

Mr. GRONNA. The other day I reported a short bill to which there will be no objection by anyone. It is very important that it should be passed at this time. I ask unanimous consent that it be considered now.

Mr. SMOOT. I shall not object to this bill, but I shall object to any more bills being taken from the calendar.

Mr. GORE. I should like to inquire if the bill will lead to any controversy, as it is the desire to have an executive session, and we would not want to lose that right.

Mr. GRONNA. If the bill leads to any discussion, I will withdraw it. I ask the Senate to proceed to consider the bill (H. R.

11878) to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary to read as follows:

SEC. 99. That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of January, 1916, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, Golden Valley, Slope, Sioux, Oliver, Mercer, Billings, and McKenzie shall constitute the southwestern disivion of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Divide, Mountrail, Burke, and Renville shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, Lamoure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district: *Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF CANADIAN SOLDIERS.

Mr. LEE of Maryland. I caused yesterday inquiry to be made, through the State Department, as to the pay and allowances of the Canadian soldiers, with especial reference to the maintenance allowed their dependents. I have received this information from the State Department, which I ask may be printed in the RECORD. It is very brief.

Mr. SMOOT. I will ask the Senator if the same information was not submitted by the Senator from Oregon [Mr. CHAMBERLAIN]?

Mr. LEE of Maryland. Not to my knowledge. The statement submitted by the Senator from Oregon included all the countries except this one, so far as I am aware.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PAY OF CANADIAN SOLDIERS AND ALLOWANCE TO THEIR DEPENDENTS.

JULY 3, 1916.

Message from United States consul general at Ottawa, Canada, to the State Department:

"Canadian Government pays privates $1.10 per diem and clothing, equipment, maintenance. In addition, separation allowances $20 per month to dependents, meaning wives, children, or widows, if girls under 16, boys under 14, and widowed mothers, if son unmarried and sole support. Higher allowances to dependents of sergeants and officers."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 35) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT managers at the conference on the part of the House.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 20. An act authorizing the county of Gunnison, Colo., to purchase certain public lands for public-park purposes;

H. R. 11168. An act granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to employees at United States navy yards, gun factories, naval stations, and arsenals;

H. R. 13981. An act to amend the copyright law;

H. R. 14338. An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes;

H. R. 14868. An act to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes;

H. R. 15522. An act to establish a national-park service, and for other purposes;

H. R. 16068. An act to authorize the construction, maintenance, and operation of a bridge across the Black River at or near Bennetts Ferry, Ark.;

H. R. 16097. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914;

H. R. 16287. An act granting the consent of Congress to the county of Sumter, or to the county of Dooly, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River;

H. R. 16641. An act granting the consent of Congress to Julian B. McCurry, A. G. McCurry, P. W. Walton, and J. J. Fretwell to construct a bridge across the Savannah River;

H. R. 16734. An act to pay to certain families of the men of the drafted forces of the United States a sum of money for their maintenance during the term of service of such drafted men in the service of the United States; and

H. J. Res. 218. Joint resolution authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 7256. An act providing for the refund of duties collected on certain tobacco cuttings;

H. R. 12362. An act granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas;

H. R. 12954. An act for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise;

H. R. 13715. An act granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.;

H. R. 14303. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 15347. An act to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning.

PETITIONS.

Mr. GALLINGER presented a petition of 96 citizens of Claremont, N. H., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Civil War, which was ordered to lie on the table.

He also presented a petition of the Ancient Order of Hibernians, of Concord, N. H., praying for the granting of a site in Arlington Cemetery for the erection of a monument to nuns who served as nurses during the Civil War, which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. SHAFROTH, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, reported it with amendments and submitted a report (No. 579) thereon.

Mr. SMITH of Arizona, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 5718) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona, reported it with amendments and submitted a report (No. 580) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10116) for the relief of certain settlers under reclamation projects, reported it without amendment and submitted a report (No. 581) thereon.

Mr. KERN, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 11679. An act for the relief of Samuel D. Kingsbury (Rept. No. 584); and

H. R. 13027. An act authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of $14,570.42 (Rept. No. 585).

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 889) for the erection of a public building in the city of Tucson, Ariz., reported it with an amendment and submitted a report (No. 583) thereon.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3351) to amend the act of August 30, 1890, reported it with an amendment and submitted a report (No. 587) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes, reported it with amendments and submitted a report (No. 586) thereon.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with amendments the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and I submit a report (No. 582) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILL INTRODUCED.

By Mr. STONE:

A bill (S. 6556) granting a pension to Levi R. Campbell (with accompanying papers), which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PITTMAN submitted an amendment authorizing the Commissioners of the District of Columbia to widen Cathedral Avenue and Woodley Road between Twenty-ninth Street and Wisconsin Avenue in the District of Columbia to a width of not exceeding 54 feet instead of 90, as laid down on the highway plan of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. WEEKS (for Mr. OLIVER) submitted an amendment providing that the Federal Trade Commission be directed, immediately after the passage of the act and annually thereafter upon the request of the Secretary of the Navy, to investigate and inventory the armor-plate plants of the United States, examine their books, etc., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was ordered to lie on the table and be printed.

Mr. GRONNA submitted an amendment providing that in any State where there has not been established, either by the laws of the State or by the rules and regulations of any commercial exchange, a system of grain inspection this act shall not apply, as far as it refers to the shipment or delivery of grain entering into interstate or foreign commerce, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

ADJOURNMENT OVER THE FOURTH.

Mr. KERN. I move that not later than 6 o'clock this evening the Senate adjourn until 11 o'clock a. m. on Wednesday next.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATIONS (S. DOC. NO. 485).

Mr. CLARKE of Arkansas. I submit the report of the committe of conference on the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, together with a statement of the managers on the part of the Senate. I ask that the report and accompanying statement be printed in the RECORD and also that they be printed as a document.

Mr. GALLINGER. Is it a complete agreement?

Mr. CLARKE of Arkansas. It is.

The VICE PRESIDENT. The conference report will be printed as a document and also printed in the RECORD, together with the statement of the managers on the part of the Senate.

[Subsequently, at the request of Mr. CLARKE of Arkansas, the conference report was withdrawn, and on July 8, 1916, a corrected report was submitted.]

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on July 3, 1916, approved and signed the following acts:

S. 31. An act for the relief of John L. Sevy;

S. 33. An act for the relief of Daniel M. Frost;

S. 733. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming;

S. 1066. An act authorizing leave of absence to homestead settlers upon unsurveyed lands;

S. 1741. An act for the relief of certain homestead entrymen for land within the limits of the Glacier National Park;

S. 1840. An act to amend an act entitled "An act to establish a court of private-land claims and to provide for the settlement of private-land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909;

S. 3132. An act providing for the sale of certain lands in the State of Washington, and for other purposes;

S. 3580. An act releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla.;

S. 3581. An act authorizing the Secretary of the Interior to issue patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida; and

S. 3764. An act to consolidate certain forest lands in the Florida National Forest.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 14338. An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes;

H. R. 16068. An act to authorize the construction, maintenance, and operation of a bridge across the Black River at or near Bennetts Ferry, Ark.;

H. R. 16097. An act to extend tht time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914;

H. R. 16287. An act granting the consent of Congress to the county of Sumter or to the county of Dooly, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River; and

H. R. 16641. An act granting the consent of Congress to Julian B. McCurry, A. G. McCurry, P. W. Walton, and J. J. Fretwell to construct a bridge across the Savannah River.

The following bills were each read twice by their titles and referred to the Committee on Public Lands:

H. R. 20. An act authorizing the county of Gunnison, Colo., to purchase certain public lands for public park purposes;

H. R. 14868. An act to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes; and

H. R. 15522. An act to establish a national park service, and for other purposes.

H. R. 11168. An act granting 30 days' leave of absence in each year without forfeiture of pay during such leave to employees at United States navy yards, gun factories, naval stations, and arsenals was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 13981. An act to amend the copyright law was read twice by its title and referred to the Committee on Patents.

H. R. 16734. An act to pay to certain families of the men of the drafted forces of the United States a sum of money for their maintenance during the term of service of such drafted men in the service of the United States was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 218. Joint resolution authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass., was read twice by its title and referred to the Committee on Fisheries.

EXECUTIVE SESSION.

Mr. GORE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 15 minutes p. m., Monday, July 3, 1916) the Senate, under its previous order, adjourned until Wednesday, July 5, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 3 (legislative day of June 30), 1916.

ASSISTANT SURGEONS, PUBLIC HEALTH SERVICE.

Dr. William D. Heaton to be assistant surgeon in the Public Health Service, to take effect from date of oath, in place of Surg. W. P. McIntosh, deceased.

Dr. Robert R. Ivey to be assistant surgeon in the Public Health Service, to take effect from date of oath, in place of Asst. Surg. W. E. Glanville, resigned.

Dr. Vance B. Murray to be assistant surgeon in the Public Health Service, to take effect from date of oath, in place of Surg. John F. Anderson, resigned.

Dr. Lendon H. Smith to be assistant surgeon in the Public Health Service, to take effect from date of oath, in place of Surg. C. W. Wille, resigned.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. Albert L. Mills, United States Army, to be major general, with rank from July 1, 1916, to fill an original vacancy.

Col. Charles G. Morton, Fifth Infantry, to be brigadier general, vice Brig. Gen. Albert L. Mills, appointed major general.

Col. Granger Adams, Fifth Field Artillery, to be brigadier general, with rank from July 1, 1916, to fill an original vacancy.

Col. George A. Dodd, Cavalry, unassigned, to be brigadier general, with rank from July 1, 1916, to fill an original vacancy.

Col. Edward H. Plummer, Twenty-eighth Infantry, to be brigadier general, with rank from July 1, 1916, to fill an original vacancy.

Col. Clarence P. Townsley, Coast Artillery Corps, to be brigadier general, with rank from July 1, 1916, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Capt. Ulysses S. Grant, 3d, Corps of Engineers, to be major from June 3, 1916, vice Maj. William D. Connor, detailed in the General Staff Corps.

Capt. Julian L. Schley, Corps of Engineers, to be major from June 3, 1916, vice Maj. Douglas MacArthur, detailed in the General Staff Corps.

First Lieut. Gilbert Van B. Wilkes, Corps of Engineers, to be captain from June 3, 1916, vice Capt. Ulysses S. Grant, 3d, promoted.

First Lieut. John C. H. Lee, Corps of Engineers, to be captain from June 3, 1916, vice Capt. Julian L. Schley, promoted.

First Lieut. Frank S. Besson, Corps of Engineers, to be captain from June 3, 1916, vice Capt. John J. Kingman, detailed in the General Staff Corps.

Second Lieut. Joseph D. Arthur, jr., Corps of Engineers, to be first lieutenant from June 3, 1916, vice First Lieut. Gilbert Van B. Wilkes, promoted.

Second Lieut. Ernest F. Miller, Corps of Engineers, to be first lieutenant from June 3, 1916, vice First Lieut. John C. H. Lee, promoted.

Second Lieut. John S. Bragdon, Corps of Engineers, to be first lieutenant from June 3, 1916, vice First Lieut. Frank S. Besson, promoted.

FIELD ARTILLERY ARM.

Lieut. Col. John E. McMahon, First Field Artillery, to be colonel from June 3, 1916, vice Col. Charles G. Treat, unassigned, detailed in the General Staff Corps.

Maj. William S. McNair, Field Artillery, detailed in the Inspector General's Department, to be lieutenant colonel from June 3, 1916, vice Lieut. Col. John E. McMahon, First Field Artillery, promoted.

Maj. William J. Snow, Second Field Artillery, to be lieutenant colonel from June 3, 1916, vice Lieut. Col. William S. McNair, whose detail in the Inspector General's Department is continued.

Maj. George G. Gatley, Third Field Artillery, to be lieutenant colonel from June 12, 1916, subject to examination required by law, vice Lieut. Col. William L. Kenly, Sixth Field Artillery, detached from his proper command.

Capt. John E. Stephens, Third Field Artillery, to be major from June 3, 1916, vice Maj. William J. Snow, Second Field Artillery, promoted.

Capt. Thomas E. Merrill, Fourth Field Artillery, to be major from June 12, 1916, vice Maj. George G. Gatley, Third Field Artillery, promoted.

First Lieut. Emery T. Smith, Fifth Field Artillery, to be captain from June 3, 1916, vice Capt. John E. Stephens, Third Field Artillery, promoted.

First Lieut. Robert M. Danford, Fifth Field Artillery, to be captain from June 12, 1916, vice Capt. Thomas E. Merrill, Fourth Field Artillery, promoted.

First Lieut. Leo P. Quinn, Fourth Field Artillery, to be captain from June 12, 1916, subject to examination required by law, vice Capt. Fox Conner, unassigned, detached from his proper command.

Second Lieut. Frank A. Turner, Sixth Field Artillery, to be first lieutenant from June 3, 1916, vice First Lieut. Emery T. Smith, Fifth Field Artillery, promoted.

Second Lieut. George G. Seaman, Fifth Field Artillery, to be first lieutenant from June 12, 1916, vice First Lieut. Robert M. Danford, Fifth Field Artillery, promoted.

Second Lieut. Charles C. Reynolds, Fifth Field Artillery, to be first lieutenant from June 12, 1916, vice First Lieut. Leo P. Quinn, Fourth Field Artillery, promoted.

Second Lieut. George S. Gay, First Field Artillery, to be first lieutenant from June 20, 1916, vice First Lieut. Everett S. Hughes, Fourth Field Artillery, detailed in the Ordnance Department.

Second Lieut. Fred C. Wallace, Second Field Artillery, to be first lieutenant from June 20, 1916, vice First Lieut. Thomas J. Smith, Second Field Artillery, detailed in the Ordnance Department.

CAVALRY ARM.

Maj. Sedgwick Rice, Cavalry, unassigned, to be lieutenant colonel from June 12, 1916, subject to examination required by law, vice Lieut. Col. Robert D. Walsh, unassigned, detached from his proper command.

Maj. Arthur Thayer, Ninth Cavalry, to be lieutenant colonel from June 12, 1916, vice Lieut. Col. George O. Cress, unassigned, detached from his proper command.

Capt. Powell Clayton, Eleventh Cavalry, to be major from June 12, 1916, vice Maj. Sedgwick Rice, unassigned, promoted.

Capt. Frank A. Barton, Fifteenth Cavalry, to be major from June 12, 1916, vice Maj. Arthur Thayer, Ninth Cavalry, promoted.

Capt. George C. Barnhardt, Eighth Cavalry, to be major from June 12, 1916, vice Maj. Elmer Lindsley, Thirteenth Cavalry, detached from his proper command.

Capt. James H. Reeves, Third Cavalry, to be major from June 12, 1916, vice Maj. Frank Tompkins, Thirteenth Cavalry, detached from his proper command.

First Lieut. Robert F. Tate, Eighth Cavalry, to be captain from June 3, 1916, vice Capt. Francis LeJ. Parker, Twelfth Cavalry, detailed in the General Staff Corps.

First Lieut. Sebring C. Megill, Cavalry, detailed in the Signal Corps, to be captain from June 3, 1916, vice Capt. Harry N. Cootes, Thirteenth Cavalry, detailed in the General Staff Corps.

First Lieut. Walter D. Smith, Second Cavalry, to be captain from June 3, 1916, vice Capt. Sebring C. Megill, whose detail in the Signal Corps is continued.

First Lieut. Harry B. Jordan, Cavalry, detailed in the Ordnance Department, to be captain from June 12, 1916, vice Capt. Powell Clayton, Eleventh Cavalry, promoted.

First Lieut. John T. Sayles, Twelfth Cavalry, to be captain from June 12, 1916, vice Capt. Harry B. Jordan, whose detail in the Ordnance Department is continued.

First Lieut. Frank P. Lahm, Cavalry, detailed in the Aviation Section, Signal Corps, to be captain from June 12, 1916, vice Capt. Frank A. Barton, Fifteenth Cavalry, promoted.

First Lieut. Orlando C. Troxel, Tenth Cavalry, to be captain from June 12, 1916, vice Capt. George C. Barnhardt, Eighth Cavalry, promoted.

First Lieut. Creed F. Cox, Cavalry, unassigned, to be captain from June 12, 1916, vice Capt. James H. Reeves, Third Cavalry, promoted.

First Lieut. Robert McC. Beck, jr., Second Cavalry, to be captain from June 12, 1916, vice Capt. George A. F. Trumbo, Sixth Cavalry, detached from his proper command.

Second Lieut. Robert S. Donaldson, Thirteenth Cavalry, to be first lieutenant from June 3, 1916, vice First Lieut. Robert F. Tate, Eighth Cavalry, promoted.

Second Lieut. Cuthbert P. Stearns, Third Cavalry, to be first lieutenant from June 3, 1916, vice First Lieut. Walter D. Smith, Second Cavalry, promoted.

Second Lieut. James R. Hill, Thirteenth Cavalry, to be first lieutenant from June 4, 1916, vice First Lieut. Taylor M. Reagan, unassigned, retired from active service June 3, 1916.

Second Lieut. Horace H. Fuller, Fourteenth Cavalry, to be first lieutenant from June 12, 1916, vice First Lieut. John T. Sayles, Twelfth Cavalry, promoted.

Second Lieut. Thomas De W. Milling, Cavalry, detailed in the Aviation Section, Signal Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Orlando C. Troxel, Tenth Cavalry, promoted.

Second Lieut. Henry D. F. Munnikhuysen, Ninth Cavalry, to be first lieutenant from June 12, 1916, vice First Lieut. Creed F. Cox, unassigned, promoted.

Second Lieut. Archibald F. Colley, Ninth Cavalry, to be first lieutenant from June 12, 1916, vice First Lieut. Robert McC. Beck, jr., Second Cavalry, promoted.

INFANTRY ARM.

Lieut. Col. James M. Arrasmith, Eighth Infantry, to be colonel from June 12, 1916, subject to examination required by law, vice Col. George K. McGunnegle, unassigned, detached from his proper command.

Lieut. Col. William H. Johnston, Infantry, detailed in the General Staff Corps, to be colonel from June 12, 1916, vice Col. Richard M. Blatchford, unassigned, detached from his proper command.

Lieut. Col. Benjamin W. Atkinson, Second Infantry, to be colonel from June 12, 1916, subject to examination required by law, vice Col. William H. Johnston, whose detail in the General Staff Corps is continued.

Maj. Charles H. Martin, Eighteenth Infantry, to be lieutenant colonel from June 3, 1916, vice Lieut. Col. George B. Duncan, Seventeenth Infantry, detailed in the General Staff Corps.

Maj. William Weigel, Second Infantry, to be lieutenant colonel from June 12, 1916, subject to examination required by law, vice Lieut. Col. James M. Arrasmith, Eighth Infantry, promoted.

Maj. Thomas G. Hanson, Infantry, detailed in the Quartermaster Corps, to be lieutenant colonel from June 12, 1916, subject to examination required by law, vice Lieut. Col. Benjamin W. Atkinson, Second Infantry, promoted.

Maj. Herman Hall, Infantry, unassigned, to be lieutenant colonel from June 12, 1916, vice Lieut. Col. Thomas G. Hanson, whose detail in the Quartermaster Corps is continued.

Maj. Marcus D. Cronin, Infantry, unassigned, to be lieutenant colonel from June 12, 1916, vice Lieut. Col. Abraham P. Buffington, unassigned, detached from his proper command.

Maj. Charles S. Farnsworth, Sixteenth Infantry, to be lieutenant colonel from June 12, 1916, subject to examination required by law, vice Lieut. Col. Edward M. Lewis, unassigned, detached from his proper command.

Capt. Hamilton A. Smith, Third Infantry, to be major from June 3, 1916, vice Maj. Charles H. Martin, Eighteenth Infantry, promoted.

Capt. Hunter B. Nelson, Infantry, unassigned, to be major from June 3, 1916, vice Maj. Ralph H. Van Deman, unassigned, detailed in the General Staff Corps.

Capt. Mathew E. Saville, Infantry, detailed in the Quartermaster Corps, to be major from June 12, 1916, vice Maj. William Weigel, Second Infantry, promoted.

Capt. Frank E. Bamford, Twenty-eighth Infantry, to be major from June 12, 1916, vice Maj. Mathew E. Saville, whose detail in the Quartermaster Corps is continued.

Capt. Fredrik L. Knudsen, Twenty-third Infantry, to be major from June 12, 1916, vice Maj. Charles S. Farnsworth, Sixteenth Infantry, promoted.

Capt. Charles W. Castle, Eleventh Infantry, to be major from June 12, 1916, vice Maj. Charles Gerhardt, unassigned, detached from his proper command.

Capt. Paul B. Malone, Thirtieth Infantry, to be major from June 12, 1916, vice Maj. Llysses G. McAlexander, unassigned, detached from his proper command.

Capt. S. J. Bayard Schindel, Infantry, detailed in the General Staff Corps, to be major from June 12, 1916, vice Maj. Robert W. Mearns, Twelfth Infantry, detached from his proper command.

Capt. John F. Preston, Fourth Infantry, to be major from June 12, 1916, vice Maj. S. J. Bayard Schindel, whose detail in the General Staff Corps is continued.

Capt. Frederick G. Lawton, Infantry, detailed in the Quartermaster Corps, to be major from June 18, 1916, vice Maj. George E. Houle, Twenty-second Infantry, detached from his proper command.

Capt. Amos H. Martin, Fourteenth Infantry, to be major from June 18, 1916, subject to examination required by law, vice Maj. Frederick G. Lawton, whose detail is continued in the Quartermaster Corps.

Capt. Charles F. Crain, Third Infantry, to be major from June 18, 1916, vice Maj. Lincoln F. Kilbourne, Twenty-sixth Infantry, detached from his proper command.

Capt. Frank S. Cocheu, Infantry, detailed in the General Staff Corps, to be major from June 18, 1916, subject to examination required by law, vice Maj. William C. Rogers, Twentieth Infantry, detached from his proper command.

Capt. Ora E. Hunt, Eighteenth Infantry, to be major from June 18, 1916, subject to examination required by law, vice Maj. Frank S. Cocheu, whose detail in the General Staff Corps is continued.

First Lieut. Robert J. Binford, Twentieth Infantry, to be captain from June 3, 1916, vice Capt. Hamilton A. Smith, Third Infantry, promoted.

First Lieut. John A. Brockman, Infantry, unassigned, to be captain from June 3, 1916, vice Capt. Frank S. Cocheu, unassigned, detailed in the General Staff Corps.

First Lieut. Sheldon W. Anding, Infantry, unassigned, to be captain from June 3, 1916, vice Capt. Dennis E. Nolan, Thirtieth Infantry, detailed in the General Staff Corps.

First Lieut. William G. Murchison, Infantry, unassigned, to be captain from June 3, 1916, vice Capt. Tenney Ross, Third Infantry, detailed in the General Staff Corps.

First Lieut. John S. McCleery, Infantry, unassigned, to be captain from June 12, 1916, subject to examination required by law, vice Capt. Frank E. Bamford, Twenty-eighth Infantry, promoted.

First Lieut. Elvin H. Wagner, Twenty-ninth Infantry, to be captain from June 12, 1916, subject to examination required by law, vice Capt. Fredrik L. Knudsen, Twenty-third Infantry, promoted.

First Lieut. Thomas W. Brown, Seventeenth Infantry, to be captain from June 12, 1916, subject to examination required by law, vice Capt. Charles W. Castle, Eleventh Infantry, promoted.

First Lieut. Otis R. Cole, Infantry, unassigned, to be captain from June 12, 1916, vice Capt. Paul B. Malone, Thirtieth Infantry, promoted.

First Lieut. Shelby C. Leasure, Seventh Infantry, to be captain from June 12, 1916, subject to examination required by law, vice Capt. William A. Castle, unassigned, detached from his proper command.

First Lieut. Charles F. Herr, Fourth Infantry, to be captain from June 12, 1916, vice Capt. Allan L. Briggs, unassigned, detached from his proper command.

First Lieut. Fred H. Turner, Twenty-third Infantry, to be captain from June 12, 1916, vice Capt. John F. Preston, Fourth Infantry, promoted.

First Lieut. Edwin O. Saunders, Ninth Infantry, to be captain from June 17, 1916, vice Capt. Morton F. Smith, Twentieth Infantry, who died June 16, 1916.

First Lieut. Walter Krueger, Third Infantry, to be captain from June 18, 1916, subject to examination required by law, vice Capt. Amos H. Martin, Fourteenth Infantry, promoted.

First Lieut. Asa L. Singleton, Twelfth Infantry, to be captain from June 18, 1916, vice Capt. Charles F. Crain, Third Infantry, promoted.

First Lieut. Arthur L. Bump, Seventeenth Infantry, to be captain from June 18, 1916, vice Capt. Ora E. Hunt, Eighteenth Infantry, promoted.

First Lieut. Willis E. Mills, Fourth Infantry, to be captain from June 18, 1916, vice Capt. James M. Love, Twelfth Infantry, detached from his proper command.

Second Lieut. William G. Langwill, Twenty-sixth Infantry, to be first lieutenant from June 3, 1916, vice First Lieut. Robert J. Binford, Twentieth Infantry, promoted.

Second Lieut. James A. Sarratt, Seventeenth Infantry, to be first lieutenant from June 3, 1916, vice First Lieut. Sheldon W. Anding, unassigned, promoted.

Second Lieut. Frank M. Kennedy, Tenth Infantry, to be first lieutenant from June 12, 1916, subject to examination required by law, vice First Lieut. John S. McCleery, unassigned, promoted.

Second Lieut. John T. Harris, Ninth Infantry, to be first lieutenant from June 12, 1916, vice First Lieut. Elvin H. Wagner, Twenty-ninth Infantry, promoted.

Second Lieut. Albert S. J. Tucker, Ninth Infantry, to be first lieutenant from June 12, 1916, vice First Lieut. Thomas W. Brown, Seventeenth Infantry, promoted.

Second Lieut. Marion O. French, Third Infantry, to be first lieutenant from June 12, 1916, vice First Lieut. Shelby C. Leasure, Seventh Infantry, promoted.

Second Lieut. George W. C. Whiting, Fourth Infantry, to be first lieutenant from June 12, 1916, vice First Lieut. Charles F. Herr, Fourth Infantry, promoted.

Second Lieut. Charles W. Elliott, Twenty-eighth Infantry, to be first lieutenant from June 12, 1916, vice First Lieut. Fred H. Turner, Twenty-third Infantry, promoted.

Second Lieut. James D. Rivet, Twelfth Infantry, to be first lieutenant from June 18, 1916, vice First Lieut. Walter Krueger, Third Infantry, promoted.

Second Lieut. George R. Koehler, Fourteenth Infantry, to be first lieutenant from June 18, 1916, subject to examination required by law, vice First Lieut. Asa L. Singleton, Twelfth Infantry, promoted.

Second Lieut. James A. Merritt, Fourteenth Infantry, to be first lieutenant from June 18, 1916, vice First Lieut. Arthur L. Bump, Seventeenth Infantry, promoted.

Second Lieut. Oliver S. Wood, Sixteenth Infantry, to be first lieutenant from June 18, 1916, vice First Lieut. Willis E. Mills, Fourth Infantry, promoted.

Second Lieut. Allen M. Burdett, Twenty-seventh Infantry, to be first lieutenant from June 18, 1916, vice First Lieut. Laurance O. Mathews, Fourth Infantry, detached from his proper command.

Second Lieut. Herbert C. Fooks, Sixteenth Infantry, to be first lieutenant from June 18, 1916, vice First Lieut. Alfred A. Hickox, Sixth Infantry, detached from his proper command.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 3 (legislative day of June 30), 1916.

MEMBER OF THE EXECUTIVE COUNCIL OF PORTO RICO.

José C. Barbosa, of Porto Rico.

POSTMASTERS.

ILLINOIS.

Martin V. Conklin, Princeville.
Patrick E. Hughes, Wilmington.
John Kray, Des Plaines.

INDIANA.

Theodore W. Englehart, Brazil.
William G. Moss, Spencer.
May White Wood, West Lebanon.

NEW YORK.

Walter C. Burton, Brooklyn.
Elton Dudley, Crown Point.
Daniel W. Hanley, Albion.
George S. Hart, Freeville.
Richard H. Henson, Phoenicia.
Eva S. Kirby, Nassau.
W. L. Mayall, Brown Station.
George J. Meyer, Buffalo.
George S. La Moree, Highland.
James E. Purcell, Narrowsburg.

SENATE.

WEDNESDAY, *July 5, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee out of the inspiration and glory of the day upon which we have celebrated the anniversary of the birth of a great Nation dedicated to the rights of men. We thank Thee that through the long track of the years we have kept true to the ideals of our great Nation. We thank Thee that Thou hast raised up men to maintain the ideals of the fathers. We bless Thee that to-day we stand united, with the great citizenship of this country still devoted to those principles Thou hast breathed into the life of our Nation. We recognize that Thy good hand, the hand of divine providence, has been upon us. We bless Thee for the prospect before us, for the confidence that we have in the ability that Thou hast given to Thy creatures upon earth to erect a Government over which they themselves may preside and which will body forth the great ideals of divine life in humanity. Do Thou lead us to this end, we ask for Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum. There are but few Senators in the Chamber.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	O'Gorman	Smith, S. C.
Bankhead	Hardwick	Overman	Smoot
Brandegee	Husting	Page	Sterling
Chamberlain	Johnson, Me.	Poindexter	Thomas
Clapp	Jones	Pomerene	Thompson
Clark, Wyo.	Kenyon	Ransdell	Underwood
Culberson	La Follette	Shafroth	Vardaman
Cummins	McCumber	Sheppard	Weeks
Curtis	McLean	Sherman	Williams
Dillingham	Martine, N. J.	Smith, Ariz.	Works
Fletcher	Nelson	Smith, Ga.	
Gallinger	Norris	Smith, Md.	

Mr. GRONNA. I wish to announce that the Senator from Florida [Mr. BRYAN], the Senator from Maryland [Mr. LEE], the Senator from Oregon [Mr. LANE], the Senator from Ohio [Mr. HARDING], and the Senator from New Mexico [Mr. CATRON] are absent on business of the Senate.

Mr. HUSTING. I desire to announce that the Senator from South Dakota [Mr. JOHNSON] is absent on official business.

Mr. MARTINE of New Jersey. I wish to announce the absence of the senior Senator from Missouri [Mr. STONE]. He is absent on public business.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. BROUSSARD and Mr. TAGGART answered to their names.

Mr. KERN and Mr. HUGHES entered the Chamber and answered to their names.

Mr. MARTINE of New Jersey. I was authorized to announce that the junior Senator from Missouri [Mr. REED] is absent from the Chamber owing to public business.

Mr. KERN. I wish to announce that the Senator from Montana [Mr. MYERS] is detained on account of illness.

I also desire to announce that the Senator from Kentucky [Mr. JAMES] is absent on public business.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, June 30, 1916, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from William Rosenau, president, and Isaac Landman, corresponding secretary, of the Central Conference of American Rabbis, held at Wildwood, N. J., which was ordered to be printed in the RECORD, as follows:

WILDWOOD, N. J., *July 4, 1916.*

PRESIDENT OF THE SENATE,
Washington, D. C.:

The Central Conference of American Rabbis passed this morning by a rising vote the following resolution, presented by Rabbis David Philipson, Cincinnati; Joseph Krauskopf, Philadelphia; and Julian Morgenstern, Cincinnati, Ohio:

"Deeply sensible of the exceptional position of our country as the abode of peace during the past two years of murderous warfare across the seas owing to the progress among the American people of an international policy of peace, we, the Central Conference of American Rabbis, in meeting assembled on this day of our Nation's birth, urge upon those who the people have set in authority, the President, his councilors and advisors, and the lawmaking bodies, that in the present critical phase of our relation with our neighbor to the south every possible effort be exerted to avert war, with its unspeakable horrors and suffering, and to continue among us that blessed peace which has obtained hitherto and has made this land the hope of the world.

"*Resolved*, That this resolution shall be telegraphed to the President of the United States, the Speaker, of the House of Representatives, and the President of the Senate, and shall be given full publicity in the daily press."

WM. ROSENAU,
President.
ISAAC LANDMAN,
Corresponding Secretary.

Mr. SHEPPARD presented memorials of the Commercial Association and the Maritime Committee of Galveston, Tex., remonstrating against the passage of the so-called ship-purchase bill, which were referred to the Committee on Commerce.

Mr. FLETCHER presented a memorial of sundry citizens of Tallahassee, Fla., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. MARTINE of New Jersey. I present a letter which I have received bearing on the resolution I offered some weeks since regarding the payment of employees of the Government who may have enlisted in the military service. I ask that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EAST ORANGE, N. J., *June 27, 1916.*

Senator JAMES MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: In reference to the recent session of the Senate at which you advocated the payment of all Government employees who are now in active service as guardsmen, I wish to thank you for the interest you have shown in that matter.

Being the wife of a letter carrier, who has also been a member of the militia for 15 years, the need of such a bill is particularly forceful to me, since I must in some way exist on $45 a month, which is indeed a mere pittance in these days of high prices, as I have two children to keep.

Trusting you will continue to use your best efforts to have this bill become a law and wishing you every success, I am,

Yours, respectfully,

Mrs. JOSEPH E. HILTON,
114 North Maple Avenue.

Mr. STERLING presented a memorial of the members of the South Dakota Conference of Seventh-day Adventists, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. BROUSSARD. I presented a concurrent resolution of the General Assembly of the State of Louisiana, favoring the passage of Senate bill 3351, introduced by me, and which relates to the importation of cattle. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

[Act No. 30.]

Senate concurrent resolution 14, by Mr. Domengeaux, indorsing Senate bill 3351, Sixty-fourth Congress, first session.

Be it resolved by the Senate of Louisiana (the House of Representatives concurring), That Senate bill 3351, Sixty-fourth Congress, first session, introduced by Senator BROUSSARD, of Louisiana, in the Senate on January 10, 1916, is hereby indorsed, and the Congress of the United States is respectfully urged to pass the bill at this session of Congress, to the end that the discrimination now existing in favor of the ports in Texas against other southern ports with regard to the importation of cattle and the proper safeguard by the United States Department of Agriculture may not longer be permitted to continue; be it further

Resolved, etc., That a copy of this resolution be forwarded to the Senate of the United States and to the House of Representatives of the United States and to the Louisiana Members of the Senate and House in the Congress of the United States.

FERNAND MOUTON,
Lieutenant Governor and President of the Senate.
HEWITT BOUANCHAUD,
Speaker of the House of Representatives.

Approved June 23, 1916.

R. G. PLEASANT,
Governor of the State of Louisiana.

A true copy.
[SEAL.]

JAMES J. BARLEY,
Secretary of State.

Mr. PHELAN presented a memorial of the Board of Supervisors of Monterey County, Cal., and a memorial of the California State Board of Education, remonstrating against the proposed imposition of an inheritance tax, which were referred to the Committee on Finance.

Mr. McLEAN presented memorials of Local Lodge No. 111, Brotherhood of Railroad Trainmen, of Bridgeport; of the Joint General Committee of the Order of Railroad Carmen, Brotherhood of Locomotive Engineers, and Brotherhood of Railway Trainmen; and Brotherhood of Locomotive Firemen and Enginemen, of New Haven; of Local Lodge No. 201, Brotherhood of Railway Trainmen, of New Haven; and of Local Lodge No. 118, Brotherhood of Railway Trainmen, of Hartford, all in the State of Connecticut, remonstrating against compulsory arbitration by Congress of railroad matters, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Grange No. 58, Patrons of Husbandry, of West Hartford, Conn., remonstrating against the sending of untrained soldiers into active service, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was refered the bill (H. R. 10305) to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people, reported it without amendment and submitted a report (No. 589) thereon.

Mr. GRONNA, from the Committee on Claims, to which was referred the bill (H. R. 1592) for the relief of George W. Trahey, reported it without amendment and submitted a report (No. 590) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 6914) to amend section 82, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary, reported it without amendment.

Mr. WILLIAMS, from the Committee on the Library, to which was referred the bill (S. 5752) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the Memorial Amphitheater at Arlington, Va., reported it with an amendment and submitted a report (No. 592) thereon.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the joint resolution (H. J. Res. 184) providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr., reported it without amendment and submitted a report (No. 591) thereon.

Mr. SMITH of Arizona, from the Committee on Public Lands, to which was referred the bill (S. 865) granting to the State of Arizona public lands for the construction, repair, and maintenance of public roads, reported it with amendments and submitted a report (No. 593) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (S. 5987) to amend subsection 11 of section 3244, Revised Statutes, reported it without amendment and submitted a report (No. 594) thereon.

Mr. CLARK of Wyoming, from the Committee on Finance, to which was referred the bill (H. R. 13728) for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal., reported it without amendment and submitted a report (No. 595) thereon.

Mr. HARDING, from the Committee on Claims, to which was referred the bill (H. R. 7062) for the relief of Erskine R. Hayes, reported it without amendment and submitted a report (No. 596) thereon.

MARINE HOSPITAL RESERVATION, CLEVELAND, OHIO.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 2845) authorizing the sale of the Marine Hospital Reservation in Cleveland, Ohio, and I submit a report (No. 588) thereon.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to have the present marine-hospital reservation in Cleveland, Ohio, and the improvements thereon, except so much of said reservation and the improvements thereon as he may deem it advisable to retain for the use of any branch of the public service, appraised by competent appraisers, paying therefor the customary rate of compensation for such service, and then, in his discretion and after due advertisement, to sell said appraised land and improvements, or any portion thereof, to the highest bidder therefor, upon such terms and at such times as the Secretary of the Treasury may deem for the best interests of the United States, for an aggregate price of not less than what he deems the value of said property after considering said appraisements, or the appropriate proportionate part of said value for such part of said land or improvements as may be sold separately; and to convey said land and improvements, or any part thereof, to the respective purchasers thereof by the usual quitclaim deed.

That the proceeds of the sale of so much of said reservation and the improvements thereon as is sold under the foregoing authorization are hereby appropriated and made immediately available for the provision of a new marine hospital at Cleveland, Ohio, and the acquisition of a suitable site therefor, for the acquisition of suitable sites and the erection of hospitals thereon at such points as may be hereafter designated by Congress, for new marine hospitals at stations where the present buildings are old and obsolete, and for rehabilitating, repairing, altering, remodeling, reconstructing, and improving other marine hospitals and the grounds thereof, and for the requisite furniture, equipment, and appliances, etc., necessary for the proper preparation and fitting out of all such establishments better to enable their satisfactory operation for hospital purposes

That $1,000 is hereby appropriated and made immediately available for the compensation of the appraisers above mentioned and such other expenses incident to the said sale as the Secretary of the Treasury may deem proper and specially order in writing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POMERENE. Accompanying the bill is a report from the committee. It is short, and I ask that it may be printed in the RECORD, so that those interested may be informed as to the reasons for the sale of the property.

The VICE PRESIDENT. Without objection, it is so ordered.

The report submitted this day by Mr. SUTHERLAND from the Committee on Public Buildings and Grounds is as follows:

The Committee on Public Buildings and Grounds, to whom was referred S. 2845, authorizing the sale of the marine hospital reservation in Cleveland, Ohio, reports the same to the Senate without amendment and recommends that the bill do pass.

The Government acquired title to this property in 1837, and in 1852 built thereon a marine hospital, which it has since maintained. The purchase price of the land was $12,000. The building upon it is wholly out of date and is not fitted for hospital purposes. The property is surrounded by business blocks, factories, and railroads, and the smoke, noise, and dust render it unsuitable for hospital use. The ground alone is estimated to be worth from $1,000,000 to $1,500,000, and the building is of comparatively little value.

The city of Cleveland some years ago adopted a group plan for its public buildings, and the continuance of this hospital interferes with the carrying out of this plan—in fact, the city must have a part of this hospital ground to complete its plan. Also for years the city government has been urging the railroads to build a new union depot. The building of this depot has been agreed upon by and between the city and the railroads, but all these plans are contingent upon the removal of this hospital and the securing of title to a portion of this property.

From the standpoint of the Government it is highly desirable to sell this property and provide for such hospital facilities as may be needed in a more suitable location. By the terms of this bill the Secretary of the Treasury is required to have the property appraised and sold to the highest bidder upon such terms and at such times as he may deem for the best interests of the United States for an aggregate price of not less than what he deems the value of said property after considering said appraisement. The proceeds of said sale are appropriated and made available for a new marine hospital at Cleveland, Ohio, " and the acquisition of a suitable site therefor, for the

acquisition of suitable sites and the erection of hospitals thereon at such points as may be hereafter designated by Congress, for new marine hospitals at stations where the present buildings are old and obsolete, and for rehabilitating, repairing, altering, remodeling, reconstructing, and improving other marine hospitals and the grounds thereof, and for the requisite furniture, equipment, and appliances, etc., necessary for the proper preparation and fitting out of all such establishments better to enable their satisfactory operation for hospital purposes."

The Public Health Service of the Government recommends this sale; also the Treasury Department.

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TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, June 28, 1916.

MY DEAR SENATOR: Receipt is acknowledged of your communication of the 26th instant, inclosing a copy of S. 2845, introduced by you, authorizing the sale of the marine hospital reservation at Cleveland, Ohio. You ask to be advised of this department's views with respect to said bill.

Under date of January 10, 1916, the chairman of the Committee on Public Buildings and Grounds of the Senate was informed that this department believes that this legislation should be enacted.

Very truly, yours,

B. R. NEWTON,
Assistant Secretary.

Hon. ATLEE POMERENE,
United States Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 6557) to establish an aerial coast-patrol system and for the education and training as aviators of the aviation section of the Naval Militia of the several States; to the Committee on Naval Affairs.

By Mr. HUSTING:

A bill (S. 6558) making an appropriation for the benefit of the Aviation Corps of the Department of War and repealing the provisions of certain acts relating to the acquisition of a site and the erection of a public building at Ripon, Wis.; to the Committee on Military Affairs.

By Mr. BROUSSARD:

A bill (S. 6559) to provide for the establishment of a military post or permanent mobilization camp at Camp Stafford, Alexandria, La.; to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 6560) granting a pension to Elizabeth A. Cook; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6561) providing for the sale at public auction of all unsold suburban lots not reserved for public purposes in the Government town site of Port Angeles, Wash., and for the issuance of patents for those previously sold under the act of May 6, 1906, on the payment of the price at which the said lots were reappraised under said act without further condition or delay; to the Committee on Public Lands.

Mr. SMITH of Georgia. I introduce a bill and ask that it be read. It is very short.

The bill (S. 6562) to forbid the use of the mails for letters, postal cards, circulars, or pamphlets offering for sale, soliciting the purchase of, or advertising intoxicating liquors, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That no letter, postal card, circular, or pamphlet offering for sale, soliciting the purchase of, or advertising intoxicating liquors, sent by any dealer or agent or employee of a dealer in intoxicating liquors, shall be carried in the mails to a State or delivered at or through any post office or branch thereof or by any letter carrier in a State where by law the advertisement of intoxicating liquors is prohibited.

Any person who shall knowingly deposit, or cause to be deposited, or shall knowingly send, or cause to be sent, anything to be conveyed or delivered by mail in violation of this section, or shall knowingly cause to be delivered by mail anything herein forbidden to be carried by mail, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both such fine and imprisonment for each offense.

The VICE PRESIDENT. To what committee does the Senator desire the bill to be referred?

Mr. SMITH of Georgia. I think it should be referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The bill will be referred to the Committee on Post Offices and Post Roads.

By Mr. GALLINGER (for Mr. GOFF):

A bill (S. 6563) granting an increase of pension to Mary E. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 6564) granting a pension to Viora Taylor (with accompanying papers); and

A bill (S. 6565) granting an increase of pension to Sarah Wright (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 6566) granting an increase of pension to Grace Boggs (with accompanying papers); and

A bill (S. 6567) granting an increase of pension to Susan Riley (with accompanying papers); to the Committee on Pensions.

By Mr. BRADY:

A bill (S. 6568) for the relief of Philip D. Ellis (with accompanying papers); to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 6569) for the relief of J. M. Fulton; to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate $562.50 to pay Frank W. Bauskett for services rendered as special disbursing agent, National Exposition Commission, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was ordered to be printed, and, with accompanying paper, referred to the Committee on Appropriations.

Mr. BRANDEGEE submitted an amendment authorizing the President to nominate and appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry and brevet brigadier general United States Volunteers, a lieutenant colonel of Cavalry, United States Army, etc., intended to be proposed by him to the Military Academy appropriation bill (H. R. 16699), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment authorizing the President to nominate and appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry and brevet brigadier general United States Volunteers, a lieutenant colonel of Cavalry, United States Army, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. WILLIAMS submitted an amendment authorizing the appointment of Commodore William Stetson Hogg, retired, to be a rear admiral on the active list to take rank next after Rear Admiral Austin M. Knight, United States Navy, intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BROUSSARD submitted an amendment proposing to appropriate $125,000 for the construction and equipment of a light vessel for the Passes at the entrance to the Mississippi River, La., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was ordered to lie on the table and be printed.

Mr. O'GORMAN submitted an amendment providing that the master of the sword shall have relative rank and shall be entitled to the pay, allowances, and emoluments of a major, intended to be proposed by him to the Military Academy appropriation bill (H. R. 16699), which was referred to the Committee on Military Affairs and ordered to be printed.

DESTRUCTION OF GOVERNMENT PROPERTY, SEATTLE, WASH.

Mr. POINDEXTER submitted the following resolution (S. Res. 224), which was read, considered by unanimous consent, and agreed to:

Resolved, That in view of the destruction by fire on Friday last of $40,000 worth of Government property on the docks at Seattle, Wash., and the large amount of property the War Department is and will be handling on the Seattle docks, the Secretary of War is requested to inform the Senate what, if any, reason exists for the failure of the War Department to store its goods in the fireproof municipal docks and dock warehouses at Seattle.

REFUNDS OF DRAWBACKS.

Mr. BROUSSARD submitted the following resolution (S. Res. 225), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to submit to the Senate the statement requested by Senate resolution 64, agreed to January 10, 1916, directing him to furnish a statement of certain data relative to applications for and payments of drawbacks under paragraph O, section 4, of the present tariff act for various periods and which the Secretary of the Treasury reported on January 18, 1916, would "be expedited in every possible way."

DYESTUFF INDUSTRY.

Mr. MARTINE of New Jersey. I submit an extract from the report of the proceedings of the Eighteenth Ordinary General Meeting held within the Mechanics' Institute, Bradford, England, with reference to dyestuffs and explosives. Both these sub-

jects are of great interest to the country at this time. The paper is very short, and I ask that it may be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE BRADFORD DYERS' ASSOCIATION (LTD.).

[Milton Sheridan Sharp, chairman.]

Extract from report of the proceedings of the eighteenth ordinary general meeting held within the Mechanics' Institute, Bridge Street, Bradford, England, on Monday, the 28th day of February, 1916, at 12 o'clock noon.

I am most reluctant on these occasions to make the least departure from what is our own immediate business, but it is of such importance that some one should direct public attention to another, but far graver aspect of the question which so deeply concerns us; and on which, having had special opportunities of realizing the position, I feel it my duty to speak out plainly, though I greatly wish such duty had fallen to a more powerful voice. I wish to bring home to you and, so far as it is possible, to the public at large a startling fact which this awful war has revealed to the thoughtful mind and impartial eye of every intelligent man who has been brought into direct contact with the difficulties arising from the shortage of aniline dyes—namely, that the establishment of the synthetic dye industry in this country is vital to our national safety. To the uninitiated it may seem very strange, but it is a simple fact that dyes and high explosives are very closely correlated. Benzol, toluol, carbolic acid, sulphuric and nitric acids are the raw materials from which dyes and high explosives alike are made, and it would indeed be a tragedy if we failed to learn the lesson the war has taught us, namely, that ability to produce unlimited quantities of those articles is one of the first essentials of any hope of success in warfare. The complete, self-contained and independent manufacture of aniline dyes within the United Kingdom is essential to the commercial and martial protection of the State.

The raw materials from which aniline dyes are made being the same as are used in the manufacture of high explosives, picture to yourselves the enormous advantage Germany had by reason of her huge, highly organized and ably administered color works, producing all the raw materials required for the making of high explosives, and able immediately to divert much of their color-making plant to their manufacture. What was our position? Why, exactly the same as our position in regard to the army. We had to improvise an army. We had also to improvise our production of high explosives. We have done both, and to a degree which our enemies will find to their cost and sorrow before very long.

The country will probably never know how much it owes to the high-explosives department of the ministry of munitions, presided over by Lord Moulton, and officered by a body of strikingly able and energetic men, to whose commanding force it is due that the danger from a shortage of high explosives has been so effectively met.

Take our own case as an illustration. Our munition works have been extended to a degree which none of us, even a year ago, would have regarded as either necessary or likely—and this is typical of what has been done all over the country. Most of such extensions have been made to serve a temporary purpose only, and at the end of the war will be demolished unless such portions are retained as can be utilized in producing the bases for aniline dyes. Some are of a permanent character, especially those in connection with acid plants, on which the Government, directly and indirectly, have spent tremendous sums. These also will be useless and valueless after the war unless the color industry is established in this country, to which end such plants are a long and essential step, and it will be little short of criminal folly to break them up. What I desire to urge, with all the force of which I am capable, is that we must never again jeopardize our national safety by the risk of shortage of high explosives, and that whatever it involves we must establish the aniline-dye industry in this country, so that in case of war we have the ability to quickly produce any amount of high explosives the army or navy may need. Until we do this we shall always be at a great disadvantage as compared with Germany. I am confident if public opinion could once understand the situation it would be practically unanimous in demanding the most thoroughgoing and drastic action, quite regardless of cost.

On my last journey to Germany, just before the outbreak of war, I visited all the large color works, and it will bring home to you what terrible instruments such works are for enabling the German Government to carry out its policy of frightfulness when I tell you that one company alone, then employing about 10,000 men chiefly in the manufacture of aniline dyes, to-day, I am credibly informed, are employing about 14,000 men almost entirely on the manufacture of high explosives. Only those with some knowledge can realize the facility with which a color works can be converted into a high-explosive factory. Another works visited at that time employed about 9,000 men in the manufacture of aniline colors and pharmaceuticals. I have information, to which I attach entire credence, that to-day those works are engaged almost solely in making T. N. T. and picric acid for the German Government.

During the course of the same journey I gathered that 75 per cent of the collieries in Germany had coke ovens installed. When it is realized how vitally important the distillation of coal in coke ovens is in relation to the manufacture of aniline dyes and high explosives it will be seen how this alone gave Germany an enormous advantage over us in the early stages of the war, as the by-products from the coke ovens are amongst the most important materials for making colors and explosives—whereas in Great Britain at the outbreak of the war only some 25 per cent of our collieries had coke ovens installed.

I was also told that three of the principal German color-making concerns, who pool their profits, had shortly before increased their capital by £2,250,000 for the purpose of erecting a works for the production of ammonia from the air. At that time they estimated they would produce 130,000 tons of ammonia per year; it has since been stated that this production has been increased to 200,000 and is now being converted into nitric acid. The raising of so much capital for such a purpose is noteworthy even on the surface, but it is even more striking in the light of our now certain knowledge as to the preparations of Germany for war. It is impossible to avoid the conviction that the use of such a plant in the event of war was duly taken into consideration. It has been said that the supply of high explosives to the German Army would by this time have ceased had it not been for that plant. It is quite possible that the stocks of nitrate of soda would now have been exhausted, and without nitric acid no high explosives can be made.

As you know, it was many months after the outbreak of war before it was seen by us that high-explosive shells would be the dominating factor. Germany, realizing the failure of her fond hopes of a speedy triumph, knew quite well what the character of the warfare would be, and her possession of huge color and chemical works enabled her to set about immediately producing almost unlimited quantities of high explosives. We were in no such position, as we had no works in the slightest degree comparable with the great works in Germany. Our experience proves how essential it is to the national safety that such works should be established here, and illustrates the folly of which we have hitherto been guilty in materially aiding their development and prosperity in the country of a potential enemy.

How can this establishment be accomplished? No one with any knowledge would venture the opinion that it can be attained through British Dyes (Ltd.) alone. I wish to speak with great respect and the deepest gratitude for what that company has done. Faced with a tremendous task, made incomparably more difficult by the prior claim of explosives upon the raw material, it has done really splendidly. The want of raw materials has hampered the efforts also of all the British, Swiss, and French makers. When such difficulties disappear I am sure British Dyes (Ltd.) would not claim that they alone will have the power to free us from German domination in this, the greatest "key" industry—a key not only to export business aggregating £200,000,000 a year and to the employment of some 2,000,000 people, but, what is of far greater moment, as I trust I have shown you, also to the national safety. Indeed, I make bold to say there are few things which this terrible war has made more clear than that both from the economic and national defense standpoints there is no question of greater urgency than the rapid establishment of the aniline-dye industry in this country. It certainly calls for further and immediate action by the Government and Parliament; but before I indicate the form such action, in the opinion of your director, should take I should like to point out ways in which assistance of great value can be given to British, Swiss, and French color makers.

In the first place I would urge greater sympathy and closer cooperation between dye users and dye producers. As an illustration of how far-reaching the effects of this may be, I may tell you that for months before the war we were working in the closest cooperation with a British concern for the production of a dye which up to that time we had been able to procure from one maker only in Germany. The ultimate result was that the British maker produced an article equal in every respect to the German, and we placed a contract for no less than 1,000 tons of it. This has been a help to us during the present crisis, the value of which it is impossible to exaggerate—and the advantage has not been confined to us, as it has been shared by the whole trade.

By a very simple process the allied Government can also do much to aid British, Swiss, French, and Russian color makers by entirely prohibiting the use of any German dye on goods used in any Government department.

I hold strongly that this is not the time for suggesting measures likely to disturb in the least the national unity, and although most free traders, of whom I am one, are prepared to scrap their prewar economic opinions, realizing that we shall hereafter live under entirely new conditions, I am confident that the common sense of even the strongest adherent of the "Manchester school" will compel the admission that action must be taken to secure the establishment of the aniline-dye industry in this country. It is only fair to recognize that its establishment by the imposition of tariffs would be mainly at the cost of the textile industry, whereas it is properly a national charge, and we must not lose sight of the fact that a very large percentage of our trade in textiles is with foreign markets in which we have to meet the competition of the world. To have higher dyeing and printing costs than our rivals would be a handicap. Bearing on this, the attitude of Italy deserves careful consideration. Although largely protectionist in policy, she puts no duty on aniline dyes specially in order to encourage and develop the export of textiles.

The policy which your directors favor is practically that which we urged upon His Majesty's Government before the formation of British Dyes (Ltd.), and which, stated in the briefest terms, was that the Government should make a grant in aid of, say, £500,000 per annum for a period, to be administered by a commission charged with the duty of securing the establishment of the industry in this country, by grants on production, and for enterprise and initiative. The number of the commission should be limited, and its members carefully chosen so as to unquestionably command the confidence of the British, Swiss, and French color makers, and of the users, who, as I have pointed out, can give invaluable aid. If that were so, it would make possible what, without it, will, I fear, be quite beyond our reach, namely, a definite unity of purpose, by the proper coordination of production and the mutual supply and exchange of raw and intermediate products. Such a commission, provided as it would be with special means for the fulfillment of its mission, and by enterprising, energetic, and fearless leadership, watching with the utmost vigilance the progress of the various color-making works, would, at least in our opinion, secure the establishment of the industry in this country, not only on less debatable lines, but also much more quickly than by import duties, and even in the event of the imposition of such, the saving of time would be well worth the cost for two or three years. In the absence of import duties, however, it is essential to have the most stringent provisions to prevent dumping, as there is not a shade of doubt that if they are allowed to do it the German color makers will sell at any price to recover this market, and unless we resolutely make up our minds to thwart it they will succeed.

Before the war there were two large groups of color makers in Germany pooling their respective profits, and there were two comparatively small outside makers. It may be anticipated that after the war these interests will be united, forming a combination amongst the most powerful in the world, and governed by some of the ablest men in the German Empire. It would be folly to underestimate the magnitude of the task of establishing in this country works capable of contending with them on equal terms, and yet there is strong and irresistible necessity for so doing. Your directors feel that whether import duties are imposed or not, special and extraordinary aid is needed, and they believe that such a commission would make the removal of dependence on Germany more certain than could possibly be hoped for by leaving the British color makers, even if protected by import duties, to their own unaided and uncoordinated efforts. These considerations, therefore, seem to your directors not only to warrant, but to demand the setting up of some such authority.

RURAL HEALTH.

Mr. RANSDELL. Mr. President, I desire to give notice that on Friday, the 14th instant, after the conclusion of the morning business, I shall address the Senate on rural health, the Nation's first duty.

WOMAN SUFFRAGE.

Mr. THOMAS. Mr. President, on yesterday the President of the United States addressed the American Federation of Labor, the occasion being the dedication of the new building of that organization. Whilst speaking, he was interrupted by a member of the Congressional Union and berated for his alleged obstruction of action upon the pending resolution to amend the Constitution, popularly known as the Susan B. Anthony amendment. This very characteristic method of propaganda, not unusual on such occasions as the one mentioned, suggests to me the propriety of submitting to the Senate a short historical summary of that amendment, which has been pending upon the calendar of the Senate since the 8th of January last, being General Order No. 27, under Rule VIII.

Mr. President, that amendment was reported by the Senate Committee on Woman Suffrage very promptly, after certain hearings had been granted, which had been requested, the report, of course, being favorable. Shortly after it was placed upon the Calendar, I was interviewed by Mrs. Carrie Chapman Catt, the president of the national organization for woman suffrage, the old organization, the regular organization, and the only one which I am disposed to recognize as having authority to speak upon the subject with regard to the time and the mode of our procedure. This lady made the request that I should attempt, if possible, an informal poll of the Senate, with a view of determining the strength which the joint resolution would command in the event the Senate should see fit to take it up for discussion and final action. I did that, and reported that the numerical strength of the supporters of the amendment was considerably less than the number of votes cast for the same amendment at the last Congress.

I may say, in this connection, that I am credibly informed that the Senator from Pennsylvania [Mr. PENROSE], who voted for the amendment at the last Congress, is opposed to it now, while the two new Senators from South Dakota and California, respectively, are also opposed to it, the latter gentleman's opposition being caused very largely by the opposition which he encountered as a candidate at the hands of the Congressional Union, merely because he was a candidate on the Democatic ticket.

Subsequently, Mrs. Catt requested that this amendment should not be called up for consideration or be acted upon until she so requested. So far as I could do so, as chairman of the Committee on Woman Suffrage, I assumed the responsibility of giving her that assurance.

Some two weeks ago an informal conference of western Senators—which I did not attend, and of which I had no knowledge at the time—considered the propriety of calling up the amendment and, if possible, submitting it to a vote without debate. Nothing has been done with regard to that subject.

On the 30th of June the following letter was addressed to me:

We understand that a meeting of Senators from the suffrage States has been held, and that there has been some discussion of bringing the national suffrage amendment to a vote at an early date. The amendment is known as Senate joint resolution No. 1, and is Order No. 27 on the Senate calendar.

The Congressional Union is not yet ready for a vote on this amendment, and we write to ask you to oppose any effort which may be made for an early vote. We earnestly request that no move at all be made for a vote in the Senate without consultation with the Congressional Union on this subject.

Thanking you for your cooperation, I am,

Very sincerely, yours,

ANNE H. MARTIN,
Legislative Chairman.

Mr. SMITH of Arizona. Legislative chairman of what?

Mr. THOMAS. Legislative chairman of the Congressional Union. To this letter I replied, as follows:

JULY 1, 1916.

Miss ANNE H. MARTIN,
Legislative Secretary,
Lafayette Square, Washington, D. C.

MY DEAR MISS MARTIN: I am in receipt of your letter of the 30th ultimo, regarding the national suffrage amendment now on the Senate calendar. When the National Suffrage Association desires this amendment acted upon, I shall move its consideration. I have so informed Mrs. Catt.

Yours, respectfully, ——— ———.

This correspondence, Mr. President, discloses that the association, a member of which yesterday interrupted the President of the United States on the occasion mentioned, is not itself willing that the Senate take any action upon the amendment, and it is, to put it mildly, somewhat inconsistent that an association should request the postponement of the measure and at the same time some of its members should reproach the President for not being more active in its support.

Mr. President, as stated here, and as chairman of the committee, I believe that in view of the enormous amount of important business before the Senate, and in view of the fact that the national organization at the present time does not feel disposed to have this matter considered, the committee has been fully justified in asking no action up to the present time.

This statement might perhaps be sufficient; but inasmuch as it was announced at the organization of a so-called woman's party, having its birth contemporaneously with the obsequies of the late lamented "bull moose" at Chicago, that this new party can influence and control the suffrages of 4,000,000 women of the suffrage States—as that announcement has not only frequently been made and reiterated, but has been asserted with more or less confidence—I deem it entirely appropriate to declare that no such body of women, in my judgment, is engaged in or identified with or controlled by this so-called woman's party movement.

I think that the aggregate women's vote of the suffrage States is somewhere in the neighborhood of 4,000,000. Speaking for my own State, I know that the Democratic women of Colorado are not identified with the so-called woman's party; that they will not be identified with it; and that they have no sympathy with its avowed purposes and objects. The women of my State, like the men of my State, divide on party lines, and they will continue to do so, if I am any judge of human nature or am able to draw any lesson from the experiences of the past.

The woman's party is the outgrowth of the Congressional Union. In my State that party actively opposed the Democratic ticket in 1914 and actively espoused the cause of the Republican Party, as it proposes to do in 1916. One of its advocates, a very sweet-voiced little canary, twittered from every twig upon the Republican tree in my Commonwealth to enthusiastic audiences, very generously furnished by those who affiliated with the Republican organization. Its only effect was to arouse the antagonism of the Democratic women and to bring them to the polls in far greater numbers than would otherwise have been the case; and in that respect it was a great benefit to some of the successful candidates, myself among the number; but that action, Mr. President, has left, and very naturally so, a spirit of antagonism in the ranks of Democratic women, the seeds of which were then sowed very actively in the Commonwealth, and I am satisfied that that is the case in every one of the States where this movement was carried on.

In my State the Democratic women are so filled with resentment toward the past course and announced policy of the Congressional Union, that its leaders visited the State executive committee just prior to the last Democratic convention and protested against their receiving or hearing any delegations from that body, declaring they would consider it an affront to them if their protests were not heeded.

I have no desire, Mr. President, to criticize any further than may be necessary the attitude of the Congressional Union, but I think it is perfectly appropriate that I should assert that the control of the 4,000,000 women voters of this country by any organization is a wholly unwarranted and unfounded assumption. It controls neither 4,000,000 nor 3,000,000 nor 2,000,000 nor 1,000,000 nor 250,000 of them. The organization to which I refer probably controls those who belong to it. Certainly their influence does not extend any further; and I am sure if the propaganda, the campaign which has recently characterized the Congressional Union, is continued, it will drive, as it ought, supporters away from the cause of woman suffrage instead of attracting them to it.

SIR ROGER CASEMENT.

Mr. MARTINE of New Jersey. Mr. President, during the call of reports of committees I noticed that the chairman of the Committee on Foreign Relations [Mr. STONE] was not present, and he has not as yet entered the Chamber. I feel very anxious, indeed, to have reported from the Committee on Foreign Relations the resolution introduced a few days ago by me with reference to Sir Roger Casement, authorizing the President to intercede in his behalf and to ask a stay of execution of the sentence of death imposed upon him. However, the chairman of the committee is not present, and I will defer the matter until he shall return.

PENSIONS TO SPANISH-AMERICAN WAR WIDOWS.

The VICE PRESIDENT. Morning business is closed.

Mr. JOHNSON of Maine. I move that the Senate proceed to the consideration of the bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, the Philippine insurrection, or in China. The bill has been on the calendar of the Senate for over three months awaiting consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, the Philippine insurrection, or in China.

The Secretary read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act if any volunteer officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, including all furloughs, or any officer or enlisted man of the Regular Establishment who rendered 90 days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection or in China between April 21, 1898, and July 4, 1902, inclusive, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

Mr. JOHNSON of Maine. Mr. President, the provisions of this bill are so well known to the Members of the Senate that, it seems to me, no extended explanation at this time is necessary; but I will make a short statement covering its provisions, and also a statement with regard to the estimate furnished by the Department of the Interior as to the expense of carrying out its provisions.

The bill provides a pension to every widow of a soldier, enlisted man, or officer who served in the War with Spain or in the Philippine insurrection or in the Boxer campaign in China for a period of 90 days, provided the widow has no other means of support than her daily labor or an income of $250 a year. All widows who have an income of $250 a year or more are not covered by this bill, but it covers those who do not.

It is very difficult to get any estimate from the department in regard to the cost of this bill, for the reason that it is a mere guess of the department as to how many widows have or would have an income of $250 a year. Therefore the department frankly says it is unable to give us any accurate estimate. We are now carrying upon the pension rolls somewhere about 1,500 widows of those who served in the Spanish War or the Philippine insurrection. A great many have been rejected, because, unlike the law applicable to the widows of Civil War veterans, it is necessary for the widow of the Spanish War soldier to show that her husband's death was occasioned by injuries received or sickness incurred in the service, and in many instances she has been unable to do this. A good many claims have been rejected at the department because of the inability of the widow to bring herself within the provisions of the law. Under this bill it is necessary to show only the service of her husband for the 90 days, and further that she does not have an income exceeding $250 a year.

Mr. BROUSSARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Louisiana?

Mr. JOHNSON of Maine. I do.

Mr. BROUSSARD. What limitation, if any, is there in the bill in regard to minor children?

Mr. JOHNSON of Maine. The minor children receive $2 a month until reaching the age of 16 years, as under the provisions relative to Civil War pensions.

The bill is simple. It is a short bill, and I think its terms are well understood by the Members of the Senate.

Mr. OVERMAN. Mr. President, how much is it estimated that this bill will amount to?

Mr. JOHNSON of Maine. It is estimated by the department that there will be between 10,000 and 15,000 cases during the first year. This is very strongly contested by the House committee. The department frankly says that it is an estimate only. If there should be 15,000 cases, it will result in an expense of somewhere about $2,500,000 for the first year. The House estimate is $1,500,000.

Mr. OVERMAN. Do not all the pension bills always go above the estimate?

Mr. JOHNSON of Maine. I think that may have been true of some; but this is largely a guess, because the department can not know what income the widow may have. It may make an estimate in regard to it, but it is only an estimate. The House estimate was $1,500,000 after their committee had fully considered the matter, after they had taken up the matter with the veterans of the Spanish War over the country who are organized into their camps and who have a pretty accurate knowledge of the widows to be cared for, and they gave their estimate as $1,500,000.

Mr. OVERMAN. Is there any limitation as to widows of Spanish War veterans who died after the war or married after the war?

Mr. JOHNSON of Maine. It applies to all widows of Spanish War veterans who had service, no matter when they married the soldier.

Mr. OVERMAN. If they married the soldiers after the war, the widows get a pension?

Mr. JOHNSON of Maine. Yes; it covers them.

Mr. SMITH of Georgia. Mr. President, how much do we pay now to the widows of men who were killed or who died in consequence of injuries received in the service during the Spanish-American War?

Mr. JOHNSON of Maine. Twelve dollars a month.

Mr. SMITH of Georgia. We only pay them that much?

Mr. JOHNSON of Maine. Twelve dollars a month is the usual rate.

Mr. SMITH of Georgia. And now it is proposed to pay just as much to those who left the war well?

Mr. POMERENE. Mr. President——

Mr. JOHNSON of Maine. I yield to the Senator from Ohio.

Mr. POMERENE. If I may make a suggestion, the deaths which occurred growing out of the Spanish War were not so much due to wounds as they were to diseases contracted, which left their traces for a long time thereafter; and for that reason it would seem to me that it is very necessary, if we are going to attempt to do justice, to provide for those who may have died afterwards from disease as well as for those who may have died during the war or afterwards from wounds.

Mr. OVERMAN. It seems from the language here, Mr. President, that in the case of a Spanish War veteran who is not married to-day, but who marries 10 years from now, and who subsequently dies, his widow could get a pension.

Mr. JOHNSON of Maine. Oh, no; it is only those who have married before the passage of the act, I think.

Mr. OVERMAN. It says "or shall hereafter die." How does the Senator construe that?

Mr. JOHNSON of Maine. I call the Senator's attention to line 25, the proviso reading as follows:

Provided further, That said widow shall have married said officer or enlisted man previous to the passage of this act.

It does not apply to those who marry after the passage of the act.

It has been very difficult for the widow of a Spanish War soldier to trace the cause of her husband's death to his service, because of the reason mentioned and alluded to by the Senator from Ohio [Mr. POMERENE]. I have here, from a noted surgeon connected with the Army, who was in charge of a field division hospital in Cuba during the Spanish War, a statement which I have taken from the hearing before the Senate Committee on Pensions of January 20, 1913, and which I will read. This is Dr. S. Clifford Cox, who has been a United States pension examining surgeon for many years, and is at present a surgeon at the National Home for Disabled Volunteer Soldiers at the National Military Home in Kansas. He says:

The Spanish War came upon us so suddenly that it found the Army more or less unprepared for war, the medical department especially so for foreign service, where the doctors were insufficient in numbers, poorly equipped in paraphernalia, and practically unfamiliar at first with tropical diseases. As a consequence, thousands of cases were wrongly diagnosed and so went upon the records, which also were otherwise inadequately kept, on account of all of the time being necessarily consumed by the doctors in looking after the men, practically all of whom were sick. I would relate an incident with reference to this. On assuming command of a division field hospital in Cuba, a day or two after the surrender of Santiago, I found on looking over the hospital records that in all of the several hundred cases previously treated in the hospital, the diagnosis opposite the name of each man had been entered as "malaria" (which had been done by a clerk, probably without instructions from the commanding officer) when, as a matter of fact, probably 50 per cent of the patients were suffering

from other varieties of tropical diseases, such as tropical dysentery, enterocolitis, yellow fever, appendicitis, etc. As another instance, I know of a case where the medical records of a regiment were lost between Montauk Point and the place of muster out after the regiment had returned from Cuba at the close of the war.

In view of the incompleteness of these medical records, a claimant or his widow would have an extremely hard time proving a "pathological sequence" between any disease of record incurred by the soldier during his Army service and his present disability, if living, or the one from which he died, if dead, but as these records must necessarily stand, it would seem that a straight pension to the widow without the necessity of her proving the death of her husband to be due to service origin would be the most just and rational.

That is the statement of one having charge of a field division during the Spanish War, and now the surgeon at one of our military homes.

Mr. BRADY. Mr. President, who is the author of the letter which the Senator has just read?

Mr. JOHNSON of Maine. The author was Dr. S. Clifford Cox.

Mr. BRADY. Does he occupy any official position?

Mr. JOHNSON of Maine. I have just stated that he was in charge of a field division hospital in Cuba during the Spanish War.

Mr. SMITH of Georgia. Who is he, and what is he, now?

Mr. JOHNSON of Maine. He is now a surgeon at the National Home for Disabled Volunteer Soldiers at the National Military Home in Kansas.

Mr. SMITH of Georgia. There is no such opinion expressed, though, from the medical examiners of the Pension Office, as to difficulty in tracing the death to the service for the reasons stated?

Mr. JOHNSON of Maine. I have not any further statement. I think that statement would be found to be true, however. I think in many of these cases these soldiers came home from that service bearing within them the seeds of disease, and that they died, in many instances, from the diseases contracted in the service, when the pathological sequence would be difficult to prove.

Mr. VARDAMAN. Mr. President——

Mr. JOHNSON of Maine. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I have listened with great interest to the reading of that letter, because it simply confirms my own observation. I had the good fortune to serve the United States Government as a soldier stationed at Santiago de Cuba for 10 months during the Spanish-American War. When we landed there we found every tropical disease that human flesh was heir to. There was yellow fever, smallpox, pernicious malaria, dysentery—the most dreaded of all—and almost every other disease which curse the human family. I have seen strong, vigorous men, athletic men, full of health, buoyant, youthful spirits, wither and die like a sensitive plant in the burnings rays of a tropical sun. I have seen more than one-half of the regiment with which I served prostrated upon a bed of fever at one time. I have known them to recover apparently from the effects of the disease contracted there, and without any reason or apparent cause to the eye of the scientist I have known some of these men to suddenly sicken and die years after they returned to the United States. And they died from the diseases contracted in the service of the United States in Cuba. The statement made by the doctor in the letter which the learned Senator from Maine has just read brings vividly the recollections of the incidents that passed before my own eyes. It is absolutely true.

Mr. President, if I may be pardoned a personal reference, as an evidence of the correctness of the doctor's conclusions, I will say that I, myself, suffered a very serious spell of sickness which my doctor, after his diagnosis, told me was due to causes that dated back to my service in Cuba 8 or 10 years before. Malaria is a very peculiar germ. It will lie in the system, I am told, for years, waiting unimpaired in its malicious vigor and virulence to strike the patient when something happens to impair the nervous or physical forces. Our service in Cuba was a very hard service, especially at the time the regiment with which I served was on duty there. The men who served with me were brave, patriotic, loyal, and true. And they have earned the good opinion and gratitude of their fellow citizens, and it is the duty of this Congress to take care of the wives and children of those men who were left unprovided for. Therefore I shall support the bill, deeply sensible of the fact that the public funds which shall be invested in caring for the indigent widows and helpless infant children of those soldiers will bring splendid returns to the Nation. It not only absolves a debt of gratitude—if indeed a debt of gratitude can be absolved—but we should all enjoy the consciousness of having done our duty to the suffering wives and children of the ones who did their duty so well to the Nation in time of stress.

Mr. OVERMAN. Mr. President, I should like to ask the Senator from Maine exactly how he construes this language?—

Has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year.

What does the bill mean by "a net income"? That she must have enough money to take care of her, and then $250 above that, and then that she shall get a pension, if she has enough to support her?

Mr. JOHNSON of Maine. My construction of it would be that it means net income from any business in which she might be engaged.

Mr. OVERMAN. It seems to me that the language means that if she has enough money to support her, and $250 net above that, then she can get a pension. The language above is:

Without means of support other than her daily labor, and an actual net income not exceeding $250 per year.

Mighty few widows have a net income of $250. Does not the Senator think the word "net" ought to be stricken out?

Mr. JOHNSON of Maine. I would be very willing that it should be stricken out.

Mr. OVERMAN. I move to strike it out, Mr. President.

Mr. THOMAS. Mr. President, I should like to ask the Senator the estimated increase——

Mr. JOHNSON of Maine. If the Senator will pardon me just a minute, my attention is called to the suggestion of the Senator from North Carolina. I agree to the amendment suggested by him. I think the word "net" does not add anything to the bill. The intention was that if the widow has an income of $250 a year, she is not entitled to the provisions of this pension law. I supposed that meant an income in any business after the expenses of the business were paid; but the word "net" does not add anything.

I now yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to inquire, if the Senator can tell me, what the amount of the increase in our pension appropriations will be if this bill is passed.

Mr. JOHNSON of Maine. I had just stated that before the Senator came in.

Mr. THOMAS. I have just entered the Chamber.

Mr. JOHNSON of Maine. The department was unable to make any estimate—only a guess. The department does not know how many widows would have an income of $250. Its estimate was, however, that somewhere from 10,000 to 15,000 names would be added to the roll by this bill. That is a guess. The House committee differed very materially from the estimate. They thought, from the examination which they had made, and conference with the officers of the different camps of the Spanish War Veterans, that the expense would be only about $1,500,000 a year, while the estimate of the department was $2,500,000. In each case it is a guess.

Mr. THOMAS. Being a guess in each case and in any case, with the condition of the Treasury at this time, with the enormous demands made upon it, does the Senator think it wise to increase the general pension appropriations?

Mr. JOHNSON of Maine. Mr. President, in answer to that question I will state that I believe the country can afford to be just to those who have entered its service, and I think today we need an example before the country showing that we feel the debt of gratitude which we owe to those who have entered the service. Certainly the pay offered them is inadequate and they ought to be cared for. I think that is the general sentiment of the country.

Mr. SMITH of Georgia. I wish to ask the Senator if we can not meet that by caring better for them while they are serving?

Mr. JOHNSON of Maine. I hope we can care for them better than we did in the Spanish War.

Mr. VARDAMAN. I wish to suggest to the Senator from Maine that I join with the able and eloquent Senator from Colorado in his desire to limit appropriations. I know upon whose shoulders the burden of taxation must ultimately rest, and my sympathy with the burden bearer is without limit. But the Federal Government can not afford to be unjust to those who have served their country as these men have served it. The payment of a just debt such as the United States Government owes to the widows and orphans of the Spanish-American War veterans can not in any circumstances be characterized as extravagance. No patriotic American citizen will object to a portion of the taxes he pays going to the support of the indigent widows and the helpless infant children of the men who dared to do and if need be die for the Nation's flag. If the patriotic father fell in the forefront of the fierce charge with his heart pierced by the enemies' bullets, or died upon a bed of sickness with his brain racked with fever produced by

tropical poisons in his blood, it matters not how, when, or where the heroic service was rendered or sacrifice made, that man is the Nation's creditor and his wife and infant children have a just claim upon the Government for help.

Common, ordinary gratitude suggests it, and every sense of justice demands that their claims should be honored by the American Congress. This is no place or time to practice economy—if, indeed, it be an economy to deny the payment of a just debt. There are other departments in this Government where I would urge economy. We might cut out a few battleships for which appropriations have been made or will be made; battleships that are not needed now, nor, in my judgment, will they ever be needed. We might reduce the standing Army and withhold some of the money that is being squandered for munitions of war. Economy in that direction I would most heartily commend, and I think the intelligent American people would approve it. I do not believe that the humanitarian sentiment which glorifies the patriotic breast of every good man and woman in this Republic will approve an economy which denies support and maintenance to the widows and infant children of the men who gave their lives, or offered to give their lives, in defense of the Nation's flag.

Mr. THOMAS. I have been trying to discover some place were we can economize. Every time an appropriation is questioned, no matter what it may be, we are told it is not the place to economize, and by the action of the Senate and the subsequent action of Congress I find that is the case. We can not find any place to economize.

Mr. President, I am desirous of being as just as I think any man in this country to the soldier. I believe we should care for the soldier's widow and orphans.

I listened with a good deal of interest to the statement made by the Senator from Mississippi concerning the effect of the service in the Spanish War as occurring under his individual experience; yet as I read this bill it is not confined to the widows and orphans of men whose death was caused by disease contracted in war, but to all of them.

I have always had a homely notion of the duty we owe the defenders of this country who serve their country in the hour of need and time of stress. We have been generous with pensions, and we ought to continue to be so, but there should be a limit even to the matter of pensions. I think, and I have always thought, that they should be confined to the widows and orphans of those who have lost their lives by bullets or by disease, and those who have been disabled by wounds or by disease; to those, in other words, who, because of their service to the country, are less able to meet the storm and stress of life; but to give to everybody a pension promiscuously, without regard to the time of service or the character of service, is a principle which I think never should have been introduced into our pension laws. It is there, and, of course, we can not get away from it.

I want to do everything that any man in my position ought to do in a case of this sort, but I do think we ought somewhere, at some time, to evidence some degree of economy at a time when there are greater demands made upon the Treasury of the United States than ever before.

The Senator says we might cut out a few battleships and by that means economize. If that were the prevailing opinion, or if it could be made the prevailing opinion, I should be very glad to see it acted upon. But the Senator knows that the demand for what is called preparedness is sweeping the people off their feet at the present time; and particularly, in view of the prospects along the southern border, Congress would be derelict if it did not respond, in some degree at least, to what seems to be the exigent requirements of the hour.

Personally I have no fear of any European complication. I have not the slightest fear of any invasion by any of the European countries after the war is over. We all know what its devastating effects are and what they will continue to be. I have asserted a number of times upon the floor of the Senate that the menace of a foreign invasion has been created and coined and developed as an asset for the purpose of forcing the hand of Congress in the matter of preparedness, which means large expenditures and large profits. I believe that is true; but, Mr. President, we know that there are conditions which we must confront after the war is over, conditions which may put to the test some of our doctrines, if not our policies, and when that test comes we must be prepared to meet it. I do not think it will come at once; I hope not. I believe that when the present war shall have ended humanity will not only be exhausted but appalled by the awful havoc which has been created during these years of conflict, and which doubtless will then appear to have been wholly unnecessary and to have accomplished nothing.

Mr. President, we are the trustees of a public trust. If we do not guard the Treasury somehow or somewhere, who is going to do it? It seems to me that there is a system of preparedness of which this bill perhaps is not one, a preparedness which has been created and carried against the Treasury for a long time. Batteries have been planted and trained upon it; trenches are filled with people who are anxious to make an assault upon it. The only barrier between it and those who would further devastate it is the Congress of the United States. Inasmuch as these extraordinary demands are made upon us elsewhere, can we not, should we not, practice some little principle of economy in some other way?

Mr. PITTMAN. Mr. President, I agree with the general principle of economy stated by the Senator from Colorado [Mr. THOMAS], but I do not understand that the amount of the expenditure either constitutes extravagance or economy. The larger the institution the greater the expenditure may be, and yet because a large institution expends more than a small institution that does not constitute the large institution an extravagance and the small institution an economy. It seems to me that any expenditure, no matter how large, is economy, if only sufficient is spent for a worthy purpose. The only question involved in this amendment is whether or not it is a worthy purpose and the amount is necessary for that purpose.

I have always believed that these dependents of the country must be supported. In fact, I know they must be supported either by all the people or by a part of the people. If they are supported by a part of the people it is by that general element of the peopde who always bear more than their proportion of the burdens of the Government in social life.

I have not any doubt whatever of the obligation of the Government to its dependents. I do not think it is too much. I doubt if it is sufficient. I sincerely hope the amendment will stand in the bill.

Mr. VARDAMAN. Mr. President, just one word more. I am very much opposed to anything that savors of commercializing patriotism. The man who defends his country's flag for pelf has no more of the element of true patriotism than the man who is hired to do a dirty job at an exorbitant price is moved by motives of altruism. I do not think any man is entitled to a pension from his Government who has sufficient means of his own to support himself comfortably. The pension roll should be a roll of honor. The only theory upon which I would favor a pension is that it is necessary for the support of the individual who has served his country and who by reason of accident or misfortune in the service of his country or some other misfortune for which he is in no way responsible is not able to support himself. This bill does not carry a pension to the men who served in the Spanish-American War. It does not propose to give to every man who enlisted in that war a pension, but the purpose of this bill is to take care of the indigent widows and helpless infant children of the men who served the Nation during that war. Mr. President, the most valuable thing beneath the stars is a human being, and the best investment any nation ever made is the money which is invested in the development of the men and women of this country. The widow of the soldier who dies without making preparation for the support of his wife and the education of his children becomes a charge upon society, and that State is the wisest and strongest that takes care of these individuals. Somebody has said the whole theory of the universe is directed to one single individual, namely, to you. That is more true, Mr. President, when applied to government—especially a government deriving all of its just powers from consent of the governed. The whole theory of our Government is directed to one single individual. From the individual the Government derives its money, mind, and morale. The properly developed men and women are the greatest national assets—the moral sentiment, the intellectual growth, the strength that comes of well-formed bodies—in a word, all the forces created by the development of a perfect man or woman makes for the strength of the government, and the government is strong and great in the proportion that the individual citizen is properly developed.

What constitutes a State?
Not high-raised battlements or labored mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crowned,
Not bays with broad-armed ports,
Where laughing at the storm rich navies ride;
Not starred or spangled courts,
Where low-browed baseness wafts perfume to pride;
No; men, high-minded men as far above dull brutes indued
In forest, brake, or den,
As beasts excel cold rocks and brambles rude;
Men who their duties know,
But know their rights, and knowing, dare maintain.

No, Mr. President, I am not going to withhold my approval from a measure, although I confess that it goes to an unusual

extent in the matter of pensions, but the effect in all the circumstances will be the administration of justice, and I trust may result in the strengthening and upbuilding of the Nation. Most of the wars that this Nation has fought have been partially wars of conquest. Many of the men who voted to declare war against Spain saw the possibility of opportunities for investments by the acquisition of empire—the taking of Porto Rico, the Philippine Islands, and possibly Cuba. Of course there were others who voted for war who were impelled by humanitarian motives. They desired to stop the slaughter of human beings in Cuba. And the result of these wars have invariably given certain individuals opportunities which were universally embraced with avidity to make fabulous fortunes. Our present trouble with Mexico affords an opportunity by firing the military spirit to enlarge the Army and Navy, secure large appropriations, and furnish contracts for building battleships, and enable the manufacturers of munitions of war to reap enormous profits. The manufacturers of clothing, shoes, the dealers in live stock, all will garner a rich harvest from this small experience in war. It has created a sentiment also which will fasten upon the taxpayers of the future a tremendous burden, and the few will profit while the many shall suffer. Now, I am not willing that the men who are thus being used, probably unintentionally, as the instruments to bring about all this profit making shall suffer without some compensation or that their widows and orphaned children shall go without bread. I am going to vote for the measure that will take care of the women and children; and if the burden becomes too heavy for the taxpayer to bear, then we will cut off the expenses of the Government which are enjoyed by the rich few, and we will also do the best we can toward making the rich few bear their just share of whatever burden there may be incurred in caring for the widows and orphans. It is not pertinent to the question at issue, Mr. President, but I want to serve notice now that I am going to vote for it if it comes to the Senate from the House, the bill to pension the families of the members of the National Guard while they are in the service. I do not think the National Guard is needed on the border of Mexico; but since they have been ordered there, I am going to vote for a measure to take care of the families of those who are unable to take care of themselves. Mr. President, this bill should pass. The widows of the men who served the Nation and who died as the result of disease contracted in the service, I repeat, have a just claim upon the Government. I know the men who went to Cuba suffered. The men who served with me, though not confronted by a hostile army, although they did not bare their heroic breasts to the penetrating bullets, they were confronted by an enemy still more deadly and more to be dreaded—an enemy that has killed more men in every war in all the annals of time than the fatal bullet. I understand that less than 500 men died from gunshot wounds in Cuba, while a great many thousands of them died from disease while in the service, and many thousands more died as a result of diseases contracted in the service. I have heretofore stated that often the germ of the disease that caused their death was latent, and especially to the eye of the examining physician, when the soldier was examined to be mustered out of the service and given a clean bill of health. This bill removes all doubt and provides that the sorrowing widow and the hungry orphan children may come to the plethoric Treasury of this great and benevolent Government and receive at the hands of the Nation an allowance which will drive away from the door of poverty the wolf of want, paint upon the pallid cheek of care the rose of health, and fill the heart of despair with the sunlight of hope. And when they shall receive it, thank God, it will not be a charity, but a tribute which a grateful people gladly pay to the loved ones of the soldier who was willing to do, and if need be, to die, that his Nation's flag might continue to float triumphantly in the air. With all my heart I wish the bill to pass.

Mr. SMITH of Georgia. Mr. President, I wish first to ask the Senator from Maine whether the bill is limited to those troops who went to Cuba. There were a large number, I understand, who were enlisted who did not go to Cuba at all.

Mr. VARDAMAN. They were just in camps at home.

Mr. SMITH of Georgia. They were just in camps at home.

Mr. JOHNSON of Maine. All those who enlisted in the War with Spain, whether they went to Cuba or not, and those who served in the Philippine insurrection, or served in China in the Boxer insurrection.

Mr. SMITH of Georgia. Mr. President, neither the Senator from Maine nor the Senator from Mississippi will go further than I will toward taking care of the widow of the soldier who gave his life either upon the field of battle or subsequently by reason of disease occasioned from his service. I do not think we have gone far enough on those lines. Where the soldier loses his life in battle or where he loses his life from disease caused by being in the Army, whether on American soil or foreign soil, I believe that the proper pension to his widow is the portion of his income substantially which he would have received had he not been killed or had he not died. I think that $12 a month to the widows of those who died upon the battle field or who died from disease caused by the service is insufficient.

But, Mr. President. the eloquent argument in favor of the justice of caring for the widows of those who gave their lives in the military service of their country does not apply to this bill at all. This is not a bill to care for the widows whose husbands gave their lives in the service of their country.

Mr. GALLINGER. Will the Senator permit me? I had not intended to participate in this discussion at all. New Hampshire raised a regiment 1,000 strong, and the regiment left the State properly officered and got as far as Chickamauga, if I remember, in the Senator's own State. They encamped there. They had an epidemic of typhoid fever. A large number of them died. They came home, almost every one of those men. broken in health. A great many of them have since died from diseases contracted in the service, though they had not reached the scene of active warfare.

I think the Senator will agree that where it is established that a soldier lost his life in that way it is just as incumbent upon the Government to care for his widow as though he had reached the battle field and been killed.

Mr. SMITH of Georgia. If the loss of the life was an incident to the service under the flag, I believe in liberally caring for the widow. I think there is a duty on all of us to see that she is cared for. But that is not this bill.

Mr. President, I would be willing to amend the existing bill directing the Pension Department to give the benefit of doubt to the widow who based her claim upon the fact that her husband died as a result of the service. I would in every case be glad to give them the benefit of the doubt. What I object to is this bill. I object to the proposition because a man was 90 days with the flag, and though he left it perfectly well——

Mr. JOHNSON of Maine. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. I will.

Mr. JOHNSON of Maine. The Senator had a very long and distinguished experience as Secretary of the Interior under a previous administration and became familiar, of course, with our pension laws. Is it not true that so far from giving the applicant for a pension the benefit of the doubt the laws are construed against him in most of the cases?

Mr. SMITH of Georgia. I do not think so, Mr. President.

Mr. JOHNSON of Maine. Is it true that the department has any discretion except to construe the law according to its letter?

Mr. SMITH of Georgia. I do not think that the pensioners fail to obtain the benefit of the doubt; but if the present statute is not clear, I am ready to amend the existing statute with reference to the widows of the Spanish-American and the Philippine wars and make it clear that the benefit of the doubt shall be given to them.

I wish to eliminate as an argument in favor of this bill the plea for the widows of those who lost their lives or their health and who ultimately died as a result of their service. If that is what we propose to do, and we have not already done it, let us amend the law and make it clear that they shall be provided for. That is not this bill at all.

I may say that I can discuss this pension bill with just as much freedom as can the Senator from New Hampshire or the Senator from Massachusetts or the Senator from Indiana or the Senator from Iowa, for Georgia sent as many, in proportion to population, as did any State, and the only reason we did not send a great many more was that the Government declined to take them. If they had given us the chance, we would have raised all the troops the Government would have required. Our people wished to show their desire to serve their country, and they wished a chance to fight beneath the flag.

Mr. GALLINGER. Mr. President, I will not interrupt the Senator if he does not desire that I shall do so——

Mr. SMITH of Georgia. I do not object to being interrupted.

Mr. GALLINGER. But the Senator must not lose sight of the fact that this bill, in most particulars, is on all fours with the act of June 27, 1890, which granted pensions to the widows of soldiers who had served in the Civil War, though they did not incur disabilities in that war.

Mr. SMITH of Georgia. I know that; but the Civil War lasted four years.

Mr. GALLINGER. Yes, Mr. President; but the act of June 27, 1890, only required that the soldiers should have served 90 days, without reference to the length of the war.

Mr. SMITH of Georgia. I know that; and I shall not criticize that law, because it did not affect the people of my State so much as it did those of some other States, and I have not the freedom to express my opinion on the subject. I do not go back to that; but I am coming to the discussion of this bill and the policy for the future.

A citizen of my State who went into camp for 90 days, who at the end of that time returned as well as he ever was in his life, and who went back into the general pursuits in which he had been before engaged, had had a chance to be a soldier of his country, and he was proud of it; he had had a chance to carry his gun beneath the Stars and Stripes when a war was going on—even though he had not been allowed to go to Cuba—and he was proud of it. It was a great privilege; it thrilled his patriotic ardor. Now, he engages in business for 10 or 15 years, and from something utterly disconnected with his military service he dies, and yet his widow is put on the pension roll for the balance of her life. I do not see any occasion for it. I think, leaving the service well, he should claim his time of service as due to his patriotic love of his country, coupled with a regret that he did not have a chance to face bullets, and that while we may with the utmost liberality care for those who were injured in the service, the perfectly sound, the perfectly well, leaving the service, ought to take their places alongside of the balance of their fellow citizens, asking no more and claiming no more from the Treasury of their country than the balance of their fellow citizens receive.

It was but 90 days' service, not in Cuba, but called out anywhere in the United States, at home. There are exceptions like the case of the soldiers from New Hampshire who were stricken by an epidemic while in camp. They suffered more perhaps than if they had been in front of guns. I am not discussing those men; their cases fall clearly within the rule of Government responsibility and call for contributions by all the people from the Treasury to meet their losses, but this bill broadly and completely proposes to pay pensions just because the men were with the colors for 90 days, though they had no epidemic, though they had no sickness, though they rendered no service, though their status was not different from that of the men who go to these present encampments for 30 days, except that they were out 90 days instead of 30; though they were subjected to no hardships that the men of these camps of 30 days do not suffer each year. It was a 90-day camp, instead of a 30-day camp. This bill puts the widow of every one of those men on the pension roll for the balance of their lives if they need a pension.

Mr. President, I would be glad to see everyone who needs it have their wants met; I regret to feel that anyone has wants that can not be met; but I do not find that this 90 days' service without injury, this 90-day camp life without sacrifice——

Mr. TILLMAN. And it has been only 18 years since that service was rendered.

Mr. SMITH of Georgia. For this 90-day camp life, not facing bullets, I can not see any justification for a widow's pension on account of such service.

What do we propose to do? We propose to place the pensions of those who really never suffered just as high as the pensions of those who did suffer. I had a great deal rather spend this money increasing the pensions of those who suffer. It is the unsoundness of the principle which I criticize.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. SMITH of Georgia. Yes.

Mr. POMERENE. Of course it is conceded that these men who were mustered into the service had thereby expressed their willingness to go to the front——

Mr. SMITH of Georgia. Oh, yes.

Mr. POMERENE. And to participate in battle if they received the proper orders?

Mr. SMITH of Georgia. Oh, yes.

Mr. POMERENE. The men being willing to do that, they are placed in a camp——

Mr. SMITH of Georgia. Yes.

Mr. POMERENE. And, perhaps due to the insanitary condition of that camp, many of them were stricken with disease, which in many instances proved fatal. Now, does not the Senator from Georgia think that the widow of a man who thus suffered and who is willing at all times to go to battle, if ordered, should have the same care and consideration at the hands of the Government as should a man who may have been wounded?

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question before I answer?

Mr. POMERENE. Certainly.

Mr. SMITH of Georgia. Has the Senator been here during the course of my remarks?

Mr. POMERENE. I was called out of the Chamber during part of the Senator's remarks.

Mr. SMITH of Georgia. I feel I have made myself very far from clear if those Senators who heard me did not understand my position upon that subject. I said I believed absolutely if men suffered as a consequence of being called out, if they were made sick by their service, if they died as a result of their service, if they were injured because of their service, whether on the battlefield or in camp, they should receive liberal pensions. What I am objecting to is putting in the same class with those who suffered those who did not suffer; what I object to is taking the money which we ought to give to those who suffered and giving it to those who never suffered at all, and not giving those who really suffered as much as we ought to give them. I am criticizing it because I think it an unsound practice.

I voted for the provision granting $50 a month to indigent families of the men who have recently been called to the front, and I will do so again if the bill comes from the House. There is a case of suffering, there is a case of sacrifice. If any of those men die as the result of exposure on the border, I am in favor of paying their widows more than $12 a month; but if they come home from there well and go back into the industrial life of their country sound, uninjured, I am opposed to paying them one dollar after they are discharged or paying one dollar to their widows. What I urge is, do not blanket the subject; do not blanket your pensions; do not grant pensions simply as an incident of service, but grant them as a consequence of injury in the line of service.

Just see how far this bill goes, and realize how extreme it is. Ninety days' service! Near home! Just called out! No service at all! Just in camp! Discharged just as well as they ever were in their lives, just as sound and as strong! Subsequently, from a cause entirely disconnected with the service, death comes, and a permanent pension to the widow then follows. I wish again to say that if the existing law can be amended so as to broaden its terms and more surely care for those who really were injured in the service, by disease or otherwise, I am cordially in favor of so amending it. I do not think we have done as much heretofore for those who were really injured as we ought to have done. I merely wish to enter my protest against wiping out entirely a limitation incident to injury either upon the field or through sickness.

It is said that the pension law, I think, of 1890, granted pensions of this kind to soldiers of the Civil War. That was 25 years after the war. Now, in this instance, we do not wait for 25 years, but take the same action much sooner. Even in the case of the Civil War no such pension this early was spread out without regard to injury of service origin, and while in the Civil War a pension was allowed to men who served 90 days, the great bulk of them really served—there were some who did not really get to the front, but the great bulk of those to whom it applied really smelt powder and heard bullets whistle. The proportion who never reached the front, I think, was small; the proportion who did not lie in the trenches, I think, was small. It was a very different war from the Spanish-American War, and there was vastly more justification for a service pension growing out of the Civil War than there is for such a pension growing out of the Spanish-American War.

Can the Senator from Maine tell me what proportion of the men who were mustered in during the Spanish-American War went to Cuba and what proportion never went there at all?

Mr. JOHNSON of Maine. Mr. President, I have asked for the information, but I have not been able to get it. I have not the information.

Mr. SMITH of Georgia. My own impression is that not half the men who were mustered in went to Cuba at all, and not half of those who went to Cuba were ever in a fight. I am perfectly aware that in my State most of those who would receive pensions under this bill would prefer that the pensions should be granted generally as provided in the bill. I have had quite a number of letters from friends of mine urging me to support the bill, but I do not think it is right.

Mr. PHELAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Yes.

Mr. PHELAN. Mr. President, the Senator has stated that in 1890, 25 years after the Civil War, such a bill as this was passed for the benefit of the widows of soldiers of the Civil War.

Mr. SMITH of Georgia. So the Senator from New Hampshire [Mr. GALLINGER] interrupted me to suggest.

Mr. PHELAN. I wanted to know if it applied to a widow whose marriage was contracted 25 years after the discharge

of the soldier, as this bill provides in the case of widows married 18 years after the close of the Spanish-American War?

Mr. SMITH of Georgia. There was some limitation about it.

Mr. GALLINGER. If the Senator from Georgia will permit me, the only qualification was that the widow should have married prior to the approval of the act of 1890.

Mr. PHELAN. Prior to the approval of the act of 1890?

Mr. GALLINGER. Yes; that was the only qualification.

Mr. PHELAN. I recall that there has been legislation passed during the last three or four years correcting an abuse which has grown out of such marriages. In some instances women married venerable veterans for no other purpose than to enjoy pensions after the demise of their soldier husbands, but Congress has passed legislation forbidding that.

Mr. JOHNSON of Maine. Mr. President, will the Senator from Georgia allow me to answer the Senator from California?

Mr. SMITH of Georgia. I yield to the Senator from Maine.

Mr. JOHNSON of Maine. I think the Senator from California is laboring under a misapprehension. There may have been such marriages, but if a woman married a soldier of the Civil War subsequent to June 27, 1890, she could not, under that act, receive a pension by reason of the marriage. As stated by the Senator from New Hampshire, only those widows who were married to soldiers prior to June 27, 1890, when the act was approved, were entitled to pensions; and if marriages with old soldiers have taken place since then, they could not have been induced by any hope of obtaining pensions, because the widows of such soldiers would not be entitled to pensions by reason of the marriage.

Mr. PHELAN. I have been informed, if the Senator will permit me, that some soldiers in the soldiers' home at Santa Monica within the last five or six years have married women, and that an abuse grew out of that practice which led to legislation. Does the Senator recall such legislation or such practice?

Mr. SMITH of Georgia. I think the Senator from California is correct. I have heard of such practices.

Georgia will further yield——

Mr. JOHNSON of Maine. Mr. President, if the Senator from

Mr. SMITH of Georgia. I yield to the Senator from Maine.

Mr. JOHNSON of Maine. I know of no such legislation, and none was necessary. I know of the idle talk about marriages contracted by women with old soldiers in order to obtain pensions, but I think there is nothing to base it upon; there is certainly no legal ground to put it upon, because by such a marriage the widow could not have been entitled to a pension, the marriage having occurred since June 27, 1890.

Mr. PHELAN. Mr. President, may I ask the Senator while he has the floor upon what theory pensions are granted to the widows of soldiers 18 years after the close of the war and the discharge of the soldier? Would not every proper purpose be satisfied by limiting it to a period of one or two years after the honorable discharge of the soldier?

Mr. SMITH of Georgia. Does the Senator mean where the marriage took place then?

Mr. PHELAN. Yes.

Mr. SMITH of Georgia. It would be a vast improvement on this bill.

Mr. PHELAN. Upon what theory is a pension granted to the widow of a soldier, the marriage having been contracted 18 years after the close of the war, assuming that the soldier when discharged was in a good condition of health, as the Senator states?

Mr. SMITH of Georgia. I do not know of any theory to justify it. I am just criticizing that feature of the bill.

Mr. JOHNSON of Maine. If the Senator from Georgia will yield to me, I should like to answer that question.

The woman who married the soldier 18 or 20 years after the war closed in many instances, I think, married a man who bore within him the seeds of disease contracted in the service. Many times she became the mother of his children, and she is left. He perhaps had a pensionable status and drew a pension from his Government which wished to show its gratitude for that service. She is left without that care and left with her children and left without his support; and I think the country owes a debt of gratitude to her. She has been his helpmeet and lived with him, and I believe that when he is gone and she has him no longer to depend upon the country owes her something. I think that this country, prosperous as it is, filled with patriotic citizens, can afford to be just to her and to her children; and for that reason the pension system has extended. I supposed it was long ago settled—it was settled in 1890 by Congress—and no longer debatable that that was the policy of this Government; and I think it ought to be extended to these widows of the Spanish War veterans for the same reason that we extended it to the widows of the Civil War veterans.

Mr. OVERMAN. Mr. President, I will ask the Senator, if the widow marries a second time, and marries a millionaire, do the children get a pension?

Mr. JOHNSON of Maine. By the second marriage she loses her right to a pension.

Mr. OVERMAN. I understand; but what about the children by the first marriage? If she marries a well-to-do man, these children continue to get pensions, do they?

Mr. JOHNSON of Maine. The children of the soldier are pensionable until they reach the age of 16, as the children of the soldier.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator from Maine a question. Did not the pension act of 1890 limit the pension to widows who had married prior to that time?

Mr. JOHNSON of Maine. It did.

Mr. SMITH of Georgia. Have we not now gone 26 years since then without extending the law to widows of soldiers of the Civil War who married since 1890?

Mr. JOHNSON of Maine. I will say, in answer to the Senator, that we have been giving pensions by special acts, and there is hardly a Senator in this body but that has presented a bill of that kind. Cases have been presented to the committees of extreme destitution and hardship to some old lady in her old age, who married the soldier and who now finds herself without his care and without his pension. We have been extending the act of 1890 by special acts, both in this body and in the other, down to 1900, to take care of those cases; and a great many have been presented here, some as late as 1900, in this Congress. We are finding it necessary to take care of those cases.

Mr. SMITH of Georgia. But, Mr. President, for 26 years no general law has been passed which pensioned the widows of soldiers of the Civil War who married during the past 26 years.

Mr. JOHNSON of Maine. If the Senator will permit me, I forgot to mention another thing. The House has already passed a bill almost unanimously, with very little opposition, which gives a pension to the widow of the soldier who married prior to 1905; and the committee of this body, seeing no reason to restrict it, even to 1905, have brought it down to the date of the passage of the act.

Mr. SMITH of Georgia. It has not gotten through yet, has it?

Mr. JOHNSON of Maine. It is on the calendar, and has been reported favorably by the Pensions Committee of the Senate.

Mr. SMITH of Georgia. But, Mr. President, for 26 years marriage by soldiers of the Civil War has not given to the widow of the soldier a pension. For 25 years after the Civil War no widow of a soldier was given a pension. The broader reason, as I stated before, for pensioning widows of the Civil War, can be gathered from the fact that the war lasted four years; that the majority of the men mustered into the service actually served in the trenches. Many of them served several years in the trenches. The hardships which they endured were far greater. The probabilities of injury to their health were far greater. The number who had no service was far less.

Can somebody tell me what proportion of the men who were mustered in for the Spanish-American War ever went to Cuba? I have heard that about 10 per cent of them went there, and that perhaps 90 per cent of them never left the States. I do not know. The Senator in charge of the bill does not know. Why? Because it is not a question of service; it is a question of a pension, and I am sorry to say that I am afraid pensions are too popular without regard to the merits of the pension.

Where real service has been done, where injury has been received, I doubt whether there is a man in this body that would vote for as liberal a pension as I would. Two officers have just been killed in Mexico. I would favor paying their salaries to their widows for the balance of their lives, or at least two-thirds, estimating one-third for the maintenance of the officer; certainly during their widowhood and during the existence of minor children. There is a sacrifice. There is a loss. We provide that kind of pension without liberality. We treat that kind of claim about on the same basis that we do those who have had no suffering at all.

Now, if it is true that 90 per cent of the men mustered in for the Spanish-American War simply went into camp for 90 days, is there any justification for saying that in every instance their widows shall have a pension just like the widow of the man who went to Cuba and was killed, or who went to Cuba and contracted a disease that destroyed his health, where the widow lost something?

In the one case it would be pensioning for a loss, and in this case, in one-half the instances, it is pensioning for a frolic. You are treating exactly alike things that stand utterly upon a

different footing. Of course the more you have of them, the easier it is to get them. If we can just scatter enough of them all over the country, it is mighty hard to resist. It creates a powerful political influence that jeopardizes seats in the House and seats in the Senate; and it is very hard to say "No" when a dozen good men or good women in your district may get $240 a year out of the Treasury if you say "Yes," and they will not do it if you say "No." The persuasive influence of the political power of your constituents who are to have a ladle in the Treasury is hard to resist.

I am not opposed to pensions. I am very much in favor of pensions to make up the loss incident to a service, to make up the loss to the soldier or to his family which came on him or on them from service. But I do object to this pension without regard to service; and, mark it, Senators, to justify it, the eloquent statement is made that men have lost their lives in consequence of disease in Cuba or incident to that service. Then pension the widows who suffered the loss. Do not use your argument in favor of the men who lost their lives, and the justice of the claim of pensions to their widows, for pensions to those who did not suffer at all.

Senators ought not to talk in this discussion about the deaths from the service or the diseases from the service, for they have not predicated the bill upon either. If that is what they have in view, then the bill ought to be directed upon those lines.

Mr. SMITH of Arizona. Mr. President, will the Senator permit an interruption?

Mr. SMITH of Georgia. Yes.

Mr. SMITH of Arizona. I have not had a chance to study the bill. I am interested in what the Senator is saying. Does he mean to say that this bill pensions, without any disability caused by service in the Army, the widow of the soldier or officer when he came out of the Army perfectly sound, and married the woman after his discharge?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Arizona. And if he dies now, that she gets a pension?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Arizona. I shall not vote for any such measure as that.

Mr. SMITH of Georgia. I mean that his widow is pensioned if, taking my State, he went to the delightful camp in the middle of the State and stayed there 90 days, well provided for, well fed, with pleasant associates, and came away in even better health than he had when he went there—because, going from the city and the countingroom and the dry-goods store and the professional office, he had the benefit of outdoor air, he had the benefit of country life, he had the improvement incident to his healthy exercise.

Mr. GALLINGER. Mr. President, did he not also have the benefit of getting $13 a month instead of, perhaps, $100 a month in the countingroom? Did not this very widow have to support herself and her children on $13 a month while he was in camp?

Mr. SMITH of Georgia. I answer the Senator by saying that this bill is not limited to the wife who was his wife during the time of the service. If it were limited to the wife during the time of the service, who for 90 days did without her $100 a month and took $12 a month, and lost by that $264, still I would not think that a pension for her whole life of $240 a year was a proper compensation. I do not think the wife ought to suffer while he is away. I voted for the payment of $50 a month to those who needed it while the men were on the border, and I say that is the time to take care of them.

Mr. BORAH. Mr. President, what is the nature of this bill?

Mr. SMITH of Georgia. This is a bill providing for the immediate pensioning, for the balance of their lives, of every widow of everybody who enlisted for 90 days as soldier during the Spanish-American War, whether they went to Cuba or stayed at home, whether they were sick or whether they were well, whether they suffered any disability or whether they retired or were discharged in perfect and increased health as the result of the splendid opportunities for fresh air in the country, whether the soldier was married at that time or whether he was married six months ago. It is the most extensive, unrestricted widows' pension bill that has ever been suggested; and I want to repeat that I speak with perfect freedom upon it, because my State furnished as many troops and had as many enlisted and as many under the colors during the Spanish-American War, in proportion to her population, as any State in the Union; and the only dissatisfaction in the State at that time was the large number who tendered their services who could not get to camp for 90 days.

Mr. President and Senators, can we reason with each other? A Senator near me says "No." I doubt whether we will. I do not know whether I have any hope of accomplishing anything, except having had the satisfaction of just once expressing what influences me with reference to pensions. I want to pay more to the man who is hurt. I want to pay more to the man who loses something by the service. I want to pay more to the soldier who is wounded or to the widow of the soldier who is killed, or who comes away with a disability after the war is over. I am opposed to giving money out of the Treasury with reckless liberality to the men who really have not rendered any service, and who came away from a 90 days' encampment in better health than they ever had before in their lives.

Mr. SMITH of Arizona. Then, too, if I read the bill aright, I see that if the widow marries again, no matter how rich her second husband may happen to be, the pension to the child under 16 years old still goes on.

Mr. SMITH of Georgia. Yes; I think that is true. Now, if it is true that the existing law looking toward the pensioning of those who suffer from disabilities incurred in the service is being too strictly enforced, let us amend that law, and upon principle see to it that those who really were injured by that 90 days' service get compensation, and that the widows of those who were really in any sense made widows by that service get compensation.

It is the universality and, in my judgment, the unsoundness of this measure which puts the widow without an injury upon the same footing as the widow——

The VICE PRESIDENT. The morning hour has expired, and the Chair lays before the Senate the unfinished business, which is House bill 12717, the Agricultural appropriation bill.

Mr. SMITH of Georgia. I will finish the sentence. Which puts the widow without an injury exactly upon the same footing as the widow with an injury.

Mr. President, I have said all I wish to say now on this subject. If I have done any good, I am glad of it, and if I have not I have at least the satisfaction of trying.

Mr. JOHNSON of Maine. I hope the Senator in charge of the Agricultural appropriation bill will agree to lay it aside temporarily until we may finish this bill. It has been on the calendar a good while, and it seems to me an act almost of discourtesy to the other Chamber to continue it here without acting upon it. It is House bill No. 54, and it has been pending here on the calendar for a long time. This is the first opportunity we have had to bring it up. I think there will be very little more discussion, and we can reach a vote, I hope, in a short time.

Mr. GORE. Of course, I would like to oblige the Senator from Maine, but I apprehend the bill which he has in charge will lead to a great deal of discussion. It is the universal desire of Senators to finish the appropriation bill, and I think it is a well-justified desire. I will say that the Senator from New Hampshire [Mr. GALLINGER] has indicated a desire to offer an amendment at this juncture.

Mr. JOHNSON of Maine. I move that the unfinished business be temporarily laid aside.

Mr. OVERMAN. That can not be done.

The VICE PRESIDENT. The Senator from Maine can move to take up the pension bill; he can not move that the unfinished business be laid aside.

Mr. JOHNSON of Maine. I move to take up House bill 54.

Mr. STONE. Then that will displace the unfinished business.

The VICE PRESIDENT. It will displace the unfinished business if the motion prevails. The Senator from Maine moves that the Senate proceed to the consideration of the bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China.

Mr. JOHNSON of Maine. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a pair with the senior Senator from New York [Mr. O'GORMAN]. He not being in his seat, I withhold my vote for the present.

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Missouri [Mr. STONE] and vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. He being absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arkansas [Mr. ROBINSON] and I vote "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Rhode Island [Mr. COLT] is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. HUGHES. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES] on official business.

Mr. DILLINGHAM. I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I withhold my vote. I have a pair with that Senator.

Mr. BECKHAM. I am paired with the senior Senator from Delaware [Mr. DU PONT] and will withhold my vote.

Mr. WALSH. I announce the absence of my colleague [Mr. MYERS], due to continued illness.

Mr. REED (after having voted in the affirmative). Some time ago I made a transfer of my pair to the Senator from Tennessee [Mr. SHIELDS]. I observe that he has come into the Chamber. I therefore transfer my pair to the Senator from Nevada [Mr. NEWLANDS] and allow my vote to stand.

Mr. WADSWORTH. I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS], who is absent, and I withhold my vote.

Mr. CATRON. Has the Senator from Oklahoma [Mr. OWEN] voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a pair with that Senator. I transfer my pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. SUTHERLAND (after having voted in the affirmative). I observe that the Senator from Arkansas [Mr. CLARKE] has not voted. Being paired with that Senator and for that reason I withdraw my vote.

Mr. HARDING. I transfer my pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from California [Mr. WORKS] and vote "yea."

Mr. THOMAS. I transfer my pair with the Senator from North Dakota [Mr. MCCUMBER] to the Senator from Virginia [Mr. MARTIN] and vote "nay."

The result was announced—yeas 34, nays 26, as follows:

YEAS—34.

Ashurst	Harding	Lippitt	Reed
Broussard	Hughes	Lodge	Sherman
Catron	Husting	Martine, N. J.	Sterling
Chilton	Johnson, Me.	Nelson	Taggart
Clapp	Johnson, S. Dak.	Norris	Thompson
Clark, Wyo.	Jones	Page	Townsend
Cummins	La Follette	Pittman	Vardaman
Curtis	Lane	Poindexter	
Gronna	Lee, Md.	Pomerene	

NAYS—26.

Borah	Hardwick	Shields	Thomas
Brady	Kenyon	Simmons	Tillman
Bryan	Overman	Smith, Ariz.	Walsh
Chamberlain	Phelan	Smith, Ga.	Warren
Culberson	Ransdell	Smith, S. C.	Williams
Fletcher	Shafroth	Stone	
Gore	Sheppard	Swanson	

NOT VOTING—35.

Bankhead	Goff	Martin, Va.	Smith, Md.
Beckham	Hitchcock	Myers	Smith, Mich.
Brandegee	Hollis	Newlands	Smoot
Clarke, Ark.	James	O'Gorman	Sutherland
Colt	Kern	Oliver	Underwood
Dillingham	Lea, Tenn.	Owen	Wadsworth
du Pont	Lewis	Penrose	Weeks
Fall	McCumber	Robinson	Works
Gallinger	McLean	Saulsbury	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, the Philippine insurrection, or in China.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN], which will be agreed to without objection.

Mr. BORAH. Are the amendments disposed of?

The VICE PRESIDENT. There is only one to which there seemed to be no objection—to strike out the word "net" before the word "income." The Chair has announced that it was agreed to.

Mr. BORAH. Mr. President, I am not going to undertake to discuss this bill at length, because I am not at all prepared to do so. I rather suspect that I am in the same condition of mind as most of my colleagues; that is, that I have not very much information concerning the bill. I think it wise, therefore, to read the bill that we may know precisely what the bill contains before we pass upon it. It seems to me an extraordinary bill, even in the field of liberality in which we have been traveling with reference to pensions. There are precedents in the bill which, if utilized, will be matters of grave concern to the people of this country. The bill is as follows:

That from and after the passage of this act if any volunteer officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, including all furloughs, or any officer or enlisted man of the Regular Establishment who rendered 90 days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection or in China between April 21, 1898, and July 4, 1902, inclusive, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act.

So it is not necessary for her to have been his wife during the term of his service. She may be married to him to-day or may have married him long after his service.

Provided, however, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10—

That presents a different question.

Now, the kernel of this measure, the real gist of it, is found in the following statement:

And who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act.

Do I understand that this bill includes the widows of all men who were enlisted in these several enterprises, regardless of the fact whether they ever saw service and regardless of the fact whether their death was caused by anything in the way of disease or wounds contracted in war or during enlistment?

Mr. JOHNSON of Maine. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Idaho yield to the Senator from Maine?

Mr. BORAH. I yield.

Mr. JOHNSON of Maine. In answer to the inquiry of the Senator from Idaho, I will say that the bill gives a pension to the widow of a soldier or officer who served in the Spanish War 90 days from the time of enlistment until discharged, and that irrespective of whether the soldier or officer received any injury in the service or not.

It follows the precedent established in the case of the widows of the soldiers of the Civil War. In 1890 Congress voted a pension to the widow of every soldier who served 90 days in the Civil War whether he suffered injury by reason of that service or not, provided she did not have an income exceeding $250 a year. We are treating now, or attempting to treat, the widows of soldiers who served in the Spanish War precisely as we treated the widows of the soldiers who served in the Civil War.

Mr. BORAH. Mr. President, we went to the utmost point of liberality in dealing with the widows of the soldiers of the Civil War when we granted them a pension regardless of the fact whether their husbands had received any injury or suffered from disease by reason of their service in the war. But there is a distinction, nevertheless, and a substantial distinction.

Mr. JOHNSON of Maine. If the Senator will pardon me, we are trying to treat them also just as we have treated the widows of soldiers who served in the Indian wars.

Mr. BORAH. But, Mr. President, this is a step far beyond that. While in principle it seems to be the same, and while the precedent cited by the distinguished Senator from Maine seems to be a sufficient precedent, yet, as a matter of fact, the two services and the two conditions are wholly different. The Civil War was a war, and almost all the men actually saw service who were enlisted. As a matter of fact, only a small per cent of those who were enlisted in the Spanish War and a small per cent of those who were enlisted in these other wars enumerated ever saw any actual service at all. I understand most of them never left the United States; they never engaged in any conflict, and it is not claimed that they were in places where they necessarily contracted diseases.

If this bill passes, if this precedent is pushed to this point, there can not be any possible reason why the matter should not be applied to the wife of every national guardsman who may die who is called to the front now. Although he should be in the service but 30 days and suffer neither from disease nor service, this bill is cited as a precedent. I am quite willing to grant pensions liberally where death or wounds or disease have been actually suffered, sustained, or contracted, but I am not willing to approve of this loose method of distributing the money all of which must be collected from already overburdened taxpayers.

Mr. President, as I said, I am not going to discuss this at any length, but I am not willing, as much as I believe in pensions and in taking care of those who serve their country, to give a pension which has nothing to do with service at all in the true sense of the term, a pension which is not based upon sacrifice on the part of the soldier, a pension which has for its basis alone the mere fact of enlistment. There is no point beyond which we could go in the matter except to grant universal pensions to all who may enlist in the service, regardless of any service performed. I can see no sound reason for such legislation and I see many reasons which indicate the legislation to be unwise. If the bill were limited and circumscribed to the correct principle of actual service or sacrifice, I would vote for it.

I voted against taking up the bill, and I shall vote against the passage of it.

Mr. SMITH of Arizona. Mr. President, I am in intense sympathy with any legislation that will look to the fair and proper pensioning of those who served in the late War with Spain. I should like to vote for a pension bill that was reasonable and proper and that would give a sufficient amount of money to help those people who suffered by reason of service in the war. While I am extremely anxious that a proper pension bill should be passed, this seems to me to be subversive of every principle on which a just pension bill can be built. It is tantamount to saying that whoever takes an oath to serve this country in war that minute becomes a pensionable individual. I can not go that length.

To him who served his country, to him who suffered anywhere within its service, to him who came away disabled and hurt, impaired in health, I am willing to vote any amount necessary for the protection of those dependent upon him as well as for his own protection, but to say that the man who went into the Army in the alleged War with Spain, who never saw service further than in camps in this country—and they are just as worthy and entitled to our praise for their willingness—but when he who came out of the camp came home a well man, not disabled in any way whatever, and then 10 years afterwards married, and died two years after his marriage from an accident in an automobile or otherwise, and his widow become pensionable at once, and the infant child, even if she remarries a millionaire, stays on the pension list under this bill until he is 16 years old. It is throwing the gates so wide open to make patriotism——

Mr. JOHNSON of Maine. Will the Senator allow me?

Mr. SMITH of Arizona. To make patriotism, it looks to me, like a mere question of merchandise, not for any injury sustained but because he promised to defend the Government. That alone gives his widow a pensionable status when he dies.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Maine?

Mr. SMITH of Arizona. I yield.

Mr. JOHNSON of Maine. I simply wanted to ask the Senator from Arizona if he understood that the second husband would not be obliged to support the children of the soldier who were under 16? Would he not be under a legal obligation to do so?

Mr. SMITH of Arizona. No; but I would not offer a premium so magnanimous for that union. I simply would not pay the expenses of his family provided he were a rich man. I would not have the children of his wife drawing a pension from neighbors who probably are less able to support the tax than the husband. It seems to me that this ought to be confined, as other pension bills have been confined, to service and some sort of disability, and in that event, if you double the amount, I will vote for the bill. You can make it enough to support the family and I will vote for the bill, but do not say that every man who enlists and has married is in an attitude for his family to get on the pension roll.

Mr. STONE. Mr. President, I intend to register my protest against this bill by a negative vote when the vote is taken, but I wish also to register my protest in even a more emphatic way, if that be possible.

The Treasury of the United States is the final place where taxes collected from the people for the support of the Government are gathered. Every tax imposes a burden upon somebody—that is, upon the person who pays it.

If that be not true, then we confront a strange contradiction in terms; if that be not true, then a tax, instead of being a burden, is a privilege, a beneficence, a blessing to the man or woman who pays it. The taxgatherers—myriads of them scattered over the country—gather our vast revenues from different sources, and these revenues are finally dumped into the Treasury of the United States; but every man, as I see it and as I have been taught and as I believe, who pays a tax carries a burden to that extent; and it is a proper burden for every man to bear. Every citizen protected by the Government should contribute to the support of the Government. But, Mr. President, the money thus paid into the Treasury can be taken out only in one way, and that way is through the authorization and direction of the Congress. The Congress makes the laws which compel the citizen to pay taxes, and through the force of these laws the revenues necessary for the support of the Government are provided; and then, on the other hand, the Congress alone can determine how these accumulated revenues can be disposed of; in what way and to whom the public funds shall be paid.

Mr. President, we have come to the point, it seems to me, when mere sentiment, and, what is worse, when mere political considerations work in a controlling way upon the minds of legislators when we come to spending the money of the people. We are too much swayed; more swayed by sentimental and political considerations than by a clear and definite consideration of the public right and the public interest. Whenever we find a large number of men and women banded together—a band capable of exercising in the State, and, therefore, relatively in the Nation, an influence upon the political fortunes of men and of parties—who come here and beat against the doors of this Capitol; when they come thus with their clamors for "beef," we are taken off our feet. We forget the taxpayer. We feel only the influences brought into our very presence and thrust under our eyes, and we yield to that. We shrink from the difficult task and responsibility of saying "No." Mr. President, "No" is too often a difficult word for legislators, who have political fortunes at stake, to speak; so many seem to be afraid to speak it. In saying this I but tell you the unvarnished truth, and you know it; it is the truth, however unwelcome; every man who hears me knows I speak only the truth. We do not like to say "No" to thousands when they come asking us to do so easy a thing as to open the doors of the Treasury, with its plethoric vaults, and do them a little favor under the disguise of a meritorious claim. We forget that if the Treasury vaults be filled to overflowing, they are filled by taxes collected from and patriotically paid by the people to support their Government. Open the doors and give largess; it is easy and it pays politically. Oh, do give something to brighten widowhood, to soften the pain of bereavement, to buy a flower for the widow's breast, or striped stockings for the children; something that will make them look upon the stars in the blue of the flag and upon the waving stripes of red and white, with a feeling more loyal, enthusiastic, and patriotic. It is hard to say "No" to appeals like that, when it is so much easier to say "Yes." Sometimes, maybe, we are afraid to say "No."

Mr. President, I wish we could fill the Halls of these Houses with a spirit that would take into consideration, more than we do, the interests of the great masses of the people who give and give to support the Government and ask nothing in return but honest, faithful, and efficient government.

Show to me a man who, as a soldier of the Republic, has fought its battles and imperiled his life, or who has lost his health, or who has in anywise really suffered because of his service—give me a case of that kind based on merit, show me a just claim upon the patriotic favor or generosity of the Government, and I will go as far as any man should go in the name of justice to do justice to such a man or to his family. But, Mr. President, we are running wild in this direction; we are just leaping along, blindly leaping. About all necessary to be done now, so far as

Congress is concerned, is to get a large number of people, scattered over numerous States, to organize—often organized under influences started by claim agents in Washington—to come here through their organizations and say this or that or the other thing to us, and lo, we go trooping up to the Treasury Department—having the power of lawmaking—with a demand that the Treasury doors be opened and that cold cash, wrung from the taxpayers, be dished out to these mendicant organizations who are supposed to have influence in generating a public opinion which creates Senators and Representatives. Mr. President, I am tired of this sort of thing. The time has come when a halt should be called to this congressional procession marching almost daily up to the doors of the Treasury.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and still open to amendment.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smith, Md.
Bankhead	Gronna	Norris	Smith, S. C.
Beckham	Harding	O'Gorman	Smoot
Brady	Hardwick	Overman	Sterling
Broussard	Hughes	Page	Stone
Bryan	Johnson, Me.	Phelan	Swanson
Catron	Johnson, S. Dak.	Pittman	Taggart
Chamberlain	Jones	Poindexter	Thomas
Chilton	Kenyon	Pomerene	Thompson
Clapp	Kern	Ransdell	Tillman
Clark, Wyo.	La Follette	Reed	Underwood
Clarke, Ark.	Lane	Shafroth	Vardaman
Cummins	Lee, Md.	Sheppard	Wadsworth
Curtis	Lodge	Sherman	Walsh
Dillingham	McLean	Shields	Warren
Fletcher	Martine, N. J.	Smith, Ariz.	Williams

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum is present. The bill is before the Senate as in Committee of the Whole, and still open to amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate with an amendment.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. BRYAN. Mr. President, this is one of the many pension bills upon the calendar. This bill provides for pensioning widows of soldiers who served or enlisted in the War with Spain. The only requirement is that the soldier must have served 90 days in the Army, Navy, or Marine Corps of the United States during the War with Spain or in the Philippine insurrection, and the committee is kind enough also to include within that 90 days of service all time spent on furlough.

Mr. President, no widow needs any legislation to enable her to secure a pension if the death of her husband can be traced to his service in the war. The law now is that if the soldier's death was due to his service, his widow shall draw a pension on that account. This bill is intended to put a new class upon the pension roll, a class of widows who can not trace any injury by reason of their husbands' enlistment.

Mr. JOHNSON of Maine. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Maine?

Mr. BRYAN. I do.

Mr. JOHNSON of Maine. I know the Senator does not want to make any misstatement, and he is usually very accurate in all his statements. He says that this bill puts a new class upon the pension roll, namely, those widows who will receive a pension simply by showing that there was service on the part of their husbands. Do we not also pension the widows of Civil War veterans simply for the service of their husbands?

Mr. BRYAN. I will do myself a great injustice if I do not get to that part of it directly.

Mr. JOHNSON of Maine. The Senator has already made the broad statement that we were putting a new class upon the rolls.

Mr. BRYAN. I do make that statement, Mr. President. We are putting a new class upon the rolls, and I will prove that directly.

There is no necessity for any legislation at all if the soldier suffered any injury because of his enlistment. This bill proposes to give pensions to widows whose husbands suffered no injury because of their enlistment, to give pensions to their widows regardless of whether the soldiers were injured or not. The bill says so, and that is the main reason for its presence upon the calendar.

Mr. STERLING. Mr. President——

Mr. BRYAN. Just a moment. The bill reads:

Without proving his death to be the result of his Army or Navy service.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from South Dakota?

Mr. BRYAN. I yield to the Senator.

Mr. STERLING. Mr. President, so far as that is concerned, then, instead of there being another class, a distinct class, they are put in a class with the widows of soldiers of the Civil War. The law making provision for the widows of the Civil War was enacted, as the Senator will remember, in 1890, and it allowed pensions to the widows of soldiers of the Civil War whether or not they were married during the period of the service of the soldier. This bill puts the Spanish-American War widow in exactly that class.

Mr. BRYAN. No, Mr. President, it does more than that. I will get to that, however, later on. I am coming to it; but I may as well say now that Congress has been liberal in pension legislation to widows throughout the whole history of the Government; although, Mr. President, it was not until 1836, or 53 years after the Revolutionary War, that there were any pensions paid to widows of soldiers of that war; and when the act of 1836 was passed there was a limitation that the widow must have been a "war widow," or, in other words, must have been married to the soldier during the war. In 1838, two years later, the limitation as to the date of marriage was moved up to January 1, 1794. So that it was 53 years after the war before Congress undertook to reward, by the granting of pensions, women who had married men who had enlisted in the Army during the Revolutionary War. It was not until 1848, 65 years after the Revolutionary War, that the limitation as to the date of marriage was moved to January 1, 1800; and not until 1853, 70 years after the Revolutionary War, was the limit as to the date of marriage taken off.

That is the way we treated the widows of the soldiers who served in the Revolutionary War. The widows of those who took part in the establishment of this Republic had to wait 70 years, while the widows of the Spanish-American War soldiers are put upon the roll 17 years after the service of their husbands. It is a case of 70 years as against 17.

Mr. STERLING. Mr. President, we broke that precedent——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Florida yield to the Senator from North Dakota?

Mr. BRYAN. Yes; I yield.

Mr. STERLING. We broke that precedent long ago. We did that by the act of 1890, when, 25 years after the Civil War, we enacted a law which gave pensions to widows whether they were the wives of soldiers during their service or not.

Mr. BRYAN. The act of 1890 was not as liberal as are the provisions of this bill. It was not until 1900 that the act as to widows of the Civil War became as liberal as is this act.

Now, let us take up the War of 1812. It was not until 1871, 56 years after the War of 1812, that pensions were granted to widows, and then they must have been married prior to the treaty of peace and must have been "war widows." In 1878, 63 years after the War of 1812, the limit as to the date of marriage was taken off. So it was 63 years after the War of 1812 before Congress undertook to be as liberal as it is now, 17 years after the Spanish-American War.

We now come to the Civil War legislation as to widows. I notice the Senator from South Dakota [Mr. STERLING] is not here, but I believe I am accurate in the statements I am about to make——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BRYAN. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator if he has the data concerning the Mexican War? I think there was a service pension granted to the Mexican War survivors and their widows. I have forgotten the date, but that would come before the Civil War, and I shall be glad if the Senator will give the information.

Mr. BRYAN. Very well. It was not until 1887, 39 years after the war with Mexico, that widows were considered, and then they had to be 60 years old, disabled or dependent; and as to the Indian wars, it was not until 1892, 50 years afterwards, that the widows of soldiers of those wars were considered.

Now we come to the Civil War. Legislation from 1867 to 1893 provided in substance as follows: If the soldier's death resulted from his war service, the widow and the children drew

pensions, $2 for each child, until the child became 16. In 1883 inability to perform manual labor was required, and if the widow could show that the soldier's life was shortened by reason of injury she would get a pension. In 1868 the arrearage act was passed, allowing them the privilege of showing that the death or disease was due to the service, giving five years' time to find out. Now, it would seem that if a man had been injured in the war or had been killed in the war, reasonable diligence would have developed that fact within five years after the war was over. But 14 years later, in 1879, Congress passed an act to allow them to go back through the intervening time to submit that proof, without any requirement that the Government should be represented. It was not desired that the diagnosis of the case by a friendly physician should be questioned by the Government.

Republicans vote for pensions, Democrats vote for pensions, both just the same, and for the same reason. It is the power of the organization behind the demand.

The real soldiers of the Civil War never would have been humiliated as they have been if Congress had dealt liberally and generously with them, and dealt only with those who had rendered service and needed the assistance of this Government. That is the system that other countries have. It is the system that we ought to have. And yet we, a peace-loving people, paying to-day more pensions than all the great military powers of Europe combined, more than Great Britain and Germany and France and Russia and Japan combined, propose now to launch out upon a new plan of increasing the amount. It is the history of this legislation that as soon as one class begins to decrease in numbers, the ingenuity of Congressmen is exercised to discover a new class to take their place, so as to keep up the appropriations. The soldiers of the Civil War have been compelled to make common cause with men who never rendered any meritorious service in the war; and their old war widows, who went through the privations during the war, have had to make common cause with some home guardsman's holiday widow, born many years after the war was over; and that is the sort of system that this bill perpetuates.

In 1888 the time limit was first taken off as to widows in submitting the proof; and if we will read back in the history of legislation of Congress at that time, if we will read the report of Henry Clay Evans, Commissioner of Pensions, in which he tries to point out the evils of this system, we will see that the fight was being made then—an unsuccessful fight—as it is being made now. I see the Senator from South Dakota has gone. I wanted to show him the difference between this bill and the act of 1890, to which he referred, for the benefit of the widows of the Civil War. The act of 1890, which was 25 years after the war as against 17, made the limitation "without other means of support." That is not this bill, Mr. President. This bill permits other means of support. This bill permits an income of $250. So it is more liberal than the act of 1890.

Mr. President, how foolish it is to compare the Civil War with the War with Spain! The veterans for whose widows this legislation is asked did not go into a war for four years.

Mr. JOHNSON of Maine. Mr. President, while the Senator is comparing the acts, if he will yield to me—he has before him and is familiar with these acts—is not this act just the same as the act of 1900?

Mr. BRYAN. Yes.

Mr. JOHNSON. Exactly the same.

Mr. BRYAN. The Senator from South Dakota said it was the same as the act of 1890. I will pass on, then, to the act of 1900, which was 35 years after the Civil War, before the Civil War veterans were given the privileges that are now attempted to be given to the widows of soldiers of the Spanish-American War—twice the length of time.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I yield to the Senator; certainly.

Mr. KENYON. If I understand the Senator correctly, his contention is that if the widow had some occupation in which she was earning a compensation and an income outside of that of $250 per year, she still could draw a pension under this act?

Mr. BRYAN. Oh, yes.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I think he is laboring under a misapprehension.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BRYAN. I yield to the Senator.

Mr. GALLINGER. The act of June 27, 1890, provided that a widow must be in indigent circumstances, aside from the fact that she could not earn her living by manual labor. The department construed that, and fixed the sum of $250 as the amount which the department would consider entitled her to a pension under that act. If she did not receive over $250 from her manual labor or from any other source, she was pensioned. That was a department regulation, as I remember. I do not know whether it has passed into current law or not, but I recall the circumstance very well as to the time when the bureau made that ruling. But there never was a time when a widow was allowed to be following an occupation of any kind and receiving compensation, and then having $250 a year in addition to that from some other source. It was not compounded.

Mr. BRYAN. No; but the law, as stated in Davenport's compilation, requires her to be dependent. Now, in 1900 they passed the act corresponding to that which is here to-day as applied to the Spanish-American War soldier. That, Mr. President, was 35 years after the war. That was at a period when the men who engaged in the war were getting well along in years and when the widows they left behind them were getting old. Many of them were married during the war, but that is not the case here. The War with Spain was fought by the Regulars. Less than 3,500 Volunteers went to Cuba before the treaty of peace was signed—3,412, my recollection is. These soldiers stayed in camp. They did not get into any battles. These are not pensions for men who went and fought through four years of war. These are pensions for men who were willing to do it, who enlisted, but who did not have the opportunity. We do not propose now to say: "We will take care of the widows of those who enlisted and who need the money." We are going to do better than that. We are going to do better than we did for the widows of the soldiers of the Revolutionary War, of the War of 1812, of the War with Mexico, of the Civil War. We are going to make special pets out of the widows of the War with Spain.

Now, let us see. The War with Spain commenced April 21, 1898. Hostilities ceased on August 13, 1898.

Mr. JOHNSON of Maine. 1899.

Mr. BRYAN. Hostilities ceased August 13, 1898.

Mr. JOHNSON of Maine. If the Senator will pardon me, I understood him to say hostilities began August 21, 1898.

Mr. BRYAN. I said hostilities began April 21, 1898, or war was declared at that time, and hostilities ceased August 13, 1898. Does the Senator dispute that statement?

Mr. JOHNSON of Maine. I simply say I have the record from the War Department, and the answer to our inquiry from The Adjutant General's Office is that the War with Spain ceased in April, 1899.

Mr. BRYAN. Oh, that is when they signed up the treaty; but hostilities ceased in 1898, on August 13. There is no dispute about that.

Mr. JOHNSON of Maine. I have here, if the Senator will pardon me, from the Department of the Interior this statement:

A compilation from the records of The Adjutant General's Office and other sources of authentic information, which was published as an exhibit in the reports of the operations of the Bureau of Pensions for the fiscal years 1903, 1904, and 1905, gives the period of duration of the Spanish-American War and the Philippine Islands insurrection as from April 21, 1898, to April 11, 1899, for the former, and from February 4, 1899, to July 4, 1902, for the latter.

That is from the department.

Mr. BRYAN. Regardless of what the department says, I know and the Senator knows that the war did not last that long. The Civil War did not end until August 20, 1866; but the fighting stopped in April, 1865. That but illustrates that you are going beyond a period when the war was over, when there was nobody fighting, nobody contending against this country, and when men enlisted, and then, when they had died, pensioning their widows.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I do.

Mr. VARDAMAN. I will suggest that during the Spanish-American War a great many companies lost by death more men who were not in the San Juan engagement than were lost by companies engaged in that battle. There were very few men who were killed or died from the effect of gunshot wounds in that war—I think less than 300—and there were seven or eight thousand who died from disease.

Mr. BRYAN. If the Senator will allow me, I will put in the RECORD the actual figures.

While the total of individuals enlisted was 312,000, the Army which invaded Cuba under Gen. Shafter consisted of less than 30,000 officers and men. I have the table here:

Present for duty, equipped, June 30, a total of enlisted men of 17,349, with 869 officers.

All those were Regulars except the Seventy-first New York Infantry, of 922 men; the Second Massachusetts Infantry, of 863 men; the Rough Riders, of 557 men; and the Ninth Massachusetts Infantry, of 800 men; making a total of 3,142. There were 23 officers and 257 men killed. There were 113 officers and 1,464 men wounded. The deaths from all causes from May 1 to September 30 were 107 officers and 2,803 men, making an aggregate of 2,910 out of the total number enlisted. And yet, Mr. President, with 2,910 deaths from all causes, there are on the pension roll to-day as a result of that war 28,912 persons, and there are a good many thousands applying for pensions.

I want the Senate to understand this one proposition. Maybe some of them do not, because every Senator can not become acquainted with it. The Senator from Mississippi [Mr. VARDAMAN] says that a good many died from disease. This legislation is not intended for the benefit of their widows. This legislation does not affect the claim of their widows. They have their pensions now under the general law. This legislation is for the benefit of the widows of soldiers who can not show any injury by reason of their enlistment. If a soldier was injured because of his enlistment, when he dies his widow gets a pension. If he was killed or died during his enlistment from disease, of course, she gets a pension. This is intended to take care of cases where no injury can be shown and where none existed.

Mr. FLETCHER. Mr. President, may I interrupt my colleague?

Mr. BRYAN. I yield to the Senator from Florida.

Mr. FLETCHER. I wish to inquire whether the number of 2,910 total deaths includes deaths from disease?

Mr. BRYAN. Oh, no. That was in Cuba, where the war was, I am pretty sure.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I yield to the Senator.

Mr. VARDAMAN. May I ask the Senator from Florida what time the deaths occurred that he gave a moment ago—those who served in Cuba? The Senator said they numbered 2,700 or 2,800.

Mr. BRYAN. Twenty-nine hundred and ten.

Mr. VARDAMAN. Twenty-nine hundred and ten. Over what length of time did that extend?

Mr. BRYAN. From May 1 to September 30.

Mr. VARDAMAN. Oh, yes; but I think in the whole war the number of deaths from all causes runs up to between eight and ten thousand.

Mr. BRYAN. That is probably true; but I make this suggestion to the Senator: If those men were married, their widows do not need this legislation. This is a case where a soldier enlisted and went to Chickamauga or to one of the other camps throughout the country, came back home, married years afterwards, and died from any cause not traceable to the War with Spain. We are proposing to give his widow a pension. That is all there is to it.

Mr. President, in 1908, which was 43 years after the Civil War, Congress removed all limitations on the Civil War widows. This bill comes here to-day in different shape than that which has characterized its appearance heretofore. Usually it has come here and then the Senate committee has tied onto the bill a provision to add the Civil War widows—that is, widows of veterans of the Civil War married after June 26, 1890—as an amendment, and tied the two propositions together. It has not been heretofore thought that there was enough behind this bill that has come from the House to enable it to stand upon its own merits. But what position are you in to-day? You are going now to pass a bill to let the widow of a Spanish-American War veteran draw a pension in spite of the fact that he was not injured in his service, and under present law you limit the widows of veterans of the Civil War so that they must have been married prior to June 26, 1890.

Mr. JOHNSON of Maine. Mr. President, will the Senator yield to me?

Mr. BRYAN. Yes; I yield to the Senator from Maine.

Mr. JOHNSON of Maine. Does not the Senator know, as a member of the Committee on Pensions, that the Senate Committee on Pensions has always reported to the Senate, when passed by the House, a bill which removes the limitation, and that it is now upon the calendar of the Senate?

Mr. BRYAN. Yes, Mr. President; I know that, but it seems to me that if I were going to pass either one of them—and I am opposed to both of them—I would have taken up the other one first. Maybe all this pension legislation will not pass.

Mr. JOHNSON of Maine. In answer to that criticism, if the Senator will pardon a further interruption—I do not like to interrupt him without his consent——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Maine?

Mr. BRYAN. Yes; I yield to the Senator.

Mr. JOHNSON of Maine. The Civil War pension bill, relating to widows of the Civil War, was just reported to the Senate upon Monday last, and has been printed and is now upon the calendar of the Senate. This bill was House bill 54 and has been upon our calendar since early in February. That is why it is taken up first.

Mr. BRYAN. I have no doubt, Mr. President, that it is the intention of the Senator from Maine to take up the other one and to take up several more. I am going to refer to some of these other bills a little later.

I want, if I can find it, to refer to the report of the Senate committee in the Sixty-second Congress. I shall not read from it. It shows that this bill and the bill which the Senator from Maine says will be reported will add immediately $7,000,000 to the pension bill. That is the estimate of the committee. There never has been an estimate made yet by anybody as to the amount that would be needed that has not been exceeded when we came to carry it out on pensions, at least.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Colorado?

Mr. BRYAN. I yield to the Senator.

Mr. THOMAS. Do I understand the Senator to say that this bill will add $7,000,000 to the pension roll?

Mr. BRYAN. That was the report when it was up in the Sixty-second Congress. Of course, that is the beginning. The amount will increase.

Mr. JOHNSON of Maine. Mr. President——

Mr. THOMAS. The estimate given by the chairman, in response to a question of mine, was less than that.

Mr. JOHNSON of Maine. I do not think the Senator from Florida wishes to place me in the position of having reported that this bill will add $7,000,000 to the pension roll.

Mr. BRYAN. No; this bill and the other bill.

Mr. JOHNSON of Maine. The inquiry of the Senator from Colorado was confined to this bill.

Mr. BRYAN. I believe the estimate of the committee is that this bill will add two and a half million dollars to the pension roll. Is that correct?

Mr. JOHNSON of Maine. Yes.

Mr. THOMAS. My inquiry was confined to this bill. Before taking my seat, however, I merely want to remark upon the fact that we are so accustomed to appropriating millions upon millions of the people's money that bills of this kind do not even excite any passing interest in the Senate any longer. I think there are 13 Senators present to listen to the very able speech of the Senator from Florida, who is trying to put a few stop gaps in these appropriations.

Mr. BRYAN. I will make it over again to-morrow, Mr. President. Maybe there will be more here then.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I yield to the Senator.

Mr. KENYON. I should like to ask the Senator from Florida if he has any figures showing the average age of the widows of the Spanish War veterans at this time?

Mr. BRYAN. Mr. President, if I have I am not able to turn to it. I want to say, in the nature of an apology to the Senate, that I had not supposed the Senate was going to lay aside an appropriation bill and turn to this pension legislation. If I had supposed that would take place, I would have been better prepared to answer the Senator's question. I think I have the information here at my desk, but it is difficult to turn to it.

Mr. President, I believe pensions ought to be limited to those cases where there is a need and where there has been meritorious service. That was the view of Congress for a good, long time after the Civil War; and, basing their pensions upon that sort of basis, the appropriations never reached $100,000,000. Indeed, President Garfield condemned the extravagance of Congress in those days. But now what has happened? It is more than twice what it was then after those who did the fighting are gone; and to-day you are paying upon a pension roll a majority of whom are noncombatants. Less than half ever enlisted in any war. You are adding a new class to the

pension roll to-day, and, according to the Senator from Maine, you are going to add another new class to it a few days or a few hours later.

It has been customary to say that this Republic has been ungrateful to its soldiers. Former Congressman Gardner, from Michigan, a man who served during the entire four years of the Civil War, made the statement before the Committee on Pensions that no man could say, to-day or in any to-morrow, that this Government had not been generous to its soldiers. It has paid them on the average between $2,000 and $2,500 apiece in pensions.

Mr. President, of those six or eight hundred thousand men who enlisted in the last 90 days of the Civil War some of them never got to the front it can be said of the great majority, of nine-tenths of these men, that they never got to the front; that they never heard a cannon fired in battle.

We may differ and we may be unconsciously influenced because of the section of the country from which we come as to the merits of Civil War pensions; but, Mr. President, those who enlisted in the Spanish-American War came from every State and section of the country, and there is no reason now why men of all parties and from all sections can not deal with this matter justly. The power of the camp, the power of the organization of men for whatever purpose has its influence. They always have somebody here to represent them, to urge their cause before Congress; they are always present when bills affecting their interest are being considered. The great mass of the people who pay the taxes are always absent.

Yet it is mounting up, Mr. President, despite the fact that those men who fought the battles of the Civil War have most of them passed away, and we are now undertaking to add this class, based upon nothing but mere enlistments, upon no sacrifice, who served during a short period of time, and having died from some cause, having been run over by an automobile or a street car, or in a railroad wreck, or from any other cause, except the one cause of their service in war, it is proposed to put their widows upon the pension rolls.

We have always been that way. We pass legislation even for the payment of the widows of deserters and legislation in order to let deserters back and let them draw a pension. We will not come right out and say in the title of the bill that it is an act to straighten a crooked record, but we say it is to correct the military record of somebody who enlisted in the war and deserted.

Mr. President, what are you going to do when you add all this class to the pension roll? Are you going to stop then? How can you? These pensions are due to three things. First, to organizations. I have mentioned that. Then to a sentiment that is commendable, that we do not want to be in the attitude of carping about the treatment of those who have gone to war for us. Then—the main thing—the legislation is due to the fear of the opposition by those interested. These organizations are active. They are active to-day in party conventions. They were active in the Republican convention of 1880. They were active in the Democratic Party convention. Many men believe that Grover Cleveland was defeated because he vetoed pension bills.

Now, I want to come to the proposition that this policy leads—inevitably leads—to pensions in civil life. It is bound to do it, Mr. President.

Mr. BORAH. As a matter of fact, that is what this is now. Upon principle it can not be distinguished from pensions in civil life, and yet we apply it to a limited number.

Mr. BRYAN. Of course. I am going to point out to the Senator some other bills that are merely disguised, that pretend they are not.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Idaho?

Mr. BRYAN. I yield.

Mr. BORAH. This bill is not based upon any principle which originally inhered in pension legislation, to wit, that somebody has suffered and sacrificed.

Mr. BRYAN. No; they do not need any legislation for that. The law is ample to cover cases like that.

Mr. JOHNSON of Maine. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Maine?

Mr. BRYAN. I yield.

Mr. JOHNSON of Maine. If the Senator from Florida will yield, I should like to make an inquiry of the Senator from Idaho. I ask the Senator does he not know that we now pension the widows of the Civil War veterans simply for service, and we have followed in this bill simply that precedent?

Mr. BORAH. It is true that some 35 years after the war we took up the question of pensioning the widows of the veterans of the Civil War, but if the Senator from Florida will pardon me for a moment, as I said a few moments ago, that appears to be a precedent, and they appear to be alike in principle, but the facts are so totally different that I must disagree with the able Senator from Maine, when he cites that as a precedent for this bill. In the first place, these pensions did not come until some 30 or 35 years after the service, which of itself is a broad distinction.

Mr. BRYAN. It was 35 years before the widows of the soldiers of the Civil War were pensioned, and now, 17 years after the War with Spain, we propose to pension the widows of the soldiers of that war.

Mr. BORAH. In the second place, compared with the few, practically none of the men who enlisted in the Civil War but performed such service as would impair them in their health and in their capacity to take care of their families when they returned home. This is a different situation entirely. It is an instance in which a comparatively few performed service, and so far as those few are concerned I would be perfectly willing to pension those who performed service. I would be perfectly willing to pension the widows of those who have suffered and sacrificed, and whose suffering and sacrifice can be attributed to their enlistment or service in the war. But I invite the attention of the Senator again to the proposition that that is a different proposition from that which here obtains:

And who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall upon due proof of her husband's death—

Something wholly disconnected perhaps with the service, something in no wise related to the fact that he enlisted and was in camp for 90 days, not in anywise connected with what was originally the inherent principle of pension legislation——

Mr. WORKS. Mr. President——

Mr. BORAH (reading)—

such widow shall upon due proof of her husband's death without proving his death to be the result of his Army or Navy service——

Mr. JOHNSON of Maine. Mr. President——

Mr. BORAH. Just a moment. The fact is, if I understand the bill correctly, if a man enlisted and went into camp for 90 days and returned healthy and sound and afterwards was in anywise unfortunate enough to die, his widow receives a pension. It does not make any difference what was the cause of his death or how he met his death or anything in regard to that matter, the fact that he enlisted and died gives his widow a pension. Now, I am willing to grant pensions to every widow whose husband died in the war, or where it can be shown that he contracted disease or received substantial injury during the enlistment. But I am not willing to give a pension, which the overtaxed people must pay, unless we go into the principle of civil pensions fully, to those who neither suffered in wounds nor disease.

Mr. GALLINGER. Provided she is necessitous.

Mr. BORAH. Provided she is necessitous. That gets right back to the proposition that there are hundreds and thousands of widows in this country who ought to be pensioned on every principle which is contained in this bill, and that is that they once had husbands who died and they are now necessitous. I see no difference between the necessitous widow of a good citizen who never enlisted and the necessitous widow of a man who enlisted for 90 days, but in nowise suffered by reason of the enlistment.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. BRYAN. I yield to anyone the Chair suggests.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. BRYAN. I yield to the Senator from California.

Mr. WORKS. Mr. President, I wish to ask the Senator from Idaho, if the widow has not lost her husband as a result of the war and has suffered no other loss, for what is the pension granted?

Mr. BORAH. It is granted, if I may be permitted to say so, for reasons wholly disconnected with pensions.

Mr. WORKS. It is a pure charity, is it not?

Mr. BORAH. Yes; it is a charity.

Mr. JOHNSON of Maine. Mr. President——

Mr. BRYAN. I yield to the Senator from Maine.

Mr. JOHNSON of Maine. I wish to call the attention of the Senator from Idaho to the act of 1900 and ask him how it differs from the present act, from which he has read? I read from the act of 1900:

SEC. 3. That if any officer or enlisted man who served 90 days or more in the Army or Navy of the United States during the late War of the Rebellion, and who was honorably discharged has died, or shall hereafter die, leaving a widow without means of support other than her daily

labor, and an actual net income not exceeding $250 per year, or minor children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army service, be placed on the pension roll from the date of the application therefor under this act.

Mr. GALLINGER. If the Senator from Florida will permit me, the act the Senator from Maine has read from is simply an enlargement of the act of 1890. The act of 1890 allowed a pension of $8; the act of 1900 a pension of $12 to the widow.

Mr. BORAH. I am quite aware, Mr. President, that there is no form of legislation so bad but that somewhere in the past a precedent can be found for it. I am not at all surprised by the precedent which the Senator has; that is to say, I understand the precedent which the able Senator from Maine cites; I know something of it; it never met with my approval, but that is immaterial. But I ask the Senator from Maine, does he not recognize a difference between those conditions, between the widows of the veterans of 1900, 35 and 40 years after the war, the widows of the men who actually served and performed service, and none of whom ever left the war in the same condition physically that they entered it, and the widows of the men who went into a camp for 90 days and came out with no hurt or injury? If they did receive hurt or injury, give them pensions, but not if they did not.

Mr. JOHNSON of Maine. I do not wish to take any time, but in answer to the Senator's inquiry, of course I recognize the difference in the magnitude of the two wars; but the motive which actuated the men who enlisted is the same. The man who entered the service of his country and who was willing to give his life for that service even if not called upon is not to blame because he was not called into actual battle. He has done all he could do; he has shown his willingness to protect by his life and by his service his country if his country should need him for the trench or the bloody battle field.

If he lay in camp at Chickamauga and suffered disease, as many did, and came home a wreck, enfeebled in body, to drag out a miserable existence as the result of disease, he is entitled to his country's gratitude as much as the man who bared his breast to the bullets or received the saber stroke. That is my view of it. I am looking at the motive. The man who enlisted, whether in the Civil War, or the Spanish War, or who has now responded to his country's call at the present call to guard the Mexican border, deserves his country's gratitude. Whether he is called in actual service or not, he has made his sacrifice and showed his willingness, and a grateful country should recognize it.

Mr. BORAH. Mr. President, if the Senator from Florida will pardon me a moment further, the condition which the Senator from Maine so graphically portrays would meet with my approval if incorporated into a pension bill. Without any hesitancy whatever I would support it. But that is not the condition here at all. That is not the situation which is covered by this bill. If a man goes to the front and performs service and bares his breast to the bullets or suffers the saber's stroke, I am perfectly willing that the country shall take care of him, and that neither he nor his wife nor his children shall be embarrassed in their future by reason of the sacrifice which he has made. On the other hand, if a man goes into these camps and contracts a disease which undermines his health and destroys his physical capacity to take care of his own, I am willing either to vote a pension to him or to his children or to his widow. But if a man enlists, does that which every other patriotic citizen in the country is willing to do if need be, and has suffered nothing by reason of it, has contracted no disease, has endured no hardship—and that is the condition which is covered by this bill—it is an entirely different condition from that which the Senator from Maine portrays. I am called upon to meet the conditions covered by the bill, and not the conditions so well improvised by the able Senator.

Mr. STERLING. Mr. President——

Mr. JOHNSON of Maine. If the Senafor from Florida will allow me, I should like to ask the Senator from Idaho if now he would be in favor of striking from the pension roll the names of all the widows of soldiers of the Civil War whose husbands were not injured in the services by wounds or by sickness? Is that the Senator's position in regard to the pension roll?

Mr. BORAH. Mr. President, of course that is not before the Senate and it is entirely a different proposition. That is the method by which the Senator from Maine avoids discussing the bill which is now before us. But I will say to the Senator from Maine that there is no service the Congress of the United States could perform which would be of more general benefit to the country than to overhaul the entire pension legislation. I am satisfied that hundreds and thousands and millions of dollars have been paid out under the guise of paying it to those who served their country where it went to people who never served their country at all. We have been liberal with the people's money and we should always be so when sacrifices have been made or suffering endured for the country's need, but I am under just as much obligation to protect the taxpayer from imposition and fraud in the matter of pensions as other matters.

Mr. STERLING. I should like to ask the Senator from Idaho a question. Does he think we can put service on any different basis during the Spanish-American War from that on which it was during the Civil War, namely, 90 days of service and honorable discharge therefrom? That service being an enlistment and having been in that service 90 days, it would make no difference where they were in that service; but if they were subject to call to any particular service or assignment to any particular service, they were in the service, whether in camp at Chickamauga or wherever they might be.

It seems to me that we can not at this time with reference to the Spanish War veterans put service on any different basis whatever than the basis for service during the Civil War, and we are in this bill, as I understand it, putting it exactly on the same basis.

Mr. BORAH. As I understand the Senator, the Senator is willing——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Idaho?

Mr. BRYAN. I yield to the Senator from Idaho.

Mr. BORAH. Is the Senator willing to go on record as being in favor of paying out millions of dollars to the widows, it makes no difference when she became the wife of the man, whether long after he had performed the service or whether a week or a year—it might have been only a week or 10 days before he died? Is the Senator willing to go on record to pension the widows of men who performed no service to their country other than the mere fact of an enlistment and going into camp for 90 days?

Mr. STERLING. I am willing to go on record in favor of making no distinction in the manner of service between the Civil War soldier and the Spanish-American War soldier.

Mr. BORAH. In other words, if it should be true——

Mr. STERLING. If the Senator will permit me, a soldier during the Civil War may have seen no more actual service than the men who were in camp at Chickamauga from the time of enlistment until the time of discharge. Yet under the Civil War pension act they are all entitled to a pension and all their widows are entitled to a pension.

Mr. BORAH. Mr. President, according to the theory of the Senator from South Dakota no precedent could be so bad that we would not be justified in following it. As a matter of fact, the service which the men performed in the Civil War is not to be compared for a moment with the service which was performed by men who merely enlisted and went into camp for 90 days.

But, Mr. President, if by reason of going into camp they actually contracted disease or suffered, if they made any sacrifice wherein lies the injustice of having that fact shown so soon after this service has been performed? It is not so very long ago that this service was performed. If these men suffered, if they were disabled in war, if they were wounded, if they were maimed, if they contracted disease it is not difficult at this time to prove that fact. The reason why we gave to the widows of the veterans of the Civil War a pension without this required proof was because we did not undertake to do so until 35 or 40 years were passed, and until the fact in many instances that the proof had disappeared, if it ever existed.

But that is a different situation from this with which we are now dealing. It only discloses, Mr. President, how we take that which seems to be a precedent and, by adding a little more to it, establish and accentuate a bad principle.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Florida yield to the Senator from Colorado?

Mr. BRYAN. I yield.

Mr. THOMAS. I think the Senator from Idaho has omitted one situation that now confronts us. There is an election to be held. The Democrats want to get all the votes they can and the Republicans can not afford to lose any.

Mr. BORAH. Mr. President, that comes with more effect and more force from the Senator from Colorado than it would from the Senator from Idaho. I do not care to discuss it, but I do not care to deny it.

Mr. THOMAS. I did not think the Senator would.

The PRESIDING OFFICER. The Senator from Florida will proceed.

Mr. BRYAN. I had reached the point——

Mr. GALLINGER. The Senator from Florida is so good natured, will he permit a single remark?

Mr. BYRAN. I yield to the Senator.

Mr. GALLINGER. There are about 237,000 widows on the pension roll now. I apprehend there are 100,000 of them who were pensioned who were not the wives of the soldiers during the war. They were pensioned under the act of 1890 and the act of 1900. Most of them were married after the war closed.

This bill is fashioned precisely upon the theory that that law is fashioned on. This may be bad legislation. I for my part do not think it is, but it may be bad legislation. If it is bad legislation we are simply adding a few to a very large number of widows who are on the pension roll under precisely the same conditions that are provided in this bill. I say this for the reason that I heard the Senator from Idaho, if I understood him correctly, to suggest that the widows on the rolls now are widows who were the wives of soldiers during the war. That is not the fact. A very large proportion of them are not. If the Senator will carefully study the act of 1890 and the act of 1900 he will observe that there are no more stringent requirements in those acts so far as widows are concerned than are contained in the bill under consideration to-day.

Mr. BORAH. Mr. President, will the Senator from Florida yield?

Mr. BRYAN. I yield to the Senator from Idaho.

Mr. BORAH. The Senator from New Hampshire understands better than I do, because he was here, that the argument which was made in favor of relieving the widows from proof at that time was that by reason of the long lapse of years that intervened she was not in a position, it was claimed, to make the proof, and therefore there might be a great many who were actually entitled to pension but who were unable to make the proof and thereby do a greater injury. But here is a different situation entirely. The proof is at hand. If a soldier died by reason of wounds received in the Spanish-American War it is comparatively easily established. If the soldier died by reason of disease contracted in camp it is easily established. The basis for that legislation does not exist with reference to this legislation at all.

Let me go further, because I intended to answer more fully than I did the Senator from Maine, and I do not desire to avoid at all my conclusion in regard to it. I would unhesitatingly strike from the pension roll any widow drawing a pension from a veteran who was not the wife of that soldier at the time he received the injury or contracted or developed his disease in the war.

Mr. GALLINGER. Will the Senator permit me? He is the bravest man in public life.

Mr. THOMAS. Mr. President——

Mr. BRYAN. I have the floor, but I yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to express my warm approval of the sentiment which just fell from the lips of the Senator from New Hampshire. I think the Senator from Idaho is the bravest man in public life.

Mr. BORAH. Mr. President, if the remarks are ironic, I pass them by; if otherwise, I disclaim the honor. But let me say one thing, that the Senators who say that wholly misunderstand the people of the United States. I would take my chance before any audience in this country of having just as many supporters for my position as would support the position of the Senator from New Hampshire. The American people love justice and hate injustice, and when you have a measure which is founded in justice you need not be afraid to carry it before the people, and you will have their popular support. I believe this bill, while smacking of patriotism, is unjust and unfair. We are not here to legislate for the few but for all, and I would not fear public condemnation in such a cause as I now urge.

Mr. GALLINGER. And, Mr. President, if the Senator could carry out the program he has outlined he would send to the poorhouses of this country a hundred thousand women who are the widows of soldiers and who took care of the old soldiers in their last hours and in their last days.

Mr. BORAH. Mr. President, that does not disturb the equanimity of the Senator from Idaho at all, for the reason that there are hundreds and thousands of widows of men who struggled in every honorable way to gain a competency but failed who must go to the poorhouse, and whose place is the poorhouse to-day. Time and time again in this country, especially in hours of industrial distress, we have witnessed the fact that hundreds and thousands of widows left by workingmen and their children have not only started for the poorhouse but have even been denied admission to the poorhouse, and have sought existence upon the public streets and in the public highways. For those people we have not yet gone so far as to legislate, and yet I venture to say that in principle, in justice, in humanity, in patriotism, there is no difference between the widow of the man who has struggled in vain and the widow of the man who has enlisted for 90 days and has suffered in no respect any loss because of the enlistment. When you come to take up, sir, the question of pensions for every necessitous widow I will be glad to consider it with you, but I want to deal with all alike who come under the principle.

Mr. GALLINGER. Mr. President, just a word, if the Senator from Florida [Mr. BRYAN] will permit me. The theory upon which this legislation was based was that no soldier or soldier's widow should be compelled to go to the poorhouse. Upon that theory I stand, and I think it is sound.

Mr. BRYAN. Mr. President, it will be inevitable that, if we keep up this plan long enough, we shall have civil-service pensions—pensions to the employees of the Government in the civil service. Indeed, only the other day, on the Post Office appropriation bill, an amendment of that character was offered. So far as I am concerned, I can not see that a man employed by the Government at a higher rate of pay than a man engaged in similar service for himself or under somebody else has a superior right to be supported by a pension, and I raised the point of order against that legislation, and it was sustained. There is an organization behind that demand. What will Congress do with it?

Then, when you have gone that far and placed upon the pension rolls the civil employees of this Government, you have done two things—you have given to those employees, who already now have considerable influence, greater influence, and then you have created a demand that likewise will be irresistible to put people in private life upon the pension roll.

The Senator from Idaho [Mr. BORAH] has well said that this class which it is proposed to add to the pension list to-day is a civil pension class. Their husbands were not engaged in any war. They married after the war was over. Suppose this bill should pass to-day and become a law, and one of these soldiers was married to-day and was now sitting in the Senate Gallery on his honeymoon, and later, walking down the street, was killed by an accident. What connection would that have with his enlistment 17 years ago in the Spanish-American War?

When you add to that list, how are you going to deny the claim for help to others who need the help? What are you going to say to the great industrial army? They may say, "We have not asked for the help of this Government; we have not applied for a position with shorter hours and greater pay; we are getting old; you have pensioned these others. What about us?" What will Congress say to that? "Oh," you may say, Mr. President, "they will not be organized." They will be organized. Some time ago I read a very interesting book written by a man named Squiers on "Old Age Pensions." He first establishes the fact that the so-called pension legislation of Congress is not legislation for the veterans of any war, and points out that a majority on the pension roll to-day never enlisted in any war. Mr. President, if they get organized, they will have legislation here. I have here a bill which, if I should read it to the Senate, would attract the curiosity and excite the laughter of Senators—a bill to organize an Army corps, prescribe qualifications for enlistment, define the duties, and fix the compensation and term of enlistment of privates, and for other purposes.

Mr. CLARKE of Arkansas. I ask the Senator from Florida to read it.

Mr. BRYAN. I will. It is as follows:

A bill (H. R. 14494) to organize an Army corps, prescribe qualifications for enlistment, define the duties, and fix the compensation and term of enlistment of privates, and for other purposes.

Be it enacted, etc., That immediately after the passage of this act an Army corps shall be organized, in the Department of War, under the direction of the President, to be known as the old-age home guard of the United States Army.

SEC. 2. That the old-age home guard of the United States Army shall be composed of persons not less than 65 years of age.

SEC. 3. That any person who is 65 years of age or upward and who has been a resident of the United States 25 consecutive years, and a citizen of the United States 15 consecutive years next preceding the date of application, and who is not possessed of property amounting to more than $1,500 in value, free of all incumbrances, or an income of more than $240 per annum, and who has not sequestered or otherwise disposed of property or income for the purpose of qualifying for enlistment as hereinafter provided, may make application in writing to the Secretary of War for enlistment in the old-age home guard of the United States Army, and it shall be the duty of the Secretary of War to enlist and enroll such applicant for the term of his or her life as a private in the old-age home guard of the United States Army, without regard to the physical condition of the applicant: *Provided*, That persons related as husband and wife shall not both be eligible for enlistment, enrollment, and service therein at the same time, and in case of dispute as to whether husband or wife shall be enlisted and enrolled, as herein provided, the question shall be decided by the Secretary of War, by and with the approval of the President.

This would create a war. The bill then proceeds to lay down the amount that can be received, and provides:

SEC. 4. That the pay of a private in the old-age home guard of the United States Army shall be $120 per annum, to be paid in quarterly installments, as pensions are now, by law, paid: *Provided*, That $10

per annum shall be deducted from the pay of each private and retained in the Treasury of the United States for every $100 worth of property in excess of $300, and for every $10 per annum income in excess of $120 possessed by such private.

SEC. 5. That arms and ammunition shall be furnished to privates in the old-age home guard of the United States Army, at the discretion of the Secretary of War, but no sustenance shall be furnished to them except the pay herein provided.

Mr. THOMAS. May I ask for what these arms are to be used? Do the old guard expect to fire on the Treasury?

Mr. BRYAN. The bill proceeds:

SEC. 6. That no private, or applicant for enlistment as private, shall be required to leave his or her home for the purpose of enlistment, enrollment, or service in the old-age home guard of the United States Army, nor shall they be required to assemble, drill, or perform any of the other maneuvers, nor be subject to any of the regulations of the United States Army, except as herein provided.

SEC. 7. That privates in the old-age home guard of the United States Army shall be required to report annually, in writing, to the Secretary of War, on blanks furnished by him for the purpose, the condition of military and patriotic sentiment in the community where such private lives, but no private shall be discharged, disciplined, or otherwise punished for failure to make such report.

SEC. 8. That the number of persons enlisted in the old-age home guard of the United States Army shall be in addition to the number of officers and privates now required by law in the United States Army.

SEC. 9. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. President, that strikes Senators as a bill which would not have much chance of passage. Senators will say there could be no influence behind a bill like that; but let us see: The American Federation of Labor met in Denver, Colo., a few years ago and appointed a committee to prepare a bill granting old-age pensions in the United States; and the committee reported to the next annual convention this bill, which was introduced in the other House by Mr. Wilson, of Pennsylvania, who is now the Secretary of Labor. Why should they not have pensions? To what can you point as a reason for not placing this class on the pension list? These people, 65 years of age, having been good citizens, never having asked for the help of the Government, what right have you got to deny them a place upon the same list?

The Senator from Idaho [Mr. BORAH] was right when he answered the Senator from New Hampshire [Mr. GALLINGER]. This pension list ought to be revised from top to bottom.

It used to be, Mr. President, that the granting of a pension was a recognition of services in the Army, but now it is becoming to be a question of dollars and cents.

Young men in the prime of life have gotten up their camps throughout this country, and an organization has demanded of Congress this legislation for the benefit of men in middle life, or the widows of men who may die in middle life or who have died.

I do not believe the public opinion of this country can draw the distinction between any deserving widow and the widow of a veteran of the Spanish-American War, in view of the fact that he never got to any war, but stayed in a camp during the summer time and the early fall, when he was relieved and went back home, and can not trace one iota of injury to his service.

Mr. GALLINGER. Mr. President, will the Senator from Florida permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BRYAN. I yield to the Senator.

Mr. GALLINGER. With reference to the suggestion that the pension roll ought to be overhauled, I desire to say that it was not a great many years ago—I wish I could give the date specifically—when that very thing was done, and the result was printed, I think, in six large volumes. A mere handful of men were dropped from the roll as a consequence. It was found by that investigation that the pension roll was a roll of honor.

Of course as to whether the widows, against whose pensions the Senator from Florida has been inveighing, should remain on the pension roll is another question; but it would require legislation to take them off the roll. The fact, however, that the roll was overhauled from one end of the country to the other and that frauds were found to be so few that they were negligible, showed that the roll at that time—it was not so very many years ago—was not permeated with fraud, as has been asserted.

Mr. BRYAN. Mr. President, I do not charge that there is any fraud about it. There could hardly be fraud perpetrated under the liberal provisions of the various acts as they now stand. All that had to be done by anybody was to show that he had enlisted in the war and that the enlistment lasted for 90 days.

Mr. GALLINGER. That is the case under two statutes.

Mr. BRYAN. They did not have to show any injury. That is my principal objection to the general law. I knew a man who lived in a town who died worth nearly a million dollars and who received a large pension. He did not need it; it was mere pocket change for him. What do you suppose the man who lived next door to him, and who had to work day in and day out and month in and month out and year in and year out, thought as to the treatment accorded him and that accorded to the other man? It is the inequality and the injustice of the treatment to which I object.

Mr. President, returning for a minute to the civil-service pension question, let us see as to that. The Senator from Iowa [Mr. CUMMINS] a few years ago had printed as a public document an article prepared by Herbert D. Brown. I was struck by the statement in that document, which I am about to read. Quoting from the Nineteenth Annual Report of the Civil Service Commission, the commission say:

It has been urged by opponents of the competitive system that that system, by securing comparative permanence of tenure, tends to promote superannuation in the public service. The commission calls attention to the fact that the civil-service law itself provides for no permanency of tenure. Under it any employee can be dismissed at any time. The successor of such employee, however, is no longer appointed through personal or political favor, and thus the civil-service act has taken away the motive for making arbitrary removals. To this extent the act has promoted permanency, and a very much smaller proportion of persons are removed from the competitive classified service than from other parts of the service. In order to secure justice in making such removals it was further provided by Executive order that the appointing officer must give his reasons, with proper notice and an opportunity for answer, to the person proposed to be removed, and that removals should only be made for such reasons as would promote the efficiency of the service. It is evident that under this rule, rigidly enforced, no person ought to be retained in the public service whose dismissal is required in the interests of good administration. But it is also true that from humane considerations appointing officers will be reluctant to dismiss those who have become superannuated or otherwise incapacitated where hardship is entailed upon the person so removed, and especially in cases where the employee in question has served the Government faithfully for years.

So there is to-day, to all practical intents and purposes, a pension of civil-service employees. Mr. Brown continues:

In the first place, the aged clerk suffers humiliation of spirit and discomfort of body that it ill becomes a great nation to put upon faithful employees. Pitiful cases of old employees who go to office long after their days of usefulness have passed are numerous and well known, for 1 out of every 14 Government employees in the city of Washington is over 65 years of age. Many of them are past 80, and nonagenarians have occasionally been on the Government pay roll. Paralytics are sometimes brought to office in wheeled chairs, and it frequently happens that a wife or child escorts the head of the house to his desk each day.

Further, Mr. Brown has this to say:

This loss to the Government through superannuation in the departments at Washington amounts, therefore, to about $400,000 a year. The committee of the National Civil Service Reform League continues the computation as follows:

"There are nearly five times as many classified United States employees outside Washington, but only two-fifths as large a per cent are over 70; therefore, there are outside Washington twice as many over 70. On the same basis of efficiency the loss outside Washington would be $800,000, or in the whole classified service of the United States $1,200,000."

Since the service is now much larger than when the estimate was made, the loss to the Government is probably considerably greater. In other words, to the extent of that sum of $1,200,000 a year the Government already has a civil pension list.

Mr. President, I understand the Senator from Oklahoma [Mr. GORE] desires to move to proceed with the Agricultural appropriation bill, and I yield the floor.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. GORE. Mr. President, I move that the Senate proceed to the consideration of House bill 12717, being the Agricultural appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma, to proceed to the consideration of the Agricultural appropriation bill.

Mr. JOHNSON of Maine. I hope that motion will not prevail. I think we have made progress in the consideration of the pension bill, and that we can dispose of it very soon.

Mr. SMITH of Georgia. Oh, no.

Mr. JOHNSON of Maine. At least I want to keep it before the Senate until it is disposed of, and I intend to do so.

Mr. BRYAN. The motion is not debatable, as I understand.

Mr. GALLINGER. Oh, yes; it is.

Mr. CLARK of Wyoming. It is debatable, being made after 2 o'clock.

The VICE PRESIDENT. After 2 o'clock the motion is debatable.

Mr. JOHNSON of Maine. As I have already stated, Mr. President, and as the Senate knows, this bill has been on the calendar for over three months. We are hardly treating the other House with the courtesy due that body, and we ought to act upon the bill. They are interested in having us do so. For that reason I hope the motion of the Senator from Oklahoma will not prevail.

Mr. SMITH of Georgia. Mr. President, it can hardly be claimed that courtesy requires us to pass a bill because the other House passes it.

Mr. JOHNSON of Maine. If the Senator will pardon me, I never said that; but we should consider it and keep up its consideration and act upon it.

Mr. SMITH of Georgia. I did not say the Senator from Maine had said that. I said that. I said I hardly thought courtesy to the other House required us to pass a bill because the other House had passed it. We have been on the agricultural appropriation bill for some time. We are nearly through with it. The 1st of July has passed. It is an appropriation bill for the current year, and we ought to finish it. I think Senators displaced it, supposing that this pension bill was an ordinary pension bill, not realizing that it was introducing an entirely new problem into our system of pension contributions. I am sure this pension bill will not be finished speedily. There is a good deal more that will be said about it, and I do think we ought to go on with our unfinished business, which is the Agricultural appropriation bill.

Mr. CLARK of Wyoming and other Senators. Question!

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma to proceed to the consideration of the Agricultural appropriation bill.

Mr. JOHNSON of Maine. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Smith, S. C.
Bankhead	Gallinger	Norris	Smoot
Beckham	Gore	Overman	Sterling
Borah	Gronna	Page	Stone
Brandegee	Harding	Phelan	Taggart
Broussard	Hardwick	Poindexter	Thomas
Bryan	Johnson, Me.	Ransdell	Thompson
Catron	Jones	Shafroth	Townsend
Chamberlain	Kenyon	Sheppard	Underwood
Clapp	Kern	Sherman	Vardaman
Clark, Wyo.	La Follette	Shields	Walsh
Clarke, Ark.	Lane	Simmons	Weeks
Culberson	Lippitt	Smith, Ariz.	Williams
Cummins	Lodge	Smith, Ga.	Works
Curtis	McLean	Smith, Md.	

Mr. THOMPSON. I am requested to announce that the junior Senator from South Dakota [Mr. JOHNSON] is detained on public business.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. STONE. Let the question be stated.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma to proceed to the consideration of House bill 12717, being the Agricultural appropriation bill.

Mr. JOHNSON of Maine. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is not at present in his seat, and I withhold my vote for the present.

Mr. JONES (when his name was called). I have a pair for the afternoon with the junior Senator from Virginia [Mr. SWANSON], who is away on public business, and therefore I withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. As he is absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the announcement made by me upon the last roll call as to my pair and its transfer, and asking that this announcement may stand for the day, I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer by pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. TILLMAN. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "yea."

Mr. THOMPSON. I desire to announce that the junior Senator from South Dakota [Mr. JOHNSON] is absent on public business.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 30, nays 28—as follows:

YEAS—30.

Bankhead	Culberson	Sheppard	Underwood
Beckham	Fletcher	Simmons	Wadsworth
Borah	Gore	Smith, Ariz.	Walsh
Brady	Kenyon	Smith, Ga.	Warren
Broussard	Overman	Smith, S. C.	Williams
Bryan	Phelan	Stone	Works
Chamberlain	Ransdell	Thomas	
Clarke, Ark.	Shafroth	Tillman	

NAYS—28.

Ashurst	Hughes	McLean	Pomerene
Brandegee	Johnson, Me.	Martine, N. J.	Sherman
Clapp	La Follette	Nelson	Sterling
Clark, Wyo.	Lane	Norris	Sutherland
Cummins	Lippitt	Page	Thompson
Gronna	Lodge	Pittman	Townsend
Harding	McCumber	Poindexter	Vardaman

NOT VOTING—37.

Catron	Hitchcock	Martin, Va.	Shields
Chilton	Hollis	Myers	Smith, Md.
Colt	Husting	Newlands	Smith, Mich.
Curtis	James	O'Gorman	Smoot
Dillingham	Johnson, S. Dak.	Oliver	Swanson
du Pont	Jones	Owen	Taggart
Fall	Kern	Penrose	Weeks
Gallinger	Lea, Tenn.	Reed	
Goff	Lee, Md.	Robinson	
Hardwick	Lewis	Saulsbury	

So the motion was agreed to.

And the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

The SECRETARY. The pending amendment is the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], on page 43, after line 3, to insert certain words.

Mr. GALLINGER. Mr. President, before the amendment is read I desire to make a very brief statement.

It will be recalled that the so-called Weeks Act, which proposed the purchase of lands at the headwaters of streams in different sections of the country for the protection of navigability of navigable streams, notably in the Appalachian and White Mountain regions. For the examination, survey, and acquisition of such lands the sum of $11,000,000 was appropriated. For the first year $1,000,000 was made available, and for the five subsequent years $2,000,000 per year. Under the law a commission was appointed, known as the National Forest Reservation Commission. That commission was constituted of the Secretary of War, the Secretary of Agriculture, the Secretary of the Interior, the senior Senator from Maryland [Mr. SMITH], the senior Senator from New Hampshire [Mr. GALLINGER], Representative HAWLEY of Oregon, and Representative LEE of Georgia.

When the commission was organized, Mr. President, it was found that it would be a waste of money if the commission used the first million dollars that was available for that year, and the amount was allowed to remain untouched. When the beginning of the second year was reached the commission was not in shape to use economically the $2,000,000 that had been provided for that year, and as a result a very small proportion of that amount was used—only a few hundred dollars. The commission then became fully organized and took up the work systematically. The three Cabinet officers named took a great interest in the work, the lands that were offered were examined with the utmost care, every foot of the ground was traversed by men competent to judge of the value of the land and of the timber, and the commission proceeded for four years to use the money that was allotted to it, to wit, $2,000,000 a year, except that during the last year a balance was allowed to remain in the Treasury, which now, I think, amounts to between four and five hundred thousand dollars.

The money having been so nearly exhausted, the commission thought it wise not to purchase any further lands until it was ascertained whether or not it could get further help from the Congress of the United States. The first suggestion was that the friends of the measure should ask that another appropriation should be made, covering a series of years; but upon careful consideration it was the consensus of opinion of the commission that a better way would be to ask that the $3,000,000 that had been appropriated and not used should be reappropriated, which would enable the commission to go on with its work for some time longer.

In the amendment I have submitted it is provided that for the next fiscal year $1,000,000 shall be appropriated, and that for the succeeding year $2,000,000 shall be appropriated, so that if we get the appropriations named in the amendment the commission will have had at its disposal precisely the amount of money appropriated by Congress when the original act was approved.

I will not take the time at present to call the attention of the Senate in detail to the work that the commission has been doing; but I will say, Mr. President, that the utmost care has been exercised, the utmost prudence has been practiced, to purchase these lands wisely and at a very low price. In one transaction, which took place not a year ago, the commission saved a million dollars by holding up a proposition that was very strongly advocated, and which really seemed, on the part of some men who were acquainted with the situation, to be a reasonable proposition. It was held up for some time and a million dollars was saved by that process, the land being purchased, as I say, at an inordinately low rate. The lands purchased have been largely in the Appalachian region, embracing the States of Alabama, North Carolina, South Carolina, Tennessee, Georgia, Maryland, Virginia, and West Virginia; and, in the northern region, in the White Mountain region of New Hampshire and to a limited extent in the State of Maine. The prices paid for these lands have varied, being from $5 to $6 an acre. Some of them have been purchased below $5 an acre, but I think $6 an acre is about the average price that was paid; and the money has been used exclusively for that purpose, except, of course, that a certain amount has been used for examining the titles, traversing the lands, ascertaining their value, and other incidental expenses that were unavoidable. I think about 50 cents per acre has been used for all the work that has been done by experts and by counsel who have passed upon the titles and in other ways.

The commission has expended a little less than $8,000,000; and at the end of last year, as I have said, it had about $500,000 in the Treasury, which has been reduced somewhat by meeting obligations that had not matured at that time.

Being a member of that commission, having served from its inception—without pay, of course—I am somewhat modest in praising the work of the commission; but I want to pay tribute to Mr. Garrison, Secretary of War, and to Mr. Houston, Secretary of Agriculture, and to Mr. Lane, Secretary of the Interior, who have attended almost every meeting of the commission, and who have taken the keenest interest in the work that we had in hand, and have insisted that it should be administered in the most economical manner possible, without any waste whatever. The other members of the commission have also discharged their duties with rare fidelity and enthusiasm.

Unless these appropriations are made the work of the commission will practically cease. I want to say that the necessity for more money is imminent for the reason that there are now certain parcels of land that, if the commission should acquire them, would consolidate areas that it is very important to have consolidated; and I feel sure the Senate will appreciate the fact that it would be unwise for us to stop work just now when those additional parcels, small in area as a rule, in different places, should be acquired to round out the work of the commission.

When $11,000,000 shall have been used, the amount originally appropriated—that is, provided this amendment is allowed—whether Congress shall in its wisdom then think it wise to extend the work or not, is entirely in its hands. I do not propose to say a word in advocacy of any further appropriation. But I do feel that as this is merely a reappropriation of money that was appropriated for a good purpose, which purpose has been carried out with the utmost economy and care, Congress ought not to hesitate to adopt this amendment.

The amendment, Mr. President, is in order, having been submitted to the Committee on Agriculture and Forestry, and by them considered and reported favorably, so that fortunately no point of order can be made against it.

With these few words, Mr. President, unless some questions are propounded to me, I submit the matter to the Senate and ask that the amendment may now be read and considered.

Mr. SMITH of Georgia. Mr. President, I wish to say just a little upon this amendment.

Mr. GALLINGER. Will the Senator allow the amendment to be read first?

Mr. SMITH of Georgia. Yes.

Mr. GALLINGER. It has not been read.

The SECRETARY. It is proposed to insert, on page 43, after line 3, the following:

That in order to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers" (36 Stat. L., p. 961), as amended, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, available until expended, the sum of $1,000,000 for the fiscal year ending on the 30th day of June, 1917, and $2,000,000 for the fiscal year ending on the 30th day of June, 1918.

Mr. SMITH of Georgia. Mr. President, the Senator from New Hampshire has praised the work of Democrats upon this commission. I can most freely praise the work of the representatives of his party upon this commission, and certainly include in that number the public-spirited and efficient work of the Senator himself.

This is indeed a nonpartisan work. It is also a nonsectional work. I had the privilege of serving, with the governor from one of the New England States, upon the committee which presented the project to Congress before any legislation took place; and I have watched it with deep interest and appreciation since the passage of the legislation, and am reasonably familiar with the work of the commission. There certainly never was a commission that served the Government more efficiently and more successfully—a commission which was so cautious in the execution of its duty that although it realized that the money should be spent, it spent it so slowly that $3,000,000 is still unexpended of the appropriation intended to purchase the necessary lands from the White Mountains down to the southern part of the Appalachian Range.

I am familiar with some of the lands. I believe it can be safely said that the lands already purchased could be sold to-day for $5,000,000 more than they have cost the Government. I know that the lands that they have purchased in the mountains of Georgia, the northern part of the State—not a great many lands have been purchased there, the purchases principally having been farther north—could be easily sold to-day for a handsome profit.

I believe this additional amount is essential to connect up the lands that have been purchased. I want to say, furthermore, that this can be regarded as an investment from every standpoint. It not only is stopping the stripping of the mountain sides, but it is giving opportunity for rapid regrowth of timber upon the mountains.

Intelligently handled, the timber cut from the land the Government is buying—most of it being a high-class and hard timber—with proper supervision will more than pay a good percentage in a short time upon the amount the Government has put, with the additional three millions, into these lands. It is helping check the wash at the source of streams, thereby lessening the overflow farther down in the lands far away from the place of the purchase.

I believe it can safely be said that scarcely a piece of land has been bought where an effort has been made to sell it. This commission have sought what they needed. They have priced it down, and have bought it at most remarkably low prices.

I regard this as a great service to that section of the country almost from the Mississippi to the coast. The preservation of the timber upon these mountains will help in every way the cultivation of the soil and the atmospheric conditions on both sides of the slope; and I cordially support the amendment of the Senator from New Hampshire.

Mr. BRANDEGEE. Mr. President, lest there might be some possible misunderstanding by somebody who read the RECORD without understanding the situation, I wanted to correct—if that is the term to use—one remark of the Senator from Georgia that I thought might lead to a misapprehension. If I heard him correctly, he stated that the commission had been so careful in its purchases that it had not expended $3,000,000.

Mr. SMITH of Georgia. No; that it had not expended the amount of the appropriation by $3,000,000.

Mr. BRANDEGEE. I am still fearful that if that statement were left unamplified somebody who read this part of the RECORD and not the other part might think there was still $3,000,000 in the hands of the commission to be expended.

Mr. SMITH of Georgia. Oh, no; not at all.

Mr. BRANDEGEE. I know the Senator does not intend to let that impression go out.

Mr. SMITH of Georgia. The appropriation has expired, and this is an extension of three millions unexpended, which heretofore had been appropriated, and was subject to expenditure. I meant to say that the commission was so cautious in its selection of the lands, and proceeded so deliberately, that instead of rushing through with the expenditure three millions of the money appropriated to its credit had not been expended; and the commission simply asks now that it may be allowed to expend in completing its work the three millions heretofore appropriated to it which it has not used.

Mr. BRANDEGEE. I am glad the Senator amplified his remarks himself. I remember the original bill substantially. It appropriated a million dollars for use the first year and two millions the second year; and before the commission could get thoroughly organized and examine the different properties offered to it to make its selections the million dollars appropriated for the first year and the $2,000,000 appropriated for the second year had not been expended. Hence they lapsed; they were not used. This amendment does nothing except, in effect, to make available for the next two years those appropriations of which the commission was unable to avail itself during the first two years of its existence. I am heartily in favor of the amendment, and I hope it will be unanimously voted into the bill.

I desire to ask the Senator—not having been able to read the report of the commission—if he can state, not exactly, but in substance, how large tracts of land have been purchased in the White Mountain section of the country?

Mr. GALLINGER. I will state it to the Senator in a moment.

Mr. BRANDEGEE. I do not want the Senator to spend any length of time about it or go into detail, but I wish to understand whether large tracts have been purchased and whether they are contiguous. The Senator said something about possibly being able to consolidate certain purchases.

Mr. GALLINGER. The commission has made the area as contiguous as possible. They have purchased a large portion of the Presidential Range, including Mount Washington, but in some places there are breaks we want to fill in. The area which may be acquired in New Hampshire embraces all the principal mountain peaks of the White Mountains proper, and contains 698,086 acres, of which the Government has acquired or contracted to acquire 256,467 acres. From the viewpoint of protection, the purchase area covers the most important sections of the watersheds of the Connecticut, Androscoggin, Saco, and Merrimack Rivers. However, there are other considerable areas farther north at the extreme headwaters of the Connecticut River which should eventually be acquired. The entire area is very mountainous, with elevations that range from 1,000 to more than 6,000 feet and slopes that are long and steep. The forest on the lower slopes and flats is spruce mixed with beech, birch, and maple, while on the upper and steeper slopes the forest is almost wholly of spruce and balsam.

Mr. BRANDEGEE. Has that report been extensively printed?

Mr. GALLINGER. It is in print and available to every Senator.

Mr. BRANDEGEE. Is it a public document?

Mr. GALLINGER. A public document.

Mr. BRANDEGEE. Will the Senator put into the RECORD for the benefit of the public the number of the document?

Mr. GALLINGER. It is House of Representatives document 138, of the present Congress, first session.

Mr. BRANDEGEE. I assume from the smaller area purchased of the White Mountain section that the land was more expensive than the land of the southern Appalachians.

Mr. GALLINGER. It is proper to say that there were portions of it which were more expensive, but for the most part not any more expensive than in other sections of the country. I can not give the Senator definite information on that point, but in a general way I will say that the land was purchased at a very low figure, and in no instance was it purchased at a price that those who know most about it thought was even quite its value. There has been a good deal of patriotism shown by owners of this land in all sections of the country, and while they started out asking what we thought was exorbitant prices when they came to understand the purpose of the commission and the purpose of Congress they very generously, as we thought, reduced the price. In every instance the experts of the commission reported that the price at which we bought the land was considerably below the actual value.

Mr. SHIELDS. I wish to ask the Senator from New Hampshire if he can readily state from the report the number of acres that have been purchased in Tennessee?

Mr. GALLINGER. It will be difficult to do that. For instance, White Top, which was purchased, included 339,625 acres in southern Virginia and northeastern Tennessee. It is situated in both States on the watershed of the Tennessee and Kanawha Rivers, but exactly what proportion of it is in Tennessee I can not say.

Mr. SHIELDS. There have been perhaps several hundred thousand acres purchased in Tennessee.

Mr. GALLINGER. I can not say definitely as to that.

Mr. SHIELDS. Has not some of that been purchased as long as two or three years ago, but the sale is not yet completed?

Mr. GALLINGER. The Department of Justice, which has charge of the examination of the title, has been very technical, and, as the commission has sometimes thought, rather slow in doing their work, but there have been a good many troublesome little questions involved, such as mineral rights and other matters of that kind, and perhaps in some cases a controverted ownership. However, the Senator is right in asking the question as to whether the department has not been a little slow in closing the work and paying the money to the owners of the land. Considerable complaint of that kind has reached the commission from different sections of the country, and the commission in one instance tried to speed the department, and I know that to some extent it was successful. In the Senator's section of the country there may be delays which seem unnecessary or unusual. If the Senator will present them to the commission, I give him my word that the commission will take it up with the Department of Justice and see that a more speedy conclusion, if possible, is reached.

Mr. SHIELDS. The information I have is in no way in regard to the delays in accepting titles and in no way affects the commission nor their work. On the contrary, from the information I have of the purchases in Tennessee I can cordially join in all the commendations that have been passed upon the commission's work. The lands purchased by them in Tennessee are now in many instances worth two or three times what they were worth when they were purchased. They were all purchased at a fair value, none of them at an excessive value. It would have been a good investment for private investors, and not only was it a good investment, but evidently contributed greatly to carry out the objects of the bill. However, I have information that large bodies of land were purchased two or three years ago that the United States has taken possession of and it is granting the grazing of them, and yet the purchasers have waited all this time for their money, although that money is here in the Treasury.

Mr. OVERMAN. Has the title been perfected? The trouble in my State has been in perfecting the title. I know the Government had possession of the land and had to bring suits to perfect the title.

Mr. SHIELDS. I understand a great many suits have been brought to perfect the title, but there was no necessity for the suits to remain in court forever. They ought to be pressed through. I understand the former holders have received no interest from the United States on the purchase money of the land they sold. They are out of interest on their money, they are out of possession of the land, and out of the use of the land. Of course it is doing them very great injustice. If possible the perfecting of those titles can be speeded, and it ought to be speeded. If there is any possible way to provide that suits of that kind or the work of the Department of Justice in relation to them could be speeded by giving them a preference it ought to be done. I do not know that anybody is in fault, because I have no personal knowledge of the details of the matter, but it does seem too long for these men to be kept out of the use of their money and also out of the property they sold.

Mr. GALLINGER. I will gladly cooperate to bring about what the Senator from Tennessee desires. That it may appear accurately in the RECORD, I will repeat that purchases have been made up to the present time in Alabama, Georgia, Maine, Maryland, New Hampshire, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. One of the most interesting purchases that the commission made was that of the estate in North Carolina known as Biltmore. The commission did not purchase the entire Vanderbilt estate, but they purchased a portion of it, including the roads and other improvements that had been made. Mrs. Vanderbilt sold it to the commission at a ruinously low rate, because she was able to do it at a price very, very far below its value.

Mr. OVERMAN. I think she could sell that property now if she had it for more than double what she received.

Mr. GALLINGER. I think there is not any doubt of it. I believe it could be sold for four times what the commission paid.

Mr. OVERMAN. Yes; for four times the price at which she sold it; but she wanted the Government to have it.

Mr. GALLINGER. Mrs. Vanderbilt was very patriotic about that. She said she would be glad to have the Government acquire the property, and she would sell it at a price very far below its actual value. The commission in almost every other case has been fortunate in finding men and women who took an interest in this enterprise and who, instead of asking fabulous prices for their property, were willing to sell it at a very low price.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMPSON. Mr. President, I wish to call up my amendment on page 53, that was passed over on Monday on account

of the absence of my colleague [Mr. CURTIS], who desired to be present when the amendment was considered.

In support of the amendment I wish simply to state that this matter was introduced first in the form of a bill by Congressman AYRES in the House of Representatives and favorably passed upon by the committee there, but this bill in the meantime had reached the Agricultural Committee of the Senate. I introduced a separate bill in the Senate and it was favorably considered by the committee, and I then proposed it as an amendment to this bill and it was adopted by the Senate committee.

Mr. President, this is one of the most important entomological field stations in the United States. It embraces the larger portion of seven States of the great agricultural section of the Middle West—Kansas, southern Nebraska, southwestern Iowa, western Missouri, western Arkansas, Oklahoma, and northern Texas.

The object of the amendment is to bring about permanency in the establishment and location of this station so that the Government can successfully carry on its important work without the interruption occasioned by moving. The station was established in 1907, and has been required to move three different times, greatly interfering with its work.

In 1908 this station alone saved to the State of Kansas over $500,000 by the destruction of the Hessian fly, which infested the wheat fields. It is safe to say that it saves several million dollars every year by the destruction of the insects and worms which destroy crops in the Middle West, such as the Hessian fly, chinch bug, fall army worm, false wireworm, false chinch bug, true wireworm, green bug, and the alfalfa webworm.

To carry on this work it requires permanency of location.

I visited this station about a year ago. They did not have a permanent location, but occupied temporary quarters no more pretentious than the frame building in front of the Senate garage. To carry on these experiments requires a series of years. Some of the most important investigations, such as subterranean insects, insects that pass the larval period below the ground, require several years to complete the experiments. Permanent occupancy of grounds is also necessary to carry on experimental plat tests.

I hope, therefore, the site proposed by this amendment may be procured, so that this valuable station may be permanently established and suitable buildings constructed to carry on the important work of the station.

We are not asking for any great sum. The bill was reported favorably from the House committee at $15,000. The Senate committee cut it down to $10,000, which, under the present situation, I understand will be satisfactory, as the citizens of Wellington now propose to donate the site if they can secure the construction of suitable buildings by the Government.

Mr. SHAFROTH. The committee has no objection to this amendment.

Mr. SMOOT. I have an amendment to the amendment which I desire to offer.

Mr. CURTIS. Mr. President, I understand that the citizens of Wellington are willing to donate a site, and the Senator from Utah has informed me that he will agree to an amendment that this building shall be erected when the site is donated.

I therefore move, in line 18, to strike out "and erecting," and also the words "purchase, condemnation, or otherwise," in lines 18 and 19, and insert in lieu thereof the word "donation," and on page 54, line 5, to strike out the words "site and."

Mr. SMOOT. Those are the amendments I suggested to the Senator, and I think they ought to be adopted.

Mr. SHAFROTH. Will the Senator from Kansas repeat the amendment?

Mr. CURTIS. Certainly. In line 18 strike out "and erected," and in the same line on the same page, after the word "by," strike out "purchase, condemnation, or otherwise," and insert "donation," and on page 54, line 5, strike out the words "site and." That provides, then, that the building shall be erected when the site is donated and sufficient title is given to the Government.

Mr. THOMPSON. This amendment, I understand, simply does away with the idea of acquiring by purchase.

Mr. CURTIS. That is right.

Mr. THOMPSON. I understand it is entirely satisfactory.

Mr. SMOOT. I move to add to the amendment, after the word "acquired," in line 18, page 53, the words "by donation," so that it will read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by donation a site within or near the corporate limits of the city of Wellington, Sumner County, Kans.—

And so forth.

Mr. SHAFROTH. Is that satisfactory to the Senator from Kansas?

Mr. CURTIS. It is perfectly satisfactory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORE. I send to the desk an amendment which I desire to offer and which was called to my attention by the Secretary of Agriculture.

Mr. SIMMONS. I will ask the Senator from Oklahoma if he will not yield to me to offer an amendment, as I am obliged to leave the Chamber and I should like to have the amendment considered before I go, if it will not inconvenience the Senator.

Mr. GORE. In view of the Senator's statement that he desires to leave the Chamber, I will yield to him for the purpose of offering the amendment.

Mr. SIMMONS. I send it to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, after line 3, insert:

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospective development and utilization of the mineral resources of the lands acquired under the act of March 1, 1911 (36 Stats., 961, known as the Weeks law), upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

Mr. SMOOT. May I ask the Senator a question in relation to this amendment? Has he consulted the commission that was appointed to purchase this land as to whether they have any objection to the amendment or not?

Mr. SIMMONS. No; I have not consulted the commission, but I have a letter from the Secretary of Agriculture, who is a member of the commission, strongly indorsing the amendment.

Mr. SHAFROTH. I should like to ask the Senator from North Carolina whether or not this extends to any other lands than those which were purchased under the Weeks Act?

Mr. SIMMONS. It is limited by the express terms of the amendment to lands purchased under the Weeks Act.

Mr. SMOOT. Mr. President, of course the amendment proposes general legislation, but I shall not interpose an objection to it because of the fact that I can see no harm which can come from it, although I wish to say that, as a general thing, this class of legislation should be referred to the Committee on Public Lands for consideration——

Mr. SIMMONS. I will state to the Senator——

Mr. SMOOT. Just a moment, if the Senator from North Carolina please. I am quite sure if this principle were undertaken to be extended to the public lands of the West, we should certainly object to any such legislation; but as it is confined to the lands which have been purchased under the so-called Weeks Act, I have no objection to the amendment being accepted.

Mr. SIMMONS. Mr. President, I will state to the Senator from Utah that this amendment in an enlarged form has already passed the House of Representatives and passed without opposition. It is strongly recommended by the Agricultural Department. It only applies to certain minor minerals—the important minerals, the valuable minerals, are reserved to the grantors in the various deeds for these several tracts of lands. It will only affect mica, kaolin, manganese, and things of that sort, things of such little importance that the grantors did not see proper to reserve, although they had the right under the Weeks law to do so. These little deposits, which were allowed to be operated and utilized, are mere pocket deposits. The people who live along the land there have been in the habit from time immemorial of developing them in little pockets, just to make a little money after the crops have been laid by. It is not a regular industry at all.

Mr. SMOOT. But I wish to say to the Senator from North Carolina that the provision does not prohibit the mining of any kind of minerals; it does not prohibit the mining of gold or silver or copper or of any other mineral which might happen to be upon those lands.

Mr. SIMMONS. Mr. President, as the Secretary of Agriculture states in his letter, all of the valuable minerals are reserved by the grantors in their deeds. This relates only to such minerals as are not reserved by the grantors in their deeds to the Government.

Mr. GALLINGER. Mr. President, may I hear the amendment read?

The VICE PRESIDENT. The amendment proposed by the Senator from North Carolina [Mr. SIMMONS] will again be stated.

The SECRETARY. On page 44, after line 3, at the end of the provision relative to the Forest Service, it is proposed to insert the following:

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under

the act of March 1, 1911 (36 Stat., p. 961), known as the Weeks law, upon such terms and for specified periods, or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

Mr. GALLINGER. Mr. President, this is new to me, and I will ask the Senator from North Carolina exactly what is the purpose of the amendment? It is sufficiently expressed perhaps, but I should like an explanation.

Mr. SIMMONS. Mr. President, I will say to the Senator from New Hampshire that this amendment has already passed the House of Representatives without opposition; but I think I can state its object more satisfactorily by reading a letter from the Secretary of Agriculture, who is a member of the commission, strongly approving of the amendment. This letter is addressed to the Hon. A. F. LEVER, chairman of the Committee on Agriculture of the House of Representatives, and is dated March 23, 1916. It reads as follows:

DEAR MR. LEVER: I wish to acknowledge receipt of a copy of the bill (H. R. 12885) to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests, with the request for an expression of the views of the department relative thereto.

It is limited in this amendment to purchases under the Weeks law.

This bill, if enacted, would apply to lands acquired under the act of March 1, 1911 (36 Stat., 961), known as the Weeks law, and to any other national forests which are not made subject to the mining laws of the United States by the act of June 4, 1897 (30 Stat., 11, 36).

Generally, in the lands being acquired under the Weeks law, the more valuable deposits of minerals have been reserved by the vendors. Provision is made for these reservations in section 9 of that act. In the lands where an absolute fee is being acquired and there are certain deposits of mica, kaolin, manganese, and iron the Government, of course, owns the minerals. Generally these deposits occur in pockets which can readily be developed and worked out by small operators without much equipment or investment. There is considerable demand for opportunity to work these deposits, and some plan is needed by which the Secretary of Agriculture can permit them to be opened up and worked without title to the land passing out of the United States. The effect of such mining operations under proper regulation would not damage the forest or the protective covering of the watershed to any material degree on account of the smallness of the deposits which are usually found in pocket formations.

This department is heartily in sympathy with any plan which will make these purchased areas, as well as the forests established on the public domain, contribute in all ways, through the development of their resources, to the welfare of the regions in which they are located. In the circumstances, the department is of the opinion that the bill under consideration should be enacted into law.

I have just offered an amendment limiting it to lands purchased under the Weeks law.

Mr. GALLINGER. And this letter was written by the Secretary of Agriculture?

Mr. SIMMONS. It was written by the Secretary of Agriculture. It is signed, "D. F. Houston, Secretary."

Mr. GALLINGER. I wondered when I came into the Chamber what necessity there was for legislation of this kind, for the reason that it is a fact that, as a rule, the mining privilege, wherever it is valuable, has been reserved to the vendors.

Mr. SIMMONS. It has been reserved as to important minerals. What is sought to be reached here should not be called minerals. It is kaolin largely, which is a clay formation, and also mica, which is hardly a mineral, I should say.

Mr. GALLINGER. They will be fortunate if they can make any profit out of mining when the deposit is in pockets. However, I have no objection to the amendment.

Mr. SIMMONS. These are worked by farmers living on the borders.

Mr. GALLINGER. I certainly have very much confidence in the Secretary of Agriculture and his interest in this legislation, and even if I had not I should be very loath to object.

Mr. SIMMONS. The Secretary of Agriculture is a former North Carolinian, and I think is very thorougly familiar with the situation with reference to the operation of these little pockets in that State.

Mr. GALLINGER. He is a very earnest member of the National Forest Reservation Commission, and I know he would not do anything that would be harmful to the work of that commission.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Carolina.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will now state the amendment proposed by the Senator from Oklahoma [Mr. GORE] on behalf of the committee.

The SECRETARY. On page 21, line 17, in the item "for studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa," the committee proposes to strike out "$28,700" and to insert the following:

And for carrying out the provisions of the act approved August 24, 1912, entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes" (37 Stats. L., 506), $31,700; and hereafter the provisions of said act approved August 24, 1912, shall be applied to seed of vetch and rye grass; and hereafter, when any kind or variety or mixture of the seeds subject to the provisions of said act of August 24, 1912, as hereby amended, shall contain less than 65 per cent of live, pure seed as distinguished from dead seed, chaff, dirt, other seeds, or foreign matter, such seeds or mixtures thereof shall be deemed unfit for seeding purposes within the meaning of said act approved August 24, 1912, and the importation of such seed or mixture thereof is prohibited: *Provided, however*, That seed of Kentucky blue grass and seed of Canada blue grass shall not be considered unfit for seeding purposes when they contain 50 per cent or more of live, pure seed.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oklahoma.

Mr. GRONNA. Mr. President, may I ask that Senator from Oklahoma if the amendment has reference only to grass seeds?

Mr. GORE. It is an amendment to the existing law passed August 24, 1912, to prohibit the importation of adulterated seeds, and it adds to the list of seeds enumerated in that act rye and vetch. It appropriates $3,000 to assist in carrying out that act, and fixes a minimum standard by which certain seeds shall be tested.

Mr. GRONNA. Well, what is meant by the word "seeds"? Does it apply simply to grass seeds or to seeds of grain of all kinds?

Mr. GORE. I think not; but I can not enumerate the seeds referred to without the act. It is limited to the seeds enumerated in the act of August 24, 1912, which was an act to prohibit the importation of adulterated seeds.

Mr. GRONNA. I think, Mr. President, that the word "grass" should be inserted in the amendment. I think that is the language of the original act.

Mr. GORE. I will say to the Senator that it is not necessary to include any of the language of the original act. The original act did not include rye and vetch. So, these two classes of seed are being added to the enumeration of seeds in the original act. There is no effort to reiterate that enumeration. These are simply added. I will say to the Senator that he can look into it further, and we will reopen it in the Senate, or before that, if he desires that to be done.

Mr. GRONNA. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. GORE. Mr. President, I will say that I have two other amendments sent in by the department, but shall not offer them at this time, as they are of considerable length. I send an amendment to the desk, which I desire to move myself.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 124, after line 19, it is proposed to insert:

Rural sanitation: To enable the Secretary of Agriculture to cooperate with other Federal authorities in studying the problems and disseminating information concerning rural sanitation, $100,000.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oklahoma.

Mr. WADSWORTH. May the amendment be stated again? It is rather an important amendment, carrying $100,000.

The VICE PRESIDENT. The Secretary will restate the amendment.

The Secretary again stated the amendment.

Mr. SMOOT. Mr. President, would it not be better for the Senator to change the amendment, and authorize the public Health Service to handle this subject under the appropriation of $100,000? I say that for the reason that the Public Health Service have all the agencies at hand; it is doing similar work at the present time; and it does seem to me if we are going now to undertake to provide another organization in another department of the Government to do this work, it will be a very expensive undertaking. It appears to me that if we are going to appropriate a hundred thousand dollars for investigating problems of rural sanitation, the provision ought to be worded so that the agency of the Government now doing that class of work will have it in hand. We can do that by changing the amendment and allowing the amount asked for to be included in the bill.

Mr. GORE. Mr. President, the Senator will note that the word "cooperate" is used, and, I think, probably that will meet his objection. This amendment directs the Secretary of Agriculture to cooperate with other Federal authorities. It does not mean to displace other authorities or to supersede them or to usurp their powers or to discharge their functions, but the Department of Agriculture has a more extensive rural organization than any other department of the Government, and it has seemed to me that it might render incalculable service to the Public Health Service in carrying forward this work, in the

study of these problems, and in the dissemination of the information, which are the two purposes to which this amendment is limited. It seems to me that, as it directs merely cooperation, it would confer upon the department the power and afford it the opportunity to utilize the activities of the Public Health Service.

Mr. SMOOT. In the sundry civil appropriation bill, which has just been passed, there is an appropriation of $25,000 for this purpose.

Mr. GORE. If we enable the Department of Agriculture to cooperate with the Public Health Service, with its rural organization, it seems to me that it could do more than any other department in carrying forward this line of investigation in conjunction with the Public Health Service.

Mr. SMOOT. My experience has been, Mr. President, that wherever we have more than one department undertaking any kind of work there is a duplication of work, and it is a very expensive undertaking.

Mr. GORE. I think that where the powers are independent that is true.

Mr. SMOOT. We have already in the Public Health Service men trained for this very work. This appropriation will have to be used for securing the services of just such men as we already have in the service. I do not want the Senator to think that I am objecting to the investigation of rural sanitation.

Mr. GORE. I am sure the Senator is not.

Mr. SMOOT. I am not doing that, but I do feel that if we are going to expend $100,000 for that purpose we ought to get the most possible out of it, and I believe that if the amendment be changed so as to provide that the Public Health Service shall undertake this work with the force which they already have we will get more out of it, and there will be more benefit to the people of the United States than if we undertake to direct the Secretary of Agriculture to do this class of work, which is already being done in part by the Public Health Service.

Mr. THOMAS. Mr. President, if the Senator from Utah will permit me I should like to inquire of the Senator having charge of the bill if any estimate has been made for this appropriation?

Mr. GORE. I will say that none has been made this year. I think last year or the year before there was an estimate.

Mr. THOMAS. Then, I think I shall be obliged to make a point of order against this amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. LODGE. Mr. President——

Mr. GORE. If the Senator will allow me a moment, I desire to offer another amendment which I think will require no discussion, and then I shall be glad to yield to the Senator from Massachusetts.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 125, after line 26, it is proposed to insert:

The Secretary of Agriculture is directed hereafter to submit to Congress annually a statement showing investigations and other services conducted by the Department of Agriculture which have been completed and which can be discontinued.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. I offer the amendment which I send to the desk to go in on page 80, at the end of line 4.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 80, after line 4, it is proposed to insert:

To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the National Dairy Show Association, to be held at Springfield, Mass., during the fiscal year ending June 30, 1917, illustrative of the boys' and girls' club work, and other features of the cooperative agricultural extension work carried on in the North Atlantic States, including labor and all expenses in the city of Washington and elsewhere, $15,000.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk, to follow line 12, page 79.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 79, after line 12, it is proposed to insert:

For a proportionate share of the amount required to construct an interstate wagon road or highway through the Mukuntuweap National Monument, Utah, approximately 15 miles, the sum of $15,000.

Mr. FLETCHER. What is that for, Mr. President?

Mr. SMOOT. I will say to the Senator that it is for paying the proportionate share of the amount required to construct an interstate wagon road or highway through the Mukuntuweap National Monument. The monument is located in the southeastern part of the State. The land has been withdrawn as a national monument by the Government. The State of Utah can do no work in it. It is a canyon of remarkable colorings, that the Government thought ought to be held as a national monument, as one of the wonders of the world.

Mr. FLETCHER. Has it been estimated for?

Mr. SMOOT. No; it has not been estimated for; and if the Senator desires to make a point of order, the point of order will lie against it. I wish to say, however, in explanation of the amendment, that the State of Utah and the State of Arizona have built their lines of interstate wagon road up to this monument. The State of Utah has no control whatever over the road through the canyon. It is held by the Government to-day; and in order to make the monument accessible, there must be a road built there. The amount provided is simply to pay their share or proportion of building the road. If it is not built, of course, the work of the two States goes for naught as far as this 15 miles of road is concerned.

Mr. FLETCHER. Mr. President, I feel that I ought to raise a point of order against the amendment.

The VICE PRESIDENT. Has it been estimated for?

Mr. SMOOT. No, Mr. President; it was not estimated for. I expect to get an estimate for it, but I will say frankly that it has not been estimated for.

The VICE PRESIDENT. There is nothing for the Chair to do except to sustain it, then.

Mr. SMOOT. That is true; there is nothing for the Chair to do except to sustain it if the Senator insists upon it.

Mr. THOMAS. Mr. President, I offer a substitute for lines 1 to 22, inclusive, on page 57.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 57, as a substitute for the matter in the bill included between lines 1 and 22, both inclusive, it is proposed to insert:

That all persons engaged in destroying wolves, coyotes, bears, and other predatory animals the destruction of which is provided for by State laws and bearing license or permits from the proper State authority shall at all times have access to the national forests of their respective States in pursuit of such purpose.

Mr. THOMAS. Mr. President, the proposed substitute will save $420,540 to the Government if adopted. The general purpose of the appropriation is to rid the western country of certain predatory animals and other animals injurious to agriculture and animal husbandry and to make certain investigations and experiments.

The general purpose of this bill seems to be to devote money to the making of investigations and experiments and studies. We are experimenting, investigating, and studying all of the habits and idiosyncrasies of men and of animals, to say nothing of insects and soil pests and other pests, and all at the public expense. All of this may be necessary for the proper administration of the agricultural industry of the United States; and if it is, it is perfectly proper that the appropriation should be so made. But I think that this bill, like all national appropriation bills, is packed and padded with divers items, in themselves comparatively small but in the aggregate amounting to millions of dollars, which produce no results, or at least no substantial results, in return for the expenditure.

Some two years ago an appropriation was made in the agricultural bill, if my memory serves me right, of about $300,000 for the purpose of exterminating certain predatory animals. I then called attention to the fact that in the Western States, generally speaking—I think perhaps in all of them—legislation has existed for many years, in the shape of bounties upon scalps of predatory animals, which has resulted in the minimizing of the evil, and in some instances in the practical extermination of certain species. It is the best, if not the only, way to get rid of such pests, Mr. President. A man who is paid by the head or by the scalp for the extermination of a given line of animals receives his money only when he produces results. If he gets no scalps he gets no money, and the inducement to secure compensation is a sufficient spur to prompt him to do the best he can. Men very soon become experts in the hunting of these animals, and in other days some of them were wont to make considerable money, particularly in the extirpation of coyotes.

Mr. President, at that time the answer—and it prevailed with the Senate—was that since the Government had created national forests, thus segregating a large part of the public domain from use—or, I will say, from location—by citizens——

Mr. SMITH of Arizona. "Use" is better.

Mr. THOMAS. Well, I will be moderate and conservative on this occasion—they had become breeding places for these animals, in consequence of which they were multiplying rapidly and becoming dangerous to civilization; and that inasmuch as the Government had seen fit to pursue this method, the corresponding duty existed upon its part and at its expense of exterminating these animals.

I think it is true, as I said a day or two ago, that in consequence of the establishment of these national reserves some species of these animals have shown a tendency to increase; and if it be true that we can not rid ourselves of them except by appropriations like this, then I concede the corresponding obligation that is asserted here. But, Mr. President, I find nothing in the national reserve law, nor in the multitudinous rules and regulations which have been adopted by the Agricultural Department for the administration of these reserves, which forbids the extermination of these pests by citizens of the United States under the State law, except, as suggested in private conversation the other day by my friend the senior Senator from Arizona [Mr. SMITH] that no man was allowed with a gun during the closed season upon the reserves.

I am also painfully aware of the fact that many of these regulations are miscroscopic and irritating, and that in their application they can be made to serve such a purpose. But if by statute we remove the possibility of any such interference, so that the local laws may have full play and those engaged in executing them may have freedom of access, ingress, and egress with regard to these reservations, then certainly the object sought to be attained by this substitute will be accomplished.

Mr. SMITH of Arizona. Mr. President, will the Senator permit a suggestion right there?

Mr. THOMAS. Yes; I yield to the Senator.

Mr. SMITH of Arizona. I make it as a mere suggestion to the Senator.

Inasmuch as these great reserves have been created, and it has been seen that these predatory animals are increasing on account of the absence of people on these vast reserves, I appreciate the Senator's purpose, but under his amendment the county will have to pay a premium to every man that goes as an individual on the Government reservation and kills and brings in the scalps. In my State for a long time as high as $25 a head was paid for bear and for mountain lion, and I hear that in some of the States they have gone much higher, even for wolves, probably, in Colorado.

Now, if the citizen is given free permission to enter the forest reserves for the slaughter of these animals, he carries them to the county seat of the county in which it would be if it were not for the reserve and gets his reward for them.

I think there is a great deal of justice in what the Senator says about our paying men vast sums for doing nothing; but suppose we limited the payment to these animals killed on the reserves, and provided that on proof of their being killed there, and the scalps being produced as required in the counties before one of the forest officials, the Government should pay the bounty that the States have found it necessary to pay in order to save themselves at all. If this amendment is adopted, the whole of it will fall on the counties, for these very scalps will be taken to the counties, and they will get the reward for them. If the amendment were so worded that for the scalps taken the men got the pay, and got no other, I think probably it would accomplish the purpose we both have in view.

Mr. THOMAS. Of course, Mr. President, these reserves are laid over existing counties.

Mr. SMITH of Arizona. Certainly.

Mr. THOMAS. I think that is universally true. The existence of the reserve therefore does not inconvenience the hunter in getting his pay. My recollection of the statute in my State, however, is that it is the State treasurer who makes these payments. I am not sure about that.

But the fundamental fact is that the State laws exist. Men are acting under them. They are getting all the scalps they can—at least, I assume that to be the case generally in the West—and there is no need of having two separate methods of accomplishing the same thing, one State and one National, one of which is made effective by payment on results and the other tending to become ineffectual by requiring no such thing.

Mr. SMITH of Arizona. I want them to require it.

Mr. THOMAS. A man is employed for $115 a month, as the Senator from Indiana [Mr. TAGGART] said the other day, and he gets his $115 a month whether he kills 1 predatory animal, 20 predatory animals, or none at all. Now, what inducement is there behind the man whose salary depends not upon results but simply upon the passage of time?

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. THOMAS. I do.

Mr. SHEPPARD. Sometimes a man who is paid a salary of $115 a month, by trapping only one wolf or coyote that destroys thousands and thousands of dollars worth of property, does more good than a man who gets a bounty and captures several hundred but does not get the animal that does the damage.

Mr. THOMAS. Oh, yes, Mr. President; but if he gets a hundred animals he stands more chance of getting the particular animal that does the damage than the man that only gets one.

Mr. SHEPPARD. The experts of the Department of Agriculture say that the contrary is frequently true. They say that the bounty system is not the most successful one; that it tends to secure the preservation of the females and the destruction principally of the males; that their salaried trappers have often found she wolves with four or five trap marks on them, showing that they had been liberated in order that they might reproduce their kind and thus provide more bounties. The bounty system may be valuable to a certain extent, and most of the bounty hunters are honest and reliable. It has been tried on a large scale, however, and has not produced the best results. This is what I understand to be the position and experience of the Department of Agriculture.

Mr. THOMAS. Well, of course, I know that bounty laws are subject to abuse. There is no question about it. The wit of man never devised and can not devise a law that a rascal will not evade or avoid if it is possible. The old definition of a court of chancery was that it was a race between the rogue and the chancellor. But I must express my doubt of the competency of the Agricultural Department's expert hunters of predatory animals. I would not give an old-fashioned western hunter for all of the agricultural experts on earth, when it comes to this.

Mr. SMITH of Arizona. That is the kind of men we want to hire.

Mr. THOMAS. But is that the kind of men we hire?

Mr. SMITH of Arizona. Well, we ought to.

Mr. THOMAS. I understand they are appointed from the civil-service list.

Mr. SMITH of Arizona. I hope not.

Mr. THOMAS. Well, why should they not be? The civil-service list covers almost everything else; and why not have a system of examinations for expert predatory-animal hunters?

I do not want to express my opinion concerning the competency of these gentlemen one way or the other, because I know nothing about them, and I do not like to do injustice to anyone, although sometimes I unfortunately do so. But I was struck by the statement made by the Senator from Indiana [Mr. TAGGART] on Saturday upon this subject. He read an account, a short list, of some of the results achieved by these Department of Agriculture expert hunters. I think one hunter killed one animal and another three animals during the course of a month. The impulse which would prompt a bounty scalp hunter so to arrange his booty as to permit the business to flourish, so that he could continue it indefinitely, would equally appeal to the man who gets $115 a month, because as soon as the animals are exterminated his job, theoretically at least, ends.

Mr. President, we have in every one of the Western States a body of men engaged in exterminating these animals at so much per head. The Government of the United States must now come along and at an expense of $500,000 a year, duplicate that situation, because, forsooth, these forest reserves exist. I think we can save that amount of money and lose nothing by it, and, on the contrary, gain much by it, by making it impossible for those in control of the forest reserves to refuse access to the State hunters possessed of licenses and engaged in carrying on their occupation.

I was trying to find some place to economize. I suppose there is no place for economizing. The Senator says this is no good place to economize. I am afraid that, like Mrs. Harris, there is no such place or person.

Mr. WARREN. I had not heard the amendment read. Perhaps I do not understand it.

Mr. THOMAS. The substitute I have offered reads:

That all persons engaged in destroying wolves, coyotes, bear, and other predatory animals the destruction of which is provided for by State laws, and bearing license or permits from the proper State authority, shall at all times have access to the national forests of their respective State in pursuit of such purpose.

Mr. WARREN. The Senator proposes that——

Mr. THOMAS. As a substitute for this $420,000 appropriation.

Mr. WARREN. In other words, the Senator proposes to do away with the appropriation by the Government.

Mr. THOMAS. If my amendment prevails.

Mr. WARREN. I hope the Senator will not be able to do that.

Mr. THOMAS. I feel very sure I will not, if the Senator from Wyoming can prevent it.

Mr. WARREN. I certainly would prevent it if my vote would decide it.

Mr. THOMAS. So I judge, from what the Senator said.

Mr. WARREN. If the Senator will permit me a word further——

Mr. THOMAS. Certainly.

Mr. WARREN. In my judgment of the twenty-odd million dollars carried in this bill there is not a single dollar in the whole measure that is of more value to the people at large than the amount that the Government proposes to use for the eradication of these wild predatory animals.

Mr. THOMAS. Does the Senator think there is nothing on the statute books of the States paying a bounty for the destruction of these animals?

Mr. WARREN. Yes.

Mr. THOMAS. Are those statutes to be good for nothing?

Mr. WARREN. We in Wyoming pay a bounty, and I presume Colorado does, but the Government has bred the wolves in the forests and we have killed them on the outside. Now it is proposed to throw this responsibility on the Government itself to kill its own wolves in its own preserves instead of turning them loose on the communities outside the preserves.

Mr. THOMAS. I suppose the Government will say to the man operating under State law that he can not go on the national reservation whenever it is necessary for the purpose of prosecuting his business.

Mr. WARREN. Under the present regulations and law these hunters are not allowed to go into the forest reserves.

Mr. THOMAS. I do not know of any such regulation. I have been trying to find it.

Mr. WARREN. It is true, nevertheless.

Mr. THOMAS. I think the Senator is mistaken.

Mr. WARREN. The forest reserves are protected against all those who would go in who would be liable to cause fires in the forests.

Mr. THOMAS. I took occasion Saturday evening to go through what is called "The Use Book," a little document otherwise known as "a manual for users of the national forests." It is comprised in 160 closely printed pages and contains a great many regulations that are very searching; some of them, as I have said, microscopic and irritating; but I have not found any on this subject. Of course, I can not speak for the scalp hunters of the Senator's State, but I know if a provision of this kind is necessary for that class of men in my State to go into a reserve to get the animals, they will do so if it is enacted. The Senator said, and he believes, that this is the most important item in a bill of $20,000,000. Of course, those who are more interested in other items are equally insistent upon theirs; but I say, Mr. President, if this is the most important appropriation item in the bill then we should reject the bill entirely. It can only operate to duplicate a work that is done more efficiently under the State law than it can be done under the regulations of the department.

Mr. SHAFROTH. Mr. President, the views of the Senator from Colorado [Mr. THOMAS] in the interest of economy are always good, but I do not think he understands the exact situation with relation to this matter. In the State of Colorado we are not paying bounties. The appropriations made by the Legislature of the State of Colorado are divided into five classes. The first class is for the operation of the Government, the legislative, judicial, and executive branches. The second class takes in the maintenance of institutions where people are confined against their will. The third class comprehends educational institutions. The fourth class takes in appropriations made for boards and officers of boards. The fifth class takes in appropriations made for all other purposes, which would include bounties. The laws of Colorado provide that whenever there is not enough money collected to meet all the appropriations those in the first class should be taken first, those in the second class should then be paid, and then those in the third class are to be paid, and next in the fourth class, and then the fifth class.

Mr. THOMAS. I am aware of the existence of the classes, as the Senator has stated. I think the Senator will admit that the law concerning scalp bounties is in existence, that these scalps are obtained, and that claims are made for them against the State.

Mr. SHAFROTH. There have been a number of claims, but they have fallen under that fifth class when the appropriations made by the legislature were in excess of the revenues collected for that biennial term, and hence could not be paid. In the administration when I was acting as governor very few claims for scalps of predatory animals were presented to the State at all. The result has been that the cattlemen and the sheepmen through their organization and association have provided for a system of payment for the killing of these wild animals. I remember that the live-stock association paid as much as $75 for each gray wolf, so destructive was the wolf upon the young animals belonging to the members of that association. Other very large amounts are paid for scalps of various other kinds of animals that are predatory in their nature.

I remember that the State of Wyoming about a year ago passed a resolution reciting that the losses which had been sustained was very great, and amounted, if I recollect aright, to $3,000,000 a year. Is that correct, I will ask the Senator from Wyoming?

Mr. WARREN. Yes.

Mr. SHAFROTH. A loss of $3,000,000 had been sustained by the stockmen of the West on account of these predatory animals that exist in these reservations and upon other public lands of the United States. So this appropriation becomes a very important one. If we are to have losses in a year of $3,000,000 in the United States, it seems to me that there ought to be some effort made upon the part of the National Government to aid and assist the stockmen in their work. Especially is that true when we know that the individuals themselves, which is always the test as to whether there is anything wrong in an appropriation, are willing to put up so much for the purpose of exterminating these predatory animals.

I sympathize with the method of my colleague of using this appropriation, and if I had time I would feel like changing the appropriation into a system of bounties for scalps, because I believe you will get more of a result that way than by hiring men to go out and kill animals by the month when there is nothing dependent upon their success in the nature of a remuneration.

Mr. SMITH of Arizona. If the Senator will permit a suggestion right there, it was suggested by the Senator's colleague that the Government does not like the idea of everybody who pleases, under the pretense of going in to kill the predatory animals, going on the reservation in the closed season when they know the difficulty there is to protect in the closed season the deer, elk, and other animals. While the effort suggested by the Senator's colleague might exterminate a few of the coyotes, it would certainly exterminate a great number of the animals that we attempt to preserve. The Government itself proposes to take charge of its own land, to exterminate predatory animals using them as a breeding ground, a house of refuge, when in the forest reserve the closed season of the year would probably be the very best time for their extermination.

Mr. SHAFROTH. I do not agree with the Senator with respect to that. I think the proposition presented by the Senator from Colorado, in the nature in which he sanctions the method of having these animals exterminated by bounties, is good. I do not find anything in this provision to the effect that that system could not be used by the Secretary of Agriculture in the extermination of these animals.

Mr. SMITH of South Carolina. Then why not amend the bill in that particular?

Mr. SHAFROTH. That might be done. However, it is easy for a Senator to get up here and say that this is the best system. It may be that the Secretary of Agriculture has tried that system and found it will not work. The way I think it ought to be presented to him is that, if he has not tried it, it ought to be tried, for I believe a system by which you give reward for the scalps that are produced will produce a greater destruction of these animals than in any other way.

Mr. SHEPPARD. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Texas.

Mr. SHEPPARD. It is the judgment of the Department of Agriculture, based upon the experience and study of years, that the salary system is superior in most respects to the bounty system and has been more effective.

Mr. SHAFROTH. If that is the case I would not want to amend the bill.

Mr. THOMAS. I should like to inquire of the Senator from Texas how it is based upon the experience of years. This is a new departure in the appropriation. It is a new venture by the Government.

Mr. SHEPPARD. The biological survey of the Department of Agriculture has made a careful study of the entire matter.

Mr. THOMAS. How long has the biological survey been engaged in exterminating predatory animals on forest reserves?

Mr. SHEPPARD. It has been studying for many years the question of exterminating predatory animals.

Mr. THOMAS. It was studied as the question of navigation was once studied by a man who wrote a book to prove that no vessel propelled by steam could ever cross the Atlantic. He announced as his conclusion that no vessel propelled by steam could ever cross the Atlantic, and his book was brought over in the first vessel which sailed from a Liverpool port.

Mr. TAGGART. The other afternoon before adjournment, when speaking of the item on page 57, I made a motion that

commencing at line 1 down to and including line 22 be stricken out of the bill. By request of the Senator from Oklahoma it was deferred until to-day. If I am not out of order, I should like to renew my motion, which I withheld at the request of the Senator in charge of the bill.

Mr. SHAFROTH. There is one motion before the Senate now, and that is the motion of the Senator from Colorado to strike out and insert the provision which he read.

Mr. President, I wish to say with relation to this provision in the bill there is nothing I can find in it which would prevent the Secretary of Agriculture from doing this work in any manner that he might deem best. Inasmuch as I do believe that the bounty system is better—or, at least, in some States it might be better—I think it ought to be suggested to him to adopt that system. But the theory that this amount could be stricken out, in view of the terrible losses that occur in the western country in the way of destruction by these predatory animals, where the gray wolf can kill a yearling steer, it seems to me it would be very detrimental to the western interests. On that account, Mr. President, it seems to me that the amendment of the Senator from Colorado [Mr. THOMAS] ought not to prevail.

Mr. PITTMAN. Mr. President, there is another phase which has not been discussed, and that is in the protection of human life. At the time they had the threatened epidemic in San Francisco of the bubonic plague the Government spent a million dollars to exterminate rats that disseminated the disease. It was not left to the State of California to accomplish that work. There is an epidemic of rabies or hydrophobia existing among the coyotes of the Western States. It has been existing there now for over a year. In our own university they have treated up to the present time over 30 people for hydrophobia that contracted it in the State of Nevada alone, and since that report was made I have seen from the current newspapers that they have treated numerous other cases of hydrophobia in human beings.

They have found it necessary to kill practically all the dogs in the northern part of our State, and they have even found it necessary to kill the cats. Hydrophobia has been conveyed to nearly every kind of animal in the northern part of our State. We have the reports on this. This epidemic of hydrophobia commenced in eastern Oregon. At first it was local. As the sheep moved south in the winter to the lowlands the coyotes came with them, as they always do. At the present time that epidemic has extended not only to the southern part of the State of Nevada, but has extended on the west to the Sierra Nevada Mountains in California and on the east into Utah.

It seems to me that this condition is appalling. All of us realize what a terrible scourge an epidemic of that character is. They never know whether or not a patient is cured of hydrophobia. The patient may be treated with Pasteur's treatment and apparently be entirely cured, and yet in five years have the symptoms recur and die in convulsions. There have been millions of dollars worth of live stock killed throughout that country, but that is a small matter in comparison with the saving of human life.

The Senator from Colorado says he favors a bounty system. The hunters of scalps are not seeking work. They are men who will kill a coyote if it crosses their front door. They are men who have no ambition in life; they are generally men who would not accept a job if given to them.

Mr. SHEPPARD. The Senator from Colorado [Mr. THOMAS] ought to have the benefit of these remarks because the Senator from Nevada is speaking from experience of the situation. I suggest that the Senator from Colorado give his attention.

Mr. PITTMAN. I would be glad to convince the Senator from Colorado.

The VICE PRESIDENT. The Chair knows of no law that requires a Senator to pay attention to another Senator if he does not want to do so at the suggestion of any other Senator in the body.

Mr. PITTMAN. I did not raise that objection myself. I would not worry the Senator from Colorado with my few remarks.

Mr. SHEPPARD. I wanted the Senator from Colorado to hear what the Senator from Nevada said.

Mr. THOMAS. The Senator from Colorado was interested with the Senator from Mississippi [Mr. VARDAMAN] also, and it was impossible for him to hear both at the same time.

Mr. PITTMAN. I will briefly state to the Senator from Colorado, so as not to repeat more than possible, that in our State university we have treated already over 30 cases of hydrophobia in human beings. I see by the current papers that they are still treating cases of hydrophobia which have come from infection from coyotes and domestic animals. This disease among the coyotes, as I stated before, started in eastern Oregon about a year ago. At that time it was local, but as the sheep came down the coyotes came with them. Now coyotes with the rabies have extended all the way from Utah to the Sierra Nevada Mountains in California on the west and to the southern part of Nevada.

Mr. THOMAS. From the Senator's argument I imagine that the more money is appropriated to kill these animals the more they propagate and the more dangerous it becomes for rabies in other directions. If the purpose is to prevent rabies, I think it must be reached in a better way. Certainly it will accomplish nothing, in my judgment, to pay a lot of men $115 a month.

Mr. PITTMAN. Just a moment, please. I am not so much interested in that $115 a month as is the Senator, although——

Mr. SMOOT. Will the Senator yield to me a moment?

Mr. PITTMAN. Yes.

Mr. SMOOT. I wish to say to the Senator from Colorado that the necessity for the suppression of the rabies became so urgent last year that the Secretary of Agriculture wrote a special letter to the Committee on Appropriations asking that $75,000 be included in the deficiency appropriation bill, and that request was granted.

The Senator from Nevada speaks of the number of cases of hydrophobia which have been treated in Nevada. I want to say to the Senator from Colorado that there have been a number of cases treated in Utah, the coyotes coming from Nevada over into the State of Utah. They are increasing their migrations, and I think they will be in Colorado in a very little while, and that, more than likely, they will be in Wyoming. They are going wherever cattle and sheep go. The sum of $125,000 of this amount is provided for that very purpose. It is to save human life. The coyotes have bitten dogs and the dogs in turn have bitten human beings. Notwithstanding those cases have been treated, a number of deaths have already occurred. Therefore entirely to strike this out, in my opinion, would be unjust to people who are suffering as the people in the West are suffering.

Mr. PITTMAN. Mr. President, I thank the Senator from Utah for his suggestion. I have here telegrams from a convention which was held in Nevada with regard to this very rabies situation. Certainly, if the matter was of sufficient importance for them to hold conventions with regard to it, it ought to be seriously considered by this body.

I dislike very much now to take up the time of the Senate in discussing this subject when we are anxious to pass this measure, but the Senator from Colorado evidently does not know the unfortunate—I may say, the terrible—conditions which are in existence in those States. Think of it. Up to two months ago over 30 people, men, women, and children, were treated for hydrophobia at the State University in Nevada alone. How many others have been treated in other States I do not know. I do know, though, that there are statements as to cows having to be killed because suffering from hydrophobia. I know that coyotes have been found to have hydrophobia. They have been examined for the disease after they were killed and the germs were discovered in them. I know that domestic dogs all through the country have had hydrophobia. I know it is a pest that is threatening that whole section. I therefore do not think this body is going to stand here and haggle over a two or three hundred thousand dollar appropriation when there is a scourge such as hydrophobia threatening a great section of our country.

Not only that, but I want to say that this disease is scattering; it is going farther south, it is going farther east, all the time. When this matter was presented to the Secretary of Agriculture, he could not believe in the existence of this disease to the extent which it was reported; and yet we presented to him—which I hold in my hand here—letters from the president of the University of Nevada confirming everything that I have said. I hold in my hand a telegram from the president of the Nevada Stock Owners' Association; I also hold in my hand a telegram from the State quarantine officer with regard to this matter, and I will read that telegram, which is as follows:

[Telegram.]

RENO, NEV., *January 16, 1916.*

Hon. KEY PITTMAN,
Senate, Washington, D. C.:

A rabies conference was held January 11 and 12 in Winnemucca, attended by county and State officials, including public-health and live-stock sanitary officials, representatives from California, Oregon, Idaho, and Utah, United States Department of Agriculture, and Public Health Service. Representatives' keen interest and determination to eradicate rabies was shown. Matter thoroughly discussed. Nevada Rabies Commission organized. We will raise probably $100,000 for six months' campaign, and invite Federal Public Health Service and Biological Survey to cooperate on large scale. Expect California, Idaho, Oregon, and Utah to take similar action. Soon as rabies commission is organized, will take up formal negotiations for said Federal aid.

Dr. W. B. MACK,
State Quarantine Officer.

Mr. SHEPPARD. Mr. President——

Mr. PITTMAN. I yield to the Senator from Texas.

Mr. SHEPPARD. Why, in the Senator's opinion, is it that the bounty system is insufficient to meet this evil?

Mr. PITTMAN. I will answer that question in just a moment, if the Senator will pardon me. I simply want to convince this body of the seriousness of this matter before we consider it at all. I do not want the subject treated with levity; I do not want it treated indifferently. I know there is not a Senator here who would treat a matter of this character with indifference if he realized what it meant. It means that the people of that whole western country are being subjected to one of the worst scourges in the world. There is not a disease to-day that is equal in its horrors, in my opinion, to hydrophobia. The statistics show that it is not known whether or not the disease is ever cured. I knew right in our State one man who was bitten four or five years ago, who received the Pasteur treatment, and who died a little over 12 months ago in convulsions from hydrophobia. I know that that is the history of the disease, and yet all over that western country men, women, and children are being subjected to the spread of this dread disease—a disease that is conveyed to them through their pets, through their dogs, through their cats, through the farm animals, through the cows—and yet it is said that this great epidemic is to be wiped out by bounty hunters; by men of a disposition that would brand them as idlers in the first place; by men who are willing to live for a few dollars a day, which they can get from scalps of these animals; by men who make money off the existence and growth of coyotes rather than by their death; by men who would be the greatest protectors in the world of coyotes, because they would save all the females. To suppose for one moment that this great epidemic of hydrophobia that is sweeping that section of country could be fought by bounty hunters, it seems to me, is absolutely absurd. I can not see how for a moment anyone would argue such a thing, and I can only explain such a position upon the ground that those who take it have not realized the tremendous danger to the people of that western country.

When it comes down to a great epidemic, which is extending its range and affecting a whole section of this country, it is a national matter as well as a State matter. The disease is crossing from one State into another and from that State into its neighbor. It is a subject of national quarantine.

The question is asked, What are they doing to stop the ravages of the coyotes? Here is the plan submitted to the Department of Agriculture and which is being carried out successfully: They have thrown a cordon of hunters across that whole area through which the rabid coyotes make their way in the spring following the sheep. It is only by such a cordon that it is possible to obstruct them. An isolated hunter here and there would not stop the migration of the coyotes. They would pass the hunters and go on; they would go around them. So they have thrown a cordon of hunters across that State, and they have employed the most experienced hunters who can be found in the State. They are paying them good living wages, because you have to pay a man living wages if he is worth anything at all. Instead of going out and picking up some of the tramp scalp hunters to eradicate a great epidemic in the western country, they are employing good men, and of course they are paying them $115 a month. If they are not worth that amount they are discharged very promptly. The man in charge of this work in my State has been most highly recommended by the governor and by the health service as being an energetic man, who is accomplishing the purpose for which he has been employed.

A Senator suggested that, according to reports, this epidemic is increasing by reason of the employment of these men. It is not; on the contrary, it is decreasing. While there are some treatments day by day for hydrophobia, they are decreasing. In two months previous to the plan now being pursued in that State 25 individuals were treated, but since that time, since these hunters were employed they have killed thousands and thousands of these animals; they have driven others back, away from the settlements, and they are keeping them from getting further south; they are keeping them in a circle. The State is cooperating in this matter.

The stockmen have raised $100,000 for the purpose of fighting this evil, and they also are cooperating with the authorities.

Mr. VARDAMAN. Mr. President, will the Senator pardon me an interruption?

Mr. PITTMAN. Certainly.

Mr. VARDAMAN. If the statement is true that the danger is increasing, it only argues that more should be done to combat the evil. The fact that the danger is increasing all the time merely indicates that greater efforts should be put forth to combat and destroy the evil.

Mr. PITTMAN. I thank the Senator; I thoroughly agree with him. If it were increasing, instead of standing here and indorsing this amendment I would be asking for a larger amount, no matter how large it might be, sufficient to meet that condition. Just as we were willing to stamp out the plague in California, just as we were willing to attempt to stamp out yellow fever in the South, so we should aid in eradicating this disease in the West. The lives of our people are far above any policy of or desire for economy.

I have here a letter, for instance, from the Secretary of Agriculture, in which he says:

DEPARTMENT OF AGRICULTURE,
Washington, February 8, 1916.

Hon. KEY PITTMAN,
United States Senate.

DEAR SENATOR PITTMAN: Referring to the rabies matter, you are aware that there has been included in the urgent deficiency bill an item of $75,000 for expenditure during the remainder of this fiscal year. I have forwarded through the usual channels a supplemental estimate for $125,000 to be included in the Agricultural appropriation bill for the fiscal year 1917. For the successful handling of this matter it is essential that an appropriation be available for the ensuing fiscal year.

Very truly, yours.

D. F. HOUSTON, *Secretary.*

Can it be conceived that the Secretary of Agriculture would write that kind of a letter to me and would make that character of recommendation to the Appropriations Committee when we know that he is attempting to cut down the appropriations as much as possible, except for the very dire need of it? There is not any question about it. I could read by the hour to the Senate, if I saw fit, telegrams and letters pouring in from every branch of the government of that State, from the governor down, from the quarantine department, from the health department, from the county commissioners, pleading with the National Government to do something to protect the lives of the people of that section of the country against this terrible epidemic. I know it is unnecessary, because many here know the actual facts at this time, and I am not going to burden this body further by reciting them. I do not think for one moment that the Senate is going to consider the striking out of this provision or the reduction of the appropriation it carries.

Mr. WARREN. Mr. President, the Government of the United States has reserved from the use of the States and their inhabitants and from all taxation a large amount of land. I may say that nearly half of the State which I have the honor in part to represent here has been included in United States reserves. The Government reserves pay no taxes; but the Government assesses the cattlemen, the sheepmen, and the horsemen who use the reserves for grazing purposes a regular rental, and that rental goes into the Treasury of the United States.

The people who are engaged in the same line of business, the raising of cattle, sheep, and horses, on lands that are privately owned find it disastrous to undertake to pursue the raising of live stock without making some provision to prevent the ravages of the wild animals which infest the region. They raise money to pay a bounty for wild animals destroyed; but, of course, the amount of bounty alone is not sufficient to induce men to engage regularly in the hunting and killing of the wild animals as a vocation; but, while engaged in their ordinary pursuits, when they come across predatory animals they shoot or trap them. In some instances they take the skins into the county seat and receive the bounty, while in others they throw them away and do not apply for the bounty.

Not only are the States paying bounty for this purpose, but, as I have indicated, individuals in some localities are adding to the bounty, and the large stock associations have sometimes offered as high as $25 to $30 a head for gray wolves, the money being raised by private subscription.

Unless we can make provision so that the United States Government will properly care for its reserves, they will continue to be breeding grounds for gray wolves, black wolves, coyotes, and other predatory animals. Those animals, of course, do not recognize the lines of the reservation, but prey upon live stock outside as well as inside the reservation. Now, when the States are paying a certain bounty and when individuals interested in live-stock businesses are adding to it, shall we ask the Government to do its share and protect its own reservations, which contribute no taxes to State or municipal governments and which are a source of income to the Government because of the payments received from live-stock men for grazing privileges, and work in harmony to reduce to a minimum this great drawback, this great annual loss, to the live-stock business?

Mr. SMITH of South Carolina. Mr. President, may I ask the Senator if the law prohibits those who receive a bounty

under the State law from going upon the reservations to hunt these wild animals?

Mr. WARREN. Yes; the law or the Government regulations, which amounts to the same. But, if the Senator please, in the first place, in this instance we do not need to go into that question, because, as I have said, the bounties paid outside the reservations in the State are not sufficient to induce men to hunt these animals for a living; but they kill them from time to time in connection with their regular occupations in the various walks of life, as they come and go; but if they desired to go upon the forest reservations and it was permitted, they would have to leave their homes, go a long way to obtain permits, and the State bounties alone would not afford sufficient payment.

What the Senator from Nevada [Mr. PITTMAN] has said about hydrophobia is all true, and what the Senator from Utah [Mr. SMOOT] has said is also true. At another time and place some $75,000 was appropriated in a bill to provide for the contingency or emergency, and the reason why a greater sum was not then put in was because those present who were members of the committee were able to say that they would provide later in this bill for continuing the service; but, outside of that, the question is, What are we going to do to protect the particular interest to which I have referred—the preservation of our live stock against predatory wild beasts whether afflicted or not afflicted with hydrophobia?

If I may have the attention of the Senator from South Carolina, does the Senator think that this is an improper use of the money of the United States?

Mr. SMITH of South Carolina. No. My idea was that the bounty system would be better than the paying of a mere salary.

Mr. WARREN. That is left entirely with the Agricultural Department. It can provide for either system it wishes.

Mr. SMITH of South Carolina. I was a little surprised when the Senator said that the Department of Agriculture should cooperate in this matter by lending its aid in the reserves which the Government maintains and which it is said are breeding places for wild animals, as though the citizens of the locality were stopped when they reached the border of a Government reservation.

Mr. WARREN. Well, that is true in a general way. The foresters are supposed to keep out travelers, trappers, and trampers who may set fire to the forest; in fact, part of these reserves are under fence.

Mr. SMITH of South Carolina. My idea was that if the State gave a sufficient bounty to the citizen to fight these predatory animals, and he had free access to the Government reservation, a practical extermination of these animals could be brought about.

Mr. WARREN. If the Senator from South Carolina had a field, and I had one adjoining it, and the Senator from South Carolina preferred to handle his own field and objected to my going in there, I could hardly expect to impose upon him and enter his domain. It is exactly the same with these forest reserves. They are reserved from the States and reserved from every use, except as the Government may lease to certain individuals certain rights.

Mr. SMITH of South Carolina. The idea I had was that, if the depredations of these predatory animals and the necessity for their extermination were as great as seems to be indicated in this bill, if the Senator and I had adjoining farms, and his hunter were to come over to help protect my animals by protecting his, I certainly could offer no objection to that.

On the same principle, if he wanted to go into a Government reservation, which is the breeding place and lair of these animals, it seems to me the Government ought to encourage it by passing an act giving to the hunters of each State the right to enter into a Government reserve that might be within its borders or elsewhere for the purpose of hunting down these animals and getting the bounty offered for their destruction.

Mr. WARREN. Mr. President, the live-stock associations have sent in to Congress repeated resolutions adopted at their various meetings asking for this relief. The States, through their legislatures, have sent in memorials to Congress, likewise requesting the Government to do its part. I have not them all at hand at this moment, because this matter has been so well considered heretofore and not the slightest objection has recently been made to it by those who understand the situation. But I will ask the Secretary to read one which I happen to have before me from the State of Oregon. It is very much like those which came from a dozen or more States and indicates what I would be able to substantiate by a very great many sets of resolutions from States and live-stock associations which I have received.

The live-stock interest may perhaps be one that does not need so much encouragement and protection as does the cotton industry. We vote nearly a million dollars a year to take care of cotton and fight the cotton-boll weevil and spend the money upon land that individuals own, in which the Government has no interest. I have always voted for the largest amount proposed. Here, however, the Government is asked to do something with its own land, which it is leasing out to live-stock men for large returns. We ask the Government to do inside its reserves what the men outside of the reserves are doing for mutual protection of one of our most valued industries—live stock from which we get our meat supply.

Now, we all know about the "high cost of living." Nothing enters more largely into that than the meat supply, which seems to be growing less and prices higher.

I ask to have read a request from the Legislature of Oregon as a sample of what other States have asked.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

Senate joint memorial No. 1.

Memorial to the Congress of the United States of America petitioning the United States Government to appropriate $300,000 for suppressing carnivorous wild animals destructive to live stock in the public-land States of the West.

To the honorable Senate and House of Representatives of the Congress of the United States:

Your memorialists, the governor and Legislature of the State of Oregon, respectfully represent that—

Whereas in the Western States, known as the public-land States, the losses of live stock and poultry, due to the attacks of coyotes, wolves, wildcats, cougars, and bears, amount to not less than $15,000,000 annually; and

Whereas in these western public-land States the State, county, and stockmen do now, and have for years, paid large bounties and used other means to bring about the eradication of these carnivorous animals; and

Whereas in these western public-land States there is now withdrawn from settlement in some form or other approximately 225,000,000 acres of Federal land, which land constitutes the principal breeding ground and refuge of these carnivorous wild animals, and enables them to increase their numbers in spite of the efforts made by the State, county, and stockmen to exterminate them: Now, therefore, be it

Resolved, That the Legislature of the State of Oregon does hereby most respectfully urge and request that Congress immediately appropriate the sum of $300,000, to be used by the United States Department of Agriculture for the destruction of coyotes, wolves, wildcats, cougars, and bears in these western public-land States, in order that the meat supply of the Nation may be increased and the proper development of the West encouraged.

Adopted by the house January 13, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate January 13, 1915.

W. LAIR THOMPSON,
President of the Senate.

Mr. LANE. Mr. President, there is one point to which I wish to call the attention of the Senator from Colorado in reference to the bounty system. The coyotes referred to by the Senator from Nevada, which have hydrophobia, will not be hunted by scalp hunters. No man wants to take the scalp off a coyote that has hydrophobia for fear he may get the disease himself, and he does not hunt the coyote which has hydrophobia. The coyote goes around biting and inoculating other coyotes, and inoculating horses as well. Some of our finest horses in eastern Oregon have died from this disease subsequently to being bitten by coyotes. The scalp hunter does not hunt for that coyote. The coyote hunts for him. That is the situation.

You have to watch out for the coyote that has hydrophobia, for the reason that he is after you, and if there is any opportunity he will get you, too. A number of persons have been bitten by them, and in a number of cases others have had narrow escapes. They have had to climb on their horses and on fences in order to escape. Coyotes have jumped up on the flank or the shoulder of a horse in an attempt to bite the man riding it. Children have to be guarded in going to and coming from school.

I was in that section last fall, and I only camped out and lay on the ground one night when I was in a coyote country, for fear of them, on account of my wife and family. They are dangerous, and they do cause loss of life of sheep, of cattle, and of human beings; and you can not depend upon the bounty system to exterminate them. There is one thing about it, though: The disease will "burn out," to use a simile, in a section of country. For instance, they began in eastern Oregon, up toward the Idaho line, and worked on down south by getting new material, as a prairie fire would burn. The coyotes in the former district, where they were thick, have now died from the disease, and they are exterminating one another; but at the same time they are exterminating human beings and cattle and horses. This fresh supply of coyotes that are the carriers of the disease is to the south; and the disease will work to the south, until finally, I suppose, it will burn itself out by the destruction of

the carrier, the coyote. The death rate, however, and the loss of life on the part of human beings, is appalling, and it is unnecessary; and the loss of stock also, I assume from what I have heard, is enormous.

If this Government can secure professional hunters who will take their lives in their hands and go out and hunt hydrophobic coyotes, they ought to be well paid for it, and allowed to do it as effectually as they can.

Mr. SHAFROTH. Mr. President, in reference to the comment which was made upon the appropriation last year, I find an article that is very interesting, written by Mr. S. W. McClure, in which he comments upon the loss to stockmen caused by these predatory animals being as high as $15,000,000 a year. He says:

A single wolf can kill outright a cow of almost any age, although attacks are generally confined to cattle under 2 years of age. Frequently wolves travel in bunches of two or three, and kill out of sheer devilishness. The loss to cattlemen from wolves is great—in some sections so great that a bounty as high as $100 may be paid for the destruction of a single wolf that has made a reputation as a killer.

Recently I have talked with stockmen of several States about the losses caused by carnivorous wild animals. Here are a few of their statements:

An Oregon sheep breeder said: "We have lost many sheep and lambs in the mountains this year from bears and coyotes. Several years ago Oregon repealed its bounties and the wild animals increased rapidly. After a few years the bounties were again put on, and thousands of coyotes, cougars, and bears have since been killed."

A Washington stockman said: "In July and August of this year I lost $1,000 worth of sheep by wild animals. One of my neighbors has had greater losses. A few days ago my son came across a heifer that had been killed by a cougar."

An Idaho sheepman said: "In my vicinity alone more than 1,000 sheep were killed by bears early this spring. Those sheep were worth $5 a head, so the loss was considerable. Our loss from coyotes alone is about 6 per cent of our flocks."

A southern Montana stockman said: "Our losses of live stock from wild animals is annually between 5 and 8 per cent. Coyotes are the worst offenders."

A Utah stockman said: "My loss of sheep last summer while I was in the national forest was not less than 300 head. Something must be done to destroy the coyotes if we are to remain in the sheep business."

This is a long article, and his conclusion is that the loss to the live-stock industry of the United States, in the western portion thereof, amounts to $15,000,000 a year.

Mr. President, while the suggestion of my colleague is very valuable in the way of pointing out a method by which this extermination should take place, I hardly believe it ought to be incorporated in the bill, inasmuch as the law which we propose to enact by this bill does not restrict or limit the Secretary of Agriculture as to the methods that he should pursue in exterminating these animals; I am satisfied that if the Secretary believes it could be done more effectively or could be done with less cost by means of a bounty system he would adopt it. For that reason it seems to me that the provision as contained in the bill should be adopted.

RECESS.

Mr. GORE. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m.) the Senate took a recess until to-morrow, Thursday, July 6, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 5, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God of hosts, in whom we live and move and have our being, we bless Thee for the spirit of '76, which gave to us the Declaration of Independence and to our fathers the courage of their convictions, the fruit of which has come down to us a precious heritage in a Government "of the people, by the people, for the people."

Deliver us, we beseech Thee, from the undesirable citizen, half-hearted American, faint-hearted patriot, and lukewarm religionist of whatever name, that we may stand four-square for one country, one flag, one God and Father of us all, and thus be strong to uphold and maintain our sacred rights, not only for ourselves but for posterity, against all comers, "doing justly, loving mercy," walking humbly with Thee, our God and our Father. Amen.

The Journal of the proceedings of Saturday, July 1, 1916, was read and approved.

RIVERS AND HARBORS.

Mr. SPARKMAN presented a conference report and statement of the House conferees on the river and harbor appropriation bill (H. R. 12193), which was ordered to be printed in the RECORD under the rule.

Mr. MANN. Mr. Speaker, may I ask the gentleman whether he expects to call up this conference report before the revenue bill is disposed of?

Mr. SPARKMAN. I have not determined as to that. I expect to consult Members who wish to bring up that bill. If I can get it up, I shall be pleased to do so.

Mr. MANN. Several gentlemen have made inquiries of me as to when the conference report was likely to come up. That is the reason I ask. As the House agreed to the conference asked by the Senate, I believe the House acts on the conference report first.

Mr. SPARKMAN. Yes; we shall act on it first. I should like to take it up as early as possible.

Mr. MANN. Can the gentleman from North Carolina [Mr. KITCHIN] give us any information on that subject?

Mr. KITCHIN. We expect to take up the revenue bill to-morrow.

Mr. MANN. Then the conference report on the river and harbor bill will not come up this week?

Mr. KITCHIN. No; not until we get through with the revenue bill.

Mr. LINTHICUM. I should like to ask the gentleman from Florida whether there are any new propositions contained in this conference report.

Mr. SPARKMAN. There are several; yes; put in by the Senate.

Mr. LINTHICUM. Did I not understand the gentleman to say that no new propositions would be agreed to by him as a conferee?

Mr. SPARKMAN. I expressed my intention to do my best as an individual member of the conference committee.

The SPEAKER. All debate about this is out of order.

PLUMMER, IDAHO.

Mr. FERRIS. Mr. Speaker, I ask to have H. R. 14725, with Senate amendments, laid before the House.

The SPEAKER laid before the House the bill (H. R. 14725) authorizing the Secretary of the Interior to subdivide a part of the town of Plummer, Idaho, and for other purposes, with a Senate amendment.

Mr. FERRIS. Mr. Speaker, I move to concur in the Senate amendment, and, pending that, I want to state what the Senate amendment is.

Mr. MANN. Just have it reported.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 21, line 9, strike out "twenty-seven" and insert "thirty-seven."

Mr. FERRIS. Mr. Speaker, that is merely to correct an error in printing. I move to concur in the Senate amendment.

The motion was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. About what?

Mr. CARTER of Oklahoma. About the accomplishments of the present administration.

The SPEAKER. The gentleman asks to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to a military highway from Los Angeles to the east side of the Sierra Nevada Mountains and through Alturas to Lakeview, Oreg.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD about a road. Is there objection?

There was no objection.

Mr. KEATING. I ask unanimous consent to extend my remarks in the RECORD by inserting the speeches delivered by the President of the United States, the president of the American Federation of Labor, and the Secretary of Labor in connection with the dedication of the Labor Temple in this city yesterday.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD by inserting the speeches delivered by President Wilson, President Gompers, and Secretary Wilson on the occasion of the dedication of the Labor Temple in this city. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to print remarks in the RECORD on the necessity of prompt attendance of the Members of the House during the rest of this session of Congress.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the subject of

the importance of the attendance of Members for the rest of this session. Is there objection?

Mr. MANN. I think I will not object, if the gentleman can get his side of the House to attend. I notice that there are a very small number of them here this morning.

Mr. STEPHENS of Texas. I shall try.

Mr. KITCHIN. Without desiring to make any distinction, I wish to say that there are as many Democratic Members here as there are Republican Members.

Mr. MANN. I should like to ask how many of the Texas Members there are here?

Mr. STEPHENS of Texas. I am not the keeper of the Texas delegation in that respect.

Mr. MANN. Is the speech desired to bring them here or to excuse them for going home?

Mr. STEPHENS of Texas. It is on the subject of the importance of the attendance of Members during the rest of this session.

Mr. HUMPHREY of Washington. Reserving the right to object, are the remarks that the gentleman desires to insert in the RECORD his own remarks or does he wish to insert something written by some one else?

Mr. STEPHENS of Texas. My own remarks, of course.

Mr. HUMPHREY of Washington. I will not object, although the gentleman did object the other day to the printing of my remarks.

Mr. STEPHENS of Texas. Those were political remarks, and personal as well.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the state of the Union.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD on the state of the Union. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the International Convention on Alcoholic Liquors.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 3673. An act to establish a term of the United States circuit court of appeals at Asheville, N. C.; and

H. R. 11878. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 650. An act for the relief of Wallace Metcalf.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3346. An act conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 650. An act for the relief of Wallace Metcalf; to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that on July 1, 1916, they presented to the President of the United States for his approval the following bills:

H. R. 10925. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 10849. An act granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 6923. An act to authorize the construction, maintenance, and operation of a bridge across Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river;

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 9615. An act to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington;

H. R. 14484. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 7617. An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes.

BUREAU OF WAR-RISK INSURANCE.

Mr. ALEXANDER. Mr. Speaker, on last Saturday unanimous consent was granted that I might, after the completion of business on the Speaker's table, call up H. R. 13224, and I now ask unanimous consent for the present consideration of the bill. It is a bill to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department."

Mr. MOORE of Pennsylvania. This is the war-risk insurance bill?

Mr. ALEXANDER. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, I am obliged to object.

Mr. ALEXANDER. The gentleman from Pennsylvania represents one of the largest shipping ports of the country.

Mr. MOORE of Pennsylvania. But I am not in favor of the Government continuing in competition with private concerns.

LEAVE OF ABSENCE.

Mr. MILLER of Pennsylvania, by unanimous consent, was given leave of absence, indefinitely, on account of sickness.

GENERAL DAM BILL.

Mr. GARRETT. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The Clerk read as follows:

House resolution 287 (H. Rept. 921).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3331, reported by substitute; that the first reading of the bill (the substitute being considered in lieu of the bill) shall be dispensed with; that general debate shall continue on the bill not exceeding two hours, the time to be controlled one-half by the gentleman from Georgia [Mr. ADAMSON] and one-half by the gentleman from Wisconsin [Mr. ESCH]; that all debate shall be confined to the subject matter of the bill; that at the expiration of general debate the substitute for the bill shall be first read and considered under the five-minute rule; that no matter or provision contained in the bill shall be subject to a point of order, any rule or rules of the House to the contrary notwithstanding.

After all amendments shall be disposed of the committee shall rise and report to the House the bill and all amendments that shall have been recommended by the Committee of the Whole House on the state of the Union, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. GARRETT. Mr. Speaker, on the 10th of March the bill S. 3331 was referred to the Committee on Interstate and Foreign Commerce. On March 21 that committee reported the bill back to the House with an amendment by way of substitute. It is proposed by this rule that the bill as reported from the House committee shall be taken up for consideration under the five-minute rule and passed upon and brought to a final vote. The rule is very simple in its terms and very plain in its expression. I desire to ask the gentleman from Kansas if debate is desired on the rule.

Mr. CAMPBELL. Mr. Speaker, I have no desire to take up the time of the House in discussing the rule. The gentleman from Tennessee has stated its terms. It enables the House to take up this important bill.

Mr. ESCH. The House bill is a substitute for the Senate bill, practically one amendment. Is it the gentleman's understanding that the amendment is to be read section by section for amendment?

Mr. GARRETT. Yes.

Mr. ESCH. Suppose the consideration of the bill can not be completed to-day, the resolution does not prescribe how the consideration of the measure shall be concluded.

Mr. GARRETT. No; the resolution merely makes it privileged; it gives it the status of a privileged bill. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Kentucky [Mr. JOHNSON] will take the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

An act (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The CHAIRMAN. Under the rule the first reading of the bill is dispensed with.

Mr. ADAMSON. Mr. Chairman, many years ago, some 10 or 15, by the leadership and cooperation of the distinguished gentleman from Illinois [Mr. MANN], we formulated and Congress enacted a general dam law to obviate the necessity of taking the time and attention of Congress upon each project to consider and prescribe terms and conditions. We undertook to formulate the terms and conditions upon compliance with which, under the direction of the Chief of Engineers, dams could be built on navigable waters, the object being the double one on the part of the Government, first to secure without spending any money from the Public Treasury the erection of locks and dams through the expenditure of private capital; second, to provide itself and the people with various projects and numerous manufacturing industries, the product of these manufactories in some way to make the country prosperous.

Under that bill a good many authorizations were allowed by Congress but few constructions resulted. There arose contentions on both sides. There were those who insisted that the Government did not demand enough, and every time a bill came into Congress to authorize the Secretary of War to approve plans and specifications there were offered on the floor of the House numerous conditions and terms. On the other hand, the investors said that the terms were hardly liberal enough, and they wanted more liberal terms, more certainty as to the disposition of the property that they invested in dams. The result of the new contention was that construction ceased, and for seven or eight years we have been trying to amend the dam law.

I have always agreed with the gentleman from Illinois that the original law was good enough, and I opposed the amendment of it in 1910 as a compromise between the two contending factions and which ought to have brought about peace and a settlement of the matter. But it did not. Unfortunately, like most compromises, it left both sides dissatisfied, and with a disposition to fight on more than ever.

We reported to the House two years ago, and the House passed a bill, which went to the Senate. The Senate struck out all of the bill after the enacting clause and substituted what was called the Shields bill. The Senate not having acted on the substitute two years ago, at this session of Congress the House began early to prepare a bill. They took the old bill passed by the House and took the Ferris bill for public lands recently passed by the House and prepared a bill which, in our judgment, not only protects the Government in all its rights and protects the people in the use of hydroelectric power, but, in our judgment, offers terms liberal to capital invested in the building of dams.

So far as the Shields bill is concerned, we simply struck it out and restored our bill as a substitute, because, with all modesty and circumspection, we do believe that we do know more about it. We started it, we framed the bill, we made the amendments, we studied the conditions, and the House has passed on every solitary proposition in it. There are two outstanding contentions that we may just as well call attention to in the outset. One of them is the insistence in the Shields bill that the authority to approve plans and specifications shall be exercised by the Secretary of War without a special grant by Congress in each case. This House has never been willing to do that, and I do not believe it is willing to do it now. I do not believe in its present mood it would ever agree to that proposition. On the other hand, the House has heretofore insisted mildly on a proposition that I do not believe the Senate would ever agree to, and that is to impose upon the approval of each set of plans and specifications an uncertain, indefinite Federal tax, to be periodically adjusted at the pleasure of the War Department, which would forever, in my judgment, deter capital from investment.

I believe it would be impossible ever to agree upon such a bill in conference; I believe it would be impossible, if a bill were enacted unanimously, ever to secure capital to build a dam with that provision. What we want, Mr. Chairman, is to secure a measure which will insure the construction of dams. We want to see the power developed, manufactories flourish, and the country prosper by reason of those manufactories. If we could pass and ram down the throats of people, as has been inelegantly expressed, provisions which were objectionable, it would not make peace, there would be obstruction every time a project was proposed, and we would have the same lack of progress that we have had for the last eight years. It has been said by some people in the public press that the purpose is to get through some sort of a bill and then in conference make a bill that will be objectionable to somebody. That would be the height of folly. There would be no sense whatever in passing a bill, if we had the power, that would not mean progress.

I do hope that with as much expedition as possible—the subject matter having been debated so long, the points of difference being so clear and well understood—that we can get through this bill as the House wants it, and then, when it goes into conference between the two Houses, that the conferees will listen to all the views, look at all the angles and all the sides, and succeed in securing the passage of a bill from that conference that will allay the disputes and differences and make possible in the country the construction of dams. [Applause.]

So far as I am concerned and, I believe, so far as the other conferees of the House are concerned, that is the course that they will pursue and insist upon to the end. Unless some gentleman desires to ask me a question I shall reserve the remainder of my time. I here present some comparative statements showing the differences and accord of our substitute in some particulars with the Shields bill and the Ferris bill.

Adamson bill and Shields bill compared.

ADAMSON BILL.	SHIELDS BILL.
SECTION 1.	SECTION 1.
(a) Authority for construction granted by special act of Congress.	(a) Authority for construction granted by Secretary of War.
(b) Grantee may be "any persons."	(b) Grantee shall be political subdivision, States, municipal corporations, corporations, companies, associations, and persons.
(c) No such provision in Adamson bill.	(c) If power is used in public service, grantee must be a municipal corporation, a political subdivision, a public service agent, or a public utility corporation lawfully created and authorized.
SECTION 2.	
(a) Grantee may be required to operate locks. (P. 24, lines 4–7.)	(a) No requirement to operate locks.
(b) Without approval of Secretary of War no grantee shall deliver to any one consumer in excess of 50 per cent of his total output. (P. 24, lines 11–14.)	(b) No such provision in Shields bill.
SECTION 3.	SECTION 2.
As between contesting applicants, preference given to the one whose plans are best qualified to expedite development. In case both contestants appear equally well qualified, then preference shall be given to the one that has first complied with the laws of the State. (P. 25, lines 1–7.)	As between contesting applicants, equally well qualified, preference shall be given to the one which has acquired the right to divert the water and otherwise complied with the laws of the State, but if there are no laws, preference shall be given to the first applicant. (P. 7, lines 9–18.)
SECTION 4.	SECTION 7.
(a) Interstate regulation and control given to the Secretary of War. (P. 25, lines 8–20.)	(a) Interstate regulation and control given to Interstate Commerce Commission. (P. 11, lines 19–25; p. 12, lines 1–16.)
(b) Control of issuance of stocks and bonds for interstate development given to Secretary of War. (P. 25, line 18.)	(b) No control of stocks and bonds provided for in Shields bill.
(c) In valuation for rate-making purposes, aids to navigation are allowed, but no value for the rights granted, for good will, or any other intangible element. (P. 25, lines 20–24; p. 26, lines 1 and 2.)	(c) (Sec. 7.) In valuation for rate-making purposes there is included the cost of the aids to navigation, but no value for the rights granted. (P. 12, lines 17–23.)
SECTION 5.	SECTION 2.
(a) The United States reimbursed for its investigation and supervision of construction. (P. 5, lines 17–21.)	(a) Same as Adamson bill.
(b) United States reimbursed for benefits accruing from headwater improvement. (P. 26, lines 19–25 p. 27, lines 1–14.)	(b) Same as Adamson bill, except moneys preserved in special fund for headwater improvement. (P. 5, lines 21–26; p. 6, lines 1–11.)
(c) United States reimbursed for Government lands used, charges such as may be fixed by Secretary of War. (P. 27, lines 15–25; p. 28, lines 1–4.)	(c) United States reimbursed for Government lands used, value to be fixed by Secretary of War according to the rules governing the taking of private property for public use. (P. 6, lines 11–26; p. 7, lines 1–3.)

SECTION 7.

Grantee shall commence construction within one year and complete within a further term of three years; extensions, not to exceed two years, being made by the Secretary of War for good reasons.

SECTION 8.

(a) No power sold to a distributing company except in case of emergency. (P. 30, lines 13–16.)

(b) No assignment or transfer of grant without written consent of Secretary. (P. 30, lines 17 and 18.)

(c) Grantee shall not create a lien for the purpose of financing the business until approved by the Secretary. (P. 30, lines 18–23.)

SECTION 9.

(a) Grant shall continue for 50 years, after which all rights cease, unless Congress exercises one of the options reserved in section 10. (P. 31, lines 5–10.)

(b) Rights granted through Government reservation only on approval of Cabinet officer in charge.

SECTIONS 10 AND 11.

(a) After the expiration of 50 years the United States may terminate the rights granted and may—

(1) Take over the properties on payment of cost of lands and rights and the depreciated value of the structures.

(2) May renew the grant to the original grantee.

(3) May give the grant to a new grantee upon payment on same basis as above.

Should the Government refuse or neglect to do either (1), (2), or (3) above, the rights will cease and the grantee's investment would be destroyed.

(b) The properties taken over shall be those used in the generation and distribution of electrical energy, which are dependent for their usefulness on the continuance of the grant.

SECTION 12.

No contract for power may be made in excess of 20 years beyond the life of the grant.

SECTION 14.

Intrastate service in States having no regulatory authority controlled by Secretary of War.

SECTION 16.

Secretary of War authorized to examine books and accounts and to require reports.

SECTION 18.

Right to alter, amend, or repeal the act without indemnity to the grantees who are damaged thereby.

SECTION 19.

Secretary of War may lease out power for not to exceed 50 years on such terms as may seem to him best, but preference must be given, other things being equal, to bid solely for municipal use by municipal corporations.

SECTION 9.

Grantee shall commence construction within two years and complete within five years; extensions may be made by the Secretary of War.

(a) No such provision in Shields bill.

SECTION 1.

(b) No transfer of assignment except by tax sale, trust deed, or mortgage for the bona fide purpose of financing the business shall be made to any transferee not having the qualifications specified by the act. (P. 3, lines 8–13.)

(c) No such provision in the Shields bill.

SECTION 5.

(a) Rights to continue for 50 years and thereafter until Congress exercises option reserved in section 6.

(b) No such provision in the Shields bill.

SECTION 6.

(a) At any time after expiration of 50 years the Government may do either (1), (2), or (3) opposite, but payment shall be on basis of fair value, but until the Government exercises either one of these options the original grant shall continue.

(b) Properties taken over are the same as defined in the Adamson bill.

SECTION 6.

Contracts may be made beyond the life of the grant on the approval of the duly constituted public authority for jurisdiction without limitation of period. (P. 10, lines 12–16.)

No Federal interference with State matters provided in the Shields bill.

SECTION 7.

Same provision as in Adamson bill. (P. 13, lines 9–21.)

SECTION 13.

Right to alter, amend, or repeal reserved, but those who have exercised rights previously are recompensed for damage.

SECTION 10.

Secretary may lease power at Government-built dams on such terms and for such periods as the Secretary of War may deem for the best interests of the United States, but preference must be given in any event to the bid by a municipal corporation in case the plan adopted conserves the water resources of the region. The municipal is given preference whether it presents the best plans and makes the highest bid or not.

In all other respects the two bills are practically the same.

—

The Adamson bill and the Ferris bill—Comparison of provisions.

ADAMSON BILL.

SECTION 1.

(a) Provides for special act for each development.

FERRIS BILL.

SECTION 1.

(a) Secretary of the Interior given authority to grant leases.

SECTION 2.

(a) Provides for diligent, orderly, and reasonable development and continuous operation, subject to market conditions. (P. 24, lines 8–10.)

(b) Also provides specific periods for commencement and completion. (Sec. 7.)

(c) Prohibits sale in excess of 50 per cent of total output to one consumer. (P. 24, lines 11–14.)

SECTION 4.

(a) Regulation and control of interstate service conferred on Secretary. (P. 25, lines 8–20.)

(b) Valuation for rate-making purposes includes aids to navigation, but excludes rights granted, good will, and any other intangible value. (P. 25, lines 20–24, and p. 26, lines 1–2.)

(c) Physical connection of plants permitted under approval of Secretary, but no agreements in restraint of trade, etc. (P. 26, lines 3–10.)

SECTION 5.

(a) Provision for reimbursement of United States for cost of investigation and supervision.

(b) Provision for charges for benefits accruing from headwater improvement. (P. 26, lines 19–25; p. 27, lines 1–14.)

(c) Provision for payment for United States lands occupied—"such reasonable charges as may be fixed by the Secretary of War." (P. 27, lines 15–25; p. 28, lines 1–14.)

SECTION 8.

(a) No sale or delivery of power to a distributing company without consent of Secretary. (P. 30, lines 13–18.)

(b) Grant not to be transferred or assigned without written consent of Secretary. (P. 30, lines 16–18.)

(c) No liens created on project except by approval of Secretary. (P. 30, lines 18–23.)

(d) Successor or assign takes rights subject to all conditions as though he were the original grantee. (P. 30, lines 23–25; p. 31, lines 1–4.)

SECTIONS 9, 10, AND 11.

Duration of grant; 50 years after completion of dam or lock and dam, at the end of which the United States may—

(a) Take over the property.

(b) Take over and assign to a new grantee.

(c) Renew the grant to the original grantee.

SECTION 9.

No approval over Government reservation except on acquiesence of Cabinet officer in charge. (P. 31, lines 10–15).

SECTION 12.

Contracts for power may, on approval of Secretary, be made to extend for not more than 20 years beyond life of grant.

SECTION 14.

Intrastate service in States having no regulatory authority controlled by Secretary until State does provide such authority.

SECTION 16.

Authority provided to examine books and accounts and to require reports.

SECTION 17.

(a) Approval conditioned on acceptance of terms of law and regulations therein. (P. 38, lines 3–8.)

(b) Act not to be construed as interfering with States' control of water except for purposes of navigation. (P. 38, lines 8–12.)

SECTION 20.

Provisions of act not construed as revoking previous permits. (Sec. 14.)

SECTION 21.

Provisions of act not to apply to irrigation or power dams under Secretary of Interior or Secretary of Agriculture.

SECTION 2.

(a) Same as Adamson bill. (P. 3, lines 9–11.)

(b) No such provision as in (b) opposite.

(c) Same as Adamson bill. (P. 3, lines 12–16.)

SECTION 3.

(a) Regulation and control of rates of interstate service conferred on Secretary. (P. 3, lines 17–25.)

(b) No specifications covering values in rate making provided for in Ferris bill.

(c) Practically same provisions as Adamson bill. (P. 4, lines 1–9.)

(a) No such provision in Ferris bill. Party may enter and make own investigation. Provision of Adamson bill not applicable.

(b) No such provision in Ferris bill. Not applicable.

(c) Provision for payment for United States lands occupied as "specified in lease by the Secretary of Interior." (P. 7, lines 1–7.)

SECTION 4.

(a) Distributing-company provision same as Adamson bill. (P. 4, lines 10–14).

(b) Assignment and transfer provision same as Adamson bill. (P. 4, lines 14 and 15.)

(c) Provision for liens same as Adamson bill. (P. 4, lines 15–20).

(d) Successor obligations same as in Adamson bill. (P. 4, lines 20–26.)

SECTIONS 5 AND 6.

Lease continues not longer than 50 years, at the end of which same disposition as in Adamson bill.

SECTION 1.

Same provisions concerning leases over Government reservation as in Adamson bill. (P. 2, lines 10–17.)

SECTION 7.

Contracts for power beyond life of lease same as in Adamson bill.

SECTION 9.

Intrastate control same as in Adamson bill.

SECTION 11.

Authority concerning accounts same as Adamson bill.

SECTION 14.

(a) Approval conditioned on acceptance of law same as Adamson bill. (P. 11, lines 1–5.)

(b) Act not to be construed as affecting States' control of water. (P. 11, lines 5–9.)

SECTION 15.

Provisions covering previous contracts same as Adamson bill. (P. 11, lines 23–25; p. 12, lines 1–6.)

SECTION 16.

Provisions of act not to apply to navigation structures under Secretary of War.

[Mr. ESCH addressed the committee. See Appendix.]

Mr. SMITH of Minnesota. Mr. Chairman and gentlemen of the House, I will not attempt in five minutes to discuss any of the details of this bill. I consider it a very important piece of legislation, and so do you. I regret that its consideration is confined to so short a time. I also regret that some of the Members of this House who are thoroughly familiar with this kind of legislation are absent. Although I have given a good deal of consideration to this legislation I know comparatively little about it, and I think that is true of a large majority of the membership of this House. I think they expect the committee having it in charge to inform them as to the provisions of this bill and of its effect, and so forth. How can that be done in the time allotted? Notwithstanding that we are giving it so little time, I hope that the membership will give it their very earnest and sincere consideration. I am satisfied, and I know a number of you are satisfied that this is not the kind of legislation we want. Never in the history of Congress since I have been a Member has there been such an attempt to railroad legislation through as this. What has happened? The Senate passed what is known as the Shields bill on March 3. And what is the purpose of the Shields bill? It is that the private interests of this country shall get possession of the water-power resources of this country and deprive the public of their share of the advantages of those natural resources. It has for its main purpose the defeating and thwarting of the public will in this, that if that bill means anything it means the taking over of these natural resources in perpetuity, without any restriction or control by the Government that amounts to anything. It is simply a makeshift. And what will be the effect of the House substitute that is offered for the Shields bill? Its effect will be to deceive this House—not intentionally—so that there will not be a discussion of the Shields bill in the House. There will not be a fair and intelligent and thorough discussion of this question. The substitute that is proposed here grants practically everything that the House has asked. In its former consideration of this subject our distinguished chairman having charge of this bill tells us in his opening statement that it is proposed to write this bill in conference, just what the water-power interests want. And what is going to happen? Why, when this bill goes to conference we will have the Shields bill and not the House bill. That is the plan. That is the outline and scope of this legislation, and that is going to be its effect. Are we going to be a party to that?

Mr. DEWALT. Mr. Chairman——

Mr. SMITH of Minnesota. Are we going to be a party knowingly to such a method of legislation? Are we going to permit these valuable resources to be turned over to the private interests that are seeking them so diligently, without any control or without any regulation? If so, that is a matter for this House to determine, but I for one do not want to be a party to it. I think now is the time for this House to write a bill, and to instruct its conferees who will be appointed, so that there will be no chance of the Shields bill coming back in the shape of a report of the conference committee, which will be the result of our action if well and deep-laid plans are followed. Now I will yield to the gentleman from Pennsylvania.

Mr. DEWALT. Mr. Chairman, by what authority does the gentleman say that this bill is a substitute, and that afterwards the Shields bill will be substituted by the conferees?

Mr. SMITH of Minnesota. Why, my friend, if you had paid any attention to this subject, if you had given it any thought or consideration, you would know that to be the fact.

Mr. DEWALT. That is not answering my question.

Mr. SMITH of Minnesota. You would know that to be the fact without my telling you. If you have not given it any consideration or thought, then you should follow my advice.

Mr. DEWALT. If the gentleman will permit me, I was asking by what authority he alleged that the Shields bill was to be substituted by the conferees?

Mr. SMITH of Minnesota. That has been the understanding ever since the Shields bill came into this House.

Mr. BURNETT. Who has had the understanding?

Mr. SMITH of Minnesota. The men who steer this sort of legislation.

Mr. BURNETT. The chairman of the committee?

Mr. SMITH of Minnesota. Why, there have been as many as 40 of the ablest men——

Mr. BURNETT. Name them.

Mr. SMITH of Minnesota. As many as 40 of the ablest men in this country have been in Washington lobbying in the interest of this legislation since the 4th day of November, 1915.

Mr. BURNETT. Are they Members of Congress?

Mr. SMITH of Minnesota. They seem to be very influential with Members of Congress.

Mr. BURNETT. Who has had the understanding? The gentleman says that we must go by it. Who has had it? Name them.

Mr. SMITH of Minnesota. I will name them at the proper time, or at least a number of them.

Mr. DEWALT. That is just what I wanted, Mr. Chairman. I wanted the authority. The gentleman has made a charge here against this committee and the chairman of it.

Mr. SMITH of Minnesota. I am not charging this committee. I am stating this whole Congress out to know what is going on.

Mr. DEWALT. Directly or indirectly the gentleman is charging this committee with saying that the Shields bill will be substituted.

Mr. SMITH of Minnesota. I am simply putting this Congress on its guard. I am charging no one. I am not here to make charges.

Mr. DEWALT. Why not give your authority?

Mr. SMITH of Minnesota. I am here to give information. I am trying to give it to you. Now, you go on and act as you see fit, which of course you will.

Mr. DEWALT. I want to act on knowledge, and therefore I ask the gentleman for his authority for the assertion. Mere statement does not amount to authority, the gentleman knows. The question is, who gave the gentleman the authority to say that the Shields bill will be substituted for the House bill?

Mr. SMITH of Minnesota. I have said it.

Mr. DEWALT. The gentleman does not give his authority.

Mr. SMITH of Minnesota. Now, I wish to say further that you can not have any regulation or control under the provisions of this bill. The very nature of hydroelectric development and the use of electricity is such that you can not turn that subject over to a Secretary of War or the Secretary of any other department of the Government and have it intelligently and carefully administered. It is impossible. Our Secretary of War to-day has much more to do than he can do; he has duties that monopolize all of his time even if he were a Webster. But in this bill you propose to turn over to the Secretary of War the regulation and control not only of interstate current but intrastate current as well under terms and conditions that are so inadequate that it amounts to no regulation at all.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

[Mr. SMITH of Minnesota had leave to extend his remarks.]

Mr. PARKER of New Jersey. Mr. Chairman, I desire to hand up at the present time an amendment to be added at the end of section 3 of this bill. I will not read it, but I ask that it may be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The amendment is as follows:

Mr. PARKER of New Jersey moved to amend as follows: Add at the end of section 3 the following:

"*Provided further*, That the Secretary of War may provide in said approval that all profits on the original cost of the plant in excess of cumulative annual profits at a rate or per cent of such cost to be fixed in said approval, and not to exceed 25 per cent, shall be annually divided among the consumers and purchasers of water power, electrical energy, or products thereof, according to the amounts paid by each consumer or purchaser in the year to such owner and maintainer of such dam:

"*Provided further*, That profits may be invested in permanent improvements, and in such case such excess of profits may be paid over to the person entitled thereto in scrip or other certificates of such investment on which local interest shall accrue and be paid annually until such scrip or certificates shall be taken up and funded in funded debt or in preferred stock bearing cumulative dividends not exceeding such local interest:

"*Provided further*, That outlay for salaries, offices, and other headquarters expenses and commissions shall be reasonable and subject to approval by the Secretary of War, and the Secretary of War in his approval of the plans and conditions of construction of said dam may limit the total amount of such outlay to a fixed per cent of the money spent in annual operation:

"*Provided further*, That the owner and maintainer of such dam and water power shall not sell, lease, or contract for such power or for energy, except to consumers thereof, unless upon contracts that are first approved by the Secretary of War and do not impair the consumers' right to share in the profits:

"*And provided further*, That the owner and maintainer of such dam shall make equal rates for power or energy in each locality according to the quantity used or lost and the cost of connection, and shall fairly apportion such rates as to different localities, and such apportionment shall be subject to the approval of the Secretary of War."

Mr. PARKER of New Jersey. Mr. Chairman, the House will remember that at several times when we have been considering the disposition of Government property I have insisted that there was no safety in doing it except on some cooperative plan. It has been proposed here that charges shall be made for putting up a dam and rent paid. No one can tell now whether the project is going to be profitable or not. That will be developed by experience. It is so as to grants of mines and public lands for great public purposes, and of water powers upon United

States property. No one can tell now whether they will bring in nothing or bring in 1,000 per cent.

The principle that ought to be applied, in my judgment—and this will have to be taken into account in all great public undertakings, including the use of public streets, trolleys, telephones, and everything that goes to the benefit of the public—that principle should be that all profits above a certain limit of a liberal per cent to the original investors should be handed over to the consumer.

If a man under these circumstances hires electricity of the owner and maintainer of one of these dams he pays the amount that he is asked to pay, with the understanding that if profits are over 15 or 25 per cent (or whatever the sum may be) going to the men who have put in the capital in the beginning, the surplus shall be returned to each man who has made a contract, and the rates so kept down.

This can be done with the trolleys and with any form of public service, with the water company, with the gas company, with the electric-light company; it is a system that is as broad as that which is applied in the mutual life insurance companies. The greatest mutual companies of the whole world are in the United States distributing their surplus profits back to the men who each pay in a few dollars a year for premiums.

Provision is made in my amendment against the difficulties that apply to life insurance companies that have been discovered by experience. The headquarters expenses should be limited to a certain proportion of the operating expenses, otherwise the profits go into the headquarters expenses. The amendment provides that money taken from income and applied to permanent investment and put in a sort of reserve should be represented by scrip issued to persons from whom the money has been taken. This has been neglected in the insurance companies until they have enormous reserves that are not held by the policyholders, or in which their rights are not ascertained.

No man can say that a cooperative system is impossible. The growth of the great cooperative stores abroad (not here because we deal with credit, and cooperative stores will not work on credit), the growth of the great cooperative system abroad representing millions and hundreds of millions of dollars and serving hundreds of millions of people, have proved that this system is a system of the future which will reserve to the consumer a large part of the profits on the goods, or the electricity, or the right purchased by the great monopolies, and will reserve to the monopolies a fair profit only. [Applause.]

This amendment will be offered to section 3. I have not read it, because I did not want to take up too much time, and I yield back the balance of my time, if there is any.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, water powers are natural monopolies, frequently absolute monopolies, and more frequently monopolies regulated somewhat by other somewhat similar monopolies. The most important of all questions with regard to natural monopolies of all kinds relates to the right of the people to regulate and control them, to have them constantly under public supervision. Fortunately we of the irrigation West, the land of diversion as contrasted with the East, the land of riparian rights, have absolute control over the use of waters for all purposes. That control can never be successfully contested. Our people collectively own the water and it is used under complete and unquestioned public control. There may be, of course, some question as to whether the public will in every instance fully protect itself and assert its right to control in the way that will be beneficial to all the people, but under our form of Government we must depend upon the people to do well those things which they have the power to do. I assume from what has been said one of the principal differences in regard to this bill will be on the question of charges to be collected by the Government, based on water-power development or otherwise. I have never been able to bring myself to believe that the levying of such charges was justified or could in the long run or in the general run be beneficial. The first interest of the public is to have the very largest development and the widest use at the very lowest rate. The consumer must of necessity pay any burden laid upon the development. The consumer must pay whatever charge is laid.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Suppose in a given city 40 per cent of the power is generated by steam and 60 per cent by hydroelectric. There are cases like that all over the country, though not exactly in that percentage, but a part of it is steam and a part of it is hydroelectric. The public utility commission that fixes the rate to be charged will fix it according to the lowest rate that can be imposed upon the steam, when as a matter of fact that rate in order to be competitive may allow the hydroelectric company to make exorbitant profits.

Mr. MONDELL. Mr. Chairman, the gentleman has presented very clearly the strongest argument and, as far as I recall, about the only argument there is for the claim that it is proper to provide a charge.

Mr. FERRIS. As the gentleman is well aware, of course the power interests are very much interlocked and intertangled, and monopolies of all sorts have grown up among them, though it is a resource that is so young. That being true, and knowing that hydroelectric power can be produced at a so much lower rate, and knowing that in nearly every case you have to have steam auxiliary plants to carry it out, the commission fixes the charge so that instead of taking it out of the consumer, as so many gentlemen argue, and I believe erroneously, it takes it out of the enormously exorbitant profits; and it has another mission, that it is an additional power in the Government to regulate the use of hydroelectric energy, which is probably the most effective one.

Mr. MONDELL. The gentleman has made the argument, and has made it as well as I have ever heard it made, briefly, in favor of charges, that under certain conditions that may be imagined, and that may exist, a situation may arise under which it would seem from his standpoint that the only way to draw upon what might be considered the unearned profits of a development of this kind would be to authorize the levying of a Federal charge for water-power development.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I will ask the gentleman to yield me five minutes more.

Mr. ADAMSON. Mr. Chairman, I yield the gentleman five minutes more.

Mr. MONDELL. Mr. Chairman, the answer to that is that in the first place those instances are the very infrequent exceptions to the rule, and it is never in legislation wise to legislate for the infrequent exceptions.

Mr. FERRIS. I want to disagree with my friends as to the facts. I think that in nearly every case they use both powers.

Mr. CANNON. Mr. Chairman, will the gentleman yield to me for a question. I am seeking light.

Mr. MONDELL. Yes.

Mr. CANNON. If one is cheaper than the other, and the public utility commission has the right to fix the charge, would not the public utility with a wise eye to the interests of the public fix the charge as to that power that could be produced the cheapest, and, therefore, the other would go to the wall?

Mr. MONDELL. That is entirely true, and I was about to come to that. The gentleman from Oklahoma would have the law adjusted to meet the unusual exceptions, which is never wise. Second, the exceptions that the gentleman refers to, be they few or many, would not be met or covered by adding a tax and a burden, but I would meet by fixing the charge based on the cost of production without regard to cost of a competitor.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. The gentleman from Illinois [Mr. CANNON] raised a question, and he is too practical a man to even ask that question. A public utility board can not say in a given city that I shall have lights in my house at a flat rate of 50 cents a month and that my neighbor across the fence shall pay $3 a month merely because one is hung onto a steam power and the other to hydroelectric power. The truth is, they fix the charge at the lowest rate that the most expensive can submit to.

Mr. MONDELL. On the contrary, the public utility commission that fixes charges on the basis of the highest cost for a part of the product would be a commission that ought to be drummed out of business, and would be in any self-respecting well-governed community. A public utility commission must take into consideration every factor and feature of the cost of the product as a whole and base the charge on those factors combined. If a power development with water can produce power more cheaply than a steam development, it is the business of a public utility commission to fix the rate that the water producing company may charge on what its production costs, not on what some other production may cost; that is, in the case of a water-power development selling all of its power to a plant lighting a city, the public utility commission that fixes the charge which may be made by such plant furnishing the consumers will base the charge on the cost of current thus produced.

On the other hand, if a cheap water power company sells half of the current used by a distributing company the charges made by the distributing company must be based on all the factors entering into the cost of the combined production. If a distributing company buys one part of its current more cheaply than another, the combined cost of the current, of course, constitutes the price to be charged to the consumer. What the gentleman refers to is met constantly by public utility commissions. They must consider every feature and every factor in the cost of production of the article sold, and by so doing allow the consumer of the product to get the benefit of any economies that may be accomplished. I am infavor of giving the consumer the benefit. I would not allow some one to levy a special tax upon power simply because it might be cheaply produced. It would not be equitable, in a majority of cases it would not be fair, and in any case it would come out of the pocket of the consumer.

But that is not the worst of it. Whenever the consumer is called upon to pay any burden laid by taxation or public charge he generally pays much more than the amount which the public receives, because there is always something added to it before the consumer comes to pay——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CLINE. Will the gentleman yield for a question?

Mr. MONDELL. If the gentleman from Georgia will give me one minute more, I will yield to the gentleman.

Mr. ADAMSON. I yield to the gentleman—how much?

Mr. MONDELL. I ask that I may have two minutes more.

Mr. ADAMSON. I yield that amount of time to the gentleman.

Mr. CLINE. What I wanted to inquire is this: Suppose the public-utilities commission is required to pass upon the rate for a generating company in disposing of current or gas, and in conjunction that it has to pass upon the rate that a transmission compay desires to fix; would the gentleman make any difference in the rate in favor of the transmission company or the generating company?

Mr. MONDELL. I do not quite understand the gentleman's question.

Mr. CLINE. Take as an illustration, for instance, Niagara Falls——

Mr. MONDELL. Of course the gentleman understands what we are primarily discussing is the question of charges, not the question of rates. I took the position that a tax upon the power development was a burden to the consumer.

Mr. CLINE. Would the gentleman increase that rate on the transmission company? Suppose the transmitting company buys from the generating company for transmission; would the gentleman make any difference in the charges there?

Mr. MONDELL. Well, I am assuming that if we were laying a charge under a bill such as we have before us the charge would be laid directly on the company generating the electricity. Thereafter the matter of rates would have to be controlled by the public-utilities commission. My argument is——

Mr. NORTON. Will the gentleman yield?

Mr. MONDELL (continuing). That if we lay a public charge in the way of a tax going into either the Federal Treasury or the State treasury for power developed by so doing we are placing a burden on the consumer of the product. There is no argument for laying such a charge on the theory that there will be an undue profit that can not be regulated by a public utility commission, because the public utility commission has the power—we should always see to it that they have the power—to fix charges based on all elements of cost.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. I will have to ask the gentleman from Georgia for three minutes more.

Mr. ADAMSON. I would be very glad to yield to the gentleman, but I have promised gentlemen——

Mr. NORTON. Will the gentleman yield just a minute to enable the gentleman to answer this question?

Mr. ADAMSON. How much time?

Mr. MONDELL. One minute.

Mr. ADAMSON. Very well.

Mr. NORTON. Take a case of this kind. Say the gentleman was a member of the utility commission of Minneapolis, having supervision of the electric power of Minneapolis, and that 30 per cent of that power was generated by hydroelectric energy and 70 per cent by coal or steam, and the cost of generating hydroelectric power was one-half that of steam power. Would the gentleman fix the rate on the cost of steam power?

Mr. MONDELL. I would fix the rate anyone could charge on the cost of production. In the case of a distributing company buying current from both steam and water-power sources at a fair rate based on the combined cost. That is a very simple thing, a fair rate based on the total cost of the production.

Mr. NORTON. On the 100 per cent?

Mr. MONDELL. Certainly.

Mr. NORTON. Then the excess profit would go to the hydroelectric company?

Mr. MONDELL. Not by any means. If the hydroelectric company was generating half of the product for a quarter of the total cost, why, the rate which they should receive would be fixed in view of that fact.

Mr. NORTON. Would the gentleman distribute the power? Would not they want to get the cheap power?

Mr. MONDELL. The community would get the cheap power so far as it would go, because I would fix the rate on what it cost to develop the power.

Mr. FERRIS. Suppose they are rival companies, and suppose the hydroelectric company was in competition with the steam company, would not you drive the steam company out of business and bankrupt it?

Mr. MONDELL. Not necessarily.

Mr. NORTON. Of course you would.

Mr. MONDELL. You would not escape the situation by taxation. The gentlemen conjure up all sorts of hypothetical cases and want offhand answers as to what in such a case a public-utilities commission would do in fixing rates. I am not clear in my mind whether the gentlemen are disturbed because low rates, under water-power development, might unfortunately affect steam-power development already in existence, or because on a uniform rate for power produced in the same community by steam and water, the water-power owners might obtain the larger profit of the two. At any rate, I am at a loss to know just how they would remedy, or adjust, all these matters advantageously to the public by laying a Federal tax on the water-power development. Assuming that in a given case with water and steam power competing and the rate fixed at the lowest point at which the steam-power producer could live, the water-power producer was obtaining a very considerable profit and it were deemed wise that the Federal Government should absorb the difference in the two costs of production. Is there any assurance under the provisions of this bill that the Federal taxing power would fix the charge at no less or no more than that difference, and if that were done what might be the loss to the community in thus destroying sharp competition? Assume in a situation like that a sufficient increase of water-power development to supply the local needs. Would the Federal tax continue? If it did, it would make it impossible for the community to receive the benefit that it should receive by having a large water-power development in the vicinity.

I must protest the view that communities having possibilities of great water-power development are not entitled to the full benefit of that development. There is no more reason why the Federal Government should lay a heavy tax on water-power development, and by so doing deprive communities of the local advantages which such development would otherwise give them, than there would be for laying a tax upon a community because of the special benefits which it derives in cheap transportation by reason of being on tidewater or an inland waterway. With all due respect for gentlemen who argue that the Federal Government should place a tax on water-power development sufficient to equalize the difference in cost, whatever it may be, much or little, between steam and water power, I must say that it strikes me as being about as curious and illogical a proposal and about as absurd and impracticable a policy as I have ever heard of. One has only to bring to mind possible examples of the problems, effects, and results of such a policy, or such an attempted policy, to realize how utterly impracticable it would be, how inequitable and unfair to communities, if it were possible to carry it out. The largest production of power possible and the lowest rates obtainable under full public control; these are the interests of the public in connection with the development of our water powers. These interests will not be served, in my opinion, by the levying of tax burdens over and above those which these enterprises must and should bear in common with all other property.

The CHAIRMAN. The time of the gentleman has again expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HUMPHREYS of Mississippi having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, who informed the House of

Representatives that the President had approved and signed bills and joint resolution of the following titles:

On July 1, 1916:

H. J. Res. 242. Joint resolution to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

H. R. 15836. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

H. R. 16678. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments for the fiscal year ending June 30, 1916, and for other purposes.

On July 3, 1916:

H. R. 393. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes.

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7.

H. R. 11286. An act for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows.

GENERAL DAM BILL.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman, it is not necessary to speak of the importance of this legislation. I deem it as a fact, that other than the great preparedness measures we have been discussing and passing, and other than the great revenue bill which is about to be considered, there is no measure under consideration by this House which is of greater importance to the Nation at large than this one. The very fact that there is 27,000,000 of horsepower undeveloped in this country is a potent fact which speaks for itself, taken in conjunction with the correlative fact that during the past legislative history in regard to this measure, for a period of 10 or 12 years, there has been 28 different bills passed by the Senate and the House, and yet only 9 of them have become operative and put in force, and private enterprise gone into the construction of working and utilizing this great undeveloped power.

Mr. MEEKER. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. MEEKER. In lieu of what was said a while ago could the gentleman give us the assurance that, in his judgment, the Shields bill will not come back from conference?

Mr. DEWALT. I will say to the gentleman that, being a member of the committee, I know what was done there, and I have arisen in part, Mr. Chairman, and in response to the gentleman, to refute and deny any allegation on the part of the gentleman from Minnesota [Mr. SMITH] that there ever was in contemplation the substitution of the Shields bill for the bill now before the House. It is very easy to make charges. It is very easy to say, too, that an "insidious lobby" is present in the House of Representatives. And while I am a new Member here, my past legislative experience has taught me this, that this insidious lobby very seldom seeks anyone except those who are willing to be found, and it very seldom approaches anyone except those who desire to be approached. The insidious lobby knows honest men, and it knows those who are willing to be approached by insidious methods. When the gentleman said this was the granting in perpetuity of the rights of this country to private individuals he was speaking of that of which he did not know or had no knowledge, for the reason that he did not inquire, because section 10 of this bill specifically provides:

SEC. 10. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee, either before or after the lapse of the period of the grant, of two years' notice in writing of such termination, and may take over the properties which are dependent, in whole or in part, for their usefulness on the continuance of such grant and which may have been acquired by any grantee acting under the provisions of this act upon condition that it shall pay before taking possession, first, the actual costs of the dam—

And so forth.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. DEWALT. Certainly, sir.

Mr. SMITH of Minnesota. I want to know if the gentleman knows just what the United States Government will have to do and what it will have to purchase and pay for at the end of 50 years in case it desires to take over one of these plants?

Mr. DEWALT. If the gentleman will read the provisions of section 10, he will be informed fully about that. There can not be any doubt about the subject at all; and, for his information, although he was kind enough to accuse me a moment ago of not knowing anything about the subject, I will read it to him.

Mr. SMITH of Minnesota. You do not have to read it. I can read, but I can not understand what that provision means which says that the Government can take it over when it pays for the plant or anything used in connection with the plant in whole or in part. If you will tell me what that language means, I will be obliged to you.

Mr. DEWALT. The Government is obliged, before it can take possession of this plant, to give a two years' notice, which must be at the expiration of the 50-year tenure. The Government has also the right under the provisions of this bill to extend the leasing power and tenure, and the Government has also the right to take over all the property of this plant and pay, under the guaranty thereof, the actual cost of it, not including the dams which have been constructed and which have been stipulated before to have been Government property.

Mr. SMITH of Minnesota. Now, will the gentleman yield a little further?

Mr. DEWALT. Certainly.

Mr. SMITH of Minnesota. That, of course, is very intelligible to the gentleman. He understands that perfectly.

Mr. DEWALT. I can not be blamed for the lack of intelligence of the other gentleman.

Mr. SMITH of Minnesota. I doubt whether the House understands what the language in the bill means, to this effect, that the Government should pay not only for the plant, but anything which has been acquired during its existence. What does that mean?

Mr. DEWALT. If the gentleman will follow the reading of section 10, he will find that it says explicitly that before taking possession, first, they must pay—

The actual costs of the dam and locks and all other aids to navigation constructed under the approval of plans and specifications, rights of way, water rights, lands, and interests therein purchased and used by the grantee in the generation and distribution of electrical energy under the grant; and, second, the reasonable value of all other property taken over, including structures and fixtures acquired, erected, or placed upon the lands and included in the generation or distribution plant and which are dependent as hereinabove set forth, such reasonable value to be determined by mutual agreement between the Secretary of War and the grantee or owners of such property; and in case they can not agree——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEWALT. Mr. Chairman, will the chairman of the committee grant me a few minutes more?

Mr. ADAMSON. I will yield to the gentleman two minutes more.

Mr. DEWALT. I read further:

And in case they can not agree by proceedings instituted for that purpose in the United States district court for the district for which said property or some part thereof is situated; but in no case shall the amount exceed the actual cost——

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. DEWALT. Yes; I yield.

Mr. SMITH of Minnesota. So that we may understand.

Mr. DEWALT. Yes.

Mr. SMITH of Minnesota. I would like to have the gentleman define just what this language means.

Mr. DEWALT. To what language does the gentleman refer?

Mr. SMITH of Minnesota. To the language on line 21, page 31.

Mr. DEWALT. I am reading from the report.

Mr. SMITH of Minnesota. The language "take over the properties which are dependent, in whole or in part, for their usefulness on the continuance of such grant." Now, that is what we are to pay for. We are to pay for all the property which is dependent in whole or in part for its usefulness on the continuance of the grant or the operation of this plant. Now, what does that mean?

Mr. DEWALT. My response to that inquiry is this: When you speak of property which is dependent in whole or in part you would naturally include the structures which are placed on the property for the propagation of the power, to wit, the dams and other appliances which are necessary, and that shall be limited to the actual cost thereof; and more than that, if the parties can not agree they are resolved to litigation in the district court.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. I will yield to the gentleman from California.

Mr. KENT. I want to get at the real tangible effect of this thing. At the end of 50 years the Government says, "We will now buy this dam." There are in connection with the dam a lot of power properties—the houses, flumes, and things that generate electricity, and the wires, which may be hooked up to a trolley system, and the trolley cars that are dependent for their operation upon the use of this power.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. ADAMSON. I will yield to the gentleman a minute.

Mr. KENT. I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KENT. What is the effect upon the situation if the Government determines it will take this property over? It says they "may" take it over. That does not mean it must. How is the Government to take this over without taking it all over, clear to the doormats in the street cars?

Mr. DEWALT. I think if the gentleman will look into it he will find that section 11 provides for that:

The Secretary of War may renew the approval of plans and specifications, either original or modified, upon such terms and conditions and for such periods as may be authorized under the applicable laws that may be in force at that time, or to approve terms and conditions under which a new grantee may operate such properties.

Mr. KENT. But the new grantee can not operate the property without taking possession of it, without taking possession of the doormats in the street cars, and everything ancillary to it.

Mr. DEWALT. I doubt much whether as a lawyer—and the gentleman from California is a lawyer——

Mr. KENT. Heaven forbid!

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ADAMSON. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Georgia has 27 minutes and the other side has 12.

Mr. ADAMSON. Does the gentleman from Wisconsin [Mr. ESCH] wish to use some time?

Mr. ESCH. I have no demands for time.

Mr. ADAMSON. The gentleman from Oklahoma [Mr. FERRIS] desires five minutes, and after that I shall yield to the gentleman from Kentucky [Mr. SHERLEY] five minutes.

Mr. COOPER of Wisconsin. I want a moment in which to ask a question.

Mr. ESCH. Does the gentleman yield?

Mr. ADAMSON. All right.

Mr. COOPER of Wisconsin. The gentleman from California [Mr. KENT] has called attention to a fact that I want to ask a question about, practically a similar question, by quoting the first three lines of section 11:

That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in section 10 hereof.

Now, has the United States any right except to take over and maintain and operate the property? Can it take it over and give it to another grantee?

Mr. ADAMSON. That is the plan of the bill, to give three alternatives.

Mr. COOPER of Wisconsin. Why that language?

Mr. ADAMSON. The language is taken from the Ferris bill, which was agreed upon by the House, and it means three alternatives; first, trade with the original grantee, if desired. If you can not trade with him, then with a new grantee; or if the Government desires it, the Government can take it over itself.

Mr. COOPER of Wisconsin. As to that language, "exercise its right to take over, maintain, and operate," if that is the only right it has, it can not give it to any other grantee unless there is some other provision somewhere.

Mr. ADAMSON. I will state to the gentleman from Wisconsin that his colleague, Mr. LENROOT, before he went away, desired——

Mr. COOPER of Wisconsin. I find in the same section what would appear to be almost a contradiction of that. It says:

To approve terms and conditions under which a new grantee may operate such properties.

Mr. ADAMSON. That is one of the alternatives I have noted.

Mr. COOPER of Wisconsin. Then there ought to be some other provision, some other change in that language, because it mentions only one right to maintain and operate.

Mr. ADAMSON. Mr. Chairman, I will take the time now to mention a matter which was brought to our attention by the gentleman from Wisconsin [Mr. LENROOT]. The gentleman has referred to the language in section 10, which is used in part in section 11. The gentleman from Wisconsin [Mr. LENROOT] contended that under the preceding section all rights ended at the end of 50 years. Then the Government could exercise its discretion in the three alternatives, and the gentleman from Wisconsin desired me to offer an amendment to that language in section 10, and I am going to offer it at the proper time. Instead of, "At any time after the expiration of 50 years the United States shall terminate the rights hereunder granted," two years' notice in writing of such termination shall be given. I will insert this: Strike out all of section 10, down to and including the first bracket in line 21, and insert the following: "That at any time preceding the expiration of the 50-year period, or at any time thereafter, the United States may, by giving two years' notice, take over the property," the idea being that all its rights ended in 50 years.

And until the United States saw proper to act, to take some steps to put him out, he was there in the river on sufferance, and the United States could, when it got ready, exercise either of the alternatives; either say to him, "You trade with me again, or I will sell to somebody else, or use it myself."

Now I yield to the gentleman from Oklahoma [Mr. FERRIS] five minutes.

Mr. FERRIS. Mr. Chairman, since the water-power bill was up, in January last, I have not given close and critical attention to this bill, and I am only going to refer to it superficially.

The House bill which passed the House in the last Congress deals with about 75 per cent of the potential water power of the United States. It deals with potential power on the public lands of the country. This pending bill deals with about 24.6 per cent; it deals with power on the navigable streams. The jurisdiction of this bill is in the War Department, and under the Interstate and Foreign Commerce Committee, and the jurisdiction of the public-lands water power is under the Interior Department and under the Public Lands Committee. I can see no necessity for a conflict; I feel both bills should preserve the essentials of a proper water-power policy. The question is so important, it needs attention so bady, it merits the closest attention and scrutiny of everyone here.

Mr. COOPER of Wisconsin. Did the gentleman say that the Ferris bill deals with 75 per cent of all the potential water power in the United States?

Mr. FERRIS. Yes; 74.6 per cent.

Mr. COOPER of Wisconsin. Not on the public lands but all?

Mr. FERRIS. Yes; 74.6 per cent of all of it. That bill has twice passed the House and died in the Senate. Of course, the bill of this session is not yet dead, but it has not passed the Senate, and it is slumbering very peacefully at the other end of the Capitol.

The Shields bill, which is now being considered, passed the Senate some time ago. I have not the date here.

Mr. MANN. March 3.

Mr. FERRIS. March 3. It came over here, and the Interstate and Foreign Commerce Committee struck it all out and put up the substitute bill, which is very much better, of course, than the Shields bill.

If the Shields bill was before the House now, as it came over here, I should feel it my duty, with such earnestness as I had, to oppose it. It is not written with the public interest in view at all. I do not mean any disrespect to Senators, but I mean that things have crept in which should not be in that bill, and the country is well aroused and well opposed to that bill. I think the chairman of the Committee on Interstate and Foreign Commerce [Mr. ADAMSON] and his committee are entitled to much credit for framing the substitute bill, which is in very many respects much better, and no doubt will be worked out into a good bill. They have left out, however, one thing that, it seems to me, ought to have been put in in justice to the well-known views of the House. That is, the question of a charge. In both of the bills that have passed the House, reported by the Committee on the Public Lands, we retained a charge, and in the bill that passed last year from the Interstate and Foreign Commerce Committee the House by an overwhelming vote put in a charge, and I think the House ought to do the same thing again. I rather think the committee ought to have brought it in, but I know how easy it is to criticize, and I know how hard it is to accomplish.

The chairman of the Interstate and Foreign Commerce Committee [Mr. ADAMSON] knows, of course, that the putting in of a charge means trouble for the bill in the Senate. I know that. I know there are some very strong Members of the body at the other end of the Capitol who absolutely say this water power must be given to the water-power people free and without any charge, and they are going to insist on it to the last ditch.

This should not, it seems to me, deter the House in doing its duty.

Let me call the attention of the House to one alternative. As the existing law now stands, the water-power people can not develop at all except by unanimous consent, we might say, or by what is known as the revocable-permit law. In other words, if a water-power developer wants to develop water power to-day he must go and get what is known as a revocable permit to develop water power, which subjects him to every charge and condition the department wants to make, and which subjects him to the absolute and unqualified power to revoke that license at any time that the department desires to do it, without notice and, I may say, without reason. This should not prevail. This keeps down development. That is not right or as it should be.

Now, it is certainly known to the House—I am sure it is known to the chairman of the Interstate and Foreign Commerce Committee—that that law is not bringing the development it ought to bring. For example, there are 35,000,000 potential horsepower in the United States, and only 6,000,000 horsepower have ever been developed by anybody. That leaves 29,000,000 or 30,000,000 horsepower idle and unused, unappropriated, flowing idly to the sea, a total waste. A Republic like ours, alert to every right and every opportunity, should not allow that great waste to go on longer, and that is one thing that prompted our committee, and that prompts me, and that prompts Judge ADAMSON and his committee to try to bring something before the House to remedy that condition.

Mr. STERLING. Will the gentleman yield for a question?

Mr. FERRIS. I have only a minute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I yield the gentleman one minute more.

Mr. STERLING. How is the making of a charge going to induce capital to invest in the development of water power?

Mr. FERRIS. I must say that I do not look with an eye single to getting development at the expense of all the people. I know Members come here and say, "Unless you give us everything we want there will be no development." I agree to no such argument as that; and if I should agree to the argument advanced, I would not help pass a bill for any such performance as that. Why? Because if we can only get development by submitting to things we ought not to submit to, it means the future torture of the consumer, and that ought not to be permitted here or elsewhere. [Applause.] I want this water-power development—I know it needs development—but I do not want the water-power people with heavy hands to charge me in my home and you in your home $3.50 a month for the light, heat, and power used in our homes when it could with profit be furnished for 50 cents and still let the hydroelectric power people have a just and proper profit.

One thing more: Section 10 of this bill is what is known as the recapture clause. I think the chairman and the committee have in good faith tried to preserve the correct rule of recapture; what I fear is that the language is somewhat involved. Of course, it is very important that we have a correct recapture clause, otherwise this becomes a grant in perpetuity—a thing no man wants to give here, a thing no Senator or Congressman ought to want to do. This is important; it is one of the salient provisions of any proper water-power bill.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ADAMSON. I yield to the gentleman two minutes more.

Mr. FERRIS. I want to say that the one thing that distinguishes the water-power bill for a term of years and a water-power bill in perpetuity is the power to get it back. There need not be any mincing of words about that. That is the recapture clause; that is section 10 of this bill or section 5 as it was in my public lands power bill. Let me tell you what I think the rule ought to be. I think that this section ought to be modified to the extent that when the term of years ends the term ought to summarily expire, so that the initial movement, the activity, the securing or bringing about of a new lease ought to be on the water-power people instead of on Congress. The initiative necessary to a new lease ought to rest with the water-power people to secure and not with the Government to cut it off.

Mr. ADAMSON. If the gentleman will permit me, that is an amendment that I have agreed with the gentleman from Wisconsin [Mr. LENROOT] that I will offer.

Mr. FERRIS. That ought to be incorporated, for the reason that Congress is so ponderous, so slow even in doing its whole duty, that at the end of the term the result would be that the water-power people would go on, and because of the difficulty of getting Congress to act it might proceed without limit, and thereby convert what was intended as a lease into a grant in perpetuity. I want them cut off summarily; I want the water-power people at the end of 50 years to come back to Congress and get their leases or permits renewed under the conditions then existing and with the light of 50 years behind us. Of course this is only in the event they should be renewed at all. It would not surprise one if by that time such public utilities as this will be municipally owned and operated without profit. I offer these suggestions in no captious spirit, but in the hope it may help the bill on its way. I am so sure we do not want it to run on forever. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, the gentleman from Oklahoma [Mr. FERRIS] has said, and perhaps better said, what I want to say, but it can not be amiss to again emphasize it. There are two big things to be kept in mind in considering this bill: First, the Government ought not to give a grant without having the right to make a charge for it. [Applause.] You do not need to require that it shall make a charge, but it ought to have a right to make a charge; and there is nothing more fallacious in fact than the assumption that the right to make a reasonable charge will prevent the development of the water power of America. [Applause.] You have no right to assume that your governmental agencies are going to do an ignorant or an unwise thing. Presumably by giving them the right to make a charge they will not make such a charge as will prevent development.

Men who discuss this discuss it as if the charge was one of great burden in the way of water-power development, whereas practically in every instance in which the charge is made, even of a considerable amount, that has been almost one of the negligible factors that go into the question of the cost or profit.

The second proposition is this: Look carefully as to what creates a definite grant and what an indefinite one. I insist upon it that the inertia of the Government shall be put in favor of the people and not in favor of the grantee. [Applause.] By that I mean this: If you provide, even under the suggestions made here, for a 50-year lease which shall terminate if Congress so declares, you have not put the inertia of the Government in favor of the people, you have put it against it. You who have served here any length of time know how difficult it is to get Congress to act against the interesst of a special grantee and in favor of the people. Not so much because Congress does not desire to act but because there are hundreds of ways by which people interested can prevent the affirmative action of Congress. So you want to provide that the lease shall actually end at the expiration of 50 years unless the grantee gets from Congress a renewal of the grant. [Applause.] Then you have no doubt about it.

Men talk about the need of a long enough time to get capital to invest. Think of 50 years and what it is. Turn back your mind and review the history of America for 50 years; see the development that has been made in all the mechanical arts; see the inventions that have been made, and tell me who is wise enough now to mortgage the future for 50 years so as to do justice to the people of America. It is an extremely long time. Some States in the Union forbid a grant that runs for anything like 50 years of time. My State has a constitutional provision against any such long-term grant.

Now, if you are going to give a lease for such a long term, be sure that it stops at the end of that time. The thing that to-day may be only fairly profitable in 25 years may be overwhelmingly profitable, and for us to undertake to give the property of all of us to any special group of capitalists for 50 years is a very serious matter and one not to be undertaken lightly and without due consideration of the consequences. Let these two things be made certain: The right to ask a reasonable compensation and the absolute certainty that the grant will end at the stipulated time, and the details of the bill will shape themselves without trouble. These are the crucial matters; around them the fight is, and that is where it will remain between those who want undue favors and the Representatives of the people who are not willing that they shall have them. [Applause.]

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Kentucky [Mr. SHERLEY] have touched on the fundamental necessities of this legislation. I hope my remarks will not be merely duplication. It seems to me that it is a piece of insolence for us to bind the future for a period of 50 years with our wisdom or unwisdom. I fear that

this bill if enacted may be wrapped around the legs of posterity like so much barbed wire when they try to escape from it. In order to recover the property we may be forced to buy everything dependent for its usefulness upon the power generated. Obviously this may be construed into meaning that we or our descendants may be obliged to buy the wire from the power plants to the trolley system, the trolley cars, then buy the franchises, the doormats, and the advertising in the trolley cars, before they can take over the electrical part of the improvement. Certainly they can enter upon the dam and locks in the navigation part, but if they shall desire to make use of the electrical portion of the improvement they may be compelled to buy everything remotely ancillary thereto. Possibly I am in error in my attempt to construe the meaning of the blind verbiage of section 10, but I am not sure that there is a possibility of any termination whatever.

The only real means of regulating is by a charge or by a tax, and this, as the gentleman from Kentucky [Mr. SHERLEY] well said, will not be made burdensome, will not be so placed as to prevent improvement. How absurd it is to bring this up when we remember the history of the Connecticut River dam legislation, when people with millions of dollars were willing to employ them under more drastic terms than anything we have been considering.

The Connecticut River bill was stopped in the Senate because it would be a "bad precedent." This electrical power is going to be of vastly more importance than we can at this time conceive. It is recognized now that the oil supply, with the present consumption of gasoline, will be exhausted before a great many years, and we will have to look to our coal, and coal is not inexhaustible, but our water power, our electrical power, is inexhaustible. It would be used now if its use were not prevented by a greedy lobbying aggregation seeking unfair advantage and promotion rather than development. We can not afford to throw away this heritage; and if we are foolish enough to grant franchises so blindly worded that they might be so construed as to force the Government, before it can either put another grantee in or take upon itself the function of the production of electricity—which I believe it will some day do—to purchase everything remotely ancillary we shall have granted a franchise in perpetuity. [Applause.]

Mr. ESCH. Mr. Chairman, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, of course everyone understands that water power is essentially a monopoly. A water power exists, we will say, which when developed produces a lot of power at a very low rate of cost in some cases. That power when used is used in competition with power produced from the consumption of coal, where the cost of production is greater than the cost of production through the use of the water power. In other words, here is a water power—and, of course, this is not the case everywhere—which when developed may furnish power for light, for heat, for manufacturing purposes in a certain locality; but the power developed from the water is not sufficient to furnish all the power that can be or is used in that locality. It would not be fair under those circumstances to have the users of the water power, private interests, obtain their power more cheaply than those who buy the power produced by coal, because that would be exercising a species of favoritism for the benefit of one person as against another. Of course, where the power is all used by a municipality for municipal purposes, it is a different proposition; and we come then to the question, What will we do where we authorize the development of a water power—a monopoly—limited only by the amount of power which it can produce? What will we do in those circumstances, so far as we are concerned? I think that invariably we should reserve a right to make a charge for the use of the power. To give the benefit of this reduced cost of production to the consumer where the consumer is in competition with consumers of other power is merely to give some one a favored advantage. The water power belongs to us all, and if the cost of production of the water power is much less than the cost of production of coal power, the Government in some way should absorb the difference. These powers ought to be developed. Everyone will agree to that.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. ADAMSON. The House is insisting, and no doubt always will insist, on reserving the power to pass on each particular grant. Would it not be perfectly practicable and desirable to reserve that proposition and allow the Congress in each case to determine whether a charge, and what sort of charge, ought to be imposed in a particular case?

Mr. MANN. I do not think that Congress can determine this question from a practical viewpoint, though I do believe the House should reserve the power. I think the House should reserve the power so that we must pass a special bill based upon a general act, as is the case with bridges and with dams at the present time; but so many complications arise that, after all, it must be worked out in the main by an administrative officer.

I do not think we should give to John Jones for 50 years the perpetual right to develop a great power where he will get a great exorbitant profit out of it. Nor do I believe that we should give to John Jones the right to develop a great power where his customers will get the benefit over and above the ordinary benefit which they may derive from manufacturing through the use of any power. This bill is of enormous potential value. It is far wiser, in my judgment, to be slow about the legislation than it is to give away the power by hasty legislation. When this power is once developed it is developed probably for all time. Most of the powers in the country probably are not yet ripe for development. Of course on the one side we want to conserve the rights of the public and on the other side we want to encourage people who have money to invest their money to develop the power. I do not know whether we can do it by legislation now or not, but, in my judgment, we should clearly reserve to the Secretary of War or to other administrative officers the right and the power under certain conditions at least to give to the public generally the special benefit that comes from the development of cheap power, rather than to give it to a few who are in competition with others. [Applause.]

Mr. ADAMSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Georgia has 13 minutes remaining.

Mr. ADAMSON. Mr. Chairman, suggestions have been made by two gentlemen on this floor which I do not understand. Whether they understand them themselves or not I do not know. I take it for granted that they do not mean anything by them, and especially that they do not mean what the remarks seem to imply, therefore I shall not reply to them.

If any gentleman here or elsewhere were to make the suggestions which those remarks seem to imply, it would be such a gratuity and so false a gratuity that I would make proper reply. You will observe that no gentleman who has been here long—none of the able and distinguished gentlemen who have been here with me for the past 20 years—have made any such suggestions or insinuations, and I do not believe those gentlemen who made the remarks mean any such thing.

I have seen in the papers from some irresponsible source, I presume some newspaper novice—I know none of these older newspaper men around here would be guilty of that, because they are all nice men and smart fellows, and they all have good sense and are gentlemen—that this bill would be slipped through the House in an easy way without much fuss, and in conference the conferees' report would be made and rammed down the throats of Congress. That is idiotic, too idiotic to be malicious, and it is not necessary to reply to it. I never imagined that any Member of this House could be guilty of such.

Gentlemen here know that I have never been to a conference with the Senate without coming back with a satisfactory report, and gentlemen know when we go to conference we come back with the will of the House so nearly accomplished that we are satisfied, and we never bring back anything contrary to the will of the House; and if we were foolish enough to do it, we would meet with disaster in the House. So there is no use of anybody talking such nonsense.

In the outset of my remarks I stated plainly that we desired to pass the best bill we could in this House, one that if adopted by the Senate would build dams. I believe the substitute reported by this committee will result in building dams; not only result in building dams, but it provides absolutely for the protection of the Government and of the people, and it also provides for the Government receiving all consideration that can be desired or can be necessary. The Government and the public are protected, and at the same time it offers terms liberal enough to induce the employment of capital. If we get into conference, we will try to find out if a workable bill can be agreed upon. If it can, we want to adopt it; if it can not be, the legislation had better die, because legislation that will not result in progress is utterly worthless and worse than worthless. It would be an obstacle to further legislation which would mean progress.

The thing most talked about in the House is a thing to which the Senate is also unalterably opposed, and that is a tax. Now, Mr. Chairman, it is easy for us to stand here and talk about

what we will put on the other fellow if the other fellow will stand there and take it.

The other fellow has the money. We do not want any competition between the public land water powers and navigable river water powers. We do not want any contest between the Committee on Interstate and Foreign Commerce and the committee charged with the jurisdiction over public lands. We have recognized the interests of the Government to sell public lands and take a royalty on the water power if it wants to, because the Government owns the land, and we also recognize that if the Government ever intends to improve its navigable waters we ought to recognize that a lock and dam costing a million dollars is some consideration for our consent. We have also provided amply for the termination and control of the termination period, so there can be absolutely no trouble about that. Now, why should we impose a tax? I will not argue the constitutionality of it; it is not necessary; and I will treat it as a matter of policy entirely. Suppose that the Government needed the tax. The Ways and Means Committee, which is now hard at work finding sources of revenue for the demands of the Government, can levy a uniform excise tax in accordance with the Constitution on all powers; not a new power alone, but the old powers as well as the new powers. They could levy on undeveloped water sites if they wanted to; on steam power as well as water power. It is the business of that committee, if the Federal Government wants revenue, to levy all uniform excise taxes. Admitting that as a condition to the grant of the consent we can make a charge, the trouble that I see in it is not in the details that gentlemen have gone over here at all, but the trouble I see in it is that other people have the money and we want them to build dams and locks for our benefit.

They say they will not do it unless they know what they have to meet, what the risks and chances are, what the certainty or uncertainty is. If you are going to levy a tax as a condition for your consent, you ought to fix what it is to be at the time you let the capitalist in. You ought to levy with definiteness and certainty. Otherwise you can not trade. It is not a question of liberality or generosity to the investor; it is a question of securing the investor's consent as well as the Government's consent, for it takes two to make a trade. Furthermore, Mr. Chairman, the Government does not own the property in all of these cases as it does on the public domain. I have never even insisted on a royalty in the case of public lands. I have let the Public Lands Committee have its own way. It was the business of that committee and I do not want to come into competition with it, and the conditions are certainly different. The Government in one case is the owner as well as the sovereign. In the other case it is the sovereign and wants to develop its navigable water without having to take the money out of the Treasury. If it can induce private capital under liberal conditions to build these locks and dams and at the same time furnish manufactures, I think the Government is making a good trade. Now, if we had pursued that policy we would not have had to resort to the expense in the military bill the other day of appropriating $20,000,000 for a cyanimid plant.

Not a single gentleman here has mentioned anything but the little, insignificant business of furnishing current for lighting, running street cars, and so forth. Mr. Chairman, it takes very little current for that. What I have in mind is using electricity with which to manufacture everything in the world that our people need. Germany's strength to-day is because she is the great manufacturer of cyanimid from the air. What I have in mind is cheaper electricity, not to compete with the little lighting and power plants, the running of street cars and the lighting of cities, but to put up great manufacturing enterprises that will supply the Government and supply the people. Unless we can provide terms of a bill that will induce capital, the waters will waste forever. We ought to use them to build up the country and advance the prosperity and happiness of our people.

Mr. Chairman, I ask that the bill be read.

The CHAIRMAN. All time having expired, the Clerk will proceed with the reading of the bill.

Mr. ADAMSON. Before the Clerk reads, Mr. Chairman, I ask unanimous consent to incorporate as a part of my remarks some parallel columns showing the difference between the three bills pending.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. MANN. Mr. Chairman, I should like to suggest to the gentleman that he get unanimous consent that when this bill passes to have it printed all in one type, and to strike out these brackets and parentheses and various things of that kind.

Mr. ADAMSON. I want to commend the gentleman for making the suggestion, and I ask unanimous consent that the bill be printed as stated, without these parentheses and brackets.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when consent or authority has been or may hereafter be granted by Congress, either directly or indirectly, through any duly authorized official or officials of the United States, to any persons to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and after such approval it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Secretary of War and the Chief of Engineers. Such plans, specifications, and drawings shall be submitted within two years after the date of approval of the act authorizing the construction.

Mr. RUSSELL of Missouri. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "dam," in line 20, page 22, "or diversion structure," and by inserting after the word "across," in line 20, page 22, the word "along."

Mr. ADAMSON. Mr. Chairman, I have no objection to that amendment. It is in line with the purpose of the bill.

Mr. MANN. What is the last part of the amendment?

The CHAIRMAN. The Clerk will report the last part of the amendment.

The Clerk read as follows:

Line 20, page 22, after the word "across," insert the word "along."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That as a part of such approval such conditions and stipulations may be imposed as the Secretary of War and the Chief of Engineers may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate in connection therewith, without expense to the United States, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress may deem necessary in the interests of navigation, in accordance with such plans as they may approve; and also that the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches and shall grant to the United States free water power or power generated from water power for building and operating such constructions; and in such original approval, at the discretion of the Secretary of War and the Chief of Engineers, may be required to maintain and operate such lock without expense to the United States. The Secretary of War shall provide, as a condition of such approval, for the diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions, and may provide that the grantee shall at no time contract for the delivery to any one consumer of electrical energy in excess of 50 per cent of the total output, except upon the written consent of the Secretary of War.

Mr. ESCH and Mr. SHERLEY rose.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH] is recognized.

Mr. ESCH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "Congress," in line 22, on page 23, insert the words "at any time."

Mr. ESCH. Mr. Chairman, this harmonizes the section with the section as contained in the act of 1906, and with the act of 1910 and with the act of 1914. In all of those measures we retain the right to require the installation of a lock at any time, whether at the beginning when the original grant is offered or at any time during the period of the grant. It is believed we should retain that power. There are considerations why the Government should have the right at any time after the original grant of requiring the installation of a lock in a dam across a navigable water in the interest of navigation. It will not be so much of a disadvantage to the grantee as some may allege, for these reasons. When it comes to fixing the rate to be charged under this bill the cost of the locks has to be considered by the

commission. In other words, the State commission, if under the jurisdiction of the State commission or the Secretary of War, would have the right in fixing the rates to be charged by any power company, to include in the matter of valuation the cost of locks. That being true the grantee would be receiving a return for the expenditure made in building these locks.

Another consideration is that when the 50-year limitation has expired and the recapture is to take place by Government or by some third party this bill provides that the cost of the locks shall be allowed the grantee, so that in this instance and in the fixing of rates no burden is placed upon the grantee. He gets back every dollar that the lock has cost him, and he is not charged up with depreciation under the terms of the recapture clause. Now, in view of the fact that he is being allowed a benefit in the rate that is being charged to the consumer by reason of the cost of the lock and by reason of the fact that he gets back what he puts in in the construction of the lock at the end of the 50-year period, we believe it is but reasonable to permit the Government to ask that the locks shall be put in at any time during the period of the grant.

Mr. ADAMSON. Mr. Chairman, the only trouble about that is that it introduces the element of uncertainty.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. I ask that the gentleman may have more time.

Mr. ADAMSON. If the gentleman desires more time, I hope he will proceed. I beg the gentleman's pardon. I thought he had finished.

Mr. MANN. I ask that the gentleman from Wisconsin [Mr. ESCH] may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANN. Does the gentleman from Wisconsin think it will be practicable for anyone proposing to build a dam to finance his project if the person might be required to put in locks and dams in the future costing a very large sum of money? Would not whoever was to finance the enterprise want to know pretty definitely what the cost of the plant would be before he advanced any money?

Mr. ESCH. That is practically the only objection which can be raised to the amendment I have offered. But I will ask the gentleman a question in return: Does the gentleman believe that the insertion of those words in the act which he drafted in 1906 and again in 1910 deterred investors from making the expenditure?

Mr. MANN. Well, I do not know what deterred them. They claim that they were deterred, but I never fully agreed with them. I did not recall that it was in the act of 1906.

Mr. ESCH. Yes; it was.

Mr. MANN. If they make the condition at the time by requiring the putting in of locks and dams in the future, they would know what it would cost. I will ask the gentleman whether he thinks a man starting to build a plant now, which may cost half a million dollars, can finance it, in the gentleman's opinion, if he may be required in the future to put in a million dollars from which he would derive no additional power?

Mr. ESCH. I do not believe the gentleman's figures are accurate; that is, they are not proportionate; because I can not conceive that a lock put into a dam would cost as much as or even more than the dam itself. That certainly was not the proportion in the construction of the lock at the Keokuk Dam, or in some other dams of which I have a little knowledge.

Mr. MANN. Well, my proportions may be erroneous; probably they are.

Mr. ESCH. I admit that the objection to the amendment is that it does not give the investor the amount of ultimate charge that will be made against him. But for the reasons that I have stated, that every dollar will come back and he is getting an allowance on that cost reflected in the rates that will be allowed. The investor will be getting a return on the added investment rendered necessary by the construction of the locks.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I am hardly in a position to say that I rise in opposition to the amendment; I rise rather for the purpose of getting a little more light on that subject.

Something has prevented those whom we would naturally expect to enter upon the enterprise of developing hydroelectric power from doing so, and it is very desirable that we enact such legislation as will induce them to develop that power throughout the country.

Now, this bill will apply not only to large streams like the Mississippi River, where the dam crossing that river at Keokuk enables the company to produce a tremendous horsepower, and where the cost of the lock would be relative small, but at very many places in this country where it will be possible to develop perhaps 10,000 horsepower, instead of 100,000 or 200,000, as is possible in some places. Now it is entirely probable that this condition will exist—that it will cost a great deal more to build the lock than the plant will be worth, than the power that is to be developed on the small stream will be worth. If a company is willing to go in and construct the dam and develop that power, knowing just what the dam will cost, and knowing what the limitations of the dam will be, so far as the production of this hydroelectric power is concerned, they might be induced to go in, and it might be entirely improbable, maybe, at the time, that a lock would be required.

But if this power to force them to spend a great deal more money than they would be willing to spend exists, it occurs to me not only would it be a difficult matter for the company to finance that proposition, but it would be adding an unnecessary obstacle in the way, and it would be discouraging to enterprising people who otherwise might be willing to go in and develop the small water powers throughout the country.

All who wish to develop power will have to come back to Congress in any event. If it is a dam on a large stream, where the hydroelectric power is considerable, Congress can put in this condition, that "at any time we may call upon you to put a lock in here, and you must do it." But to make it general it must then apply also in all the smaller streams of the country, where the possibilities of hydroelectric power are not great, but may be desirable in the particular community.

If this provision is incorporated in the bill, I fear it may deter, and in fact prohibit, the development of hydroelectric power in many of the smaller streams of the country. I know the gentleman from Wisconsin has studied this question, and I may say that I have a very high regard for his opinion; and I will ask him, weighing all these things in his consideration, Would it not be wise for us to omit this condition in the general law, seeing that we can always incorporate it where the development is to be considerable enough to justify even the prospective expense of building a lock at some future time?

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. ANDERSON. I do not understand exactly what the gentleman means when he says we can always require it.

Mr. HUMPHREYS of Mississippi. They must always come back to Congress under the terms of this bill. If a man wants to put a dam on any of these streams he must come back here for authority. With the facts in a particular case before us, as in the case of Keokuk or Long Sault, in the St. Lawrence, or a stream of that sort, where the production of hydroelectric power would reach two or three hundred thousand horsepower or half a million horsepower, and the cost of the lock would be relatively small, we could then put that condition in without fear of working a hardship or deterring the company from developing the power. But if it is a small stream, where the probabilities are that there will be only perhaps 8,000 or 10,000 horsepower developed, it may be a wide stream——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask that the gentleman have five minutes more.

Mr. HUMPHREYS of Mississippi. I suggest to the gentleman that he take five minutes in his own time.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the gentleman from Mississippi a question. I do not know that I caught his viewpoint accurately. What I want to get at is this: Does the gentleman from Mississippi think that the Government, or those acting for the Government, ought at the time of the approval of the plans and specifications to be required to anticipate the changed conditions which may arise upon the river across which the dam is to be constructed? If this amendment is not adopted, the Secretary of War must anticipate every possible change in the condition of the stream and in the conditions of navigation and of the commerce upon the stream, so that he can in the original approval require all the locks and all the accessories that may be necessary in the next 50 years. It seems to me that the only thing this amendment does is to reserve to the Secretary of War or to the Government the right in the future to require all that the future conditions may make necessary. I do not think we ought to preclude ourselves from meeting conditions which may arise 30, 40, or 50 years hence, and the failure to adopt this amendment would put us in that position.

Mr. HUMPHREYS of Mississippi. In answer to the gentleman's inquiry I will say that to put this in the law will take from the executive authority any discretion whatever——

Mr. ANDERSON. Oh, no; not at all.

Mr. HUMPHREYS of Mississippi. Yes, I understand that if this is written into the law it will apply then in every instance.

Mr. ANDERSON. It will become simply a condition to the approval.

Mr. HUMPHREYS of Mississippi. I mean the possibility will apply.

Mr. ANDERSON. Yes.

Mr. HUMPHREYS of Mississippi. And that the only practicable thing, then, for the man who intends to organize the company or to develop the power will be to consider that that is going to be done; and the authority which regulates the rates will necessarily have to consider that. Now if we leave this out, at any time in the future that Congress wanted to build a lock and dam in one of these streams, of course it could do it at the expense of the Government. That will be the only way we can do it now. Suppose it became desirable to improve this stream for navigation, and nobody had gone in there to develop any hydroelectric power and put in any dam. We would then have to put in the locks and dams——

Mr. ANDERSON. But we are not dealing with that condition now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, the gentleman from Illinois [Mr. MANN] and the gentleman from Mississippi [Mr. HUMPHREYS] have stated the unanswerable objection to this amendment. It is very easy to talk as if we had arbitrary authority to dictate what men shall do with their money, but unfortunately that does not work. A man under the theory of this bill comes and presents his plans and specifications, and says to the Secretary of War, "I am willing to save you the expense of building this dam here for navigation if you will approve my plans." The Secretary of War says, "Well, I will approve this, with the understanding that I can add anything to it that I want to in the future and modify it as I please, requiring you to do something else without consulting you." No man with money will invest under those circumstances. That is the trouble.

Mr. ANDERSON. Does the gentleman think that the Secretary of War would, under any ordinary circumstances, require any unreasonable thing from the grantee? If so, why repose any discretion whatever in the Secretary of War?

Mr. ADAMSON. There will be mortal men on both sides. We ought to be able to keep a smart man in the office of the Secretary of War. We usually have done so. He has smart advisers. They have, through the engineering corps, a system of understanding these rivers. The rivers have been running ever since Adam, and I suppose they will run on until the crack of doom, and these people understand the contour of the ground and the courses of the rivers and all about them. Or they are required under this bill, at the expense of the grantee, to make an additional survey, if necessary, to determine just what the Government is going to need, and then you want to get the two minds together. If our Secretary of War is as smart as the other fellow, certainly he will require what the Government needs. The trouble is, when you leave it open to future additional requirements you introduce an element of uncertainty that freightens off the investor, and we will not get any development. I am perfectly satisfied to risk the Secretary of War to make a good trade if he makes any at all, and I do not think this ought to be amended.

Mr. CANNON. I move to strike out the last word. I have listened with much interest to what has been stated in general debate and under the five-minute rule. I am not an expert. I am required to vote upon it, and I must catch it on the fly.

Much has been said in papers and magazines. It is a habit with some people. I think maybe there are people in the United States who abound in magazines and in speeches—some of them doctrinaire—who, if you should set them to build a hen's nest, could not do it, but they get free advertising, and sometimes, I think, they get pay for their advertising. Now, really, I would like information.

As I understand it, the most of this water power that is to be developed will come under the jurisdiction of the States, but there is a portion of it which comes under the United States, and they stagger me when they say, according to which man is talking, that there are 27,000,000 or 30,000,000 or 40,000,000 horsepower that can be developed from the water. Now, I always supposed that the cost of gas and of electricity and of everything else depends upon whether you are doing a wholesale or a retail business. For instance, in a place like Louisville, or a larger city like Chicago or New York, the profit comes from the magnitude of the business; whereas, take a little place of 5,000 people or 50,000 people, there you must have a much higher price for your product before you can afford to produce it. So, considering that the States have the most of this water power, and that the Government has, say, one-third of it or a quarter of it, I know it has been thoroughly established that the States can regulate the price of public utilities, and I apprehend that the Congress could create a public-utility commission that would have power to regulate that which Congress controls. If there is any doubt of that, I should like to be advised of it.

Mr. ADAMSON. If the gentleman will permit, I will say that both are amply provided for in this bill.

Mr. CANNON. I do not care anything about the charge that the Government makes for the privilege of improving water power. Gentlemen say the Government does not want revenue for this purpose. I do not suppose that it does. In my judgment, it ought not to have revenue from the production of power from water. You will never get much of it anyway, I apprehend; but if it is to get revenue, would it be good policy to get it from the production of these multiplied millions of horsepower from water? The gentleman said that it has been running since Adam. Oh, a long time back of Adam, I reckon, it was just running to waste. I know that it has been talked about for 20 years how much power has run to waste and how much power is running to waste now. How much longer are we going to quarrel about it. It seems to me, if you take into consideration the population to be served, the necessity of utilizing the power—and it can not be utilized unless it is created by the expenditure—then, if you are going to be practical about it, if you are going to reach everybody, if you are going to reach the hundred million of people, the only practical way is to leave it to the States and to the National Government, through the creation of public-utilities commissions, to settle it after a proper plan of investigation. When the public-utilities commission fixes the rate, if it is confiscatory, the owner could go to the coordinate branch of the Government—the courts. That is the way it looks to me; and if it is not sound, I would like to be corrected. [Applause.]

Mr. SMITH of Minnesota. Mr. Chairman, it occurs to me that if the amendment is adopted it will cause the public to pay for a contingency that may never happen. It may be that the Government may never require one of these locks to be built, and that being the case it is my view that since it reserves the right to require the lessee to build the lock, that the lessee would have a right when it comes to fixing his charges to take into consideration that contingency and liability.

Mr. ADAMSON. Will the gentleman yield for me to make a unanimous-consent request?

Mr. SMITH of Minnesota. Yes.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

Mr. STAFFORD. The amendment or the section?

Mr. ADAMSON. The amendment.

Mr. MANN. What was the gentleman's request?

Mr. ADAMSON. That all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on the pending amendment close in 10 minutes. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. Mr. Chairman, since we create this contingent liability we will evidently permit the investor to take that into consideration in fixing his charges for electricity. Therefore, it occurs to me it would be an unwise thing for us to do. We have got to trust to our Secretary of War under this plan. He is as just, honest, and reliable as any man that I know of. He will determine whether or not a lock is required in the first instance, and if he does not determine it requires one, it does not seem wise, for the reasons stated, to compel the lessee to build it after he has completed his dam and other structures.

Mr. CULLOP. Mr. Chairman, if the country makes the same development in the next 50 years that it has made in the last 50 years, no one present can tell what the conditions then will be, or even approximate them. Now, the amendment offered by the gentleman from Wisconsin is to meet the contingencies that might arise under the great development of this country, which may be proportionately greater than it has been in the last half century. All gentlemen agree that the water power of this country is a very valuable property, and yet some gentlemen declare that for this the most valuable property there is in the country, even if a nominal charge is made for its use, capital will not invest in it. If that theory advanced is true,

it is an exception to all rules in the business world. If it is a valuable property, and will make not only reasonable but great returns on the investment, the charge that the Government will make for its use will not be considered prohibitive by the investors. This proposition is self-evident, and no one will undertake its refutation with a hope of success. Some gentlemen talk as if we were running a Government bazaar here and have put in it a give-away counter, and on that counter placed the best property that the Government has left, the best bargain, and are begging somebody to become a gift taker and be presented with the most valuable property the Government has left. No property has ever been withheld from development because of the charge that the Government may make for its use. Such a charge emanates from some fertile imagination and is not based on the facts. The reason the property has not been developed is because there was not a sufficient demand for the sale of the power or demand for the consumption of it that would pay capital to go into it. When this demand is created the development of it will follow. The fact that the Government may make a charge for this property and receive revenue into the Treasury will add nothing to the cost to the consumer, because the price of this property will not be regulated on that basis at all.

Water power can be produced for about one-quarter of the cost, under reasonable conditions, that other power can be produced. The cost of production is less than it is in any other production of power. If it takes $60 per year to produce 1 horsepower with coal or other fuel, the same unit of power produced by water will cost less than $20, and yet no man on this floor believes for a single minute power produced by water will be sold for one-third of what other power is sold for.

The producers of it will not undersell the producers of power by other means on the basis of the cost of production, but only on a basis of what they can get for it on the market and capture the business. Their effort will be to earn as large profits as possible unless proper regulatory restraints are provided for in this measure. The truth of the whole business is, they will undersell the producers of more costly power just enough to capture the business and thus enhance their own profits as largely as possible. This is a reliable trait of human nature which always manifests itself in all business ventures.

Now, if water power is so profitable—and all concede it is—the Government, then, should receive a fair revenue for it, and the fact that such a remuneration is to be charged will not scare capital from investing in it or deter men from developing these great properties. Just as soon as sufficient consumption can be secured capital will seek the investment, and not before. The Government charge is of no consequence and will not prevent development, as some gentlemen seem to think. If the great development is to be made in this country for the next 50 years in keeping with the last 50 years, then conditions will be such that these properties will be developed, their product will command attractive prices, they will yield great profits to those who control them, and they will perform important functions in the manufacture and commerce of the country. Water-power people recognize this fact and are trying to drive the best bargain they can in securing control of them. The question here is, Shall we ignore the public and let them do it? I hope not. In the settlement of this question we are not to be controlled by present conditions alone, but must attempt to view them as they will present themselves every year for the next 50 years, the term of the grants proposed by this bill.

On this question we are not only legislating for the people of our generation but for posterity as well. Shall we here and now enact a measure which will profit the people of the present but little and in so doing forfeit rights of great value to the people of this country 50 years hence? If so, we will do them great injury. If a nominal charge now imposed will deter capital from investing in the enterprise, then it must be evident these properties are not, as all suppose, profit earners, because profits are always alluring to capital. If they are, as all concede, great profit earners, then capital is only holding off for the time being its investment in order to drive a better bargain, and the sooner the policy is clearly settled and capital given to understand what the policy is the sooner capital will invest and the development of the properties proceed.

These are our best-known natural resources, and we are charged with their conservation for the benefit of those who shall follow our generation. In many instances in the past our people have been most improvident with our natural resources and have wasted much of great value under the pressure of immediate exigencies; but let us not be swerved by this argument now. It has been made already, but I hope it has not been effective.

It will not do to say if we provide in this measure for a reasonable charge for these properties no one will lease and develop them. This policy has already been adopted by the Forest Service in our public domain, and the result has been most gratifying. I call the attention of the House to a letter written me to-day by that department, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE,
Washington, July 5, 1916.

WATER POWER REPORTS.

Hon. W. A. CULLOP,
House of Representatives,

DEAR SIR: In response to the request made by you over the telephone to Mr. Norcross, I am furnishing herewith figures showing the receipts for the fiscal years 1912 to 1915, inclusive, for permits covering water-power plants and transmission lines:

District.	1915	1914	1913	1912
1	$8,772.63	$2,970.00	$2,062.74	$3,275.45
2	1,180.72	2,010.63	1,228.62	1,882.68
3	4,618.37	2,574.95	2,591.85	2,546.86
4	607.55	524.80	609.48	1,169.29
5	63,748.57	31,542.86	39,537.00	34,265.07
6	10,022.60	7,443.80	5,202.39	7,423.63
7		96.70		
	88,950.44	47,163.74	51,235.08	50,562.98

Very truly, yours,

A. F. POTTER, *Acting Forester.*

If in a section of the country where the demand for the product of such plants is necessarily small, where the population is sparse, and where factories are limited in number and size, they earn revenues for the Government as above shown, then what would they do where population is great, industries numerous and large, and the demand for consumption almost unlimited? Unquestionably the revenues derived would be considerable, and the income would largely swell the receipts of the Public Treasury. We can not afford to squander this valuable source of revenue or neglect the opportunity to conserve it to the public advantage. But if we adopt this measure without making provision for such charges we will be giving away these valuable properties, placing this right beyond the power to recall it, and do injury not only to the present but future generations. It would be almost a calamity if it should be done.

The amendment under consideration is a step in the right direction, considering the great possibilities of these properties, the part necessarily they shall perform in our industrial, economical, and commercial affairs during the lifetime of the grants which will be made under this law if enacted. It safeguards the rights of the people in a most important feature. It can do, if adopted, no harm and may be the occasion of producing very beneficial results. I shall cheerfully vote for it and any other amendment which may be offered in the interests of the public. Our duty is to take care of the rights of the public in this matter, in order that our natural resources may prove a blessing to the people and the public may derive the fullest measure of benefits possible from them. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The question is on agreeing to the amendment of the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. ADAMSON) there were—ayes 50, noes 31.

Mr. ADAMSON. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. ADAMSON and Mr. ESCH to act as tellers.

The committee again divided; and the tellers reported—ayes 54, noes 50.

So the amendment was agreed to.

Mr. ESCH. Mr. Chairman, there is another amendment which I desire to offer which is made necessary by the adoption of that, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, in line 4, on page 24, by striking out the words "in such original approval."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 24, amend by adding at the end of section 2, in line 14, the following:

"The Secretary of War may also provide as a condition of such approval for the payment to the United States of reasonable annual

charges for the benefits that accrue to the grantee by reason of the consent or authority for the erection of such dam or dams, and at the end of 20 years, and every 10 years thereafter, the Secretary of War may readjust the annual charges as may then be just and reasonable."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. ADAMSON) there were—ayes 58, noes 37.

Mr. ADAMSON. Mr. Chairman, in the hope of finding some one else standing around here I will ask for tellers.

Tellers were ordered; and the Chair appointed Mr. ADAMSON and Mr. SHERLEY to act as tellers.

The committee again divided.

The CHAIRMAN. The Chair wishes to be recorded in the affirmative.

The tellers reported—ayes 65, noes 47.

So the amendment was agreed to.

Mr. RUSSELL of Missouri. Mr. Chairman, in order to make the language of the bill harmonious with the amendment already adopted, I ask unanimous consent that the Clerk be authorized to insert after the word "dam," wherever it occurs in the bill, the words "or diversion structure."

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that wherever the word "dam" occurs in the bill, it shall be immediately followed by the insertion of the words "or diversion structure."

Mr. RUSSELL of Missouri. Mr. Chairman, that would save offering a number of amendments, and it will make the bill harmonize.

Mr. ADAMSON. Of course the gentleman means wherever they are applicable. There may be some cases where they would not make good sense.

Mr. RUSSELL of Missouri. Wherever applicable.

The CHAIRMAN. Is there objection?

There was no objection, and it was so ordered.

Mr. RUSSELL of Missouri. Mr. Chairman, I am heartily in favor of legislation that will encourage the development of water power, believing it to be one of the most important steps that we can take in conserving the resources of the country, and at the same time it will greatly facilitate and promote the development of our Western and Southern States. Since my services in this House there has, under a special act of Congress, been constructed on White River in the district that I represent a dam that cost more than a million dollars. This large investment has not only added to the taxable wealth and the population of that county and section, but it has stimulated progress along every line and promoted the welfare of the entire public. The power developed by this plant is now utilized for lighting in a number of towns and cities of my district and is furnishing the power to run street cars in some of the chief cities of the districts so well represented in this House by Mr. HAMLIN and Mr. DECKER.

The benefit of this plant to that county has been so great, and so generally recognized and appreciated, that all of my constituents desire to see a number of other possible sites utilized and operated in the near future.

I do not claim to be an expert upon this question, and am not a member of the committee that has considered this bill, but one of my constituents, Gen. W. H. Standish, is deeply interested in this proposed legislation and is an expert upon the water-power question. At his request I offer this amendment in good faith, believing that it is very important and will greatly improve the bill.

The bill as it passed the Senate had this provision included in it, but it has been omitted by the House committee, and I think it should be replaced.

This amendment if adopted will permit the construction of tunnels as well as dams for water-power purposes where conditions render them more advisable, as is often the case in mountainous countries, such as in the Ozark Mountains, a large part of which are in the district from which I come.

This amendment can not possibly hurt this bill, but, in my opinion, will greatly strengthen it, and I hope will be adopted.

Mr. BENNET. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. RUSSELL of Missouri. Certainly.

Mr. BENNET. Does this include the merry-go-rounds and all that sort of thing at Coney Island and at Fort George? They are diversion structures?

Mr. RUSSELL of Missouri. They are not on navigable rivers.

Mr. BENNET. Yes; the one at Fort George is.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 24, line 11, strike out the word "may" and insert in lieu thereof the word "shall."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. ADAMSON. Mr. Chairman, I do not contest that amendment.

Mr. MANN. Mr. Chairman, I will ask the gentleman to explain the purpose of it.

Mr. ANDERSON. Mr. Chairman, the language in the final sentence of this section purports to be the language of the Ferris bill, which passed during this session of Congress, and it is, with the exception of the word "may" in line 11. That word should be "shall" to conform with the language of the Ferris bill.

Mr. ADAMSON. I have no objection to the amendment.

Mr. LEWIS. Mr. Chairman, I think the change of the word "may" to the word "shall" may prove very unwise in that connection. It may prevent the execution of very useful and necessary things. It is not inconceivable that at some time the United States Government itself, or some municipality or State, might be the entire participator in the total product of one of these enterprises.

Mr. ANDERSON. May I point out to the gentleman the fact that in a situation of that kind all that would be required would be the consent of the Secretary of War. This simply provides that no contract shall be made for more than 50 per cent except upon the consent of the Secretary of War, so that the situation to which the gentleman refers could not arise.

Mr. LEWIS. Mr. Chairman, with that explanation, I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were—ayes 55, noes 5.

So the amendment was agreed to.

Mr. SMITH of Minesota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Following the amendment offered by Mr. SHERLEY insert the following: "*Provided*, That in permits to a State or Territory, or a municipality, political subdivision, public-service agency, or district of a State or Territory, no such payment shall be required."

Mr. ADAMSON. Mr. Chairman, I do not think that amendment ought to be made. In the first place, it uses the word "permit," which is foreign to the scheme of this bill entirely, and, in the second place, the greatest danger we have to guard against in this legislation is the possibility of some of these municipalities or so-called public institutions taking on approval, using all they need, and letting some other party have the rest of it. That is the big danger in legislation of this sort, and I hope the amendment will be defeated. It should be "solely for municipal purposes."

Mr. SMITH of Minnesota. Mr. Chairman, I wish to say a word in behalf of the amendment. I do not think the word "permit" makes any material difference. The question is whether it is wise or not to exempt municipalities or States and institutions that are run for the benefit of the public and not for private profit from the paying of this charge that is to be imposed upon them by the language of this bill. I do not think the United States Government desires to tax a State or a Territory or a municipality for the use of power for public purposes.

I think the only time and place that a charge should be made is when this power is used for a private purpose where the profits are large and where they can not be reached by the distribution of these profits to the public in the way of reduced cost of service. Now, that is the thought. Under the Sherley amendment, as I understand it, the State or municipality or Territory would be taxed in case of getting control of one of these water powers for public purposes, and without having any intention of running them for private profit.

Mr. ADAMSON. Will the gentleman yield for a question?

Mr. SMITH of Minnesota. I will.

Mr. ADAMSON. Does not the gentleman think the Secretary of War can be trusted to exercise his discretion under the words of this bill in such a case as that?

Mr. SMITH of Minnesota. I wish to say in reply to that that we only should invest the Secretary of War or any other officer with only such discretion as seems to be absolutely necessary.

Mr. ADAMSON. He is vested by the Sherley amendment with the power.

Mr. SMITH of Minnesota. There are only few cases where this charge will apply. Here is a case where it never ought to

apply, and we ought to give the Secretary of War no discretion in a case of that kind.

Mr. SHERLEY. Mr. Chairman, I hope the amendment will not prevail for two reasons. One is that gentlemen fail to remember that if it is necessary to take care of any special case that might arise, discretion is left with the Secretary of War. The other, I think, is because the amendment indicates a misconception as to whose property we are dealing with. We are dealing with something that belongs to the Federal Government, and we are making a condition of our grant that a tax may be required. Now the fact that some small political subdivision may be the user is no reason why the whole United States should be deprived of a proper return, if it be proper to have a return, from what has been granted. That is a misconception that we usually find voiced by some western gentlemen who seem to think that the public domain belongs to the State in which it is found. The gentleman's amendment proceeds on the assumption that if a municipality or a State agency happens to be the user of the power produced under the grant it should get it free. We are legislating here not for such smaller sovereignty, but for the protection of the United States, and the determination of whether a charge should or should not be made will be dependent upon whether the grant is such as to warrant the charge being made rather than upon who is the grantee.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. SMITH of Minnesota. Is it the gentleman's intention that the charge should be made in all cases?

Mr. SHERLEY. Why, no, not necessarily, because the whole matter depends upon the value of the grant and the circumstances that surround it. Certain water powers might not be developed with a tax being levied——

Mr. SMITH of Minnesota. Let us understand each other. Does the gentleman mean that a water power that is worth $10,000,000 and another water power is worth only $500,000, that the one which is worth $10,000,000 should bear a charge and the one of the $500,000 should not bear any charge?

Mr. SHERLEY. Not necessarily; but what I do mean to say is this: Every charge ought to bear a relationship to the value of the grant, and with a given set of facts it would take only ordinary intelligence on the part of a Secretary of War——

Mr. SMITH of Minnesota. What set of facts would that apply to, so as to have no misunderstanding?

Mr. SHERLEY. Well, I do not care to file a bill of particulars, but this set of facts in a broad way: A given power is to be developed; first, the cost of the developing of that power, then the cost of producing power by other methods in the market to be served by that power; all of the facts that go to the determination legitimately of the value of the grant which you are giving.

Mr. NORTON. Would the gentleman favor assessing taxes against a municipality that was using all the power for public purposes?

Mr. SHERLEY. I might. I do not see any reason why, if a water power at the falls of the Ohio was developed through a grant by the Government and the city of Louisville was the user of the power, it should go free any more than a private concern. The Government of the United States represents all the people and not simply a particular locality that happens to be the beneficiary of a grant.

Mr. NORTON. I understand the gentleman's position.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the last word.

I would like some information as to the meaning of part of this section. On page 23, after the semicolon, in line 24, the section provides:

> And also that the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches—

And so forth.

I do not see why that should be done. These structures are to be put up by the persons or the company owning or operating the dam, and the land upon which the dam will be built—and upon which other structures will stand—will belong to these private parties. This section provides that the private company shall operate these extra structures, the lock, and so on, at their own expense. Why should the title be passed to and vested in the Government of the United States?

Mr. ADAMSON. We have provided that the Secretary of War may require the investor to do that, but he may not. The Government of the United States may decide to build something; and if it should do it, you would want to require the party to convey the land and the use of the water power and the electricity. If we do, we want to require the investor to make the conveyance.

Mr. McLAUGHLIN. I understand, Mr. Chairman, that the conveyance of the title of this land is to be made to the United States only on condition that the United States makes——

Mr. ADAMSON. That refers to the additional structure in the future that the Secretary of War will require the capitalist to build.

Mr. McLAUGHLIN. The previous portion of this section requires the grantee——

Mr. ADAMSON. And it authorizes the Secretary of War to require it.

Mr. McLAUGHLIN. It authorizes the Secretary of War to require the grantee to put up these extra structures and operate them.

Mr. ADAMSON. Supposing the Secretary of War does not think that your grantee ought to be required or is not able to do it? If the Government then decides to build it, you ought to leave the requirement with the title to the electricity by transfer.

Mr. McLAUGHLIN. You do not put that condition in there. If the Secretary of War shall determine for any reason that the Government should buy these extra structures, then he should properly require the private parties to convey to the Government the land on which the structures stand; but that is not put in as the condition there. But if the private owner constructs the locks and operates them, he ought to retain title to the land upon which they stand.

Mr. ADAMSON. That is understood, I guess.

Mr. McLAUGHLIN. It seems to me that is not in harmony with other provisions. The first part of the section gives the Secretary of War authority to require the private interests to put in locks with the dam and to operate them at their own expense without expense to the Federal Government. And immediately following that you require that the land upon which they stand shall be conveyed to the United States.

Mr. COOPER of Wisconsin. Will the gentleman from Michigan yield?

Mr. McLAUGHLIN. Yes, sir.

Mr. COOPER of Wisconsin. These structures the title of which is to be conveyed to the United States, as the gentleman will observe in lines 22 and 23, are such structures as Congress may deem necessary in the interests of navigation, not to the development of water power. The interests of navigation is primarily the interest the Government has.

Mr. McLAUGHLIN. They may be put in by private interests and operated by private interests.

Mr. COOPER of Wisconsin. But only put in at the dictation of the Government of the United States for the purposes of navigation. Everything in a navigable stream is primarily constructed in the interests of navigation and ought to belong to the United States, which has sole control over the stream for the purposes of navigation.

Mr. McLAUGHLIN. It may be paid for by the private interests and operated by the private interests; and if so put in and operated, why should title to the land be conveyed to the United States?

Mr. COOPER of Wisconsin. Necessary for the purposes of navigation.

Mr. MANN. Mr. Chairman, I think the criticism of the gentleman from Michigan is hardly well taken. Dams will be constructed under very different conditions in various places. This bill authorizes the Secretary of War to require the constructor of the dam to himself construct the locks necessary for navigation and to operate the locks. But there may be conditions where that would be entirely unjust, and the Government itself might want to operate its own plant instead of leaving it to the owner of the dam to operate the locks. And in that case, under the bill the Government can require the builder of a dam to construct or not to construct, but, if constructed, to give the land, including the construction, or to give the land without the construction, and to give the dam necessary for the Government to operate the plant. In other words, the bill authorizes the Secretary of War under varying conditions in one place to require the owner of a dam to construct the locks and operate them in the interest of navigation or to furnish the land without structures to the Government, or to construct the locks and then turn the locks and the land over to the Government and have the Government operate them. The Government may do so at its own expense or it may require the owner of the dam to furnish

the power with which to operate. I have no doubt that all of these varying conditions will arise in different places in the country.

Mr. McLAUGHLIN. Mr. Chairman, I do not understand this section as the gentleman from Illinois [Mr. MANN] does. What he says as to the different conditions under which this work may be done and required is true. The Government may require the private interests to construct these locks and to operate them and to furnish water, and do so without any expense to the Federal Government, but it may require them—the private interests—to construct the locks and permit the Federal Government to operate them, or the Federal Government may decide to construct the locks itself and operate them.

Now, it will be proper and necessary under one of these propositions to have the title vested in the Federal Government. That is in case the Federal Government is going to operate the locks, or in case the Federal Government is to furnish the money for the construction. Under these last two lines it is made necessary for the private interests to convey to the Federal Government the title to the land on which the locks stand, regardless of the conditions under which the construction was made, regardless of the manner under which they are to be operated, and even if private parties build and operate the locks themselves.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. MANN. This does not require any conveyance of title. This authorizes the Secretary of War to make a conveyance of title.

Mr. McLAUGHLIN. It requires them, regardless of conditions, to make a conveyance of title.

Mr. MANN. It authorizes the Secretary of War at his will, in his discretion, it is true, to make a conveyance of title.

Mr. McLAUGHLIN. I do not understand it so.

Mr. MANN. At his discretion. Certainly as one of the condition and stipulations that may be imposed, the Secretary of War may require it to be done, as such approval, such conditions, and such stipulations may be imposed by the Secretary of War, which may include the condition so-and-so, and also that the person owning the dam may do so-and-so.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 3. That as a part of said approval, the Secretary of War and the Chief of Engineers shall require that the project adopted and the plans, specifications, and location for any dam shall be such as, in the judgment of the Secretary of War and the Chief of Engineers, shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power and for other beneficial public purposes and best adapted to conserve and utilize in the interests of navigation and water-power development the water resources of the region. As between contesting applicants for approval of plans and specifications hereunder, preference shall be given to that applicant whose plans are best qualified to expedite such development; and as between such contesting applicants, which appear equally well qualified in such respect, preference shall be given to that applicant which has first complied with the laws of the State or States in which such dam is to be constructed.

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: After the word "which," in line 6, page 25, strike out the balance of the section and insert in lieu thereof the following: "offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise, under the provisions of this act."

Mr. ESCH. Mr. Chairman, under the section as it is now written, where applicants are equally well qualified and have complied with the specifications, and so on, the preference shall be given to that applicant who has first complied with the laws of the State or States in which the said dam is to be constructed. My amendment seeks to grant the right and authority to the Secretary of War to select the applicants, choosing that one who offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for the public service under the franchise, under the provisions of this act.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. ADAMSON. Does the gentleman think it wise to complicate the matter now at the outset with the consideration of a renewal at the end of 50 years? Will not that modify your plan about the termination after 50 years if you are going to have bidders at the outset to bid on a successive period?

Mr. ESCH. No; I think not.

Mr. ADAMSON. It seems to me it would bar your entire plan.

Mr. ESCH. No; I think not. And another thing, it gives some power to the Secretary of War to select the applicants for these grants. As it is now written, you might as well write into this bill the names of some of the power companies.

Mr. ADAMSON. The trouble I have observed, if the gentleman will permit, is you can not find any at all. That is the trouble I have had, and I have made a diligent search for capital to build some of these dams.

Mr. ESCH. I hope, and I hope the Chair hopes, that this bill will stimulate the construction of dams.

Mr. ADAMSON. I did hope, but I have about lost hope.

Mr. ESCH. The gentleman is discouraged perhaps by the passage of a recent amendment?

Mr. ADAMSON. Yes; that is the fact.

Mr. ESCH. If an applicant appears before the Secretary of War and can say to him that "at the end of 50 years I will not ask for reimbursement for the cost of the lock," or if he should go so far as to say, "I will ask for no reimbursement for the construction of the dam itself," that would be a very persuasive argument for the Secretary of War to select that applicant. Suppose that an applicant should say at the beginning of the grant, at the beginning of this period of 50 years, "I will sell power to the consumers at the minimum of so much per kilowatt for a period, say, of 20 years, with a reduction of so much in each decade thereafter." Certainly the power on the part of the Secretary of War to select the applicant who gives the best contract to the Government should be vested with the Secretary of War, but as the bill is now written there is practically no power of selection in the Secretary of War.

Mr. MANN. Mr. Chairman, I am not sure that I am for the amendment offered by the gentleman from Wisconsin [Mr. ESCH]. It seems to me to be in conflict with the Sherley amendment. I think that we ought to grant to the applicant who gives the best terms. The Sherley amendment, which was adopted by the committee—and I think that is the sense of the House, as it has been frequently expressed in this Congress and in prior Congresses—the Sherley amendment contemplates that there may be cases arise, and will be, where it is not fair to give the consumer of the power the whole benefit of the decreased cost of production by water power.

That power is in competition with other power. There is no reason why John Jones, conducting a manufacturing establishment and buying his power from me, owning a water power, shall get his power for one-half what his next door neighbor does, buying the power from somebody else who has to produce it by the use of coal, and who can not produce it as cheaply as I can produce it, I having the water power which I have obtained from the Government. It is a monopoly.

The theory of the Sherley amendment is that these things shall be determined and averaged up so that everybody shall be treated fairly. That may be a practical impossibility, but that is the desire. Now, the amendment of the gentleman from Wisconsin provides that the applicant who shall sell his power the cheapest shall get the permission. That is the effect of it. Well, that is very good for the consumers of that power, but it is rotten hard on their competitors who may be in the same locality. If you could produce enough power at a place to furnish everybody there, all well and good, but you can not do that. I do not think it is desirable to put up this water power at public auction, either to the one who will pay the most for it—though that would be a fairer method—or to the one who will sell it the cheapest. It is not fair to the community. If you do that in any community, you drive out of business everybody who does not get power from that plant, and in most cases that would be a very limited amount of production. Even with the greatest of water powers, in thickly settled communities you can not furnish power enough to supply everybody; and to supply a favored few is to kill off their competitors. I do not think that is the proper theory at all. While there is something good about the amendment to let applicants who will give the best terms have the power, I do not think the terms ought to be determined by the fact that everywhere one who offers the best terms is the one who will sell his power the cheapest.

Mr. ANDERSON. Mr. Chairman, it seems to me that both in the amendment offered by the gentleman from Wisconsin and in the original language of the paragraph to which it is an amendment, we are dealing with a situation which can not possibly arise under the terms of this bill. The original paragraph deals with contesting applicants for approval. Now, there will be no contesting applicants for approval. Under this bill a man who wants to build a water power applies to Congress and gets the consent of Congress to construct it. Certainly

Congress is not going to give that consent to two applicants. We are going to give it to one applicant, and having given it to that applicant, he is going to make with the Secretary of War the best terms that he can. As I said before, there will be no contesting applicants, consequently there is no need for this paragraph.

Mr. MANN. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MANN. The gentleman knows that where a stream is wholly within the limits of a State, the Secretary of War has power to grant permits to construct dams without coming to Congress.

Mr. ANDERSON. That is true.

Mr. MANN. I think that is the only case where this would apply, but it would apply there.

Mr. ANDERSON. It would apply there, but under the terms of the proposition itself, it apparently applies in every instance.

Mr. ADAMSON. I think I can make another suggestion in support of the gentleman's argument. Where a man applies either to Congress or to the Secretary of War for permission to dam a stream entirely within a State, he usually has acquired the property rights at the place where it is proposed to build the dam.

Mr. ANDERSON. Do I understand the gentleman from Georgia to say that this section is intended to apply only to streams wholly within one State?

Mr. ADAMSON. Oh, no; it applies in every case, cases where you have to come to Congress for special consent, and those where consent has already been given within a State; but in either case, whenever an applicant presents his plans and specifications, he has either purchased the riparian rights or he has an option on them, so that the other man can not get in with his proposition.

Mr. ANDERSON. That is it exactly, and that is the reason why I do not see any need for this provision.

Mr. MANN. The last sentence could only apply where the Secretary has the power to grant the permit without coming to Congress, unless we should pass a bill giving permission to 40 people, more or less, at once place, and I do not think that will ever be done. The last section applies practically only where the Secretary of War has the power to determine who shall get the permit.

Mr. ANDERSON. I do not get that construction of the language at all. The paragraph occurs in a section in which we are dealing with water powers in general upon navigable streams and without any language at all which limits it to streams wholly within one State, with which we are not dealing at all in this bill.

Mr. MANN. Very likely that is true, but still there can not be contesting applicants to the Secretary of War unless Congress grants authority to different concerns where the stream is an interstate stream.

Mr. ANDERSON. That is exactly what I say.

Mr. MANN. So the situation could not arise which the gentleman has stated, but where it can arise, then the language means something, and there are plenty of cases where it can arise.

Mr. ADAMSON. Mr. Chairman, let us have a vote.

Mr. COOPER of Wisconsin. I ask that the amendment of my colleague [Mr. ESCH] be read.

The CHAIRMAN. Without objection, the amendment will be reported.

The Clerk read as follows:

Amendment offered by Mr. ESCH: After the word "which," in line 6, page 25, strike out the balance of the section and insert in lieu thereof the following: "offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise under the provisions of this act."

Mr. COOPER of Wisconsin. Mr. Chairman, I will say to the chairman of the committee, the gentleman from Georgia [Mr. ADAMSON], that it seems to me the language of lines 6 and 7, on page 25, is extraordinary. I will preface that by saying that the Congress of the United States is legislating for the erection of structures in navigable streams over which it has exclusive jurisdiction, and the permission which it proposes may be authorized or given to applicants by the Secretary of War, a Federal official. And yet these two lines say that where there are different applicants—I am referring to lines 6 and 7—it shall be given to that applicant who first complies with the laws of the State.

Mr. ADAMSON. The gentleman from Illinois explained that a few minutes ago. In the act of 1899 it is provided that in the case of streams the navigable portions of which lie entirely within a State the State law may authorize the applicant to apply to the Secretary of War for approval of plans and specifications. Under that law the man who brings the authority from the State must be considered.

Mr. COOPER of Wisconsin. This leaves it entirely to the State statutes and the ability of the man on the ground to take advantage of that——

Mr. ADAMSON. That is the language of the act of 1899.

Mr. COOPER of Wisconsin. I think that is a defect in the statute. The application might be made when the State legislature was in session by a tremendously powerful corporation with great influence. I read where a capitalist in New York State said that there were $3,000,000,000 ready to be invested in the water-power improvements. He qualified it by saying when proper legislation has been enacted. It only shows the powerful influences that are at work that want to get into this business, and we must be very careful of the laws we enact. The legislature might be in session and a tremendously powerful corporation get a statute through to suit itself. It would be ready on the ground, and could beat any other applicant because it could comply with the terms of the State statute. Therefore I do not think these two lines ought to be in the law.

Mr. ADAMSON. I will state that there are a great many requirements that were insisted upon by the conservationists that have been written in here at their suggestion and not my own. I may not have known what this meant, and I may not know now, but if the gentleman's apprehensions about gullible legislatures should be realized probably somebody would hear of it and go and tell the Secretary of War befcre he could get the approval. I do not think it is wise to go out and hunt up so many little obstacles to getting this money. I have been trying for years to get it and have not got any of it.

Mr. COOPER of Wisconsin. The gentleman says somebody might hunt up the Secretary of War and tell him about it. That would not make any difference because the statute is mandatory and he has no discretion.

Mr. ADAMSON. It would be a fraud.

Mr. COOPER of Wisconsin. It would not be a fraud, and you could not prove it. The statute would be valid on the face of it.

Mr. ADAMSON. The law says that fraud is never to be presumed, and I will interpolate that it is not always to be anticipated, but slight circumstances may convince of its existence.

Mr. COOPER of Wisconsin. I have not said that there would be fraud. I suggested that there was a possibility——

Mr. ADAMSON. I say there would be fraud.

Mr. COOPER of Wisconsin. I suggested the possibility of the enactment of a statute on certain conditions and under which a big corporation right on the ground, knowing what the conditions are, could immediately take advantage of it. It is the first applicant who knows anything about the conditions; they may be all right, but nobody else has any chance to apply.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. ESCH) there were 25 ayes and 34 noes.

So the amendment was rejected.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Mr. PARKER of New Jersey moves to amend as follows: Add at the end of section 3 the following:

"*Provided further*, That the Secretary of War may provide in said approval that all profits on the original cost of the plant in excess of cumulative annual profits at a rate or per cent of such cost to be fixed in said approval, and not to exceed 25 per cent, shall be annually divided among the consumers and purchasers of water power, electrical energy, or products thereof, according to the amounts paid by each consumer or purchaser in the year to such owner and maintainer of such dam:

"*Provided further*, That profits may be invested in permanent improvements, and in such case such excess of profits may be paid over to the person entitled thereto in scrip or other certificates of such investment on which local interest shall accrue and be paid annually until such scrip or certificates shall be taken up and funded in funded debt or in preferred stock bearing cumulative dividends not exceeding such local interest:

"*Provided further*, That outlay for salaries, offices, and other headquarters expenses and commissions shall be reasonable and subject to approval by the Secretary of War, and the Secretary of War, in his approval of the plans and conditions of construction of said dam, may limit the total amount of such outlay to a fixed per cent of the money spent in annual operation:

"*Provided further*, That the owner and maintainer of such dam and water power shall not sell, lease, or contract for such power or for energy, except to consumers thereof, unless upon contracts that are first approved by the Secretary of War and do not impair the consumers' right to share in the profits: And

"*Provided further*, That the owner and maintainer of such dam shall make equal rates for power or energy in each locality according to the quantity used or lost and the cost of connection, and shall fairly apportion such rates as to different localities, and such apportionment shall be subject to the approval of the Secretary of War."

Mr. ADAMSON. Mr. Chairman, reserving a point of order on the amendment, I will ask the gentleman from New Jersey if he wishes to speak to his amendment?

Mr. PARKER of New Jersey. I do.

Mr. ADAMSON. I ask unanimous consent, Mr. Chairman, that all debate on this amendment close in five minutes.

Mr. PARKER of New Jersey. I shall object to that. I want other people to have a right to speak upon it.

Mr. ADAMSON. Then I will make it 10 minutes.

Mr. PARKER of New Jersey. I will not consent to that. I certainly shall object.

The CHAIRMAN. Does the gentleman from Georgia reserve the point of order or make the point of order?

Mr. MANN. It is not subject to a point of order, Mr. Chairman.

Mr. ADAMSON. I will reserve it.

Mr. MANN. This is a legislative bill, and we can put any condition on it we please if we can get the votes.

Mr. ADAMSON. Very well, Mr. Chairman. I was inclined to think that it was not germane, but I will not reserve any point of order.

Mr. PARKER of New Jersey. Mr. Chairman, I wish to say first to the chairman of this committee that since I offered that amendment, when I submitted it to a friend of ours and a colleague of this House, he told me that within a couple of years he had organized in his State a cooperative gas company; that it was limited in its dividends to 10 per cent of the cost; that it was provided that after making a low rate for gas, all the profits above 10 per cent should go to the redemption of stock so that the company should finally be owned by the city; that this gas company had reduced the price of gas from $1 per thousand to 55 cents per thousand, and that they were making 10 per cent profit and much more because their by-products were paying all the costs of the company. And they have now bought out the old gas company in the town. That is what can be done for the consumer and for the public by cooperation. The essence of that is in this amendment. Whether there is time to explain the careful provisions necessary to make sure that the extra profits go to the public, I do not know. Much can be said in five minutes.

The first proviso is that the profits shall be limited, when there is a grant of any of these water powers, to such a per cent as seems to be fair, not over 25 per cent cumulative, and that is certainly enough, but it can be put at as low a sum under the amendment as can get the most favorable contract, perhaps 10 or even 5 per cent.

The second provision is that if the dam owners want to make investments out of profits, as every big company does, they shall issue scrip for that. We all know that the New York, New Haven & Hartford Railroad Co. was limited to 10 per cent dividends, but that did no good to the public, for all of the extra profits went into the road. If a company puts profits that ought to be given by dividends in reduction of rates into permanent improvements, then scrip ought to be issued for those profits for these dividends.

The third provision is that outlay for salaries and headquarters expenses shall not be too large. We know perfectly well that if a mutual company, such as a life insurance company, puts all of the profits into the headquarters expenses there will not be any dividend paid back to the policyholder; and there is a proviso in this amendment that these expenses shall be limited to a reasonable amount and, perhaps, that they should be made a certain proportion of the yearly expenses under the contract and approval of the Secretary of War.

The fourth provision is that they shall not manage to deprive the consumer of his profits by having intermediaries, and therefore it is provided that they shall not sell, lease, or contract for power or energy, except to the consumer or except by such contracts as in the opinion of the Secretary of War would give the consumer the benefits.

The fifth provision is that, as they are serving the public, the owner and maintainer of such a dam shall make equal rates for power or energy in each locality according to the quantity used or lost and the cost, and shall fairly apportion such rates to the different localities, and that such apportionment shall be subject to the approval of the Secretary of War.

Mr. Chairman, these are careful provisions. The gentleman thinks they ought to be discussed in five minutes. I want to say to the Chairman of this committee and to this House that this is the coming policy for the management of public utilities and public grants.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, this is the coming policy. It is the only policy which will give to every consumer the right to see to it that rates are fair instead of leaving it in the hands of commissions, instead of running the risk that the charges fixed by the Secretary of War will be too low, because they must be low to get anybody to contract. This asks nothing onerous; it does not order anyone to put up so much money; it says simply, we will abide by the results; and when those results come you may take, say, 25 per cent a year if they make the approval at that rate; but you shall not take 100 or 1,000 per cent, for the rest belongs to the public that you serve.

Mr. Chairman, when we find an evil we should go at it directly. The evil is that when we grant a monopoly the profits do not go to the consumer by a reduction of rates. The ordinary attempt to meet this evil is to limit the length of the franchise or to allow a commission to set rates, to allow them to be readjusted by some outside power. All that does not go to the root of the evil. The evil is that too much goes to the owner and too little to the public. Meet that evil directly; fix the rate of profit on the investment that shall go to the owner, and say that the rest shall go to the public, and that the consumers shall have a right to enforce that as a contract, and you need no more provisions in your bill. [Applause.]

Mr. CULLOP. Mr. Chairman, will the gentleman yield for a question?

Mr. PARKER of New Jersey. Certainly.

Mr. CULLOP. As I understand the gentleman from New Jersey, his theory is that the regulation ought to be made in law and not placed in the hands of a commission which has been created by law?

Mr. PARKER of New Jersey. I do say so.

Mr. CULLOP. It is true from experience that the plan as proposed in the gentleman's amendment yields better results to the consumer than under a regulation of a commission created by law?

Mr. PARKER of New Jersey. In confirmation of that, I appeal to every mutual life insurance company of the better class, I appeal to the experience of the cooperative stores in England and France and Germany, and I appeal to an experience which is world-wide, that work can be better done under the law for the benefit of the consumer where it is by cooperation than in any other way.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. PARKER of New Jersey) there were—ayes 24, noes 34.

So the amendment was rejected.

Mr. SMITH of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: "Strike out all of line 22, page 24, after the word 'power,' and also lines 23, 24, 25, on page 24, and lines 1, 2, 3, 4, 5, 6, and 7, on page 25."

Mr. SMITH of Minnesota. Mr. Chairman, I offer that amendment for the purpose of clarifying the bill. The language that is stricken out attempts to lay down a rule by which the Secretary of War may determine to whom he shall grant a lease when there are several applicants. In truth and in fact the language of the bill that has that for its purpose is so vague, so uncertain, that it would simply enable the Secretary of War, if he were so inclined, or any other person who had the granting of such lease, to disregard all rights of preference and to act upon his own judgment independent of any rule of law or any rule laid down in this bill.

If in any part of the bill there is language used that would tend to obscure and destroy the effect of legislation it is this section. I think the whole section might better be stricken from the bill, but I am content for the present to offer an amendment which strikes out only a portion of the section, and—let me read it, and while I do so I am going to ask every Member of this House present to consider himself for a moment the Secretary of War and called upon to construe this language:

And for other beneficial public purposes and best adapted to conserve and utilize in the interests of navigation and water-power development the water resources of the region.

It would seem from a reading of the section that the applicant who had complied with the laws of the State would receive a preference, but before he can receive such preference he must present plans that will conserve and utilize in the interest of navigation and water-power development the water resources of the region. Is there a man on the committee who can tell what is meant by the "water resources of the region"? Is there a man on the committee who can tell what is meant

by the expression "and for other beneficial purposes"? Is there a man on the committee who can tell what the language I have asked to be stricken out means? If so, we would be glad to have him explain it.

Mr. ADAMSON. I have been told, if the gentleman appeals to me for an answer——

Mr. SMITH of Minnesota. In just a moment.

Mr. ADAMSON. I thought the gentleman asked me a question.

Mr. SMITH of Minnesota. I am asking several, and I would be glad to have them answered. To my mind the language in question, instead of limiting the power of the Secretary of War, will enable him to do as his sweet will dictates.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. ANDERSON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 24, line 25, after the word "region," strike out the rest of the paragraph.

Mr. ANDERSON. Mr. Chairman, I want to say just a word in regard to the amendment. The amendment proposes to strike out that part of the section which deals with contesting applicants. It is apparent from the debate which has already taken place that there can be no contesting applicants only in the event that a stream is one wholly within a State and consequently only in a case in which the Secretary of War is vested with the power to grant the right to develop the site. That proposition has no place in this bill. We are dealing in this bill with interstate navigable streams, and consequently the provision to which I referred has no place in this bill and only serves to complicate and confuse the whole proposition. Even if we were dealing with intrastate streams, this provision ought not to remain in the bill. I read the last part of the paragraph:

Preference shall be given to that applicant whose plans are best qualified to expedite such development, and as between such contesting applicants, which appear equally well qualified in such respect—

This is the part to which I wish to call particular attention—

Preference shall be given to that applicant who has first complied with the laws of the State or States in which such dam is to be constructed.

Now, the effect of that language is to give a vested right to a concern which is incorporated under the laws of a State now. That is all it does. If there is a water-power company anywhere which has now complied with the laws of the State in its organization it will be entitled to a preference as to any site upon which it might make application; in other words, the effect of that provision is to give a vested right substantially to companies that are already organized and have complied with the laws of the State in which they are organized.

It seems to me that the proposition is absolutely vicious, and it ought to go out of the bill.

Mr. MANN. Mr. Chairman, I think that what was in contemplation when this language was drawn was the case where the stream was wholly within the limits of the State and where the Secretary of War can grant a permit without having a special act of Congress, and that the design of the language was to cover the applicant who first by a condemnation suit or otherwise obtained the necessary land on one side or possibly both sides of the stream for the construction of the dam and the appurtenant works. I have no doubt that it was the effort to take care of that that provided this language. But it seems to me that that takes care of itself. Nobody can build a dam unless they get the land on one side or probably both sides of a stream, and in those States where they authorize condemnation suits of course any company can make application to them to condemn, though I take it that the company that made the first application would get the right of condemnation if the suit was pressed.

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. ADAMSON. I call attention to the fact that in this bill we provide for condemnation for navigation purposes where the State does not authorize it, and I call the gentleman's attention to the further fact that the language proposed to be stricken out contains the essential qualification that approval shall be given to that applicant whose plans are best qualified to expedite such development, and so forth.

Mr. MANN. I think we can probably leave all that to the Secretary of War. This undertakes to define by congressional enactment what shall be done when there is more than one applicant. After all, circumstances may be different. If one man owns the land on each side of the stream and offers the same terms for the construction of a dam, he has the best right to have the permit, though some company may have filed a condemnation proceeding to condemn his land. There is no reason why he should take the land away from somebody who has it and who is willing to build the dam on the same terms and give the permit to somebody else. We can safely leave that to the Secretary of War under the differing circumstances of each case. There is no reason why we should define it in here. Possibly the situation will not arise very often, but let the Secretary of War determine who is the best applicant. This language says "qualified to expedite such development." Well, that might be the man who had agreed to build the dam the quickest. On the other hand, the man who did not agree to build the dam the quickest might build it the best and make the best terms. I think it ought to go out.

Mr. ADAMSON. How much of it?

Mr. MANN. After the word "region," in line 25, on page 24.

Mr. ADAMSON. The balance of the section?

Mr. MANN. The balance of the section; yes. That is all about two applicants. Leave it to the War Department to judge of the circumstances in each case.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That in case of the development, generation, transmission, and use of power or energy under such approval in a Territory, or in two or more States, including leases under section 19 hereof, the rates, charges, and service for the same to the consumers thereof shall be reasonable and just; and all unjust, unreasonable, or unjustly discriminatory charges, rates, or services are prohibited and declared to be unlawful, and the regulation and control of so much of the service and of charges for service to consumers as constitutes commerce between the States or in such Territory and of the issuance of stock and bonds by the grantee is hereby conferred upon the Secretary of War or committed to such body as may be provided by Federal statute; that in the valuation for rate-making purposes of the property existing under said approval of the project there may be considered any lock or locks or other aids to navigation, and all other capital expenditures required by the United States, but no value shall be claimed or allowed for the rights hereby granted, for good will, or any other intangible value: *Provided*, That the physical connection of plants or lines for the generation, distribution, and use of power or energy under this act or under approval made hereunder may be permitted, in the discretion of the Secretary of War, but combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. In line 13, page 25, the committee has used the words "unjustly discriminatory." I do not recall any place where the word "unjustly" has been used in connection with the word "discriminatory," and I wonder where the committee got that language, and just what it means. I think it is very doubtful whether it is desirable to use the word "unjustly" in that place, because its only effect is to confuse the construction of the word "discriminatory" in the way in which it is ordinarily used in the interstate-commerce act.

Mr. ADAMSON. I see in the glossary in the preface that the language was taken from the bill as passed by the House two years ago. Where it originally came from I do not know. These bills are composite, progressive, as the gentleman knows. It is work that you just gather together from everywhere after conferring with everybody, and we have done our very best to build a constructive bill that will construct dams and meet the views of everybody. Just where we got the language I do not remember, but it was adopted by the House two years ago.

Mr. ANDERSON. Mr. Chairman, I move to strike out the word "unjustly" where it occurs in line 13, on page 25.

Mr. ADAMSON. I hope they will not do it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 13, strike out the word "unjustly."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I think that is taken from the interstate-commerce act.

Mr. ANDERSON. It is not.

Mr. MANN. I think it is, notwithstanding the gentleman's statement.

Mr. ANDERSON. I would like to have the gentleman point it out.

Mr. MANN. I will not say that the language is the same, but the interstate act prohibits unjust discrimination, unjust, discriminatory rates. Of course, the situation is a little different about railroads, because you do make discriminations. Two

towns on the same line do not get the same rates, but the interstate-commerce act prohibits unjust discrimination. Most of the decisions of the Interstate Commerce Commission are based upon unjust discrimination between localities.

The city of Nashville claims that it is entitled to a lower rate than near-by cities. Nashville gets a lower rate on railroads on the theory that it has water competition, it being located, I believe, on the Tennessee River. It does not have any actual water competition.

Now, the question arises with the railroad companies, whether a lower rate at Nashville is unjustly discriminatory as against another town in Tennessee or elsewhere. A rate which is unreasonable goes to the amount of the rate. A rate which is unjust goes largely to the amount of the rate. It may be that you will give different rates, owing to the amount of the power consumed.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. MANN. And this would prohibit any unjust discrimination of that kind, but it would permit a discrimination. Of course the courts will have to determine, I take it, or the Secretary of War will have to determine, what is an unjust discrimination. That language went to the whole essence of the interstate commerce law. Congress, having the power to fix railroad rates, declared that the rate should be reasonable and just, and forbade unjust and unreasonable rates and unjustly discriminatory rates; and it leaves it to the Interstate Commerce Commission to determine, as a matter of fact, under that law whether the rates are or are not unjustly discriminatory.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield there?

Mr. MANN. Yes.

Mr. ADAMSON. Under the gentleman's argument it is necessary to have discriminatory rates in electricity because it has to be used for different purposes and with different degrees of regularity; for instance, for manufacturing purposes by wholesale the current must be furnished more cheaply than for lighting purposes at retail.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. When we reach the subject of discrimination, we touch upon one of the important features of the bill. If we allow a large manufacturer to have electricity at a lesser rate than his smaller rival——

Mr. ADAMSON. Oh, I am not talking about a rival.

Mr. COOPER of Wisconsin. One moment. If the law will allow him, because of the size of his plant and the amount he consumes, to have electricity, a business necessity, at a lower rate than is paid by one who consumes less, it will give him a power which he can use at any time to crush out a rival. In other words, it amounts, as I have said, to the same thing exactly in principle as the old practice of granting rebates by railroads.

Mr. ADAMSON. That is not my suggestion at all. The suggestion of the gentleman from Illinois [Mr. MANN] is to light a little town, which is for a different purpose than running a big factory, at a different rate.

Mr. COOPER of Wisconsin. I know; but you want to give the big consumer of electric current a lesser rate than a smaller consumer.

Mr. MANN. Mr. Chairman, without undertaking to discuss that question I will say this, that there is not a city in the United States, not one, that owns its own water-power plant, that will not give a cheaper rate to a large consumer of water than it gives to a small consumer, including the city of Washington, for which we legislate.

Mr. COOPER of Wisconsin. Mr. Chairman, the fact that a thing is in existence does not necessarily prove that it is right. Many an abuse of long standing has been wiped out by legislation, and some day the American people are going to consider this question: Is it right that a public-service corporation should be permitted to furnish the great man of business with a necessity of business, like electricity, at a lesser rate than it furnishes the same article to his smaller rival, and thus help him to crush his competitor?

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. I say again that it amounts in effect practically to the same thing as does a rebate given to the big shipper on a railroad as against a smaller competitor.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. MADDEN. I just want to ask the gentleman a question. Suppose that one individual consumer would use as much electricity as a thousand private consumers. Does the gentleman doubt that it costs less to keep the account and collect the account of one individual consumer than to keep and collect the accounts of a thousand individual consumers?

Mr. COOPER of Wisconsin. In the discussion of this problem—and before the great war it was being discussed throughout the world—that was taken into account; but it is not to be considered as at all the determining element in the problem, this little additional cost of bookkeeping. There are greater equities involved, equities that concern the business public in a broad, general way, and which have to be taken into consideration. The question is whether the law ought to allow one man to secure a business necessity which both he and his competitor must use and without which neither can exist—a business necessity furnished by the public or under public control—for a less rate than another man in the same business must pay. That sort of discrimination will often be sufficient, in these days of intense competition, to give the favored one control of a particular business and shut out his rival.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. The gentleman must be willing to concede this power. It must be conceded by everyone that if a man that manufactures electricity is obliged to put in a thousand meters and thereby add to his investment in order that he may supply a thousand customers, and employ the men to read these thousand meters and keep them in repair, and also to keep the record of the accounts and make the collections, he could not reasonably be expected to make the same rates to the consumers of electricity under such circumstances as he would make to a single consumer, who might consume as much as the whole thousand.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield for an interruption there?

Mr. MADDEN. Surely.

Mr. COOPER of Wisconsin. I am giving both sides of this question. The opponents of the gentleman's position say that the amount consumed by the big man and the amount consumed by these lesser men, makes up the aggregate of the business done by the man who supplies the electricity, and that he must take that all into account in getting the total of his cost and give his commodity to the little man just as cheaply as to the big man; not give it more cheaply to the big man, because that will necessarily enable the big man to wipe out his little competitor. This is one of the problems confronting the American people now, and that more and more will confront them when they stop thinking about the war.

Mr. MADDEN. At the same time, in the consideration of this problem the ordinary common sense of the situation must be taken into account; and if it takes $1,000,000 of an investment to supply 1,000 customers, and it takes only $1,000 investment to supply a single customer, there is no reason on earth why the $1,000,000 ought not to be taken into consideration in the disposition of the charge that is to be made.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. MADDEN. Certainly.

Mr. COOPER of Wisconsin. The opponents of the gentleman's position say that the $1,000,000 for the 1,000 consumers and the $1,000 for the single consumer make a total of $1,001,000 investment of the producer, and that in supplying his product he ought to take into account his investment as a whole, and not attempt to consider only part of it in fixing a price to one consumer and part in fixing a price to another; that he should consider the total investment, find what is the cost of producing his total product, and then make his dividends on his total sales and supply this business necessity to all of his customers at the same rate. Otherwise he gives the large consumer a chance to get a strangle hold on the smaller one.

Mr. MADDEN. Of course, I know the argument is made on the other side of the case; but the common sense of the question can not escape consideration, and it seems to me that the common-sense side of the case compels a reduction in the price to the man who is consuming the commodity, where it does not cost the man who furnishes that commodity one-thousandth part of what it would cost to supply the other people.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. I think the gentleman has announced an economic principle, but there is a good deal of prejudice against discrimination.

Mr. MADDEN. Oh, yes; and there is a great deal of prejudice which has no justice in it.

Mr. FESS. Instead of using the words "unjustly discriminatory," why not use the term "inequitable"?

Mr. MADDEN. I am not making the language of the bill. I am only announcing a principle that I think ought to be recognized in the fixing of the price.

Mr. FESS. However, that same principle will permit a rebate.

Mr. MADDEN. It does admit of a rebate, if that is what the gentleman wants to call it, because there is discrimination in the price charged everywhere under the circumstances that I have described, and will be, no matter what your law says.

Mr. FESS. If we say in the law—

And all unjust, unreasonable, or inequitable charges, rates—

And so forth, we get the same power precisely as we do by using the words—

Unjustly discriminatory charges.

Mr. MADDEN. If I may be permitted, what I wanted more particularly to do while I was on my feet was to ask the gentleman from Georgia a question.

Mr. ADAMSON. I was just going to propound a question to the gentleman from Illinois [Mr. MADDEN], but I will yield to him.

Mr. MADDEN. I would like to ask the gentleman why it is that the bill provides that the Secretary of War shall have the power to regulate the issue of stocks and bonds of corporations authorized under the laws of the various States.

Mr. ADAMSON. That is only in case the State fails to do it. If the State fails to do it, the Secretary of War will do it. If the State wants to do its duty, we will let it do so. I believe in State duties more than I do in State rights.

Mr. MADDEN. Does not this make a dual responsibility, however?

Mr. ADAMSON. No. If the State does its duty, the Secretary of War will not interfere.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I ask that the time of the gentleman from Illinois be extended two minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Illinois be extended two minutes. Is there objection?

There was no objection.

Mr. ADAMSON. Now, in return for the gentleman's question I will ask him one.

Mr. MADDEN. Certainly.

Mr. ADAMSON. The gentleman who had the last interlocutory conversation with the gentleman from Illinois is a college president [Mr. FESS], and he knows the meaning of words. When you say "a discriminating mind" you mean a smart mind, a wise man. In that case "discrimination" is synonymous with "wisdom." So the only discrimination that is wrong and foolish is unjust discrimination.

Mr. MADDEN. I agree with that.

Mr. ADAMSON. Therefore the word "unjustly" ought not to be stricken out.

Mr. MADDEN. I agree with the gentleman entirely.

Mr. ADAMSON. We believe in discriminating men and discriminating laws, but not in unjust discrimination.

Mr. MADDEN. I know it is because of the discriminating mind of the gentleman from Georgia that the word "unjustly" has been written into the law, so as to protect against discrimination which is unjust, not discrimination per se; because, as he says, discrimination is necessary. I would have to discriminate as between the wisdom of the gentleman from Georgia and that of some other persons in whose judgment I have less confidence. [Applause.] Of course, I would decide in favor of the gentleman from Georgia, and I do not think that would be unjust discrimination.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. SMITH of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 25, line 8, after "section 4," strike out all of the paragraph and substitute in lieu thereof the following:

"That in all cases where the electric current generated from or by or the water taken from any of the projects provided for in this act enters into interstate or foreign commerce the rates, charges, and service to consumers shall be just and reasonable, and every unjust and unreasonable and unduly discriminatory charge, rate, or service is hereby prohibited and declared to be illegal; and whenever upon complaint made, and after full hearing thereon, the Secretary of War is of the opinion that any rate, charge, or service is unjust, unreasonable, or unduly discriminatory the Secretary of War may by order determine and prescribe what shall be the just and reasonable rates and charges to be observed as the maximum and the service to be rendered. That in the valuation for rate-making purposes of the property existing under any permit or lease there may be considered any lock or locks or other aids to navigation, and all other capital expenditures required by the United States, but no value shall be claimed or allowed for the rights hereby granted for good will, going concern, or any other intangible value. No permittee or lessee, being a private corporation, whose rates, charges, and service are subject to the jurisdiction of the Secretary of War under this section may issue corporate stock or bonds without the consent of the Secretary of War.

Mr. SMITH of Minnesota. Mr. Chairman, there is not a great deal of difference between the substitute I offer and section 4 of the pending bill. I take it that under section 4 the language which attempts to control the issuance of stocks and bonds will not be effective for that purpose, and I have substituted for that language the following:

No permittee or lessee, being a private corporation, whose rates, charges, and service are subject to the jurisdiction of the Secretary of War under this section, may issue corporate stock or bonds without the consent of the Secretary of War.

Mr. ADAMSON. Is that the only difference between the amendment and the pending bill?

Mr. SMITH of Minnesota. That is one of the material differences.

Mr. ADAMSON. Is not that covered to the gentleman's satisfaction by section 16, which gives the Secretary of War jurisdiction over capitalization?

Mr. SMITH of Minnesota. The language that I have called attention to is used all through the bill. I do not believe that the mere use of the words "issuance of stocks and bonds" amounts to anything as used in section 4. I have given some thought and consideration to this provision of section 4, and I have come to the conclusion that it does not authorize the Secretary of War to exercise any control over the issuance of stocks and bonds. It is a mere play upon words that we like to hear, but of no binding force.

I also call attention to that portion of the section which has to do with permitting plants and lines to connect, at the discretion of the Secretary of War. These provisions should be more definite and specific.

Mr. ADAMSON. Does not the gentleman understand that the language especially prohibits the arrangement, express or implied, and does not the gentleman understand the entire purpose of the provision is to prohibit combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service, and that there has to be an account, and there can not be anything like a trust among them?

Mr. SMITH of Minnesota. I thoroughly agree with the gentleman that it is necessary to have some such power lodged in the Secretary of War or a commission having control of this subject, but the mere prohibition without declaring that it is illegal, or something to that effect, does not have any force or effect. Now, in the amendment which I offer, I not only prohibit it but declare it to be illegal, and provide that it shall not be done until such time as the Secretary of War has given his written consent.

Those are the principal things I wish to call attention to. This is the most important provision in the bill. It provides for the control of the issuance of stocks and bonds, and it also provides for the regulation of rates of service. We ought to provide the best sort of regulation we know how to devise, and I do not believe that section 4 does it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk, reading the bill, read as follows:

SEC. 5. That as a part of the conditions and stipulations such approval shall provide—

"(a) For reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans as heretofore provided, and for such supervision of construction as may be necessary in the interest of the United States.

"(b) For the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance, in and about such streams, by the United States of headwater improvements of every kind, nature, and description, including storage reservoirs or forested watersheds or land owned, located, or reserved by the United States at the headwaters of any navigable stream for the development, improvement, or preservation of navigation in such stream in which such dam may be located. Such charges shall be fixed from time to time by the Secretary of War and Chief of Engineers, based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to

5 per cent of the total investment cost, in addition to the necessary annual expense of the operation of such headwater improvement.

Mr. ESCH. Mr. Chairman, I wish to introduce a report made by the Chief of Engineers with reference to the headwaters improvements, the cost thereof, and the cost of maintenance.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The matter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 16, 1916.

Hon. JOHN J. ESCH,
House of Representatives.

SIR: 1. Replying to your letter of the 14th instant, relative to the proposed amendment to the general dam bill, I have the honor to inform you that the Annual Report of the Chief of Engineers shows that to June 30, 1915, there was expended for construction, etc., of—

Reservoirs at headwaters of the Mississippi River the sum of	$1,645,409.43
There was also expended to June 30, 1915, from the permanent indefinite appropriation for operating and care of these reservoirs, 1895 to date	507,993.86
Total	2,153,403.29
Average yearly cost of maintenance for the last 20 years (in round numbers)	25,000.00

2. In connection with the provision in the bill which you mentioned in your letter, it should be stated that the reservoirs do not actually increase the amount of water that goes past the wheels of the power plant; they simply make a different distribution of the water and have a tendency to make the flow more uniform. However, on the Mississippi River the headwater reservoirs do not benefit the power plants to the extent that might at first be supposed. The reservoirs are operated in the interests of navigation, and that requires that they be partly filled during the season when there is no navigation in order that they may be completely filled by the end of the high-water period, and that all their surplus water be expended during the low-water period of the navigation season. On the upper Mississippi the lowest water occurs during the winter months, when navigation is suspended. At this time the call upon the power plants for power is, as a rule, greater than at any other time in the year, and the headwater reservoirs add nothing to the flow of the stream.

3. Whether the provision you mentioned could be applied to dams constructed on rivers rising in the Appalachian or the White Mountain Forest Reserves is a question that I am not prepared to answer. I believe it would be rather difficult to prove how much the forest reservations affect the stream flow.

Very respectfully,
DAN C. KINGMAN,
Chief of Engineers United States Army.

The Clerk read as follows:

(c) That in the construction, maintenance, and operation of any project under this act for the promotion of navigation, the grantee may, with the consent of the Secretary of War, use and occupy, when necessary for carrying out the project, lands acquired by the United States through purchase or condemnation and any part of the public lands withdrawn by the President from entry or disposition for the sole purpose of promoting navigation, which the President may do, as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases," approved June 25, 1910. For any of such lands so used the grantee shall pay to the United States such reasonable charges as may be fixed by the Secretary of War.

Mr. SMITH of Minnesota. Mr. Chairman, I wish to ask the chairman of the committee a question. On page 27 I find the following language:

Such charges shall be fixed from time to time by the Secretary of War and Chief of Engineers, based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements.

Does that mean that all users of water now or in the future for water-power purposes will have to bear their just proportion of that charge?

Mr. ADAMSON. If they are benefited by the increased permanent flow of the water, they ought to pay for it.

Mr. SMITH of Minnesota. Those that have a grant and have improved it, as well as those who will receive a grant under this bill?

Mr. ADAMSON. If the Government subsequently erects a large headwater reservoir that improves their flow and increases their profits, they ought to be willing to pay for their proportion of the benefits.

Mr. ANDERSON. Does the gentleman think that it is within the power of Congress to pass a law requiring those who have received a prior grant and who have improved it to pay for later improvements?

Mr. ADAMSON. There has never been a grant issued by Congress without Congress reserving to itself the right to repeal, modify, or amend that grant, and there ought never to be any condition imposed on any new structure that is not imposed on all of the old ones. In other words, honesty and common fairness require that we treat all alike, old and new, and with a view to that we always reserve the right to alter, amend, and repeal in every single one of them.

Mr. SMITH of Minnesota. The gentleman thinks that under the power to amend, alter, and repeal we have the right to impose upon water powers now developed the same burdens imposed on those to be developed?

Mr. ADAMSON. Why, you would lay an embargo upon all new development if you put burdens on them that you do not put on the old ones. It would mean that there would not be further development.

Mr. SMITH of Minnesota. I was in doubt whether or not Congress has the constitutional power to impose such an obligation upon prior grantees.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

SEC. 9. That the rights granted herein shall continue for a period of 50 years from and after the completion of the dam or lock and dam, and shall be irrevocable except as herein provided, but may be declared null and void upon breach of any of the terms or conditions of approval: *Provided*, That such approval shall be made within or through any national forest or other reservation only upon a finding by the Secretary of the department under whose supervision such reservation falls that the development will not destroy, materially injure, or be inconsistent with the purpose for which said reservation was created or acquired.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

On page 31, lines 6 and 7, strike out the langage "the completion of the dam or lock and dam" and insert in lieu thereof the language "date of original approval."

Mr. ANDERSON. Mr. Chairman, I offer the amendment in order that the date of the beginning of the term of the lease may be definitely fixed. Under the terms of the section as reported by the committee, the lease, or the 50-year period, begins with the completion of the dam or lock and dam, and the date of the beginning of the lease must therefore always be more or less indefinite. In other words, there will always be room for a difference of opinion as to the exact date when the dam or the lock and dam are completed. My amendment simply provides that the lease shall commence with the date of the original approval of the plans and specifications for the project. The proposition after all involves a matter of a very few years, not more than five at the most, so that there seems to be no sound reason for not fixing the date of the approval of the plans and specifications as the date of the beginning of the lease. Certainly the fixing of that date is fixing a definite date concerning which there could be no contest of any kind. We are only opening the whole proposition up to a difference of opinion if we leave the lease as is provided in the bill to begin at the completion of the dam or lock and dam.

Mr. ADAMSON. Mr. Chairman, the whole question raised by the amendment of the gentleman from Minnesota [Mr. ANDERSON] is whether you will allow a 50-year or a 46-year lease. The most reckless of those who advocate this have for a long time, as I understand it, conceded that we should contract with the grantee for 50 years. That means the use of his property for 50 years, and now it takes four years to build these big dams. Section 7, already read, provides that he shall complete the dam within a further period of three years, allowing one year to commence it. That is the outside limit, and the dam is completed in four years. Of course, by diligence he may complete it earlier than that. If he does, the 50-year period begins to be counted from the time it is completed, but if he takes four years, according to section 7, to complete the dam, why, then, he has 50 years from then if we let the law stand as it is. If we make the amendment, he would only have 46 years to operate his construction and make his return on his investment. I think he ought to be allowed 50 years from the time he begins to use his property.

Mr. ANDERSON. Will the gentleman yield for a moment?

Mr. ADAMSON. Certainly.

Mr. ANDERSON. Who is to fix the date of the completion of the lock and dam?

Mr. ADAMSON. The Secretary of War is to superintend the construction, but the first part of section 7 is absolute. He must commence within one year from the date of approval. In another section he is required to present plans and have them approved in two years. Then he must commence the construction in one year, and by section 7 he is compelled to complete within a further period of three years, so he is compelled to finish the dam in four years, and at the longest period possible for him to construct the dam it would be four years.

Mr. ANDERSON. What I am getting at is this. It is necessary to know the exact date at which this lease of 50 years commences——

Mr. ADAMSON. Yes.

Mr. ANDERSON. In order that we know the exact date when the 50 years expires. How does the gentleman fix the time when the lock and dam are completed?

Mr. ADAMSON. There would not be any difficulty, I will say to the gentleman, about determining when they complete the lock and dam. That will be found out.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. ANDERSON. Mr. Chairman, I ask for a division.

The committee again divided, and there were—ayes 17, noes 27.

So the amendment was rejected.

The Clerk read as follows:

SEC. 10. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee, either before or after the lapse of the period of the grant, of two years' notice in writing of such termination, and may take over the properties which are dependent, in whole or in part, for their usefulness on the continuance of such grant and which may have been acquired by any grantee acting under the provisions of this act, upon condition that it shall pay, before taking possession, first, the actual costs of the dam and locks and all other aids to navigation constructed under the approval of plans and specifications rights of way, water rights, lands, and interests therein purchased and used by the grantee in the generation and distribution of electrical energy under the grant; and, second, the reasonable value of all other property taken over, including structures and fixtures acquired, erected, or placed upon the lands and included in the generation or distribution plant and which are dependent as hereinabove set forth, such reasonable value to be determined by mutual agreement between the Secretary of War and the grantee or owners of such property and in case they can not agree by proceedings instituted for that purpose in the United States district court for the district in which said property or some part thereof is situated, but in no case shall the amount exceed the actual cost: *Provided*, That such reasonable value shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible element: *Provided further*, That in case of war or other emergency to be judged by the Secretary of War the United States shall have the right hereby reserved to requisition and take possesison of any or all of said property and operate the same for its own use and benefit as long as the necessity of emergency continues, and compensation for such use and occupation shall be determined and paid as heretofore provided in this section.

Mr. ADAMSON. Mr. Chairman, I offer the following amendment. Strike out all of section 10 down to the beginning of the first bracket, line 21, and insert the following:

That at any time preceding the expiration of said period of 50 years, or at any time thereafter, the United States may upon giving two years' notice.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 10 down to the beginning of the first bracket in line 21 and insert the fololwing:

"That at any time preceding the expiration of said period of 50 years, or at any time thereafter, the United States may upon giving two years' notice."

Mr. ADAMSON. Mr. Chairman, the gentleman from Wisconsin [Mr. LENROOT], who had to go away, called my attention to the fact that to be harmonious with the limitation of 50 years there ought to be no retention in the text of the word "rights" as existing after the period of 50 years, so at his suggestion I offer the amendment so as not to recognize any right of any grantee after the expiration of the 50 years. The gentleman from Kentucky [Mr. SHERLEY] also emphasized the idea that there ought to be no claim of right left with him for the Government to hunt him up to trade with him.

The amendment as adopted would read——

Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. MANN. There is quite a little controversy over this section; would the gentleman be willing to pass it over until the end of the bill?

Mr. ADAMSON. I have no objection. Mr. Chairman, I ask unanimous consent that the consideration of this section be deferred until the bill is concluded.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to pass over the consideration of section 10 of this bill until the end of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 11. That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in section 10 hereof the Secretary of War may renew the approval of plans and specifications, either original or modified, upon such terms and conditions and for such periods as may be authorized under the applicable laws that may be in force at that time, or the Secretary of War is authorized, upon the expiration of any grant under this act, to approve terms and conditions under which a new grantee may operate such properties for such periods as applicable laws may then authorize upon the further condition that the new grantee shall pay the original grantee for the properties as provided in section 10 of this act.

Mr. MANN. Mr. Chairman, I move to strike out the last word, "ace," and insert the word "act." I am sure that there is no joker in the part of the section which I move to strike out.

Mr. ADAMSON. I have been wondering what it was that the gentleman from Illinois and the gentleman from Kentucky objected to all the time, and I have just discovered.

Mr. MANN. However, the word "joker" is closely related to the word which is in the bill.

Mr. ADAMSON. I have just discovered the cause of the disquietude on the part of the gentleman from Illinois [Mr. MANN] and the gentleman from Kentucky [Mr. SHERLEY].

Mr. MANN. I have very little knowledge of cards, but I do have knowledge enough to know that sometimes the word "ace" is applied to one card or four cards in a pack.

Mr. ADAMSON. The gentleman knows more about it than I do. I do not know one card from another. [Laughter.]

Mr. MANN. I am told by several gentlemen that they agree with my friend from Georgia, having demonstrated it.

Mr. ADAMSON. Yes, sir. None of them ever carried off any of my money on that account.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to substitute, in line 16, section 11, the word "act" for the word "ace."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the next to the last word.

Mr. ADAMSON. Is that right?

Mr. MANN. I think it is. I would not want to injure the bill any by striking it out, but if I had my way about it I would never use the language as provided in section 10 of this act. Not very long ago we got ourselves into some difficulty, I believe, in the bill reported by my friend from Georgia [Mr. ADAMSON] by naming a section in the bill and then not correcting it after we had eliminated one of the sections, so that the numbered section that we named was not the correct number.

It is always rather a dangerous thing to name a section by number when we could just as well say "act." That covers the whole act. However, I would like to ask the gentleman in reference to this recovery of property. There was some criticism of this in general debate. Whether it was justified or not I do not know, but it is a very important provision. Is the gentleman sure that it is perfectly clear?

Mr. ADAMSON. Of course it depends on what you do with the preceding section which we have passed over. We do not know what the committee will do with that.

Mr. MANN. I understand.

Mr. ADAMSON. But as I understand the scheme it is this, that at the end of 50 years the grantee is out. He has no right left. His property is there. If he does not move out the Government may make him move out; but the bill here provides three alternatives. In the preceding part of the bill the Government may take it and use it itself, and in this provision, if they do not want to do that, it may sell it to another man and pay the original grantee, but the Government may permit the grantee, if he desires, to make new terms and renew his grant. That is the way I understand it. But until the Government sees proper to trade with him he has no right left after the end of the term, and if he does not move the property away or apply for renewal of the grant, the Government may make him move off.

Mr. MANN. In the event the United States ceases to exercise its right to take over, maintain, and operate the property, will not that require action by Congress?

Mr. ADAMSON. I think it will; yes, sir.

Mr. MANN. But if Congress does not act, then the Secretary of War may renew the concession to the one who already has it or turn it over to somebody else?

Mr. ADAMSON. He may approve the plans and specifications for another party.

Mr. MANN. Mr. Chairman, I think before we go further along we ought to have a full House, and I make the point of order. It is late, anyhow.

Mr. ADAMSON. If the gentleman will withhold that, I am ready to move to rise. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union,

reported that the committee had had under consideration the bill (S. 3331), entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce," and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2986. An act to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to creat Government depositaries and financial agents for the United States, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 14303. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 15347. An act to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning;

H. R. 13715. An act granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.;

H. R. 12954. An act for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise;

H. R. 12362. An act granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas; and

H. R. 7256. An act providing for the refund of duties collected on certain tobacco cuttings.

THE REVENUE BILL.

Mr. KITCHIN. Mr. Speaker, by direction of the Committee on Ways and Means, I am authorized to report back with favorable recommendation the bill H. R. 16763, the revenue bill. (H. Rept. 922.)

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 16763) to increase the revenue, and for other purposes.

The SPEAKER. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

HOUR OF MEETING TO-MORROW.

Mr. MANN. Mr. Speaker, in that connection, I take it, it is the intention of the gentleman from North Carolina to go ahead with the revenue bill to-morrow?

Mr. KITCHIN. Yes; to-morrow. I am going to ask right now unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection?

There was no objection.

Mr. KITCHIN. Our intention is to have about two days of general debate and two days of debate under the five-minute rule for amendment. That seems to be satisfactory.

BIRTHPLACE OF ABRAHAM LINCOLN.

Mr. JOHNSON of Kentucky. Mr. Speaker, a few weeks ago the House passed the bill H. R. 8351, known as the Lincoln farm bill, to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto. The Senate has amended the bill by filling up the dates left vacant by the House. I move that it be taken up and the Senate amendments agreed to.

The SPEAKER. The Chair lays before the House the bill H. R. 8351, with Senate amendments. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

EXTENSION OF REMARKS.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the dissolution of the Progressive Party.

The SPEAKER. The gentleman from Kansas asks leave to extend his remarks in the RECORD on the subject of the dissolution of the Progressive Party.

Mr. MANN. He might say, "On the subject of the reunion of the Republican Party," which will be successful. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned, pursuant to the order agreed upon, until to-morrow, Thursday, July 6, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, submitting estimates of deficiency appropriations for the fiscal years 1917, 1916, and for prior years, amounting to $3,448,301.26 (H. Doc. No. 1275) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McCRACKEN, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 15958) to amend an act providing for the withdrawal from public entry of lands needed for town sites in connection with irrigation projects, reported the same with amendment, accompanied by a report (No. 919), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on Immigration and Naturalization, to which was referred the bill (S. 4594) to validate certain declarations of intention to become citizens of the United States, reported the same with amendment, accompanied by a report (No. 920), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16500) authorizing the payment of salary due to J. A. McCreary, of Forestville, Cal.; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 992) granting an increase of pension to Mrs. James McCauley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 16788) to acquire, construct, and maintain a military and national defense highway and post road extending from Los Angeles, Cal., through Mojave, Freeman, along the east base of the Sierra Nevada Mountains through Lone Pine, Independence, Big Pine, Bishop, along the west side of Lake Mono, through Bridgeport, Markleeville, Tallac, Tahoe, Truckee, Downieville, Quincy, Susanville, and Al-

turas, thence along the east side of Goose Lake past the towns of Fairport and New Pine Creek, all in California, to Lake View, Oreg.; and from Alturas, Cal., down Pit River to connect with the California State highway at Redding, Cal.; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: A bill (H. R. 16789) to establish in the States Relation Service of the Department of Agriculture a division of farm information; to the Committee on Agriculture.

By Mr. HARRISON: A bill (H. R. 16790) authorizing the Secretary of War to donate to Jackson County, Miss., one bronze cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 16791) to provide for the prohibition of the importation of intoxicating liquors into the Territory of Hawaii and to prohibit the manufacture and sale of intoxicating liquors therein, under certain conditions; to the Committee on the Territories.

By Mr. REAVIS: A bill (H. R. 16792) to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. GOODWIN of Arkansas: A bill (H. R. 16793) authorizing the construction of a post-office building at El Dorado, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 16794) to provide for the purchase of a site upon which to erect a post-office building in the city of Starke, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. JAMES: A bill (H. R. 16795) to pay to certain families of men in the Army of the United States a sum of money for their maintenance during the term of service of such men in the service of the United States; to the Committee on Military Affairs.

By Mr. WILSON of Illinois: A bill (H. R. 16796) providing for the purchase of a site and erection thereon of a public building at Harvey, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON: Joint resolution (H. J. Res. 252) authorizing the transfer of the Government exhibit, or such portion thereof as the President may determine is advisable, now at the Panama-California International Exposition at San Diego, Cal., to the Mississippi Centennial Exposition, at Gulfport, Miss.; to the Committee on Industrial Arts and Expositions.

Also, joint resolution (H. J. Res. 253) authorizing the President of the United States to invite the Latin-American countries to participate in the Mississippi Centennial Exposition, to be held at Gulfport, Miss.; to the Committee on Foreign Affairs.

By Mr. BENNET: Joint resolution (H. J. Res. 254) providing full pay for Government employees while absent in the military service of the United States; to the Committee on Military Affairs.

By Mr. KITCHIN: Resolution (H. Res. 291) for the consideration of H. R. 16763; to the Committee on Rules.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 292) directing the Secretary of War to transmit to the House of Representatives certain information relating to the troops of the National Guard mustered into the service of the United States; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BUCHANAN of Illinois: A bill (H. R. 16797) granting a pension to Catherine A. Burke; to the Committee on Pensions.

Also, a bill (H. R. 16798) to remove the charge of desertion against William H. Thiell; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 16799) granting a pension to Mrs. Anastatia Nugent; to the Committee on Invalid Pensions.

By Mr. ELLSWORTH: A bill (H. R. 16800) granting an increase of pension to Alice Richmond Hanson; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 16801) granting an increase of pension to Rebecca E. Hosier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16802) granting an increase of pension to Nathan Frazier; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 16803) granting a pension to Sarah L. Trippe; to the Committee on Invalid Pensions.

By Mr. HOOD. A bill (H. R. 16804) granting an increase of pension to Thomas S. Martin; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 16805) for the relief of W. P. Barber; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 16806) granting an increase of pension to David Mitzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16807) granting an increase of pension to Catharine Ernst; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 16808) granting a pension to Jessie L. Breeding; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 16809) granting an increase of pension to Jacob Presler; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 16810) to remove the charge of desertion from the military record of James M. Cook; to the Committee on Military Affairs.

By Mr. ROBERTS of Nevada: A bill (H. R. 16811) granting a pension to Florence A. Drake; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16812) granting an increase of pension to John W. Scott; to the Committee on Pensions.

By Mr. SNYDER: A bill (H. R. 16813) granting a pension to Anna B. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16814) restoring a pension to Margaret M. Wilbur; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 16815) granting an increase of pension to Eli B. Beard; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 16816) granting an increase of pension to Joshua D. Ogden; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 16817) granting an increase of pension to N. T. Rice; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 16818) granting an increase of pension to Mary E. Bruce; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of mass meeting of citizens of Blackhawk Park, Rockford, Ill., urging recall of United States troops from Mexican territory; to the Committee on Military Affairs.

Also (by request), memorial of the Central Conference of American Rabbis against United States in war; to the Committee on Military Affairs.

Also (by request), petition of Lytle Corps, No. 134, and Ladies of the Union Veteran Legion, No. 12, Cincinnati, Ohio, expressing thanks to those securing increase in widows' pensions; to the Committee on Invalid Pensions.

By Mr. BEAKES: Petition of J. E. Root and 21 others, of Coopersville, Mich., favoring freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BUCHANAN of Texas: Petitions of sundry citizens of Brenham, Tex., against House bill 652; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Brenham, Tex., against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. BUCHANAN of Illinois: Petition of 75 citizens of Chicago, Ill., opposing House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Chicago, opposing legislation to reduce amount of water to be permitted to flow through drainage canal; to the Committee on Naval Affairs.

By Mr. DARROW: Memorial of Western Pennsylvania Branch of the Tariff Commission League, favoring bill to create United States tariff commission, etc.; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of Seattle, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Petition of sundry citizens of St. Paul, Minn., relative to shipment of Red Cross supplies to belligerent nations; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of the State of Minnesota, asking for the modification of the Chippewa Indian treaty of 1855; to the Committee on Indian Affairs.

By Mr. LONDON: Petition of mass meeting of citizens, held June 30 in Cicelia Hall, Brooklyn, N. Y., calling upon the President to withdraw our troops from Mexico to the national borders and to accept the mediation of Latin-American countries; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Memorial of the Providence Chamber of Commerce, opposing the Van Dyke and Tavenner bills; to the Committee on the Post Office and Post Roads.

Also, petition of Gorhan Manufacturing Co., of Providence, R. I., in re House bill 14666; to the Committee on Patents.

Also, memorial of Providence (R. I.) Chamber of Commerce, indorsing the Pomerene bill; to the Committee on Interstate and Foreign Commerce.

By Mr. POU: Memorial of R. M. McKinney Confederate Veterans' Camp, Louisburg, N. C., relative to pensions for Confederate veterans and their widows; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: Petitions of Mrs. H. Weese and 20 others, and J. T. Hammersmark and 66 others, of Reno, Nev., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of board of directors of the Providence (R. I.) Chamber of Commerce, favoring the passage of the Pomerene bill relating to bills of lading in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of representatives of train and yard employees of the New York, New Haven & Hartford Railroad, against proposed legislation requiring them to submit their differences to a board of arbitration; to the Committee on Labor.

By Mr. VARE: Memorial of industrial board of the Department of Labor and Industry of Pennsylvania, favoring bill for creation of a woman's division in Federal Department of Labor; to the Committee on Labor.

Also, petition of citizens of Philadelphia, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.